

AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL - 515 CLARK AVENUE
NOVEMBER 26, 2019

NOTICE TO THE PUBLIC: The Mayor and City Council welcome comments from the public during discussion. **If you wish to speak, please complete an orange card and hand it to the City Clerk. When your name is called, please step to the microphone, state your name for the record, and limit the time used to present your remarks in order that others may be given the opportunity to speak.** The normal process on any particular agenda item is that the motion is placed on the floor, input is received from the audience, the Council is given an opportunity to comment on the issue or respond to the audience concerns, and the vote is taken. On ordinances, there is time provided for public input at the time of the first reading. In consideration of all, if you have a cell phone, please turn it off or put it on silent ring.

CALL TO ORDER: 6:00 p.m.

PROCLAMATION:

1. Proclamation for “Small Business Saturday,” November 30, 2019

CONSENT AGENDA: All items listed under the Consent Agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time the Council members vote on the motion.

2. Motion approving payment of claims
3. Motion approving Minutes of Regular Meeting held November 12, 2019
4. Motion approving Report of Contract Change Orders for November 1 - 15, 2019
5. Motion setting Conference Board meeting dates for January 14, 2020, and February 25, 2020
6. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Beer Permit with Class B Native Wine and Sunday Sales - Swift Stop #8, 705 24th Street
 - b. Class C Liquor License with Sunday Sales - Time Out - Ames, 120 Kellogg
 - c. Class C Liquor License with Catering, Outdoor Service and Sunday Sales - Café, The, 2616 Northridge Parkway
 - d. Class C Liquor License with Outdoor Service and Sunday Sales - Aunt Maude's, 543-547 Main Street
 - e. Class C Liquor License with Catering, Outdoor Service and Sunday Sales - Thumbs Bar, 2816 West Street - Pending Dram Shop
 - f. Class C Liquor License with Outdoor Service and Sunday Sales - Tip Top Lounge, 201 E. Lincoln Way - Pending Dram Shop
7. Resolution accepting Abstract of Votes for November 5, 2019, Regular City Election
8. Resolution authorizing Ames Public Library to increase two Library Assistant positions in the Youth Department to 0.75 FTE
9. Resolution approving 2019 Urban Renewal Report and appropriating the payment of a rebate of incremental taxes for the Campustown and Barilla TIF Districts
10. Resolution setting December 10, 2019, as date of public hearing for vacation of Water Main Easement along north edge of Collaboration Place right-of-way from Plaza Loop to South Riverside Drive
11. Resolution approving Encroachment Permit for a sign at 108 Hayward Avenue
12. Asset Management Agreement/Pipeline Services for Power Plant:
 - a. Resolution approving renewal of AMA Transaction Confirmation Agreement and Transaction

- Confirmation Agreement with BP Canada Energy Marketing Corp., of Omaha, Nebraska, through September 30, 2020, in an amount not to exceed \$30,000
- b. Resolution authorizing an amount not to exceed \$270,000 for the purchase of additional natural gas plus delivery as needed to manage the day-to-day fuel needs of the Power Plant through September 30, 2020
13. Resolution approving preliminary plans and specifications for 2020 HVAC Project for CyRide; setting January 7, 2020, as bid due date and January 14, 2020, as date of public hearing
 14. Resolution approving preliminary plans and specifications for Durham Bandshell Lighting & Electrical Upgrades; setting January 7, 2020, as bid due date and January 14, 2020, as date of award
 15. Resolution approving preliminary plans and specifications for 2019/2020 Pavement Restoration Program (Slurry Seal); setting December 11, 2019, as bid due date and December 17, 2019, as date of award
 16. Resolution approving preliminary plans and specifications for Fuel Forwarding Building Fire Protection Upgrade; setting January 15, 2020, as bid due date and January 28, 2020, as date of award
 17. Resolution awarding a contract to TASC of Madison, Wisconsin, for Flexible Spending Account Administration beginning July 1, 2020 to December 31, 2023, in an amount of \$10,395/year
 18. Vendor Management and Electronic Bidding Software for Purchasing Department:
 - a. Resolution waiving the Purchasing Policy threshold for cooperative contracts and utilizing Iowa State University's Pricing Agreement
 - b. Resolution awarding a five-year agreement to IONWave Technologies, Inc., of Springfield, Missouri, for Vendor Management and Electronic Bidding System Software in the amount of \$58,625
 19. Resolution awarding contract to Diamond Oil of Des Moines, Iowa, for CyRide fuel purchases and delivery from January 1, 2020, until June 30, 2020, in an amount not to exceed \$515,625
 20. Resolution awarding contract to EZ-Liner of Orange City, Iowa, for purchase of paint striping truck for Public Works in the amount of \$144,015 (\$140,070 base bid and \$3,945 changeable message board)
 21. Resolution approving contract and bond for Inis Grove Park Restrooms Project
 22. Resolution approving Change Order No. 2 in the amount of \$50,000 to Professional Services Agreement with BrownWinick of Des Moines, Iowa, for legal services rendered regarding service territory Ruling from the Iowa Utilities Board
 23. Resolution approving Change Order No. 3 with General Electric International of Omaha, Nebraska, for additional testing of Unit 7 Generator Exciter in the amount of \$40,000
 24. Resolution approving Change Order No. 6 with HPI, Inc., of Ames, Iowa, for IMD Startup Support for Unit 7 Steam Turbine in the amount of \$18,600.75
 25. Resolution approving Change Order No. 6 with SCS Engineers, of Clive, Iowa, for Engineering and Related Services to comply with EPA Coal Combustion Residuals (CCR Standards) for Steam Electric Plant's ash impoundment in the amount of \$57,025
 26. Resolution accepting partial completion of public improvements and reducing security for South Fork Subdivision, 4th Addition (Wrap-up)
 27. Resolution approving partial completion of public improvements and reducing security being held for Hayden's Crossing, 2nd Addition
 28. Resolution accepting completion of Water Pollution Control Facility Primary Clarifier Drive Replacement Project
 29. Resolution approving Plat of Survey for 2130 McCarthy Road, with Stipulation A
 30. Resolution approving Plat of Survey for 728, 728 rear, 734, and 808 E. Lincoln Way
 31. Resolution approving Plat of Survey for 1307, 1329, and 1405 South Dayton Place

PUBLIC FORUM: This is a time set aside for comments from the public on topics of City business other than those listed on this agenda. Please understand that the Council will not take any action on your comments at this meeting due to requirements of the Open Meetings Law, but may do so at a future meeting. The Mayor and City Council welcome comments from the public; however, at no time is it appropriate to use profane, obscene, or slanderous language. The Mayor may limit each speaker to three minutes.

PUBLIC WORKS:

- 32. East Industrial Area Utility Connection Fees:
 - a. Resolution setting a connection fee using similar language as the Pre-Annexation Agreements for residential properties along Grant (Hyde) Avenue for homestead

PLANNING & HOUSING:

- 33. Mainstream Living request to purchase property at 1417 Douglas Avenue

ADMINISTRATION:

- 34. Letter from U. S. Board of Geographic Names requesting an opinion about a proposal to change the name of Squaw Creek

HEARINGS:

- 35. Hearing on vacation of Public Walkway Easements at 3802 and 3806 Marigold Drive:
 - a. Resolution approving vacation of Easements

ORDINANCES:

- 36. First passage of ordinance regulating massage establishments
- 37. Third passage and adoption of Ordinance No. 4401 rezoning with Master Plan property located at 507 Lincoln Way from Downtown Gateway Commercial (DGC) to Highway-Oriented Commercial (HOC) (postponed from 10-22-19 and 11-12-19)

DISPOSITION OF COMMUNICATIONS TO COUNCIL:

COUNCIL COMMENTS:

ADJOURNMENT:

Please note that this Agenda may be changed up to 24 hours before the meeting time as provided by Section 21.4(2), *Code of Iowa*.

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

NOVEMBER 12, 2019

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:01 p.m. on November 12, 2019, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Gloria Betcher, Bronwyn Beatty-Hansen, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson. *Ex officio* Member Devyn Leeson was also in attendance.

PROCLAMATION FOR HUNGER AND HOMELESSNESS AWARENESS WEEK: Mayor Haila proclaimed the week of November 11-15, 2019, as “National Hunger and Homelessness Awareness Week.” Accepting the Proclamation were City Housing Coordinator Vanessa Baker-Latimer, United Way representative Anneke Mundel, Emergency Residence Project representatives Jodi Stumbo and Linda Munden, and Youth and Shelter Services representative Katlyn Carr. Ms. Baker-Latimer noted that they don’t have an event planned this year, but have wrist bands that say “Awareness = Volunteer. Donate. Educate” and these bands were shared with the Council. Mayor Haila asked to know on the status of some of the food pantries in the area. Ms. Mundel explained that she works with the Hunger Collaboration at the United Way of Story and it came to her attention that a number of local food pantries; (including the Salvation Army pantry and Mid-Iowa Community Action pantry) shelves are almost completely bare. She noted there has been an increased need in the community.

PRESENTATION BY AMES INTERNATIONAL PARTNER CITIES ASSOCIATION (AIPCA) REGARDING PROPOSED KOSOVO RELATIONSHIP: Tom and Pat Sauer stated that they share a seat on the Ames International Partner Cities Association (AIPCA). Mr. Sauer explained that Mayor Haila had received a letter from the Mayor of Podujeva, Kosovo, last September inquiring about establishing a sister-city relationship with the City of Ames. Mr. Sauer stated the AIPCA included the letter in its end-of-the-year newsletter asking interested parties to contact the Board. In February the AIPCA Board met and decided to pursue the possibility of having the sister-city relationship. He mentioned that, in order to start the process, the Board invited representatives from the Iowa Sister States (ISS) organization and the Consulate of Kosovo. Representatives from ISS and the Consulate briefed the Board on April 8, 2019, and described the ongoing relationships between several Iowa cities and their sister-cities in Kosovo. The AIPCA had asked Mr. and Mrs. Sauer to chair a subcommittee to investigate options. In July 2019 some members of the subcommittee attended a picnic with ISS and the Consulate in Saylorville, Iowa. There was then a meeting at the Ames Public Library with ISS representatives and the new Chief of Mission from the consulate.

Mr. Sauer mentioned that the first steps would be for Mayor Haila to respond to the Mayor of Podujevo indicating an interest in pursuing a relationship to become a sister-city. The next step would be ISS organizing a trip to Kosovo in June and have some representatives from Ames go on that trip. It was asked for the exchange of letters to be coordinated through the Consulate. The only other criteria that were mentioned were that the ministry of state in Kosovo has to approve the relationship and the Mayors have to meet, in person, to sign the Agreement.

Ms. Sauer explained that she wanted to give an update about Japan as the AIPCA formerly sent adult and student delegations. Japan has now requested that there only be one delegation exchange and for it to be between students only with an adult chaperone.

Mayor Haila asked if there was a time line for issuing the letter. Mr. Sauer stated there really wasn't a deadline, but the sooner the better.

City Council Member Gartin asked how many sister-cities the City of Ames had, as he thought there were two. Mr. Sauer stated the only one at this time is with Japan.

Mayor Haila requested to pull Item No. 10, approving the appointment of Leila Ammar to the Zoning Board of Adjustment (ZBA) for further discussion.

CONSENT AGENDA:

Moved by Nelson, seconded by Corrieri, to approve the following items on the Consent Agenda:

3. Motion approving payment of claims
4. Motion approving Minutes of Regular Meeting held October 22, 2019, and Special Meeting held October 23, 2019
5. Motion approving Report of Contract Change Orders for October 16 - 31, 2019
6. Motion approving new 5-day Class C Liquor License (November 13 - 17, 2019) - Dublin Bay, 123 Airport Road, Pending Satisfactory Background Check
7. Motion approving new 5-day Class C Liquor License (December 7 - 11, 2019) - Gateway Market, ISU Alumni Center
8. Motion approving new 5-day Class C Liquor License (December 13 - 17, 2019) - Gateway Market, ISU Alumni Center
9. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class E Liquor License - AJ's Liquor III, 2401 "A" Chamberlain Street
 - b. Class C Liquor License with Outdoor Service and Sunday Sales - Outlaws, 2522 Chamberlain Street - Pending Dram Shop
 - c. Class B Native Wine Permit with Sunday Sales - Chocolaterie Stam, 230 Main Street
 - d. Class B Liquor License with Catering, Outdoor Service and Sunday Sales - Country Inn & Suites Ames, 2605 SE 16th Street - Pending Dram Shop
10. RESOLUTION NO. 19-569 approving renewed 28E Agreement for Tobacco, Alternative Nicotine, and Vapor Product Enforcement between Ames Police Department and Iowa Alcoholic Beverages Division
11. RESOLUTION NO. 19-570 setting November 26, 2019, as the date of regarding vacating Public Walkway Easements at 3802 and 3806 Marigold Drive
12. RESOLUTION NO. 19-571 approving temporary and permanent easements from Iowa State University regarding South Grand Avenue Extension project in the amount of \$11,626
13. RESOLUTION NO. 19-572 approving contract to Gillig Corporation, of Livermore, California, for purchase of three new standard 40' buses for CyRide in a not-to-exceed grant amount of \$1,437,600
14. RESOLUTION NO. 19-573 awarding contract to Brimhall Industrial, Inc., of Monte Vista, Colorado, for Unit 7 (Pump 72) Feedwater Pump Inspection and Repair in the amount of

- \$98,662.83, plus applicable sales taxes (in the amount of \$6,906.40) to be paid directly by the City of Ames to the State of Iowa
15. RESOLUTION NO. 19-574 awarding contract to RED Equipment of Kansas City, Missouri, for purchase of a combination jetting/vacuuming truck for Public Works Water Utility Division in the amount of \$272,337 (purchase amount \$392,337 - \$120,000 trade in value)
 16. RESOLUTION NO. 19-575 approving contract and bond for Brookside Park Restroom Renovations
 17. RESOLUTION NO. 19-576 approving contract and bond for South Grand Avenue - S. 5th to Squaw Creek Drive and South 5th Street - South Grand Ave to 600' West of South Duff Avenue
 18. RESOLUTION NO. 19-577 approving Change Order No. 2 in the amount of \$40,662.90 to RW Excavating Solutions of Prairie City, Iowa, for the North River Valley Low-Head Dam
 19. RESOLUTION NO. 19-578 accepting completion of 2019 Pavement Improvements CyRide Bus Turnarounds Project
 20. RESOLUTION NO. 19-579 accepting completion of 2017/18 Downtown Street Pavement Improvements Project - Main Street Alleys (Duff to Douglas, Kellogg to Burnett)
 21. RESOLUTION NO. 19-580 approving Final Plat for Iowa State University Research Park, Phase III, Fourth Addition
 22. RESOLUTION NO. 19-581 accepting partial completion of public improvements and lessening security being held for Quarry Estates Subdivision, 1st Addition
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

APPOINTMENT OF LEILA AMMAR TO THE ZONING BOARD OF ADJUSTMENT (ZBA): Mayor Haila stated that he pulled this item to clarify that the term of office will not expire until April 1, 2024, as there was a scrivener's error on the memo stating that it would end as of April 1, 2020.

Moved by Gartin, seconded by Betcher, to approve RESOLUTION NO. 19-568 approving the appointment of Leila Ammar to the Zoning Board of Adjustment (ZBA).
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: Allison Brundy, 3125 Maplewood Road, Ames, explained that she is representing the Ames Climate Action Team and wanted to present a petition that was gathered during the Youth Global Climate Strike. She then stated that the top of the petition reads that the scientific community around the world agrees that climate change is occurring and is human-induced. Scientists also warn that, if not addressed now, climate change will accelerate beyond our control and will threaten our survival. The Petition calls on the City of Ames and Iowa State University to (1) Reduce greenhouse gases and phase greenhouse gas pollution to zero and (2) develop methods for sequestering carbon from the atmosphere. To achieve it is being requested that plans with verifiable phases be urgently forged to rapidly shift to 100% greenhouse-gas-free energy by 2030 and eliminate all other community-wide greenhouse gas emissions to urgently address this emergency. Ms Brundy also referred to an article that was in the journal, "BioScience," that stated

“We declare clearly and unequivocally that planet Earth is facing a climate emergency.” The journal cited their moral obligation to speak up and called for massive changes across all sectors of society to combat the crisis and underscored the possibilities for “greater human well-being” inherent in a just transition away from fossil fuels.

Jeri Neal, 916 Ridgewood Avenue, Ames, explained that Ms. Brundy mentioned transitions and major sector changes, which involves a lot of long-term planning. As a concerned climate citizen, one thing that worries her is the inertia that is built into the process and she feels it lacks the urgency. Ms. Neal referred back to a letter that was sent in October 2019 when the Climate Action Team had a list of suggestions for the City of Ames for climate actions, with a number of them being able to be initiated now, and gave a few examples. Ms. Neal urged the Council to keep thinking about climate change.

Council Member Nelson notified Ms. Brundy and Ms. Neal that the letter that was sent in October will be discussed during Dispositions of Communications to Council later on this meeting’s Agenda.

AWARDING CONTRACT TO PALEBLUEDOT, LLC, OF MAPLEWOOD, MINNESOTA, FOR COMMUNITY GREENHOUSE GAS INVENTORY, FORECASTING, AND RECOMMENDATIONS REPORT: Public Relations Coordinator Susan Gwiasda explained that this item addresses one of the City Council’s Goals to expand the sustainability efforts by evaluating the community’s greenhouse gas impact and looking for ways to reduce it. Ms. Gwiasda noted that the Council Action form stated that the funds will be coming from the Council Contingency Fund, but they will actually be coming out of the General Fund. In the Request for Proposals (RFP), the City looked at standard protocols for determining how to build a greenhouse gas inventory and the consultant’s expertise. After reviewing the five responses that were received, staff recommended awarding a contract to PaleBLUEDot, LLC of Maplewood, Minnesota.

Merry Rankin, Sustainability Coordinator, explained six tasks were put forward in the RFP. Ms. Rankin noted that they did look at what would be in-line according to reporting platforms for other communities and in-line with the governor’s covenant. Ms. Rankin stated they would start doing the data collection in the community and will be asking the consultant to give a forecast based on if the current operations and emission stayed the same until 2030 and 2040 and what would their recommendations would be. The consultant would be asked to provide a tool that could be used for future inventory emissions, collections, and estimation to establish a baseline. There were a couple of other items that PaleBLUEDot, LLC offered that were optional and made sense as a community to utilize. PaleBLUEDot, LLC, offered climate vulnerability assessment and also some renewable energy potentials study.

Council Member Beatty-Hansen inquired if the potential renewable energy study would look at current ordinances. Ms. Rankin stated that it would come into play as they would look at current restrictions that are already in place.

Council Member Nelson mentioned that the scope is both City-wide and City operations and wanted

to know if the city-wide included Iowa State University. Ms. Rankin stated that it would as it is the entire community.

Council Member Betcher wanted to know when looking at the ordinances and incentives, if the consultant would be looking at ways that the City is working against the goal of sustainability. Assistant City Manager Deb Schildroth explained that it is not included as that is a high level of review, but the company could do a deeper dive if the Council wants to move into a Climate Action Plan and then determining which policies and ordinances would need to be enhanced or revised going forward.

Council Member Gartin mentioned that he is surprised that the amount being awarded to the contractor is very small for the work being asked to be done. He wanted to know if the consultants will be able to accurately capture data. Ms. Rankin commented that the consultant has done several of these types of studies before; there could be some estimation based on national standards, but they feel confident they would get the correct information needed. Council Member Gartin stated that down the road they could be making decisions based on this information. He asked if the process is going to be represented by the standard of care and best practices. Ms. Rankin stated that based on the consultant's track record and references, the City would get a good picture of what is needed.

Council Member Martin commented that he thought it was good to get an accurate measure about the current greenhouse gas emissions in absolute terms, but asked if using the same tool, would they get consistent results. Mr. Martin stated that the RFP referred to the ICLEI Global Protocol for Community-Scale Green House Gas Emissions and wanted to confirm that the deliverable from the study is portable and would transfer to others. Ms. Rankin mentioned that it should be as that is what they were thinking when they put the RFP together.

Mayor Haila opened public comment.

Allison Brundy, 3125 Maplewood Road, Ames, thanked the staff for putting the report together and using ICLEI. Ms. Brundy asked if the consultant was going to have an Iowa State University (ISU) student work on this project. Ms. Rankin commented that PaleBLUEdot, LLC, does have an ISU graduate student, who will be a part of the City of Ames study. Staff members will also get training through the process as well.

Moved by Betcher, seconded by Beatty-Hansen, to approve RESOLUTION NO. 19-582 awarding a contract to PaleBLUEdot, LLC, of Maplewood, Minnesota, for the Community Greenhouse Gas Inventory, Forecasting, and Recommendations Report in the amount of \$24,960.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2018/19 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) IN ACCORDANCE WITH THE CONSOLIDATED PLAN: Housing Coordinator Vanessa Baker-Latimer noted this is the annual report that is due at the end of the

program year. She noted that she had asked the Department of Housing and Urban Development (HUD) for an extension to submit the Report by November 15, 2019, due to the fact that the five-year plan was pushed back as well. She noted the CAPER was available for a 15-day public review and comment period, which occurred from October 24, 2019, through November 7, 2019. The Report shows \$595,695 was spent on the following activities: Renter Affordability Program Activities, Affordable Housing Program Activities either through the Disposition of Properties, and/or the Rehabilitation of Properties, Neighborhood Public Infrastructure Improvements for 321 State Avenue, and 58 low-income households were assisted. Additionally, approximately \$3,139 of program income was generated from repayments of single-family homes that were sold through the Homebuyer Assistance Program and approximately \$112,249 was spent on program administration. The total CDBG expenditures for the FY 2018-19 program year were approximately \$707,945. An additional \$250,000 of G.O. Bond funds was available during the program year, but there were no expenditures during the program year. The City also received its first allocation of HOME funding in the amount of \$750,000. Of the \$750,000 allocation, \$75,000 was available for program administration and approximately \$562,500 was available for the program. The majority of the 2018-19 fiscal year was spent on program set-ups and training in the amount of \$2,250.

Council Member Gartin inquired if any public input was received during the comment period to which Ms. Baker-Latimer confirmed there was none.

The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Gartin, seconded by Corrieri, approving RESOLUTION NO. 19-583 approving the 2018/19 Consolidated Annual Performance and Evaluation Report (CAPER).

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON VACATION OF SANITARY SEWER EASEMENT LOCATED AT 610 AND 700 SE 16TH STREET: Mayor Haila declared the public hearing opened. He declared it closed after there wasn't anyone wishing to speak.

Moved by Gartin, seconded by Betcher, to approve RESOLUTION NO. 19-584 approving the vacation of the sanitary sewer easement located at 610 and 700 SE 16th Street.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON INIS GROVE PARK - RESTROOM PROJECTS: Parks and Recreation Director Keith Abraham stated he wanted to explain a couple of the alternatives listed in the staff report. One alternative was to award just the base bid for the Inis Grove Restroom and to not do any additional funding that would be required to accomplish the new restroom adjacent to the Miracle Field. However, the renovation of the Duff Avenue restroom would have to be re-bid separately and additional funds would need to be identified from either the Local Option Sales Tax or Park Development Funds. The second alternative was to award a contract for both the new restroom and

the renovated restrooms. Under that alternative, money would need to be appropriated from the Park Development Fund or the Local Option Sales Tax Funds. Director Abraham explained that the staff's recommendation is to award the contract to HPC, LLC.

The Mayor opened the public hearing. He then closed it after there was no one wishing to speak.

Moved by Beatty-Hansen, seconded by Betcher, to approve RESOLUTION NO. 19-585 approving the final plans and specifications and awarding a contract to HPC, LLC, of Ames, Iowa, for both the new restroom and renovated restrooms, in the amount of \$378,000.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Martin, seconded by Beatty-Hansen, to approve RESOLUTION NO. 19-586 approving the re-allocation of \$72,420 from the Park Development.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

REQUEST FROM AMES FOUNDATION FOR CITY TO COMPLETE THREE CITY PROJECTS AT A MINIMUM COST OF \$525,000 BY SEPTEMBER 30, 2021, TO SATISFY MIRACLE LEAGUE COMMUNITY ATTRACTION AND TOURISM (CAT) GRANT MATCH REQUIREMENT: Parks and Recreation Director Keith Abraham stated that the Ames Foundation received a CAT grant and the Foundation needs to sign the Agreement with the Iowa Economic Development Authority (IEDA) by November 18, 2019. The Ames Foundation is looking for confirmation from the City Council that they will do their best to accomplish the three projects that were listed in the overall Inis Grove Accessibility Improvement Project. The three projects included the two restrooms at Inis Grove and the Shared Use Path along 24th Street and Duff Avenue. The Shared Use Path is in the 2020 Capital Improvement Plan (CIP).

Director Abraham noted that if the items are not all completed by September 30, 2021, the Ames Foundation may have to pay back a portion of the CAT grant money. He explained that the City of Ames has made it clear to the Ames Foundation that the City will not assume any financial responsibility for the Ames Foundation paying back any CAT grant funding. Staff is recommending the approval of Option 1 on the staff report that states that the City Council can convey to the Ames Foundation that the City will make its "best effort" to complete the three aforementioned City projects at a minimum cost of \$525,000 by September 30, 2021, however, it must be understood by the Ames Foundation that, if for any reason the City cannot fulfill this commitment in regards to the amount of the project match for the three City projects or completion date, the City will not assume any financial responsibility for the Ames Foundation paying back any CAT grant funding. Should the City Council decide to move ahead with the contracts for the two Inis Grove Restroom projects as recommended in a previous agenda item, the risk to the City for assuming any financial liability for the local match is diminished. All that will remain will be the shared use path and the actual completion of the restroom projects. However, as evidenced by previous City projects, experience has shown that weather and/or, contractor/subcontractor capabilities have resulted in project

completion dates well past the planned deadlines.

Mayor Haila questioned if they added the \$378,000 that the Council just awarded to HPC, LLC, for the Inis Grove Park Restrooms Renovations, could they also include the \$32,500 that will be used for restroom decommissioning and the sewage lift station installations to the total. Mr. Abraham stated that it could all be added together as it is all part of the project. Director Abraham stated that right now they have \$150,000 in the CIP for the trails, and based on the Inis Grove project and the Shared Use Path, the City would be over the amount needed.

Mayor Haila opened the floor for any public input on this project. No one came forward and public input was closed.

Moved by Betcher, seconded by Beatty-Hansen, to approve Option 1: That the City Council will convey to the Ames Foundation that the City will make its “best effort” to complete the three City projects at a minimum cost of \$525,000 by September 30, 2021. However, it must be understood by the Ames Foundation that, if for any reason the City cannot fulfill this commitment in regards to the amount of the project match for the three City projects or completion date, the City will not assume any financial responsibility for the Ames Foundation paying back any CAT Grant funding. Should the City Council decide to move ahead with the contracts for the two Inis Grove Restroom projects as recommended in a previous agenda item, the risk to the City for assuming any financial liability for the local match is diminished. All that will remain will be the shared use path and the actual completion of the restroom projects. However, as evidenced by previous City projects, experience has shown that weather and/or, contractor/subcontractor capability have resulted in project completion dates well past the planned deadlines.

Vote on Motion: 6-0. Motion declared carried unanimously.

PRELIMINARY PLAT FOR KINGSBURY’S SUBDIVISION, THIRD ADDITION (315 SE 3RD STREET): Planning and Housing Director Kelly Diekmann advised that the request is for a commercial subdivision. The applicant intends to seek a deferral in the future for some of the public improvements that were not included in Preliminary Plat. Director Diekmann informed the Council Members that they would not formally be approving a deferral tonight, but he wanted to make sure the Council was okay with the applicant moving forward and working with staff to put together the Deferral Agreement. He explained that the City is planning for a future extension of Cherry Avenue to the east of the site that will include a future connection to SE 3rd Street. The owner intends to defer the installation of the infrastructure in conjunction with the proposed Plat until such time as Cherry Avenue to the north and east is extended south to intersect with SE 3rd Street or until site development of one of the lots is started.

Council Member Beatty-Hansen noted that the staff report states that there is no immediate development being proposed for either of the two lots and wanted to know what the purpose was. Mr. Diekmann stated that the applicant is trying to create two sellable lots.

Mayor Haila mentioned that this area is in the floodplain and wanted verification that the land would still be buildable as long as the floor elevation is three-feet above Base Flood Elevation. Director Diekmann stated that is correct and almost all of the sites would require some in-fill to be able to be usable.

Council Member Martin questioned the Base Flood Elevation (BFE) measures and what the triggers would be that allows staff to see if they have the right standard of three feet in the long run. Mr. Diekmann stated that three feet is the local standard. Staff had looked through the flood mitigation study information in regards to the 2010 flood. A workshop had been held and at that time no recommendations were made to change the standard. City Manager Steve Schainker questioned if it was the federal standard that only required one foot. Mr. Diekmann stated it is not even that as it just has to be above the BFE. He noted that right now, City-wide, the Iowa DNR with FEMA are updating the maps for the flood plains across the City. Director Diekmann noted that the Council will be asked, within the next year or two, to adopt the new maps. Adopting the new maps will ensure that the City can stay within the Flood Insurance Program requirements.

Council Member Martin inquired if the three-feet standard is to protect the properties within the area. Mr. Diekmann stated that the City's standard is to protect the properties and investments.

Council Member Betcher noted that in the Staff Report under Streets, it states that "due to issues with terrain near the northern edge of the site staff has not recommended dedication of right-of-way for 2nd Street." She wanted to know if it would trigger the need for 2nd Street to be extended if the property gets developed. Mr. Diekmann commented that it would not.

Scott Renaud, 414 S. 17th Street, Ames, with Fox Engineering, said he is present tonight as a representative for DET Land Company LC and is available to answer any questions.

Moved by Nelson, seconded by Gartin, to approve RESOLUTION NO. 19-587 approving the Preliminary Plat for Kingsbury's Subdivision, Third Addition (315 SE. 3rd Street).

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Nelson, seconded by Beatty-Hansen, to direct staff to work with the applicant on preparing an Infrastructure Deferral Agreement.

Vote on Motion: 6-0. Motion declared carried unanimously.

POSTPONE THIRD PASSAGE AND ADOPTION OF ORDINANCE REZONING WITH MASTER PLAN PROPERTY LOCATED AT 507 LINCOLN WAY FROM DOWNTOWN GATEWAY COMMERCIAL (DGC) TO HIGHWAY-ORIENTED COMMERCIAL (HOC):

Mayor Haila noted that the Council received an email earlier today from the applicant asking to postpone the third passage and adoption of the Ordinance, as they are still waiting to obtain a signed Agreement.

Moved by Betcher, seconded by Corrieri, to postpone the third passage and adoption of the Ordinance Rezoning with Master Plan the property located at 507 Lincoln Way from Downtown Gateway Commercial (DGC) to Highway-Oriented Commercial (HOC).

Vote on Motion: 5-0-1. Voting Aye: Betcher, Martin, Gartin, Beatty-Hansen, Corrieri. Voting Nay: None. Abstaining due to a potential conflict of interest: Nelson.

ORDINANCE FOR ISU RESEARCH PARK URBAN RENEWAL AREA: Moved by Corrieri, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4396 correcting the boundaries of Tax-Increment Financing District No. 1.

Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Mayor Haila asked City Attorney Mark Lambert to explain why he was asking for a motion to approve the amended the ordinance. Mr. Lambert noted that in order to get the process started to have the Ordinance in place before December, staff started with the best legal description they had, knowing it would need to be changed. The Plat was approved earlier tonight that changed the legal description. He noted that a motion would need to be made to approve the amended legal description for the Urban Renewal Area and the correct version was in the Council's packet.

Moved by Corrieri, seconded by Betcher, to amend the Ordinance to reflect the legal description of the Urban Renewal Area that was in the Council's packets.

Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Nelson, to pass on third reading and adopt ORDINANCE NO. 4397 creating a Tax-Increment Financing District No. 2.

Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE AMENDING CHAPTER 29 TO ESTABLISH DEFINITIONS, STANDARDS, AND ENFORCEMENT PROCEDURES FOR LICENSING OF GUEST LODGING IN SPECIFIED ZONING DISTRICTS: Moved by Corrieri, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4398 amending Chapter 29 to establish definitions, standards, and enforcement procedures for licensing of guest lodging in specified zoning districts. Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE AMENDING CHAPTER 13 (RENTAL CODE) TO ESTABLISH DEFINITIONS, STANDARDS, AND ENFORCEMENT PROCEDURES FOR LICENSING OF GUEST LODGING IN SPECIFIED ZONING DISTRICTS: Moved by Corrieri, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4399 amending Chapter 13 (Rental Code) to establish definitions, standards, and enforcement procedures for licensing of guest lodging in specified zoning districts.

Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby

made a portion of these Minutes.

ORDINANCE CREATING CHAPTER 35 TO ESTABLISH DEFINITIONS, STANDARDS, AND ENFORCEMENT PROCEDURES FOR LICENSING OF GUEST LODGING IN SPECIFIED ZONING DISTRICTS: Mayor Haila asked City Attorney Mark Lambert to explain why an amendment is needed for this Ordinance. Mr. Lambert explained that in the appeals language it stated 31 days when it should be 30 days. The correct ordinance showing the 30 days was included in the Council's packet.

