

AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL*
MARCH 9, 2021

***DUE TO THE COVID-19 PANDEMIC, THIS CITY COUNCIL MEETING WILL BE CONDUCTED AS AN ELECTRONIC MEETING. IF YOU WISH TO PROVIDE INPUT ON ANY ITEM, YOU MAY DO SO AS A VIDEO PARTICIPANT BY GOING TO:**

<https://zoom.us/j/826593023>

OR BY TELEPHONE BY DIALING: US:1-312-626-6799 or toll-free: 1-888-475-4499
Zoom Meeting ID: 826 593 023

YOU MAY VIEW THE MEETING ONLINE AT THE FOLLOWING SITES:

<https://www.youtube.com/ameschannel12>

<https://www.cityofames.org/channel12>

or watch the meeting live on Mediacom Channel 12

NOTICE TO THE PUBLIC: The Mayor and City Council welcome comments from the public during discussion. If you wish to speak, please see the instructions listed above. 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.

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 February 23, 2021
3. Motion approving Report of Change Orders for period February 15 - February 28, 2021
4. Motion approving certification of Civil Service applicants
5. Motion approving new 12-month Special Class C Liquor License (Beer/Wine) with Outdoor Service and Sunday Sales - Homewood Golf Course, 401 E 20th Street, **pending DIA Inspection**
6. Motion approving new 12-month Class B (BB) (includes Wine Coolers) with Sunday Sales: Time to Roll 2801 North Grand Avenue
7. Motion approving new 12-month Class C Liquor License with Sunday Sales: Noir 405 Kellogg
8. Motion approving ownership change for Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout) & Sunday Sales - Wal-mart Store #749 3105 Grand Ave
9. Motion approving renewal of the following Beer Permits, Wine Permits and Liquor Licenses:
 - a. Class C Liquor License with Outdoor Service & Sunday Sales - BN'C Fieldhouse 206 Welch Ave
 - b. Special Class C Liquor License with Sunday Sales - Wing Stop 703 South Duff Ave #101

- c. Class E Liquor License with Sunday Sales - Tobacco Outlet Plus #530 204 S Duff
 - d. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer) and Sunday Sales - Wal-Mart #749 3105 Grand Ave
10. Requests for Greek Week:
- a. Greek Race on Sunday, March 21, 2021, with March 27, 2021, as rain date:
 - i. Motion approving blanket Temporary Obstruction Permit for the closed area from 8:00 a.m. to 1:00 p.m. on March 21
 - 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 8:00 a.m. to 1:00 p.m.
 - b. Greek Week Olympics, Saturday, March 27, 2021 with March 28, 2021 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 5:30 p.m.
11. Resolution approving appointments to various Boards and Commissions
12. Resolution setting date of public hearing for March 23, 2021, to review the proposal to adopt the 2020 edition of the *National Electric Code* with two State of Iowa amendments and one local amendment
13. Resolution approving Purchase Agreement for 2802 Arbor Street
14. Resolution approving Underage Enforcement Contract between Ames Police Department and the Alcoholic Beverages Division for police enforcement of alcohol regulations
15. Resolution approving Encroachment Permit Agreement for sign at 2420 Lincoln Way, Ste. B
16. Resolution approving preliminary plans and specifications for Water and Pollution Control Facility Sludge Pumping Building Improvements; setting April 14, 2021, as bid due date and April 27, 2021, as date of public hearing
17. Resolution awarding contract to Lumen of Monroe, Louisiana, for a 3-year data services contract in the amount of \$2,400/month
18. Resolution approving Change Order No. 3 with DGR Engineering of Rock Rapids, Iowa, for additional engineering services for the Electric Power Line Relocation at SE 16th Street & S. Duff Avenue in an amount not to exceed \$32,500
19. Resolution approving contract and bond for Water Treatment Plant Lime Pond Underdrain Improvements
20. Durham Bandshell Electrical Renovations:
- a. Resolution approving Change Order No. 1 in the amount of \$1,285.40 to Jaspering Electric, Inc., of Ames, Iowa
 - b. Resolution accepting completion
21. Resolution approving Plat of Survey for 2006 & 2010 Kildee Street

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:

- 22. Small Arts Grant Program:
 - a. Motion approving the Small Arts Grant Program criteria and application documents and directing Commissioners to proceed with accepting proposals
- 23. Discussion regarding citizen's request for a policy pertaining to pulling items from the Consent Agenda

PLANNING & HOUSING:

- 24. Resolution approving Historic Preservation Commission Recommended Preservation Plan Amendments
- 25. Second Amendment to Pre-Annexation Agreement with Rose Prairie, LLC:
 - a. Motion directing staff to work with developer to proceed with changes to the Master Plan and Pre-Annexation Agreement
 - b. Motion allowing the developer to proceed with proposing a Plat of Survey to divide the site into two parcels with the intent of assigning the street assessment solely to the future development parcel

PARKS & RECREATION:

- 26. Staff Report regarding Community Gardens & Food Forests

POLICE:

- 27. Motion approving/denying renewal of Class C Liquor License with Outdoor Service & Sunday Sales - Sips and Paddy's Irish Pub 126 Welch Ave, **pending Dram Shop Insurance**

HEARINGS:

- 28. Hearing on proposed change of use designation for the City-owned properties located at 519, 525, and 601 Sixth Street:
 - a. Resolution approving change of use designation
- 29. Hearing on Squaw Creek Water Flood Mitigation - Tree Clearing project:
 - a. Resolution approving final plans and specifications and awarding contract to RW Excavating Solutions, LC, of Prairie City, Iowa, in the amount of \$74,745 for the base bid plus Alternates 1, 2, 3, 4, 8, 9, 10, and 11
 - b. Resolution approving contract and bond
- 30. Hearing on Essential Corporate Purpose General Obligation Bonds and General Obligation Refunding Bonds:
 - a. Resolution authorizing issuance of Bonds in an amount not to exceed \$25,665,000
- 31. Hearing on General Corporate Purpose General Obligation Bonds:
 - a. Resolution authorizing issuance of Bonds in an amount not to exceed \$700,000 and authorizing Debt Service Levy
- 32. Hearing on Amendments to Fiscal Year 2020/21 Budget:
 - a. Resolution amending budget for current Fiscal Year ending June 30, 2021
- 33. Hearing on adoption of FY 2021/22 Budget:

- a. Resolution approving 2021/22 Budget
- 34. Hearing on vacating Public Utility Easement across portions of 220 South Duff Avenue:
 - a. Resolution vacating Easement

ORDINANCES:

- 35. Second passage of ordinance requiring Secondhand Dealers to obtain a permit to conduct business within the City of Ames
- 36. Second passage of ordinance reducing the number of vehicle parking spaces required for apartment use in the Downtown Service Center Zoning District
- 37. Second passage of ordinance rezoning 2801 & 2803 West Street from Residential High Density to Neighborhood Commercial with University West Impact Overlay

DISPOSITION OF COMMUNICATIONS TO COUNCIL:

COUNCIL COMMENTS:

CLOSED SESSION:

- 38. Motion to hold Closed Session as provided by Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation

ADJOURNMENT:

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

AMES, IOWA

FEBRUARY 23, 2021

REGULAR MEETING OF THE AMES CONFERENCE BOARD

Mayor Haila announced that it was impractical to hold an in-person Council meeting due to the Governor of Iowa declaring a public health emergency because of the COVID-19 pandemic. Therefore, limits have been placed on public gatherings, and this meeting was being held as an electronic meeting as allowed by Section 21.8 of the *Iowa Code*. The Mayor then provided how the public could participate in the meeting via internet or by phone.

The Regular Meeting of the Ames Conference Board was called to order by Chairman John Haila at 6:00 p.m. on February 23, 2021. Present from the Ames City Council were Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Rachel Junck, and David Martin. Linda Murken, Lisa Heddens, and Latifah Faisal represented the Story County Board of Supervisors. Other members in attendance were as follows: Joe Anderson, Nevada School Board of Directors; Sabrina Shields-Cook, Ames Community School Board of Directors, and Jennifer Britt, United Community School Board of Directors. Gilbert School Board of Directors was not represented.

MINUTES OF JANUARY 26, 2021: Moved by Heddens, seconded by Betcher, to approve the Minutes of the January 26, 2021, meeting of the Ames Conference Board.

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

PUBLIC HEARING ON PROPOSED 2021/22 BUDGET FOR CITY ASSESSOR'S OFFICE:

Interim City Assessor Brenda Swaim mentioned that she hoped that the rest of the Board received the corrected pages (3 and 4) of the Report.

The Mayor opened the public hearing and it was closed when no one came forward.

Moved by Corrieri, seconded by Murken, to adopt the proposed 2021/22 budget for the City Assessor's Office.

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

CONFERENCE BOARD COMMENTS: Council Member Martin mentioned that at the last Conference Board meeting he made a motion to put the topics of the mini board structure and a process for evaluating the permanent Assessor's performance on the Agenda for tonight's meeting. He commented that the background material that was needed in order to move forward was not ready yet. The information will still come back to the Board when it is ready. The Mayor mentioned that since there will probably be some Special Meetings scheduled in the future to consider appointing a City Assessor, hopefully they will have the materials ready for one of those meetings.

Story County Board of Supervisor Lisa Heddens thanked the City for considering taking over the payroll for the City Assessor's Office as of January 2022.

Council Member Corrieri gave an update on the search for a City Assessor. The goal is to come back to the Board with a recommendation in April 2021.

Mayor Haila mentioned that he appreciated the Board's help in getting recommendations for the Board of Review. He noted that he is still working on getting one more person to fill a spot on the Board, but should have a full Board by the end of the month.

ADJOURNMENT: Moved by Heddens to adjourn the Ames Conference Board meeting at 6:08 p.m.

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

CALL TO ORDER: Mayor John Haila called the Regular Meeting of the Ames City Council, which was being held electronically, to order at 6:08 p.m. with the following Council members participating: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Rachel Junck, and David Martin. *Ex officio* Member Nicole Whitlock was also present.

Mayor Haila stated that it was impractical to hold an in-person Council meeting due to the Governor of Iowa declaring a public health emergency because of the COVID-19 pandemic. Therefore, limits have been placed on public gatherings, and this meeting was being held as an electronic meeting as allowed by Section 21.8 of the Iowa Code. The Mayor then provided how the public could participate in the meeting via internet or by phone.

The Mayor announced that the Council was working off an Amended Agenda. City staff had added an item under Consent: Resolution awarding 5-Year Enterprise Agreement to Carrier Access IT LC of Clive, Iowa, for CISCO Security Software (Umbrella, ISE, & Duo) for Information Technology Division in the amount of \$166,010.80 to be paid \$33,202.16 annually. Mayor Haila noted that staff had pulled Item No. 42: Closed Session due to the information not being ready to be presented to the Council.

CONSENT AGENDA: Moved by Gartin, seconded by Corrieri, to approve the following items on the Consent Agenda.

1. Motion approving payment of claims
2. Motion approving Minutes of Special City Council Meetings held February 2, 3, and 4, 2021; and Regular Meeting held February 9, 2021
3. Motion approving Report of Change Orders for period February 1 - 15, 2021
4. Motion approving New 12-month Class C Liquor License with Sunday Sales: Dog-Eared Books 203 Main Street
5. Motion approving ownership change for Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout) and Sunday Sales - Casey's General Store #2905, 3612 Stange Road
6. Motion approving ownership change for Class C Liquor License & Sunday Sales - Texas

- Roadhouse 519 South Duff Avenue
7. Motion approving ownership change for Class E Liquor License with Class B Wine Permit, Class C Beer Permit (carryout) & Sunday Sales -Kum & Go #1113 2801 E 13th St
 8. Motion approving ownership change for Class E Liquor License with Class B Wine Permit, Class C Beer Permit (carryout) & Sunday Sales -Kum & Go #227 2108 Isaac Newton Drive
 9. Motion approving ownership change for Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer) and Sunday Sales - Sam’s Club 305 Airport Road
 10. Motion approving ownership change for Class C Liquor License, Outdoor Service and Sunday Sales - Chipotle Mexican Grill 435 S Duff Avenue
 11. Motion approving renewal of the following Beer Permits, Wine Permits and Liquor Licenses:
 - a. Class C Liquor License with Outdoor Service & Sunday Sales - Coldwater Golf Links 1400 S Grand Avenue
 - b. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (carryout) & Sunday Sales - Kum & Go #113 2801 E 13th St
 - c. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (carryout) & Sunday Sales - Kum & Go #227 2108 Isaac Newton Dr
 - d. Class A Liquor License with Outdoor Service & Sunday Sales - Elks Lodge 522 Douglas Ave Pending DRAM
 - e. Special Class C Liquor License with Class B Wine Permit - The Spice Thai Cuisine 402 Main Street
 - f. Class C Beer Permit with Class B Native Wine Permit & Sunday Sales - Swift Stop #4 1118 South Duff Ave
 - g. Class C Beer Permit with Class B Wine Permit & Sunday Sales - Swift Stop #5 3218 Orion St
 - h. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (carryout) & Sunday Sales - Casey’s General Store #2905 3612 Stange Rd
 - I. Class B Beer with Sunday Sales - Pizza Pit Extreme 207 Welch Ave Pending DRAM
 - j. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (carryout) & Sunday Sales - Sam’s Club 305 Airport Rd
 12. RESOLUTION NO. 21-066 proposing vacating utility easement at 220 S. Duff Avenue and setting date of public hearing for March 9, 2021
 13. RESOLUTION NO. 21-078 approving the 2020 accomplishments of the Historic Preservation Commission and the Work Plan for 2021 (2020 Certified Local Government Report)
 14. Essential Corporate Purpose General Obligation Bonds and General Obligation Refunding Bonds and General Corporate Purpose General Obligation Bonds:
 - I. RESOLUTION NO. 21-079 setting date of public hearing for March 9, 2021, to authorize issuance of Essential Corporate Purpose General Obligation Bonds and General Obligation Refunding Bonds in an amount not to exceed \$25,665,000
 - ii. RESOLUTION NO. 21-080 setting date of public hearing for March 9, 2021, to authorize issuance of General Corporate Purpose General Obligation Bonds in an amount not to exceed \$700,000

15. RESOLUTION NO. 21-081 approving the Police Department's application for and participation in the Governor's Traffic Safety Bureau Enforcement Grant program
16. RESOLUTION NO. 21-082 approving Professional Services Agreement with WHKS & Co., of Ames, Iowa, for 2021/22 Sanitary Sewer Rehabilitation Design projects in an amount not to exceed \$222,000
17. RESOLUTION NO. 21-083 approving Professional Services Agreement with GBA Systems Integrators, LLC, of Lenexa, Kansas, regarding Intelligent Transportation System (ITS) Traffic Network Design in an amount not to exceed \$193,740 for Phase 1
18. RESOLUTION NO. 21-106 awarding 5-Year Enterprise Agreement to Carrier Access IT LC of Clive, Iowa, for CISCO Security Software (Umbrella, ISE, & Duo) for Information Technology Division in the amount of \$166,010.80 to be paid \$33,202.16 annually
19. RESOLUTION NO. 21-084 approving amendment to extend City employee COVID-19 Leave Policy through April 30, 2021
20. Requests from Ames Chamber of Commerce for Ames Main Street Farmers' Market on Saturdays from May 1 to October 16, 2021:
 - a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for Central Business District from 5:30 a.m. to 1:30 p.m.
 - b. RESOLUTION NO. 21-085 approving closure of 300 and 400 blocks of Main Street, Burnett Avenue from 1:30 p.m.
 - c. RESOLUTION NO. 21-086 approving suspension of parking enforcement in CBD Lots X and Y from 6:30 a.m. to 1:00 p.m.
 - d. RESOLUTION NO. 21-087 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 5:30 a.m. to 1:30 p.m.
21. RESOLUTION NO. 21-088 approving preliminary plans and specifications for Ames Fire Station #1 HVAC Replacement project; setting March 24, 2021, as bid due date and April 13, 2021, as date of public hearing
22. RESOLUTION NO. 21-089 approving preliminary plans and specifications for 2020/21 Collector Street Pavement Improvements (20th Street); setting March 17, 2021, as bid due date and March 23, 2021, as date of public hearing
23. RESOLUTION NO. 21-090 approving preliminary plans and specifications for 2020/21 CyRide Route Pavement Improvements (9th Street); setting March 17, 2021, as bid due date and March 23, 2021, as date of public hearing
24. RESOLUTION NO. 21-091 approving contract and bond for Baker Subdivision Geothermal Well Installation
25. RESOLUTION NO. 21-092 approving contract and bond for 2019/20 Sanitary Sewer Rehabilitation (Basin 10)
26. Brookside Park Restroom Renovation Project:
 - a. RESOLUTION NO. 21-093 approving final Change Orders No. 2 through 6 in the amount of \$444.20
 - b. RESOLUTION NO. 21-094 accepting completion
27. RESOLUTION NO. 21-095 approving Plat of Survey for 2805 and 2809 Green Hills Drive
28. RESOLUTION NO. 21-096 approving Plat of Survey for 2929 and 2935 Green Hills Drive

and 2209 Suncrest Drive

29. RESOLUTION NO. 21-097 approving Plat of Survey for 2926 and 2930 Green Hills Drive
30. RESOLUTION NO. 21-098 approving Plat of Survey for 2216 and 2220 Suncrest Drive and Outlot ZZ

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

PUBLIC FORUM: Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, stated that a year ago, the City blessed his neighborhood with sidewalks so, it now seemed to be a good time to review this issue again. He noted that his neighborhood would like to get the snow removal issue resolved this winter, so they don't have to go into another winter facing issues. Mr. Pfannkuch explained that the City created a problem for the neighborhood with snow removal; the sidewalks are right along the street. He mentioned that yesterday there was an elderly gentleman pushing a stroller on the sidewalk who had to move to the middle of the street because the sidewalk had ice on it. Mr. Pfannkuch stated that it has warmed up enough for the City to clear the ice from the sidewalk. He noted it is impossible to keep the sidewalk clear when the City comes by and does a second plow of the streets and pushes the snow back onto the sidewalk. He would appreciate this getting resolved this winter.

Mr. Pfannkuch pointed out that he wanted to talk about the Consent Agenda next. He stated that when the sidewalk project discussion was pulled from the Consent Agenda last year, Council Member Betcher said something like "Merlin we are not being unfair; this is just what we do when we pull something from the Consent Agenda." He mentioned that he has thought about it a lot and he recalled an instance in the past and doesn't believe that is how the Consent Agenda has been looked at historically. It was 15-25 years ago that the Agenda was under discussion and Mr. Pfannkuch remembered that a comment was made that it was a mystery how the Agenda was put together and then a discussion was had about the Consent Agenda. It was noted at the time that the Consent Agenda was for items that were considered non-controversial, but there seems to be no written rules as to how the Council operates during a meeting. He suggested that the Council adopt a written rule for the Consent Agenda that states that if the Council wants to do something different than what staff is recommending any action on the pulled item must be delayed until the next Council meeting. He asked the Council to please adopt his recommendation for the Consent Agenda as he felt it would be a good way to operate.

DISCUSSION OF ADDITIONAL QUESTIONS FOR THE RESIDENTIAL SATISFACTION SURVEY: Public Relations Officer Susan Gwiasda stated that every February, she comes before the Council to give a "heads-up" for the annual Residential Satisfaction Survey. She pointed out that typically the Survey is sent out in April to 1,250 randomly selected utility bill customers, and is due back in May. By July staff has received the responses on the Surveys and then staff works with Iowa State University on a report. The final results are presented to the Council in September. Ms. Gwiasda mentioned that before the entire process starts, she likes to present the Survey to the Council to see if there are any recommended changes.

Council Member Betcher questioned the section for the respondents to tell the City about themselves

i.e., “age, gender, etc.” One of the questions is “Are you of Hispanic or Latino origin,” and the only options are “Yes” and “No.” Ms. Betcher wanted to know if they could add “Prefer not to answer” as an option. Ms. Gwiasda mentioned that when the demographic information was added staff was following the Census data so the data would be in alignment with national data. Ms. Gwiasda didn’t think it would be an issue to add “Prefer not to answer,” but will check with Nora Ladjahasan to see if there is a reason why the Census doesn’t have that as an option.

Moved by Beatty-Hansen, seconded by Martin, to move forward with the Residential Satisfaction Survey with the amendment to add “Prefer not to answer” under the question of “Are you of Hispanic or Latino origin,” after consultation with the survey expert.

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

COMPOSITION OF THE AMES CLIMATE ACTION PLANNING COMMUNITY INPUT TASK FORCE: Assistant City Manager Deb Schildroth stated that City had staff worked on drafts of the appointment application and the charge for the Input Committee. She explained this would be used by the group who would be supplementing the community-wide input and feedback process for the Climate Action Plan. As stated in the Request for Proposals (RFP) the City placed importance on having a robust, multi-faceted, inclusive community input process. The consultants responding with their proposals to the RFP were tasked with outlining their plans for community engagement, especially engaging groups that do not normally participate in local government input processes. As stated in previous Council meetings, the Mayor and City Council will serve as the steering committee for this project. In this capacity, the Mayor and Council will provide direction and guidance on key decision points, advise the consultants on interim proposals and policy considerations, and make the final decisions related to the consultant’s recommendations. Obtaining community input and feedback will be done at designated points throughout the Climate Action Planning process. Ms. Schildroth commented that staff will enlist the assistance of the consultants in working with the steering committee in determining those designated times. She noted there are questions and proposed modifications to the draft documents and asked the Council for feedback.

Mayor Haila asked Ms. Schildroth to clarify what the role and function of the committee would be and about applying for the committee. Ms. Schildroth stated that the “Task Force” or whichever name the Council chooses to call the committee will be supplementing the community-wide input process. The group is broken out into different community sector groups, in order to have the representation to provide feedback and input on the various parts of the Climate Action Plan and goal development. She explained that they want input from the business community, residents, schools, and from individuals that normally don’t participate in City policy issues. The group will not be a decision-making body or be asked to vote on any recommendations, but will be asked to provide input or feedback on decision points that the Steering Committee has discussed. Ms. Schildroth explained that staff had posted the application temporarily on the City’s website for testing purposes. The application was taken down after testing. Mayor Haila stated he wanted the public to know that there was only beta testing done and the application will be put back up later when staff has had a chance to make any necessary corrections.

Council Member Gartin mentioned that the role of the Task Force was laid out very well, but wanted more information on the junctures of when the public would have the opportunity to provide input. Ms. Schildroth commented that there would be the community group and then additional input solicited through the members of the community group. She noted that was how staff had envisioned getting robust input and feedback through the community group members. She hopes that there will be some in person discussions, but that will depend on the status of the pandemic. The Mayor stated that historically there are certain groups of people that may not respond, and this is an important engagement plan. Ms. Schildroth noted that there are efforts that will be put in place for outreach and contacting people to make sure the representation is involved. She explained there are people with varying levels of understanding Climate Change and what a Climate Action Plan is. There is education that will need to be done and this something that the consultant will need to understand. For example some people may not be involved with the Plan until they are informed of how it will affect their utility bills.

The Mayor asked the Council to give staff direction on what changes they are recommending to the Task Force composition.

Council Member Gartin stated that he believed the Council, during his tenure, has upped its game in terms of community outreach. He assumed that the outreach for this project will be similar to the broad effort that was done for the Complete Streets Program. Mr. Gartin suggested reaching out to President Wintersteen and allow her to decide the kind of person she would want to be represented on the Task Force. The Mayor inquired if the rest of the Council had any objection to reaching out to President Wintersteen, the Council did not object.

Council Member Martin mentioned that he liked the idea of waiting awhile to finalize the Climate Action Planning Community Task Force. He noted that the RFP for a consultant is outlined to be heavy on outreach, and the Council needs to rely on the consultant's wisdom to help improve the process. Mr. Martin asked what Residential (three representatives) meant on the list for community sectors. Ms. Schildroth commented that it is a broad category, and it would be for anyone that is a resident of Ames and did not fit under any of the other community sector categories. Mr. Martin then asked if the Community Schools (three representatives) were intended for students or faculty staff or both. Ms. Schildroth commented that it was intended to include both.

Council Member Martin thought parts of the charge for the Task Force may be going beyond what he was envisioning as a supplemental input function of the Task Force. Mr. Martin recommended removing the “recommendation” language and leaving that duty to the consultant and the Steering Committee based on the input received from the outreach methods. It was also recommended to change the name of “Task Force” as Mr. Martin mentioned it sounded as if the title was allowing the group to be responsible for effecting change; he understood the group to be more of a community input group. It was recommended to change the name to “Supplemental Input Committee” or something else. Another change that Mr. Martin had was for the multi-layer process for the group. He understood the Task Force members to be excellent communicators to ensure that interests are coherent and represented properly, but the sub-groups that the Task Force may assemble makes it

too complicated. Mr. Martin wondered if it would be enough to have the Task Force and encourage them to come up with appropriate structures to reach the communities. Ms. Schildroth clarified that the Task Force individuals would go through the appointment process, and anybody that the Task Force is assembling or reaching out to would be determined by the Task Force individuals. Mr. Martin mentioned that made sense to him and that the application was a little confusing and some of the wording in the application may need to be changed to make it clear. City Manager Steve Schainker stated they may be able to simplify everything and give the Task Force separate direction and not necessarily have that information on the application.

Council Member Betcher stated she wanted to follow-up on the bullet points that Council Member Martin referred to earlier. She noted that the bullet points seemed to require, at some level, some expertise in sustainability, climate change, or something scientific. The list is broad and doesn't include scientists or people that may not have that expertise and Ms. Betcher wanted to know if she was reading the Task Force Charge wrong. Assistant City Manager Schildroth stated that the thought behind it was that they were not going to require any climate change expertise for the members on the Task Force. The Task Force members could be learning as they are proceeding with Task Force duties; however, members could be getting the expertise from a sector representative, resource group, or a consultant. Mayor Haila asked if that was the role of the consultant. Ms. Schildroth confirmed that part of it was and that it would help obtain a balance. Ms. Betcher mentioned that she thought the concept of the Task Force would be similar to the way the Campus and Community Commission operates. Ms. Schildroth stated that would be a good analogy. Council Member Betcher explained that when it comes to the list of representatives there is some tinkering that could be done, but she did have a problem with the category "Other" because she would not want to be claimed as "other." She would prefer if staff could figure out a way to describe the category. It was suggested to just say "Residents who historically have not participated in City policy issues" as that is descriptive of the kinds of people that the City would like to engage in discussions. Ms. Betcher stated she would encourage the overlap on expertise and categories. She suggested having three to five individuals with higher level Climate Change knowledge and gave an example of a member being a student and a resident. Ms. Betcher noted that this has been done with other Commissions and felt it would enrich discussions and might address some of the concerns.

Council Member Gartin stated that he assumed that people with a background in climate issues would self-select and someone with no interest and no background are not going to sign up. Mr. Gartin noted he was apprehensive about creating a requirement for the positions. He liked Council Member Martin's suggestion about renaming the Task Force to something else. He noted that the issue when selecting the target for greenhouse reduction doesn't fit with the selection of the others and agrees with removing that bullet from the application.

Council Member Junck stated that when she reviewed the list there were a lot of different representatives from the community and some areas have two or three representatives, while ISU Student Government and ISU Facilities Planning and Management each only had one representative. Ms. Junck thought there could be a broad difference between representatives from residential opposed to business and she felt the same could be for ISU Student Government. ISU Students could

have completely different views on climate action depending on their background, major, and where they live. She felt that expanding ISU Student representatives would be helpful and not just having someone from ISU Student Government.

Council Member Beatty-Hansen stated she agreed with adding more students and understands that the residential representative may end up being a student. She would be okay with adding two or three more ISU Student representatives. Ms. Beatty-Hansen agreed with changing the name of the Task Force to something else.

The Mayor recommended also removing bullets four and five from the Task Force charge. Ms. Beatty-Hansen agreed. City Manager Schainker commented that if bullets 3-5 are removed the Council could still ask the Task Force.

Council Member Corrieri mentioned that most of her comments were similar to what Council Member Martin had already stated. She thought the committee was to serve as a conduit for communication and feedback from the public. She is supportive of removing bullet 3 and removing or revising bullet 4 and 5. Ms. Corrieri felt that bullets 3-5 were asking a lot and she gets a little nervous asking members of the community to go out and research and provide opinions when that is something the consultants, staff, and the Council should be doing. She commented that she was fine with expanding the number of people to the various sectors, but we need to be careful to make sure a broad section of the community is represented.

Mayor Haila stated that the Task Force members could be subdivided into three groups and each City representative took $\frac{1}{3}$ of the group. Ms. Schildroth explained that it would be more doable if the groups are broken down into smaller groups, and then figuring out a way to share the communication amongst the other groups.

Sustainability Coordinator Mary Rankin commented that she would agree with Ms. Schildroth about the smaller groups and having that good feedback. She mentioned that an important part of designating different sectors in the application is to ensure that the City is getting the heart and soul perspective from the people that are working in those sectors or managing within those sectors that understand the challenges and obstacles.

Public Relations Officer Susan Gwiasda mentioned that it is helpful to hear the Council's feedback on this topic. She felt that they are looking at the group as balancing ideas that represent the community. There needs to be feedback from everyone and if breaking into smaller groups helps than that is what needs to be done.

Mr. Schainker thought it was important to note that there would be no voting on the Task Force. He pointed out that there needs to be enough people to represent different perspectives. Mr. Schainker noted that they want to make sure there is a diverse perspective, and this will help make any final decisions. The Mayor asked how the feedback will be provided to the Council from the different groups. Staff will look at the consultant's perspective and find what thresholds there may be, and

bring a revised Plan to the Council for final approval. He explained that the City can still proceed with hiring a consultant; who will help lay out a game plan to present to the Council. Mr. Schainker pointed out that if someone is not selected to be on the focus group that there will still be plenty of other opportunities to provide input to the Council.

Mr. Martin recommended adding a healthcare sector to the group (Mary Greeley Medical Center and McFarland Clinic) as they would have unique needs for energy consumption and footprint. He thought it would be wise for the City to adjust the final committee based on the list of people who apply and not be rigidly based on numbers.

Council Member Betcher stated she wanted to go back to her previous comment about the sector resource group representative and sector consultant don't fit on the application and thought that these people should have a separate form to complete. That list will serve as a resource list for the committee to reach out to.

Assistant City Manager Schildroth gave a recap of recommendations:

1. Renaming the "Task Force" to help communicate its role, consider "Supplemental Input Committee or Supplemental Input Focus Group"
2. Under sectors ask President Winterseen to appoint an ISU representative.
3. Add additional ISU students
4. For clarification under community schools, the representatives could be students or staff members
5. Replace the "Other" category with "Residents who historically have not participated in City policy issues.
6. Reach out to the Healthcare sectors about their involvement
7. Other layers of involvement were the Sector Resource Group Representative and Sector Consultants. A list will be collected to have available to the different community sector Task Force members.
8. On the Task Force Charge section remove bullets 3, 4, and 5 and allow the discussion between the Steering Committee and the consultant drive when those topics will come up for feedback.
9. Attempt to simplify the application by cleaning up wording.

Council Member Gartin mentioned he was interested in knowing if ISU was doing a parallel Climate Action Plan. Ms. Rankin commented that ISU put forward a Strategic Plan for sustainability and operations that was endorsed by the ISU President in the Fall of 2020. The Strategic Plan specifically notes carbon emission reductions and strategies that are being put forward. Ms. Rankin explained she will send the Strategic Plan link and supporting documents to the Council.

Mr. Schainker added that some of the groups will have a lot of people and others that may be short of interested people. He mentioned that they may need the Council to provide a list of names for staff to recruit. Mr. Schainker pointed out that staff will have to be a lot more proactive with getting representation for some groups.

Ex officio Whitlock stated her concerns were about the “other” category, and Council Member Betcher already addressed that concern, and Council Member Junck already mentioned adding additional ISU students. Ms. Whitlock commented that one ISU student doesn’t represent how incredibly diverse the ISU students are.

Moved by Gartin, seconded Betcher, directing staff to move forward with the input body per the recommendations of Council.

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

The Mayor opened public input regarding anything the Council had discussed tonight.

Lee Anne Wilson, 5326 Springbrook Drive, Ames, stated this was an interesting process. She wondered about the process about putting together committees as people don’t come with one dimension. She wanted to know if there could be a different format where the City could say they are looking for a robust representation from a list and then have the application put down what categories they would be able to contribute to and assemble a group from that. Ms. Wilson noted that there could be many groups that need representation and have fewer people apply and this may cause some people to get upset. She felt it might be a simpler process.

Public input was closed by the Mayor. He noted that this will not be the last opportunity to provide input, and anyone can email the Council or staff at any time during the process.

STATE REINVESTMENT DISTRICT INCENTIVE PRE-APPLICATION: City Manager Steve Schainker explained that staff has been working on a complex endeavor for the past few months. The City is trying to create a partnership with a developer to develop the property between Grand Avenue and Kellogg Avenue. It is the hope that when the project is completed it will be a catalyst for the redevelopment of the area. In October, representatives from the Ames Economic Development Commission informed City staff that the State Legislature had authorized an additional \$100 million for Iowa Reinvestment District Program. Mr. Schainker explained that the City had to hire three consultants. One consultant was to help give estimates on a new indoor Aquatic Center located across the street from the IA DOT complex, another developer to give concepts and projections on cost for the Downtown Plaza, and finally, as part of the application process, a consulting firm was hired to give economic projections that were required as part of the state program. It should be understood that this incentive does not come in the form of an upfront grant. Rather, only the state portion of the new hotel/motel (5%) and sales taxes (4%) that are generated in the City Council-approved Reinvestment District and Urban Renewal Area will be rebated each year over a twenty-year period to help fund the project. Instead of offering the Reinvestment District incentive revenue to the developer to finance the construction of the mixed-use buildings north of Lincoln Way between Clark Avenue and Kellogg Avenue, the City’s goal in seeking Reinvestment District revenue is to generate these state incentive funds to help mitigate the property tax increase for the construction of a new indoor aquatics center for the City. Mr. Schainker stated that the Reinvestment District Program requires that a proposed district not exceed 75 contiguous acres. By

maximizing the size of the district, the City will be able to capture any new state hotel/motel sales tax revenues, up to the initial amount awarded by IEDA from any new projects that are identified in the City Application.

