

**AGENDA**  
**REGULAR MEETING OF THE AMES CITY COUNCIL**  
**COUNCIL CHAMBERS - CITY HALL**  
**MARCH 10, 2020**

**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.

**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.

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meetings of February 18, 2020, and Regular Meeting of February 25, 2020
3. Motion approving certification of Civil Service applicants
4. Motion approving ownership change for Class E Liquor License - Wal-Mart Store #749, 3105 Grand Avenue
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor License with Outdoor Service and Sunday Sales - Sips and Paddy's Irish Pub, 126 Welch Avenue - pending dram shop
  - b. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales - Wal-Mart Store #749, 3105 Grand Avenue
6. Resolution approving appointments to various Boards and Commissions
7. Resolution approving reallocation of an unfilled Coal Handler FTE to create a temporary 11<sup>th</sup> Auxiliary Operator position
8. Resolution approving policy for external requests to use U. S. Hwy 30/S. Dayton Avenue light towers
9. Resolution approving Conflict of Interest Waiver for Ahlers & Cooney Law Firm to represent the Iowa Association of Municipal Utilities (IAMU)
10. Request for Spring Fest on Friday, April 3, 2020, with rain date of April 10, 2020:
  - a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for the closed area
  - b. Resolution approving closure of Welch Avenue from 100 feet south of the intersection of Chamberlain Street to Hunt Street from 1:00 p.m. to 9:00 p.m.
  - c. Resolution approving closure of 14 metered parking spaces in the closed area from 1:00 p.m. to 9:00 p.m.
11. Requests for Greek Week:

- a. Greek Race on Sunday, March 29, 2020, with April 5, 2020, as rain date:
  - i. Motion approving blanket Temporary Obstruction Permit for the closed area from 9:00 a.m. to 1:00 p.m. on March 29
  - ii. Resolution approving closure of Ash Avenue from Sunset Drive to Gable Lane, Sunset Drive from Ash Avenue to Gray Avenue, and the portion of Pearson Avenue adjacent the Greek Triangle from 9:00 a.m. to 1:00 p.m.
- b. Greek Week Olympics, Saturday, April 4, 2020, with April 5, 2020 as rain date:
  - i. Motion approving blanket Temporary Obstruction Permit for the closed area
  - ii. Resolution approving closure of Sunset Drive; Ash Avenue from Gable Lane to Knapp Street; Gray Avenue from Gable Lane to Greeley Street; Greeley Street; Pearson Avenue from Sunset to Greeley; and Lynn Avenue from Chamberlain to Knapp from 7:30 a.m. to 5:00 p.m.
- 12. Request from Campustown Action Association for Summerfest in Campustown on June 6:
  - a. Motion approving a 5-day Class B Beer License and Outdoor Service (June 5 - 9) for Campustown Action Association, 304 Main Street
  - b. Motion approving blanket Temporary Obstruction Permit
  - c. Motion approving blanket Vending License
  - d. Resolution approving waiver of Vending License fee
  - e. Resolution approving closure of the 200 block of Welch Avenue and Chamberlain Street from Welch Avenue to the exist of Chamberlain Lot Y from 7:00 a.m. and 10:00 p.m.
  - f. Resolution approving the closure of parking spaces in the 200 block of Welch Avenue on Chamberlain Street between Welch Avenue and the Chamberlain Lot Y exit, Welch Lot T, and Chamberlain Lot Y from 7:00 a.m. and 10:00 p.m.
  - g. Resolution approving waiver of parking meter fees for the closed area
  - h. Resolution authorizing access to City-owned electrical outlets and approving a waiver of fees for electricity used
- 13. Resolution approving preliminary plans and specifications for Power Plant Maintenance Services Contract; setting April 15, 2020, as bid due date and April 28, 2020, as date of public hearing
- 14. Resolution approving preliminary plans and specifications for CyRide 2020 Pavement Improvements - Middle School Turnaround Project; setting April 2, 2020, as bid due date and April 14, 2020, as date of public hearing
- 15. Resolution approving purchase of two Ford Escape SE Hybrid 4x4 vehicles for the Administrative Division for CyRide from Ames Ford Lincoln of Ames, Iowa in the amount of \$53,840
- 16. Resolution approving contract and bond for South Grand Avenue Extension (0.1 miles North of South 16<sup>th</sup> Street North 0.54 Miles to South 5<sup>th</sup> Street)
- 17. Resolution approving contract and bond for Homewood Golf Course Clubhouse Project
- 18. Resolution approving Plat of Survey for 2125 Greeley Street
- 19. Resolution approving Plat of Survey for 224 Ash Avenue

**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.

**ADMINISTRATION:**

- 20. Staff Report regarding Micromobility (motorized scooters)

**PLANNING & HOUSING:**

- 21. Staff Report regarding Land Use Policy Plan request for property located at 802 Delaware Avenue
- 22. Planning & Housing Department Work Plan update

**HEARINGS:**

- 23. Hearing on General Obligation Corporate Purpose and Refunding Bond Issues:
  - a. Resolution entering into Loan Agreement in a principal amount not to exceed \$23,500,000 and authorizing Debt Service Levy
- 24. Hearing on Amendments to Fiscal Year 2019/20 Budget:
  - a. Resolution amending budget for current Fiscal Year ending June 30, 2020
- 25. Hearing on adoption of FY 2020/21 Budget:
  - a. Resolution approving 2020/21 Budget
- 26. Hearing on Iowa State University Research Park Phase IV Road and Utility Improvements Project:
  - a. Resolution approving final plans and specifications and awarding contract to Con-Struct Inc., of Ames, Iowa, in the amount of \$2,823,757.81
- 27. Hearing on Fuel Forwarding Pump House Fire Protection Upgrade at Power Plant:
  - a. Resolution approving final plans and specifications and awarding contract to The Waldinger Corporation, West Des Moines, Iowa, in the amount of \$129,071.00
- 28. Hearing on East Industrial Utility Extension:
  - a. Motion accepting the report of bids
- 29. Hearing on CyRide 2020 HVAC Improvements Project:
  - a. Resolution approving final plans and specifications and awarding contract to Mechanical Comfort, Inc., of Ames, Iowa, in the amount of \$539,500 for the base bid

**ORDINANCES:**

- 30. First reading of ordinance increasing water rates by 2% and sewer rates by 5%, effective July 1, 2020

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:**

**COUNCIL COMMENTS:**

**ADJOURNMENT:**

## MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

FEBRUARY 18, 2020

The Special Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on the 18<sup>TH</sup> day of February, 2020, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Tim Gartin, Rachel Junck, and David Martin were present. Council Member Amber Corrieri and *ex officio* Member Devyn Leeson were absent.

### **AMES PLAN 2040 UPDATE:**

Planning and Housing Director Kelly Diekmann told Council that the draft presentation sent on Friday included details needed to help focus this meeting on housing principles and land use classifications. He said conversation among Council members will assist the Ames Plan 2040 team with next steps.

### **Housing Principles:**

RDG Consultant Marty Shukert reviewed income ranges for households and the correlating affordability ranges for housing. He said a very high percentage of residents earning under \$25,000 per year are students. Mr. Shukert showed Council the affordability ranges compared with the number of units available for each range, noting the shortage of needed housing in some categories. It was noted that any dwelling unit is considered a household. Mr. Shukert said there's a non-household category used by the census for group quarters like dormitories and nursing homes. He said households desire to pay 30% or less for housing.

Mr. Shukert discussed the demand for units by affordability range. He said new construction is estimated to be 55% owner-occupied and 45% renter-occupied. Mr. Shukert stated the largest need is owner-occupied units for those with incomes between \$125,000-\$200,000. Council Member Martin said it makes sense to take the housing needs at the lower-income levels more seriously. Mr. Diekmann said census data shows that the majority of Ames residents don't overextend themselves with house payments. Council Member Beatty-Hansen asked about the availability of homes for those with incomes less than \$125,000. Mr. Shukert said it's being assumed that existing housing meets that need.

City Manager Steve Schainker asked if land needs take into account the vacant land within the City. Mr. Shukert said that land is considered green field and not new land. Council Member Betcher asked about housing price ranges and how they depend on the cost of land. Mr. Shukert said the prices are based on affordability by owners. Mr. Diekmann explained higher-density units have less land costs but higher construction costs. Council Member Gartin suggested real estate agents and loan officers in Ames have knowledge and feedback that could benefit the process. Mr. Diekmann said there was a real estate stakeholder group who assisted in the process. Council Member Gartin said additional feedback could assist Council in making policy decisions. Mr. Diekmann said the numbers provided are based on census data. Mr. Shukert said real estate agents and developers also depend on the census numbers. He said the team would welcome any feedback.

Mr. Diekmann told Council that staff needs policy direction on the presented draft housing policy principles.

Expand housing choice and attainability for people of all income ranges.

Mayor Haila asked about the sub-bullet regarding inclusive housing opportunities within new development. Mr. Diekmann said that means there will be different housing types and different price points. Mr. Shukert said designating redevelopment areas goes beyond a box on the map and implies public participation. Council Member Gartin asked to what degree Ames can develop policy to compete with housing in smaller communities. Mr. Shukert said housing in Ames will not necessarily be in direct competition with smaller towns in the County because of the services Ames can offer, and because there are people who prefer the small town lifestyle. Council Member Gartin said he would like to see housing provided in the East Industrial Area. Council Member Betcher said she would like the focus to be on ensuring the existing affordable housing does not go away. Mr. Shukert said new affordable housing will depend on how much the community is willing to subsidize. Council Member Junck said creating more affordable housing will be difficult, but is still worth investigating further. Council members concurred with the top section of sub-bullets under this proposed housing policy.

Maintain the quality of existing neighborhoods while also encouraging reinvestment and enhancement of existing housing stock.

Council Member Beatty-Hansen said she hopes accessory dwelling units (ADUs) are considered. Council Member Betcher said ADUs are a great idea, but difficult to accomplish in college towns. Mr. Diekmann said standards and design components would need to be considered. Council Member Martin said all members have emphasized infill and he is comfortable looking into ADUs. Mr. Gartin asked why existing neighborhoods are being looked at if there are other infill options. Mr. Shukert said conserving neighborhoods is critical, and that policy should be identified for the situations where housing deteriorates and land uses could change. Mr. Gartin said he doesn't have the political courage to adopt a policy allowing change to existing neighborhoods. He said if accommodating approximately 15,000 additional people within the City can be accomplished through other infill methods, he would like to see those explored before looking at existing neighborhoods. Mr. Shukert said a policy is needed that states where density is acceptable. Ms. Betcher said she's curious about how the discussions Council had regarding near-Campus neighborhoods can be part of the policy. Mayor Haila said he is concerned about neighborhood issues if ADUs are allowed and there's not a design component. He said there's a certain expectation someone has when moving into a neighborhood. Mr. Diekmann said many cities require owners to live in one unit. Mayor Haila said that requirement could be viewed as a property rights issue and not be upheld. Mr. Martin said he is advocating for investigating ADUs further. Ms. Beatty-Hansen said some existing neighborhoods would allow for ADUs. Council members concurred with the sub-bullets under this proposed housing policy, including looking into ADUs as a future issue.

Use of density and/or building types to define development areas.

Mr. Shukert said the village idea in the Land Use Policy Plan (LUPP) was well-intentioned but is micro-managed. Mr. Shukert said they would like to see broad concepts of what makes the village idea a good thing and something the private market can use. Mr. Diekmann said incentives will need policies, such as for over-sizing streets. He said the current LUPP discusses expectations by geographies instead of uses. Mayor Haila asked if the Council will have control when a buyer of property wants to do something different with the property. Mr. Diekmann said

the City should start with an expectation to be sure the uses desired are being created. Mr. Shukert said a center or node can be built in many ways. Mr. Diekmann said saying “commercial is important” in an area, without stating exactly what is required, implies a long-term view for planning for eventual needs. Mayor Haila said this could potentially give some certainty to developers while details can be determined by staff. Mr. Diekmann concurred, and said hopefully there will be more context for Council when a request comes to change something. He said there’s very little context for amendments in the current LUPP. Council members concurred with the sub-bullets under this proposed housing policy.

Advance identification and redevelopment of redirection areas.

Council members concurred with the sub-bullets under this proposed housing policy.

**Land Use Classifications Example:**

Mr. Shukert told Council that the team is suggesting some additions to the Complete Streets Plan (CSP) to include some streets that have become more significant in the community. Future Land Use Map categories were reviewed and intensity map categories were discussed. Director Diekmann explained that the proposed category names reflect the context and makeup of a particular area rather than the terminology of low-, medium-, or high-density. He said this way of categorizing would address growth areas and the character of existing neighborhoods. Mr. Diekmann said the team wants to know if the Council likes the proposed contextual descriptions over the traditional low-, medium-, and high-density terms before RDG maps out the City.

Mayor Haila asked if there would be new guidelines for developing within areas. Mr. Diekmann said he thinks this is considered more flexible from a designation perspective and will focus more on the zoning side than the land use side. Council Member Martin said this could result in fewer requests for amendments and has some appeal. Mr. Diekmann said the descriptions of the categories are the most important. Mr. Martin said if the categorizations are a way to group things together, he is fine with that. Mr. Shukert said this is a trial and it will be brought back next to Council next month.

Council Member Gartin asked how these designations would be different than current designations. Mr. Shukert said these classifications are separated from the zoning map and are intended to be more of a holistic policy. Mayor Haila said the alternative names of low-, medium-, and high-density have no real descriptors of what is in the area. He asked if this will streamline decision-making. Mr. Diekmann said it depends on how permissive Council is on making zoning changes. RDG Consultant Cory Scott said the proposed categories add context and character to the density factor, and that this would be a helpful tool for Council. Mr. Diekmann said the designations help guide factors of change.

Council Member Betcher noted the conflict between low- and high-density in some areas such as the near-Campus neighborhoods. Mr. Shukert said he’s not sure of the approach for those areas yet, but will have more details next month. Council members supported the approach of the map shown. Mr. Martin said it’s a concept and may not be exhaustive. Ms. Betcher said she wants to be certain the near-Campus neighborhood designation does not get lost. Mr. Diekmann asked if an additional category is desired to reflect the near-Campus neighborhood parking restrictions. Ms. Betcher concurred. Ms. Beatty-Hansen said, other than the rental capacity and rental cap purpose, she doesn’t see the need for the near-Campus neighborhood definition. Mr. Shukert said the near-Campus neighborhoods can be

addressed with a separate description to be more effective.

Director Diekmann asked if Council wants to move forward with the proposed terminology. Council members concurred on proceeding with further development of the concept. Mr. Diekmann said a city-wide map will be prepared.

Mr. Martin asked about next steps. Mr. Diekmann said mapping out the City with the new land use terminology will be first, and then zoning categories will be looked at. Council decided the next meeting on Ames Plan 2040 will be March 31, 2020.

**Other:**

None.

**COUNCIL COMMENTS:**

Ms. Junck said it is National Engineer Week and an event was held at the Research Park to celebrate the work of engineers.

Mayor Haila said ISU Student Government and the City Council will have a joint meeting on March 4, 2020 at 5:30 p.m.

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:**

Moved by Gartin, seconded by Junck, to request a memo from staff regarding the letter from Justin Dodge requesting further direction on regional improvements at State Avenue and Zumwalt Station Road.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Martin, seconded by Betcher, to refer to staff the request from Clarke Pasley and request a memo regarding how Council could proceed to allow parking on Westbrook Drive.

Vote on Motion: 5-0. Motion declared carried unanimously.

**ADJOURNMENT:** The meeting was adjourned at 9:20 p.m.

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Diane R. Voss, City Clerk

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John A. Haila, Mayor

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Erin Thompson, Recording Secretary

**MINUTES OF THE REGULAR MEETING OF THE  
AMES CONFERENCE BOARD AND  
REGULAR MEETING OF THE AMES CITY COUNCIL**

**AMES, IOWA**

**FEBRUARY 25, 2020**

**REGULAR MEETING OF THE AMES CONFERENCE BOARD**

The Regular Meeting of the Ames Conference Board was called to order by Chairman John Haila at 6:01 p.m. on February 25, 2020. Present from the Ames City Council were Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Rachel Junck, and David Martin. Linda Murken, Lisa Heddens, and Lauris Olson represented the Story County Board of Supervisors. Other members in attendance were as follows: Jamet Colton, Ames School Board of Directors; and Joe Anderson, Nevada School Board of Directors. Gilbert School Board of Directors and United Community School Board were not represented. Tim Gartin, City Council, was absent.

**MINUTES OF JANUARY 28, 2020:** Moved by Corrieri, seconded by Heddens, to approve the Minutes of the January 28, 2020, meeting of the Ames Conference Board.

Vote on Motion: 3-0. Motion declared carried unanimously.

**PUBLIC HEARING ON PROPOSED FY 2020/21 BUDGET FOR CITY ASSESSOR'S OFFICE:** The public hearing was opened by Mayor Haila. After no one came forward to speak, the Mayor closed the public hearing.

Moved by Betcher, seconded by Colton, to approve the FY 2019/20 Budget for the City Assessor's Office.

Vote on Motion: 3-0. Motion declared carried unanimously.

**CONFERENCE BOARD COMMENTS:** Mayor Haila advised that the Assessor and City Clerk were working on a written history on the Conference Mini Board as a follow up to the discussion from the meeting held January 28, 2020.

**ADJOURNMENT:** Moved by Murken, seconded by Colton, to adjourn the Ames Conference Board at 6:02 p.m.

**REGULAR MEETING OF AMES CITY COUNCIL**

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:05 p.m. on the 25th day of February 2020, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Rachel Junck, and David Martin were present. *Ex Officio* Member Devyn Leeson was also in attendance.

**CONSENT AGENDA:** Council Member Betcher requested to pull, for separate discussion, Item No. 17: preliminary plans and specifications for 2019/20 Asphalt Street Pavement Improvements (14<sup>th</sup> Street and 15<sup>th</sup> Street). Mayor Haila requested to pull Item No. 2, Minutes of the Regular Meeting held February 11, 2020, for some minor corrections.



Moved by Beatty-Hansen, seconded by Corrieri, to approve the following items on the Consent agenda.

1. Motion approving payment of claims
2. Motion approving Report of Change Orders for February 1 - 15, 2020
3. RESOLUTION NO. 20-079 authorizing Police Department to apply for and participate in the Governor's Traffic Safety Bureau Grant Program for traffic safety enforcement
4. Motion approving new 12-month Class E Liquor License with Class B Wine, Class C Beer, and Sunday Sales - goPuff, 615 S Dayton Avenue - (pending final inspection)
5. Motion approving new 8-month Class B Beer with Outdoor Service and Sunday Sales - Homewood Golf Course, 401 E 20<sup>th</sup> Street, (pending final inspection)
6. Motion approving transfer of El Azteca Class C Liquor License from 1520 S Dayton Avenue to 2120 Isaac Newton Drive - (pending final inspection)
7. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor License with Outdoor Service and Sunday Sales - BN'C Fieldhouse, 206 Welch Avenue - Pending Dram Shop
  - b. Class C Liquor License with Outdoor Service and Sunday Sales - Coldwater Golf Links, 1400 S. Grand Avenue
  - c. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales - Kum & Go # 113, 2801 E 13th Street
  - d. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales - Kum & Go # 227, 2108 Isaac Newton Drive
  - e. Class A Liquor License with Outdoor Service and Sunday Sales - Elks Lodge, 522 Douglas
  - f. Special Class C Liquor License - The Spice Thai Cuisine, 402 Main Street
  - g. Class C Beer Permit with Class B Native Wine Permit and Sunday Sales - Swift Stop #4, 1118 S Duff
  - h. Class C Beer Permit with Class B Wine Permit and Sunday Sales - Swift Stop #5, 3218 Orion Street
  - i. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales - Casey's General Store #2905, 3612 Stange Road
  - j. Class B Beer with Sunday Sales - Pizza Pit Extreme, 207 Welch Avenue - Pending Dram Shop
  - k. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales - Sams Club #6568, 305 Airport Road
8. RESOLUTION NO. 20-080 naming Vanessa Baker-Latimer as City of Ames representatives to Central Iowa Regional Housing Authority (CIRHA) to serve three-year term
9. RESOLUTION NO. 20-081 approving Small Cell Wireless Pole Attachment Agreement with Verizon Wireless from January 1, 2020, until December 31, 2025
10. RESOLUTION NO. 20-082 approving request from Mary Greeley Home Health Services to amend Unit Rate for In-Home Health Assistance in FY 2019/20 ASSET Contract
11. RESOLUTION NO. 20-083 approving request from Story County Auditor for parking waiver(s) for election day related parking on March 3, June 2, and November 3, 2020
12. RESOLUTION NO. 20-084 authorizing the Police Department to request reimbursement per the Agreement with Ames Foundation in the amount of \$1,330 for the purchase of two portable ballistic shields
13. Requests from Ames Chamber of Commerce for Ames Main Street Farmers' Market on Saturdays from May 9 to October 17, 2020:

- a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for Central Business District from 8:00 a.m. to 1:30 p.m.
  - b. RESOLUTION NO. 20-085 approving closure of 300 and 400 blocks of Main Street, Burnett Avenue from Main Street to the U.S. Bank drive-through, and Tom Evans Plaza from 5:00 a.m. to 1:30 p.m.
  - c. RESOLUTION NO. 20-086 approving suspension of parking enforcement in CBD Lots X and Y from 6:30 a.m. to 1:30 p.m.
  - d. RESOLUTION NO. 20-087 approving waiver of parking meter fees and enforcement, usage and waiver of electrical fees, and waiver of fee for blanket Vending License for event from 5:00 a.m. to 1:30 p.m.
14. Requests from India Cultural Association:
- a. RESOLUTION NO. 20-088 directing staff to amend FY 2020/21 COTA Annual Grant allocation to deduct \$5,000 in funding
  - b. RESOLUTION NO. 20-089 directing staff to amend FY 2019/20 COTA Annual Grant allocation to add \$5,000 in funding, and authorizing the funds to be used for activities described in FY 2019/20 COTA Annual Grant Contract
15. RESOLUTION NO. 20-090 approving preliminary plans and specifications for 2019/20 Collector Street Pavement Improvements (Bloomington Road - Grand Avenue to Hoover Avenue); setting March 18, 2020, as bid due date and March 24, 2020, as the date of public hearing
16. RESOLUTION NO. 20-092 approving preliminary plans and specifications for Power Plant Unit 8 Steam Turbine Parts Procurement; setting March 25, 2020, as bid due date and April 14, 2020, as date of public hearing
17. RESOLUTION NO. 20-093 approving Change Order No. 9 with HPI, Inc., of Ames, Iowa, for Unit 7 Turbine Generator Major Overhaul
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**MINUTES OF REGULAR MEETING HELD FEBRUARY 11, 2020:** Mayor Haila advised Council that he would like to amend Page 4 of the Minutes, regarding the City Improvement Plan: that “Council Member Gartin inquired about the use of a public restroom in the downtown plaza” should read “inclusion of” instead of “use of”. Also on Page 14, Paragraph 2, in the second line, it said “asking to be annexed in south area of Highway 30”, but the sentence should read, “area south of Highway 30” for clarity.

Moved by Gartin, seconded by Corrieri, to approve the Minutes of the Regular Meeting held February 11, 2020, as amended.

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

**PRELIMINARY PLANS AND SPECIFICATIONS FOR 2019/20 ASPHALT STREET PAVEMENT IMPROVEMENTS (14<sup>th</sup> STREET AND 15<sup>th</sup> STREET):** Municipal Engineer Tracy Warner said, due to the age of the neighborhoods, some people had been very adamant about the removal of mature trees or specific species of trees that had been intentionally grown. She explained that the City was trying to balance the infill of sidewalks throughout the area and had taken measures to try to accommodate the concerns of the residents.

Council Member Betcher expressed concern that she didn't see anything about ADA requirements or how they were creating an accessible through-way because there were big gaps with no sidewalks on either side of the street. She asked what kind of obligation the City had under ADA to ensure there was at least one side of the street that had a connection.

Ms. Warner responded that the obligation was to install the handicapped ramps at the corners, otherwise there was no other obligation unless they received a request to infill the sidewalk. The ramps would be to a landing where someone could turn around if it did not connect to a sidewalk. Ms. Betcher said there was a policy that required sidewalks on both sides of the street, but in this neighborhood at least, it would be good if they had sidewalk continuity at least on one side of the street so residents could traverse the area more successfully. She said she was more concerned about individuals and the gaps in the streets than she was concerned about the trees.

Council Member Gartin asked if the City offered to plant replacement trees that were removed for sidewalks. Ms. Warner said they could offer that as an option, but the new tree would be much smaller than the mature tree they may be removing.

Mayor Haila opened public input.

Bob Folkmann, 1326 Burnett, Ames, said there was no street going west from Burnett and 14<sup>th</sup> Street had never had a sidewalk on either side. He added that not many pedestrians walked that street as there were no houses that faced the street on 14th. Because of the new water main from 16<sup>th</sup> to 13<sup>th</sup>, the ADA sidewalks were installed and they repositioned the fire hydrants. He said he felt the sidewalk was not necessary because Duff Park was not much of a draw from where he lived. There was a much bigger playground at Meeker, which was where the kids preferred to go. He explained that he had a hedge as a privacy fence that he enjoyed, and he believed that spending money on sidewalks that wouldn't be used very much was a waste of money, plus it would quadruple the amount of sidewalk he would have to shovel.

Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, said if Council wanted to discuss this topic, it should not have been on the Consent Agenda. He said property rights were fundamental rights, and if Council were to mandate sidewalks, they would have to be very careful, especially in established neighborhoods. He added that the intersection at 15<sup>th</sup> and Kellogg was not controlled, so it was obviously not much of a problem. He said he was very unhappy how this transpired on the Consent Agenda.

Mayor Haila closed public input.

Mr. Gartin asked if there was a timing issue with this item. Ms. Warner said there were two projects out for bid with the majority being asphalt work. Those were typically bid in the spring, and bids had been coming in really high, so timing was important due to cost.

According to Ms. Betcher, this item showed up on the Consent Agenda on Friday and Council had followed the process of pulling the item after staff did outreach with the neighbors. She added that the *City Code* mandates that they were supposed to have sidewalks and that Council had allowed large gaps in the sidewalk system in Old Town and this area north of Old Town for a long time. Council supported having sidewalks mandated on both sides of the street. She said it was not

unreasonable to ask the City to save money by providing infill on one side of the street when there were people who cannot get around in the community. She explained that she had tried to go on the sidewalks in this area in a wheelchair and it was difficult for non-able-bodied citizens to walk continuously on a sidewalk, especially if there was no sidewalk on either side of the street. She commented that there was nothing underhanded about how this was handled.

Council Member Corrieri agreed with Ms. Betcher and added that many of the Council Members did walk the area and did get a feel for the lack of connectivity and accessibility in this area. A few years ago, Council made a conscious effort to prioritize accessibility; this was a perfect example of City staff leveraging another project in order to achieve some of their goals. There was a point made that there were not a lot of children in the area, but that didn't mean there won't be in five years.

Mr. Gartin commented that Mr. Pfannkuch's point about the general principal regarding notifying people about matters that might affect them should resonate with Council. He added that if there wasn't a timing issue, he wanted to put this on a future agenda, even though Council would in all likelihood approve it.

Moved by Gartin to place this item on a future agenda to provide opportunities for affected neighbors to be notified. Motion died due to lack of a second.

It was suggested by Mayor Haila that Council take action on the resolution to approve the plans and specifications for the project, as proposed, which was absent sidewalks on both sides so it could go out to bid. He clarified that they were not adding anything that residents were not agreeing to at that time.

Council Member Martin asked if the ADA ramps would be installed without the infill connectivity if the plan on the map was executed. Ms. Warner explained that some areas have some infill and some have already existing sidewalks, but Council could direct staff to fill in the rest of it.

Moved by Betcher, seconded by Martin, to adopt RESOLUTION NO. 20-091 approving preliminary plans and specifications for 2019/20 Asphalt Street Pavement Improvements (14<sup>th</sup> Street and 15<sup>th</sup> Street); setting March 18, 2020, as bid due date and March 24, 2020, as the date of public hearing. Roll Call Vote: 6-0. Resolution declared adopted, signed by the Mayor, and hereby made a part of these Minutes.

Ms. Warner explained that if Council directed staff to achieve connectivity, staff would work on the design and either create an addendum or a change order to incorporate the changes. It wouldn't necessarily come back to Council for approval.

Moved by Betcher, seconded by Corrieri, to direct staff to complete an addendum to achieve connectivity on at least one side of 14<sup>th</sup> and one side of 15<sup>th</sup> Streets within the project area.

Mr. Gartin added for clarification that if someone objected to the plan, they could contact City Council to express their concern, but that there was no mechanism for Council to vote it up or down.

Vote on Motion: 5-1. Voting aye: Beatty-Hansen, Betcher, Corrieri, Junck, Martin. Voting nay: Gartin. Motion declared carried.

**PUBLIC FORUM:** Mayor Haila opened Public Forum.

Brant Lemer, 5333 Tabor Drive, Ames, and property owner of 5615 West Lincoln Way, Ames, said he was confused after meeting yesterday with City staff on a possible voluntary annexation with possible involuntary annexation as well in the 5500-5800 block of Lincoln Way, west of Sunset Ridge Subdivision to the Boone and Story County line. Over 30 acres of this area had recently changed ownership, and the process to request annexation of that property, until recently, was put on hold. He stated that when this subject did eventually reach Council, he would like them to consider not exercising involuntary annex proceedings just because of the majority property of one party who requested it. He said that he would also like the opportunity to entertain any early discussions with staff, if possible.

Brian Adams, 5507 Lincoln Way, Ames, said he was approached by Chuck Winkleblack who offered to buy his property as Mr. Winkleblack purchased the property around him. He claimed that Mr. Winkleblack informed him of the 80/20 annex rules that his property would probably be forcibly annexed, but the City utilities would be too far away, so they would not provide City utilities to his property. He said Mr. Winkleblack would not explain forced City annexation or what terms he would have to pay for if he were to be forcibly annexed into the City. He was concerned that no other neighbors knew about this because there had been no communication.

Mr. Gartin asked Mayor Haila to clarify who the people would contact if they would like to be notified about future annexation. Mayor Haila said they can contact the Planning & Housing Director Kelly Diekmann, and he can keep them informed.

Chuck Winkleblack, 105 S 16<sup>th</sup> Street, Ames, explained that when they acquire properties, they like to contact the people in the neighborhood and let them know what's going on, but they are very careful not to speak on behalf of the City. He said when he talked about near future plans before, staff had asked if there was any idea what the neighbors would want, so he reached out to the neighbors. He said it was coming and asked if they were interested in the annexation or not, but that they would not be speaking on their behalf.

Mayor Haila closed Public Forum and asked Planning & Housing Director Kelly Diekmann to explain the normal process with the annexations.

Mr. Diekmann stated that Council was not informed of what was going on because there was not a complete application for an annexation. Once the application was complete and they knew who was voluntarily annexing, the request would be brought to Council for approval and then reviewed if there was other territory that would be required to be included or may reasonably need to be included per *Iowa Code*. Calculations and notifications had not been done yet as the application was incomplete. Once the territory was determined, that prompts the process to begin and that's when staff would send out the notices.

**321 STATE AVENUE SUBDIVISION CONCEPTS:** Planner Diekmann said Council needed to pick a preferred concept for single-family layout. In addition to reviewing the subdivision concepts, staff needed direction from City Council on its preference for percentage of affordable single-family housing units developed on the site. It was understood that the minimum requirement was for 51% of the housing units developed on the total site to be targeted to households earning less than 80%

of the average median income (AMI). Staff presented scenarios without lot layouts for either placing multi-family or single-family housing units on either the north or south side of the parcel.

Mr. Diekmann reviewed the concept options and advised Council that there were four points to consider when determining the preferred concept:

1. Housing location, including housing flexibility for multi-family buildings versus single-family buildings, location of multi-family buildings
2. Salability of market rate lots
3. Estimated cost to construct improvements, including total cost and cost per-dwelling unit
4. Lot layout & integration, desirability of lots, compliance with City standards

Council Member Betcher recalled that, in December, Mr. Diekmann thought that it would not be possible to do multi-family on either side of Tripp Street if they also did single-family along Wilmoth. It was also unlikely that they could do multi-family on the south side, but more likely that they could accomplish that on the north side. Mr. Diekmann said if single-family lots were built on Wilmoth, there would be enough land for a medium-density or less level of apartment project. Concerns were brought up from neighbors regarding potential flooding of lots on the south side that back up to the creek, according to Ms. Betcher. Mr. Diekmann explained that there would be a separate lot for flood land other than the planned home sites.

Mr. Martin asked what staff would do if Council were to move forward and choose an alternative that had a blank space option for other uses going forward. Mr. Diekmann responded that they would want to be in front of the Low Income Housing Tax Credit (LIHTC) schedule for plans with March 2021 as the deadline. He said they would need to have a discussion this summer (June at the earliest) about expectations so staff can put a Request for Proposals (RFP) together and have time for developers to respond back to Council with plenty of time to work with the developer and ideas. Civil Design Advantage (CDA) will prepare the preliminary plans, the final plat, and the improvement plans. He clarified that they would have 60 days from tonight to go out to bid. Then they can start to focus on the other part of the site.

In response to Mr. Gartin's request for further information on the rental housing needs, Housing Coordinator Vanessa Baker-Latimer explained that when staff prepared the Consolidated Plan last year, one requirement of HUD was that they look at housing needs assessments. Data provided by HUD and others in 2017 showed a definite housing gap for extremely low income renters. There were 223 HUD subsidized housing units and 497 tax credits. In the community, there were 221 Section 8 units, and through analysis, they anticipated that there were just over 5,000 units that were not available to low-income, including students, and were not affordable for households with 50% or less of the median income. The Laverne Apartment building was built in 2010 and that was last subsidized housing built in Ames.

After further discussion was had regarding subsidies, Mr. Gartin commented that he felt there was great value in asking the market to buy and develop these lots. He recommended asking developers and realtors for feedback among these designs to see which would be more attractive to the market. Ms. Betcher reviewed traffic flow patterns with Mr. Diekmann regarding spacing between intersections and curb cuts. Ms. Beatty-Hansen asked how many lots were planned to be developed each year. Ms. Baker-Latimer said they planned on starting the development with building two or three homes and then listing the other lots for sale.

Council Member Corrieri asked if the single-family percentage of 51% could be adjusted to help with potential challenges with selling the affordable single-family homes. Ms. Baker-Latimer confirmed they could adjust it as long as they still met the 51% requirement, which included rental housing and owner-occupied per unit and they could set the market rate lots at any rate from 81 - 100 AMI to meet the goals of their intended market.

Marketability was debated regarding parking and garage expectations on the narrow lots. Mr. Diekmann advised Council that these lots were not going to sell for \$75,000. If they were concerned about the aesthetics with home proportion to the lot size, staff needed direction to address that tonight. Ms. Beatty-Hansen commented that the goal was to have something that looked different and the smaller lots would make it more affordable.

Mr. Martin asked if they should consider apartments at all due to the complex history with years of fighting to prevent rentals on this site in cooperation with the neighbors. In January, Council changed direction, and this was the first meeting that the public had been able to address Council on this topic. He said he felt that communication had not been going well from Council to the neighborhood. Mr. Martin suggested a Council workshop about the need in the community and how different modes of living might be different than what Council was fighting against in previous years. Ms. Betcher agreed with Mr. Martin and said that the option to discuss adding multi-family housing to the plan was directed to staff at the December 17 meeting. She said there was room to continue this discussion in light of their goals and the possibility of having a more flexible approach with what they do with the outlot.

Mayor Haila opened public comment.

Ted Huiatt, 3025 Evergreen Circle, Ames, Story County Community Housing Board President, requested to include local nonprofits in the continued development of this area. He suggested the land trust model, like what was done with condominiums or town homes. The land trust model lowered the price of the house for low-income home buyers and included a shared equity model where the equity was divided between the home owner and the land trust to keep the cost low as they sold it to maintain affordability.

Terry Potter, 608 Douglas #1, Ames, said he was there on behalf of A Mid-Iowa Organizing Strategy (AMOS), who supported the City's purchase of the property with CDBG funds for the purpose of increasing the amount of affordable housing for working families in Ames. The original request included a commitment of a minimum of 60% affordable units, attached housing, and rental units on this parcel. He said they believed it was critical to expand the availability of affordable housing for working families below the 80% AMI threshold.

Tony Ramey, 425 Hilltop Road, Ames, commented that this was originally zoned to be Residential Low with the idea that it would be single-family dwellings and he hoped that it would stay that way. The concept he preferred was a hybrid of the south part of A and north part of F for single-family owner-occupied dwellings, which he acknowledged would be difficult to achieve. The neighborhood association had been fighting this battle since 2013. Another component was that the use of LIHTC funds required it to be rental housing. He advocated for a lease-to-own paradigm for LIHTC funds to build houses to be leased so the person leasing could buy them.

Julia Sager, 429 Hilltop, Ames, brought up the idea of cottage housing, which was designed to be walkable and neighborhood centric. The north side would be ideal for that as it was already a reasonable walk to Campustown and to the bus service. She said she felt it would be a good fit with small units for small families, or singles, or older people, who wouldn't have as many cars which would allow cluster parking. She said there could be a number of units that would be more affordable and would be very attractive to parents whose students would be at ISU for four years.

Tom Procknow, 406 Joy Circle, Gilbert, President of Habitat for Central Iowa at 3504 North Grand, Ames, voiced his concern that the lots would be so expensive for Habitat to purchase in Ames. He said they raise funds to help build, but properties are proposed to be so expensive. He asked if Council could require the potential developer to sell some lots to nonprofits so they could afford to build homes.

Joanne Pfeiffer, 3318 Morningside Street, Ames, commented that as the Chair of the Neighborhood Association, she had an obligation to speak about quality of life and strong neighborhoods. She talked about creating sustainability for the neighborhood. There was a comment in the paper last Sunday from the consultants who mentioned the ideal ratio would be 55% owner occupied and 45% rentals. This neighborhood is already at 70% rentals, so adding any more rentals was frightening to her. She suggested looking for evidence-based living in neighborhoods that were above the 70% rentals and what happened to neighborhoods with a different balance. Council Member Gartin asked Ms. Pfeiffer for her opinion on the options. She responded that she didn't have a strong opinion other than not wanting to see multi-family rentals.

Diane Birt, 303 Hickory Drive, Ames, said she and her husband owned a house on Hilltop with their son, and she was there to talk about the thought that the entire neighborhood was totally against rentals. There was a survey done in 2016 that had 118 households respond in the College Creek Old Middle School Neighborhood where 53% of respondents said they only wanted owner-occupied, no rentals; the other 47% said it was fine to have rentals. She offered to send a copy of the survey to the City Clerk for distribution to Council for reference. She added that she was a member of AMOS and supported what her colleague Mr. Potter had said.

Marilyn Clem, 3306 Morningside Street, Ames, remarked that her house was built in 1954 with no garage and all the lots with garages on her street were 65 feet wide and 165 feet long. One year, there was a torrential downpour and the firewood she had stored at the back of her property was swept halfway up the hill, and nothing has been done about the College Creek situation. The retention pond should take care of most of the run-off, but she still had concerns. She said she didn't want more than 70% of her neighborhood as rental. For comparison, she pointed out that Franklin had all rentals and they were in bad shape. There was a possibility that those houses could be bought up and rebuilt just like the habitat across from her house. She said she had a rental next door where her sister lived. She added that the rentals on Morningside conformed to the neighborhood and she would like to see the peace and quiet kept there. Ms. Clem commented that Sharon Guber, who had worked on this project, died unexpectedly Sunday, and she would like to see some of Sharon's ideas included.

Rich Ketcham, 2923 Arbor Street, Ames, said if you were to go down the roads and see rental signs or property management signs attached to houses, it wouldn't bode well. He said he was a firm believer in owner-occupied houses for people to have the opportunity to develop equity in a property.



He added that if the City got input from local developers, they would only get local models like what already existed in the City like the development on Mortensen and Copper Beech. Another component that he was concerned about was the potential for removal of some of the green space from the Arboretum for a fire station, which he felt should be included in this whole conversation. He commented that he would support owner-occupied housing to help stabilize the area with consistency in the neighborhood.

Debbie Ramey, 425 Hilltop Road, Ames, expressed concern that, of the over 200 units or houses in their Association, 70% were rentals. She said the Association would like to have a community of people committed to the neighborhood. Oftentimes, the renters were only there for a short period of time and did not have a vested interest in the property. The design of the houses that Council was talking about creating with small property footprints was what happened on Dotson; the properties all became rentals because of the size with no vested care, and despite being relatively new, they were not in good shape. On Tripp Street, Windsor Center was an apartment high-rise with three stories for persons with limited income which would be less than half a mile from another set of high-rise housing in the neighborhood. She commented that she does not disagree with having rentals, but would prefer lease-to-own, and she liked what her husband said earlier about creating lots on the north and south side and not having high-rise apartments.

Lauris Olson, 1705 Buchanan Drive, Ames, Story County Supervisor, declared that 80% of median income was still a good income, but there were people in the City who could not afford to own. Council had been talking about starter houses, but that's different than affordable housing. She urged Council to look at multi-family housing to service the range of citizens who will never be able to buy.

Mayor Haila closed public comment.

Director Diekmann said that a 55-foot lot is a very standard size lot with choices for detached or attached garages. With 50-foot lots, the best aesthetic would be a single-wide driveway to get to a single- or two-car garage in the back, and the orientation of the house had to be perpendicular to the street.

Moved by Gartin, seconded by Corrieri, to set the minimum percentage of affordable single-family homes at 51%.

Ms. Baker-Latimer clarified that if the City used HOME Funds to construct single-family homes, they would have to be sold within nine months or they would automatically convert to rentals. Ms. Betcher asked if the City would be the landlord if there wasn't a buyer in nine months. Ms. Baker-Latimer confirmed and reiterated that the goal was to always qualify the buyers first so the house could be built according to the buyer's preferences. Council Member Junck asked if it would be possible to do a rent-to-own option if it were to transition to a rental. Ms. Baker-Latimer said it would be an option as they have done that type of program before.

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

Moved by Gartin, seconded by Betcher, to select Option F: 26 Single Family Lots, Loop Road. This concept includes a modified circular street north of Tripp Street with open space in the middle and single-family homes all fronting toward the open space.

Mr. Gartin said lots of feedback had been received regarding concerns about neighborhoods being up next to the rental housing, but by placing it on the south side, there would be some insulation with the houses along Wilmoth that would act as a barrier between the neighborhoods to the west and the rental housing. The owner-occupied properties to the north would create greater continuity with existing neighborhoods. Council Member Martin said he would prefer the unspecified structures be closer to Lincoln Way for transit reasons.

Council Member Junck said she agreed with having owner-occupied housing on the north half for connectivity of the neighborhood, but Option D was her favorite as it also had good traffic flow and more single-family units available. Ms. Beatty-Hansen said she liked that option also, except for the road that went to Wilmoth.

Ms. Betcher said of the layouts with the single-family houses on the north, she liked Option F because of the homes along Wilmoth to fill in along the street face. She commented that she was less concerned about the back of the lots facing State as that already happened in many areas around the City. She commented that she had looked at Option A because it had more space to the north to work with and would be cheaper with infrastructure, but she could support Option F.

Vote on Motion: 5-1. Voting aye: Beatty-Hansen, Betcher, Corrieri, Gartin, Junck. Voting nay: Martin. Motion declared carried.

Moved by Martin, seconded by Beatty-Hansen, to ask for a Council workshop engaging the neighbors on the topic of the layout for the open part of Concept F.

Mayor Haila asked for clarification on the term layout. Mr. Martin said it was more to do with the undesignated part of Concept F.

Ms. Junck commented that she was not on Council for the original discussion for multi-family housing, but she was okay with multi-family rental depending on how it looked and how it worked with everyone in the neighborhood. Council Member Corrieri remarked that Council needed to be realistic about a viable LIHTC property. She said she was not sure if they could achieve the goals of allowing people to work in Ames and find decent, safe, affordable housing to rent with duplexes or townhomes because of what was needed in the low-income market.

Council Member Betcher said she was interested in seeing other products to introduce something different to help meet the affordable housing goals. She added that having a discussion about what to do with the outlot made sense so they could include Ms. Junck and the neighbors in the discussion of what's going to happen.

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

**2020/21 PROPOSED ANNUAL ACTION PLAN PROJECTS AND PUBLIC FORUM FOLLOW-UP FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)/HOME**

**PROGRAMS:** Housing Coordinator Baker-Latimer said the allocations for 2020/2021 have been announced, so they could move forward.

Mayor Haila opened public comment. No one came forward, so he closed public comment.

Moved by Corrieri, seconded by Betcher, to adopt RESOLUTION NO. 20-094 approving the proposed 2020/21 Annual Action Plan Program Projects and proposed budget and directing staff to prepare the Annual Action Plan for public comment.

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

Moved by Betcher, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 20-095 setting the date of public hearing for May 12, 2020.

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

Mayor Haila called for a recess at 8:29 p.m. and reconvened at 8:35 p.m.

**MORTENSEN ROAD SIDEWALK INFILL UPDATE:** Civil Engineer Mark Gansen explained that staff was looking for a time frame for infrastructure to be implemented on the three different properties along Mortensen Road that did not have sidewalk or shared use path infrastructure.

Mayor Haila pointed out that the property owner of 1305 Dickinson would be willing to complete their project by July 2020. Mr. Martin said having one side done was better than having nothing done.

Moved by Betcher, seconded by Junck, to approve Alternative 1 directing staff to allow the owners of all three properties until July 1, 2021, to complete the installation of their sidewalk/path projects, and to initiate an assessment project after that deadline for any path or sidewalk remaining to be installed with the additional request that the shared use path at 1305 Dickinson Avenue be completed by July 2020.

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

**DISCUSSION OF ADDITIONAL QUESTIONS FOR RESIDENTIAL SATISFACTION SURVEY:** Public Relations Officer Susan Gwiasda asked for input on the annual Residential Satisfaction Survey. She said the most recent survey had 12 pages with two to three questions per page depending on how in-depth it was. The survey was usually sent out electronically in mid-March to capture students before they left and residents received a paper copy. She said the surveys were typically returned between May and early summer, and the raw data came back in early August with analysis in September and presentation in October.

Council Member Gartin said he wanted to add something about the pool. Ms. Beatty-Hansen suggested “how much increased property taxes would you be willing to increase to pay for the pool.” City Manager Schainker advised Council that they needed to discuss the next steps. He said people needed to see what they were getting before being asked to provide a dollar amount.

Mr. Martin asked how useful the answer was regarding the Furman pool. Ms. Gwiasda said it showed a definite majority of support. *Ex Officio* Devyn Leeson commented that providing a definite dollar amount would be more effective than giving a range of numbers. Mayor Haila said they could have stale data and that one of Council's goals was to get this moving, but if the results weren't back until October, they would hopefully have more information at that time. Mr. Martin suggested having a separate survey for the trajectory of the pool idea.

Council Member Junck said she would support keeping the sense of community part and suggested adding a question about feeling welcome or feeling belonging in the community. She asked if there were any questions with the option for open-ended responses. Ms. Betcher said she was thinking something similar, but argued that feeling welcome and feeling included were two different things. Mr. Martin cautioned about getting too specific with the questions as he believed there could be a method to the survey focusing on observations instead of personal feelings. Mr. Gartin said he liked having health data in the questionnaire and thought Ms. Junck had a good suggestion if they could find a way to incorporate it in the survey.

Moved by Junck, seconded by Gartin, to add a question to the Sense of Community section of the survey regarding how people felt that they belonged in the community.

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

Moved by Betcher, seconded by Beatty-Hansen, to remove the question about what they could do to make Ames cool because if you have to ask, then you probably aren't cool.

Ms. Corrieri said it's important to ask what they can do better, but not necessarily how to be cool.

Moved by Betcher, seconded by Beatty-Hansen, to amend the motion to get rid of the word "cool" and replace it with the language from the City's values statements.

Mr. Leeson asked if vibrant was clear to everyone. He added that fun is pretty clear because that's a personal opinion, but he doesn't believe everyone has a personal opinion about what vibrant means.

Moved by Betcher, seconded by Beatty-Hansen, to amend the motion again to replace the word "cool" with "fun vibrant community".

Vote on Motion, as amended: 6-0. Motion declared carried unanimously.

**CITY COUNCIL VALUES, GOALS, AND TASKS FOR 2020/21:** Assistant City Manager Phillips said there were two goals that had been modified since the last goal setting session. First was adopting an attractive, single-civic act by the end of 2021, which was originally set for the end of 2020, but had since been modified to push the completion date back. The second was the Beautification Master Plan for completion in spring of 2021, which was modified to be the end of 2021.

Council Member Corrieri asked if the Parks & Recreation Commission would be soliciting input from the public first and then bring the public input back to Council to develop a vision, or would Council be directing the Parks & Recreation Commission to take their ideas for the pool to the public for a response first. Mr. Schainker suggested adding a Step 2 for Council to help with guidance on

discussions with the public. Ms. Corrieri expressed concern that leaving the public input discussion too open-ended would not produce helpful information. Mayor Haila said it would be better for Council to develop amenities and desires first and then take it to the public for feedback. One suggestion was to insert one more task to meet with Council to write a vision for things to be included in the project.

Moved by Corrieri, seconded by Betcher, to insert a task into the Downtown Community Space goal and the Indoor Aquatic Facility goal that Council would first develop a vision or a wish list that is then pursued by the Parks & Recreation Commission for public feedback.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Mayor Haila asked if the term “aquatic facility” should be broadened to be more than that. Mr. Schainker said they could vote on the broader limit and then amend it later.

Moved by Gartin, seconded by Junck, to direct staff to add under the “Meeting with the School Board,” a new Task 2 to evaluate best practices around the country in peer communities about school and city cooperation in closing the achievement gap.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Gartin requested clarification from City Attorney Mark Lambert regarding the ability for the City to create an Ordinance broadening hate crime protections. Mr. Lambert said he would have to look into it more, but he didn’t think there was a lot of room for them to do so. In terms of the misdemeanors they could charge, they could only charge *Municipal Code* violations, City Ordinance violations, and municipal infractions. The hate crime laws usually enhanced the penalty of the underlying crime, so those were probably all out of reach for the City.

Mr. Gartin asked why Council was asking staff to do something that Mr. Lambert said they couldn’t legally do. Ms. Betcher commented that Iowa City had done something about it that expanded the range of penalty and the cost of the fines. Mr. Martin said the potential was that the staff report was brief and they can’t do anything. Ms. Beatty-Hansen explained that Iowa City laws had expanded the City’s hate crime law to include harassment and trespassing in July 2019. Mr. Lambert said he would have to look into it, but could put the information in a staff report. Mr. Gartin commented that the Legislature was addressing Task 2 and Task 3, which may end up being taken off the table.

According to Council Member Betcher, Council wanted to get reports first and see what the Legislature was going to do and then after that, expanding was the next part.

Moved by Martin, seconded by Betcher, to approve the goals as amended.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Mr. Phillips commented that there would be follow-up with a spring written update, a fall written update, and some way of reviewing this some time in the summer.

**MAXIMUM PROPERTY TAX LEVY:** Finance Director Duane Pitcher said Council could approve or lower the Maximum Levy, then after that’s done, Council could go forward and set the hearing date for the total budget.

Mayor Haila opened the public hearing. Seeing no one wishing to speak, he closed the public hearing.

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 20-096 approving the Maximum Levy amount of \$6.99654.

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

Moved by Betcher, seconded by Junck, to adopt RESOLUTION NO. 20-097 setting March 10, 2020, as the date of final public hearing on the Adjusted Budget for FY 2019/20.

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

Moved by Corrieri, seconded by Betcher, to adopt RESOLUTION NO. 20-098 setting March 10, 2020, as the date of final hearing and adoption of the budget for FY 2020/21.

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

Moved by Martin, seconded by Betcher, to adopt RESOLUTION NO. 20-099 authorizing the issuance of \$13,865,000 Essential Corporate Purpose General Obligation Bonds and \$9,635,000 General Obligation Refunding Bonds and associated tax levy for debt service and setting March 10, 2020, as the date of public hearing.

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

**HOMEWOOD GOLF COURSE CLUBHOUSE PROJECT:** Mayor Haila opened the public hearing. Seeing no one who wished to speak, he closed the public hearing.

Moved by Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 20-100 appropriating \$449,845 from the Park Development Fund balance.

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

Moved by Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 20-101 appropriating \$20,000 from the undesignated Parks and Recreation Department Donations Account.

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

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 20-102 approving final plans and specification and awarding the contract to R. H. Grabau Construction, Inc., of Boone, Iowa, in the amount of \$1,374,881 (base bid plus Alternate 3).

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

**CAMPUSTOWN PUBLIC IMPROVEMENTS (WELCH AVENUE):** Traffic Engineer Tracy Warner said the two bids they received were higher than the staff estimate, so they reached out to see why they were higher and what could be done differently, but they wanted to turn this around

quickly. She commented that the Campustown Action Association (CAA) had a strong desire to construct in 2020 instead of 2021, but they were also okay with extending the completion date to November 13, for the overall project. However, that meant that sidewalks would remain open throughout with temporary planks, when necessary. She clarified that Lot X would not be used for storage and the overall phasing would keep Kingland in their underground parking garage until it was to be paved to resolve some concerns as well. She said the ISU home game foot traffic in the area would be addressed through ISU Athletics passing the information to their ticket holders and fans. Ms. Warner suggested doing some outreach in non-conventional ways as well to make sure people knew Campustown businesses will still be open.

Mayor Haila opened the public hearing. Since no one wished to speak, he closed the public hearing.

Moved by Betcher, seconded by Beatty-Hansen, to accept the Report of Bids for the Campustown Public Improvements Welch Avenue Project.

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

Moved by Betcher, seconded by Beatty-Hansen, to approve the final plans and specifications for the project as bid.

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

Moved by Gartin, seconded by Junck, to reject all bids and direct staff to re-bid.

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

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 20-103 approving preliminary plans and specifications for the project with modifications; setting March 18, 2020, as bid due date, and March 24, 2020, as the date of public hearing.

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

**IOWA STATE UNIVERSITY RESEARCH PARK PHASE IV ROAD AND UTILITY IMPROVEMENTS PROJECT:** Mayor Haila opened the public hearing. Nobody came forward to speak, so he closed the public hearing.

Moved by Corrieri, seconded by Martin, to accept the Report of Bids.

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

**SOUTH GRAND AVENUE EXTENSION (0.1 MILES NORTH OF SOUTH 16<sup>th</sup> STREET NORTH 0.54 MILES TO SOUTH 5<sup>th</sup> STREET):** The public hearing was opened by Mayor Haila. After no one came up to speak, he closed the public hearing.

Moved by Betcher, seconded by Junck, to accept the Report of Bids for the South Grand Avenue Extension (0.1 miles north of South 16<sup>th</sup> Street north 0.54 miles to South 5<sup>th</sup> Street).

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

Moved by Betcher, seconded by Junck, to approve the final plans and specifications for the project.

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

Moved by Betcher, seconded by Junck, to adopt RESOLUTION NO. 20-104 approving final plans and specifications and awarding a contract to Peterson Contractors, Inc., of Reinbeck, Iowa, in the amount of \$9,368,716.27, contingent upon receipt of Iowa DOT concurrence.

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

**REZONING 2800 E 13<sup>TH</sup> STREET FROM AGRICULTURAL “A” TO GENERAL INDUSTRIAL “GI”:** Moved by Corrieri, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4407 rezoning 2800 E. 13<sup>th</sup> Street from Agricultural “A” to General Industrial “GI”.

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

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:**

Letter from Bill Jennings, dated February 19, 2020, RE: Parking in the front yard at 2030 Country Club Blvd. A variance was applied for and denied by the Zoning Board of Adjustment on January 8, 2020.: Moved by Martin, seconded by Junck, for a memo from staff.

Vote: 4-1-1. Voting aye: Betcher, Corrieri, Junck, Martin. Voting nay: Beatty-Hansen. Abstaining due to conflict of interest: Gartin. Motion declared carried.

Memo from Mark Lambert, City Attorney, dated February 21, 2020, RE: Legal opinion about requiring internet providers to submit performance data reports.: Mayor Haila said this was just under advisement, and no action was necessary.

Staff report from Keith Abraham, Parks and Recreation Director, dated February 25, 2020, RE: Emerald Ash Borer Response Plan - Five Year Review.: City Manager Schainker said this was just an update, and no action was required.

**COUNCIL COMMENTS:** *Ex Officio* Devyn Leeson advised Council that he would be sending out the agenda by Thursday or Friday for the joint meeting on March 4, 2020, at 5:30 pm.

**ADJOURNMENT:** Moved by Beatty-Hansen to adjourn the meeting at 9:27 p.m.

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Rachel E. Knutsen, Deputy City Clerk

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John A. Haila, Mayor



## MINUTES OF THE AMES CIVIL SERVICE COMMISSION

AMES, IOWA

FEBRUARY 27, 2020

The Regular Session of the Ames Civil Service Commission was called to order by Chairman Mike Crum at 8:15 a.m. on February 27, 2020. As it was impractical for the Commission members to attend in person, Commission Chairperson Mike Crum and Commission Member Harold Pike were brought in telephonically. Commission Member Charlie Ricketts was absent.

**APPROVAL OF MINUTES OF JANUARY 23, 2020, REGULAR MEETING:** Moved by Pike, seconded by Crum, to approve the Minutes of the January 23, 2020, Regular Civil Service Commission meeting, as written.

Vote on Motion: 2-0. Motion declared carried unanimously.

**CERTIFICATION OF ENTRY-LEVEL APPLICANTS:** Moved by Crum, seconded by Pike, to certify the following individuals to the Ames City Council as Entry-Level Applicants:

Accountant	Lori Dalton	80
Electrical Engineer I	Chase Wrenn	78
	Ricardo Rodriguez-Menas	71
Fire Training Officer	Andrew Plach	84
Meter Reader	Greg Cregeen	80
	Patti Lehman	75
	Jake Comstock	74
	Mark Studt	73
Transportation Planner	William Wakan	75
	Kyle Thompson	73
	Stuart Burzette	72
	Krupa Gajjar	70
Treatment Plant Maintenance Worker Water	Nicholas (Andy) Davidson	87*
	Terry Brown	78
	Zachary French	70
WPC	Scott Peterson	81*
	Terry Brown	78
	Matthew Williams	70

\*includes preference points

Vote on Motion: 2-0. Motion declared carried unanimously.

**COMMENTS:** Human Resources Department Director Bethany Jorgenson advised the Commission that proposed changes to the Personnel Policies were reviewed by the Executive Leadership Team. She also stated that Human Resources has sent out the list of new classes being offered through the Employee Development Center.

The next Regular Meeting of the Civil Service Commission is scheduled for March 26, 2020, at 8:15 a.m.

**ADJOURNMENT:** The meeting adjourned at 8:21 a.m.

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Michael R. Crum, Chairman

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Diane R. Voss, City Clerk

<b>Name of Applicant:</b> <u>Walmart Inc.</u>		
<b>Name of Business (DBA):</b> <u>Wal-Mart Store #749</u>		
<b>Address of Premises:</b> <u>3105 Grand Ave</u>		
<b>City</b> <u>Ames</u>	<b>County:</b> <u>Story</u>	<b>Zip:</b> <u>50010</u>
<b>Business</b> <u>(515) 233-1345</u>		
<b>Mailing</b> <u>508 SW 8th Street</u>		
<b>City</b> <u>Bentonville</u>	<b>State</b> <u>AR</u>	<b>Zip:</b> <u>727160500</u>

**Contact Person**

<b>Name</b> <u>Cynthia Montero</u>		
<b>Phone:</b> <u>(479) 277-4656</u>	<b>Email</b>	<u>cynthia.montero@walmart.com</u>

**Classification** Class E Liquor License (LE)

**Term:**12 months

**Effective Date:** 04/15/2021

**Expiration Date:**

**Privileges:**

Class E Liquor License (LE)

**Status of Business**

<b>BusinessType:</b> <u>Publicly Traded Corporation</u>		
<b>Corporate ID Number:</b> <u>XXXXXXXXXX</u>	<b>Federal Employer ID</b>	<u>XXXXXXXXXX</u>

**Ownership**

**Doug McMillon**

**First Name:** Doug **Last Name:** McMillon  
**City:** Bentonville **State:** Arkansas **Zip:** 72712  
**Position:** President & CEO  
**% of Ownership:** 0.00% **U.S. Citizen:** Yes

**Matthew Allen**

**First Name:** Matthew **Last Name:** Allen  
**City:** Rogers **State:** Arkansas **Zip:** 72758  
**Position:** Assistant Treasurer  
**% of Ownership:** 0.00% **U.S. Citizen:** Yes

**John Scudder**

**First Name:** John **Last Name:** Scudder  
**City:** Bentonville **State:** Arkansas **Zip:** 72712  
**Position:** SVP and CECO  
**% of Ownership:** 0.00% **U.S. Citizen:** Yes

**Daniel Rice**

**First Name:** Daniel

**Last Name:** Rice

**City:** Centerton

**State:** Arkansas

**Zip:** 72719

**Position:** Assistant Secretary

**% of Ownership:** 0.00%

**U.S. Citizen:** Yes

**Insurance Company Information**

<b>Insurance Company:</b>	<u>Fidelity &amp; Deposit Company of Maryland</u>		
<b>Policy Effective Date:</b>	<u>04/15/2019</u>	<b>Policy Expiration</b>	<u>01/01/1900</u>
<b>Bond Effective</b>	<u>2</u>	<b>Dram Cancel Date:</b>	
<b>Outdoor Service Effective</b>		<b>Outdoor Service Expiration</b>	
<b>Temp Transfer Effective</b>		<b>Temp Transfer Expiration Date:</b>	



# MEMO

## Item No. 5

**To:** Mayor John Haila and Ames City Council Members  
**From:** Lieutenant Tom Shelton, Ames Police Department  
**Date:** March 4, 2020  
**Subject:** Beer Permits & Liquor License Renewal Reference City Council Agenda

The Council agenda for March 10, 2020 includes beer permits and liquor license renewals for:

- Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales - Wal-Mart Store #749, 3105 Grand Ave

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.

- Class C Liquor License with Outdoor Service and Sunday Sales - Sips and Paddy's Irish Pub, 126 Welch Ave.

A review of police records for the past 12 months found 3 liquor law violations for the above location. A review of the cases found all 3 individuals were cited and released for "on premises". Officers found fake ID's on 2 of the 3 individuals. The third individual had an ID that showed he was 20 years old.

Records indicate representatives of Sips attended both the 2018 and 2019 bar meeting and representatives at Paddy's attended the 2018 bar meeting.

The Police Department will continue to monitor the above locations by conducting regular foot patrols, bar checks and by educating the bar staff through trainings and yearly meetings. The Ames Police Department recommends renewal of licenses for the above business.



*Caring People ♦ Quality Programs ♦ Exceptional Service*

# MEMO

## Item No. 6

**TO:** Members of the City Council

**FROM:** John A. Haila, Mayor

**DATE:** March 10, 2020

**SUBJECT:** Appointments to City Boards and Commissions

Attached you'll find a listing of the City's various boards/commission that have upcoming vacancies and the names of individuals I recommend being appointed, subject to your approval. Those names with an asterisk (\*) next to them are those who are currently serving and are eligible to be reappointed. I am requesting your approval of these appointments.

I was pleased that once again so many residents applied for the open positions. I'm also happy that we continue to increase the diversity of the board and commission members.

In order to evaluate each candidate, the selection process included my careful review of each application, forwarding all applications to the respective staff liaisons, and/or the respective department heads who work with a board or commission. I asked for input and their recommendations. On a couple of Boards, the applications were also reviewed by the board chairperson, who offered input. In a few instances, telephone interviews of applicants were also conducted.

There remain a few openings yet to fill, and which I continue to look for qualified and interested candidates to fill those openings. It is my goal to present names to you at the March 24, 2020, Council meeting for your approval.

In the event you have any questions on one or several of the applicants, please let me know. Amy Colwell has all appointee applications on file should you wish to review them.

**MAYOR'S APPOINTMENTS  
TO CITY OF AMES BOARDS AND COMMISSIONS  
2020**

(\* Incumbents)

<b>Board/Commission</b>	<b>Vacancies</b>	<b>Name</b>
ASSET	1	* Jennifer Schill
Building Board of Appeals	3	* Andrew Mott (Master Electrician) Kevin Brockman (Plumber) Justin Dodge (Homebuilder)
Campus & Community Commission	1	* Warren Madden
Civil Service Commission	1	* Charles Ricketts
Commission on The Arts (COTA)	2	* Deanne Brill Steven Kawaler
Electric Utility Operations Review & Advisory Board (EUORAB)	2	* Scott Bauer Still Need 1 More
Historic Preservation Commission	2	* Edith Hunter * Barry Snell
Human Relations Commission	2	* Madesh Samanu Jahmai Fisher
Library Board of Trustees	3	* Joanne Marshall * Roger Kluesner Brenda Thorbs-Weber
Parks and Recreation Commission	3	* Duane Reeves Nathan Shimanek Jacob Ludwig (1 yr.)
Partner Cities Association	2	Andrew Koshatka Still Need 1 More
Planning and Zoning Commission	2	Michael Clayton Ryan Paul
Project Share	0	* Jean Kresse (United Way)
Property Maintenance Appeals Board	4	* Dustin Mason Still Need 3 More
<ul style="list-style-type: none"> <li>- Student Tenant (<b>Opening</b>)</li> <li>- Large Property Landlord (<b>Opening</b>)</li> <li>- Long-Term Tenant (<b>Opening</b>)</li> </ul>		

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Public Art Commission

5

\* Angie DeWaard

\* Claire Kruesel

Taylor Carlson

Candace Zwank

Amanda Gigler

---

Zoning Board of Adjustment

1

**Still Need 1 More**

**COUNCIL ACTION FORM**

**SUBJECT:** REALLOCATION OF AN UNFILLED POWER PLANT COAL HANDLER FTE TO AUXILIARY OPERATOR

**BACKGROUND:**

The City's Electric Power Plant is a year-round 24/7 operation. Operational staffing is comprised of a team including an operator, fireworker, and two auxiliary operators who work 12-hour shifts. There are four teams plus one relief team. The relief positions are used to cover sick leave, vacations, training, etc.

Since July 2019, several auxiliary operators have been out of work for an extended period due to personal issues. To continue to operate the plant, the duties were assumed by the relief auxiliary operators. This in essence brings the functioning auxiliary staffing from ten to eight. Over a short period of time, this is manageable. However, as the short-staffing situation has continued over several months, management has had to deny vacation requests. **With no clear date on when or if those who are out due to personal issues will return, staff is requesting a temporary increase of one full-time equivalent (FTE) in the auxiliary operator classification to alleviate the impact on the remaining auxiliary operators.**

Presently, the Electric Department has 81 FTEs in its approved budget. Within this staffing, there exists two vacant coal handler positions. The department has been developing a long-term plan to reallocate these positions, along with a lead coal handler vacancy, to other functions within the department. **As a result of these vacant positions, the staff is also requesting a reduction in one coal handler FTE to offset the proposed increase in auxiliary operator FTEs.**

Staff expects a few retirements to occur within the next year in the Power Plant, so the increase to an eleventh auxiliary operator will eventually be reduced back down to ten through attrition. If Council provides approval for hiring an eleventh auxiliary operator, staff will be able to hire from the civil service list and start the eight to ten weeks of training as quickly as possible.

If everyone returns after the new auxiliary operator is trained, there will then be eleven auxiliary operators who are all capable of performing their responsibilities. Staff will use the increased position to train the next fireworker and operator, which are promotional opportunities within the auxiliary operator career path. With the expected retirements in the next year, vacancies in the fireworker and operator groups are expected.

Once staff is able to reduce back to ten auxiliary operators because of retirements, the reorganization plan utilizing the three vacancies from the former coal handling positions



will be undertaken. **There will be no changes to the Electric Department budget because of this action, because the funding for the vacant positions is already included.**

**ALTERNATIVES:**

1. Approve the reallocation of an unfilled coal handler FTE to create an additional temporary eleventh Auxillary Operator position.

Under this alternative, the overall FTE approved total for the Electric Services Department will remain at 81 positions.

2. Do not approve the requested reallocation.

**CITY MANAGER'S RECOMMENDED ACTION:**

**A temporary staffing shortage among auxiliary operators in the Power Plant has created challenges in continuing to operate the facility. Temporarily increasing the number of authorized FTEs for this auxiliary operator position to eleven, by reducing the number of authorized coal handler FTEs by one, will relieve the current challenges. Once the Power Plant returns to having ten consistent auxiliary operators, the extra FTE will be removed by natural attrition and returned to the coal handler position. The division reorganization will then take place using the two vacant coal handler and one lead coal handler FTEs.**

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

**COUNCIL ACTION FORM**

**SUBJECT: POLICY FOR USE OF U.S. HIGHWAY 30 & DAYTON AVENUE LIGHT TOWERS**

**BACKGROUND:**

In 2012, the City installed a series of lighted tower sculptures along U.S. Highway 30, near Dayton Avenue. The towers can be programmed to display a variety of color combinations and transitions. From time to time, these towers have displayed light shows celebrating community events (e.g., Ames High and ISU Football games) and raising public awareness (e.g., Public Works Week). The light towers were also used to honor Celia Barquin Arozamena after her death in 2018.

Light shows are currently programmed at a terminal located on Dayton Avenue. The current controller holds eight pre-set shows, and requires a programmer to be sent on site any time a new show is desired, at a cost of approximately \$300. Funds have been approved in the FY 2020/21 Budget to purchase a new controller, which can be programmed by City staff with significantly less time investment.

**From time to time, requests have come from outside organizations (primarily ISU) to program specific shows for the light towers. With the purchase of the new controller, City staff expects an increase in the number of requested shows. There is currently no guidance regarding who may request that staff program the towers or for what reasons. Therefore, it would be helpful to have a City Council adopted policy relating to how light shows may be requested for display.**

**The attached policy outlines the Staff's recommended criteria through which a light show may be approved. The policy establishes how long in advance such a show may be requested, how long a light show may be displayed, who may make a request, what the display may commemorate, and what the display may not commemorate.**

As being recommended, displays may be used to celebrate local sports or achievements of a local non-profit agency, but a display could not be used to recognize an individual's birthday or anniversary, or to promote a private event not open to the public.

If adopted, the policy would go into effect upon the installation of the new controller, which is expected to take place in July 2020.

**ALTERNATIVES:**

1. Approve the attached recommended policy relating to the use of the light towers along U.S. Highway 30 near Dayton Avenue, effective July 2020.
2. Refer the policy back to staff and provide direction to make modifications.
3. Do not approve a policy relating to the use of the light towers.

**CITY MANAGER'S RECOMMENDED ACTION:**

Although only a few requests have been received to re-program the light towers along U.S. Highway 30, City staff expects that in the future, more requests will be received. It is important to have some criteria to allow City staff to approve or deny such requests. The attached policy allows outside groups to request light shows for recognition of community events, but prevents the use of the light towers to recognize private or personal milestones or events.

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

**It should be noted that this initial recommended policy does not limit the number of displays an entity can have in one year. Should it become evident that one entity is monopolizing the light towers so that other entities are denied access, there might be the need in the future to modify the policy to limit the number of displays that one entity can have in a year.**

## **U.S. HIGHWAY 30 LIGHT TOWER DISPLAY POLICY**

### **Background:**

The light towers along U.S. Highway 30 near Dayton Avenue can be programmed to display various solid and transitioning colors. The displays are coordinated by the Public Works Traffic Division. Any special light displays requested by outside organizations will be evaluated according to this policy. Nothing in this policy prohibits the City from utilizing the light towers at other times for its own purposes.

### **Organizations Eligible to Request a Special Light Display:**

For-profit organizations may not place requests for special light displays. Special light displays may be requested by:

1. The Ames City Council
2. Other governmental agencies
3. Organizations that have an established partnership with the City of Ames, which promote the economic welfare, tourism, or industry of the City.

### **Requesting a Special Light Display:**

Requests for a special light display may be placed up to one year in advance of the proposed display start date. Requests for displays must be placed at least two weeks in advance of the proposed display start date if the display requires new light programming, and at least one week in advance if it is a previously used display. Displays will be scheduled on a first-come, first-served basis. Each display may be up to seven nights in length.

Requests should include the name and contact information of the organization placing the request, proposed dates of the display, a statement outlining what the display is intended to recognize, and requested colors and patterns. City staff may modify displays to ensure compatibility with the display technology, viewability, and motorist safety from U.S. Highway 30.

Requests may be placed directly with the Public Works Traffic Division. Applicants should place their requests well in advance to ensure enough time to receive approval for the display and program it if necessary.

### **Acceptable Light Display Uses:**

#### **Light displays may be used to:**

- Acknowledge commemorative observances recognized by local, state, or federal proclamation (e.g., Earth Day, Public Works Week, Breast Cancer Awareness Month, etc.)

- Celebrate local achievements (completion of a non-profit fundraising campaign or construction project)
- Support local sports (Ames High School, Iowa State University athletics events)
- Honor or memorialize individuals who have had a profound impact on the Ames community

**Light displays may not be used to:**

- Promote commercial products, services, or interests; or promote political candidates, campaigns, or parties.
- Recognize personal milestones, such as birthdays, anniversaries, congratulations, or retirements.
- Promote messages inconsistent with local, state, or federal law (such as non-discrimination laws).
- Promote messages that are pertinent only to selected individuals rather than the community at large.
- Promote private events not open to the public.

If a request is denied by City staff, the applicant may appeal to the City Council. The City Council's decision regarding the request is final.



# MEMO

## Legal Department

### Item No. 9

**To:** Mayor Haila, Ames City Council

**From:** Mark O. Lambert, City Attorney

**Date:** March 6, 2020

**Subject:** Ahlers & Cooney conflict waiver request

The Ahlers & Cooney Law Firm (“Ahlers”) in Des Moines handles certain labor-law issues for the City of Ames. Ahlers also represents the Iowa Association of Municipal Utilities (IAMU) in utility regulatory matters of interest to the association.

As you know, the City of Ames is in the process of appealing a recent decision by the Iowa Utilities Board (IUB) regarding the Ames Electric Services’ service territory.

The IAMU has been a party to the proceedings before the IUB, and will be a party in the matter of the City’s appeal of the IUB order to district court. The IAMU’s staff attorney has been representing the IAMU in this matter while it was before the IUB, but not that it is on appeal to the courts, the IAMU is having the Ahlers law firm represent the IAMU in the City’s appeal for judicial review.

Attorney conflict of interest rules generally prohibit an attorney or a law firm from representing a client who is involved in a matter that involves another client. A conflict of interest waiver is just a way for the City to say that it is okay with us, as an Ahlers client, that Ahlers is representing IAMU in this matter. Since Ahlers works with the City on labor law issues, and this is a utility law matter, there is no direct conflict here. Also, the IAMU’s interests align with the City’s (although it is always theoretically possible that the interests will diverge somewhat at some point). We will continue to be represented on appeal by David Lynch of the Brown Winick Law Firm in Des Moines.

It is the recommendation of the City Attorney that the Council approve the Conflict of Interest Waiver for Ahlers.

#



Ahlers & Cooney, P.C.  
Attorneys at Law

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Des Moines, Iowa 50309-2231

Phone: 515-243-7611

Fax: 515-243-2149

[www.ahlerslaw.com](http://www.ahlerslaw.com)

Jason M. Craig

515.246.0372

[jcraig@ahlerslaw.com](mailto:jcraig@ahlerslaw.com)

March 3, 2020

Mark Lambert  
City Attorney  
City of Ames  
515 Clark Avenue  
Ames, IA 50010

Troy DeJoode  
Executive Director  
Iowa Association of Municipal Utilities  
1735 NE 70th Ave.  
Ankeny, Iowa 50021

RE: Conflict Waiver

Dear Mr. Lambert and Mr. DeJoode:

This letter follows prior communications between our office and each of you. As we indicated in those communications, our firm has been contacted to represent the Iowa Association of Municipal Utilities (“IAMU”) in the lawsuit filed on February 21, 2020 by Ames Municipal Electric System in the Iowa District Court for Story County, Case No. CVCV051775, and removed to the United States District Court of the Southern District of Iowa, Case No. 4:20-cv-00073 (collectively, the “Lawsuit”), and the underlying administrative proceedings before the Iowa Utilities Board. The Lawsuit is entitled *Ames Municipal Electric System v. Iowa Utilities Board*. The Lawsuit is a judicial review proceeding from an order of the Iowa Utilities Board modifying an exclusive service territory. The City of Ames is represented in the Lawsuit and the underlying administrative proceedings before the Iowa Utilities Board by attorney David Lynch of the Brown Winick firm.

Our firm enjoys an existing client relationship with IAMU, for which we provide a variety of legal services. Our firm also enjoys an existing client relationship with the City of Ames, for which we provide legal services relating to collective bargaining and employment issues. These services for the City have primarily been provided by attorney Aaron Hilligas. While this representation of the City is unrelated to the pending Lawsuit and the underlying administrative proceedings (collectively, the “Litigation”), the involvement of our firm in representing IAMU in the pending Litigation presents the potential for a concurrent conflict of interest because it is possible that the City and IAMU could take differing or adverse positions in the Litigation. However, under Iowa’s ethics rules, this potential conflict can be waived if (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client; (2) the representation is not prohibited by law; (3) the representation does not involve the assertion of a claim by one client against another represented by the lawyer in the same litigation or other proceeding before a tribunal; and (4) each affected client gives informed consent, confirmed in writing.

We believe confidently that our attorneys will be able to provide competent and diligent representation to each of their affected clients as the matters being addressed are unrelated, the



March 3, 2020

Page 2

representation is not prohibited by law, there will not be an assertion of a claim as described, and the City of Ames is represented by outside legal counsel in the Litigation.

The purpose of this letter is to (1) disclose the above information, (2) obtain the consent of each of the Parties (the City of Ames and IAMU) to proceed with our firm's representation of IAMU in connection with the Litigation, and (3) obtain each Party's waiver of any actual, potential or perceived conflict of interest in connection with our firm's representation of IAMU in the Litigation; if such consent and waiver is available. If applicable, I would request that both of you date and sign where indicated at the end of this letter after approval by your governing body or otherwise in compliance with your internal policies or procedures for authority to execute this waiver and consent letter.

Although we are asking the City and IAMU to provide their consent and waiver to enable our representation of IAMU in the Litigation, the City and IAMU are not obligated to do so. We are pleased to answer any further questions which the City or IAMU may have about this matter. In addition, the City and IAMU should each seek the advice of a lawyer outside of our firm if they have any questions or concerns about whether they should sign this consent and conflict waiver.

If you are in agreement with the contents of this letter, we would request you each sign and date the WAIVER AND CONSENT below and return it to us. If you disagree with or otherwise believe anything herein to be incorrect or mistaken in any way, then please let us know as soon as possible. Finally, should you have any questions on this matter, please don't hesitate to contact me at 515-246-0372.

Very truly yours,

AHLERS & COONEY, P.C.

By



Jason M. Craig

JMC:pn

**WAIVER AND CONSENT**

The undersigned representatives of the City of Ames and Iowa Association of Municipal Utilities have had the opportunity to seek advice from independent counsel of their own choosing concerning any conflict of interest associated with Ahlers & Cooney's representation of IAMU as described herein, and knowingly and voluntarily waive any such actual, potential or perceived conflict of interest and consent to such representation.

CITY OF AMES:

Dated: \_\_\_\_\_, 2020

By \_\_\_\_\_

IOWA ASSOCIATION OF MUNICIPAL  
UTILITIES:

Dated: \_\_\_\_\_, 2020

By \_\_\_\_\_

**COUNCIL ACTION FORM**

**SUBJECT:**           **REQUESTS FOR SPRING FEST ON APRIL 3**

**BACKGROUND:**

Approximately 20 rental property companies in Ames are planning to host Spring Fest from 4:00 p.m. to 7:00 p.m. on Friday April 3. The event is open to the public and is intended to provide food vendors, music, and inflatables, along with information about housing opportunities for prospective renters.

The event will take place along the 200 block of Welch Avenue. To facilitate the event, organizers are requesting the following:

- Closure of Welch Avenue from 100 feet south of the intersection of Chamberlain Street to Hunt Street, from 1:00 p.m. to 9:00 p.m.
- Closure of 14 metered parking spaces from 1:00 p.m. to 9:00 p.m.
- A blanket Temporary Obstruction Permit for the closed area
- A blanket Vending License

Access to Welch Lot T will be maintained on the west through the access on Chamberlain Place. The event will require the closure of 14 on-street metered parking spaces (Estimated \$35 loss of revenue to the Parking Fund). **Because this event is not being operated as a nonprofit activity, City staff does not recommend a waiver of fees for the lost parking meter revenue or the blanket Vending License.**

A Noise Permit will be issued for the event. City staff will provide barricades, and organizers have planned for volunteers to manage the street closures. Organizers have also contracted with a private security firm to assist with the crowd control. The rain date for this event is April 10<sup>th</sup>.

**The event will require the detouring of CyRide routes. CyRide staff has evaluated several alternatives, and will detour buses along Hayward Avenue from Lincoln Way to Storm Street.**

City staff has requested that event organizers notify not only the affected businesses and residents in the area, but also the residents along Hayward Avenue, where CyRide will be detoured. The organizers were asked to provide information to the neighbors about the timing of the event and the March 10<sup>th</sup> City Council meeting where the proposal will be considered.

**ALTERNATIVES:**

1. Approve the requests for Spring Fest as described above for April 3, including the street and parking closure, detour of CyRide, blanket Temporary Obstruction Permit, blanket Vending License, and the April 10 rain date, **but require reimbursement for Vending License fee and lost parking meter revenue.**
2. Direct staff to work with organizers to develop an alternate plan for the event.
3. Do not approve the event.

**CITY MANAGER'S RECOMMENDED ACTION:**

This is a new event, sponsored by a number of housing providers in the Ames area. Although it is sponsored by for-profit companies, no fees will be charged to enter the event area or participate in the activities. The event provides the public an opportunity to explore housing options while participating in the activities provided for the event. As a for-profit event, the organizers would be charged for lost parking meter revenue and the Vending License fee.

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



**For Office Use Only**

# SPECIAL EVENT APPLICATION

Applications received less than thirty (30) days before the event may not be processed by the City in time for the event and will automatically be denied. Each application is viewed as a new event regardless of previous occasions.

Event Name

Location/Address

Region (Select one or more)

- Ames Main Street (Downtown)
- Campustown District
- Iowa State University Property
- City Parks
- Other (please explain)

Please note that events occurring in the Downtown, Campustown, in City parks, or on ISU property require prior approvals. A letter of support will be required from CAA if the event occurs in Campustown or from MSCD if the event occurs in Downtown. Please contact the appropriate office well in advance:

Downtown - Main Street Cultural District: (515) 233-3472  
 Campustown - Campustown Action Association: (515) 450-8771  
 ISU - Events Authorization Committee: (515) 294-1437

events@amesdowntown.org  
 director@amescampustown.com  
 eventauthorization@iastate.edu

**Documents Received**

Date: 2/6/2020

- Completed Application
- Fireworks Application (\$25 fee)
- Insurance Certificate
- Public Safety & Event Management Plan
- Site Plan/Route Map (\$25 fee) (Road Race)
- Vendor List (\$50 fee/each)
- Parking fees

**Special Events Meeting**

Date \_\_\_\_\_

Time \_\_\_\_\_

Room 235

**Documents Sent:**

- Alcohol License ABD \_\_\_\_\_
- Fireworks Permit
- Road Race Permit
- TOP
- Vending Permit
- Other Noise Permit

**Departments Included**

- City Manager: Brian Phillips and Tasheik Kerr
- CyRide: Jenny Bethurem or Rob Holm or Kevin Gries
- Electric: Mark Imhoff
- Fire: Jason Ziph or Rich Higgins
- Parks & Rec: Craig Kaufman or Joshua Thompson
- Public Works: Brad Becker or Dave Cole
- Police: Jason Tuttle or Geoff Huff
- Water: Heidi Petersen
- Risk Management: Bill Walton

CAA: Karen Chitty  
 AMS: Jess Clyde or Sarah Dvorsky  
 ISU: Events Authorization Committee

**City Council Meeting**

Date \_\_\_\_\_  
 Added to Agenda with CAF Approved Y N

Reminder Date \_\_\_\_\_

## TIMELINE

Setup Date  Time  M T W R F Sa Su

Event Starts Date  Time  M T W R F Sa Su

**Detailed Description of Event Activities** (written overview of event and what's going to happen)

-Event open to the public, -Snow fence around the area of our event since there will be alcohol served, -Security guards will be checking ID's and giving wrist bands for people 21+, -Inflatables, -Food Vendors, -Properties tabling for prospective residents.

Event Ends Date  Time  M T W R F Sa Su

Teardown Complete Date  Time  M T W R F Sa Su

**Event Category**

- Athletic/Recreation
- Exhibits/Misc.
- Festival/Celebration
- Parade/Procession/March
- Concert/Performance
- Farmer/Outdoor Market
- Other (please explain)

Rain Date  Rain Location

Yes No

Is this an annual event? If yes, how many years?

**CONTACTS**

Sponsor/Applicant Name

Address

City  State  Zip Code

Daytime Phone  Cell Phone

E-mail

Alternate Contact Name

Daytime Phone  Cell Phone

E-mail

**ATTENDANCE**

Anticipated Daily Attendance

Yes No

Is this event open to the public?

Is your event being held in conjunction with another event (e.g. *Farmers' Market, 4th of July, etc.*)? If yes, please list:

**ORGANIZATION STATUS/PROCEEDS**

- For-Profit
- Bona Fide Tax Exempt
- Nonprofit

Yes No

Are patron admission, entry, or participant fees required? If yes, please describe and provide amounts:

Are vendor or other fees required? If yes, please provide amounts:

Percentage of net proceeds going towards fundraising  %

Percentage of net proceeds going towards for-profit entity  %

**SECURITY**

**Ames Police Department 24 hour non-emergency phone number: 515-239-5133**

Please complete the course at <https://www.crowdmanagers.com/training> for crowd management training.

Yes No

Have you hired a professional security company to develop and manage your event's security plan? If yes, please fill out the following information:

Security Organization

Address

City  State  Zip  Phone

Email



campustown  
action  
association

Campustown Action Association  
119 Stanton Ave, Suite 602  
Ames, IA 50014

February 20, 2020

We are writing to you in regards to the Housing Fair / Block Party planned for Friday, April 3<sup>rd</sup>. We have reviewed the information provided to us by the organizers. The location is good as access to the businesses on the 200 block will be maintained with minimal disruption. They have notified the affected businesses in that block. The intersections at Chamberlain/Welch and Welch/Hunt will remain open, so the street closure should impact traffic only minimally. The 7pm end time is also appreciated and we suggest opening up Welch as soon as possible to avoid conflicts.

Our only concern is the alcohol portion off the event. It is our understanding that those consuming alcoholic beverages need to remain in an area limited to those 21 and up. We hope the organizers can adjust plans to comply with this and feel strongly they can still host a great event in Campustown.

Please let us know if we can help with any specific questions or concerns.

Sincerely,

Karin Chitty  
Executive Director

**COUNCIL ACTION FORM**

**SUBJECT: REQUESTS FOR GREEK RACE AND GREEK WEEK OLYMPICS**

**BACKGROUND:**

The Greek Week Committee has submitted plans to host its Greek Race and the Greek Week Olympics this spring. The Greek Race, a new event this year, will take place on Sunday, March 29. The Greek Week Olympics will be held on Saturday, April 4.

**THE GREEK RACE:**

The Greek Race, based on the television show “The Amazing Race,” will involve teams competing in the Greek Triangle area. Approximately 200 people are anticipated to attend.

Organizers have requested the following for this event from 9:00 a.m. to 1:00 p.m. on Sunday, March 29:

- Closure of Ash Avenue from Sunset Drive to Gable Lane, Sunset Drive from Ash Avenue to Gray Avenue, and the portion of Pearson Avenue adjacent the Greek Triangle
- A blanket Temporary Obstruction Permit for the closed area

A rain date of April 5 has been requested for this event.

**GREEK WEEK OLYMPICS:**

Greek Week Olympics will take place at various Greek houses on April 4. Approximately 1,500 people are anticipated to attend.

Organizers have requested the following for this event from 7:30 a.m. to 5:00 p.m. on Saturday, April 4:

- Closure of Sunset Drive; Ash Avenue from Gable Lane to Knapp Street; Gray Avenue from Gable Lane to Greeley Street; Greeley Street; Pearson Avenue from Sunset to Greeley; and Lynn Avenue from Chamberlain to Knapp.
- A blanket Temporary Obstruction Permit for the closed area

A rain date of April 5 has been requested for this event.



**For both events, event organizers will post “No Parking” signs around 5 p.m. the day prior to the event. Several single-family homes are located along the closed streets. The organizers will notify the affected residents about the closures by canvassing the area and distributing a notification letter. Insurance for these events is provided through the University.**

**ALTERNATIVES:**

1. Approve the requests as indicated above for The Greek Race and Greek Week Olympics.
2. Deny the requests.

**CITY MANAGER’S RECOMMENDED ACTION:**

The Greek Week activities are annual student-run events at Iowa State that highlight the fraternities and sororities and their contributions to student life. They are highly dependent upon City approval of street closures and parking prohibitions so it may occur in a safe and smooth manner.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the requests as indicated above.



# SPECIAL EVENT APPLICATION

Applications received less than thirty (30) days before the event may not be processed by the City in time for the event and will automatically be denied. Each application is viewed as a new event regardless of previous occasions.

Event Name

Location/Address

Region (Select one or more)

- Ames Main Street (Downtown)
- Campustown District
- Iowa State University Property
- City Parks
- Other (please explain)

Please note that events occurring in the Downtown, Campustown, in City parks, or on ISU property require prior approvals. A letter of support will be required from CAA if the event occurs in Campustown or from MSCD if the event occurs in Downtown. Please contact the appropriate office well in advance:

Downtown - Main Street Cultural District: (515) 233-3472  
 Campustown - Campustown Action Association: (515) 450-8771  
 ISU - Events Authorization Committee: (515) 294-1437

events@amesdowntown.org  
 director@amescampustown.com  
 eventauthorization@iastate.edu

## TIMELINE

Setup Date  Time  M T W R F Sa Su

Event Starts Date  Time  M T W R F Sa Su

Detailed Description of Event Activities (written overview of event and what's going to happen)

Greek Week Teams will participate in an "Amazing Race" type activity where they travel to different locations in the Greek Triangle area to answer various Greek Trivia.

Event Ends Date  Time  M T W R F Sa Su

Teardown Complete Date  Time  M T W R F Sa Su

### Event Category

- Athletic/Recreation
- Exhibits/Misc.
- Festival/Celebration
- Parade/Procession/March
- Concert/Performance
- Farmer/Outdoor Market
- Other (please explain)

Rain Date  Rain Location

Yes  No  Is this an annual event? If yes, how many years?

### Documents Received

Date:

- Completed Application
- Fireworks Application (\$25 fee)
- Insurance Certificate
- Public Safety & Event Management Plan
- Site Plan/Route Map (\$25 fee) (Road Race)
- Vendor List (\$50 fee/each)
- Parking fees

### Special Events Meeting

Date \_\_\_\_\_

Time \_\_\_\_\_

Room \_\_\_\_\_

### Documents Sent:

- Alcohol License
- ABD
- Fireworks Permit
- Road Race Permit
- TOP
- Vending Permit
- Other \_\_\_\_\_

### Departments Included

- City Manager: Brian Phillips and Tasheik Kerr
- CyRide: Jenny Bethurem or Rob Holm or Kevin Gries
- Electric: Mark Imhoff
- Fire: Jason Ziph or Rich Higgins
- Parks & Rec: Craig Kaufman or Joshua Thompson
- Public Works: Brad Becker or Dave Cole
- Police: Jason Tuttle or Geoff Huff
- Water: Heidi Petersen
- Risk Management: Bill Walton

CAA: Karen Chitty  
 AMS: Jess Clyde or Sarah Dvorsky  
 ISU: Events Authorization Committee

### City Council Meeting

Date \_\_\_\_\_  
 Added to Agenda with CAF Approved Y N

Reminder Date \_\_\_\_\_

**CONTACTS**

**Sponsor/Applicant Name**

**Address**

**City**  **State**  **Zip Code**

**Daytime Phone**  **Cell Phone**

**E-mail**

**Alternate Contact Name**

**Daytime Phone**  **Cell Phone**

**E-mail**

**ATTENDANCE**

Anticipated Daily Attendance

Yes No

Is this event open to the public?

Is your event being held in conjunction with another event (e.g. *Farmers' Market, 4th of July*, etc.)? If yes, please list:

**ORGANIZATION STATUS/PROCEEDS**

- For-Profit
- Bona Fide Tax Exempt
- Nonprofit

Yes No

Are patron admission, entry, or participant fees required? If yes, please describe and provide amounts:

Are vendor or other fees required? If yes, please provide amounts:

Percentage of net proceeds going towards fundraising  %

Percentage of net proceeds going towards for-profit entity  %

**SECURITY**

**Ames Police Department 24 hour non-emergency phone number: 515-239-5133**

Please complete the course at <https://www.crowdmanagers.com/training> for crowd management training.

Yes No

Have you hired a professional security company to develop and manage your event's security plan? If yes, please fill out the following information:

**Security Organization**

**Address**

**City**  **State**  **Zip**  **Phone**

**Email**



**For Office Use Only**

**Documents Received**

Date: 2/26/2020

- Completed Application
- Fireworks Application (\$25 fee)
- Insurance Certificate
- Public Safety & Event Management Plan
- Site Plan/Route Map (\$25 fee) (Road Race)
- Vendor List (\$50 fee/each)
- Parking fees

**Special Events Meeting**

Date \_\_\_\_\_

Time \_\_\_\_\_

Room \_\_\_\_\_

**Documents Sent:**

- Alcohol License ABD \_\_\_\_\_
- Fireworks Permit
- Road Race Permit
- TOP
- Vending Permit
- Other \_\_\_\_\_

**Departments Included**

- City Manager: Brian Phillips and Tasheik Kerr
- CyRide: Jenny Bethurem or Rob Holm or Kevin Gries
- Electric: Mark Imhoff
- Fire: Jason Ziph or Rich Higgins
- Parks & Rec: Craig Kaufman or Joshua Thompson
- Public Works: Brad Becker or Dave Cole
- Police: Jason Tuttle or Geoff Huff
- Water: Heidi Petersen
- Risk Management: Bill Walton

CAA: Karen Chitty  
 AMS: Jess Clyde or Sarah Dvorsky  
 ISU: Events Authorization Committee

**City Council Meeting**

Date \_\_\_\_\_  
 \_\_\_ Added to Agenda with CAF Approved Y N

Reminder Date \_\_\_\_\_

# SPECIAL EVENT APPLICATION

Applications received less than thirty (30) days before the event may not be processed by the City in time for the event and will automatically be denied. Each application is viewed as a new event regardless of previous occasions.

Event Name Iowa State Greek Week Olympics

Location/Address Greek Triangle

Region (Select one or more)

- Ames Main Street (Downtown)
- Campustown District
- Iowa State University Property
- City Parks
- Other (please explain)

Please note that events occurring in the Downtown, Campustown, in City parks, or on ISU property require prior approvals. A letter of support will be required from CAA if the event occurs in Campustown or from MSCD if the event occurs in Downtown. Please contact the appropriate office well in advance:

Downtown - Main Street Cultural District: (515) 233-3472  
 Campustown - Campustown Action Association: (515) 450-8771  
 ISU - Events Authorization Committee: (515) 294-1437

events@amesdowntown.org  
 director@amescampustown.com  
 eventauthorization@iastate.edu

## TIMELINE

Setup Date 4/4/2020 Time 7:30 am M T W R F Sa Su

Event Starts Date 4/4/2020 Time 9:30 am M T W R F Sa Su

Detailed Description of Event Activities (written overview of event and what's going to happen)

Greek Week will be having their annual Olympics day filled with short, competitive activities/events that each Greek Week team will compete in.

Event Ends Date 4/4/2020 Time 3:00 pm M T W R F Sa Su

Teardown Complete Date 4/4/2020 Time 5:00 pm M T W R F Sa Su

**Event Category**

- Athletic/Recreation
- Exhibits/Misc.
- Festival/Celebration
- Parade/Procession/March
- Concert/Performance
- Farmer/Outdoor Market
- Other (please explain)

Rain Date 4/5/2020 Rain Location same location

Yes  No

Is this an annual event? If yes, how many years? 68

**CONTACTS**

**Sponsor/Applicant Name** Abbey Bierma

Address 2229 Lincoln Way

City Ames State IA Zip Code 50011

Daytime Phone 515-418-8581 Cell Phone 515-418-8581

E-mail gwcllogistics@iastate.edu

**Alternate Contact Name** Luke Simmons and Seth Jackson

Daytime Phone Cell Phone

E-mail gwcolympics@iastate.edu

**ATTENDANCE**

Anticipated Daily Attendance 1,500

Yes No

Is this event open to the public?

Is your event being held in conjunction with another event (e.g. *Farmers' Market, 4th of July*, etc.)? If yes, please list:

**ORGANIZATION STATUS/PROCEEDS**

- For-Profit
- Bona Fide Tax Exempt
- Nonprofit

Yes No

Are patron admission, entry, or participant fees required? If yes, please describe and provide amounts:

Are vendor or other fees required? If yes, please provide amounts:

Percentage of net proceeds going towards fundraising %

Percentage of net proceeds going towards for-profit entity %

**SECURITY**

**Ames Police Department 24 hour non-emergency phone number: 515-239-5133**

Please complete the course at <https://www.crowdmanagers.com/training> for crowd management training.

Yes No

Have you hired a professional security company to develop and manage your event's security plan? If yes, please fill out the following information:

**Security Organization**

Address

City State Zip Phone

Email

**COUNCIL ACTION FORM**

**SUBJECT:**           **REQUESTS FOR SUMMERFEST IN CAMPUSTOWN**

**BACKGROUND:**

Campustown Action Association (CAA) plans to hold its 10<sup>th</sup> annual Summerfest on June 6, 2020. The event involves activities for children, live music, and a beer garden. Organizers plan to close the 200 block of Welch Avenue (from Chamberlain to Hunt Street) and Chamberlain Street from Welch Avenue to the Chamberlain Lot Y exit from approximately 7:00 a.m. to 9:00 p.m.

Reserved spaces in Welch Lot T will not be affected and those users will be able to enter and exit their spaces through the alley west of Welch Avenue. Fire Station #2 will not be affected by the arrangement of these closures. Organizers are aware of the prospective Welch Avenue reconstruction project and Summerfest plans are not anticipated to be impacted by the construction.

The Public Works Department will provide barricades for the event, and organizers will obtain a noise permit through the Police Department. CAA will contact affected businesses by going door-to-door, distributing flyers, and through email contacts.

Organizers are requesting the following actions by City Council for June 1:

- Closure of the 200 block of Welch Avenue and Chamberlain Street from Welch Avenue to the exit of Chamberlain Lot Y between 7:00 a.m. and 10:00 p.m.
- Closure of parking spaces in the 200 block of Welch Avenue, on Chamberlain Street between Welch Avenue and the Chamberlain Lot Y exit, Welch Lot T, and Chamberlain Lot Y between 7:00 a.m. and 10:00 p.m.
- Waiver of parking meter fees for the closed area (A loss of \$120.75 to the Parking Fund)
- Access to City-owned electric outlets and waiver of fees for electricity use (approximately \$5 loss of revenue)
- Blanket Temporary Obstruction Permit
- Blanket Vending License and waiver of fee (\$50 loss to City Clerk's Office)
- Approval of 5-Day Class B Beer Permit with Outdoor Service

**It should be noted that CAA has been allocated funds in the City's FY 2020/21 Budget to reimburse for parking meter suspensions after July 1, 2020. Since**

**Summerfest takes place in June, the City Council is being asked to consider a waiver of the parking meter fees in the same manner as previous event approvals. For next year's Summerfest, funds will be transferred from the Local Option Sales Tax Fund to the Parking Fund to reimburse for the lost parking meter revenue.**

The Ames Chamber of Commerce is providing liability insurance coverage for this event, since the CAA is an affiliate organization of the Chamber.

**ALTERNATIVES:**

1. Approve the requests as outlined above for Summerfest on June 6, including the waiver of fees.
2. Approve the requests for street and parking lot closures, the Temporary Obstruction Permit and the beer permit, but require reimbursement to the City for lost parking meter revenue, a blanket Vending License, and the usage of electricity.
3. Do not approve the requests.

**CITY MANAGER'S RECOMMENDED ACTION:**

Campustown Action Association's Summerfest has been a successful event, and staff feels comfortable that the event will continue to be successful this year. In addition, it is important that CAA is successful in promoting the Campustown area through events and activities like Summerfest.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the requests as outlined above for Summerfest on June 6, including the waiver of fees.



Documents Received

Date: 2/3/2020

- Completed Application
- Fireworks Application (\$25 fee)
- Insurance Certificate
- Public Safety & Event Management Plan
- Site Plan/Route Map (\$25 fee) (Road Race)
- Vendor List (\$50 fee/each)
- Parking fees

Special Events Meeting

Date \_\_\_\_\_

Time \_\_\_\_\_

Room \_\_\_\_\_

Documents Sent:

- Alcohol License ABD \_\_\_\_\_
- Fireworks Permit
- Road Race Permit
- TOP
- Vending Permit
- Other Noise

Departments Included

- City Manager: Brian Phillips and Tasheik Kerr
- CyRide: Jenny Bethurem or Rob Holm or Kevin Gri
- Electric: Mark Imhoff
- Fire: Jason Ziph or Rich Higgins
- Parks & Rec: Craig Kaufman or Joshua Thompson
- Public Works: Brad Becker or Dave Cole
- Police: Jason Tuttle or Geoff Huff
- Water: Heidi Petersen
- Risk Management: Bill Walton

CAA: Karen Chitty  
 AMS: Jess Clyde or Sarah Dvorsky  
 ISU: Events Authorization Committee

City Council Meeting

Date \_\_\_\_\_  
 Added to Agenda with CAF Approved Y N

Reminder Date \_\_\_\_\_

# SPECIAL EVENT APPLICATION

Applications received less than thirty (30) days before the event may not be processed by the City in time for the event and will automatically be denied. Each application is viewed as a new event regardless of previous occasions.

Event Name

Location/Address

Region (Select one or more)

- Ames Main Street (Downtown)
- Campustown District
- Iowa State University Property
- City Parks
- Other (please explain)

Please note that events occurring in the Downtown, Campustown, in City parks, or on ISU property require prior approvals. A letter of support will be required from CAA if the event occurs in Campustown or from MSCD if the event occurs in Downtown. Please contact the appropriate office well in advance:

Downtown - Main Street Cultural District: (515) 233-3472  
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 ISU - Events Authorization Committee: (515) 294-1437

events@amesdowntown.org  
 director@amescampustown.com  
 eventauthorization@iastate.edu

## TIMELINE

Setup Date  Time  M T W R F Sa Su

Event Starts Date  Time  M T W R F Sa Su

Detailed Description of Event Activities (written overview of event and what's going to happen)

Event Ends Date  Time  M T W R F Sa Su

Teardown Complete Date  Time  M T W R F Sa Su

### Event Category

- Athletic/Recreation
- Exhibits/Misc.
- Festival/Celebration
- Parade/Procession/March
- Concert/Performance
- Farmer/Outdoor Market
- Other (please explain)

Rain Date  Rain Location

Yes  No  Is this an annual event? If yes, how many years?



## CONTACTS

**Sponsor/Applicant Name**

**Address**

**City**  **State**  **Zip Code**

**Daytime Phone**  **Cell Phone**

**E-mail**

**Alternate Contact Name**

**Daytime Phone**  **Cell Phone**

**E-mail**

## ATTENDANCE

Anticipated Daily Attendance

Yes No

Is this event open to the public?

Is your event being held in conjunction with another event (e.g. *Farmers' Market, 4th of July*, etc.)? If yes, please list:

## ORGANIZATION STATUS/PROCEEDS

- For-Profit  
 Bona Fide Tax Exempt  
 Nonprofit

Yes No

Are patron admission, entry, or participant fees required? If yes, please describe and provide amounts:

Are vendor or other fees required? If yes, please provide amounts:

Percentage of net proceeds going towards fundraising  %

Percentage of net proceeds going towards for-profit entity  %

## SECURITY

**Ames Police Department 24 hour non-emergency phone number: 515-239-5133**

Please complete the course at <https://www.crowdmanagers.com/training> for crowd management training.

Yes No

Have you hired a professional security company to develop and manage your event's security plan? If yes, please fill out the following information:

**Security Organization**

**Address**

**City**  **State**  **Zip**  **Phone**

**Email**

<b>Name of Applicant:</b> <u>Ames Chamber of Commerce</u>		
<b>Name of Business (DBA):</b> <u>Campustown Action Association</u>		
<b>Address of Premises:</b> <u>304 Main Street</u>		
<b>City</b> <u>Ames</u>	<b>County:</b> <u>Story</u>	<b>Zip:</b> <u>50010</u>
<b>Business</b> <u>(515) 232-2310</u>		
<b>Mailing</b> <u>304 Main Street</u>		
<b>City</b> <u>Ames</u>	<b>State</b> <u>IA</u>	<b>Zip:</b> <u>50010</u>

**Contact Person**

<b>Name</b> <u>Karin Chitty</u>
<b>Phone:</b> <u>(515) 451-7503</u> <b>Email</b> <u>karin.chitty@amescampustown.com</u>

**Classification** Special Class C Liquor License (BW) (Beer/Wine)

**Term:** 5 days

**Effective Date:** 06/05/2020

**Expiration Date:** 01/01/1900

**Privileges:**

Outdoor Service

Special Class C Liquor License (BW) (Beer/Wine)

**Status of Business**

<b>BusinessType:</b> <u>Privately Held Corporation</u>
<b>Corporate ID Number:</b> <u>XXXXXXXXXX</u> <b>Federal Employer ID</b> <u>XXXXXXXXXX</u>

**Ownership**

**Daniel Culhane**

**First Name:** Daniel

**Last Name:** Culhane

**City:** Ames

**State:** Iowa

**Zip:** 50010

**Position:** President & CEO

**% of Ownership:** 0.00%

**U.S. Citizen:** Yes

**Insurance Company Information**

<b>Insurance Company:</b> <u>Illinois Union Insurance Company</u>	
<b>Policy Effective Date:</b> <u>06/05/2020</u>	<b>Policy Expiration</b> <u>06/10/2020</u>
<b>Bond Effective</b>	<b>Dram Cancel Date:</b>
<b>Outdoor Service Effective</b>	<b>Outdoor Service Expiration</b>
<b>Temp Transfer Effective</b>	<b>Temp Transfer Expiration Date:</b>

**COUNCIL ACTION FORM**

**SUBJECT: POWER PLANT MAINTENANCE SERVICES CONTRACT**

**BACKGROUND:**

The Electric Utility has two gas-fired, high-pressure steam generation units within the City's Power Plant, referred to as Units No. 7 and 8. These units require regular professional maintenance and repair. This consists of both emergency and planned repairs and service. Services include a large variety of boiler maintenance and repairs, structural steel, pump and piping work, and other miscellaneous mechanical Power Plant work.

The repair of the equipment on these generation units requires professional trade crafts such as laborers, millwrights, and steam/pipe fitters.

Staff recommends that these services continue to be outsourced on an annual renewable contract basis. The benefits of having a contract for these services in place include the following:

- 1) Consistency of work and quality from a single contractor.
- 2) Reduction in the City's exposure to market forces regarding prices and availability for labor, travel, and supplies in preparation for a scheduled outage.
- 3) Rapid contractor mobilization to start emergency repairs, thus reducing generation downtime.
- 4) Saved City staff time obtaining quotes, evaluating bids and preparing specifications and other procurement documentation.

The City currently has an annual renewable contract in place for these services that ends on June 30, 2020. This project allows the City to issue plans and specifications to companies who perform such work to bid so that more competitive pricing received.

The approved FY2020/21 Power Plant operating budget for Electric Production includes \$125,000 for this contract. Invoices will be based on contract rates for time and materials for services actually received.

**ALTERNATIVES:**

1. Approve preliminary plans and specifications for the Power Plant Maintenance Services Contract, and set April 15, 2020 as the due date for bids and April 28, 2020 as the date of public hearing and award of contract.
2. Purchase these services on an as-needed basis.

**MANAGER'S RECOMMENDED ACTION:**

This work is necessary to ensure that a qualified professional firm will respond to both scheduled and emergency needs for Power Plant repair and maintenance, and will also control costs by having established billing rates. Funds will be expended only as work is required and in accordance with approved invoices.

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

**COUNCIL ACTION FORM**

**SUBJECT: CYRIDE 2020 PAVEMENT IMPROVEMENTS MIDDLE SCHOOL  
TURNAROUND PROJECT PLANS AND SPECIFICATIONS**

**BACKGROUND:**

Concrete pavement at the Ames Middle School bus turnaround was installed when the school was built in 2004 and has deteriorated over the years. Last year, CyRide was unable to replace the pavement as planned due to an unanticipated legal matter with the property deed. This has been resolved and CyRide is ready to move forward with replacing the concrete at an estimated cost of \$132,211.

Funds have been allocated for the project in the 2020-2025 Capital Improvement Plan. The Ames Transit Agency Board of Trustees approved project plans and specifications at the March 4, 2020 meeting. Plans and specifications are now on file in the City Clerk's Office.

**ALTERNATIVES:**

1. Approve plans and specifications for the CyRide 2020 Pavement Improvements Middle School Turnaround Project and establish April 2, 2020 as the date of letting and April 14, 2020 as the date for the report of bids.
2. Direct staff to continue to work with the A&E consultant to refine the project plans.

**MANAGER'S RECOMMENDED ACTION:**

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

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

**COUNCIL ACTION FORM**

**SUBJECT: REPORT OF BID AND AWARD OF CONTRACT FOR  
CYRIDE ADMINISTRATIVE VEHICLE PURCHASES**

**BACKGROUND:**

CyRide primarily uses administrative vehicles to switch drivers along bus routes. Vehicles are typically replaced when they are four to seven years old. One vehicle per year is typically programmed for replacement in the CIP. In FY 2018/19, the vehicle up for replacement was not replaced and the funds were rolled forward to this year. Therefore, two vehicles are being replaced in the current budget year.

On January 27, 2020, a request for proposals was released for the purchase of two fuel-efficient hybrid four-wheel drive SUVs. A vehicle fleet with a mix of four-wheel drive vehicles allows drivers to be relieved during inclement weather conditions. Bids were due on February 10, 2020, and seven bids were received. Ames Ford Lincoln of Ames, IA submitted the low bid of \$53,840 for the purchase of two Ford Escape SE Hybrid 4x4 vehicles. CyRide has \$60,000 allocated for the purchase in the 2020-2025 Capital Improvement Plan.

**The Ames Transit Agency Board of Trustees approved the purchase of the vehicles at the March 4, 2020 meeting.**

**ALTERNATIVES:**

1. Accept the bid of Ames Ford Lincoln of Ames, Iowa and award a contract in the amount of \$53,840 for the purchase of two Ford Escape SE Hybrid 4x4 vehicles.
2. Accept the bid form one of the other six bidders.

**CITY MANAGER'S RECOMMENDED ACTION:**

Awarding this contract will allow CyRide to purchase two replacement administrative vehicles at the lowest price offered by the bidders. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving contract award to Ames Ford Lincoln of Ames, IA for the purchase of two Ford Escape SE Hybrid 4x4 vehicles in a contract amount of \$53,840.

<b>CITY OF AMES, IOWA</b>						
Mike Adair: madair@city.ames.is.us	<u>2 EA</u> Small Hybrid SUV, AWD or 4x4, 4 Door. Automatic Transmission	<b>TOTAL COST</b>	<b>Make</b>	<b>Model</b>	<b>Year</b>	<b>Delivery</b>
<b>RFQ No. 2020-099</b>						
<b>CyRide Fleet</b>						
Ames Ford Lincoln	\$26,920.14	\$53,840.28	Ford	Escape SE Hybrid	2020	14-16 Weeks
Charles Gabus Ford	\$27,006.00	\$54,012.00	Ford	Escape Hybrid	2020	
McGrath Ford	\$27,455.00	\$54,910.00	Ford	Escape Hybrid	2020	15-17 Weeks
Dewey Ford	\$27,670.14	\$55,340.28	Ford	Escape	2020	14-16 Weeks
Stivers Ford	\$27,692.00	\$55,384.00	Ford	Escape	2020	16 Weeks
Toyota of Des Moines	\$27,999.00	\$55,998.00	Toyota	RAV 4 Hybrid	2020	
Wilson Toyota	\$29,500.00	\$59,000.00	Toyota	RAV 4	2020	8 Weeks



# MEMO

**To:** Mayor and Members of the City Council

**From:** City Clerk's Office

**Date:** March 10, 2020

**Subject:** Contract and Bond Approval

There is/are no Council Action Form(s) for Item No(s). 16 and 17. Council approval of the contract and bond for this/these project(s) is simply fulfilling a *State Code* requirement.

/alc



**COUNCIL ACTION FORM**

**SUBJECT: PLAT OF SURVEY (BOUNDARY LINE ADJUSTMENT) FOR 2125 GREELEY STREET**

**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 two existing lots located at 2125 Greeley Street to create one parcel. The Plat consolidates the two existing lots into a new Parcel "M", which will include 0.56 acres.** Alpha Delta Pi Sorority occupies 2125 Greeley Street. The zoning of both parcels is: "Residential High-Density" (RH), and "East University Impacted Overlay" (O-UIE). *(See Attachment A: Location Map & Attachment B: Sketch of Existing Tax Parcels.)*

Approval of a Plat of Survey to create Parcel "M" will establish a single parcel that includes the building and parking lot. Currently a property line runs through the existing building and parking area. The parking area is nonconforming in many ways. A retracement survey was filed with Story County in 2018, but the City's Subdivision Code does not acknowledge that as a valid parcel and building permits cannot be issued without a Plat of Survey. **Consolidation of the two lots is necessary to provide a valid legal parcel for approval of a Minor Site Development Plan required to allow a small addition and re-configure the parking lot.**

No public improvements are necessitated by this Plat of Survey. Approval of the Plat of Survey does not exacerbate nonconforming lot conditions. Each lot is currently nonconforming parking and landscaping zoning standards. The impact of the building addition does cause a need for reconstruction of the parking lot. The proposed parking lot configuration is going through a variance process and site plan review.

Approval of this Plat of Survey *(See Attachment C: 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.
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 consolidation of the current lots does not exacerbate conditions related to the current RH and O-UIE zoning nonconformities. **The proposed building addition and parking lot reconstruction are currently under site plan review and will need approval of a variance to parking lot and landscaping standards from the Zoning Board of Adjustment.** 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, thereby adopting the resolution approving the proposed Plat of Survey.

**ADDENDUM**

**PLAT OF SURVEY FOR 2125 GREELY STREET**

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: Pi Chapter of Alpha Delta Pi Building Corp

Existing Street Addresses: 2125 Greeley Street

Assessor's Parcel #s: 09-09-228-070

**Survey Description-Parcel M:**

Lots 10 & 11, Block 6, College Heights Addition

**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)

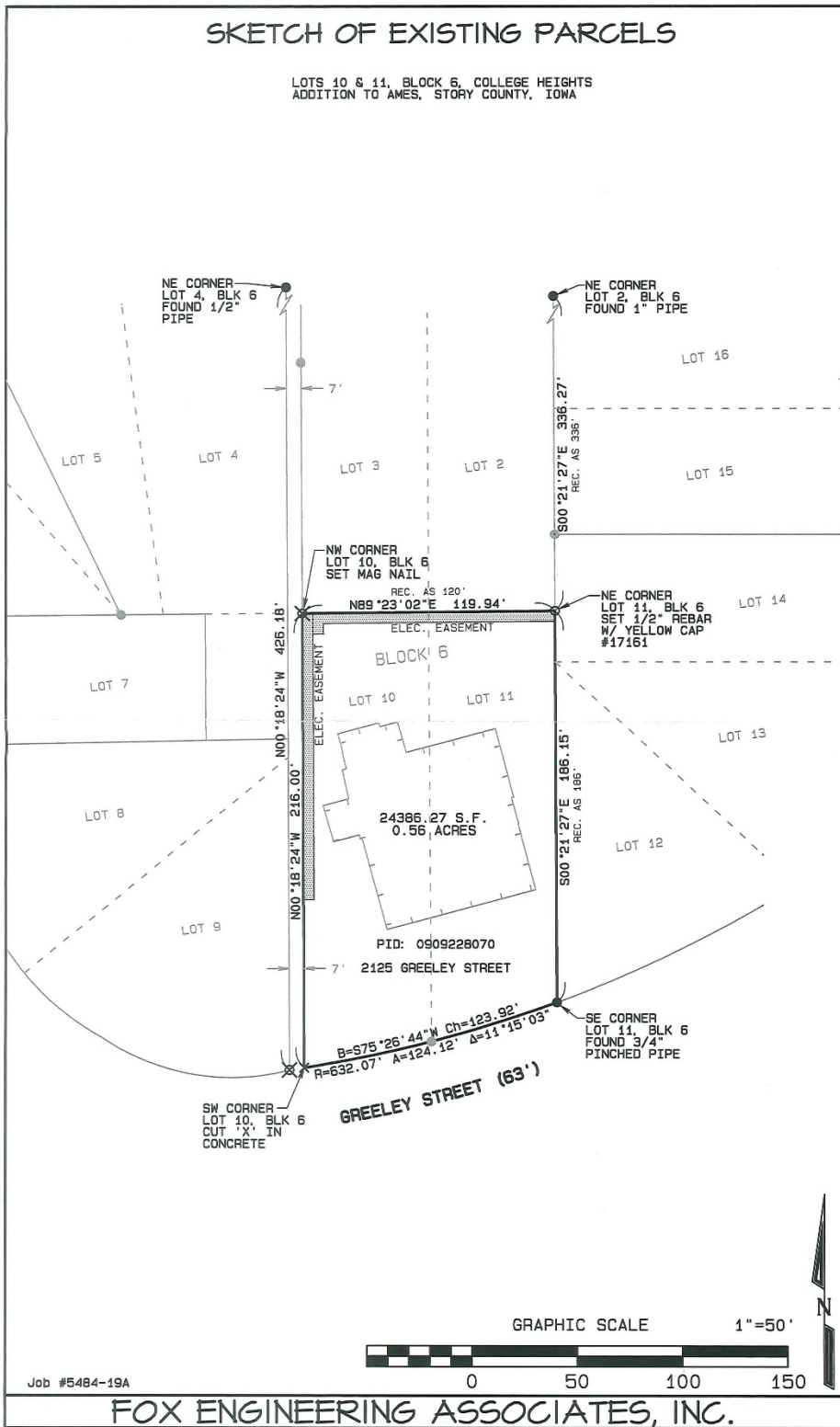
Note: The official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

**Attachment A: Location Map**

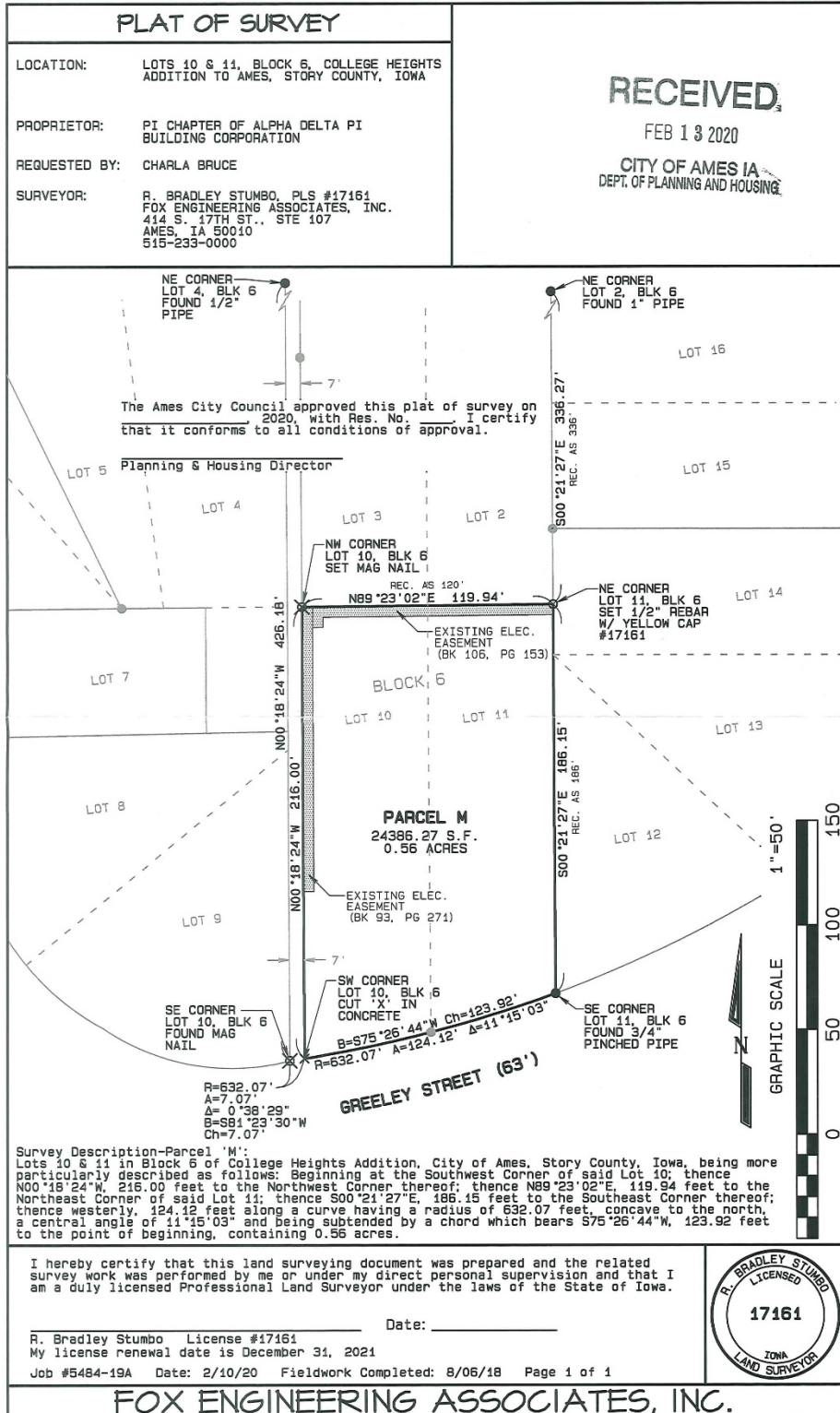


**Location Map  
2125 Greeley Street**

**Attachment B: Sketch of Existing Conditions**



# Attachment C: Plat of Survey



**COUNCIL ACTION FORM**

**SUBJECT: PLAT OF SURVEY (BOUNDARY LINE ADJUSTMENT) FOR 224 ASH AVENUE**

**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 for consolidation of two existing lots and a portion of a third existing lot addressed as 224 Ash Avenue to create one 0.64 acre parcel.** These parcels are currently occupied by Tappa Kau Epsilon (TKE) Fraternity. The property is zoned Residential High Density (RH). The existing property has been in its current configuration since the mid 1950's. The proposed change results in one new parcel, labeled as Parcel C.

**The proposed new parcel is being created in advance of a proposed remodel and addition to the fraternity house. A site plan is currently under review by staff. The consolidation of the existing lots must be done in order to create a legal lot for approval of a Site Development Plan and other permitting purposes.** The remodel and new addition replaces a portion of the existing house and does not trigger the requirement of a demolition permit from the City Council under the East University Impact Overlay standards (O-UIE). No public improvements are necessary with the plat of survey.

Approval of this plat of survey (Attachment B) 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 lots and has made a preliminary decision of approval. No conflict exists with the existing RH zoning standards as a result of the boundary line adjustment. The boundary line adjustment does not trigger infrastructure requirements unless there is a gap in completion of existing infrastructure.

**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 224 ASH AVENUE

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: 224 Ash Inc

Existing Street Address: 224 Ash Avenue

Assessor's Parcel #: 0909227045

Legal Description:

Survey Description-Parcel C:  
Lots 13, 14 and part of Lot 12, all in the Auditor's Plat of Zentmire's Subdivision, City of Ames, Story County, Iowa, as described in the Warranty Deed filed at Inst. No. 200400008478, and all together being more particularly described as follows: Beginning at the Southwest Corner of said Lot 13, thence  $N00^{\circ}27'48''W$ , 182.03 feet along the west line of said Lots 13 and 14 to the Northwest Corner of said Lot 14; thence  $N85^{\circ}58'35''E$ , 150.12 feet along the north line of said Lot 14, and said line extended easterly; thence  $S00^{\circ}31'47E$ , 80.57 feet; thence  $S28^{\circ}15'15''E$ , 72.98 feet to the south line of said Lot 12; thence following the south line of said Lots 12 and 13 southwesterly, 191.57 feet along a curve having a radius of 391.78 feet, concave to the north, a central angle of  $28^{\circ}00'59''$  and being subtended by a chord which bears  $S75^{\circ}25'53''W$ , 189.67 feet to the point of beginning, containing 0.64 acres.

#### Public Improvements:

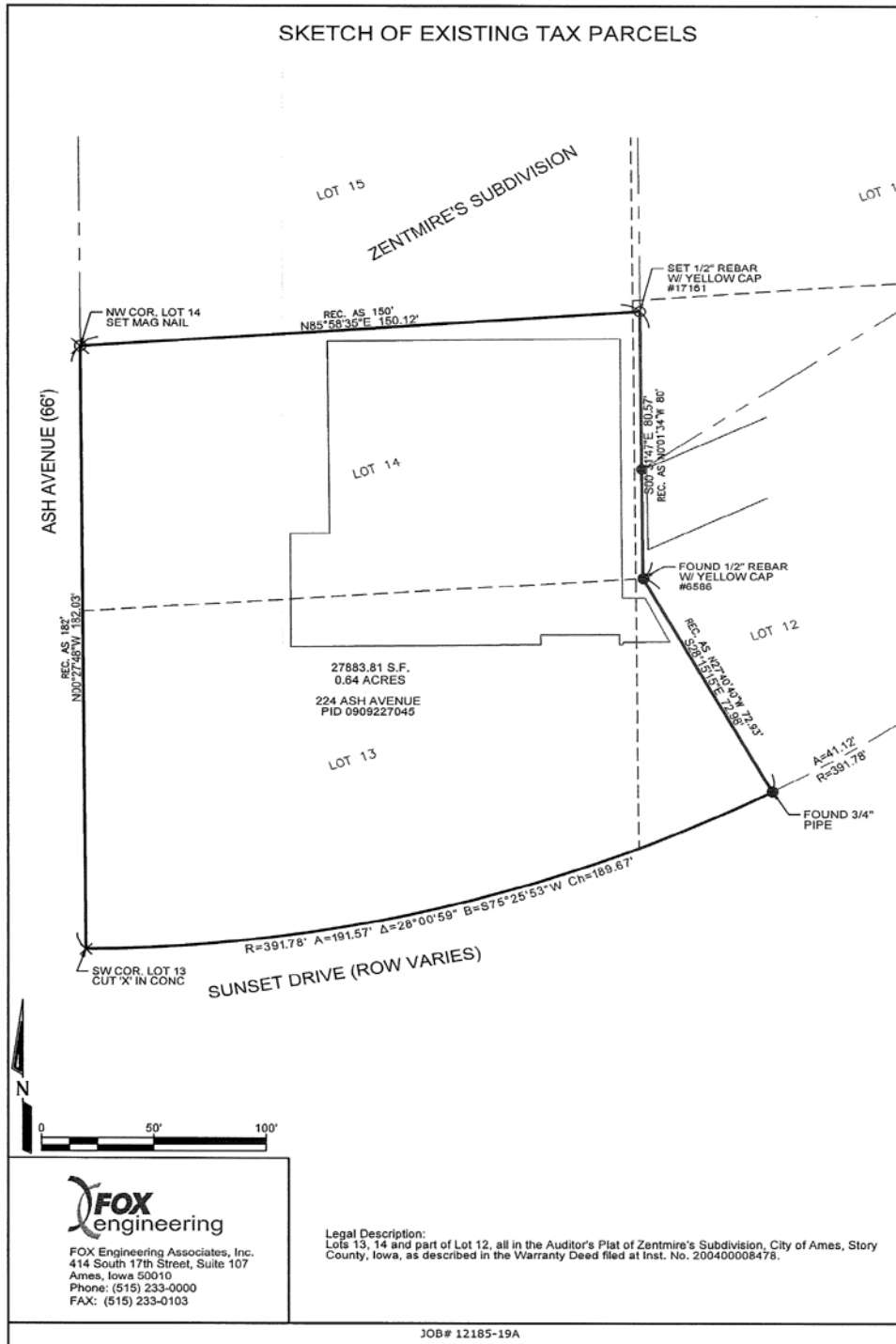
The preliminary decision of the Planning Director finds that approval requires all public improvements associated with and required for the proposed plat of survey be:

- Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.

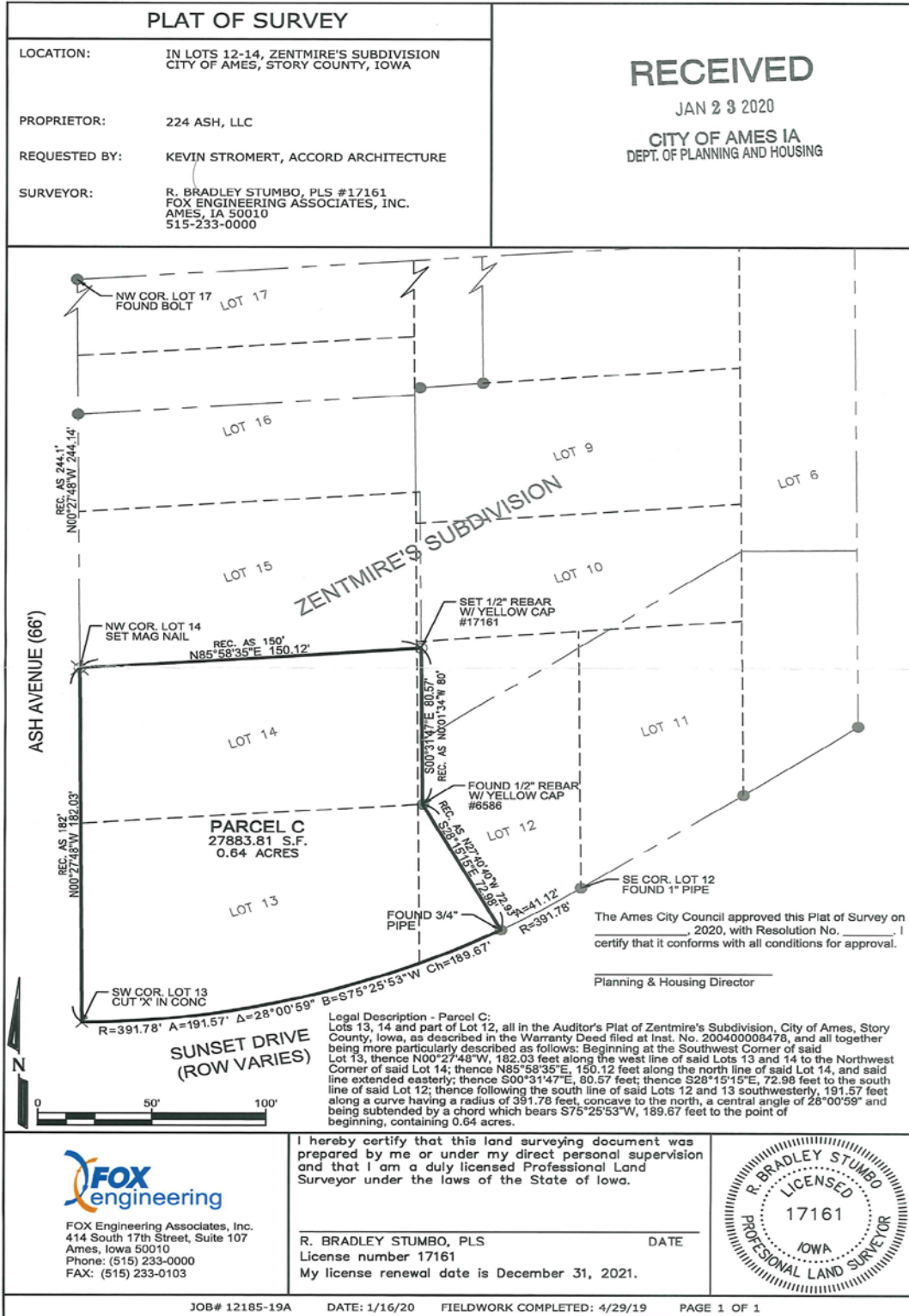
- Delayed, subject to an improvement guarantee as described in Section 23.409.
- Not Applicable. (no additional improvements required)

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- Existing Conditions



# Attachment B- Plat of Survey



## Staff Report

**MICROMOBILITY (Motorized Scooters)**

March 10, 2020

**BACKGROUND:**

At the June 18, 2019 City Council meeting, Council directed staff to investigate how other cities have regulated micromobility transportation to determine if there are ordinances that may be considered to offer this type of transportation in Ames.

**WHAT IS MICROMOBILITY?**

Micromobility encompasses several modes of transportation and the primary condition for inclusion in this category is a gross vehicle weight of less than 1,100 pounds. Some of the more commonly known modes are electric/motorized scooters, electric skateboards, shared bicycles, and electric pedal assist bicycles. **For the purposes of this report, motorized scooters will be the focus.** Scooters are generally used for the “last mile” of the individual’s trip with an average ride lasting less than 10 minutes.

**MOTORIZED SCOOTERS OVERVIEW:**

Motorized scooters are typically activated through a free app. Users create a profile on the app including their method of payment. Once the user profile is created, a map appears showing the location of the scooters. The user finds a scooter and scans the QR code on the scooter to unlock it. Once unlocked, charges to use the scooter began accumulating and are applied to the user’s payment method. An example of charges is \$1.00 to unlock the scooter and .15 cents per minute to ride. Upon completion of their scooter ride, the user is expected to return the scooter to a designated area so it’s available for the next rider. Failure to do so could result in additional charges and/or the inability to activate another scooter for future use.

Scooters are tracked through GPS and at the end of the daily hours of operation, individuals employed by the scooter company collect the scooters and transport them to a designated location for re-charging. Scooters are then returned to designated areas the next morning for use.

Motorized scooters began showing up in communities in 2018. Early in their deployment, scooter companies arrived in communities with very little to no notice and simply dropped off scooters. City officials scrambled to address the safety and regulation needs as well as respond to the numerous complaints from citizens and business owners while other citizens tested out the new mode of transportation. Scooter companies learned this was an unacceptable way to deal with communities and instead have begun working with cities

to develop acceptable policies/ordinances which can alleviate most of the perceived problems with motorized scooters.

### **POTENTIAL BENEFITS/CONCERNS OF MOTORIZED SCOOTERS:**

A committee comprised of City and ISU staff met between August – January to discuss and review information regarding scooters and identified potential benefits and concerns for City Council to consider.

- **Benefits**

- Motorized scooters are often viewed as primarily meeting a recreational need, however, some research indicates that they are an affordable and convenient mode of transportation that compliments existing public transportation.

- Jobs are also created as scooter companies hire individuals to collect and transport scooters for re-charging as well as work on scooter repairs.

- Some reduction in carbon emissions can be realized for those who switch for using a car to a scooter as a means of transportation for that trip.

- The availability of scooters could be seen as a fun factor desired by the City Council and compatible with the goal of supporting multi-modal forms of transportation.

- Pursuing this micromobility option establishes a workable framework to potentially include similar forms of transportation in the future.

- **Concerns**

- Safety of the rider interacting with the public is a primary concern and is dependent on where scooters would be allowed for use and at what time of the day they are allowed. (Note: The current City ordinance regulating bicycles permits riding on roadways, bicycle paths, and specified sidewalks.)

- There is a concern as to where the scooters should be parked when in use by a customer and after their time has expired. In many cities scooters have been left in the middle of sidewalks, bike paths, parking ramps blocking the mobility of other pedestrians and vehicles.

- As the City looks to develop place making spaces and enhancing walkability, there is concern expressed by some that the availability of scooters will influence the replacement of the physical activity that comes with walking and bicycling.

- Another concern deals with who will be responsible for enforcement of improper parking of the scooters in timely manner. It is believed assigning this task to the Police Department or another City department would not be advisable.

-It is questionable whether or not the City can successfully implement a motorized scooter policy without the ISU campus being included.

**DISCUSSION WITH SCOOTER COMPANY:**

Bird Scooters is the company that has had the most frequent contact with the City and ISU. In a conference call with Bird representatives they explained changes they've implemented in their business model in the past 18 months to collaboratively work with communities in establishing motorized scooter services. They view themselves as contributors to transportation options. Bird works with cities and universities to establish the best locations for the motorized scooters, implement geo-fencing, educate riders about scooter safety and work with city and university officials on messaging. In the communities where Bird operates, they see enforcement on scooters being managed in the same manner as bicycles. They see benefit with implementing pilot programs in order to introduce the service, determine the need, and monitor community feedback.

**IOWA STATE UNIVERSITY'S POSITION IN REGARDS TO SCOOTERS:**

Feedback received from the representatives of the ISU administration during the committee meetings indicates an opposition to allowing motorized scooters on campus. In addition, it should be noted that in the fall of 2018 the ISU Student Government passed a resolution barring motorized scooter on campus.

Much of their concern is focused on the safety issues between pedestrians/motorists confronting motorized scooters on the various paths/streets on campus; along with scooters being deposited on sidewalks, bike paths, and other areas on campus when not in use that inhibit pedestrian movement.

**IMPORTANT POLICY ISSUES THAT SHOULD BE ADDRESSED IF THE CITY COUNCIL CHOOSES TO ALLOW MOTORIZED SCOOTERS ON CITY RIGHTS-OF-WAY:**

Outreach to five university communities was initiated to collect and review examples of policies and ordinances they are using. When it comes to contracting with the scooter companies and longer-term policy development, there are several issues for City Council to consider:

- 1.) Number of scooter companies
- 2.) Number of scooters
- 3.) Permitting
- 4.) Areas of operation (geo-fencing)
- 5.) Policy and ordinance enforcement

**1. Number of Scooter Companies Allowed**

The number of scooter companies allowed in a community varies from city to city based on anticipated use determined by the city. In Ann Arbor, MI three companies operate

motorized scooters while in Bloomington, IN and Oxford, OH there are two companies. Columbia, MO and Stillwater, OK each have allowed one scooter company.

Since this is a relatively new industry and the surveyed cities have not received requests in excess of their desired allotment, there is no legal challenge to a city's ability to limit the number of scooter companies it will allow the community.

## **2. Number of Scooters**

The number of scooters allowed to be deployed is outlined in agreements that each city has with scooter companies. Some of the cities have also charged a one-time per scooter deployment fee. Cities consider population, areas of operation, and the number of intended riders when determining the number of scooters allowed. Ann Arbor approved 200-300 scooters to be in use while Stillwater decided on 300. Columbia and Oxford each have about 500 scooters and Bloomington allows 500-600 scooters.

## **3. Permitting**

In addition to operation agreements with the scooter companies, all but one city has implemented some type of permit requirement. Ann Arbor requires a permit for the charging station that a scooter company is installing in the public right of way. In Bloomington, Columbia, and Stillwater a business license must be obtained and fees are applied. Oxford does not require any type of business permit or license at this time.

## **4. Areas and Hours of Operation/Parking**

The cities of Ann Arbor, Columbia, and Oxford all use geo-fencing to control areas where scooters can go. In Ann Arbor, scooters are allowed in the downtown area and some areas on the University of Michigan campus. The scooters can be used in bike lanes and the roadway when bike lanes are not available. Scooters are required to be parked upright in an orderly manner on hard surfaces such as existing sidewalk extensions areas and cannot obstruct the sidewalk for pedestrian travel, ADA ramps, fire hydrant, utility pole or box, etc. Scooter use begins at 7:00 a.m. and ends at 9:00 p.m. every day. There is also a 15 mph speed limit with slower limits in certain areas of campus.

Columbia allows scooters to be operated in bike lanes and on roadways when bike lanes are not available. However, scooters cannot be used on the city's trail system. The University of Missouri allows the scooters on campus, but they must be placed in a bicycle rack when not in use. Both the city and university use 15 mph as the maximum speed limit for the scooters. Scooter use begins at 7:00 a.m. and ends at 8:00 p.m. every day. Scooters are allowed to park on sidewalks in an upright position so as not to obstruct the flow of pedestrian traffic.

In Oxford, scooters can be ridden on sidewalks, except in the business district. Parking for the scooters is available in designated spots on each block. Scooters are to be parked in upright positions and not obstructing pedestrian traffic, ADA ramps, utility poles, etc. The city plans to expand shared use paths to accommodate additional modes of transportation. Scooters are in operation from 5:00 a.m. and ends at 9:00 p.m. daily.



Miami University is geo-fenced and scooters are only allowed in bike lanes within the campus area.

The Cities of Bloomington and Stillwater leave it up to the scooter companies to establish hours of operation and safe speeds. Bloomington allows scooters on multi-use trails and paths, roadways, and designated sidewalks while Indiana University approves of scooters using roadways throughout campus. Bloomington City Ordinance requires scooters to park either in bicycle racks located in the public right-of-way or on the street within painted boxes specifically designated for scooters. The scooters can also be parked on sidewalks as long as they are in an upright position, leave a clear pathway of at least 54 inches wide, and do not obstruct ADA ramps/parking zones, utility poles, commercial window displays and street furniture. Scooters in Stillwater can be operated in bike lanes and on streets and designated sidewalks. The city ordinance requires scooters to be parked in designated racks that are located within boundary areas specified for scooter pick-up and drop-off. Scooters cannot be parked on sidewalks, rights-of-way, or public easements. Oklahoma State University allows scooters around campus and uses geo-fencing for slower speeds (less than 15 mph) in designated areas of campus. Scooters are parked at charging stations located around campus. OSU has adopted 7:00 a.m. until 9:00 p.m. as hours of operation.

#### **5. Policy and Ordinance Enforcement**

Police and/or Code Enforcement staff are commonly used in all of the communities to enforce scooter-related ordinances. Oxford also relies on their Fire Department to assist with tracking accidents and injuries related to scooter use. The cities all shared situations in which scooters were impounded. For example, in Columbia, the University of Missouri had designated areas where scooters are to be returned. When scooters were left out in the open and not returned to the designated area, the University impounded them and charged the scooter company. In turn, the scooter company would issue a fine to the rider. The City of Columbia intervened and the scooter company put a safety compliance program in place that still involved issuing fines to riders, but also blocking riders from using the scooters.

The issue of liability around scooter use in the community is being handled by including indemnity clauses in the agreements between the cities and scooter companies. All of the cities that were contacted require this protection, except for Oxford. Their experience thus far has been with scooter-related injuries occurring outside the hours of scooter operation.

#### **EXAMPLES OF POLICIES AND ORDINANCES IN OTHER COMMUNITIES:**

Attached for City Council review are the current ordinances/agreements regarding the use of motorized scooters in the five university towns that were studied.

## **OPTIONS:**

1. Direct staff to pursue the development of a pilot program for micromobility transportation, specifically motorized scooters. A pilot program would allow the use of scooters throughout the City (not including ISU property, unless they concur) in accordance with the policies established by the City Council and an agreement finalized with a scooter company and the City for a one year trial period.

**Under this option, the City Council will have to give staff direction regarding the numerous policy issues listed above.**

2. Direct staff to conduct further research on micromobility transportation.
3. Decide not to support micromobility transportation (motorized scooters) in the city at this time.

## **STAFF COMMENTS:**

There are many examples of agreements, policies, and ordinances available from other communities who have explored the first step in developing shared mobility programs. Both cities and the Bird scooter company recommend considering a pilot program proposal. It appears that motorized scooter companies have altered their business approach and are now seeking first to work more closely with communities in establishing acceptable micromobility transportation policies before deploying their scooters in a city.

It is anticipated that the majority of motorized scooter users will be ISU students. Should the City Council choose to pursue Alternative #1, it should be emphasized the ISU representatives have expressed opposition to allowing scooters on campus. Therefore, the overall success of this micromobility option could be in jeopardy if the availability/connectivity of scooters are not integrated between the City and ISU properties.

**INTERIM RIGHT-OF-WAY LICENSE AGREEMENT**  
**FOR DOCKLESS VEHICLE VENDOR**

This Interim Right-of Way License Agreement (the "Agreement") is made and entered into on this \_\_\_\_\_ day of October, 2018 (the "Effective Date") by and between the City of Ann Arbor, Michigan ("City") and Bird Rides, Inc. ("Licensee") (City and Licensee each being a "Party" or collectively being the "Parties").

WHEREAS Licensee has, without permission or right, deposited its motorized scooters in City owned or used and regulated rights of way ("ROW"), for purposes of holding them out for rent and shared use;

WHEREAS Licensee proposes to continue to do so;

WHEREAS City, and the public it represents, has both regulatory and proprietary interests in its ROW;

WHEREAS City has and exercises discretion in what enforcing its interests in its ROW;

WHEREAS City is willing to allow the Licensee's vehicles to be used and left in the ROW subject to Licensee's agreement to, and compliance with, the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the promises and mutual covenants of the Parties hereto, the City and Licensee hereby enter into this Agreement, subject to the following terms and conditions:

**Section 1. Term.** Unless earlier lawfully terminated, this Agreement shall commence on the Effective Date and expire after three months, or the City adopts an ordinance superseding it, whichever occurs first.

Licensee's insurance and indemnity obligations under this Agreement shall survive expiration or termination of this Agreement.

**Section 2. License.** Subject to this Agreement's terms and conditions, City grants Licensee a temporary, non-exclusive license to leave, park, or deposit ("Park") no more than 200 bicycles, e-bikes, e-scooters, skateboards, or other small, wheeled vehicles that are not "motor vehicles" under the Michigan Vehicle Code ("Scooters") in the ROW (the "License").

Nothing in this Agreement shall be construed to grant Licensee any other rights or interests in the ROW. The License shall not be deemed or construed to create an easement, lease, fee, or any other interest, in the ROW, shall be personal to Licensee, and shall not run with the land. Licensee shall not record this Agreement or any memorandum of it. City may terminate this Agreement, as provided under its terms, without the need for court action or court order and shall not be deemed to breach the peace as a result of such termination or other exercise of self-help under this Agreement.

**Section 3. Consideration.** As consideration for the License and reimbursement for City's costs and expenses associated with this Agreement and the License, and in addition to any other monetary obligation it has to the City, Licensee shall pay City: (1) \$5,000 upon the Effective Date and, (2) \$1 per day per Scooter permitted by the License, for a total of \$18,400 (based on having 200 Scooters operating in the City for 92 days), and, (3) any other of the City's actual direct costs paid or payable in accordance with the established accounting procedures generally used by the City and which the City uses in billing third parties for reimbursable projects ("Costs") arising from this Agreement or from Licensee's failure to comply with it.

Licensee shall, upon the City's request, provide the City with any documents or data appropriate for the City to calculate its entitlement under this section.

City may invoice Licensee for its due monetary obligations under this Agreement at intervals as City deems appropriate. Licensee shall pay such invoices within 14 days.

**Section 4. Parking.** Licensee shall use reasonable efforts to ensure that Scooters not in current use are parked upright, in an orderly manner, on a hard surface.

Licensee shall also use reasonable efforts to ensure that Scooters are Parked in accordance with all applicable laws, including the City's Code of Ordinances and the state laws it incorporates by reference, including the Michigan Vehicle and Uniform Traffic Codes, as amended. Notwithstanding the foregoing, Scooters may also be Parked in sidewalk extension areas, as long as such Scooters do not obstruct the portion of the sidewalk for pedestrian travel, any ADA ramp or access point, fire hydrant, call box, or other emergency facility, or utility pole or box.

Licensee represents and warrants that it knows the foregoing laws.

**Section 5. Operation.** Licensee shall use reasonable efforts to ensure that its Scooters are operated in accordance with all applicable laws, including the City's Code of Ordinances and the state laws it incorporates by reference, including the Michigan Vehicle and Uniform Traffic Codes, as amended.

Licensee represents and warrants that it knows the foregoing laws.

**Section 6. Deployment Locations.** Licensee shall share Scooter deployment locations with City on at least a weekly basis or upon reasonable request; City may request removal of any deployment location by notice to Licensee and Licensee shall remove such deployment locations within forty-eight (48) hours. City acknowledges that deployment locations are proprietary information of Licensee and shall not be shared publicly or with third parties without Licensee's prior written consent.

**Section 7. Abandonment.** Licensee shall promptly recover and take custody of all abandoned Scooters.

**Section 8. Markings.** Licensee shall ensure that each Scooter is conspicuously marked with

Licensee's unique branding, a unique serial number, and Licensee's contact information, including a 24-hour toll-free phone number and e-mail address. Licensee shall not apply any other markings to any Scooter.

**Section 9. Maintenance.** Licensee shall maintain Scooters in a good and safe working manner and in accordance with all applicable laws, including the laws that permit their operation, and shall promptly remove from the ROW any Scooter not so maintained.

**Section 10. Data Sharing.** Licensee shall, upon request, provide City all data related to Scooter use in the General Bike Share Feed Specifications ("GBFS") format. Aggregated reports on system use, compliance, operations—including but not limited to parking complaints, crashes, damaged or lost Scooters—shall be provided by Licensee to City upon request. Licensee shall make available to City any information from private entities related to requests for Scooters not to be used or parked at a private location upon request.

**Section 11. Insurance and Indemnity.** To the fullest extent lawful, Licensee shall defend, hold harmless, and indemnify the City and its officers, affiliated entities, fiduciaries, employees, agents and contractors from and of all claims, damages, losses, expenses, including attorney fees, or suits of any nature that arise from, are related to, or that the City may be subjected to, by reason or on account of this Agreement, the license granted under it, or the Scooters, except to the extent due to the negligence or willful misconduct of City or its agents and employees.

Licensee's contracts with users of the Scooters shall obligate users to release the City and its officers, affiliated entities, fiduciaries, employees, agents and contractors from the same claims, damages, losses, expenses, including attorney fees, and suits for which Licensee is obligated to indemnify, defend and hold the City harmless. Said contracts shall also obligate users of the Scooters to comply with all other terms of this Agreement.

Throughout the duration of this Agreement, and through any applicable period of repose or limitation, Licensee shall maintain commercial general liability insurance, with no exclusions or limiting endorsements, in the amount of at least \$1,000,000 for each occurrence of bodily injury liability or property damage liability, or both combined, \$2,000,000 general aggregate, \$1,000,000 personal and advertising injury, and \$2,000,000 products and completed operations aggregate, along with any other insurance required by law, including \$1,000,000 in motor vehicle liability insurance, including Michigan no-fault coverages, and worker's compensation insurance. Licensee shall maintain excess or umbrella liability insurance of at least \$5,000,000 for each occurrence and in the aggregate. All such insurance shall be issued by insurers authorized to do business in Michigan and who carry and maintain a minimum rating assigned by AM Best & Company's Key Rating Guide of "A-" and a minimum Financial Size Category of "V." The foregoing required insurance shall be primary as respects to any other insurance the City may have, including its self-insured retentions, which shall not be required to contribute and shall be considered excess only. For itself and any of its insurers, Licensee waives any right of recovery against City for any damages covered by Licensee's insurance. City shall be named an additional insured on all insurance coverages required by this Agreement and shall, without qualification, be entitled to 30-days' written notice of any cancellation or non-renewal of the same. Licensee shall, upon request, provide evidence satisfactory to the City of its compliance with its insurance

obligations under this Agreement.

**Section 12. Local Representatives.** Licensee shall designate one or more representatives who, as needed, can address any issues related to this Agreement in the City, in person, at any time, and who has authority to act on behalf of Licensee.

**Section 13. Damage to City Property.** To the fullest extent lawful, Licensee shall be liable to, and shall promptly reimburse, the City for any damage to City property related to or arising from the Scooters, except to the extent due to the negligence or willful misconduct of City or its agents and employees.

**Section 14. Education.** Licensee shall, to City's satisfaction, develop materials to instruct users of its Scooters of all applicable laws, and provisions of this Agreement, that relate to operation, and Parking of these Scooters. Licensee shall not allow any use of its Scooters by third parties unless they have first reviewed these materials.

**Section 15. Compliance with Laws.** Licensee shall comply with all applicable laws, this Agreement, and City policies, and guarantees its employees, agents and contractors, including independent contractors, do the same.

**Section 16. Seized Scooters.** The City may seize and impound any Scooter that is operated, deployed, abandoned or Parked in violation of any law or in breach of this Agreement, with or without issuing a ticket or citation. Unless City's continued possession of such Scooter is necessary for evidentiary or investigatory purposes, Licensee may recover possession of any seized or impounded Scooter upon Licensee's payment to the City of \$150 plus an additional \$15 per day of impoundment, which amounts are partial reimbursement of the City for its Costs related to seizure and storage of the Scooter, and which amounts shall be due and owing from Licensee to City even if Licensee elects not to recover possession. City shall not be liable for damages to Licensee for City's seizure or impoundment, or both, of any Scooters.

**Section 17. Termination by City.** Upon 3-days' written notice to Licensee, the City may terminate this Agreement, and the license for which it provides, following any breach of it by Licensee, or if City finds, in its sole discretion, that Licensee's use of the license granted under this Agreement threatens the safety and health of the City's residents and visitors. The City's rights of termination are in addition to all other rights and remedies which it may have at law or in equity.

**Section 18. Notices.** All notices or other correspondence or communications required by or related to this Agreement shall be in writing sent by email, and regular U.S. mail, postage prepaid, or delivered by courier to the following:

City:

Attention: John Fournier  
Assistant City Manager  
301 E. Huron Street  
Ann Arbor, Michigan 48107  
jfournier@a2gov.org

With a Copy to: Attention: Stephen K. Postema  
City Attorney  
301 E. Huron Street  
Ann Arbor, Michigan 48107  
spostema@a2gov.org

Licensee: 406 Broadway #369  
Santa Monica, CA 90401  
Attention: Government Partnerships

With a Copy to: 406 Broadway #369  
Santa Monica, CA 90401  
Attention: Legal Department  
Email: birdlegal@bird.co

All such notices, or other correspondence or communications are effective upon transmittal or delivery. The Parties may change recipients with 10-days' written notice to all Parties.

**Section 19. Modification.** This Agreement shall not be amended, modified or canceled without the written consent of the Parties.

**Section 20. Headings; Construction of Agreement.** The headings of each section of this Agreement are for reference only.

**Section 21. Severability of Provisions.** Except with respect to any indemnity, defense, hold harmless or insurance obligations of Licensee, or as otherwise specifically provided in this Agreement, all of the provisions of this Agreement shall be severable. In the event that any severable provision of this Agreement is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining provisions of this Agreement shall be valid unless the court finds that the valid provisions of this Agreement are so essentially and inseparably connected with and so dependent upon the invalid provision(s) that it cannot be presumed that the parties to this Agreement could have included the valid provisions without the invalid provision(s); or unless the court finds that the valid provisions, standing alone, are incapable of being performed in accordance with the intentions of the parties.

**Section 22. Assignment.** Licensee shall not assign, delegate or transfer any right or obligation under this Agreement without City's prior written approval. Any assignment, delegation or transfer made or attempted without such approval shall be void.

**Section 23. Further Acts.** The parties agree to perform or cause to be performed any and all such further acts as may be reasonably necessary to fulfill the terms and conditions of this Agreement.

**Section 24. Binding Effect.** This Agreement shall be binding upon the Parties and upon any successors in interest.

**Section 25. Controlling Law.** This Agreement shall be construed and governed in accordance with the laws of the State of Michigan without giving effect to Michigan's choice or conflict of law provisions. Any lawsuit arising out of or related to this Agreement, the license it grants, or the Scooters shall be filed in either the courts of Washtenaw County, Michigan, or in the United States District Court for the Eastern District of Michigan, to the general personal jurisdiction of which Licensee submits.

**Section 26. Additional Remedies.** If Licensee breaches any provision of this Agreement, the City may, in its discretion, cure the breach, in which case Licensee shall be liable to City for City's Costs arising from the cure. The remedies available to the Parties under this Agreement are cumulative, in addition to any given by law or equity, and, to the fullest extent lawful, may be enforced successively or concurrently. Any amounts due from Licensee but not timely paid by Licensee shall accrue interest at twelve percent (12%) per annum starting from the date when due, which interest the Parties agree is not a penalty.

**Section 27. Waiver.** No consent or waiver, express or implied, by any party to this Agreement or any breach or default by any other party in the performance of its obligations under this Agreement shall be deemed or construed to be a consent to or waiver of any other breach or default in the performance of the same or any other obligations hereunder. Failure on the part of any party to complain of any act or failure to act or to declare any of the other parties in default, irrespective of how long such failure continues, shall not constitute a waiver by such party of its rights under this Agreement. The parties reserve the right to waive any term, covenant, or condition of this Agreement; provided, however, such waiver shall be in writing and shall be deemed to constitute a waiver only as to the matter waived and the parties reserve the right to exercise any and all of their rights and remedies under this Agreement irrespective of any waiver granted.

**Section 28. Representations.** The parties certify that they have the power and authority to execute and deliver this Agreement and to perform this Agreement in accordance with its terms. Licensee represents and warrants that it is the sole owner of the Scooters.

**Section 29. Conflicts of Interest.** Licensee represents and warrants that no officer or employee of City has, or will have, a direct or indirect financial or personal interest in this Agreement, and that no officer or employee of City, or member of such officer's or employee's immediate family, either has negotiated, or has or will have an arrangement, concerning employment to perform services on behalf of Company or its contractors under this Agreement.

**Section 30. No Partnership.** The Parties are not joint venturers or partners and do not have an employer-employee or master-servant relationship. City shall not be vicariously liable for Licensee or any of the riders of its Scooters.

**Section 31. Entire Agreement.** This Agreement contains the entire agreement of the Parties with respect to its subject matter, and supersedes all prior agreements and understanding of the Parties with respect to its subject matter. Nothing in this Agreement shall be construed to limit City's regulatory authority, or waive any immunity to which the City is entitled by law.



IN WITNESS WHEREOF, the Parties, by their respective duly authorized representatives, have executed this Agreement to be effective on the Effective Date.

**LICENSEE,**  
A California business corporation

**CITY OF ANN ARBOR,**  
a Michigan municipal corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# Bloomington, IN

## ORDINANCE 19-09

### TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC"

- **Re Amending Chapter 15.04 (Definitions), 15.56 (Bicycles, Skateboards, and Other Foot-Propelled Vehicles), 15.60 (Miscellaneous Traffic Rules), 15.64 (Traffic Violations Schedule) and Adding a New Chapter 15.58 (Motorized Scooters and Shared Use Motorized Scooters) to Provide for Regulations Governing Motorized Scooters, Shared-Use Motorized Scooters, and Shared-Use Motorized Scooter Operators**

WHEREAS, during September 2019, with little or no notice, shared-use motorized scooters (or e-scooters) arrived in Bloomington; and

WHEREAS, during the weeks following their arrival, the City of Bloomington (hereafter "the City") negotiated interim operating agreements governing shared-use motorized scooters until such time as the Common Council passed an ordinance regulating shared-use motorized scooters; and

WHEREAS, Ordinance 19-09 is now ready for the Council's consideration and will supersede the interim operating agreements as a more permanent measure governing shared-use motorized scooters; and

WHEREAS, the City has a fundamental responsibility to ensure safe passage in the public right-of-way in order to protect and promote health, safety, and welfare; and

WHEREAS, the City is charged with managing commerce that takes place in the public right-of-way; and

WHEREAS, it is necessary to ensure that shared-use motorized scooters are operated in a manner that is safe for all riders, pedestrians, and drivers; and

WHEREAS, it is necessary to ensure that shared-use motorized scooters are parked in a manner that does not clutter the public right-of-way or obstruct access for pedestrians, cars, bicycles, or buses; and

WHEREAS, the City wants to encourage, foster, and provide for new and innovative transportation options for Bloomington residents and visitors; and

WHEREAS, shared-use motorized scooters provide a transportation alternative to private, single-occupant vehicles and therefore have the potential to relieve traffic congestion, reduce carbon emission, and improve air quality; and

WHEREAS, effective and responsible regulation of shared-use motorized scooters helps to ensure that these new transportation options improve mobility for the Bloomington community while also incentivizing responsible behavior, creating local jobs, and compelling accountability;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

SECTION 1: Chapter 15.04 of the Bloomington Municipal Code shall be amended by adding new Sections 15.04.055, 15.04.056, and 15.04.145, whose titles shall be incorporated into the table of contents for the Chapter and whose content shall read as follows:

**15.04.055 Dismount zone.**

“Dismount zone” means those sidewalks and crosswalks where motorized scooters, shared-use motorized scooters, coasters, or bicycles may not be ridden and where users must (i) dismount and walk their devices, (ii) operate their devices in a bicycle lane, or (iii) operate their devices in the roadway. Dismount zones are located within the crosswalks and on the sidewalks on either side of the street along the following streets:

Fourth Street from Indiana Avenue to Grant Street

Kirkwood Avenue from Indiana Avenue to Morton Street.

Sixth Street from Walnut Street to Morton Street.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street

**15.04.056 Motorized scooter.**

“Motorized scooter” means a conveyance or device propelled by a motor, not having a seat or saddle for the use of the rider, with two or more wheels in contact with the ground, and with a floorboard for the user to stand upon. The term does not include the following:

- (a) A device used to aid a person with a disability, including but not limited to a motorized wheelchair.
- (b) A bicycle, whether said bicycle is motorized or not.
- (c) A coaster, as defined in Section 15.04.053.

**15.04.145 Shared-use motorized scooter.**

“Shared-use motorized scooter” means a conveyance or device propelled by a motor, not having a seat or saddle for the use of the rider, with two or more wheels in contact with the ground, with a floorboard for the user to stand upon, and that is held out for rent, lease, or otherwise made available for use by members of the public. The term does not include the following:

- (a) A device used to aid a person with a disability, including but not limited to a motorized

SECTION 2. Chapter 15.04 of the Bloomington Municipal Code shall be amended such that existing Sections 15.04.055 (“Multiuse path”) and 15.04.056 (“Multiuse trail”) are renumbered to Section 15.04.057 (“Multiuse path”) and Section 15.04.058 (“Multiuse trail”). The table of contents for this Chapter shall reflect the same.

SECTION 3. A new chapter, Chapter 15.58 “Motorized Scooters and Shared-Use Motorized Scooters,” shall be added to Bloomington Municipal Code and shall be added to the table of contents for Title 15. The new chapter shall read as follows:

**Chapter 15.58**  
**MOTORIZED SCOOTERS AND SHARED-USE MOTORIZED SCOOTERS**

**Sections:**

- 15.58.010 – Definitions.**
- 15.58.020 – Scope.**
- 15.58.030 – Applicability of state laws.**
- 15.58.040 – License**
- 15.58.050 – Parking.**
- 15.58.060 – Motorized scooter use.**
- 15.58.070 – Age.**
- 15.58.080 – Single rider permitted.**
- 15.58.090 – Shared-use motorized scooter equipment, safety, condition, appearance, and hours of deployment.**
- 15.58.100 – Lock down and removal from the public right-of-way.**
- 15.58.110 – Data sharing.**
- 15.58.120 – Public outreach.**
- 15.58.130 – Affordability and accessibility.**
- 15.58.140 – Removal, impoundment, storage, and disposal.**
- 15.58.150 – License revocation.**
- 15.58.160 - Violations and penalty.**

**15.58.010 – Definitions.**

The following definitions shall apply throughout this Chapter.

“Shared-Use Motorized Scooter Operator” means an individual or entity that leases, rents, or otherwise makes available shared-use motorized scooters, whether or not for profit. The term does not include individual, private owners of motorized scooters who are not engaged in the business or renting, leasing, or otherwise making motorized scooters available to members of the public at large.

**15.58.020 – Scope.**

Shared-use motorized scooter operators shall comply with this Chapter. Except where indicated herein, this Chapter does not govern the private use of motorized scooters by individual

**15.58.040 – License.**

- (a) It shall be unlawful to operate as a shared-use motorized scooter operator without first obtaining a license from the Board of Public Works.
- (b) Each shared-use motorized scooter operator shall pay license fees as established by the Board of Public Works. License fees may be updated from time-to-time by the Board of Public Works in order to properly reflect the City's expenses associated with allowing shared-use motorized scooters in the public right-of-way.
- (c) Licenses shall expire one year after issuance. In order to continue operating, a shared-use motorized scooter operator shall apply for a new license at least thirty (30) days prior to the expiration of its existing license. The Board of Public Works shall establish fees for renewal licenses, which may or may not be the same as the fees set forth for first-time licensees.
- (d) An application for a shared-use motorized scooter license shall be made on a form provided by the Board of Public Works, shall be signed by an authorized representative of the shared-use motorized scooter operator, and shall include, at a minimum, the following information:
  - (1) The maximum number of shared-use motorized scooters the shared-use motorized scooter operator may deploy within the corporate boundaries of the City during the applicable license term;
  - (2) A description of all shared-use motorized scooters that will be deployed, including the model, manufacturer, and color of each shared-use motorized scooter;
  - (3) Color photographs depicting the shared-use motorized scooter(s);
  - (4) A schedule of rates and charges that the applicant will charge to users;
  - (5) Detailed staffing and operational plans, including information regarding (i) local staffing and (ii) contractors the shared-use motorized scooter operator will utilize to perform services related to its shared-use motorized scooters;
  - (6) A GPS or GIS-based map depicting the proposed service area of the shared-use motorized scooters;
  - (7) A 24-hour customer service telephone number through which users and members of the public may contact the shared-use motorized scooter operator and that will be displayed on each shared-use motorized scooter;
  - (8) The shared-use motorized scooter operator's public outreach content, as required by Subsection 15.58.120(f);

(12) Any other information deemed necessary by the Board of Public Works.

- (e) Upon receipt of a completed license application and any required supporting documentation, the Board of Public Works shall either issue or deny the application for a license during a public meeting. In making this determination, the Board of Public Works shall, among other factors, consider the extent to which the applicant's prior or ongoing operations have complied with the law.
- (f) A shared-use motorized scooter operator that has obtained a license shall be permitted to deploy, at a maximum, the number of shared-use motorized scooters authorized by the Board of Public Works. During license renewal, the Board of Public Works may increase or decrease the number of scooters a shared-use motorized scooter operator is permitted to deploy.
- (g) Any shared-use motorized scooter operator that operates without first having obtained a license or violates any provision of this Section shall be subject to the penalties set forth in Section 1.01.130. In addition, any shared-use motorized scooter operator that violates any provision in this Chapter or any other condition imposed by the Board of Public Works may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.
- (h) If the Board of Public Works denies an application submitted by a shared-use motorized scooter operator, the Board shall issue written findings indicating the reasons for said denial. Any shared-use motorized scooter operator that has had its application denied may appeal said denial to the Monroe County Circuit Court, provided that any such appeal is filed with the Court within thirty days of the Board issuing its written findings.

**15.58.050 – Parking.**

- (a) Except as indicated herein, this Section applies to any motorized scooter, whether or not the motorized scooter is a shared-use motorized scooter.
- (b) Motorized scooters may be parked at any bike rack located in the public right-of-way.
- (c) Motorized scooters may be parked on the street within painted boxes that are specifically designated for scooters.
- (d) Motorized scooter parking is permitted on sidewalks with the following limitations.
  - (1) Motorized scooters shall be parked in an upright position.
  - (2) Motorized scooters shall be parked so as to leave a clear straight pathway at least fifty-four (54) inches wide.
  - (3) Motorized scooters shall not be parked so as to obstruct:

- (I) Any utility pole or utility box;
- (J) Any street furniture or newsrack; or
- (K) Any commercial window display.

(4) Motorized scooters shall not be parked so as to impede accessibility under the Americans with Disabilities Act (ADA), so as to impede access to accessible parking zones, or so as to impede access to parking spaces designated for persons with disabilities.

(5) Motorized scooters shall not be parked on sidewalks on either side of the street within the dismount zone. However, motorized scooters may be parked at bike racks within the dismount zone, regardless of whether or not the bike rack is on the sidewalk.

- (e) Motorized scooters shall not be parked on unimproved surfaces.
- (f) No person shall park a shared-use motorized scooter within the designated boundaries of a special event for which a special event permit has been obtained.
- (g) Except within painted boxes that are specifically designated for scooter parking, motorized scooters shall not be parked upon any street or alley.
- (h) Except as permitted by subsections 15.58.050 (b), (c), and (d), motorized scooters shall not be parked upon any public property. At its sole discretion, the Board of Public Works may grant shared-use motorized scooter operators permission to park shared-use motorized scooters upon designated City property over which the Board of Public Works exercises jurisdiction. At its sole discretion, the Board of Park Commissioners may grant shared-use motorized scooter operators permission to park shared-use motorized scooters upon designated City property over which the Board of Park Commissioners exercises jurisdiction. At its sole discretion, the Redevelopment Commission may grant shared-use motorized scooter operators permission to park shared-use motorized scooters upon designated property over which the Redevelopment Commission exercises jurisdiction.
- (i) In order to verify compliance with the requirements of this Section, shared-use motorized scooter operators shall require shared-use motorized scooter users to take a photograph demonstrating the location of their parked scooter at the conclusion of their rental.
- (j) The City may move any shared-use motorized scooter that is parked in violation of this Section to a location where the scooter may be lawfully parked. If the City opts to move an illegally parked shared-use motorized scooter to a legal parking position, the City may nonetheless assess any applicable fines in accordance with this Chapter.
- (k) A violation of this Section shall be a Class D Traffic Violation which bears a penalty listed in Section 15.64.010(d). In addition, any shared-use motorized scooter parked in violation of this section and located so as to pose a hazard to public health and safety may be immediately removed and impounded by the City in accordance with Section 15.58.140.

**15.58.060 – Motorized scooter use.**

- (a) This Section applies to any motorized scooter use, whether or not the motorized scooter is a shared-use motorized scooter.
- (b) Every person who operates a motorized scooter on public property shall comply with the following provisions:
  - (1) A person operating a motorized scooter on a sidewalk, multiuse path, multiuse trail, or within a crosswalk shall yield the right-of-way to any pedestrian.
  - (2) A person who is operating a motorized scooter and who is passing a pedestrian traveling on the same facility shall pass the pedestrian at a distance of at least three feet. If the person operating the motorized scooter is unable to pass the pedestrian at a distance of at least three feet, then the person operating the motorized scooter shall stop, dismount, or exit the facility.
  - (3) A person operating a motorized scooter upon a sidewalk, multiuse path, multiuse trail, or within a crosswalk, before overtaking a person with a visual impairment who is carrying a white cane or who is guided by a service animal, shall dismount and pass on foot, if necessary to avoid startling, inconveniencing or colliding with the person.
  - (4) A person operating a motorized scooter shall give an audible signal before overtaking and passing any pedestrian while traveling in the same direction and on the same facility as the pedestrian. The audible signal may be given by voice or by bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as to not startle the person or persons being passed.
  - (5) A person operating a motorized scooter on a sidewalk, multiuse path, multiuse trail, or within a crosswalk shall not suddenly move into the path of a pedestrian, vehicle, or similar device so as to constitute an immediate hazard.
  - (6) No person shall operate a motorized scooter on a sidewalk, multiuse path, or multiuse trail at a speed greater than ordinary pedestrian activity when approaching or entering a crosswalk, or approaching or crossing a driveway or alley if a vehicle is approaching the crosswalk or driveway close enough to constitute a potential hazard.
  - (7) No person shall operate a motorized scooter while controlling an animal, whether such control is by hand, by leash, or by any alternative medium.
  - (8) No person shall operate a shared-use motorized scooter within the designated boundaries of a special event for which a special event permit has been obtained.



**15.58.070 – Age.**

- (a) No person under the age of 18 shall be permitted to rent or operate a shared-use motorized scooter.
- (b) A violation of this Section shall be a Class G Traffic Violation and shall subject the individual or entity that permitted a person under the age of 18 to rent or operate a shared-use motorized scooter to the penalty listed in Section 15.64.010(h).

**15.58.080 – Single rider permitted.**

- (a) It is a violation of this Chapter for more than one person to be upon a shared-use motorized scooter at any time.
- (b) A violation of this Section shall be a Class G Traffic Violation which bears a penalty listed in Section 15.64.010(h). This penalty shall be assessed against each individual who is violating this section.

**15.58.090 – Shared-use motorized scooter equipment, safety, condition, appearance, and hours of deployment.**

- (a) All shared-use motorized scooters shall be compliant with all applicable American National Standards Institute (ANSI), ASTM International, and Consumer Product Safety Commission standards. If additional organizations similar to those listed in this subsection establish standards applicable to shared-use motorized scooters, the Board of Public Works may require that all shared-use motorized scooters comply with said additional standards.
- (b) All shared-use motorized scooters shall be equipped so as to operate at a speed no greater than fifteen (15) miles per hour.
- (c) All shared-use motorized scooters shall be assigned a unique identification number. The unique identification number must be visible to the user and to nearby pedestrians and must also identify the shared-use motorized scooter operator.
- (d) All shared-use motorized scooter operators shall display the following items conspicuously on each shared-use motorized scooter:
  - (1) The required 24-hour telephone number at which members of the public may contact the shared-use motorized scooter operator;
  - (2) The shared-use motorized scooter operator's website;
  - (3) Mobile application information of the shared-use motorized scooter operator;
  - (4) That users are encouraged to wear helmets;

- (f) All shared-use motorized scooters shall be equipped with the following:
- (1) A lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front;
  - (2) A lamp on the rear exhibiting a red light visible from a distance of at least five hundred (500) feet to the rear or a red reflector visible from a distance of at least five hundred (500) feet to the rear; and
  - (3) A brake enabling a person who operates a shared-use motorized scooter to make the braked wheels skid on dry, level, clean pavement.
- (g) All shared-use motorized scooters shall be capable of being remotely locked down by the shared-use motorized scooter operator upon any report that the shared-use motorized scooter is not operating properly, pending a proper evaluation of the scooter.
- (h) All shared-use motorized scooters shall be maintained in a reasonably clean condition and proper working condition.
- (i) Shared-use motorized scooters shall not be made available for use by the public between the hours of 10:01 P.M. and 5:59 A.M. However, a shared-use motorized scooter ride that is initiated prior to 10:01 P.M. may be continued until it is completed, even if said ride is not completed until after 10:01 P.M. At the conclusion of any such ride, the shared-use motorized scooter that was utilized shall not again be made available for use by the public before 6:00 A.M.
- (j) All shared-use motorized scooters must meet any and all additional standards required by the Board of Public Works.
- (k) Any shared-use motorized scooter operator that deploys a scooter in violation of this Section shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

**15.58.100 – Lock down and removal from the public right-of-way.**

- (a) Any shared-use motorized scooter that is reported to a shared-use motorized scooter operator as unsafe to operate or as inoperable shall be immediately and remotely locked down by the shared-use motorized scooter operator, pending a proper evaluation of the scooter.
- (b) Any shared-use motorized scooter that is reported as unsafe to operate or inoperable shall be removed from the public right-of-way by the shared-use motorized scooter operator within two (2) hours of the shared-use motorized scooter operator's receiving notice of the defect or inoperability.

**15.58.110 – Data sharing.**

(a) Shared-use motorized scooter operators shall provide the City with anonymized real-time data in accordance with this subsection.

(1) Shared-use motorized scooter operators shall provide the City with Application Programming Interface (API) access to real-time information on their entire Bloomington fleet that comports with the General Bikeshare Feed Specification (GBFS) and Mobility Data Specification (MDS) standards, or any broadly adopted similar standards that are developed subsequent to the adoption of this subsection.

(2) Shared-use motorized scooter operators shall further provide the City with any additional real-time information that may be required by the Board of Public Works.

(3) All information provided by shared-use motorized scooter operators pursuant to this subsection may be displayed by the City and may be published by the City so that it is available to the public.

(b) Shared-use motorized scooter operators shall also provide the City with anonymized monthly reports in compliance with this subsection.

(1) Each monthly report shall contain anonymized data for each recorded shared-use motorized scooter trip, including, at a minimum:

- (A) An identification number identifying which shared-use motorized scooter was utilized for each trip;
- (B) Trip duration;
- (C) Trip distance;
- (D) Trip start date and start time;
- (E) Trip end date and end time;
- (F) Trip start location;
- (G) Trip end location; and
- (H) The actual cost of the trip charged to the user in cents.

(2) Each monthly report shall contain an anonymized record of shared-use motorized scooter collisions and accidents. Said report shall:

- (A) Identify the shared-use motorized scooter involved by identification number;
- (B) State the date and time of the collision or accident; and
- (C) State the location of the collision or accident;

(3) Each monthly report shall contain a record of any shared-use motorized scooter

- (c) Shared-use motorized scooters operators shall distribute to their users customer surveys regarding customer service and program evaluation, as may be required from time to time by the Board of Public Works.
- (d) Any and all information provided by a shared-use motorized scooter operator pursuant to this Section shall be anonymized so that individual shared-use motorized scooter users cannot be identified. Shared-use motorized scooter operators shall not share any personally identifiable information with the City or with an entity that is associated with the City.
- (e) Any shared-use motorized scooter operator that fails to comply with this Section shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

**15.58.120 – Public outreach.**

- (a) Each shared-use motorized scooter operator shall comply with the public outreach requirements of this Section.
- (b) Prior to any person's first use of a shared-use motorized scooter, a shared-use motorized scooter operator shall provide notice to each user through a Bloomington-specific mobile application regarding:
  - (1) The City's local regulations governing legal shared-use motorized scooter use;
  - (2) The City's local regulations governing legal shared-use motorized scooter parking; and
  - (3) Best practices concerning safe and courteous shared-use motorized scooter use.
- (c) Each shared-use motorized scooter operator shall develop a Bloomington-specific page on its website. Said page shall include, at a minimum, the following:
  - (1) The City's local regulations governing legal shared-use motorized scooter use;
  - (2) The City's local regulations governing legal shared-use motorized scooter parking;
  - (3) The City's affordability and accessibility requirements; and
  - (4) Best practices concerning safe and courteous shared-use motorized scooter use.
- (d) Two times per year, each shared-use motorized scooter operator shall engage in a week-long on-the-ground safety campaign designed to target areas of peak shared-use

- (4) Best practices concerning safe and courteous shared-use motorized scooter use.
- (e) Year-round, shared-use motorized scooter operators shall make available, at no charge and at a local location, helmets that may be procured by shared-use motorized scooter users.
- (f) Each shared-use motorized scooter operator shall submit the content in its mobile application, the details of its on-the-ground safety campaign, the content of its Bloomington-specific webpage, and the details of its helmet distribution plan as part of the license application that is submitted to the Board of Public Works. The Board of Public Works shall review and then either approve or require revision of said submission.
- (g) Any shared-use motorized scooter operator that fails to comply with this Section shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

**15.58.130 – Affordability and accessibility.**

- (a) Shared-use motorized scooter operators shall provide a fifty percent (50%) price discount to members of the public who can demonstrate participation in any local, state, or federally-administered assistance program including, but not limited to, Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or the Supplemental Nutrition Assistance Program (SNAP). The fifty percent (50%) discount required by this Section shall be applied to any and all fees and rates imposed by a shared-use motorized scooter operator including, but not limited to, any unlocking charge or per-minute usage fee.
- (b) As a condition of obtaining the license required in Section 15.58.040 and with the goal of making shared-use motorized scooters a mobility option for all Bloomington residents, the Board of Public Works may impose additional affordability and/or accessibility requirements on shared-use motorized scooter operators.
- (c) Any shared-use motorized scooter operator that fails to comply with this Section shall be subject to the penalties set forth in Section 1.01.130. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

**15.58.140 – Removal, impoundment, storage, and disposal.**

- (a) Any shared-use motorized scooter that poses a hazard to public health and safety may be immediately removed and impounded by the City. The City may dispose of any shared-use motorized scooter that has been impounded and stored by the City for a period of one-hundred eighty (180) or more days. Removal, impoundment, storage and disposal of

**15.58.150 – License revocation.**

The Board of Public Works may revoke a shared-use motorized scooter operator's license at any time if it finds that one of the following conditions exists:

- (a) The shared-use motorized scooter operator has failed to comply with the requirements of this Chapter, including, but not limited to, requirements regarding parking, age of users, scooter condition, scooter equipment, scooter appearance, maintenance, lock-down, removal, data reporting, public outreach, or affordability and accessibility.
- (b) The shared-use motorized scooter operator has failed to comply with other reasonable requirements imposed by the Board of Public Works.
- (c) The shared-use motorized scooter operator has violated any federal, state, or local law or regulation.
- (d) Before the Board of Public Works revokes a shared-use motorized scooter operator's license under this Section, it shall conduct a hearing to consider the evidence supporting said revocation. Following the hearing, the Board shall issue written findings of fact. The Board's decision may be appealed to the Monroe County Circuit Court, provided that any such appeal is filed with the Court within thirty days of the Board issuing its written findings of fact.

**15.58.160 - Violations and penalty.**

- (a) Unless a provision refers to another penalty, a violation of any provision of this chapter by an individual using a motorized scooter, whether such scooter is a shared-use motorized scooter or not, shall be a Class G Traffic Violation and is subject to the penalty listed in 15.64.010(h). Except for those violations which, by their very nature, can occur more than once in one day, each day that a violation continues shall constitute a separate violation.
- (b) Unless a provision refers to another penalty, a violation of any provision of this chapter by a shared-use motorized scooter operator shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator who violates this chapter may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

SECTION 4. Subsection 15.56.080(a) of the Bloomington Municipal Code is amended to add the words "or motorized scooters" at the end of the subsection, such that the subsection shall read as follows:

"Bicycle lanes are established for the purpose of providing a separate traffic lane on designated city streets for the preferential use of persons riding bicycles or motorized scooters."

SECTION 5. Subsection 15.60.090(a)(4) of the Bloomington Municipal Code is amended by

SECTION 6. Subsection 15.64.010(d) of the Bloomington Municipal Code is amended to add the following:

Fine:	<p>Until December 31, 2018: \$20.00, \$40.00 (depending upon when paid)</p> <p>On and After January 1, 2019: \$30.00, \$60.00, depending on when paid</p>	
Covers:	15.58.050	Motorized scooter parking

SECTION 7. Subsection 15.64.010(e) entitled "Class E Traffic Violations" (Shared-use motorized scooter, impoundment and storage) is added to the Bloomington Municipal Code, and shall read as follows:

(e) Class E Traffic Violations (Shared-use motorized scooter, impoundment and storage)

Fine:	\$100.00, plus \$10.00 per day storage, plus \$150.00 for disposal	
Covers:	15.58.140	Shared-use motorized scooter, impoundment and storage

(1) A person may appeal the issuance of a traffic violation citation and corresponding fine provided the appeal is filed with the city clerk's office within fourteen calendar days immediately following the issuance date of the traffic violation citation.

(A) The city clerk, or his or her designee(s), shall hear all appeals of Class E traffic violation citations.

(B) The following persons shall have the authority to declare any traffic violation citation valid, null and void, or to reduce the fine imposed upon the showing of extenuating circumstances: the City Clerk, or his or her designee; the Parking Enforcement Manager, or his or her designee; or, the Parking Services Director, or his or her designee. The City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees may reduce a fine to a warning or void a citation in circumstances in which the recipient of the citation does not appeal the citation within the requisite fourteen-day period and where the recipient of such citation can demonstrate extenuating circumstances.

determined by the City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees.

(E) The decision of the City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees, is final, subject to judicial determination if requested and is requested in a manner consistent with Indiana law.

SECTION 8. Subsection 15.64.010(h) of the Bloomington Municipal Code shall be amended by deleting the title "(Bicycle safety violations)" and replacing it with "(Bicycle and motorized scooter safety violations)" to add the following:

Fine:	\$20.00	
Covers:	15.58.060	Motorized scooter use
	15.58.070	Shared-use motorized scooter, age
	15.58.080	Shared-use motorized scooter, single rider

SECTION 9. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 10. This ordinance shall be in full force and effect beginning July 1, 2019.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
DAVE ROLLO, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_



## SYNOPSIS

Ordinance 19-09 establishes regulations governing motorized scooters and entities that rent motorized scooters to the public. The ordinance requires safe scooter use by setting a top permitted scooter speed of fifteen miles per hour, prohibiting double-riding, establishing eighteen as the minimum age to rent a scooter, and mandating that scooters be maintained in a safe condition. Ordinance 19-09 clarifies that motorized scooters, like bicycles, may be used on sidewalks except in dismount zones. In most places, motorized scooter parking is permitted on sidewalks, provided that the scooter does not restrict minimum straight clear passage to less than 54 inches and does not otherwise block a facility. However, motorized scooter parking is prohibited on sidewalks within dismount zones; instead, parking is limited in these areas to painted boxes and bike racks. The ordinance establishes penalties for violations by motorized scooter users and entities that rent scooters to the public, up to and including impoundment and disposal of scooters.

Columbia, MO

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 288-18

**AN ORDINANCE**

amending Chapters 11, 14 and 17 of the City Code relating to motor propelled scooters and electric assist bicycles; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 11 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 11-230. Nuisances enumerated.

The following are declared to be nuisances:

- (1) Any condition, substance or thing on public or private property that is injurious or dangerous to public health or safety.
- (2) Any condition or thing defined as a nuisance in this Code or any code adopted by this Code.
- (3) Any condition prohibited by Article XI of this chapter (Aesthetic Regulations).
- (4) A tree or any tree limb that is dead and that is a hazard to life or property.
- (5) A tree or any tree limb that causes a safety hazard by obstructing the line of sight of a motor vehicle driver, bicyclist, motor propelled scooter, or pedestrian at a street intersection.
- (6) A tree or any tree limb that could interfere with the passage of motor vehicles, bicycles, motor propelled scooters, or pedestrians on any public right-of-way.
- (7) A tree that harbors insects or disease that constitutes a potential threat to other trees.

- (8) Noxious fumes.
- (9) Accumulations or deposits of garbage other than garbage temporarily stored for lawful disposal provided that the garbage is temporarily stored in a leak proof container designed for the storage of garbage.
- (10) Any accumulation of trash or debris.
- (11) Sewage or other human organic waste discharged or exposed on any land in a manner that makes it a potential instrument or medium for the breeding of flies and mosquitoes, the production of odors, or the transmission of disease, or which contaminates surface water or ground water.
- (12) Any barn or other place where animal or fowl waste collects that is not kept in a clean and wholesome condition so that no odors offensive to a person of ordinary sensibilities are allowed to escape the premises.
- (13) Deposits of leaves, grass, dirt or other material that interfere with the proper functioning of any sewer inlet or fixture.
- (14) Any accumulation of unwholesome, impure or stagnant water.
- (15) Any accumulation of material that does or could afford harborage for rats, mice or snakes.

...

SECTION 2. Chapter 14 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 14-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed:

*Abandoned property.* Any unattended motor vehicle, trailer or all-terrain vehicle removed or subject to removal from public or private property as provided by this chapter, whether or not operational.

*Alley or alleyway.* Any public roadway which affords only a secondary means of access to the abutting property.

*Authorized emergency vehicle.* A vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or

fire department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls.

*Business district.* The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

*Campus area.* An area bounded by the south right-of-way line of Locust Street, the east right-of-way line of Providence Road, the north right-of-way line of Stadium Boulevard and the west right-of-way line of College Avenue.

*Central business district.* All streets and portions of streets within the area described as: being bounded on the north by Park Avenue; on the south by Elm Street; on the west by Garth Avenue; and on the east by College Avenue.

*Commercial motor vehicle.* A motor vehicle designed or regularly used for carrying freight and merchandise or more than eight (8) passengers but not including van pools or shuttle buses.

*Controlled access highway.* Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

*Cross walk:*

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway.
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

*Curb loading zone.* A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

*Cycle.* As defined in section 14-491 of this chapter.

*Driver.* Every person who drives or is in actual physical control of a vehicle.

*Highway.* The entire width between the boundary lines of every way publicly maintained, or the entire area ordinarily used for vehicular traffic or parking in municipal

parking lots, when any part thereof is open to the uses of the public for purposes of vehicular travel.

*Holiday.* For the purpose of this chapter, holidays shall be New Year's, Martin Luther King, Jr., Memorial, Independence, Labor, Veterans, Thanksgiving and Christmas Days.

*Intersection:*

- (1) The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (2) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as separate intersections. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of the two (2) roadways of such highways shall be regarded as a separate intersection.

*Laned roadway.* A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

*Local commercial motor vehicle.* A commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than twenty-five (25) miles therefrom.

*Minor traffic violation.* A traffic ordinance violation that does not involve accident or injury, that does not involve the operation of a commercial motor vehicle, and for which no points are assessed by the department of revenue or the department of revenue is authorized to assess one (1) to four (4) points to a person's driving record upon conviction. A minor traffic violation shall include amended charges for any minor traffic violation. Violations for exceeding the speed limit by more than nineteen miles per hour (19 mph) or violations occurring within a construction or school zone are excluded from this definition.

*Mobile food vendor.* A self-contained food service operation, located in a wheeled motor vehicle or trailer, used to store, prepare, display or serve food intended for individual portion service.

*Motor vehicle.* Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors.

*Motorcycle.* A motor vehicle operated on two (2) wheels.

*Motortricycle.* A motor vehicle operated on three (3) wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.

*Motor propelled scooter.* Scooters, e-scooters and other small wheeled vehicles which do not rely solely on human propulsion and are equipped with an electric motor that is capable of propelling the device to a maximum speed of fifteen (15) miles per hour.

*Official time standard.* Whenever certain hours are named herein, they shall mean standard time or daylight savings time, as may be in current use in the city.

*Official traffic control devices.* All signs, signals, markings and devices not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

*Owner.* Any person who owns or holds legal title to a vehicle, either individually or jointly with others, or in whose name such vehicle is registered or licensed, either individually or jointly with others, according to the records of any city, county or state, but shall not include persons holding only a security interest in such vehicle unless such persons have possession and control of such vehicle.

*Park or parking.* The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

*Parking meter.* A device, or a sign directing payment to a device or software application, for the purpose of measuring time elapsed since payment was made, and equipped with a notification to indicate the legal time a vehicle may remain parked in a designated place.

*Parking meter district.* All streets and portions of streets within an area where parking meters are erected and maintained by authority of the city council.

*Parking meter hood.* Cover placed on parking meters by authority of the police department or city traffic engineer.

*Parking meter space.* That portion of the street bounded by lines or marks on the curb, or on the street, above or alongside each parking meter to designate the parking space for which each meter is to be used.

*Passenger curb loading zone.* A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

*Pedal trolley.* A wheeled device designed to be propelled by a passenger or passengers via pedaling, with brakes and steering operated by a non-pedaling driver. A pedal trolley may include an assist motor.

*Pedestrian.* The term pedestrian shall include a person on foot, a person walking a bicycle and a person operating a manual or electric wheelchair.

*Police officer.* Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

*Private road or driveway.* Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

*Railroad.* A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

*Railroad train.* A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

*Residence district.* The territory contiguous to and including a highway not comprising a business district, when the property on such highway, for a distance of three hundred (300) feet or more, is in the main improved with residences or residences and buildings in use for business.

*Right-of-way.* The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

*Roadway.* That portion of a highway, including the entire area of municipal parking lots, that is improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway," as used herein, shall refer to any such roadway separately, but not to all such roadways collectively.

*Safety zone.* The area or space officially set apart within a roadway for the exclusive use of pedestrians which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times, while set apart as a safety zone.

*Sidewalk.* That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

*Stand or standing.* The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

*State highway.* A highway maintained by the State of Missouri as a part of the state highway system.

*Stop.* When required, complete cessation from movement.

*Stop or stopping.* When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control signs or signal.

*Street or highway.* The entire width between the boundary lines of every way publicly maintained, or the entire area ordinarily used for vehicular traffic or parking in municipal parking lots, when any part thereof is open to the uses of the public for purposes of vehicular travel.

*Through highway.* Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this chapter.

*Through truck traffic.* Truck traffic which is not en route to a destination on the street on which it is travelling.

*Tractor or truck tractor.* A self-propelled motor vehicle designed for drawing other vehicles but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof.

*Traffic.* Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

*Traffic control signal.* Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

*Traffic division.* The traffic division of the police department of the city, or in the event traffic division is not established, then such term whenever used herein shall be deemed to refer to the police department of the city.

*Trailer.* Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by self-propelled vehicle, except those running exclusively on trucks, including a semi-trailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle.

*Trucks.* All motor vehicles designed, used, or maintained for the transportation of property.

*University of Missouri campus.* All streets and portions of streets within the area described as: being contained within an area enclosed by a boundary beginning at the intersection of Stewart Road and Providence Road; thence east on Stewart Road to Fifth



Street; thence north on Fifth Street to Elm Street; thence east on Elm Street to Hitt Street; thence south on Hitt Street to Paquin Street; thence east on Paquin Street to College Avenue; thence south on College Avenue to Missouri Highway 740; thence west on Missouri Highway 740 to Providence Road; and thence north on Providence Road to the starting point at Stewart Road.

The streets and portions of streets which form the boundaries of the campus area shall be considered as without the University of Missouri campus for the purposes of section 14-223(b)(2)c.

*Vehicle.* Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

...

Sec. 14-5. Use of coasters, roller skates, motor propelled scooters, and similar devices.

(a) No person upon roller skates, or riding in or by means of any coaster, skateboard, motor propelled scooter, or similar device shall go upon any sidewalk or public parking lots and garages within the boundaries of the Central Business District.

(b) Wherever the use of roller skates, coasters, skateboards, motor propelled scooters, or similar device upon a street, sidewalk or alley is not prohibited, the person using such device shall be granted all the rights and be subject to all the duties applicable to bicyclists including the duty to obey all traffic control devices and signs.

(c) Every person using roller skates, skateboards, coasters, motor propelled scooters, or similar devices upon any sidewalk or public path shall use the device in a careful and prudent manner and at a rate of speed no greater than is reasonable under the conditions existing at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of sidewalk or public path, and condition of surface. Every person using these devices upon a sidewalk or public path shall yield the right-of-way to pedestrians and shall not otherwise endanger or interfere with normal pedestrian traffic.

(d) All persons who use roller skates, skateboards, coasters, motor propelled scooters, or similar devices on any road, street or alley shall:

- (1) Stay as far to the right of the road, street or alley as possible, except when necessary to make a left hand turn;
- (2) Operate the device with the flow of traffic;
- (3) Operate the device in a careful and prudent manner;

- (4) Wear reflective clothing including, at a minimum, the attachment of a rear-facing red reflector on the back of the person, at least two (2) square inches in reflective surface area, which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise;
- (5) Be equipped with a front-facing lamp on the front of the person or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise.

...

Sec. 14-7. Clinging to vehicles.

No person riding upon any bicycle, coaster, roller skates, motor propelled scooter, sled or toy vehicle shall attach the same or any part of such person himself to any vehicle upon a roadway.

...

Sec. 14-172. Vehicles shall not be driven on sidewalk.

The driver of a vehicle, except bicycles and motor propelled scooters, as provided for in section 14-504, shall not drive within any sidewalk area except on a permanent or temporary driveway.

...

Sec. 14-491. Definition.

As used in this article, the word "cycle" shall mean any device upon which a person may ride; propelled by human power, having two (2) or more wheels, and any electrically-assisted pedal powered cycle, excluding wheelchairs and pedal trolleys.

Sec. 14-492. Compliance required; scope of article.

(a) It is an offense for any person to do any act forbidden or to fail to perform any act required in this article.

(b) No parent or guardian of any person under sixteen (16) years of age shall authorize or knowingly permit any such person to violate any of the provisions of this article.

(c) The regulations of this article shall apply to cycles and motor propelled scooters as defined in section 14-1 whenever such cycles and motor propelled scooters are operated on any street or public path set aside for the exclusive use of cycles and motor propelled scooters, subject to the exceptions stated herein.

Sec. 14-493. Minimum size cycle permitted on street; age of operator of cycle and motor propelled scooter.

(a) No person less than nine (9) years of age shall propel a cycle having a wheel diameter of less than twenty (20) inches on any city street or thoroughfare unless supervised by such person's his or her parents or other responsible adult.

(b) No person less than sixteen (16) years of age shall ride a motor propelled scooter on any city street, sidewalk or thoroughfare.

...

Sec. 14-501. Traffic laws apply to cycle riders and motor propelled scooters.

Every person riding a cycle or motor propelled scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the operator of a motor vehicle as provided by Chapter 304 RSMo., and all amendments from time to time made thereto, and as provided by this chapter applicable to the driver or operator of a motor vehicle, except as to special regulations in this article and section 14-5 except as to those provisions of laws and ordinances which by their nature can have no application.

Sec. 14-502. Obedience to traffic control devices

(a) Any person operating a cycle or motor propelled scooter shall obey instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a cycle or motor propelled scooter shall disobey the direction of any such sign. A person may dismount from the cycle or motor propelled scooter to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

Sec. 14-503. Riding conduct, generally.

(a) *Seat.* A person propelling a cycle shall not ride other than astride a permanent and regular seat attached thereto.

(b) *Number of riders.* No cycle or motor propelled scooter shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.

(c) *Riding to right; riding abreast.* Every person operating a cycle or motor propelled scooter at less than the posted speed or slower than the flow of traffic upon a roadway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one (1) proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.

(d) *Speed.* No person shall operate a cycle or motor propelled scooter at a speed greater than is reasonable and prudent under conditions then existing.

(e) *Age—For major thoroughfares.* No person less than nine (9) years of age shall ride a cycle on any major thoroughfare unless accompanied by such person's his or her parents or other responsible adult.

(f) *Same—Night, any street.* No person less than nine (9) years of age shall ride a cycle at night on any street or thoroughfare unless accompanied by such person's his or her parents or other responsible adult.

#### Sec. 14-504. Emerging from alley or driveway.

The operator of a cycle or motor propelled scooter emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

#### Sec. 14-505. Carrying articles.

No person operating a cycle or motor propelled scooter shall carry any package, bundle or article which prevents the rider from having both hands free and available to control the cycle.

#### Sec. 14-506. Parking.

No person shall park a cycle or motor propelled scooter upon a street or upon the sidewalk in such a manner as to obstruct the flow of vehicles or pedestrian traffic.

#### Sec. 14-507. Riding on sidewalks.

(a) No person shall ride a cycle or motor propelled scooter upon a sidewalk within a business district.

(b) The designee of the city manager is authorized to erect signs on any sidewalk prohibiting the riding of cycles or motor propelled scooters thereon by any person, and when such signs are in place, no person shall disobey the same.

(c) Whenever any person is riding a cycle or motor propelled scooter upon a sidewalk, such person shall yield the right-of-way to any pedestrian, and shall give an audible signal before overtaking and passing such pedestrian.

Sec. 14-508. Required equipment.

(a) Brakes. Each person operating a cycle or motor propelled scooter shall have that cycle or motor propelled scooter equipped with a brake or brakes which will enable its operator to stop the bicycle or motor propelled scooter within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

(b) Lights. Each person operating a cycle on a street or highway during the period from one-half hour after sunset to one-half hour before sunrise shall have his cycle equipped with the following:

- (1) A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet.
- (2) A rear-facing red reflector, at least two (2) square inches in reflective surface area, on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet.
- (3) Essentially colorless or amber reflectors on both front and rear surfaces of all pedals. Each pedal reflector shall be recessed below the plan of the pedal or reflector housing. Each reflector shall be at least ninety one-hundredths (90/100) square inches in projected effective reflex area, and must be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet.
- (4) A side-facing essentially colorless or amber reflector visible on each side of a wheel mounted on the wheel spokes of the front wheel within three (3) inches of the inside of the wheel rim and a side-facing essentially colorless or red reflector mounted on the wheel spokes of the rear wheel within three (3) inches of the inside of the wheel rim or continuous retro-reflective material on each side of both tires which shall be at least three-sixteenths ( 3/16 ) of an inch wide. All such reflectors or retro-reflective tire sidewalls shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet.

Sec. 14-510. Penalties.

Any person sixteen (16) years of age or older who violates any provision of this act is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) ~~twenty five dollars (\$25.00)~~. Such an infraction does not constitute a crime, and conviction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. If any person under sixteen (16) years of age violates any provision of this act in the presence of a peace officer possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, such officer may impound the cycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

SECTION 3. Chapter 17 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 17-96. Games.

It shall be unlawful for any person in a park to take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, or to operate unmanned aircraft systems or model airplanes from a location in a park, except in areas set apart for such forms of recreation or in areas designated by special permit issued by the director. The playing of rough or comparatively dangerous games such as football, baseball, softball, lacrosse and rugby is prohibited except in the fields and courts or areas provided therefor. Roller skating shall be confined to those areas specifically designated for such pastime. Riding motor propelled scooters is prohibited in any city park or trail. This section shall not prohibit the operation of unmanned aircraft systems by a remote pilot in command who is physically located outside of a park when the operation is done in compliance with federal laws, rules and regulations, or a certificate of authority issued by the Federal Aviation Administration.

...

Sec. 17-140. Definitions and rules of construction.

The following definitions and rules of construction apply to this division:

*City trail* means any trail maintained by the parks and recreation department for use by pedestrians or cyclists.

*Cycle* means any device, other than a wheelchair, which is propelled by human power and has one or more wheels at least twenty (20) inches in diameter and a frame size of at least fourteen (14) inches.

*Pedestrian* includes any person riding in a wheelchair.

Motor propelled scooter means any scooter, e-scooter and other small wheeled vehicle which does not rely solely on human propulsion and is equipped with an electric motor that is capable of propelling the device to a maximum speed of fifteen (15) miles per hour.

*Wheelchair* means a chair mounted on wheels for use by disabled individuals.

Sec. 17-141. Trail use by cyclists; motor propelled scooters prohibited.

(a) Every person operating a cycle upon a city trail shall ride as near to the right side of the trail as practicable, exercising due care when passing a pedestrian or another cyclist.

(b) Persons operating cycles upon a city trail shall ride single file when passing a pedestrian or another cyclist.

(c) No person shall operate a cycle upon a city trail at a speed greater than is reasonable and prudent under conditions then existing.

(d) Every person operating a cycle upon a city trail shall give an audible signal before passing a pedestrian or another cyclist.

(e) Every person operating a cycle upon a city trail shall at all times exercise the highest degree of care to avoid colliding with another trail user.

(f) No person may operate a motor propelled scooter on any city trail or in a city park.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

**INDEMNITY AGREEMENT**  
(Neutron Holdings, Inc.)

This Indemnity Agreement ("Indemnity Agreement") is made and entered into as of \_\_\_\_\_, 2019 (the "Effective Date"), by **Neutron Holdings, Inc. (dba "Lime")**, having an address of 1 Samsome Street, #2100, San Francisco, CA 94104, in favor of the **CITY OF OXFORD**, an Ohio municipal corporation, 15 South College Avenue, Oxford, Ohio 45056 (the "**City**").

Recitals:

- A. City has updated the prior Interim Bicycle and Scooter Sharing System Pilot Program to the Micro-Mobility Shared Transportation Permit Program.
- B. Lime wishes to continue its e-scooter operations within the City's Corporate boundaries.
- C. Lime acknowledges Miami University property is exempt from this agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereinafter contained, the City and Bird agrees as follows:

1. **GENERAL INDEMNITY.** Neutron Holdings Inc. (including its officers, managers, employees, contractors, agents, and volunteers and hereinafter referred to as "Lime") agrees to defend, indemnify, and hold harmless the City of Oxford, its officers, elected or appointed officials, employees, agents, and volunteers from and against any and all claims, damages, losses, expenses, fines, penalties, judgments, demands, and defense costs (including, without limitation, actual, direct, out-of-pocket costs and expenses, and amounts paid in compromise, settlement, or judgment, and reasonable legal fees arising from litigation of every nature or liability of any kind or nature including civil, criminal, administrative or investigative) arising out of, in connection with, or which are in any way related to, the City's issuance of or decision to approve an Operator Permit, the process used by the City in making decisions, Lime's participation in the Micro-Mobility Shared Transportation Program, Lime's business conduct and operations, any violation of any laws by Lime or its customers and/or users and/or riders, or any bodily injury including death or damage to property arising out of or in connection with any use, misuse, placement or mis-placement of any of the Lime's devices or equipment by any person, except such loss or damage which was caused by the negligence or willful misconduct of the City to the extent permitted by law. Lime will conduct all defenses at its sole cost and expense, and City shall reasonably approve selection of the counsel to represent City.

Lime's contracts with every Lime customer and/or use and/or rider shall require such persons or entities to release the City and any of its agencies, officials, officers and employees to the same extent that Lime is required by this section to defend, indemnify, and hold harmless City and any of its agencies, officials, officers and employees.



This indemnity shall apply to all claims and liability regardless of whether any insurance policies of Lime, its affiliates or any other parties are applicable thereto. The policy limits of any insurance of Lime, its affiliates or other parties are not a limitation upon the obligation of Lime, including without limitation, the amount of indemnification to be provided by Lime.

2. **NOTICES.** All notices or other communications under this Indemnity Agreement shall be deemed given on receipt when personally delivered, or 48 hours after being mailed by U.S. registered or certified mail, postage prepaid, addressed to the City at 15 South College Avenue, Oxford, Ohio 45056, Attention: City Manager. Lime shall be deemed to have received any notice delivered to 41 Sansome Street #2100, San Francisco, CA 94104. The City and Lime may, by notice given under this Indemnity Agreement, designate any further or different addresses to which subsequent notices or other communications shall be sent.

3. **GOVERNING LAW AND CHOICE OF FORUM.** This Agreement shall be governed by the laws of the State of Ohio and shall be interpreted and enforced in accordance with the laws of this State without regard to the principles of conflicts of laws. All unresolved claims and other matters in question between the City and Lime shall be decided in the Butler County Court of Common Pleas.

4. **INSURANCE.** Lime acknowledges and agrees that this Indemnity Agreement constitutes authorization for Lime to operate in the City for the limited purpose of designating the City as an additional insured for the Lime insurance policies and endorsements attached in Exhibit A to this Agreement.

5. **TERM.** This Indemnity Agreement will terminate when the Micro-Mobility Shared Transportation Program Permit terminates at determined by the City Manager.

6. **AMENDMENT AND WAIVER.** No supplement, modification or amendment of this Indemnity Agreement shall be binding unless executed in writing by each party hereto. No waiver of any of the provisions of this Indemnity Agreement shall be deemed or shall constitute a waiver of any other provision hereof nor shall any such waiver constitute a continuing waiver.

7. **COUNTERPARTS.** This Indemnity Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of it shall together constitute one and the same instrument. The facsimile signature of any party to this Indemnity Agreement or PDF copy of the signature of any party to this Indemnity Agreement delivered by electronic mail for purposes of execution or otherwise, is to be considered as an original signature, and the document transmitted is to be considered to the same binding effect as an original signature on an original document.

This Indemnity Agreement is made and executed by Lime in favor of the City as of the Effective Date.

**NUETRON HOLDINGS INC. dba Lime**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Acknowledged and Agreed:

**CITY OF OXFORD**

By: \_\_\_\_\_

Douglas R. Elliott, Jr.

Approved as to Form:

\_\_\_\_\_  
Law Director

# Stillwater, OK

## ORDINANCE NO. 3428

AN ORDINANCE OF THE CITY OF STILLWATER, OKLAHOMA, AMENDING TITLE 37 OF THE STILLWATER CITY CODE "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" BY THE ADDITION OF NEW ARTICLE V ENTITLED "SHARED ACTIVE TRANSPORTATION," SECTION 37-301 "PURPOSE," SECTION 37-302 "DEFINITIONS," SECTION 37-303 "PERMIT REQUIRED; PERMIT TERM AND FEES," SECTION 37-304 "SHARED ACTIVE TRANSPORTATION PROCEDURE," SECTION 37-305 "OPERATIONS AND MAINTENANCE," SECTION 37-306 "FLEET SIZE REQUIREMENTS," SECTION 37-307 "SMALL VEHICLE PARKING," SECTION 37-308 "SAFETY REQUIREMENTS," SECTION 37-309 "DISTRIBUTION," SECTION 37-310 "DATA, STATISTICS, REPORTING," SECTION 37-311 "INSURANCE & INDEMNIFICATION," SECTION 37-312 "TERMINATION," AND SECTION 37-313 "APPEAL"; REPEALING ANY CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER:

*Section 1. That Title 37, Stillwater City Code, be and the same is hereby amended by adding a new Article V, "Shared Active Transportation," to read as follows:*

### ARTICLE V. – SHARED ACTIVE TRANSPORTATION

#### Section 37-301 Purpose.

The availability of small vehicles and new funding models have attracted numerous vendors to the Shared Active Transportation business. While there are a number of benefits for communities, some cities have experienced public safety challenges and concerns over clutter in the public right-of-way when small vehicles are placed on streets and sidewalks without the benefit of permits or agreements, or when small vehicles are abandoned outside of the service area. To mitigate these challenges, minimize risk and liability, and maximize the public benefits of Shared Active Transportation, this ordinance creates a permit process which provides a clear path for Shared Active Transportation companies and takes advantage of their expertise and motivation to implement this emerging mobility option.

#### Section 37-202 Definitions.

- A. *Bicycle* means a human-powered or electric bicycle, as defined in Title 29, Article 1, of the Stillwater City Code.
- B. *City* means the City of Stillwater.
- C. *Docked Small Vehicle Sharing System* means a Shared Active Transportation Program in which companies distribute Small Vehicles via a stationary location and the Small Vehicles must be returned at specific stationary locations. Docked Small Vehicles are tracked via GPS.
- D. *Dockless Small Vehicle Sharing System* means a Small Vehicle Share Program in which companies distribute Small Vehicles throughout a city to be rented per trip. Dockless Small Vehicles can be placed at any lawful location, and not at a set location, subject to this ordinance. Dockless Small Vehicles are tracked via GPS and can be located by users through electronic means.
- E. *Electric Scooter* means a device designed to be stood upon, is powered by an electric motor, and is propelled at no more than 15 miles per hour, as further defined in Title 29, Article 1, of the Stillwater City Code.
- F. *Geo-Fencing* means the use of Global Positioning System ("GPS") or Radio Frequency Identification ("RFID") technology to create a virtual geographic boundary, enabling software to trigger a response when a mobile device enters or leaves a particular area.

- G. *Free Operator* means a company, person, or philanthropic organization that engages in or operates a Shared Active Transportation Program but does not charge for the use of their Small Vehicles.
- H. *Operator* means a company or person that engages in or operates a Shared Active Transportation Program business or enterprise.
- I. *Shared Active Transportation Permit* means a permit issued by the City of Stillwater as described under this ordinance.
- J. *Shared Active Transportation Program* means a transportation program ideal for short distance, point-to-point trips providing users the ability to pick up a Small Vehicle from one location and leave it at another within a system's service area. The system provides users unencumbered access to Small Vehicles within a defined system area. Small Vehicles can be remotely accessed via a smart phone application or other credentials and do not need to be attended by the Operator.
- K. *Small Vehicle* means Bicycles, Electric Bicycles, and Electric Scooters as defined by this Title and Title 29, Article 1, of the Stillwater City Code.

**Section 37-302 Permit Required; Permit Term and Fees.**

- A. All Operators of a Shared Active Transportation Program within the City of Stillwater shall, prior to implementation of such a program, secure a Shared Active Transportation Permit, as issued by the City Clerk.
- B. Each permit shall be active for one (1) year from the date of issuance.
- C. The initial permit fee, and subsequent permit renewal fees, shall be as provided in this Title. The fee shall include the appropriate application fee, an inspection fee, and other fees as applicable.
- D. All Operators shall pay the City a public property repair and maintenance fee of Twenty Dollars (\$20.00) per Small Vehicle, per year, calculated based upon the maximum fleet size requested and approved in the permit application. Should an increase in fleet size be approved in accordance with Section 37-306 of this Code, this fee amount shall also be increased to reflect the new maximum fleet size.
- E. All Operators shall also pay the City a public infrastructure fee of Thirty Dollars (\$30.00) per Small Vehicle, per year, calculated based upon the maximum fleet size requested and approved in the permit application. Should an increase in fleet size be approved in accordance with Section 37-306 of this Code, this fee amount shall also be increased to reflect the new maximum fleet size.
- F. Shared Active Transportation Programs that are managed by Free Operators, or that 1) are incorporated as a nonprofit organization, and 2) receive local public financial assistance shall be exempt from the fees required in Subsections D and E of this Section for each fiscal year in which the Shared Active Transportation Program continues to meet these criteria. Furthermore, Free Operators shall be exempt from Sections 37-305 (A-C), 37-306 (A-B), 37-309, and 37-310 of this Chapter.

**Section 37-304 Shared Active Transportation Procedure.**

- A. Docked Small Vehicle Sharing Systems may be located on stations or racks on private property, or on public right-of-way or other public property pursuant to a License Agreement or Shared Active Transportation Permit issued by the City.
- B. Dockless Small Vehicle Sharing Systems may be located on public right-of-way or other public property pursuant to a License Agreement or Shared Active Transportation Permit issued by the City so long as they do not obstruct or interfere with the public's use of said right-of-way or property. A user, having activated and used the Dockless Small Vehicle in accordance with

the Operator's rules, may leave the Small Vehicle at any designated lawful location, subject to Section 37-307 of this Code, within the system's service area.

**Section 37-305 Operations and Maintenance.**

- A. All Operators shall have staffed operations located within the City of Stillwater for the purpose of Small Vehicle maintenance and rebalancing.
- B. All Operators shall have a twenty-four (24) hour customer service phone number for customers to report safety concerns, maintenance issues, complaints, or ask questions.
- C. Every Small Vehicle shall have the Operator's name, phone number and a unique identifier for each Small Vehicle that is clearly displayed and visible to the user on the Small Vehicle.
- D. Any inoperable or unsafe Small Vehicles shall be removed from the right-of-way within twenty-four (24) hours of notice by any means to the Operator by any individual or entity, and shall be repaired to full working order before being placed back into the City right-of-way.
- E. The City may, in its sole discretion and without prior notice, remove Small Vehicles from the public right-of-way if it is a matter of public safety or some other public purpose, including the obstruction of a public way. In such instances, the City will attempt to notify the permitted Operator as soon as reasonably practicable thereafter. The City will not be liable for any damages that occur as a result of this removal. The Operator shall pay for the cost of such removal.
- F. The City may require an Operator to geo-fence any area where the operation of a Small Vehicle is prohibited by ordinance.

**Section 37-306 Fleet Size Requirements.**

- A. Permitted Bicycle Operators--Bicycles and Electric Bicycles: maximum fleet size three hundred (300) bicycles.
- B. Permitted Electric Scooter Operators: maximum fleet size three hundred (300) Electric Scooters.
- C. All applicants shall indicate the proposed fleet size in the application for a Shared Active Transportation Permit.
- D. The City may increase the number of permitted Small Vehicles in an Operator's fleet at its sole discretion, and will consider doing so on a permit-by-permit basis. No increase in fleet size shall be considered unless the Operator demonstrates that, on average, each Small Vehicle in its fleet is being used more than four (4) times per day and the change requested does not exceed the maximum fleet size authorized under this section. Each request for an increase in fleet size will be subject to an application renewal fee as provided in this Code.

**Section 37-307 Small Vehicle Parking.**

- A. Docked Small Vehicles available for use or rental shall be parked in a rack or other appropriate apparatus located within areas designated for such purpose pursuant to a Shared Active Transportation Permit.
- B. Dockless Small Vehicles available for use or rental shall be parked within the boundaries of areas specifically designated by the City for pick up and drop off of such vehicles.
- C. Dockless Small Vehicles available for use or rental shall not be parked on a sidewalk, on the right-of-way, or on a public easement on or across property occupied by a single or two-family residence unless the Operator has first obtained the written permission of the property owner. The City shall remove such vehicles upon the request of the property owner or occupant and the Operator shall pay a fee of five dollars (\$5.00) per day per vehicle to recover any such vehicle in the custody of the City as the result of such removal.

- D. Small Vehicles shall not be parked in a manner that obstructs or otherwise would impede normal and reasonable pedestrian access or use of a sidewalk.
- E. Small Vehicles shall not be parked in a manner that would impede vehicular traffic on a street or alley.
- E. Incorrectly parked Small Vehicles shall be moved by the Operator within twenty-four (24) hours of notice to the Operator.
- F. The City may remove a Small Vehicle from the City's right-of-way if it constitutes an obstruction or immediate public safety hazard without any advance notice to the Operator. The Operator shall pay a fee of five dollars (\$5.00) per day per Small Vehicle to recover any such vehicle in the custody of the City as the result of such removal.
- G. Any Small Vehicle removed by the City from public right-of-way pursuant to this section which is not claimed by the Operator and remains unclaimed with the City for sixty (60) days, shall be considered abandoned, and the City may assert ownership of same, and keep or dispose of said Small Vehicle as City sees fit, including public sale in accordance with state statutes. The proceeds of any such sale shall belong to City and shall be deposited into City's general fund.

**Section 37-308 Safety Requirements.**

- A. All Bicycles and Electric Scooters used in systems issued a permit under this ordinance shall meet applicable safety standards established by federal and state regulatory authorities.
- B. All Small Vehicles used in systems issued a permit under this ordinance shall meet state law requirements regarding lights and other operating equipment.
- C. All permitted Shared Active Transportation Programs shall notify users in writing that:
  - 1. Helmet use is encouraged while riding a Small Vehicle;
  - 2. Users of Electric Bicycles and Electric Scooters shall yield to Bicycles in bike lanes;
  - 3. Users of Small Vehicles shall follow Chapter 29 Stillwater City Code requirements for operation of bicycles when riding on a sidewalk; and
  - 4. When riding on-street, Small Vehicles shall follow Chapter 29 Stillwater City Code requirements and applicable state law for operation of bicycles.

**Section 37-309 Distribution.**

- A. If an Operator has deployed more than one hundred fifty (150) Small Vehicles, at least twenty percent (20%) of such inventory shall be rebalanced once per day and located in underserved communities of the City, as determined by the City Manager or designee.
- B. All Operators shall provide the City with a plan for equitable Small Vehicle sharing service, including: education of, marketing to, and engagement with low-income, minority, non-English speaking, and zero-car populations. The plan should address such topics as how to use Shared Active Transportation Programs, Small Vehicle safety, and Small Vehicle laws and regulations.
- C. All Operators shall provide information on how users can use the Shared Active Transportation Program without 1) a smartphone, and/or 2) a credit or debit card.

**Section 37-310 Data, Statistics, Reporting.**

- A. All Operators shall include active GPS location tracking capabilities on each Small Vehicle.
- B. All Operators shall provide users with a Privacy Policy that safeguards users' personal, financial and travel information and usage, including but not limited to trip origination and destination data.

- C. All Operators shall maintain a record of maintenance activities, including but not limited to Small Vehicle identification number and maintenance records. These records shall be made available to the City upon request.
- D. All Operators shall provide the City, or a third-party researcher designated by the City, the following data on a monthly basis in a format approved by the City:
  - 1. Aggregated breakdown of users by gender and age;
  - 2. The number of Small Vehicles in circulation;
  - 3. Daily, weekly and monthly active users;
  - 4. Small Vehicle usage, including:
    - a. Total user miles, broken out daily, monthly, quarterly, and annually;
    - b. The number and duration of rides per user per day, as well as the number of rides per small vehicle per day;
  - 5. Anonymized aggregated data taken by the Operator's small vehicles in the form of heat maps showing routes, trends, origins, and destinations;
  - 6. Anonymized trip data taken by the Operator's small vehicles that includes the origin and destination, trip duration, and date and time of trip;
  - 7. Customer comments/complaints and resolution, theft/vandalism, and average repair times; and
  - 8. Reported collisions.
- E. All Operators shall provide the City with anonymous real-time data (information that is delivered immediately after collection) on the availability and location of the entire Stillwater fleet upon request.
- F. All Operators shall conduct annual qualitative surveys, developed collaboratively between the City and Operator.

**Section 37-311 Insurance & Indemnification.**

- A. All Operators shall maintain throughout the entire term of the permit general commercial liability insurance with a minimum liability limit of One Million Dollars (\$1,000,000.00), listing the City as additionally insured, and issued by an insurance company licensed to do business in the State of Oklahoma.
- B. Prior to the permit being issued, all applicants shall sign an agreement indemnifying and holding harmless the City, its officers, employees and agents.
- C. The City is not responsible for educating users regarding safety requirements and other laws, nor is the City responsible for educating users on how to ride or operate a Small Vehicle. Operators shall, as a condition of the Shared Active Transportation Permit, agree to educate users regarding laws applicable to riding and operating a Small Vehicle in the City of Stillwater and to instruct users to comply with applicable laws pertaining to bicycles in Chapter 29 Stillwater City Code and applicable state law.

**Section 37-312 Termination.**

The City reserves the right to terminate a Shared Active Transportation Permit at any time, and require that the entire fleet of Small Vehicles be removed from City right-of-way. Such notice of termination shall be delivered to the Operator as set forth in the permit.

**Section 37-313 Appeal.**

Any applicant who is denied a permit, or an Operator whose permit is terminated as outlined in Section 37-312, may appeal, or request a review or reconsideration of, that permit decision. An appeal of a Shared Active Transportation Permit decision may be made to the City Council by submitting the decision letter, as well as a request for the appeal, in writing, within ten (10) calendar days of the original permit decision.

*Section 2. SEVERABILITY CLAUSE. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.*

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_\_ DAY OF FEBRUARY 2019.

\_\_\_\_\_  
WILLIAM H. JOYCE, MAYOR

(SEAL)  
ATTEST:

\_\_\_\_\_  
ELIZABETH CHRZ, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS \_\_\_\_\_ DAY OF FEBRUARY 2019.

\_\_\_\_\_  
JOHN E. DORMAN, CITY ATTORNEY

First Reading: 02-04-19  
Second Reading: 02-11-19



Staff Report

**REQUEST TO INITIATE A LAND USE POLICY PLAN AMENDMENT FOR  
PROPERTY LOCATED AT 802 DELAWARE AVENUE**

March 10, 2020

At the January 28<sup>th</sup> City Council meeting Council referred to staff a request submitted by Justin Dodge with Hunziker Companies seeking to change the land use of the property at 802 Delaware Avenue from Low-Density Residential to Medium-Density Residential. (Attachment A) The property is approximately .75 acres and accessed from Delaware Avenue. **The City Council reviewed a memo from staff at their February 11<sup>th</sup> meeting and directed staff to place the item on a future agenda for discussion about the request and how it related to recent infill discussion of Ames Plan 2040.**

The Land Use Policy Plan map shows this particular site and the immediately surrounding area as Low-Density Residential. The property is currently zoned RL (Residential Low-Density), which allows for only single-family residential uses. The property could be divided to allow for construction of up to three single-family detached homes. **Mr. Dodge wishes to change the underlying land use to Medium-Density Residential to accommodate a future rezoning of the property in order to construct a medium density residential development.** The site is not large enough to be rezoned to a Planned Residence District (PRD), which requires a minimum of two acres.

The site is currently vacant with single-family homes to the north and south and a mix of two-family and single-family to the west. The two-family homes are allowed as “Pre-existing” within RL zoning. The nearest multi-family property is located approximately two blocks to the north.

**On the February 11<sup>th</sup> memo, staff identified two options for the City Council.**

**OPTION 1- Deny the request and maintain the existing land use designation**

The City Council can choose to retain the existing LUPP designation of Low-density Residential. By retaining the Low Density designation, the site could be marketed for one to three new single-family homes consistent with current RL zoning.

If the City Council agrees that this is a viable site for redevelopment as currently zoned, there would be no need to take any further action on this referral request.

**OPTION 2- Direct Staff To initiate an LUPP amendment to Medium Density Residential:**

The overall size of the property is relatively small for an LUPP amendment that is isolated from other similar areas. The LUPP does not have policies directing the City to consider small area changes of this type.

**The developer has indicated they have an interest in construct building types that are not allowed within RL zoning, such as townhomes. Changing the designation to Medium Density Residential would allow for RM zoning, which permits a full range of building types, including two-family homes, single-family attached, and apartment buildings.**

The overall density on the site would also increase. The minimum Medium Density standard is 7.26 dwelling units per net acre, compared to a maximum of 7.26 in Low Density Residential. Allowed units would increase to 5 to 12 units. Single-family attached homes on individual lots would need lot frontage along Delaware. Other building configurations would be treated as an apartment building and not require street frontage per unit. The overall development of the site would require review of landscaping and circulation to fully understand its development potential.

**STAFF COMMENTS:**

Changing the land use on the site to a Medium-Density land use designation would cause for an island of contrasting land use to its surroundings. Typically, the City has not taken on small area changes of this type with an LUPP amendment that are not an extension of other policy areas. **This area has not been highlighted for intensification with Ames Plan 2040. Staff believes it would be premature to move ahead with a LUPP change based upon preliminary policy discussions of Ames Plan 2040 as the concept of infill, intensification, and design are not fully developed for existing areas.**

# Attachment A: Location and Land Use



802 Delaware Avenue  
Location & Land Use



## Staff Report

**PLANNING AND HOUSING DEPARTMENT WORK PLAN PRIORITIES**

March 10, 2020

**BACKGROUND:**

City Council last formerly reviewed the Planning and Housing Department Work Plan in August of 2018. However, City Council recently adopted new Values and Goals at its February 25<sup>th</sup> meeting that changed certain Council priorities. It is appropriate at this time to review the overall priorities for the upcoming year.

**COMMITTED PROJECTS:**

Committed projects are either ongoing projects or prior directives of the City Council that are not yet complete.

- Ames Plan 2040
- Downtown Gateway Development project discussions
- Work with Denny Elwell representatives on changes to contract rezoning for E. 13<sup>th</sup> Street facilitating the “Fleet Farm” development.
- 321 State Avenue Affordable Housing Development
- Prairie View Industrial Park (East Industrial) ReZoning/Zoning District, pending utility construction
- Downtown Sub-Area planning discussion, i.e. parking, public spaces, URA standards/Incentives
- Create program for incentivizing conversion of single-family rentals to home ownership
- Staff report describing sign code deficiencies to direct future sign code updates (See separate non-agenda packet response, assume some future text amendments)
- Zoning Ordinance minor “cleanup” issues- (*Garbage collection, buffer width, front yard setback encroachments, parking for industrial uses, etc.*)
- Urban Revitalization Area review of areas and current incentives

Additional tasks from the recently adopted Council Goals include the following and the timeframe they are to begin:

- Provide a report regarding minimum lot sizes and multiple dwelling on a lot in order to address creating a diverse housing stock for new development (June 2020)
- City Council workshop on a Downtown Plaza (Spring 2020)
- Provide a report and inventory of existing beautification plans, gateway signage, themes etc. in order to create an RFP for a citywide master plan (October 2020)

**Attachment A is a chart indicating basic project milestones for these activities.**

## **NON-COMMITTED PROJECTS:**

In addition to the 13 projects listed above, City Council through its establishment of referrals and prior work plan priorities have a list of 20 other projects to consider in prioritizing the Planning Division work plan. Although not all of the project scopes are well defined, staff has added a column to the work plan which includes an estimated range of hours needed for each project. These estimates are intended to help Council have an understanding of the order of magnitude of Planning Division resources needed for a project. City Council should note that often there are additional city staff resources needed to complete the project e.g. City Attorney's Office and the Public Works Department that are not reflected on this chart.

## **STAFF COMMENTS:**

**Based upon Attachment A with the projected project timelines and milestones, staff is not recommending any additional projects.** However, due to variability in the timing of some of the projects shown in Attachment A there is a possibility for some flexibility to address other issues identified by City Council that will not involve significant staff time. **The highest priority for staff in regards to the projects reflected on Attachment B would be working with Public Works to coordinate implementation of Complete Streets with Subdivision Code text amendments on as time allows basis.** In addition, City Council could change out or replace prior priorities that are not yet complete with new projects and activities.

**City Council does not need to rank the non-prioritized projects on Attachment B, but could choose to remove items that are no longer of interest to Council to reduce overall back log.**



## Attachment B-Non-Prioritized

<b>Date Referred</b>	<b>Description</b>	<b>Comments</b>	<b>Hours</b>
<b>1/12/2016</b>	Review demolition criteria in the O-UIE in general, including hardship elements	Related referral regarding URA incentives	80-150
<b>1/12/2016</b>	Review demolition criteria in the O-UIE to add criteria for historic preservation and to evaluate sustainability (life cycle evaluation) of demolition vs. rehabilitation.	Related referral regarding URA incentives	80-150
<b>2015-Spring</b>	Update the Planned Residential Development Zoning District	May relate to Council Goal Task on lot size	40-120
<b>2015-Spring</b>	Review RH zoning and design guidelines/standards		70-200
<b>9/13/2016</b>	Review Downtown Façade Program Requirements and consider "Development Grants"	Recent request by Main Street for façade program changes January 2020	40-200
<b>12/20/2016</b>	William Underwood Fringe Plan Industrial Amendment & Annexation Dayton Avenue	To be incorporated into Ames Plan 2040.	xxx
<b>5/16/2017</b>	Review outdoor sales standards for commercial areas. This includes fireworks and other outdoor display.	Would also address food truck locations.	30
<b>9/25/2108</b>	Request for the Planning staff to reach out to engineers in the community to solicit feedback about proposed changes to the new landscape ordinance after the other priority projects of the Council have been completed.		40
<b>Fall 2018</b>	Review Subdivision Code standards for Complete Streets Policy consistency.		80
<b>10/16/2018</b>	Begin working with neighborhood associations to develop recommendations for improving the Neighborhood Association program.	Staff has worked on this incrementally as time permits, no formal proposal at this time	
<b>12/11/2018</b>	Request for a memo regarding David M's request to provide better sidewalk access from the Kmart renovation project and <u>how to improve access from the buildings to the street in all future developments.</u>	Staff expects revised MSDP for the site and has requested additional sidewalk from Buckeye into the site.	10
<b>2/12/2019</b>	Referred to staff for a memo the letter from Chuck Winkleblack concerning two billboards on the two-block stretch on the north side of Lincoln Way between Clark and Kellogg	Awaiting Legal review of issues.	TBD
<b>5/28/2019</b>	Review zoning requirements for landscaping on private property to determine if they are compatible with CPTED principles.		40

<b>5/14/2019</b>	Hold off any final decision regarding plaza in Campustown until final decision is made regarding relocating Fire Station #2 and completion of Welch improvements.	On hold	NA
<b>7/23/2019</b>	Request to respond to Kurt Friedrich's letter for the Council to consider greater incentives for infrastructure for residential developments.	In review with City Manager	80
<b>10/8/2019</b>	Requested staff memo regarding zoning recommendation for the lot west of old KFC lot on LW.		10
<b>12/10/2019</b>	Modify University URA to eliminate tax abatement for additional new fraternities and sororities.		30
<b>1/24/2020</b>	802 Delaware LUPP Amendment Initiate Change to Medium Density-Future Agenda	On March 10 <sup>th</sup> Agenda for Discussion	30
<b>2/25/2020</b>	Request by Mr. Jennings for a front yard parking text amendment//Memo	Non-agenda Packet March 10th	20
<b>2/25/2020</b>	Letter from Justin Dodge on Champlin Property roadway improvement requirements and costs	Memo to be provided this spring, annexation is currently tabled by Council.	20



	<b>OLD CAF</b>
ITEM #	<del>25d-23</del>
DATE:	<del>02-25-20</del>
	<b>03-10-20</b>

**COUNCIL ACTION FORM**

**SUBJECT: PUBLIC HEARING AND NOTICE OF INTENT TO ISSUE \$13,865,000 ESSENTIAL CORPORATE PURPOSE GENERAL OBLIGATION BONDS, \$9,635,000 GENERAL OBLIGATION REFUNDING BONDS AND ASSOCIATED TAX LEVY FOR DEBT SERVICE**

**BACKGROUND:**

The FY 2020/21 budget includes a number of General Obligation (G.O.) Bond-funded capital improvements. A public hearing is required to authorize issuance of bonds and the levy of property taxes for debt to be issued. The dollar amounts and corresponding property tax levy for the planned G.O. bond issue are included as part of the FY 2020/21 budget.

The G.O. Bonds and debt service levy for the FY 2020/21 budget were based on projects listed in the table below. Council authorization will be required at a later date to authorize the sale of the bonds. Bonds are expected to be issued shortly after the start of the new fiscal year. In addition to the G.O. Bonds to fund capital improvement projects, staff has identified a potential refunding for bonds issued in 2010, 2011, and 2012 that may provide savings in debt service costs. Though Council will be holding a public hearing and notice of intent on the sale of bonds, the refunding sale will not go forward unless adequate savings are expected.

Please note that in addition to the amount to fund the \$13,181,900 in G.O. bond-funded capital projects, the not-to-exceed amount for the issuance includes a \$1,018,100 additional authorization to allow for issuance costs and the option to sell bonds at a premium over the par or face value of bonds. In any case, debt will not be issued in an amount where debt service exceeds the property tax levy included in the proposed budget.

The public hearing and pre-levy authorization is required at the time of the budget approval to levy property taxes for the bonds not yet issued. The pre-levy amount is included as part of the total debt service property tax levy and is \$1,073,126 of the total taxes levied for debt service at \$10,043,500.

The Capital Improvements Plan's 2020/21 G.O. Bond issue includes the following:

Fire Apparatus Replacement	\$	1,375,000	
Cherry Avenue Extension		510,000	
Arterial Street Pavement Improvements		900,000	
Collector Street Pavement Improvements		1,400,000	
Concrete Pavement Improvements		2,300,000	
Asphalt Street Pavement Improvements		1,400,000	
CyRide Route Pavement Improvements		600,000	
Seal Coat Pavement Improvements		750,000	
U.S. Highway 69 Improvements		230,000	
South Dayton Improvements		700,000	
Intelligent Transportation System		141,900	
Bridge Rehabilitation Program		375,000	
<b>Subtotal Tax Supported Bonds</b>			<b>\$ 10,681,900</b>
East 13 <sup>th</sup> Street Sanitary Sewer Extension (TIF Abated)		2,500,000	
<b>Subtotal TIF Abated Bonds</b>			<b>2,500,000</b>
<b>Total Bond Funded Projects</b>			<b>13,181,900</b>
<b>Refunding Bonds</b>			<b>9,300,000</b>
<b>Issuance Cost and Allowance for Premium</b>			<b>1,018,100</b>
<b>Grand Total – 2020/21 G.O. Issue</b>			<b>\$23,500,000</b>

**ALTERNATIVES:**

1. Adopt a resolution authorizing the issuance of Essential Corporate Purpose General Obligation Bonds and General Obligation Refunding Bonds in an amount not to exceed \$23,500,000 and the Debt Service levy to pay principal and interest on the bonds as well as setting the date of public hearing for March 10, 2020.

It should be noted that the \$2,500,000 in TIF abated bonds for extending the sanitary sewer line along 13<sup>th</sup> Street from Dayton across Highway 35 is included in the public hearing notice. However, the City Council will not be obligated to issue bonds for this project unless we are able finalize an acceptable agreement with the developer and complete the TIF process.

2. Modify the pre-levy resolution authorizing the issuance of Essential Corporate Purpose General Obligation Bonds, reduce the FY 2020/21 property tax levy, and delay one, or more, of the recommended capital projects. Under this alternative, the City Council will require setting a date of public hearing for March 10, 2020.

**CITY MANAGER’S RECOMMENDED ACTION:**

Prior to the issuance of this debt, state law requires that this pre-levy resolution be adopted. This is a required step in order to accomplish the Council’s approved capital improvements for the upcoming fiscal year.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby adopting a resolution authorizing the issuance of Essential Corporate Purpose General Obligation Bonds and General Obligation Refunding Bonds in an amount not to exceed \$23,500,000 and the Debt Service levy to pay principal and interest on the bonds as well as setting the date of public hearing for March 10, 2020.

**COUNCIL ACTION FORM**

**SUBJECT:** IOWA STATE UNIVERSITY RESEARCH PARK PHASE IV

**BACKGROUND:**

The ISU Research Park Phase IV Road and Utility Improvements Project consists of the public improvements associated with this next phase of the Research Park expansion. This project includes the paving of approximately 1,570 feet of South Riverside Drive (with shared use path), 1,860 feet of Collaboration Place (with on-street bike lanes), the extension of sanitary sewer and water main, the installation of electric distribution improvements, and street lighting.

On February 12, 2020, bids for this project were received as follows:

<i>Bidder</i>	<i>Bid Amount</i>
Engineer's estimate	\$ 3,223,599.25
Con-Struct Inc.	\$ 2,823,757.81
Absolute Concrete	\$ 3,069,920.66
Rognes Corp.	\$ 3,284,882.65

<b>Funding Source</b>	<b>Funding</b>	<b>Expenses</b>
Iowa DOT (RISE – up to 70%, utilities not eligible)	\$1,812,091	
Department of Commerce (EDA – up to 50%)	\$1,743,558	
G.O. Bonds (TIF Abated – electric not eligible)	\$ 314,204	
Ames Electric Operating Budget	\$ 135,000	
Engineering/Admin		\$ 545,720.00
Construction		\$2,823,757.81
<b>TOTAL</b>	<b>\$4,004,853</b>	<b>\$3,369,477.81</b>

The acceptance of the report of bids and approval of final plans and specifications for this project occurred at the February 25, 2020 Council meeting. The Economic Development Administration (EDA grant) and the Iowa DOT (RISE grant) have now given their concurrence, therefore, this action form is for project award.

**ALTERNATIVES:**

1. Award the Iowa State University Research Park Phase IV Project to Con-Struct Inc. of Ames, Iowa in the amount of \$2,823,757.81.

2. Award the contract to another bidder.
3. Reject the award and direct staff to modify the project for a future bid letting.

**MANAGER'S RECOMMENDED ACTION:**

The Research Park is an important economic development area for the region and this investment will promote further growth. By awarding this project, it will be possible to move forward with this next phase of ISU Research Park improvements.

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

**COUNCIL ACTION FORM**

**SUBJECT: COMBUSTION TURBINE FUEL FORWARDING PUMP HOUSE FIRE PROTECTION UPGRADE**


**BACKGROUND:**

On January 28, 2020, City Council approved preliminary plans and specifications 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 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 increase the capacity of the system to address the concern for the length of time the system would be able to operate; by tapping into the onsite water line, which would provide an “unlimited” supply of fire retardant.

Bid documents were issued to twenty-nine firms and four plan rooms. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published on the websites of a contractor plan room service with statewide circulation and the Iowa League of Cities.

On February 26, 2020, two bids were received as shown on the report below.

 <b>Invitation to Bid #2020-095 Fuel Forwarding Pump House Fire Protection Upgrade Bid Summary</b>			
<b>BIDDER</b>	<b>LUMP SUM COST</b>	<b>SALES AND/OR USE TAXES INC.</b>	<b>EVALUATED BID PRICE</b>
The Waldinger Corporation West Des Moines	\$129,071.00	\$3,705.00	\$129,071.00
Tri-City Electric Company of IA Davenport	\$345,400.00	\$18,099.52	\$345,400.00

Staff reviewed the bids received and determined that lowest responsive, responsible bidder The Waldinger Corporation of West Des Moines, Iowa is qualified to perform the necessary work and has the capacity to complete the project within the timeframe required. Staff recommends an award of contract to The Waldinger Corporation of West Des Moines, Iowa for base bid in the amount of \$129,071.00 is in the best interest of the City. This vendor is licensed to collect taxes for the State of Iowa.

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. Award a contract to The Waldinger Corporation., West Des Moines, IA, for the Fuel Forwarding Pump House Fire Protection Upgrade in the amount of \$129,071.00.
2. Reject the bids, which will delay this 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 No. 1 as stated above.

**COUNCIL ACTION FORM**

**SUBJECT: EAST INDUSTRIAL AREA UTILITY EXTENSION PROJECT – REPORT OF BIDS**

**BACKGROUND:**

The East Industrial Area Utility Extension Project consists of the extension of water and sanitary sewer to the recently annexed area east of Interstate 35 (I-35). More specifically, it involves the installation of water main and gravity sewer between I-35 and Potter Ave (formerly 590<sup>th</sup>), force sewer from Teller Ave (formerly 580<sup>th</sup>) to west of Freel Drive, and construction of a sewer lift station. This new area to be served by City utilities east of I-35 has been certified by the Iowa Economic Development Authority as the Prairie View Industrial Center.

During the bid advertisement period, two (2) Addendums were issued for this project, and on March 4, 2020, bids were received as follows:

<i>Bidder</i>	<i>Bid Amount</i>
<i>Engineer's estimate</i>	<i>\$ 4,518,440</i>
SM Hentges & Sons Inc.	\$ 7,098,946
Rognes Corporation	\$ 7,242,118

Engineering and administration costs are estimated to be \$771,000, bringing the total estimated project cost to \$7,869,946.00. This project is shown in the 2016/17 Capital Improvement Plan with **\$5,300,000 in G.O. bond funding (Water and Sewer Utility revenue abated)**.

**This action form is for the reporting of bids only. Staff and the design consultant will evaluate the bids and any appropriate modifications to the plans and project approach. The decision to award the project or reject bids will be brought back to City Council at a later date.**

**ALTERNATIVES:**

1. Accept the report of bids for the East Industrial Area Utility Extension Project and direct staff to work with our consulting engineers to determine if changes can be made to the project specifications in order to bring the cost within the budget if it is rebid.
2. Approve the bid from SM Hentges & Sons Inc. for \$7,098,946 for the East Industrial Area Utility Extension Project. In order to proceed with this alternative, an additional \$2,580,506 of unbudgeted funds will have to be identified.



**MANAGER'S RECOMMENDED ACTION:**

Given the magnitude of the low bid, the best course of action at this time is to only report the bids and delay any award until the staff and consulting engineers have time to further evaluate the bids. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.**

**COUNCIL ACTION FORM**

**SUBJECT: REPORT OF BID AND AWARD OF CONTRACT FOR CYRIDE HVAC IMPROVEMENTS PROJECT**

**BACKGROUND:**

The CyRide 2020 HVAC Improvement Project calls for the replacement of outdated facility heating, ventilation, and air conditioning (HVAC) equipment. Bids were due on February 26, 2020. This was the second time the project was bid, as the project specifications were found to be overly restrictive after the first bids were received.

The HVAC equipment being replaced with 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 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 equipment in five areas of the facility. In July 2019, it was announced that CyRide would be the recipient of \$521,098 in requested grant money. The total project budget is \$651,373 and is listed in the 2019-2024 and 2020-2025 CIP.

Two rooftop units were bid as separate add alternates due to budget concerns. Only one bid for the project was received. Mechanical Comfort, Inc. of Ames, IA submitted a base bid of \$539,500. Add Alternate 1 was bid at \$145,500 and Add Alternate 2 was bid at \$54,750. Detailed bid information is provided in the table below:

<b>Bidders</b>	<b>Base Bid HVAC equipment removal and replacement</b>	<b>Alternate #1 Removal and replacement of HRU-9</b>	<b>Alternate #2 Removal and replacement of RTU-12</b>
<b>Mechanical Comfort, Inc.</b>	<b>\$539,500</b>	<b>\$145,500</b>	<b>\$54,750</b>

After reviewing the bid results with the project design team, staff is recommending accepting only the base bid, so that adequate funds are reserved for project contingency and A&E fees. The two alternate bid rooftop units will be replaced in future facility improvement projects.

Additionally, bid prices were higher for the second bid even though project specifications were revised to allow more competition. Project budget information is provided in the table below:

<b>Funds Available</b>	<b>Dollars</b>
State PTIG Funds	\$ 521,098
Local	\$ 130,275
<b>Total Available</b>	<b>\$ 651,373</b>

**The Ames Transit Agency Board of Trustees approved contract award to Mechanical Comfort at the March 4, 2020 meeting. Final contract award is subject to concurrence by the Iowa Department of Transportation Office of Public Transit.**

**ALTERNATIVES:**

1. Approve the final plans and specifications for the CyRide 2020 HVAC Improvements Project and award the construction contract for the project to Mechanical Comfort, Inc. of Ames, IA for the base bid amount of \$539,500.
2. Not approve the bid from Mechanical Comfort, Inc. and direct staff to modify the project to reflect City Council priorities as well as rebid the project.

**CITY MANAGER’S RECOMMENDED ACTION:**

Awarding the base project will allow CyRide to move forward with a needed facility improvement project. The two alternates (rooftop units) will be replaced in a future facility improvement project.

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

**COUNCIL ACTION FORM**

**SUBJECT: WATER AND SEWER RATE ADJUSTMENTS FOR FY 2020/21**

**BACKGROUND:**

Each year as a part of the annual budget process, staff updates a spreadsheet model for the Water and Sewer Funds that reflects current and projected operating and capital expenses for the utilities over the next ten years, and the resulting annual ending fund balance in each of the funds. This model is used to establish a long-range pattern of rate increases that will fully fund these self-funded enterprise utilities, including a 25% operating reserve.

During the development of the FY 2020/21 budget, staff determined that a two percent (2%) increase to water rates and a five percent (5%) increase to the sewer rates would be needed, effective July 1, 2020. While the revenue estimated to be generated from the rate increases was appropriated in the FY 2020/21 budget, no formal action has yet been taken to adjust the rates. **Attached to this Council Action Form is a draft ordinance that will increase the water rates by 2% and the sewer rates by 5%, effective for all bills mailed on or after July 1, 2020.**

The slides attached to this Council Action Form provide a summary of the fund balance analysis in a format that is very similar to what has been used in prior years. Highlights from these slides will be shared at the Council meeting in a brief presentation.

**ALTERNATIVES:**

1. Approve on first reading, an ordinance that adjusts water rates by two percent (2%) and sewer rates by five percent (5%), effective for bills mailed on or after July 1, 2020.
2. Direct staff to make modifications to the rate ordinance.
3. Do not take any action to adjust water or sewer rates, and give staff direction on expenditure reductions in order to maintain positive fund balances.

**MANAGER'S RECOMMENDED ACTION:**

The proposed rate increase is necessary to fund the on-going operations and maintenance budget plus the anticipated capital improvements projects. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving on first reading an ordinance that adjusts water rates by two percent (2%) and sewer rates by five percent (5%) effective for bills mailed on or after July 1, 2020.

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 28, SECTION 201(1)(b)(ii)(a)(b), 2(b)(ii)(a)(b), 3(b)(ii)(a)(b), 4(b)(ii)(a)(b), 5(b)(ii)(a)(b), 7, 8, SECTION 304 (3) AND ENACTING A NEW CHAPTER 28, SECTION 201(1)(b)(ii)(a)(b), 2(b)(ii)(a)(b), 3(b)(ii)(a)(b), 4(b)(ii)(a)(b), 5(b)(ii)(a)(b), 7, 8, SECTION 304 (3). THEREOF, FOR THE PURPOSE OF INCREASE OF WATER RATES AND CHARGES; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; 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 repealing Chapter 28, Section 201(1)(b)(ii)(a)(b), 2(b)(ii)(a)(b), 3(b)(ii)(a)(b), 4(b)(ii)(a)(b), 5(b)(ii)(a)(b), 7, 8, Section 304 (3) and enacting a new Chapter 28, Section 201(1)(b)(ii)(a)(b), 2(b)(ii)(a)(b), 3(b)(ii)(a)(b), 4(b)(ii)(a)(b), 5(b)(ii)(a)(b), 7, 8, Section 304(3) as follows:

**Sec. 28.201. WATER RATES AND CHARGES**

The rates and charges for water supplied to consumers by the water utility of the city, to be billed on or after July 1, 2020 are as follows:

**(1) Residential Rates.**

(a) **Availability.** The residential rate shall apply to all customer accounts within the Ames corporate limits serving properties that are intended for occupancy by a single family as defined by the Ames Zoning Ordinance, provided that such accounts consist of no more than two dwelling units served by a single water meter or to multiple unit residential structures (such as apartment buildings) where every dwelling unit is separately metered. The rate does not apply to domestic uses that consist of more than two dwelling units served by a single meter or to water accounts that provide service for common areas such as shared laundry facilities or for general property maintenance.

- (b) **Rate per billing period.** For each monthly billing period a residential rate customer:
- (i) shall be charged a minimum charge based on meter size, and in addition
  - (ii) shall be charged for water usage during the billing periods as follows:
    - (a) for bills mailed on or between July 1 and October 31 (summer period):
      - \$0.0243 per cubic foot for the first 1000 cubic feet of usage
      - \$0.0428 per cubic foot for the next 1500 cubic feet of usage
      - \$0.0644 per cubic foot for all usage over 2500 cubic feet
    - (b) for bills mailed on or between November 1 and June 30 (winter period):
      - \$0.0243 per cubic foot

*(Ord. No. 4351, 5-8-18; Ord. No. 4382, 4-9-19)*

**(2) Non-residential (Commercial) Rates**

(a) **Availability.** The non-residential rate shall apply to all accounts that do not meet the criteria for residential, irrigation and yard water, rural water, or non-peaking industrial rates.

- (b) **Rate per billing period:** For each monthly billing period a non-residential customer:
- (i) shall be charged a minimum charge based on meter size, and in addition
  - (ii) shall be charged for water usage during the billing periods as follows:
    - (a) for bills mailed on or between July 1 and October 31 (summer period):
      - \$0.0318 per cubic foot
    - (b) for bills mailed on or between November 1 and June 30 (winter period):
      - \$0.0243 per cubic foot

(Ord. No. 4351, 5-8-18; Ord. No. 4382, 4-9-19)

(3) **Non-Peaking Industrial Rate.**

(a) **Availability.** The non-peaking industrial rate shall be available to all non-residential rate customers who meet the following criteria:

(i) Average winter usage greater than 100,000 cubic feet per billing period. Average winter usage per billing period will be calculated by taking the sum of the usage during the most previous December, January, and February billing periods and dividing by three.

(ii) **A summer peaking factor equal to or less than 120%.** The summer peaking factor shall be computed by taking the largest consumption billed during the most recent summer billing periods (bills mailed July, August, September, and October) and dividing it by the average winter usage, with the result expressed as a percentage.

(b) **Rate per Billing Period.** For each monthly billing period a non-peaking industrial rate customer:

(i) shall be charged a minimum charge based on meter size, and in addition

(ii) shall be charged for water usage during the billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0243 per cubic foot

(b) for bills mailed on or between November 1 and June 30 (winter period):

\$0.0243 per cubic foot

(Ord. No. 4351, 5-8-18; Ord. No. 4382, 4-9-19)

(4) **Irrigation and Yard Water Service Rate.**

(a) **Availability.** The irrigation and yard water rate shall apply to all separately metered water uses that meet one of the following criteria:

(i) Serves primarily outdoor water uses, such as irrigation systems and outside hose bibs.

(ii) Serves cooling towers, spray ponds, evaporative condensers, chillers, or such similar uses where water is used as a medium for cooling.

(iii) Serves as a temporary water service, whether for irrigation purposes or for other outdoor uses.

(b) **Rate per Billing Period.** For each monthly billing period an irrigation and yard water rate customer:

(i) shall be charged a minimum charge as described below, and in addition

(ii) shall be charged for water usage during billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0350 per cubic foot for the first 2000 cubic feet of usage

\$0.0644 per cubic foot for the next 3000 cubic feet of usage

\$0.1072 per cubic foot for all usage greater than 5000 cubic feet.

(b) for bills mailed on or between November 1 and June 30 (winter period):

\$0.0243 per cubic foot

(Ord. No. 4351, 5-8-18; Ord. No. 4382, 4-9-19)

(5) **Rural Water Rate.**

(a) **Availability.** The rural water rate shall apply to all customer accounts outside the Ames corporate limits, except those covered by a separate wholesale contract or agreement for service.

(b) **Rate per billing period.** For each monthly billing period, a rural water rate customer:

(i) shall be charged a Rural water minimum charge based on meter size.

(ii) shall be charged for water usage during billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0402 per cubic foot for the first 2000 cubic feet of usage

\$0.0740 per cubic foot for the next 3000 cubic feet of usage

\$0.1233 per cubic foot for all usage greater than 5000 cubic feet.

(b) for bills mailed on or between November 1 and June 30 (winter period):

\$0.0274 per cubic foot for all consumption

*(Ord. No. 4351, 5-8-18; Ord. No. 4382, 4-9-19)*

(6) **Water Rate and Charge Adjustments.** It shall be the duty of the director of water and pollution control to review and recommend to the city council revisions of the rates and charges established and set out in this division at intervals appropriate to provide for the funding needs of the utility.

(7) **Minimum charges.** For each monthly billing, each customer shall be charged a minimum monthly charge based on the size of the water meter (s) and/or irrigation meter (s) at each location. The minimum monthly charge may be prorated, based on a 30-day billing period, for the customer's initial and/or final bills, provided that in no case shall the minimum monthly charge be less than five dollars and ninety-six cents (\$5.96).

The minimum monthly charge for each water meter location shall be as follows:

Size of Meter	Residential, Non-residential, Non-peaking Industrial, and Irrigation Accounts	Yard Water Accounts	Rural Water Accounts
5/8" or 5/8"x3/4"	12.40	4.70	14.27
3/4 inch	24.81	7.29	28.53
1 inch	49.62	10.16	57.07
1-1/2 inch	99.25	14.01	114.14
2 inch	198.49	18.64	228.27
2 inch, battery of 2	384.46	--	442.13
2 inch, battery of 3	570.51	--	656.08
3 inch	396.89	24.24	456.43
4 inch	669.72	30.13	770.18
6 inch	1,116.20	36.09	1,283.63
8 inch	2,232.39	42.04	2,567.25
10 inch	3,348.59	47.55	3,850.88

*(Ord. No. 4351, 5-8-18; Ord. No. 4382, 4-9-19)*

(8) **Multiple dwellings – Mobile home parks.** Multiple dwellings, including mobile home parks, may be serviced from a single water meter. However, there shall be a surcharge added to the water rates set forth above, to be calculated as follows:

- For a 5/8 inch meter serving 2 or more dwelling units..... 3.57/month/unit
- For a ¾ inch meter serving 4 or more dwelling units..... 3.57/month/unit
- For a 1 inch meter serving 8 or more dwelling units..... 3.57/month/unit
- For a 1-1/2 inch meter serving 16 or more dwelling units..... 3.57/month/unit
- For a 2 inch meter serving 30 or more dwelling units..... 106.86/month  
for the first 30 units plus \$5.55/month per unit  
for each additional unit in excess of 30 units
- For a 3 inch or larger meter serving any number of dwelling units ..... 4.91/month/unit

...

**Sec. 28.304. SEWER RATES ESTABLISHED.**

(1) Each user shall pay for the services provided by the City based on its use of the treatment works as determined by water meter readings or other appropriate methods acceptable to the City.  
*(Ord. 4199, 11-25-14)*

(2) For all users, monthly user charges shall be based on actual water usage, except where a practical method of wastewater measurement is available. If a user has a consumptive use of water, or in some other manner uses water which is not discharged into the wastewater collection system, the user charge for that contributor may be based on readings of a wastewater meter(s) or separate water meter(s) installed and maintained at the user's expense and in a manner acceptable to the City.

(3) For each monthly billing on or after July 1, 2020, each customer shall be charged a minimum monthly charge. The minimum charge for each location shall be eleven dollars and fifty-eight cents (\$11.58). The minimum monthly charge may be prorated, based on a 30-day billing period, for the customer's initial and/or final bills, provided that in no case shall the prorated minimum monthly charge be less than four dollars and forty-five cents (\$4.45). In addition, for all water metered beginning with the first cubic foot each month, each user shall pay two dollars and ninety-six cents (\$2.96) per 100 cubic feet.  
*(Ord. No. 3168, Sec. 1, 4-28-92; Ord. No. 3326, Sec. 2, 5-9-95; Ord. No. 3834, 5-24-05; Ord. No. 3956, 06-10-08; Ord. No. 4037, 5-11-10; Ord. No. 4144, 5-14-13; Ord. No. 4814, 5-27-14; Ord. No. 4215, 5-12-15; Ord. No. 4351, 5-8-18)*

...

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. 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





# FY 2020-2021 Water & Sewer Rates

March 10, 2020

*Entry signage at the Ames Water Treatment Plant and Ames Water Pollution Control Facility*

# Outline

- National & State-Wide Trends in Rates
- Projected Need for Revenue Increase
- Translating Revenue Needs to Rates
- Customer Perspective
- Council Direction



*Water meters lined up on a test bench*



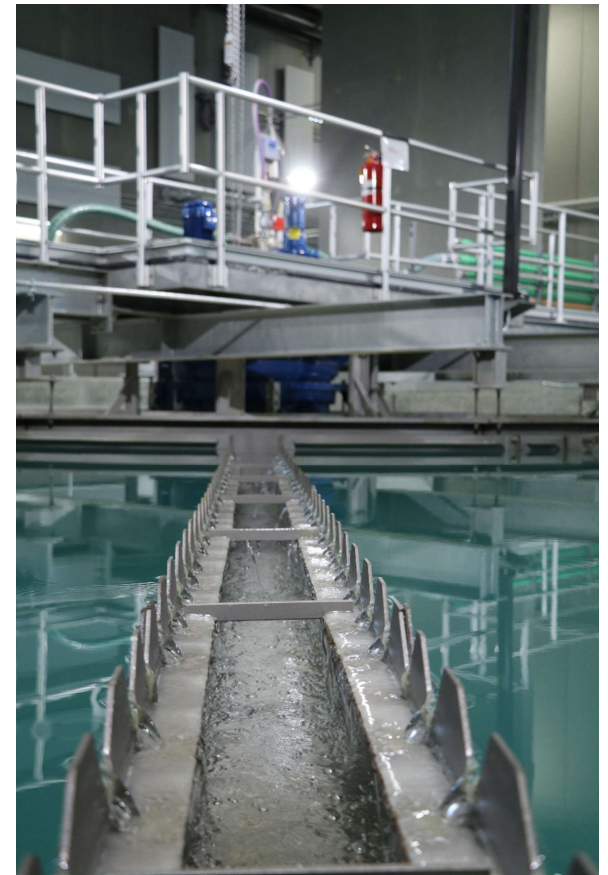
# National & State-Wide Trends

*Visitors at the inaugural open house tours of the new Ames Water Plant*

# National and State Trends

Data sources include:

- **2018 Cost of Clean Water Index**  
National Association of Clean Water Agencies
- **2019 Water and Wastewater Rate Survey**  
American Water Works Association
- **2019 Iowa Water and Wastewater Rate Survey**  
City of Ames Water and Pollution Control



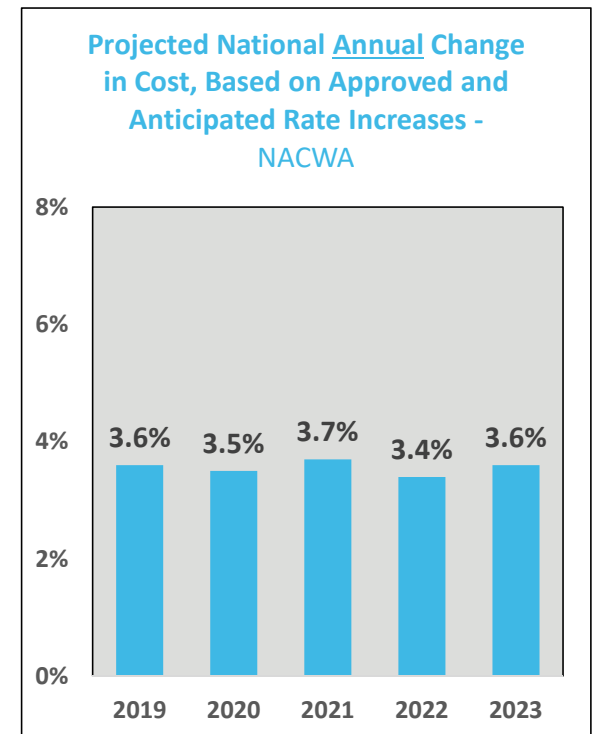
*Solids Contact Unit in service  
Ames Water Plant*

# National Trends

## 2018 Cost of Clean Water Index, NACWA

- Average annual wastewater bill has doubled nationally in last 15 years
- Wastewater utilities expect charges to increase from 3.4% to 3.7% per year for the next 5 years
- Nationally, the average increase in 2018 was 1.6x the rate of inflation

(17<sup>th</sup> consecutive year that sewer rates nationally have outpaced inflation)



# National Trends

## **2019 Water & Wastewater Rate Survey, American Water Works Association**

- 79% of Drinking Water Utilities nationally have increased rates in the past two years
- 77% of Wastewater Utilities nationally have increased rates in the past two years.
- Lowest costs for both water and sewer were in the Midwest



*Water main break repair in Ames  
circa 1953*

# National Trends

## 2014 to 2019

Average Annual Increase in Water Rates: 4.8%

Average Annual Increase in Sewer Rates: 4.1%

Average Annual Increase in CPI: 2.0%

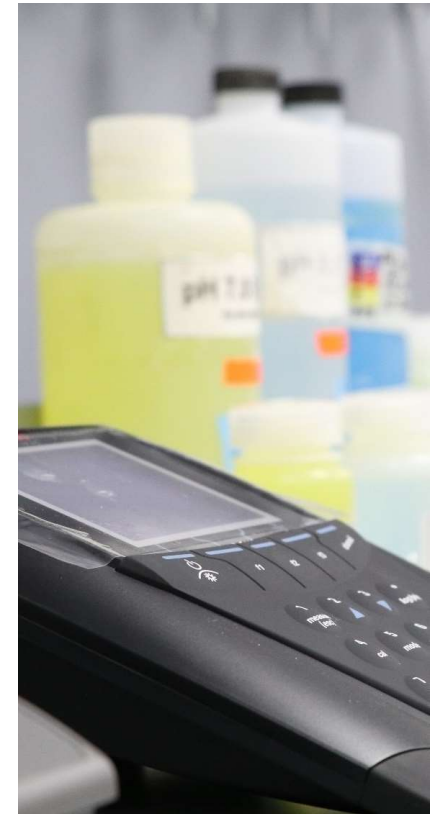
Sources: 2014 Water and Wastewater Rate Survey, AWWA/Raftelis Financial Consultants  
2019 Water and Wastewater Rate Survey, AWWA/Raftelis Financial Consultants



Cogeneration switchgear  
Ames Water Pollution Control Facility

# Recent Rate Adjustments in Ames

	<b>Water</b>	<b>Sewer</b>
FY 15/16	4%	5%
FY 16/17	--	--
FY 17/18	--	--
FY 18/19	3.5%	3%
FY 19/20	7%	--
<b>Annual Average</b>	<b>2.9%</b>	<b>1.6%</b>



*pH meter and buffers  
Ames Water Plant*



# Ames Trends vs. National Trends

## Water

National Average Annual Increase: 4.8%

Ames Average Annual Increase: 2.9%

## Sewer

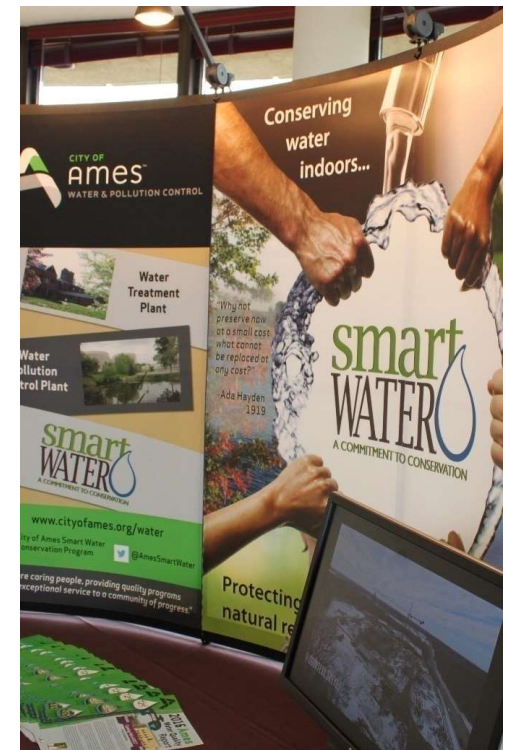
National Average Annual Increase: 4.1%

Ames Average Annual Increase: 1.6%

Average Annual Increase in CPI: 2.0%

National and CPI Data: 2014 – 2019

Ames Data: 2015 – 2019



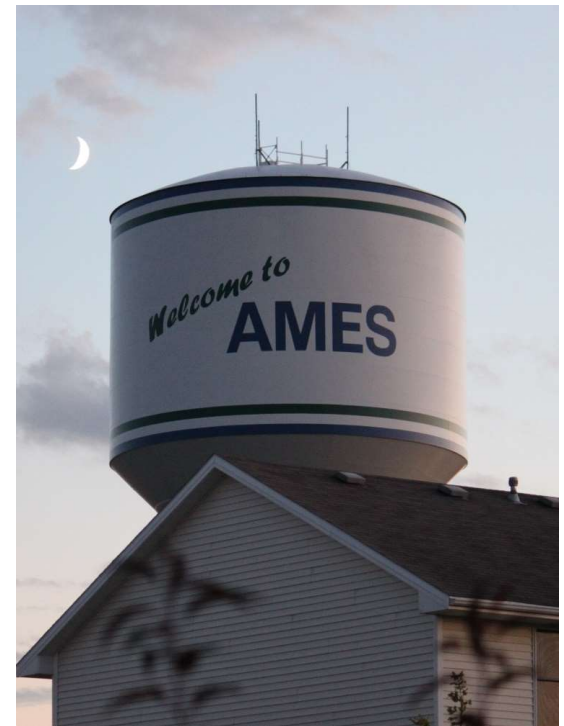
Smart Water Conservation Promotion  
Water & Pollution Control Dept.

# Iowa Trends

## 2019 Iowa Water & Wastewater Rate Survey, City of Ames, Iowa

Percent of Utilities with a rate increase in past two years:

- Drinking Water: 76% (22 of 29)
  - More than 5%: 59% (17 of 29)
  - More than 10%: 28% (8 of 29)
- Wastewater: 72% (31 of 43)
  - More than 5%: 53% (23 of 43)
  - More than 10%: 23% (10 of 43)



*Bloomington Road Elevated Tank  
at sunset*

# Ames Trends vs. Iowa Trends

## 2015-2019 Trends

### Water

Iowa Average Annual Increase: 5.9%

Ames Average Annual Increase: 2.9%

### Sewer

Iowa Average Annual Increase: 5.1%

Ames Average Annual Increase: 1.6 %

Average Annual Increase in CPI: 2.0%

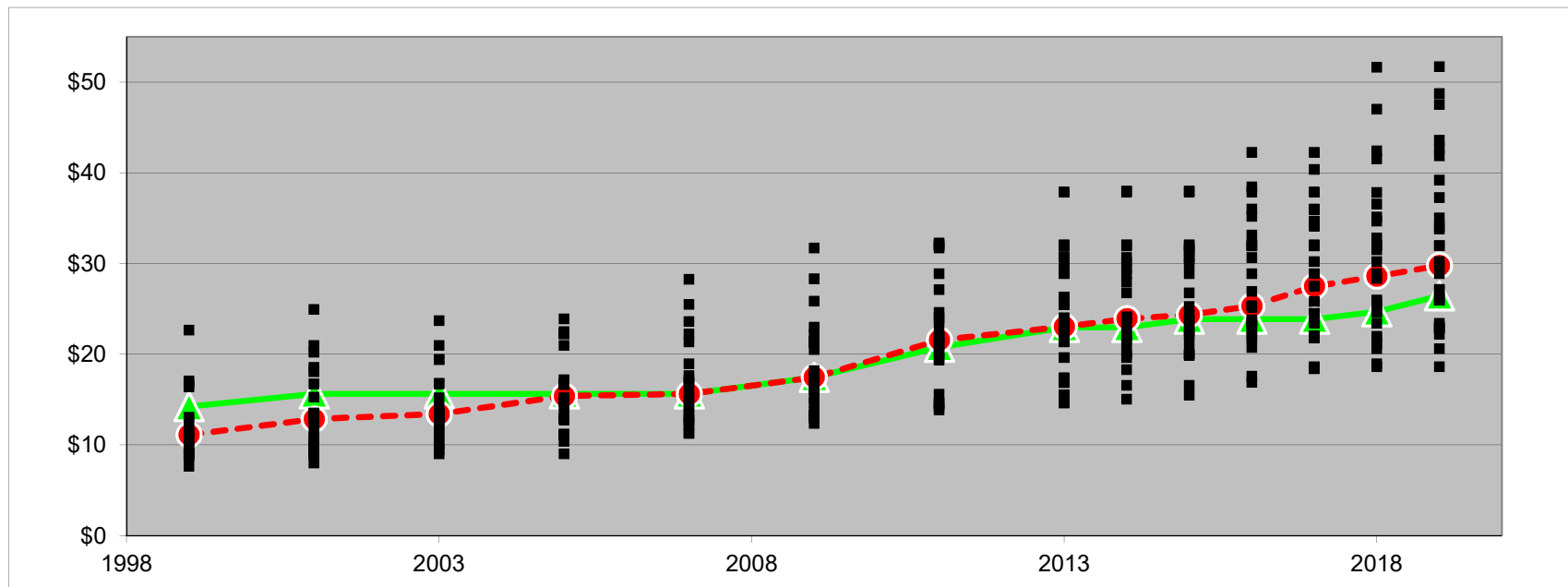
*Iowa, Ames, and CPI Data: 2015 – 2019*



*1 million gallon elevated tank  
Mortensen Road and County Line Road*

# Iowa Trends in Water Rates

1999-2019, Cities with population >10,000 with lime softening, 600 cf per month

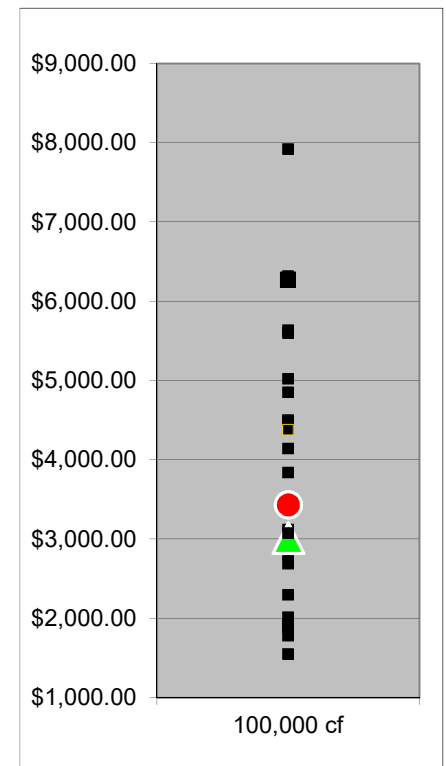
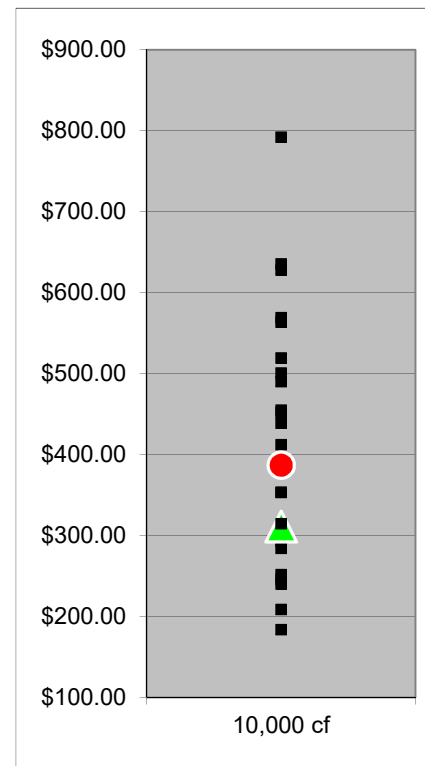
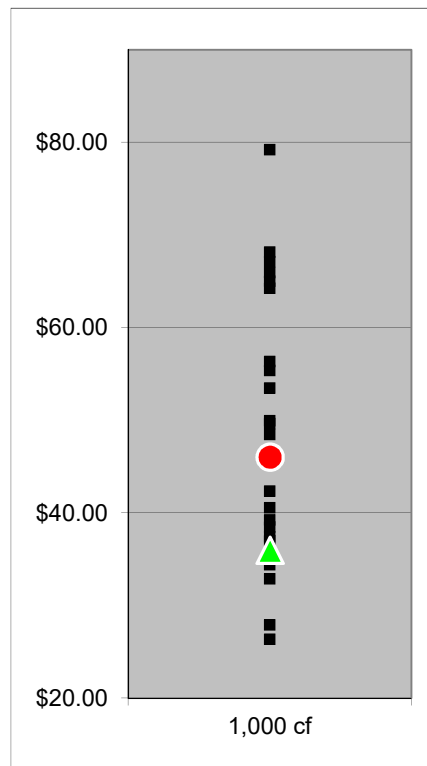
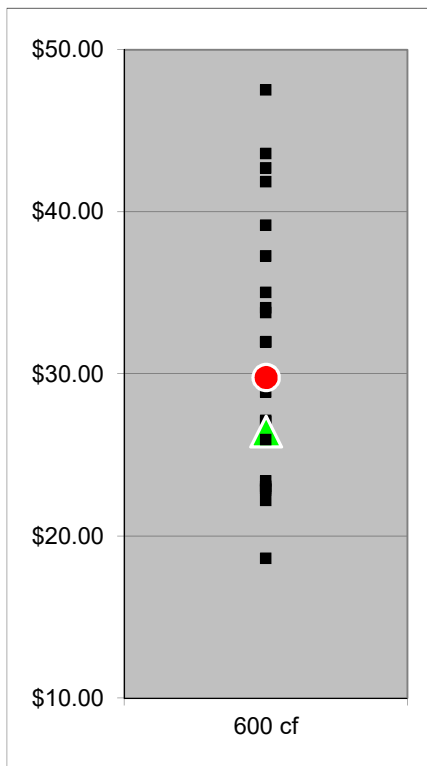


---● Statewide Median      —◆ Ames Rates

Ames is at the 36<sup>th</sup> percentile, based on 2019 rates

# Comparing Across Water Demand Thresholds

Cities with population >10,000 with lime softening, 2019

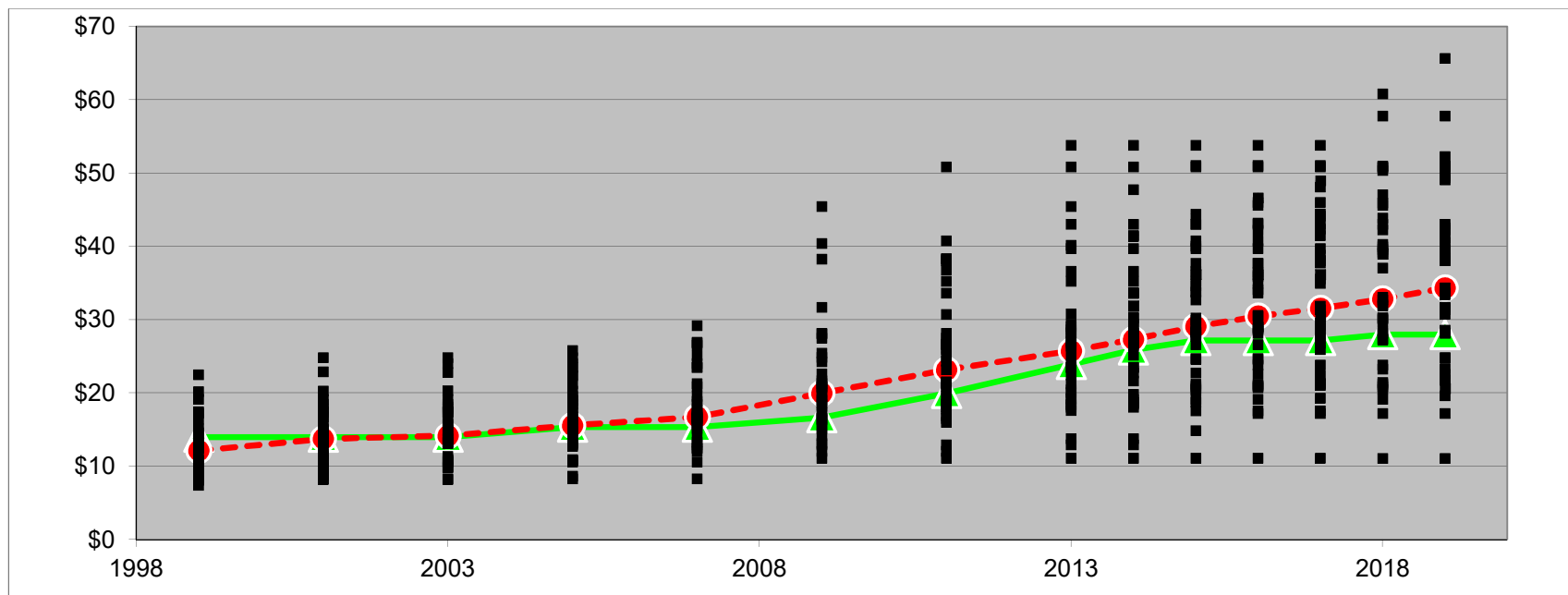


● Statewide Median

▲ Ames Rates

# Iowa Trends in Sewer Rates

1999-2019, Cities with population >10,000, 600 cf per month

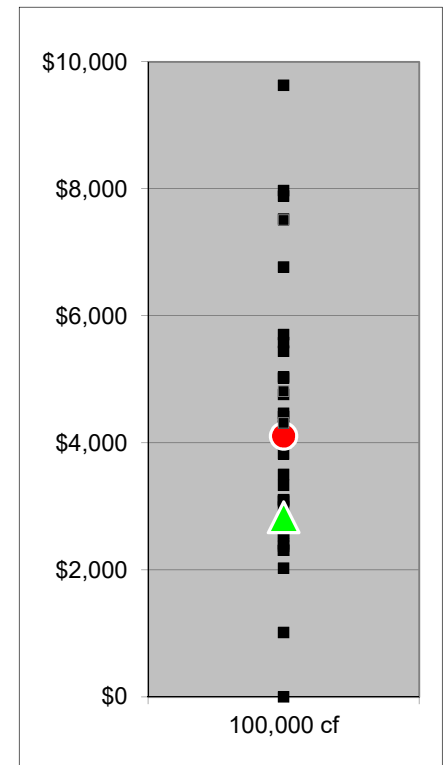
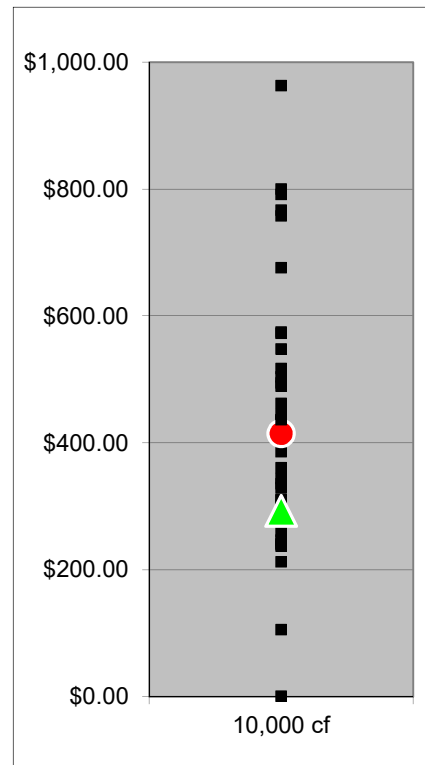
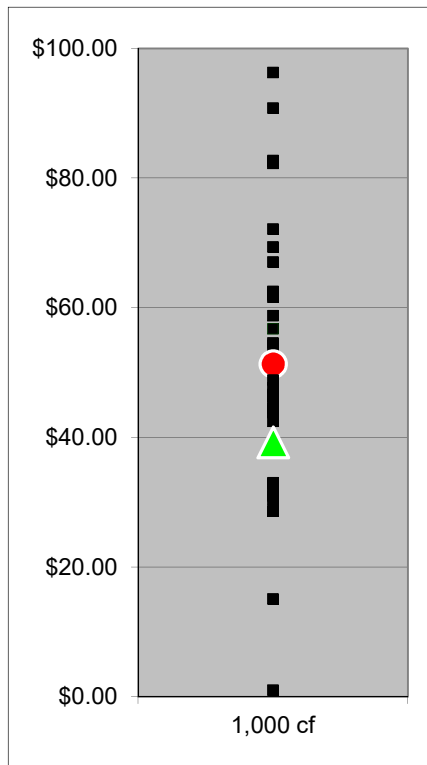
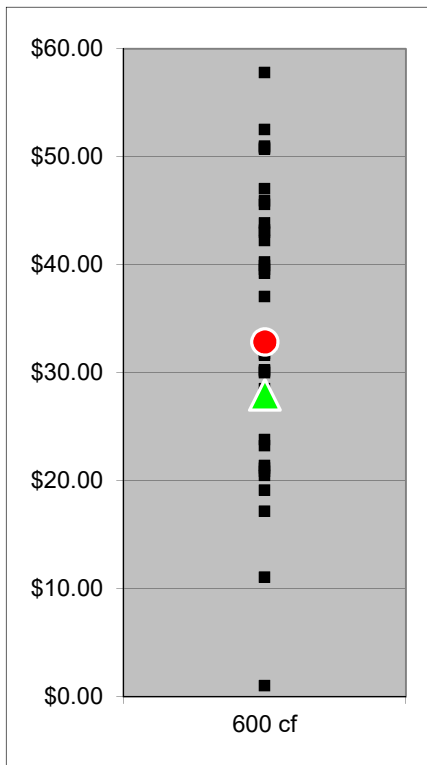


---● Statewide Median      —◆ Ames Rates

Ames is at the 24<sup>th</sup> percentile, based on 2019 rates

# Comparing Across Sewer Demand Thresholds

Cities with population >10,000, 2019



● Statewide Median

▲ Ames Rates



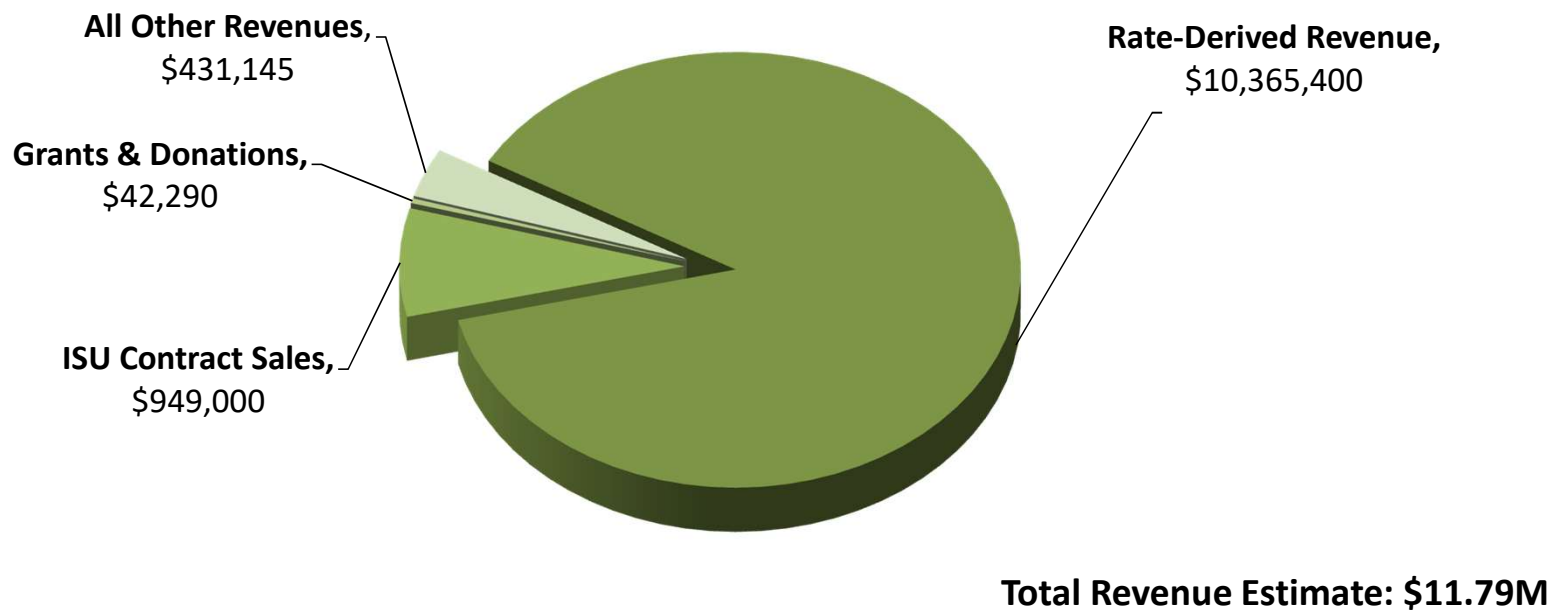
## Revenue Need and Rate Adjustments in Ames

*Best Tasting Water in Iowa  
2017 & 2018*



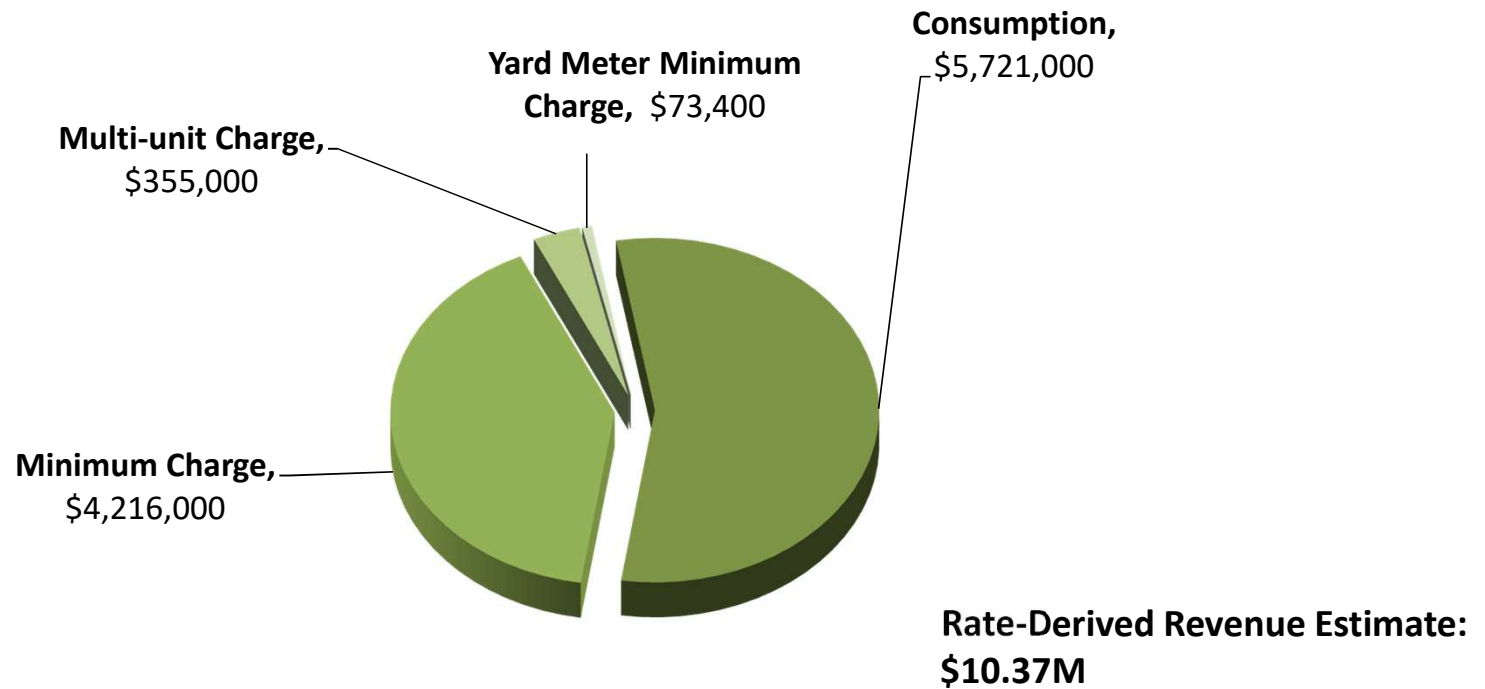
# Water Revenue Sources

FY 19/20 Amended Budget



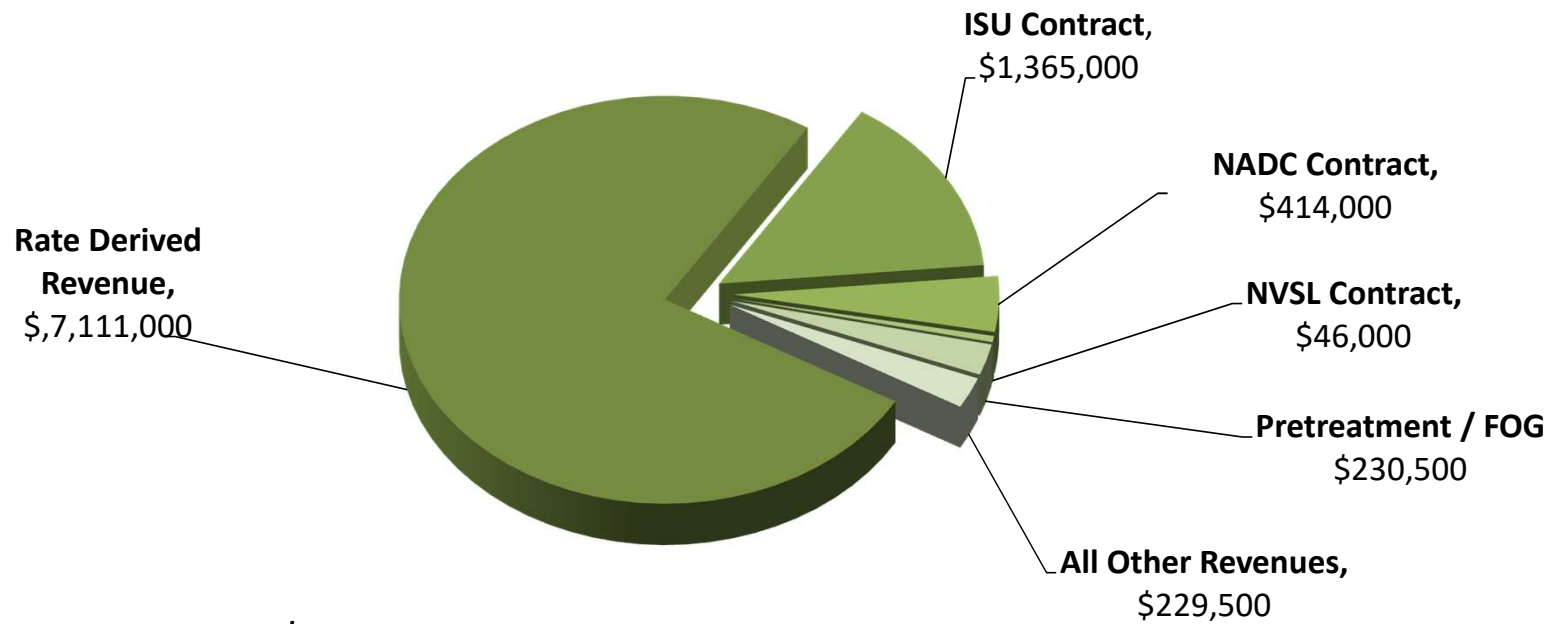
# Water Rate-Derived Revenue

FY 19/20 Amended Budget



# Sewer Revenue Sources

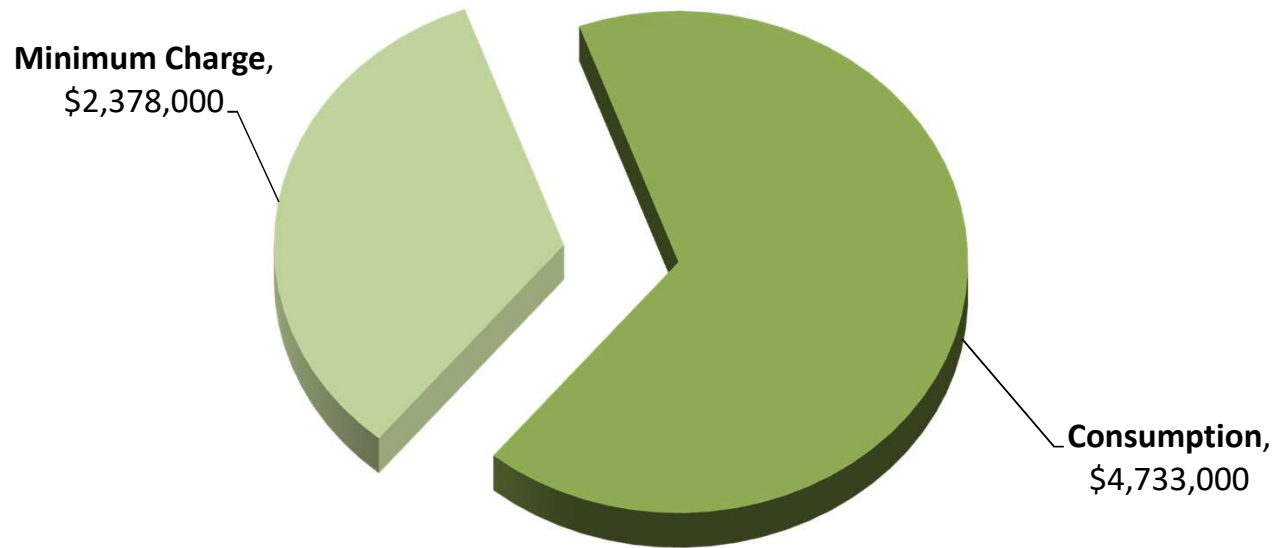
FY 19/20 Amended Budget



**Total Revenue Estimate: \$9.40M**

# Sewer Rate-Derived Revenue

FY 19/20 Amended Budget



**Rate-Derived Revenue Estimate:  
\$7.11M**

# Current Water Rates (\$/cf)

## Winter

All customers; all consumption \$0.0238

## Summer

### Residential

Block 1 (First 1,000 cf)  
Block 2 (Next 1,500 cf) \$0.0238  
Block 3 (Over 2,500 cf) \$0.0420

### Irrigation & Yard Water \$0.0631

Block 1 (First 2,000 cf)  
Block 2 (Next 3,000 cf) \$0.0343  
Block 3 (Over 5,000 cf) \$0.0631  
\$0.1051

### Non-Residential

All consumption \$0.0311

### Non-Peaking Industrial

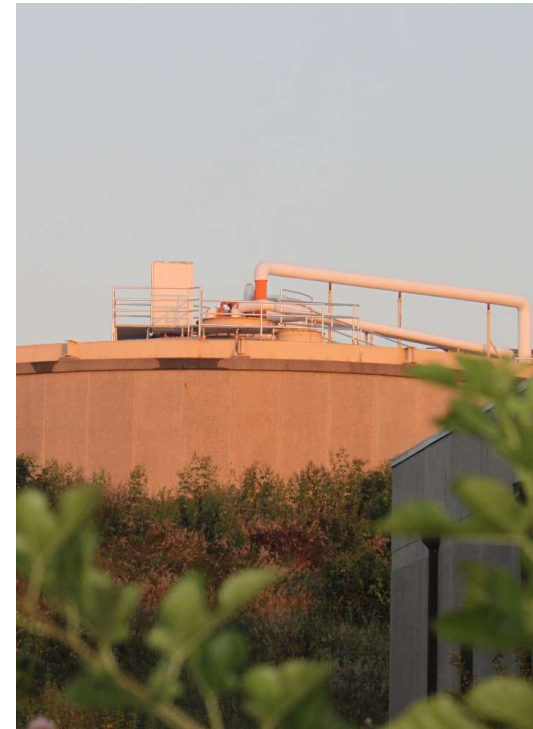
All consumption \$0.0238



*Piping in High Service Pump Room  
Ames Water Plant*

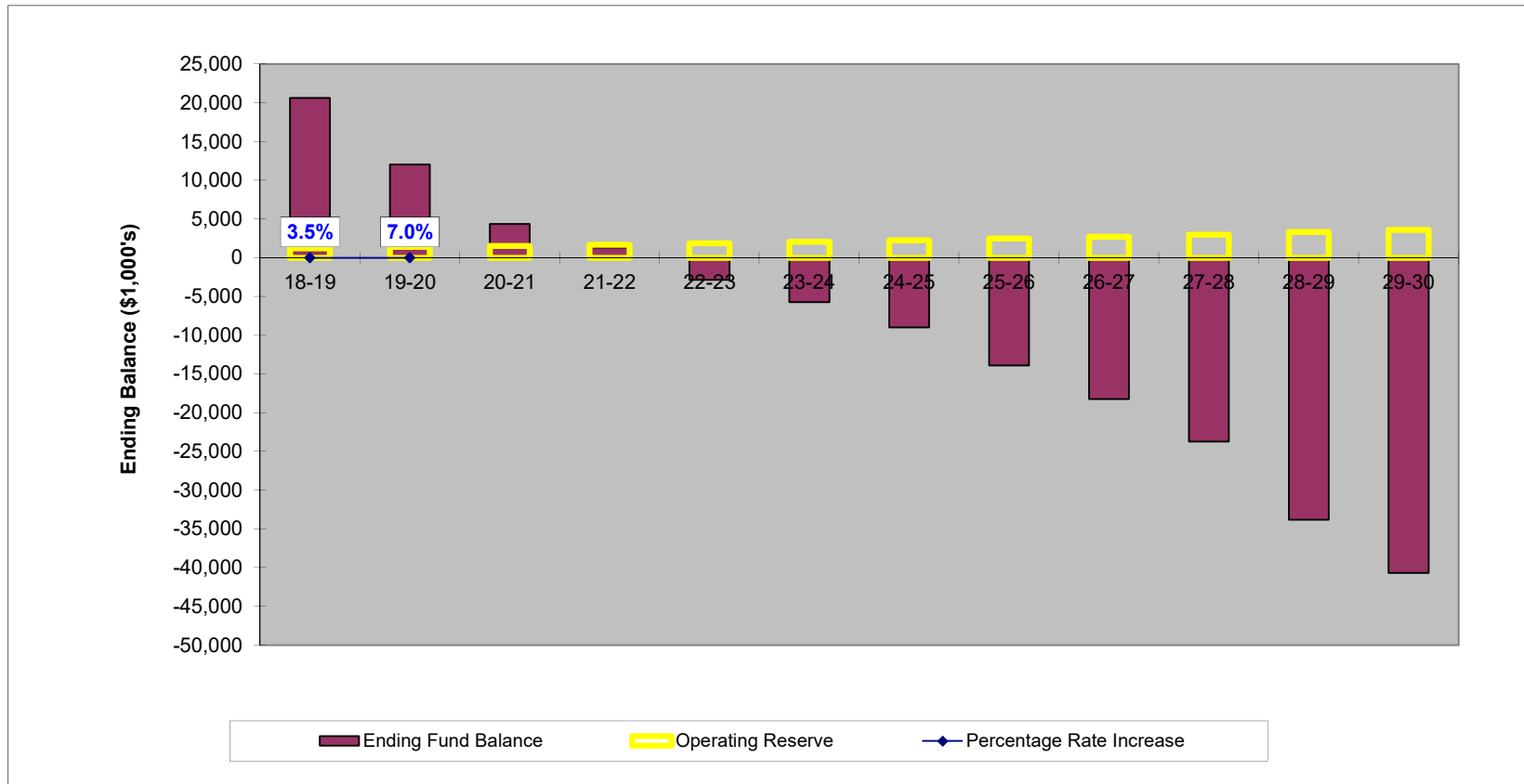
# Current Sewer Rates (\$/cf)

<b>Minimum Charge</b>	\$11.03
All customers, per month	
Prorated Minimum	\$4.24
<b>Consumption, per 100 cubic feet</b>	\$2.82
All customers, all consumption	

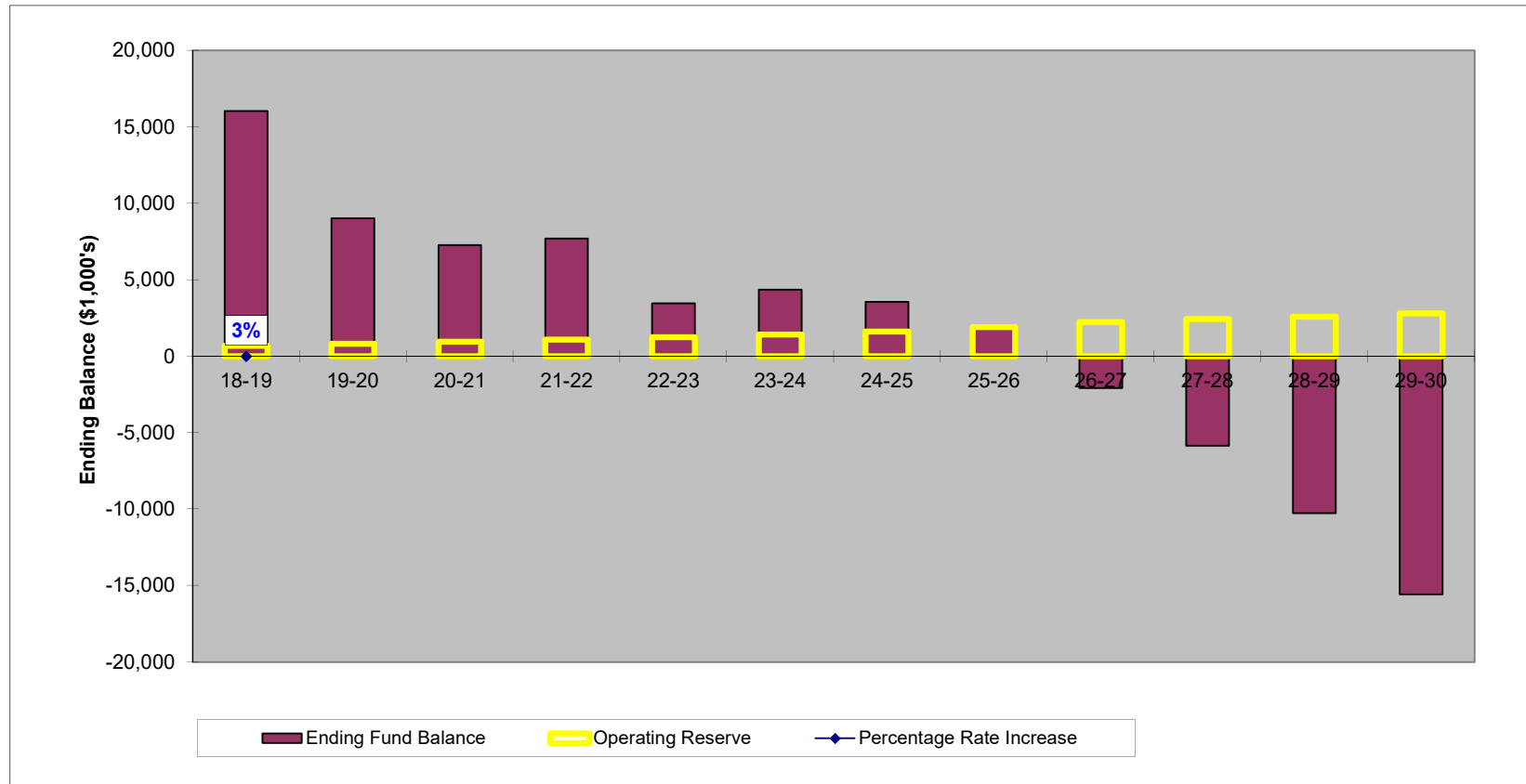


*Primary Digester  
Ames Water Pollution Control Facility*

# Water Fund Rate Model – No Adjustments



# Sewer Fund Rate Model – No Adjustments







## Developing Rate Recommendations

*Old Water Pollution Control Facility  
Circa 1955*

# Guiding Philosophy on Rates

- Rate increases should be done with smaller percentage increases on a more frequent basis, as opposed to larger increases on a less frequent basis.
- Slowly grow the operating reserve in each Fund over time until it reaches 25% of the Fund's annual operating expenses



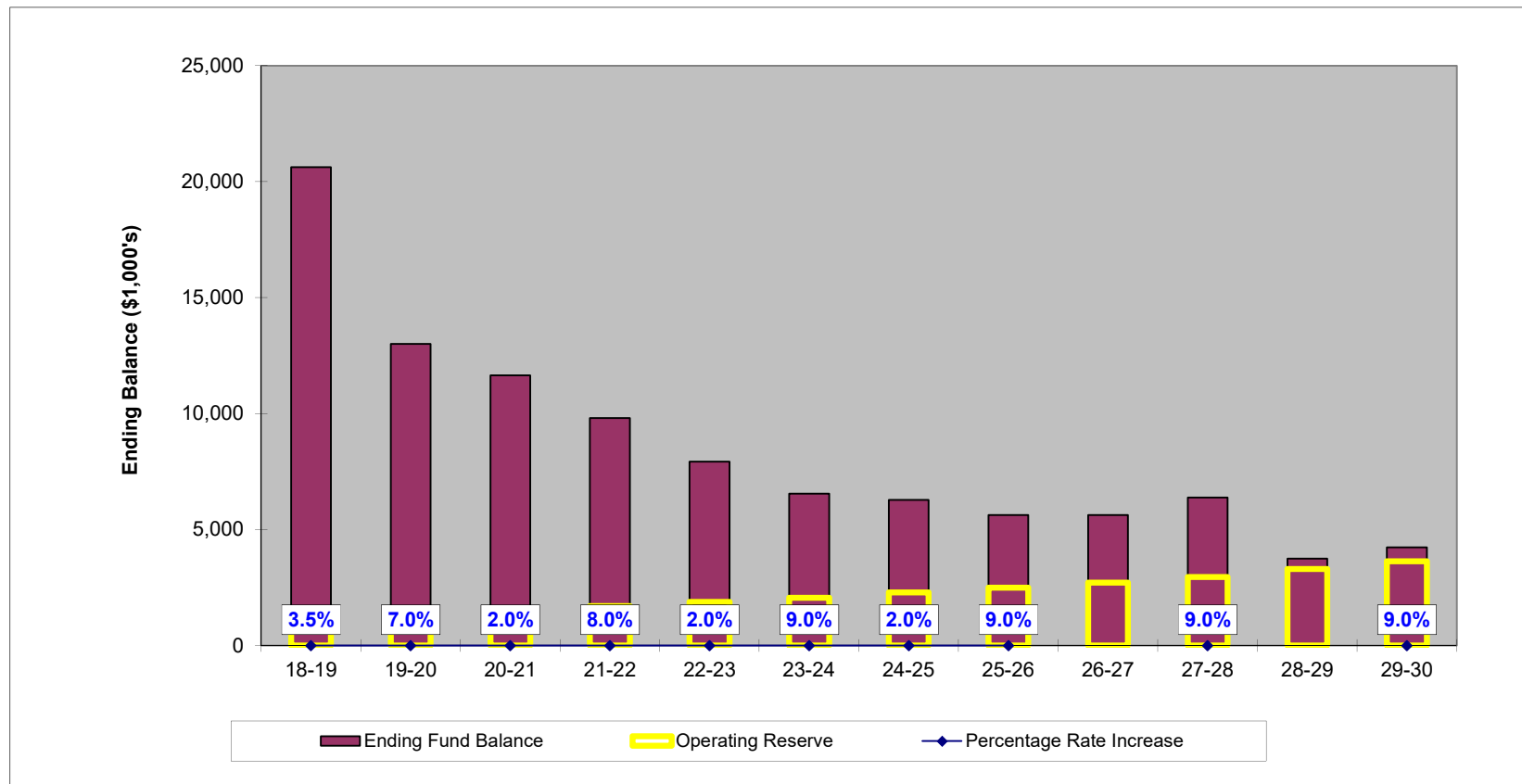
*Limestone sign salvaged from the 1924 water plant, relocated to the new facility*

# Water and Sewer Rate Projections

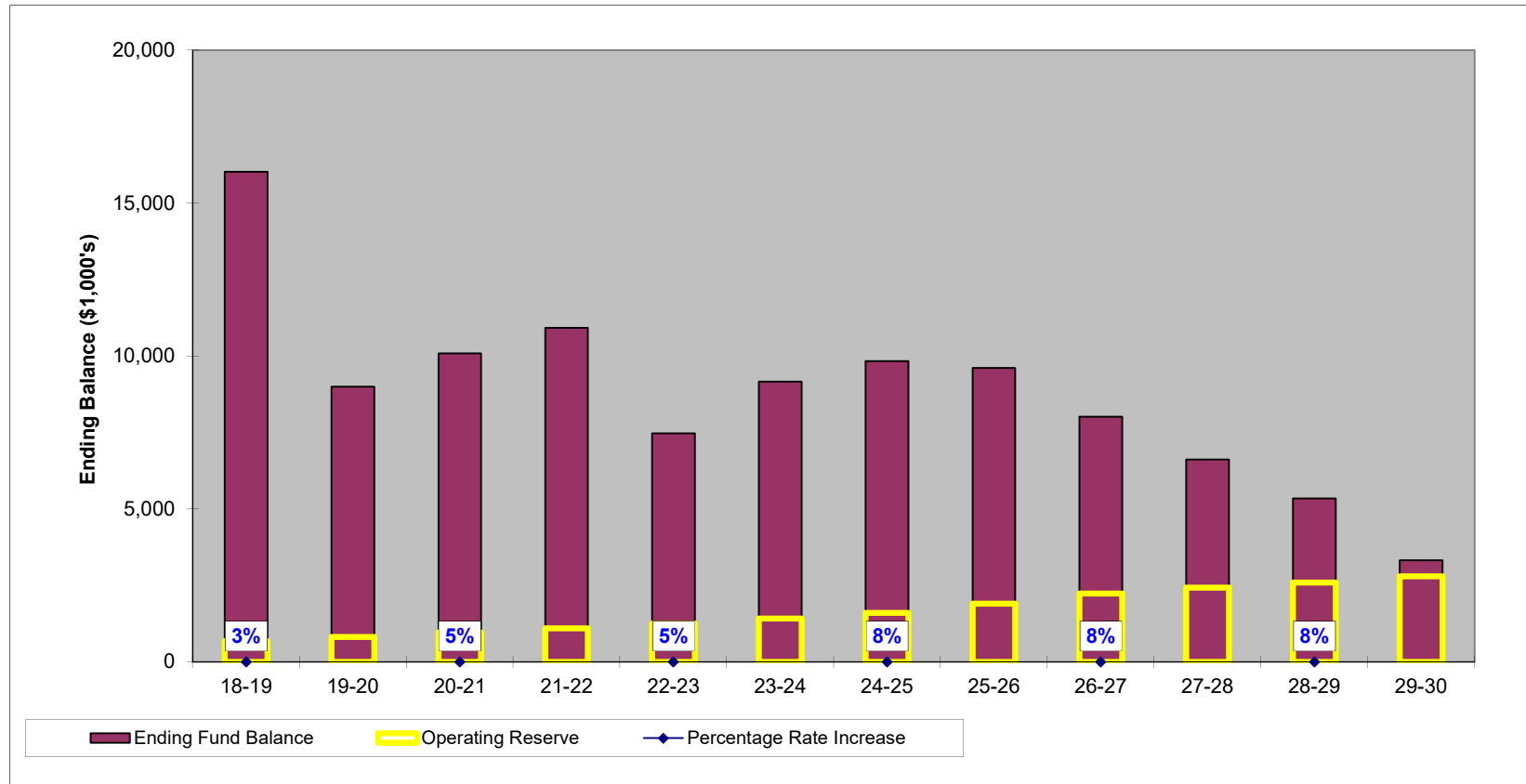
	Last Year	Current Year	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
	18-19	19-20	20-21	21-22	22-23	23-24	24-25	25-26	26-27	27-28	28-29	29-30
<b>Water Fund</b>	3.5%	7%	2%	8%	2%	9%	2%	9%		9%		9%
<b>Sewer Fund</b>	3%		5%		5%		8%		8%		8%	



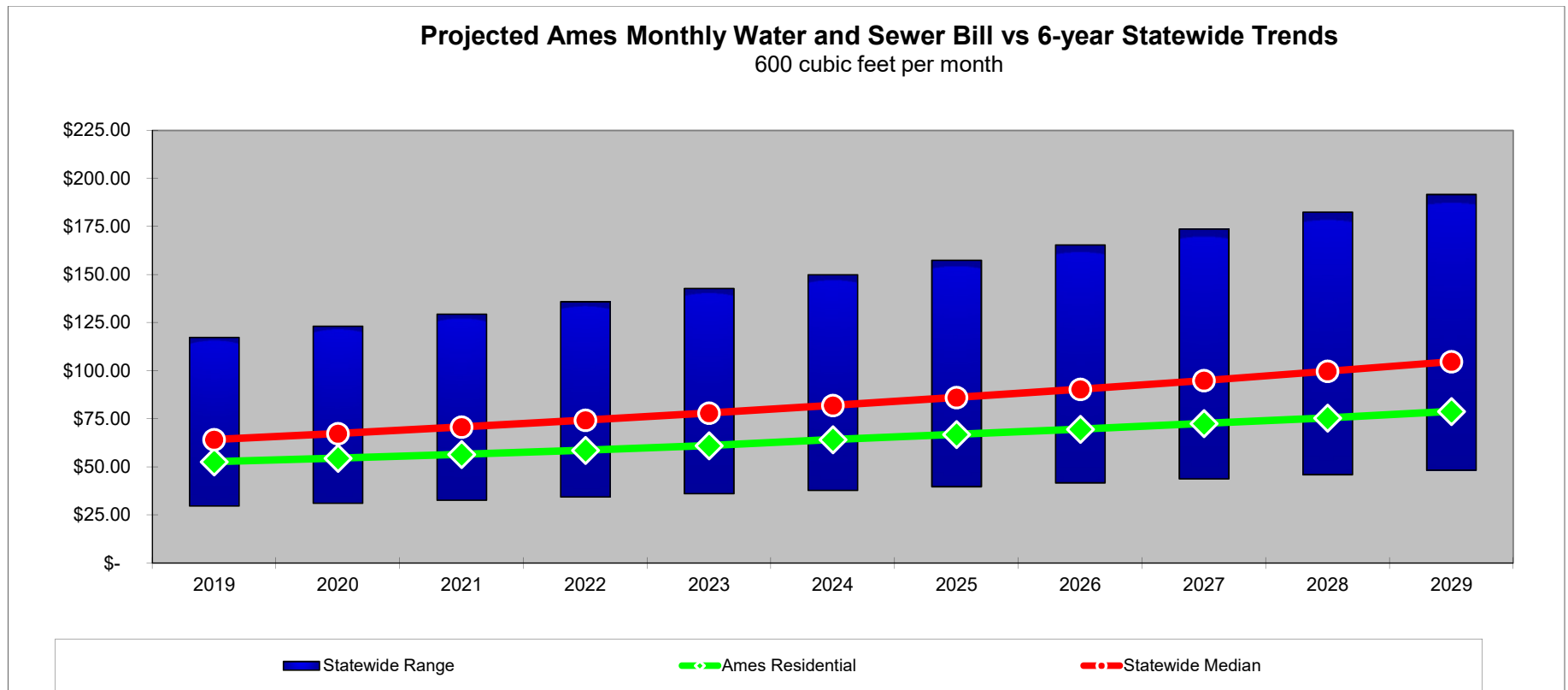
# Water Fund Rate Model



# Sewer Fund Rate Model



# Rate Projections vs. Statewide Trends



# Revised Water Rates

	<u>Existing</u>	<u>2%</u> <u>Increase</u>	<u>New</u>
<b>Winter</b>			
All customers; all consumption	\$0.0238	\$0.0005	<b>\$0.0243</b>
<b>Summer</b>			
<b>Residential</b>			
Block 1 (First 1,000 cf)			
Block 2 (Next 1,500 cf)	\$0.0238	\$0.0005	<b>\$0.0243</b>
Block 3 (Over 2,500 cf)	\$0.0420	\$0.0008	<b>\$0.0428</b>
<b>Irrigation &amp; Yard Water</b>	\$0.0631	\$0.0013	<b>\$0.0644</b>
Block 1 (First 2,000 cf)			
Block 2 (Next 3,000 cf)	\$0.0343	\$0.0007	<b>\$0.0350</b>
Block 3 (Over 5,000 cf)	\$0.0631	\$0.0013	<b>\$0.0644</b>
	\$0.1051	\$0.0021	<b>\$0.1072</b>
<b>Non-Residential</b>			
All consumption	\$0.0311	\$0.0006	<b>\$0.0318</b>
<b>Non-Peaking Industrial</b>			
All consumption	\$0.0238	\$0.0005	<b>\$0.0243</b>



*Bloomington Road Elevated Tank (BRET)  
as seen from above*

# Revised Sewer Rates

	<u>Existing</u>	<u>5% Increase</u>	<u>New</u>
<b>Minimum Charge</b> All customers, per month	\$11.03	\$0.55	<b>\$11.58</b>
Prorated Minimum	\$4.24	\$0.21	<b>\$4.45</b>
<b>Consumption, per 100 cubic feet</b> All customers, all consumption	\$2.82	\$0.14	<b>\$2.96</b>



*Entry sign into the Trickling Filter Pump Station  
Ames Water Pollution Control Facility*



# Associated Rates and Fees

- Water minimum bills, multiple dwelling unit fees would also adjust by 2%
- Sewer high-strength surcharge, FOG, hauled waste, other sewer-associated fees would adjust by 5%
- Meter setting fees would be adjusted based on actual cost recovery
- Add and adjust fees for selected laboratory analytes



*Solids Contact Unit Effluent Weir  
Ames Water Plant*



## Customer Perspective

*Visitors waiting to tour new Water Plant  
2017 Ribbon-cutting Ceremony*

# Sample Customer Bill – Median Use Residential

<b>Electric / Water Use</b>	<b>Electric Summer</b>	<b>Storm Water</b>	<b>Water Summer</b>	<b>Sewer</b>	<b>Total</b>
600 kWh and 600 cf	\$81.10	\$4.95	\$26.44	\$27.95	\$140.44
Electric ECA	-\$3.96				-\$3.96
<b>Totals</b>	<b>\$77.14</b>	<b>\$4.95</b>	<b>\$26.44</b>	<b>\$27.95</b>	<b>\$136.48</b>
Increase Due to Rate Change	\$0.00	\$0.00	\$0.53	\$1.40	\$1.93
<b>Totals</b>	<b>\$77.14</b>	<b>\$4.95</b>	<b>\$26.97</b>	<b>\$29.35</b>	<b>\$138.41</b>
<b>% Impact on Total Bill</b>					<b>1.41%</b>

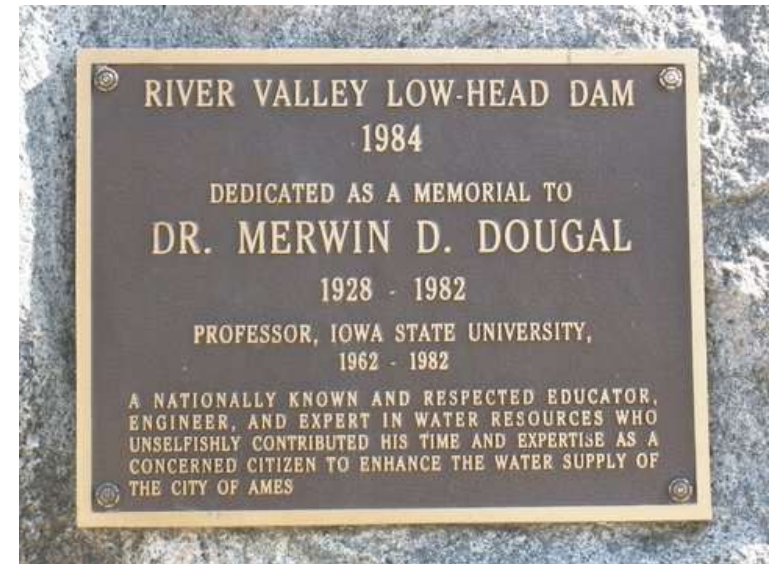


# Council Direction

*City Council Members serving during design and construction of the new Ames Water Treatment Plant*

# Recommended Direction & Timeline

- Adopt on first reading an ordinance to
  - Adjust **Water Rates by 2%**
  - Adjust **Sewer Rates by 5%**
  - New rates **effective July 1, 2020**
- Timeline
  - First reading on **February 25 (tonight)**
  - Second reading on **March 10**
  - Third reading and adoption on **March 24**



*Memorial plaque at the Low head Dam  
Located in North River Valley Park*



# FY 2020-2021 Water & Sewer Rates

March 10, 2020

*Entry signage at the Ames Water Treatment Plant and Ames Water Pollution Control Facility*



## Additional Rate Samples

*Ames Water Pollution Control Facility*

# Sample Customer Bill – Minimal Use Residential

<b>Electric / Water Use</b>	<b>Electric Summer</b>	<b>Storm Water</b>	<b>Water Summer</b>	<b>Sewer</b>	<b>Total</b>
100 kWh and 100 cf	\$20.45	\$4.95	\$14.54	\$13.85	\$53.79
Electric ECA	-\$0.66				-\$0.66
<b>Totals</b>	<b>\$19.79</b>	<b>\$4.95</b>	<b>\$14.54</b>	<b>\$13.85</b>	<b>\$53.13</b>
Increase Due to Rate Change	\$0.00	\$0.00	\$0.29	\$0.69	\$0.98
<b>Totals</b>	<b>\$19.79</b>	<b>\$4.95</b>	<b>\$14.83</b>	<b>\$14.54</b>	<b>\$54.11</b>
<b>% Impact on Total Bill</b>					<b>1.84%</b>



# Sample Customer Bill – Median Use Residential

<b>Electric / Water Use</b>	<b>Electric Summer</b>	<b>Storm Water</b>	<b>Water Summer</b>	<b>Sewer</b>	<b>Total</b>
600 kWh and 600 cf	\$81.10	\$4.95	\$26.44	\$27.95	\$140.44
Electric ECA	-\$3.96				-\$3.96
<b>Totals</b>	<b>\$77.14</b>	<b>\$4.95</b>	<b>\$26.44</b>	<b>\$27.95</b>	<b>\$136.48</b>
Increase Due to Rate Change	\$0.00	\$0.00	\$0.53	\$1.40	\$1.93
<b>Totals</b>	<b>\$77.14</b>	<b>\$4.95</b>	<b>\$26.97</b>	<b>\$29.35</b>	<b>\$138.41</b>
<b>% Impact on Total Bill</b>					<b>1.41%</b>

# Sample Customer Bill – Large Residential

<b>Electric / Water Use</b>	<b>Electric Summer</b>	<b>Storm Water</b>	<b>Water Summer</b>	<b>Sewer</b>	<b>Total</b>
1,000 kWh and 1,000 cf	\$129.62	\$4.95	\$35.96	\$39.23	\$209.76
Electric ECA	-\$6.60				-\$6.60
<b>Totals</b>	\$123.02	\$4.95	\$35.96	\$39.23	\$203.16
Increase Due to Rate Change	\$0.00	\$0.00	\$0.72	\$1.96	\$2.68
<b>Totals</b>	\$123.02	\$4.95	\$36.68	\$41.19	<b>\$205.84</b>
<b>% Impact on Total Bill</b>					<b>1.32%</b>

# Sample Customer Bill – Small Commercial (GP)

<b>Electric / Water Use</b>	<b>Electric Summer</b>	<b>Storm Water</b>	<b>Water Summer</b>	<b>Sewer</b>	<b>Total</b>
2,000 kWh and 600 cf Electric ECA	\$254.40 -\$13.20	\$4.95	\$30.82	\$27.95	\$318.12 -\$13.20
<b>Totals</b>	\$241.20	\$4.95	\$30.82	\$27.95	\$304.92
Increase Due to Rate Change	\$0.00	\$0.00	\$0.62	\$1.40	\$2.02
<b>Totals</b>	\$241.20	\$4.95	\$31.44	\$29.35	<b>\$306.94</b>
<b>% Impact on Total Bill</b>					<b>0.66%</b>

# Sample Customer Bill – Small Commercial (GP)

<b>Electric / Water Use</b>	<b>Electric Summer</b>	<b>Storm Water</b>	<b>Water Summer</b>	<b>Sewer</b>	<b>Total</b>
5,000 kWh and 1,000 cf	\$612.60	\$4.95	\$43.26	\$39.23	\$700.04
Electric ECA	-\$33.00				-\$33.00
<b>Totals</b>	<b>\$579.60</b>	<b>\$4.95</b>	<b>\$43.26</b>	<b>\$39.23</b>	<b>\$667.04</b>
Increase Due to Rate Change	\$0.00	\$0.00	\$0.87	\$1.96	\$2.83
<b>Totals</b>	<b>\$579.60</b>	<b>\$4.95</b>	<b>\$44.13</b>	<b>\$41.19</b>	<b>\$669.87</b>
<b>% Impact on Total Bill</b>					<b>0.42%</b>

# Sample Customer Bill – Small Commercial (GP)

<b>Electric / Water Use</b>	<b>Electric Summer</b>	<b>Storm Water</b>	<b>Water Summer</b>	<b>Sewer</b>	<b>Total</b>
10,000 kWh and 3,000 cf	\$1,209.60	\$9.90	\$117.62	\$95.63	\$1,432.75
Electric ECA	-\$66.00				-\$66.00
<b>Totals</b>	<b>\$1,143.60</b>	<b>\$9.90</b>	<b>\$117.62</b>	<b>\$95.63</b>	<b>\$1,366.75</b>
Increase Due to Rate Change	\$0.00	\$0.00	\$2.35	\$4.78	\$7.13
<b>Totals</b>	<b>\$1,143.60</b>	<b>\$9.90</b>	<b>\$119.97</b>	<b>\$100.41</b>	<b>\$1,373.88</b>
<b>% Impact on Total Bill</b>					<b>0.52%</b>

## Sample Customer Bill – Commercial (LP)

<b>Electric / Water Use</b>	<b>Electric Summer</b>	<b>Storm Water</b>	<b>Water Summer</b>	<b>Sewer</b>	<b>Total</b>
20,000 kWh and 5,000 cf	\$2,181.81	\$9.90	\$179.82	\$152.03	\$2,523.56
Electric ECA	-\$132.00				-\$132.00
<b>Totals</b>	<b>\$2,049.81</b>	<b>\$9.90</b>	<b>\$179.82</b>	<b>\$152.03</b>	<b>\$2,391.56</b>
Increase Due to Rate Change	\$0.00	\$0.00	\$3.60	\$7.60	\$11.20
<b>Totals</b>	<b>\$2,049.81</b>	<b>\$9.90</b>	<b>\$183.42</b>	<b>\$159.63</b>	<b>\$2,402.76</b>
<b>% Impact on Total Bill</b>					<b>0.47%</b>

# Sample Customer Bill – Commercial (LP)

<b>Electric / Water Use</b>	<b>Electric Summer</b>	<b>Storm Water</b>	<b>Water Summer</b>	<b>Sewer</b>	<b>Total</b>
60,000 kWh and 15,000 cf	\$6,221.55	\$14.85	\$515.15	\$434.03	\$7,185.58
Electric ECA	-\$396.00				-\$396.00
<b>Totals</b>	<b>\$5,825.55</b>	<b>\$14.85</b>	<b>\$515.15</b>	<b>\$434.03</b>	<b>\$6,789.58</b>
Increase Due to Rate Change	\$0.00	\$0.00	\$10.30	\$21.70	\$32.00
<b>Totals</b>	<b>\$5,825.55</b>	<b>\$14.85</b>	<b>\$525.45</b>	<b>\$455.73</b>	<b>\$6,821.58</b>
<b>% Impact on Total Bill</b>					<b>0.47%</b>

## Sample Customer Bill – Commercial (LP)

<b>Electric / Water Use</b>	<b>Electric Summer</b>	<b>Storm Water</b>	<b>Water Summer</b>	<b>Sewer</b>	<b>Total</b>
100,000 kWh and 20,000 cf	\$10,284.95	\$44.55	\$719.30	\$575.03	\$11,623.83
Electric ECA	-\$660.00				-\$660.00
<b>Totals</b>	<b>\$9,624.95</b>	<b>\$44.55</b>	<b>\$719.30</b>	<b>\$575.03</b>	<b>\$10,963.83</b>
Increase Due to Rate Change	\$0.00	\$0.00	\$14.39	\$28.75	\$43.14
<b>Totals</b>	<b>\$9,624.95</b>	<b>\$44.55</b>	<b>\$733.69</b>	<b>\$603.78</b>	<b>\$11,006.97</b>
<b>% Impact on Total Bill</b>					<b>0.39%</b>