Moved by Beatty-Hansen, seconded by Nelson, to approve the amended Ordinance allowing the appeal time period to reflect 30 days, not 31 days.

Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Nelson, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4400 creating Chapter 35 to establish definitions, standards, and enforcement procedures for licensing of guest lodging in specified zoning districts.

Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Beatty-Hansen, seconded by Corrieri, approving RESOLUTION NO. 19-588 setting the fee at \$50 for the Guest Lodging licensure.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE REVISING THE AGE-LIMIT RESTRICTION IN THE CONTRACT REZONING AGREEMENT FOR 415 STANTON: Moved by Corrieri, seconded by Nelson, to pass on third reading and adopt ORDINANCE NO. 4401 revising the age-limit restriction in the Contract Rezoning Agreement for 415 Stanton.

Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE REGULATING MASSAGE ESTABLISHMENTS: City Attorney Mark Lambert advised the Council that they would not be able to pass on first reading as the Ordinance was not provided by the Legal Department in the packets. He noted that an ordinance was included in the Council's packet, but it has comments from the massage therapists on it. Council Member Corrieri inquired whether they could recommend changes to the draft that was included. Mr. Lambert explained that would be correct. Assistant City Manager Brian Phillips explained that the draft addressed the six specific directions that the Council had given.

Council Member Martin commented that it was his prior motion to have the requirement for the photo to be displayed in both the waiting room and in the massage therapists' rooms and in thinking about it further, he will be making a motion later to simplify the original motion along with allowing the photo to be smaller.

Council Member Betcher inquired as to what difference it would make, in the Purpose Section, if they had the clause that says “which may include prostitution and/or human trafficking” as a follow-up to be involved in illegal activities. She noted that “illegal activities” is a broad statement and will encompass human trafficking. Mr. Phillips stated that he is not sure if it will make much difference with the enforcement, as this was the same language they used from the Des Moines Ordinance. Mr. Lambert explained that they placed the statement of purpose in this Ordinance because of the nature of the Ordinance. Council Member Gartin stated that the purpose statement helps the City Attorney if there is ever a dispute over the intent.

Doug Dollison, 1018 NE Fountain View Drive, Ankeny, stated he owns the business, Massage Heights, at 637 Lincoln Way in Ames. He appreciates the time that staff has put into creating the Ordinance. Mr. Dollison explained that he has eight therapy rooms and 14 therapists and one issue was the posting of all the licensing and photos. They would have to have around 126 licenses and photos to have in the waiting room and therapy rooms. He recommended having a smaller size photo with the license somewhere in a public area. He noted another concern that the therapists mentioned was they didn’t want their clients to decide which therapist to use based on their looks. Mr. Dollison also wanted to see if there could be a grace period or a correction period, of a day or two, if something comes up. He further explained that if there was a clerical error that the business would be given time to correct the error before their business is placarded.

Mayor Haila asked for Mr. Dollison’s feedback on where the pictures should be displayed. Mr. Dollison stated to have it somewhere in a publicly accessible area. He also inquired as to how mobile massage therapists would display their license and photo.

Michelle DeMarie, 4933 Utah Drive, Ames, explained that she is the owner of Healing with Heart Massage Therapy and is a sole-practitioner. She noted that she has a private Facebook group for the Ames Licensed Massage Therapists (LMTs) that allows everyone to voice their opinions on the Ordinance and she heard from very few members. As a sole-practitioner, that works out of her home, she doesn’t have a treatment room to display her license and photo, but would be fine having them displayed in the treatment room. Ms. DeMarie stated that their license certificates do not have an expiration date, but upon each renewal they are given a wallet size card showing proof of an expiration date. Mayor Haila asked for Ms. DeMarie’s input on the size of the photo to be displayed and she mentioned that something smaller than a 5x7 would be preferable.

Dr. George Belitsos, 5508 West Lincoln Way, Ames, told the Council that he is here as the Chair of the Board of Directors for the Iowa Network Against Human Trafficking and Slavery and also speaking on behalf of ACCESS, YSS, ISU Students Against Human Trafficking, Teens Against Human Trafficking, and Protecting Our Children. He noted they support the Ordinance as written and are okay with some of the changes that the massage therapists are recommending. Dr. Belitsos stated he would support Council Member Martin’s comment about making a motion to not have the photos and licenses in the waiting room and in the therapist room, but the other recommendations should not be changed as they need to protect the citizens. He noted that ten massage therapists have given support for the massage ordinance and there are now 23 Ordinances in the state of Iowa. There

have been nine convictions of traffickers all getting long jail sentences and over 30 businesses have been closed since Ordinances have gone into effect. Mayor Haila mentioned that one suggestion was to strike some wording from the Purpose Statement and asked Dr. Belitsos why he was against that. Dr. Belitsos stated that he feels it is important to look back at the Ordinance and remember which violation of the law brought about the Ordinance. Mayor Haila asked for Dr. Belitsos opinion on having the 24-hour grace period. He commented that he would not support that recommendation, as within those 24 hours items could be hidden and people could be in another state. Mr. Dollison explained that if there was a way to have the grace-period be a procedural item for the Police Department as he certainly doesn't want any delay on criminal activities. Council Member Gartin stated that there has to be some discretion for the Police Department and would be comfortable leaving it the way it is.

Council Member Betcher stated she had a question for Chief Cychosz in regards to the size of the photo needing to be displayed. She explained in order to see any detail on the license you would have to be close to it to read it and would having a photo bigger than a passport size really be needed. Police Chief Charles Cychosz mentioned that the Police need a photo to give them a beginning place in identifying the individual to the license and would like it to be something larger than a driver's license photo. He noted that they are not going to rely completely on the photo to make the determination, but use it as a starting point. The Police Department will have a process to identify a violation. Ms. Betcher inquired if it was important to have proof of expiration of the license. Chief Cychosz stated that he could probably say "no," but if there are any complaints then they will contact the State to verify the information.

Mayor Haila stated it was brought up by Ms. DeMarie who has a home business if it is okay to have the license and picture posted in the treatment room. Chief Cychosz stated he doesn't really have an opinion on where the license and photo should be posted as the majority of the work the Police Department will have will be complaint driven.

Mayor Haila asked Chief Cychosz if he had any concerns about the massage therapists who have a portable massage table and travel. Police Chief Cychosz stated he is not sure as they are not in the business regulation method and will have to learn about this process. He may have an answer in a year or two as this is uncharted territory for his Department.

Mayor Haila asked the City Attorney about Section 9 of the Ordinance regarding Penalties that states, "A violation under this Section is declared to be a municipal infraction punishable by a civil penalty of \$500 for the person's first violation and by a civil penalty of \$750 for each repeat violation" and if the person is the person who owns the business or the person who is practicing massage therapy. Mr. Lambert stated that it can be either person.

Council Member Betcher asked for further clarification in the Purpose Statement and if it was important for the City Attorney to have the statement on the Ordinance. Mr. Lambert stated that he and Assistant City Manager Phillips, had discussed that as it is normally not something that is put into ordinances. He recommended putting it in for this particular Ordinance, given the nature of the

Ordinance. He didn't feel strongly that it needed to be kept in the Ordinance.

Moved by Martin, seconded by Betcher, to modify the Ordinance photo display requirement to require that the photos for the practitioners be with their license and be on display somewhere in the establishment.

Vote on Motion: 5-1. Voting Aye: Betcher, Martin, Nelson, Beatty-Hansen, Corrieri. Voting Nay: Gartin. Motion declared carried.

Moved by Martin, seconded by Beatty-Hansen, to reduce the size requirement for the photos to 24 square inches.

Council Members stated they would like to see the photo even smaller.

Motion Withdrawn.

Moved by Corrieri, seconded by Nelson, to direct staff to revise the Ordinance to reduce the photos of the massage therapists to 2x3 to be displayed with the license.

Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Martin, to direct staff to strike everything in the proposed Ordinance from the Purpose Statement after the sentence that ends with "illegal activities."

Council Member Martin asked if the words "human trafficking" were listed anywhere else in the Ordinance. It was noted that they were not.

Vote on Motion: 5-1. Voting Aye: Corrieri, Betcher, Gartin, Beatty-Hansen, Nelson. Voting Nay: Martin. Motion declared carried.

Council Member Corrieri questioned the designated manager and how it is applied to a sole-proprietor. She noted that it doesn't make sense to designate a manager when, by default, a sole-proprietor would be the therapist and the general manager.

Moved by Corrieri, seconded by Nelson, directing staff to clarify that the manager designation is not applicable to sole-proprietors.

Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Martin, seconded by Beatty-Hansen, to revise the proposed Ordinance requiring the establishments Manager's information to be displayed near the photos and licenses of the massage therapists.

Vote on Motion 6-0. Motion declared carried unanimously.

Mayor Haila mentioned that the first reading with the proposed changes would be on the next City Council Agenda on November 26, 2019, and public input will be available.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Mayor Haila brought the Council's attention to the memo was from Donald Kom, Electric Services Director, regarding MetroNet's request to attach to City-owned utility poles. City Manager Steve Schainker explained that they tried to give the Council some perspective on the request and would recommend giving MetroNet some other options. Assistant City Manager Brian Phillips stated what is being proposed would be the easiest route for MetroNet, there are other options, but will be a little more costly for the company.

Moved by Betcher, seconded by Corrieri, to direct staff to let MetroNet know that the Council is not interested in honoring its request and requested the staff reach out to MetroNet with alternative routes.

Council Member Gartin noted that the Council shouldn't dismiss the item and recommended putting it on a future agenda for discussion. Council Member Betcher explained that the Council doesn't have enough information and staff has better knowledge of what to relay to MetroNet.

Vote on Motion: 5-1. Voting Aye: Betcher, Martin, Nelson, Beatty-Hansen, Corrieri. Voting Nay: Gartin. Motion declared carried.

Moved by Beatty-Hansen, seconded by Nelson, to place the Staff Report regarding the East Industrial Area Utility Connection Fees on a future agenda.

Vote on Motion: 6-0. Motion declared carried unanimously.

Mayor Haila noted that the Memo from Keith Abraham, Director of Parks and Recreation, regarding the Brookside Park Restroom Renovation Project was for information purposes only.

Moved by Beatty-Hansen, seconded by Betcher, to place the request from Mainstream Living to purchase the property at 1417 Douglas on a future agenda.

Vote on Motion: 5-0-1. Voting Aye: Betcher, Martin, Gartin, Nelson, Beatty-Hansen. Voting Nay: None. Abstaining due to a conflict of interest: Corrieri. Motion declared carried.

Moved by Beatty-Hansen, seconded by Corrieri, to place the memo from Damion Pregitzer, Traffic Engineer regarding the options for Pedestrian Infrastructure along Mortensen Road in Southwest Ames on a future agenda.

Council Member Gartin asked if they would provide a courtesy note to the School District letting them know this item will be on a future agenda. Council Member Martin noted that he would like to have staff also reach out to property owners that are affected by this item to see if they would be interested in installing the sidewalk themselves.

Moved by Beatty-Hansen, seconded by Martin, to amend the motion to include reaching out to the property owners.

Motion to amend withdrawn.

Moved by Beatty-Hansen, seconded by Martin, for staff to reach out to the affected property owners to ask if they are interested in possibly paying for this up front for the pedestrian infrastructure, and if not, then to place on a future agenda.

Vote on Motion: 6-0. Motion declared carried unanimously.

Mayor Haila explained the next item is a letter from the U.S. Board on Geographic Names requesting an opinion about a proposal to change the name of Squaw Creek. There is a form that he would need to complete and send.

Moved by Beatty-Hansen, seconded by Betcher, to place the letter from the U.S. Board on Geographic Names on a future agenda.

Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Gartin, seconded by Martin, to have the Legal Department research further on the use of eminent domains for trails.

Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Gartin, seconded by Beatty-Hansen, directed staff to write a letter declining to take further action on the letter from Douglas Pepe in regards to his request to decriminalize and/or deprioritize nonviolent cannabis possession arrests.

Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Nelson explained that the letter from the Ames Climate Action Team regarding the five actions to address climate change would be better addressed during the Council goal setting meetings.

Moved by Betcher, seconded by Beatty-Hansen, directed staff for a memo in response to Ames Climate Action Team's recommendations to prioritize the five points provided by the Ames Climate Action Team.

Vote on Motion: 6-0. Motion declared carried unanimously.

COUNCIL COMMENTS: *Ex officio* Devyn Leeson stated it has been about three weeks since the joint Student Government meeting with the Council and he wanted to mention one of the topics that was discussed that night, diversity inclusion, due to recent events. He explained that recently a photo came out of a Student Government Advisor doing a "black face" in 2008, vandalism in a dorm that targeted Latino individuals, chalking on Campus that said "Hail Hitler," which all lead to protests led by the student body that blocked Lincoln Way. The students voiced a lot of frustrations about being "unsafe" not just on campus, but in the community as well. Mr. Leeson recommended the Council go back and listen to the meeting on the Student Governments YouTube channel.

Mayor Haila asked Mr. Leeson if he had any suggestions. Mr. Leeson stated he wished he did, but that it will start with listening to the problems. He noted that there were about ten things that the University is changing to help move forward. *Ex officio* Leeson explained that a few months ago it was discussed at Council about reviewing all City forms and documents that do not have gender

neutral language and believes this needs to be done along with training on diversity and inclusion. Mayor Haila explained that he appreciates what Mr. Leeson is saying and agrees that further education needs to be done and will continue to see what can be done to move forward.

Council Member Betcher stated she appreciates Devyn's input, and noted that she and Council Member Martin had attended the Campus Conversation to listen. It is important to know that the students know that the Council supports them. She recommends that all of the Council attend any training they can on diversity and inclusion.

Council Member Betcher wanted to take a moment to congratulate Vanessa Baker-Latimer, Housing Coordinator and Karen Server, Purchasing Director, for being recognized for excellence in what they do.

Moved by Betcher, seconded by Beatty-Hansen, to place the request from the Ames International Partner Cities Association (AIPCA) on a future agenda to discuss the opportunity to become a sister-city with Podujeva, Republic of Kosovo.

Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Gartin, to place, on a future agenda, a discussion about altering the plans for the 321 State Avenue development in order to reconsider opportunities for multi-family housing and the possibility of helping to meet several community needs with the project.

Council Member Gartin asked if this would include an indoor pool. Ms. Betcher stated that one of the issues is the Municipal pool and that could be a point of discussion. Ms. Betcher mentioned that her motion is just to see if the Council is interested in pursuing altering the plans for the 321 State Avenue Development.

Council Member Betcher noted that she is being conscious of the fact that this project will be going out for bid soon. City Manager Schainker stated now is a good time to have this discussion if the Council is going to alter the concept.

Mayor Haila stated his concern is that they have a neighborhood association that has been very adamant about how the site would be used and the Council has a passion about being true to what they have talked and agreed to previously. He explained he felt this was a bad idea to move forward without first engaging the neighborhood association in a conversation before this item comes to Council. Mayor Haila stated that he understands the City owns the property, but this is a deviation and this would be breaking trust. Ms. Betcher stated that is not the point to the motion as it is to determine if the Council is even interested in pursuing alternate plans at all and then engage the neighborhood.

Vote on Motion: 5-1. Voting Aye: Betcher, Martin, Gartin, Nelson, Beatty-Hansen. Voting Nay: Corrieri. Motion declared carried.

Planning and Housing Director Kelly Diekmann stated they have never talked about having an

indoor pool just a park. Council Member Gartin commented that he thought they had discussed the level of a subsidy that would be required per lot was \$80,000 - \$90,000, and thought it would be helpful to have this information available again for further discussion. Director Diekmann stated the last conversation was in June 2019, and they are going to be looking into RFP discussions this week and this item will need to be on an Agenda soon.

Council Member Martin asked if City Manager Schainker could speak about the improvements to Franklin Park. Mr. Schainker stated he would need to check for an update. Mr. Diekmann stated that they have moved ahead and had a design of the sidewalk and picnic shelters, but doesn't believe the bid packet has been put together yet.

Council Member Betcher wanted to clarify that she fully intends to move forward with speaking with the neighborhood association. Director Diekmann mentioned that they will have a conversation with the neighborhood association to let them know what is going on.

Council Member Martin explained that the Council has had previous conversations on incentives for rental properties back to owner-occupied, but it was unclear to him as to the sequencing of events. It was mentioned to reach out to stakeholders and landlords before moving forward. He would like to have the item brought back for further discussion. Director Diekmann stated that they have not started working on anything for this topic as staff has been working on other projects.

Moved by Martin, seconded by Beatty-Hansen, to place on a future agenda the topic of rental conversion incentives programs for further discussion.

City Manager Schainker inquired if putting the item back on the agenda to discuss would it be in lieu of the other program currently being worked on. Council Member Martin explained that the proposal he has in mind would fulfill the purpose of the other program and would be simpler.

Vote on Motion: 3-3. Vote Aye: Betcher, Martin, Beatty-Hansen. Voting Nay: Gartin, Corrieri, Nelson.
Motion Failed.

Moved by Beatty-Hansen, seconded by Gartin, requesting a memo from staff on the suggestions for beautifying the City's electrical boxes.

Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Corrieri stated she wanted give congratulations to the Mary Greeley Paramedic team that was chosen as the Iowa EMS Association, "EMS Service of the Year."

Mayor Haila mentioned that each of the Council Members serves on a Board or Commission and the terms do not coincide with each other. He has spoken with City Manager Schainker and City Attorney Lambert about looking into the possibility of having those terms be on a calendar year, if the Council agrees. Mayor Haila noted that the City Attorney would need to check with the AEDC,

ACVB, Transit, and Watershed.

Moved by Beatty-Hansen, seconded by Corrieri, to have the City Attorney look into possibly changing the terms for the AEDC, ACVB, Transit, and Watershed to calendar year expirations.

Vote on Motion: 6-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 8:54 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor



REPORT OF CONTRACT CHANGE ORDERS

| | | |
|------------------------|-------------------------------------|------------------------------------|
| Period: | <input checked="" type="checkbox"/> | 1 st – 15 th |
| | <input type="checkbox"/> | 16 th – End of Month |
| Month & Year: | November 2019 | |
| For City Council Date: | November 26, 2019 | |

| Department | General Description of Contract | Contract Change No. | Original Contract Amount | Contractor/ Vendor | Total of Prior Change Orders | Amount this Change Order | Change Approved By | Purchasing Contact (Buyer) |
|-------------------|---|---------------------|--------------------------|-----------------------------|------------------------------|--------------------------|--------------------|----------------------------|
| Public Works | 2017/18 Water System Improvements Program #1 | 1 | \$320,456.00 | Ames Trenching & Excavating | \$0.00 | \$7,095.18 | T. Warner | MA |
| Electric Services | Unit 7 Turbine Generator Overhaul Project | 5 | \$411,464.00 | HPI, LLC | \$283,520.00 | \$3,412.50 | B. Phillips | JN |
| Public Works | 2017/18 Downtown Street Improvements Project (Main Street Alleys) | 2 | \$211,973.20 | Con-Struct, Inc. | \$-(5,955.00) | \$3,686.00 | T. Warner | MA |
| | | | \$ | | \$ | \$ | | |
| | | | \$ | | \$ | \$ | | |
| | | | \$ | | \$ | \$ | | |



MEMO

Item No. 6

To: Mayor John Haila and Ames City Council Members
From: Lieutenant Tom Shelton, Ames Police Department
Date: November 13, 2019
Subject: Beer Permits & Liquor License Renewal Reference City Council Agenda

The Council agenda for November 26, 2019 includes beer permits and liquor license renewals for:

- Class C Beer Permit with Class B Native Wine and Sunday Sales - Swift Stop #8, 705 24th St.
- Class C Liquor License with Sunday Sales - Time Out - Ames, 120 Kellogg
- Class C Liquor License with Catering, Outdoor Service and Sunday Sales - Cafe, The, 2616 Northridge Parkway
- Class C Liquor License with Outdoor Service and Sunday Sales - Aunt Maude's, 543-547 Main St
- Class C Liquor License with Catering, Outdoor Service and Sunday Sales - Thumbs Bar, 2816 West Street
- Class C Liquor License with Outdoor Service and Sunday Sales - Tip Top Lounge, 201 E Lincoln Way

A review of police records for the past 12 months found no liquor law violations for any of the above locations. The Ames Police Department recommends renewal of licenses for all the above businesses.

STATE OF IOWA

ABSTRACT OF VOTES

Story County, Iowa

We, the undersigned Members of the Board of Supervisors and ex-officio County Board of Canvassers for this County, do hereby certify the following to be a true and correct abstract of the votes cast in this County at the Story County City/School Election held on the 5th day of November, 2019, as shown by the tally lists returned from the several election precincts.

Council Member At Large, City of Ames (2019)

Story

| | |
|------------------------|--|
| Bronwyn Beatty-Hansen | Received three thousand eight hundred forty-one (3841) votes |
| Candidate Total | Three thousand eight hundred forty-one (3841) votes |
| SCATTERING | One hundred ten (110) votes |
| TOTAL | Three thousand nine hundred fifty-one (3951) votes |

We therefore declare:

Bronwyn Beatty-Hansen duly elected for the office of Council Member At Large, City of Ames (2019) for the term of 4 years.

Hospital Trustee, City of Ames (2019)

Story

| | |
|------------------------|--|
| Sarah Buck | Received three thousand five hundred thirty-seven (3537) votes |
| Brad Heemstra | Received three thousand three hundred one (3301) votes |
| Kenneth D. McCuskey | Received three thousand two hundred twenty-seven (3227) votes |
| Candidate Total | Ten thousand sixty-five (10065) votes |
| SCATTERING | Sixty-seven (67) votes |
| TOTAL | Ten thousand one hundred thirty-two (10132) votes |

We therefore declare:

Sarah Buck duly elected for the office of Hospital Trustee, City of Ames (2019) for the term of 4 years.
 Brad Heemstra duly elected for the office of Hospital Trustee, City of Ames (2019) for the term of 4 years.
 Kenneth D. McCuskey duly elected for the office of Hospital Trustee, City of Ames (2019) for the term of 4 years.

Council Member Ward 2, City of Ames (2019)

Story

| | |
|------------------------|--|
| Timothy L. Gartin | Received one thousand three hundred seventeen (1317) votes |
| Candidate Total | One thousand three hundred seventeen (1317) votes |
| SCATTERING | Twenty-six (26) votes |
| TOTAL | One thousand three hundred forty-three (1343) votes |

We therefore declare:

Timothy L. Gartin duly elected for the office of Council Member Ward 2, City of Ames (2019) for the term of 4 years.

Council Member Ward 4, City of Ames (2019)

Story

| | |
|------------------------|---|
| Rachel Junck | Received six hundred four (604) votes |
| Chris Nelson | Received four hundred nineteen (419) votes |
| Joe Van Erdewyk | Received one hundred ninety-six (196) votes |
| Candidate Total | One thousand two hundred nineteen (1219) votes |
| SCATTERING | One (1) votes |
| TOTAL | One thousand two hundred twenty (1220) votes |

STATE OF IOWA
ABSTRACT OF VOTES

Story County, Iowa

We therefore declare:

No one received a majority of votes, therefore there will be a Runoff Election on the 3rd day of December, 2019 between Rachel Junck and Chris Nelson.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the seal of this county by the Clerk of the Board of Supervisors.

Done at Nevada the county seat of Story County, this 13th day of November, 2019.

(Seal)

Chairperson

Members of the Board
of Supervisors and
ex-officio County
Board of Canvassers

Attest:

County Auditor and Clerk of the Board of Supervisors

COUNCIL ACTION FORM

SUBJECT: **MID-YEAR STAFFING AUTHORIZATION FOR LIBRARY**

BACKGROUND:

The Library staff has made a proposal for changes to staffing. The primary change is to reduce the Reference Librarian position vacated due to retirement from a grade 59 to a grade 58, and increase two Library Assistant positions in the Youth Department from 0.50 FTEs to 0.75 FTEs. This will result in an overall addition of a 0.50 FTE to the authorized FTEs. The additional FTE will allow the library to better cover and support high demand programming for youth and families, to make the Teen Program Space available for more hours, and allow the library to do more outreach and partnering with local schools.

The Finance Department has reviewed the impact of the proposed staffing changes and found the potential change of costs for the current FY 19/20 to be essentially even (savings of about \$400). These savings assume that the two employees increasing from 0.50 FTE to 0.75 FTE do not take health insurance. Both affected employees have been eligible for benefits for the past several years but have not elected coverage. However, increasing these employees from half-time to three-quarters time constitutes a qualified event and will allow them to make a change in their benefit election during the current year. Because of this the impact could be somewhere between \$0 and \$18,000 depending on benefit elections. Any shortfall for the FY 19/20 budget will be covered by salary savings stemming from the current vacancy being held for 5 months and, if needed, minor adjustments to hourly and internship wages.

For the upcoming FY 20/21 budget year there will be substantial savings with the pay grade change of the Reference Librarian position (approximately \$40,000), but some of the savings is based on the replacement employee not electing health coverage. The additional cost to increase the two half-time FTE's will be about \$30,000 resulting in a net reduction of about \$10,000. Again, this is based on none of these employees electing health insurance. If any elect coverage it will eliminate the savings.

ALTERNATIVES:

1. Authorize the Ames Public Library to increase two Library Assistant positions in the Youth Department from 0.50 FTE to 0.75 FTE. Total change will be to add 0.50 to authorized FTEs effective immediately.
2. Do not authorize the FTE increase at this time.

CITY MANAGER'S RECOMMENDED ACTION:

The additional 0.5 FTE at the Library Assistant level will allow the library to better cover and support high demand programming for youth and families, to make the Teen Program Space available for more hours, and allow the library to do more outreach and partnering with local schools and other youth serving organizations in the community.

The proposal to offset the additional costs associated with these FTE increases is projected to be cost neutral should the two employees not opt for health care coverage. Should they do so, the Library will have to initiate other budget adjustments to offset these expenditure increases.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as stated above.

COUNCIL ACTION FORM

SUBJECT: TAX INCREMENT FINANCING (TIF) AND REPORTING RESOLUTIONS FOR ANNUAL URBAN RENEWAL REPORT AND CERTIFICATON AND ANNUAL APPROPRIATION OF KINGLAND AND BARILLA TIF REBATES

BACKGROUND:

The 2012 Iowa Urban Renewal and Tax Increment Financing (TIF) Reform bill included provisions for reporting, including the Annual Urban Renewal Report, which must be approved by the governing board and provided to the Iowa Department of Management to be made available to the public on an internet site.

This report includes uploading documents related to the urban renewal districts, such as the plan document and City Council action establishing the district, as well as financial information on TIF funds related to urban renewal districts. The due date for the report filing is December 1 of each year. The penalty for non-compliance is withholding certification of tax levies. The attached report includes financial information for the South Bell, ISU Research Park District 1, Barilla and Campustown (Kingland) TIF districts. The attached Annual Urban Renewal Report is for the fiscal year ending June 30, 2019. The newly adopted ISU Research Park District 2 was not active until after the fiscal year end so it was not included in the report.

In addition to the state reporting, the City is required to certify TIF debt with the County Auditor for the upcoming fiscal year. The ISU Research Park Districts 1 and 2, and the South Bell debt are both general obligation bonds approved by Council when issued, so no additional action is required. The Kingland and Barilla TIF districts involve a rebate of incremental property taxes subject to annual appropriation by the City Council. A resolution is required for the annual appropriation for the collection and rebate of incremental taxes per the agreements with Kingland and Barilla. Incremental taxes for the Kingland TIF are estimated at \$395,595 for the upcoming fiscal year. Incremental taxes for the Barilla TIF are estimated at \$479,477 for the upcoming fiscal year.

ALTERNATIVES:

1. Approve the City's annual 2019 Urban Renewal Report and resolution appropriating the payment of a rebate of incremental taxes for the Campustown and Barilla TIF districts.
2. Do not approve the report and resolution and refer back to staff.

MANAGER'S RECOMMENDED ACTION:

In order for the City to comply with mandated reporting requirements and fulfill requirements under the development agreements with Kingland and Barilla, it is necessary to submit this report to the Iowa Department of Management by December 1 of this year and approve the appropriation of the tax increment rebates.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the City's annual 2019 Urban Renewal Report and resolution appropriating the payment of rebates of incremental taxes for the Campustown and Barilla TIF districts.

Annual Urban Renewal Report, Fiscal Year 2018 - 2019

Levy Authority Summary

Local Government Name: AMES
Local Government Number: 85G811

| Active Urban Renewal Areas | U.R. # | # of Tif Taxing Districts |
|---|-----------|---------------------------------|
| AMES COMMUNITY DEVELOPMENT PARK URBAN RENEWAL | 85012 | 1 |
| AMES SOUTH BELL AVENUE URBAN RENEWAL | 85021 | 2 |
| AMES CAMPUSTOWN URBAN RENEWAL | 85023 | 1 |
| AMES ISU RESEARCH PARK URBAN RENEWAL | 85024 | 2 |
| AMES BARILLA URBAN RENEWAL | 85026 | 1 |

TIF Debt Outstanding: 3,404,272

| | | | |
|---|-----------------|----------|---|
| TIF Sp. Rev. Fund Cash Balance as of 07-01-2018: | -802,158 | 0 | Amount of 07-01-2018 Cash Balance Restricted for LMI |
|---|-----------------|----------|---|

| | |
|---------------------------------|----------------|
| TIF Revenue: | 870,319 |
| TIF Sp. Revenue Fund Interest: | -8,242 |
| Property Tax Replacement Claims | 0 |
| Asset Sales & Loan Repayments: | 0 |
| Total Revenue: | 862,077 |

| | |
|-------------------------------|----------------|
| Rebate Expenditures: | 321,216 |
| Non-Rebate Expenditures: | 431,800 |
| Returned to County Treasurer: | 0 |
| Total Expenditures: | 753,016 |

| | | | |
|---|-----------------|----------|---|
| TIF Sp. Rev. Fund Cash Balance as of 06-30-2019: | -693,097 | 0 | Amount of 06-30-2019 Cash Balance Restricted for LMI |
|---|-----------------|----------|---|

**Year-End Outstanding TIF
Obligations, Net of TIF Special
Revenue Fund Balance: 3,344,353**

Urban Renewal Area Data Collection

Local Government Name: AMES (85G811)
 Urban Renewal Area: AMES COMMUNITY DEVELOPMENT PARK URBAN RENEWAL
 UR Area Number: 85012

UR Area Creation Date: 11/1997

UR Area Purpose: Enhance the availability of sites to accommodate the construction of new industrial and commercial buildings and encourage and support development that will expand the tax base.