The five projects included in the City's pre-application are as follows:

1. Indoor Aquatics Center - estimated cost of \$27,494,000
2. Downtown Plaza - estimated cost of \$4,200,000
3. Onondaga Development (Burnett and 5th)
4. Lincoln Way Mixed-Use Development
5. Kellogg Hotel (East of Kellogg)

Mr. Schainker commented that there is still a lot of discussions to be had with developers, but the City needs to add in the elements that they can into the pre-application. He went over the financial projections, and the total expenses would be \$27,494,000 for the Indoor Aquatic Center. It was noted that the City has \$2 million from the Winakor bequest to apply towards the Indoor Aquatics Center. Mr. Schainker mentioned that Dan Culhane, Ames Economic Development Commission, had volunteered to lead the effort to obtain donations for the Aquatics Center. To date Mr. Culhane has secured a \$3 million commitment, and he is optimistic he will be able to secure the remaining \$5 million of donations in time for the final application. Mr. Schainker stated the way this will work is that the City will have to issue the General Purpose Corporate Bonds and then the hope is to mitigate the principle and interest burden on the taxpayers through the receipt of the Reinvestment District funds.

Mr. Schainker went over the estimated Property Tax Obligations. The estimated G.O. Bond Principal Payments came to \$17,494,000 and the G.O. Bond Interest Payments were \$4,426,746. The consultants estimated that the five projects listed on the pre-application will give a projected Reinvestment District Revenue of \$21,527,983. If the consultant's estimate is correct, the City would only have to raise taxes to cover \$392,763 for the Indoor Aquatics Center. Mr. Schainker mentioned he thought that those figures were a bit ambitious, but that is the amount they are going to apply for from the state. There is no guarantee that the full amount will be awarded from the state; a more conservative number was done and that estimate came to \$5,627,834 that would need to be raised. If no money was awarded from the state, the Council will need to decide if the City should issue bonds for the \$21,920,746.

Mr. Schainker wanted to make sure everyone understood that all he is asking for today is approval to submit the pre-application. He noted that all the information in the pre-application will probably be modified. It may be modified due to the amount awarded or during negotiations with the developer. Mr. Schainker also wanted everyone to understand that the developer may walk away, the state may turn down the City's application, and a lot can still happen, but the City has come this far and should not walk away from the opportunity.

Council Member Betcher asked Mr. Schainker to highlight a couple items very clearly for those viewing. She wanted to verify by filing the pre-application, the City is not committing themselves

to anything. Mr. Schainker confirmed that was correct and the City can still walk away from the project, and a final agreement will need to be signed. Planning and Housing Director Kelly Diekmann pointed out that the City hasn't even fulfilled all the requirements; the City still needs an Urban Renewal Area. Ms. Betcher commented that she wanted to make sure the citizens realized that "you can't win if you don't play," and if the City doesn't submit the pre-application then the City can lose millions of dollars from the state that could have helped fund a project that would otherwise be paid for by taxpayers. There have not been any Agreements signed and only sending a pre-application.

Council Member Gartin wanted to clarify how much the Ames Economic Development Commission (AEDC) said they would raise. It was noted that the AEDC will be working on raising \$8 million. Mr. Gartin noted that when work was done to raise money for the Healthy Life Center the goal was \$6 million. Mr. Schainker noted it was a lot more as it was a bigger project and thought the amount was \$29 million that needed to be raised, but he is not sure as he does not have the figures in front of him. Mr. Schainker commented that the AEDC is asking for money from bigger donors as the money needs to be upfront.

Mayor Haila opened public comment and closed it when no one came forward.

Planning and Housing Director Kelly Diekmann wanted to clarify that the pre-application hasn't been completed yet, and the estimates on revenues and some of the other figures presented tonight may change as the application is updated before being submitted.

Moved by Corrieri, seconded by Gartin, authorizing City staff to submit a pre-application to the Iowa Economic Development Authority for the Reinvestment District Program with the understanding that the assumptions, financial projections, and project elements might change after the pre-application receives favorable review and more in-depth negotiations with the developer occur.

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

Moved by Betcher, seconded by Corrieri, directing staff to begin the required process of establishing an Urban Renewal Area coterminous with the Reinvestment District Boundary.

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

URBAN REVITALIZATION AREA ANNUAL REPORT: Planning and Housing Director Kelly Diekmann stated that all five applications are being recommended for approval as requested.

The Mayor opened public comment. It was closed when no one came forward.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 21-100 approving the requests for tax exemptions for: 415 Stanton, Unit 211; 415 Stanton, Unit 316; 138 Gray Avenue; 311 Ash Avenue; and 1810 SE 16th Street.

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

HEARING ON CITY ACCESS CONTROL SYSTEM: The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Betcher, seconded by Gartin, to accept the report of bids for the City Access Control System.

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

HEARING ON THE WATER TREATMENT PLANT LIME POND UNDERDRAIN IMPROVEMENTS PROJECT: The Mayor opened the public hearing. There was no one wishing to speak, and the hearing was closed.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 21-101 approving the final plans and specifications and awarding a contract to RW Excavating Solutions, LC, of Prairie City, Iowa, in the amount of \$86,635.56.

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

HEARING ON THE PROPOSED 2020/21 ANNUAL ACTION PLAN PROJECTS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME, AND CV-CARES PROGRAMS: Housing Coordinator Vanessa Baker-Latimer explained that the 2020/21 Annual Action Plan was started in March 2020. It was to be submitted to the Housing and Urban Development (HUD) in May 2020; however, due to the COVID-19 pandemic, the submittal of the Action Plan was put on hold in order for the City to prepare to implement a CDBG-CV CARES (COVID-19) program in response to the pandemic. There have been a lot of changes to the Plan since last March. Ms. Baker-Latimer explained that they had to add the Round 1 and Round 3 funding that was received for the CV-CDBG CARES program. She pointed out that the 2019 Action Plan was amended three times in order to add the funds. An activity for the disposition of the 6th Street properties was added to the Plan. The sale of the 6th Street property was needed to support the infrastructure project for the Baker Subdivision. Funds were set aside for the appraisal, abstracting, and other items that needed to be done to get the 6th Street property sold. The Low-Income Housing Tax Credit (LIHTC) Assistance money was added to the Plan. She noted that staff debated if the LIHTC Assistance money should be added to this year or next year's budget, but in order to make the application strong with Prairie Fire, it was decided to include the LIHTC money in this year's Plan. Ms. Baker-Latimer noted that as the proposal was reviewed with Prairie Fire and changes were made it was asked to increase the HOME for LIHTC Assistance funds from \$250,000 to \$350,000.

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

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 21-102 approving the Annual Action Plan Projects and directing staff to submit the Plan for approval by HUD no later than February 28, 2021.

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

Ms. Baker-Latimer mentioned to the Council that next month they will be seeing the 2021/22 Action Plan that will be due in a few months. She appreciated the Council's support.

HEARING ON ZONING TEXT AMENDMENT TO THE DOWNTOWN SERVICE CENTER ZONING DISTRICT TO REDUCE THE NUMBER OF VEHICLE PARKING SPACES REQUIRED FOR APARTMENT USE: Planning and Housing Director Kelly Diekmann mentioned that staff will be coming back to the Council with the other two issues regarding overnight parking and remote parking in the general area later.

The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Beatty-Hansen, seconded by Gartin, to pass on first reading an ordinance on a Zoning Text Amendment to the Downtown Service Center Zoning District to reduce the number of vehicle parking spaces required for apartment use.

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

HEARING ON REZONING OF 2801 & 2803 WEST STREET FROM RESIDENTIAL HIGH DENSITY TO NEIGHBORHOOD COMMERCIAL WITH UNIVERSITY WEST IMPACT OVERLAY: City Planner Justin Moore stated that the property owner is requesting a rezoning of single parcel of land location at 2801 West street from Residential High Density (RH) to Neighborhood Commercial (NC) with the University West Impact Overlay. The owner had approached staff about adding one additional residential unit into the small apartment building on the lot. The lot currently contains a small apartment building and a small commercial building, both on the same lot. Under the RH standards having two building with different uses on the same lot makes both uses non-conforming. As a non-conforming principal use there can be no additional units added to the apartment building according to the standards in Section 29.307(2)(a)(b)©, which restrict intensification and the addition of dwelling units in non-conforming apartments. The Neighborhood Commercial zoning classification allows for both household living and commercial uses to exist as principal uses on the same lot and have multiple buildings on a lot. Staff had reviewed the request and found that the addition of a dwelling unit within the existing building would not trigger additional parking or other site improvements due to the existing count of bedrooms within the apartments.

Council Member Gartin inquired if this area was where the barbershop was. Mr. Moore confirmed that was correct. Mr. Gartin wanted to know what could be done differently with this property. Mr. Moore stated that with a NC zoning designation in the future the property could have a stand-alone commercial use on it. It was pointed out that in the future if there was an increase to the size of the existing building or any increase in impervious area over 150 square feet would trigger a Minor Site Development Plan review, and then the property would need to be brought into compliance with the Site Development Standards under the Zoning Ordinance. The NC designation does open more

possibilities for more commercial use on the site as well as permitting residential use to co-exist with it. Mr. Gartin stated they would be changing the zoning for one property, but could change the use down the road. It was asked if the access to the property was on West Street. City Planner Moore stated that the property is accessed primarily off Hyland from the east and with shared access to the north. The primary front of both the apartment and barbershop front West Street with vehicular access off Hyland.

Mayor Haila opened public comment and closed it when no one came forward.

Moved by Martin, seconded by Beatty-Hansen, to pass on first reading an ordinance rezoning 2801 & 2803 West Street from Residential High Density to Neighborhood Commercial with University West Impact Overlay.

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

HEARING ON MAXIMUM LEVY: Finance Director Duane Pitcher commented the hearing for this item was set at the last meeting. This is a process that started a year ago, which requires the traditional means of publishing and posting on different social media sites. The adoption of a maximum property tax levy must be done for any year that the City expects to adopt a budget that includes a levy of property taxes (excluding debt service) exceeding 102 percent of the prior budget.

Mayor Haila opened public input. It was closed when no one came forward.

Moved by Corrieri, seconded by Betcher, to adopt RESOLUTION NO. 21-103 approving the maximum levy amount of \$22,401,045.

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

Moved by Betcher, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 21-104 setting March 9, 2021, as the date of the final public hearing on the Adjusted Budget for FY 2020/21.

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

Moved by Gartin, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 21-105 setting March 9, 2021, as the date of the final public hearing and adoption of the proposed budget for FY 2021/22.

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

ORDINANCE REQUIRING SECONDHAND DEALERS TO OBTAIN A PERMIT TO CONDUCT BUSINESS WITHIN THE CITY OF AMES: City Attorney Mark Lambert explained that this is to correct an oversight in the Ordinance. Part of the purpose of revising this Ordinance six years ago was to expand the requirement for pawnbrokers to keep records of items received, who they were purchased from, serial numbers, etc., and to apply those same requirements to “Secondhand Good Dealers.”

The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Corrieri, seconded by Beatty-Hansen, to pass on first reading an ordinance requiring Secondhand Dealers to obtain a permit to conduct business within the City of Ames.

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

ORDINANCE SETTING THE SPEED LIMIT FOR THE NEW SOUTH 5TH STREET EXTENSION: Council Member Beatty-Hansen asked if this item should have the rules suspended. The Mayor stated that it is up to the Council. Ms. Beatty-Hansen stated that this was done before with a speed limit ordinance.

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

Moved by Junck, seconded by Betcher, to pass on first reading an ordinance setting the speed limit for the new South 5th Street extension.

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

Moved by Corrieri, seconded by Beatty-Hansen, to suspend the rules necessary for the adoption of an ordinance.

Roll Call Vote: 5-1. Voting Aye: Beatty-Hansen, Betcher, Corrieri, Gartin, Junck. Voting Nay: Martin. Motion declared carried.

Moved by Betcher, seconded by Beatty-Hansen, to pass on second reading an Ordinance setting the speed limit for the new South 5th Street extension.

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

Moved by Beatty-Hansen, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4431 setting the speed limit for the new South 5th Street extension.

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

DISPOSITIONS OF COMMUNICATIONS TO COUNCIL: Mayor Haila mentioned the first item was a memo from Interim Police Chief Geoff Huff giving a liquor license update. City Manager Steve Schainker explained that no action was needed from the Council.

The second item was a memo from Assistant City Manager Brian Phillips regarding the Public Art Commission's research into options for painting or wrapping electrical transformers in the Downtown area. Mr. Schainker mentioned that the project will move forward unless the Council objected. No objections were made.

The Mayor mentioned that there was another item that was not on the list. Council Member Martin explained that the Council received an email from Scott Kostohryz that stated, "now that the U.S. Board of Geographic's Names has approved the name change of Squaw Creek to Ioway Creek, I

believe that it is only prudent to remove the word Squaw from Squaw Creek Drive and Squaw Creek Gardens in Ames, as well.”

Moved by Martin, seconded by Betcher, to ask staff for a memo on fixing street names, park names, community garden names, and what it would take to also update the relevant maps and signs that the City provides and controls.

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

COUNCIL COMMENTS: Council Member Beatty-Hansen stated that the Council received an email from Chad Watkins regarding reimbursement for vending license for last year. City Manager Steve Schainker explained that the amount to refund is very small and suggested the Council give him direction to handle the refunds administratively. Assistant City Manager Brian Phillips noted that there would be five vending licenses that would need to be refunded. It is \$50 a year for a license; three of the licenses were held by Mr. Watkins and the other two were other individuals.

Moved by Beatty-Hansen, seconded by Junck, to empower staff to deal with the reimbursement of those vendor licenses as mentioned.

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

Council Member Martin stated he had a couple of items to discuss. The first item was regarding the payroll shift of the City Assessor’s office. He explained that Mr. Phillips had sent the Council a proposed Memorandum of Understanding (MOU).

Moved by Martin, seconded by Betcher, to place the proposed Memorandum of Understanding (MOU) on a City Council Agenda.

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

Mr. Martin noted that his second item relates to what else the Council could be doing for sustainability. He mentioned that there was a motion on July 23, 2019, to have staff bring back additional information to Council on the Alliant model for net-metering with a goal of improving the incentives that Ames offers for solar customers. Mr. Martin stated he didn’t remember this item coming back to the Council. Mr. Schainker thought that Electric Services Director Don Kom had sent out a memo. Council Member Betcher thought a memo was sent out or the information was given to the Council orally at a meeting. Mr. Schainker mentioned that he can follow-up and get a report on net-metering.

Moved by Martin, seconded by Junck, to ask City Manager Schainker to refresh the Council’s memory on the response to the July 23, 2019, motion regarding net-metering.

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

Council Member Betcher thanked the Ames Fire Department for saving her office building on Campus. She has an office at Ross Hall and the Fire Department did a great job putting out a fire that could have been a lot worse. She mentioned that she also wanted to follow-up on the suggested

change to the Consent Agenda policy about removing items from the Consent Agenda.

Moved by Betcher, seconded by Junck, to put on a future agenda a discussion regarding the process of pulling items from the Consent Agenda

Vote on Motion: 4-2. Voting Aye: Betcher, Corrieri, Gartin, Junck. Voting Nay: Beatty-Hansen, Martin. Motion declared carried.

ADJOURNMENT: Moved by Betcher to adjourn the meeting at 8:31 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor

Diane R. Voss, City Clerk



REPORT OF CONTRACT CHANGE ORDERS

Period:	<input type="checkbox"/>	1 st – 15 th
	<input checked="" type="checkbox"/>	16 th – End of Month
Month & Year:	February 2021	
For City Council Date:	March 9, 2021	

Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact (Buyer)
Public Works	ISU Research Park Phase IV Road and Utility Improvement Project	3	\$2,823,757.81	Con-Struct Inc.	\$38,961.52	\$9,000.00	B. Phillips	MA
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		

**MINUTES OF THE REGULAR MEETING OF THE
AMES CIVIL SERVICE COMMISSION**

AMES, IOWA

FEBRUARY 25, 2021

The Regular Meeting of the Ames Civil Service Commission was called to order by Chairman Mike Crum at 8:15 a.m. on February 25, 2021. As it was impractical for the Commission members to attend in person, Commission Chairman Mike Crum and Commission Members Harold Pike and Kim Linduska were brought in telephonically.

APPROVAL OF MINUTES OF JANUARY 28, 2021: Moved by Linduska, seconded by Pike, to approve the Minutes of the January 28, 2021, Regular Civil Service Commission meeting.
Vote on Motion: 3-0. Motion declared carried unanimously.

CERTIFICATION OF ENTRY-LEVEL APPLICANT: Moved by Crum, seconded by Pike, to certify the following individual to the Ames City Council as an Entry-Level Applicant:

Senior Engineering Technician

Jared Beckham

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

REMOVAL OF NAMES FROM CERTIFIED LIST FOR ELECTRIC SERVICES MAINTENANCE SUPERINTENDENT: Chairman Crum reminded the Commission that Human Resources Director Bethany Jorgenson had briefed the Commission at its meeting held January 28, 2021, on the need for the names of two candidates for Electric Services Maintenance Superintendent to be removed from the Certified List as both had declined Offers of Employment for the position. Because that item was not listed on the Commission's January 28, 2021, Agenda, formal action to remove the names could not be taken, and the item was subsequently moved to today's Agenda.

Moved by Crum, seconded by Linduska, to remove the two names from the List of Certified Candidates for the position of Electric Services Maintenance Superintendent, which had been certified by the Commission on November 19, 2020.

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

COMMENTS: The next Regular Meeting of the Ames Civil Service Commission is scheduled for March 25, 2021, at 8:15 a.m.

ADJOURNMENT: The meeting adjourned at 8:19 a.m.

Michael R. Crum, Chairman

Diane R. Voss, City Clerk

Applicant License Application ()

Name of Applicant: <u>City of Ames</u>		
Name of Business (DBA): <u>Homewood Golf Course</u>		
Address of Premises: <u>401 E. 20th St.</u>		
City <u>Ames</u>	County: <u>Iowa</u>	Zip: <u>50010</u>
Business <u>(515) 239-5363</u>		
Mailing <u>1500 Gateway Park Hills Dr.</u>		
City <u>Ames</u>	State <u>IA</u>	Zip: <u>50014</u>

Contact Person

Name <u>Nate Pietz</u>
Phone: <u>(515) 290-8847</u> Email <u>npietz@cityofames.org</u>

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

Term: 12 months

Effective Date: 03/17/2021

Expiration Date: 01/01/1900

Privileges:

- Outdoor Service
- Special Class C Liquor License (BW) (Beer/Wine)
- Sunday Sales

Status of Business

BusinessType: <u>Municipality</u>
Corporate ID Number: <u>XXXXXXXXXX</u> Federal Employer ID <u>XXXXXXXXXX</u>

Ownership

Nathan Pietz

First Name: Nathan **Last Name:** Pietz
City: Ames **State:** Iowa **Zip:** 50010
Position: Recreation Manager
% of Ownership: 0.00% **U.S. Citizen:** Yes

Insurance Company Information

Insurance Company: <u>Iowa Communities Assurance Pool</u>	
Policy Effective Date: <u>03/17/2021</u>	Policy Expiration <u>03/16/2022</u>
Bond Effective	Dram Cancel Date:
Outdoor Service Effective	Outdoor Service Expiration
Temp Transfer Effective Date	Temp Transfer Expiration Date:

Applicant License Application ()

Name of Applicant: <u>Ames Cool Treats, LLC</u>		
Name of Business (DBA): <u>Time to Roll</u>		
Address of Premises: <u>2801 North Grand</u>		
City <u>Ames</u>	County: <u>Iowa</u>	Zip: <u>50010</u>
Business <u>(515) 991-3480</u>		
Mailing <u>5670 Twin Circle Drive</u>		
City <u>Pleasant Hill</u>	State <u>IA</u>	Zip: <u>50327</u>

Contact Person

Name <u>Payton Roberts</u>	
Phone: <u>(515) 991-3480</u>	Email <u>roberts.payton@yahoo.com</u>

Classification Class B Beer (BB) (Includes Wine Coolers)

Term: 12 months

Effective Date: 01/31/2021

Expiration Date: 01/01/1900

Privileges:

Class B Beer (BB) (Includes Wine Coolers)

Sunday Sales

Status of Business

BusinessType: <u>Limited Liability Company</u>	
Corporate ID Number: <u>XXXXXXXXXX</u>	Federal Employer ID <u>XXXXXXXXXX</u>

Ownership

Payton Roberts

First Name: Payton **Last Name:** Roberts
City: Pleasant Hill **State:** Iowa **Zip:** 50327
Position: Owner
% of Ownership: 23.50% **U.S. Citizen:** Yes

Payne Roberts

First Name: Payne **Last Name:** Roberts
City: Pleasant Hill **State:** Iowa **Zip:** 50327
Position: Owner
% of Ownership: 23.50% **U.S. Citizen:** Yes

Carl Markley

First Name: Carl **Last Name:** Markley
City: Ames **State:** Iowa **Zip:** 50010
Position: Owner

% of Ownership: 47.00%

U.S. Citizen: Yes

Insurance Company Information

Insurance Company: <u>Integrity Insurance</u>	
Policy Effective Date: <u>01/31/2021</u>	Policy Expiration <u>01/31/2022</u>
Bond Effective	Dram Cancel Date:
Outdoor Service Effective	Outdoor Service Expiration
Temp Transfer Effective	Temp Transfer Expiration Date:

Applicant License Application ()

Name of Applicant: <u>Noir LLC</u>		
Name of Business (DBA): <u>Noir</u>		
Address of Premises: <u>405 Kellogg</u>		
City <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>
Business	<u>(515) 451-7051</u>	
Mailing	<u>405 Kellogg</u>	
City <u>Ames</u>	State <u>IA</u>	Zip: <u>50010</u>

Contact Person

Name <u>Bill Malone</u>
Phone: <u>(515) 451-7051</u> Email <u>bill_k_malone@yahoo.com</u>

Classification Class C Liquor License (LC) (Commercial)

Term: 12 months

Effective Date: 03/10/2021

Expiration Date: 01/01/1900

Privileges:

Class C Liquor License (LC) (Commercial)

Sunday Sales

Status of Business

BusinessType: <u>Limited Liability Company</u>
Corporate ID Number: <u>XXXXXXXXXX</u> Federal Employer ID <u>XXXXXXXXXX</u>

Ownership

william malone

First Name: william **Last Name:** malone
City: ames **State:** iowa **Zip:** 50010
Position: owner
% of Ownership: 100.00% **U.S. Citizen:** Yes

Insurance Company Information

Insurance Company: <u>Illinois Casualty Co</u>	
Policy Effective Date: <u>03/10/2021</u>	Policy Expiration <u>03/09/2022</u>
Bond Effective	Dram Cancel Date:
Outdoor Service Effective	Outdoor Service Expiration
Temp Transfer Effective	Temp Transfer Expiration Date:

Applicant License Application (LE0001441)

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

Contact Person

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

Classification Class E Liquor License (LE)

Term: 12 months

Effective Date: 04/15/2022

Expiration Date:

Privileges:

Class E Liquor License (LE)

Status of Business

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

David Reading

First Name: David **Last Name:** Reading
City: Rogers **State:** Arkansas **Zip:** 72758
Position: Assistant Secretary
% of Ownership: 0.00% **U.S. Citizen:** **Yes**

Insurance Company Information

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



MEMO

Item No. 9

To: Mayor John Haila and Ames City Council Members
From: Lieutenant Heath Ropp, Ames Police Department
Date: February 22, 2021
Subject: Beer Permits & Liquor License Renewal Reference City Council Agenda

The Council agenda for March 9th, 2021 includes beer permits and liquor license renewals for:

- **Tobacco Outlet Plus #530** (204 South Duff Ave) – Class E Liquor License with Sunday Sales
- **Wal-Mart Store #749** (3105 Grand Ave) – Class E Liquor License with Class B Wine Permit, Class C Beer Permit (carryout Beer) & Sunday
- **Wing Stop** (703 South Duff Ave #101) Special Class C Liquor License with Sunday Sales

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.

- **BN'C Fieldhouse** (206 Welch Ave) Class C Liquor License with Outdoor Service & Sunday Sales

A review of police records for the past 12 months found one liquor law violation for the above business. One individual was cited for underage on premise and arrested for public intoxication. That individual was also in possession of a fake ID.

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

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 will take place on Sunday, March 21. The Greek Week Olympics will be held on Saturday, March 27.

THE GREEK RACE:

The Greek Race, based on the television show “The Amazing Race,” will involve teams competing in the Greek Triangle area. Approximately 100 people are anticipated to attend.

Organizers have requested the following for this event from 8:00 a.m. to 1:00 p.m. on Sunday, March 21:

- 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 March 27 has been requested for this event.

GREEK WEEK OLYMPICS:

Greek Week Olympics will take place at various Greek houses on March 27. Approximately 240 people are anticipated to attend.

Organizers have requested the following for this event from 7:30 a.m. to 5:30 p.m. on Saturday, March 27.

- 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 March 28 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.

It is unknown what the local status of the COVID-19 pandemic will be at the time these events take place. Although the City Council can issue approval of the events at this time, organizers should be prepared that state or local restrictions may be imposed with little notice prior to the events. These orders may impact how the events can proceed or whether they can be held at all.

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.



For Office Use Only

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
- 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
- Police: Tom Shelton & Mike Arkovchic
- 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 1

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. All participants will be wearing masks and teams will be spread out for social distancing.

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



For Office Use Only

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
- 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
- Police: Tom Shelton & Mike Arkovchic
- 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 1

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 will be having their annual Olympics day filled with short, competitive events that teams will participate in. All participants will be wearing masks and teams will be spread out for social distancing.

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



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MEMO

Item No. 11

TO: Members of the City Council

FROM: John A. Haila, Mayor

DATE: March 9, 2021

SUBJECT: Appointments to City Boards and Commissions

Attached you'll find a listing of the City's various boards/commissions that have upcoming vacancies and the names of individuals I propose to be appointed to fill the openings. I continue to be pleased with both the quantity and qualifications of the residents who applied for open positions.

On the accompanying list, those with an asterisk (*) by their names are individuals who are currently serving on that respective board or commission and are eligible to be reappointed.

The application review and "selection process" included both the respective department heads that work with the respective board or commission and me reviewing each application. We then compared notes. In a few situations telephone interviews of applicants were also conducted. Staff is comfortable with the proposed list of recommended appointees.

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

**MAYOR'S APPOINTMENTS
TO CITY OF AMES BOARDS AND COMMISSIONS
2021**

(* Incumbents)

Board/Commission	Vacancies	Name
Ames International Partner Cities Association, Inc.	3	* Lin Shen Michael Abrams Steve McKinney
ASSET	3	* Ashley Thompson Becky Harker <i>(Need 1 more applicant)</i>
Building Board of Appeals	2	* Brad Sydnes Brent Bagley
Campus & Community Commission	1	Debbie Lee
Civil Service Commission	1	* Mike Crum
Commission on The Arts (COTA)	2	Nancy Gebhart David Detlefs
Electric Utility Operations Review & Advisory Board (EUORAB)	3	* Windy Kisch Jeff Witt Michael Wilson
Historic Preservation Commission	4	* Susan Minks Angie Kolz Mary Jo Winder Matt Oakley
Human Relations Commission	2	* Madesh Samanu Komivi Amekedzi
Library Board of Trustees	3	* Carolyn Myers Jon Christy Richard Johnson Kate Reynolds
Parks and Recreation Commission	3	* Jacob Ludwig * Jeremy Bristow Nicole Fannin
Planning and Zoning Commission	4	* Ruth Hulstrom * Carol Spencer * Jon Emery Jens Dancer
Property Maintenance Appeals Board	3	* Rich Lepper * Rachel Norem Eric Fralick
Public Art Commission	3	* Erica Briest Elias Simpson Joseph J Merchant
Transit	1	* Liz Jeffries

COUNCIL ACTION FORM

SUBJECT: 2020 NATIONAL ELECTRICAL CODE ADOPTION

BACKGROUND:

The National Electrical Code (NEC), published by the National Fire Protection Association (NFPA), is the model code of standards for electrical construction and maintenance throughout the United States. The NEC is updated at three-year intervals to reflect the latest improvements in safety technologies. The State of Iowa historically adopts the most recent edition of the NEC and, in doing so, requires every local jurisdiction to do the same.

The State of Iowa has adopted the 2020 edition of the NEC effective April 1, 2021. Electricians doing work within the City are required by their State licensure to follow the NEC adopted by the State. The City is currently regulated by the last adopted NEC, which is the 2017 version of the code. **To operate legally under the State Code, the City must, at a minimum, adopt the 2020 NEC and the two State amendments. The City is permitted to adopt local amendments that are more restrictive than the NEC and State amendments.**

CODE REVIEW AND ADOPTION PROCESS:

The first step in the code adoption process is an in-depth review of the 2020 NEC by Inspections staff. Inspections staff receives not only the 2020 NEC code book, but also reference materials that describe the significant changes between the 2017 and 2020 versions of the code. Once a thorough review is complete, the process moves to City Legal staff and to the Building Board of Appeals. The Building Board of Appeals consists of members qualified by experience and training in matters pertaining to building construction. Proposed text amendments are reviewed by the Board with a public hearing and recommendation to the City Council.

On January 18, 2021, Inspections staff e-mailed the Ames Home Builders Association (AHBA) and all electrical contractors who have done business with the Inspection Division within the last year to notify them of the proposed 2020 NEC adoption process and the February 1 Building Board of Appeals meeting where their feedback would be welcome. **There were no contractors present for the meeting and no public input submitted. As a result, the Board made a motion to recommend to the City Council approval of the 2020 NEC with the two State of Iowa amendments and one local amendment.**

A follow-up email was sent to the same contractors on March 2, 2021, making them aware of the April 1, 2021 effective date for the State's adoption of the 2020 NEC. Staff was also present at the March AHBA meeting to update the Board and answer questions regarding the upcoming adoption.

To adopt the revised NEC, state law requires the City Council to set a date for a public hearing, then adopt the Code by ordinance within 30 days of the hearing. **To meet this timeframe, City staff plans to set the public hearing and first passage on March 23, then request that the City Council suspend the rules at the second reading of the ordinance on April 13 in order to approve third reading and final passage of the ordinance before the 30-day limit expires.**

CODE CHANGES:

Revisions made in the 2020 edition of the NEC reflect industry changes related to energy efficiency, energy production, residential uses, and special needs for health care facilities, and offer better protection for people and their property as the demands on electrical service increase. Attachment A highlights some of the more notable changes. This list is not exhaustive; the actual book of changes and the accompanying analysis is over 500 pages long.

State Amendments:

The 2014 NEC contained a change that required arc-fault circuit interrupter (AFCI) protection for existing circuits and receptacle replacements. The State adopted two amendments to the 2017 NEC that address the potential difficulty in providing arc fault protection on existing circuits for contractors and owners. The idea behind the amendment was to allow contractors additional time to comply with the requirements. **These two amendments the State adopted in 2017 are being deleted during the 2020 adoption because contractors should now be familiar with the requirement.**

The below sections are reinstated in the 2020 State Code:

Section 210.12(D) Branch Circuit Extensions or Modifications – Dwelling Units and Dormitory Units. In any of the areas specified in 210.12.(A) or (B), where branch-circuit wiring is modified, replaced, or extended the branch circuit shall be protected by one of the following:

- 1) A listed combination-type AFCI located at the origin of the branch circuit
- 2) A listed outlet branch-circuit-type AFCI located at the first receptacle outlet of the existing branch circuit

Exception: AFCI protection shall not be required where the extension of the existing conductors is not more than 1.8m (6 ft) and does not include any additional outlets or devices.

Section 406.4(D)(4) Arc-fault Circuit Interrupter Protection. Where a receptacle outlet is located in any areas specified in 210.12(A) or (B), a replacement receptacle at this outlet shall be one of the following:

- 1) A listed outlet branch-circuit type arc-fault circuit-interrupter receptacle

- 2) A receptacle protected by a listed outlet branch-circuit type arc-fault circuit-interrupter type receptacle
- 3) A receptacle protected by a listed combination type arc-fault circuit-interrupter type circuit breaker

Exception No.1: Arc-fault circuit-interrupter protection shall not be required where all of the following apply:

- 1) *The replacement complies with 406.4(D)(2)(b).*
- 2) *It is impracticable to provide an equipment grounding conductor as provided by 250.130(C)*
- 3) *A listed combination type arc-fault circuit-interrupter circuit breaker is not commercially available.*
- 4) *GFCI/AFCI dual function receptacles are not commercially available.*

Exception No.2: Section 210.12(B), Exception shall not apply to replacement of receptacles.

The State also intends to adopt two new amendments to the 2020 NEC. The first amendment is to delay until January 1, 2022 a change to Section 210.8(A) which will require ground-fault circuit interrupter (GFCI) protection on receptacles up to 250 volts, instead of just on those up to 125 volts in dwelling units. Requiring the added protection on larger receptacles in the 2020 version will increase the cost of electrical work without providing an equivalent amount of protection.

The second amendment by the State removes Section 210.8(F) pertaining to Outdoor Outlets from the 2020 Code. The State's amendment will require, after January 1, 2022, that all outdoor outlets have ground-fault circuit interrupter (GFCI) protection which was not required for every outlet in the 2017 State Code.

Local Amendment:

The proposed local amendment continues to restrict the use of nonmetallic-sheathed cable in commercial structures. This local amendment is currently in effect for the 2017 NEC. The prohibition of nonmetallic-sheathed cable for commercial structures while still allowing their use in single and multi-family structures is consistent with other jurisdictions.

ALTERNATIVES:

1. Set the public hearing for March 23, 2021 to adopt the 2020 edition of the National Electrical Code (NEC) with two State of Iowa amendments (which expire on January 1, 2022) and one local amendment (Currently described in Section 5.205(1) of the Ames Municipal Code).
2. Direct staff to work with the Building Board of Appeals to develop further local amendments to the recommended codes.

CITY MANAGER’S RECOMMENDED ACTION:

The Legal Department and the Building Board of Appeals have reviewed the 2020 National Electric Code and state amendments. The Building Board of Appeals has recommended approval of the NEC to the City Council with the addition of one local amendment, which currently exists. The NEC will be in effect on April 1, 2021 and all local jurisdictions are required to adopt, at minimum, the State Code at that time.

It is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting a public hearing for March 23, 2021.

Attachment A

The following is an overview of some of the changes made by the NFPA in the 2020 edition of the NEC. Although this is not an inclusive list it does highlight some of the more notable changes from the 2017 edition. Many of these changes are being implemented to create safer living conditions for the building occupants.