Tax Districts within this Urban Renewal Area

| | Base No. | Increment No. | Increment Value Used |
|---|----------|---------------|----------------------|
| AMES CITY/AMES SCH/AMES COMMUNITY DEVELOPMENT PARK URBAN RENEWAL TIF INCREM | 85526 | 85126 | 0 |

Urban Renewal Area Value by Class - 1/1/2017 for FY 2019

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2018:

0

0

Amount of 07-01-2018 Cash Balance Restricted for LMI

TIF Revenue: 0
 TIF Sp. Revenue Fund Interest: 0
 Property Tax Replacement Claims 0
 Asset Sales & Loan Repayments: 0
Total Revenue: 0

Rebate Expenditures: 0
 Non-Rebate Expenditures: 0
 Returned to County Treasurer: 0
Total Expenditures: 0

TIF Sp. Rev. Fund Cash Balance as of 06-30-2019:

0

0

Amount of 06-30-2019 Cash Balance Restricted for LMI

256 Characters Left

Sum of Private Investment Made Within This Urban Renewal Area
during FY 2019

TIF Taxing District Data Collection

Local Government Name: AMES (85G811)
 Urban Renewal Area: AMES COMMUNITY DEVELOPMENT PARK URBAN RENEWAL (85012)
 TIF Taxing District Name: AMES CITY/AMES SCH/AMES COMMUNITY DEVELOPMENT PARK URBAN RENEWAL TIF INCREM
 TIF Taxing District Inc. Number: 85126
 TIF Taxing District Base Year: 1997
 FY TIF Revenue First Received: 2000
 Subject to a Statutory end date? Yes
 Fiscal year this TIF Taxing District statutorily ends: 2020

| UR Designation | |
|----------------------|---------|
| Slum | No |
| Blighted | No |
| Economic Development | 11/1997 |

TIF Taxing District Value by Class - 1/1/2017 for FY 2019

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2019 | 43,167 | 0 | 0 | 0 | 0 |

FY 2019 TIF Revenue Received: 0

Urban Renewal Area Data Collection

Local Government Name: AMES (85G811)
 Urban Renewal Area: AMES SOUTH BELL AVENUE URBAN RENEWAL
 UR Area Number: 85021

UR Area Creation Date: 01/2009

UR Area Purpose: To expand the available inventory
 of fully serviced industrial land
 within Ames.

| Tax Districts within this Urban Renewal Area | Base No. | Increment No. | Increment Value Used |
|--|-------------|------------------|----------------------------|
| AMES CITY/AMES SCH/SOUTH BELL AVENUE URBAN RENEWL TIF INCREM | 85586 | 85186 | 3,173,580 |
| AMES CITY AG/AMES SCH/SOUTH BELL AVENUE URBAN RENEWAL TIF INCREM | 85587 | 85187 | 0 |

Urban Renewal Area Value by Class - 1/1/2017 for FY 2019

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-----------|----------------------|-----------|
| Assessed | 0 | 0 | 3,526,200 | 0 | 0 | 0 | 3,526,200 | 0 | 3,526,200 |
| Taxable | 0 | 0 | 3,173,580 | 0 | 0 | 0 | 3,173,580 | 0 | 3,173,580 |
| Homestead Credits | | | | | | | | | 0 |

| | | | |
|---|-----------------|----------|---|
| TIF Sp. Rev. Fund Cash Balance as of 07-01-2018: | -437,819 | 0 | Amount of 07-01-2018 Cash Balance Restricted for LMI |
|---|-----------------|----------|---|

| | |
|---------------------------------|---------------|
| TIF Revenue: | 82,951 |
| TIF Sp. Revenue Fund Interest: | -6,079 |
| Property Tax Replacement Claims | 0 |
| Asset Sales & Loan Repayments: | 0 |
| Total Revenue: | 76,872 |

| | |
|-------------------------------|----------------|
| Rebate Expenditures: | 0 |
| Non-Rebate Expenditures: | 114,841 |
| Returned to County Treasurer: | 0 |
| Total Expenditures: | 114,841 |

| | | | |
|---|-----------------|----------|---|
| TIF Sp. Rev. Fund Cash Balance as of 06-30-2019: | -475,788 | 0 | Amount of 06-30-2019 Cash Balance Restricted for LMI |
|---|-----------------|----------|---|

Projects For AMES SOUTH BELL AVENUE URBAN RENEWAL

South Bell Infrastructure

| | |
|----------------------|---|
| Description: | Public Infrastructure for South Bell Area |
| Classification: | Roads, Bridges & Utilities |
| Physically Complete: | Yes |
| Payments Complete: | No |

Debts/Obligations For AMES SOUTH BELL AVENUE URBAN RENEWAL

2009B GO Bonds

| | |
|------------------------|-----------------------------|
| Debt/Obligation Type: | Gen. Obligation Bonds/Notes |
| Principal: | 337,236 |
| Interest: | 23,370 |
| Total: | 360,606 |
| Annual Appropriation?: | No |
| Date Incurred: | 10/29/2009 |
| FY of Last Payment: | 2021 |

Non-Rebates For AMES SOUTH BELL AVENUE URBAN RENEWAL

| | |
|-------------------------|---------------------------|
| TIF Expenditure Amount: | 114,841 |
| Tied To Debt: | 2009B GO Bonds |
| Tied To Project: | South Bell Infrastructure |

◆ Annual Urban Renewal Report, Fiscal Year 2018 - 2019

TIF Taxing District Data Collection

| | |
|--|--|
| Local Government Name: | AMES (85G811) |
| Urban Renewal Area: | AMES SOUTH BELL AVENUE URBAN RENEWAL (85021) |
| TIF Taxing District Name: | AMES CITY/AMES SCH/SOUTH BELL AVENUE URBAN RENEWL TIF INCREM |
| TIF Taxing District Inc. Number: | 85186 |
| TIF Taxing District Base Year: | 2008 |
| FY TIF Revenue First Received: | 2010 |
| Subject to a Statutory end date? | Yes |
| Fiscal year this TIF Taxing District statutorily ends: | 2030 |

| UR Designation | |
|----------------------|---------|
| Slum | No |
| Blighted | No |
| Economic Development | 01/2009 |

TIF Taxing District Value by Class - 1/1/2017 for FY 2019

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-----------|----------------------|-----------|
| Assessed | 0 | 0 | 3,526,200 | 0 | 0 | 0 | 3,526,200 | 0 | 3,526,200 |
| Taxable | 0 | 0 | 3,173,580 | 0 | 0 | 0 | 3,173,580 | 0 | 3,173,580 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2019 | 25,851 | 3,173,580 | 3,173,580 | 0 | 0 |

FY 2019 TIF Revenue Received: 82,951

TIF Taxing District Data Collection

| | |
|--|--|
| Local Government Name: | AMES (85G811) |
| Urban Renewal Area: | AMES SOUTH BELL AVENUE URBAN RENEWAL (85021) |
| TIF Taxing District Name: | AMES CITY AG/AMES SCH/SOUTH BELL AVENUE URBAN RENEWAL TIF INCREM |
| TIF Taxing District Inc. Number: | 85187 |
| TIF Taxing District Base Year: | 2008 |
| FY TIF Revenue First Received: | 2011 |
| Subject to a Statutory end date? | Yes |
| Fiscal year this TIF Taxing District statutorily ends: | 2031 |

| UR Designation | |
|----------------------|---------|
| Slum | No |
| Blighted | No |
| Economic Development | 01/2009 |

TIF Taxing District Value by Class - 1/1/2017 for FY 2019

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2019 | 0 | 0 | 0 | 0 | 0 |

FY 2019 TIF Revenue Received: 0

▲ Annual Urban Renewal Report, Fiscal Year 2018 - 2019

Urban Renewal Area Data Collection

Local Government Name: AMES (85G811)
 Urban Renewal Area: AMES CAMPUSTOWN URBAN RENEWAL
 UR Area Number: 85023

UR Area Creation Date: 11/2014

UR Area Purpose: To promote economic development
 in the Campustown area through
 the expansion of office and retail
 space.

Tax Districts within this Urban Renewal Area

| | Base No. | Increment No. | Increment Value Used |
|---|-------------|------------------|----------------------------|
| AMES CITY/AMES SCH/CAMPUSTOWN URBAN RENEWALTIF INCREM | 85630 | 85230 | 13,504,723 |

Urban Renewal Area Value by Class - 1/1/2017 for FY 2019

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 0 | 17,075,000 | 0 | 0 | 0 | 17,075,000 | 0 | 17,075,000 |
| Taxable | 0 | 0 | 15,367,500 | 0 | 0 | 0 | 15,367,500 | 0 | 15,367,500 |
| Homestead Credits | | | | | | | | | 0 |

**TIF Sp. Rev. Fund Cash Balance
 as of 07-01-2018:**

0

0

**Amount of 07-01-2018 Cash Balance
 Restricted for LMI**

TIF Revenue: 321,216
 TIF Sp. Revenue Fund Interest: 0
 Property Tax Replacement Claims: 0
 Asset Sales & Loan Repayments: 0
Total Revenue: 321,216

Rebate Expenditures: 321,216
 Non-Rebate Expenditures: 0
 Returned to County Treasurer: 0
Total Expenditures: 321,216

**TIF Sp. Rev. Fund Cash Balance
 as of 06-30-2019:**

0

0

**Amount of 06-30-2019 Cash Balance
 Restricted for LMI**

Projects For AMES CAMPUSTOWN URBAN RENEWAL

Campustown Kingland Building

| | |
|----------------------|--------------------------------|
| Description: | Office and Retail Development |
| Classification: | Commercial - office properties |
| Physically Complete: | Yes |
| Payments Complete: | Yes |

Debts/Obligations For AMES CAMPUSTOWN URBAN RENEWAL

Campustown Urban Renewal

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 321,216 |
| Interest: | 0 |
| Total: | 321,216 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 11/10/2015 |
| FY of Last Payment: | 2019 |

Rebates For AMES CAMPUSTOWN URBAN RENEWAL

Kingland Systems

| | |
|-------------------------------|------------------------------|
| TIF Expenditure Amount: | 321,216 |
| Rebate Paid To: | Kingland Systems |
| Tied To Debt: | Campustown Urban Renewal |
| Tied To Project: | Campustown Kingland Building |
| Projected Final FY of Rebate: | 2019 |

256 Characters Left

Sum of Private Investment Made Within This Urban Renewal Area
during FY 2019

TIF Taxing District Data Collection

Local Government Name: AMES (85G811)
 Urban Renewal Area: AMES CAMPUSTOWN URBAN RENEWAL (85023)
 TIF Taxing District Name: AMES CITY/AMES SCH/CAMPUSTOWN URBAN RENEWALTIF INCREM
 TIF Taxing District Inc. Number: 85230
 TIF Taxing District Base Year: 2014
 FY TIF Revenue First Received: 2017
 Subject to a Statutory end date? Yes
 Fiscal year this TIF Taxing District statutorily ends: 2037

| UR Designation | |
|----------------------|---------|
| Slum | No |
| Blighted | No |
| Economic Development | 11/2013 |

TIF Taxing District Value by Class - 1/1/2017 for FY 2019

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 0 | 17,075,000 | 0 | 0 | 0 | 17,075,000 | 0 | 17,075,000 |
| Taxable | 0 | 0 | 15,367,500 | 0 | 0 | 0 | 15,367,500 | 0 | 15,367,500 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2019 | 3,467,200 | 13,607,800 | 13,504,723 | 103,077 | 2,465 |

FY 2019 TIF Revenue Received: 321,216

Urban Renewal Area Data Collection

Local Government Name: AMES (85G811)
 Urban Renewal Area: AMES ISU RESEARCH PARK URBAN RENEWAL
 UR Area Number: 85024

UR Area Creation Date: 11/2013

UR Area Purpose: To promote economic development
 for Iowa State University Research
 Park by extending public
 infrastructure.

| Tax Districts within this Urban Renewal Area | Base No. | Increment No. | Increment Value Used |
|--|-------------|------------------|----------------------------|
| AMES CITY/AMES SCH/ISU RESEARCH PARK URBAN RENEWAL TIF INCREM | 85628 | 85228 | 17,876,334 |
| AMES CITY AG/AMES SCH/ISU RESEARCH PARK URBAN RENEWAL TIF INCREM | 85629 | 85229 | 0 |

Urban Renewal Area Value by Class - 1/1/2017 for FY 2019

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 498,200 | 19,554,700 | 0 | 0 | 0 | 20,052,900 | 0 | 20,052,900 |
| Taxable | 0 | 277,104 | 17,599,230 | 0 | 0 | 0 | 17,876,334 | 0 | 17,876,334 |
| Homestead Credits | | | | | | | | | 0 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2018: -364,339 0 **Amount of 07-01-2018 Cash Balance Restricted for LMI**

TIF Revenue: 466,152
 TIF Sp. Revenue Fund Interest: -2,163
 Property Tax Replacement Claims 0
 Asset Sales & Loan Repayments: 0
Total Revenue: 463,989

Rebate Expenditures: 0
 Non-Rebate Expenditures: 304,700
 Returned to County Treasurer: 0
Total Expenditures: 304,700

TIF Sp. Rev. Fund Cash Balance as of 06-30-2019: -205,050 0 **Amount of 06-30-2019 Cash Balance Restricted for LMI**

Projects For AMES ISU RESEARCH PARK URBAN RENEWAL

ISURP Infrastructure Extension

| | |
|----------------------|---|
| Description: | Extension of public infrastructure to serve ISURP |
| Classification: | Roads, Bridges & Utilities |
| Physically Complete: | Yes |
| Payments Complete: | Yes |

Debts/Obligations For AMES ISU RESEARCH PARK URBAN RENEWAL

General Obligation Series 2015A

| | |
|------------------------|-----------------------------|
| Debt/Obligation Type: | Gen. Obligation Bonds/Notes |
| Principal: | 2,315,000 |
| Interest: | 407,450 |
| Total: | 2,722,450 |
| Annual Appropriation?: | No |
| Date Incurred: | 11/13/2015 |
| FY of Last Payment: | 2027 |

Non-Rebates For AMES ISU RESEARCH PARK URBAN RENEWAL

| | |
|-------------------------|---------------------------------|
| TIF Expenditure Amount: | 304,700 |
| Tied To Debt: | General Obligation Series 2015A |
| Tied To Project: | ISURP Infrastructure Extension |

256 Characters Left

Sum of Private Investment Made Within This Urban Renewal Area
during FY 2019

TIF Taxing District Data Collection

| | |
|--|---|
| Local Government Name: | AMES (85G811) |
| Urban Renewal Area: | AMES ISU RESEARCH PARK URBAN RENEWAL (85024) |
| TIF Taxing District Name: | AMES CITY/AMES SCH/ISU RESEARCH PARK URBAN RENEWAL TIF INCREM |
| TIF Taxing District Inc. Number: | 85228 |
| TIF Taxing District Base Year: | 2014 |
| FY TIF Revenue First Received: | 2017 |
| Subject to a Statutory end date? | Yes |
| Fiscal year this TIF Taxing District statutorily ends: | 2037 |

| UR Designation | |
|----------------------|---------|
| Slum | No |
| Blighted | No |
| Economic Development | 11/2013 |

TIF Taxing District Value by Class - 1/1/2017 for FY 2019

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 498,200 | 19,554,700 | 0 | 0 | 0 | 20,052,900 | 0 | 20,052,900 |
| Taxable | 0 | 277,104 | 17,599,230 | 0 | 0 | 0 | 17,876,334 | 0 | 17,876,334 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2019 | 126,518 | 17,876,334 | 17,876,334 | 0 | 0 |

FY 2019 TIF Revenue Received: 466,152

TIF Taxing District Data Collection

| | |
|----------------------------------|--|
| Local Government Name: | AMES (85G811) |
| Urban Renewal Area: | AMES ISU RESEARCH PARK URBAN RENEWAL (85024) |
| TIF Taxing District Name: | AMES CITY AG/AMES SCH/ISU RESEARCH PARK URBAN RENEWAL TIF INCREM |
| TIF Taxing District Inc. Number: | 85229 |
| TIF Taxing District Base Year: | 2014 |
| FY TIF Revenue First Received: | |
| Subject to a Statutory end date? | No |

| UR Designation | |
|----------------------|----|
| Slum | No |
| Blighted | No |
| Economic Development | No |

TIF Taxing District Value by Class - 1/1/2017 for FY 2019

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2019 | 413,712 | 0 | 0 | 0 | 0 |

FY 2019 TIF Revenue Received: 0

Urban Renewal Area Data Collection

Local Government Name: AMES (85G811)
 Urban Renewal Area: AMES BARILLA URBAN RENEWAL
 UR Area Number: 85026
 UR Area Creation Date: 07/2017

UR Area Purpose: This urban renewal area was created to facilitate the expansion of the Barilla manufacturing facility at 3303 and 3311 East Lincoln Way.

| Tax Districts within this Urban Renewal Area | Base No. | Increment No. | Increment Value Used |
|---|----------|---------------|----------------------|
| AMES CITY/AMES SCH/BARILLA URBAN RENEWAL INCREM | 85638 | 85238 | 0 |

Urban Renewal Area Value by Class - 1/1/2017 for FY 2019

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | | | |
|---|---------------|----------|---|
| TIF Sp. Rev. Fund Cash Balance as of 07-01-2018: | 0 | 0 | Amount of 07-01-2018 Cash Balance Restricted for LMI |
| TIF Revenue: | 0 | | |
| TIF Sp. Revenue Fund Interest: | 0 | | |
| Property Tax Replacement Claims | 0 | | |
| Asset Sales & Loan Repayments: | 0 | | |
| Total Revenue: | 0 | | |
| Rebate Expenditures: | 0 | | |
| Non-Rebate Expenditures: | 12,259 | | |
| Returned to County Treasurer: | 0 | | |
| Total Expenditures: | 12,259 | | |

| | | | |
|---|----------------|----------|---|
| TIF Sp. Rev. Fund Cash Balance as of 06-30-2019: | -12,259 | 0 | Amount of 06-30-2019 Cash Balance Restricted for LMI |
|---|----------------|----------|---|

Projects For AMES BARILLA URBAN RENEWAL

Barilla Expansion

| | |
|----------------------|---|
| Description: | Expansion of pasta production and transportation facilities at Barilla America Inc. |
| Classification: | Industrial/manufacturing property |
| Physically Complete: | Yes |
| Payments Complete: | Yes |

Debts/Obligations For AMES BARILLA URBAN RENEWAL

Barilla TIF Rebate

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 0 |
| Interest: | 0 |
| Total: | 0 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 11/13/2018 |
| FY of Last Payment: | 2019 |

Non-Rebates For AMES BARILLA URBAN RENEWAL

| | |
|-------------------------|--------------------|
| TIF Expenditure Amount: | 12,259 |
| Tied To Debt: | Barilla TIF Rebate |
| Tied To Project: | Barilla Expansion |

Jobs For AMES BARILLA URBAN RENEWAL

| | |
|--|---------------------|
| Project: | Barilla Expansion |
| Company Name: | Barilla America Inc |
| Date Agreement Began: | 11/13/2018 |
| Date Agreement Ends: | 11/13/2023 |
| Number of Jobs Created or Retained: | 41 |
| Total Annual Wages of Required Jobs: | 2,039,897 |
| Total Estimated Private Capital Investment: | 64,000,000 |
| Total Estimated Cost of Public Infrastructure: | 0 |

256 Characters Left

Sum of Private Investment Made Within This Urban Renewal Area
during FY 2019

TIF Taxing District Data Collection

Local Government Name: AMES (85G811)
 Urban Renewal Area: AMES BARILLA URBAN RENEWAL (85026)
 TIF Taxing District Name: AMES CITY/AMES SCH/BARILLA URBAN RENEWAL INCREM
 TIF Taxing District Inc. Number: 85238

| | | | |
|----------------------------------|------|-----------------------|----|
| TIF Taxing District Base Year: | 2017 | UR Designation | |
| FY TIF Revenue First Received: | | Slum | No |
| Subject to a Statutory end date? | No | Blighted | No |
| | | Economic Development | No |

TIF Taxing District Value by Class - 1/1/2017 for FY 2019

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2019 | 38,813,000 | 0 | 0 | 0 | 0 |

FY 2019 TIF Revenue Received: 0

RESOLUTION_____

Obligating funds from City of Ames Campustown Urban Renewal Area Urban Renewal Tax Revenue Fund for appropriation to the payment of annual appropriation tax increment rebate payments due to be paid in the next succeeding fiscal year

WHEREAS, the City of Ames, Iowa (the “City”), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Campustown Urban Renewal Area (the “Urban Renewal Area”); and

WHEREAS, this Council has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa (the “Campustown Urban Renewal Tax Revenue Fund”), which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the City for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, pursuant to the City’s Development Agreement (the “Agreement”) with Kingland Systems Corporation (the “Company”), approved by resolution of the City Council on December 10, 2013, the City agreed to make economic development tax increment payments to the Company, subject to annual appropriation by the City Council; and

WHEREAS, payments under the Agreement are scheduled to be made from the Campustown Urban Renewal Tax Revenue Fund during the fiscal year that will begin July 1, 2020, in a total amount equal to 100% of the incremental property tax payments made by the Company in that fiscal year (the “Payments”); and

WHEREAS, it is now necessary for the City Council to obligate for appropriation to the Payments, funds anticipated to be received in the Campustown Urban Renewal Tax Revenue Fund in the fiscal year that will begin July 1, 2020;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Ames, Iowa, as follows:

Section 1. The City Council hereby obligates for appropriation from the Campustown Urban Renewal Tax Revenue Fund the amount of \$395,595.00, which is estimated to be an amount equal to 100% of the incremental property tax revenues that are expected to be received by the City in such fund from the Story County Treasurer in the fiscal year that will begin July 1, 2020.

Section 2. The City Clerk and Finance Director are hereby authorized and directed to certify to the Story County Auditor the amount obligated for appropriation in Section 1 above as part of the City's 2019 certification of debt payable from the Campustown Urban Renewal Tax Revenue Fund and to reflect such estimated amount in the City's budget for the fiscal year that will begin July 1, 2020.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved November 26, 2019.

Mayor

Attest:

City Clerk

RESOLUTION_____

Obligating funds from City of Ames Barilla Urban Renewal Area Urban Renewal Tax Revenue Fund for appropriation to the payment of annual appropriation tax increment rebate payments due to be paid in the next succeeding fiscal year

WHEREAS, the City of Ames, Iowa (the “City”), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Barilla Urban Renewal Area (the “Urban Renewal Area”); and

WHEREAS, this Council has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa (the “Barilla Urban Renewal Tax Revenue Fund”), which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the City for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, pursuant to the City’s Development Agreement (the “Agreement”) with Barilla America, Inc. (the “Company”), approved by resolution of the City Council on November 13, 2018, the City agreed to make economic development tax increment payments to the Company, subject to annual appropriation by the City Council; and

WHEREAS, payments under the Agreement are scheduled to be made from the Barilla Urban Renewal Tax Revenue Fund during the fiscal year that will begin July 1, 2020, in a total amount equal to 100% of the incremental property tax payments made by the Company in that fiscal year (the “Payments”); and

WHEREAS, it is now necessary for the City Council to obligate for appropriation to the Payments, funds anticipated to be received in the Barilla Urban Renewal Tax Revenue Fund in the fiscal year that will begin July 1, 2020;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Ames, Iowa, as follows:

Section 1. The City Council hereby obligates for appropriation from the Barilla Urban Renewal Tax Revenue Fund the amount of \$479,477, which is estimated to be an amount equal to 100% of the incremental property tax revenues that are expected to be received by the City in such fund from the Story County Treasurer in the fiscal year that will begin July 1, 2020.

Section 2. The City Clerk and Finance Director are hereby authorized and directed to certify to the Story County Auditor the amount obligated for appropriation in Section 1 above as part of the City's 2019 certification of debt payable from the Barilla Urban Renewal Tax Revenue Fund and to reflect such estimated amount in the City's budget for the fiscal year that will begin July 1, 2020.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved November 26, 2019.

Mayor

Attest:

City Clerk

COUNCIL ACTION FORM

SUBJECT: VACATION OF A WATER MAIN EASEMENT ALONG COLLABORATION PLACE (PLAZA LOOP TO SOUTH RIVERSIDE DRIVE)

BACKGROUND:

In 2015, as part of the Iowa State University Research Park (ISU RP) Phase III 3rd Addition Improvements Project, water main was installed along the north edge of the future Collaboration Place corridor from University Boulevard to South Riverside Drive. The portion from Plaza Loop to South Riverside Drive was not yet platted as dedicated right-of-way (ROW) at that time, so a 20-foot-wide easement was established.

At the November 12, 2019 City Council meeting, the final plat for the ISU RP Phase III 4th Addition was approved including 80-foot-wide ROW for Collaboration Place from Plaza Loop to South Riverside Drive. **Therefore, the existing water main easement is now within dedicated City ROW and can be vacated.**

Attachment A is a map showing the location of the water main easement proposed to be vacated and the new Collaboration Place ROW.

ALTERNATIVES:

1. Set the date of public hearing as December 10, 2019 to approve vacation of the aforementioned easement.
2. Reconsider the vacation of the aforementioned easement.

MANAGER'S RECOMMENDED ACTION:

This water main easement can be vacated because the water main is now within dedicated City ROW. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as noted above.**

Attachment A



**Proposed Water Main Easement Vacation:
Plaza Loop to South Riverside Drive**



1 inch = 200 feet
Date: 11/8/2019

COUNCIL ACTION FORM

SUBJECT: ENCROACHMENT PERMIT FOR A SIGN AT 108 HAYWARD AVENUE

BACKGROUND:

Joy's Mongolian Grill is seeking approval for an encroachment permit that would allow a wall sign to hang in the public right-of-way at 108 Hayward Avenue. The proposed wall sign will be on the west façade of the building. The total encroachment will be approximately 4.5 square feet over the sidewalk, but will not affect use of the sidewalk.

Chapter 22.3(3) of the Ames Municipal Code requires approval of the Encroachment Permit Agreement by the Ames City Council before the permit can be issued. By signing the Agreement, the owner and tenant agree to hold harmless the City of Ames against any loss or liability as a result of the encroachment, to submit a certificate of liability insurance which protects the City in case of an accident, and to pay the fee for the encroachment permit. The owner and tenant also understand that this approval may be revoked at any time by the City Council. The fee for this permit was calculated at \$25, and the full amount has been received by the City Clerk's Office along with the certificate of liability insurance.

ALTERNATIVES:

1. Approve the request.
2. Deny the request.

MANAGER'S RECOMMENDED ACTION:

It is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby granting the encroachment permit for the sign.



aa.family.zhao@gmail.com

ENCROACHMENT PERMIT APPLICATION

An Encroachment Permit approved by the Ames City Council is required for anything of a "fixed character" which is "upon, over or under" the surface of any "street, alley, or sidewalk."

515-239-7412

Applicant is: ☐ Property Owner ☒ Tenant ☐ Contractor

Applicant Name Joy's Mongolian Grill

Address of Encroachment 108 Hayward Ave

City Ames State IA Zip Code 50014

Type of Encroachment: Sign

(If the encroachment is a sign, please apply for a sign permit through the Inspections Division.)

Total Square Feet of the Area to Encroach: 4.5
(See attached submittal guidelines.)

Property Owner Name Randall Inc

Mailing Address 420 S. 17th St

City Ames State IA Zip Code 50010

Daytime Phone 515-233-2580 Cell Phone

E-mail: Patti@randallcorp.com

These items must be submitted with your application prior to approval of the permit:

- ☒ An Encroachment Permit Agreement approved as to form by the City Attorney and signed by the owner of the building where the encroachment will occur (obtained from the City Clerk's Office).
- ☒ A sketch of the encroaching item (i.e., sign, canopy, awning, etc.) drawn to scale.
- ☒ A sketch showing the placement of the encroaching item on the property.
- ☒ An insurance certificate with comprehensive general liability coverage in an amount of not less than \$500,000 combined single limit naming the City of Ames as an additional insured on the policy. Said certificate must be accompanied with a copy of Endorsement CG 2013.

☐ A fee to be determined by the City's Building Official. The fee is \$1.00 per square foot of the encroachment or a minimum of \$25.00.

Applicant's Signature [Signature] Date 9/11/19

Property Owner's Signature [Signature] Date 10/29/2019

Submit your completed permit application to: rknutsen@city.ames.ia.us
City of Ames
City Clerk's Office
PO Box 811
Ames, IA 50010

For Office Use Only

Documents Received

Date: 10/30/2019
☒ Completed Application
☒ Certificate of Inspections sent to PW, P&H, Building Official on 10/31/19
☒ Review by DRC needed?

Fees
Fee Amount \$ 25.00
Date Fee Paid 11/20/2019

Insurance
☒ Received 10/30/2019
☒ Approved 10/31/2019

Agreement
☒ Two originals prepared
☒ Signed agreements returned

CC Meeting Date 11/26/19
☒ Added to agenda
☒ CAF prepared on T Drive

Follow Up
☐ Application approved
☐ Agreement signed by Mayor
☐ Letter prepared and sent to applicant
☐ Clerk's copy of Agreement sent to Recorder
☐ Add to FMS with insurance expiration date

Notes



Custom Signage, Crafted with Class



- 18" x 36" sign
- 2 sided
- "flag" mount
- non-illuminated

18" x 36"

Area = 4.5 sq. ft.

Company Name: Joy's Mongolian Grill

► Project

4/25/2018

Contact name: Joy
Phone number: 515-239-7412
Email: ah.family.zhau@gmail.com
Additional info:

Landlord's Signature:

Design/Prepared by:

This design is property of First Class SIGNS, and is not to be reproduced or copied without the express written consent of First Class SIGNS.

The colors represented in this print may not match the final sign, and may vary slightly. If not as intended, we reserve the right to change the design to match the original design.

COUNCIL ACTION FORM

**SUBJECT: ASSET MANAGEMENT AGREEMENT / PIPELINE SERVICES FOR
POWER PLANT CONTRACT RENEWAL**

BACKGROUND:

Electric Services has converted both of the Power Plant's coal fired generators to use natural gas. The Power Plant now typically burns up to 12,000 MMBtu of natural gas daily to generate electricity and consume refuse derived fuel. The City has a contract to supply the Power Plant with natural gas to meet this typical expected daily consumption.

A separate set of contracts is required for a firm to provide its asset management services to manage the City's natural gas purchases and gas pipeline transportation contracts. The contracted company serves as a bridge between the natural gas commodity already under contract and the delivery services already under contract.

On October 27, 2015, City Council awarded a contract to BP Canada Energy Marketing Corp., Omaha, NE, for AMA/Pipeline Services for the City of Ames in an amount not to exceed \$30,000 for the base services. In addition, an amount not to exceed \$3,000,000 was authorized for the purchase of additional natural gas plus delivery as needed to manage the day-to-day fuel needs of the Power Plant. Included in the original contract were terms for up to four additional one-year terms. The City has negotiated a contract with BP to have the last renewal end on September 30, 2020 rather than December 31, 2020. This date was selected to avoid a possible change in vendor during the winter season. This is the last renewal period for this contract and a new request for proposals will need to be issued after January 1.

BP has provided two separate renewal agreements, each providing a different service. These are (1) an AMA Transaction Confirmation, and (2) a Transaction Confirmation. Each agreement is attached and is described in further detail below. These contracts are through September 30, 2020, for an amount not to exceed \$30,000./

AMA Transaction Confirmation

This agreement outlines the terms and conditions when the actual amount of natural gas burned in a day is less than 12,000 dekatherms. This can typically occur at times when Unit #8 is down for maintenance. For these events, BP will sell or store the excess gas on behalf of the City and credit the City the revenue.

Transaction Confirmation

This agreement outlines the terms and conditions when the actual amount of natural gas burned in a day is greater than 12,000 dekatherms. For these events, BP will

purchase both additional natural gas and additional natural gas transport service on behalf of the City and charge the City for the gas plus its adder. This can typically occur at peak times in the summer when Unit #8 is operated at higher generation levels or when both Unit #7 and Unit #8 are operating at the same time.

Authorization for Funds to Purchase Additional Natural Gas

Under the AMA Transaction Confirmation and Transaction Confirmation agreements, services are charged based on the price of the natural gas at the time of purchase plus a fee. It is difficult to predict at this time how much of these services will be required each day. Therefore, staff is requesting that an amount not to exceed \$270,000 be approved so that staff, together with BP, can manage the daily gas needs over the next nine months.

For example, on a day when the expected 12,000 dekatherms of natural gas is exceeded under the City's primary gas supply contract, this \$270,000 would be available to purchase additional natural gas under the terms of these agreements to keep the Power Plant's boilers operating. If the net purchases of additional gas approach this \$270,000 amount not-to-exceed limit, staff will return to City Council for additional purchasing approval at that time.

The current contract period includes \$300,000 to purchase excess natural gas. In the current year, purchases of additional natural gas have been less than expected. City staff anticipates the proposed contract term will require less funding, which is why \$270,000 is proposed for that period. The approved FY 2019/20 operating budget currently includes \$16,500,000 for the purchase of natural gas to operate the Power Plant. It should be noted that these contracts will cross two budget years.

ALTERNATIVES:

1. a. Approve the renewal of an AMA Transaction Confirmation Agreement and a Transaction Confirmation Agreement with BP Canada Energy Marketing Corp., Omaha, NE, for AMA/Pipeline Services for the City of Ames through September 30, 2020 for an amount not to exceed \$30,000.
- b. Authorize an amount not to exceed \$270,000 for the purchase of additional natural gas plus delivery as needed to manage the day-to-day fuel needs of the Power Plant through September 30, 2020.
2. Do not renew the agreement and direct staff to seek alternative proposals.

CITY MANAGER'S RECOMMENDED ACTION:

These two contracts provide Electric Services with a crucial service that will manage the natural gas needed to operate the power plant and burn refuse derived fuel.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 a & b as stated above.



AMA TRANSACTION CONFIRMATION

CONFIRMATION DATE: November 6, 2019

CONTRACT #: **CONTRACT DATE:** October 13, 2015

SELLER: BP Canada Energy Marketing Corp. ("Seller")

BUYER: City of Ames, IA. ("Buyer")

PHONE #: 402.505.8800

FAX #: 713.323.1633

BUYER: City of Ames, IA

PHONE #: 515.239.5126

FAX #:

This Transaction Confirmation (the "AMA TC") is entered into effective as of the Confirmation Date and serves to confirm our understanding of the following transaction between Buyer and Seller. This AMA Transaction shall be governed by the terms and conditions set forth in the Base Contract for Sale and Purchase of Natural Gas referenced above executed by and between Buyer and Seller on October 13, 2015 (the "Base Contract"), and the Asset Management Agreement Addendum dated October 24, 2016 by and between the Buyer and Seller (the "Addendum"). This transaction for the sale and purchase of Gas connected to the Released Capacity described in this Article III of the Addendum has been structured to qualify as an Asset Management Agreement ("AMA") as defined in FERC Order Nos. 712 et al. and its implementing regulations 18 C.F.R. § 284.8. Accordingly, capacity released hereunder shall conform to the FERC's definition of an AMA, including the required conditions and delivery obligations shall be non-biddable, pre-arranged releases, and shall be made in a manner consistent with (a) the FERC's capacity release regulations and (b) the Pipeline's Tariff.

PERFORMANCE OBLIGATION: Subject to the terms and conditions set forth hereinafter, Seller is obligated under this Contract to sell and deliver and Buyer is obligated to purchase and receive, Firm Swing Gas on a Firm basis and Additional Interruptible Gas on an Interruptible basis, up to a total of 12,000 MMBtu/Day at the Primary Delivery Point as such amount is limited by the respective Transportation Agreement. Seller and Buyer further agree that to the extent that any interruption, curtailment, operational flow order or other event(s) not otherwise a result of any action or inaction by Seller impacts transportation services in a manner that prevents Seller from utilizing the complete NNG Primary Transportation Path on any Day, irrespective of whether NNG declares an event of Force Majeure, as a result of such event, Seller shall be relieved of its obligation to sell a corresponding quantity of Gas from Buyer as appropriate. In addition, Seller shall be reimbursed on a monthly invoice for any Demand Charges and Modernization Charges, if any, that it actually pays in delivering Gas to the Delivery Point under this AMA TC. Notwithstanding the foregoing, during such periods when the complete NNG Primary Transportation Path is not available, Seller shall use commercially reasonable efforts to meet its Gas sale obligation provided that the Gas price paid to Buyer shall reflect the market from which Seller sells such Gas. Any other provision notwithstanding, Seller shall be responsible for any incremental charges resulting from Seller's use of Buyer's primary Firm capacity to sell, buy, deliver and/or receive Gas at points other than the Primary Receipt or Delivery Points under Buyer's Firm transportation contract(s), and in no event shall Buyer have any claim for profit accruing to Seller resulting from Seller's use of Buyer's primary Firm capacity to sell and/or buy gas, and in no event shall Seller have any claim against Buyer for loss accruing to Seller resulting from Seller's use of Buyer's primary Firm capacity to sell and/or buy Gas outside of this AMA TC.

Gas purchases under this AMA Transaction Confirmation and the Transaction Confirmation between the Buyer and Seller dated November 6, 2019 shall constitute the full Gas requirements for the Buyer's at the Delivery Point. Buyer shall purchase one hundred percent (100%) of its Gas requirements from Seller except for any Gas purchased by Buyer during a Force Majeure event or as a result of an Event of Default that results in the suspension of performance or the termination of the Addendum and/or this AMA Transaction Confirmation or Transaction Confirmation between the Buyer and Seller dated November 6, 2019. The maximum daily Gas quantity under this AMA Transaction Confirmation shall be 12,000 MMBtu/Day.

CONTRACT QUANTITY:

The maximum daily quantity of Gas that Buyer may purchase from Seller on any Day under this AMA TC during the Delivery Period is 12,000 MMBtu/Day ("MDQ"). Seller's Gas delivery obligations to Buyer on any Day are limited by the quantity of Gas that Seller can receive, transport and deliver on the Released Capacity.

- **Firm Swing Gas:** Buyer may nominate on a daily basis a quantity of Gas for Firm delivery at the Delivery Point on any Day up to the MDQ for that Day ("Firm Swing Gas"). Buyer's nomination for Firm Swing Gas must be submitted to Seller on or before 7:30 am central prevailing time on the Business Day prior to the Day on which the Gas shall flow and must designate the quantity of Gas that Buyer requests as Firm Swing Gas at the Delivery Point. In addition, for weekend and holiday periods, Buyer's nomination must be received on or before 7:30 am central prevailing time on the Day before the weekend or holiday period and volumes must be ratable through the weekend or holiday period.

- **Additional Interruptible Gas -** Buyer may request on a daily basis an additional Interruptible quantity of Gas in addition to the Firm Swing Gas ("Additional Interruptible Gas"), provided that the total Gas quantity (Firm Swing Gas plus Additional Interruptible Gas) for the Day does not exceed the MDQ. Such a request shall be made after 7:30 AM Central Prevailing Time on the Business Day prior to the flow Day of the Gas, but not later than 5:00 PM Central Prevailing Time on the flow Day of the Gas.; In the event that Buyer makes any requests for Intraday Gas after 7:30 AM Central Prevailing Time on the Business Day prior to the flow Day of the Gas, Buyer understands and acknowledges that Seller shall use commercially reasonable efforts to supply such Interruptible Intraday Gas, but cannot guarantee that such Gas will or can be supplied to Buyer.

CONTRACT PRICE:

Firm Swing Gas: The Firm Swing Gas Contract Price ("Firm Swing Gas Contract Price") for the periods April-October and November – March for the Delivery Period shall be as follows.

- **April – October:**

The Contract Price in US\$ per MMBtu ("\$/MMBtu) for Firm Swing Gas ("Firm Swing Gas Contract Price_{Apr-Oct}") shall be the Northern Ventura Daily Index ("NNG Ventura GD") published by the McGraw-Hill Companies or its successor thereto in *Platt's Gas Daily* under the heading Northern Natural Gas Co. in the column Ventura plus \$0.015/MMBtu plus the Commodity Charge per the NNG Tariff ("Commodity_{NNG}") for the NNG Market Area plus applicable Surcharges per the NNG Tariff ("Surcharges_{NNG}") plus Fuel charges per the NNG Tariff for NNG Market Area unless the Buyer and Seller agree otherwise in writing.

$$\text{Firm Swing Gas Contract Price}_{\text{Apr-Oct}} = [\text{NNG Ventura GD} + \$0.015/\text{MMBtu} \\ + \text{Commodity Charges} + \text{Surcharges}_{\text{NNG}}] \times [1 - \text{Fuel}]$$

- **November – March:**

The Contract Price in US\$ per MMBtu ("\$/MMBtu) for Firm Swing Gas ("Firm Swing Gas Contract Price_{Nov-Mar}") shall be the Northern Ventura Daily Index ("NNG Ventura GD") published by the McGraw-Hill Companies or its successor thereto in *Platt's Gas Daily* under the heading Northern Natural Gas Co. in the column Ventura plus \$0.05/MMBtu plus the Commodity Charge per the NNG Tariff ("Commodity_{NNG}") for the NNG Market Area plus applicable Surcharges per the NNG Tariff ("Surcharges_{NNG}") plus Fuel charges per the NNG Tariff for NNG Market Area unless the Buyer and Seller agree otherwise in writing.

$$\text{Firm Swing Gas Contract Price}_{\text{Nov-Mar}} = [\text{NNG Ventura GD} + \$0.05/\text{MMBtu} \\ + \text{Commodity Charges} + \text{Surcharges}_{\text{NNG}}] \times [1 - \text{Fuel}]$$

Additional Interruptible Gas: The Contract Price for Additional Interruptible Gas Contract Price for the periods April-October and November – March for the Delivery Period shall be as follows.

- **April – October**

The Contract Price in US\$ per MMBtu ("\$/MMBtu) for Additional Interruptible Gas ("Additional Interruptible Gas Contract Price_{Apr-Oct}") shall be the Northern Ventura Daily Index ("NNG Ventura GD") published by the McGraw-Hill Companies or its successor thereto in *Platt's Gas Daily* under the heading Northern Natural Gas Co. in the column Ventura plus \$0.20/MMBtu plus the Commodity Charge per the NNG Tariff ("Commodity_{NNG}") for the NNG Market Area plus applicable Surcharges per the NNG Tariff ("Surcharges_{NNG}") plus Fuel Charges per the NNG Tariff for NNG Market Area unless the Buyer and Seller agree otherwise in writing.

$$\text{Additional Interruptible Gas Contract Price}_{\text{Apr-Oct}} = [\text{NNG Ventura GD} + \$0.20/\text{MMBtu} \\ + \text{Commodity Charges} + \text{Surcharges}_{\text{NNG}}] \times [1 - \text{Fuel}]$$

- **November – March**

The Contract Price in US\$ per MMBtu ("\$/MMBtu) for Additional Interruptible Gas ("Additional Interruptible Gas Contract Price") shall be the Northern Ventura Daily Index ("NNG Ventura GD") published by the McGraw-Hill

Companies or its successor thereto in *Platt's Gas Daily* under the heading Northern Natural Gas Co. in the column Ventura plus \$0.35/MMBtu plus the Commodity Charge per the NNG Tariff ("Commodity_{NNG}") for the NNG Market Area plus applicable Surcharges per the NNG Tariff ("Surcharges_{NNG}") plus Fuel Charges per the NNG Tariff for NNG Market Area unless the Buyer and Seller agree otherwise in writing.

Additional Interruptible Gas Contract Price_{Nov-Mar} = [NNG Ventura GD +\$0.35/MMBtu
+ Commodity Charges + Surcharges_{NNG}] x [1 - Fuel]

Demand and Modernization Charges. Buyer shall reimburse Seller for all (i) Demand Charges that Seller actually pays and (ii) all Modernization Charges that Seller actually pays for which recovery is permitted by then applicable FERC order or regulation that Seller actually pays and such payment shall be documented on the applicable monthly invoice.

DELIVERY PERIOD: Begin – January 1, 2020 End – September 30, 2020

DELIVERY POINT: NNG Story City # 2– TBS DRN #79227

SPECIAL TERMS & CONDITIONS:

1. **AMA Consideration.** City of Ames shall pay the AMA Consideration to Seller. In the event Seller is the full requirements Gas supplier to the City of Ames, Seller shall waive the AMA Consideration.
2. **Information.** The obligation of Section 4.1 of the AMA Addendum, shall apply to this AMA Transaction. Buyer shall also exercise commercially reasonable efforts to communicate to Seller any events that would have a material effect on Seller's ability to meet its supply obligation under this AMA TC. Such communications shall be made telephonically, to the extent possible, and will be promptly followed up with written Notice under the Base Contract. Seller shall be responsible for making any resulting nomination changes with the Pipeline/Transporter.
3. **Primary Receipt Point MDQ and Fuel Requirement.** Notwithstanding anything else in this AMA Transaction or the Addendum to the contrary, Seller's Gas sale and delivery obligations to Buyer with respect to deliveries at the Delivery Point shall be limited by the Gas MDQ for NNG that Seller may receive under Buyer's Transportation Agreements (such amount being the "Primary Receipt Point MDQ(s)") and the Fuel requirements.
4. **Transportation Risk.** Notwithstanding anything else in this AMA Transaction or the Addendum to the contrary, Seller's Gas receipt obligations from Buyer with respect to deliveries at the Primary Delivery Point(s) shall be limited by the aggregate of the individual MDQ of Gas that Seller shall receive at such point(s) under Buyer's Transportation Agreements (such amounts being the "Individual Delivery Point MDQ(s)");

| Pipeline | Primary Delivery Points: | Individual Delivery Point MDQ (MMBtu/Day): |
|----------|------------------------------------|--|
| NNG | NNG Story City # 2 TBS DRN # 79227 | 12,000 |

To the extent applicable, the Individual Delivery Point MDQ shall be modified to reflect that Seller is only obligated to deliver Gas in an amount equivalent to the Individual Delivery Point MDQs.

5. **Impairment of Released Capacity.** In addition to the Force Majeure provisions set forth in the Contract, the Parties also agree that to the extent any interruption, curtailment, operational flow order or other event(s) not caused by the Seller impacts transportation services that impair the Seller's ability to utilize the Released Capacity to make deliveries of Gas to the Buyer at the Delivery Points, irrespective of whether the Pipeline declares an event of Force Majeure as a result of such event, Seller shall be relieved from its obligation to deliver Gas to Buyer in an amount equivalent to the amount of Released Capacity impacted by such event. By way of example, to the extent that Seller is unable to receive Gas at any Receipt Point (as defined in the AMA) on any Day utilizing the Released Capacity, the Seller's Gas delivery obligations shall be reduced for such Day in an equivalent amount.
6. **Individual Receipt Point MDQs.** Notwithstanding anything else in this AMA TC or the Addendum to the contrary, Seller's Gas delivery obligations to Buyer shall be limited by the individual MDQ that Seller may receive at each Primary Receipt Point.
7. **Imbalances.** Consistent with the Base Contract and the Addendum, each party shall be responsible for all Imbalance Charges related to imbalances caused by its actions, and each party shall utilize commercially reasonable efforts to mitigate, if possible, Gas imbalances, necessarily including efforts to inform the other party of its inability to schedule, take, or deliver quantities of Gas. Seller shall be responsible for managing Gas imbalances with the Pipeline(s) and

Seller's Alliant Pool, and Buyer agrees to cooperate and assist with such imbalance management activities including, but not limited to the frequent incremental purchase and sale of quantities needed to timely mitigate Gas imbalances caused by either of the Parties.

8. **Buyer Representation.** Buyer represents that any Firms Swing Gas or Interruptible Intraday Gas that it is unable to purchase and receive and for which it seeks to obtain a credit on its monthly invoice, shall be based on an operational issue(s) related to a reduction in its electricity load that prevents Buyer from utilizing such Gas.

9. **Failure to Deliver or Receive.**

- (a) Damages for failure to deliver or failure to receive Gas shall be treated as provided in the Base Contract.
- (b) Notwithstanding Special Condition 9(a) above, if Buyer's representation in Special Condition 8 above applies to Buyer's failure to purchase and receive Firm Swing Gas or Additional Interruptible Gas, Sections 3.2 and 3.3 of the Base Contract shall not apply and Seller shall credit Buyer for such Gas quantities not received on the monthly invoice for the applicable Gas delivery Month based at the following prices.

Firm Swing Gas:

The credit price in US\$ per MMBtu ("\$/MMBtu) for Firm Swing Gas for the Delivery Period ("Firm Swing Gas Credit Price") shall be the Northern Ventura Daily Index ("NNG Ventura GD") published by the McGraw-Hill Companies or its successor thereto in *Platt's Gas Daily* under the heading Northern Natural Gas Co. in the column Ventura minus \$0.01/MMBtu plus the Commodity Charge per the NNG Tariff ("Commodity_{NNG}") for the NNG Market Area plus applicable Surcharges per the NNG Tariff ("Surcharges_{NNG}") plus Fuel Charges per the NNG Tariff for NNG Market Area unless the Buyer and Seller agree otherwise in writing.

Firm Swing Gas Credit Price = [NNG Ventura GD - \$0.01/MMBtu
+ Commodity Charges + Surcharges_{NNG}] x [1 - Fuel]

Additional Interruptible Gas: The credit price in US\$ per MMBtu ("\$/MMBtu) for Additional Interruptible Gas ("Additional Interruptible Gas Credit Price") shall be the Northern Ventura Daily Index ("NNG Ventura GD") published by the McGraw-Hill Companies or its successor thereto in *Platt's Gas Daily* under the heading Northern Natural Gas Co. in the column Ventura minus \$0.05/MMBtu plus the Commodity Charge per the NNG Tariff ("Commodity_{NNG}") for the NNG Market Area plus applicable Surcharges per the NNG Tariff ("Surcharges_{NNG}") plus Fuel Charges per the NNG Tariff for NNG Market Area unless the Buyer and Seller agree otherwise in writing.

Additional Interruptible Gas Credit Price = [NNG Ventura GD - \$0.05/MMBtu
+ Commodity Charges + Surcharges_{NNG}] x [1 - Fuel]

10. **Defined Terms.** Any capitalized terms set forth herein that are not otherwise defined herein or in the Base Contract shall have the meanings set forth in the AMA Addendum

CITY OF AMES, IOWA

BP CANADA ENERGY MARKETING CORP.

By: _____

Name:

Title:

Date: November 26, 2019

By:  _____

Name: Alan D Pederson

Title: Attorney-In-Fact

Date: November 13, 2019

TRANSACTION CONFIRMATION

CONFIRMATION DATE: November 6, 2019

CONTRACT #: 5507725

CONTRACT DATE: October 13, 2015

SELLER: BP Canada Energy Marketing Corp. ("Seller")

PHONE #: 402.505.8800

FAX #: 713.323.1633

BUYER: City of Ames, IA ("Buyer")

PHONE #: 515.239.5126

FAX #:

This Transaction Confirmation is entered into effective as of the Confirmation Date and serves to confirm our understanding of the following transaction between Buyer and Seller and is governed by the terms and conditions set forth in that certain Base Contract for the Sale and Purchase of Natural Gas dated October 13, 2015 executed by and between Buyer and Seller.

DELIVERY PERIOD: Begin – January 1, 2019

End – September 30, 2020

PERFORMANCE OBLIGATION: Subject to the terms and conditions set forth hereinafter, Seller is obligated under this Contract to sell and deliver and Buyer is obligated to purchase and receive intraday Gas on an Interruptible basis, up to 20,000 MMBtu/Day at the Delivery Point for the Delivery Period.

Gas purchases under this Transaction Confirmation and the AMA Transaction Confirmation dated November 6, 2019 between Buyer and Seller dated November 6, 2019 ("AMA TC") (collectively, the "2019 Transaction Confirmations") shall constitute Buyer's full Gas requirements at the Delivery Point. Buyer shall purchase one hundred percent (100%) of its Gas requirements, up to 32,000 MMBtu/Day, from Seller under these 2019 Transaction Confirmations except for any Gas purchased by Buyer during a (i) Force Majeure event or as a result of an Event of Default that results in the suspension of performance or the termination of this Transaction Confirmation or (ii) a Force Majeure event or an Event of Default including an Event of Default under the Addendum under the AMA TC that results in the suspension of performance or the termination of the AMA TC.

Seller may use capacity under its transportation agreement with the Northern Natural Gas Company ("Capacity") to deliver up to the MDQ under this Transaction Confirmation to the Delivery Point and Buyer shall pay to Seller Commodity Charges, Fuel Charges, applicable and Surcharges including any Modernization Charges if any, that Seller actually incurs in delivering Gas to the Delivery Point on the Capacity.

CONTRACT QUANTITY

Contract Quantity = 0 - 20,000 MMBtu/Day

Maximum Daily Quantity ("MDQ") = 20,000/Day

- **Interruptible Gas.** Buyer may request on a quantity of Interruptible Gas ("Interruptible Gas") up to the MDQ. Such a request shall be made on or before 7:30 am central prevailing time on the Business Day prior to the flow Day of the Gas. However, in the event that Buyer makes any requests for Interruptible Gas after 7:30 am central prevailing time on the Business Day prior to the flow Day of the Gas, Buyer understands and acknowledges that Seller shall use commercially reasonable efforts to supply such Interruptible Gas, but shall not guarantee that such Gas shall be supplied to Buyer.

CONTRACT PRICE:

During all delivery Periods, in the event that Seller actually pays any Modernization Charges for Gas delivered to Buyer for which recovery is permitted by then applicable FERC order or regulation that Seller actually pays shall be reimbursed as a deduction on the applicable monthly invoice.

Interruptible Gas: The Interruptible Gas Contract Price for the periods April-October and November – March for the Delivery Period shall be as follows.

- **April – October**

The Contract Price in US\$ per MMBtu (“\$/MMBtu”) for Interruptible Gas (“Interruptible Gas Contract Price_{Apr-Oct}”) shall be the Northern Ventura Daily Index (“NNG Ventura GD”) published by the McGraw-Hill Companies or its successor thereto in *Platt’s Gas Daily* under the heading Northern Natural Gas Co. in the column Ventura, plus \$0.20/MMBtu plus the Commodity Charge per the NNG Tariff (“Commodity_{NNG}”) for the NNG Market Area plus applicable Surcharges per the NNG Tariff (“Surcharges_{NNG}”) plus Fuel charges per the NNG Tariff for NNG Market Area unless the Buyer and Seller agree otherwise in writing.

$$\text{Interruptible Gas Contract Price}_{\text{Apr-Oct}} = [\text{NNG Ventura GD} + \$0.20/\text{MMBtu} \\ + \text{Commodity Charges} + \text{Surcharges}_{\text{NNG}}] \times [1 - \text{Fuel}]$$

- **November – March**

The Contract Price in US\$ per MMBtu (“\$/MMBtu”) for Interruptible Gas (“Interruptible Gas Contract Price”) shall be the Northern Ventura Daily Index (“NNG Ventura GD”) published by the McGraw-Hill Companies or its successor thereto in *Platt’s Gas Daily* under the heading Northern Natural Gas Co. in the column Ventura, Iowa plus \$0.35/MMBtu plus the Commodity Charge per the NNG Tariff (“Commodity_{NNG}”) for the NNG Market Area plus applicable Surcharges per the NNG Tariff (“Surcharges_{NNG}”) plus Fuel charges per the NNG Tariff (“ for NNG Market Area unless the Buyer and Seller agree otherwise in writing.

$$\text{Interruptible Gas Contract Price}_{\text{Nov-Mar}} = [\text{NNG Ventura GD} + \$0.35/\text{MMBtu} \\ + \text{Commodity Charges} + \text{Surcharges}_{\text{NNG}}] \times [1 - \text{Fuel}]$$

DELIVERY POINT: NNG Story City # 2 DRN# 79227

SPECIAL TERMS & CONDITIONS:

1. **Capacity Not Available.** In addition to the Force Majeure provisions set forth in the Contract, the Parties also agree that to the extent any interruption, curtailment, operational flow order or other event(s) impacts transportation services that may impair the Seller’s ability to utilize the Capacity, to make Gas deliveries to the Buyer at the Delivery Point, irrespective of whether NNG declares an event of Force Majeure as a result of such event, Seller shall be relieved from its obligation to deliver Gas to Buyer in an amount equivalent to the amount of Capacity impacted by such event. By way of example, to the extent that Seller is unable to deliver Gas to Buyer at , the Delivery Point, on any Day utilizing its Capacity, the Seller’s Gas delivery obligations shall be reduced for such Day in an equivalent amount.
2. **Buyer Representation.** Buyer represents that any Interruptible Gas that it is unable to purchase and receive and for which it seeks to obtain a credit on its monthly invoice, shall be based on an operational issue(s) related to a reduction in its electricity load that prevents Buyer from utilizing such Gas.
3. **Failure to Deliver or Receive.**
 - (a) Damages for failure to deliver or failure to receive Gas shall be treated as provided in Sections 3.2 and 3.3 of the Base Contract.

(b) Notwithstanding Special Condition 3(a) above, if Buyer's representation in Special Condition 2 above applies to Buyer's failure to purchase and receive Interruptible Gas, Section 3.2 of the Base Contract shall not apply and Seller shall credit Buyer for such Gas quantities not received on the monthly invoice for the applicable Gas delivery Month based at the following prices.

- ***Interruptible Gas requested on or before 7:30 am central prevailing time on the Business Day prior to the flow Day of the Gas ("On or Before 7:30 am Interruptible Gas"):***

The credit price in US\$ per MMBtu ("\$/MMBtu) for On or Before 7:30 am Interruptible Gas not received by Buyer ("Gas Credit Price_{On or Before 7:30 am}") shall be the Northern Ventura Daily Index ("NNG Ventura GD") published by the McGraw-Hill Companies or its successor thereto in *Platt's Gas Daily* under the heading Northern Natural Gas Co. in the column Ventura, Iowa minus \$0.10/MMBtu plus the Commodity Charge per the NNG Tariff ("Commodity_{NNG}") for the NNG Market Area plus applicable Surcharges per the NNG Tariff ("Surcharges_{NNG}") plus Fuel charges per the NNG Tariff for NNG Market Area unless the Buyer and Seller agree otherwise in writing.

$$\text{Gas Credit Price}_{\text{On or Before 7:30 am}} = [\text{NNG Ventura GD} - \$0.10/\text{MMBtu} \\ + \text{Commodity Charges} + \text{Surcharges}_{\text{NNG}}] \times [1 - \text{Fuel}]$$

- ***Interruptible Gas requested after 7:30 am central prevailing time on the Business Day prior to the flow Day of the Gas ("Post 7:30 am Interruptible Gas"):***

The credit price in US\$ per MMBtu ("\$/MMBtu) for Post 7:30 am Interruptible Gas not received by Buyer ("Gas Credit Price_{After 7:30 am}") shall be the Northern Ventura Daily Index ("NNG Ventura GD") published by the McGraw-Hill Companies or its successor thereto in *Platt's Gas Daily* under the heading Northern Natural Gas Co. in the column Ventura, Iowa minus \$0.20/MMBtu plus the Commodity Charge per the NNG Tariff ("Commodity_{NNG}") for the NNG Market Area plus applicable Surcharges per the NNG Tariff ("Surcharges_{NNG}") plus Fuel charges per the NNG Tariff for NNG Market Area unless the Buyer and Seller agree otherwise in writing.

$$\text{Gas Credit Price}_{\text{On or Before 7:30 am}} = [\text{NNG Ventura GD} - \$0.10/\text{MMBtu} \\ + \text{Commodity Charges} + \text{Surcharges}_{\text{NNG}}] \times [1 - \text{Fuel}]$$

4. **Definitions.** Any capitalized terms set forth herein that are not otherwise defined herein shall be as defined in the Base Contract.

"**Capacity**" shall have the meaning set forth in the Performance Obligation of this Transaction Confirmation.

"**Commodity Charges**" shall mean all commodity charges, ACA surcharges, GRI surcharges and other tariff charges assessed by a Pipeline pursuant to the FERC-approved tariff or governing documents of such Pipeline as a result of the actual transportation of Gas.

"**FERC**" means the Federal Energy Regulatory Commission.

"**Fuel**" means the quantity of Gas consumed by a Pipeline in transporting Gas and includes any provision by such Pipeline for lost and unaccounted for Gas, as determined in accordance with the approved tariff or governing documents of such Pipeline.

"**Modernization Charges**" shall mean any Pipeline charges whether recovered in a or Commodity Charge for the cost recovery related to modernizing Pipeline facilities and infrastructure to enhance the efficiency and safe operation of the Pipeline systems including but not limited to reduction of greenhouse gases, as set forth by FERC in Docket Nol. PL15-1-000 Cost Recovery Mechanisms for Modernization of Natural Gas Facilities or any other FERC proceeding or pipeline tariff.

“*NNG*” means Northern Natural Gas Company.

“*NNG Tariff*” means ANR’s FERC Gas Tariff, Fourth Revised Volume No. 1, as approved by the FERC and as may be amended from time to time.

“*Pipeline*” means NNG pipeline.

“*Surcharges*” shall mean all surcharges including Modernization Charges, if any, assessed by a Pipeline pursuant to the FERC-approved tariff or governing documents of such Pipeline as a result of the actual transportation of Gas.

[Signature page follows.]

CITY OF AMES, IOWA

BP CANADA ENERGY MARKETING CORP.

By: _____

Name:

Title:

Date: November ²⁶~~6~~, 2019

By: Alan D. Pederson

Name: Alan Pederson

Title: Attorney-in-Fact

Date: November 13, 2019

[Transaction Confirmation dated December 6, 2017]

COUNCIL ACTION FORM

SUBJECT: CYRIDE 2020 HVAC PROJECT PLANS AND SPECIFICATIONS

BACKGROUND:

CyRide was recently awarded grant money from the State of Iowa to replace heating, ventilation, and air conditioning (HVAC) equipment in the facility. The HVAC equipment in this project received the highest priority for replacement in CyRide's Transit Asset Management (TAM) plan. A TAM plan is required by the Federal Transit Administration, and its purpose is to ensure that facility and rolling stock assets are maintained in a state of good repair.

In early 2019, CyRide staff applied for an Iowa Department of Transportation Public Transit Infrastructure Grant (PTIG) for the replacement of HVAC equipment in five areas of the facility. In July, it was announced that CyRide would be a recipient of \$521,098 in requested grant money. The project is listed in the 2019-2024 CIP.

To accomplish the HVAC project, CyRide has accumulated the local match and has the following dollars available:

| Funds Available | Dollars |
|-------------------------|----------------|
| State PTIG Funds – 80% | \$ 521,098 |
| Local Match Funds – 20% | \$ 130,275 |
| Total Available | \$ 651,373 |

Architectural drawings and specifications are now on file in the Office of the City Clerk. The bid letting date is November 27, with bids due on January 7, 2020. Bid results will be reported to Council on January 14, 2020.

CyRide received approval for plans and specification for the CyRide 2020 HVAC Improvements project from the Transit Board of Trustees at its November 14, 2019 meeting.

ALTERNATIVES:

1. Approve plans and specifications for the CyRide 2020 HVAC Project and establish January 7, 2020 as the bid due date. Establish January 14, 2020 as the date to report bid results to Council.
2. Direct staff to continue to work with the Architect to refine the project plans.

CITY MANAGER'S RECOMMENDED ACTION:

Approval of the plans and specifications will allow CyRide to move forward with an important facility improvement project.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving plans and specifications for construction of the CyRide 2020 HVAC Project, and establish January 7, 2020, as the bid due date, and January 14, 2020 as the date to report bid results to Council.

COUNCIL ACTION FORM

SUBJECT: **DURHAM BANDSHELL LIGHTING AND ELECTRICAL UPGRADES
PLANS AND SPECIFICATIONS**

BACKGROUND:

Durham Bandshell was constructed in 1935. The facility was last updated in 2005 when new electrical outlets and devices were added for different user power requirements. There are still several original fused panelboards feeding electrical and lighting devices. The existing secondary conduits (main electrical service) entering the building at the basement are exposed and not installed per National Electrical Code (NEC). Thus, this project is to upgrade the lighting and electrical equipment.

The Base Bid includes upgrading the main electrical service, interior restroom lighting, exterior building lighting, and shell lighting. The specifications include installation of a new 600-amp distribution panelboard and consolidating power. Interior restroom lighting includes upgrading to LED fixtures to reduce the electrical load and simplify future maintenance requirements. These fixtures will also be equipped with dual technology occupancy sensors (infrared and ultra-sonic) to change intensity when occupancy is detected. Existing exterior lighting around the south and east/west entries to the building and restrooms will be upgraded to LED fixtures. Additional lighting fixtures with integral photocells to dim and change intensity when occupancy is detected will be installed in these areas. The shell lighting replaces the existing four-circuit incandescent colored lamp system with new state of the art linear LED products that will have color changing capabilities.

The project includes three alternates, which may be pursued if bids are favorable:

- Alternate #1 is to demo the old fuse panels and provide new wire/conduit to existing devices. It also includes a second 200-Amp Company Switch for hook-ups by outside vendors.
- Alternate #2 upgrades all existing interior lighting (excluding restrooms) to LED fixtures.
- Alternate #3 adds stage lighting. Two 20' tall poles with three adjustable floodlights are proposed on both sides of the stage approximately 50' from the front of the stage to provide additional "face light" for performers and "house lighting" for safe departure of audience members after a performance.

If the bid prices do not allow for the alternates to be completed as part of this project, these alternates may be pursued as separate projects when funds become available at a later date.

MODUS, Des Moines, Iowa was hired to develop plans and specifications, prepare a cost estimate, and provide project management for the lighting and electrical upgrades. The architect's cost estimate for the Base Bid and Alternates is shown below:

| <u>Architect/Engineer's Estimate:</u> | <u>Amount</u> |
|--|----------------------|
| Base Bid | \$129,719 |
| Contingency 10% | \$ 12,972 |
| Architect/Engineering Services (actual) | \$ 17,880 |
| Total Base Project Estimate | \$160,571 |

| | <u>Amount</u> |
|---|----------------------|
| Alternate #1 (additional electrical upgrades) | \$ 18,795 |
| Alternate #2 (interior building lighting excluding restrooms) | \$ 11,510 |
| Alternate #3 (stage lighting) | \$ 22,406 |
| Contingency 10% | \$ 5,271 |
| Total Alternate Estimate | \$ 57,982 |

The FY 2015/16 Capital Improvements Plan (CIP) included \$50,000 to replace the shell lighting and the FY 2017/18 CIP included \$115,000 to upgrade the electrical equipment for a total of \$165,000. The projects were not implemented in their originally programmed years due to a vacancy of the Auditorium/Bandshell Manager and a lack of staff expertise and knowledge in these areas.

ALTERNATIVES:

1. Approve Plans and Specifications for the Durham Bandshell Lighting and Electrical Upgrades Project and set the bid due date for January 7, 2020, and set January 14, 2020, as the date of hearing and award of the contract.
2. Do not approve the plans and specifications at this time, delaying the Durham Bandshell Lighting and Electrical Upgrades Project.
3. Refer back to staff.

CITY MANAGER'S RECOMMENDED ACTION:

The proposed project will address safety concerns and code issues, and replace outdated lighting with LED fixtures. With the Durham Bandshell being an important entertainment venue in the community since 1935, it is important to update infrastructure to ensure it provides a quality, safe experience for users. **Therefore, it is**

the recommendation of the City Manager that the City Council approve Alternative #1 as stated above.

ITEM#: 15
DATE: 11-26-19

COUNCIL ACTION FORM

SUBJECT: 2019/20 PAVEMENT RESTORATION PROGRAM (SLURRY SEAL)

BACKGROUND:

This is an annual program for preventative and proactive maintenance activities on City streets. This program allows for a wide variety of pavement maintenance techniques to preserve and enhance City street infrastructure. The techniques in this program are typically more specialized or larger in scope than can be performed with City street maintenance staff. The goal of projects in this program will be to repair and extend the lifespan of the City streets.

The project will level dips in joints and provide a new thin wearing surface for traffic. This work will take place predominately on residential streets with the disruption to residents being typically no more than one day. Work in all locations will be coordinated with other local projects to minimize traffic disruptions.