- 210.8(A)(5) – GFCI protection is now required for all dwelling basement receptacles
 - The installation of GFCI devices has been proven to save lives and reduce shock injuries. The new code section expands the requirement for GFCIs to receptacles located in dwelling unit basement areas where the possibility of wet or damp floors exist.
- 210.52(C)(2) – The number of required receptacles for islands and peninsulas are now based on a calculation of the square footage of the island or peninsula area.
 - In order to discourage the use of extension cords additional receptacles are required for large islands and peninsulas.
- 230.67 – All new and replacement dwelling services will be required to have surge protection.
 - The installation of surge suppression is required to protect sensitive electronic equipment and devices such as smoke detectors and AFCI, GFCI protective devices.
 - The surge suppression will also protect sensitive electronics present in most modern appliances.
- 230.85 – Each service on a dwelling will be required to have an emergency disconnect on the exterior of the structure.
 - The installation of emergency service disconnects on the exterior of the structure is to help protect emergency responders from accidental electrocution by being able to turn off the electricity to the structure from in the exterior.
- 314.27(C) – Ceiling mounted outlet box locations in habitable rooms where ceiling fans are acceptable for installation are required to be boxes listed for ceiling paddle fan support.
 - The change acknowledges that ceiling fans may be installed in locations other than those identified during original construction.
- 406.12 – Tamper resistant receptacles are now also required in dwelling garages, common areas of multifamily dwellings and hotels/motels, all educational facilities, dormitories and assisted living facilities.

- Tamper resistant outlets have been proven to prevent children from placing metal objects in receptacles and getting shocked or burned and were previously required in specific areas.
- The areas where tamper resistant receptacles are required have been extended to include the areas listed above where children are routinely present.
- 625.54 – All receptacles that are to be utilized for EV charging are required to be GFCI protected.
 - The intent is to ensure that the frequently used EV charging receptacles are provided personal Ground Fault Circuit Interrupting protection.

In addition to the above changes, the five new articles listed below have been added to the 2020 NEC.

- **Article 242-** is a new article that provides the requirements for overvoltage protection. Surge protection and surge arresters to protect electrical equipment and system components.
- **Article 311-** is a new article that provides the requirements for medium voltage cable. Medium voltage is defined as 2001 volts up to and including 35,000 volts nominal.
- **Article 337-** is a new article that provides the requirements for type P cable.
- **Article 410 Part XVI-** is a new addition of special provisions for horticultural lighting equipment. These requirements were included to address the large number of new indoor growing facilities that utilize special lighting to grow plants.
- **Article 800-** is a new article that provides requirements for the installation of communication systems cabling and equipment



MEMO

Legal Department

To: Mayor Haila and Ames City Council

From: Mark O. Lambert, City Attorney

Date: March 5, 2021

Subject: Purchase of 2802 Arbor Street

At the February 9, 2021 Ames City Council meeting, the Council directed that the purchase of a property at 2802 Arbor Street be placed on a future Council agenda.

The property at 2802 Arbor Street is owned by Julia and Marcy Webb. The Webbs and the City have been in discussions for some time about issues with their service line at the house which apparently fails to connect to the City's sanitary sewer system.

As the property will likely need to be demolished and some sort of environmental mitigation likely will need to take place, the City is purchasing the property to address the situation. The Webbs no longer reside at the property. The purchase agreement is attached.

The City and the Webbs have agreed that the City will purchase the property for the amount remaining on the Webbs' mortgage at the time of closing, and that the City will assume closing costs, up to a total amount of \$100,000. The amount remaining on the mortgage is approximately \$95,000. As the City's plan is to demolish the structure, the City has agreed to the Webbs' request that they be allowed to remove the furnace and central air conditioning unit for use at their new house and this is noted in the purchase agreement. Also, staff has agreed informally that the Webbs may remove and retain approximately 20 smaller items (such as light fixtures, towel racks, etc.) most of which the Webbs had installed in the Arbor Street house.

ALTERNATIVES:

1. Approve the Purchase Agreement, purchasing 2802 Arbor Street for the amount remaining on the mortgage, with the City assuming closing costs, for a total amount not to exceed \$100,000.
2. Do not approve the Purchase Agreement for 2802 Arbor Street.

PURCHASE AGREEMENT

THIS IS AN AGREEMENT made by and between Sellers and Buyers upon the following terms and conditions:

1. **DEFINITIONS.** As used in this Agreement, unless otherwise required by the context:

(a) "**Sellers**" means Marcy R. Webb and Julia Webb (f/k/a Julia McGinley), whose mailing address is 2803 Northwood Drive, Ames IA 50010.

(b) "**Buyers**" means the City of Ames, Iowa, whose mailing address is 515 Clark Avenue, Ames, IA 50010.

(c) "**Agreement**" means this instrument as signed by Sellers and Buyers.

(d) "**Real Property**" means the real property (together with all easements and servient estates appurtenant thereto) located at 2802 Arbor Street in the City of Ames, Story County, Iowa, and legally described as follows: [See attached Exhibit 'A' for legal description].

(e) "**Date Of Possession**" means the date on which Buyers are to receive possession of the Real Property from Sellers and are thereafter entitled to the beneficial use of the Real Property.

(f) "**Closing**" means a meeting of Sellers and Buyers at which the transaction contemplated by this Agreement is finally concluded by delivery of a deed conveying title in the Real Property to Buyers and payment of the purchase price to Sellers.

2. **SALE OF REAL PROPERTY.** Sellers agree to sell and Buyers agree to buy the Real Property.

3. **THE TOTAL PURCHASE PRICE** for the real property is the payoff amount due on Seller's mortgage to Wells Fargo Home Mortgage (Loan number 0405120445) as of the date of Closing. The payoff amount as of February 26, 2021, is \$95,168.76, and Sellers shall take no action to increase said payoff amount (including, but not limited to, obtaining further extensions of credit, failing to make timely mortgage payments as may be due and owing and/or incurring any additional fees and charges). Any increases to the payoff amount which are attributable to Sellers, other than the per diem interest per day (\$11.01) to the date of Closing, shall be the sole responsibility of Sellers at Closing. The City of Ames shall have no obligation to proceed to Closing, and this Agreement shall be null and void, if the amount required to payoff the mortgage described herein is in excess of \$100,000, for any reason.

4. **PAYMENT AT CLOSING.** At the Closing of this Agreement, Buyers agree to pay to payoff Seller's mortgage in full as described above, which shall satisfy all amounts due Sellers under this Agreement. Sellers shall timely provide to Buyers or Buyers' agents pay-off statements for the mortgage encumbering the Real Property. Buyers or Buyers' agents may, at their discretion, withhold from the Purchase Price the sums due such creditors together with such interest and fees as determined by Buyers or Buyers' agents necessary for the release of the liens and remit such sums directly to such creditors on behalf of Sellers. Notwithstanding anything to the contrary, Sellers shall receive no payment from Buyers directly under the terms of this Agreement.

5. **TIME AND PLACE OF CLOSING.** The Closing of this Agreement shall take place at 10:00 A.M. on **March 30, 2021**, at the office of the City Clerk, 515 Clark Avenue, Ames Iowa, or such other time and place as the parties may mutually agree upon.

6. **CLOSING PROCEDURE.** At the Closing, Sellers shall furnish, as applicable and required, the deed, mechanic's lien affidavit, assignment of leases, valuation declaration, groundwater hazard statement, completed IRS forms W-9 for each Seller and any required title corrective instruments. The deed transfer tax shall be paid for by Buyers. The cost of preparing and recording corrective instruments required to cure title deficiencies shall be paid by Sellers. Sellers have previously provided Buyers with a copy of a groundwater hazard statement signed by Sellers and will provide the original prior to Closing and shall not, in any way, alter the groundwater hazard statement previously provided.

7. **RELEASE REQUIRED.** At the time of Closing, the Sellers shall furnish a full and final release, in a format acceptable to the Buyers, of all claims against the City of Ames related to the property located at 2802 Arbor Street, Ames, Iowa.

8. **DATE OF POSSESSION.** The Date of Possession, on which Buyers shall be entitled to take possession of the Real Property, shall be the Closing date.

9. **TENANTS.** Sellers certify and warrant to Buyer that there no tenants occupying the Real Property and that no part of the Real Property is subject to the leasehold rights of tenants. Sellers shall not grant any leasehold rights in the property to any tenant prior to Closing.

10. **SELLER'S REPRESENTATION AS TO LIENS & CONTINGENCY.** Sellers represent to Buyers that there are two liens upon the property, namely, the mortgage lien described in paragraph 3 above and a lien for existing property taxes due March 2021. Sellers will ensure that no further liens attach to the property prior to Closing, and Sellers shall bear full responsibility for any additional liens upon the property. This Agreement shall be contingent upon the existence of no additional liens against the property at the time of Closing, or the Agreement shall be null and void and Buyers shall have no obligation to proceed to closing.

11. **REAL PROPERTY TAXES.** Sellers agree to pay the real property taxes previously levied upon the Real Property. The property taxes due March 2021 in the amount of \$1,335.00 shall be paid prior to Closing by Sellers. Sellers shall provide to Buyers prior to Closing a paid receipt verifying that the March 2021 property taxes have been paid in full. Buyers shall have no obligation to close this transaction unless and until Sellers timely ensure payment of the taxes due March 2021.

12. **ASSESSMENTS FOR PUBLIC IMPROVEMENTS.** Sellers agree to pay all special assessments levied or to be levied against the Real Property for public improvements which have been installed at the date of this Agreement.

13. **RISK OF CASUALTY LOSS ON SELLERS.** Sellers agree to keep in force at their expense until the Date of Possession existing insurance policies insuring against loss by fire, tornado and other casualties customarily covered by extended coverage all improvements now or hereafter constituting a part of the Real Property. Sellers assume all risk of loss to the Real Property

due to fire, storm or other casualty. If any of the Real Property is substantially damaged or destroyed by fire, storm or other casualty before the Date of Possession, Sellers shall promptly notify Buyers thereof and furnish to Buyers a written statement of the amount of any insurance payable on account thereof. For purposes of this Agreement, the Real Property shall be deemed to be substantially damaged if the cost of replacement or repair of all damage before the Date of Possession will exceed \$1,000. Within ten days after receipt of notice of any such damage or destruction and the written statement of insurance payable on account thereof, Buyers may elect to terminate this Agreement by written notice of termination to Sellers. Upon such termination, any part of the purchase price previously paid shall be promptly refunded to Buyers, and thereafter neither Buyers nor Sellers shall have any further obligation under this Agreement. If Buyers fail to make such election to terminate, Sellers shall apply all insurance proceeds payable by reason of such damage or destruction to the payment of the purchase price and any excess proceeds shall be payable to Buyers. If the Real Property is not substantially damaged, it shall be repaired or replaced at Sellers' expense before the Date of Possession. All insurance proceeds payable by reason of damage which Sellers are obligated to repair or replace shall be paid to Sellers.

14. **ABSTRACT.** Sellers agree to deliver to Buyers for their examination abstract of title to the Real Property continued to the date of this Agreement showing merchantable title in conformity with this Agreement, the land title law of the State of Iowa and Iowa Title Standards of the Iowa State Bar Association. Buyers shall have until March 23, 2021, to give written notice to Sellers of any deficiencies in the Sellers' title to the Real Property that renders it unmarketable. The abstract of title shall become the property of Buyers when the purchase price has been paid in full. Sellers agree to pay for any additional abstracting which may be required by acts, omissions or change in the legal status of Sellers occurring before delivery of deed. If title deficiencies render title unmarketable, Sellers shall have until March 26, 2021, to remove such deficiencies to the satisfaction of Buyers, failing which Buyers shall have the option of either accepting the title as it then is or canceling this Agreement without consequence to Buyers. Seller shall, if title is found unmarketable, use diligent efforts to correct the title deficiencies within the time provided therefor. If Sellers are unable to provide Buyers with marketable title on or before the date of Closing for any reason, this Agreement shall be null and void.

15. **DEED.** Upon payment of all sums owing by Buyers to Sellers by virtue of this Agreement, Sellers agree to contemporaneously execute and deliver to Buyers a deed conveying the Real Property to Buyers. The deed shall contain general warranties of title, provided, however, that the warranties shall be limited, with respect to the period after equitable title passes to Buyers under this Agreement, to the lawful claims of persons claiming by, through or under Sellers. The deed shall be subject to: (a) Liens and encumbrances suffered or permitted by Buyers and taxes and assessments payable by Buyers. (b) Applicable zoning, subdivision, health and rental housing regulations; restrictive covenants of record; and existing easements, streets and other public right-of-way that may cross the Real Property.

16. **CONDITION & CONFORMANCE.** Sellers represent and warrant with respect to the Real Property that Sellers have not received any notice from any governmental authority as to condemnation proceedings or violation of any law, ordinance, or regulation and that the conveyance of the Real Property will not violate any applicable statute, ordinance, governmental restriction or regulation, or any private restriction or agreement binding or otherwise applicable to Sellers or the Real Property. If the property is subject to easements or restrictive covenants, Sellers warrant that

Sellers have not received any notice from any person or authority as to a breach of the covenants. Any such notices received by Sellers shall be provided to Buyers immediately.

17. **STATUS QUO.** Sellers shall maintain the Real Property in the condition substantially the same as it exists on the date of this Agreement until the Date of Possession, except as provided by this Agreement and except for ordinary wear and tear. Sellers agree to have all utility systems and mechanical and electrical appliances in good working order on the Date of Possession; and Buyers shall have the right to inspect same immediately prior to the Date of Possession at a time and place convenient to Buyers. Personal property (including waste) not included as a part of the sale of Real Property must be removed by and at the expense of Sellers before the Date of Possession. Any personal property not removed before the Date of Possession shall become the property of the Buyers and Sellers shall have no right to said personal property.

18. **FIXTURES.** All personal property that integrally belongs to or is part of the Real Property, whether attached or detached, such as floor coverings, window and door treatments, light fixtures, electrical service cables, plumbing fixtures, water heater, water softener, sump pump, door chimes, built-in appliances and furniture, fencing, trees and plants, radio and television antennae and automatic garage door opener, shall be considered a part of the Real Property and included in this sale. Sellers shall be allowed to remove the heating and cooling equipment (central air conditioner and furnace unit) from the property prior to Closing.

19. **TIMELY PERFORMANCE.** Time is of the essence in this agreement. The failure to promptly assert rights of Sellers herein shall not, however, be a waiver of such rights or a waiver of any existing or subsequent default.

20. **FORFEITURE.** If Buyers fail to pay any part of the purchase price as same becomes due, or fail to pay taxes and special assessments before they become delinquent, or otherwise fail to perform any of the agreements provided for in this Agreement, then Sellers may, at their option, in addition to any and all other legal and equitable remedies which they may have, proceed to forfeit and cancel this Agreement as provided by Chapter 656 of the Iowa Code. Upon completion of such forfeiture, Buyers shall have no right of reclamation or compensation for money paid or improvements made; but such payments and/or improvements if any shall be retained and kept by Sellers as compensation for the use of the Real Property, and/or as liquidated damages for breach of this Agreement. Upon completion of such forfeiture, if Buyers or any other person or persons are in possession of the Real Property or any part thereof, such party or parties in possession shall at once peacefully remove therefrom, or failing to do so may be treated as tenants holding over unlawfully after the expiration of a lease and may accordingly be ousted and removed as such as provided by law.

21. **FORECLOSURE AFTER NOTICE.** If Buyers fail to pay any part of the purchase price as same becomes due, or fail to pay taxes and special assessments before they become delinquent, or otherwise fail to perform any of the agreements provided for in this Agreement, then Sellers may upon 20-days' written notice to Buyers of Sellers' intention to accelerate the payment of the entire balance owing under this Agreement, during which 20 days such default or defaults are not removed, declare the entire balance owing under this Agreement immediately due and payable; and thereafter at the option of Sellers this Agreement may then be foreclosed in equity and a receiver may be appointed to take charge of the Real Property and collect the rents and profits thereof to be applied as may be directed by the court. It is agreed that periods of redemption after

sale on foreclosure may be reduced under the conditions set forth in Sections 628.26 and 628.27, Code of Iowa.

22. **JOINT TENANCY OF SELLERS.** If, and only if, the Sellers, immediately preceding this sale, hold the title to the Real Property in joint tenancy, this sale shall not constitute a destruction of that joint tenancy. In that case, all rights of the Sellers in this Agreement, in the proceeds thereof, and in any continuing or recaptured rights of Sellers in the Real Property, shall be and continue in Sellers as joint tenants with full rights of survivorship and not as tenants in common. Buyers, in the event of the death of one of such joint tenants, agree to pay any balance then owing under this Agreement to the surviving Seller and to accept deed executed solely by such survivor.

23. **NOTICES.** Unless otherwise required by law, any notice or demand required or permitted by the terms of this Agreement shall be sufficient and deemed complete when expressed in writing and either (a) personally delivered to the person entitled thereto, or (b) deposited at any office of the United States Postal Service in the form of certified mail addressed to the last known mailing address of the person entitled thereto, or (c) served on the person entitled thereto in the manner of an original notice under the Iowa Rules of Civil Procedure.

24. **CITY COUNCIL APPROVAL.** This Agreement is subject to the approval of the Ames City Council. If such approval should be denied, this Agreement shall thereupon become null and void.

25. **BROKER'S COMMISSION.** Sellers and Buyers represent, respectively, that they have not engaged or used the services of a broker at any time for purposes of consummating the transaction represented by this Agreement and that no broker is entitled to any compensation as a result of the consummation of the transaction represented by this Agreement.

26. **ENTIRE AGREEMENT.** This instrument constitutes the entire agreement between the parties with respect to the subject matter thereof and supersedes all prior agreements, statements, representations and promises, oral or written. No addition to or change in the terms of this Agreement shall be binding upon the parties unless it is expressed in a writing signed by the parties.

Offered to sell to the City of Ames at the above-stated terms this _____ day of March 2021.

MARCY R. WEBB

JULIA WEBB (F/K/A JULIA MCGINLEY)

Passed and approved on _____, 2021, by Resolution No. 21-
_____ adopted by the City Council of the City of Ames, Iowa.

CITY OF AMES, IOWA

By: _____
John A. Haila, Mayor

At-
test: _____
Diane R. Voss, City Clerk

STATE OF IOWA, COUNTY OF STORY, SS.: This instrument was acknowledged before me on _____, 2021, by John A. Haila and Diane R. Voss, as Mayor and City Clerk, respectively, of the City of Ames, Iowa.

NOTARY PUBLIC

LEGAL DESCRIPTION – EXHIBIT 'A'

Commencing at a point 33 feet South of the NE Corner of the West Half ($W\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Nine (9), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., Iowa; thence South 150 feet, thence West 60 feet, thence North 150 feet, thence East 60 feet to the place of beginning, also known and described as Lot One (1) of Little Brothers Subdivision of the South 150 feet of the North 183 feet of the $W\frac{1}{2}$ of the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$ of the $NW\frac{1}{4}$ of Sec. 9-T83N-R24W of the 5th P.M., Ames, Story County, Iowa

COUNCIL ACTION FORM

SUBJECT: INTERGOVERNMENTAL AGREEMENT FOR POLICE ENFORCEMENT OF ALCOHOL REGULATIONS

BACKGROUND:

The Police Department is requesting permission to enter into a 28E intergovernmental agreement with the Iowa Alcoholic Beverages Division for alcohol enforcement activities. Through this agreement, the Alcoholic Beverages Division will pay the City \$100 for each compliance check the City conducts with licensed alcoholic beverage retailers. No matching funds are required to support this activity.

ALTERNATIVES:

1. Approve the Underage Enforcement contract between the Police Department and the Alcoholic Beverages Division.
2. Do not approve Underage Enforcement contract between the Police Department and the Alcoholic Beverages Division.

CITY MANAGER'S RECOMMENDED ACTION:

These funds will help ensure compliance with alcohol regulations within the City of Ames.

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

COUNCIL ACTION FORM

SUBJECT: ENCROACHMENT PERMIT FOR SIGN AT 2420 LINCOLN WAY
SUITE B

BACKGROUND:

Cactus 2, a restaurant located at 2420 Lincoln Way, Suite B, is seeking approval for a sign attached to the building. The sign is an LED illuminated sign 18 inches by 36 inches in size.

Chapter 22.3(3) of the *Ames Municipal Code* requires approval of the Encroachment Permit Agreement by the City Council before the Permit can be issued. By signing the Agreement, the applicant and owner agree to hold harmless the City of Ames against any loss or liability as a result of the encroachment, to submit a certificate of liability insurance that protects the City in case of an accident, and to pay the fee for the Encroachment Permit. The applicant and owner also understand that this approval may be revoked at any time by the City Council.

The fee for this permit was calculated at \$25, and the full amount has been received by the City Clerk's Office along with the certificate of liability insurance.

ALTERNATIVES:

1. Approve the request and issue the Encroachment Permit for a sign at 2420 Lincoln Way, Suite B
2. Deny the request

CITY MANAGER'S RECOMMENDED ACTION:

The application is in order and the request meets the criteria for issuance of the Encroachment Permit.

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



For Office Use Only

Documents Received

Date: 2-3-21
[X] Completed Application
Certificate of Inspections 2-19
sent to PW, P&H, Building
Official on
Review by DRC needed?

ENCROACHMENT PERMIT APPLICATION

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

Applicant is: Property Owner Tenant Contractor

Applicant Name Rene German / Cactus 2

Address of Encroachment 2420 Lincoln Way Ste B

City Ames State IA Zip Code 50010

Type of Encroachment: Sign

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

Total Square Feet of the Area to Encroach: 4.5

(See attached submittal guidelines.)

Property Owner Name Kingland Campus Properties

Mailing Address 1401 6th Ave South

City Clear Lake State IA Zip Code 50428

Daytime Phone 641-355-1000 Cell Phone

E-mail: jason.slattum@kingland.com

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

- An Encroachment Permit Agreement approved as to form by the City Attorney and signed by the owner of the building where the encroachment will occur (obtained from the City Clerk's Office).
A sketch of the encroaching item (i.e., sign, canopy, awning, etc.) drawn to scale.
A sketch showing the placement of the encroaching item on the property.
An insurance certificate with comprehensive general liability coverage in an amount of not less than \$500,000 combined single limit naming the City of Ames as an additional insured on the policy. Said certificate must be accompanied with a copy of Endorsement CG 2013.
A fee to be determined by the City's Building Official. The fee is \$1.00 per square foot of the encroachment or a minimum of \$25.00.

Applicant's Signature [Signature] Date 02-18-2021

Property Owner's Signature [Signature] Date 2-18-2021

Submit your completed permit application to: renee.hall@cityofames.org
City of Ames
City Clerk's Office
PO Box 811
Ames, IA 50010

Fees
Fee Amount 25.00
Date Fee Paid 2-19-21

Insurance
[X] Received 2-3-21
Approved

Agreement
[X] Two originals prepared
[X] Signed agreements returned 2-19

CC Meeting Date 3-9
Added to agenda
CAF prepared on T Drive

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

Notes



PROOF

ATTENTION! It is your responsibility to read and check this proof carefully and thoroughly. By approving this proof, you are accepting all responsibility for undetected errors. Changes made to the proof may result in delays and additional costs. If proof is not approved within 30 days, the customer may be charged for creative time. This design is the sole property of Sign Pro. Any duplication in whole or in part without the express written consent of Sign Pro is strictly prohibited.

Order Date:
1/18/2021

Customer:
Cactus 2

Ordered by:

Job #:
32590

Due Date:

JOB NOTES

"T:\C\Cactus 2\BladeSign.eps"



Qty: 1
18"x36" Double-Faced Blade Sign
LED Illuminated
Cabinet & Brackets
Black Plate & Black Cabinet
Install



619 S. 4th Street
Ames, Iowa 50010
515-232-4500 • SignProAmes.com

PAGE 1/1

DESIGN: 1 Hour - CH
PRODUCTION: _____
INSTALL: _____
CUSTOMER CALLED: _____

COUNCIL ACTION FORM

SUBJECT: WATER POLLUTION CONTROL FACILITY SLUDGE PUMPING BUILDING IMPROVEMENTS

BACKGROUND:

A comprehensive evaluation of the mechanical condition of the Water Pollution Control Facility was performed in 2012. The outcome of that evaluation was a prioritized schedule for the repair or replacement of key mechanical equipment associated with solids handling. The Water Pollution Control Facility (WPCF) Sludge Pumping Building Improvements project is the final component of the Digester Improvements CIP project. The original scope identified in the FY 2014/15 CIP included replacement of three waste pumps. Upon further investigation, there are additional improvements that staff is recommending as described below. The savings from the earlier elements of the Digester Improvements CIP project will be used to cover the increased scope of work.

This project will consist of replacing three pumps, seventeen valves, and floor grating located over the final and secondary clarifier scum pits. In addition to the equipment replacement, the building basement, stairwell, and piping will have all existing coatings removed and re-coated.



Representative example of the pumps, piping, valves, and paint coatings that will be replaced by this project.

The pumps are nearing the end of their useful life and staff has experienced several mechanical failures over the past year. The valves identified in this project have reached the end of their useful life and no longer operate as intended. The coatings associated with the Sludge Pumping Building are original to the plant construction and are showing signs of failure. Coatings help to protect equipment such as piping from corrosion. To ensure protection for years to come, it is recommended to remove all coatings and re-coat at this time.

The engineer's estimate of probable construction costs is \$280,000. The work was designed in-house, so there are no engineering fees. A summary of the project budget and estimated expenses is shown on the following page.

Project Budget

FY 2020/21 CIP	\$ 183,000
Digester Improvements CIP Savings	158,000
<u>Total Project Budget</u>	<u>\$ 341,000</u>

Estimated Project Expenses

Construction Estimate	280,000
Contingency (10% of construction)	28,000
<u>Total Estimated Expense</u>	<u>\$ 308,000</u>

ALTERNATIVES:

1. Approve the preliminary plans and specifications and issue a Notice to Bidders for the Water Pollution Control Facility Sludge Pumping Building Improvements project, establishing April 14, 2021 as the bid due date and April 27, 2021 as the date of public hearing.
2. Do not approve plans and specifications and a notice to bidders at this time.

CITY MANAGER'S RECOMMENDED ACTION:

The equipment and coatings in the Sludge Pumping Building have reached the end of their useful life. To ensure that the WPCF remains operational and continues to stay in compliance, these upgrades are necessary. Authorized funds are available to cover the estimated cost of the work plus a construction contingency.

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

COUNCIL ACTION FORM

SUBJECT: LUMEN 3-YEAR DATA SERVICES CONTRACT

BACKGROUND:

The City's primary data connection to City Hall is from Lumen, formerly known as CenturyLink. When this connection is interrupted, the City uses a backup data connection to Iowa State University. Switching to the backup connection allows data to transmit but causes the City's external website to not function correctly.

Lumen is offering a new 3-year contract effective March 21, 2021, to provide two data connections to the City:

- Connection #1 will connect to City Hall in the same way as the existing connection. This connection will ultimately lead to Kansas City.
- Connection #2 will connect to the Water Treatment Plant. This connection will ultimately lead to Minneapolis.

The two external Lumen connections will both be accessible through the City network. This will provide geographic backup of the external network; if the Kansas City connection has a problem, the Minneapolis connection may be unaffected. This arrangement should also allow the City's website to remain functional if the data connection needs to switch from one Lumen connection to the other.

The City's cost for Lumen's current single connection is \$3,800 per month. The new contract with Lumen would provide a second connection at a lower cost: \$2,400 total per month, with no cost change for the entire 3-year term. Funding for this contract is available in the Information Technology budget. The existing backup connection to ISU will be maintained under a separate contract as an additional layer of redundancy in the event both Lumen connections fail.

ALTERNATIVES:

1. Award a contract to Lumen of Monroe, Louisiana, for a 3-year data services contract in the amount of \$2,400 per month.
2. Reject the bid and ask City staff to seek additional bids.

CITY MANAGER'S RECOMMENDED ACTION:

The City has a long-standing relationship with Lumen/CenturyLink. This new service will provide external physical redundancy and improve website reliability at a lower cost.

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



Customer Name: **CITY OF AMES - IA**
 Order #: **Q-00887905**
 Order Generation Date: **2/4/2021 2:21:06 PM**
 Cutoff/Expiration Date: **3/21/2021**
 Currency: **USD**

Customer Information	Account Information	Prepared By
Name: CITY OF AMES - IA Primary Contact: William Ledvina Primary Contact Phone: (515) 239-5384 Primary Contact Email: wledvina@city.ames.ia.us Billing Contact: Billing Contact Phone: Billing Contact Email:	BPID: 606451 Billing Account: Billing Address: 515 CLARK AVE AMES, IA 50010 Contract ID#: New (Internal Use Only)	Name: Dan Wilcox Phone: Email: dan.t.wilcox@lumen.com

Order

Pricing Table

Product	Qty	Service Address	Service Details	Service Attributes	Term (Months)	MRC	NRC	Waived NRC
IQ Networking	1	1800 E 13TH ST AMES IA 50010	IQ Networking Port - Internet	Flat 1000BT 1000 Mbps	36 Months	\$843.00	\$325.00	\$325.00
Local Access	1	1800 E 13TH ST AMES IA 50010	ELA Native Single- CoS Medium	Lumen (LPA) GIG E 1G	36 Months	\$357.00	\$600.00	\$600.00
IQ Networking	1	515 CLARK AVE AMES IA 50010	IQ Networking Port - Internet	Flat 1000BT 1000 Mbps	36 Months	\$843.00	\$325.00	\$325.00
Local Access	1	515 CLARK AVE AMES IA 50010	ELA Native Single- CoS Medium	Lumen (LPA) GIG E 1G	36 Months	\$357.00	\$600.00	\$600.00
Service Sub Total:						\$2,400.00	\$0.00	

"Terms and Conditions for CenturyLink IQ Networking Internet Port Service."

Lumen provides CenturyLink IQ Networking Internet Port Service ("Internet Port" or "Service") under the Internet Services Service Schedule. Each Internet Port has a Minimum Service Term of 12 months. Service will not be provided at a residential address. Lumen may use a Lumen affiliate or a third party to provide Service to Customer, but Lumen will remain responsible to Customer for Service delivery and performance. Any references to a Revenue Commitment, Contributory Charges, or Renewal Order will not apply to Internet Ports. "Order Form" means an electronic order confirmation process using an architecture confirmation document ("ACD") or other document that Customer and Lumen mutually agree to prior to submitting a Service order request. Lumen must approve each Order Form and Customer must send it via e-mail, fax, or other Lumen-approved electronic process to Lumen.

Scheduled Maintenance and Local Access. Customer may request a specific Local Access provider ("Preferred Provider") for Off-Net Access from a list of available providers with whom Lumen has interconnect agreements. Lumen will attempt to use Customer's Preferred Provider, but both final routing and the provider actually used will be chosen by Lumen. If Customer selects a Preferred Provider and Lumen is unable to use Customer's Preferred Provider for a specific Service Address as designated in this Quote, then the rate for Service at that Service Address may be subject to change.

Scheduled maintenance will not normally result in Service interruption. If scheduled maintenance requires Service interruption, Lumen will use commercially reasonable efforts to minimize such interruptions and provide notice to Customer. If third-party local access services are required for the Services, Customer will: (a) provide Lumen with circuit facility and firm order commitment information and design layout records to enable cross-connects to Lumen Service(s) (provided by Lumen subject to applicable charges), (b) cooperate with Lumen (including changing demarcation points and/or equipment and providing necessary LOAs) regarding circuit grooming or re-provisioning, and (c) where a related Service is disconnected, provide Lumen a written disconnection firm order commitment from the relevant third-party provider. Lumen may re-provision any local access circuits from one off-net provider to another or to the Lumen owned and operated network (on-net), and such changes will be treated as scheduled maintenance.

Customer may request additional wiring from the demarcation point to Customer's network interface equipment (where available). If Customer requests additional wiring, Lumen will notify Customer of the charge to be billed to Customer. Customer may either approve or disapprove Lumen providing the additional wiring. Additional wiring could entail electrical or optical cabling into (a) existing or new conduit or (b) bare placement in drop down ceilings, raise floors, or mounted to walls/ceiling. Once Service is accepted by Customer, the additional wiring then becomes property of and maintained by Customer. Lumen will maintain Service to the demarcation point only. Customer is responsible for any facility or equipment repairs on Customer's side of the demarcation point. Customer may request a technician dispatch for Service problems. Before dispatching a technician, Lumen will notify Customer of the dispatch fee. Lumen will assess a dispatch fee if it determines the problem is on Customer's side of the demarcation point or was not caused by Lumen's

Opportunity ID#: 56890993
 OMR#: R095223

facilities or equipment on Lumen's side of the demarcation point.

If Customer orders Diversity Enhancement or Diversity Backhaul, the Domestic Network Diversity Service Exhibit applies. A copy of the Domestic Network Diversity Service Exhibit is available upon request.

If Customer orders Building Extension Service, the Building Extension Service Service Schedule applies. A copy of the Building Extension Service Service Schedule is available upon request.

Cancellation and Termination Charges. Either party may terminate an individual Service: (a) with 60 days prior written notice to the other party, or (b) for Cause. "Cause" means the failure of a party to perform a material obligation under the Agreement, which failure is not remedied: (i) for payment defaults by Customer, within five days of separate written notice from Lumen of such default; or (ii) for any other material breach, within 30 days after written notice (unless a shorter notice period is identified in a Service Attachment). If an individual Service is terminated by Customer for any reason other than for Cause or by Lumen for Cause prior to conclusion of the applicable Service Term, then Customer will pay the Cancellation Charges set forth below, in addition to any and all charges that are accrued but unpaid as of the termination date. If the Agreement is terminated by Customer for any reason other than for Cause, or by Lumen for Cause prior to the conclusion of the Service Term, all Services are deemed terminated, and Customer will pay the Cancellation Charges set forth below, in addition to any and all charges that are accrued but unpaid as of the termination date.

CPNI. Lumen is required by law to treat CPNI confidentially. Customer agrees that Lumen may share CPNI within its business operations (e.g., wireless, local, long distance, and broadband services divisions), and with businesses acting on Lumen's behalf, to determine if Customer could benefit from the wide variety of Lumen products and services, and in its marketing and sales activities. Customer may withdraw its authorization at any time by informing Lumen in writing. Customer's decision regarding Lumen's use of CPNI will not affect the quality of service Lumen provides Customer. "CPNI" means Customer Proprietary Network Information, which includes confidential account, usage, and billing-related information about the quantity, technical configuration, type, destination, location, and amount of use of a customer's telecommunications services. CPNI reflects the telecommunications products, services, and features that a customer subscribes to and the usage of such services, including call detail information appearing in a bill. CPNI does not include a customer's name, address, or telephone number.