Staff has completed plans and specifications with **estimated costs of \$305,297.20**. There is \$250,000 of Road Use Tax funding allocated to this program annually in the Capital Improvement Plan. These funds have been accumulated and carried over in the current budget **leaving \$388,223.77 of available revenue to fund the project.**

Remaining funds will be utilized for other pavement restoration priorities.

ALTERNATIVES:

1. Approve the 2019/20 Pavement Restoration Program (Slurry Seal) by establishing December 11, 2019 as the date of letting and December 17, 2019 as the date for report of bids.
2. Direct Staff to make changes to the project.

MANAGER'S RECOMMENDED ACTION:

This project will repair and extend the lifespan of the City streets in the program and provide a better travelling experience for users of the corridors and for those living in the neighborhoods.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.

COUNCIL ACTION FORM

SUBJECT: FUEL FORWARDING PUMP HOUSE FIRE PROTECTION UPGRADE

BACKGROUND:

This contract is for the upgrade of the fire protection system at the City of Ames Combustion Turbine (CT) site located on Pullman Avenue. The current system is currently a pressurized Carbon Dioxide (CO2) system and needs to be upgraded to a dry pipe sprinkler system to meet current Insurance standards. The use of pressurized CO2 systems in building units is being phased-out due to the potential to create an oxygen depleted environment which could cause injury to human inhabitants. Additionally, the current system has limited operability and can be operated only for a fixed amount of time due to the limited supply of on-site CO2. Upgrading the system to a dry pipe sprinkler system would remove the possibility of creating an oxygen depleted environment and makes it safe for human inhabitants. Additionally, the upgraded system would provide a fire protection system that would not be dependent on the amount of fire extinguisher retardant available onsite as the system would be tapped in to the on-site water line for an “unlimited” supply of fire protection.

As such, City of Ames has prepared plans and specifications to upgrade the CT fuel forwarding building fire protection system to increase site safety precautions and to meet current Insurance recommendation.

The engineer's estimate to upgrade the CT fuel forwarding building fire protection system is \$149,000. The approved FY 2019/20 Capital Improvements Plan includes a funding carryover of \$782,005 for the Power Plant Fire Protection system.

ALTERNATIVES:

1. Approve preliminary plans and specifications for the Fuel Forwarding Building Fire Protection Upgrade, and set January 15, 2020 as the due date for bids and January 28, 2020 as the date of public hearing and award of contract.
2. Delay Fuel Forwarding Pump House Fire Protection Upgrade.

CITY MANAGER'S RECOMMENDED ACTION:

This work is necessary to upgrade the fire protection system to increase site safety precautions and to meet a recommendation from the insurance company.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as stated above.

COUNCIL ACTION FORM

SUBJECT: **AWARD OF CONTRACT FOR FLEXIBLE SPENDING ACCOUNT
ADMINISTRATION**

BACKGROUND:

The City of Ames Human Resources Department manages our employee benefits. One of these benefits is the Health Care and Dependent Care Flexible Spending Accounts for City employees and their dependents. There have been a number of challenges with the level of services provided by the current vendor, so the Human Resources Department decided to evaluate the marketplace and determine if there are other vendors available which could improve the service experiences of our City employees and dependents. The City enlisted Gallagher, Inc. to assist in developing the scope of services and to provide guidance during the evaluation process.

On October 11, 2019, the City initiated a Request for Proposals (RFP) process for flexible spending account administration. Requested services included: Flexible spending account administration for both health care and dependent care. The contract is for a 3-year term with (2) additional 1-year terms.

The RFP was issued to 16 firms and four bid services. We received responses from eight firms. An evaluation committee comprised of City staff members from Human Resources, Finance, and the Employee Benefits Advisory Team (BAT). This evaluation committee ranked the proposals based on the matrix provided in the RFP. Each proposal was evaluated based on a combination of services provided, cost of services, references, and the availability to implement a program by January 1, 2020.

The score of each criterion was based on a scale of 1 to 5 and then assigned a corresponding weight factor. The maximum possible score, combining all evaluators, was 1,500. The following criteria represented 70% of the overall score: the tools available to employees to submit a claim and view their account information, including the ease of using such tools; the substantiation process for over the counter medications (OTC) and dual purpose services; method of compliance in administration; ability to complete non-discrimination testing; quality of services; company qualifications, expertise, and resources; and relevant references of similar public programs with proven success of FSA administration. The proposed costs accounted for the remaining 30%.

The initial ranking based on the review of the submitted proposals and costs are listed below:

| Firms | Total Score | Rank | Fee Proposal for 5 Year Term |
|--------------------------------------|-------------|------|------------------------------|
| Ameriflex, Inc, Carrollton, TX | 1400 | 1 | \$39,600 |
| 24 Hour Flex, Denver, CO | 1147 | 2 | \$48,180 |
| TASC, Madison, WI | 1043 | 3 | \$50,820 |
| Flex Made Easy, Overland Park, KS | 1029 | 4 | \$61,400 |
| Pay Flex Systems USA, Inc, Omaha, NE | 896 | 5 | \$52,140 |
| Basic Benefits, Portage, MI | 866 | 6 | \$46,200 |
| Medsurety (NIS), Minnetonka, MN | 789 | 7 | \$73,850 |
| Wellmark, Des Moines, IA | 0 | 8 | Non-Responsive |

The top three firms were invited in for a demonstration and interview. All three provided a brief presentation, which included introducing their team members and their roles, demonstrating their understanding of the scopes of services and providing response to a list of questions. Interviews were evaluated based on ease of use of their websites and apps for both employees and City administration, substantiation of claims that meet regulations and the City's expectations, ability to implement the program in a short time period, and what sets them apart from other firms. As with the proposal scoring, each criterion was weighted and given a score based on a scale of 1 to 5.

The scores based on the interview, with a maximum possible of 2000, are shown below.

| Firms | Total Score | Rank | Fee Proposal for 5 Year Term |
|--------------------------------|-------------|------|------------------------------|
| TASC, Madison, WI | 1570 | 1 | \$50,820 |
| Ameriflex, Inc, Carrollton, TX | 1490 | 2 | \$39,600 |
| 24 Hour Flex, Denver, CO | 1110 | 3 | \$48,180 |

Based on a unanimous decision by the evaluation committee following the interviews, responses to follow up questions, and the determination of the best value to the City, the evaluation committee recommends TASC, Madison, WI as the top candidate.

The final three firms combined scores from the written proposal and presentation were ranked as follows:

| Firm | Total Score | Rank | Fee Proposal for 5 Year Term |
|--------------------------------|-------------|------|------------------------------|
| Ameriflex, Inc, Carrollton, TX | 2890 | 1 | \$39,600 |
| TASC, Madison, WI | 2613 | 2 | \$50,820 |
| 24 Hour Flex, Denver, CO | 2257 | 3 | \$48,180 |

The evaluation committee members are recommending TASC, Madison, WI for these services because of their belief this firm provides the best value and aligns most thoroughly with the goals of the City of Ames flexible spending account administration, as demonstrated throughout the evaluation process. In particular,

during the presentation portion, TASC provided references from Iowa public employers utilizing their services that were not included in the initial written proposal.

With TASC, substantiation of claims would not require more medical information than a provider prescription for Over the Counter medications (OTC) and dual purpose services, reimbursements to members would not take longer than 48 hours, there is a local Iowa presence for customer service on the account, and invoicing occurs on an incurred claims basis and not on a pre-funded basis. While the combined scores ranked Ameriflex highest overall, Ameriflex did not demonstrate the ability to meet the City's service expectations during the interview portion of the evaluation process.

Overall, TASC is recommended based on the cohesiveness of their business team, expertise and success of their flexible spending account administration staff, and robust reporting capabilities that were an added value above what was requested in the RFP. Additionally, TASC has strong recommendations from all of their references and has demonstrated success in growing program participation and program impact in organizations who have similar goals and employee populations to the City of Ames in both the public and private sectors.

Funds for the services in this proposed contract will be paid from the City's Health Insurance Budget. The allocated FY 2019/20 Budget is \$11,000 for these services.

ALTERNATIVES:

1. Award a three-year contract with an option to renew for two additional one-year periods to TASC, Madison, WI for Flexible Spending Account Administration Services beginning January 1, 2020 to December 31, 2023, at a cost of \$10,395 per year. The cost of renewal for the final two years will be negotiated prior to the end of Year 3.
2. Direct staff to negotiate a contract for flexible spending account administration services with one of the other firms that submitted a proposal to the City.
3. Do not award a contract for the Flexible Spending Account Administration Services Contract.

CITY MANAGER'S RECOMMENDED ACTION:

TASC has an extensive record of providing flexible spending account administration services to city government and public organizations throughout Iowa as well as demonstrated success in the private sector in Flexible Spending Account Administration programs most similar to the City of Ames. Utilizing TASC's services will strengthen administration of City Flexible Spending Account programs by providing a more

reasonable substantiation process which would protect employee health information, while providing timely claim processing and reimbursement of funds back to employees.

While awarding this contract to TASC is \$11,220 more than the lowest cost proposal over a five-year term, staff believes TASC will provide the best value to the City by providing the necessary resources to enable the City to continue to improve the Flexible Spending Account program. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.

COUNCIL ACTION FORM

SUBJECT: **AWARD A MASTER LICENSE AND SERVICE AGREEMENT FOR
VENDOR MANAGEMENT AND ELECTRONIC BIDDING SOFTWARE**

BACKGROUND:

Two long-term goals of the Purchasing Division are to implement an automated method for managing City vendors and their interest in the City's business, and to issue and receive bids and proposals (bids) electronically. These goals can be met through a type of product that is provided as a software-as-a-service (SAAS).

Purchasing's current process includes managing multiple vendor lists manually through spreadsheets maintained by each procurement specialist, who collect the vendor contact information and products or services they provide. Most bids are issued electronically through the City's email system and, depending on the type of bid, are submitted either electronically or in paper form. All public improvement bids are received in paper form. Addenda are issued through the City's email system.

Software exists to allow vendors to register for City business, provide contact information, and identify the products and services they provide. The software improves communication, transparency, and record-keeping regarding our vendors. When a bid is created staff will select a commodity or service code and, if vendors are registered under the code, they are sent an email regarding the bid providing them a direct link into the software. Staff will also have the ability to add any additional vendors who may not be registered. Bids are set up so the vendor is not able to submit a bid until all required fields are completed, thus limiting the risk of a non-compliant bid. This will eliminate incomplete submissions or unsigned bids. A bid tabulation is automatically created and posted for vendors and departments to view. This process is currently completed manually.

In June 2018, Iowa State University (ISU) competitively bid a Procurement Bidding/Sourcing Software. ISU completed its evaluation and determined IONWave was the best software. As part of that bid, the vendor offered the software and associated pricing to other Regents Institutions, other State of Iowa public agencies, and municipalities. Other agencies that have entered into agreements with IONWave from the ISU bid include the City of Des Moines, City of Iowa City, and Iowa DOT.

IONWave has committed to providing the City the software at the pricing offered in the ISU bid. A 35% discount is available by committing to a five-year license rather than five single-year agreements. Costs for the service are as follows:

| | | |
|--------------|-----------------------------|-----------------|
| Year 1 | Dec 1, 2019 – Nov. 30, 2020 | \$10,725 |
| Year 2 | Dec 1, 2020 – Nov. 30, 2021 | \$11,225 |
| Year 3 | Dec 1, 2021 – Nov. 30, 2022 | \$11,725 |
| Year 4 | Dec 1, 2022 – Nov. 30, 2023 | \$12,225 |
| Year 5 | Dec 1, 2023 – Nov. 30, 2024 | \$12,725 |
| TOTAL | | \$58,625 |

Although the agreement is for five years of service, the fees will be billed annually. The FY 2019/20 Purchasing Division computer maintenance budget includes \$16,000 for the cost of this software. The agreement includes a non-appropriation clause in the event funding for the service is not provided in future budget years.

The City Council is being asked to approve the request to waive the Purchasing Policy threshold of \$25,000 and utilize ISU’s pricing agreement AND award for a five-year master license and service agreement to IONWave Technologies, Inc, Springfield, MO, in the amount of \$58,625 at this time rather than a one-year agreement with renewal options. Implementation is expected to take approximately four months.

ALTERNATIVES:

1. Award the request to waive the Purchasing Policy threshold of \$25,000 and utilize ISU’s pricing agreement for a five-year master license and service agreement with IONWave Technologies, Inc, Springfield, MO for Vendor Management and Electronic Bidding System Software to in the amount of \$58,625.
2. Do not approve the five-year agreement and direct City staff to enter into an annual agreement for a higher net cost.
3. Do not approve the agreement.

CITY MANAGER’S RECOMMENDED ACTION:

A modern vendor management and electronic bidding platform is essential to provide excellent customer service to the City’s vendor community. The system will provide Purchasing staff a centralized tool that is transparent and allows efficient management of the vendors interested in doing business with the City, as well as the ability to submit bids electronically, automatically create bid tabulations, and provide award information quickly to the vendor community. The proposed system provides for a versatile product that will assist City staff to more effectively manage the bidding process.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

COUNCIL ACTION FORM

SUBJECT: CYRIDE PARTIAL YEAR FUEL PURCHASE BID

BACKGROUND:

CyRide has purchased fuel on a calendar year basis since 2014, when fuel futures contracts were last used for budget stabilization. Since then, CyRide has been bidding fuel at a cost over or under market rates on a calendar year basis. Market rate for the bid, and resulting contract, is the Des Moines Terminal average fuel price published daily on the Iowa DOT website. Purchasing fuel in this manner has put the fuel contract out of synchronization with the rest of the commodities CyRide purchases. Since futures contracts will not be used again in the foreseeable future, a six month contract was recently bid so that fuel purchases can again be aligned with the fiscal year. In May 2020, CyRide will bid fuel again for the next fiscal year.

On October 28, 2019, a request for proposals was issued for the purchase of diesel fuel from January 1, 2020 through June 30, 2020. Bids were due November 6, 2019, and three suppliers provided bids. The bids are listed in the table below.

| Bidder | #1 Diesel | #2 Diesel | Biodiesel | Cold Flow Improver |
|-------------------|-----------|-----------|-----------|--------------------|
| Diamond Oil | -\$0.0300 | -\$0.0160 | -\$1.1000 | \$0.0105 |
| Keck Energy | -\$0.0350 | -\$0.0181 | -\$0.6500 | \$0.0100 |
| Petroleum Traders | -\$0.0357 | \$0.0203 | \$0.0184 | \$0.0400 |

CyRide staff performed a bid analysis based on the quantities of fuel consumed from January 1, 2019 to June 30, 2019. Diamond Oil of Des Moines, IA had the best overall price for the contract period because of its discount on biodiesel. CyRide anticipates using up to 187,500 gallons of fuel during the contract period for a total not-to-exceed contract amount of \$515,625. The not-to-exceed contract amount is based on the approved FY 2019/20 budget price of \$2.75 per gallon.

CyRide received approval for contract award and the not-to-exceed contract amount from the Transit Board of Trustees at its November 14, 2019 meeting.

ALTERNATIVES:

1. Approve award to Diamond Oil of Des Moines, IA as the overall lowest bidder for fuel purchases from January 1, 2020 until June 30, 2020 at a not-to-exceed contract amount of \$515,625.
2. Reject the bids and direct staff to modify the fuel bid to reflect Council priorities.

CITY MANAGER'S RECOMMENDED ACTION:

This bid reflects the lowest price for CyRide to purchase fuel at a deduction from market rate during the specified contract period.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving contract award to Diamond Oil of Des Moines, IA for CyRide fuel purchases from January 1, 2020 until June 30, 2020 at a not-to-exceed contract amount of \$515,625.

COUNCIL ACTION FORM

SUBJECT: PUBLIC WORKS TRAFFIC PAINT STRIPING TRUCK REPLACEMENT

BACKGROUND:

The City currently has one truck-mounted paint machine for painting longitudinal lines. This has allowed for annual line painting, but presents some challenges for quality, safety and efficiency. There is no side-to-side adjustment, so the driver and operator must pay close attention to the line. This also presents a safety challenge, as focusing on the painting does not allow the driver to focus entirely on the traffic. The existing unit is mounted on a truck and requires two to three days to install each painting season.

These challenges create considerable efficiency, quality and safety issues. To address these challenges, the Traffic Division will replace the existing unit with a paint striping truck. This truck will be an all-in-one unit and will allow for side-to-side adjustment. The operator will sit in the back of this unit and have more adjustments that will increase the quality of the painting. There will also be more flexibility for painting year-round as needed and more flexibility for painting small areas impacted by construction.

Bids were received on November 7, 2019 as follows:

| Vendors | Chassis Year/Make/Model | Proposed Base Price | Option 1: Canopy over operator's seat | Option 2: Changeable message sign |
|-------------------------|---|--------------------------------|--|--|
| EZ-Liner | 2019 Isuzu, NPR- HD Gas | \$140,070 | Incl. | \$3,945 |
| Housby/M-B Companies | 2019 Isuzu, NPR- HD Gas | \$178,620 | - | - |
| Bob Brown Chevrolet | 2019 Chevrolet, 4500LCF | \$178,983 | - | - |
| M-B Companies, Inc. | 2019 M-B Companies inc., Maxi-110A Drum | \$180,977 | \$2,853 | \$13,596 |

The low bid is from EZ-Liner, of Orange City Iowa for a paint truck in the amount of \$140,070. Including the option for a changeable message board on the back of the truck for notification of motorists, the **total cost is \$144,015.**

The existing unit currently has replacement funding in the amount of **\$151,177.**

ALTERNATIVES:

1. Award a contract to EZ-Liner in the amount of \$140,070 (base bid) for the paint truck and \$3,945 for the changeable message board (add Option 2) for a total cost of \$144,015.
2. Reject the bids.

MANAGER'S RECOMMENDED ACTION:

The purchase will increase the quality, safety and efficiency of painting operations.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.



MEMO

To: Mayor and Members of the City Council

From: City Clerk's Office

Date: November 26, 2019

Subject: Contract and Bond Approval

There is/are no Council Action Form(s) for Item No. 21. Council approval of the contract and bond for this/these project(s) is simply fulfilling a *State Code* requirement.

/alc

COUNCIL ACTION FORM

**SUBJECT: LEGAL SERVICES FOR SERVICE TERRITORY DISPUTE WITH
USDA**

BACKGROUND:

The USDA's National Center for Animal Health occupies 523 acres on the northeast side of Ames. The property straddles the service territory boundary between Interstate Power and Light Company (IPL) and Ames Municipal Electric System (AMES), such that 153.85 acres is in AMES service territory. Attachment 1 is an aerial photograph showing the property with the AMES territory circled in blue. **AMES serves several buildings in this area, including one identified by USDA as Building 21. USDA would prefer that Building 21 be served by IPL.**

The Iowa Legislature enacted exclusive service territories for electric utilities in order to "encourage the development of coordinated statewide electric service at retail, to eliminate or avoid unnecessary duplication of electric utility facilities, and to promote economical, efficient, and adequate electric service to the public." Iowa Code § 476.25. Pursuant to that statute, the Board established exclusive service territories throughout Iowa and electric utilities have designed their systems based upon those established boundaries. While the Board has the authority to modify the boundaries based upon considerations such as preventing unnecessary duplication of facilities or natural or physical barriers that prevent economic service arrangements, the boundaries may only be modified if the Board finds the change is in the public interest.

AMES' records indicate that AMES began providing service to Building 21 in 2004. In recent years, Building 21 has averaged a peak load of 350 kW and represents annual electric sales of about 2,533,656 kWh, for annual revenues to AMES of close to \$200,000 per year. This makes Building 21 one of AMES' 15 largest customers in terms of usage and revenue. Losing this customer would have an adverse impact on the remaining retail customers of AMES. The USDA has also made it known that they are planning a building expansion and consolidating additional labs into Building 21; the loss of revenue could grow to nearly \$500,000/year.

The USDA asked the Board to modify the service area boundaries around Building 21 to assign the building to IPL's service territory or to "simply declare that it will not be deemed a territorial violation by [IPL] if the USDA disconnects Building 21 from [AMES]."

USDA's Complaint

USDA says that it has upgraded its electrical systems served by IPL to provide

redundancy and reliable power to certain laboratory facilities. IPL delivers service to USDA's facilities at a location known as Building 153, which has two feeders, backup generators, and full-time monitoring. USDA would like to connect Building 21 to Building 153. AMES has suggested a number of alternative solutions that would provide redundant, reliable service to Building 21 with full-time monitoring, but USDA has rejected those suggestions without explanation.

Due to USDA's complaint at the IUB, specialized outside legal services were needed. On September 26, 2018, the City Attorney signed an Engagement Letter for legal services with the BrownWinick law firm of Des Moines. An initial Purchase Order was created in an amount of \$24,900 to begin the work, with hopes of an agreeable settlement without a hearing.

As negotiations stalled, it was clear the City was going to hearing at the IUB, so Change Order #1 for \$24,900 was approved on August 15, 2019 to prepare and defend the initial complaint. The hearing was held on August 27, 2019.

Since the hearing, the IUB has reopened the hearing to request additional data from AMES, IPL and the USDA. Outside legal counsel is performing additional work to respond to these data requests and to review and respond to the responses made by the other parties. Staff has requested the IUB allow the City the opportunity to re-cross examine the other witnesses, if necessary. Following the filing of post-hearing briefs and the possible outcome, the City may need to be prepared to appeal the ruling to District Court. Staff is requesting that the City Council approve Change Order #2 in an amount of \$50,000. That action will increase the overall authorized amount to \$99,800.

The FY 2019/20 Purchased Power budget includes \$86,300 of unobligated funding for outside legal services, which can be used to cover this additional \$50,000 expense.

ALTERNATIVES:

1. Approve Change Order #2 in an amount of \$50,000 to the professional services agreement with BrownWinick of Des Moines, Iowa, increasing the amount of the purchase order to \$99,800. The City will continue to be billed on an hourly basis for services incurred in accordance with the agreement.
2. Do not approve the proposed change order and ask staff for further information.

CITY MANAGER'S RECOMMENDED ACTION:

USDA, a retail electric customer, does not have the statutory authority to seek a modification of electric service territory boundaries pursuant to Iowa Code § 476.25. That statute required the Board to establish exclusive service areas by July 1, 1979,

with boundaries that were approximately equidistant from then-existing electric distribution lines. Electric service territory boundaries were established to preserve existing relationships between utilities and their customers, to prevent unnecessary duplication of facilities, to take account of natural barriers to service, and to recognize any contracts between electric utilities. Those boundaries have been an important factor in distribution system design since they were established, as utilities rely on the established boundaries to determine where they can, and where they cannot, provide retail electric service. It is critical that the City challenge this complaint at the IUB; loss of this load would cause shift costs to the remaining electric customers of the City.

BrownWinick has provided excellent service to the Electric Utility throughout this process; seeking other legal counsel at this point, or discontinuing the process altogether, could seriously impair the results.

Therefore, it is the recommendation of the City Manager that City Council adopt Alternative No. 1, thereby approving a change order to the professional services agreement with BrownWinick of Des Moines, Iowa, in the amount of \$50,000 and increasing the total authorized amount to \$99,800.

COUNCIL ACTION FORM

**SUBJECT: CHANGE ORDER #3 FOR FIELD ENGINEERING SERVICES FOR UNIT
#7 TURBINE GENERATOR OVERHAUL AT POWER PLANT**

BACKGROUND:

This CAF is for additional start-up technical assistance for General Electric (GE) field engineering for the Unit 7 turbine-generator overhaul.

GE is the OEM (Original Equipment Manufacturer) for the Unit 7 turbine and generator. Overhaul of the turbine and generator require precision and detailed craftsmanship to ensure that detailed designs clearances are maintained for proper operation of the turbine and generator units. To ensure that OEM practices and standards are met during the overhaul, the City has contracted with GE to provide engineering services to assist with technical direction and oversight of turbine/generator overhaul activities. These services are to ensure that the contractors are following vendor recommended practices and procedures to ensure the safe and reliable operation of the turbine and generator while in operation.

Technical support from GE was not originally planned to be required for the start-up of the Unit 7 turbine/generator after the overhaul. This was identical in nature to what was done the last time the unit was overhauled. However, extensive repair work was required on turbine components once the overhaul project commenced. Only after the turbine was disassembled was the extent of the needed repairs understood. Due to the extent of these repairs, it is prudent to have a GE representative on site during start up to ensure that contractors are meeting the technical guidelines for system start-up, and verify that the units are operating within OEM recommendations. Additionally, in the event that there are any issues associated with the turbine/generator during, the GE onsite engineer will be able to provide any immediate OEM support which would minimize additional downtimes.

CHANGE ORDER HISTORY:

Two change orders were previously issued for this contract. Change Order #1, in the amount of \$49,986.22, was approved by the City Council on September 24, 2019. This change order was for additional testing and re-babbiting of turbine bearings 1, 2 and 4.

Change Order #2, in the amount of \$40,000 was for the additional work performed for approximately one week of field engineering oversight needed when the turbine was sent off site and returned. This change order was approved by staff.

THIS ACTION:

Change Order #3, in the amount of \$40,000, is needed to complete the testing of the Unit 7 generator exciter at the time of startup of the unit. This work is expected to take approximately one week.

The approved FY 2018/19 Capital Improvements Plan includes the following funding for the Unit 7 Turbine Generator Overhaul.

| | |
|---------------------------|--------------------|
| 2017/18 Engineering/Parts | \$ 750,000 |
| 2018/19 Labor | 1,500,000 |
| 2018/19 GE Tech Support | <u>300,000</u> |
| TOTAL | \$2,550,000 |

Contracts awarded to date on this project are:

| | |
|--|--------------------|
| HPI LLC (<i>Perform Overhaul</i>) | \$716,997.25 |
| Change Order #6 | 18,600.75 |
| General Electric (<i>Field Engineering Services</i>) | \$287,986.22 |
| Change Order #3 | 40,000.00 |
| MD&A (<i>Turbine Parts</i>) | \$139,936.42 |
| Argo (<i>Turbine Parts</i>) | \$336,159.04 |
| Burns & McDonnell (<i>Engineering</i>) | <u>\$43,000.00</u> |
| Total | \$1,582,679.68 |

ALTERNATIVES:

1. Approve Change Order #3 with General Electric International, Omaha, NE, for additional testing of the Unit 7 generator exciter in the amount of \$40,000.
2. Forego additional engineering assistance and start the unit without technical assistance from GE. In the event that there are issues during start-up, associated with the overhaul activities, GE would have to send engineering assistance to the site causing start-up delays while contractors are already on-site. Engineers may also have limited availability if not scheduled to be on-site during start-up.

CITY MANAGER'S RECOMMENDED ACTION:

This project will complete an overhaul of Unit 7 Turbine generator and turbine. It is crucial to perform this work in a timely fashion in order to maintain compliance with the turbine generator and maintain reliability. General Electric is the manufacturer of the turbine generator and is the only company that has access to OEM design standards and designs.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

COUNCIL ACTION FORM

SUBJECT: CHANGE ORDER NO. 6 - UNIT 7 TURBINE GENERATOR MAJOR OVERHAUL

BACKGROUND:

The Power Plant's two steam turbine-generator units must be periodically disassembled for inspection and repair. The basic scope of work is commonly referred to as "open, clean, and close." In this process, the turbine-generator is opened (disassembled), cleaned (key parts and components are measured, cleaned, and repaired or replaced), and closed (reassembled for operation). The 2018/19 Capital Improvements Plan included a project to perform this type of overhaul on the Unit 7 turbine and generator.

Several mechanical parts of the Unit 7 turbine were repaired or replaced during the fall 2019 overhaul. Several of the parts require high precision machining and clearance tolerances to maintain proper function while the unit is online. The parts include: turbine blades, turbine diaphragms, bearings, and mechanical seals. Due to these modifications, it is imperative that original equipment manufacturer (OEM) recommended clearances are met, to prevent mechanical components from "rubbing" while online which could result in additional equipment wear or even catastrophic failure.

To help ensure that the turbine/generator clearances are acceptable online, it is highly recommended by the OEM and industry professionals to do additional vibrational and balance testing during first start-up after turbine/generator overhauls. This includes on-site assistance from a machinery diagnostics expert. This industry expert monitors turbine/generator vibrations while the unit is online to determine if vibration levels are acceptable, and to identify imbalances in the turbine/generator units. These imbalances are often addressed by adding balance weights to the generator rotor at the recommendation of the onsite expert.

Historically, the City of Ames has used an independent contractor for this support during start-up, and thus was not included in the original bid pricing. However, the City of Ames has received three quotes from machinery diagnostics experts, and has determined that IMD, LLC has the expertise to perform the online diagnostics to perform the necessary online testing.

PRIOR ACTIONS

On June 11, 2019, the Ames City Council approved a contract with HPI, LLC in the amount of \$411,464 to overhaul the Unit 7 turbine-generator at the City's Electric Plant. This contract is for the "open, clean, and close" type of work as previously described.

Change Order No. 1, for \$15,482.45, was approved by staff for additional electrical tests recommended by GE (the OEM) to be performed on Unit 7 generator.

Change Order No. 2, for \$225,361.55, was approved by Council on September 17, 2019 for shop Rotor and Diaphragm repairs to be performed on Unit 7 turbine as recommended by GE (OEM).

Change Order No. 3, for \$28,386.00 was approved by staff for the additional labor, materials, and equipment necessary to ship the Unit 7 turbine rotor and diaphragms for repairs.

Change Order No. 4, for \$14,290.00 was approved by staff for shop repairs on steam seal bushing and spill strips.

Change Order No. 5, for \$3,412.50 for shipping on the Unit 7 turbine to Orbital Energy for erosion repairs and additional charges due to crane delay.

THIS ACTION

IMD Startup Support is needed for start-up support per OEM recommendations and industry standards to ensure the safe and reliable operation of the Unit 7 turbine and generator during plant operation.

This extra work is priced at \$18,600.75 according to the quotation from HPI dated November 4, 2019. HPI's quotation references a detailed description of work and pricing from its subcontractor.

Therefore, this action is to request approval of Change Order No. 6 to HPI, LLC for \$18,600.75 for the necessary IMD Startup Support on the steam turbine as described. HPI is not licensed to collect Iowa sales tax, so the City will be responsible for paying sales tax directly to the state. The sales tax amount is \$1,302.05.

The approved FY 2018/19 Capital Improvements Plan includes the following funding for the Unit 7 Turbine Generator Overhaul.

| | |
|---------------------------|--------------------|
| 2017/18 Engineering/Parts | \$750,000 |
| 2018/19 Labor | \$1,500,000 |
| 2018/19 GE Tech Support | <u>\$300,000</u> |
| TOTAL | \$2,550,000 |

Contracts awarded to date on this project are:

| | |
|--|------------------|
| HPI LLC (<i>Perform Overhaul</i>) | \$716,997.25 |
| Change Order #6 | 18,600.75 |
| General Electric (<i>Field Engineering Services</i>) | \$287,986.22 |
| Change Order #3 | 40,000.00 |

| | |
|---|-----------------------|
| MD&A (<i>Turbine Parts</i>) | \$139,936.42 |
| Argo (<i>Turbine Parts</i>) | \$336,159.04 |
| <u>Burns & McDonnell (<i>Engineering</i>)</u> | <u>\$43,000.00</u> |
| TOTAL | \$1,582,679.68 |

ALTERNATIVES:

1. Approve Change Order No. 6 to HPI, LLC in the amount of \$18,600.75 for IMD Startup Support to Unit 7's steam turbine.
2. Do not approve the requested change order.

CITY MANAGER'S RECOMMENDED ACTION:

These repairs to Unit #7's steam turbine are critical to restore the performance and integrity of the unit. The tests proposed are considered normal for the start-up of a turbine/generator after a major unit overhaul. Engineers from the Electric Department have evaluated the proposed work in the change order and agree that the scope and pricing are appropriate.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.

COUNCIL ACTION FORM

SUBJECT: CHANGE ORDER No. 6 - TO PROVIDE ENGINEERING AND RELATED SERVICES NECESSARY TO COMPLY WITH U.S. EPA'S COAL COMBUSTION RESIDUALS (CCR) STANDARD [40 CFR PART 257]

BACKGROUND:

On April 17, 2015, the Final Rule entitled "Hazardous and Solid Waste Management System; Disposal of Coal Combustion (CCR) Residuals From Electric Utilities" was published in the *Federal Register*, which regulated the disposal of ash in surface impoundments and landfills resulting from the burning of coal in electric utility boilers. Subsequent to that action, there have been two significant amendments to the final rule, where in the first case EPA corrected a key compliance date, and in the second case EPA extended the original compliance deadlines for certain CCR rule requirements by 547 days.

In response to a greater focus by the EPA on coal ash sites, the City of Ames Electric Services began looking for, and building a long-term relationship with a consulting firm that specializes in coal ash site activities, with deep understanding of current and pending EPA rules.

In 2017, the City needed to comply with several near-term requirements of the CCR rule adopted by the EPA. For this scope of work the City issued a request for proposals (RFP) that resulted in the City receiving nine (9) proposals ranging in price from \$30,710 to \$124,350, with an average price of \$76,555.33.

SCS Engineers of Clive, Iowa, was selected as the preferred engineering consultant from the nine proposals for this initial project based upon the combination of technical expertise and price (SCS's proposal was the lowest priced). On December 19, 2017, SCS Engineers was issued a Purchase Order to complete nine (9) studies/reports required to comply (by April 17, 2018) with the CCR rule. This initial scope of work included:

- 1) documenting the liner type
- 2) compiling the history of construction of the site
- 3) classifying the initial hazard potential
- 4) assessing the initial structural stability
- 5) assessing the initial safety factor
- 6) preparing the initial inflow design flood control system plan
- 7) preparing the initial written closure plan
- 8) preparing the initial written post-closure plan
- 9) preparing an emergency action plan (compliance date of October 16, 2018)

It needs to be emphasized that the working relationship between Electric Services and the consulting firm for this work is not like most contractual relationships, with a defined scope with clear start and end points. The CCR rule has many milestones to comply with stretching out over many years. Further, the rules keep changing due to court challenges and actions. Therefore, it is imperative that we continue to work with a strong consulting firm with these critical skills. As Electric Services continues to respond to existing and new EPA rules, it is anticipated that additional change orders will be required to meet these ongoing and new requirements.

CHANGE ORDER HISTORY:

Change Order No. 1, in the amount of \$4,415 was to satisfy the CCR rule's requirement for a qualified professional engineer to perform an annual inspection (with a report) of the ash site.

Change Order No. 2, in the amount of \$122,780 was to satisfy the requirements of the CCR rule to install a groundwater well system around the ash site and to subsequently monitor the site by sampling and analyzing water from the wells in accordance with the CCR rule.

Change Order No. 3, in the amount of \$10,280 was to: 1) update the Fugitive Dust Control Plan, 2) to conduct a site visit and investigation and prepare the Annual CCR Fugitive Dust Control Report, 3) to conduct a site visit and investigation to prepare the Annual Inspection Report by a qualified professional engineer, and 4) to prepare the Annual Inspection Report by a qualified professional engineer.

Change Order No. 4, in the amount of \$39,880 was to provide the City of Ames with feasible alternatives to transition the ash site in its current arrangement into a site that is useful for the future and in compliance with U.S. EPA's CCR rule.

Change Order No. 5, in an estimated amount of \$196,180 was to provide design and engineering services along with permit acquisition and bidding support necessary to comply with U.S. EPA's Coal Combustion Residuals (CCR) rule by closing-in-place a portion of the City's Steam Electric Plant's ash impoundment, and by reconstructing the remainder of the impoundment to support the power plant's future ash handling needs.

THIS ACTION:

This change order, Change Order No. 6, for an estimated price of \$57,025 to SCS Engineers of Clive, Iowa, is for them to provide engineering and related services necessary to comply with the U.S. EPA's CCR regulation's requirements pertaining to groundwater monitoring, fugitive dust control, annual inspection, and the location restrictions of the code for the City of Ames Steam Electric Plant's ash impoundment. The scope of work of this change order is listed and described below:

- 1) Perform semi-annual groundwater sampling of the ash impoundment's monitoring wells (2 events),

- 2) Perform additional groundwater sampling if needed and as required by code (the change order assumes 4 additional sampling events),
- 3) Develop and prepare the required annual groundwater monitoring and corrective action report,
- 4) Reimburse the consulting firm for the licensing fee for the software used to perform the required statistical analysis of the groundwater monitoring results. (The software company charges a fee for each site the software is used for),
- 5) Develop and prepare the required annual CCR fugitive dust control report,
- 6) Inspect the site and prepare the required annual inspection report by a qualified professional engineer,
- 7) Perform the necessary research to develop and prepare the required report to describe the site relative to (5) specific "location restrictions" in the CCR code. The location restrictions are:
 - a. location of the site in relation to placement above the uppermost aquifer
 - b. location of the site in relation to wetlands,
 - c. location of the site in relation to fault areas,
 - d. location of the site in relation to seismic impact zones, and
 - e. location of the site in relation to unstable areas.
- 8) An allowance is included in this change order for additional engineering and related services, however, at this time, such additional services are unknown and uncommitted. (If additional services are required, they will be charged on a time and material basis).

The above scope of services is described in a proposal from SCS Engineers dated November 19, 2019.

The approved FY 2019/20 Capital Improvements Plan includes the following funding for the Ash Pond Modification project.

| | |
|--------------------------------|--------------------|
| 2017/18 Engineering | \$300,000 |
| 2019/20 Engineering | \$200,000 |
| 2019/20 Excavation & Re-lining | <u>\$2,000,000</u> |
| TOTAL | \$2,500,000 |

Contracts awarded to date on this project are:

| | |
|--|------------------------|
| SCS Engineering (<i>Engineering</i>) | \$404,785 |
| Change Order #6 | <u>\$57,025</u> |
| Total | \$461,810 |

ALTERNATIVES:

1. Issue Change Order No. 6 in the amount of \$57,025 to SCS Engineers of Clive, Iowa, to provide engineering and related services necessary to comply with U.S. EPA's CCR regulation's requirements pertaining to groundwater monitoring, fugitive dust control, annual inspection, and the location restrictions of the code for the City of Ames Steam Electric Plant's ash impoundment.
2. Reject the proposal and solicit equivalent engineering services from another engineering firm.

MANAGER'S RECOMMENDED ACTION:

This scope of work is necessary for the City of Ames Steam Electric Plant to continue to functionally operate and be in compliance with U.S. EPA's CCR rule. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.



Item No. 26

Public Works Department

515 Clark Avenue, Ames, Iowa 50010
Phone 515-239-5160 ♦ Fax 515-239-5404

November 26, 2019

Honorable Mayor and Council Members
City of Ames
Ames, Iowa 50010

RE: South Fork Wrap Up Financial Security Reduction #4

Mayor and Council Members:

I hereby certify that the South Fork 4th Addition side yard sidewalks required as a condition for approval of the final plats of **various additions of the South Fork Subdivision** have been completed in an acceptable manner by **Hetzler & Rhodes Concrete Construction Inc.** of Nevada, Iowa. The above-mentioned improvements have been inspected by the Engineering Division of the Public Works Department of the City of Ames, Iowa, and found to meet City specifications and standards.

As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision be reduced to **\$5,000**. The remaining work covered by this financial security includes installation of street trees.

Sincerely,

John C. Joiner, P.E.
Director

JJ/nw

cc: Finance, Planning & Housing, Subdivision file

| Description | Unit | Quantity |
|------------------------|------|----------|
| REMAINING STREET TREES | LS | 1 |



Smart Choice

Public Works Department

515 Clark Avenue, Ames, Iowa 50010
Phone 515-239-5160 ♦ Fax 515-239-5404

November 26, 2019

Honorable Mayor and Council Members
City of Ames
Ames, Iowa 50010

RE: Hayden's Crossing 2nd Addition Financial Security Reduction #4

Mayor and Council Members:

I hereby certify that a portion of the public sidewalk required as a condition for approval of the final plat of **Hayden's Crossing 2nd Addition** has been completed in an acceptable manner by **various homebuilders**. The above-mentioned improvements have been inspected by the Engineering Division of the Public Works Department of the City of Ames, Iowa and found to meet City specifications and standards.

As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision be set at **\$37,810.00**. The remaining work covered by this financial security includes installation of public sidewalk, a pedestrian ramp, and street trees.

Sincerely,

John C. Joiner, P.E.
Director

JJ/nw

cc: Finance, Planning & Housing, Subdivision file

| Description | Unit | Quantity |
|--------------------|------|----------|
| Sidewalk, PCC, 4" | SY | 800 |
| Sidewalk, PCC, 6" | SY | 5 |
| Detectable Warning | SF | 10 |
| Street Trees | LS | 1 |

COUNCIL ACTION FORM

SUBJECT: FINAL COMPLETION OF THE WATER POLLUTION CONTROL FACILITY PRIMARY CLARIFIER DRIVE REPLACEMENT PROJECT

BACKGROUND:

On June 26, 2018, City Council awarded a contract to Woodruff Construction, LLC in the amount of \$234,730 for the primary clarifier drive replacement project at the Water Pollution Control Facility (WPCF). There were no change orders associated with the work.

All work under this contract was completed in accordance with the plans and specifications.

ALTERNATIVES:

1. Accept final completion of the WPCF Primary Clarifier Drive Replacement Project and authorize final payment, in accordance with the contract, to Woodruff Construction, LLC.
2. Do not accept completion of the WPCF Primary Clarifier Drive Replacement Project at this time.

CITY MANAGER'S RECOMMENDED ACTION:

Work for the project has been completed in accordance with plans and specifications. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.

COUNCIL ACTION FORM

**SUBJECT: PLAT OF SURVEY (BOUNDARY LINE ADJUSTMENT) FOR 2130
McCARTHY ROAD**

BACKGROUND:

The City's subdivision regulations found in Chapter 23 of the Ames Municipal Code include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The regulations also describe the process for combining existing platted lots or conveyance parcels in order to create a parcel for development purposes. A Plat of Survey is allowed by Section 23.309 for the consolidation of conveyance parcels and for boundary line adjustments.

On November 12, 2012, the City Council approved a Plat of Survey that consolidated two conveyance parcels at 2122 and 2130 McCarthy Road into a single Parcel "B" (See *Attachment A: Location Map*, and *Attachment D: Approved Plat of Survey Establishing Parcel "B" (11/12/12)*) The reason for combining the two parcels in 2012 was to allow the two single-family dwellings to be joined into a single residential structure, addressed as 2130 McCarthy Road. A garage was added at that time to connect the two structures (See *Attachment C: Existing Parcel "B"/Original Platted Lots 20-22/Existing House*).

At this time, the property owner is actively seeking a buyer of the property, and is requesting that the City Council approve a Plat of Survey to divide the property once again into two parcels, to allow a single-family dwelling on each parcel in the RL (Residential Low-Density) zoning district (See *Attachment B: Proposed Plat of Survey Establishing Parcels "C" and "D"*). The location of the proposed dividing line between proposed Parcels "C" and "D" was determined so as to leave Parcel "D" with enough of a setback to allow for an additional garage stall to be added to the existing single-car garage. The original lot lines for Lots 20, 21, and 22 of Country Club Heights 1st Addition are still valid property lines, which allows the two proposed parcels to be approved through a boundary line adjustment of the boundaries for Lots 20, 21, and 22. Otherwise, the division of a single parcel into two parcels would require approval of a Final Plat.

The act of physically separating the house into two separate single-family dwellings must be completed prior to approval of the Plat of Survey by the City Council. The property owner has completed the work of partially demolishing the house at this time to meet Building Code and Fire Code requirements for separation. Since zoning regulations allow only one single-family dwelling on each lot/parcel, no electric service will be provided to one of the dwellings until such time that the Plat of Survey is

approved by the City Council, and a copy of the recorded Plat and resolution approving the Plat are filed with the City Clerk's Office (*See Attachment B: Proposed Plat of Survey*). No additional public improvements are necessitated by the Plat of Survey. Approval of the Plat of Survey does not create or exacerbate any new nonconforming lot conditions.

Approval of this Plat of Survey (*See Attachment B: Plat of Survey*.) will allow the applicant to prepare the official Plat of Survey and submit it to the Planning and Housing Director for review. The Director will sign the Plat of Survey confirming that it fully conforms to all conditions of approval. The prepared Plat of Survey may then be signed by the Surveyor, who will submit it for recording in the office of the County Recorder.

ALTERNATIVES:

1. The City Council can adopt the resolution approving the proposed Plat of Survey, with the following stipulation:
 - A. Electric service will be provided to only one of the two new dwellings, until such time that the approved Plat of Survey is recorded with the Story County Recorder's Office, and copies of the recorded Plat and Resolution Approving the Plat of Survey are filed in the City Clerk's Office.
2. The City Council can deny the proposed Plat of Survey if the City Council finds that the requirements for Plats of Survey, as described in Section 23.309, have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

Staff has determined that the proposed Plat of Survey satisfies all Subdivision Code requirements for a boundary line adjustment of existing parcels and has made a preliminary decision of approval. The boundary line adjustment does not result in new or exacerbated nonconforming conditions related to the current RL zoning and structures. There are no gaps in infrastructure requiring improvements with the Plat of Survey. Any future construction on the site will be reviewed by staff for compliance with zoning standards.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, with Stipulation A, adopting the resolution approving the proposed Plat of Survey.

ADDENDUM
PLAT OF SURVEY FOR 2130 McCarthy Road

Application for a proposed Plat of Survey has been submitted for:

- ☐ Conveyance parcel (per Section 23.307)
- ☒ Boundary line adjustment (per Section 23.309)
- ☐ Re-plat to correct error (per Section 23.310)
- ☐ Auditor's plat (per Code of Iowa Section 354.15)

The site is located at:

Property Owner: Shahbaz Ahmed Merchant

Existing Street Address: 2130 McCarthy Road

Assessor's Parcel #: 09-09-428-015

Survey Description-Parcels "C" & "D":

Survey Description-Parcel C:

Part of Parcel B, as shown on the Plat of Survey filed in Slide 456, Page 1, in Lots 20, 21 and 22 of First Addition Country Club Heights, City of Ames, Story County, Iowa, said part being more particularly described as follows: Beginning at the Southwest Corner of said Parcel B and said Lot 22; thence following the west line thereof N00°34'36"W, 175.34 feet; thence northeasterly, 39.01 feet along a curve, concave southeasterly, having a radius of 25.00 feet, a central angle of 89°23'56" and being subtended by a chord which bears N44°43'48"E, 35.17 feet; thence S89°58'42"E, 81.80 feet along the north line of said Parcel B and Lot 21; thence S00°05'28"W, 200.02 feet to the south line of said Lot 22; thence S89°51'00"W, 104.46 feet to the point of beginning, containing 0.48 acres.

Survey Description-Parcel D:

Part of Parcel B, as shown on the Plat of Survey filed in Slide 456, Page 1, in Lots 20, 21 and 22 of First Addition Country Club Heights, City of Ames, Story County, Iowa, said part being more particularly described as follows: Beginning at the Northeast Corner of said Parcel B and said Lot 20; thence S00°09'55"E, 184.94 feet to the Southeast Corner thereof; thence following the southerly line thereof S89°57'02"W, 88.47 feet; thence S00°26'59"E, 14.92 feet; thence S89°51'00"W, 15.49 feet along the south line of said Parcel B and Lot 22; thence N00°05'28"E, 200.02 to the north line of

said Parcel B and Lot 21; thence S89°58'42"E, 102.99 feet to the point of beginning, containing 0.44 acres.

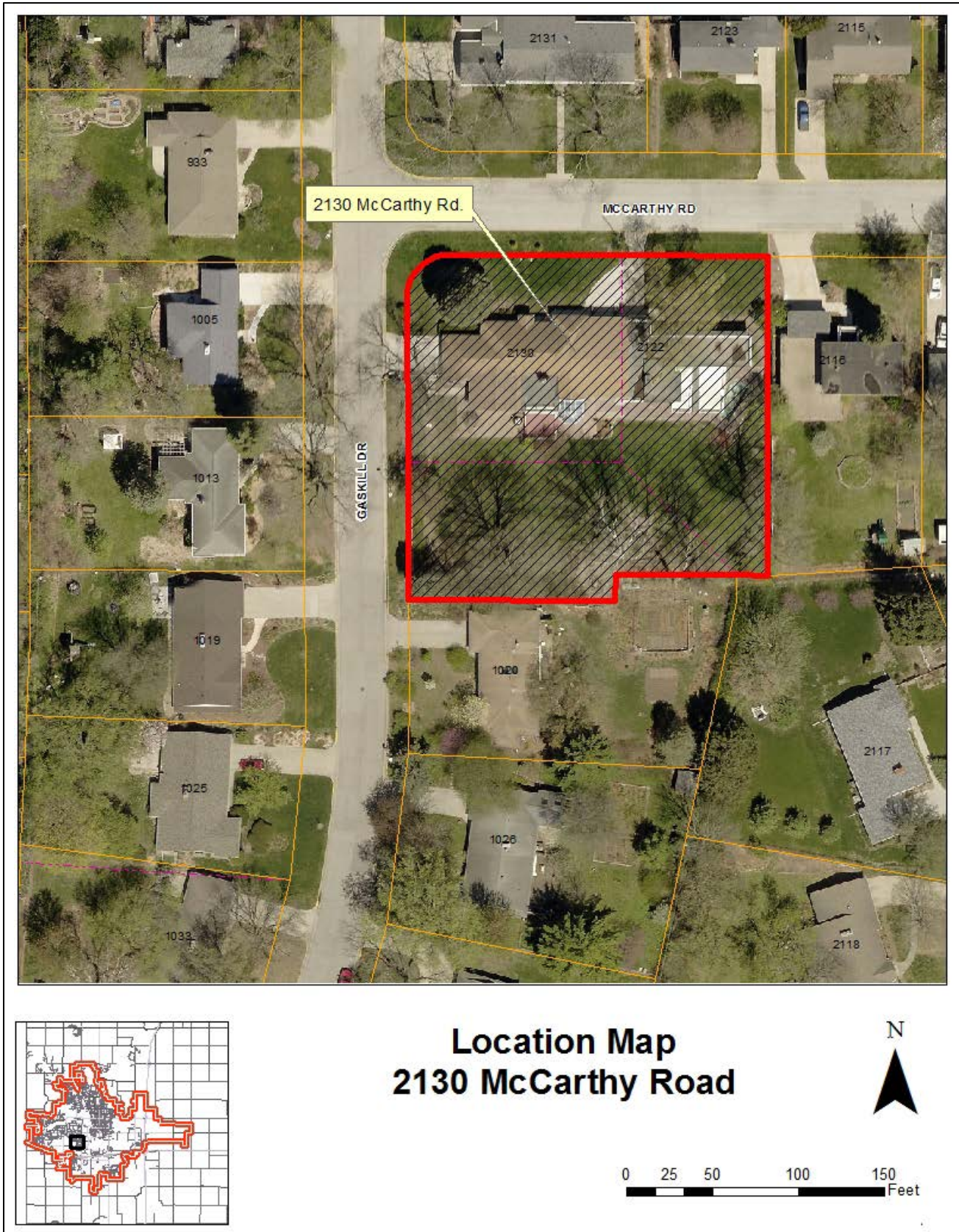
Public Improvements:

The preliminary decision of the Planning Director finds that approval requires all public improvements associated with and required for the proposed plat of survey be:

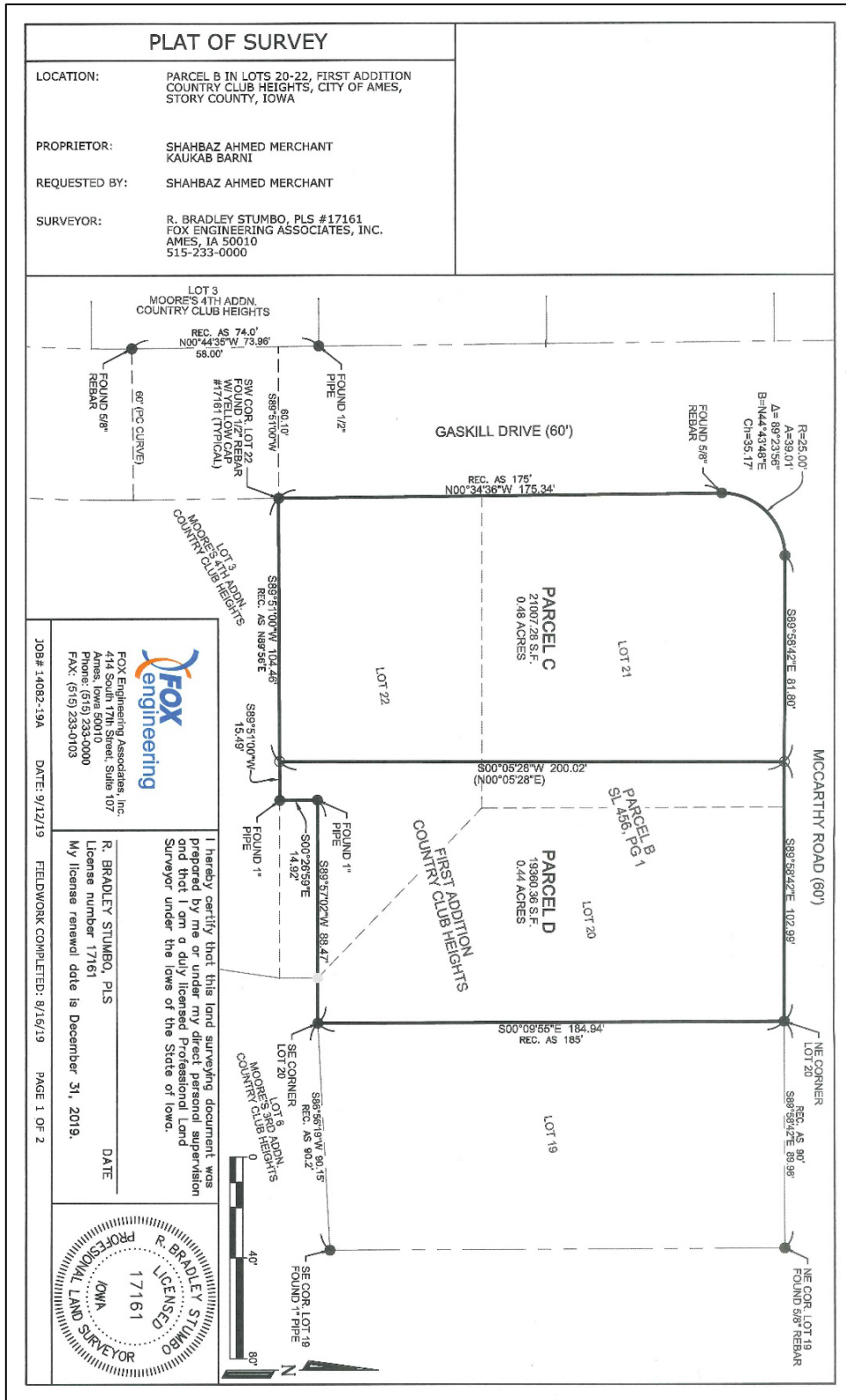
- ☐ Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- ☐ Delayed, subject to an improvement guarantee as described in Section 23.409.
- ☒ Not Applicable. (no additional improvements required)

Note: The official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

Attachment A: Location Map



Attachment B:
Proposed Plat of Survey Establishing Parcels "C" and "D"



SKETCH OF EXISTING TAX PARCELS



Instrument: 2013- 00006026
Date: May 28, 2013 02:10:10P
Rec Fee: 10.00 E-Com Fee: 1.00
Aud Fee: .00 Trans Tax: .00
Rec Management Fee: 1.00
Non-Standard Page Fee: .00
Filed for record in Story County, Iowa
Susan L. Vande Kamp, County Recorder

LOT 4
 MOORE'S 4TH ADDN
 COUNTRY CLUB HEIGHTS
 REC. AS 74.0'
 N00°44'35"W 73.95'
 58.00'
 FOUND 5/8" REBAR
 PC CURVE
 60.00'
 FOUND 1/2" PIPE
 58.10'
 S89°51'00"W
 SN CORNER
 LOT 22
 589°51'00"W 119.95'
 REC. AS N89°56'E 120'
 500°26'59"E 14.92'
 589°57'02"W 88.47'
 70.5' (R)
 FOUND 1" PIPE
 SE CORNER
 LOT 20
 S86°56'19"W 90.15'
 REC. AS S90.2'
 SE COR, LOT 19
 FOUND 1" PIPE
 LOT 5
 MOORE'S 3RD ADDN
 COUNTRY CLUB HEIGHTS
 LOT 3
 MOORE'S 4TH ADDN
 COUNTRY CLUB HEIGHTS
 LOT 21
 LOT 20
 LOT 19
 NE COR, LOT 20
 SET 1/2" REBAR
 W/ YELLOW CAP
 #17161 (TYPICAL)
 REC. AS 185'
 S00°09'55"E 184.94'
 589°59'42"E 89.98'
 NE COR, LOT 19
 FOUND 5/8" REBAR
 GASKILL DRIVE (60')
 REC. AS 175'
 N00°34'36"W 175.34'
 EX. TRACT #1
 EX. TRACT #2
 PARCEL B
 40367.63 S.F.
 0.93 ACRES
 FIRST ADDITION
 COUNTRY CLUB HEIGHTS
 PROPERTIES:
 EX. TRACT #1:
 SHAMBAZ AHMED MERCHANT
 KAIKAB BARNI
 EX. TRACT #2
 SHAMBAZ AHMED MERCHANT
 NE COR, LOT 19
 FOUND 5/8" REBAR
 GRAPHIC SCALE
 1" = 40'
 0 40 80 120

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY (BOUNDARY LINE ADJUSTMENT) FOR 728, 728 rear, 734 and 808 E. LINCOLN WAY

BACKGROUND:

The City's subdivision regulations found in Chapter 23 of the Ames Municipal Code include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The regulations also describe the process for combining existing platted lots or conveyance parcels in order to create a parcel for development purposes. A plat of survey is allowed by Section 23.309 for the consolidation of conveyance parcels and for a boundary line adjustment.

This proposed plat of survey is for a boundary line adjustment of four existing parcels addressed as 728, 728 rear, 734 (former alley) and 808 E. Lincoln Way to consolidate into two proposed parcels identified as Parcel 'BK' and Parcel 'BJ'. (See Attachment B – Proposed Plat of Survey.) The recent conveyance of the 20-foot alley (Parcel ID: 0911226115) to DHN Investments, LLC (Dennis Tiernan) has made this boundary line adjustment possible. The parcels will be addressed as 728 and 808 E. Lincoln Way.

The parcels lie within the Special Flood Hazard Area shown on the FIRM Panel 19169C0163F, effective 10/16/2014.

Included is an Acquisition Plat for the acquisition of public right-of-way by the City of Ames along the frontage of 728 E. Lincoln Way (*Attachment D*) as well as a signed easement agreement (*Attachment E*).

The proposed "Parcel BK" will include 25,069.44 square feet or 0.58 acres of lot area. An existing sidewalk extends along the frontage of this parcel. The parcel is zoned Highway-Oriented Commercial (HOC) and is occupied by an electrical contractor (an industrial service use).

The proposed "Parcel BJ" will include 129,822.85 square feet or 2.98 acres of lot area. An existing bike path extends along the frontage of this parcel. The new parcel will include three zoning classifications: Agricultural, Highway-Oriented Commercial and General Industrial. The parcel is occupied by an existing warehouse (an industrial use). A rezoning petition has been filed to change the zoning to General Industrial. The Boundary Line Adjustment may be approved, regardless of the mixed zoning on the property.

Approval of a Plat of Survey requires conformance to all standards of the Zoning Ordinance and the Subdivision Code. The proposed lot dimensions comply with requirements found in the zone development standards. Boundary line adjustments do not trigger additional infrastructure improvements, unless partial infrastructure improvements exist and are required to be extended across a property.

Approval of this Plat of Survey will allow the applicant to prepare the official plat of survey and submit it to the Planning and Housing Director for review. The Director will sign the plat of survey confirming that it fully conforms to all conditions of approval. The prepared plat of survey may then be signed by the surveyor, who will submit it for recording in the office of the County Recorder.

ALTERNATIVES:

1. The City Council can adopt the resolution approving the proposed Plat of Survey consistent with the standards of Chapter 23 and accepting the Acquisition Plat for conveyance of public right-of-way. Approval is conditioned on recording of the easement.
2. The City Council can deny the proposed Plat of Survey if the City Council finds that the requirements for plats of survey as described in Section 23.308 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

Staff has determined that the proposed Plat of Survey satisfies all Subdivision Code requirements for a boundary line adjustment of existing parcels and has made a preliminary decision of approval. The resulting parcels are conforming to underlying zone development standards of Highway-Oriented Commercial (HOC) zoning. The boundary line adjustment does not trigger infrastructure requirements unless there is a gap in completion of existing infrastructure, which there is not.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed Plat of Survey.

ADDENDUM
PLAT OF SURVEY FOR 304 & 308 E LINCOLN WAY

Application for a proposed Plat of Survey has been submitted for:

- ☐ Conveyance parcel (per Section 23.307)
- ☒ Boundary line adjustment (per Section 23.309)
- ☐ Re-plat to correct error (per Section 23.310)
- ☐ Auditor's plat (per Code of Iowa Section 354.15)

Owners: 728 E Lincoln Way LLC (Dennis Tiernan)
Parcel ID: 0911226126

Owners: DHN Investments, LLC (Dennis Tiernan)
Parcel ID: 0911226145, 0911226115, & 0912100005

Survey Description - Parcel BK:

A part of the North 350.4 feet of the East 150 feet, except the East 20 feet thereof, of Section 11, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, being more particularly described as follows: Commencing at the Northeast Corner of said Section 11; thence S00°11'40"E, 60.00 feet to the south line of E. Lincoln Way; thence N88°56'40"W, 20.00 feet along said line to the point of beginning; thence S00°11'40"E, 165.12 feet along the west line of the East 20 feet of said Section 11; thence N88°55'53"W, 130.52 feet to the west line of said East 150 feet; thence N00°12'12"W, 192.08 feet to the south line of East Lincoln Way; thence S88°56'40"E, 130.55 feet along said line to the west line of said East 20 feet; thence S00°11'40"E, 27.00 feet along said line to the point of beginning, containing 0.58 acres.

Survey Description - Parcel BJ:

Parcel E in the Northwest Quarter of the Northwest Quarter of Section 12 and part of the Northeast Quarter of the Northeast Quarter of Section 11, all in Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, all together being described as follows: Commencing at the Northwest Corner of said Section 12; thence S00°11'40"W, 60.00 feet to the south line of E. Lincoln Way, the Northwest Corner of said Parcel E and the point of beginning; thence S89°36'47"E, 375.05 feet to the Northeast Corner of said Parcel E; thence S00°10'56"E, 295.15 feet to the Southeast Corner thereof; thence N89°36'56"W, 374.99 feet to the Southwest Corner thereof; thence N00°11'40"W, 4.69 feet along the west line of said Parcel E; thence departing said line N88°55'53"W, 100.00 feet along the south line of the North 350.4 feet of the East 100 feet of said Section 11; thence N00°11'40"W, 60.00 feet along the west line of said East 100.00 feet to the south line of the North 290.4 feet of said Section 11; thence N88°55'53"W, 50.51 feet along said line to the west line of the East 150 feet of said Section 11; thence N00°12'12"W, 65.36 feet along said line; thence S88°55'53"E, 130.52 feet to the west line of the East 20 feet of said Section 11; thence N00°11'40"W,

165.12 feet along said line to the south line of East Lincoln Way; thence S88°56'40"E, 20.00 feet along said line to the point of beginning, containing 2.98 acres.

Easement Description - Sanitary Sewer Easement:

A strip of varying width lying in the East 150 feet of the North 350.4 feet of the Northeast Quarter of the Northeast Quarter of Section 11, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, being situated 5.00 feet West and 10.00 feet East of the following centerline: Commencing at a point on the west line of said East 150 feet which is 140.00 feet South of the Northwest Corner thereof; thence S88°56'40"E, 5.00 feet to the point of beginning; thence S00°12'12"E, 142.95 feet; thence being situated 7.5 feet south and 10.00 feet North of the following centerline bearing S88°55'53"E, 145.51 feet, and there terminating.