Service(s) Total for Services priced in this Order		
	Monthly Recurring Charges (\$)	Non-Recurring Charges (\$)
Total	\$ 2,400.00	\$ 0.00

Terms and Conditions Governing This Order

1. "Lumen" is defined for purposes of this Order as CenturyLink Communications, LLC d/b/a Lumen Technologies Group and its affiliated entities providing Services under this Order. This confidential Order may not be disclosed to third parties and is non-binding until accepted by Lumen, as set forth in section 4. Customer places this Order by signing (including electronically or digitally) or otherwise acknowledging (in a manner acceptable to Lumen) this document and returning it to Lumen.
2. Prior to installation, Lumen may notify Customer in writing (including by e-mail) of price increases due to off-net vendors. Customer has 2 business days following notice to terminate this Order without liability; or otherwise, Customer is deemed to accept the increase.
3. Unless otherwise agreed by the parties in writing, the demarcation point for on-net services will be Lumen's Minimum Point of Entry (MPOE) at such location (as determined by Lumen). Off-net demarcation points will be the off-net vendor's MPOE. If this Order identifies aspects of services that are procured by Customer directly from third parties, Lumen is not liable for such services.
4. The Service identified in this Order is subject to the Lumen or CenturyLink Master Service Agreement(s) and applicable Service Exhibit(s)/Service Schedule(s) between CenturyLink Communications, LLC d/b/a Lumen Technologies Group and Customer (or its affiliate if expressly provided for under such affiliate Master Service Agreement). If Customer has not executed a Lumen or CenturyLink Master Service Agreement with CenturyLink Communications, LLC d/b/a Lumen Technologies Group but has executed a services agreement for applicable services with an affiliate of Lumen ("Affiliate Agreement"), then the terms of the most recent Affiliate Agreement will apply to the Service (to the extent not inconsistent with this Order); in such cases, the current standard Service Exhibit(s)/Service Schedule(s) applicable to the Services will apply. If Lumen and Customer have not executed a Lumen or CenturyLink Master Service Agreement and/or applicable Service Exhibit(s)/Service Schedule(s) governing the Service and have not executed an Affiliate Agreement, Lumen's current standard Master Service Agreement and Service Exhibit(s)/Service Schedule(s) as of the date of this Order will govern, copies of which are available upon request. The Lumen entity providing Services is identified on the invoice.

Notwithstanding anything in any Affiliate Agreement to the contrary, Lumen will notify Customer of acceptance of requested Service in this Order by delivering (in writing or electronically) the date by which Lumen will install Service (the "Customer Commit Date"), by delivering the Service, or by the manner described in a Service Exhibit/Service Schedule. Lumen will deliver a written or electronic notice that the Service is installed (a "Connection Notice"), at which time billing will commence. If the Affiliate Agreement governs and does not include early termination charges and if Customer cancels or terminates Service for any reason other than Lumen's uncured default or if Lumen terminates due to Customer's uncured default, then Customer will pay Lumen's standard early termination liability charges as identified in the then standard applicable Service Exhibit(s)/Service Schedule(s). If such Service Exhibit(s)/Service Schedule(s) does not contain early termination charges, Customer will pay Lumen's standard early termination charges described in its then standard Lumen or CenturyLink Master Service Agreement. "Affiliate Agreement" for CenturyLink Communications, LLC d/b/a Lumen Technologies Group or any companies that were affiliates of CenturyLink Communications, LLC before the merger with Level 3 Communications ("Merger") means only an applicable Interexchange Carrier (IXC) network agreement, e.g. CenturyLink Total Advantage Agreement, CenturyLink Total Advantage Express Agreement, or CenturyLink Wholesale Services Agreement (each, an Affiliate Agreement). Affiliate Agreement also includes an Agreement between Customer and any entity that was an affiliate of Level 3 Communications before the Merger.

5. Neither party will be liable for any damages for lost profits, lost revenues, loss of goodwill, loss of anticipated savings, loss of data or cost of purchasing replacement service, or any indirect, incidental, special, consequential, exemplary or punitive damages arising out of the performance or failure to perform under this Order. Customer's sole remedies for any nonperformance, outages, failures to deliver or defects in Service are contained in the service levels applicable to the affected Service.

6. All transport services ordered from Lumen will be treated as interstate for regulatory purposes. Customer may certify transport service as being intrastate (for regulatory purposes only) in a format as required by Lumen, but only where the transport services are sold on a stand-alone basis, the end points for the service are located in the same state and neither end point is a Lumen provided IP port ("Intrastate Services"). Where Customer requests that services be designated as Intrastate Services, Customer certifies to Lumen that not more than 10% of Customer's traffic utilizing the Intrastate Services will be originated or terminated outside of the state in which the Intrastate Services are provided. Such election will apply prospectively only and will apply to all Intrastate Services stated in this Order.

7. Charges for certain Services are subject to (a) a per month property tax surcharge and (b) a per month cost recovery fee to reimburse Lumen for various governmental taxes and surcharges. Such charges are subject to change by Lumen and will be applied regardless of whether Customer has delivered a valid tax exemption certificate. For additional details on taxes and surcharges that are assessed, visit www.lumen.com/taxes or the RSS, if indicated by the applicable Service Exhibit(s)/Service Schedule(s).

8. Unless otherwise set forth in a Service Attachment, Customer will pay Lumen's standard: (a) expedite charges (added to the NRC) if Customer requests a delivery date inside Lumen's standard interval duration (available upon request or in Control Center at <https://www.centurylink.com/business/login/>) and (b) ancillary charges for additional activities, features or options as set forth in the

Ancillary Fee Schedule, available at www.lumen.com/ancillary-fees. If Lumen cannot complete installation due to Customer delay or inaction, Lumen may begin charging Customer and Customer will pay such charges.

9. Charges/Orders. Despite anything to the contrary, NRCs are NOT waived unless this Order expressly states NRCs are waived or the NRCs appear in the waived column in the above table(s). If a Cancellation Charge requires Customer to pay the amount of any waived or discounted NRC, the NRC will be the amount stated in this Order or shown in the "Waived NRC" column in the above table(s) despite anything to the contrary. If in this Order Customer is upgrading, moving, disconnecting or otherwise changing an existing Service, cancellation charges may apply as set forth in the Agreement.

10. For Internet Services provided in certain countries in the Asia-Pacific region where Lumen does not currently hold a license to provide such Services, Customer consents to Lumen providing Service by procuring services of third-party carriers as Customer's agent, and Customer appoints Lumen as its agent to the extent necessary to obtain such Service. Lumen's affiliate is licensed in Hong Kong, Japan, Singapore and Australia.

Customer: CITY OF AMES - IA
_____ Authorized Signature
_____ Name Typed or Printed
_____ Title
_____ Date

APPROVED AS TO FORM
BY *Victoria A. Feilmeyer*
Vikki Feilmeyer
Assistant City Attorney

COUNCIL ACTION FORM

SUBJECT: CHANGE ORDER NO. 3 -- ENGINEERING SERVICES FOR THE ELECTRIC POWER LINE RELOCATION AT SE 16TH ST & S. DUFF AVE.

BACKGROUND:

On November 20, 2017, the Ames Electric Services issued a purchase order to DGR Engineering, Rock Rapids, Iowa, for engineering services for the electric power line relocation at the intersection of SE 16th St and S. Duff Ave in an amount not-to-exceed \$28,000. **This purchase order was to provide engineering services to design the electric power line relocation required to clear for future intersection improvements at SE 16th St & S. Duff Ave and to prepare certified plans and specifications (stamped by an engineer licensed in Iowa) that will be issued by the City to prospective bidders for the relocation of the electric power lines. Plans for improvements to the SE 16th St & S. Duff Ave intersection are being planned separately by Ames Public Works.**

PURCHASE ORDER HISTORY:

Change Order No. 1 to this purchase order in the amount of \$0 was performed to transfer funds to a different account number internally to the City.

Change Order No. 2 to this purchase order in the amount of \$0 was performed to reopen the purchase order after it was closed prematurely. Additional engineering services work was identified to be performed.

THIS ACTION:

Recent revisions to the intersection improvement plans by Ames Public Works have changed the scope of the electric power line relocation design by DGR Engineering. Additional engineering services work is needed to revise DGR Engineering plans. The initial design budget was exhausted with the multiple design changes with the intersection. The current design requires the following changes:

- The new layout requires additional structures to be assessed and the location changed.
- A self-supporting steel structure with a concrete foundation is now needed due to intersection changes. DGR will need to design the foundation and steel pole requirements.
- Rates for the DGR services have increased since the initial proposal.
- Additional funding is included for any future changes on the street design.

The total amount for Change Order #3 is \$32,500. The approved FY2020/21 Capital Improvements Budget carryover includes \$1,030,502 for the relocation of electric utility lines and street lights.

ALTERNATIVES:

1. Approve Change Order No. 3 with DGR Engineering, Rock Rapids, IA, for additional engineering services for the Electric Power Line Relocation at SE 16th St & S. Duff Ave in an amount not-to-exceed \$32,500.
2. Reject contract Change Order No. 3.

MANAGER'S RECOMMENDED ACTION:

This scope of work, the engineering services for the electric power line relocation and the development of plans and specifications for the project, is a critical first step required to clear for the SE 16th St & S. Duff Ave intersection improvements.

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

\$1,030,502	FY2020/21 CIP Amount Budgeted for projects
\$28,000	Engineering Services with DGR Engineering
\$32,500	<u>Change Order No. 3 (pending City Council approval – this agenda)</u>
\$60,500	Commitments to date
\$970,002	Remaining Budget for the relocation of electric utility lines and street lights

CITY MANAGER'S RECOMMENDED ACTION:

The redesign of the Duff-South 16th intersection will allow for better traffic flow to occur in the south area of Ames. To accomplish the street work, Ames electric lines in the area need to be redesigned and moved to accommodate.

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



MEMO

To: Mayor and Members of the City Council

From: City Clerk's Office

Date: March 9, 2021

Subject: Contract and Bond Approval

There is/are no Council Action Form(s) for Item No(s). 19, and 29b. Council approval of the contract and bond for this/these project(s) is simply fulfilling a *State Code* requirement.

/alc

COUNCIL ACTION FORM

SUBJECT: CONTRACT COMPLETION FOR DURHAM BANDSHELL LIGHTING AND ELECTRICAL UPGRADES PROJECT

BACKGROUND:

This project included upgrading the lighting and electrical equipment at the Durham Bandshell. Those items specifically included were the main electrical service, interior restroom lighting, exterior building lighting, and shell lighting.

MODUS, Des Moines, Iowa was hired to develop plans and specifications, prepare a cost estimate, and provide project management. Fees for MODUS totaled \$17,880. Jaspering Electric, Inc., Ames, Iowa was awarded the construction contract on January 14, 2020 in the amount of \$136,500. A change order in the amount of \$1,285.40 was added to the contract for patching and painting behind the new light fixtures in the shell, which brings the total construction cost to \$137,785.40. An additional \$1,236.34 was required for plexiglass and adhesives to protect the new LED fixtures to complete the project.

Jaspering Electric completed the project in accordance to specifications and verified by MODUS on February 23, 2021. Attached is a Letter of Substantial Completion. As shown below, the final project cost including design, construction, and supplies was \$156,901.74.

Project Component	Cost
Design	\$ 17,880.00
Construction	136,500.00
Change Order #1	1,285.40
Supplies	1,236.34
Total Project Cost	\$156,901.74

The FY 2015/16 Capital Improvements Plan (CIP) included \$50,000 to replace the shell lighting and the FY 2017/18 CIP included \$116,538 to upgrade the electrical equipment for a total of \$166,538 of available funding.

ALTERNATIVES:

1. The City Council can:
 - a. Approve Change Order #1 in the amount of \$1,285.40 to Jaspering Electric, Inc., Ames, Iowa for the Durham Bandshell Lighting and Electrical Upgrades Project.
 - b. Accept completion of the contract for the Durham Bandshell Lighting and Electrical Upgrades Project with Jaspering Electric, Inc., Ames, Iowa in the amount of \$137,785.40.
2. Do not accept the completion of the Durham Bandshell Lighting and Electrical Upgrades Project.

CITY MANAGER'S RECOMMENDED ACTION:

The Durham Bandshell has been an important entertainment venue in the community since 1935. Thus, it is important to update the infrastructure to ensure it provides a quality, safe experience for users. This upgrade addressed safety concerns, code issues, and replaced outdated lighting with efficient and versatile LED fixtures.

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

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY (BOUNDARY LINE ADJUSTMENT) FOR 2006 & 2010 KILDEE 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 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 (see *Attachment C*) is for a boundary line adjustment to consolidate two existing parcels described as “*Sublots 1 and 2 in the Subdivision of Lots 1 and 2, Block 11, College Heights Addition to the City of Ames, Story County, Iowa*” to create one “Parcel N” including 13,958.75 square feet (0.32 acres). These sublots (parcels) are located at 2006 and 2010 Kildee Street and are zoned as Residential Low Density (RL). The owners of “Sublot 1” (2006 Kildee Street) have purchased “Sublot 2” (2010 Kildee Street) for the purpose of combing the two sublots into a single parcel to enable construction of a garage addition on their existing home.

Each lot currently includes a home. **The City's zoning allows for only one home on a lot. Therefore, to allow the combination of lots to take place, it will be necessary to demolish the house at 2010 Kildee prior to filing the plat of survey with the Story County Recorder's Office. A demolition permit for the existing house and detached garage at 2010 Kildee Street has been approved by the Inspections Division and demolition is anticipated in the next few days (see *Attachments A & B*). It is recommended that the Planning Director withhold release of an approved Plat of Survey until the house is demolished.**

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

ALTERNATIVES:

1. Approve the proposed plat of survey and direct the Planning Director to withhold release of the Plat of Survey until the completion of the demolition of the house at 2010 Kildee.
2. Deny the proposed plat of survey on the basis that the City Council finds that the requirements for plats of survey as described in Section 23.309 have not been satisfied.
3. Refer this request back to staff and/or the owner(s) 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 Residential Low-Density (RL) zoning standards and the proposed boundary line adjustment once the existing house is demolished.

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 and directing the Planning Director to withhold release of the Plat of Survey until the completion of the demolition of the house at 2010 Kildee.

ADDENDUM

PLAT OF SURVEY FOR 2006 & 2010 KILDEE 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)

Property Owner(s) & Site Location:

Owner(s): McCracken, Ana Hays & Edward R. Trustees

Existing Street Addresses: 2006 Kildee Street
2010 Kildee Street

Assessor's Parcel #: 0909281030 (2006 Kildee Street)
0909281020 (2010 Kildee Street)

Legal Description:

Survey Description - Parcel N:
Sublots 1 and 2 in the Subdivision of Lots 1 and 2, Block 11, College Heights Addition to the City of Ames, Story County, Iowa, all together being described as follows: Beginning at the Northeast Corner of said Sublot 1; thence S00°28'35"E, 109.91 feet to the Southeast Corner thereof; thence S89°57'48"W, 158.23 feet to the Southwest Corner of said Sublot 2; thence N00°10'13"W, 70.03 feet to the Northwest Corner thereof; thence northeasterly, 162.61 feet along a curve having a radius of 1394.88 feet, concave northerly, a central angle of 6°40'46" and being subtended by a chord which bears N75°45'42"E, 162.52 feet to the point of beginning, containing 0.32 acres.

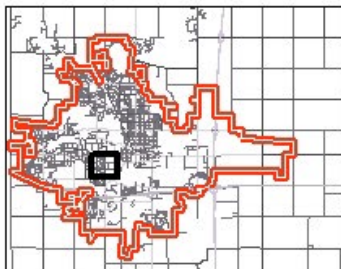
Public Improvements:

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 other than sidewalk and street trees that are required as part of South Fork Subdivision.)

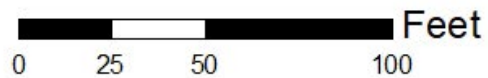
Note: The official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

Attachment A - Location Map

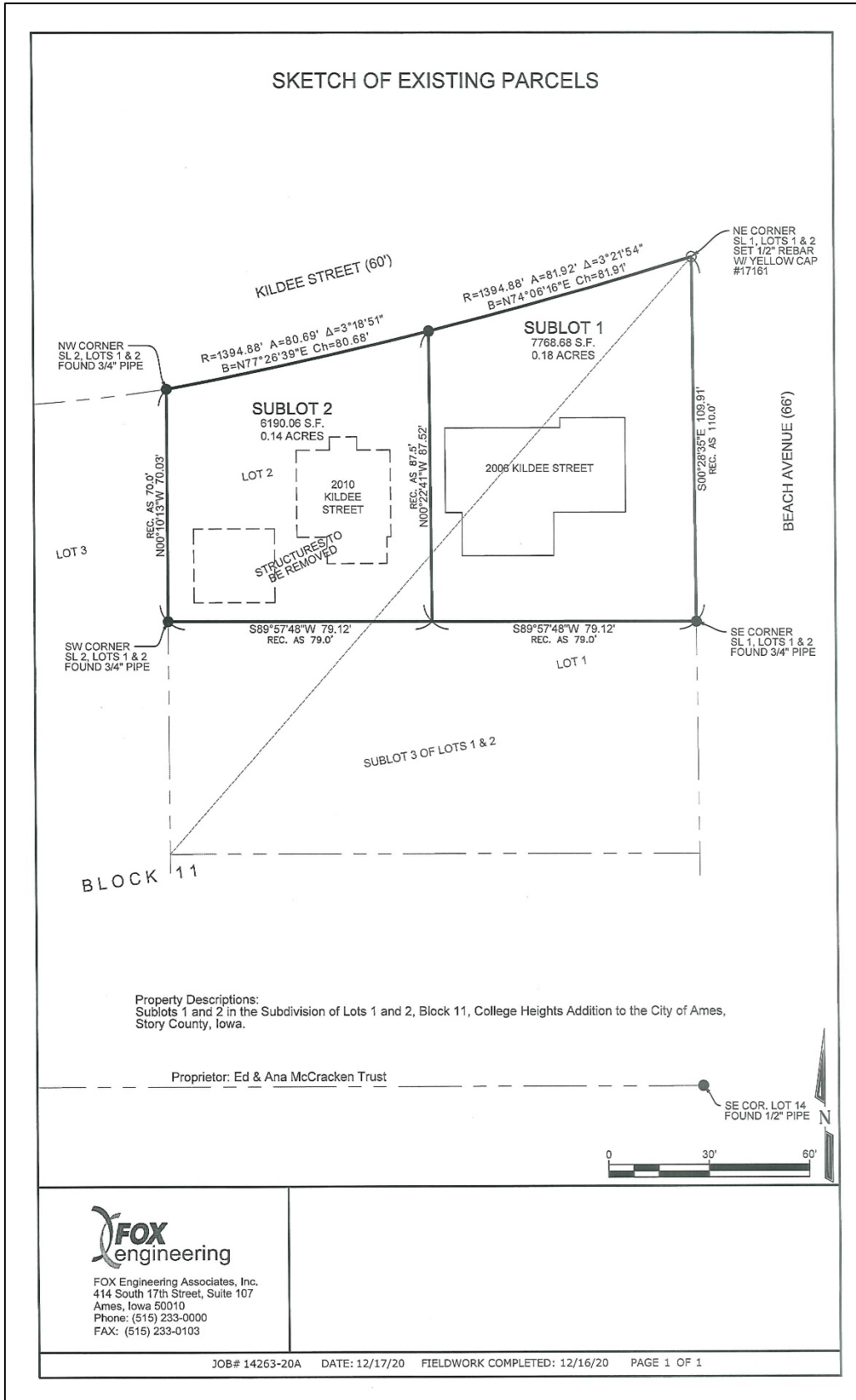


Location Map

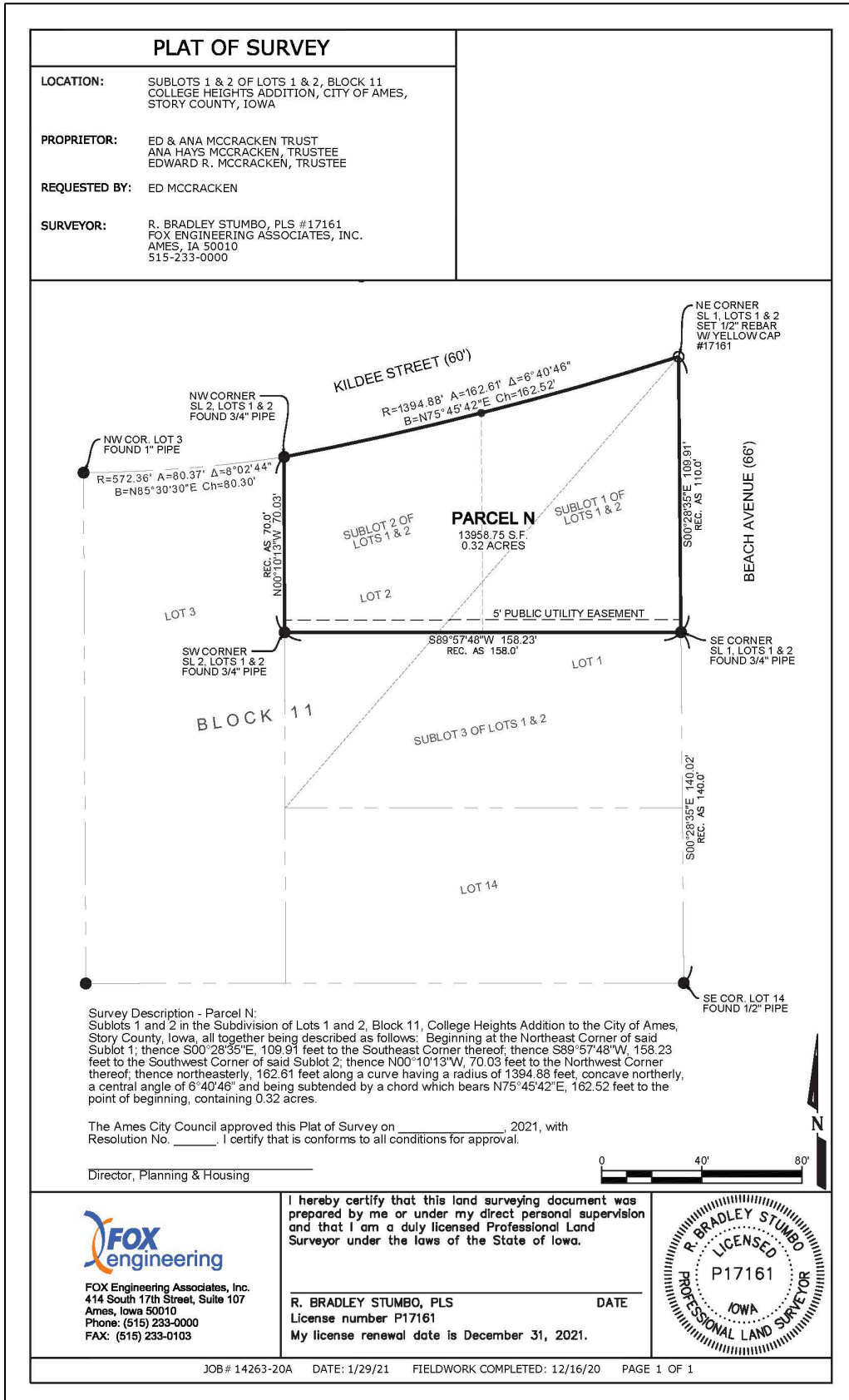
2006 & 2010 Kildee Street



Attachment B - Existing Conditions



Attachment C - Plat of Survey



COUNCIL ACTION FORM

SUBJECT: SMALL ARTS GRANT PROGRAM CRITERIA

BACKGROUND:

On January 12, 2021, the City Council directed that the Public Art Commission (PAC), working with the Commission on the Arts (COTA), develop and bring back to the Council guidelines for a Small Art Grant Pilot Program. **The program is to offer competitive grants up to \$10,000 for individual artists and groups of artists not eligible for COTA funding, to create arts projects that will benefit the residents of Ames and/or contribute to making Ames a fun and vibrant community.** Funds for the program were included in the FY 2019/20 adjusted city budget and carried over into the current fiscal year.

Representatives from PAC and COTA had previously met to discuss the potential program in fall 2020. The chairs of both commissions met in February to consider a draft set of program criteria reflecting the City Council's January 12, 2021 direction (attached). The draft criteria require that recipients be:

1. An individual artist or a group of artists
2. Residents of Ames
3. Not an organization or governmental entity
4. Ineligible for funding from the Commission on the Arts (COTA) Annual Grant and Special Project Grant Programs

Projects receiving funding must:

1. Benefit the residents of Ames
2. Contribute to making Ames a fun and vibrant community
3. Have a public component (e.g., the creation of the project involves the public, the public may observe the creation of the project, or the public may view/hear/touch/explore/etc. the finished product). The criteria indicate that artists may propose exhibiting their finished work on City property.

The application form is brief, simply requiring that applicants describe their proposed project and how it will benefit the residents of Ames and/or contribute to making Ames a fun and vibrant community. This is intended to provide reviewers maximum flexibility in determining recommended awards.

It is proposed that a committee composed of two members of COTA and three members of PAC review the applications and recommend awards to the City Council for approval. Projects would occur between July 1, 2021 and June 30, 2022.

ALTERNATIVES:

1. Approve the attached Small Arts Grant Program criteria and application documents and direct Commissioners to proceed with accepting proposals.
2. Modify the attached program criteria and/or application and direct Commissioners to accept proposals using the revised documents.
3. Do not approve the program criteria and application documents.

CITY MANAGER'S RECOMMENDED ACTION:

The attached criteria and application for the Small Arts Grant Program reflect the direction provided by the City Council at its January 12, 2021 meeting. The documents have been reviewed by the chairs of PAC and COTA and they are prepared to proceed with accepting and evaluating proposals.

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

Small Arts Grant Program

Purpose

To provide competitive grants for individual artists to create arts projects that will benefit the residents of Ames and/or contribute to making Ames a fun and vibrant community.

Grant Period

Projects undertaken through this grant must be completed between July 1, 2021 and June 30, 2022.

Eligible Recipients

To be eligible for funding, recipients must be:

5. An individual artist or a group of artists
6. Residents of Ames
7. Not an organization or governmental entity
8. Ineligible for funding from the Commission on the Arts (COTA) Annual Grant and Special Project Grant Programs

Eligible Projects

Projects receiving funding must:

4. Benefit the residents of Ames
5. Contribute to making Ames a fun and vibrant community
6. Have a public component (e.g., the creation of the project involves the public, the public may observe the creation of the project, or the public may view/hear/touch/explore/etc. the finished product). Note that the City of Ames may be able to provide space to exhibit completed projects to the public, depending on the nature of the work. Proposals that include exhibiting a completed project on City property or in a City facility should include a description of the proposed exhibition.

Activities that are ineligible for funding include:

1. Capital improvements
2. Permanent supplies and equipment
3. Personnel employed on a continuing basis (salaried staff)
4. Replacement of lost funding
5. Debt or expenses already incurred
6. Hospitality expenses (e.g., receptions)
7. Tuition assistance for academic study

8. Activities that restrict participation on the basis of race, creed, color, sex, sexual orientation, gender identity, age, national origin, physical disability, or mental disability, or activities that require the purchase of a private membership.
9. Project proposals not submitted on required forms or not received by published deadlines, or not taking place within the specified grant period.

The City of Ames will be the sole judge of the eligibility or ineligibility of a project or recipient.

Total Program Budget

The Ames City Council has allocated a total of \$10,000 to be awarded through this program. This is a one-time allocation of funding.

Application Requirements

Proposals must be submitted on application forms provided by the City of Ames. Incomplete applications will not be considered. Applications may be submitted electronically to brian.phillips@cityofames.org

Application Review Process

Following the application deadline, a team consisting of representatives from the Ames Public Art Commission and the Ames Commission on the Arts will review the applications. Applications will be evaluated to ensure their compliance with the eligibility criteria. The team will prepare a list of projects and grant award amounts recommended for approval. Final approval will be made by the Ames City Council.

Contract Requirements

Grant recipients must sign a contract for funding describing the services to be provided and the terms of receiving funding. Grant funds will be provided on requisition of the grant recipient at the conclusion of the project (reimbursement basis). The contribution of funds provided by the City of Ames should be acknowledged by the recipient where possible during the grant period (e.g., website, printed materials, signage, etc.). Grantees must provide the City of Ames a completed IRS W-9 form; grantees are responsible for complying with any state or federal tax obligations associated with the receipt of grant funds.

Small Arts Grant Application

Section 1 – Applicant Information

Name: _____ Email: _____

Address: _____ City: _____

State: _____ Zip: _____ Phone: _____

Section 2 – Proposal

Project Title: _____

Amount Requested: _____ Start Date: _____ End Date: _____

Project Location: _____

Project Description:

How will your project benefit the residents of Ames and/or contribute to making Ames a fun and vibrant community?



MEMO

Item No. 23

To: Mayor and Ames City Council Member

From: Steven L. Schainker, City Manager

Date: March 5, 2021

Subject: Citizen Request Regarding Consent Items

During the Public Forum portion of the February 23, 2021 City Council meeting, Merlin Pfannkuch requested that a policy be established that would require that when items are removed from the Consent Agenda for the purpose of voting against the Staff's recommendation, then that item must be moved to a future agenda rather than voting on the issue that night. This delay in action would allow time for the impacted parties to be notified that the City Council might not be following the Staff recommendation.

During the Council Comments section of the agenda, a motion was approved to place this matter on the March 9, 2021 City Council Meeting agenda for discussion.

COUNCIL ACTION FORM

SUBJECT: AMENDMENTS TO AMES COMPREHENSIVE HISTORIC PRESERVATION PLAN

BACKGROUND

In the past year, the Historic Preservation Commission (HPC) has reviewed in detail the goals, objectives, and action steps of the *Ames Comprehensive Historic Preservation Plan* that City Council adopted in November 2009. **Following this review, HPC is recommending changes to update, clarify, delete, or add to the goals, objectives, and action steps of the Plan.**

The proposed changes recognize some of the accomplishments since 2009, such as the 2014 rewrite of the Ames Municipal Code Chapter 31- Historic Preservation, and they also reflect the current view of the Commission regarding historic preservation practices and objectives, including a focus on education.

There is a desire on the part of the HPC to provide information to the owners of properties that are potentially historically significant. In addition, the HPC perceives a need to partner with other community organizations to educate the citizens of Ames about the value of preserving the historic structures in our community. Education may take the form of walking tour brochures, digital tour guides, utilizing information available through the Ames History Museum, information gathered through surveys of properties in various neighborhoods, seminars, summits, and information available on the City of Ames website, as well as through the City's Geographic Information System (GIS) records. The proposed changes reflect these areas of emphasis supported by the Commission.

The *Ames Comprehensive Historic Preservation Plan* includes six (6) goals. Under each goal are objectives and action steps. The goals remain intact except for minor changes shown for Goals #5 and #6, below.

Goal #1: Acknowledge the role of historic preservation in encouraging civic pride, neighborhood identity, economic vitality, and community sustainability.

Goal #2: Promote the preservation of historically, architecturally, and archaeologically significant resources in the community.

Goal #3: Enhance municipal policies to protect historic resources and implement policies through identification, effective legislation, and efficient regulatory measures.

Goal #4: Educate the public concerning the value and benefit of historic preservation.

Goal #5: Facilitate and strengthen preservation partnerships among municipal, county, state, and federal government agencies, including Iowa State

University, Ames ~~Historical Society~~ History Museum, local school districts, and ~~private~~ developers.

Goal #6: Promote the economic development and vitality of the city through historic preservation and heritage tourism.

The more extensive additions and deletions for the objectives and action steps are shown in Attachment A. The Commission requests that City Council formally adopt the proposed amendments to the Plan. City staff consulted with the Commission during its review and supports the proposed changes.

ALTERNATIVES:

1. Approve the proposed amendments to the Ames Comprehensive Historic Preservation Plan, as recommended by the Ames Historic Preservation Commission and shown in Attachment A.
2. Refer the proposed amendments to the Ames Comprehensive Historic Preservation Plan back to the Historic Preservation Commission (HPC) and/or staff for revisions.

CITY MANAGERS RECOMMENDED ACTION:

The Historic Preservation Commission has recommended amendments to the Ames Comprehensive Historic Preservation Plan, which was adopted over eleven years ago. Adoption of the proposed changes will recognize accomplishments achieved since 2009 and provides focus regarding several items to address now and in future years.

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

ATTACHMENT A

PROPOSED AMENDMENTS TO THE AMES COMPREHENSIVE HISTORIC PRESERVATION PLAN GOALS, OBJECTIVES AND ACTION STEPS

*Please note that additions are shown in bold type and underlined. Deletions are shown with a strikethrough, and items accomplished have been removed from the text.

GOAL #1. Acknowledge the role of historic preservation in encouraging civic pride, neighborhood identity, economic vitality, and community sustainability.

Objective A:

Adopt strategies to conserve historic neighborhoods, which reflect their organic development, historical roles and traditions, modern needs, and economic health and stability.

~~Action Step: Form an umbrella organization of neighborhood associations to work toward goals of mutual benefit.~~

Action Step: Encourage the study and appreciation of Ames history in all its wards and eras, including the mid-20th century.

Action Step: Provide each neighborhood representative with the information, in Chapter 4 (Historic Property Potentials) of the Ames Comprehensive Preservation Plan Report, that applies to their neighborhood. Encourage each neighborhood to consider conducting a survey to identify all historically significant structures in their neighborhood.

~~Action Step: Develop design guidelines for the installation and use of historic streetlights in national or local historic districts.~~

Objective B:

Facilitate the preservation efforts of neighborhood associations.

Action Step: Share historic preservation survey documentation with neighborhood associations, **through the use of links on the City of Ames website. Clarify that designations of properties in the surveys as “contributing,” “non-contributing,” “potentially eligible,” or some other designation does not necessarily mean that the properties will be subject to local historic preservation regulations, nor listed on the National Register of Historic Places.**

Action Step: ~~Sponsor an annual summit of neighborhood associations~~ **Seek ways to meet with established neighborhood associations, and other residential areas throughout the community,** where residents can learn about historic preservation as a tool for community improvement, share accomplishments, discuss problems, and network. **Collaborate with other community organizations to offer a historic preservation summit for neighborhoods,**

and other community residents interested in historic preservation, at a minimum of once every five years.

Objective C:

Strengthen the role of historic preservation in promoting Ames tourism.

~~Action Step: Inform the Convention & Visitors Bureau, University, and Chamber of Commerce about historic preservation as an essential component to market Ames tourism.~~

Action Step: Coordinate with the Ames History Museum, Chamber of Commerce, Convention & Visitors Bureau, Iowa State University, and individual neighborhoods in developing the content, design and distribution of printed walking brochures, or digital guides. The brochures and digital guides would focus on historic neighborhoods, historic sites, and other areas in Ames, including Downtown, to persons attending conferences, special events, and others visiting the community.

Objective D:

~~Inform the public about the role of historic preservation in stabilizing and increasing property values and the community's tax base.~~

~~Action Step: Analyze property assessment records to test the hypothesis that values have risen in Old Town since the implementation of municipal design review in 1989.~~

~~Action Step: Encourage the Convention & Visitor Bureau, University, and Chamber of Commerce to disseminate this information in their activities.~~

GOAL #2. Promote the preservation of historically, architecturally, and archaeologically significant resources in the community.

Objective A:

Provide financial support for the Ames Historical Society to assist in achieving the goals of the Ames Comprehensive Historic Preservation Plan.

Action Step: Identify a strategy to assist in funding ~~one, full-time, equivalent professional staff employee and,~~ or supporting costs for of the Ames Historical Society History Museum.

Objective B:

Promote economic incentive opportunities to encourage the preservation of historic buildings and neighborhoods.

~~Action Step: Provide property tax abatement for residential improvements to contributing resources within designated historic districts and landmarks.~~

Action Step: Provide information to the owners of historically significant properties on the use of financial incentives that are available.

Objective C:

Provide guidance for preserving and improving historic properties to developers, property owners, and others interested in historic preservation.

~~Action Step: Encourage the owners of public, commercial, and residential property to seek non-binding advice about proposed rehabilitation projects from the Ames Historic Preservation Commission.~~

Action Step: Partner with the Ames History Museum and the State Historic Preservation Office to provide information on preservation tools available to the owners of historically significant properties.

Action Step: Continue to encourage the retention of outbuildings on historic properties, particularly automobile garages.

Action Step: Preserve **cultural landscapes** ~~natural resources~~ with individual significance or that are significant as contributing to a landscape within which other historic buildings or structures are situated.

Objective D:

Encourage private support and commitment for preservation undertakings.

Action Step: Encourage property owners to pursue National Register nominations as ~~personal undertakings~~.

Objective E:

Increase awareness of the potential for archaeological sites within the city and legal protection for them.

Action Step: In all historic survey projects, consider a property's potential for National Register Criterion D significance (archaeology), including sites where historic archaeology (previous buildings, foundations, and/or other habitation materials on a site) might apply.

GOAL #3. Enhance municipal policies to protect historic resources and implement policies through identification, effective legislation, and efficient regulatory measures.

Objective ~~B~~ A:

Continue to improve Ames inventories of historic properties through reconnaissance and intensive historical, architectural, and archaeological surveys.

Action Step: ~~Identify and prioritize, by t~~ **The Historic Preservation Commission will** prioritize potential ~~reconnaissance and intensive historic surveys projects~~ and strategize, ~~by the Commission,~~ funding mechanisms to achieve them.

Action Step: Publicize results of previous surveys to promote preservation among property owners.

Action Step: Integrate City survey data with the City Geographic Information System (GIS)

Action Step: Include support of historic preservation in the Ames 2040 Comprehensive Plan.

Objective ~~C~~ B:

Revise local historic district and landmark design guidelines to clarify their intent and to reflect new materials, technologies, and “green issues.”

Action Step: Remove internal inconsistencies and update design guidelines to reflect new materials, technologies, sustainability and “green issues.”

Action Step: Use graphics to illustrate Design Guidelines and to make the guidelines more user friendly.

Objective ~~D~~ C:

Continue to designate local historic districts, local landmarks, and properties for listing on the National Register of Historic Places ~~properties~~.

Action Step: The Historic Preservation Commission will identify ~~Identify~~ and prioritize, ~~by the Ames Historic Preservation Commission,~~ potential National Register historic districts and strategize, ~~by the Commission,~~ funding mechanisms available for surveys and preparation of National Register nominations, ~~if necessary, to list them.~~

Action Step: Identify and designate properties eligible for listing as local landmarks and local historic districts.

~~**Action Step:** Explore the possibility of designating a property in Ames as a National Historic Landmark.~~

~~**Action Step:** Explore the potential to register the Lincoln Highway in Ames as a National Register of Historic Places historic district.~~

Objective ~~E~~ D:

Ensure that design guidelines for city re/development incentive programs respect the historic character of the properties and surrounding areas to which they are applied.

Action Step: Utilize the expertise of the Ames Historic Preservation Commission.

Objective ~~F~~ E:

Ensure that expansion or development of city City of Ames property follows good appropriate preservation practices.

Action Step: Utilize the expertise of the Ames Historic Preservation Commission.

Action Step: Develop and adopt an historic preservation policy for City property.

Objective ~~G~~ F:

Protect the value of properties and neighborhoods by working to prevent the deterioration of structures.

Action Step: Support the minimum maintenance code for rental and owner-occupied property.

GOAL #4. Educate the public concerning the value and benefit of historic preservation.

Objective ~~A~~:

~~Increase public awareness of and support for historic preservation archival materials.~~

~~**Action Step:** Create and publish a list of historic preservation archival materials and their locations.~~

Objective ~~B~~ A:

Promote and offer ~~walking tours~~, lectures, workshops, and other educational opportunities focused on historic preservation.

~~**Action Step:** Gather public input detailing stories of Ames history, people, and properties using a city provided on-line access and other methods.~~

~~**Action Step:** Develop and disseminate tour brochures, which identify the homes and worksites of notable Ames residents.~~

Action Step: Sponsor workshops targeted to multiple audiences with emphasis on commercial and residential architecture property, incentives, and hands-on brick and mortar issues.

Objective ~~C~~ B:

Utilize website/on-line presence.

Action Step: Maintain a computerized list of survey materials for city staff and others to consult in planning projects on the Historic Preservation Commission section of the City of Ames website.

~~**Action Step:** Develop and maintain an online instructional sheet to explain correct methods to record information concerning historic properties and an online form for that information graphics to assist the public in understanding and utilizing the Design Guidelines in Chapter 31 of the Municipal Code.~~

Action Step: Provide information concerning grants-in-aid and other funding sources for historic preservation.

~~**Action Step:** Include applications for Ames local historic districts, local landmarks, and National Register of Historic Places properties on the city's website.~~

Objective DC:

~~Facilitate the dissemination of historic preservation information.~~

~~Action Step: Identify and designate appropriate public access site or sites for preservation information.~~

Action Step: Gather historic preservation information and resource materials and provide public access for their use.

GOAL #5. Facilitate and strengthen preservation partnerships among municipal, county, state, and federal government agencies, including Iowa State University, Ames Historical Society History Museum, and local school districts, and private developers.

Objective A:

Open communication channels among all interested parties to identify common interests and concerns, to explore areas of mutual benefit, and to share historical data and research.

Action Step: Collaborate with other historic preservation commissions, historical societies, and related groups to promote common interests.

Action Step: ~~Establish an annual joint session between~~ **Meet with the City Council and the Ames Planning & Zoning Commission and Ames Historic Preservation Commission** to review authorities, responsibilities, and procedures **on an as-needed basis.**

Action Step: Encourage county, state, and federal agencies to partner with municipal agencies in preservation efforts to increase public awareness of the history of Ames.

Action Step: Utilize resources available through Iowa Main Street program.

Action Step: ~~Communicate~~ **Collaborate** with Iowa State University regarding historic resources throughout the community.

Action Step: Collaborate with other Iowa communities and other interested parties to ~~establish~~ **identify and promote specific historic resources along the a Lincoln Highway historic conservation corridor across the State of Iowa.**

Action Step: Partner with **the Campustown Action Association and** Iowa State University to ~~maintain~~ **promote remaining aspects of the historic character** of Campustown, while encouraging its development as a commercial and cultural center.

Objective B:

Develop timely notification and review/comment process for proposed re-use, rehabilitation, or demolition of historic resources.

Action Step: Explore additional ways the Historic Preservation Commission could be involved with the demolition of potentially eligible historic properties in Ames.

Objective C:

Integrate the Historic Preservation Plan with other priorities of the City Council.

Action Step: Review the Ames Comprehensive Historic Preservation Plan Report and determine priorities as necessary, ~~but not more frequently than once each year.~~

Action Step: Obtain approval from the City Council for priorities determined by the Commission following each review of the Ames Comprehensive Historic Preservation Plan Report.

GOAL #6: Promote the economic development and vitality of the city through historic preservation, and heritage tourism.

Objective A:

Assess the impacts of new development on the historic character of existing neighborhoods, commercial districts, and archaeological resources.

Action Step: Develop criteria to determine which type of new development projects should be assessed.

Action Step: Develop assessment process.

Objective B:

Encourage the use and adaptive reuse of existing public and private buildings.

Action Step: Work with Main Street Iowa and **Downtown** Ames ~~Main Street Cultural and Entertainment District~~ programs to maintain the historic character of Downtown Ames, while encouraging its development as a commercial and cultural center.

Action Step: ~~Develop design pattern books to illustrate how adopted design guidelines can be applied.~~

Action Step: Showcase notable adaptive reuse projects through the media.

Action Step: ~~Consider Campustown as a potential candidate for the Urban Neighborhood Main Street District (UNMSD) program of Main Street Iowa.~~

Objective C:

Explore local incentive opportunities for historic preservation. [e.g. TIF, façade improvement program]

~~Action Step: Continue the grant and tax abatement programs for urban revitalization.~~

Objective D:

Provide current information concerning preservation grants and financial incentives.

Action Step: Continue to include pertinent data and links for additional information on the city website, alongside local model projects if available.

Objective E:

Recognize the importance of ~~preservation~~ heritage tourism for Ames and support efforts to promote it.

Action Step: Encourage interested parties to develop a coordinated heritage tourism strategy for Ames with a role for historic preservation in that effort.

Objective F:

Partner with businesses in Downtown Ames, Campustown, and other business communities and tourism efforts beyond Ames to explore branding, promotion, products, marketing, and other economic advantages associated with the Lincoln Highway as an historic corridor across Iowa and its attraction to the touring public.

Action Step: ~~Encourage~~ Consider sensitive use of the Lincoln Highway logo as a branding tool.

ATTACHMENT B

**RESOLUTION APPROVING AMES COMPREHENSIVE
HISTORIC PRESERVATION PLAN**

RESOLUTION NO. 09-539

**RESOLUTION ADOPTING AMES COMPREHENSIVE
HISTORIC PRESERVATION PLAN
FOR THE CITY OF AMES**

WHEREAS, on October 27, 2009, the Council approved changes to the proposed Ames Comprehensive Historic Preservation Plan; and,

WHEREAS, the Plan includes the Goals, Objectives, and Action Steps as reviewed and recommended for approval by the Historic Preservation Commission, the Planning and Zoning Commission, the Steering Committee, and as reviewed and accepted by the City Council in draft form; and,

WHEREAS, the Historic Preservation Commission has been working closely with Consultant William C. Page and the Steering Committee throughout the process of preparing the Plan; and,

WHEREAS, the Goals, Objectives, and Action Steps of the proposed Plan have been reviewed and accepted as a draft by the City Council incrementally in the last several months, based upon recommendations and comments received by focus groups, the Steering Committee, the Historic Preservation Commission, the Planning and Zoning Commission, staff of the Iowa State Historical Society, and interested citizens.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ames, Iowa, that the Ames Comprehensive Historic Preservation Plan is hereby adopted.

ADOPTED THIS 24th day of November, 2009.



Diane R. Voss, City Clerk



Ann H. Campbell, Mayor

Introduced by: Mahayni
Seconded by: Goodman
Voting aye: Doll, Goodman, Larson, Mahayni, Popken, Rice
Voting nay: None Absent: None

Resolution declared adopted and signed by the Mayor this 24th day of November, 2009.

COUNCIL ACTION FORM

REQUEST: **2ND AMENDMENT TO PRE-ANNEXATION AGREEMENT
WITH ROSE PRAIRIE, LLC.**

BACKGROUND:

Rose Prairie is a 170-acre site at the corner of Hyde Avenue and 190th Street (*Attachment A - Location Map*). The site's development is subject to a 2010 Pre-annexation agreement and a 2016 addendum to that agreement. The owners of Rose Prairie are requesting a second amendment to the agreement.

The developer strongly desires to proceed with a development consistent with the allowed number and mix of housing units that are part of the approved Master Plan. The developer will also continue to move forward in a manner consistent with the City's Conservation Subdivision ordinance standards. **However, the developer believes that current limitations related to the sequencing of development coupled with the timing and cost of infrastructure installation have made the project financially infeasible over the past five years.**

City Council last reviewed the rezoning of the site and an addendum to the pre-annexation agreement on October 11, 2016. City Council ultimately approved the current Master Plan that allows for a mix of development of single-family housing and multi-family housing totaling a maximum of 620 units, along with 10 acres of commercial land (*Attachment B - Approved Master Plan*).

The 2016 approval included a number of changes to the original agreement reflecting the rezoning, extensions to connection fee payoffs from 2020 to 2023, dedication of a city neighborhood park, requirements for a shared use path along Hyde Avenue, removal of fire sprinkler requirements for single-family homes, and changes to required sanitary sewer extension to the west to occur at the developer's cost.

Since the 2016 approval, the developer prepared a preliminary plat for the division of the site into outlots and for the first phase of development. However, the developer did not proceed due to a number of development cost financing issues and a particular issue under state law to fully pay off the current street assessment for Hyde Avenue improvements. As of 2021, the outstanding assessment balance is approximately \$866,000 after three years of annual payments by the developer.

To create more financial flexibility for the project to proceed, the developer now proposes the following amendments to the Pre-annexation agreement and Master Plan (Attachment C):

1) Hyde Avenue Assessment - Waiver of Final Plat Requirement to Create Two Parcels

Under state law all subdivisions with a Final Plat must fully clear liens and assessments prior to their approval, regardless of the size of the subdivision. In this case the developer must pay the full remaining assessment with the first phase of development, which would be approximately \$866,000 for 35 homes. This is financially infeasible for the developer to do.

To help allow for phased development and payment of the assessment as was originally contemplated before establishing the assessment, staff has identified an option for the developer to avoid the full street assessment payoff with the first development phase while continuing to make the annual payments. If City Council would approve a waiver of the Major Subdivision requirements and allow for a Plat of Survey to be recorded dividing the site into two parcels, one for future development and one for immediate development, the developer could proceed without full payoff of the assessment by the City assigning the assessment to the future development parcel.

Staff believes this request is critical to having the project moving forward while there is an outstanding assessment balance and supports the procedural waiver of a Major Subdivision. Allowing for this would not change the total financial obligations of the developer and they would continue to make the required annual assessment.

2) Water and Sewer Assessments - Extend payoff to 2031

The current agreement requires payoff of connection fees with the development of each phase and a full payoff for all remaining areas at the time of the first Final Plat after June 30, 2023, regardless if the total area is developed. The developer asks for a payoff extension to 2031, which is a ten-year period from the start of development as was originally contemplated with Pre-annexation agreement. **Staff supports this change as being consistent with the original intent of the agreement.**

3) East-West Sanitary Sewer Line – Reduce Extension to the West property line

The current agreement requires the developer to complete the extension of an oversized sanitary sewer to the west for future development at their sole cost. Extending utilities through a site for future development is consistent with City policy. However, due to size and length of the extension the developer is concerned about the total cost and benefit to the project as structured in the agreement.

Staff supports exploring this request to reduce the Developer's obligation to fully extend this sewer line at their sole cost. However, a precise endpoint

for the Developer's project still needs to be negotiated before staff can make a final recommendation regarding this issue.

4) Hyde Avenue Pedestrian Trail - Partial Deferral of Extension

The Developer has a requirement to complete a 10-foot shared-use path along the Rose Prairie frontage along Hyde (approx. ½ mile) plus an additional ¼ of a mile to the south along Hyde across the neighboring Sturges frontage, all within two years of the first final plat. The proposed change would require, with development of the first Phase, completion of the path along Rose Prairie's Hyde Avenue frontage from 190th to the south end of the first phase (approx. ½ mile) and then allow for deferral of the remainder until such time as it can be connected with other improvements to the south that are expected with the planned Hunziker development of Auburn Trail.

Staff supports this change of potentially deferring part of the cost of the trail while also ensuring there is no gap in the shared use path system once a connection can be made with the Auburn Trail subdivision to the south.

5) East-West Pedestrian Trail - New City Greenway and Creek Crossing

Originally, the development plan included a private HOA-maintained five-foot walking path trail as an east west connection. As part of the recently approved Forward 2045 Transportation Plan, the City identified a desire for an east/west greenway that would eventually connect from GW Carver to the Ada Hayden Trailhead on Hyde. This would be a city-maintained 10-foot paved path in a 20-foot greenway. Therefore, the City staff is now requesting the creation of a 20-foot greenway within the development. The Developer is willing to agree to this requirement if there is an ability to construct it in phases and the City participates in the costs of creating a bridge to cross the central waterway.

Staff believes this new greenway is a valuable long-term infrastructure component for the City and enhancement beyond what otherwise would be required to be built and supports making this addition to the agreement. The cost of the crossing is estimated at \$100,000 to \$200,000 for a steel bridge crossing. This would be a City cost and would be budgeted for by the City in the future once a connection is needed over the waterway with future development phases. Additional details are needed during the preliminary plat stage to verify crossing location and feasibility.

6) Flexibility in the Concept - Master Plan Changes Including East West Road Connector (Attachment D)

A. Since the original approval of Rose Prairie an east-west road from Hyde Avenue to the center of the project has been part of the Master Plan. The developer had previously requested removing the road connection requirement, but it was ultimately required to be retained with the 2016 approval. The developer

requests removing the road connection due to the cost of crossing the central waterway.

Since 2016 the City has evaluated North Growth in greater detail with Ames Plan 2040 scenarios and Forward 2045 Transportation Plan. The connector road was planned to help disperse traffic and connect the neighborhood to Hyde Avenue with an intersection corresponding with Hayden's Crossing. The City's Traffic Engineer has modeled traffic volumes with and without the connection and determined, from purely from a vehicular traffic performance level, the transportation system would operate acceptably despite the more limited connections into the development.

Staff's opinion is that although the connection is desirable for general access and system performance, when considering the traffic performance level and the initial cost of making the extension over the waterway and long-term bridge/culvert maintenance, removing the requirement can be justified at this time.

B. The developer also wants to acknowledge with the Master Plan update that they will stay within the maximum allowed development totals of 620 units, but would like to develop fewer multi-family apartments and additional single-family dwellings. **Staff believes the developer is within the originally approved ranges of housing types and unit counts and this is not a significant change.**

7) Park Land Dedication - Extend Dedication to 2031

The 2016 agreement added a requirement to provide a 5-acre park to the City after the development of four phases or by 2023. Because of the proposed change of having no east-west connector road, it is likely the delivery of the park will be at the end of the 10-year range due to the need to have a north-south spine road extension occur to reach the centrally located park. **Staff supports modifying the requirement to provide the parkland based upon some level of phasing, but no later than 2031.**

ALTERNATIVES

1. A. Direct staff to work with the developer to proceed with changes to the Master Plan and Pre-annexation agreement, and
 - B. Allow for the developer to proceed with proposing a Plat of Survey to divide the site into two parcels with the intent of assigning the street assessment solely to the future development parcel.
2. Deny the request to make changes to the Master Plan and Pre-annexation agreement.

3. Defer action and refer the request back to City staff and/or the applicant for additional information.

CITY MANAGERS RECOMMENDATION:

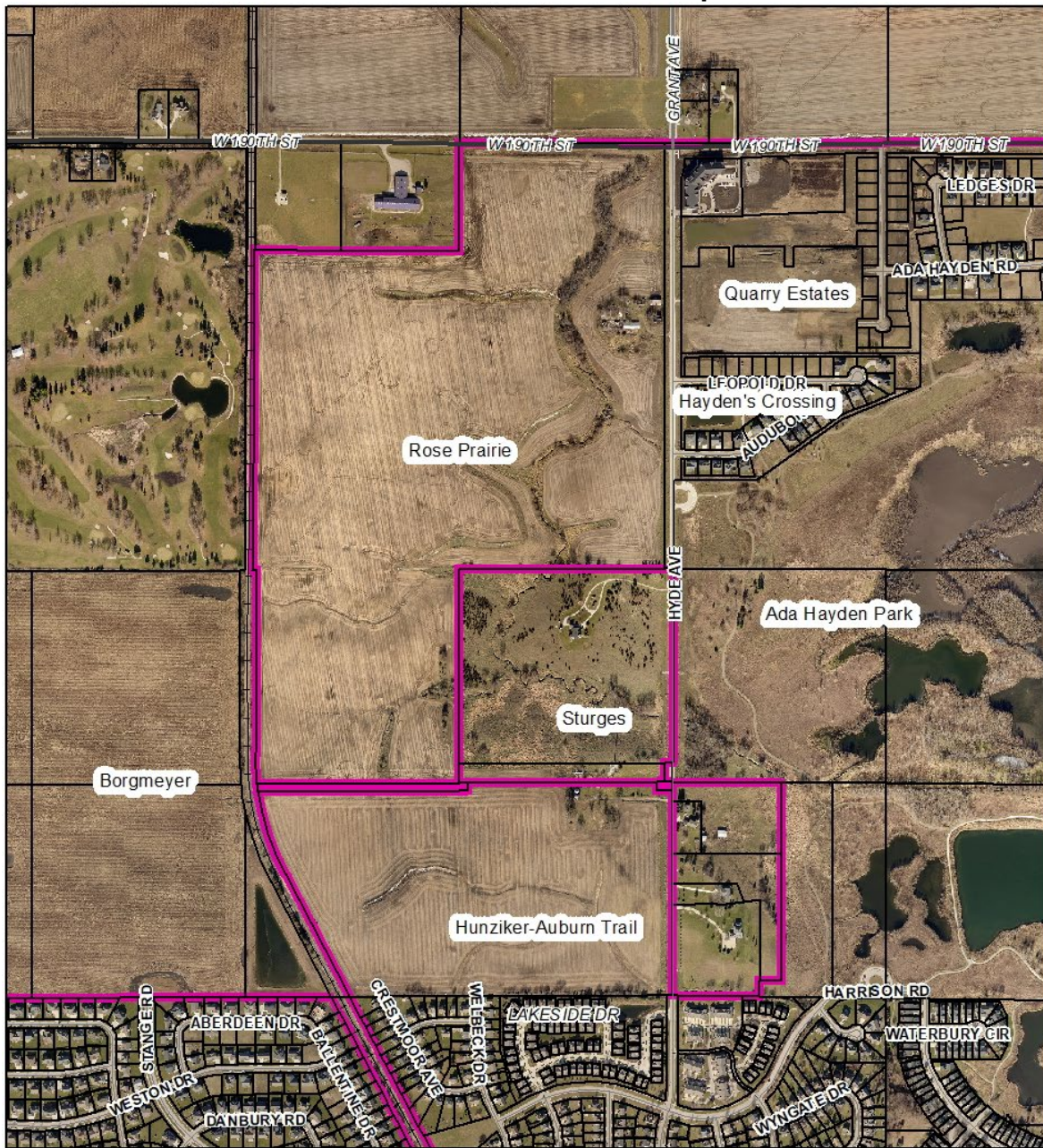
The site has been evaluated and selected as a preferred growth area as part of Ames Plan 2040 scenarios because of significant prior City infrastructure investments and its desirable and marketable location. The Rose Prairie site is a significant land resource planned to meet the City's immediate housing development needs. The overall development concept was vetted in 2016 as it related to the Conservation Subdivision standards for open space and water quality protection along with our housing needs. Staff believes the proposed changes do not significantly affect those earlier findings for the 2016 approval.

The developer has stated that if the proposed changes are approved, they would move forward with platting and creation of two phases of development in 2021. Moving ahead with the proposed changes will help the developer secure financing for the development where costs are distributed on a more phased approach than in such a front-loaded manner as currently required. The City would not have any additional costs from the changes in the timing and structure of repayment of assessments and fees. There is currently minimally available residential land for residential development and having the developer proceed with the project would open up desirable housing options for the next few years.

The proposal does include a new feature of a City greenway that would include a City cost for creating a crossing of the waterway. Staff finds this to be a beneficial investment in our future bicycle and pedestrian infrastructure and can be included in future budgets when it is needed.

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

Attachment A-Location Map



Location Map



© City of Ames, Iowa makes no warranties, expressed or implied, including without limitation, any warranties of merchantability or fitness for a particular purpose. In no event shall the City of Ames be liable for lost profits or any consequential or incidental damages caused by the use of this map.

Attachment B-2016 Master Plan



ROSE PRAIRIE - REVISED MASTER PLAN

OWNER/CLIENT:
 ROSE PRAIRIE LLC
 1350 NW 121st Street
 Atlanta, GA 30341
 ATTN: TERRY LUTZ

ENGINEER/DESIGNER:
 MCGUIRE ENGINEERING COMPANY
 1350 NW 121st Street
 Atlanta, GA 30341
 ATTN: CALEB SMITH

LOCAL DEPARTMENT:
 ROSE PRAIRIE PLAT #A11072

APPROVED ZONING:
 COMMERCIAL GENERAL SERVICE (CGS)
 RESIDENTIAL MEDIUM DENSITY (RS-M)
 RESIDENTIAL LOW DENSITY (RS-L)

Conceptual Hunziker Dev.

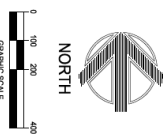
DEVELOPMENT SUMMARY

TOTAL AREA = 170.53 ACRES
 FS-RM = 6.07 ACRES (3.5%)
 FS-RM = 13.54 ACRES (7.9%)
 PUBLIC ROW (IN CGS & FS-RM) = 4.04 ACRES (2.4%)
 DEDICATED OPEN SPACE = 43.35 ACRES (25.4%)
 PUBLIC PARK = 5.07 ACRES (3.0%)

ESTIMATED RESIDENTIAL UNIT COUNT

Parcel	Land Use	Area	Min. Density	Min. Units	Max. Density	Max. Units
3	Medium Density	11.75 Ac	10.0 DU/AC	118 Units	14.0 DU/AC	176 Units
4	FS-RM (Subtotal)	13.54 Ac		138 Units		201 Units
5	Single Family Attached	6.11 Ac	2.20 DU/AC	16 Units	5.5 DU/AC	34 Units
6	Single Family Attached	16.62 Ac	2.20 DU/AC	45 Units	7.0 DU/AC	116 Units
7	FS-RM (Subtotal)	30.72 Ac		83 Units		206 Units
8	Single Family	9.66 Ac	2.20 DU/AC	26 Units	4.0 DU/AC	39 Units
9	Single Family	11.47 Ac	2.20 DU/AC	31 Units	4.0 DU/AC	46 Units
10	Single Family	3.80 Ac	2.20 DU/AC	10 Units	5.0 DU/AC	19 Units
11	Single Family/Villas	8.09 Ac	2.20 DU/AC	22 Units	5.0 DU/AC	40 Units
12	Single Family	2.20 Ac	2.20 DU/AC	7 Units	4.0 DU/AC	14 Units
13	Single Family	3.76 Ac	2.20 DU/AC	11 Units	4.0 DU/AC	16 Units
14	FS-RM (Subtotal)	50.19 Ac		136 Units		213 Units
Total Residential		94.45 Ac		325 Units		620 Units

- NOTES**
- 1) ALL OPEN SPACE AREAS AND LOT CONFIGURATIONS INSIDE THE PARCEL BOUNDARIES ARE TO BE DEPICTED AND DESIGNED BY FUTURE PRELIMINARY PLATS. OPEN SPACE AREAS INSIDE INDIVIDUAL PARCEL BOUNDARIES IN RED HAVE NOT BEEN INCLUDED IN THE OVERALL OPEN SPACE CALCULATIONS.
 - 2) STREET ALIGNMENTS ARE GENERALIZED.
 - 3) NO MORE THAN TWO BEDROOMS SHALL BE ASSOCIATED WITH ONE APARTMENT BUILDING OR CONTAIN THREE BEDROOMS. ALL OTHER UNITS SHALL BE ONE- OR TWO-BEDROOM UNITS.



Attachment C

March 3, 2021

Rose Prairie LLC 1360 NW 121st St.
Clive, IA 50325

Attn: Mr. Kelly Diekmann, Director Planning & Housing
City of Ames, Iowa

RE: Rose Prairie

Dear Kelly:

We appreciate the opportunity to work with the City of Ames to bring a family-oriented development to the community.

It has been a pleasure working with you over the last several months, cooperatively, in an effort to move this project forward. As we regroup on Rose Prairie we'd like to propose some changes to the pre-annexation agreement that will make the agreement more current and the project more viable.

1. Hyde Avenue Street Assessment

We would like to propose dividing our parcel one time, approximately in half. Subsequently, we'd like to apply the outstanding balance of the Hyde Avenue roadway assessment to one of the parcels. This will allow us to begin development without requiring immediate repayment of the entire outstanding assessment balance.

2. Water and Sewer Assessments

The current agreement requires the pending assessments for the water and sewer costs to be paid in full either when the first plat is created or by 2023. We are requesting these costs be spread on a per acre basis across all of the 173 acres of the Rose Prairie property, these costs would be paid at the time of platting a parcel. We'd also like to request the deadline to pay all water and sewer assessments be extended to 10 years from the start of development.

3. East-West Sanitary Sewer Line – extension to the west property line

We would like to propose that the Rose Prairie development pay for the sewer extension extending as far as Rose Prairie has a need for it and request the city extend the sewer as far west as desired in an effort to open up future development ground at the time it's needed.

4. Hyde Avenue Pedestrian Trail

The original agreement requires construction within 2 years of the first final plat. We would like to build the section of trail in front of Parcels 8 and 5 in the first phase of development but hold off on building the trail in front of the Sturges property until there is something to connect to. This would connect the county trail to the north to the Ada Haden trail. It is understood that the city's desire is to connect this trail system to the south as soon as possible.

5. East-West Pedestrian Trail

As we have discussed the east/west trail extension it has become clear the city desires a more substantial greenway through this corridor. The challenge has always been the expensive creek crossing. We would propose to dedicate a 20' easement from east to west across the site on the north side of the Sturges property. We propose to build the trail up to the creek crossing and allow the city to design and build the crossing itself. We will build the trail on the east side of the creek as a part of phase 1. Trail on the west side of the creek would come with future phases. We will work with the city to establish construction estimates on the crossing.

6. Flexibility in the Concept

We are requesting the flexibility to layout a different master plan that may show a different street network and lot layout configuration. We are not requesting more density and we still intend to comply with the conservation development concept.

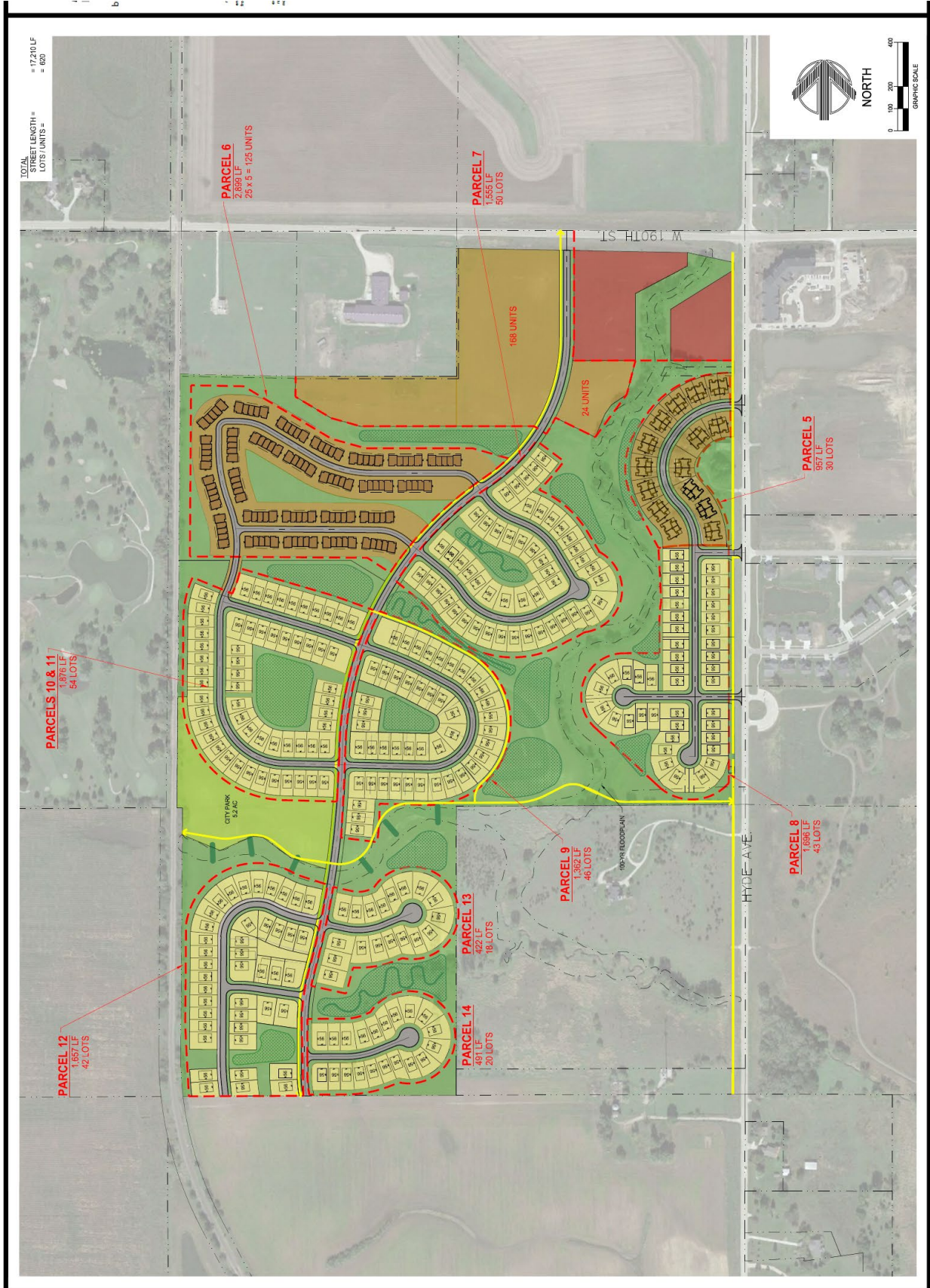
7. Park Land Dedication

The original agreement requires park land to be dedicated no later than 2023. We request this be extended to 2030 to better align with project timing.

Thank you again for your consideration and help moving this project forward. Respectfully submitted:

Casey Schafbuch Development Manager Rose Prairie, LLC

Attachment D-2021 Proposed Conceptual Master Plan and Lot layout



Staff Report

COMMUNITY GARDENS AND FOOD FORESTS

March 9, 2021

BACKGROUND:

On April 14, 2020, City Council asked staff to provide a memo on what could be done to either better utilize the current community gardens or increase the community garden space. A memo (Attachment A) providing information on the current gardens and potential sites for expansion was sent to City Council and at its July 14, 2020 meeting Council directed staff to place this topic on a future agenda.

Additionally, on July 28, 2020 City Council directed staff to bring to Council information regarding developing a potential “food forest” when the community garden discussion is brought before Council.

Staff shared these two requests and the memo with the Parks and Recreation Commission at its August 20, 2020 meeting. The Commission was in favor of expanding the community garden program, but had reservations regarding developing a food forest in the park system. **The Commission directed staff to reach out to neighbors in the vicinity of two potential locations for community gardens: vacant land west of the intersection of Harrison Road and Welbeck Drive, and 830 Delaware Avenue (former North Dakota water tower site).** Commission members also noted the 830 Delaware location is being used at times by neighbors for recreation.

COMMUNITY GARDENS:

The community gardens in Ames operated by the Parks and Recreation Department consist of individual plots and/or raised beds. Most, if not all, individuals who rent a plot or bed, garden the area and then harvest the produce for their own use. Some gardeners will share, or swap produce with others, and at times social gatherings are held amongst the individuals at the gardens.

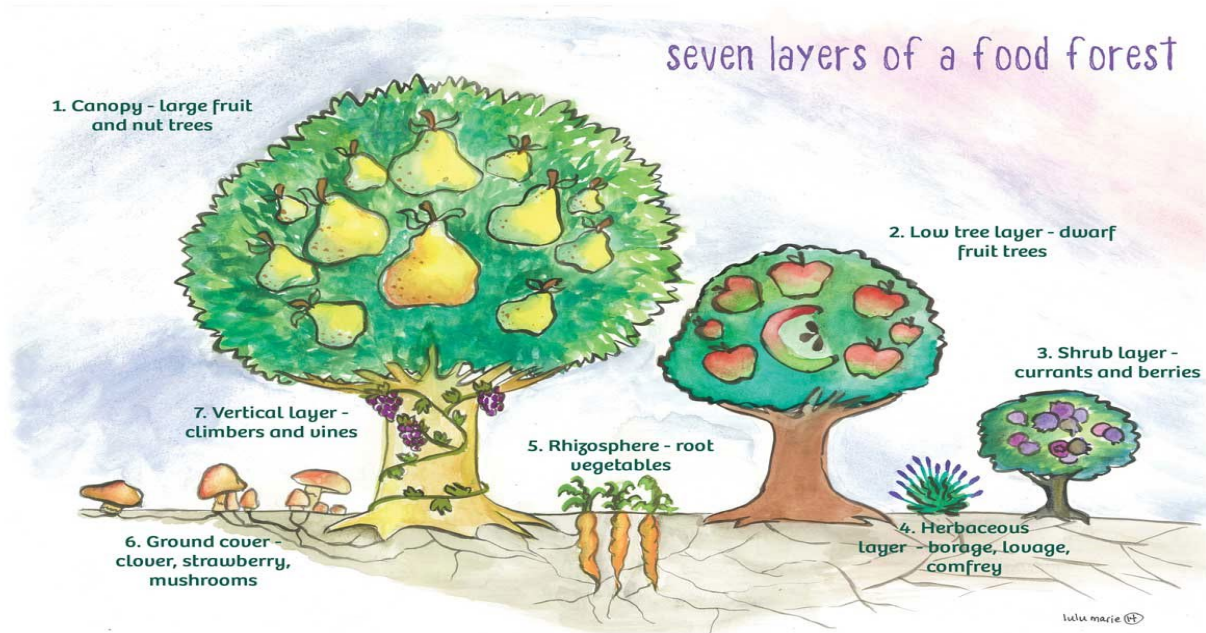
There are also community gardens in other places within the City or surrounding area where a group of individuals share gardening responsibilities of a communal plot and all gardeners share the produce at harvest times. This is not the type of garden the City operates.

FOOD FORESTS:

A food forest is similar to a community garden where participants share the responsibility of maintaining and cultivating the vegetation as well as sharing the produce. In addition, the plants in a food forest work together in a way that benefits each other, similar to the

way they co-evolve in a natural ecosystem. Wildlife such as birds help to propagate and add edible plant species as they deposit seeds from other areas that they have been eating at.

The diagram below shows a seven-layer food forest which includes trees, shrubs, root vegetables, ground cover, and climbers/vines. The plants in this forest coexist and are not generally separated in different garden plots.



GARDEN SURVEY:

A survey to gauge community interest in adding garden plots throughout the City was conducted in October 2021. The complete results of the survey are shown in Attachment B; however, there are some key points captured through public input as follows:

- 147 respondents completed the survey
- 76.8% currently garden with 59.1% gardening at their home
- 33.3% don't garden because they don't have space at their home
- 20.5% don't garden because there is no space close to their home
- 70.7% said they would be interested in a garden plot if the City added more
- When asked what is important regarding gardening at a City plot, the top three responses were as follows
 - Garden location is safe
 - Quality of garden resources (soil, water, etc.)
 - Garden location is close to home

PUBLIC INPUT:

On Wednesday, February 10, 2021, staff held two public input Zoom meetings to get feedback regarding the potential of expanding community gardens and adding food

forests in Ames. Postcards were sent to neighbors in the Harrison & Welbeck (243 postcards) and the 830 Delaware (489 postcards) neighborhoods. The meeting information was also sent via email to over 3,200 individuals in the Parks and Recreation database, posted on the Parks & Recreation Facebook page, and distributed as a press release to area media outlets. A brief overview of the current gardens, potential new sites, and a description of food forests was provided to attendees. A summary of meeting comments follow.

Community Garden at Harrison & Welbeck

Fifteen people attended this meeting and meeting notes are shown in Attachment C. In general, neighbors were not in favor of putting gardens at this site. Reasons for this include:

- Lack of parking on Welbeck
- Safety concern if strangers come into the neighborhood to garden
- Adding traffic to Welbeck
- Trashy look of gardens next to their property
- Deer will eat everything so a fence will be needed, and fences don't look good
- People use that space for recreation, and could it be left that way or add amenities (i.e. ball diamond, tennis courts, etc.)

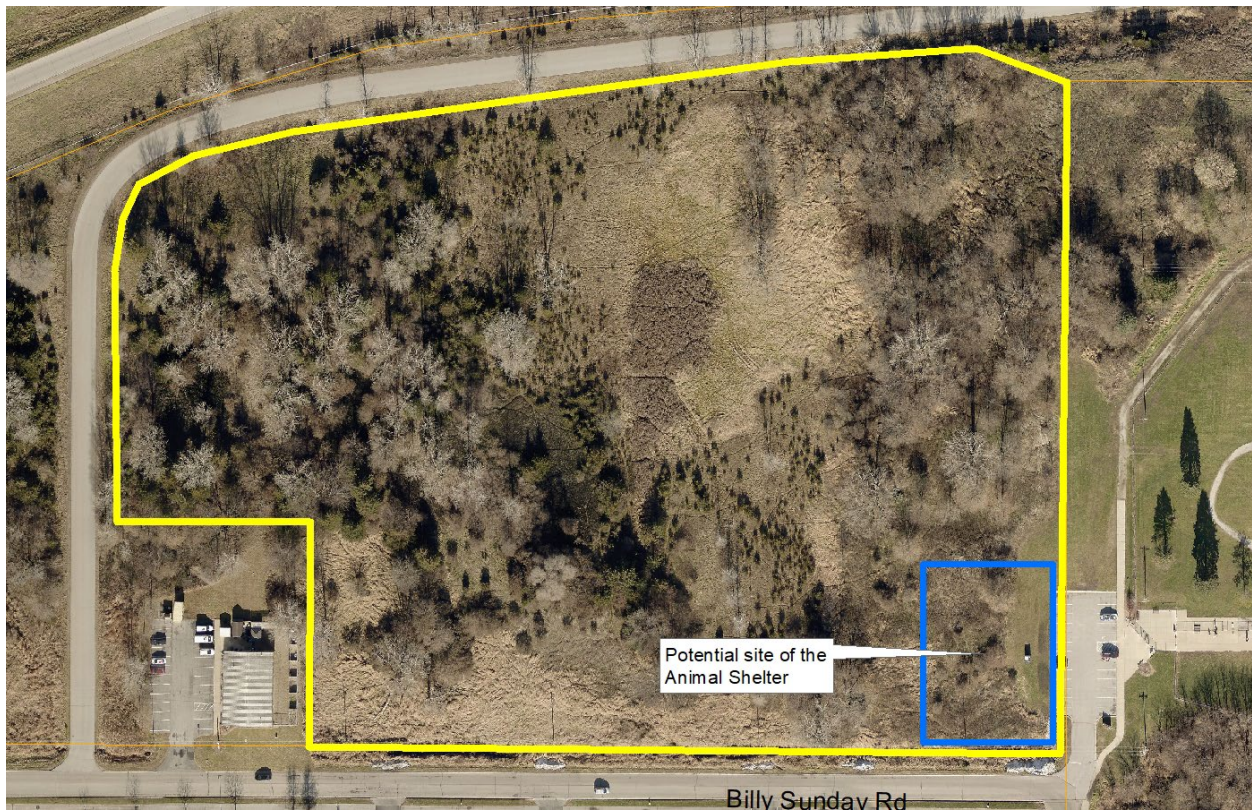
Community Gardens at 830 Delaware

Nine people attended this meeting and were excited about the idea of adding gardens to this property. Meeting notes are shown in Attachment D. There were comments regarding having a combination of gardens and green space to be used by individuals and families. Questions centered around garden plot size, fencing to keep deer out, and how to sign up for a plot. One ISU student asked if she could help with the project and staff responded yes to the offer.

Food Forests at City Property on Billy Sunday Road

Only one site, along Billy Sunday Road, was considered for a Food Forest because it offered the necessary amount of land and did not take away for existing park space.

Only one person commented on the food forest concept and he was in favor of this idea. He suggested we convert a manicured grass area for this purpose rather than utilizing the land on Billy Sunday Road adjacent the Dog Park. Traffic on Billy Sunday Road when Hunziker Youth Sports Complex has activity was also mentioned as a concern. The picture below shows the area adjacent the Dog Park proposed for developing a food forest.



Attachment E contains comments received after the public input meetings via email regarding community gardens and food forests.

PARKS AND RECREATION COMMISSION COMMENTS:

At its February 18, 2021 meeting Commissioners were presented with updated information regarding potential community garden and food forest sites, a summary of the public input sessions, and options to consider. Notable comments from Commissioners were as follows:

- Adding raised beds and a water source to the Carr Park garden is a good option
- Doesn't look like there is much support for gardens at the Harrison & Welbeck site
- Appears people are desiring gardens at the 830 Delaware site. Please note one Commissioner who lives in this neighborhood expressed that neighbors were not happy when they heard about the potential for gardens at this location. (This was not heard at the public input session)
- If a food forest were to be developed, partnering with other groups (i.e. Ames High School, ISU, etc.) is a must

After discussion, the Commission made the following recommendations to City Council:

- Recommended City Council approve adding more raised beds and a water source at the Carr Park site.

- Recommended City Council not approve developing a community garden on the property near Harrison and Welbeck.
- Recommended City Council approve developing garden beds on the east side of the 830 Delaware property.
- Tabled the discussion of developing a food forest at the property on Billy Sunday Road adjacent the Dog Park until more is known about the new Animal Control Shelter and potentially do the two projects together.

OPTIONS:

Several options with cost estimates are shown below for the City Council to consider regarding expanding community gardens and developing a food forest. The cost estimates may differ from those listed in Attachment A as items may have been added based on public feedback.

1. Direct staff to add more raised beds and a water source at the Carr Park site.

Cost:

Raised Beds (14 @ \$350)	\$4,900
Water Source	\$5,000
Total	\$9,900

2. Direct staff to develop/not develop a community garden on the property near Harrison and Welbeck.

Cost:

Ground Level Beds (12 @ \$0)	\$ 0
Fencing	
Posts (498' @ \$1.50/ft)	\$ 747
Rails (660' @ \$1.50/ft)	\$ 990
Fabric (2 rolls @ \$172/roll)	\$ 344
Concrete	\$ 1,500
Water Source	\$ 9,000
Sub-Total	\$12,581
Note: The estimated cost of adding a sidewalk	<u>\$ 4,000</u>
Total	\$16,581

3. Direct staff to develop/not develop a community garden at the 830 Delaware property. If the direction is to develop gardens at this site, does Council have a preference as to where on this site the gardens are located.

Cost:

Ground Level Beds (12 @ \$0)	\$ 0
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Fencing	
Posts (498' @ \$1.50/ft)	\$ 747
Rails (660' @ \$1.50/ft)	\$ 990
Fabric (2 rolls @ \$172/roll)	\$ 344
Concrete	\$ 1,500
Water Source	\$ 5,000
Sub-Total	\$ 8,581
Note: The estimated cost of adding a sidewalk	\$12,000
Total	\$20,581

- Direct staff to develop/not develop a food forest at the property on Billy Sunday Road adjacent the Dog Park.

Cost:

No estimates have been determined as no group has come forward to provide guidance on this topic.

- Proceed with any or all of the above Options.

STAFF COMMENTS:

Should the City Council wish to proceed with expanding our community garden offerings, staff would suggest that we initially focus on Carr Park and the Delaware property for community gardens and delay moving ahead with a food forest at the property adjacent to the Dog Park until a final decision is made regarding the future home for a new Animal Shelter.

In terms of implementation, the infrastructure for these gardens (plant beds, water source, fencing, and sidewalks) should be constructed over the next twelve months to allow for an opening in the Spring of 2022.

Since no funds have been appropriated for this expanded effort, monies to cover these expenses could come from the Park Development Fund or from any savings realized from current CIP projects in the Parks and Recreation Department.

ATTACHMENT A

To: Mayor and City Council Members
From: Keith Abraham, Parks and Recreation Director
Date: July 14, 2020
Subject: Community Gardens

On April 14, 2020, City Council asked staff to provide a memo on what could be done to either utilize the current community gardens better or increase the community garden space.

CURRENT GARDENS:

Parks and Recreation currently manages two community garden spaces which are at 1) Squaw Creek Park, and 2) Carr Park. More information on each of these garden areas is below:

Squaw Creek Park

This park at the south end of South Maple Street is the main community garden area in the park system and it contains 63 garden plots that are 10' X 25' or 10' X 40' in size. There are three water hydrants available and space is provided for garden debris and composting. Gardeners pay \$20-\$25 per year for the space and most gardeners use the same garden plot year after year. Due to demand, 17 plots and two water hydrants were added to bring the total to 63 and three respectively. As you can see in the picture below, there is little, if any, room to add additional plots to this garden area.



Carr Park

In 2016, four raised garden beds were installed at Carr Park, 1704 Meadowlane Avenue, to provide a gardening opportunity for individuals with disabilities or mobility issues. Since then, an additional 10 raised beds have been added to bring the total to 14. This site does not have a water hydrant but it is planned to add one in the future. Gardeners pay \$15 per year for the bed and most gardeners use the same one year after year. As you can see in the picture below, additional raised beds could be added to this garden area.

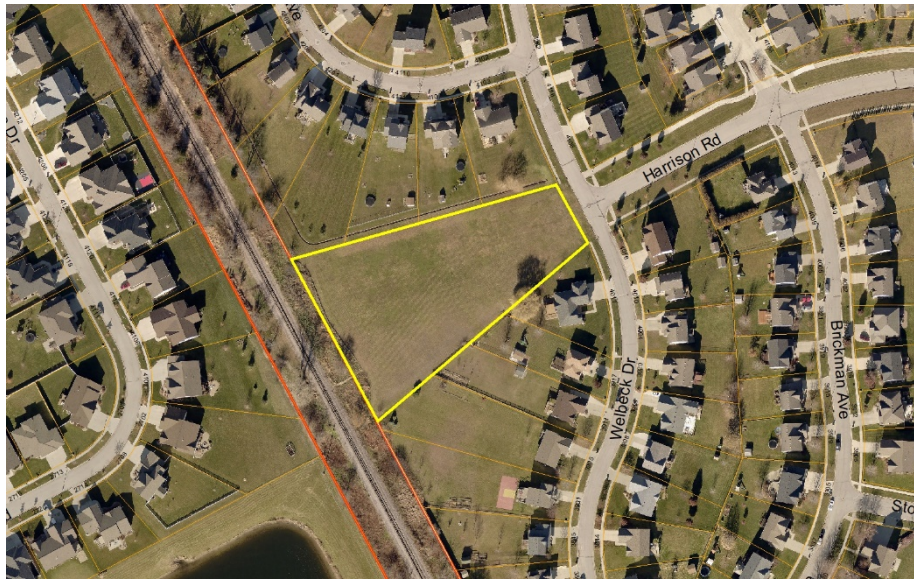


POTENTIAL AREAS FOR EXPANDING COMMUNITY GARDENS:

Staff reviewed parkland and non-parkland owned by the City and determined that there are three areas described below that warrant consideration for use as a community garden. If the City Council directs staff to explore any of these areas further, staff would need to reach out to the neighbors for feedback. The potential areas with descriptions and associated development costs are highlighted below:

1) Harrison Road Right-of-Way

This area is just west of Welbeck Drive and is approximately 1.8 acres. It does not appear Harrison Road will be extended over the railroad tracks so this could be a good use for this land that has sat vacant for many years. It is currently being mowed by an adjacent property owner. The lot is large enough that other amenities could be added in the future (e.g. play equipment, shelter, etc.) if a need is determined. The cost to connect water to this site, delineate garden plots, and signage would be approximately \$8,000. Additionally, this lot currently does not have a sidewalk and if it is decided to add one, there would be an additional cost (approximately \$4,000) to developing this site.



2. Between North Dakota Avenue and Delaware Avenue (Former water tower site)

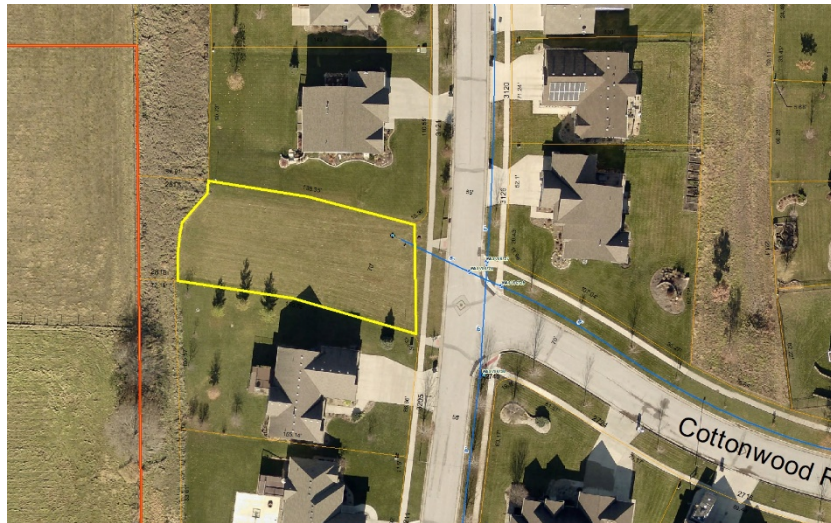
This area is just east of Utah Drive between North Dakota and Delaware. There is an electrical substation south of the approximately one acre open area which could be used for gardens. When the water tower was removed, the footings were cut at a depth of three feet below ground level which should not interfere with gardening. It is currently being mowed by the City. The cost to connect water to this site, delineate garden plots, and signage would be approximately \$6,500. Additionally, this lot currently does not have a sidewalk and if it is decided to add one, there would be an additional cost (approximately \$12,000) to developing this site. For reference, there is sidewalk to the north of this lot, but not to south.



3) Cottonwood Road Right-of-Way

This area is just west of Red Fox Road and is approximately 0.3 acres. Unlike Harrison Road, Cottonwood will be extended west to State Avenue at some point in the future. Until that happens, this site could be used for community gardens. It is currently being mowed by the City. The cost to connect water to this

site, delineate garden plots, and signage would be approximately \$5,000. This lot does have a sidewalk, so there would be no additional cost to developing this site.



STAFF COMMENTS:

The three new sights mentioned for consideration would spread community gardens to the north, south, and west of the city limits in addition to the two existing gardens which serve central and east Ames.

ATTACHMENT C

Community Garden Meeting Regarding the Property Near Harrison and Welbeck

Postcards sent to 243 Residents in the area.

Approximately 15 participants. The meeting started at 5:32 PM

Chat participant wanted to know if there were other options for the space as kids in the neighborhood use the site for baseball etc.

Chat participant wanted to know if everyone currently gardening in the community gardens is from Ames? Joshua Thompson stated that they were all from Ames.

Jill wanted to know where the gardeners would park? The residents need the parking on Welbeck. Abraham stated that the gardeners would need to use street parking.

Would the garden be open to residents of the neighborhood only? Abraham stated they would be open to anyone.

Chat participant wanted to know why not use the land at Bloomington and Hyde? Abraham stated if they meant Lloyd Kurtz Park, there may be other things planned for that area.

How much traffic would this bring into the neighborhood? Thompson stated that he goes by the Squaw Creek gardens frequently and he never sees more than two or three cars there at one time during weekdays. On the weekends, when the gardens are busiest, there may be a maximum of ten cars at a time. There are 63 plots at that location which is more gardens than would be placed at this site.

Jennifer wanted to know if it is just people in the neighborhoods near the gardens that use the current garden spots. Abraham stated that at the Squaw Creek location are used by people who live throughout the city. At the Carr Park location, the gardeners are more from the surrounding neighborhood.

Does public transportation go to that location? Staff will research this.

Chat participant has a backyard near the site and would not be comfortable with outside people using the site. Safety is a concern if strangers come into the neighborhood.

Abraham asked what the department could do to alleviate those concerns. **No answer.**

Chat participant wanted to comment that the proposed food forest area is very busy and sometimes traffic is a nightmare at Hunziker Sports Complex. Abraham stated there are some things in the transportation plan for Billy Sunday Rd. that will alleviate some of that traffic.

Jill states that the Squaw Creek area is “trashy looking” and does not want this by her property. She would rather have it at Bloomington and Hyde. She would like to know if this area could be a recreation spot instead. Abraham stated this area is in a neighborhood and would be different than the Squaw Creek location. All comments will be considered at the Parks and Recreation Commission next Thursday.

Three to four cars daily will just add to the congestion on Welbeck.

Chat participant states the nearest bus stop would be on Bloomington.

Chat participant wanted to know the size of the plots. Abraham stated they could be a combination of raised and ground level beds of different sizes. **Cost?** The cost would be similar to the current price. (10'x40' is \$25, 10'x25' is \$20 and the smaller ADA raised beds are \$15)

Fencing? Fencing would be put up by Staff.

Is this meeting to determine if the gardens are placed there. This meeting is a part of the process. **Can we comment?** Yes, you can attend the Commission and Council meetings virtually.

Jennifer lives three houses down. She does not want to bring any cars into the area. It is a long way from CyRide to carry things, and she feels community gardens are an eyesore that she does not want to look at. Abraham again stated that this garden would be in a neighborhood and would be treated differently than the area at Squaw Creek. There would be fencing and maintenance at the site. **Who will maintain a plot if a gardener abandons it?** P & R staff would do the cleanup of the plot.

Anna lives on Crestmoor. She states that there are over 50 kids in the area which is quiet and safe. She does not want any strangers coming into the area. She would like the sidewalk finished in the area. Abraham will investigate the sidewalk and pass it along to the correct person.

Chat participant states that the deer will eat everything and wants to know if there will be water at the site. Abraham replied that there would be water and fencing at the location.

Hector stated that the proposed food forest area is already a natural area and does not feel we should upset the current ecosystem there.

Chat participant does not want to see this out their window and has concerns about the parking.

Jennifer asked how people in the neighborhood say what they want. Abraham stated that is the purpose of this meeting.

Kate says there is a safety concern with the railroad. Many people use this area for recreation.

Anna says the railroad backs up to the spot. There are not many trains and the neighbors pay attention to what is going on. Could fencing be put up? Abraham repeated that the site would be fenced if used for a community garden. **She wants something useful for their neighborhood, not a community garden.**

Jill wants the city to leave the green space for the neighborhood.

Will the city maintain the space? Abraham repeated that the City would maintain anything we put there.

When will this go to the Council? Abraham replied that this would go to the Park and Recreation Commission on February 18. The Commission could make a recommendation to the City Council. Council could get this as soon as February 23 or it could be discussed at one of the March meetings depending on the other items on the agenda. Abraham also explained the process and when the Commission and Council documents are posted.

Chat member asked if there were any other options for the space like a rec area. Abraham stated that the Lloyd Kurtz Park shelter, volleyball court and playground are well used, however the green space seems to be underutilized. Abraham asked how many neighbors use the recreation/green space at Lloyd Kurtz park. **Two or three people indicated they used Lloyd Kurtz.**

Comments regarding why they don't use the recreation space at Lloyd Kurtz:

Kids bring stuff out to play with - they don't want to carry it that far.

Lloyd Kurtz is farther way than this space.

Play equipment at Lloyd Kurtz gets hot in the summer. (Abraham stated that would be typical of most playgrounds in the summer)

Neighborhood kids prefer to play together in this space.

It was asked again who would maintain the space. Abraham repeated that the spot would be maintained by staff and would be a different kind of garden space than the Squaw Creek gardens due to its location. Gardeners are contacted if they do not maintain their space and staff clears it out if it is abandoned.

Chat participant asked about fitness/calisthenics parks. Abraham said we have walking paths but there is not specific equipment for working out. Staff is exploring some parkour equipment for the park system.

Chat participant works hard to maintain their yard and is uncomfortable with outsiders coming into the neighborhood. Abraham said that some people from the neighborhood would likely use the garden plots as well.

Chat participant stated that the storm sewer always has garbage and leaves in it. Abraham stated he would pass this along to the proper person.

Chat participant states they would prefer to keep the neighborhood quiet.

Abraham informed the participants that he appreciated their comments and ended the meeting at 6:23 PM.

ATTACHMENT D

Community Garden Meeting Regarding the Property at 830 Delaware

Postcards sent to 489 residents in the area.

Approximately 9 participants. The meeting started at 6:32 PM

Elizabeth would like general information on reserving a plot. Joshua Thompson, Parks and Facilities Superintendent, explained the current process to her.

Joan was wondering if she could go ahead and sign up for a Delaware plot now. She wondered if they had to wait for the City Council to approve something like this. Abraham explained the process to her.

Joan wondered what size the plots would be. She feels that 10x40 may be too much for her but the raised plots at Carr Park seem rather small. Abraham explained that there may be a variety of plot sizes.

Jim asked if water would be available. Abraham said that the City would bring water to the site. He also asked what the probability was the Delaware location would be approved. Abraham said that it depended on the outcome of tonight's meeting.

Macaley said she was excited to hear about this but did want to say that the green space was used daily by the neighborhood and by people as a dog run. She wondered if there was an option to have both gardens and green space, especially as there is some higher density property to the north of the area. Abraham said that the area was served by Hutchison Park, but some green space could be maintained.

Elizabeth, who is a student studying Community Gardens, asked if the department would allow her to help on this project. Abraham said that student involvement would be great and gave her his contact information.

Would the gardens be fenced as there are a lot of deer? Abraham stated the gardens would be fenced. He also explained that this plot is in a neighborhood so it would be handled in a different way than the squaw creek gardens.

Abraham clarified that what he was hearing was the neighborhood wanted water, fencing, and a combination of gardens and green space should this project go forward.

Lou asked if the area where Delaware goes into North Dakota had been looked at.

Abraham said staff had investigated that area, however the land is quite sloped and there have been some accidents at that intersection.

Off topic question regarding the tree buffer that was on the east side of the substation died. Can the buffer be replaced? Abraham said he can pass this on to Electric. He was not sure as trees and substations don't always go together.

Elizabeth asked about the next meetings. Abraham said the Park & Recreation Commission will discuss it at the February 18 meeting which will be livestreamed. It will go before the Council at the February 23, March 9, or March 23 meeting depending on the meeting agenda. He also gave information for livestreaming.

Meeting ended at 7:10 PM

ATTACHMENT E

INPUT RECEIVED BY EMAIL

Harrison & Welbeck Comments:

Keith – thank you for taking the time to have the virtual meeting and especially for answering all of our questions and listening to our concerns. My two biggest concerns with the garden are the parking and the appearance. I reside at 4011 Welbeck which is the house adjacent to this bare space on the south side. In the summertime, it seems that the majority of residents along Welbeck park at least one car on the street which makes the street congested and when driving, if a car is coming from the other direction, one car always has to pull over to let the other thru as the street is not wide enough for two traveling cars and a parked car as well. I feel like adding more cars to the mix will make more congestion and also make it more dangerous for the numerous small children that reside on Welbeck and on Crestmoor, the street on the north side of the city owned bare area. Also, numerous bicyclists use Welbeck and Harrison to go to and from Ada Hayden. It is very busy with bike traffic from spring to fall. And many parents walking with kids in strollers, wagons, etc also go along Harrison to get to Ada Hayden so I do not feel it is safe to add more unnecessary traffic to this area.

And there is garage sale season.....navigating this area during garage sale season is like trying to get your car out of Jack Trice stadium parking lots after a football game! If the gardens are added, the gardeners won't even be able to find adequate parking unless they park at one of the churches along Bloomington and walk to their garden.

The other concern is what the gardens will look like. I know when I brought this up last night you had asked me if I thought raised vs unraised beds would be more attractive. I don't think it matters much although raised beds would require taller fencing. With the high turnover of the gardens (50% each year), it seems like a number of them will go unmaintained and become an eyesore. You had also stated the City would maintain the area around the beds. However, my neighbor has mowed that entire almost 2 acre space in the 11 years I have lived there. He said the City used to rarely mow it and it became an eyesore to the entire area so he has been mowing it for at least 11 years. If the City could not maintain it before, how can we be assured they will maintain it once there are beds and fencing there which will make it harder to maintain? I also think to have effective fencing, it will have to be tall as there are lots of deer in the area and the taller the fencing, the more of an eyesore this will become. The Squaw Creek garden has always been very messy looking and not well maintained but that is not in a residential area. The one at Carr Park is not adjacent to any housing. And the one at Carr Park has parking that is not on the street.

I hope the City can find an alternative spot to use that is less residential and more hidden. I just do not feel like this garden area would benefit the surrounding community because the neighborhood consists of residents that own their home and have yards where they could grow their own garden. This current green space is already heavily utilized by kids and adults in our neighborhood and even though I do not have children, I would be very disappointed to see it no longer be utilized for this.

Thanks again for your time – I really appreciate you taking into consideration our comments and concerns.

Jill Allen

4011 Welbeck Drive

Good evening. I live on Brickman Avenue and see that area of grassland that is heavily used in the spring, summer and fall. With the garden project on 13th street that is an eyesore to the community, I do not feel having the garden here is appropriate. Why not use the land at the park on Hyde and Bloomington. I vote no to the gardens on Welbeck and Harrison. Too many families with kids that use this area and feel the increased traffic would be a safety nightmare. Thank you for considering this information

Cate Frey
4107 Brickman Avenue

Good morning!

I appreciate everything you and the city are doing with the garden projects and hope there is clear direction for these areas. Thank you

Cate

I believe you had a meeting recently regarding new garden plots for rent in Ames. I just wanted to let you know that I would be very interested in having garden plots at the Harrison/Welbeck location. I have thought for a long time that the ground there should be used for something like community gardens. I would hope that there would be water available.... What was the result of the discussion in the recent meeting?

Thanks,
Myrna Katz

Ok....I live near there, and honestly have seen very little use by anyone recreationally.... I doubt parking would be that big a deal since every one would just come and go on their own schedule....not a group thing.

830 Delaware Comments:

I believe ~10x20 plots or raised beds would provide gardeners with nice options for gardening. Having a fence and water access would be a must in that location. Thank you for pursuing this. I'm very excited about the possibility of a community garden here.

Willy Klein

Hello Sir,

I was excited reading the postcard I just received concerning the proposed community garden at 830 Delaware Ave. Unfortunately, I didn't see it in time and missed the meeting. Is there any chance you have either a recording of the meeting or other information you'd be willing to send me?

Thanks in advance,
Stephanie Haila

Hello Joshua,

Thank you for informing us of our garden plot options at the zoom meeting last evening. I had a little trouble with my zoom feed so I wasn't quite sure my message was noted.

I sent in my form to reserve a 10x20 or 10x25 foot garden area. Since I live on the south side of town, I would like the garden to be in the Delaware Street location, if possible.

Thanks again for your help! Stay warm and safe!

Jaye Stefani

1505 Little Bluestem Court, Unit 101

Joshua,

I submitted a request for a garden plot tonight but left the location blank. I would like to be placed on the list for space in the Delaware Ave garden. I would be interested in a larger space. The raised beds at the Carr garden are on the small side, I understand the ADA access necessary, but would consider 2 raised bed gardens if they are similar in size to the Carr gardens.

Follow up question – if/when this is approved, when do you believe the gardens would be available?

Thank you.

Jim Lowry

Josh,

I am writing in support of establishing a community garden at the Delaware site. I had signed up for the Squaw Creek site but would prefer Delaware if available. I live in the neighborhood and would be glad to volunteer to help make this happen.

Thanks Lou Scallon

Constant Contact Survey Results Survey Name: 2020 Community Garden

Survey Sent to 6,542 Email Addresses In Database

Email opened by **1,840 people**

Posted invitation and link on P&R Facebook **440 Views, 7 engagements**

Posted invitation and link on COA Facebook **1398 Views, 42 engagements**

147 RESPONSES

City Council has asked staff to determine if there is a need to either expand the current garden areas or develop new gardens in different sections of town. To help you understand what the City of Ames currently operates, a description of the two garden locations are shown below: Squaw Creek Park This park at the south end of South Maple Street is the main community garden area in the park system and it contains 63 garden plots that are 10' X 25' or 10' X 40' in size. There are three water hydrants available and space is provided for garden debris and composting. Gardeners pay \$20-\$25 per year for the space and most gardeners use the same garden plot year after year. As you can see in the picture below, there is little, if any, room to add additional plots to this garden area.



Squaw Creek Community Garden Plots

Carr Park

In 2016, four raised garden beds were installed at Carr Park, 1704 Meadowlane Avenue, to provide a gardening opportunity for individuals with disabilities or mobility issues. Since then, an additional 10 raised beds have been added to bring the total to 14. This site does not have a water hydrant, but it is planned to add one in the future. Gardeners pay \$15 per year for the bed and most gardeners use the same one year after year. As you can see in the picture below, additional raised beds could be added to this garden area.



Carr Park Community Garden Plots

Currently, there is a waiting list for garden space at these two areas. Please assist staff in gauging community interest regarding gardens by answering the following questions. Thank You!

Do you currently garden?









Answer	0%	100%	Number of Response(s)	Response Ratio
YES			113	76.8 %
NO			34	23.1 %
No Response(s)			0	0.0 %
Totals			147	100%

If you currently garden, where do you garden?

Answer	0%	100%	Number of Response(s)	Response Ratio
At my home			87	59.1 %
I have a plot at the City's Squaw Creek Garden			14	9.5 %
I have a raised bed at the City's Carr Park			2	1.3 %
At a non-city of Ames garden. (Please list the location in the comment space below.)			8	5.4 %
Not applicable			19	12.9 %
Other			3	2.0 %
No Response(s)			14	9.5 %
Totals			147	100%

<ul style="list-style-type: none"> • a plot in Minnesota near relatives
<ul style="list-style-type: none"> • In planters on my deck
<ul style="list-style-type: none"> • Ames high garden club
<ul style="list-style-type: none"> • Certainly having a local plot would be great. We don't get to the existing one regularly. Perhaps it shouldn't even count.
<ul style="list-style-type: none"> • my church
<ul style="list-style-type: none"> • I garden at my family's farm. I would love to see the city take some park land and make orchards. I've been working on my own orchard for several years. I think this could be in green space in parks like Brookside (near 6th stree). Of course, it would require deer fencing as they'll nibble on the trees--and trunk protection from mice and rabbits.
<ul style="list-style-type: none"> • My home garden is mostly shaded
<ul style="list-style-type: none"> • I am a gardener who just moved to a place where I can't garden.
<ul style="list-style-type: none"> • Lockwood Cafe gardens
<ul style="list-style-type: none"> • On Oakwood. It has been eliminated for a housing project.
<ul style="list-style-type: none"> • My home does not have enough direct sun.
<ul style="list-style-type: none"> • I am in plot 11 and would like a 2nd plot
<ul style="list-style-type: none"> • I have also gardened for 3 years at Squaw Creek.
<ul style="list-style-type: none"> • I have plot #1 and as I gardened this summer many people stopped and asked me about the process to acquire a garden. I believe there is great interest but little advertisement of this opportunity.
<ul style="list-style-type: none"> • At Oakwood Road. I also garden at home (containers).
<ul style="list-style-type: none"> • Oakwood road, Christopherson property now sold to be developed and no longer available to gardeners
<ul style="list-style-type: none"> • I also garden at my home. We would love an additional raised garden at Carr Park.
<ul style="list-style-type: none"> • Previously leased a plot at Squaw Creek Garden.
<ul style="list-style-type: none"> • My folks have some land outside of Ames, but I would love a local plot!
<ul style="list-style-type: none"> • Though I have several small gardens on my property, there is not enough space for the size of garden I would like to have nor is my property sunny enough for what I'd like to grow.
<ul style="list-style-type: none"> • It is a challenge to garden there with weeds, pest and animals but lots of fun. Kind of has a feel of a kid's secret clubhouse being tucked away back on south Maple street. Nice and quiet. Friendly people garden down on squaw creek .
<ul style="list-style-type: none"> • MY HOME GARDEN HAS SHADE FROM TREES IN COMMON PUBLIC AREA. i GET 25 SUN% SUNLIGHT IN GROWING SEASON.
<ul style="list-style-type: none"> • St. Cecilia School
<ul style="list-style-type: none"> • Only a very little bit at home- too much shade.
<ul style="list-style-type: none"> • Had a garden on Oakwood this year. However this won't be available next year due to a new housing development. Had a 30' x 35' garden.
<ul style="list-style-type: none"> • I have a plot I share with Reid Brown.
<ul style="list-style-type: none"> • I am in an apartment and my plants are all in pots on my balcony - with mixed success.
<ul style="list-style-type: none"> • Love the Endless Woodchips

If you currently garden, why do you do so? (Select all that apply.)

Answer	0%	100%	Number of Response(s)	Response Ratio
Access to fresh produce			108	82.4 %
Community involvement & socializing			20	15.2 %
Recreation			71	54.1 %
Learn more about gardening			38	29.0 %
Save money			44	33.5 %
Enjoy gardening			102	77.8 %
Not applicable			16	12.2 %
Other			14	10.6 %
Totals			131	100%

Encourage beneficial insects and birds

It's a very visible bed. I do not want it to go to weeds.

Mental health boost

Improves mental health

always have!

I farmed before I started working in town. This is an important link to my prior

good life skill to teach our children

therapy

self reliance and local food

Grow food not found in local stores










teach students about caring for creation

It is amazing to watch nature at work, plants, pollinators, worms, etc.

Engage with nature

enjoy outdoor activities

If you do not currently garden, why not? (Select all that apply.)

Answer	0%	100%	Number of Response(s)	Response Ratio
I do not have space for a garden at my home			26	33.3 %
I do not have enough time to garden			7	8.9 %
I do not know how to grow the food I want to eat			7	8.9 %
I do not have reliable transportation			1	1.2 %
I cannot afford gardening supplies			1	1.2 %
There is no garden space close to my home			16	20.5 %
I already have the vegetables I need			1	1.2 %
Not applicable			41	52.5 %
Other			7	8.9 %
Totals			78	100%

shade and deer are more of a problem than "space" for garden

Dang rabbits

I don't enjoy gardening.

Not interested

Recently moved here, but gardened in my previous town

I enjoy gardening but have small space and limited time thus year. Want to try

I have room much clay 8n my yard. deer Nd rabbits are also a nuisance

If additional community gardens were to be developed throughout the City, are you interested in having a garden plot?

Answer	0%	100%	Number of Response(s)	Response Ratio
YES			104	70.7 %
NO			41	27.8 %
No Response(s)			2	1.3 %
Totals			147	100%

How important are the following items to you for being able to garden?

1 = Important, 2 = Somewhat Important, 3 = Not Important

Answer	1	2	3	Number of Response(s)	Rating Score*
Garden location close to home				140	1.3
Garden location on bus route				120	2.7
Quality of garden resources (soil, water, etc.)				133	1.2
Cleanliness of the garden area				132	1.4
Gardening equipment provided (rakes, etc.)				123	2.3
Garden location is safe				136	1.2
Social atmosphere at the garden				125	2.0

*The Rating Score is the weighted average calculated by dividing the sum of all weighted ratings by the number of total responses.

If you were to participate in a City community garden, would you be willing to pay a small annual fee (under \$25) for a garden plot?

Answer	0%	100%	Number of Response(s)	Response Ratio
YES			136	92.5 %
NO			5	3.4 %
No Response(s)			6	4.0 %
Totals			147	100%

If you were to participate in a community garden, what kind of space are you interested in?

Answer	0%	100%	Number of Response(s)	Response Ratio
An individual garden plot for my family and me			83	56.4 %
A shared plot where many people work together and share the harvest			19	12.9 %
A food pantry plot where people work together and donate the harvest to those in need			16	10.8 %
A food forest concept where 5-7 layers of fruits, vegetables, and nuts are grown in unison			15	10.2 %
Other			5	3.4 %
No Response(s)			9	6.1 %
Totals			147	100%

All of these sound good

Not interested at this time

All with varying interest. Curious about food forest, but likely lower

I think an individual plot underneath the food forest concept would be ideal!

Fruit trees berry patches outside of family plot for all





What type of plot would you be interested in?

Answer	0%	100%	Number of Response(s)	Response Ratio
Land bed (plot is at ground level)			72	48.9 %
Raised bed (typically 8-20" above ground level)			53	36.0 %
Accessible raised bed (typically 28-34" tall and no wider than 24" across)			9	6.1 %
No Response(s)			13	8.8 %
Totals			147	100%

If you were to participate in a community garden, approximately how many square feet of garden space would you prefer?

Answer	0%	100%	Number of Response(s)	Response Ratio
25 or less			23	15.6 %
26-100			61	41.4 %
101-200			20	13.6 %
201-300			10	6.8 %
301-400			8	5.4 %
401 or more			12	8.1 %
No Response(s)			13	8.8 %
Totals			147	100%

If you were to garden, what types of plants are you interested in growing? (Select all that apply.)

Answer	0%	100%	Number of Response(s)	Response Ratio
Fruits/berries			78	56.1 %
Vegetables			136	97.8 %
Herbs			104	74.8 %
Flowers			72	51.7 %
Other			1	<1 %
Totals			139	100%

Trees! Apples Galore!

Please list locations you feel would be ideal for a community garden in Ames?

83 Response(s)

- West Ames -- Sunset Ridge area or north of there.
- North side of the Ames. Somewhere close to Somerset
- Lloyd Kurtz Park
- Brookside park, carr park, mccarthy lee park
- either the south maple or Carr park are good. Also near high school is good.
- I'd like to see the flower bed at the location I described above become a community garden so that I wouldn't have to pay for everything out of my own pocket to make this plot look nice.
- Daily park.
Edward's elementary
- Not aware of any, but somewhere close to South Dakota in West Ames would be ideal
- Over by Fountain View apartments. There's plenty of space by the fields to the east for a community garden.
- Stuart-Smith park by fourth street; Ontario by research park; 24th street near fellows;
by furman aquatic center
- Northridge greenspaces, neighborhood greenspaces
- Central Ames/Brookside park area
- Ada Hayden
- Off Ontario area.
- Near downtown, maybe at Roosevelt park?
- Roosevelt Park, Brookside Park
- Old Edward School Park
- North Ames
- The North of 24th and West of Hyland parts of Ames would be good
- Not sure
- Vacant lot at the intersection of Harrison and Welbeck.
- Carr Pool
- Some place in north Ames.
- I don't know. I live at 700 South Dakota ave
- Southeast part of the South of Highway 30 area. A portion of the East of Duff area bounded by Lincoln Way, Highway 30, South Duff and I-35.
- West Ames!
North Ames!
East Ames!
South Ames!
- Haven't really thought about it.
Also, I'm open to other kinds of gardening beyond individual plot but had to choose just one.
- North of Bloomington Near Stange
- In addition to Carr Park, the Homewood Golf Course land adjacent to 20th Ave. and within a block of Meadowlane would serve many of my neighbors.
- north ames
- Carr Park
- Open area across from police station. If you are not using it for low income housing. The area curves and shelter could benefit.
- Brookside park - very central and accessible by various modes of transport.
- South of the horrible south Duff corridor.. would not want to drive up south duff to get to garden.
- Old Edwards School site
- A plot near the North and/or West side of Ames.
- On the north end of town, perhaps in Moore park.
- More gardens at Carr Park would be great!
- Near Kate Mitchell
- West ames middle school area or West of pond area on Mortensen Out by the new wetland park It is a learning wetland and could be a learning garden as well
- South Ames

- west ames
- West Amed
- The location of the old middle school (Woodland).
- Nearer to ISU campus, on the west side of town. It would be ideal for the city and university to partner, which could allow for community plots to be located on underutilized university lands. The old SW Athletic fields and Arboretum come to mind. Another possibility is Gateway Hills Park, which the city already owns.
- Ames High School, also other schools that have been repurposed.
- Empty lot off of Coy St. toward Franklin Ave.
- East Ames
- West Ames
- West Ames near Boone County border (500th street or Y Ave)
Along Ontario street
- If there's property available in the West Ames area, there are a lot of apartment dwellers and homeless that might benefit. Perhaps something near Reliable street, or near the West Ames Hyvee?
- More at Carr park
- North Dakota and Delaware
South of Old middle school site off State Ave.
Middle school and east of the current complex (tree pile there now)
- North Ames
- The vacant land off North Dakota (across from the cemetery/between Delaware Ave and North Dakota)
- Lloyd Kurtz Park
- A central downtown area, like in/near one of the Duff parks or Brookside park.
- near the historic district / old town
- West Ames Parks
- Open area by Delaware ave.
- PREFERABLY MOORE PARK, I AM OK WITH ANY COMMUNITY GARDEN.
- North Ames. Please let me know if St. Cecilia can partner in any way. This is Sara Rooney, Principal, St. Cecilia School.
- Somerset area
- Somewhere north of 13th street. Moore park?
- By Cameron School Rd.
North Dakota Rd
X Ave.
190 st.
Hyde
- North of Lincoln Way and west of the university.
- City land between North Dakota and Delaware Ave
- Pretty much any flood plain or park
- Most areas will be acceptable.
- Any space that the city mows would be a great start.
- West Ames, Downtown
- Old Edwards School site
- Idk
- Any open, area within the Stuart Smith park.
- Off the top of my head I do not know the cross streets, but what about the area where the City of Ames had proposed building the community health center (and which was sadly voted down) and which was supposed to have garden plots as part of that health center project anyway ... NW Ames
- Im not familiar. Is there space near aquatic center or city park
- NORTHEAST AMES
- Christofferson Park
Yard around City Hall

- <https://goo.gl/maps/2pgx9H1GngD3GmhC9>
I know Churches aren't city property but This one has a garden for the Food at First Program. churches might be interested in this.
- <https://goo.gl/maps/26LWRzGCitP9njhD6>
Any park or large lawn that the city is currently paying for mowing is a good candidate
- As long as there water source , any location will be ok
- Lincoln Park, the city owned lots near the mew Tripp Street extension
- perhaps west side of town
- near ames middle school
- near furman aquatic center

What is your age?

Answer	0%	100%	Number of Response(s)	Response Ratio
17 and under			2	1.3 %
18-25			4	2.7 %
26-34			16	10.8 %
35-54			57	38.7 %
55-64			36	24.4 %
65 and over			31	21.0 %
No Response(s)			1	<1 %
Totals			147	100%

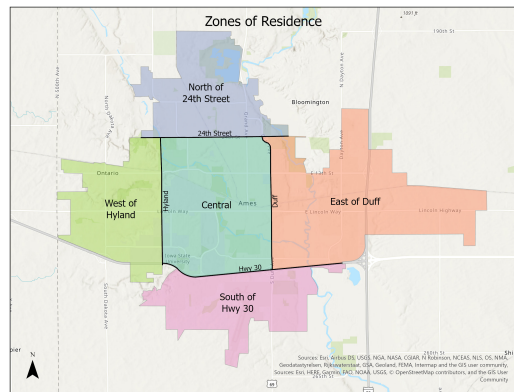
What is your race/ethnicity? (Select all that apply.)

Answer	0%	100%	Number of Response(s)	Response Ratio
African, Black or African American			2	1.4 %
Asian, Asian American, or Pacific Islander			15	10.6 %
White (non-Hispanic)			112	79.4 %
Hispanic/Latinx			2	1.4 %
Native American/American Indian			1	<1 %
Other			1	<1 %
Perfer not to answer			12	8.5 %
Totals			141	100%

What is the highest level of education you have completed?

Answer	0%	100%	Number of Response(s)	Response Ratio
Less than High School	<div style="width: 0%;"></div>		2	1.3 %
High School/GED	<div style="width: 0%;"></div>		2	1.3 %
Some College	<div style="width: 13%;"></div>		13	8.8 %
Under Graduate Degree	<div style="width: 32.6%;"></div>		48	32.6 %
Graduate Degree	<div style="width: 53%;"></div>		78	53.0 %
Trade School or Apprenticeship	<div style="width: 0%;"></div>		2	1.3 %
No Response(s)	<div style="width: 0%;"></div>		2	1.3 %
Totals			147	100%

TextBlock:



ZONE MAP OF AMES

Where do you currently live? (Please select area nearest to your home.)

Answer	0%	100%	Number of Response(s)	Response Ratio
North Ames (North of 24th St)	<div style="width: 29.2%;"></div>		43	29.2 %
East Ames (East of Duff Avenue)	<div style="width: 6.8%;"></div>		10	6.8 %
South Ames (South of Highway 30)	<div style="width: 5.4%;"></div>		8	5.4 %
West Ames (West of Hyland Ave)	<div style="width: 22.4%;"></div>		33	22.4 %
Central Ames (In between the areas above)	<div style="width: 34%;"></div>		50	34.0 %
Other	<div style="width: 0%;"></div>		1	<1 %
No Response(s)	<div style="width: 0%;"></div>		2	1.3 %
Totals			147	100%

recently moved out of Ames but work in Ames



MEMO

Item No. 27

To: Mayor and Council Members
From: Lieutenant Heath Ropp, Ames Police Department
Date: March 5, 2021
Subject: Sips and Paddy's Irish Pub Liquor License Renewal

The Council agenda for March 9, 2021 includes a liquor license renewal for:

- **Sips & Paddy's Irish Pub** (126 Welch Ave) – Class C Liquor License with Outdoor Service & Sunday Sales

At this time, the Police Department **would not** recommend a renewal of Sips/Paddy's Irish Pub license for the next year.

A review of police records for the past 12 months found 21 liquor law violations at this establishment. In that time, 20 individuals were cited for being underage on premise. Ten of those individuals were in possession of a fake ID. All 20 of the on-premises citations were written in 2021. **This is a very short period of time to have this number of violations and is not acceptable.**

The Police Department has made recommendations to the management of the establishment, such as providing additional staffing, staffing the rear exit, and utilizing the Iowa ABD Age to Purchase mobile application to scan identifications to ensure validity. Management acknowledged these recommendations and will put these additional measures in place.

Although approval of the requested 12-month license is not recommended, the Police Department would not object to approving a 6-month license. This would give the business and the Police Department a shorter period of time to evaluate changes to reduce the number of liquor law violations in the establishment. The process to initiate this would be for the City Council to deny the requested 12-month license and adopt a motion indicating the City Council would accept a six-month license application.

During this 6-month period, The Police Department will continue to monitor the above location by conducting regular foot patrols, bar checks and by educating the bar staff through trainings and quarterly meetings.

COUNCIL ACTION FORM

SUBJECT: PUBLIC HEARING ON CHANGE OF USE DESIGNATION FOR THE CITY OWNED PROPERTIES ALONG 6TH STREET (519, 525, & 601) IN CONNECTION WITH THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG).

BACKGROUND:

As part of the City's 2014-15 Community Development Block Grant (CDBG) Program, lots located at 519, 525, & 601 Sixth Street, (former Ames Community Preschool Center toddler house and playground) were acquired under the Acquisition/Reuse for Affordable Housing Activity. (*Location Map- Attachment A*) The objective of this activity was to increase the availability of affordable housing through the purchase of infill lots (vacant or properties needing to be demolished and cleared); the purchase of foreclosed or blighted properties for rehabilitation, or the purchase of single-family or multi-family units that can be rehabilitated; for reuse into either an affordable rental or owner-occupied units for a household at 80% or less of the Ames Metropolitan Statistical Area median income limits.

After acquisition of the site, the City initiated a request for proposals (RFP) in 2015 to redevelop the site but did not receive any qualified applications. Subsequently, the City acquired the 10+ acre parcel of land at 321 State Avenue (former Old Ames Middle School) in December 2015 for the purpose of developing affordable housing. The City considered pairing the 6th Street properties with development of 321 State Avenue to potentially attract additional developer interest. That attempt was unsuccessful as well. In 2019, the City Council directed staff to become the developer of 321 State Avenue and authorized staff to pursue selling the Sixth Street properties and use the proceeds to develop 321 State Avenue to further our goal of expanding availability of affordable housing in the community.

Because CDBG funds were used to purchase the Sixth Street properties, the Department of Housing and Urban Development (HUD) regulations require the City to notify the public of its intentions to propose a Change of Use Designation for these lots. The lots would be no longer used as affordable housing for low- and moderate-income households. The removal of the affordable housing designation related to CDBG funding would allow the City to sell the properties at market value and return the funds to the Department of Housing and Urban Development (HUD). A recent appraisal valued the lots at \$198,000.

Upon receipt of the sale proceeds, HUD would then reallocate all or a portion of the funds back to the City of Ames for new programming. **The City's intention is to use the reprogrammed funds to complete the public infrastructure improvements to develop lots for mixed-income affordable housing units in the Baker Subdivision, at 321 State Avenue.**

It is anticipated that 14 of the 26 lots in the Baker Subdivision will be designated for affordable housing for low-income households at 80% or less of the Ames Metropolitan Statistical Area

Income Limits (AMSA). Additionally, one lot has been set-aside for 37 Low-income Housing Tax Credit (LIHTC) rental units, of which 32 will be designated for households at 60% or less of the Ames Metropolitan Statistical Area Income Limits (AMSA).

The regulations also require that the request to Change the Use Designation be available for a 30-day public comment period, which occurred January 29, 2021, through March 1, 2021. **During this period one comment was received voicing opposition to the change of use designation. (see Attachment B).**

ALTERNATIVES:

1. The City Council can adopt a resolution approving the Change of Use Designation for the City-owned properties located at 519, 525, & 601 Sixth Street. *This action will authorize staff to proceed with placing the properties up for sale at the appraised value and return the funds to HUD for reprogramming.*
2. The City Council can deny adoption of a resolution approving the Change of Use Designation for the City-owned properties located at 519, 525, & 601 Sixth Street. *This action would continue to identify use of the properties as being developed as affordable housing either by the city or sold to a housing developer. The City would then need to proceed with affordable housing development of the site to maintain compliance with HUD requirements.*
3. The City Council can refer the matter back to staff for other considerations.

CITY MANAGER'S RECOMMENDED ACTION:

In accordance with the CDBG program regulations, if City Council approves the Change of Use Designation on these properties to be developed as affordable housing, staff will place the properties for sale at the appraised value and return the funds to HUD to be reprogrammed. It would be staff's intention to reprogram the funds to be used to complete the public infrastructure improvements for the development of affordable housing in the Baker Subdivision at 321 State Avenue.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 thereby adopting a resolution approving the Change of Use Designation for the City-owned properties located at 519, 525, & 601 Sixth Street. This action will authorize staff to proceed with placing the properties for sale at the appraised value and return the funds to HUD for reprogramming. It is anticipated that these funds would be returned to the City to complete the public infrastructure improvements for the development of affordable housing in the Baker Subdivision at 321 State Avenue.

ATTACHMENT A



Location Map
519, 525, 601 6th Street



ATTACHMENT B

From: [Marianne Todey](#)
To: [Baker-Latimer, Vanessa](#)
Cc: [Haila, John](#); [Gartin, Tim](#); [Junck, Rachel](#); [Corrieri, Amber](#); [Betcher, Gloria](#); [Martin, David](#); [Beatty-Hansen, Bronwyn](#); [Whitlock, Nicole](#)
Subject: change of use designation
Date: Friday, February 26, 2021 9:34:22 AM

[External Email]

Dear Ms. Baker-Latimer and City Council Members,

I am contacting you concerning the Public Notice that was posted about a change of use designation for the properties the city owns along 6th Street (519, 525 and 601). If I am not mistaken this is the land west of the First Christian Church.

I see that the city wishes to change the designation from using this area for affordable housing and sell the property at market value. Nothing is mentioned as to what the property is to be used for but since this Public notice came out after the announcement of making a public square east of city hall where there is currently a parking lot I suspect this land will be turned into a city parking lot.

I wish to state my opposition to changing the designation for these properties.

The city needs to be mindful of not only providing affordable housing but also the location of where we build affordable housing. Currently it appears that what we do is build more and more apartment complexes on the periphery of our community pushing those in need further from the center of our community, and further from services that they need.

Building some form of affordable housing along 6th Street allows lower income individuals and or families to live near essential services, i.e. grocery stores, a variety of Houses of Worship, Public Library, Community Center and the bus hub. The local highschool is roughly 2 miles away as well as an elementary school and preschool. Many of those who fall into the low income bracket have unreliable transportation so providing a place in the center of town truly serves them better.

It would also bring those in need closer to the meals and market provided by Food at First, located at the First Christian Church.

I see that the money from the sale of these properties would go toward the Baker Subdivision (the old AMS). But once again this pushes people further from the city center and essential services. I suspect that much of this housing will be occupied by ISU students since it will bring them closer to the campus--leaving the apartments along Mortensen south of the middle school.

These would then be considered affordable housing for low income but again on the edges of our community.

I respectfully ask the City to reconsider changing the designation of the 6th St properties and instead begin working on suitable housing for that location.

Sincerely,

Marianne Todey
1220 Harding Ave

COUNCIL ACTION FORM

SUBJECT: FLOOD MITIGATION – RIVER FLOODING TREE CLEARING

BACKGROUND:

On February 11, 2020, City Council approved the FEMA grant funding agreement for the stream bank restoration project providing flood mitigation in the Squaw Creek channel. A central component includes conveyance improvements within the channel approximately 2,000 feet either side of the South Duff Avenue bridge. The cost share amounts for this grant are as follows:

Funding Source	Amount	% of Cost
Federal	\$ 3,747,450	75%
Local	1,249,150	25%
TOTAL	\$ 4,996,600	100%

Final design has been submitted with permit applications to the Army Corps of Engineers and Iowa DNR. The land acquisition process is underway, including landowner meetings, title opinions, and appraisal reports being written.

Due to threatened and endangered species (two bat species) requirements, tree clearing must be completed prior to April 1, 2021. If not completed before this date, trees may not be removed until November (which would push the project close to the FEMA deadline of June 19, 2022).

The land acquisition agent has approached landowners about concurring with this tree clearing prior to closing on the respective properties. **The tree clearing plans included a Base Bid for City-owned property and Add Alternates for each of the other parcels. This will enable an award to be recommended based on who has provided concurrence at the time of bids being received.**

To date, landowners representing parcels associated with Alternates 1 through 4 and 8 through 11 have agreed to tree removal with this contract. If signed tree removal agreements are received for Alternates 5, 6, and/or 7 prior to completion of the tree felling by the end of March, those areas will be added through Change Orders to this contract. A map reflecting the various Alternates is attached.

On February 24, bids were received as shown on the attached bid tabulation. The recommendation of award is to the lowest bidder, RW Excavating Solutions, which is under contract on the Homewood Slope Stabilization project. This bidder has proven to

be a responsive and responsible contractor on that project. The Engineer's estimate for the tree clearing contract for the base bid and recommended Alternates is \$189,000.

ALTERNATIVES:

1. a. Accept the report of bids for the Flood Mitigation – River Flooding (Tree Clearing).
 - b. Approve the final plans and specifications for this project.
 - c. Award the Flood Mitigation – River Flooding (Tree Clearing) project to RW Excavating Solutions, LC of Prairie City, Iowa for the base bid in the amount of \$6,515 plus Alternates 1, 2, 3, 4, 8, 9, 10,11 for a total amount of \$74,745.
 - d. Approve contract and bond for the Flood Mitigation – River Flooding (Tree Clearing).
2. Direct staff to revise the project.

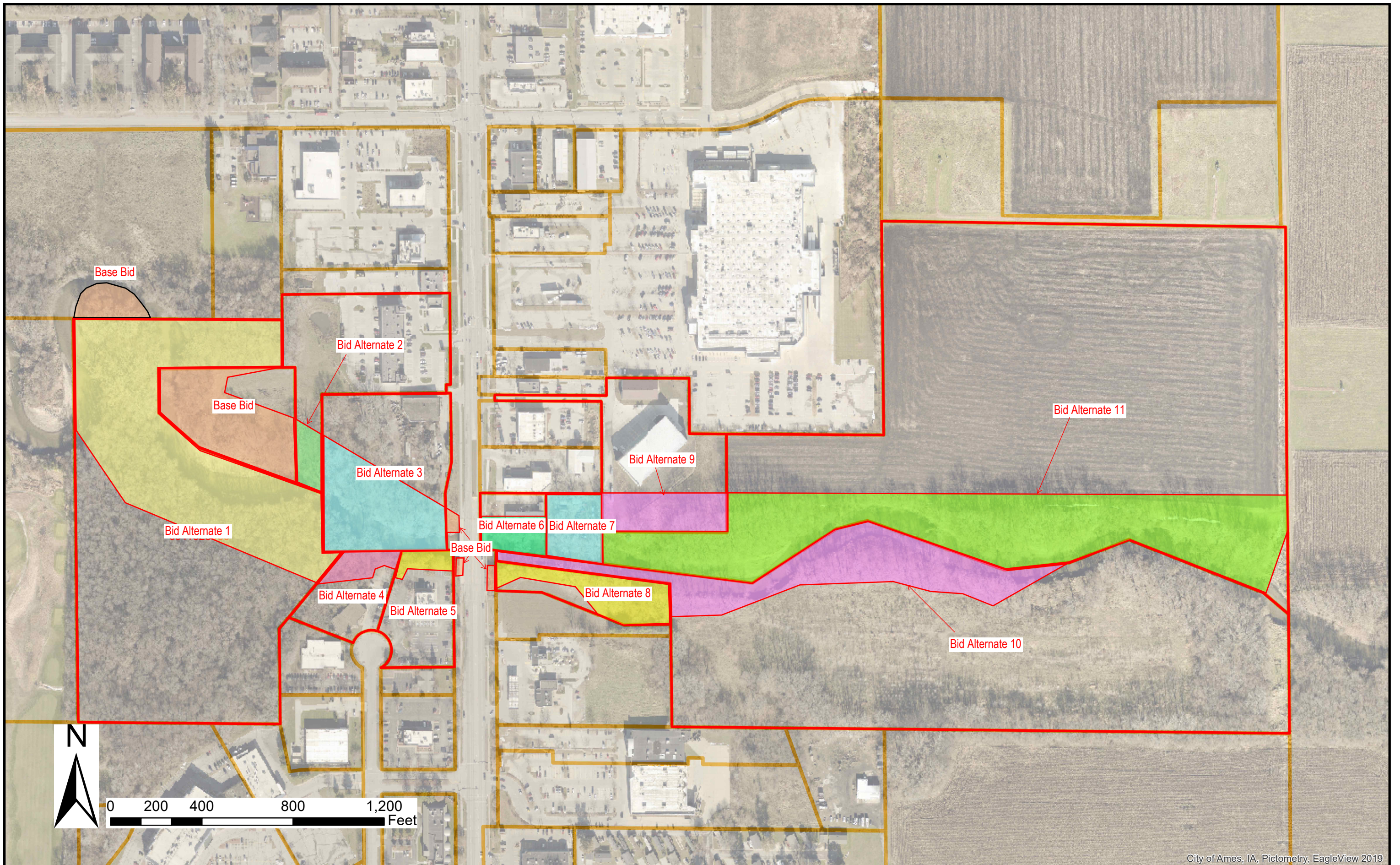
CITY MANAGER'S RECOMMENDED ACTION:

Due to Story County being within the territory for threatened and endangered species of two kinds of bats, tree clearing needs to take place prior to April 1. If not awarded now, the window for tree clearing closes until November. This would cause delays to the flood mitigation project and result in a tight construction window to meet the FEMA required project closeout of June 2022.

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

BID-TABULATION SHEET
City of Ames Public Works Department - Engineering Division
SQUAW CREEK RESTORATION & FLOOR MITIGATION (TREE CLEARING)

		Bid Date: 2/24/21		ENGINEER'S ESTIMATE		Bidder1 RW Excavating Solutions, LC 13293 S 88 Ave W Prairie City, IA 50228		Bidder2 Clay Agronomics & Arbor Care LLC 3619 W Ralph Rogers Road #201 Sioux Falls, SD 57108		Bidder3 Brandenburg Drainage, Inc. 2236 312th Avenue Maquoketa, IA 52060		Bidder4 Keith Cooper & Sons, Inc. 909 Brookridge Avenue Ames, IA 50010		Bidder5 Iowa Builders LLC 219 N. 10th Street Albia, IA 52531		Bidder6 Cr Environmental 1847 100th Street Corydon, IA 50060	
NO	DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
Base Bid	Tree Clearing	LS	1	16000	\$16,000.00	6516	\$6,516.00	7728	\$7,728.00	9600	\$9,600.00	15747	\$15,747.00	20094.62	\$20,094.62	285000	\$285,000.00
Bid Alternate 1	Tree Clearing	LS	1	54000	\$54,000.00	22320	\$22,320.00	26474	\$26,474.00	24800	\$24,800.00	53940	\$53,940.00	68832.4	\$68,832.40	35625	\$35,625.00
Bid Alternate 2	Tree Clearing	LS	1	3000	\$3,000.00	1152	\$1,152.00	1366	\$1,366.00	1280	\$1,280.00	2784	\$2,784.00	3552.64	\$3,552.64	35625	\$35,625.00
Bid Alternate 3	Tree Clearing	LS	1	14000	\$14,000.00	5616	\$5,616.00	6661	\$6,661.00	6240	\$6,240.00	13572	\$13,572.00	17319.12	\$17,319.12	35625	\$35,625.00
Bid Alternate 4	Tree Clearing	LS	1	4000	\$4,000.00	1296	\$1,296.00	1537	\$1,537.00	1440	\$1,440.00	3132	\$3,132.00	3996.72	\$3,996.72	35625	\$35,625.00
Bid Alternate 5	Tree Clearing	LS	1	2000	\$2,000.00	540	\$540.00	640	\$640.00	1500	\$1,500.00	1305	\$1,305.00	1665.3	\$1,665.30	5000	\$5,000.00
Bid Alternate 6	Tree Clearing	LS	1	3000	\$3,000.00	1174.5	\$1,174.50	1238	\$1,238.00	4000	\$4,000.00	2523	\$2,523.00	3219.58	\$3,219.58	10000	\$10,000.00
Bid Alternate 7	Tree Clearing	LS	1	6000	\$6,000.00	1984.5	\$1,984.50	2973	\$2,973.00	6000	\$6,000.00	5481	\$5,481.00	6994.26	\$6,994.26	10000	\$10,000.00
Bid Alternate 8	Tree Clearing	LS	1	9000	\$9,000.00	4252.5	\$4,252.50	4483	\$4,483.00	4200	\$4,200.00	9135	\$9,135.00	11657.1	\$11,657.10	35625	\$35,625.00
Bid Alternate 9	Tree Clearing	LS	1	9000	\$9,000.00	3492	\$3,492.00	4141	\$4,141.00	3700	\$3,700.00	8439	\$8,439.00	10768.94	\$10,768.94	35625	\$35,625.00
Bid Alternate 10	Tree Clearing	LS	1	23000	\$23,000.00	9468	\$9,468.00	11230	\$11,230.00	10520	\$10,520.00	22881	\$22,881.00	29198.26	\$29,198.26	35625	\$35,625.00
Bid Alternate 11	Tree Clearing	LS	1	57000	\$57,000.00	20632.5	\$20,632.50	27968	\$27,968.00	26200	\$26,200.00	56985	\$56,985.00	72718.1	\$72,718.10	35625	\$35,625.00
SUBTOTAL BASE BID																	
					\$200,000.00		\$78,444.00		\$96,439.00		\$99,480.00		\$195,924.00		\$250,017.04		\$595,000.00



City of Ames, IA, Pictometry, EagleView 2019



SQUAW CREEK PARCEL MAP

CITY OF AMES
SQUAW CREEK
FLOOD MITIGATION
IMPACTED PARCELS

WHKS NO. 8198



MEMO

To: Mayor and Members of the City Council

From: City Clerk's Office

Date: March 9, 2021

Subject: Contract and Bond Approval

There is/are no Council Action Form(s) for Item No(s). 19, and 29b. Council approval of the contract and bond for this/these project(s) is simply fulfilling a *State Code* requirement.

/alc

ITEM # 30 & 31
DATE: 3/09/21

COUNCIL ACTION FORM

SUBJECT: PUBLIC HEARINGS AND NOTICE OF INTENT TO ISSUE \$13,905,000 ESSENTIAL CORPORATE PURPOSE GENERAL OBLIGATION BONDS, \$11,760,000 GENERAL OBLIGATION REFUNDING BONDS, AND \$700,000 GENERAL CORPORATE PURPOSE GENERAL OBLIGATION BONDS, AND ASSOCIATED TAX LEVY FOR DEBT SERVICE

BACKGROUND:

The FY 2021/22 Budget includes several 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 is included as part of the FY 2021/22 budget.

The G.O. Bonds and debt service levy for the FY 2021/22 budget are based on projects listed in the table below. Council authorization will be required at a later date to approve 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 2013 that will likely 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.**

Though the bonds will be combined in a single sale, the \$700,000 to fund the plaza is a general corporate purpose subject to a reverse referendum and a separate public hearing is required. The remainder of the bond issue is qualified as essential corporate purpose, not subject to reverse referendum and can be combined in a single public hearing in amount not to exceed \$25,665,000.

Please note that in addition to the amount to fund the \$13,755,400 in G.O. Bond-funded capital projects, the not-to-exceed amount for the issuance includes an \$849,600 additional authorization to allow for issuance costs and the option to sell our 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 hearings and pre-levy resolution will be 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 \$1,045,393 of the total taxes levied for debt service at \$10,007,684.

The Capital Improvements Plan’s 2021/22 G.O. Bond issue includes the following:

Arterial Street Pavement Improvements (N. Dakota/Ontario)	\$ 800,000	
Collector Street Pavement Improvements (Hoover Avenue)	2,400,000	
Concrete Pavement Improvements	3,500,000	
Asphalt Street Pavement Improvements	2,500,000	
Seal Coat Pavement Improvements	750,000	
Downtown Pavement Improvements (Duff to Sherman Alley)	245,000	
Intelligent Transportation System	160,400	
Downtown Plaza - General Corporate Purpose-	700,000	
Subtotal Tax Supported Bonds		\$11,055,400
East 13 th Street Sanitary Sewer Extension (TIF Abated)	2,700,000	
Subtotal TIF Abated Bonds		<u>2,700,000</u>
Total Bond Funded Projects		\$13,755,400
Refunding Bonds		11,760,000
	Estimated Issuance Costs	849,600
	Grand Total – 2021/22 G.O. Issue	\$26,365,000

ALTERNATIVES:

1. Authorize both the issuance of Essential Corporate Purpose General Obligation Bonds and General Obligation Refunding Bonds in an amount not to exceed \$25,665,000 and the issuance of General Corporate Purpose General Obligation Bonds in an amount not to exceed \$700,000.
2. Reduce the FY 2021/22 property tax levy, and delay some, or all, of the capital projects previously approved in the FY 2021/22 budget.

Rejection of the Essential Corporate Purpose Bonds will prevent the City from completing the bond-funded projects reflected in the CIP. Rejection of the refunding bonds will eliminate the opportunity to realize savings for existing bonds. Finally, the rejection of the General Corporate Purpose bonds will delay the Downtown Plaza project.

MANAGER’S RECOMMENDED ACTION:

Prior to the issuance of debt, state law requires that a public hearing be held and associated pre-levy resolution be adopted. This is a required step in order to accomplish the City 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 authorizing the issuance of both Essential Corporate Purpose General Obligation Bonds and General Obligation Refunding Bonds in an amount not to exceed \$25,665,000 and the issuance of General Corporate Purpose General Obligation Bonds in an amount not to exceed \$700,000.

COUNCIL ACTION FORM

SUBJECT: VACATION OF UTILITY EASEMENT ACROSS PORTION OF 220 SOUTH DUFF AVENUE

BACKGROUND:

In 1964, City Council vacated and issued a Quit Claim Deed (recorded in 1971) for a portion of land (vacated alley) while retaining this area as a utility easement (Attachment A). Attachment B is a map showing the location of the existing easement (the property is currently Jiffy Lube).

Ames Electric previously had overhead electric lines in this area until they were relocated in 2011, thereby clearing this area of utilities.

Staff recently received a request to vacate this existing utility easement (Attachment C) now that it is clear from Ames Electric facilities. Attachment D includes the legal description of the area to be vacated.

ALTERNATIVES:

1. Set the date of public hearing as March 9, 2021 to approve the vacation of the aforementioned easement.
2. Reconsider the vacation of the aforementioned easement.

MANAGER'S RECOMMENDED ACTION:

The public utility easement can be vacated because Electric relocated their overhead power lines to clear the site in 2011. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.**

Fee \$4.50

BOOK 146 376 15.

5725
STORY COUNTY, IOWA
FILED FOR RECORD
A.M. OCT 11 1971
E.L.A. M. WANDASHER, Recorder

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

That the City of Ames, Iowa, a Municipal Corporation, in consideration of the sum of One Dollar and other valuable considerations in hand paid by the following listed Grantees of Ames, Story County, Iowa does hereby SELL AND CONVEY AND FOREVER QUIT CLAIM unto the said Grantees and to their heirs and assigns the following described parcels of real estate situated in Ames, Story County, Iowa. Said parcels of real estate and description therefore are set opposite to the several Grantees who are to receive the same and their respective parcels.

To: D. B. Schockley
That portion of the vacated alley lying between Lots 7 and 8, and the West 3 feet of that portion of the vacated alley abutting on the East side of the North 42 feet of Lot 10, all in Block 4, Kingsbury Addition to Ames, Iowa.

G. D. Hartman and G. E. Hartman
The East 8 feet of that portion of the vacated alley abutting on the West side of the North 42 feet of Lot 9, Block 4, Kingsbury Addition to Ames, Iowa.

Max Ditch
This deed is exempt from Transfer tax under Chapter 428 A.1, Code of Iowa 1966
That portion of the vacated alley lying between the South 24 feet of Lots 9 and 10, and that portion of the vacated alley lying between Lots 11 and 12, all in Block 4, Kingsbury Addition to Ames, Iowa.

Grantor herein specifically reserves an easement and right-of-way over, across or under the above described property for the construction, reconstruction, alteration, operation, maintenance and repair of any electrical pole lines, cables, telephone lines, cables, sanitary sewers, storm sewers or water lines.

Signed the 6th day of May, A.D., 1953.



THE CITY OF AMES, IOWA
By W. L. Allan
W. L. ALLAN, MAYOR
J. W. Prather
J. W. PRATHER, CITY CLERK

On this 6th day of May A.D., 1953 before me A. G. Maguire a Notary Public in and for the County of Story, State of Iowa, personally appeared W. L. Allan, Mayor and J. W. Prather, City Clerk of the City of Ames, Iowa, a Municipal Corporation, who executed the above and foregoing instrument, who being to me personally known as the identical persons who signed the foregoing instrument, and by me duly sworn each for himself does say that they are respectively the Mayor and City Clerk of the City of Ames, Iowa; that the seal affixed to said instrument is the seal of the Municipal Corporation and that said instrument was by them signed and sealed on behalf of said City of Ames by authority of the City Council and each of them acknowledge the execution of said instrument to be the voluntary act and deed of said Municipal Corporation by it and each of them voluntarily executed.

Vertical text on the left margin: "NOTARY PUBLIC" and "STORY COUNTY, IOWA"



In witness whereof I have hereunto signed my name and affixed my notarial seal the day and year last above written.

A. G. Maguire
Notary Public in and for Story County, Iowa

Inst. # 5727
Fee \$ 2.50

J.S.

QUIT CLAIM DEED

BOOK 146 PAGE 378

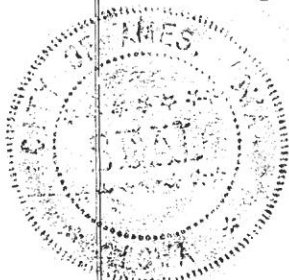
The City of Ames, Iowa, a municipal corporation, in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration in hand paid by I. E. Melhus, does hereby sell and convey and forever quit claim unto the said I. E. Melhus, and to his heirs and assigns the following described parcel of real estate situated in Ames, Story County, Iowa, to-wit:

5727
INST. NO. 5727
STORY COUNTY, IOWA
FILED FOR RECORD
A.M. OCT 11 1971 P.M.
ELLA M. HOCHBACHER, Recorder
Deputy

That portion of the North and South alley between the South 46 feet of Lots 5 and 6, Block 4, Kingsbury's Addition to the City of Ames, Iowa, subject to the restriction that no permanent structures shall ever be erected under the electrical high lines maintained on said premises.

Grantor herein specifically reserves an easement and right of way, over, across and under the above described property for the construction, reconstruction, alteration, operation, maintenance and repair of any electrical poles, lines, cables, telephone lines, sanitary sewers, storm sewers or water lines.

Signed this 21st day of April, A. D., 1964.



THE CITY OF AMES, IOWA

This deed is exempt from Transfer Tax under Chapter 428 A.1, Code of Iowa 1966

By Pearle P. DeHart
Pearle P. DeHart, Mayor

By M. W. Jordan
M. W. Jordan, City Clerk

STATE OF IOWA)
STORY COUNTY) SS

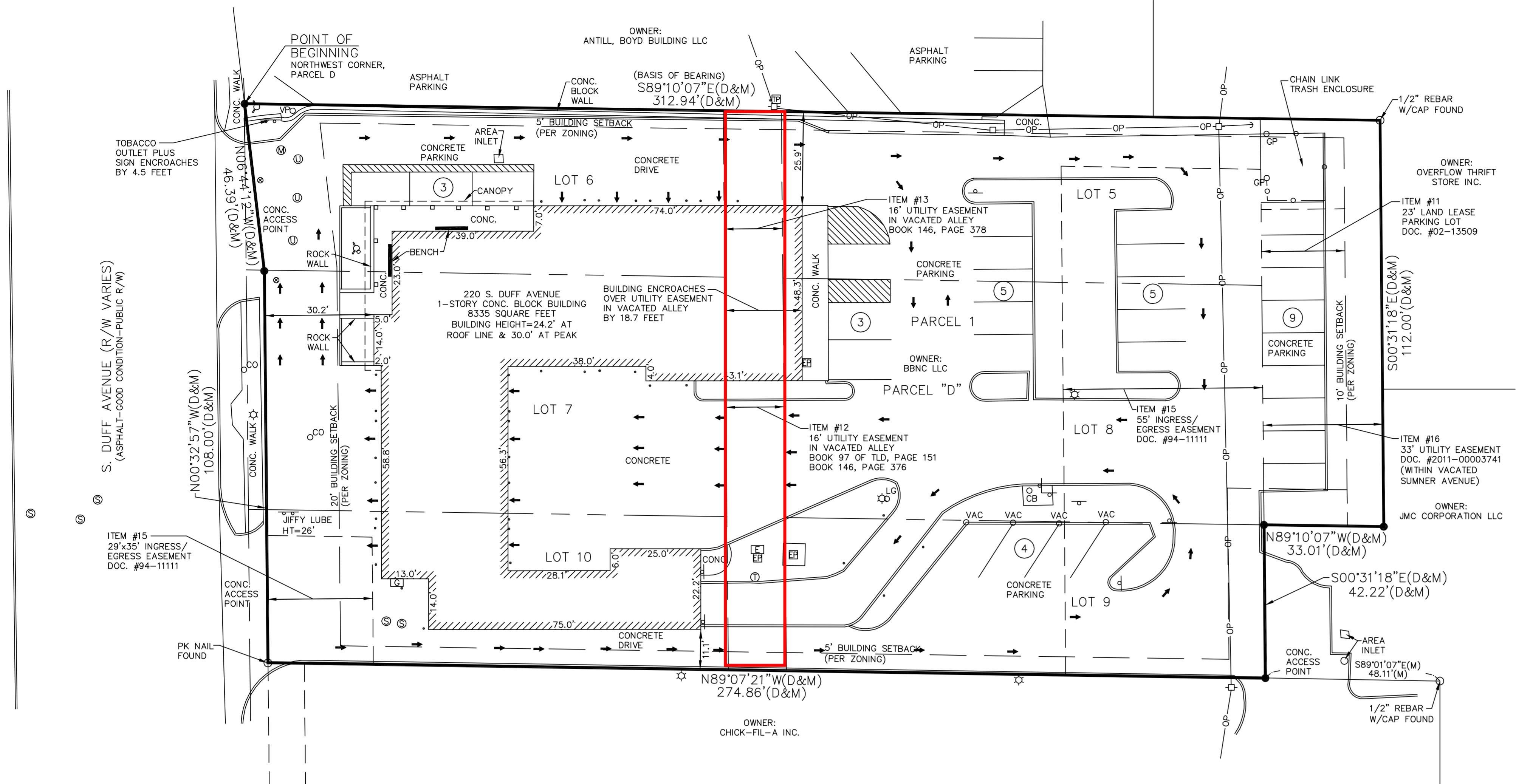
On this 21st day of April, 1964, before me, the undersigned, a Notary Public in and for Story County, State of Iowa, personally appeared Pearle P. DeHart, Mayor and M. W. Jordan, City Clerk, of the City of Ames, Iowa, a municipal corporation, who executed the above and foregoing instrument, who being to me personally known as the identical persons who signed the foregoing instrument, and by me duly sworn each for himself does say that he is respectively the Mayor and City Clerk of the City of Ames, Iowa; that the seal affixed to said instrument is the seal of the municipal corporation and that said instrument was by them signed and sealed on behalf of the City of Ames by authority of the City Council, and each of them acknowledged the execution of said instrument to be the voluntary act and deed of said municipal corporation by it and by each of them voluntarily executed.

In Witness Whereof, I have hereunto signed my name and affixed my notarial seal the day and year last above written.



Ord # 2027

[Signature]
Notary Public, Story County, Iowa.

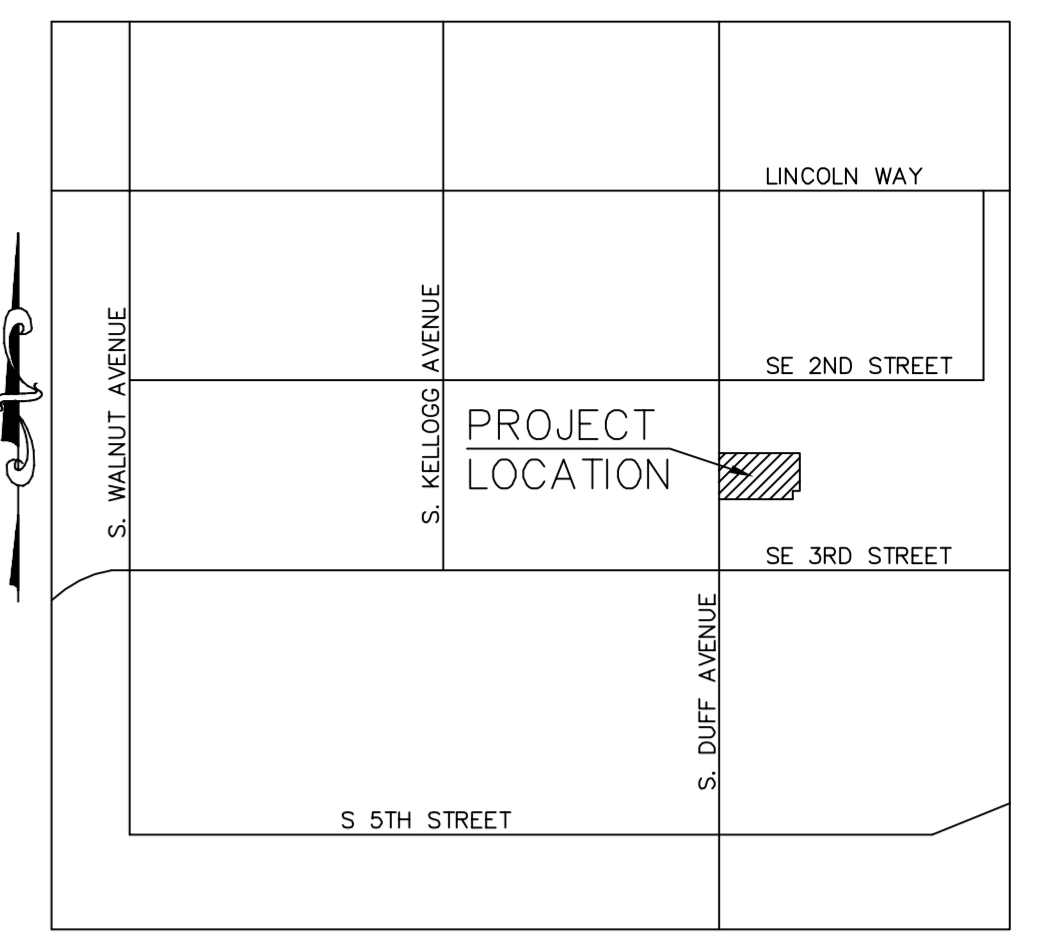


PROPERTY ADDRESS:
220 S. DUFF AVENUE, AMES, IOWA

LAND AREA:
46,163 SQUARE FEET OR 1.06 ACRES, MORE OR LESS.

REFERENCE PLAT:
KINGBURY'S ADDITION TO AMES, IOWA, AS SHOWN IN THE PLAT OF SURVEY RECORDED ON SEPTEMBER 30, 2011, AS INSTRUMENT NO. 2011-00009450 ON SLIDE 415, PAGE 1.

ENCROACHMENT:
1. EAST SIDE OF BUILDING ENCROACHES OVER UTILITY EASEMENT IN VACATED ALLEY IN BOOK 146, PAGE 378, BOOK 97 OF TLD, PAGE 151 BOOK 146, PAGE 376 BY 18.7 FEET.
2. TOBACCO OUTLET PLUS BUSINESS SIGN ENCROACHES OVER NORTHWEST CORNER OF THE SUBJECT PROPERTY BY 4.5 FEET.



VICINITY MAP:
NOT TO SCALE

UTILITY NOTE:
"THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS, THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES."



SURVEY REFERENCE:
TITLE COMMITMENT NUMBER: 57487
EFFECTIVE DATE: AUGUST 18, 2020 AT 7:00 A.M.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

- 11. TERMS AND CONDITIONS OF LAND LEASE PARKING LOT DATED OCTOBER 1, 2001, FILED SEPTEMBER 6, 2002, AS DOCUMENT NO. 02-13509, BY AND BETWEEN THE CITY OF AMES, IOWA, AS LESSOR, AND RETAIL MANAGEMENT GROUP, INC., AS LESSEE. (PLOTTED AND SHOWN)
- 12. EASEMENTS RESERVED BY THE CITY OF AMES, IOWA, IN QUIT CLAIM DEED DATED MAY 6, 1953, FILED MAY 9, 1953, IN BOOK 97 OF TLD, PAGE 151, AND FILED OCTOBER 11, 1971, IN BOOK 146, PAGE 376. (PLOTTED AND SHOWN)
- 13. RESTRICTION AND EASEMENT RESERVED BY THE CITY OF AMES, IOWA, IN QUIT CLAIM DEED DATED APRIL 21, 1964, FILED OCTOBER 11, 1971, IN BOOK 146, PAGE 378. (PLOTTED AND SHOWN)
- 14. THIS EXCEPTION HAS BEEN DELETED.
- 15. TERMS AND CONDITIONS OF EASEMENTS CONTAINED IN EASEMENT AGREEMENT #3 DATED SEPTEMBER 23, 1994, FILED OCTOBER 12, 1994, AS DOCUMENT NO. 94-11111. AMENDED BY TERMINATION OF EASEMENT AGREEMENT DATED FEBRUARY 8, 2008, FILED FEBRUARY 8, 2008, AS DOCUMENT NO. 2008-0000181. (PLOTTED AND SHOWN)
- 16. TERMS AND CONDITIONS OF EASEMENTS CONTAINED IN UTILITY RIGHT OF WAY PERMIT AND EASEMENT DATED APRIL 6, 2011, FILED APRIL 21, 2011, AS DOCUMENT NO. 2011-00003741. (PLOTTED AND SHOWN)
- 17. TERMS AND CONDITIONS OF EASEMENT AGREEMENT DATED MARCH 21, 2012, FILED MARCH 23, 2012, AS DOCUMENT NO. 2012-00002965. (PLOTTED AND SHOWN)

DESCRIPTION:

PARCEL 1:
PARCEL "F" IN BLOCK 4, KINGBURY'S ADDITION TO AMES, IOWA, AS SHOWN IN THE PLAT OF SURVEY RECORDED ON SEPTEMBER 30, 2011, AS INSTRUMENT NO. 2011-00009450 ON SLIDE 415, PAGE 1, BEING PARCEL "D" IN BLOCK 4, KINGBURY'S ADDITION TO AMES, IOWA, AS SHOWN IN PLAT OF SURVEY RECORDED ON MAY 4, 2001, AS INSTRUMENT NO. 01-05349 ON SLIDE 95, PAGE 4, AND A PART OF SUMNER AVENUE RIGHT OF WAY VACATED, ALL IN THE CITY OF AMES, STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL "D"; THENCE SOUTH 89 DEGREES 10 MINUTES 07 SECONDS EAST ALONG THE NORTH LINE OF SAID PARCEL "D" AND THE EASTERLY EXTENSION THEREOF, 312.94 FEET TO THE CENTERLINE OF SUMNER AVENUE; THENCE SOUTH 00 DEGREES 31 MINUTES 18 SECONDS EAST ALONG SAID CENTERLINE, 112.00 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 07 SECONDS WEST, 33.01 FEET TO THE EAST LINE OF SAID PARCEL "D"; THENCE SOUTH 00 DEGREES 31 MINUTES 18 SECONDS EAST ALONG SAID EAST LINE, 42.22 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL "D"; THENCE NORTH 89 DEGREES 07 MINUTES 21 SECONDS WEST, 274.86 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "D"; THENCE NORTH 00 DEGREES 32 MINUTES 57 SECONDS WEST ALONG THE WESTERLY LINE OF SAID PARCEL "D", 108.00 FEET; THENCE NORTH 6 DEGREES 44 MINUTES 12 SECONDS WEST ALONG SAID WESTERLY LINE 46.39 FEET TO THE POINT OF BEGINNING. STORY COUNTY, IOWA

PARCEL 2:
EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY EASEMENT AGREEMENT DATED MARCH 21, 2012, FILED MARCH 23, 2012, AS DOCUMENT NO. 2012-00002965, FOR SANITARY SEWER PURPOSES.

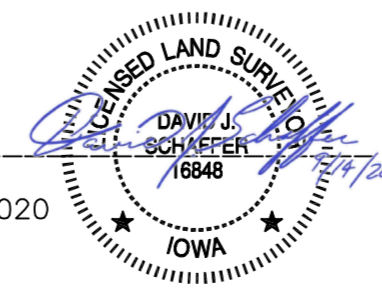
SURVEYOR'S CERTIFICATE:

TO: COMMERCIAL PARTNERS, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, ALLIED LUBE IOWA, LLC. AND THE MATHEWS COMPANY, INC.:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS' LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 6(A), 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 10(A), 13, 14, 16, 17 AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 24, 2020.

DATE OF PLAT OR MAP: SEPTEMBER 1, 2020

DAVID J. SCHAFER
IOWA LS-16848
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020
IOWA CERTIFICATE OF AUTHORITY NO. 478180
EFFECTIVE DATE: FEBRUARY 5, 2012



This Survey has been prepared solely for the benefit of the parties set forth in this Surveyor's Certification and may not be quoted or relied upon by, nor may copies be delivered to, any other party or used for any other purpose including, without limitation, the preparation of zoning reports or any other third party reports, without The Mathews Company, Inc. and Design Surveys, LLC's prior written consent. The Mathews Company, Inc. and Design Surveys, LLC expressly disclaims any duty or obligation towards any party that is not identified in this Surveyor's Certification.

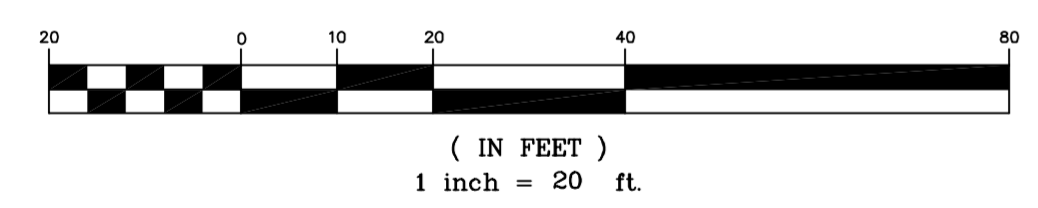
Please be advised that The Mathews Company, Inc. and Design Surveys, LLC will not include the providers of any third party reports in the Surveyor's Certification.

THE PROPERTY DESCRIBED AND SHOWN HEREON IS THE SAME PROPERTY DESCRIBED IN OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY TITLE COMMITMENT NUMBER 57487 DATED AUGUST 18, 2020.

LEGEND:

- 1/2"x24" REBAR W/CAP SET (UNLESS NOTED OTHERWISE)
- MONUMENT FOUND
- GATE POST
- ELECTRIC METER
- WATER LINE VALVE
- POWER POLE
- LIGHT POLE
- SANITARY SEWER MANHOLE
- ELECTRIC PEDESTAL
- TELEPHONE PEDESTAL
- PARKING STALL COUNT
- STREET/TRAFFIC SIGN
- BOLLARD
- FIRE HYDRANT
- TELEPHONE MANHOLE
- OVERHEAD POWER LINE
- GUY ANCHOR
- CHAIN LINK FENCE
- GAS METER
- SANITARY SEWER CLEANOUT
- UTILITY MANHOLE
- VACUUM
- CONTROL BOX
- LIFT GATE
- MONITORING WELL
- VENT PIPE
- BUSINESS SIGN
- DESCRIBED
- MEASURED

GRAPHIC SCALE



NOTES:

- 1. PER THE CITY OF AMES, IOWA ZONING REGULATIONS AND PER ZONING CONFIRMATION LETTER DATED AUGUST 17, 2020 BY ELOISE SAHLSTROM, PLANNER WITH THE CITY OF AMES, THIS PROPERTY IS ZONED "HOC" - HIGHWAY ORIENTED COMMERCIAL DISTRICT.
- 2. "HOC" ZONING REQUIREMENTS:
SETBACKS: FRONT: 20 FEET; SIDE: 5 FEET; REAR: 10 FEET
MAXIMUM BUILDING HEIGHT: 7 STORIES OR 85 FEET
MAXIMUM BUILDING COVERAGE: 50%
MINIMUM LOT WIDTH: 50 FEET
MINIMUM FLOOR AREA RATIO: 0.50
MINIMUM LOT AREA: NONE
PARKING REQUIREMENTS: THREE SPACES PLUS TWO SPACES PER SERVICE BAY (PER VEHICLE SERVICE FACILITY); TWO SPACES PLUS FIVE STACKING SPACES WITH WASHING BAY (PER CAR WASH FACILITY)
- 3. THERE EXISTS A TOTAL OF 29 STRIPED PARKING STALLS ON THE SUBJECT PROPERTY (29 REGULAR + 0 HANDICAPPED).
- 4. THE SUBJECT PROPERTY IS LOCATED IN AN AREA LABELED ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF THE OF 0.2% ANNUAL CHANCE FLOOD PLAIN) AS DETERMINED BY FEMA FLOOD INSURANCE RATE MAP NUMBER 19169C0163F EFFECTIVE DATE OCTOBER 16, 2014.
- 5. ACCESS TO THE SUBJECT PROPERTY TO AND FROM S. DUFF AVENUE, A PUBLICLY DEDICATED ROAD.
- 6. THE BASIS OF BEARING USED FOR THIS SURVEY WAS S89°10'07"E ON THE NORTH LINE OF THE SUBJECT PROPERTY.
- 7. UNDER THE CURRENT ZONING THE SUBJECT PROPERTY ALLOWS FOR A AUTO MAINTENANCE FACILITY.
- 8. DRAINAGE APPEARS TO DRAIN INTO PUBLIC RIGHT-OF-WAYS BASED ON OBSERVATIONS, UNABLE TO DETERMINE DRAINAGE DIRECTION.
- 9. ALL UTILITIES APPEAR TO ENTER THE PROPERTY VIA A PUBLIC RIGHT-OF-WAY OR VIA A UTILITY EASEMENT.
- 10. THERE IS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- 11. THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- 12. THERE ARE NO CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION.
- 13. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OF BUILDING ADDITIONS WITHIN RECENT MONTHS.
- 14. NO EVIDENCE OF POTENTIAL WETLANDS WERE OBSERVED ON THE SUBJECT PROPERTY AT THE TIME THE SURVEY WAS CONDUCTED, NOR HAVE WE RECEIVED ANY DOCUMENTATION OF ANY WETLANDS BEING LOCATED ON THE SUBJECT PROPERTY.
- 15. THIS SURVEY MAP CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.
- 16. THERE ARE NO DISCREPANCIES BETWEEN THE BOUNDARY LINES OF THE PROPERTY AS SHOWN ON THIS SURVEY MAP AND AS DESCRIBED IN THE LEGAL DESCRIPTION PRESENTED IN THE TITLE COMMITMENT.
- 17. THE BOUNDARY LINE DIMENSIONS AS SHOWN ON THIS SURVEY MAP FORM A MATHEMATICALLY CLOSED FIGURE WITHIN +/-0.1 FOOT.
- 18. THE BOUNDARY LINES OF THE PROPERTY ARE CONTIGUOUS WITH THE BOUNDARY LINES OF ALL ADJOINING STREETS, HIGHWAYS, RIGHTS OF WAY AND EASEMENTS, PUBLIC OR PRIVATE, WITHOUT GORES, GAPS OR OVERLAPS, AS DESCRIBED IN THEIR MOST RECENT RESPECTIVE LEGAL DESCRIPTIONS OF RECORD.
- 19. EXCEPT AS OTHERWISE NOTED BELOW, IF THE PROPERTY CONSISTS OF TWO OR MORE PARCELS, THERE ARE NO GAPS OR GORES BETWEEN SAID PARCELS.

DESIGN SURVEYS, LLC
1237 SPRUCE STREET
EUDORA, KANSAS 66025
(785) 727-5531

"ALTA/NSPS LAND TITLE SURVEY"
PREPARED FOR:



17220 Newhope Street, Suites 108-110, Fountain Valley, CA 92708
Tel: (714) 979-7181 Fax: (714) 641-2840
www.themathewscompany.com

MARK	DATE	COMMENTS/REVISED TITLE	BY	APV/D
1.	09/15/20	COMMENTS/REVISED TITLE	JMT	

Allied Lube Iowa, LLC

220 S. Duff Avenue
Ames, Iowa
(Jiffy Lube)

SCALE: 1"=20'	CHKD/APV/D:
DATE: 09/01/20	APPROVED:
DWN. BY: JMT	
CHKD BY:	

February 15, 2021

VIA EMAIL

Public Works Department, City of Ames
Attention: Tracy Peterson, PE
City Hall, 515 Clark Ave
Ames, IA 50010

RE: Request to Vacate Utility Easement Reserved in Quit Claim Deeds recorded in Book 97, Page 151, and in Book 146, Page 376

To Whom It May Concern:

BBNC, L.L.C. is the fee owner of that certain property commonly known as 220 South Duff Avenue, Ames, IA 50010 (the "Property"). The Property is currently encumbered by a utility easement benefitting the City of Ames. The City reserved the easement when it vacated a public alley in the Quit Claim Deeds recorded in Town Lot Deed Record Book 97, Page 151 and Book 146, Page 376. The two Quit Claims Deeds reserve the same utility easement. The utility easement encumbers the area in the abandoned public alley that now runs through the middle of the Property. BBNC, L.L.C. hereby requests the City of Ames to vacate the utility easements.

Sincerely,

BBNC, L.L.C.

Ben J. Kelly, Manager, BBNC, LLC

EASEMENT AND RIGHT OF WAY VACATION DESCRIPTIONS:

AN EASEMENT AND RIGHT OF WAY IN QUIT CLAIM DEED RECORDED IN BOOK 146, PAGE 378 OF THE STORY COUNTY, IOWA RECORDS TO BE VACATED AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NORTH AND SOUTH ALLEY BETWEEN THE SOUTH 46 FEET OF LOTS 5 AND 6, BLOCK 4, KINGSBURY'S ADDITION TO THE CITY OF AMES, IOWA, SUBJECT TO THE RESTRICTION THAT NO PERMANENT STRUCTURES SHALL EVER BE ERECTED UNDER THE ELECTRICAL HIGH LINES MAINTAINED ON SAID PREMISES.

AND

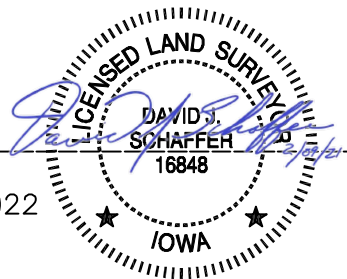
AN EASEMENT AND RIGHT OF WAY IN QUIT CLAIM DEED RECORDED IN BOOK 146, PAGE 376 AND BOOK 97 OF TLD, PAGE 151 OF THE STORY COUNTY, IOWA RECORDS TO BE VACATED AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE VACATED ALLEY LYING BETWEEN LOTS 7 AND 8, AND THE WEST 8 FEET OF THAT PORTION OF THE VACATED ALLEY ABUTTING ON THE EAST SIDE OF THE NORTH 42 FEET OF LOT 10, ALL IN BLOCK 4, KINGSBURY ADDITION TO AMES, IOWA.

AND

THE EAST 8 FEET OF THAT PORTION OF THE VACATED ALLEY ABUTTING ON THE WEST SIDE OF THE NORTH 42 FEET OF LOT 9, BLOCK 4, KINGSBURY ADDITION TO AMES, IOWA.

DAVID J. SCHAFFER _____
IOWA LS-16848
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022
IOWA CERTIFICATE OF AUTHORITY NO. 478180
EFFECTIVE DATE: FEBRUARY 5, 2012



DESIGN SURVEYS, LLC
1237 SPRUCE STREET
EUDORA, KANSAS 66025
PH. (785) 727-5531

EXHIBIT "A"
PROJECT #: 20-4224
EASEMENT VACATION
ALLIED LUBE IOWA, LLC
220 S. DUFF AVENUE
AMES, IOWA