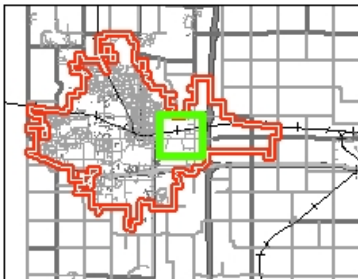
Public Improvements:

The preliminary decision of the Planning Director finds that approval requires all public improvements associated with and required for the proposed Plat of Survey be:

- ☐ Installed prior to creation and recordation of the official Plat of Survey and prior to issuance of zoning or building permits.
- ☐ Delayed, subject to an improvement guarantee as described in Section 23.409.
- ☒ Not Applicable. (no additional improvements required)

Note: The official Plat of Survey is not recognized as a binding Plat of Survey for permitting purposes until a copy of the signed and recorded Plat of Survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

Attachment A- Location Map





LOCATION MAP

728, 728 rear, 734, & 808 E. Lincoln Way

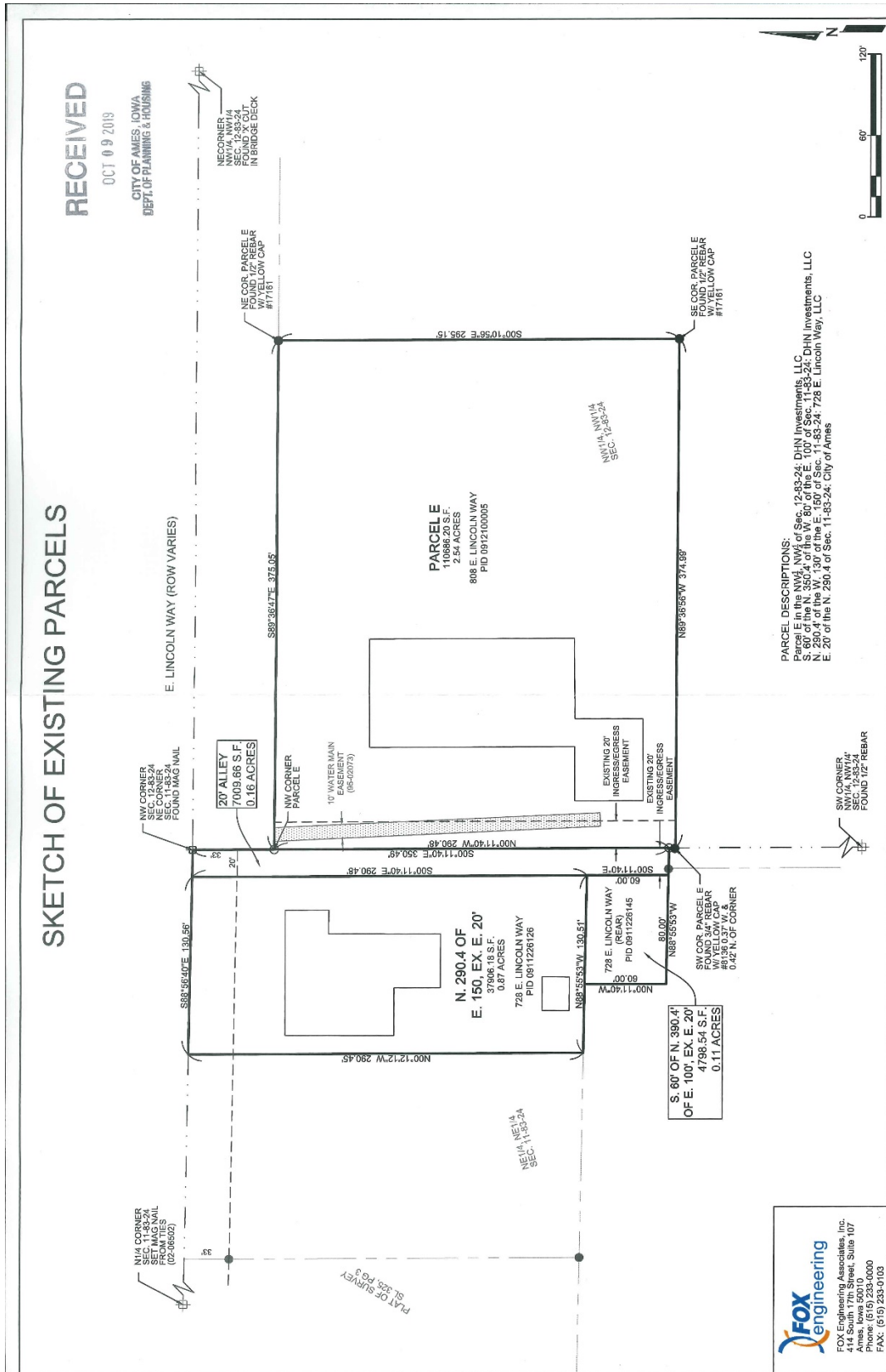
0 75 150 300 Feet

Legend

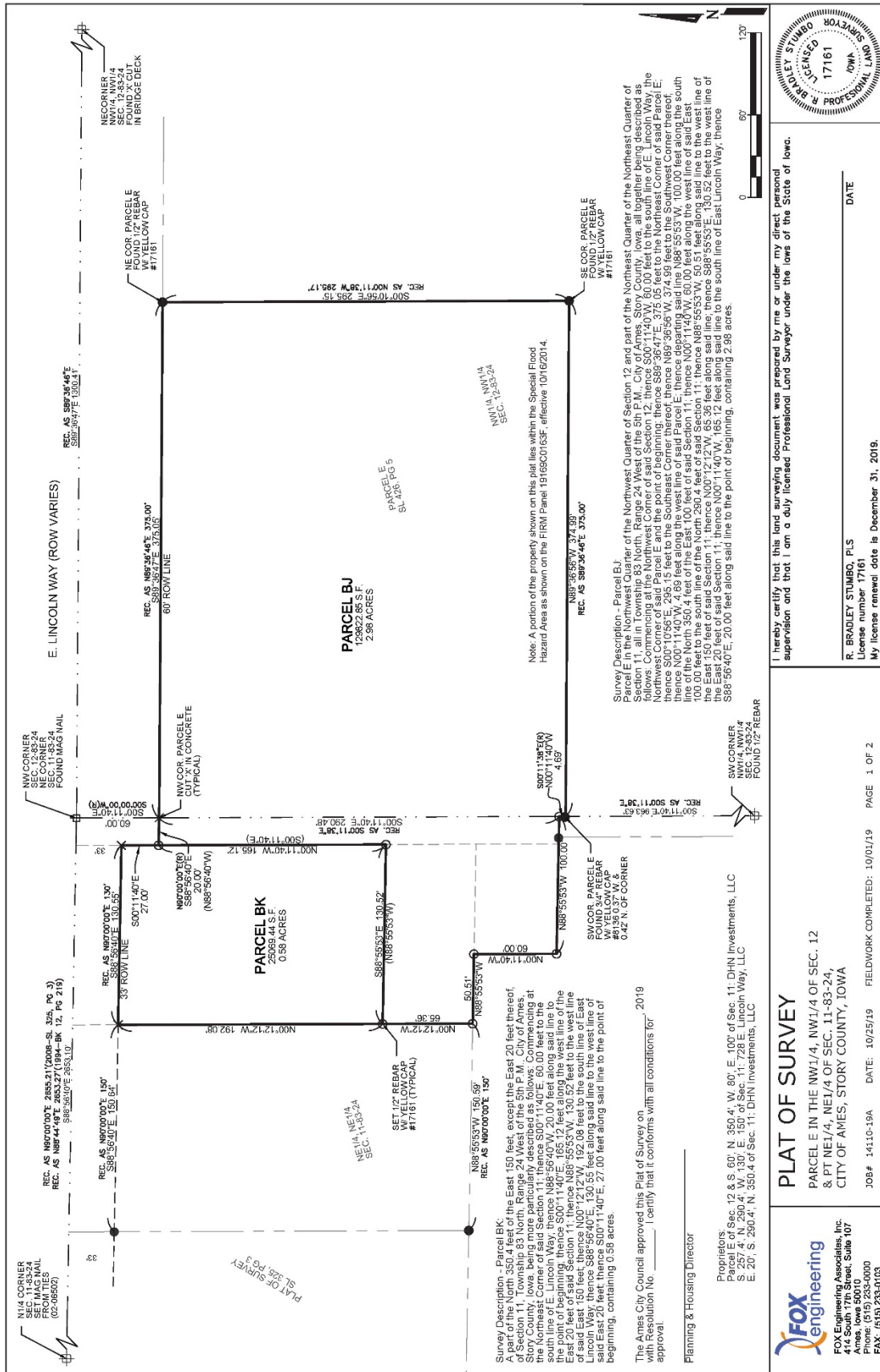
-  PARCELS selection
-  PARCELS



Attachment B- Existing Conditions



Attachment C- Proposed Plat of Survey & Easements



NW CORNER
SEC. 12-83-24
NE CORNER
SEC. 11-83-24

E. 150' OF THE
N. 350.4' OF THE
NE1/4 NE1/4

EXIST. 50' ELEC.
ROW PERMIT &
EASEMENT
(BK 82, PG 287)

EXIST. 10' SANITARY
SEWER EASEMENT
(BK 89, PG 309)

PARCEL BK

142.95' ROW PERMIT & EASEMENT (BK 82, PG 286)

EXIST. 30" WATER
CONDUIT EASEMENT -
(BK 220, PG 34)

CONCLUSION

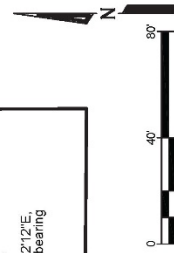
EXIST. 50' ELEC.
ROW PERMIT &

EASEMENT
(BK 82, PG 285)

1

Easement Description - Sanitary Sewer Easement

A strip of varying width lying in the East 1/4 Section of the North 360.4 feet of the Northeast Quarter of the N109 County Iowa, being situated 5.0 foot West and 10.00 foot East of the following centerlines, commencing at a point on the S88°56'40"E 150 foot wide which is 40.00 feet South of the Northwest Corner thereof, thence S88°56'40"E 5.00 feet to the point of beginning, thence S00°12'12"E 142.95 feet; thence by said section situated 7.5 feet South and 10.00 feet North of the following centerline bearing S88°55'53"E 145.51 feet, and there terminating.



JOB #14110-19A PAGE 2 OF 2

Attachment D- Acquisition Plat

Preparer Information: William T. Talbot; 612 Kellogg Ave.; Ames, IA 50010; (515) 232-1761
Taxpayer Information: City of Ames; 515 Clark Avenue; Ames, IA 50010
Return Document To: City of Ames; 515 Clark Avenue; Ames, IA 50010

Warranty Deed (Corporate/Business Entity Grantor)

For the consideration of One Dollar (\$1.00) and other valuable consideration, **728 E. Lincoln Way, LLC**, a Limited Liability Company organized and existing under the laws of Iowa does hereby Convey to the **City of Ames, Iowa** the following described real estate in Story County, Iowa:

That part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, being more particularly described as follows: Beginning at a point on the north line of said Section 11 which is 20.00 feet west of the Northeast Corner thereof; thence continuing N 88°56'40" W, 130.56 feet to the west line of a tract described as being the North 350.4 feet of the East 150 feet of said Section 11; thence S 00°12'12" E, 33.01 feet along said line to the south line of East Lincoln Way; thence S 88°56'40" E, 130.55 feet along said line to the west line of the East 20 feet of said Section 11; thence N 00°11'40" W, 33.01 feet along said line to the point of beginning, containing 0.10 acres of existing public right of way.

As shown by the Acquisition Plat recorded with this Deed.

This transfer is exempt from real estate transfer tax pursuant to 428A.2(6) being a conveyance to a City government.

The grantor hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated: 11-4-19

728 E. Lincoln Way, LLC

By Dennis Tiernan
Dennis Tiernan, Manager

STATE OF IOWA, COUNTY OF STORY: ss

This record was acknowledged before me on Nov. 4, 2019, by
Dennis Tiernan as Manager of 728 E. Lincoln Way, LLC.



Julia J. Stephens
Notary Public in and for the State of Iowa

Attachment E- Easement

S P A C E A B O V E R E S E R V E D F O R O F F I C I A L U S E

Legal description: See page 3.

Return document to: City Clerk, 515 Clark Avenue, Ames IA 50010

Document prepared by: City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010 – 515-239-5146

Sanitary Sewer Easement

Know All Persons: The undersigned, DHN Investments LLC, an Iowa limited liability company, and 728 E. Lincoln Way LLC, an Iowa limited liability company, (jointly the “*Grantors*” to the full extent of their respective interests), their successors and assigns, for valuable consideration the sufficiency of which is hereby acknowledged, does hereby grant unto the City of Ames, Iowa, a municipal corporation, its successors and assigns (hereinafter referred to as the “*Grantee*”), upon the conditions hereinafter recited, the perpetual right to enter upon the land hereinafter de- scribed as the Easement Area for the uses set forth hereinafter over, upon, across and under the Easement Area together with a perpetual right of ingress and egress between said Easement Area from adjacent public rights-of-way. The Easement Area is a strip of land situated in Story County, Iowa, described as follows:

For the use of a **sanitary sewer system**:

The real property shown on **Exhibit “A”** attached hereto and by this reference made a part hereof (the “Easement Area”).

Grantee shall have the right within the Easement Area to construct, reconstruct, cover over, clean up, operate, use, maintain, and repair the systems described. The foregoing rights are granted by the Grantors and shall be accepted and exercised by the Grantee, if at all, subject to the following terms and conditions:

- 1 **Obstructions Prohibited.** The Grantors, as the fee simple owners of the underlying real estate, and the Grantors successors and assigns, shall not erect or place within the Easement Area any building or other structure or improvement or any trees, shrubs or other landscape plantings other than grass or comparable ground cover except with the prior written consent of the Grantee. The Grantee shall have the right to prevent damage to a permitted improvement of the Grantee located within the Easement Area, which shall include the right to remove obstructions within the Easement Area.
- 2 **Restoration.** Immediately following construction, reconstruction, or repair work by the Grantee within the Easement Area, weather and season permitting, Grantee shall return the Easement Area to its condition prior to said work, at Grantee's sole cost.
- 3 **Nonexclusive Easement.** The easement rights granted under this instrument to the Grantee are nonexclusive. This instrument shall not preclude the Grantors from granting similar easement rights to third parties upon terms and conditions that do not impair or diminish the rights granted under this instrument to the Grantee.

4 **Title Warranty.** The Grantors warrant to the Grantee that the Grantor hold the Easement Area by title in fee simple; that each of the Grantors have good and lawful authority to grant the easement rights herein provided for to the extent of their respective interests, which together cover the entirety of the Easement Area,

5 **Successors.** This Easement shall be binding upon successors and/or assigns of both Grantors and Grantee.

6 **Interpretation.** Words and phrases used in this instrument shall be construed as in the single or plural number, and as masculine, feminine or neuter gender, according to the context. This instrument shall be governed exclusively by and construed in accordance with the laws of the State of Iowa. The paragraph headings in this instrument are for convenience only and in no way define or limit the scope or intent of any provisions of this instrument.

In Witness Whereof the undersigned has executed this instrument on _____, 2019.

DHN INVESTMENTS LLC

Dated _____, 2019.

By: _____

SIGNATURE

NAME PRINTED

TITLE OF AUTHORIZED SIGNER

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on _____, 2019, by _____, *(insert name)* as Manager of DHN Investments LLC.

NOTARY PUBLIC

728 E. LINCOLN WAY LLC

Dated _____, 2019.

By: _____

SIGNATURE

NAME PRINTED

TITLE OF AUTHORIZED SIGNER

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on _____, 2019, by
_____, (*insert name*) as Manager of 728 E. Lincoln Way LLC.

NOTARY PUBLIC

EXHIBIT 'A' – LEGAL DESCRIPTION (EASEMENT AREA)

A strip of varying width lying in the East 150 feet of the North 350.4 feet of the Northeast Quarter of the Northeast Quarter of Section 11, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, being situated 5.00 feet West and 10.00 feet East of the following centerline: Commencing at a point on the west line of said East 150 feet which is 140.00 feet South of the Northwest Corner thereof; thence S88°56'40"E, 5.00 feet to the point of beginning; thence S00°12'12"E, 142.95 feet; thence being situated 7.5 feet south and 10.00 feet North of the following centerline bearing S88°55'53"E, 145.51 feet, and there terminating.

ITEM # 31
DATE: 11-26-19

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY (BOUNDARY LINE ADJUSTMENT) FOR 1307, 1329, & 1405 S. DAYTON PLACE

BACKGROUND:

The City's subdivision regulations found in Chapter 23 of the Ames Municipal Code include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The regulations also describe the process for combining existing platted lots or conveyance parcels in order to create a parcel for development purposes. A plat of survey is allowed by Section 23.309 for the consolidation of conveyance parcels and for boundary line adjustments.

This proposed plat of survey is for a boundary line adjustment of three existing lots addressed as 1307, 1329, and 1405 S. Dayton Place to create two new lots: Parcel F and Parcel E. The lots are currently undeveloped farmland. The lots are zoned Highway Oriented Commercial (HOC). The existing lots have been in their current configuration since 2002.

A portion of the property lies within the Southeast Entryway Gateway Overlay District (O-GSE). The boundary of the overlay runs along the shared lot line of the existing Lots 13 and 14. The new lot configuration will have the overlay covering roughly the southern third of Parcel F. Sec. 29.302 (2) states that "[w]hen a lot held in single ownership is divided by a zone boundary line, the entire lot shall be construed to be within the more restrictive zone for purposes of complying with the requirements of the Ordinance." As such, all of Parcel F will be subject to the requirements of O-GSE. The O-GSE overlay prohibits additional uses beyond the base zoning district and has additional landscaping and building design requirements.

The site currently has a 50-foot drainage and detention easement across the western end of the lots, which will remain. A 15-foot public utility easement was recorded by separate instrument on November 15, 2019 along the east side of both lots. No public improvements are necessitated with the plat of survey; street improvements and changes to driveways will occur with future development.

Approval of this plat of survey (Attachment C) will allow the applicant to prepare the official plat of survey and submit it to the Planning and Housing Director for review. The Director will sign the plat of survey confirming that it fully conforms to all conditions of approval. The prepared plat of survey may then be signed by the surveyor, who will submit it for recording in the office of the County Recorder.

ALTERNATIVES:

1. The City Council can adopt the resolution approving the proposed plat of survey.
2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.309 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

Staff has determined that the proposed plat of survey satisfies all Subdivision Code requirements for a boundary line adjustment of existing parcels and has made a preliminary decision of approval. No conflict exists with the existing HOC zoning standards as a result of the boundary line adjustment. The proposed boundary liens do not change the boundary of the O-GSE zoning overlay. The boundary line adjustment does not trigger infrastructure requirements unless there is a gap in completion of existing infrastructure. Any future construction on the site will be reviewed by staff for compliance.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed plat of survey.

ADDENDUM

PLAT OF SURVEY FOR 1307, 1329, and 1405 S. DAYTON PLACE

Application for a proposed plat of survey has been submitted for:

- ☐ Conveyance parcel (per Section 23.307)
- ☒ Boundary line adjustment (per Section 23.309)
- ☐ Re-plat to correct error (per Section 23.310)
- ☐ Auditor's plat (per Code of Iowa Section 354.15)

The site is located at:

Owner: South Dayton Development LC

Existing Street Address: 1307 S. Dayton Place
1329 S. Dayton Place
1405 S. Dayton Place

Assessor's Parcel #: 09-12-476-110
09-12-476-100
09-12-476-090

Legal Description:

Survey Description – Parcel F:

Lot 14 and part of Lot 13, South Gateway Development, City of Ames, Story County, Iowa, being more particularly described as follows:

Beginning at the Northeast Corner of said Lot 14; thence S00°27'11 "E, 314.13 feet along the east line of said Lots 14 and 13; thence N89°46'47"W, 344.46 feet to the west line of said Lot 13; thence N00°14'43"W, 314.15 feet to the Northwest Corner of said Lot 14; thence S89°46'34"E, 343.32 feet to the point of beginning, containing 2.48 acres.

Survey Description – Parcel E:

Lot 12 and part of Lot 13, South Gateway Development, City of Ames, Story County, Iowa, being more particularly described as follows:

Beginning at the Southeast Corner of said Lot 12; thence N89°46'54"W, 345.61 feet to the Southwest Corner thereof; thence N00°14'43"W, 315.00 feet along the west line of said Lots 12 and 13; thence S89°46'47"E, 344.46 feet to the east line of said Lot 13; thence S00°27'11 "E, 315.00 feet to the point of beginning, containing 2.49 acres.

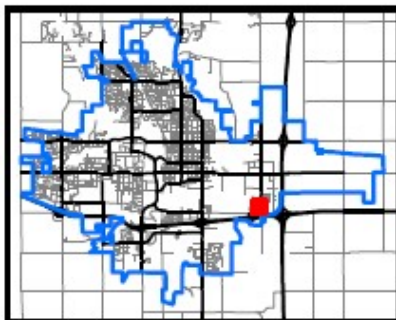
Public Improvements:

The preliminary decision of the Planning Director finds that approval requires all public improvements associated with and required for the proposed plat of survey be:

- ☐ Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- ☐ Delayed, subject to an improvement guarantee as described in Section 23.409.
- ☒ Not Applicable. (no additional improvements required)

Note: The official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

Attachment A – Location Map



**Location Map -
1307, 1329, & 1405
S. Dayton Place**

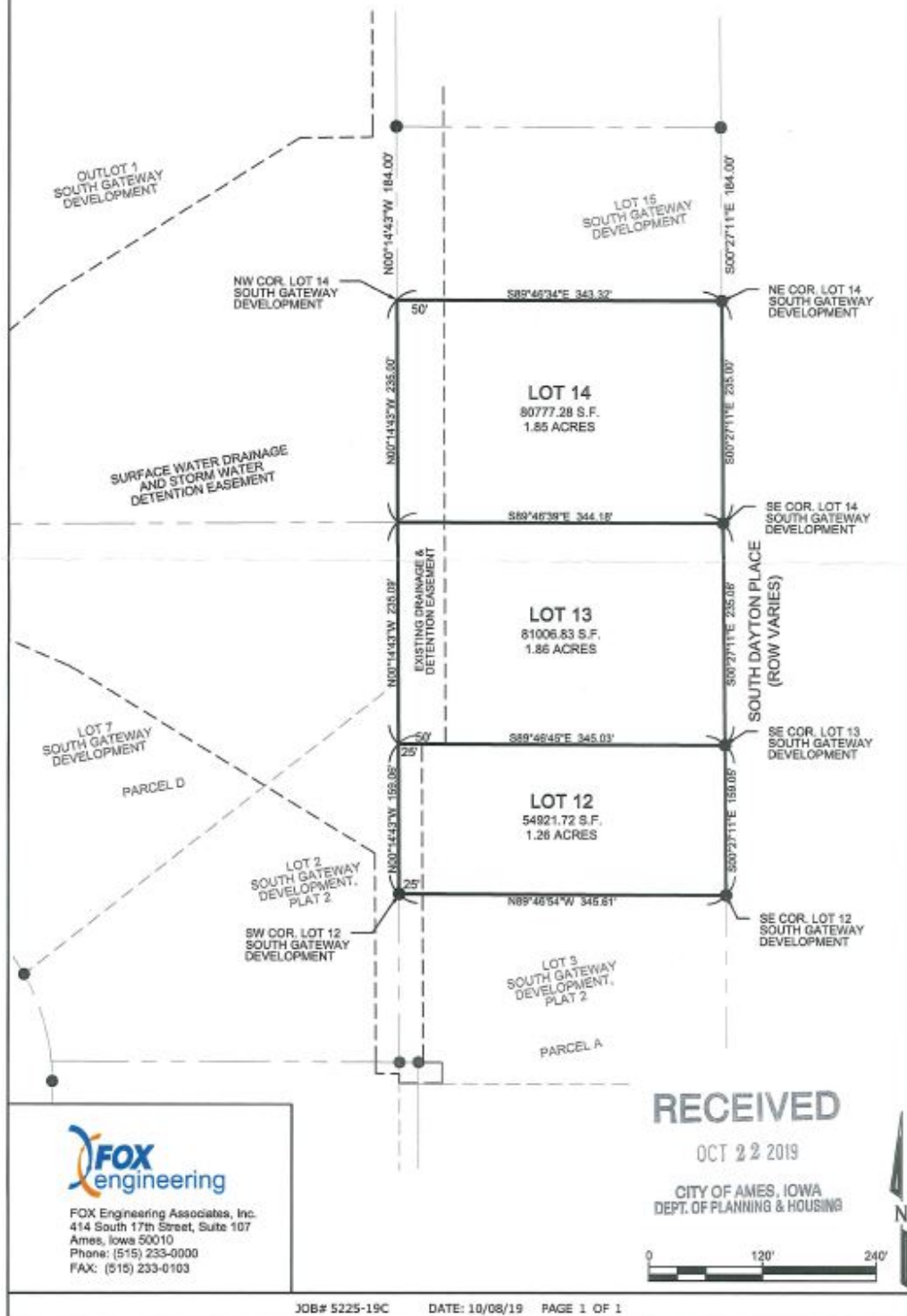
0 100 200 400 Feet



Attachment B – Existing Conditions

SKETCH OF EXISTING PARCELS

Property Description:
Lots 12, 13 & 14 in South Gateway Development, City
of Ames, Story County, Iowa.
Proprietor: South Dayton Development, LC



Attachment C – Plat of Survey

| PLAT OF SURVEY | | |
|--|---|--|
| <p>LOCATION: LOTS 12, 13 & 14 IN SOUTH GATEWAY DEV., CITY OF AMES, STORY COUNTY, IOWA</p> <p>PROPRIETOR: SOUTH DAYTON DEVELOPMENT, LC</p> <p>REQUESTED BY: HEATHER SOLBERG</p> <p>SURVEYOR: R. BRADLEY STUMBO, PLS #17161 FOX ENGINEERING ASSOCIATES, INC. AMES, IA 50010 515-233-0000</p> | <div style="font-size: 24px; font-weight: bold; margin-bottom: 10px;">RECEIVED</div> <div style="font-size: 18px; margin-bottom: 10px;">OCT 22 2019</div> <div style="font-size: 12px;">CITY OF AMES, IOWA DEPT. OF PLANNING & HOUSING</div> | |
| | | |
| <p>The Ames City Council approved this Plat of Survey on _____, 2019 with Resolution No. _____, I certify that it conforms with all conditions for approval.</p> <p>Planning & Housing Director _____</p> | | |
| <p>FOX Engineering Associates, Inc. 414 South 17th Street, Suite 107 Ames, Iowa 50010 Phone: (515) 233-0000 FAX: (515) 233-0103</p> | <p>I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.</p> <p>R. BRADLEY STUMBO, PLS DATE License number 17161 My license renewal date is December 31, 2019.</p> | |
| <p style="text-align: center;">JOB# 5225-19C DATE: 10/08/19 FIELDWORK COMPLETED: 10/08/19 PAGE 1 OF 1</p> | | |

ITEM # : 32
DATE: 11-26-19

COUNCIL ACTION FORM

SUBJECT: EAST INDUSTRIAL AREA UTILITY CONNECTION FEES

BACKGROUND:

On November 12, 2019, staff provided City Council with a report regarding utility connection fees associated with the upcoming East Industrial area sewer and water main extension project. The report was in response to a letter received by Josh and Mollie Boersma, who are the current homeowners at 4626 East Lincoln Way. **City Council then directed that this item be placed on a City Council meeting agenda for action. Following below, is the information contained in that November 12 staff report.**

The East Industrial Area Utility Extension Project will extend water and sewer main along East Lincoln Way from 4100 East Lincoln Way (just east of Country Landscapes) to 6501 East Lincoln Way (just west of Potter Ave). In order to recover construction costs resulting from this project, **the City will establish sewer and water connection fee districts for new industrial development, as directed by City Council** during the July 10, 2018 meeting. After the project is bid, a per acre connection fee will be determined based on the amount of developable land (primarily farmland) to be served by these utilities. Therefore, as development occurs along this portion of East Lincoln Way, the connection district fees will begin to repay the project construction costs.

For the existing residences, however, it was previously directed by City Council during the July 10, 2018 meeting that they would not be included in the connection fee districts to connect their homes, but would instead pay the standard connection fee of \$20 per linear foot of property frontage as stipulated in Appendix F of the Ames Municipal Code. In general, the residential lots in this area are significantly larger than in the urban residential zones within Ames. In some cases, the residences are located on their own individual parcel of land. However, some residences are located on part of a much larger, farmland parcel. Thus, using the parcel frontage for those home not split off from the larger farm parcels significantly increases the connection fees associated with those properties. Additionally, for these cases where the home is located on the larger farmed parcel, the City would end up collecting both a frontage fee and a connection district fee from the same parcel of land when it develops.

It should be emphasized that current residences can continue using their existing rural water services and septic systems and, therefore, a property owner would not be required to buy out Rural Water. However, if their septic system fails, per Iowa Code

they will be required to connect to the City sewer if their property is within 200 feet of a sewer main.

If a current resident chooses to connect to City water, they will then need to pay a \$2,500 per acre purchase price as described in the Water Service Territory Agreement with Central Iowa Water Association (now Iowa Regional Utilities Association) for this area recorded on March 21, 2016. (This buy-out price from Rural Water is in addition to the previously mentioned \$20 connection fee per linear foot of property frontage for each water and sanitary.) The property owners would also be responsible for all construction and plumbing costs associated with the installation of their new water or sewer services from the main to their residence. The project plans do not include water or sewer service stubs to any existing properties.

A similar case occurred when utilities were installed north along Grant (Hyde) Avenue. As part of the Pre-Annexation Agreements negotiated and signed for residential properties within this north growth area, language was included such that:

The City agrees that the Owners shall be allowed to make a single connection to the City water distribution system and a single connection to the City sanitary sewer system to serve their existing homestead at a time of the Owner's choosing, once that infrastructure had been installed and made operational. At the time the Owners choose to connect for each of these services, the City will require the Owners to pay the connection fee for an 80 lineal foot width lot at the connection fee rate then in effect under the City Code (the rate presently in effect for connection is \$18 per lineal foot).

This arrangement allowed existing residences to connect to water and sewer using the current frontage rate (now \$20/LF) and a typical developed lot frontage of 80 ft.

ALTERNATIVES:

1. Set a connection fee using similar language as the pre-annexation agreements for residential properties along Grant (Hyde) Avenue (as shown above) for homestead in the East Industrial Area Utilities project area. Using this language, with the current rate of \$20/LF, residential properties could make a one-time connection using 80 lineal foot width for the connection fee calculation. If the land is further subdivided for development, additional connection fees using the connection district fees would be required for the larger developed parcel.
2. Waive the connection fees associated with homes in this area and incorporate all developable land (including existing residences) into the future connection fee district. With large-scale industrial development anticipated in this area, it can be reasonably assumed that at least a portion of the existing residences will be purchased and absorbed into those future developments. **Under this option, all**

future land developers would be subsidizing current residences even though the homeowners are receiving the benefit of the infrastructure connections.

3. Keep the original direction of charging \$20 per linear frontage foot, no matter the length of the residential property. For residential properties not subdivided from the larger agriculture parcel, the homeowner would be required to pay a substantially higher connection fee than any of the other options. No action would be required from City Council for this option.

MANAGER'S RECOMMENDED ACTION:

Staff believes that it is appropriate to offer the same option to the homeowners along E. Lincoln Way that was offered to the residents along Grant (Hyde) Avenue. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.**

Staff Report

MAINSTREAM LIVING REQUEST TO PURCHASE PROPERTY AT 1417 DOUGLAS

November 1, 2019

BACKGROUND:

At the City Council meeting on August 13th, the City Council authorized staff to evaluate the offer from Mainstream Living to purchase the property at 1417 Douglas that the City of Ames has recently acquired. The site was acquired to mitigate a “dangerous building” as determined by the Inspection Division due to long term abandonment and deterioration of the home on the site. The City Council authorized staff to borrow funds from the City’s Affordable Housing Program for the purchase, asbestos testing and removal, and to demolish and clear the site. At the time of its initial purchase, it was planned that the vacant lot would be sold at a price that would at least recoup the City’s cost of acquisition and demolition in order to reimburse City’s Affordable Housing fund.

The costs for purchase and demolition are now known to be \$34,877. Additionally, the closing cost are anticipated to be \$500. Therefore, the current total estimated cost is \$35,377. Staff anticipates that all work associated with the property to be completed by November 7, 2019.

OPTIONS:

Staff has defined three options below for addressing affordable housing needs and the sale of the lot:

Option #1

Sell the property to Mainstream Living as requested, for approximately \$36,000 (including purchase, asbestos removal, demolition, and closing costs). **The final cost will be determined after the contract is completed for the demolition work and all closing costs are known.**

Mainstream Living intendeds to operate a “Family Home” as defined by the Code of Iowa for disabled individuals. Their clientele would qualify as very low/low income individuals. The City would also add a restrictive convent for long-term use of the site reflective of the proposed use.

Should the City Council prefer this option, the next step would be to direct staff to prepare a purchase agreement with Mainstream Living. In addition, a date for a public hearing to dispose of the City property will need be set.

Option #2

Create a request for proposals (RFP) to sell the lot for construction of a single-family affordable housing unit. Preference would be given to eligible non-profit organizations who provide affordable housing to low-income individuals, households, or families for home ownership or for rental.

The minimum purchase price would be for at least the City's investment in the site of approximately \$36,000 (including purchase, asbestos removal, demolition, and closing costs). **The final cost will be determined after the contract is completed for the demolition work and all closing costs are known.**

The City would also add a restrictive covenant for long term use of the site reflective of the proposed use and information about the design of the home.

The next step under this option will be to direct staff to prepare a RFP directed towards non-profit agencies.

Option #3

Sell the property on the open market to any interested party.

Under this option, the lot would be sold for a price of approximately \$36,000 or market value, whichever is greater, for moderate income housing. Additionally, staff would recommend that the lot have a long-term ownership housing covenant and require the construction of home within 12 months of sale of the site.

If this option is selected, the next step will be to list the property for sale. **In addition, a date for a public hearing to dispose of the City property will need be set.**

STAFF COMMENTS:

Staff believes that any of the options reflected above will support the City Council's goal for affordable housing and will recoup the funds advanced from the Citywide Affordable Housing Fund.

August 22, 2019

To: Mayor John Haila and members of the Ames City Council

From: Bill Vaughn, President/CEO Mainstream Living

Mainstream Living has provided residential and community services to individuals with disabilities for nearly 45 years. As one of the largest providers in central Iowa, we are proud to serve hundreds of individuals and families on a daily basis. Our programs in Ames include Home and Community Based Services (HCBS) that are provided in homes owned and/or operated by our organization as well as services provided in an individual's own home. We also operate a large community integration program that provides skill development, volunteerism, socialization, and employment supports.

Due to growing requests for services as well as emerging needs to accommodate more individuals in wheelchairs, we are interested in constructing additional group homes in Ames. I understand that the city recently purchased a property at 1417 Douglas Avenue and will be working to demolish the current home. Rather than place the property on the market, I would respectfully request that council consider selling the property to Mainstream Living at an amount equal to or less than the costs borne by the city. We would plan to construct a five bedroom (maximum allowed by state law) wheel-chair accessible group home which would provide needed housing for adults with intellectual disabilities.

Our efforts to construct additional community housing in Ames supports council's affordable housing and human service goals. The individuals we serve can all be considered low or very low income individuals according to HUD guidelines and can often have difficulties obtaining accessible and affordable housing. We believe the home is in an ideal location as it is close to Downtown Ames and medical facilities and integrated into an established neighborhood. We place a high priority on ensuring that our homes and our members live in settings that support independence and foster a sense of community.

Mainstream Living has been fortunate to partner with the city of Ames many times since we opened our first home. We have been the beneficiary of CDBG funding as well as your recent capital grant which allowed us to remodel two homes into wheel-chair accessible properties. We hope you'll again consider partnering with us as we work to open a new home for individuals with disabilities. This is an important project as we work to continually fulfill our mission to enhance opportunities, create success, and fulfill dreams.

Thank you for considering our request.



Bill Vaughn
President/CEO

PKts. 11-15-19



1417 Douglas Street

Laura Cook

to:

dvoss@city.ames.ia.us

11/14/2019 11:12 AM

Cc:

"richards, paul"

Hide Details

From: "Laura Cook" <lcook@fsu.edu>

To: "dvoss@city.ames.ia.us" <dvoss@city.ames.ia.us>

Cc: "richards, paul" <paulware@hotmail.com>

History: This message has been replied to and forwarded.

Ms Voss and interested parties:

I have watched the progress of condemnation and disposal of 1417 Douglas Street for about 6 months. I have been interested in that process because I have owned for 45 years, lived in while attending ISU and now rent a house at 1425 Douglas Street. My son who lives in Urbandale manages the property which over the years has had students, families and currently a couple with a child living there. I would describe my house as offering affordable housing and receive approximately \$1100/month rent. I have always thought the block an attractive area with well kept yards and homes and convenient to many services in Ames. I visit yearly and have been distressed to watch 1417 deteriorate. My son will retire within 5-8 years and will to continuing to manage our rental and could add another property to his responsibilities. Therefore I am expressing to you my interest in purchasing the lot at 1417 Douglas St, building a house and renting it as affordable housing (determined by an accepted definition) and maintaining the attractive character of the block. Please let me know if you have questions about my interest in the purchase of this property. Sincerely, Laura R. Cook

The Honorable John Haila, Mayor
City of Ames
MayorCouncil@cityofames.org

Issue: request for the City of Ames Mayor and Council's opinion about a proposal to change the name of **Squaw Creek** flowing through the City of Ames, Story County, Boone County, and Hamilton

County Dear Mayor Haila:

As you may know, the U.S. Board on Geographic Names (BGN) is responsible by law for standardizing geographic names for use by the Federal Government. One of the functions of the BGN is to accept and process proposals to name unnamed geographic features or to change existing names.

A proposal can be submitted by any interested individual or organization, or local, State, Federal, or Tribal agency. Provided the proposal meets the criteria of the BGN's principles and policies, the BGN staff will accept it for consideration.

Because the BGN places importance on local opinion, the staff will ask for input from local governments who are elected to represent its citizens who might have an interest.

A resident of Ames submitted a proposal to the BGN to change the name of **Squaw Creek**, a tributary of the South Skunk River, to **Story Creek**. The proponent states that

"Individuals of Native American descent have protested the name of this stream beginning at least in the 1990s, and it is known that the current name has an offensive connotation."

The proponent proposed the name Story Creek because

"Story County is the county of (by far) the highest population through which this stream flows."

We would like to know whether your office supports or opposes the change from Squaw Creek to Story **Creek**. We also ask that you share this request with other offices or organizations that might have an interest, such as a local historical society. We are also asking for input from the Story County Board of Supervisors, the Boone County Board of Supervisors, and the Hamilton County Board of Supervisors. We will ask each County Board to ask the Trustees of the townships located in each county.

In order for the BGN to consider all aspects of this request, we would welcome any additional historical details you might have about the existing name, including any other name(s) used locally for the feature.

If you support a change to the existing name but believe a different replacement name would be more appropriate, you are welcome to initiate a counterproposal or solicit suggestions from other interested parties. If you wish to propose another name, please let us know and we can provide further instructions.

This proposal is listed on the BGN's Quarterly Review List 437, which is posted at https://geonames.usgs.gov/apex/f?p=geonames_web:review_lists. The case summary is also attached for your review, along with the original proposal, a map showing the location of the stream, and a Geographic Name Proposal Recommendation form to facilitate a response from your office. Once we receive your response, we will ask the Iowa State Names Authority for its recommendation.

The BGN's Name Changes Policy and Derogatory and Offensive Names Policy are also attached for your review as you consider the request. These policies state (in part):

"Existing names, especially personal commemorative names, which honor an individual, and those names in longstanding public usage, should not be changed unless the proponent presents a compelling reason to do so. Even when the historical basis for an existing name is unknown, the BGN will still treat it with deference."

"The BGN's guiding principle for the names of places, features, and areas in the United States and its territories is to approve for official Federal use the names found in present-day local usage...An exception to this principle may occur when a name is derogatory or is shown to be offensive to a particular racial or ethnic group, gender, or religious group..."

Any individual or agency may submit to the BGN a proposal to change an existing name that they consider offensive. Such proposals should include reasons why the proponent believes the existing name is offensive. The proponent must offer an alternative name as part of the proposal, following BGN guidelines for name proposal submittals. In proposing an alternate name, a conscientious effort

should be made to offer an alternative name that does not eliminate or obscure the original intent of the geographic name as a historical record on the cultural landscape, taking into account the historical, cultural, or ethnic significance of the original name."

Thank you for your consideration of this request and we look forward to hearing from you. Meanwhile, if you have any questions, please don't hesitate to contact us. We may be contacted by mail at the address below; by telephone at (703) 648-4553; or by e-mail at BGNEXEC@usgs.gov

Sincerely,

Matt O'Donnell, research assistant
For Jennifer Runyon, research staff
U.S. Board on Geographic Names
U.S. Geological Survey
12201 Sunrise Valley Drive

MS523

Reston VA 20192-0523

Matt O'Donnell | Xcellent Technology Solutions, Inc.

Contractor in support of U.S. Board on Geographic Names | Domestic Names Committee

Phone: 703.648.4553

DOMESTIC GEOGRAPHIC NAME PROPOSAL SUMMARY

PROPOSE NEW OR CHANGE NAME

Name Proposal ID:

9691

Date Created:

27-JUL-19

Date Submitted:

27-JUL-19

Proposed Name:

Story Creek

Action Requested:

Change an existing name

Existing Name:

Squaw Creek

Unnamed Evidence:

-

Locally Used:

No

Locally Used Years:

-

Local Conflict:

No

Local Conflict Detail:

-

Additional Details:

-

FEATURE INFORMATION

GNIS Feature ID:

461933

Feature class:

STREAM

Descriptive information:

The watershed of this stream spans Boone, Hamilton, Story, and Webster counties. The stream itself is part of the larger South Skunk River Watershed (HUC 8) which, after combining with the North Skunk River, becomes the Skunk River. The Skunk River flows into the Mississippi River which ultimately

drains into the Gulf of Mexico.

Meaning or significance:

Story County is the county of (by far) the highest population through which this stream flows. The county was named in 1853, after Joseph Story. Individuals of Native American descent have protested the name of this stream beginning at least in the 1990's, and it is known that the current name has an offensive connotation.

Commemorative:

Yes

Biographical information:

Joseph Story (1779 – 1845) was an American lawyer and jurist who served on the Supreme Court of the United States from 1812 to 1845. He is most noted for his opinion in 1840 in *United States v. The Amistad*, which has been described by historians as the most important court case involving slavery before the case of *Dred Scott* in 1857.

Supporting materials:

No

SUPPORTING MATERIALS

No information entered.

STATES AND COUNTIES

| State Name | County Name |
|------------|-------------|
| Iowa | Hamilton |
| Iowa | Story |
| Iowa | Boone |

GEOGRAPHIC COORDINATES

| Obtained From | Describe Other | Lat Deg | Min | Sec | Long Deg | Min | Sec | Decimal Lat | Decimal Long | Details |
|-------------------------------|----------------|---------|-----|-----|----------|-----|-----|-------------|--------------|---|
| Geographic Information System | - | - | - | - | - | - | - | 42.034626 | -93.635054 | Feature runs through Boone, Hamilton, and Story counties. |

ADMINISTRATIVE AREAS

| Administrative Area Type | Administrative Area Name | Details |
|--------------------------|--------------------------|---------|
| Other State-managed Land | - | Iowa |

MAPS AND DOCUMENTS WITH NAME

No information entered.

OTHER (VARIANT) NAMES AND THEIR SOURCE

No information entered.

AUTHORITIES

| Last Name | First Name | Phone | Email Address | Physical Address | City | State | Zip | Occupation | Years |
|-----------|------------|------------|---------------------------------|-----------------------------------|------------|-------|-------|---------------------------|-------|
| Stevenson | Mary Beth | 3193258593 | MaryBeth.Stevenson@dnr.iowa.gov | 323 Stanley Hydraulics Laboratory | Iowa City | Iowa | 52242 | Eastern Basin Coordinator | - |
| Ament | Kyle | 5157258389 | Kyle.Ament@dnr.iowa.gov | 502 E. Ninth St. | Des Moines | Iowa | 50319 | Western Basin Coordinator | - |

SUBMITTERS AND PREPARERS

| Role | Last Name | First Name | Phone | Email Address | Physical Address | City | State | Zip | Company | Title |
|------|-----------|------------|------------|-----------------------|-------------------------|------|-------|-------|---------|-------|
| BOTH | Martin | Jasmine | 6052021695 | miss.martin@ymail.com | 2346 Edenburn Dr., #47A | Ames | IA | 50010 | - | - |

DGNP Guest

Approved

Promulgation authorized
Executive Secretary
Domestic Geographic Names

UNITED STATES
BOARD ON GEOGRAPHIC NAMES

CASE BRIEF (Domestic)

Story Creek: stream; 42 mi. long; heads in Webster Township 3.4 mi. NW of Stanhope at 42°18'25"N, 93°51'26"W, flows generally SE through into the South Skunk River in the City of Ames; named in relation to Story County where the stream's mouth is located; Tps83-87N, Rgs24-26W, Fifth Principal Meridian; Story County, Boone County, and Hamilton County, Iowa; 42°00'38"N, 93°35'45"W; USGS map – Ames East 1:24,000 (mouth); Not: Montgomery Creek, Squaw Creek, Squaw Fork, Squaw Fork Skunk River
https://geonames.usgs.gov/apex/gazvector.getesrimap?p_lat=42.0105422&p_longi=-93.5957729&fid=461933

Proposal: to change a name considered offensive

Map: USGS Ames East 1:24,000 (mouth)

Proponent: Jasmine Martin; Ames, IA

Administrative area: None

Previous BGN Action: None

Names associated with feature:

GNIS: Squaw Creek (FID 461933)

Local Usage: Squaw Creek (City of Ames, Story County, Boone County, Hamilton County)

Published: Montgomery Creek (*Karte von Iowa* 1852; *Colton's Iowa* 1869; General Land Office 1878); Squaw Creek (USGS 1912, 1914, 1916, 1965, 1975, 1978, 1985, 1993, 2010, 2013, 2015, 2018; AMS 1954, 1955; FEMA 2005, 2008; Iowa Department of Transportation; *Map of Story County* 1875; Rand McNally maps 1879, 1897; Story County map 1883; *Plat Book of Boone County* 1896, 1939; *Souvenir Atlas of Story County* 1910; *Standard Atlas of Hamilton County* 1918; City of Ames documents; Story County documents; Boone County documents; Hamilton County documents); Squaw Fork (*Sectional Map of Iowa* 1875); Squaw Fork Skunk River (*Atlas of Story County* 1902; *Souvenir Atlas of Story County* 1910; Story County atlas 1919)

Case Summary: This proposal is to change the name of Squaw Creek, a 42-mile-long tributary of the South Skunk River, to Story Creek. The stream flows through Hamilton County, Boone County, Story County, and the City of Ames.

The proponent states "Individuals of Native American descent have protested the name of this stream beginning at least in the 1990s, and it is known that the current name has an offensive connotation." She believes the proposed name is fitting because "Story County is the county of (by far) the highest population through which this stream flows."

Story County was named for Joseph Story (1779-1845), a native of Massachusetts who was an Associate Justice of the Supreme Court of the United States from 1812 to 1845. He is best remembered for his majority opinion in the 1841 case *United States v. Schooner Amistad*, in which the Southern-dominated court ruled 8-1 that kidnapped Africans enslaved by the Spanish were not regarded as enslaved under the 1807 law that forbade the international slave trade. Although he was against slavery, Story also wrote the majority opinion in the 1842 case *Prigg v. Pennsylvania*, in which he argued that the Federal Fugitive Slave Act (1793) precluded a

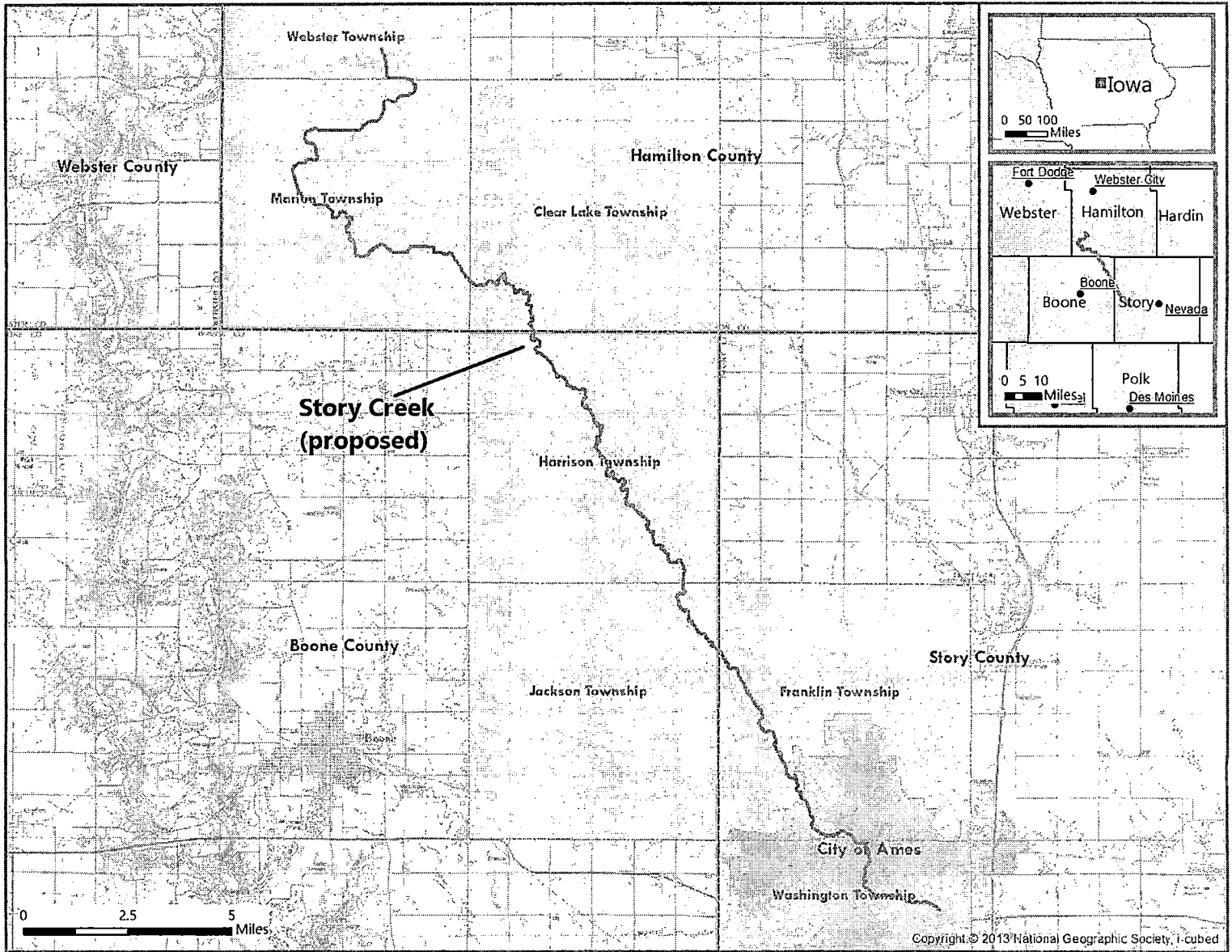
Pennsylvania law prohibiting African-Americans from being taken out of Pennsylvania into slavery in the South.

The name Squaw Creek has appeared on USGS maps since 1912. It is in widespread use by the City of Ames; by Story County, Boone County, and Hamilton County; and by the Iowa Department of Transportation. Other names for the stream have been published: Montgomery Creek in 1852, 1869, and on a General Land Office map in 1878; Squaw Fork in 1875; and Squaw Fork Skunk River in 1902, 1910, and 1919.

The stream is located within the project area of the Northern Tallgrass Prairie National Wildlife Refuge but is not on any lands managed by the U.S. Fish and Wildlife Service.

Proposed by: Jasmine Martin; Ames, IA
Submitted by: same
Prepared by: M. O'Donnell
Case ID: 5136
Reviewed by: J.Runyon

Date: 7/27/19
Date: same
Date: 9/25/19
Quarterly Review List: 437
Date: 10/2/19



CHAPTER 3. DOMESTIC GEOGRAPHIC NAMES POLICIES

Policy II. Name Changes

Geographic names provide important spatial, cultural, and historical references. Each name identifies a particular geographic feature, place, or area, and may be a distinct feature or part of another feature such as individually named peaks on a named mountain. This requires a high degree of stability in the written form of a name and its application. Consequently, changes in existing names should not be made without a compelling reason. Proposed changes must be submitted to the BGN for review and approval before being used in Federal publications.

“Name change” means formally revising the official name of a geographic feature in the United States or its territories and outlying areas. The BGN recognizes two classes of name changes:

- those made to bring official Federal usage into agreement with well-established local usage and/or with present-day local support and
- those made to eliminate particular name problems as in proposals involving names asserted to be offensive, duplicate names, or names originally established on the basis of incorrect information.

Sec. 1 Existing names, especially personal commemorative names, which honor an individual, and those names in longstanding public usage, should not be changed unless the proponent presents a compelling reason to do so. Even when the historical basis for an existing name is unknown, the BGN will still treat it with deference (see also Policy III. Commemorative Names, Sec. 4).

Sec. 2 The BGN prefers to recognize present-day local use or acceptance. The BGN will consider proposals to change official names that the proponent believes are inconsistent with well-established local use.

Sec. 3 The BGN prohibits the inclusion of derogatory words in a proposed geographic name (see Policy V. Derogatory and Offensive Names).

Sec. 4 Common names are sometimes applied to two or more features in close proximity. Where it can be demonstrated that duplication has led to confusion, the BGN will consider a proposal to change an existing name (see Policy VII. Duplicate and Similar Names). The BGN may disapprove a name change proposal that duplicates another nearby name.

Sec. 5 The need to correct a name for historical accuracy may not always be sufficiently compelling to change the existing name. However, proposals to correct a misspelling of a historic or personal commemorative name will generally be given favorable consideration if the proponent presents convincing evidence that the name has been misspelled and should be changed.

Sec. 6 The BGN initiates name changes only in rare cases such as those involving certain derogatory names and changes in name applications.

CHAPTER 3. DOMESTIC GEOGRAPHIC NAMES POLICIES

Guidelines

When a name change proposal is received, the BGN investigates the background of the current name and solicits recommendations from any individual or Federal, Tribal, State or local authority that it determines might have an interest in the feature. The BGN carefully considers all relevant factors when reviewing a name change proposal, including the extent and distribution of usage, historical context, and lexical meanings.

In the event of a name change, the prior form appears in the permanent Geographic Names Information System (GNIS) record as a variant name (see Policy VIII. Variant Names).



U.S. BOARD ON GEOGRAPHIC NAMES

GEOGRAPHIC NAME PROPOSAL RECOMMENDATION

Proposed Geographic Name Story Creek

This is to notify the U.S. Board on Geographic Names that the:

City of Ames Mayor and City Council
(Name of government entity, organization, or individual)

recommend that the U. S. Board on Geographic Names:

☐ **Approve the Proposed Name**

☐ **Reject the Proposed Name**

☐ **Take Action as Specified Below**

☐ **Render a Decision Without Our Recommendation**

Comments (the following factors contributed to this recommendation; attach supporting documentation if appropriate):

(Name)

(Title)

(Address)

(Telephone)

(City, State, ZIP Code)

(E-mail)

(Signature)

(Date)

Return to: U.S. Board on Geographic Names
U.S. Geological Survey
523 National Center
Reston VA 20192-0523
Telephone: (703) 648-4552
Fax: (703) 648-4549
E-mail: BGNEXEC@usgs.gov

CHAPTER 3. DOMESTIC GEOGRAPHIC NAMES POLICIES

Policy V. Derogatory and Offensive Names

The BGN's guiding principle for the names of places, features, and areas in the United States and its territories is to approve for official Federal use the names found in present-day local usage (see Principle II. Names in Local Use). An exception to this principle may occur when a name is derogatory or is shown to be offensive to a particular racial or ethnic group, gender, or religious group.

Because geographic names are part of the historical record of the United States, the BGN prefers to proceed cautiously with regard to the use of names in everyday language, as attitudes and perceptions of words considered to be offensive can vary among individuals and communities and can change connotation over time. Accordingly, the BGN will act on a case-by-case basis.

Two words, however, are considered derogatory by the BGN in all occurrences. In 1963, the Secretary of the Interior mandated the word "Nigger" in geographic names on Federal maps and other products be changed to "Negro." In 1974, the BGN mandated the word "Jap" in geographic names on Federal maps and other products be changed to "Japanese."

Sec. 1 The BGN will not consider a name proposal that includes the derogatory word "Jap" or the derogatory word "Nigger."

Sec. 2 The BGN will not make official for Federal use a locally used name that is determined by the BGN to be offensive to a particular racial or ethnic group, gender, or religious group.

Sec. 3 Proposals to change names considered to be offensive must meet the same basic criteria required of any other name proposal, and will be processed using the same procedures as any other name change (see Policy II. Name Changes).

Guidelines

Any individual or agency may submit to the BGN a proposal to change an existing name that they consider offensive. Such proposals should include reasons why the proponent believes the existing name is offensive. The proponent must offer an alternative name as part of the proposal, following BGN guidelines for name proposal submittals.

In proposing an alternate name, a conscientious effort should be made to offer an alternative name that does not eliminate or obscure the original intent of the geographic name as a historical record on the cultural landscape, taking into account the historical, cultural, or ethnic significance of the original name.

COUNCIL ACTION FORM

**SUBJECT: VACATION OF PUBLIC WALKWAY EASEMENTS AT 3802 & 3806
MARIGOLD DRIVE**

BACKGROUND:

In order to meet pedestrian access requirements, the final plat of South Fork 4th Addition included 5-foot-wide easements for a mid-block sidewalk south of Marigold Drive at 3802 and 3806 Marigold Drive. However, the connecting 10-foot-wide sidewalk easement that would have continued to the south was not platted with the corresponding South Fork 8th Addition. An easement was obtained one lot further to the east at 3719 Coy Street when the 9th Addition was platted. Therefore, in order to better align the sidewalk, 5-foot-wide sidewalk and electric easements (these easements are for electric infrastructure) were obtained from 3728 and 3732 Marigold Drive properties. **As a result, the previously platted 5' public walkway easements at 3802 and 3806 Marigold Drive are no longer needed and can be vacated. See Attachment A for existing easements and easements to be vacated.**

ALTERNATIVES:

1. Set the date of public hearing as November 26, 2019 to approve the vacation of the aforementioned easements at 3802 and 3806 Marigold Drive.
2. Reconsider the vacation of the easements at 3802 and 3806 Marigold Drive.

MANAGER'S RECOMMENDED ACTION:

Additional sidewalk easements were obtained to align the existing public walkway between Marigold Drive and Coy Street. Thus, the previous easements to the west at 3802 and 3806 Marigold Drive are no longer needed.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as noted above.



Attachment A

SOUTH
FORKSD 5TH
ADD

MARIGOLD DR

SOUTH
FORKSD 4TH
ADD

SOUTH
FORKSD
7TH ADD

SOUTH FORK
TOWNHOMESSD

EXISTING 5' PUBLIC WALKWAY EASEMENTS
PROPOSED TO BE VACATED
(3802 & 3806 MARIGOLD DR)

EXISTING 5' SIDEWALK & ELECTRIC EASEMENTS
(3728 & 3732 MARIGOLD DR)

SOUTH
FORKSD 8TH
ADD

PUBLIC ALLEY ROW

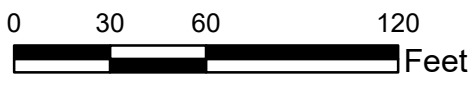
EXISTING 10' SIDEWALK EASEMENT
(3719 COY ST)

SOUTH
FORKSD 8TH
ADD

SOUTH
FORKSD 9TH
ADD

SUNFLOWER DR

COY ST



COUNCIL ACTION FORM

SUBJECT: REVISED ORDINANCE REGULATING MASSAGE ESTABLISHMENTS

BACKGROUND:

At the August 13, 2019 City Council meeting, the Council directed staff to draft an ordinance to regulate massage establishments. These regulations have been encouraged by massage practitioners and others interested in eliminating the practice of illicit massage and human trafficking in the community. A subsequent discussion was held with the City Council on November 12, where the Council directed staff to make several modifications to the draft ordinance.

The attached ordinance incorporates the instructions from the City Council. If the City Council approves the ordinance, staff will begin the process of notifying massage establishments of these new requirements.

ALTERNATIVES:

1. Approve first reading of the attached ordinance regulating the practice of massage therapy.
2. Refer the ordinance back to staff for modifications.
3. Do not approve first reading of a massage therapy regulation ordinance.

CITY MANAGER'S RECOMMENDED ACTION:

The attached ordinance includes the components City Council directed staff to incorporate. The ordinance language has been reviewed with the individuals who initially requested City regulation of massage practitioners. City staff believes this ordinance provides the desired scrutiny of massage providers, without significantly increasing the administrative burden on providers or the Police.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving first reading of the attached ordinance regulating the practice of massage therapy.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 11.9 THEREOF, FOR THE PURPOSE REGULATING MASSAGE ESTABLISHMENTS REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 11.9 as follows:

“SEC. 11.9. MASSAGE THERAPY

(1) Purpose.

The State of Iowa licenses massage therapists pursuant to Iowa Code Chapter 152C. Licensed massage therapists and businesses offering massage therapy services perform an important service in addressing the health and well-being of Ames residents. The purpose of this ordinance is to help identify and address businesses that engage in the practice of massage therapy without valid licenses and/or are involved in illegal activities.

(2) Definitions.

For purposes of this Section, unless the context otherwise requires:

(a) "Massage therapist" means a person licensed under Iowa Code Chapter 152C to practice the health care service of the healing art of massage therapy in the City of Ames.

(b) "Massage therapy business" means any business or place of business, including mobile, temporary, and transient businesses, wherein, or on whose behalf, any of the treatments, techniques, or methods of treatment referred to as "massage therapy" are administered, practiced, used, given, advertised or applied.

(c) "Massage therapy" shall be as defined in Iowa Code Chapter 152C.

(d) "Placard" means a poster or sign for public display affixed to a structure to provide notice to the public that the premises are unsafe for entry.

(3) State License Required.

The practice of massage therapy, as defined in Iowa Code Chapter 152C, is prohibited by unlicensed individuals. It is unlawful for a person to engage in or offer to engage in the practice of massage therapy, or use in connection with the person's name, the initials "L.M.T." or the words "licensed massage therapist", "massage therapist", "masseur", "masseuse", or any other word or title that implies or represents that the person practices massage therapy, unless the person possesses a license issued under the provisions of Iowa Code section 152C.3.

(4) Display of License and Photograph.

Each massage therapist must prominently display in an area in plain sight of customers of the massage therapy business, a copy of the massage therapist's valid massage therapy license and a color photograph of the massage therapist whose license is displayed. The color photograph shall measure no smaller than six (6) square inches (for example, a 2"x3" photograph), with the face of the massage therapist clearly recognizable and occupying the majority of the photograph.

Each massage therapist must be in possession of their license at all times while doing business in the city and must, upon request of a prospective customer or City official, exhibit the license as evidence of compliance with all requirements of this Section.

(5) Manager Designated.

An individual, who is a resident of the state of Iowa, must be designated to act as the manager for the massage therapy business. The name and position of the manager must be prominently displayed near the displayed massage therapy licenses. The manager shall consent to serve as an agent for the service of notices and other processes related to the massage therapy business. The manager shall remain responsible for the conduct of the massage therapy business until another person has been designated as manager in

writing. This manager designation requirement shall not apply to a massage therapy business that has only one massage therapist.

(6) Information Required.

Upon request by City staff, a massage business shall immediately produce documentation including the following information:

- (a) Name of the business;
- (b) Name, email address, telephone number, and residential address of the manager of the business;
- (c) Names of all licensed massage therapists (LMTs) employed or contracted by the business and their State license numbers;
- (d) Names and addresses of all other persons who work on the business premises whether employees or independent contractors of the business along with a description of the work performed;
- (e) Name(s) of the business owner(s);
- (f) Name(s) and mailing address(es) of all individuals who have an ownership interest in the business; and
- (g) Name(s) of any commercial tenant(s) leasing the business premises.

To confirm the identity of the LMT, a government issued photo identification card of the LMT and a copy of their valid and current license must be provided to City staff upon request.

(7) Hours of Operation.

No person shall be engaged in the practice of massage therapy between the hours of midnight and 5:00 a.m. unless such therapy takes place:

- (a) in a licensed medical facility;
- (b) in a licensed hospice facility;
- (c) under the specific direction or supervision of a person described in Iowa Code section 152C.9(1); or
- (d) with written approval from the Chief of Police or designee.

(8) Special provisions.

(a) Upon a determination by the police department that a massage therapy business has employed or otherwise contracts with an unlicensed massage therapist, or is otherwise in violation of this section, the Chief of Police, or designee, is empowered to place placards in one or more highly noticeable locations at the massage therapy business facility. The placard(s) shall state: "Unsafe to Enter; Unlicensed Massage Therapy Must Cease and may be subject to criminal and/or civil penalty pursuant to Ames Municipal Code section 11.9." The placard(s) must remain posted until a valid state license is obtained or other legal use has been established and demonstrated to the police department. This action may be appealed pursuant to Ames Municipal Code section 11.9(10).

(b) If the City has probable cause that prostitution, as defined by Iowa Code Chapter 725, or Human Trafficking, as defined by Iowa Code Chapter 710, has occurred at a property providing Massage Therapy, the police department may placard the property. This action may be appealed pursuant to Ames Municipal Code section 11.9(10).

(c) No person shall remove the placard posted pursuant to subsection (a) or subsection (b) of this section without approval of the Chief of Police or designee.

(d) No person, whether individually or in connection with one or more persons or as principal, agent, or accessory, shall continue to offer "massage therapy" services at the placarded location after a massage therapy business has been placarded as unsafe for entry unless the Chief of Police or designee has approved removal of the placard.

(9) Penalties.

A violation under this Section is declared to be a municipal infraction punishable by a civil penalty of \$500 for a person's first violation and by a civil penalty of \$750 for each repeat violation. Alternatively, violation of this Section may be charged by a peace officer of the City as a simple misdemeanor.

(10) Appeal of placard.

Should a person or business be placarded pursuant to subsection (8) above, the person or business may appeal the placarding by filing a written notice of appeal to the City Manager within seven days of the date of the placarding. The written appeal shall state the grounds of the appeal.

(a) Upon receiving a notice of appeal, a hearing shall be convened, chaired by the City Manager or designee, to receive any testimony or other evidence that is deemed appropriate concerning the placarding.

(b) When an appeal has been filed, the Police Department shall make a reasonable effort to notify any persons who would have had direct involvement in the situation which led to the placarding.

(c) The appeal shall be heard by a committee appointed by the City Manager and consisting of a minimum of three people, including a member of the public, a licensed massage therapist, and the Director of Planning and Housing or their designee.

(d) Following such hearing, the Committee may:

(i) uphold the placarding; or

(ii) Modify or reverse the placarding, after which the

(iii) Chief of Police shall take such action as is necessary to carry out the decision of the Committee.

(e) The decision of the Committee and the reasons for it shall be summarized in writing and provided to the person who filed the appeal.”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor