

**AGENDA**  
**JOINT MEETING OF THE AMES CITY COUNCIL AND**  
**HUMAN RELATIONS COMMISSION AND**  
**REGULAR MEETING OF THE AMES CITY COUNCIL**  
**COUNCIL CHAMBERS - CITY HALL**  
**MAY 8, 2012**

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

**CALL TO ORDER:** 6:30 p.m.

**JOINT MEETING OF THE AMES CITY COUNCIL AND**  
**HUMAN RELATIONS COMMISSION**

1. Presentation of Human Relations Commission Annual Report:
  - a. Receive Annual Report

**REGULAR MEETING OF THE AMES CITY COUNCIL\***

\*The Regular City Council Meeting will immediately follow the Joint Meeting of the Ames City Council and Human Relations Commission.

**PROCLAMATION:**

1. Proclamation for Historic Preservation Month, May 2012

**PRESENTATION:**

2. Presentation of Historic Preservation Award(s)

**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.

3. Motion approving payment of claims
4. Motion approving Minutes of Regular Meeting of April 24, 2012
5. Motion approving certification of civil service applicants
6. Motion approving Report of Contract Change Orders for April 16-30, 2012
7. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Special Class C Liquor – Great Plains Sauce & Dough, 129 Main Street
  - b. Special Class C Liquor – Mongolian Buffet, 1620 S. Kellogg Avenue, #103
  - c. Class C Beer and B Wine – Walgreen’s #12108, 2719 Grand Avenue
  - d. Class B Beer – Jeff’s Pizza Shop, 2402 Lincoln Way
  - e. Class C Liquor – Mother’s Pub, 2900 West Street
  - f. Class C Liquor – Red Lobster #747, 1100 Buckeye Avenue
  - g. Class C Beer – Tobacco Outlet Plus #530, 204 South Duff Avenue
  - h. Class B Beer – Pizza Hut #4303, 436 South Duff Avenue

- i. Special Class C Liquor – Octagon Center for the Arts, 427 Douglas Avenue
- 8. Resolution approving reappointment of Council Member Tom Wacha to Ames Transit Agency Board of Trustees
- 9. Resolution approving appointment of Heather Johnson to Public Art Commission
- 10. Resolution approving appointment of Nathan Werstein to Building Board of Appeals
- 11. Resolution adopting tax compliance procedures relating to tax-exempt bonds
- 12. Resolution approving 2012/13 Commission On The Arts (COTA) Annual Grants
- 13. Resolution approving 2012/13 Human Services Annual Contracts
- 14. 2012 Department Bureau Justice Edward Byrne Memorial Justice Assistance Grant (JAG) Program:
  - a. Motion approving submission of Grant application
  - b. Resolution approving Memorandum of Understanding with Story County for disbursement of funds
- 15. Resolution approving closure of 13<sup>th</sup> Street for sanitary sewer repairs at intersection of 13<sup>th</sup> Street and Ridgewood Avenue
- 16. Resolution approving revised dates of June 13, 2012, (bid due date) and June 26, 2012 (date of public hearing) for MEC Interconnection 161-kV Transmission Line Construction Project
- 17. Resolution awarding a contract for the purchase of Pebble Lime for FY 2012/13 to Western Lime Corporation of West Bend, Wisconsin, in the amount of \$138/ton
- 18. Resolution approving Change Order for professional services for flood damage repairs- bank erosion repairs (near 326 North Riverside and Stuart Smith Park)
- 19. Resolution approving contract and bond for 2010/11 Concrete Pavement Improvements (Lincoln Swing and Oakland Street)
- 20. Resolution approving contract and bond for Underground for Electric Services (Back-Up Contract)
- 21. Resolution approving contract and bond for 2011/12 Asphalt Pavement Improvements (Barr Drive and Indian Grass Court)
- 22. Resolution approving contract and bond for South 4<sup>th</sup> Street Water Main Repair
- 23. Resolution accepting completion of Power Plant Unit No. 7 Circulating Water Pipe Rehabilitation Project
- 24. Resolution accepting completion of 2008/09 Water Systems Improvements (Kellogg Avenue Water Main Replacement)
- 25. Resolution approving Plat of Survey for 2422 Knapp Street and 410, 412, 420, 426, and 432 Welch Avenue

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

**PERMITS, PETITIONS, & COMMUNICATIONS:**

- 26. Update and request for Council direction on “Topographical Illusion II” sculpture in City Auditorium
- 27. Requests from Ames Patriotic Council for Memorial Day Parade on Monday, May 28, 2012:
  - a. Resolution closing south half of Parking Lot M from 9:00 a.m. until approximately 11:00 a.m. for staging parade
  - b. Resolution approving closure of 5<sup>th</sup> Street from Grand Avenue to Clark Avenue from 9:00 a.m. until 11:00 a.m. for line-up and start of parade

- c. Resolution approving temporary closure of Clark Avenue (from 5<sup>th</sup> Street to 9<sup>th</sup> Street), 9<sup>th</sup> Street (from Clark to Maxwell), 6<sup>th</sup> Street (at Clark) and Duff Avenue (at 9<sup>th</sup> Street), as parade moves through intersections

**ADMINISTRATION:**

28. Motion authorizing City staff to apply for State Energy Program grant

**ELECTRIC SERVICES:**

29. Resolution awarding contract for Unit No. 8 Feedwater Heater Replacement to SPX Heat Transfer of Bethlehem, Pennsylvania, in the amount of \$752,700

**HUMAN RESOURCES:**

30. Resolution approving renewal of Agreement with Wellmark BCBS of Iowa for administrative services, specific and aggregate excess coverage, and network access for health benefits
31. Resolution approving renewal of Administrative Services Agreement with Delta Dental of Iowa for dental benefits

**HEARINGS:**

32. Hearing on 2012/13 Annual Action Plan for Community Development Block Grant Program:
  - a. Resolution approving Plan
33. Hearing on Amendment to Planned Residence District Development Plan (Major Site Development Plan) for Ringgenberg Park, located at southwest corner of Oakwood Road and Cedar Lane:
  - a. Resolution approving amendment, which entails changes to Preliminary Plat and Major Site Development Plan that illustrate layout and design features
34. Hearing on rezoning of property located at 3299 Red Fox Road from Planned Residence District (F-PRD) to Government/Airport (S-GA):
  - a. First passage of ordinance
35. Hearing on Unit No. 8 Superheater and Boiler Tube Replacement:
  - a. Resolution approving final plans and specifications and awarding contract to AZCO, Inc., of Menasha, Wisconsin, in the amount of \$1,804,300
36. Hearing on Vet Med Substation Capacitor Bank Foundation Installation:
  - a. Motion accepting report of no bids
  - b. Motion directing staff to rebid the project
  - c. Resolution approving preliminary plans and specifications; setting May 23, 2012, as bid due date and June 12, 2012, as date of public hearing
37. Hearing on 2010/11 and 2011/12 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program:
  - a. Resolution approving final plans and specifications and awarding contract to Manatt's, Inc., of Brooklyn, Iowa, in the amount of \$795,711.65
38. Hearing on Zoning Ordinance text amendment to add an exception for striping of parking spaces designated for outdoor display of vehicles for sale or lease:
  - a. First passage of ordinance
39. Hearing on Zoning Ordinance text amendment to adopt alternative landscaping standards for auto and marine craft trade uses:
  - a. First passage of ordinance

**ORDINANCES:**

40. First passage of ordinance to adopt provisions for integrated site plan subdivisions
41. First passage of ordinance establishing parking regulations for Timber Ridge Drive

42. Second passage of ordinance adopting Water and Sewer Rates
43. Second passage of ordinance increasing illegal parking fines and removing all references to coins in the form of payment for parking meters
44. Third passage and adoption of ORDINANCE NO. 4110 adopting 2011 *National Electric Code* with State and City of Ames amendments
45. Third passage and adoption of ORDINANCE NO. 4111 making Zoning text amendment to create separate land use for delayed deposit service providers and enacting prohibitions against their locating in Highway-Oriented Commercial or Gateway Overlay Zones or within 1,000 feet of certain specified facilities

**COUNCIL COMMENTS:**

**ADJOURNMENT:**

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

## Ames Human Relations Commission

## Annual Report for 2011

**Introduction**

Though the Commission experienced some fluctuation in its membership, 2011 was a productive year. The Commission is a primary sponsor of the MLK Birthday Celebration and FACES of Ames, which are now popular annual events. We will continue our sponsorship and participation, as well as revive the former Humanitarian Award to honor an appropriate person at the MLK celebration.

We have also developed strong partnerships with United Ames, YSS, and AMOS, among others. Because of our limited resources, our primary role in many instances is to facilitate others' activities consistent with our Mission. In this regard, the Commission hosted a number of guest speakers in an effort to learn more about events and initiatives in the community. Guests included Josh Kriz, formerly of United Ames; and members of AMOS, who spoke about Undoing Racism, a groundbreaking anti-discrimination program.

As always, we invite your comments, questions and concerns, and we hope that our efforts continue to provide good service to the City of Ames.

**Bullying**

In 2010, the Human Relations Commission became aware of a serious incident of bullying. Since that time, we have been educating ourselves and talking about definitions of bullying and its effects. On several occasions, the Commission has discussed the possibility of hosting a forum to allow residents an opportunity to provide information, though no final decision has been made. Resources repeatedly referenced have been Iowa State University Professor Warren Blumenfeld, YSS, the Boys' and Girls' Club, LSI, and United Ames.

Anna Breen spoke to the Commission in February regarding bullying at the Ames Middle School. She expressed her disappointment in anti-bullying classes, and observed that at times students that “fought back” against bullies were sanctioned more harshly than the bully.

Ames Police Chief Chuck Cychosz had a discussion with the Commission in September. The Chief discussed how the Police Department and Ames schools are handling bullying. He recommended that the Commission get more involved in the neighborhoods if they want to be proactive in preventing bullying, and specifically suggested being sponsors or hosts of movie nights or other neighborhood activities.

In June, the Commission met with two Ames High School students, James Chidister and Katie Strickland, as well as Belinda Meis from Lutheran Services in Iowa. Their perspective and insight were invaluable. The students observed that there was a positive impact on the victims of bullying when other students were involved, and they suggested the need for a safe forum for students to tell their stories. Ms. Meis indicated that adults needed to be properly educated on how to address bullying behavior so as not to reinforce it, or to make matters worse for the victim, and to learn how to intercede even if the victim or perpetrator is not theirs.

Despite getting very useful information from Chief Cychosz and the students, it has been a difficult way forward. We have not yet determined the role that the Commission could play, though we have repeatedly acknowledged the various interests involved and our belief that we could assist the wider community without interfering with other legitimate spheres of interest. As is our common practice, we plan to work largely with others to facilitate scheduled activities and goals consistent with our mission.

### **MLK Birthday Celebration (2012) and Annual Award**

The 2011 celebration of the birthday of Martin Luther King, Jr., was cancelled due to weather concerns. The 2012 MLK Celebration was held on January 16, 2012, at the Ames Middle School. The celebration was opened to the entire Ames Community, with over 500 people in attendance. There was a great mix of families, individuals, ages and ethnicities.

Jeff Johnson, CEO and President of the ISU Alumni Association, served as the keynote speaker, with Dr. Thomas Hill of Iowa State University serving as master of ceremonies. This year's celebration continued a tradition of emphasizing service and engagement in the community, and was held in conjunction with a service project and a film discussion coordinated by United Ames. Jan Beran and Ralph Rosenberg were honored for their Friends of Iowa Civil Rights Awards.

Aaron Fultz served on the MLK Celebration planning committee. The Ames Human Relations Commission secured the birthday cakes, water, forks and paper goods. Students and commissioners served the refreshments. Leftover cake was donated to a local non-profit group.

During the planning for the celebration, committee member George Belitsos of Youth & Shelter Services suggested that the ceremony include a presentation of a humanitarian or similar award. Aaron Fultz indicated that the AHRC once gave a Humanitarian Award each year at the FACES celebration, but that it had not been given for a few years. In addition, there was not adequate time to make a selection for the January 2012 celebration.

The planning committee concluded that the award should be reinstated for the 2013 celebration, and that AHRC should coordinate the nomination and selection process. The commission has approved that plan. We will examine the criteria previously used for the Humanitarian Award and will amend the criteria as necessary. We will also establish a network for the publication of notice, set a deadline for submissions, and make a selection.

### **Employer Training**

The Ames Human Relations Commission is partnering with the Cyclone chapter of SHRM (Society for Human Resource Management) to offer local employers training on hiring practices, documentation and affirmative action.

The training is scheduled for June 14, 2012 from 8am to 10am in the Ames City Council Chambers, and is targeted to both businesses with human resources staff and those without. The event will be promoted through the Chamber of Commerce, the United Way, and local service and professional groups. A panel of legal and human resources professionals will present on the legal issues around hiring, documentation and affirmative action; and panelists will also answer questions from attendees.

The training will be offered to the public free of charge, to encourage all employers to learn about their legal rights and obligations as pertain to these topics (a light breakfast will be provided). It is the hope

of the Ames Human Relations Commission that this outreach effort increases the awareness of employee and employer rights, and motivates the public to learn more.

### **4<sup>th</sup> of July Parade**

The Commission made its first appearance in the 4<sup>th</sup> of July parade. A group of Ames students representing our diverse ethnic, racial, and religious backgrounds rode in an open convertible (1962 Pontiac Bonneville!) Commission members walked in front of the car to carry a wide banner with our new catch phrase: “FREEDOM and FAIRNESS,” a concise statement of what the Commission strives to assure for everyone in our City.

### **FACES of Ames**

In September 2011, the Ames Human Relations Commission partnered with United Ames to host the FACES festival. The event promoted diversity among the community. Civic groups, local businesses, and student organizations set up booths to inform the community of their activities. There was six hours of entertainment provided by local community members. The Commission handed out brochures that covered a variety of diversity topics and also informed residents about what the commission does. The Ames Human Relations Commission was also able to build relationships with other organizations, specifically with an ISU sorority, which helped us with face painting for children. Members of the City of Ames, Iowa State University, and the community volunteered to complete the set-up and take-down process. The commission deemed the event a success and felt that turnout had increased from 2010.

FACES was held at the same time as Maximum Ames, the Farmers' Market, and the Public Library's book sale in an effort to bring attention and interest to all of these activities, and to drive traffic to all of these events.

### **Partnership with local groups**

The Ames Human Relations Commission has been in touch with AMOS, United Ames, YSS, and LSI.

The Commission talked to United Ames about partnering up for more events after the success of FACES. The commission has been receiving ideas from YSS and LSI to figure out a way to help reduce bullying in the Ames community.

The Commission also heard from AMOS in October about collaborating on workshops for racism and poverty. The Commission was willing to collaborate for the workshops. Commissioner Klaus did attend a session on Undoing Racism. The Commission has not moved forward on collaborating with AMOS due to funding constraints.

### **Miscellaneous**

The Commission also has also done several smaller things in support of its mission. In January, the Commission drafted and approved a letter to Iowa legislators objecting to impeachment proceedings against Iowa Supreme Court justices that voted in favor of same-sex marriage in *Varnum v. Brien*, after the failed retention votes for three justices in November of 2010.

United Ames approached the Commission in April about the possibility of a joint diversity statement to encompass the entire Ames area, including the City and the Iowa State University community. ISU

recently completed an effort to adopt a joint diversity statement. It was noted, however, that because the University had completed its efforts, any “joint” statement would have to mirror the University statement. The Commission did not receive further information on this initiative.

## **Goals**

The Ames Human Relations Commission has adopted the following goals:

1. The Commission will continue to learn about bullying, its causes and effects, and how the Commission can be a good community resource, for the purpose of determining its role to affect positive change.
2. The Commission will continue to sponsor FACES of Ames and the Martin Luther King, Jr., Birthday Celebration, and collaborate with United Ames and other groups in the planning and coordination process.
3. The Commission will plan and host a Lunch and Learn as a community education opportunity. (A seminar on appropriate interviewing questions has been planned for the morning of June 14, 2012.)
4. The Commission will maintain or increase its presence in community events such as VEISHEA and the 4<sup>th</sup> of July celebration.
5. The Commission will provide more opportunities for the professional development of commissioners, investigators, and hearing officers.
6. The Commission will be more involved with the Iowa Civil Rights Commission and the Iowa League of Human Rights agencies.
7. The Commission will increase its outreach to urban minorities coming into Ames.
8. The Commission will collaborate with United Ames and other groups to enhance the success of existing or ongoing social projects and programs.
9. The Commission will extend its outreach to the schools and increase awareness of the commission’s mission, and discuss what human rights are, for example, what it would be like for people without certain human rights.



**MINUTES OF WORKSHOP AND REGULAR MEETING  
OF THE AMES CITY COUNCIL**

**AMES, IOWA**

**APRIL 24, 2012**

The workshop session of the Ames City Council was called to order by Mayor Campbell at 6:00 p.m. on April 24, 2012, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Davis, Goodman, Larson, Orazem, Szopinski, and Wacha.

**WORK SESSION ON AIRPORT PROTECTION PLANNING:** Planning and Housing Director Steve Osguthorpe recalled that the City Council had set a priority for the Planning staff to develop options for protecting the continued viability of the Ames Municipal Airport at its current location. He explained that currently, the only regulation in the *Ames Municipal Code* was Section 29.408(6), which states that “heights of buildings constructed within 750 feet of the property boundary of any airport shall be in compliance with the height restrictions from the Federal Aviation Administration (FAA).”

Mr. Osguthorpe also noted that the City Council had asked staff to research how other cities in Iowa were regulating development around airports, and in particular, to know to what degree the City should regulate use of land to protect the airport as opposed to just regulating the heights of structures. He pointed out that the FAA does not regulate land use around airports.

Director Osguthorpe introduced Stephanie Ward, consultant with Mead & Hunt. He advised that Ms. Ward has over 20 years expertise in airport operations and regulations and had authored *Iowa Airport Land Use Guidebook* to encourage communities that have public use airports to consider doing airport zoning.

Ms. Ward gave her background and explained the experience she has on this subject. She then made a presentation, which included an overview of aviation in Iowa. It was stated by Ms. Ward that Ames is one of only 13 airports in Iowa classified as an Enhanced Service Airport, which allows it to attract and serve business users. She clarified that that designation is assigned by the state, not the FAA. Council Member Larson inquired as to the difference between an Enhanced Service and a Reliever Airport designation. Ms. Ward advised that Reliever Airports are specifically defined by the FAA to act as a potential landing site for commercial service and/or corporate aircraft at a hub airport. She believes that Ankeny is the only one in Iowa that has that designation. Ms. Ward advised that the federal fund formerly available to Reliever Airports is now defunct.

Ms. Ward reported that, in terms of economics, the Airport is a significant asset to Ames, as well as the State of Iowa. The aggregate number of jobs attributed to the Ames Airport directly and indirectly is 98. Council Member Goodman asked to know the number of jobs at the Ames Airport.

Ms. Ward highlighted why zoning was important to protect the airport and its users and also noted safety concerns of local airport environments. She briefly reviewed Federal Aviation design standards and aviation regulations. Primary land use concerns of different land classifications, i.e., residential, commercial, industrial, and agricultural, were explained by Ms. Ward.

Council Member Szopinski asked for a definition of “close proximity.” Ms. Ward replied that it was not clearly defined, but typically, it means within three miles. She said the level of concern depends on the amount of usage on each runway.

According to Ms. Ward, the State of Iowa offers technical assistance if the City wanted to adopt an airport zoning ordinance, and there are state grant funds up to 85% if the City Council wishes to

adopt restrictions around the Airport. Ms. Ward recommended that the planning include partnering with adjacent counties, Iowa State University, adjacent cities, the state, and the FAA.

Ms. Ward advised that Fort Dodge had recently worked through the protection planning process without a consultant. Other Iowa communities have used the State of Iowa's checklist and standard plan as a part of their site plan review process, and some are using only a height restriction around their airports.

Again citing the Airport as a tremendous asset to Ames, Ms. Ward encouraged the City Council to pursue airport protection techniques, including further *Code* development.

Planning and Housing Director Osguthorpe presented alternatives for the City Council to consider.

Council Member Orazem asked when the County should be brought into the discussion. Mr. Osguthorpe recommended that the County be involved early in the process.

Council Member Goodman suggested that the City Council be given some time to review the information that had been presented. He would be interested in hearing from developers regarding the impact of added restrictions. Council Member Wacha agreed, adding that it would be best if it were determined how the County and other entities would be incorporated into the planning. Council Member Larson said he wanted to know what impacts would be felt by added restrictions and by whom.

Council Member Wacha recommended that the protection planning not look beyond three miles' proximity to the Airport at this time. Council Members Davis and Larson concurred.

Mayor Campbell said it was also important to consider how this potential project would fit with the priorities for the Planning Department that the Council had already set.

Council Member Orazem would like it to be determined whether or not the City should be contemplating acquiring additional land around the Airport.

Director Osguthorpe said he felt it was important for existing uses around the Airport to be identified. Certain uses might need to be restricted in the future, such as solar panels or wind turbines.

The work session adjourned at 7:00 P.M.

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 7:08 p.m. with Council Members Davis, Goodman, Larson, Orazem, Szopinski, and Wacha present.

Mayor Campbell announced that the City Council would be working from an Amended Agenda. An additional item had been listed under Electric Services to approve a change order for Unit No. 8 Precipitator Wire Replacement project.

**PROCLAMATION FOR ARBOR DAY:** Mayor Campbell proclaimed April 27, 2012, as Arbor Day. Bill LaGrange, Ginny Huntington, and Dave and Dianne Brotherson accepted the Proclamation on behalf of Ames Trees Forever. Ms. Brotherson highlighted events that would be held in Ames in observance of Arbor Day.

**CONSENT AGENDA:** Council Member Davis asked to pull Item No. 9 (appointment of an *ex officio* student liaison to the City Council) for separate discussion. Also, Council Member Larson requested that Item No. 15 (CyRide vehicle tracking software) be discussed separately.

Moved by Davis, seconded by Wacha, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
  2. Motion approving Minutes of the Regular Meeting of April 10, 2012
  3. Motion approving certification of civil service applicants
  4. Motion approving Report of Contract Change Orders for April 1-15, 2012
  5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
    - a. Class C Liquor w/Outdoor Service – Perfect Games, 1320 Dickinson Avenue
    - b. Class C Beer – Swift Stop #2, 3406 Lincoln Way
  6. Motion directing City Attorney to draft ordinance prohibiting parking at all times on north side of Timber Ridge Drive
  7. RESOLUTION NO. 12-192 confirming appointments of GSB Senator Daniel Rediske and Representative Chad Leines to Ames Transit Agency Board of Trustees
  8. RESOLUTION NO. 12-193 approving Quarterly Investment Report for quarter ending March 31, 2012
  9. RESOLUTION NO. 12-194 approving revisions to Records Retention Schedule
  10. RESOLUTION NO. 12-195 approving 60-month CenturyLink private data line agreement
  11. RESOLUTION NO. 12-196 approving funding agreement with Iowa Department of Transportation for 2011/12 Shared Use Path System Extension (Skunk River Trail Extension - HYSC to Southeast 16<sup>th</sup> Street)
  12. RESOLUTION NO. 12-197 awarding contract for CyRide vehicle tracking software and three years annual expenses to NextBus in an amount not to exceed \$447,125
  13. RESOLUTION NO. 12-198 awarding contract for purchase of Wheel Loader and Clam-Type Bucket to Murphy Tractor & Equipment of Altoona, Iowa, in the amount of \$143,100 and approving the buy-back guarantee for the loader only without returning the bucket
  14. RESOLUTION NO. 12-199 approving preliminary plans and specifications for Brookside Park - East Side Improvements; setting May 31, 2012, as bid due date and June 12, 2012, as date of public hearing
  15. RESOLUTION NO. 12-200 approving contract and bond for 2010/11 Asphalt Resurfacing/Seal Coat Removal/ Asphalt Reconstruction Program
  16. RESOLUTION NO. 12-201 approving contract and bond for 2011/12 Collector Street Pavement Improvements (Ash Avenue)
  17. RESOLUTION NO. 12-202 approving contract and bond for 2012/13 Water System Improvements, Water Main Replacement (East Lincoln Way from Center Avenue to 729 East Lincoln Way)
  18. RESOLUTION NO. 12-203 approving contract and bond for Underground Trenching for Electric Services
  19. RESOLUTION NO. 12-204 approving contract and bond for Ames/ISU Ice Arena Rubber Flooring Replacement Project
  20. RESOLUTION NO. 12-205 accepting completion of public improvements and releasing security for Northridge Heights Subdivision, 14<sup>th</sup> Addition
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**APPOINTMENT OF EX OFFICIO STUDENT LIAISON TO CITY COUNCIL:** At the request of Council Member Davis, Sawyer Baker shared information about herself and her interest in serving as the *ex officio* Student Liaison.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-191 approving appointment

of Sawyer Baker as the *ex officio* Student Liaison to City Council.

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

**CYRIDE VEHICLE TRACKING SOFTWARE:** Council Member Larson said that he had pulled this item for separate discussion so that the Transit Director could explain the project to the public.

Transit Director Sheri Kyras advised that it is a vehicle tracking system that provides Cyride customers with real-time, bus-stop-level arrival information. Customers will be able to identify a bus stop location where they would be boarding, and through the use of a computer, smart phone, or telephone, they can receive the next two times when their bus would be arriving at that stop. This is done through a Global Positioning Device that is installed on the bus. Ms. Kyras reported that funding for this project has been secured from the Government of the Student Body Trust Fund (provided by student fee dollars) for a three-year period. After that period, discussions between the Transit Board and the GSB will determine if the Trust Fund would continue to fund the system or whether CyRide's operating budget (divided among the three funding partners) would assume responsibility for the annual expense of the technology.

Council Member Wacha, Transit Board Member representing the City Council, advised that there had been concern among the Board members as to what would happen in Year 4 in reference to the ongoing costs. Although not guaranteed, Mr. Wacha said he was comfortable, given the anticipated high level of usage by ISU students and the healthy GSB fund balance, that terms could be negotiated successfully with the GSB to continue to fund the project.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-197 awarding a contract to NextBus for vehicle tracking software and three years' annual expenses in an amount not to exceed \$447,125.

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

**PUBLIC FORUM:** Katherine Barbara Fromm. 3531 George Washington Carver, Ames, identified herself as being from Ames, Iowa, and Escondido, California. Firstly, she expressed disappointment that there are not an adequate number of bus shelters in North Ames. Secondly, Ms. Fromm advised that she and her husband have owned 45 acres in North Ames since 1972. She wished to address flood plain issues, stating that Ames "sits on a swamp;" there is a convergence of rivers in Ames, and that is just the result of geography. Ms. Fromm said that she has been outraged by the proposed car dealership being considered on S. 16<sup>th</sup> Street, which is in the flood plain. According to Ms. Fromm, retention ponds silt and will have to be dredged periodically; retention ponds are not the panacea that many think they are for development. Lastly, Ms. Fromm referenced California's excellent record in preparing for global warming. In her opinion, all good planning for cities begins with smart growth. Stating that Ames is complacent when it comes to planning for global warming, she urged that the City do a better job preparing for global warming by using Smart Growth principles.

No one else came forward to speak, and the Mayor closed Public Forum.

**OUTDOOR SERVICE AREA FOR EL AZTECA:** Moved by Davis, seconded by Larson, to approve an Outdoor Service Area in connection with the Liquor License for El Azteca, 2727 Stange Road. Vote on Motion: 6-0. Motion declared carried unanimously.

**6-MONTH CLASS B BEER PERMIT & OUTDOOR SERVICE FOR AMES JAYCEES AT BANDSHELL PARK:** Moved by Goodman, seconded by Davis, to approve a 6-month Class B Beer Permit & Outdoor Service for Ames Jaycees at Bandshell Park.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**CLASS C LIQUOR LICENSE & OUTDOOR SERVICE FOR GOLDEN WOK:** Moved by Goodman, seconded by Davis, to approve a Class C Liquor License & Outdoor Service Area for Golden Wok, 223 Welch Avenue.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**5-DAY LICENSES FOR OLDE MAIN BREWING COMPANY:** Moved by Davis, seconded by Larson, to approve the following:

- a. Class C Liquor (April 26-30) at ISU Alumni Center, 420 Beach Avenue
- b. Special Class C Liquor (May 3-7) at ISU Alumni Center, 420 Beach Avenue
- c. Class C Liquor (May 10-14) at ISU Alumni Center, 420 Beach Avenue
- d. Class C Liquor (May 12-16) at CPMI Event Center, 2321 North Loop Drive

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

**ENCROACHMENT PERMIT FOR SIGN AT 323 MAIN STREET:** Moved by Davis, seconded by Goodman, to approve an Encroachment Permit for a sign at Della Viti, 323 Main Street.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**HOPE RUN ON JUNE 16, 2012:** Moved by Davis, seconded by Wacha, to approve the following:

- a. RESOLUTION NO. 12-206 approving closure of portion of Mortensen Road from 7:45 a.m. to approximately 8:15 a.m.
- b. RESOLUTION NO. 12-207 approving closure of portion of State Street from 7:45 a.m. to approximately 10:00 a.m.

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

**AMERICAN LEGION PARADE ON JULY 14, 2012:** Moved by Goodman, seconded by Wacha, to approve the following:

- a. RESOLUTION NO. 12-208 approving closure of portions of Main Street, 5<sup>th</sup> Street, Clark Avenue, Burnett Avenue, Kellogg Avenue, and Douglas Avenue from 5:00 to 7:00 p.m.
- b. RESOLUTION NO. 12-209 approving closure of portion of CBD Lot X from 5:00 to approximately 8:00 p.m.
- c. RESOLUTION NO. 12-210 approving waiver of parking meter fees from 5:00 to 6:00 p.m.
- d. Motion approving Blanket Vending Permit
- e. RESOLUTION NO. 12-211 approving waiver of fee for Blanket Vending Permit
- f. Motion approving Blanket Temporary Obstruction Permit
- g. Motion approving 5-Day Class B Beer Permit & Outdoor Service

Council Member Wacha asked if the 5-Day Permit had been applied for as he did not see any information in the Council packet. David Rehbein, 1505 Douglas, Ames, representing the American Legion Post, stated that the Permit had been applied for through the State of Iowa.

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

Mr. Rehbein advised that this was the first year in the 93 years since the American Legion Conference had existed that it had been held in Ames. He welcomed all Council members to ride in the Parade.

**SUMMERFEST IN CAMPUSTOWN ON JUNE 9, 2012:** Moved by Davis, seconded by Wacha, to approve the following:

- a. RESOLUTION NO. 12-212 approving closure of 100-200 block of Welch Avenue and Welch Lot T from 8:00 a.m. to 11:00 p.m.
- b. RESOLUTION NO. 12-213 approving waiver of electricity costs and parking meter fees
- c. Motion approving Blanket Temporary Obstruction Permit
- d. Motion approving Blanket Vending Permit
- e. RESOLUTION NO. 12-214 approving waiver of fee for Blanket Vending Permit
- f. Motion approving 5-Day Class B Beer Permit with Outdoor Service

Ann Taylor, owner of Dogtown University, invited the City Council and public to attend the activities in Campustown on June 9 from Noon to approximately 9:00 p.m.

Roll Call Vote: 5-0-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining (due to conflict of interest): Goodman. Resolutions and motions declared carried unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**HUMAN SERVICES:** Revisions to ASSET Policies and Procedures. Assistant City Manager Sheila Lundt explained that each year, the ASSET Administrative Team members and volunteers review its Policies and Procedures. As a result of that process, minimal changes were being recommended. Ms. Lundt explained the proposed changes, which were approved by all ASSET Funders.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-215 approving revisions to ASSET Policies and Procedures.

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

Update on Status of Outstanding Human Services Contracts: Ms. Lundt gave the status of the six ASSET contracts that are still being held: American Red Cross, Big Brothers/Big Sisters, Heartland Senior Services, Lutheran Services in Iowa, and The Richmond Center/Community and Family Resources (CFR). Assistant City Manager Lundt reported that a meeting has been set with Heartland Senior Services to finalize contract terms for non-transportation services (nutrition needs) and for HIRTA to take over the transportation service. She also stated that, since CFR and The Richmond Center have a merged board, the contract with CFR will be held until The Richmond Center audit has been received.

At the request of Council Member Szopinski, Assistant City Manager Lundt explained how mental health services would be provided in the transition period. She advised that all the funders' current contracts will remain in place until June 30; none has been ended early. Representatives from Eyerly Ball Mental Health Services out of Polk County have been meeting with staff from CFR/Richmond Center to develop service transition plans. Staff has been told that CFR anticipates receiving a three-year mental health certification from the state. CFR has indicated that it plans to focus on providing services to those needing co-occurring treatment. Mental health services provided through CFR would be for adults only; however, some youth will be seen in therapy only. Ms. Lundt advised that, in regards to clients with co-occurring diagnoses (mental health issues/substance abuse), the Council will need to decide whether it wishes to include reimbursement for those

services under any new contract issued to CFR for the 2012/13 year. Further, Ms. Lundt stated that the State and County will be transitioning Medicaid clients to Eyerly Ball as will the City's support for straight mental health services.

Council Member Orazem asked what the implications will be from the change in management of mental health services at the state level. Ms. Lundt introduced Deb Schildroth, Story County's representative to ASSET. Ms. Lundt said that any implications will depend on the final bill that gets approved by both Houses; the funding issue is huge. Ms. Schildroth, Story County Community Services, advised that there was a bill passed in the House today regarding the redesign of mental health services. The funding remains as the biggest challenge; it is not fully funded. Ms. Schildroth explained the current funding sources and future possibilities, including a per-capita levy and regional-type system. Conversations that had occurred in the Legislature today concerning this topic were summarized by Ms. Schildroth. Council Member Goodman pointed out that transportation was a key issue. Ms. Lundt noted that the system is already complicated, and may become more so, but the City needs to concentrate on needed services and ensuring that the entities in the region pay their fair share.

Council Member Davis asked when The Richmond Center audit was expected to be received. Ms. Lundt answered that she hoped it would be received prior to the end of the fiscal year (June 30). She said that they are continuing to talk with The Richmond Center about its audit, but no date or time was given as to when it would be received; staff will have to keep the Council posted.

Council Member Larson referenced the \$25,000 operations loan that had been provided by the City to The Richmond Center in November 2008. Ms. Lundt provided the history behind the operational funding provided to The Richmond Center in 2008, which totaled \$178,000. The City provided \$45,000, and \$25,000 of that was in the form of a forgivable loan. She listed the criteria that have to be met to allow for the forgiveness of the loan. One of those criteria was that mental health services were to be viable and able to continue beyond 2009. It was noted that The Richmond Center audit must be received before that could be determined. After the audit is received, a recommendation will be made by City staff.

Bernice Buchanan, representing The Richmond Center/CFR, advised that they had submitted all of the documentation requested for the audit and have been told that after tax season, their audit would be completed. She said that they are using the new software to bill clients electronically, which has proven to be very beneficial. Ms. Buchanan advised that CFR saw an increase of \$100,000 in receivables the first year they used the software.

Human Services Contract with Eyerly Ball. Ms. Lundt advised that, after completion of the Request For Proposal (RFP) process, Eyerly Ball was chosen to become the new community mental health care provider for Story County. Ms. Lundt advised that in order to begin reimbursement to Eyerly Ball for establishing community mental health services in the current year (2011/12), the ASSET Funders are being asked to provide start-up contributions totaling \$140,210. As such, the City is being asked to provide \$23,560, Story County is being asked to contribute \$109,785, and United Way is being asked for \$6,450. The Government of the Student Body may be asked for approximately \$400. Ms. Lundt reported that the breakdown of funding was based on the recommended proportion of funding from each funder for mental health services for 2012/13.

Ms. Lundt gave the background from the distribution of the RFP to the present. According to Ms. Lundt, Eyerly Ball is in the process of looking for an appropriate location for its facility, hiring staff,

and preparing to provide its services to clients. Once the full line-up of services is outlined, a contract with Eyerly Ball will be entered into for 2012/13.

Council Member Orazem asked, since the new billing software and conversion of accounting system used by The Richmond Center/CFR was purchased through the \$178,000 financing, if the client information would be transferred to Eyerly Ball or stay with The Richmond Center/CFR. Ms. Lundt stated that it would depend on the future of The Richmond Center. When they spoke with representatives of The Richmond Center last week, they were told that it could be closing within the next year. If that happens, those resources would stay with CFR, but it would be premature to say at this point. Mr. Orazem then asked how client records would be transitioned from The Richmond Center/CFR to Eyerly Ball. Chris Sorensen, representing Eyerly Ball, informed the Council that there are HIPAA laws that need to be considered. He has a conference call scheduled with the software vendor, and they are working with The Richmond Center/CFR to receive legal access to client information.

Noting that Iowa State University (ISU) students represent one-third of the County's population, Council Member Orazem asked how the University is being integrated into the system. Ms. Lundt explained that ISU is actively involved in the Mental Health/Criminal Justice programs. According to Ms. Lundt, conversations concerning where students may receive treatment if they are not from Iowa have occurred with a local legislator, but still needs to be resolved. *Ex officio* Member Baker shared that the GSB is feeling the strain of a lack of mental health service providers for the students that are not from Iowa and are not legally adults (not yet age 18).

Ms. Lundt advised that she will continue as a United Way volunteer on the Mental Health/Criminal Justice Task Force after her retirement from the City.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-216 approving the Human Services Contract with Eyerly Ball for providing mental health services for residents of Ames, allocating \$23,560 out of the Local Option Sales Tax fund balance.

Council Member Larson asked if the other funders had approved their share of the 2011/12 funding to Eyerly Ball. Steve McGill, Past President of the Story County United Way Board and a member of ASSET, said that the Board members are supportive of providing its proposed allocation.

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

In that this is the last meeting for Assistant City Manager Sheila Lundt, who is retiring after 28 years of service with the City of Ames, Mayor Campbell proclaimed today as SHEILA LUNDT DAY. Ms. Lundt thanked the City Council, staff, and community for its support.

**2011/12 FUNDING CONTRACT FOR VEISHEA, INC.:** Project Manager Brian Phillips advised that funds awarded will be used towards costs associated with contracting for and/or providing for a pancake feed to be held as an alcohol-free activity during the late-night hours of VEISHEA weekend 2012. As a contingency, patrons of the pancake feed were to be charged lower prices than they would have been if expenses were not subsidized.

Council Member Wacha noted that the VEISHEA event organizers were still charging \$4/person for the pancake feed this year, which he thought was rather high in that the City was being asked to provide \$8,000 in funding. Mr. Phillips said that the funding application had indicated that the



pancake feed was anticipated to cost in excess of \$30,000. Mr. Wacha stated his opinion that a profit should not be made. He recommended that, next year, the Council be told what the event actually costs. Council Member Goodman agreed.

Council Member Larson suggested that the City Council be more involved, e.g., flip pancakes, not just provide funding.

Moved by Wacha, seconded by Goodman, to adopt RESOLUTION NO. 12-217 approving a 2011/12 Funding Contract for VEISHEA, Inc., in an amount not to exceed \$8,000.

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

**2012/13 FUNDING CONTRACTS WITH LOCAL ORGANIZATIONS:** Project Manager Phillips explained that, during approval of the 2012/13 budget, the Council allocated funds for use by several local organizations to provide facilities and services for use by the public. The contracts are similar to those utilized for arts and human service agencies' funding.

Council Member Goodman stated that, to him, it is important for the City to receive verification of how the funds were spent. Mr. Phillips advised that those requirements are contained in the Contract; no cash is up-fronted and payments are made on a receipt basis only.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-218 approving the 2012/13 Funding Contracts with local organizations, as follows:

<u>Organization</u>	<u>Amount</u>
VEISHEA, Inc.	\$ 8,000
Hunziker Youth Sports Complex	25,000
Homecoming Central Committee	1,000
Ames Historical Society	16,000
Main Street Cultural District	31,000
Campustown Action Association	25,000

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

**NORTHRIDGE HEIGHTS SUBDIVISION BIKE PATH IMPROVEMENTS:** Assistant City Manager Bob Kindred stated that, as part of the Northridge Heights development north of Bloomington Road, the City and Uthe Development Co., LLC, entered into a Development Agreement (in 2000). Under the terms of that Agreement, the developer agreed to convey to the City, at no cost, a four-acre area at the intersection of Harrison Road and Stange Road for use as a City neighborhood park. That conveyance was to count toward satisfaction of the City's open space requirements for the Subdivision and was to occur when 375 dwelling units had been constructed in the Subdivision. The developer also agreed to pay the City \$80,000 in cash for park improvements and equipment.

According to Mr. Kindred, as part of the Development Agreement, the developer also agreed to construct all street improvements throughout Northridge Heights Subdivision at no charge to the City. The developer also agreed that bike path improvements would be completed along specified streets in the Subdivision. In preparation for approval of the Final Plat for Northridge Heights, 15<sup>th</sup>

Addition, the developer had to have completed or financially secured those improvements before approval could be given to the Final Plat.

Mr. Kindred explained that, as the improvements have been carried out, a question has arisen regarding the responsibility for constructing bike trails along Harrison and Stange adjacent to the new park. He said that, historically, a developer assumes responsibility for installation of both bike path and sidewalk improvements throughout a subdivision; however, those paths and sidewalks are not required to be installed or financially secured prior to Final Plat approval. Instead, the developers typically pass those responsibilities on to the purchasers of each lot. Installation of sidewalks, and oftentimes bike paths, is usually delayed until each lot purchaser has completed their desired construction activity; after which the lot purchasers fulfill that responsibility. The sidewalk and bike path systems throughout the subdivision are then completed lot-by-lot as the subdivision develops. It was noted by Mr. Kindred that that approach is a matter of practice followed by developers and staff, rather than a policy spelled out by the Council.

Mr. Kindred said, to staff's knowledge, the situation at hand had not previously been encountered.

Chuck Winkleblack, 105 S. 16<sup>th</sup> Street, Ames, speaking for the developer, advised that when \$80,000 was provided to the City and the land for the park was dedicated by the developer, they thought that was for the park improvements. He noted that since that time, the developers have provided a water line and changed the storm sewer, which were not part of the Preliminary Plat. In accordance with the City's standard practice, the Northridge Heights developer believed that the City would install the bike paths adjacent to the park since the City is the new owner of that land.

Katherine Fromm said she was appalled that the City did not require land to be set aside for parkland, and had actually in the past paid developers to create neighborhood parks.

Council Member Orazem asked to know how the \$80,000 already paid to the City was being used. Nancy Carroll, Parks & Recreation Director, said that the \$80,000 paid by the developer has been combined with approximately \$160,000 in the Park Development Fund to pay for creation of the park. Also, at the inquiry of Council Member Orazem, Ms. Carroll stated that the developer had donated four acres for construction of the park.

City Council Member Goodman said that, after reading the portion of the Agreement, which had been signed by the developer, the responsibilities of the developer were very clear.

At the inquiry of Council Member Davis, Ms. Carroll acknowledged that the developer had laid the water line exactly as the City had desired. Mr. Davis noted that that improvement had not been a responsibility of the developer.

Council Member Larson said that he could see how there was confusion on both the City's and the developer's part.

Moved by Larson, seconded by Orazem, that the developer and City split, 50/50, the costs of the required sidewalks due to misinterpretation of responsibilities on the part of both parties.

Council Member Goodman asked Assistant City Attorney Judy Parks to advise if the provision for bike path/sidewalk construction was specifically addressed in the Development Agreement. Ms. Parks noted that she had reviewed the Agreement in detail, and it was clear that it was the

developer's responsibility at its sole expense. She said that if those costs were ultimately to be passed on to a third party, that would be between the developer and the ultimate purchaser of lots.

Council Member Wacha said that it was understandable to him why this is confusing to the developer. In the spirit of cooperation, he advised that he would support the motion to split the costs.

Council Member Larson noted that it was unclear what the \$80,000 was to be used for; that is the question to him – whether the developer had already paid for improvements. Council Member Orazem noted that the developer had done things above and beyond what was required in the Development Agreement.

Vote on Motion: 3-3. Voting aye: Davis, Larson, Wacha. Voting nay: Goodman, Orazem, Szopinski. Mayor voted nay to break the tie. Motion failed.

Assistant City Attorney Parks said that if there was no additional motion, the terms of the Agreement would remain in effect; thus, the developer would be obligated to install the bike paths/sidewalks.

**ENGINEERING SERVICES AGREEMENT FOR AMES PLANT AREA SUBSTATIONS IMPROVEMENTS:** Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-219 approving the Engineering Services Agreement for Ames Plant Area Substations Improvements to Dewild Grant Reckert & Associates Company of Rock Rapids, Iowa, in an amount not to exceed \$322,700.

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

**CHANGE ORDER FOR UNIT NO. 8 PRECIPITATOR WIRE REPLACEMENT PROJECT:** Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-220 approving Change Order No. 1 in an amount not to exceed \$43,500 to USCC for Unit No. 8 Precipitator Wire Replacement Project.

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

**LIBRARY RENOVATION PROJECT:** Library Director Art Weeks introduced Brad Heemstra of Integrity Construction Services, LLC.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 12-221 approving the Construction Advisor Services Contract with Integrity Construction Services, LLC, of Ames, Iowa, in an amount not to exceed \$85,000 pertaining to the Library Renovation project.

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

**REPAIR TO METHANE ENGINE GENERATOR SET #2:** Moved by Davis, seconded by Goodman, to direct staff to proceed with development of specifications for Repair to Methane Engine Generator Set #2 and authorizing the project budget of \$129,000.

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

The meeting recessed at 9:00 a.m. and reconvened at 9:10 p.m.

**REPORT ON EMERGENCY RESPONSE TIME:** Fire Chief Clint Petersen told the Council that the report focused specifically on response time goals and did not address a future fire station location. He noted, however, the impact that Councils' decisions have on the locations of fire station. The Chief advised that there is no legal mandate for a city's fire response time. *Iowa Code* requires cities to "provide for the protection of life and property against fire," but does not specify minimum response time criteria. Chief Petersen noted that since at least 1984, the City has had a goal for the Fire Department to respond to 85% of the community within 5 minutes travel time. However, the challenge to meet that goal has been exacerbated by the City's growth in land area (14% increase in land area in the last 15 years and a 16% increase in population in 10 years). Another study was completed in 1999, which showed that 82% of the City could be reached within 5 minutes, or 79% within 5 minutes when the Duff Avenue railroad crossing was impassable.

According to Chief Petersen, in 2011, 83% of the City's land area was serviceable within five minutes' travel time. During that same year, 87.5% of actual calls had a five-minute or shorter response. Chief Petersen recognized that advances in technology allow the City to map actual calls for service and provide information more efficiently for analysis. He reported that, if the City continues to grow as anticipated, relocations and/or additional fire stations are not a matter of if, but of when and where. He noted that factors such as the growth of the City's land area, population growth, density, direction of growth, and the type of development will influence the need for future fire stations.

According to Chief Petersen, the number of emergency calls for service in Ames is at an historical high; it mirrors the national trend. Chief Petersen also noted that call volumes had intensified in certain types of occupancies over time in Ames. Particular types of development tend to have higher Fire Department service needs, e.g., areas of high-density residential, commercial areas, medical, assisted-living, and/or nursing home facilities. A map was shown of the existing fire response density.

Chief Petersen gave the definition of response time goal and explained how it is measured, and why it is important. He defined flash over, stating that it is extremely dangerous; even protected fire fighters cannot survive for more than a few seconds.

It was noted that modern structures are somewhat less likely to ignite than older structures due to improvements in electrical safety; however, the typical layouts of modern structures allow fire to grow and spread much more quickly than a similar fire in a structure constructed 30 or more years ago. In addition, typical modern furnishings produce more dangerous heat and gases once ignited compared to furniture constructed with natural fibers and materials (common in the 1950s and 60s).

Chief Petersen reviewed EMS response information. Currently, both Mary Greeley Medical Center (MGMC) and the Fire Department respond to emergency medical calls. It was noted that MGMC currently does not have an adopted response time goal. MGMC has indicated that more data from computer-aided dispatch was needed before it could consider adopting a response time goal. MGMC has reported an actual response time of 8 minutes to 90% of its calls (from time of dispatch to arrival on scene).

Mr. Phillips, at the request of the City Council, had compared Ames' response time goal with other cities. A list of 22 comparable cities was developed; those responses were shared by Mr. Phillips as were the conclusions made based on the responses from the survey.

City Manager Schainker noted that a response time goal was actually a performance measure. He emphasized that Ames is one of the few communities meeting its goal on a regular basis. Mr. Schainker said that the Council needs to decide what response time goal the City should have; how should response time be measured; who should adopt the response time goal; should there be separate response time goals for fire and medical calls; and what Council decisions can help the City better meet the response time performance measure.

Mr. Schainker told the Council that, in 1999, staff reported that a longer response time for industrial properties could be acceptable due to personnel trained in industrial safety, sprinklers, and fire brigades. In the event that the City moves forward with annexing land east of Interstate 35 as industrial reserve, fire response time will not likely be a barrier to doing so. It was noted by Mr. Schainker that most industrial land uses tend to have a low frequency of need for fire response. He said that a response time goal to the industrial area planned to the east could be longer than for the other parts of the City.

Regarding how response time should be measured, City Manager Schainker said that the typical method for measuring response time goals is based on actual calls for service. Measuring based on total land area with a certain travel time limit no longer appears to be the best approach. A more sophisticated method of measurement would be for the City to map actual calls for service and then project the calls for service anticipated upon full build-out in an area of potential annexation. The projections can be based on call densities for similar types of developments. Time-distance formulas are then used to calculate emergency response times based on actual and anticipated calls. Staff recommended benchmarking response times based on actual calls for service and using GIS projection data for planning decisions.

Chief Petersen agreed that a response time goal should be established as a performance measure. He noted that Ames is doing a good job in meeting its current goal.

Regarding should there be a separate response time goals for fire and medical calls, Mr. Schainker said that, in Ames, fire and medical assist response times can be tracked separately. Chief Petersen noted that two important changes have enhanced the City's medical assist capabilities: (1) Emergency Medical Dispatch, which allows dispatchers to gather better information about medical emergencies and deliver it to responders en route, and (2) purchase of three Automated External Defibrillators that have been placed in the three area cars (north, west, and south patrol areas). Defibrillators will be placed in all ten patrol cars by July 2012.

City Manager Schainker said that the annexation of new land will not cause an immediate failure to meet the response time goal. In the past, dropping below the fire response goal has not been used as an automatic trigger to initiate action to relocate or construct a station. Regarding what Council decisions could help the City better meet the response time performance measure, Mr. Schainker said that staff recommends that the City Council, through its land use and zoning decisions, attempt to place only developments with lower demands for service on the periphery of potential areas of annexation and place higher-demand developments closer to the existing urban core. He explained the land use strategy that was used for that recommendation. He also noted that several options were available to the Council to mitigate the danger posted by fire by improving fire protection requirements.

City Council Goodman suggested that averages not be used to propose a response time performance measure; actuals should be used.

City Manager Schainker stated that staff will provide additional information and options to the City Council for future action.

**HEARING ON SOUTH 4<sup>TH</sup> STREET WATER MAIN REPAIR:** Mayor Campbell opened the public hearing. No one wished to speak and the public hearing was closed.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-222 approving final plans and specifications and awarding a contract to Synergy Contracting LLC of Bondurant, Iowa, in the amount of \$126,255.

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

**HEARING ON 2011/12 ASPHALT PAVEMENT IMPROVEMENTS (BARR DRIVE AND INDIAN GRASS COURT):** The public hearing was opened by Mayor Campbell and closed after no one came forward to speak.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-223 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$485,118.18.

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

**HEARING ON UNIT NO. 8 FEEDWATER HEATER REPLACEMENT:** Mayor Campbell opened the public hearing. No one asked to speak, and the hearing was closed.

Moved by Goodman, seconded by Davis, to accept the report of bids and delay award of a contract. Vote on Motion: 6-0. Motion declared carried unanimously.

**ORDINANCE ADOPTING WATER AND SEWER RATES:** There was no one wishing to speak on the first reading of the ordinance.

Moved by Szopinski, seconded by Larson, to pass on first reading an ordinance adopting new water and sewer rates.

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

**ORDINANCE INCREASING ILLEGAL PARKING FINES AND REMOVING REFERENCES TO COINS AS FORM OF PAYMENT FOR PARKING METERS:** No one came forward to speak on first reading of the ordinance.

Moved by Davis, seconded by Larson, to pass on first reading an ordinance increasing illegal parking fines and removing all references to coins in the form of payment for parking meters.

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

**ORDINANCE ADOPTING 2011 NATIONAL ELECTRIC CODE:** Moved by Davis, seconded by Wacha, to pass on second reading an ordinance adopting the *2011 National Electric Code* with State and City of Ames amendments.

Roll Call Vote: 5-1. Voting aye: Davis, Goodman, Larson, Szopinski, Wacha. Voting nay: Orazem. Motion declared carried.

**ORDINANCE TO CREATE SEPARATE LAND USE FOR DELAYED DEPOSIT SERVICE**

**PROVIDERS AND ENACTING PROHIBITIONS:** Moved by Goodman, seconded by Wacha, to pass on second reading an ordinance to create a separate land use for delayed deposit service providers and enacting prohibitions against their locating in Highway-Oriented Commercial or Gateway Overlay Zones or within 1,000 feet of certain specified facilities.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**ZONING TEXT AMENDMENT RELATED TO DEFINITIONS OF “STORY” AND “BASEMENT:”** Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4108 related to definitions of “story” and “basement.”  
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**TERM OF OFFICE FOR LIBRARY BOARD OF TRUSTEES:** Moved by Wacha, seconded by Davis, to pass on third reading ORDINANCE NO. 4109 changing the term of office commencement date for Library Board of Trustees from July 1 to April 1.  
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**COUNCIL COMMENTS:** Moved by Wacha, seconded by Orazem, to refer to staff the letter from Youth and Shelter Services dated April 12, 2012, requesting to extend leasing agreement for Parking Lot P.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Davis, seconded by Orazem, to refer to City Manager Schainker for a memo pertaining to the new proposal contained in the letter from Fred Rose representing the Deery Brothers, specifically, what the expectations are regarding the lot, if it is a viable option, the pros/cons to it.

Council Member Orazem said that he was curious to know where the Department of Transportation is planning to go with the Highway 30 bridge. City Manager Schainker said the DOT was still studying that; the City will not have an answer in two weeks.

Noting that he had been consistently opposed to providing tax abatement for development in the floodway fringe, Council Member Wacha said he thought Mr. Rose’s letter provided an interesting nuance to the Deery Brothers’ proposed project. Due to that, he said he would be supporting the motion for staff to review it. In particular, Mr. Wacha thought that it might present an opportunity for the City to offset tax abatement, potentially dollar-for-dollar, with flood mitigation work that can be done now as opposed to years from now. He would like information about the value, as much as can be determined, of the proposed channel straightening as well as what effect it might have on the flow of water. In addition, he would like to know what staff’s opinion is of the land that potentially would be given to the City, both in regards to flood mitigation and actual dollar value.

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

Council Member Szopinski commented that there had been much passion on both sides concerning the S. 16<sup>th</sup> Street tax abatement request. She advised that her approach is to gather as much information as possible on each subject and then make her decision; she does not come to Council meetings with her mind already made up.

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 10:27 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor



# MINUTES OF THE AMES CIVIL SERVICE COMMISSION

AMES, IOWA

APRIL 26, 2012

The Ames Civil Service Commission met in regular session at 8:16 a.m. on April 26, 2012, in the Council Chambers of City Hall, 515 Clark Avenue, with Commission Members Adams and Crum present. Commission Member Shaffer was absent. Also in attendance was Director of Human Resources Julie Huisman.

**ELECTION OF OFFICERS:** Moved by Crum, seconded by Adams, to elect Adams as chair of the Civil Service Commission.

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

Moved by Adams, seconded by Crum, to elect Crum as vice chair of the Civil Service Commission.

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

**APPROVAL OF MINUTES:** Moved by Crum, seconded by Adams, to approve the minutes of the March 22, 2012, Civil Service Commission meeting as written.

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

**CERTIFICATION OF ENTRY-LEVEL APPLICANTS:** Moved by Crum, seconded by Adams, to certify the following individuals to the Ames City Council as entry-level applicants:

Power Plant Auxiliary Operator:	David Francis	85
	Troy Barker	83
	Justin Mushick	82
	David Farrier	79

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

**COMMENTS:** The next regularly scheduled Civil Service Commission meeting was set for May 24, 2012, at 8:15 a.m.

**ADJOURNMENT:** The meeting adjourned at 8:18 a.m.

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Terry Adams, Chair

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Jill Ripperger, Recording Secretary



# REPORT OF CONTRACT CHANGE ORDERS

<b>Period:</b>	<input type="checkbox"/>	1 <sup>st</sup> – 15 <sup>th</sup>
	<input checked="" type="checkbox"/>	16 <sup>th</sup> – end of month
<b>Month and year:</b>	April 2012	
<b>For City Council date:</b>	May 8, 2012	

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	Purching Contact Person/Buyer
Electric Services	FY11/12 Specialized Cleaning Services Including Grit Blasting, Hydro Blasting, Detonation Blasting and Vac Truck Services for Power Plant Boilers	2	\$205,000	W S Industrial Services, Inc.	\$0	\$35,000	S. Lundt	CB
Electric Services	FY11/12 Specialized Wet Dry Vacuum, Hydro Blast, and Related Services for Power Plant	1	\$49,500	Bodine Services of Clinton	\$0	\$9,800	S. Lundt	CB
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		



# Memo

Police Department

7 a-i

**TO:** Mayor Ann Campbell and Ames City Council Members

**FROM:** Commander Geoff Huff – Ames Police Department

**DATE:** April 24, 2012

**SUBJECT:** Beer Permits & Liquor License Renewal Reference City Council Agenda  
May 8, 2012

The Council agenda for May 8, 2012, includes beer permits and liquor license renewals for:

- Special Class C Liquor – Great Plains Sauce & Dough, 129 Main Street
- Special Class C Liquor – Mongolian Buffet, 1620 S. Kellogg Avenue #103
- Class C Beer and B Wine – Walgreen's #12108, 2719 Grand Avenue
- Class B Beer – Jeff's Pizza Shop, 2402 Lincoln Way
- Class C Liquor – Mother's Pub, 2900 West Street
- Class C Liquor – Red Lobster #747, 1100 Buckeye Avenue
- Class C Beer – Tobacco Outlet Plus #530, 204 South Duff Avenue
- Class B Beer – Pizza Hut #4303, 436 South Duff Avenue
- Special Class C Liquor – Octagon Center for the Arts, 427 Douglas Avenue

A routine check of police records found no violations for Great Plains Sauce & Dough, Mongolian Buffet, Jeff's Pizza Shop, Mother's Pub, Red Lobster #747, Tobacco Outlet Plus #530, Pizza Hut #4303, or Octagon Center for the Arts.

The same check found that Walgreen's sold tobacco to a minor during a compliance check on November 18, 2011.

The police department would recommend renewal of all nine establishments.



# Memo

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Mayor's Office

8

**TO:** Members of the City Council

**FROM:** Ann H. Campbell, Mayor

**DATE:** May 4, 2012

**SUBJECT:** Appointment to Ames Transit Agency Board of Trustees

Council Member Tom Wacha's term on the Ames Transit Agency Board of Trustees will expire on May 15. According to the *Municipal Code*, one trustee shall be a member of the Ames City Council. Council Member Wacha has agreed to serve another two-year term on the Board.

Therefore, I request that the City Council approve the reappointment of Council Member Wacha to the Ames Transit Agency Board of Trustees.

AHC/jlr



# Memo

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Mayor's Office

9

**TO:** Members of the City Council

**FROM:** Ann Campbell, Mayor

**DATE:** May 4, 2012

**SUBJECT:** Appointment to the Public Art Commission

There is an existing vacancy on the Public Art Commission that needs to be filled. Heather Johnson has recently applied for the position.

Therefore, I recommend that the City Council approve the appointment of Heather Johnson to serve on the Public Art Commission effective immediately.

AHC/jlr



# Memo

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Mayor's Office

10

**TO:** Members of the City Council  
**FROM:** Ann H. Campbell, Mayor  
**DATE:** May 4, 2012  
**SUBJECT:** Appointment to Fill Vacancy on the Building Board of Appeals

There currently exists a vacancy on the Building Board of Appeals. This term of office is to be filled by a person in the Home Builder trade. Nathan Werstein, owner of NW Construction, has applied for the position.

Therefore, I request that the City Council approve the appointment of Nathan Werstein to fill the unexpired term of office on the Building Board of Appeals.

AHC/jlr

**COUNCIL ACTION FORM**

**SUBJECT: ADOPTION OF TAX COMPLIANCE PROCEDURES RELATING TO TAX-EXEMPT BONDS**

**BACKGROUND:**

The City of Ames routinely issues tax-exempt General Obligation Bonds and complies with several requirements to ensure that the bonds remain tax-exempt throughout the term of the bonds. With the assistance of our Bond Counsel, Bond Financial Advisor, and Auditor, the City has established and maintains controls to ensure compliance with requirements to maintain a tax-exempt status.

With each tax exempt bond issuance, the City is required to file an IRS Information Return for Tax-Exempt Governmental Obligations (8038-G). The IRS has recently modified this form to include a question box asking if the issuer has established written procedures to monitor tax-exempt requirements. The City's Bond Counsel has advised, and staff agrees, that the City would be in better standing to answer this question in the affirmative if the written procedures for compliance were adopted by Council. Written procedures were drafted by the City's Bond Counsel and reflect procedures currently followed by the City to ensure compliance with IRS rules related to tax exempt bonds. Adoption of the procedures by Council will formalize the process.

**ALTERNATIVES:**

1. Adopt a resolution to establish tax compliance procedures relating to tax-exempt bonds.
2. Refer these procedures back to staff for changes.

**MANAGER'S RECOMMENDED ACTION:**

By adopting a resolution to establish tax compliance procedures relating to tax-exempt bonds, the City will formalize its current compliance with IRS requirements for tax-exempt bonds and improve the reporting status related to each bond issue.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby adopting a resolution to establish tax compliance procedures relating to tax-exempt bonds.

**City of Ames, Iowa  
Tax Compliance Procedures  
Relating to Tax-Exempt Bonds**

**Dated: May 8, 2012**

**I. Purpose:**

*To ensure that interest on tax-exempt bonds, notes or other obligations (the "Bonds") of the City of Ames, Iowa (the "Issuer") remains excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").*

These written procedures shall be followed by the Issuer in connection with its issuance of Bonds:

**II. Expenditure/Use of Proceeds:**

- A. Expenditure of Bond proceeds will be maintained and/or coordinated with the Finance Director (the "Compliance Officer") for consistency with the Bond documents, including any applicable resolutions, loan agreements, tax/arbitrage/closing certificates or other operative document (referred to collectively as "Bond Documents").
- B. The Issuer has separately established procedures for preparation and review of requisitions of Bond proceeds through the accounting system of the Issuer. To such end, the Compliance Officer shall:
  - a. account and record how the Bond proceeds are spent (including investment earnings and including reimbursement of expenditures made before bond issuance) and maintaining records identifying Bond-financed or refinanced assets (e.g., land, buildings, improvements, facilities, furnishings or equipment) (the "Bond-Financed Property"), including the average economic life of such Bond-Financed Property and allocation of such Bond-Financed Property to private use or other non-qualifying use.
  - b. create the required funds/accounts (and any necessary subaccounts) required by the Bond Documents (i.e. sinking funds, debt service funds, debt service reserve funds, project funds, etc.), and if such funds are not required by the applicable Bond Documents, create such funds and accounts, into which proceeds of a Bond issue will be deposited. For all construction projects, a project or construction fund shall be established to track expenditures for the projects. (Referred to herein as the "Project Fund.") (In the event the Bond Documents require a trustee, paying agent or other entity to create and hold such funds and accounts, the Compliance Officer will monitor such funds and accounts accordingly).



c. review and monitor all requisitions, draw schedules, draw requests, invoices and bills for payment from the Project Fund, and determine whether such payments are appropriate and consistent with the Bond Documents and use of the Bond proceeds.

d. make and account for all payments from the Project Fund and any other funds created (i.e. sinking funds, debt service funds, debt service reserve funds, etc.).

- C. None of the proceeds of Bonds will be used to reimburse the Issuer for costs of a capital project paid prior to the date of issuance of the Bonds unless the Issuer shall have fully complied with the provisions of Section 1.150-2 of the Treasury Regulations with respect to such reimbursed amounts, and those provisions are summarized in Exhibit 1 hereto.
- D. The Compliance Officer will make a “final allocation” of Bond proceeds to uses not later than 18 months after the in-service date of the Bond-Financed Property (and in any event not later than 5 years and 60 days after the issuance of the Bonds or not later than 60 days after earlier retirement of the Bonds) in a manner consistent with allocations made to determine compliance with arbitrage yield restriction and rebate requirements.
- E. Expenditure of proceeds of Bonds will be measured against the Issuer’s expectation, as set forth in the Bond Documents, to proceed with due diligence to complete the capital project and fully spend the net sale and investment proceeds within three years.
- F. If there are any Bond proceeds remaining other than in a reserve or debt service fund established pursuant to the Bond Documents after completion of the projects, such proceeds shall be applied in a manner consistent with the applicable Bond Documents or pursuant to advice from Bond Counsel/Special Tax Counsel.
- G. In the event that Bond proceeds are to be used to make a grant to an unrelated party, a grant agreement will be reviewed prior to execution for compliance with the Code. Such agreement will be approved by the Issuer’s Attorney or Bond Counsel and the Compliance Officer. The repayment of any portion of a grant by the grantee shall be treated as unspent Bond proceeds.

### **III. Use of Bond-Financed Property:**

- A. Use of Bond-Financed Property when completed and placed in service will be reviewed and continually monitored by the Compliance Officer.
- B. The Compliance Officer shall monitor all private use or private payments with respect to Bond-Financed Property by nongovernmental entities and the use thereof throughout the term of the Bonds to ensure compliance with covenants and restrictions set forth in the applicable Bond Documents relating to the Bonds. Private Use includes but is not limited to leases, research contracts, and use of

Bond-Financed Property by a non-employee, such as third-party contracts concerning use, management or services in the Bond-Financed Property that do not meet the compensation, term and other requirements under Revenue Procedures 97-13. Such agreements will be approved by the Issuer's Attorney and the Compliance Officer, who will be responsible for determining whether the proposed agreement (i) results in private business use of the Bond-Financed Property, and (ii) if applicable, meets the compensation, term and other requirements under Revenue Procedures 97-13 and 2007-47 (i.e. Management/Service Contract Rules); all upon advice of Bond Counsel, as necessary.

- C. Appropriate department/facility managers shall be advised in writing concerning restrictions on the use of the Bond proceeds and the Bond-Financed Property and instructed to consult with the Compliance Officer and the Issuer's Attorney or Bond Counsel, as appropriate, regarding private use.
- D. Upon issuance of Bonds, there shall be no expectation that the Bond-Financed Property will be sold or otherwise disposed of by the Issuer during the term of the Bonds; and no item of Bond-Financed Property will be sold or transferred by the Issuer while the Bonds are outstanding without approval of the Issuer's Attorney and the Compliance Officer upon advice of Bond Counsel or advance arrangement of a "remedial action" under the applicable Treasury Regulations.
- E. To the extent that the Issuer discovers that any applicable tax restrictions regarding use of Bond proceeds and Bond-Financed Property will or may be violated, the Issuer will consult promptly with Issuer's Counsel/Bond Counsel/Special Tax Counsel to determine a course of action to remediate all nonqualified bonds, if such counsel advises that a "remedial action" is necessary.
- F. The Issuer acknowledges that any sale, transfer, change in use, or change in users of the Bond-Financed Property may require remedial action or resolution pursuant to the IRS Voluntary Closing Agreement Program (or "VCAP") to assist in resolving violations of the federal tax laws applicable to the Bonds.

#### **IV. Investments:**

- A. The Compliance Officer shall manage and supervise the investment of Bond proceeds in compliance with the arbitrage and rebate requirements of the Code and applicable Treasury Regulations.
- B. Guaranteed investment contracts ("GICs") may be purchased only in accordance with the fair market value provisions of applicable Treasury Regulations, including bid requirements and fee limitations. Certificates of deposit may be purchased only according to the fair market value provisions of applicable Treasury Regulations. The Issuer's Counsel/Bond Counsel/Special Tax Counsel will be consulted before purchasing any other, non-marketable securities and

before depositing gross proceeds in any other bank account not explicitly authorized by the Bond Documents.

C. The Compliance Officer will:

- (i) Maintain a procedure for the allocation of proceeds of the Bonds and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures. (See Section I Expenditure/Use of Proceeds and Section II Use of Financed Property, above).
- (ii) Obtain a computation of the Bond yield for each issue of the Bonds from the Issuer's financial advisor, underwriter or other relevant third party and maintain a system for tracking investment earnings.
- (iii) Coordinate with Issuer staff to monitor compliance by departments with the applicable "temporary period" (as defined in the Code and Treasury Regulations) exceptions for the expenditure of proceeds of the Bonds, and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.
- (iv) Ensure that investments acquired with proceeds of the Bonds are purchased at fair market value. In determining whether an investment is purchased at fair market value, any applicable Treasury Regulation safe harbor may be used. (See Section IV. B. above).
- (v) Avoid formal or informal creation of funds reasonably expected to be used to pay debt service on the Bonds without determining in advance whether such funds must be invested at a restricted yield.
- (vi) Consult with Bond Counsel/Special Tax Counsel prior to engaging in any post-issuance credit enhancement transactions.
- (vii) Monitor compliance of spending of Bond proceeds with six-month, 18-month or 2-year spending exceptions to the rebate requirement, as applicable.
- (x) Prepare or cause to be prepared a spending exception report or an arbitrage rebate computation (as applicable) for the Bonds upon final expenditure of the Bond proceeds, other than a reserve fund or debt service fund (i.e. after the project is completed and Bond proceeds allocated to the projects have been spent).
- (xi) Cause rebate payments, if due, to be made with Form 8038-T no later than 60 days after (i) each fifth anniversary of the date of issuance of the Bonds and (ii) the final payment or prepayment of the Bonds. The Compliance Officer shall engage a rebate specialist to assist with its rebate obligations.

- (xii) Arrange for timely computation and payment of “yield reduction payments” (as such term is defined in the Code and Treasury Regulations), if applicable.
- (xiii) In the case of any issue of refunding Bonds, coordinate with the Issuer’s financial advisor and any escrow agent to arrange for the purchase of the refunding escrow securities, obtain a computation of the yield on such escrow securities and monitor compliance with applicable yield restrictions.

**V. Continuing Disclosure:**

The Compliance Officer shall be responsible for complying with any continuing disclosure agreements/obligations related to any Bond issue, including making required annual filings, reporting material events and coordinating with any dissemination agent.

**VI. Financial & Other Non-Tax Covenants:**

The Compliance Officer shall be responsible for monitoring and complying with financial and other non-tax covenants and requirements in the Bond Documents, including but not limited to covenants and requirements regarding liquidity, debt coverage, incurrence of additional indebtedness, financial reporting, transfer of property, lien restrictions and loan-to-value ratios.

**VII. Record Management and Retention:**

- A. Management and retention of records related to Bond issues will be supervised by the Compliance Officer.
- B. Records for Bonds will be retained for the life of the Bonds, plus any refunding Bonds, plus eleven years (or such longer term as may be required by the state records administrator). [Iowa Code section 372.13(5)(a)] Such records may be in the form of documents or electronic copies of documents, appropriately indexed to specific Bond issues and compliance functions.
- C. Records pertaining to Bond issuance shall include a transcript of documents executed in connection with the issuance of the Bonds and any amendments, and copies of rebate calculations and records of payments, including Forms 8038-T.
- D. Records pertaining to expenditures of Bond proceeds and final allocation of Bond proceeds will include requests for Bond proceeds, construction contracts, purchase orders, invoices, payment records, and trustee/paying agent reports. Such documents will include documents relating to costs reimbursed with Bond proceeds.
- E. Records pertaining to use of Bond-Financed Property shall include all third-party contracts concerning use of the Bond-Financed Property, including (without limitation) leases, use, management or service contracts, and research contracts.

- F. Records pertaining to investments shall include records of purchase and sale of GICs, certificates of deposit and other investments, and records of investment activity sufficient to permit calculation of arbitrage rebate or demonstration that no rebate is due.
- G. Records shall include all documents pertaining to IRS communications regarding the Bonds, including audits and compliance questionnaires.

**VIII. Overall Responsibility:**

- A. Overall administration and coordination of these procedures is the responsibility of the Compliance Officer.
- B. The Compliance Officer shall review compliance with these procedures not less than annually.
- C. The Issuer understands that failure to comply with these policies and procedures could result in the retroactive loss of the exclusion of interest on Bonds from federal gross taxable income.
- D. Any violations or potential violations of federal tax requirements shall promptly be reported to the Compliance Officer, and the Issuer will engage qualified consultants and Bond Counsel to further investigate potential violations or recommend appropriate remedial actions, if necessary.

**CONDUIT BOND POST ISSUANCE PROCEDURES**

It is the policy of the Issuer that for any conduit bonds (the “Conduit Bonds”) issued on behalf of a conduit borrower (the “Borrower”) the Borrower shall be responsible for and shall establish written procedures in the applicable bond documents for the issuance such Conduit Bonds (the “Conduit Bond Documents”) to address ongoing compliance with applicable financial and tax requirements, arbitrage/rebate requirements, remedial actions and other applicable post-issuance requirements of federal tax law throughout the term of the Conduit Bonds (collectively, the “Borrower’s Post Issuance Compliance Procedures”).

It is the Issuer’s policy that the Borrower shall be responsible for compliance with all of the following:

- A. **Arbitrage Rebate and Yield Requirements**
  - (i) determining the likelihood of complying with an arbitrage rebate exemption;
  - (ii) if necessary, engaging the services of a rebate service provider;
  - (iii) assuring payment of required rebate amounts, if any, no later than 60 days after each 5 year anniversary of the issue date of the Conduit Bonds, and no later than 60 days after the last Conduit Bond of each issue is paid or redeemed; and

- (iv) during the construction period of each capital project financed in whole or in part by Conduit Bonds, monitoring the investment and expenditure of Conduit Bond proceeds and consulting with the rebate service provider to determine compliance with any applicable exceptions from the arbitrage rebate requirements during each 6-month, 18 months or 2 year spending period, as applicable, following the issue date of the Conduit Bonds.

**B. Use of Bond Proceeds and Bond-Financed or Refinanced Assets**

- (i) monitoring the use of Conduit Bond proceeds (including investment earnings and including reimbursement of expenditures made before bond issuance) and the use of Bond-financed or refinanced assets (e.g., facilities, furnishings or equipment) (the “Conduit Bond-Financed Property”) throughout the term of the Conduit Bonds to ensure compliance with covenants and restrictions set forth in the Conduit Bond Documents;
- (ii) maintaining records identifying the Conduit Bond-Financed Property with proceeds of each issue of Conduit Bonds (including investment earnings and including reimbursement of expenditures made before bond issuance), including a final allocation of Conduit Bond proceeds as described below under “Record Keeping Requirements”;
- (iii) consulting with bond counsel and other legal counsel and advisers in the review of any change in use of Conduit Bond-Financed Property to ensure compliance with all covenants and restrictions set forth in the Conduit Bond Documents; and
- (iv) to the extent that the Borrower discovers that any applicable tax restrictions regarding use of Conduit Bond proceeds and Conduit Bond-Financed Property will or may be violated, consulting promptly with bond counsel and other legal counsel and advisers to determine a course of action to remediate all nonqualified bonds, if such counsel advises that a remedial action is necessary.

**C. Record Keeping Requirement**

- (i) retaining copies of the Conduit Bond closing transcript(s) and other relevant documentation delivered to the Borrower at or in connection with closing of the issue of Conduit Bonds;
- (ii) retaining copies of all material documents relating to capital expenditures financed or refinanced by Conduit Bond proceeds, including (without limitation) construction contracts, purchase orders, invoices, trustee requisitions and payment records, as well as documents relating to costs reimbursed with Conduit Bond proceeds and records identifying the Conduit Bond-Financed Property, including a final allocation of Conduit Bond proceeds and the Final Completion Report filed pursuant to the Conduit Bond Documents;

- (iii) retaining copies of all records of investments, investment agreements, arbitrage reports and underlying documents, including trustee statements, in connection with any investment agreements, and copies of all bidding documents, if any; and
- (iv) ensuring the required 8038 forms (including 8038-T forms) are filed on a timely basis.

## EXHIBIT 1

### REIMBURSEMENT RULES SUMMARY

Following is a general summary of the requirements relating to Bonds (or a portion thereof) that are issued to reimburse expenditures that were paid prior to the date of issuance of such Bonds.

Subject to certain exceptions set forth below, the Bond proceeds cannot be used to reimburse expenditures paid more than 60 days prior to the adoption of the declaration of official intent/reimbursement resolution by the Issuer, which must contain:

- a general functional description of the property to which the reimbursement relates or an identification of the fund or account from which the expenditure is to be paid and a general functional description of the purposes of such fund or account; and
- the maximum principal amount of tax-exempt bonds to be issued.

Reimbursement allocations must be made in writing and not later than 18 months after the later of (i) the date on which the original expenditure is paid, or (ii) the date on which the property for which the original expenditure was made is placed in service or abandoned, but in any case not more than three years after the date on which the original expenditure is paid.

There are exceptions to the general 60-day rule described above for “de minimis” amounts (not in excess of the lesser of \$100,000 or 5% of proceeds of the Bonds) and for “preliminary expenditures” (such as architectural, engineering, surveying, soil testing and similar costs and costs of issuance that are incurred prior to acquisition, construction or rehabilitation but not including land acquisition and site preparation), so long as such preliminary expenditures do not exceed 20% of the aggregate issue price.

**NOTE: This is only a summary of current law as of the Date of this Policy, and special rules may also apply. Additionally, the requirements may be amended or revised from time to time. The Issuer should consult with Bond Counsel/Special Tax Counsel, as necessary.**



**COUNCIL ACTION FORM**

**SUBJECT: 2012/13 COMMISSION ON THE ARTS CONTRACTS**

**BACKGROUND:**

During its February budget hearing, the City Council received recommendations on funding for arts organizations' annual grants from the Commission on the Arts (COTA). These annual grant recommendations total \$134,628. The City Council approved these recommendations as a part of the 2012/13 City Budget.

Contracts were mailed to arts organizations several weeks ago, and are now being presented to the City Council for approval. All contracts have been returned and are presented for Council's approval.

Agency	2012/13 Recommendations	2011/12 Allocations
Ames International Orchestra Festival Association	\$8,080	\$7,600
Ames Children's Choirs	\$9,718	\$9,200
Ames Chamber Artists	\$2,390	\$2,390
Ames Choral Society	\$2,690	\$2,550
Ames Town & Gown Chamber Music Association	\$16,007	\$14,950
ACTORS	\$13,464	\$12,170
Central Iowa Symphony	\$10,424	\$10,000
Co=Motion Dance	\$5,593	\$5,480
Kids' Co=Motion	\$3,167	\$2,860
Octagon	\$44,802	\$43,160
Ames Community Arts Council	\$8,111	\$7,700
Friends of Ames Strings	\$1,200	\$1,200
Story Theater Company	\$8,982	\$8,780
<b>TOTALS</b>	<b>\$134,628</b>	<b>\$128,040</b>

**ALTERNATIVES:**

1. The City Council can approve the 2012/13 COTA annual grant contracts as recommended by the Commission on the Arts and as received.
2. The City Council can delay action on these contracts and ask the Commission for further information.

**MANAGER'S RECOMMENDED ACTION:**

These contracts all reflect the services and funding approved by Council based upon COTA's recommendations at budget time.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the 2012/13 COTA annual grant contracts as recommended by the Commission on the Arts and as received.

**COUNCIL ACTION FORM**

**SUBJECT: APPROVAL OF ASSET HUMAN SERVICES FUNDING CONTRACTS FOR 2012/13**

**BACKGROUND:**

During its February 2012/13 budget decisions, the City Council approved a total of \$1,150,278 in ASSET contract allocations for the next fiscal year. Contract documents were mailed to most agencies this month. These contracts have been returned, and their approved amounts are listed below. These are now presented for Council's approval.

	<b><u>2011/12</u></b> <b><u>Allocations</u></b>	<b><u>2012/13</u></b> <b><u>Recommendations</u></b>	<b><u>Amount of</u></b> <b><u>Increase</u></b>
ACCESS	\$48,798	\$50,910	\$2,112
Ames Community Preschool Center	\$72,620	\$75,525	\$2,905
ARC of Story County	\$6,500	\$6,700	\$200
Boys & Girls Club of Story County	\$88,900	\$90,675	\$1,775
Campfire USA	\$5,812	\$5,872	\$60
CCJ	\$50,113	\$51,115	\$1,002
ChildServe	\$17,660	\$17,660	\$0
Emergency Residence Project	\$58,000	\$60,481	\$2,481
Foster Grandparents	\$3,221	\$3,221	\$0
Good Neighbor	\$15,400	\$15,730	\$330
Homeward of Mary Greeley	\$28,627	\$30,440	\$1,813
Legal Aid Society	\$72,952	\$75,870	\$2,918
Mid-Iowa Community Action	\$31,971	\$33,088	\$1,117
NAMI	\$432	\$1,450	\$1,018
Orchard Place	NEW	\$5,665	\$5,665
RSVP	\$25,000	\$25,695	\$695
University Community Childcare	\$40,212	\$41,698	\$1,486
Volunteer Center of Story County	\$5,000	\$5,190	\$190
Youth & Shelter Services	<b><u>\$183,191</u></b>	<b><u>\$188,907</u></b>	<b><u>\$5,716</u></b>
	<b>\$754,409</b>	<b>\$785,892</b>	<b>\$31,483</b>

The remaining contracts have not yet been mailed, due to information that has not yet been submitted by the agencies. These agencies include the following:

- Big Brothers and Big Sisters of Central Iowa
- Community and Family Resources

- Heartland Senior Services
- Lutheran Services in Iowa
- American Red Cross

When these contracts are mailed and returned, they will also be forwarded to Council for approval.

Funds have been set aside for a community mental health provider. Once the direction of mental health services has been determined, a contract will also be sent to that provider.

**ALTERNATIVES:**

1. The City Council can approve the returned ASSET agency contracts as presented.
2. The City Council can deny approval for any or all of these contracts.

**MANAGER'S RECOMMENDED ACTION:**

The City Council previously approved ASSET's recommendations for funding these agencies during consideration of the 2012/13 budget.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the 2012/13 ASSET agency contracts that have been returned and presented for Council approval.

**COUNCIL ACTION FORM**

**SUBJECT: 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

**BACKGROUND:**

The Ames Police Department has received notice that it is eligible for grant funds through the 2012 Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Applications are due May 14, 2012.

Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, as well as research and evaluation activities that will improve or enhance law enforcement programs related to criminal justice.

Because the Story County Sheriff provides jail services for the County, the grant conditions require that the Sheriff participate in the grant application for funding under this JAG program. The City thus needs to enter into a Memorandum of Understanding with Story County for acquisition and use of the funds.

Total funding potentially available to the Ames Police Department through this grant offering is \$24,043. The Police Department proposes to use the funds for specialized training and equipment purchases. Recently the department rebuilt the firing range used for firearms training and certification. **Additional equipment, including a target system, a sound system, a camera and range supplies will be purchased using grant funds. Funds will also be used to purchase replacement and upgraded Tasers and to provide advanced training to a Taser instructor. Finally, grant funds will be used to acquire ballistic helmets for the Emergency Response Team. There is no match requirement with this grant.**

**ALTERNATIVES:**

1. Approve the Memorandum of Understanding with Story County to develop and apply for grant funding under the 2012 Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and authorize application for that grant.
2. Do not approve the Memorandum of Understanding with the Story County or the Edward Byrne Memorial Justice Assistance Grant (JAG) Program grant application.

**MANAGER'S RECOMMENDED ACTION:**

JAG funds have been used productively during the past few years to purchase equipment and provide training for our Police Department. The program has proven to be a valuable source of funds for special purchases and programs.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving an agreement with Story County to develop and apply for a grant funding under the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and authorizing application for that grant.

ITEM # 15  
DATE: 05-08-12

### COUNCIL ACTION FORM

**SUBJECT: CLOSURE OF 13<sup>TH</sup> STREET AT RIDGEWOOD FOR SANITARY SEWER REPAIRS**

#### **BACKGROUND:**

It has been discovered by Public Works staff that the sanitary sewer main at the 13<sup>th</sup> Street/ Ridgewood Avenue intersection is in need of replacement. Staff obtained competitive quotations per Purchasing Policy. A quotation of \$39,777 was received from Ames Trenching and Excavating, and a purchase order has been issued for the work.

The necessary repairs are in the area from the center of 13<sup>th</sup> Street continuing north, under the westbound lanes for approximately 50 feet. Due to the close proximity of the UPRR crossing just east of the intersection, traffic cannot be placed in a head-to-head scenario.

*The Municipal Code* requires City Council to approve temporary closures of streets that are classified as arterials or are active CyRide routes, which is the case with 13<sup>th</sup> Street. Staff has been in contact with the Ames Community School District and Parks and Recreation. In order to coordinate with the ISU Summer Sessions and the opening of the Aquatic Center, staff identified May 7 – May 25, 2012, as the best potential timeframe to schedule the sanitary sewer repair. **Once the work has begun, the contractor has a maximum of seven calendar days to complete all work related to the repair and fully open all lanes of 13<sup>th</sup> Street to traffic.**

Since the 13<sup>th</sup> Street crossing is close to the UPRR, and the contractor is allowed to set the work schedule within the allowable timeframe, it is recommended that City Council delegate to staff the ability to administratively close 13<sup>th</sup> Street at Ridgewood Avenue. Staff will coordinate the placement of all appropriate temporary traffic control measures, will work with the City's Public Relations Officer to notify the public, and will work with the Ames Schools to communicate the work schedule via InfiniteCampus throughout the duration of the project.

#### **ALTERNATIVES:**

1. Delegate to staff the ability to administratively approve the closure of 13<sup>th</sup> Street at Ridgewood Avenue to accommodate the repair of the sanitary sewer.
2. Direct staff to pursue other options.

**MANAGER’S RECOMMENDED ACTION:**

By granting staff the ability to administratively close 13<sup>th</sup> Street at Ridgewood Avenue, City Council will be facilitating the best possible coordination between the City, its residents, the Aquatic Center seasonal opening, and Ames Schools. It will provide the flexibility needed to minimize potential impacts to the citizens of Ames through up-to-date, accurate traffic information during the closure.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby delegating to staff the ability to administratively approve the closure of 13<sup>th</sup> Street at Ridgewood Avenue to accommodate the repair of the sanitary sewer.



**COUNCIL ACTION FORM**

**SUBJECT: MID-AMERICAN ENERGY COMPANY INTERCONNECTION  
161KV LINE CONSTRUCTION**

**BACKGROUND:**

This project is to construct a 161kV line from the Ames Plant Substation to Mid-American Energy Company's (MEC) 161kV switching station northeast of Ankeny. This project is the final phase of a five phase project to increase electric delivery into the City and provide reliable electric service to the customers of Ames under many different outage scenarios.

On March 27, 2012, City Council approved preliminary plans and specifications for MEC Interconnection 161 kV Line Construction. The bid due date of May 9, 2012, and date of hearing and award of contract of May 22, 2012, were each established. The original bid and award dates were chosen in anticipation of receiving a final decision from the Iowa Utilities Board granting the franchises needed to construct this line before May 9.

Two franchises are needed for the construction of this line—one in Polk County and one in Story County. It is expected that they will both be granted at the same time, since the petition is in the form of a consolidated docket before the Iowa Utilities Board. A proposed order granting Ames the franchises to construct its line was issued on March 21, 2012. Barring appeals, this order would have become final on April 11.

However, there were appeals from two parties, both of which have been responded to by the City. One of these appeals included a request to reopen the record, which would further delay the process. In its response, the City has replied to the appeals and submitted a resistance to the request to reopen the record. The City has requested that the Iowa Utilities Board promptly issue the required franchises, making them effective on April 11, 2012.

While a final order could be issued yet in May, it is anticipated that this could take longer. Since bids have expiration dates and must be awarded or rejected soon after opening, staff prefers to simply delay the bid opening until after the franchises are obtained. By delaying the bid opening, an award can be made in a timely manner once bids are opened without assuming the unnecessary risk of awarding a contract without having the necessary franchises. While further delays could develop, staff, with legal counsel, feels that delaying the bid opening to 6/13/2012 will allow a reasonable amount of time for the franchises to be granted, barring further appeals and considerations by the Iowa Utilities Board.

**ALTERNATIVES:**

1. Approve the requested date changes for the MEC Interconnection 161 kV Line Construction, set June 13, 2012, as the new bid due date, and set June 26, 2012, as the new date of hearing and award of contract.
2. Reject the request and leave the dates as currently established.

**MANAGER'S RECOMMENDED ACTION:**

This project is the last and most important piece of a five phase project to add redundancy to our electric delivery system. It will help improve the reliability of electric service to our customers under a wide range of system contingencies. While we could receive the bids on the original date of May 9<sup>th</sup>, there is a strong possibility we will not have resolution to the appeals. Likewise, discontinuing the bidding process only to have the appeals resolved in the next few weeks would add at least two months to the project schedule.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the requested date changes for the MEC Interconnection 161 kV Line Construction by setting June 13, 2012, as the new bid due date, and June 26, 2012, as the new date of hearing and award of contract.

**COUNCIL ACTION FORM**

**SUBJECT: PEBBLE LIME PURCHASE FOR WATER TREATMENT**

**BACKGROUND:**

Pebble lime is used in the water treatment process to remove water hardness. Almost 3,000 tons are used annually, and it is the largest chemical cost for the Water Plant. The contract for pebble lime is bid for the current year plus an optional extension period for the next year. On May 10, 2011, bids were received for fiscal year 2012.

BIDDER	July 1, 2011 - June 30, 2012		Optional Extension 7/1/12-6/30/13	
	Price Per Ton	Estimated Total Cost	Price Per Ton	Estimated Total Cost
Linwood Mining & Minerals Corp., Davenport, IA	\$120.00	\$348,600	No bid	
Western Lime Corporation West Bend, WI	\$133.00	\$385,700	\$138.00	\$400,200
Mississippi Lime Company St. Louis, MO	\$176.70	\$512,430	No bid	
Graymont (WI) LLC Superior, WI	\$195.00	\$565,500	No bid	
Carmeuse Lime, Inc. Pittsburgh, PA	\$200.40	\$581,160	No bid	
Chemical Lime Company Ste. Genevieve, MO	\$219.34	\$636,086	No bid	

Approximately 10 years ago, the Water Plant contracted with Linwood Mining & Minerals. At that time, the quality of lime was inconsistent, and the lime frequently would contain an unacceptable amount of metallic debris. The purity of the lime was low, which required a larger amount of lime to be purchased to make up for the impurities. This meant our lime costs were higher than they should have been. It also increased the amount of staff time required to manage the lime system in the Water Plant. The quality of lime was so poor that the contract had to be cancelled.

Western Lime was awarded the contract last year and was the only company to offer a price for the optional extension period of July 1, 2012 through June 30, 2013.

The total estimated cost in the table above is for an estimated quantity of 2,900 tons per 12-month period. Actual usage will depend on water quality and consumption. The 2012/13 operating budget includes \$397,440 for lime.

**ALTERNATIVES:**

- 1) Award a contract for the purchase of pebble lime to Western Lime Corporation of West Bend, WI. The contract provides lime at \$138.00 per ton for FY 2012/13.
- 2) Seek competitive bids for the purchase of pebble lime.
- 3) Reject Western Lime Corporation's bid and attempt to obtain the required lime on an as-needed basis.

**MANAGER'S RECOMMENDED ACTION:**

Acquiring an adequate supply of pebble lime is essential for the established water softening process at the City's Water Treatment Plant. Western Lime Corporation has demonstrated the ability to dependably provide this product at a competitive rate. The rate already bid for FY 2012/13 is significantly lower than the other bidders' rates for FY 2011/12.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby awarding a contract for the purchase of FY 2012/13 pebble lime requirements to Western Lime Corporation of West Bend, WI in the amount of \$138.00 per ton.

**COUNCIL ACTION FORM**

**SUBJECT: ENGINEERING SERVICES AGREEMENT FOR FLOOD DAMAGE –  
BANK EROSION PROJECTS (NEAR 326 N. RIVERSIDE AND STUART  
SMITH PARK)**

**BACKGROUND:**

During the floods of 2010, bank erosion damage occurred in several locations. Two such locations are in close proximity on the west bank of Squaw Creek north of Lincoln Way. The first location was bank erosion over a 16-inch water main on the east side of the creek near 326 N. Riverside Drive, and the second location eroded part of the shared use path on the west side of the creek in Stuart Smith Park. (See attached aerial map.) Due to the similar nature of the proposed repairs, a request for engineering service proposals was sent out to include both projects. In July of 2011, staff administratively approved the original professional services contract for design services with Snyder & Associates in the amount of \$47,800 for both projects. The project costs are to be shared by Public Works and Parks and Recreation budgets.

The original engineering fee was based on FEMA's hazard mitigation project worksheet stipulating a sheet pile with a height of 20 feet. However, based on actual site conditions and the geotechnical analysis, additional design iterations resulted in a much greater wall height. Through coordination with Iowa Homeland Security and Emergency Management Department, it was learned that FEMA would not cover the cost difference between the obligated amount and the estimate that was based on actual site conditions and design. Since that time, staff has been informed that the Public Works appeal for using sheet piling to protect the water main has been approved. However, staff was told that less expensive alternatives would need to be developed for the Parks and Recreation trail protection project.

Following FEMA's process, staff next requested an alternatives analysis to review other, lower cost options related to the share use bike path project. The lower cost options would be allowable by FEMA by submitting an Alternate Project Request form. Two project alternatives were prepared: 1) A "gabion wall" created out of wire baskets filled with rock, and 2) traditional rip rap of large crushed limestone. The cost for the gabion wall design was still above the initial FEMA funding. The second alternative using riprap to repair the bank was then reviewed to further reduce costs. This revised rip rap design will be utilized in the alternate project request submitted to FEMA for the Parks and Recreation trail protection project.

Due to the changes from the original scope of services, a change order is needed to cover the additional engineering work. This change order would result in a total engineering contract not to exceed \$64,400. It is expected that engineering costs will be

reimbursed by FEMA at 85%. However, until the project is complete, adequate funding for engineering has been identified from the available balance in the General Fund.

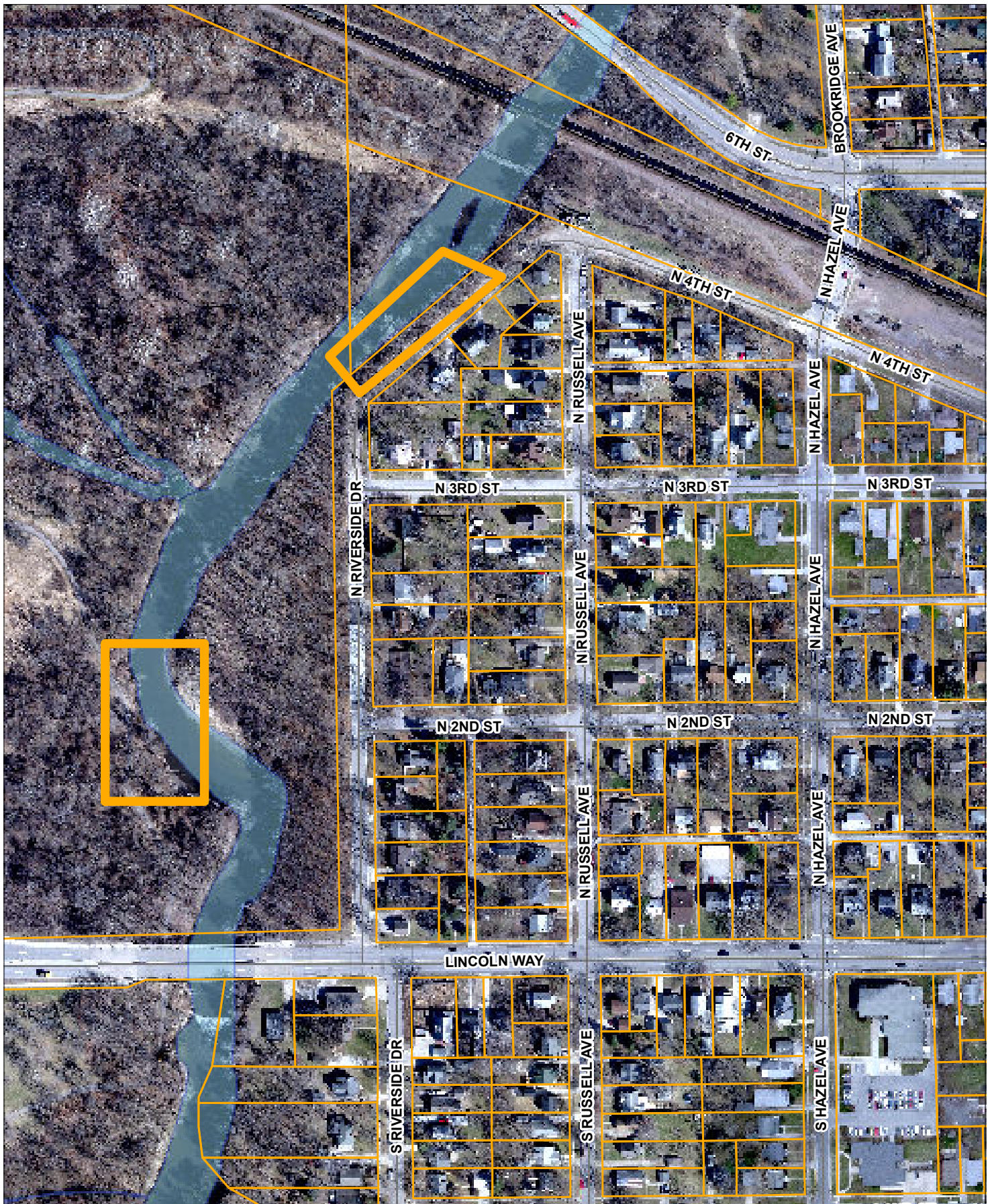
**ALTERNATIVES:**

1. Approve the Change Order to Engineering Services Agreement with Snyder & Associates for the Flood Damage – Bank Erosion (Near 326 N. Riverside and Stuart Smith Park) in an amount not to exceed \$16,600.
2. Reject the change order, which will result in the project being delayed.

**MANAGER'S RECOMMENDED ACTION:**

Due to the need to develop alternates for the Parks and Recreation portion of the project, this change order is needed to move forward and maximize FEMA participation.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the Change Order to Engineering Services Agreement with Snyder & Associates for the Flood Damage – Bank Erosion (Near 326 N. Riverside and Stuart Smith Park) in an amount not to exceed \$16,600.



Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other features contained in the data. All features represented in this product should be field verified. This Product is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the User.



# Flood Damage Repair Bank Erosion Project Areas



Scale: 1 in = 232 ft

Date: 5/3/2012



# Memo

City Clerk's Office

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

**FROM:** City Clerk's Office

**DATE:** May 4, 2012

**SUBJECT:** Contract and Bond Approval

There are no Council Action Forms for Item Nos. 19 through 22. Council approval of the contract and bond for these projects is simply fulfilling a *State Code* requirement.

/jlr



**COUNCIL ACTION FORM**

**SUBJECT: ACCEPTANCE OF COMPLETION – POWER PLANT UNIT 7  
CIRCULATING WATER PIPE REHABILITATION**

**BACKGROUND**

On September 13, 2011, the City Council approved preliminary plans and specifications for the Unit 7 Circulating Water Pipe Rehabilitation. This project was for the rehabilitation of the circulating water pipe located in Unit 7 at the Power Plant.

On October 12, 2011, bids were received and evaluated by Electric Services staff, who determined that the low bid submitted by L & P Painting was acceptable. The contract was awarded on October 25, 2011, at a cost \$155,072.

There was one staff approved change order issued in the not-to-exceed amount of \$25,000 for overtime to expedite the completion of the project. As a result, the total contract amount with the one change order is \$180,072. Since the actual overtime was less than anticipated, the actual cost to complete the project was \$157,428.25. The budgeted funding available to close this project is \$500,000, which is sufficient for this payment and all remaining close-out costs for this project.

All of the requirements of the contract have been met by L & P Painting, and the Power Plant Engineer has provided a certificate of completion.

**ALTERNATIVES:**

- 1) Accept completion of the contract for the Unit 7 Circulating Water Pipe Rehabilitation, and authorize final payment to the contractor in amount of \$7,871.41.
- 2) Delay acceptance of this project.

**MANAGER'S RECOMMENDED ACTION:**

The contractor for the Unit 7 Circulating Water Pipe Rehabilitation has completed the requirements of the contract. The Power Plant Engineer has issued a certificate of completion on the work, and the City is legally required to make final payment.

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

**COUNCIL ACTION FORM**

**SUBJECT: 2008/09 WATER SYSTEM IMPROVEMENTS (KELLOGG AVENUE WATER MAIN REPLACEMENT)**

**BACKGROUND:**

The annual Water System Improvements program provides for replacing water mains in areas that are experiencing rusting water problems. It also provides for installing larger distribution mains in areas that have a high concentration of 4-inch supply lines, transferring water services from 4-inch water mains in streets where larger water mains exist, and abandoning 4-inch water mains. Eliminating duplicate water mains, where possible, improves water flow and helps reduce rusty water. Installing larger distribution lines in areas that have a high concentration of 4-inch supply lines and less than desirable fire-fighting capacity (predominately in the older areas of the community) provides larger supply quantities in relation to the current and proposed land uses, in accordance with the Land Use Policy Plan.

This particular project entailed placing an 8-inch water main along Kellogg Avenue from Main Street to 7<sup>th</sup> Street to replace a 4-inch water main. The project also included transferring of services on Kellogg Avenue from Lincoln Way to Main Street that allowed for abandonment of the existing 4-inch water main. The start of this project was pushed back to take advantage of the street reconstruction along Kellogg Avenue. The delay in the start allowed for savings in the removal and replacement of the street and aided in minimizing the impact on local businesses.

On May 12, 2009, City Council awarded the contract to Ames Trenching & Excavating, Inc. of Ames, Iowa, in the amount of \$203,638.00. Construction was completed in the amount of \$164,087.80.

Summarized below are expenses for the 2008/09 Water System Improvements program's approved budget:

08/09 Downtown Pavement Improvements (Actual)	\$ 78,014
08/09 Concrete Pavement Improvements (Actual)	\$165,805
08/09 Water System Improvements (Water Main – Kellogg) (Actual)	\$164,088
08/09 Water System Improvements (Water Main – Billy Sunday Road) (Estimated)	\$139,000
08/09 Water System Improvements (Water Service Transfers) (Actual)	\$169,865
Engineering and Construction Administration (Estimated)	<u>\$137,800</u>
<b>Total</b>	<b>\$854,572</b>

This project was included in the 2008/09 Capital Improvements Plan with financing established in the amount of \$900,000 from the Water Utility Fund.

**ALTERNATIVES:**

1. Accept the 2008/09 Water System Improvements (Kellogg Avenue Water Main Replacement) as completed by Ames Trenching & Excavating, Inc. of Ames, Iowa, in the amount of \$164,087.80.
2. Direct staff to pursue other options.

**MANAGER'S RECOMMENDED ACTION:**

This project provides improved quality and quantity of water for the adjacent customers and was completed in accordance with project standards and specifications.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the 2008/09 Water System Improvements (Kellogg Avenue Water Main Replacement) as completed by Ames Trenching & Excavating, Inc. of Ames, Iowa, in the amount of \$164,087.80.

**COUNCIL ACTION FORM**

**SUBJECT: PLAT OF SURVEY – 410, 412, 420, 426 AND 432 WELCH AVENUE, AND 2422 KNAPP STREET**

**BACKGROUND:**

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

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

The subject site is located at:

Street Address: 410, 412, 420, 426 and 432 Welch Avenue and 2422 Knapp Street  
See Location Map (Attachment A)

Assessor's Parcel #: 09-09-178-340, 09-09-178-330, 09-09-178-320, 09-09-178-310, 09-09-178-300 & 09-09-178-020

Legal Description: Lots 3 through 7, except the East 15 feet thereof, in Block 1, Lee and Little's Addition to Ames, Story County, Iowa and the West 47 feet of the South 35 feet of the East 102 feet of Lot 1 and the West 47 feet of the East 102 feet of Lot 2, Block 1, Lee and Little's Addition to Ames, Iowa. (See the complete legal description on the attached Proposed Plat of Survey.)

Owner: Stritzel Apartments LC

A copy of the proposed plat of survey is attached for Council consideration (See Proposed Plat of Survey (Attachment C)). **The Plat consolidates six conveyance parcels through a boundary line adjustment into a single "Parcel C", for the purpose of establishing a valid lot of record for the construction of a new apartment building at 412 Welch Avenue.**

Pursuant to Section 23.308(4)(c), a preliminary decision of approval for the proposed plat of survey has been rendered by the Planning & Housing Department with no conditions.

The preliminary decision of 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.

Under Section 23.308(5), the Council shall render by resolution a final decision of approval if the Council agrees with the Planning & Housing Director's preliminary decision.

**ALTERNATIVES:**

1. The City Council can adopt the resolution approving the proposed plat of survey if the Council agrees with the Planning & Housing Director's preliminary decision.
2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.308 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

**MANAGER'S RECOMMENDED ACTION:**

The Planning & Housing Director has determined that the proposed plat of survey satisfies all code requirements, and has accordingly rendered a preliminary decision to approve the proposed plat of survey.

**Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1**, which is to adopt the resolution approving the proposed plat of survey. Approval of the resolution will allow the applicant to prepare the official plat of survey. It will further allow the prepared plat of survey to be reviewed and signed by the Planning & Housing Director confirming that it fully conforms to all conditions of approval. Once signed by the Planning & Housing Director, the prepared plat of survey may then be signed by the surveyor, making it the official plat of survey, which may then be recorded in the office of the County Recorder.

It should be noted that according to Section 23.308(10), the official plat of survey will not be 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.

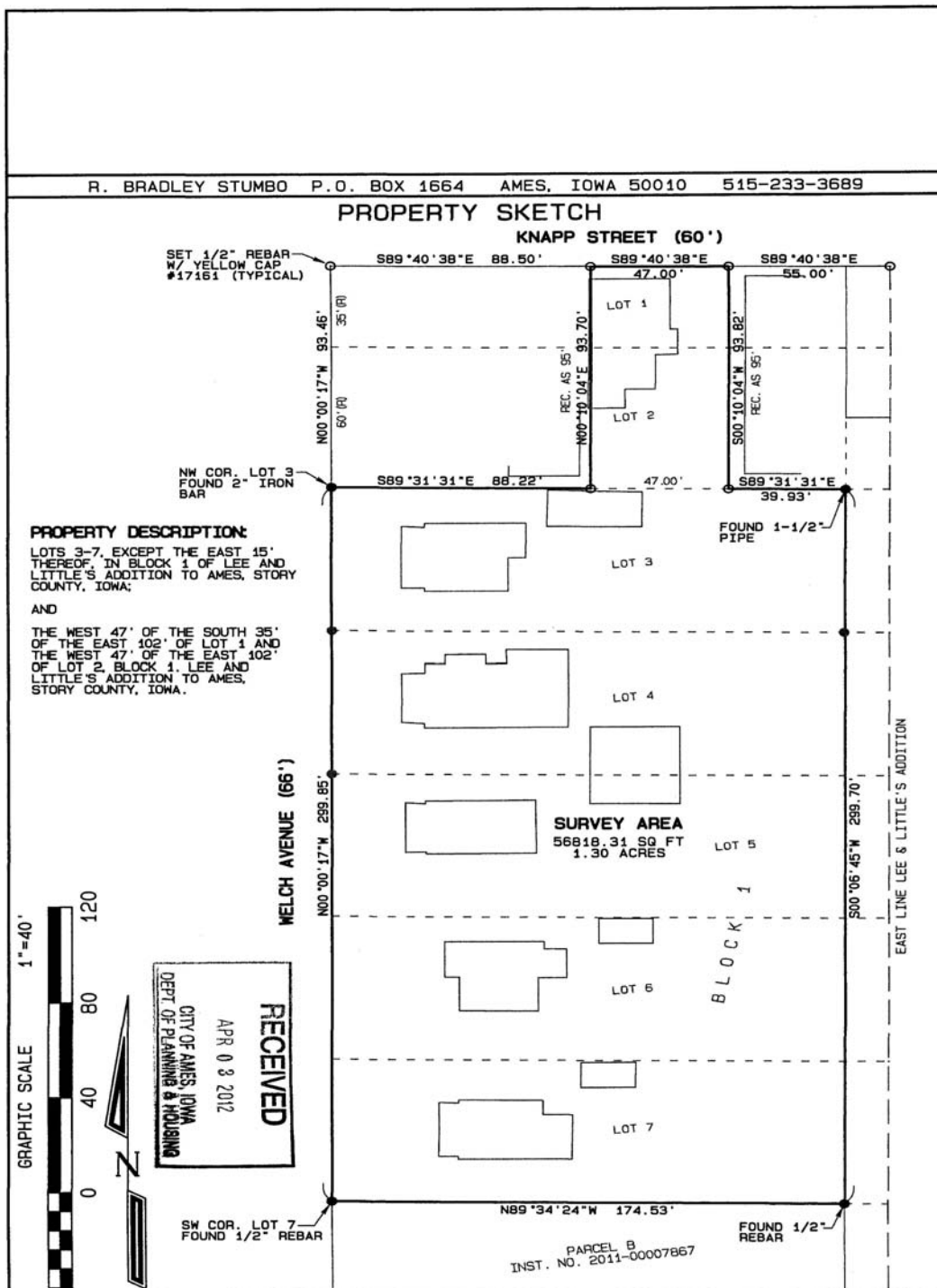
**Attachment A  
Location Map**



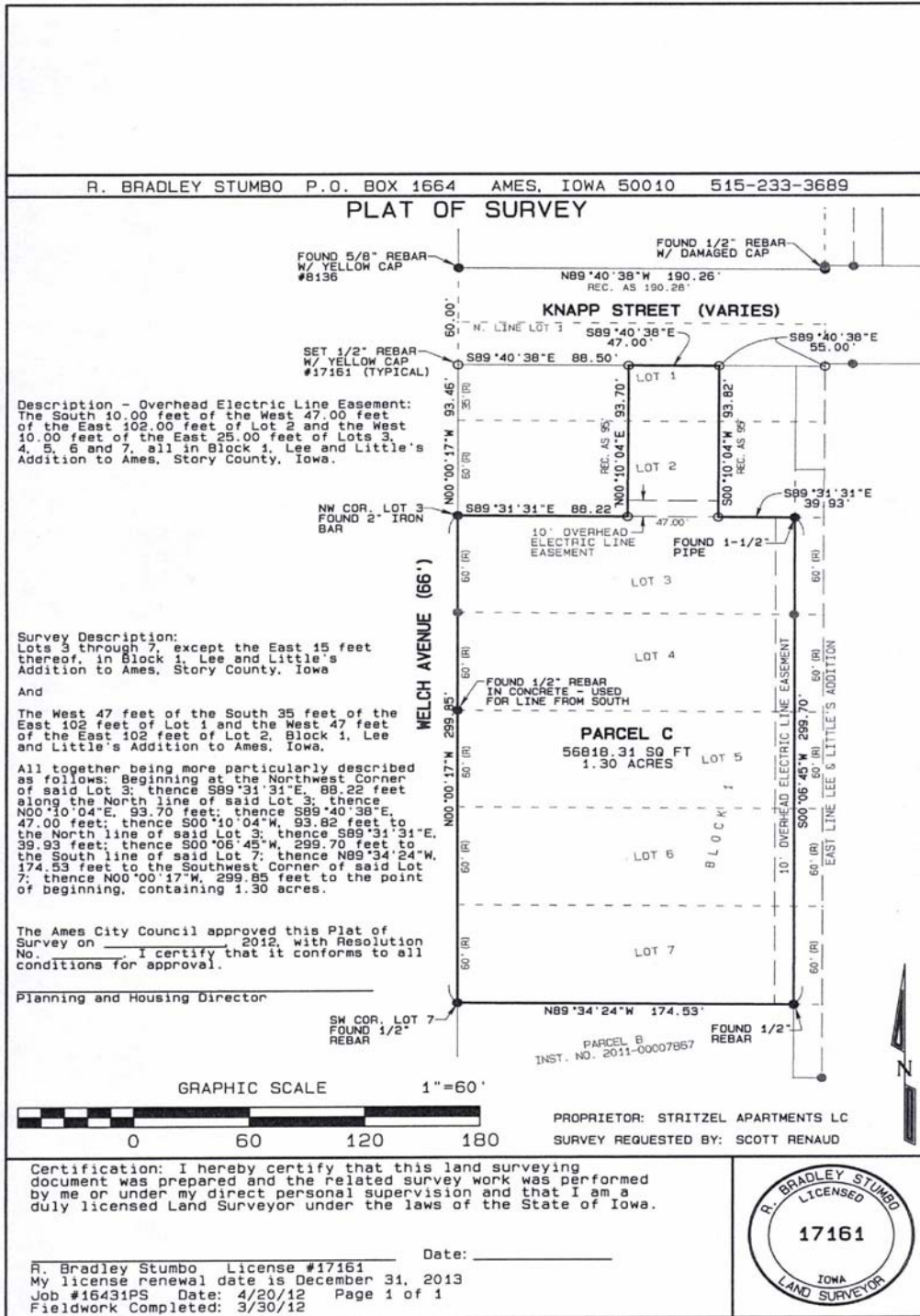
**Location Map  
412 Welch**

A north arrow pointing upwards, with the letter 'N' inside a circle. To the right of the north arrow is a small inset map showing a grid of streets. A red square on the inset map indicates the location of the subject area, which is situated at the intersection of a vertical street and a horizontal street.

### Attachment B Property Sketch of Existing Building Footprints



# Attachment C Proposed Plat of Survey





May 03, 2012

Mayor Campbell & City Council Members  
515 Clark Ave. PO Box 811  
Ames, IA 50010

Re: Priscilla Sage Artwork - *Topographical Illusion II*

Dear Mayor Campbell and City Council Members:

On behalf of the Public Art Commission, I am writing to inform you about the status of an agreement that was made with Priscilla Sage in 2009, for the acquisition of the art pieces entitled *Topographical Illusion I* and *Topographical Illusion II*, which are currently displayed within the foyer of City Auditorium as a matched pair.

The first piece of art was paid for in 2009. In accordance with the agreement between the PAC and Ms. Sage, dated September 26, 2009, *Topographical Illusion II* was to be "on loan" from the artist with the understanding that payment in the amount of \$8,000 would be made to her by January, 2012.

Since September, 2009, the Public Art Commission has only been able to fundraise \$1,500 of the needed \$8,000. The contract with the artist has now expired, and Ms. Sage has indicated that she would like to have the piece of art returned to her residence by May 15, 2012.

Because the PAC has been unable to raise the needed funds and because we feel that removal of this artwork from City Auditorium would be aesthetically detrimental, The Public Art Commission formally requests the use of unspent PAC funds from the 2009/2010 and 2010/2011 fiscal years, in the amount of \$6,500, in order to complete the purchase of *Topographical Illusion II*.

I am available for questions, should any arise. Thank you for your consideration in this matter.

Sincerely,

Chad J. West  
Public Art Commission - Co-Chair

Enclosures:

- Agreement for Sale of Artwork - *Topographical Illusion I* and *Topographical Illusion II* by Priscilla Sage
- Letter from Priscilla Sage, dated April 12, 2012
- Staff Report illustrating availability of funds

## Staff Report

Public Art Commission Request to Purchase *Topographical Illusion II*

May 8, 2012

**BACKGROUND:**

The attached letter from the Public Art Commission (PAC) asks that Council approve the use of unspent PAC appropriations from the past two fiscal years to purchase *Topographical Illusion II* by Priscilla Sage.

By way of background, the Commission annually receives an appropriation from the local option tax (LOT) fund to carry out its approved work plan. During most years, the PAC does not utilize the entire annual appropriation. With Council's approval, portions of those unspent allocations are sometimes carried over from year to year to fund future projects. This was the case with both the Patrick Dougherty and Peter Irniq sculpture projects at Ada Hayden Heritage Park. In other years, unspent allocations simply revert back to the LOT fund balance.

The table below summarizes the unspent allocations, approved carry-overs, and remaining balances for the 2009/10 and 2010/11 fiscal years:

Fiscal Year	Unspent Allocation	Approved Carry-over	Balance Reverted to Fund
2009/10	\$14,785	\$5,700	\$9,085
2010/11	\$25,457	\$16,877	<u>\$8,580</u>
			\$17,665

Through the years the PAC has periodically embarked on fund-raising efforts to augment the Council appropriations. That was the original source intended to fund the purchase of this artwork. While inadequate donations have been collected to make this purchase, it should be noted that the PAC's previous fund-raising efforts have resulted in a donations balance of slightly over \$1,500. Should Council desire to use the LOT fund balance to purchase this artwork, the required amount would be \$6,500.

During the May 2<sup>nd</sup> PAC meeting, the Commission discussed the possibility of funding this short-fall from what may be unspent from its 2011/12 appropriation. Reallocating a portion of the 2012/13 appropriation might be another option. However, the Commission opted to request that previous years' savings be utilized, in order to preserve 2011/12 and 2012/13 funding for other PAC initiatives already planned or underway.

*Topographical Illusion II* has been on display in the auditorium lobby alongside *Topographical Illusion I* since 2009. Should Council or others desire to view this artwork prior to the Council meeting, staff will be available before the meeting Tuesday night to open up the auditorium lobby.

### **OPTIONS FOR THE CITY COUNCIL TO CONSIDER:**

#### Option 1

The City Council can appropriate \$6,500 from the available balance in the Local Option Sales Tax Fund for the purchase of *Topographical Illusion II*.

This amount, coupled with the \$1,500 that has been raised from private donations, will allow the City to purchase the piece of artwork and allow it to remain in the City Auditorium. (This is the option preferred by the Public Art Commission.)

#### Option 2

The City Council can ask the Public Art Commission members to modify their FY 2011-12 budget and direct \$6,500 from this year's budget towards the purchase of this art piece.

This amount, coupled with the \$1,500 that has been raised from private donations, will allow the City to purchase the piece of artwork and allow it to remain in the City Auditorium.

#### Option 3

The City Council can ask the Public Art Commission members to modify their FY 2012-13 budget and direct \$6,500 from next year's budget towards the purchase of this art piece.

This amount, coupled with the \$1,500 that has been raised from private donations, will allow the City to purchase the piece of artwork and allow it to remain in the City Auditorium.

#### Option 4

The City Council can decide not to appropriate any additional funds for the purchase of *Topographical Illusion II*. This action will result in removing this art piece from the City Auditorium and returning it to the owner.

**CITY OF AMES  
PUBLIC ART PROGRAM**

**AGREEMENT FOR SALE OF ARTWORK**

**“Topographical Illusion I” and “Topographical Illusion II”  
by Priscilla Sage**

**THIS AGREEMENT** is made effective this 26<sup>th</sup> day of September, 2009, between the City of Ames, Iowa, hereinafter called the OWNER, and Priscilla Sage, hereinafter called the ARTIST. The Owner’s Representative shall be the Assistant City Manager.

1. **CONDITIONAL PURCHASE.** ARTIST does hereby sell to OWNER the works of art in the form of the wall hanging reliefs entitled “Topographical Illusion I” and “Topographical Illusion II” (ARTWORK) for and in consideration of the payment by OWNER to ARTIST of the sum of **\$8,000 for each wall hanging relief** subject to and in accordance with the terms of this Agreement.
2. **INSTALLATION.** The OWNER shall install this ARTWORK at the site selected by the OWNER. The OWNER shall be responsible for site preparation work, including installation of the ARTWORK.
  - a. The ARTIST shall notify the OWNER’s Representative in writing when the ARTIST is ready for delivery and installation of the ARTWORK at the site. Delivery and installation is to occur by October 1, 2009.
  - b. The ARTIST shall deliver and assist in installation of the ARTWORK at the site.
  - c. The ARTIST shall be responsible for mounting devices. The OWNER shall provide ladders and assistance from City staff during installation.
3. **MAINTENANCE INSTRUCTION.** The ARTIST shall provide to the Owner’s Representative complete written instructions for appropriate maintenance and preservation of the ARTWORK.
4. **ARTIST’S STATEMENT.** The ARTIST shall provide to the Owner’s Representative a written ARTIST’S statement regarding the ARTWORK that may be used for publication and exhibition purposes.
5. **COMPLETION.** The ARTIST shall advise the Owner’s Representative in writing when all services required under this Agreement have been completed. Within twenty (20) working days after receipt of this notification, the Owner’s Representative shall notify the ARTIST in writing of the OWNER’s final acceptance or non-acceptance of the ARTWORK. Failure to provide written notification of acceptance or non-acceptance after

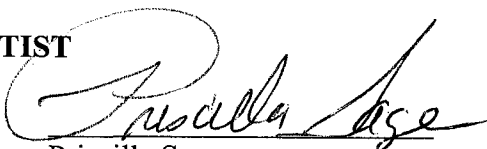
- twenty working days shall constitute final acceptance on the part of the OWNER.
6. **RISK OF LOSS.** The risk of loss or damage to the ARTWORK shall be borne by the ARTIST until the ARTWORK is installed and is accepted by the Owner's Representative, and the ARTIST shall take such measures as are necessary to protect the ARTWORK from loss or damage through all phases of installation until accepted by the Owner's Representative.
  7. **INDEMNITY.** The ARTIST agrees to indemnify and hold harmless the OWNER from any claims, liabilities, willful or non-willful acts of negligence by the ARTIST, by the ARTIST'S subcontractors or agents, and by volunteers assisting the ARTIST in installation of the ARTWORK, for any loss, theft, mutilation, vandalism or other damage (including that caused by acts of God) that may befall the ARTWORK during any activities related to the delivery and installation of the ARTWORK, or for any failure of warranty as hereinafter stated.
  8. **CONVEYANCE OF TITLE.** Title to the ARTWORK shall pass to the OWNER upon OWNER'S payment for and final acceptance of each completely installed ARTWORK. Upon final acceptance of the ARTWORK, and to the extent permitted by Iowa law, the OWNER shall indemnify and hold harmless the ARTIST against any and all claims or liabilities arising thereafter in connection with the ARTWORK, the site, the project or this Agreement, caused by the OWNER'S negligence.
  9. **PAYMENT.** The OWNER shall pay the ARTIST \$8,000 for each piece of the ARTWORK, which shall constitute full compensation for all services furnished by the ARTIST under this Agreement. Payment for "Topological Illusion I" is due to the ARTIST in January, 2010. Payment for "Topological Illusion II" is due to the ARTIST in January 2012, and is contingent upon the Public Art Commission having raised \$8,000 in donations for this purpose. Prior to these respective two payment dates, "Topological Illusion I" and "Topological Illusion II" shall be on loan from the ARTIST to the OWNER. During that time, the OWNER shall be responsible for the security and maintenance of both pieces of artwork.
  10. **WARRANTIES.** The ARTIST represents and warrants that:
    - a) the ARTWORK is solely the result of the artistic effort of the ARTIST;
    - b) except as otherwise disclosed in writing to the Owner's Representative, the ARTWORK is unique and original and does not infringe upon any copyright;
    - c) the ARTWORK, or a duplicate thereof, has not been accepted for sale elsewhere;
    - d) the ARTWORK is free and clear of any liens from any source whatever;
    - e) the ARTWORK, as fabricated and installed, will be free of defects in material and workmanship, including any "inherent defect" or qualities which cause or accelerate deterioration of the ARTWORK; and
    - f) reasonable maintenance of the ARTWORK will not require procedures substantially in excess of those described in the maintenance recommendations to be submitted by the ARTIST to the Owner's Representative hereunder.

The warranties described in this Section shall survive for a period of ten years after the final acceptance of the ARTWORK. The OWNER shall give notice to the ARTIST of any observed breach with reasonable promptness. The ARTIST shall, at the request of the OWNER, and at no cost to the OWNER, cure reasonably and promptly the breach of any such warranty which is curable by the ARTIST and which cure is consistent with professional conservation standards (including, for example, cure by means of repair or refabrication of the ARTWORK).

11. **ARTIST INDEPENDENT CONTRACTOR.** It is understood and agreed that the ARTIST is an independent contractor and not an employee of the OWNER; and that the OWNER shall not have any worker's compensation liability to the ARTIST or the ARTIST'S employees, volunteers or subcontractors. It is further understood that the ARTIST'S subcontractors shall have no recourse for payment of costs of labor and materials against the OWNER. Further, in consideration of this contract, ARTIST does hereby indemnify and hold the City harmless from any and all claims arising from the negligence of the ARTIST or the ARTIST'S employees, volunteers and subcontractors.
12. **REPRODUCTION RIGHTS.** The ARTIST grants to the OWNER and its assigns an irrevocable license to make two dimensional reproductions of the ARTWORK for any purpose including commercial purposes, and by way of specification but not limitation, reproductions used in advertising, calendars, posters, brochures, media, publicity, catalogues, or other similar publications.
13. **MAINTENANCE:** The OWNER recognizes that maintenance of the ART WORK on a regular basis is essential to the integrity of the ART WORK. The OWNER shall reasonably assure that the ART WORK is properly maintained and protected, taking into account the instructions of the ARTIST provided in accordance with Section 3.
14. **RELOCATION OR REMOVAL.** The OWNER reserves the right to alter the location of the ART WORK; relocate the ART WORK to another site; and remove the ART WORK from public display.
15. **ENTIRE AGREEMENT.** This writing embodies the entire Agreement and understanding between the parties hereto, and there are no other agreements and understandings, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby. No alteration, change, or modification of the terms of the Agreement shall be valid unless made in writing and signed by both parties hereto and approved by appropriate action of the OWNER.

**ARTIST**

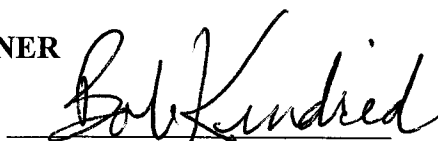
By:



Priscilla Sage  
435 Welch Avenue

**OWNER**

By:



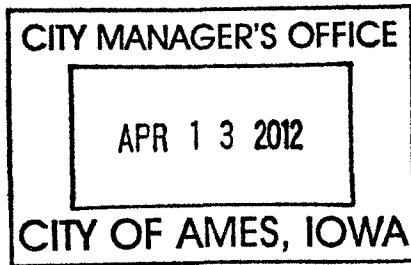
Bob Kindred, Assistant City Manager  
P. O. Box 811

Ames, IA 50014  
515.292-8245  
pksage@iastate.edu

Date: Oct 2, 2009

Ames, IA 50010  
515.239.5101  
bkindred@city.ames.ia.us

Date: Oct. 2, 2009



435 Welch Ave  
Ames, IA 50014  
(515) 292-8245  
pksage@iastate.edu

April 12, 2012

Ames Public Art Commission  
City of Ames  
515 Clark Avenue  
Ames, IA 50010

Dear Commission Members:

In 2009, members of the Public Art Commission (PAC) contacted me and subsequently selected Topographical Illusion I & II to be placed as a pair on either side of the Kiosk in the foyer of city auditorium. In accordance with the September 26, 2009 contract, I received payment for Topographical Illusion I and was asked to loan Topographical Illusion II to the city until payment could be made in January 2012.

All of the artwork in the foyer was to be carefully placed and installed by PAC and Town and Gown members. Without Topographical Illusion II, the installation would be considerably weakened and incomplete, which is why I agreed to the loan – trusting that the funds would be raised.

Allison Sheridan's March 27, 2012, e-mail has informed me of the PAC's failure to raise funds to cover payment for Topographical Illusion II.

Since you were unable to complete your part of the contract, please return Topographical Illusion II to me at my residence by May 15, 2012.

If you have any questions or concerns, I can be reached at the address, telephone, or e-mail listed above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Priscilla K. Sage".

Priscilla K. Sage

cc: Bob Kindred, Assistant City Manager



**COUNCIL ACTION FORM**

**SUBJECT: AMES PATRIOTIC COUNCIL MEMORIAL DAY PARADE REQUESTS  
FOR MAY 28, 2012**

**BACKGROUND:**

Each year the Ames Patriotic Council conducts a community observance of Memorial Day. This observance involves a parade from City Hall to the Municipal Cemetery, followed by a memorial service at the Cemetery.

The following requested items are presented for City Council approval in order to facilitate the Memorial Day observance:

1. Closure of the south half of Parking Lot M (west of City Hall) from 9:00 a.m. to 11:00 a.m. for staging of the parade entries
2. Closure of Fifth Street from Grand Avenue through the Clark Avenue intersection from 9:00 a.m. to 11:00 a.m. for the line-up and start of the parade entries
3. Temporary closure of Clark Avenue from Fifth to Ninth Street (for movement of the parade) between 10:30 a.m. and 11:00 a.m.
4. Temporary closure of Ninth Street between Clark Avenue and Maxwell Avenue (for movement of the parade) between 10:45 and 11:00 a.m.
5. Temporary closure of Sixth Street at Clark Avenue and Duff Avenue at Ninth Street as the parade moves through those intersections

Temporary closures of residential streets that intersect Ninth Street and Clark Avenue will occur as the parade progresses. Public Works will provide barricades for all of the street closure areas. Barricades will be staffed by parade volunteers and/or residents of the area. Most intersection closures will last only for a number of minutes.

The Ames Police Department will provide a lead car for the parade and will assist participants through the Sixth Street and Duff Avenue intersections.

City Hall employees will be asked to park personal and work vehicles in the north half of Lot M for that morning. The rain location for these activities will be the Ames Municipal Auditorium.

**ALTERNATIVES:**

1. The City Council can approve the Ames Patriotic Council's requests for use of City facilities and services for Memorial Day festivities on May 28, 2012.
2. The City Council can direct staff to make other arrangements with the Patriotic Council.
3. The City Council can deny the requests.

**MANAGER'S RECOMMENDED ACTION:**

This parade and memorial service at the Municipal Cemetery are an integral part of the community's annual Memorial Day commemoration.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the Ames Patriotic Council's requests for use of City facilities and services for Memorial Day activities on May 28, 2012.

**COUNCIL ACTION FORM**

**SUBJECT: APPLICATION FOR STATE ENERGY PROGRAM GRANT FUNDS**

**BACKGROUND:**

Staff recently learned that the Iowa Economic Development Authority (IEDA) Energy Division has a significant amount of potential grant funding remaining in the State Energy Program (SEP). This program is designed to fund projects that improve energy efficiency, reduce energy costs, and promote economic growth. SEP funds are tied to the American Recovery and Reinvestment Act (ARRA), and must be used by August 31, 2012.

The requirements of the SEP program are similar to the requirements for the Energy Efficiency and Conservation Block Grant Program, which the City previously used to successfully complete traffic signal, parking lot, street, and building lighting retrofits. SEP would fund up to 50% of an approved project's costs. Projects would need to meet the Buy American provision of the ARRA that requires all equipment purchased to be assembled in the United States. Any contract labor used to complete projects would need to meet Davis-Bacon prevailing wage requirements, which in some cases requires that the City pay higher costs. IEDA has indicated that if a project qualifies for rebates through a local utility, the City may keep those rebates.

After soliciting proposals from departments, staff proposes applying for SEP funds for the following three projects:

<b>Location</b>	<b>Project</b>	<b>Budgeted Cost</b>	<b>Funding Source</b>	<b>Payback Period</b>
Resource Recovery Plant	Convert 223 Fluorescent/Metal Halide Lights to LED	\$60,000	2011/12 RRP Operating Budget	3.33 years
Water Wells	Downsize Pumps/Install Variable Frequency Drives on up to 22 well pumps	\$165,000	2012/13 Water CIP	Varies. Longest payback is estimated to be less than 15 years
Electric Distribution Warehouse	Replace two heat pumps	\$16,000	2012/13 Electric Distribution Operating Budget	16.5 years

Resource Recovery staff has received an estimate from a vendor for converting lighting in the Plant from fluorescent and metal halide to LED. This preliminary figure indicates LED conversion would have a payback of 3.33 years considering energy and maintenance cost savings.

Water Department staff recently downsized pumps on two wells, resulting in reduced electricity costs and a payback of approximately one year. For the remaining 22 wells, energy reduction is not expected to be as drastic. However, a consulting engineer will determine, based on payback and cost calculations, whether each well pump should be downsized or have a variable frequency drive installed. Wells that require simpler retrofits would be considered for the grant money. Any wells that may not be able to be retrofitted by August would be completed with 100% City funds. Additionally, any wells where retrofitting delivers a payback longer than 15 years will likely not be completed with grant funding.

Electric Distribution has set aside \$16,000 in next year's budget to replace two out of the three heat pumps that serve the building. These units are eight years old, but have begun to perform poorly and are in need of replacement. Staff has only rough estimates for cost of equipment and installation for the project at this time, so the payback period may improve or lengthen depending on project costs.

Because of the short time frame in which these projects must be applied for, approved, and completed, staff is seeking Council approval before the project information is known in greater detail. Meetings with designers of these projects are scheduled to take place in mid-May. Should Council authorize the projects, the updated information calculated from these meetings will be used in the grant application.

**ALTERNATIVES:**

1. Direct staff to submit the three projects listed above for the State Energy Program, and authorize the use of funds from the Resource Recovery budget, Water CIP, and Electric Distribution budget as matching funds for each project.
2. Do not authorize staff to submit the application for the State Energy Program.

**MANAGER'S RECOMMENDED ACTION:**

These projects would all likely be pursued in the future, either as cost-savings measures or as necessary replacements for failing equipment. Pursuing these projects through this grant opportunity allows the City to reduce costs to Ames ratepayers and allows these projects to be completed earlier.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby directing staff to submit the three projects listed above for the State Energy Program, and authorizing funds from the Resource Recovery budget, Water CIP, and Electric Fund as matching funds for each project.

**COUNCIL ACTION FORM**

**SUBJECT: POWER PLANT UNIT 8 FEEDWATER HEATER REPLACEMENT**

**BACKGROUND:**

On March 6, 2012, City Council approved preliminary plans and specifications for Unit 8 Feedwater Heater Replacement. This project is for a contractor to supply and replace feedwater heaters on Power Plant Unit 8.

Bid documents were issued to twenty-three potential bidders. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published in the Ames Tribune. The bid was also sent to three plan rooms.

On April 11, 2012, two bids were received as shown below:

<b>Bidder</b>	<b>Alternate 1: 70-30 Cu-Ni Material</b>	<b>Alternate 2: T-22 Material</b>
SPX Heat Transfer, Inc., Bethlehem, PA	\$825,697	\$752,007
HOLTEC International, Inc., Marlton, NJ	<b>Non-Responsive</b>	

Council should note that the bid document contained two alternatives on which the bidders could submit a bid. Electric Services staff reviewed both alternatives and determined that the Alternate 2: T-22 Material would be most appropriate.

The bid submitted by HOLTEC International, Inc., was found to be non-responsive because bid security was not submitted with its bid.

As a result, the only bid remaining for consideration is from SPX Heat Transfer., Bethlehem, PA in the amount of \$752,007. Staff has reviewed the bid and concluded that it is acceptable. SPX Heat Transfer, Inc. is not licensed to collect sales taxes for the State of Iowa. Therefore, the City would pay applicable Iowa Sales Taxes in the amount of \$44,654.89 directly to the State.

SPX Heat Transfer took numerous exceptions to the City of Ames Standard Terms & Conditions on its bid submittal. The City Attorney identified two exceptions taken that would pose the greatest risk for the City. In regards to the two exceptions, the City Attorney's comments are as follows:

Exception 1:

*“City’s bidding document terms require the contractor to indemnify the City for any claims based on the contractor’s work. The exception taken by SPX effectively limits the contractor’s responsibility to claims based on gross negligence or willful misconduct, thereby shifting responsibility for claims based on contractor’s negligent acts or omissions to the City.”*

Exception 2:

*“The exception to the City’s bidding document taken by SPX caps contractor’s liability at the contract price, directly contradicting other sections of the standard terms and conditions, thereby shifting some risk from the contractor to the City.”*

**Staff has reviewed the exceptions proposed by SPX and have determined that it is worth the risk by agreeing to the two exceptions taken. SPX is the parent behind the brand of YUBA Feedwater Heaters, which is a recognized top tier supplier of this equipment in the power industry.**

The Engineer’s estimate of the total contractor cost of this project for Unit 8 is \$875,000.

The 2012/13 Capital Improvements Plan includes \$980,000 for Feedwater Tube Replacement for Unit 8, while the 2014/15 CIP includes \$980,000 for the future Feedwater Tube Replacement planned for Unit 7.

**ALTERNATIVES:**

1. a. Agree to the exceptions to the terms and conditions of the City of Ames bidding document.  
  
b. Award a contract to SPX Heat Transfer, Inc., Bethlehem, PA, for the Unit 8 Feedwater Heater Replacement in the amount of \$752,700 plus applicable sales taxes to be paid directly by the City of Ames to the State of Iowa.
2. Reject all bids and delay the replacement of the Unit 8 feedwater heaters.

**MANAGER'S RECOMMENDED ACTION:**

Feedwater heaters are subject to long term corrosion and wear due to operating conditions in the Plant. Replacement is required in order to maintain operability and high efficiency. As is noted above, poorly maintained feedwater heaters increase costs for the utility, and there is a risk of damage to the boiler due to a higher firing rate. Additionally, staff has already obtained a construction permit for this project, so there is minimum risk of anticipated delays in beginning the work.

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

**COUNCIL ACTION FORM**

**SUBJECT: RENEWAL OF HEALTH INSURANCE ADMINISTRATIVE SERVICES CONTRACT**

**BACKGROUND:**

Eight years ago, the City sought alternative bids for administrative services and excess coverage for our self-insured health and pharmacy programs. At that time, we added requirements developed by an internal Health Insurance Team whose final report and recommendations served as the basis for a request for proposals (RFP). That RFP yielded three quotations from providers. The City Council subsequently approved award of the administrative services and excess coverage to Wellmark Blue Cross Blue Shield of Iowa.

Over the past eight years Wellmark has provided good customer service and has had a commendable record of accurate and timely claims payment. Wellmark also has advantageous contractual relationships with medical providers in Ames and throughout Iowa, which allows the City to receive significant discounts on services received. Added to this is the fact that they have a proven record of being able to administer the existing plans, and have been willing and capable partners in our efforts to improve the health status of employees and their families through quality programs and service.

Effective July 1, 2012, Wellmark will charge \$38.76 per employee per month in administrative and access fees for a yearly total of \$248,374. This is an increase of 1% from 2011/12.

Effective July 1, 2012, Wellmark will charge \$26.30 per employee per month for specific and aggregate stop loss premiums. Having this individual stop loss protects the City from specific claims that exceed \$125,000 incurred in one year, while the aggregate stop loss protects the City in the event that total claims exceed 120% of what was expected. In 2011/12, the City did qualify for some significant recoveries under the specific stop loss policy, and so the 2012/13 rates increased 6.5% to reflect those claims. In 2012/13, the City will pay \$168,530 in specific and aggregate stop loss premiums.

**ALTERNATIVES:**

1. Accept the renewal documents from Wellmark for administrative services, specific and aggregate excess insurance, and access fees for benefits effective from July 1, 2012 to June 30, 2013.
2. Do not renew the agreement with Wellmark.

**MANAGER'S RECOMMENDED ACTION:**

Over the past several years Wellmark has been an effective administrator of the City's health care administrative services. Wellmark's services are cost-effective, they have a strong working relationship with Human Resources staff and the City's other health care partners, and they have advantageous contractual relationships with medical providers which allow the City to receive significant discounts on services received. Renewal of this contract will provide the best value to the City in administering its health insurance program.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the renewal for administrative services, specific and aggregate excess insurance, and network access fees with Wellmark Blue Cross Blue Shield of Iowa for the period from July 1, 2012 to June 30, 2013.



**COUNCIL ACTION FORM**

**SUBJECT: RENEWAL OF DENTAL INSURANCE ADMINISTRATOR CONTRACT**

**BACKGROUND:**

For many years, the City has contracted with Delta Dental of Iowa to administer the Dental Insurance benefits approved by City Council for City employees and their families.

Over the past several years Delta has provided good customer service and has had a commendable record of accurate and timely claim payment. Delta also has advantageous contractual relationships with dental providers in Ames and throughout Iowa, which allow the City to receive significant discounts on services received. Delta has a proven record of being able to administer the existing plans.

Effective July 1, 2012, Delta Dental will charge \$3.61 per covered employee per month, which is \$23,133 annually. This is an increase of approximately \$957 or 3% over Delta's 2011/12 rates.

**ALTERNATIVES:**

1. **Approve** the renewal agreement for administrative services with Delta Dental of Iowa for the period from July 1, 2012 to June 30, 2013.
2. Reject the renewal from Delta Dental of Iowa.

**MANAGER'S RECOMMENDED ACTION:**

Delta Dental has been an effective administrator of the City's dental administrative services for two decades. Delta's services are cost-effective, and they have maintained a cooperative working relationship with Human Resources staff.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the renewal agreement for administrative services with Delta Dental of Iowa for the period from July 1, 2012 to June 30, 2013.

**COUNCIL ACTION FORM**

**SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
2012-13 ANNUAL ACTION PLAN PROJECTS**

**BACKGROUND:**

In order to receive federal Community Development Block Grant (CDBG) funds, the City must submit a Consolidated Plan to the Department of Housing and Urban Development (HUD). The Consolidated Plan is the planning document (Comprehensive Housing Affordability Strategy, or CHAS) for the jurisdiction. This Plan requires detailed background information on the community derived from both census data and other comprehensive studies performed by the community. The Plan must also identify, over a five-year period, the goals and priorities to address the housing and community development needs of low- and moderate-income persons and the housing and community development needs of non- low and moderate-income persons in the community. The goals and priorities for this program were originally established by the City in its 2009-14 Consolidated Plan.

The Consolidated Plan requires that the City develop an Annual Action Plan that outlines the program activities to be undertaken to address or meet those goals and priorities. The Annual Action Plan can address **one or all** of the goals and priorities of the housing and community development needs identified in the Consolidated Plan.

HUD regulations require that the Annual Action Plan be submitted for approval within 45 days before the beginning of the program fiscal year (i.e., by May 17, 2012). It also requires that the Plan be published for 30 days to allow for citizen input on the proposed project(s) for utilization of the funds.

HUD has published the 2012 CDBG funding allocations for entitlement cities. The City of Ames allocation is listed at \$511,276 for FY 2012. As in the past, staff met with the City Council in January to review proposed plan priorities and projects prior to conducting forums for public input. Staff then conducted public forums in February and shared those comments with the City Council. The 30-day comment period ended on May 4, 2012, with no comments being received.

**Attachment 1** is a table showing the 2012-13 Annual Action Plan program activities. The programs being recommended for next year are **Home Improvement Rehabilitation, Homebuyer Assistance, Dangerous Building, Single-Family Conversion, and Neighborhood Infrastructure Improvements**), which are the same programs as in 2011/12. These programs continue to focus on the Council's goal of strengthening our neighborhoods. **Attachment 2** is a table showing the budget for each of the projects, including administration.

Staff's rationale for recommending the continuation of these programs is as follows:

- The proposed projects are consistent with the Council's goals and priorities to focus on neighborhood sustainability by improving both the housing stock and the infrastructure in low- and moderate-income vital core neighborhoods.
- The proposed projects reduce the downtime for starting new programs that can affect the City's ability to meet HUD's timely expenditure requirements.
- The limited number of programs proposed for FY 2012-13 reflect the workload capabilities of staff assigned to the CDBG program.

All of the proposed activities would be of 100% benefit to low-and moderate-income persons and/or neighborhoods.

**ALTERNATIVES:**

1. The City Council can approve submittal of the 2012-13 Annual Action Plan Program Projects to HUD in connection with the City's Community Development Block Grant Program.
2. The City Council can approve, with modifications, submittal of the 2012-13 Annual Action Plan Program Projects to HUD.
3. The City Council can refer this item back to staff with further direction.

**MANAGER'S RECOMMENDED ACTION:**

The programs being recommended for next year (Home Improvement Rehabilitation, Homebuyer Assistance, Single Family Conversion, Operation and Repair, Dangerous Buildings removal, as well as Neighborhood Infrastructure Improvements) focus on the City Council's goal of strengthening our neighborhoods and are consistent with the priorities of the City's 2009-14 Consolidated Plan.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the 2012-13 Annual Action Plan Program Projects.

## ATTACHMENT 1

### PROPOSED 2012-13 AMENDED ANNUAL ACTION PLAN PROGRAM ACTIVITIES

Project Activities	Program Description	Priority Goal	CDBG National Objective
<p>The <b>Neighborhood Sustainability Program</b> is comprised of the following subcomponent programs:</p> <ol style="list-style-type: none"> <li>1. <b>Home Improvement Rehabilitation Program</b></li> <li>2. <b>Homebuyer Assistance</b></li> <li>3. <b>Dangerous Buildings Program</b></li> <li>4. <b>Single-family Conversion Program</b></li> <li>5. <b>Operation and Repair</b></li> </ol>	<p>The overall goal of the Neighborhood Sustainability program is to increase the availability of housing to low- and moderate-income families and to maintain and sustain decent, safe, and sanitary housing stock in existing neighborhoods by providing <u>home repair grants</u> for owner-occupied housing units, and repair assistance to property owners of single-family rentals for conversion back to single-family homeownership and <u>down payment and closing cost assistance</u> to first-time homebuyers, and demolish deteriorated properties in conjunction with our Dangerous Building Initiatives.</p>	1, 2	Low- & Moderate-Income Benefit
<p>The <b>Public Improvement Program</b> is comprised of the following subcomponent programs:</p> <ul style="list-style-type: none"> <li>• <b>Neighborhood Infrastructure Improvements</b> (curb, street resurfacing, sidewalks, etc.) in targeted low- and moderate-income census tracts</li> </ul>	<p>The overall goal of the Public Improvement Program is to preserve and enhance <b>the viability and aesthetics of our core existing neighborhoods by maintaining the public infrastructure.</b></p>	3	Low- & Moderate-Income Benefit

## ATTACHMENT 2

### 2012-13 Action Plan Expenditure Budget:

<u>Programs</u>	<u>Budget</u>
Operation and Repair (Acquisition/Reuse)	62,500
Dangerous Building Program (Slum & Blight)	45,000
Neighborhood Home Improvement Program	426,021
Single-Family Conversion Project	25,000
Homebuyer Assistance Program	115,500
Neighborhood Infrastructure Improvements Program	378,896
2012-13 Program Administration	<u>113,229</u>
Total	<u>\$1,166,146</u>

### Proposed 2012-13 Action Plan Revenue Budget:

2012-13 CDBG Allocation	\$ 511,276
2011-12 Anticipated Program Rollover	600,000
2012-13 Anticipated Program Income	<u>54,870</u>
Total 2012-13	<u>\$1,166,146</u>

**COUNCIL ACTION FORM**

**SUBJECT: REZONING TO AMEND THE PRELIMINARY PLAT/MAJOR SITE DEVELOPMENT PLAN FOR RINGGENBERG PARK SUBDIVISION AND TO AMEND THE ZONING MAP DESIGNATION OF OUTLOT E TO GOVERNMENT/AIRPORT (S-GA)**

**BACKGROUND:**

In 2003, property totaling 135 acres on the south side of Oakwood Road was annexed into the City. In April and May of 2005, City Council approved the rezoning and a Preliminary Plat/Major Site Development Plan for the Ringgenberg Park Subdivision for 117 acres of this land. (See Attachment A Location Map.) The north 21-acre portion was zoned Suburban Residential Medium Density (FS-RM) for multi-family development, and the south 96-acre portion was zoned Planned Residence District (F-PRD), comprising 202 lots for single-family residential development and a series of outlots to be utilized for storm water management and open space. (See Attachment C Existing Overall Plan and Attachment E Existing Zoning.)

In December 2005, the City Council approved the first Final Plat for the property, which provided lots and infrastructure for 78 single-family detached residences and associated stormwater management and open space areas. (See Attachment B Ringgenberg Park Diagram.) The development has proceeded with the construction of infrastructure and single-family detached homes in the central portion of the project area. Although a Master Plan was approved at the time of zoning the north FS-RM portion, no multi-family housing has yet been developed. No proposals are currently being made for this north portion of the Ringgenberg Park subdivision.

In November 2009, the City Council approved the Final Plat for Ringgenberg Park Subdivision, 2<sup>nd</sup> Addition. This plat divided the south portion of the Ringgenberg Park Subdivision into Outlot D, which would be developed per the approved Preliminary Plat/Major Site Development Plan, and Outlot E, to be sold to Iowa State University for agricultural purposes. (See Attachment B Ringgenberg Park Diagram.) Ringgenberg Estates, L.L.C., property owner of Outlot D, now intends to proceed with development of Outlot D.

Ringgenberg Estates, L.L.C. is requesting approval of a revised Preliminary Plat/Major Site Development Plan to exclude Outlot E, by changing the overall boundary of the area that the Zoning Map designates as Planned Residence District (F-PRD). Thus, a new zoning district must be designated for Outlot E. Most other property in the City owned by Iowa State University is designated on the zoning map as Government/Airport (S-GA). Therefore, a zoning map amendment is proposed to change the zoning designation of Outlot E from Planned Residence District (F-PRD) to Government/Airport (S-GA). (See Attachment E Existing Zoning and Attachment F Proposed Zoning.)

The proposed rezoning reduces the total F-PRD property from 96.22 acres to 55.30 acres and reduces the total number of lots for single family detached residences from 199 to 109. The revised Preliminary Plat/Major Site Development Plan modifies the design of streets, utilities, and the stormwater management system. It allows development of 31 lots for single-family detached residences, completing the project. Because F-PRD zoning establishes zoning standards “as per plan,” approval of a revised Preliminary Plat/Major Site Development Plan for an area zoned F-PRD essentially rezones the property from the original plan to a new plan. (See Attachment B Ringgenberg Park Diagram and Attachment D Proposed Overall Plan.)

**Land Use and Zoning.** In 2005, the City Council determined that the F-PRD zoning and Preliminary Plat/Major Site Development Plan are consistent with the Land Use Policy Plan.

The City Council also determined that the integrated design, open space, site amenities, and landscaping exceeds the requirements for Suburban Residential Low Density development standards. The City Council confirmed that the development pattern is more aesthetic in design and sensitive to the natural features of the site and to surrounding uses of land than would customarily result from the application of Suburban Residential Low Density zoning requirements.

Among the most prominent features of the development design are the naturalized areas around which the lots are distributed and the stormwater swales at the back of most lots that carry surface drainage to these naturalized areas. The north naturalized area has been constructed and is planted with a wide variety of native prairie plants. The overall design of this feature controls stormwater runoff rates from the site during various storm events, promotes infiltration of the stormwater into the soil on site, and cleans the water before it leaves the site. A trail system is integrated throughout the site that provides pedestrian and bicycle connection to the naturalized prairie features.

The proposed change to the Preliminary Plat/Major Site Development Plan does not alter this overall approach. It eliminates the originally planned, second naturalized prairie area, but replaces it with a smaller common open space. As shown on the plans and in the Stormwater Management Plan of March 20, 2012 that was reviewed by staff, drainage features in this open space will also detain, convey, and clean stormwater and be planted with native prairie plants.

The complete Preliminary Plat/Major Site Development Plan is a separate document for this agenda item. (Please see Attachment I below for a list of the Plan sheets in that document.)

**Planned Residential Development (PRD) Development Principles.** With its original approval in 2005, the City Council determined that the Preliminary Plat/Major Site Development Plan adhered to development principles contained in Section 29.1203 of the Zoning Ordinance. (See Attachment G PRD Development Principles) Note that these principles are value statements and not directly measurable. In order to review the proposed revision to the Preliminary Plat/Major Site Development, it is not necessary to reconsider all of these principles, but only those that are relevant to the proposed revisions, as follows:

**#e. Promote aesthetic building architecture, significant availability of open space, well designed and landscaped off-street parking facilities that meet or exceed the underlying zone development standards, more recreation facilities than would result from conventional development, and pedestrian and vehicular linkages within and adjacent to the property.**

The open space with native planting constitutes over 30% of the total project area, almost 18 acres for 109 lots. As with the original plan, all lots have access directly to the project open space and have access to the pedestrian and bicycle network, in some cases more than one access.

**#g. Provide for a development design that can be more efficiently served by existing and proposed infrastructure, including: street, water, sewer, and stormwater infrastructure, than would be otherwise required as a result of conventional development.**

This proposed revision reduces the previously approved infrastructure in proportion with the reduced number of lots and maintains the efficiency of the original plan.

#### **Planned Residential Development (PRD) Supplemental Development Standards.**

In 2005, the City Council also determined that the Preliminary Plat/Major Site Development Plan met the Supplemental Development Standards of Table 29.1203(5) of the Zoning Ordinance. These standards are measurable and quantifiable. (See Attachment H PRD Development Standards) Staff has reviewed the revised Preliminary Plat/Major Site Development with respect to each of these Standards and has identified the following as relevant to the proposed revisions:

**Density.** The originally approved Preliminary Plat/Major Site Development Plan established density of development (number of dwelling units per net acre or DUA) based on the zoning standards of Low Density Residential use, which is a minimum of 3.75 DUA and a maximum of 7.26 DUA. The original Plan density was 3.81 DUA. The density of the development will be decreased slightly to 3.80 DUA.

**Open Space Design Requirements.** Although the open space area is reduced, one of the two centrally-located open space areas remains and the perimeter open space continues in the remainder of the development. For these reasons, the open space is still “a significant and integrated feature of the entire area to be developed as a PRD project” as the Standard requires.

**Open Space Area Requirement.** The open space standard is a minimum 40% of the gross area. The current Preliminary Plat/Major Site Development Plan for Ringgenberg Park Subdivision was approved based on 23.06 acres of dedicated open space plus 21.10 acres of landscape area on the lots (based on the standard for low density residential development to have 40% landscaped area). These 44.16 acres of open space constituted 46% of the total area with F-PRD zoning. The proposed plan provides 17.74 acres of dedicated open space plus 11.45 acres of landscape area on the lots (40% of 28.62 acres of lots) for a total



open space area of 29.19 acres. This is 53% of the revised gross area of 55.30 acres, which exceeds the open space standard.

**Open Space Improvements and Amenities.** Trails and play equipment are provided in the dedicated open space. The clubhouse and pool shown on the existing Preliminary Plat/Major Site Development Plan are no longer proposed.

**Maintenance of Open Space and Site Amenities.** The dedicated open space and site amenities will be owned and maintained by the Homeowner's Association.

**Subdivision Standards:** In its review of the proposed Preliminary Plat/Major Site Development Plan, the City Council is to determine whether it conforms "to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans." (*Ames Municipal Code Section 23.302(3b)*). In 2005 and 2009, the City Council concluded that these criteria were met by the Preliminary Plat/Major Site Development Plan considered at that time. The reduction of the area of the proposed plan and the modifications proposed to accommodate that reduction affect two of the public improvements for which City standards apply:

**Future street extension.** Because the property to the south will no longer be part of this development, the street system design is changed. Red Fox Road extends south to the new south boundary of the project. This design allows for future extension of Red Fox Road should this become necessary. A bulb-out is proposed near the south end of Red Fox Road, which allows space for emergency vehicles to turn around. (Please see Sheet 2 of the Preliminary Plat/Major Site Development Plan, which is a separate document for this agenda item.)

City standards favor such future street connections, because continuous street networks offer more route choices and disperse traffic, reducing congestion in the network. Right-of-way was also provided one block to the north at the west end of Cottonwood.

**Stormwater.** Because 40 acres have been eliminated from the Plan, the proposed stormwater management system has been reduced. A portion of the ISU land to the south and west continues to drain through the Ringgenberg Park property. This stormwater, and stormwater from roofs of some of the residences at the south end of the project, is collected, detained and then discharged near the southeast corner of the project. This outflow location is the same as it has been for many years, into a swale and pond on a neighboring property outside the city limits on the east side of Cedar Lane. A revised stormwater management analysis has been provided that documents that this drainage system will reduce the amount and rate of stormwater discharged off-site compared to the current approved plan and improve the quality of the stormwater discharged compared to the historic and current condition. The rate of stormwater runoff at this southeast location from the project will be the same as the pre-developed condition.

The 2005 Developers Agreement requires the developer to install water, sanitary sewer and storm sewer mains, internal streets and walks; to provide funds for future improvements to Oakwood Road; to install Cottonwood, Cedar Lane, and an associated bike path and turn lane. It also provides for cost sharing on some of the costs for Cedar Lane.

**Recommendation of the Planning & Zoning Commission.** At its meeting of April 18, 2012, the Commission received input from both the applicant and Ken Kruempel, representing the Timberland Neighborhood Association. Mr. Kruempel asked for clarification from the developer on what the strips are for between Lots 81 and 82 and 84 and 85. Mr. Kruempel further mentioned that there was significant grading done last summer in the new area and wanted to know if additional grading will occur again in this area.

The plans submitted for the Planning & Zoning Commission included a cul-de-sac at the south end of Red Fox Road, with no extension for a future street connection. Most of the discussion with the applicant focused on accommodating right-of-way for future extension of Red Fox Road to the south. The applicant expressed initial opposition to this extension, stating that it would be unnecessary because ISU had no plans to develop the property to the south. He also argued that the cul-de-sac provided desirable lots for marketing purposes. The Commission acknowledged that it may be years before we know if the extension would be utilized. However, the Commission recalled its recent discussion with the City Council over past development decisions that inadvertently impacted existing neighborhoods in ways that traffic studies do not typically address.

The Commissioners weighed the likelihood of future development to the south of the project area and the associated need for good connectivity against the implications of reconfiguring the lots on the proposed cul-de-sac. The Commission determined that the lots should be configured in a manner that allowed connectivity to ISU's property to the south, in the event that ISU should ever choose to sell the property in the future. This recommendation was in line with input received from ISU representative Warren Madden, who stated that ISU was not opposed to the amendment to the PUD, provided that the road connectivity to the south was retained. (See Attachment J).

With a vote of 6-0, the Commission recommended that the City Council approve the rezoning to amend to the Preliminary Plat/Major Site Development Plan for Ringgenberg Park Subdivision and to amend the Zoning Map designation of Outlot E to Government/Airport (S-GA) with the following condition:

- a. The Preliminary Plat/Major Site Development Plan shall be revised to show the right-of-way for Red Fox Road extended to the south property line of Outlot D including sufficient right-of-way for a fire truck turnaround, as illustrated by [a proposed layout submitted by staff].

Based upon the Planning & Zoning Commission's recommendation, the applicant has since revised the layout of the preliminary plat to reflect the Commission's recommendation. Staff has reviewed the revised layout and finds that it complies with all requirements. This revision is included in the Preliminary Plat/Major Site Development Plan presented to City Council for approval.

## **ALTERNATIVES:**

1. The City Council can approve the rezoning to amend the Zoning Map designation of Outlot E to Government/Airport (S-GA), and to amend the Preliminary Plat/Major Site Development Plan for Ringgenberg Park Subdivision as illustrated on the drawings listed in Attachment I.
2. The City Council can approve the rezoning to amend to the Preliminary Plat/Major Site Development Plan for Ringgenberg Park Subdivision and to amend the Zoning Map designation of Outlot E to Government/Airport (S-GA), with the following conditions: *(conditions to be selected by the Council)*
3. The City Council can deny the proposed rezoning to amend to the Preliminary Plat/Major Site Development Plan for Ringgenberg Park Subdivision and to amend the Zoning Map designation of Outlot E to Government/Airport (S-GA).
4. Action on this request can be postponed and referred back to City staff and/or the applicants for additional information.

## **MANAGER'S RECOMMENDED ACTION:**

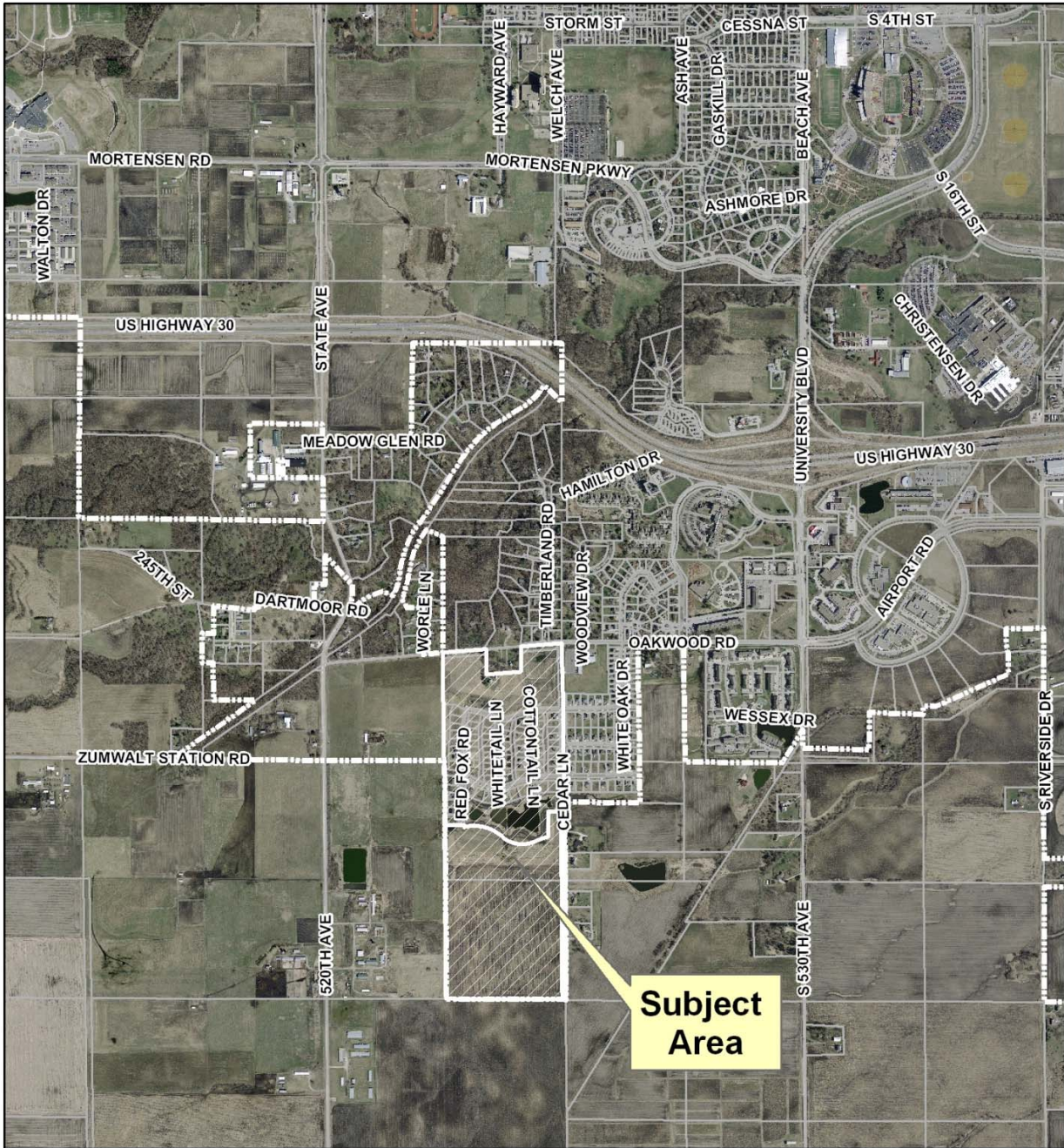
The revisions to the Preliminary Plat/Major Site Development Plan were anticipated when the plat was approved that led to the sale of 40 acres of the project site to Iowa State University. In a letter of April 17, 2012, Iowa State University, owner of the property to be rezoned, concurs with the action to release its property from the PRD development requirements and change the zoning to Government/Airport. (See Attachment J) As described above, the proposed amendments will have a minimal impact on the previously approved Planned Residence Development.

The proposed revision to the Preliminary Plat/Major Site Development Plan reduces the area of the Planned Residence District zoning; therefore, a different zoning designation is needed for Outlot E. Government/Airport (S-GA) is the zoning classification of most land owned by Iowa State University in the city. It is important to note the Ames Land Use Policy Plan designation for this will remain Village/Suburban Residential, which guides future use should the property be sold.

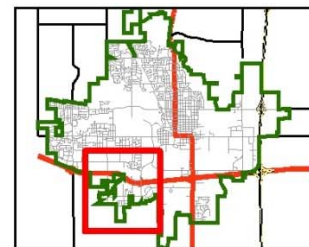
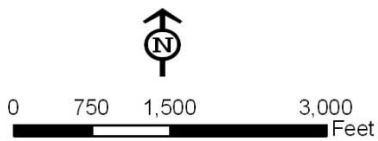
**Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to approve the rezoning to amend the Zoning Map designation of Outlot E to Government/Airport (S-GA), and to amend the Preliminary Plat/Major Site Development Plan for Ringgenberg Park Subdivision as illustrated on the drawings listed in Attachment I.**

**On March 27, 2012 the City Council referred a letter from Kurt Friedrich requesting that the existing agreement which requires the developer to pay for the cost of paving Cedar Lane and extending the water main to the site be altered to require the City to share in these costs. As you can see from the attached email from Mr. Friedrich, he has now withdrawn this request for the City to consider an amendment to the existing Developer Agreement.**

Attachment A  
LOCATION MAP



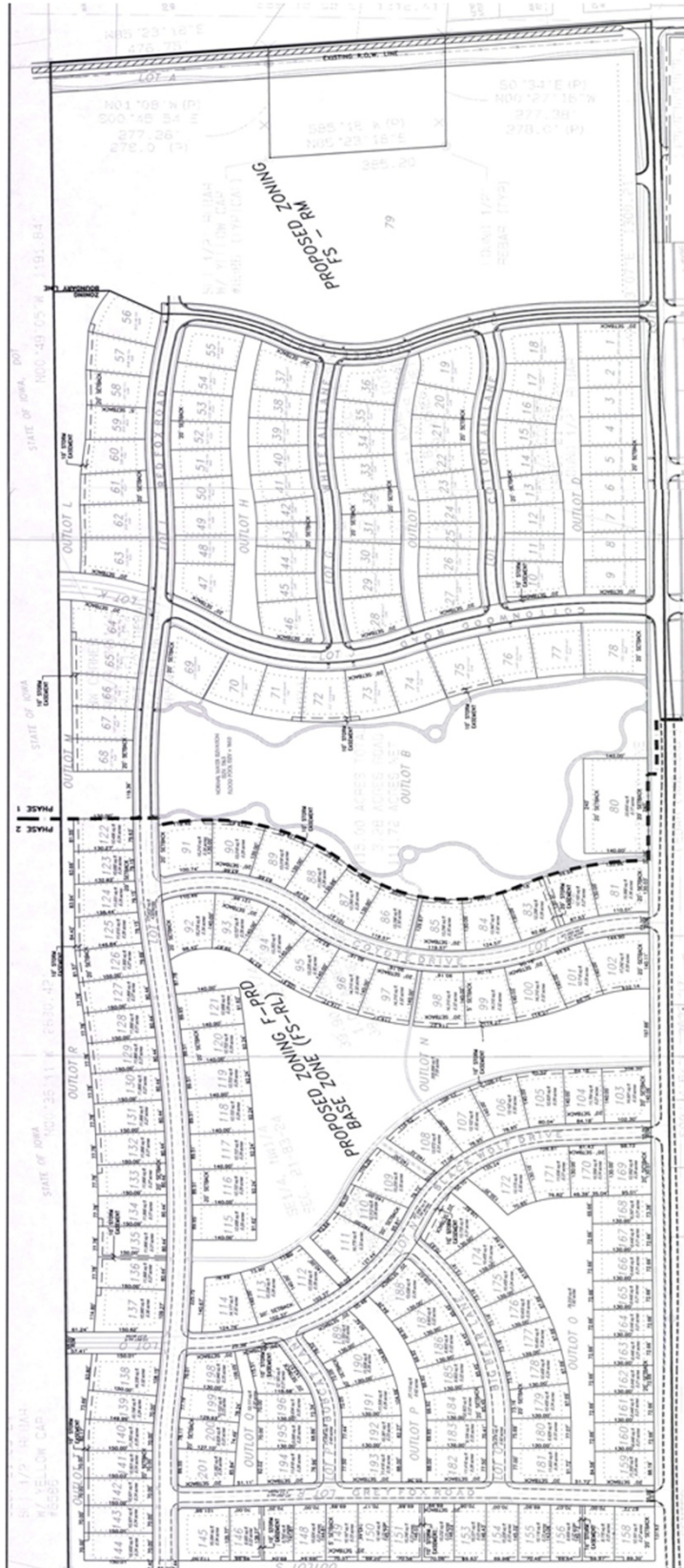
Location Map  
Ringgenberg Park



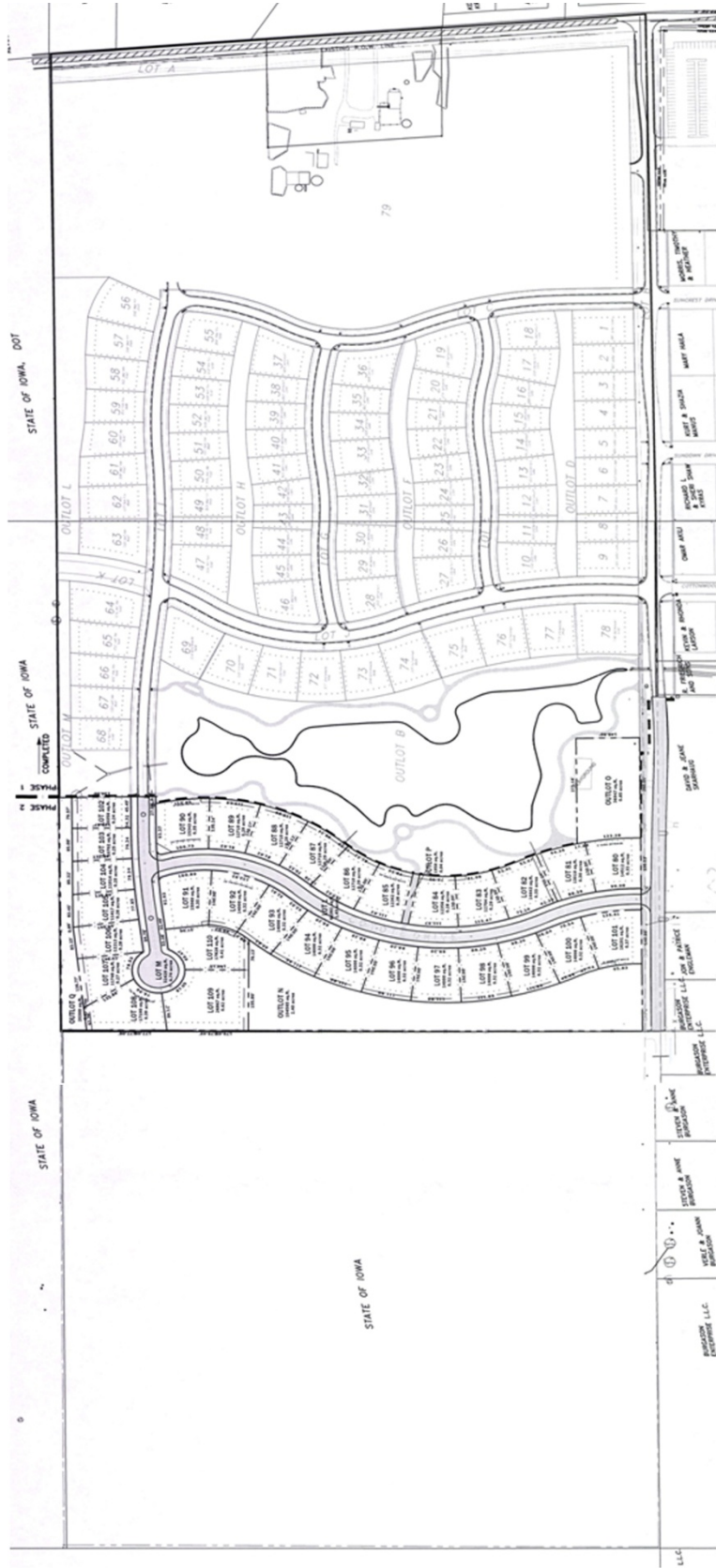
Attachment B  
RINGGENBERG PARK DIAGRAM



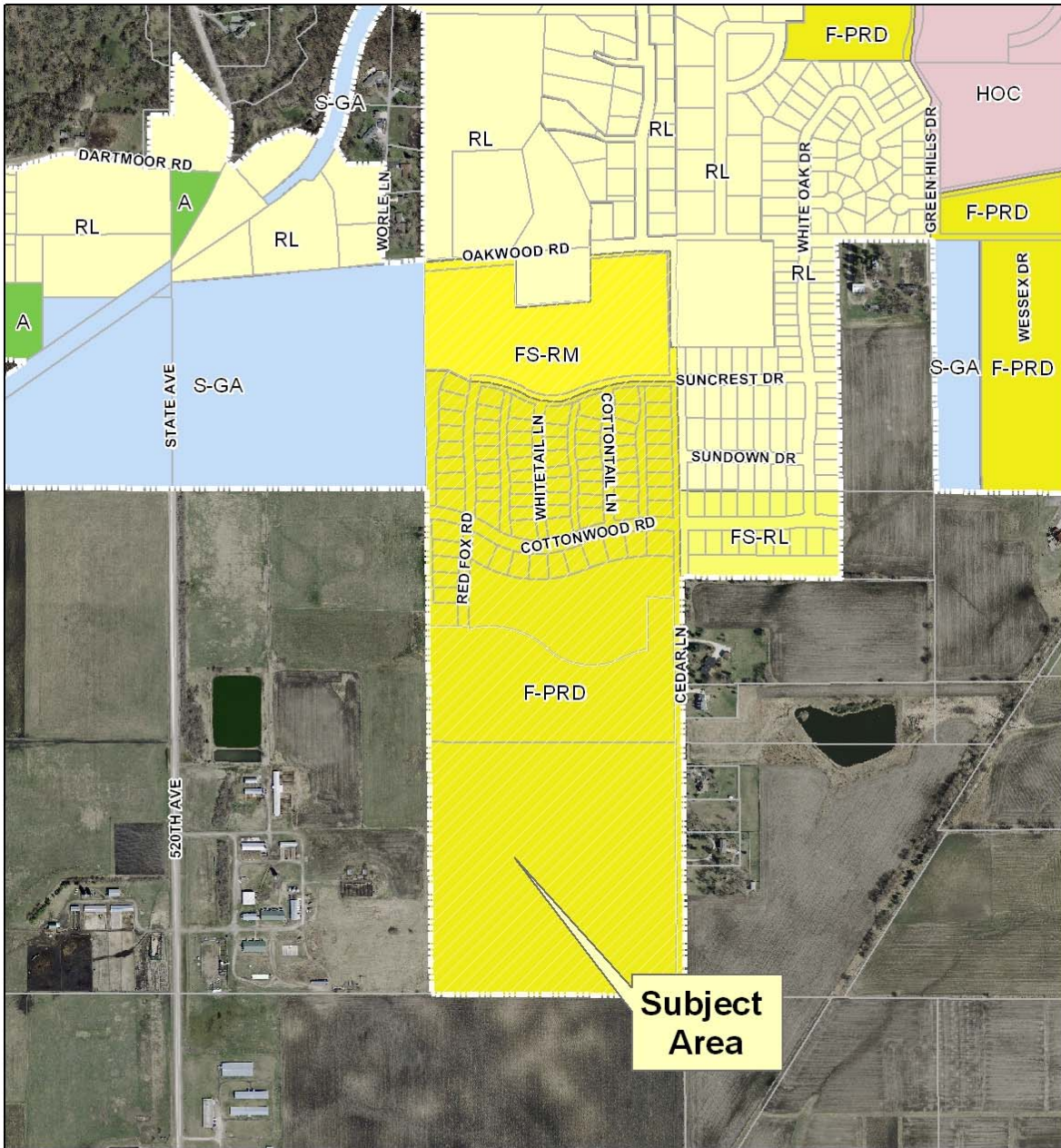
# Attachment C EXISTING OVERALL PLAN



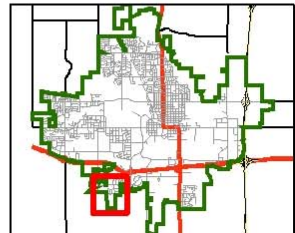
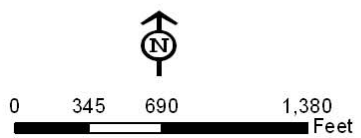
# Attachment D PROPOSED OVERALL PLAN



## Attachment E EXISTING ZONING

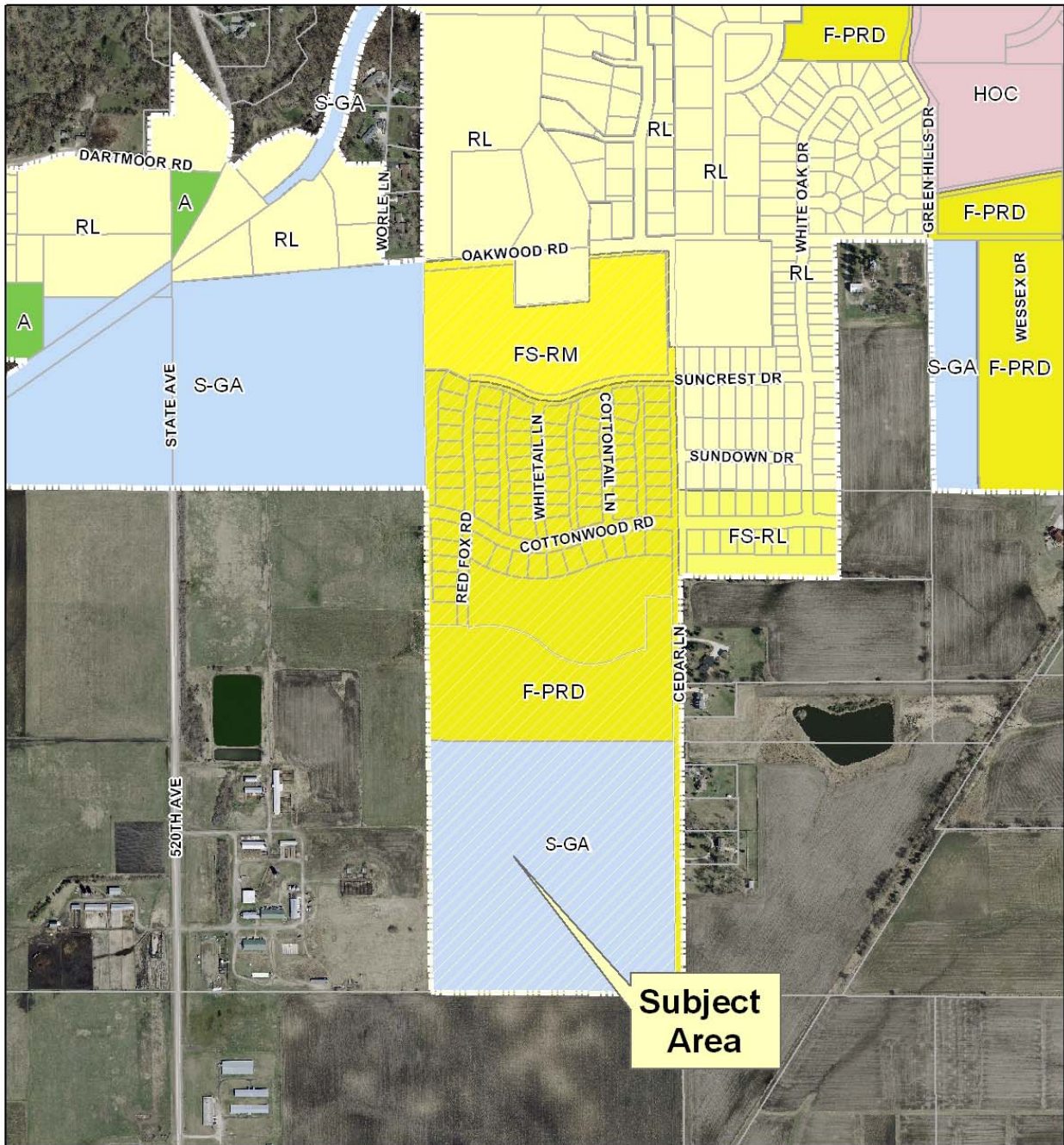


### Existing Zoning Ringgenberg Park





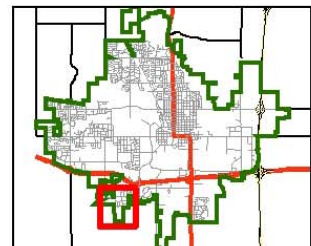
Attachment F  
PROPOSED ZONING



**Proposed Zoning  
Ringgenberg Park**



0 345 690 1,380  
Feet



Attachment G  
PLANNED RESIDENTIAL DEVELOPMENT (PRD) DEVELOPMENT PRINCIPLES  
*Ames Municipal Code Section 29.1203(2)*

- a) Provide for innovative and imaginative approaches to residential development that would not occur as a result of the underlying zoning regulations.
- b) Result in a more efficient, aesthetic, desirable and economic use of land and other resources while maintaining density of use, as provided for in the Land Use Policy Plan and the underlying zoning.
- c) Promote innovative housing development that emphasizes efficient and affordable home ownership and occupancy.
- d) Provide for flexibility in the design, height, and placement of buildings that are compatible with and integrate with existing, developed neighborhoods and the natural environment.
- e) Promote aesthetic building architecture, significant availability of open space, well designed and landscaped off-street parking facilities that meet or exceed the underlying zone development standards, more recreation facilities than would result from conventional development, and pedestrian and vehicular linkages within and adjacent to the property.
- f) Provide for the preservation of identified natural, geologic, historic and cultural resources, drainage ways, floodplains, water bodies, and other unique site features through the careful placement of buildings and site improvements.
- g) Provide for a development design that can be more efficiently served by existing and proposed infrastructure, including: street, water, sewer, and storm water infrastructure, than would be otherwise required as a result of conventional development.

Attachment H  
PRD DEVELOPMENT  
STANDARDS

**Table 29.1203(5)  
Planned Residence District Floating Zone  
Supplemental Development Standards**

<b>SUPPLEMENTAL DEVELOPMENT STANDARDS</b>	<b>F-PRD ZONE</b>
Area Requirement	A minimum of two (2) acres shall be required for all areas developed as F-PRD
Density	<p>Densities of developments shall be as provided for residential base zones as follows:</p> <ol style="list-style-type: none"> <li>1. Low-Density Residential (RL) - no more than seven and twenty-six hundredths (7.26) dwelling units per net acre.</li> <li>2. Urban Core Residential Medium Density (UCRM) - no more than seven and twenty-six hundredths (7.26) dwelling units per net acre.</li> <li>3. Residential Medium Density (RM) - at least seven and twenty-six hundredths (7.26) but no more than twenty-two and thirty-one hundredths (22.31) dwelling units per net acre</li> <li>4. Residential High Density (RH) - at least eleven and two tenths (11.2) dwelling units per net acre but no more than thirty-eight and fifty-six hundredths (38.56) dwelling units per acre.</li> </ol> <p>Where a development encompasses more than one residential base zone, each area of the PRD development shall comply with the density requirements that are set by the base zone that the area is in. Density transfer from an area of a PRD zoned for higher density to an area of the same PRD zoned for lower density shall not be permitted.</p>
Height Limitations	Structures proposed to be developed in areas zoned PRD shall be compatible with the predominant height of structures in adjacent neighborhoods. There is no absolute height limitation in the PRD district.
Minimum Yard and Setback Requirements	There are no specified yard and setback requirements in areas zoned PRD, except that structures constructed adjacent to public right-of-way and adjacent to the exterior boundary of an area zoned PRD shall comply with the setback standards in the underlying base zone regulations unless there are physical features on the site that would justify a different setback than provided for in the base zone.
Parking Requirements	Parking for uses permitted in areas zoned PRD shall comply to the parking standards set forth in Section 29.406 of this ordinance
Open Space Design Requirements	<p>Open space shall be designed as a significant and integrated feature of the entire area to be developed as a PRD project. Open space may include such features as:</p> <ul style="list-style-type: none"> <li>Larger recreation areas for all residents of the PRD project.</li> <li>Mini-parks for selected residents of a PRD project.</li> <li>Pedestrian open space systems.</li> <li>Environmental features, drainage ways, flood prone areas and other areas of geologic, cultural or historic significance.</li> </ul>
Open Space Area Requirement	<p>The area devoted to open space in a PRD project shall meet the landscape and open space requirements as set forth in the base zone standards. Those standards are:</p> <ul style="list-style-type: none"> <li>Residential Low Density - 40% open space.</li> <li>Residential Medium Density - 40% open space.</li> <li>Residential High Density - 35% open space</li> </ul>
Open Space Improvements and Amenities	<p>Open Space and amenity features in areas zoned PRD shall include such features as:</p> <ul style="list-style-type: none"> <li>Pathway systems</li> <li>Club houses and meeting room facilities</li> <li>Playground facilities</li> <li>Swimming pool improvements</li> <li>Tennis courts</li> <li>Volleyball improvements</li> <li>Picnic shelters</li> <li>Other similar amenities</li> </ul>
Maintenance of Open Space and Site Amenities	Open space and site amenities for areas developed as a PRD project shall be the ownership and maintenance responsibilities of a Homeowner's Association.
Street/Infrastructure Improvements	Street improvements, water sanitary sewer, storm sewer improvements, and electric facilities shall be installed in compliance with the subdivision regulations of the City and shall meet the construction specifications of the City."

*(Ord. No. 3591, 10-10-00, Ord. No. 3652, 3-26-02; Ord. No. 3771, 07-13-2004)*

Attachment I

PRELIMINARY PLAT/MAJOR SITE DEVELOPMENT PLAN SHEETS  
for  
RINGGENBERG PARK SUBDIVISION

(SEE ATTACHED DRAWINGS)

Sheet 1:	Cover	(Last Update 05-02-12)
Sheet 2A:	Revised Major Site Development Plan (N)	(Last Update 05-02-12)
Sheet 2B:	Revised Major Site Development Plan (S)	(Last Update 05-02-12)
Sheet 3A:	3 <sup>rd</sup> Addition Lot Layout	(Last Update 05-02-12)
Sheet 3B:	3 <sup>rd</sup> Addition Grading Plan	(Last Update 05-02-12)
Sheet 3C:	3 <sup>rd</sup> Addition Utility Plan	(Last Update 05-02-12)
Sheet 4:	Street Tree Plan	(Last Update 02-23-12)

# RINGGENBERG PARK SUBDIVISION 3rd ADDITION - COYOTE DRIVE

## PLANNED RESIDENCE (F-PRD) AMMENDMENT TO THE APPROVED MAJOR SITE DEVELOPMENT PLAN

### MAJOR SITE DEVELOPMENT PLAN

### PRELIMINARY PLAT OF A MAJOR SUBDIVISION

PRELIMINARY PLAT DATA	
SUBDIVISION NAME	RIGGENBERG PARK SUBDIVISION - 3rd ADDITION
LEGAL DESCRIPTION	OUTLOT D RIGGENBERG PARK SUBDIVISION, 2ND ADDITION
OWNER/ DEVELOPER	RIGGENBERG ESTATES, L.L.C. ATTN: KURT FRIEDRICH 619 E. LINCOLN WAY AMES, IOWA 50010 515-956-1546
PLAN AUTHOR/ ENGINEER	SCOTT RENAUD, P.E. FOX ENGINEERING ASSOC. 414 South 17th St., Suite 107 AMES, IA 50010 515-233-0000
LAND SURVEYOR	STUMBO AND ASSOCIATES 510 S. 17th STREET AMES, IA 50010 515-233-3689
CONTACT PERSON	SCOTT RENAUD FOX ENGINEERING ASSOC. 414 South 17th St., Suite 107 AMES, IA 50010 515-233-0000
CURRENT ZONING	F-PRD - PLANNED RESIDENTIAL DISTRICT FS-RM (LOT 79)
SETBACKS	FRONT - 20' REAR - 20' SIDES - 5'
DATE PREPARED	02/23/12
DATE REVISED	05/02/12

DATE	BY	REVISION
05/12	SLR	DESIGNED
05/12	SRS	DRAWN
05/12	SRS	CHECKED
05/02/12		LAST UPDATE:

**LOT DIMENSIONS:**

FOR LOT 1-79 DIMENSIONS, SEE FINAL PLAT ON FILE WITH CITY

**BUILDING SETBACKS:**

FRONT YARD=20'  
SIDE YARD=5', 20' ON CORNERS  
REAR YARD=20'

**UTILITY NOTES:**

WATER MAIN, STORM SEWER, SANITARY SEWER, PAVING, AND SHARED USE PATH SHALL BE EXTENDED TO SOUTHERN LIMITS OF THE PROJECT PROJECT IS OUTSIDE OF AMES ELECTRIC SERVICES TERRITORY ALLIANT ENERGY WILL INSTALL STREET LIGHTING TO CITY OF AMES STANDARDS AT DEVELOPER'S EXPENSE

**DRIVEWAY RESTRICTIONS:**

NOTE: LOTS 10,27,28,46,47,63,64 WILL NOT BE ALLOWED DRIVEWAY ACCESS TO COTTONWOOD RD.  
NOTE: LOTS 90,91 WILL NOT BE ALLOWED DRIVEWAY ACCESS TO RED FOX ROAD  
NOTE: LOTS 1,9, 78, 80, 101 WILL NOT BE ALLOWED DRIVEWAY ACCESS TO CEDAR LN.

**PARKING REGULATIONS:**

PARKING ON ONE SIDE OF THE STREET ONLY.  
(OPPOSITE OF MAIL BOXES)  
NO PARKING WITHIN 70' OF CEDAR LANE

**PROPERTY DEDICATIONS:**

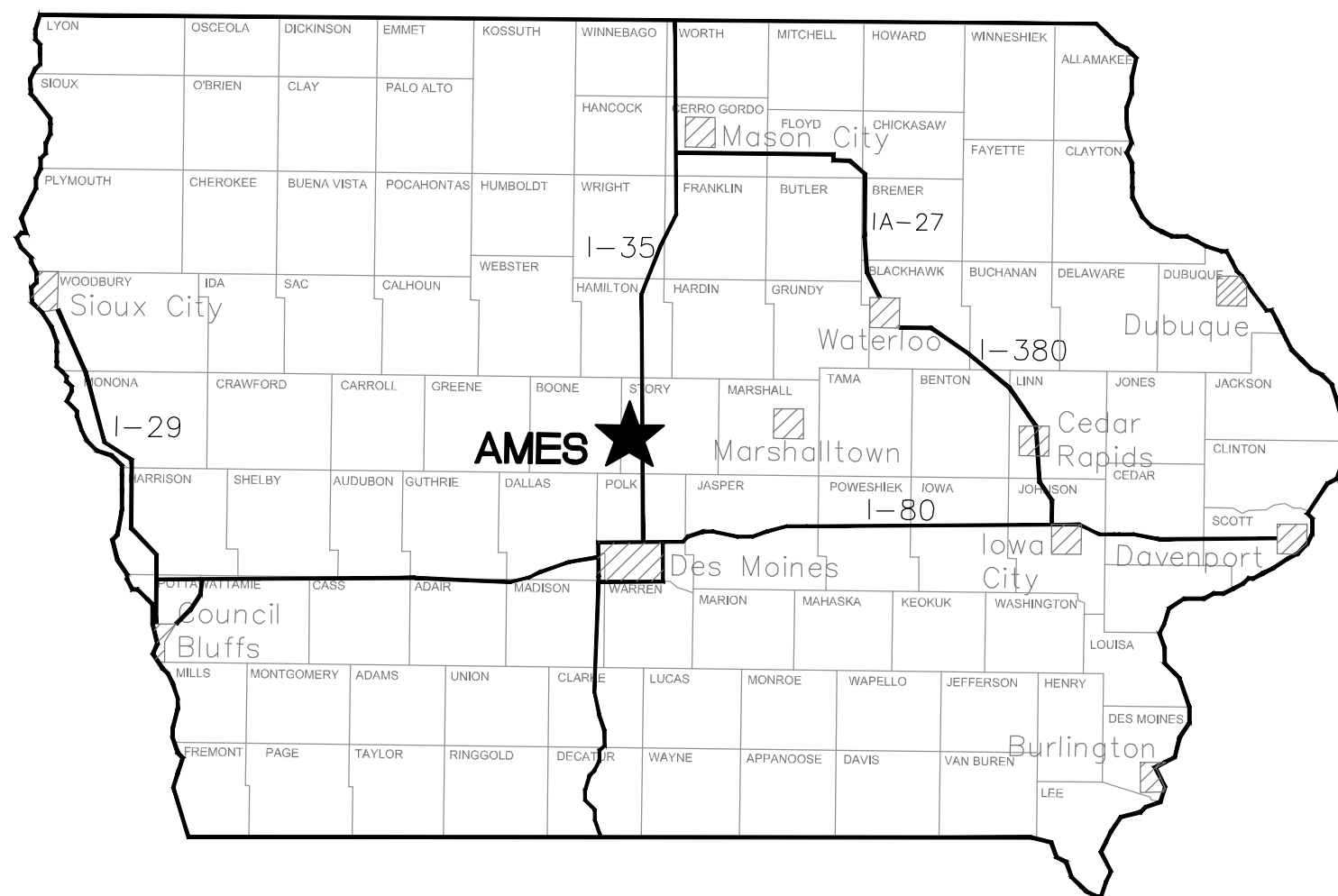
LOTS A,B,C,E,G,I,J,K,L, AND M SHALL BE DEDICATED TO THE CITY OF AMES FOR STREETS OUTLOTS B AND O SHALL BE DEDICATED AS HOMEOWNER ASSOCIATION USE AND STORM WATER DETENTION OUTLOTS D,F,H,L,M, AND N SHALL BE DEDICATED AS FULL UTILITY AND DRAINAGE EASEMENTS

**STREET DIMENSIONS:**

COTTONWOOD ROAD AND CEDAR LANE SHALL BE 31' B-B.  
ALL OTHER STREETS SHALL BE 26' B-B.

**RIGHT OF WAY DIMENSIONS:**

LOTS C,E,G,I,L AND M SHALL BE 55 FOOT R.O.W.  
LOTS J AND K SHALL BE 70 FOOT R.O.W.  
7 FOOT OF ROW SHALL BE DEDICATED TO THE CITY BY THIS PROJECT FOR CEDAR LANE BRINGING IT TO 80 FOOT FROM OAKWOOD ROAD TO SOUTH END OF THE SUNCRST DEVELOPMENT, AND 73 FOOT FROM THERE SOUTH.



**Ringgenberg Park Subdivision  
Lot Uses, Density and Green Space Calculations**

	SF	AC
PHASE 1 TOTAL	1,718,203	39.44
PHASE 2 TOTAL	690,667	15.86
RM Phase (Lot 79)	703,233	16.14
TOTAL DEVELOPMENT	3,112,103	71.44

Does not include some right of way dedicated on Cedar and Oakwood Road  
Does NOT include State of Iowa Property

**Single Family Detached Residences**

LOTS 1-9	92,447	2.12
LOTS 10-18	89,634	2.06
LOTS 19-27	89,021	2.04
LOTS 28-36	89,599	2.06
LOTS 37-46	95,300	2.19
LOTS 47-55	91,782	2.11
LOTS 56-63	99,516	2.28
LOTS 64-68	60,514	1.39
LOTS 69-78	141,340	3.24

LOT 79 is the RM Zoned Lot and is not included.		
LOTS 80-110 Gross Total =	436,050	10.01
LOTS 80-110 in Drainage Easement =	34,489	0.79
LOTS 80-110 Net Developable Total =	401,561	9.22

**LOT DENSITY SUMMARY**

Lots 1-78	10,887	Square Feet
	4.00	Units per Acre
Lots 80-110	13,385	Square Feet
	3.25	Units per Acre
Lots 1-110	11,581	Square Feet
	3.76	Units per Acre

Lots 1-110 Total Developable Area =	1,250,714	28.71
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**Right of Way - City Property**

OLD ROW	294,709	6.77
NEW ROW	101,840	2.34
	396,549	9.10

**Greenspace and Parks**

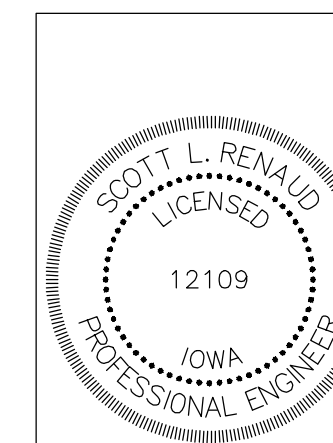
OUTLOT B	408,141	9.37
OUTLOT D	28,957	0.66
OUTLOT F	27,046	0.62
OUTLOT H	33,251	0.76
OUTLOT L	45,862	1.05
OUTLOT M	31,020	0.71
OUTLOT N	97,648	2.24
OUTLOT O	36,947	0.85
OUTLOT P	1,950	0.04
OUTLOT Q	20,300	0.47
	731,122	16.78

**SINGLE FAMILY GREENSPACE CALCULATIONS**

			ROW Not Included		
Total Development Area =	2,408,870	55.30	100%	2,012,321	100%
Right of Way =	396,549	9.10	16%	0	
Developed Lots =	1,250,714	28.71	52%	1,250,714	62%
Greenspace =	761,607	17.48	32%	761,607	38%

**SHEET INDEX**

- 1- COVER
- 2A- REVISED MAJOR SITE DEVELOPMENT PLAN (NORTH)
- 2B- REVISED MAJOR SITE DEVELOPMENT PLAN (SOUTH)
- 3A- 3RD ADDITION LOT LAYOUT
- 3B- 3RD ADDITION GRADING PLAN
- 3C- 3RD ADDITION UTILITY PLAN
- 4- STREET TREE PLAN



I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

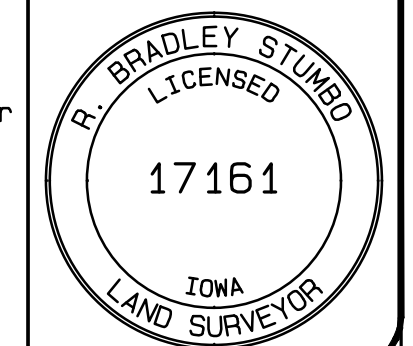
SCOTT L. RENAUD, P.E. DATE  
License number 12109

My license renewal date is December 31, 2012.

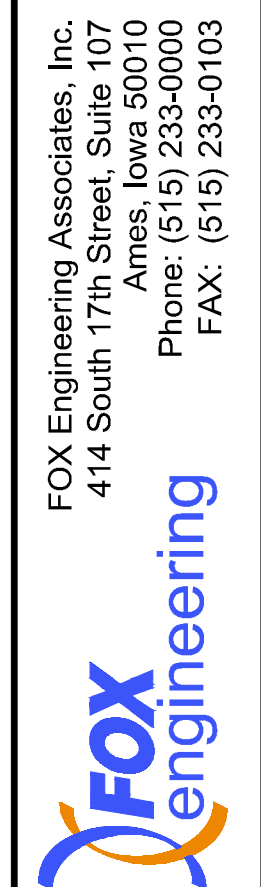
Pages or sheets covered by this seal:  
ALL INCLUDED IN INDEX ON THIS PAGE

Certification: I hereby certify that the perimeter boundary of this preliminary plat was surveyed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

R. Bradley Stumbo License #17161 Date: \_\_\_\_\_  
My license expires December 31, 2011



**GENERAL NOTE: ALL UTILITIES ARE ONLY GENERALLY LOCATED. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND EXPOSING ALL UTILITIES THAT MAY INTERFERE WITH CONSTRUCTION BEFORE CONSTRUCTION BEGINS.**

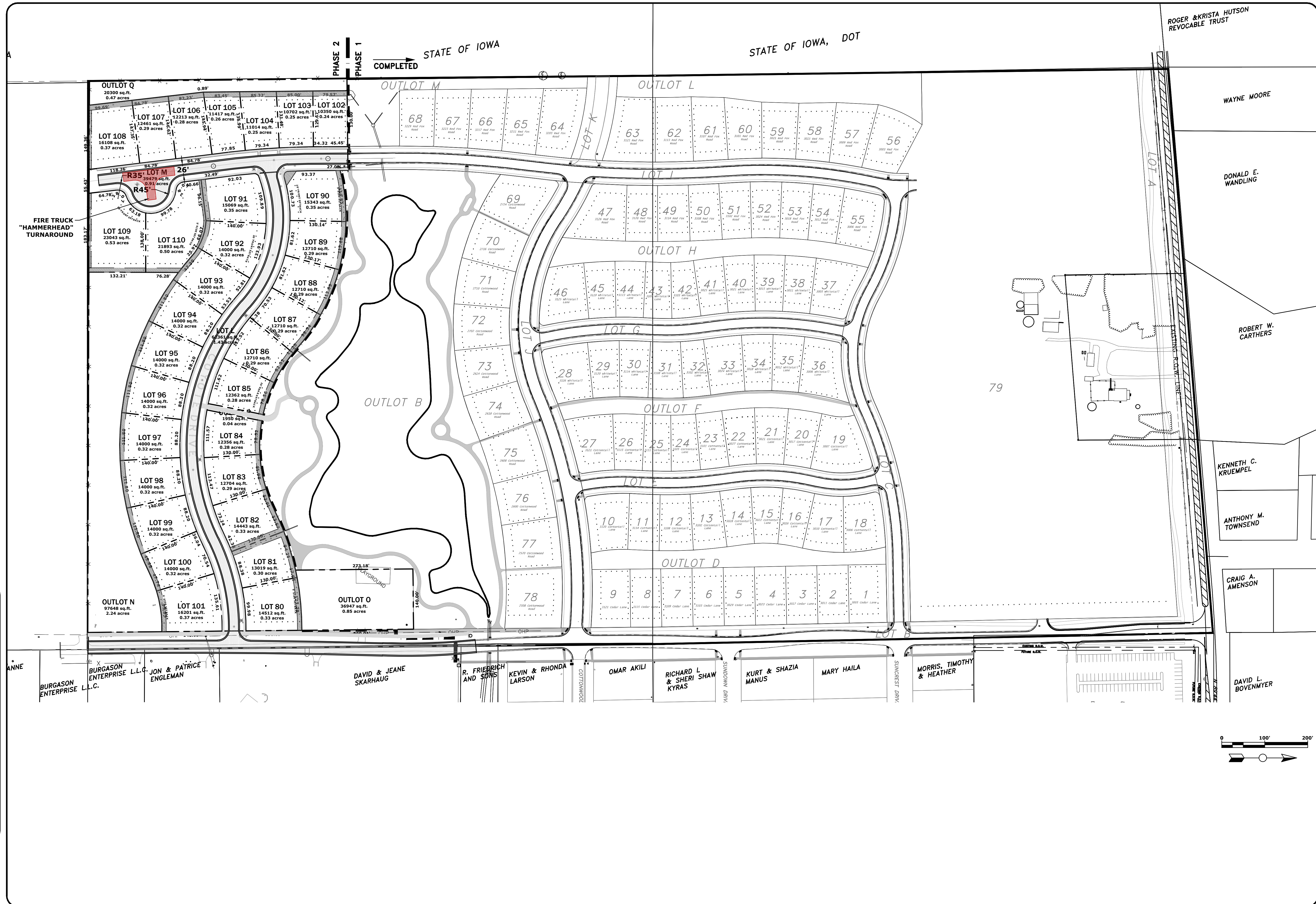


COVER  
RINGGENBERG PARK SUBDIVISION  
3RD ADDITION  
AMES, IOWA

PROJECT NO.  
5099-09A  
SHEET  
1

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LAYER MNGR NAME: LAYOUT NAME

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REVISION	DATE	BY	DATE
DESIGNED	09/12	SJR	
DRAWN	05/12	SRS	
CHECKED			
LAST UPDATE: 05/02/13			

FOX Engineering Associates, Inc.  
 1601 Golden Aspen Drive, Suite 103  
 Ames, Iowa 50010  
 Phone: (515) 233-0000  
 FAX: (515) 233-0103

REVISED MAJOR SITE DEVELOPMENT PLAN (N)  
 RINGENBERG PARK SUBDIVISION  
 3RD ADDITION  
 AMES, IOWA

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STATE OF IOWA

STATE OF IOWA

STATE OF IOWA

BURGASON ENTERPRISE L.L.C.

BURGASON ENTERPRISE L.L.C.

VERLE & JOANN BURGASON

STEVEN & ANNE BURGASON

STEVEN & ANNE BURGASON

BURGASON ENTERPRISE L.L.C.

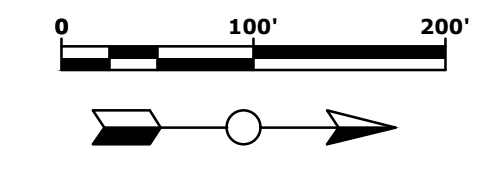
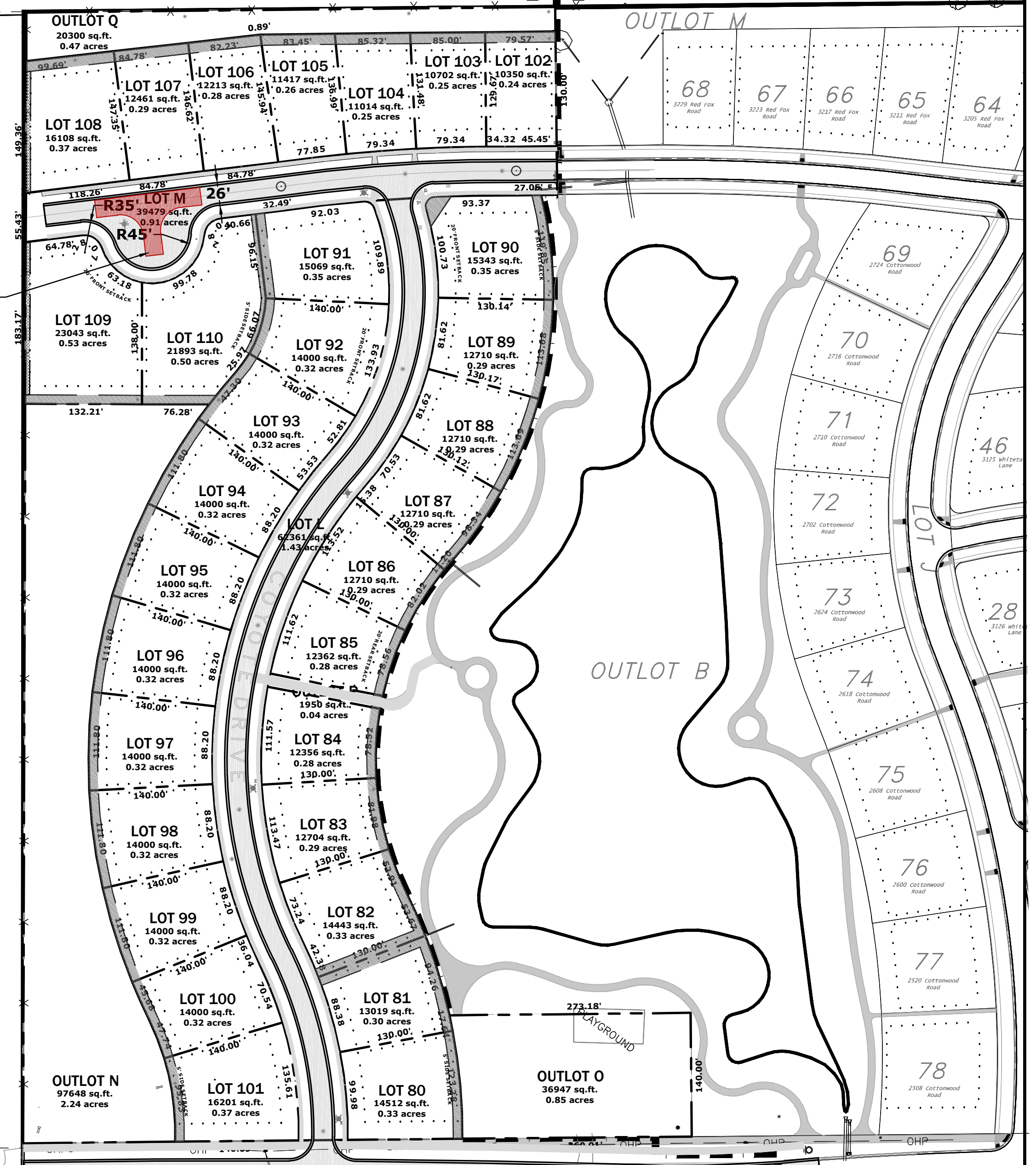
BURGASON ENTERPRISE L.L.C. JON & PATRICE ENGLEMAN

DAVID & JEANE SKARHAUG

R. FRIEDRICH AND SONS

KEVIN & RHONDA LARSON

FIRE TRUCK "HAMMERHEAD" TURNAROUND



REVISION	DATE	BY	DATE
DESIGNED	09/12	SJR	
DRAWN	05/12	SRS	
CHECKED			

DATE	REVISION

FOX Engineering Associates, Inc.  
1601 Golden Aspen Drive, Suite 103  
Ames, Iowa 50010  
Phone: (515) 233-0000  
FAX: (515) 233-0103

**FOX** engineering

REVISED MAJOR SITE DEVELOPMENT PLAN (S)  
RINGENBERG PARK SUBDIVISION  
3RD ADDITION  
AMES, IOWA

PROJECT NO.  
5099-09A  
SHEET  
2B

LAST UPDATE: 05/02/13



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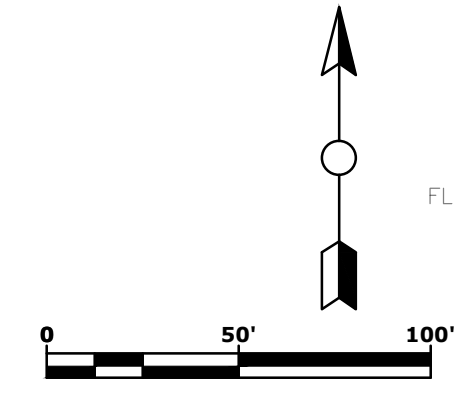
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05/12	SJR	DESIGNED
05/12	SRS	DRAWN
		CHECKED
		LAST UPDATE: 05/02/12

FOX Engineering Associates, Inc.  
 1601 Golden Aspen Drive, Suite 103  
 Ames, Iowa 50010  
 Phone: (515) 233-0000  
 FAX: (515) 233-0103

3RD ADDITION LOT LAYOUT  
 RINGENBERG PARK SUBDIVISION  
 3RD ADDITION  
 AMES, IOWA

PROJECT NO.  
 5099-09A  
 SHEET  
 3A

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 3B



DATE	BY	REVISION
05/12	SJR	DESIGNED
05/12	SRS	DRAWN
		CHECKED
		LAST UPDATE: 05/02/13

FOX Engineering Associates, Inc.  
 1601 Golden Aspen Drive, Suite 103  
 Ames, Iowa 50010  
 Phone: (515) 233-0000  
 FAX: (515) 233-0103

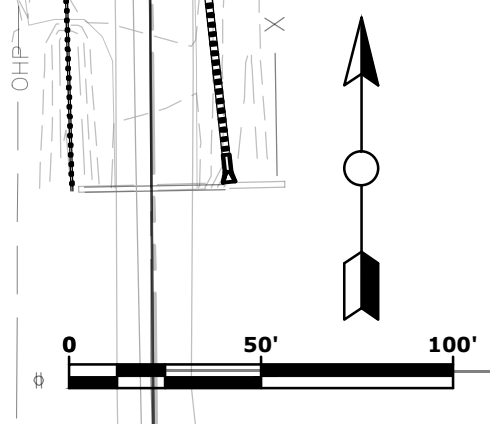
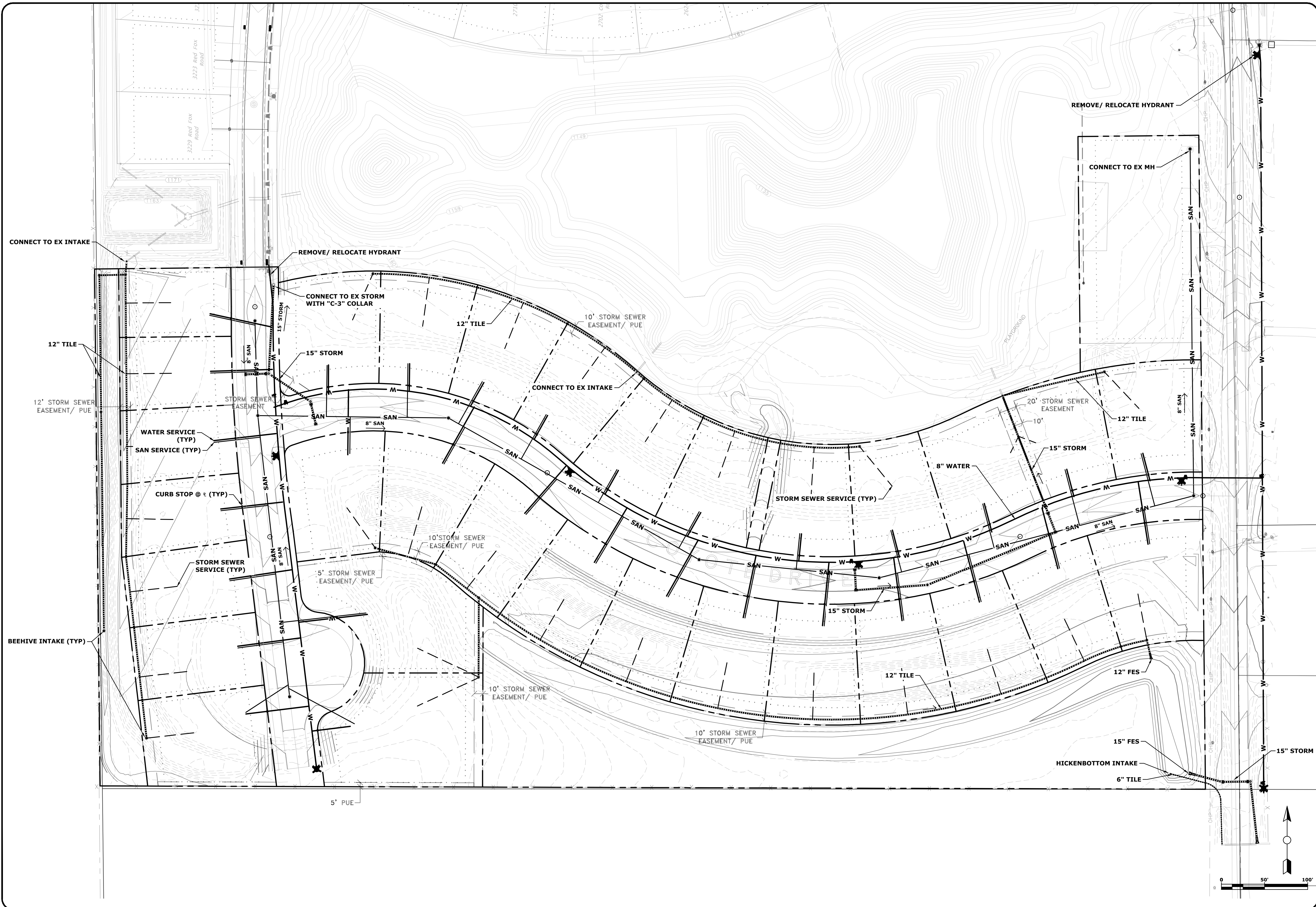
**FOX** Engineering

3RD ADDITION GRADING PLAN  
 RINGNEBERG PARK SUBDIVISION  
 3RD ADDITION  
 AMES, IOWA

PROJECT NO.  
 5099-09A

SHEET  
**3B**

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 LAYOUT NAME: 3C



DATE	BY	REVISION
05/12	SJR	
05/12	SRS	

FOX Engineering Associates, Inc.  
 1601 Golden Aspen Drive, Suite 103  
 Ames, Iowa 50010  
 Phone: (515) 233-0000  
 FAX: (515) 233-0103

**3RD ADDITION UTILITY PLAN**  
 RINGENBERG PARK SUBDIVISION  
 3RD ADDITION  
 AMES, IOWA

PROJECT NO.  
5099-09A

SHEET  
**3C**

DATE: 05/02/13  
 CHECKED: [ ]  
 LAST UPDATE: 05/02/13

DATE	02/12
BY	SJR
DESIGNED	SRS
DRAWN	SRS
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LAST UPDATE	02/23/19

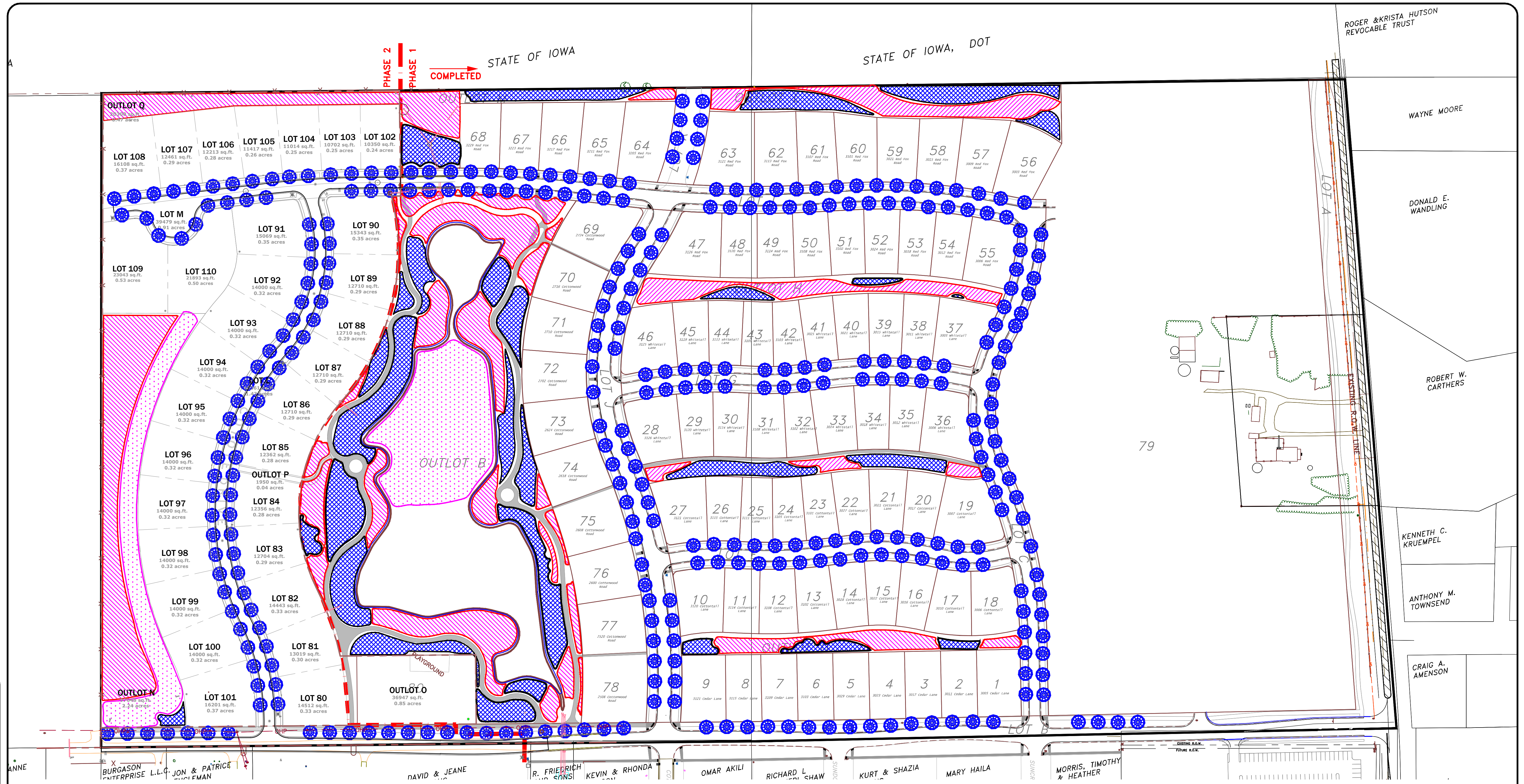
REVISION	
DATE	

FOX Engineering Associates, Inc.  
 1601 Golden Aspen Drive, Suite 103  
 Ames, Iowa 50010  
 Phone: (515) 233-0000  
 FAX: (515) 233-0103

**FOX** Engineering

PROJECT NO.  
5099-09A

SHEET  
4

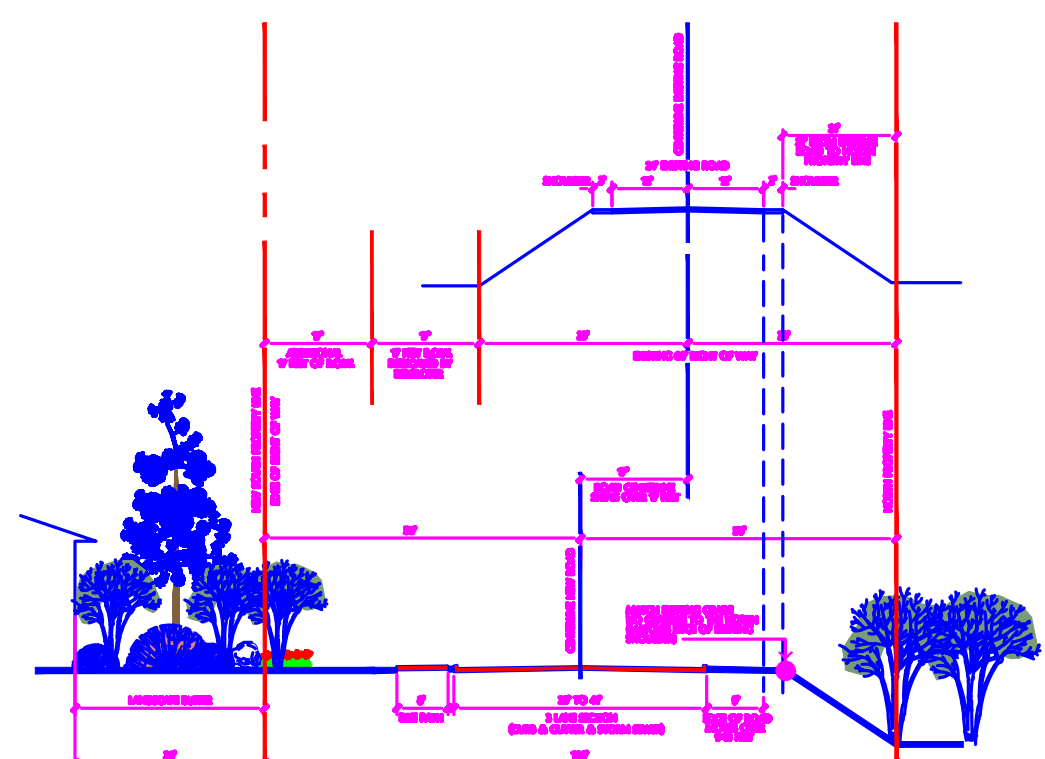


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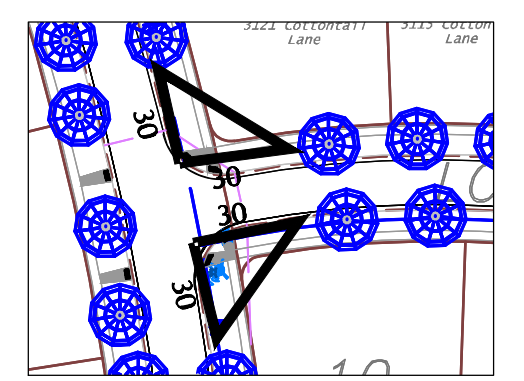


Road Section-Oakwood

### Plant Legend

ALL PLANT MATERIAL MIN. SIZES PER CITY OF AMES MUNICIPAL CODE.

- Overstory Tree**  
 VARIOUS MAPLE VARIETIES  
 WHITE OAK  
 THORNLESS HONEYLOCUST
- Wildflower Mix**
- Prairie Mix**

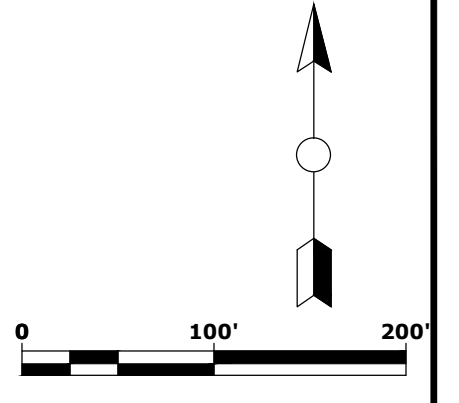


VIEW TRIANGLE FOR TREE PLACEMENT

**SITE NOTE:**

ALL CONSTRUCTION MATERIALS, DUMPSTERS, DETACHED TRAILERS OR SIMILAR ITEMS ARE PROHIBITED ON PUBLIC STREETS OR WITHIN THE PUBLIC RIGHT-OF-WAY.

**GENERAL NOTE:** ALL UTILITIES ARE ONLY GENERALLY LOCATED. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND EXPOSING ALL UTILITIES THAT MAY INTERFERE WITH CONSTRUCTION BEFORE CONSTRUCTION BEGINS.



STREET TREE PLAN  
 RIGGENBERG PARK SUBDIVISION  
 3RD ADDITION  
 AMES, IOWA

Attachment J  
LETTER FROM IOWA STATE UNIVERSITY

IOWA STATE UNIVERSITY  
OF SCIENCE AND TECHNOLOGY

Office of the Vice President  
for Business and Finance  
1350 Beardshear Hall  
Ames, Iowa 50011-2038  
515 294-6162  
FAX 515 294-1621

April 17, 2012

Jeff Benson  
Department of Planning and Zoning  
City of Ames  
515 Clark Avenue  
Ames, IA 50010

RE: Ringgenberg Park Subdivision 3<sup>rd</sup> Addition Coyote Drive

Dear Mr. Benson:

Iowa State University understands a revised Major Site Development Plan to amend the Planned Residence District (PRD) at the proposed Ringgenberg Park Subdivision, 3<sup>rd</sup> Addition has been submitted to your office.

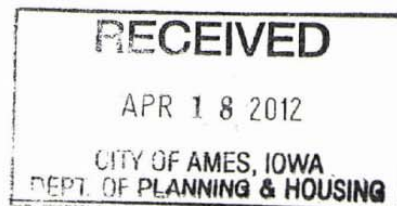
The university purchased the southern 39 acres of the PRD, referenced as Outlot E, in August of 2009.

The university understands the proposed amendment removes Outlot E from the PRD, releasing the property from the PRD development requirements and subsequently changing the zoning to Government/Airport.

It is our understanding that the proposed changes do not alter site drainage from the PRD onto university property or other properties down flow of the PRD.

It is also our understanding that the PRD does not alter the university responsibilities for roadway related improvements associated with the Outlot E 2009 purchase agreement if the university or its successors develop the property and that the university accepts no responsibilities for improvements associated with the remainder of the Ringgenberg PRD.

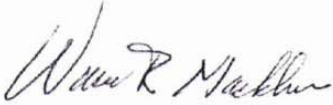
In review of the proposed amendment it appears the plan has been modified to terminate the southern end of Red Fox Road in a cul-de-sac. We would request that a right of way be designated to allow for the extension of Red Fox Road to the south consistent with the right of way for Cottonwood Road along the interface with university to the west of the PRD.



Jeff Benson  
April 17, 2012  
Page 2

With these understandings the university does not object to the revised Major Site Development Plan to amend the Planned Residence District (PRD) at the proposed Ringgenberg Park Subdivision, 3<sup>rd</sup> Addition as has been submitted to your office as dated on February 24, 2012.

Sincerely,



Warren R. Madden  
Vice President for Business and Finance

Ringgenberg next addition  
Kurt Friedrich Broker/Owner, CRS  
to:  
Steve Schainker  
05/04/2012 12:44 PM  
Show Details

Dear Steve;

We had been discussing with you the possibility an amendment to the original developer agreement for Ringgenberg to assist us with the unanticipated costs of having to pay for half of the road section and water main for the portion of Cedar lane which is still in the county.

We have decided not to pursue this with the Council, given recent rejections for assistance to other developers. (BTW, I sincerely hope that the Deery project will be reconsidered. This is too good of an opportunity for the community to see pass by).

This will be the first addition of new residential lots in Ames in nearly two years. It will also represent 31 new lots for residents in the Ames School District.

Given the increasingly difficult environment for development, and capital requirements, it is my hope that our City will strive to be more accommodating/work harder to promote development opportunities in our community. People and businesses want and need to find more options for housing, work places, dining, retail, and recreation in our community. This can only be accomplished through more of a joint effort between the City and developers than currently exists and has been the case for several years.

Thank you,

Kurt Friedrich

---

DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER  
Prepared by: Douglas R. Marek, Ames City Attorney, 515 Clark Avenue, Ames, IA 50010 Phone: 515-239-5146  
Return to: Ames City Clerk, P.O. Box 811, Ames, IA 50010 Phone: 515-239-5105

---

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AMES, IOWA, AS PROVIDED FOR IN SECTION 29.301 OF THE *MUNICIPAL CODE* OF THE CITY OF AMES, IOWA, BY CHANGING THE BOUNDARIES OF THE DISTRICTS ESTABLISHED AND SHOWN ON SAID MAP AS PROVIDED IN SECTION 29.1507 OF THE *MUNICIPAL CODE* OF THE CITY OF AMES, IOWA; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND ESTABLISHING AN EFFECTIVE DATE**

**BE IT HEREBY ORDAINED** by the City Council of the City of Ames, Iowa;

Section 1: The Official Zoning Map of the City of Ames, Iowa, as provided for in Section 29.301 of the *Municipal Code* of the City of Ames, Iowa, is amended by changing the boundaries of the districts established and shown on said Map in the manner authorized by Section 29.1507 of the *Municipal Code* of the City of Ames, Iowa, as follows: That the real estate, generally located at 3299 Red Fox Road, is rezoned from Planned Residence District (F-PRD) to Government/Airport (S-GA).

**Real Estate Description:** Outlot E, Ringgenberg Park Subdivision Second Addition.

Section 2: All other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: This ordinance is in full force and effect from and after its adoption and publication as provided by law.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2012.

---

Diane R. Voss, City Clerk

---

Ann H. Campbell, Mayor



**COUNCIL ACTION FORM**

**SUBJECT: UNIT 8 BOILER SUPERHEATER & BOILER TUBE REPLACEMENT PROJECT**

**BACKGROUND:**

On March 6, 2012, City Council approved preliminary plans and specifications for the Unit 8 Boiler Superheater & Boiler Tube Replacement Project. This project will address tube wastage and metallurgy issues by replacing the Power Plant's Unit 8 secondary superheater section.

On April 25, 2012, nine bids were received as shown below:

<b><u>BIDDER</u></b>		<b><u>BASE BID:</u></b> Superheater with Tube Foreign (Japan, Europe) Sourced	<b><u>BASE BID</u></b> <b><u>ALTERNATE 1:</u></b> Superheater with Tube Domestic (North American) Sourced	<b><u>OPTION 1:</u></b> Generating Bank Tube Replacement with Domestic (North American) Sourced Tubes	<b><u>OPTION 1 ALTERNATE 2:</u></b> Generating Bank Tube Replacement with Foreign (Japan, Europe) Sourced Tubes
AZCO-INC Menasha, WI	A*	<b>\$1,812,400.00</b>	\$2,085,540.00	\$1,580,300.00	\$1,456,956.00
	B*	\$1,706,930.00	\$1,980,070.00	\$1,492,941.00	\$1,369,597.00
	S/D*	<b>(\$8,100.00)</b>	(\$8,100.00)	(\$5,825.00)	(\$5,825.00)
Moorehead Machinery & Boiler Company Minneapolis, MN	A*	<b>\$1,857,166.15</b>	\$2,142,169.05	\$1,394,974.82	\$1,259,636.72
	B*	\$1,759,796.15	\$2,044,799.05	\$1,313,440.82	\$1,178,102.72
	S/D*	<b>0</b>	0	0	0
Plibrico Company, LLC Omaha, NE	A*	<b>\$2,013,120.45</b>	\$2,308,998.90	\$1,779,754.03	\$1,636,773.88
	B*	\$1,901,034.55	\$2,196,913.00	\$1,686,699.65	\$1,543,719.50
	S/D*	<b>(\$7,900.00)</b>	(\$7,900.00)	(\$5,813.00)	(\$5,813.00)
Frank Lill & Son, Inc., Webster, NY	A*	<b>\$2,119,694.62</b>	\$2,387,672.91	\$1,798,496.69	\$1,798,496.69
	B*	\$2,040,351.92	\$2,308,330.21	\$1,474,733.89	\$1,474,733.89
	S/D*	<b>(\$7,000.00)</b>	(\$7,000.00)	(\$7,000.00)	(\$7,000.00)
Scheck Industrial Corporation Gillette, WI	A*	<b>\$2,165,030.92</b>	\$2,432,933.72	\$1,596,392.39	\$1,467,025.23
	B*	\$2,067,660.92	\$2,335,563.72	\$1,514,858.39	\$1,385,491.23
	S/D*	<b>0</b>	0	0	0
Babcock & Wilcox Power Generation Group, Inc., Barberton, OH	A*	<b>\$2,651,608.44</b>	\$2,909,075.72	\$1,559,570.57	\$1,395,091.52
	B*	\$2,524,955.75	\$2,782,423.03	\$1,302,036.55	\$1,137,557.50
	S/D*	<b>0</b>	0	0	0
NAES Power Contractors North Kansas City, MO	A*	<b>\$2,674,453.28</b>	No Bid	No Bid	\$1,361,835.61
	B*	\$2,511,813.28			\$1,039,230.61
	S/D*	<b>0</b>			0
Capital City Boiler & Machine Works, Inc. Des Moines, IA	A*	<b>\$2,970,016.15</b>	\$2,900,243.90	\$1,946,755.60	\$1,929,635.60
	B*	\$2,906,516.15	\$2,817,901.20	\$1,625,492.80	\$1,608,372.80
	S/D*	<b>(\$10,000)</b>	(\$10,000)	(\$4,500.00)	(\$4,500.00)
TEI Construction Services, Inc., Duncan, SC	A*	<b>\$3,151,578.28</b>	\$3,433,236.11	\$1,506,252.04	\$1,356,262.63
	B*	\$1,834,062.67	\$2,115,720.50	\$649,634.65	\$499,645.24
	S/D*	<b>0</b>	0	0	0

A\* - Total –no deducts

B\* - Total inclusive of deduct for stainless tube shields in lieu of spray coating & scrap deduct.

S/D\* - Deduct for scrap value to contractor

Council should note that the bid document contained multiple alternatives on which the bidder could submit a bid. Electric Services staff reviewed all of these alternatives and determined that the best one to award is the Base Bid, which is the Superheater with tube foreign sourced. The Option bid price came in higher than estimated and subsequent testing and operating history indicates that this boiler work is not deemed critical for reliable and efficient plant operation. The option recommended for award is the total plus deduct for scrap (S/D\* on the above table).

Based on the alternatives selected for award, staff concluded that the apparent low bid submitted by AZCO INC., Menasha, WI, in the amount of \$1,804,300 (inclusive of applicable Iowa sales tax) is acceptable. Council should note this amount consists of \$1,812,400 (A\*) plus a deduct of \$8,100 (S/D\*).

AZCO took numerous exceptions to the City's Standard Terms & Conditions on its bid submittal. **Council should note that AZCO successfully performed the Unit 8 Waterwall Installation project and the commercial exceptions taken on that bid are identical to the exceptions taken on this bid.**

For the Unit 8 Waterwall Installation project, Council may recall that Electric Services staff, the City Attorney, and the Risk Manager consulted together to identify the exceptions taken that would be unacceptable for the City. After the objectionable exceptions were identified, staff communicated to AZCO that those exceptions must be retracted if AZCO still wanted to be considered for this project. In AZCO's response, they agreed to retract all of those disputed exceptions. AZCO also provided clarification on some remaining exceptions that helped staff determine their acceptability. For this current bid, the same staff members again consulted together on those clarifications and are recommending AZCO's exceptions. **Since the contractual terms & conditions are identical between the Unit 8 Waterwall Installation Project and the Unit 8 Boiler Superheater & Boiler Tube Replacement Project, AZCO and City staff are in mutual agreement.**

The Engineer's estimate of the cost of this replacement is \$2,475,000. The approved FY 2011/12 budget includes \$2,500,000 for materials and labor for superheater installation.

#### **ALTERNATIVES:**

1. Award a contract to AZCO INC., Menasha, WI, for the Unit 8 Boiler Superheater & Boiler Tube Replacement Project in the amount of \$1,804,300 (inclusive of applicable Iowa sales tax).
2. Reject all bids and delay the replacement of the tubes.

**MANAGER'S RECOMMENDED ACTION:**

This project will address crucial Unit No. 8 tube issues by replacing the superheater portions of the boiler. This work will be a major step towards minimizing downtime for the Power Plant's Unit 8 boiler, as well as towards keeping the Resource Recovery Plant on-line.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby awarding a contract to AZCO INC., Menasha, WI, for the Unit 8 Boiler Superheater & Boiler Tube Replacement Project in the amount of \$1,804,300 (inclusive of applicable Iowa sales tax).

**COUNCIL ACTION FORM**

**SUBJECT: VETERINARY MEDICINE (VET MED) SUBSTATION CAPACITOR BANK FOUNDATION INSTALLATION**

**BACKGROUND:**

On March 27, 2012, City Council approved preliminary plans and specifications for the Vet Med Substation capacitor bank foundation installation. The overall project is for the procurement and installation of two capacitor banks for the Vet Med Substation. This portion is for the installation of a new concrete foundation in the Vet Med Substation to support the capacitor banks.

Bid documents were issued to four potential bidders. The bid was also advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published in the Ames Tribune. It was also sent to two plan rooms. **The bid due date was April 25, 2012, and the City did not receive any bids.**

Staff reviewed the technical specifications and also contacted each of the bid plan holders to determine the reason that no bids were submitted. Two of the plan holders stated that the document must have been redirected to another area of each of their companies and got misplaced. They suspect this was due to the smaller work scope requirements of this project. The point of contacts for each of those companies expressed significant interest in providing bids on this project should the bids be reissued.

**Based on the discussions with the existing plan holder's and the expanded bidder's list obtained from another City department, staff is confident that the City will receive bids if this project is rebid.**

The engineer's estimate for this portion of the overall project is estimated at \$75,000. In 2010/11 the Capital Improvements Plan was adjusted to include \$350,000 for the Vet Med Substation Voltage Support project. The Council recently approved these funds for carryover to FY 2011/12, and approximately \$117,218 remains in the budget for this work. The actual installation of the capacitor banks will be done by City of Ames staff.

**ALTERNATIVES:**

1. a. Accept the report of no bids.  
b. Direct staff to rebid the project.  
c. Approve the preliminary plans and specifications for reissuance of the Vet Med Substation capacitor bank foundation installation and set May 23, 2012, as the bid due date and June 12, 2012, as the date of hearing and award of contract.
2. Do not direct staff to rebid the project and delay the installation of the foundation.

**MANAGER'S RECOMMENDED ACTION:**

There has been and will continue to be an increase of electrical load at the Vet Med Substation as both the ISU Veterinary Medicine campus and the Research Park continue to grow and expand. Installation of the capacitor banks at the Vet Med Substation will provide voltage support and add capacity to the system at a needed load center, improving electric service in that area.

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

**COUNCIL ACTION FORM**

**SUBJECT: 2010/11 & 2011/12 ASPHALT RESURFACING AND SEAL COAT  
REMOVAL/ASPHALT RECONSTRUCTION PROGRAM**

**BACKGROUND:**

This is an annual program for removal of built-up seal coat from streets with asphalt surface, as well as asphalt resurfacing of various streets. This program restores surface texture, corrects structural deficiencies, removes built-up seal coat, and prevents deterioration of various streets. This resurfacing process results in better riding surfaces, increased safety with improved surface texture, and increased life expectancy of the streets. Built-up seal coat on streets causes excess crown, which results in vehicles dragging at driveway entrances. Complete removal of this built-up seal coat allows for repair to curb and gutter and placement of a new asphalt surface.

The locations for seal coat removal/asphalt reconstruction in this contract include 22<sup>nd</sup> Street (Clark Avenue to Duff Avenue), 25<sup>th</sup> Street (Jensen Avenue to Kellogg Avenue), 26<sup>th</sup> Street (Jensen Avenue to Kellogg Avenue), Fletcher Boulevard (Bloomington Road to Stonebrook Road), and Melrose Avenue (24<sup>th</sup> Street to 28<sup>th</sup> Street).

A previous location, Little Street (Hayward Avenue to Welch Avenue), was completed in November 2011 and a second set of streets, East O'Neil (Duff Avenue to Maxwell Avenue) & Hunziker Drive (20<sup>th</sup> Street to Melrose Avenue), are part of Contract #2 which utilizes I-JOBS funding. Combining the remaining portion of the 2010/11 program with the 2011/12 program promotes economy of scale and encourages better unit prices.

On May 2, 2012, bids on this project were received as follows:

Engineer's Estimate	\$811,061.75
Manatt's Inc.	\$795,711.65

Engineering and construction administration costs are estimated at \$121,700, bringing total estimated costs for this portion to \$917,411.65.

Financing for the entire 2010/11 program includes \$100,000 from Local Option Sales Tax, \$269,603 from I-JOBS funding, and \$454,634 from Road Use Tax, bringing total 2010/11 funding to \$824,237. Financing for the 2011/12 program includes \$765,500 from G.O. Bonds. This brings the overall combined program total funding to \$1,589,737.

The remaining funds will be used for additional locations, design, contract administration, and project contingency. As mentioned above, the 2010/11 program

has been divided into three separate contracts. The combined programs include expenses as noted below:

<u>Project Locations</u>	<u>Total</u>
Little Street (Actual)	\$ 44,237.00
East O'Neil & Hunziker (Estimate)	\$ 306,883.00
<b>22<sup>nd</sup>, 25<sup>th</sup>, 26<sup>th</sup>, Fletcher &amp; Melrose (this bid)</b>	<b>\$ 795,711.65</b>
Engineering & Administration (Estimate)	\$ 175,000.00
Overall Total:	<u>\$1,321,831.65</u>

**ALTERNATIVES:**

- 1a. Accept the report of bids for the 2010/2011 & 2011/2012 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program.
  - b. Approve the final plans and specifications for the 2010/2011 & 2011/2012 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program.
  - c. Award the 2010/2011 & 2011/2012 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program to Manatt's Inc. of Ames, Iowa, in the amount of \$795,711.65.
2. Reject the project.

**MANAGER'S RECOMMENDED ACTION:**

This project will continue the City's efforts to restore the life of various streets within the community.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the report of bids, approving the final plans and specifications, and awarding the 2010/2011 & 2011/2012 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program to Manatt's Inc. of Ames, Iowa, in the amount of \$795,711.65.

COUNCIL ACTION FORM

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENT TO ADD AN EXCEPTION FOR THE STRIPING OF PARKING SPACES DESIGNATED FOR THE OUTDOOR DISPLAY OF VEHICLES FOR SALE OR LEASE**

**BACKGROUND:**

A new automobile dealership has been proposed in Ames and an existing dealership is currently expanding its business operations. The owners and representatives of these two developments have brought specific zoning code requirements to staff's attention that they feel are problematic for the display of vehicles for sale or lease.

One such Code requirement for which a change is requested is the requirement that **parking spaces for vehicles on outdoor display for sale or lease must be striped**, in the same manner as parking spaces that are used by customers, employees and others. Existing code sections that deal with this situation are summarized below.

First, "**Outdoor Display**" means the outdoor exhibition of products, **vehicles**, equipment and machinery **for sale or for lease**. Uses that often have outdoor displays include car and boat sales and plant nurseries. **Outdoor display does not include goods that are being stored or parked outside.** See *Section 29.201(131)*.

Second, Section 29.406(11)(b) of the *Municipal Code* addresses the "striping" of parking areas, and states that "**all parking areas must be striped** in accordance with the dimension standards described in Figure 29.406(9)." "**Parking Area**" means **any area consisting of any number of parking spaces** and which is accessory to another use. See *Section 29.201(135)*. "**Parking Space**" means any area designed and used for temporary location of a vehicle. "**Parking Space**" **shall not include any vehicular storage areas.** See *Section 29.201(137)*.

Third, an area where cars are parked for outdoor display is considered to be a parking lot. "**Parking Lot**" means the area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. "**Parking Lots**" **include motor vehicle displays** or storage lots. See *Section 29.201(136)*.

Fourth, a parking lot used for outdoor display is considered to be a parking area. "**Parking Area**" means **any area consisting of any number of parking spaces** and which is accessory to another use.

Fifth, "Outdoor storage" is not the same as "Outdoor display." "**Outdoor Storage**" means the outdoor keeping of any goods, material, merchandise, **vehicles**, or other items for more than 72 hours, not including solid waste out of doors. See *Section 29.201(132)*.



Finally, “Vehicular storage area” is not the same as “Outdoor display.” “**Vehicular Storage Area**” means any open area on any parcel of land used for storing or keeping of **motor vehicles, other vehicles or parts thereof**. “Vehicular Storage Area” shall not include any salvage yards. See *Section 29.201(203)*

**Based upon the definitions of the terms, as described above, under the current code requirements parking spaces for vehicles on outdoor display for sale or lease must be striped.**

**PROPOSED AMENDMENT:**

**Based upon the desires of the owners and representatives of the proposed and existing automobile dealerships, the text amendment described below was prepared for consideration by the Planning and Zoning Commission and the City Council. If approved, the text amendment would grant an exception for the striping of parking areas designated for the outdoor display of vehicles for sale or lease.**

Adoption of the exception for the striping of parking areas for the outdoor display of vehicles would require that Section 29.406(11)(b) of the *Municipal Code* be amended to include the “underlined text”, shown below.

**Section 29.406(11)(b) Striping. All parking areas must be striped in accordance with the dimension standards described in Figure 29.406(9) to clearly delineate parking spaces and drive aisles for use by customer, employee, business and other vehicles, except parking areas designated for outdoor display of vehicles for sale or lease.**

**Recommendation of the Planning & Zoning Commission.** At its meeting of April 18, 2012, with a vote of 6-0, the Planning and Zoning Commission recommended that the City Council approve the proposed zoning text amendment to Section 29.406(11)(b) to grant an exception for the striping of parking areas designated for the outdoor display of vehicles for sale or lease.

Danny Wilson of Wilson Toyota/Scion spoke in favor of the proposed amendment.

**ALTERNATIVES:**

1. The City Council can approve the zoning text amendment to Section 29.406(11)(b) to grant an exception for the striping of parking areas designated for the outdoor display of vehicles for sale or lease, as proposed in the attached ordinance.
2. The City Council can approve the zoning text amendment to Section 29.406(11)(b) to grant an exception for the striping of parking areas designated for the outdoor display of vehicles for sale or lease, with modifications.

3. The City Council can decide not to approve the proposed text amendment.
4. The City Council can refer this issue back to staff for further information.

**MANAGER’S RECOMMENDED ACTION:**

The proposed zoning text amendment to grant an exception for the striping of parking areas used for the outdoor display of vehicles for sale or lease is a reasonable change to the current parking requirements. Parking spaces used by customers, employees and others require minimum dimensions for parking, circulation throughout the parking lot, and access in and out of the site. However, vehicles on display for sale or lease do not require the same accommodations for maneuvering on the site, since the vehicles are not moved frequently and the purpose is for “display”, not “access” to and from the site.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the zoning text amendment to Section 29.406(11)(b) to grant an exception for the striping of parking areas designated for the outdoor display of vehicles for sale or lease, as provided in the attached proposed ordinance.

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.406(11)(b) AND ENACTING A NEW SECTION 29.406(11)(b) THEREOF, FOR THE PURPOSE OF PROVIDING AN EXCEPTION FOR THE REQUIREMENT FOR THE STRIPING OF PARKING SPACES DESIGNATED FOR THE OUTDOOR DISPLAY OF VEHICLES FOR SALE OR LEASE; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City has adopted standards for the striping of parking spaces in accordance with the dimension standards described in Figure 29.406(9); and

**WHEREAS**, current standards for the striping of parking areas do not differentiate between parking areas for the outdoor display of vehicles and those parking areas for use by customer, employee, business and other vehicles; and

**WHEREAS**, parking lots for auto and marine craft trade are not only for purposes of providing parking for individuals that visit or frequent the site, they also serve to display products for sale; and

**WHEREAS**, alternative parking area striping standards for auto and marine craft trade parking lots have been drafted that address the marketing needs of the auto sales industry while also ensuring that the striping of parking areas for use by other vehicles, in accordance with Figure 29.406(9), is achieved.

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 29.406(11)(b) enacting a new Section 29.406(11)(b) as follows:

**“Sec. 29.406. OFF-STREET PARKING.**

...

(11) **Improvements of Off-Street Parking Areas.**

...

(b) Striping. All parking areas must be striped in accordance with the dimension standards described in Figure 29.406(9) to clearly delineate parking spaces and drive aisles for use by customer, employee, business and other vehicles, except parking areas designed for outdoor display of vehicles for sale or lease.”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk

\_\_\_\_\_  
Ann H. Campbell, Mayor

**COUNCIL ACTION FORM**

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENT TO ADOPT ALTERNATIVE LANDSCAPING STANDARDS FOR AUTO AND MARINE CRAFT TRADE USES**

**BACKGROUND:**

On January 24, 2012, the City Council referred to staff a request from Wilson Toyota Scion to evaluate and amend the landscaping requirements for automobile dealerships that would give more flexibility.

This request was prompted by a recent application from Wilson to amend their site plan by incorporating into their site the property directly south of the main dealership. When reviewing required landscaping for the amended site, it became evident that some of the current landscaping requirements are at odds with some of the ways auto dealers market their products. This is significant because the product line of auto dealers is largely placed outdoors on surface parking lots. In this sense, the parking lot becomes the dealer's product "showroom", where the dealership strives to maintain the same flexibility in arranging its product as might otherwise occur in an indoor showroom.

Landscaping has a major impact on the way a dealership can arrange and display its product. At the site's perimeter, landscaping can obscure the visibility of the product to passing traffic. That may or may not represent a hardship to dealerships. On the one hand, most retail products are sold indoors and the fact that they are not lined up and visible to street traffic does not seem to deter the public's willingness to search out and buy the products. On the other hand, auto dealers have become increasingly competitive, using street visibility as a market advantage over other dealers. In this sense, street visibility has become more the norm for auto sale lots and many jurisdictions have facilitated this trend, perhaps to compete with other jurisdictions.

It is at the center of the site where landscaping arguably does disadvantage auto dealers over retailers that otherwise display products indoors. Indoor showrooms can be designed as continuous open spaces, allowing retailers to display their products any way they like. Such flexibility can be impeded, however, when the showroom is an outdoor space with permanently located landscape islands. This difference provides a good rationale for allowing auto dealers some flexibility in their landscape design that might not be appropriate for other types of uses.

One of the challenges in providing that flexibility is to do so in a way that does not undermine landscaping requirements for other types of uses. The City's landscaping standards have been adopted in accordance with the following stated objectives:

- i. Reduce heat-generating pavement
- ii. Provide greater space for trees to shade and cool pavement
- iii. Provide more space for trees to shade and cool buildings, thereby reducing energy consumption for air conditioning
- iv. Reduce the number of lights needed to illuminate parking lots and thereby reduce energy consumption and facilitate Dark Sky objectives
- v. Reduce stormwater runoff from impervious surfaces
- vi. Relieve the blight of the appearance of surface parking lots
- vii. Facilitate creation of an attractive and harmonious community.  
(See, for example, Section 29.403(4)(a))

The impacts that landscaping is intended to mitigate are no less impacting for parking lots covered with vehicles for sale than they are for lots used for any other purposes. For example, an auto dealer parking lot can absorb as much sun, require as many lights, or cause as much stormwater runoff as a parking lot for any other use. **Therefore, it is important than any alternative landscaping standards for auto dealers not be construed simply as an exemption for which no other use would qualify. That could become a fairness issue. It could also undermine the purpose statements of the current landscaping standards, and perhaps negate the City's ability to justify current standards as they apply to other types of uses.** For this reason, staff approached this with the intent of achieving *different but equivalent results* – different in the sense that the alternative landscape standards meet auto dealers' essential needs; and equivalent in the sense that they reasonably reflect current landscape code purpose statements.

The proposed standards included in the attached draft ordinance provide auto and marine craft trade users the following landscaping options. The benefits and impacts of the options are described, along with the proposed measures to compensate for the impacts:

1. Eliminate requirements for internal landscape islands and medians on auto and marine craft trade sites.

Benefits:

- a. Increases flexibility in how vehicles can be arranged and displayed.
- b. Ensures visibility throughout parking lot area so that sales representatives can see their customers.

Impacts:

- a. Reduces the amount of total landscaping, which can increase run-off and increase heat-island effect.
- b. Creates greater expanses of pavement without visual break, which may result in a bleak appearance.

Proposed compensation:

- a. Increase landscaping at the perimeter.
- b. Incorporate landscaped entrance feature and landscaping around perimeter of principal building to break up expanse of pavement.
- c. Allow pavers or color/textured surfaces to account for some of the required landscaping

2. Allow either standard linear alignment of trees and shrubs under L-2 standards; or allow clustering of trees and shrubs under L-1 standards.

Benefits:

- a. The standard linear arrangement of trees provides some softening of parking lot lights as seen from surrounding streets and development.
- b. Clustering option would facilitate increased visibility of the site from abutting streets.

Impacts:

- a. Linear alignment of trees along site perimeter would obscure visibility of site from abutting streets.
- b. Clustering option would create impacts of light and glare, which is a characteristic impact of most auto dealers.
- c. Clustering option could leave wide open expanses with no upright landscape features to provide visual relief or shading (cooling) of pavement.

Proposed compensation:

- a. If clustering option is chosen, require on-site lighting to comply with the same lighting levels established for the Northeast Gateway Overlay district (except for after-hour dimming requirements).
- b. Under clustering option, impose a maximum space between tree clusters of no more than 200 feet, and require clusters to be within 8 feet of pavement to provide some shading.

**Recommendation of the Planning & Zoning Commission.** At its meeting of April 18, 2012, the Planning & Zoning Commission considered the proposed alternative landscape standards and, after hearing public testimony, identified changes that would provide clarification and address the concerns identified by the Commission. The staff agreed that the suggested changes would improve the standards, and has since incorporated the changes into the proposed ordinance. With a vote of 6-0, the Planning and Zoning Commission recommended that the City Council adopt the alternative landscape standards for auto and marine craft trade with the changes discussed.

Because the changes were for clarification purposes only and are incorporated into the ordinance now before the City Council, they have not been itemized in this report.

Danny Wilson of Wilson Toyota Scion indicated that he is in favor of the landscaping standards. He was concerned with current language pertaining to the location of trees because of the damage that occurs to the vehicles from tree sap and birds and would like to be allowed some flexibility about the location of trees. He appreciated the added flexibility the proposed standards would provide.

Scott Renaud, FOX Engineering, expressed concern that the amendments to the landscaping standards may turn existing auto dealerships into non-conforming properties. He also expressed concern about the language pertaining to trees and shrubs in relation to all principal facades visible from a public street. In response, the Director of Planning and Housing assured Mr. Renaud and the Commission that the proposed standards will not create nonconforming landscaping because they do not replace existing standards. Rather, they are *alternative* standards. Therefore, any landscaping nonconformities that may exist for auto dealers exist under current landscaping standards.

#### **ALTERNATIVES:**

1. The City Council can approve the zoning code text amendment adopting alternative standards for auto and marine craft trade uses.
2. The City Council can approve the zoning code text amendment adopting alternative standards for auto and marine craft trade uses with modifications.
3. The City Council can decide not to adopt the proposed text amendments.
4. The City Council can refer this issue back to staff for further information.

#### **MANAGER'S RECOMMENDED ACTION:**

The proposed amendments seem to address the stated, essential needs of auto dealers interested in developing or expanding in Ames, while also reflecting the purpose and intent statements of the City's current landscaping regulations.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative 1, thereby adopting the alternative landscape standards for auto and marine craft trade as provided in the attached proposed ordinance.



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTIONS 29.403(4)(b), 29.403 (5), 29.403(6) AND ENACTING NEW SECTIONS 29.403(4)(b), 29.403(5), 29.403(6), 29.403(7) THEREOF, FOR THE PURPOSE OF PROVIDING ALTERNATIVE LANDSCAPE PROVISIONS FOR AUTO AND MARINE CRAFT TRADE USES; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City has adopted landscaping standards for the following purposes:

- i. Reduce heat-generating pavement
- ii. Provide greater space for trees to shade and cool pavement
- iii. Provide more space for trees to shade and cool buildings, thereby reducing energy consumption for air conditioning
- iv. Reduce the number of lights needed to illuminate parking lots and thereby reduce energy consumption and facilitate Dark Sky objectives
- v. Reduce stormwater runoff from impervious surfaces

**WHEREAS**, current landscaping standards for parking lots do not differentiate between parking lots serving different types of uses; and

**WHEREAS**, parking lots for auto and marine craft trade are not only for purposes of providing parking for individuals that visit or frequent the site, they also serve to display products for sale; and

**WHEREAS**, alternative landscaping standards for auto and marine craft trade parking lots have been drafted that address the marketing needs of the auto sales industry while also ensuring that the stated purposes of landscape standards are achieved;

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Sections 29.403(4)(b), 29.403(5), 29.403(6), and enacting new Sections 29.403(4)(b), 29.403(5), 29.403(6), 29.403(7), to read as follows:

**Sec. 29.403. LANDSCAPING AND SCREENING.**

...

**(4) Landscaping Requirements For Surface Parking Lots, Generally.**

...

(b) Setback and perimeter landscaping. The minimum setbacks and perimeter landscaping standards for parking areas, and for any driveways and drive aisles accessing parking areas, are set forth in Table 29.403(4) below. For Auto and Marine Craft Trade Uses, see Section 29.403 (5), below.

...

(5) **Alternate Landscape Standards for Automotive and Marine Craft Trade Uses.** As an alternative to the requirements of Section 29.403(4)(b) and 29.403(4)(c), the following standards may be applied to sites developed for automotive and marine craft trade as defined in Article 5;

(a) Landscaped area between parking lot pavement and property lines.

(i) Minimum Landscape Width – 20 feet along all property lines abutting public right-of-way lines, 10-feet along all other property lines along a zoning boundary, and 5 feet along all other property lines of properties within the same zone, landscaped as follows:

(a) Five feet of the landscaped setback shall be landscaped according to the L2 , Low Screen landscaping standards of this Section, with the balance landscaped according to subsection iv below; or

(b) Landscaped according to L1 standards, except that required numbers of trees and shrubs may be strategically clustered to allow visual openings into the site. Trees and shrubs must be clustered in regular intervals within required landscaped areas, spaced no greater than 200 feet apart. Each cluster shall include no less than three trees spaced no greater than 15 feet apart (center to center) with the trunk of at least one tree in the cluster located within 8 feet of the parking lot edge (to ensure some shading of abutting pavement). Because landscaping under this option is less effective at softening impacts of lighting common to parking areas, all outdoor lighting shall conform to the Guidelines for Signage and Lighting in Section 29.1109(18), except 29.1109(18)(j). All lighting fixtures shall be shielded in such a manner that the lenses of the fixtures are not visible from public rights-of-way.

(ii) Setback areas beyond the minimum setbacks shall be fully landscaped applying the landscape element ratios in the LI General Landscaping standards of this Section.

(b) Landscaping around perimeter of all principal facades visible from a public street.

(i) Minimum landscape area equivalent to 5 feet times the length of each visible facade.

(ii) Building perimeter landscaping may be reduced or eliminated along selected areas of the perimeter if an equivalent amount of landscaped area is added to other areas of the building's perimeter, provided that perimeter areas of increased landscaping are along building facades visible from public rights of way.

(iii) Up to 25% of the required landscaped area may consist of either a brick-paved surface, or a raised sidewalk/pedestrian area consisting of either brick pavers or colored and pattern-stamped concrete.

(iv) Landscaping shall consist of one tree per 50 feet of building façade, and one shrub for every six feet of building façade. Plants and trees may be clustered as desired.

(c) Landscaped Entry Feature. A landscaped entry feature shall be provided that consists of either a landscaped sidewalk or driveway extending from the right-of-way providing primary vehicular access to the site, to within 20 feet of at least one principal building on the site. The landscape entry feature shall consist of the following:

(i) A five foot wide landscape strip on each side of the sidewalk or driveway. Said landscaping shall extend either:

(a) The full length of the required landscape entry feature; or

(b) At least 50% of the length of the landscape entry feature, provided that the entire length and width of the entry feature consists of a color-contrasted brick paved surface. (Colored and pattern-stamped concrete may be used for walkway areas, but will not suffice in areas of vehicle travel due to its poor color retention over time).

(ii) Landscaping in the entry feature shall consist of one shrub or tree for every 40 square feet of landscaped area. Shrubs may be low-lying to maximize visibility through the landscaped area.

(d) In addition to the minimum landscaping areas and plantings described above, the balance of all setbacks, landscape areas, and other portions of the site not otherwise developed with pavement, buildings, stormwater facilities and/or protected environmentally sensitive areas, shall be landscaped with lawn or groundcover plants (e.g., Sweet Woodruff, Ajuga/Bugleweed, Candytuft, Periwinkle, Vinca, Hosta, Carpet Juniper, prairie wildflower mix, etc.), and additional shrubs, flowers and trees as desired. Ground covers shall be typed, spaced and sized to provide at least 75% coverage within a three-year period. Within this context, Lawn means a managed area of grass forming a continuous turf mowed and maintained at a low and consistent height, and that is generally free of weeds, sedges, and invasive or volunteer plants or grasses.

(e) For sites 3 acres or larger, all of the above landscape provisions apply. For sites less than 3 acres, the applicant may eliminate either the building perimeter landscaping of subsection (b) above, or the landscaped entry feature of subsection (c) above.

**(6) Landscaping Requirements for Apartment Dwellings in the UCRM, RM and RH Zones.**

(a) Generally. These landscaping requirements are intended to be applied to front yards and side yards that abut streets for apartment dwellings in the UCRM, FS-RM, RM and RH zoning districts. This landscaping is required to enhance the yard area and to soften the impact of the building from the street and from nearby residential areas.

*(Ord. No. 3591, 10-10-00)*

- (b) Required Landscape Elements. A minimum of one landscaping unit, consistent of:  
One (1) deciduous (over-story) tree, or  
Two (2) ornamental (understory) trees, or  
Two (2) evergreen trees, or  
One (1) ornamental (understory) tree or one (1) evergreen tree, and  
Six (6) deciduous and evergreen shrubs,

shall be planted for every 60 feet or part thereof of frontage along a public or private street.

(i) Shrubs. Shrubs shall be a combination of deciduous and evergreen plant materials, and no more than b of the shrubs shall be of one type or the other. The majority of the shrubs shall serve as foundation plantings for the multiple family structure, and no more than 50 percent of the building foundation, exclusive of windows, shall be visible from the street in the summer upon maturity of the shrubs.

(ii) Minimum Size. The plant materials shall meet the following minimum sizes when planted:

Deciduous (over-story) tree: 1-1/2 inch caliper, measured 6 inches above the ground.

Ornamental (understory tree): Six (6) feet in height.

Evergreen tree: Three (3) feet in height.

Shrub: Small shrub – minimum of a 12-inch spread.

Medium and large shrub – minimum of an 18 inch spread.

*(Ord. No. 4099, 01-10-12)*

(iii) Trees and Shrubs. Trees and shrubs may be traded within a landscape unit, when there are utility easements or other site impediments that prevent the planting of a specific plant established above, e.g. one deciduous (over-story) tree may be traded for an additional one ornamental (understory) tree and three (3) additional shrubs.

(iv) Existing Vegetation. Developers shall be encouraged to save existing desirable vegetation on the development site, and they will be given credit on a one for one basis against the required landscape units for desirable species saved.

(v) Any undeveloped area on the site not planted with trees or shrubs shall be planted with grass, sod or other cover that is suitable to the local climate and is a suitable variety of ground cover plantings to present a completed appearance and provide full coverage within one (1) year.

(vi) **Installation and Maintenance.** Installation and maintenance of the landscaping for apartment dwellings in the UCRM, FS-RM, RM and RH zones shall meet the requirements provided for in Section 29.403(3).

*(Ord. No. 3591, 10-10-00)*

(7) **Screening and placement of mechanical units.** Mechanical units must meet all screening requirements of Section 29.408(4) and must be located outside of required landscape areas. However, in situations where upgrades or relocations of mechanical units for utility services are necessary to provide continued service, the Director of Planning & Housing may approve placement of mechanical units in required landscape areas, and may also waive screening requirements of mechanical units, if the Director determines that such upgrades or relocations could not have been anticipated either at the time of platting or at the time of site development when the utilities were first planned and/or installed, and that there is insufficient room for the relocated or upgraded utility mechanical units to be screened or placed outside of required landscape areas.

*(Ord. No. 3997,07-14-09)*

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk

\_\_\_\_\_  
Ann H. Campbell, Mayor

**COUNCIL ACTION FORM**

**SUBJECT: SUBDIVISION ORDINANCE TEXT AMENDMENT TO ADOPT PROVISIONS FOR “INTEGRATED SITE PLAN SUBDIVISIONS”**

**BACKGROUND:**

On January 24, 2012, the City Council referred to staff a request to put in place a Binding Site Plan process that would allow division of a site for ownership purposes, but would ensure that the divided lots function as a single site for purposes of compliance with development standards that would otherwise be applicable to individual lots.

Under current standards, individual lots are subject to all development standards, including setbacks, on-site parking, on-site landscaping, etc., even if the lots are commonly owned and collectively part of a larger site plan or project. The proposed amendment would provide a mechanism to bind together individual lots under a common site plan so that it functions as a single site. This would be particularly applicable to retail malls, strip malls, or multifamily projects, where the site is designed for common circulation, parking, design, and/or maintenance, but where individual buildings or stores are under separate ownership.

As this concept was initially discussed, the term “binding site plan subdivision” was used to describe the subdivision type, with the understanding that the word “binding” suggested that each individual site would be “bound” or tied together with other sites in the subdivision. However, staff was concerned that the term “binding” might be construed more as a legal term rather than a term suggesting the integration of multiple sites, so the term “integrated site plan subdivision” is now being used.

**Under this concept, compliance with development standards is determined over the collective site. For example, setbacks are required only along the outer perimeter of the integrated site plan subdivision, rather than along property lines internal to the subdivision; on-site parking is determined over the entire site rather than on individual lots; and landscaping can be located anywhere along the perimeter of the total site so long as the amount of landscaping otherwise required for individual site development is not diminished.**

The integrated site plan will identify the location of all structures and improvements on the site like any other site plan, but will more particularly identify the layout of an internal vehicular and pedestrian circulation system that serves the entire development. It will also identify areas reserved for private common open space and other areas reserved for the common use of the occupants of the proposed development. As such, the integrated site plan subdivision would function much like a condominium development, including provisions for common access and circulation, and for maintenance of

common features and amenities. Accordingly, it would require establishment of an owner's association or other legal entity to manage common improvements and maintenance issues.

An integrated site plan subdivision would be linked to an associated site plan application. The site plan would be processed as a major site development plan, and the subdivision would be processed as a major subdivision. **Both the subdivision and site plan would be processed simultaneously, and the recorded integrated site plan subdivision would incorporate by reference all documents of the approved integrated site plan.**

Integrated site plan subdivisions would be applicable to the following:

- 1) Sites consisting of one or more legally created lots.
- 2) Property zoned commercial, industrial, medium density residential, or high density residential.
- 3) Residential development limited to apartment dwellings only.

In addition, the subdivision must be associated with a Major Site Development Plan under Chapter 29.1502. Within this context, the Major Site Development Plan will be considered and referred to as an Integrated Site Plan.

A draft ordinance adopting the Integrated Site Plan Subdivision provisions described above is attached for Council's consideration. The provisions of the ordinance include the following elements:

- 1) A purpose statement.
- 2) An applicability statement, describing the zones and development types that would qualify as an integrated site plan subdivision.
- 3) Application procedures, describing:
  - a. the information required for a complete application,
  - b. the elements required to be identified on a site plan,
  - c. submittal requirements for project phasing, and
  - d. required information pertaining to existing features such as utility location, easements, and natural site conditions, and miscellaneous information pertaining to site ownership, covenants, agreements, deed restrictions, etc.
- 4) Specific requirements for Integrated Site Plan Subdivisions, including:
  - a. required declarations on the face of the plat,
  - b. requirements pertaining to setbacks and also maintenance easements along interior property lines,
  - c. distribution of landscaping along perimeter,
  - d. required frontage improvements, and

- e. requirements for an owners association or other legal entity responsible for maintenance and management of common site features.
- 5) Phasing provisions for Integrated Site Plan Subdivisions, including provisions for developer agreements that specify how the project will be phased over time and the manner in which each phased will proceed to ensure that each phase is self-sufficient.
- 6) Amendment, modification and vacation provisions, including both the process for amendments, and a description of who must be party to proposed amendments (which is essential when a project consists of multiple property owners).
- 7) Review Procedures, stating that integrated site plans are processed the same as major site development plans, and that integrated site plan subdivisions are processed the same as major subdivisions. The procedures also require the two application types to be processed simultaneously.

**Recommendation of the Planning & Zoning Commission.** At its meeting of April 18, 2012, with a vote of 6-0, the Planning and Zoning Commission recommended that the City Council approve the subdivision code text amendment adopting a new section 23.700, Subdivisions for Integrated Site Plans. Scott Renaud, FOX Engineering, spoke in favor of the proposed amendment.

**ALTERNATIVES:**

1. The City Council can approve the subdivision code text amendment adopting a new section 23.700, Subdivisions for Integrated Site Plans, per the attached proposed ordinance.
2. The City Council can approve the subdivision code text amendment adopting a new section 23.700, Subdivisions for Integrated Site Plans, per the attached proposed ordinance, with modifications.
3. The City Council can decide not to approve the proposed text amendment.
4. The City Council can refer this issue back to staff for further information.

**MANAGER’S RECOMMENDED ACTION:**

The proposed provisions for Integrated Site Plan Subdivisions would provide needed flexibility to sites that are developed as one project but will entail multiple owners. This would greatly advantage developers of retail malls, strip malls, apartment sites, and other types of development that, for financing or marketing purposes, require an integrated project to be developed under separate ownerships. There are currently no provisions in City code that directly allow this option.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the proposed ordinance adopting the subdivision code text amendment for Integrated Site Plan Subdivisions.

It should be noted that this innovative approach that is being recommended by the Planning staff will also satisfy the desires of the owners of the Wilson Toyota Scion who hope to make improvements on the lot they purchased to the south of their current dealership. Since they do not desire to consolidate the lots at this time, the current code would require a landscaped buffer strip between the two properties. They have emphasized that this landscaping requirement would interfere with the use of their total site. The proposed code change would facilitate their planned improvements by removing this landscape buffering requirement as long as they obtain approval of an Integrated Site Plan.



**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 23.700 THEREOF, FOR THE PURPOSE OF PROVIDING A MEANS OF SUBDIVIDING PROPERTY UNDER A SINGLE INTEGRATED SITE PLAN ; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, each lot, tract or parcel in the City is independently subject to current development standards, regardless of common ownership of abutting lots; and

**WHEREAS**, some types of development are based upon a single site design and layout concept that is nonetheless intended for multiple tenants, multiple buildings, and multiple owners; and

**WHEREAS**, application of city standards to each individual lot in a site design that includes multiple lots can force inefficient circulation, landscape and open space patterns, particularly when development standards are based upon the location of property lines, such as setbacks and perimeter landscape requirements; and

**WHEREAS**, the City wishes to facilitate division of a site for ownership purposes while ensuring that the combined lots within the site function as a single site for purposes of access, circulation, maintenance, and compliance with development standards otherwise applicable to individual lots, tracts or parcels;

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by adopting a new Section 23.700, to read as follows:

**23.700. SUBDIVISIONS FOR INTEGRATED SITE PLANS.**

**23.701 Purpose**

The purpose of this Section is to create a process for subdividing commercially zoned or industrially zoned property, or property developed with apartment dwellings, when such division is the result of subjecting the divided lot, tract or parcel to the recording of an Integrated Site Plan for all such land. The purpose of an Integrated Site Plan Subdivision is to facilitate division of a site for ownership purposes, but to ensure that the combined lots within the site function as a single site for purposes of access, circulation, maintenance, and compliance with development standards otherwise applicable to individual lots.

**23.702 Applicability.**

- 1) The subject site shall consist of one or more legally created lots.
- 2) The property must be zoned commercial, industrial, medium density residential or high density residential.
- 3) Residential development under these provisions is limited to apartment dwellings only.
- 4) The subdivision must be associated with a Major Site Development Plan under Chapter 29.1502. Within this context, the Major Site Development Plan will be considered and referred to as an Integrated Site Plan.

**23.703 Application Procedure.**

Integrated Site Plan subdivisions plats are subject to the major subdivision provisions set forth in Division III of this Chapter, and to the Major Site Development Plan provisions in Section 29.1502. A complete application for an Integrated Site Plan Subdivision shall include the following:

- 1) A completed application form as provided by the Department of Planning & Housing, and associated fees.
- 2) All information required for a Major Subdivision application (pursuant to Section 23.302).
- 3) All information required for a Major Site Development Plan application (pursuant to Section 29.1502). (Note: the proposed site plan shall be submitted and illustrated on separate documents from the subdivision plat, but shall clearly indicate the lot lines separately shown on the proposed subdivision plat.)
- 4) All of the site plan elements as listed in Section 29.1502, as long as the following elements are also included:
  - a) A map or plan showing the location and size of all proposed lots;
  - b) Proposed and existing structures including elevations and floor plans and their distance from property lines, the height and number of stories, distance between buildings, etc;
  - c) All proposed uses (if not known, general types of anticipate uses) or existing uses;
  - d) The location of proposed or existing open space including any required landscaped areas, and all major manmade or natural features, i.e., streams, creeks, drainage ditches, railroad tracks, utility lines, etc.;
  - e) The layout of an internal vehicular and pedestrian circulation system, including proposed or existing ingress and egress for vehicles;
  - f) The following zoning code data: zoning district; total lot area (square feet); total building area (square feet); percent of site coverage; number of units proposed; total number of parking stalls (including handicapped); total parking, driveway and circulation area (square feet); proposed landscaping (square feet); percent of lot in open space, type of construction, sprinklered-nonsprinklered, occupancy classification.
  - g) The name of the proposed development; the legal description of the subject property; the date on which the plans were prepared; the graphic scale and northpoint of the plans;
  - h) Any areas proposed to be dedicated or reserved for public purpose, and areas to be reserved for private open space and landscaping and areas reserved for the common use of the occupants of the proposed development.
- 5) A recent title report (no older than 30 days) covering all property shown within the boundaries of the Integrated Site Plan application.
- 6) The location and size of on-site water bodies and drainage features, both natural and manmade.
- 7) The location and size of any existing or proposed utilities serving or crossing the site (i.e., water, sewer, gas, electricity trunk lines).
- 8) A phasing plan and a time schedule, if the site is intended to be developed in phases or if all building permits applications will not be submitted within two years.
- 9) A list of any other development permits or permit application having been filed for the same site.
- 10) Copies of all covenants, easements, maintenance agreements or other documents regarding mutual use and maintenance of parking, common areas, open space, and access.
- 11) Copies of all easements, deed restrictions, covenants, or other encumbrances restricting the use of the site.
- 12) Documentation of the date and method of segregation for the subject property verifying that the lot or lots were created in accordance with the subdivision laws in effect at the time of creation.
- 13) The name of the proposed development; the legal description of the property for which integrated site plan approval is sought; the date on which the plans were prepared; the graphic scale and northpoint of the plans.

**23.704 Requirements for Integrated Site Plan Subdivision**

- 1) An Integrated Site Plan Subdivision must include a descriptive title for the subdivision, and a descriptive title for the associated Integrated Site Plan.

- a) The subdivision title must be clearly shown on the face of the plat as:  
“ [Descriptive Title] Integrated Site Plan Subdivision”, and
  - b) The site plan and associated documents must be clearly titled as:  
“ [Descriptive Title] Integrated Site Plan”.
- 2) The Integrated Site Plan Subdivision plat shall include all of the following declarations on the plat:
- a) “Circulation and Parking - Unless otherwise specified, all driveways, parking areas, roadways, fire lanes, sidewalks, plazas, courtyards, and other vehicular or pedestrian ways or spaces identified on the approved Integrated Site Plan associated with this Integrated Site Plan Subdivision are for the common use of the owners, tenants, customers and related operational interests associated with each lot contained within this subdivision.”
  - b) “Maintenance Area. Unless otherwise specified, a maintenance area is provided within 10 feet of any building or structure identified on the approved Integrated Site Plan associated with this Integrated Site Plan Subdivision, even when said area extends onto other lots within this subdivision, provided that disturbance of improvements or landscaping shall be minimized and repaired/replaced if damaged.”  
“All development and use of the land described herein shall be in accordance with this subdivision and the associated [Descriptive Title] Integrated Site Plan, as they may be amended with the approval of the City of Ames, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof.”
- 3) Setbacks. All buildings and structures contained in the Integrated Site Plan Subdivision are subject to the following setback provisions:
- a) Setbacks along the outer perimeter of the subdivision plat shall conform to the setbacks of the underlying zone.
  - b) Setbacks are not required from interior property lines within the Integrated Site Plan Subdivision. However, property lines may not bisect buildings unless a firewall is located along said property line.
- 4) Landscaping. The landscaping standards of the underlying zone apply to each lot within the subdivision, except as follows:
- a) Minimum area landscaping calculations may be based on the area of landscaping in the entire subdivision rather than the area of landscaping on individual lots within the subdivision subject to conformance with phasing provisions in Section 23.705).
  - b) Required parking lot perimeter landscaping along interior property lines may (subject to conformance with phasing provisions in Section 23.705) be relocated to the other areas of the subdivision, provided that:
    - i) the total amount of parking lot landscaping is not diminished from that which would be required if each lot were platted and developed independently; and
    - ii) Any required landscape medians and islands are provided in all parking areas.
- 5) Frontage Improvements. All Integrated Site Plan Subdivisions shall include street improvements specified in Section 23.403.
- 6) All circulation and parking improvements defined on the face of the plat or on the associated Integrated Site Plan, as well as exterior lighting fixtures, landscaping, signage, fixtures and other improvements required by the provisions of the Integrated Site Plan, and/or which serve multiple lots within the subdivision, are to be included in or owned by an association or legal entity in which the owners of each lot or parcel in the divided property have a legal or beneficial interest.
- 7) Maintenance of Improvements. All improvements required to comply with the minimum provisions of the Integrated Site Plan, including areas and features on individual lots that collectively contribute to total

compliance with minimum standards for parking, circulation, pedestrian access, landscaping, as well as any improvements that are for the collective use of all property owners and/or tenants (such as signage, fixtures, dumpster enclosures, etc.), shall be maintained by an owners association or other legal entity, in which each property owner has a legal interest and obligation. Maintenance obligations shall be included in covenants and restrictions that are administered by the association or legal entity, and which run with the land. The City shall be furnished for review and approval the covenants and restrictions and the legal instruments creating the association or legal entity as part of the Integrated Site Plan Subdivision approval process.

- 8) The property owners must execute written agreements which are recorded against the affected property, ensuring that all lots within the Integrated Site Plan Subdivision will continue to function as one site for any number of purposes, including but not limited to: lot access; interior circulation; common utilities; open space; landscaping and drainage; common facilities maintenance; and coordinated parking. Such approved Integrated Site Plan Subdivision and associated Integrated Site Plan is recorded in the county in which such land is located.

### **23.705 Phasing**

Building permit applications shall be submitted for all structures shown on the Integrated Site Plan within two years of approval. If the applicant chooses to develop the property in a phased development, the applicant must execute a development agreement with the City, which will govern the use and development of the property subject to the Integrated Site Plan, including (1) vesting applicable to subsequent permits; (2) the manner in which each phase of the development will proceed to ensure that (a) roads, utilities, and stormwater systems necessary to serve each phase of the development are constructed prior to the development of each phase, and (b) that sufficient parking, landscaping, open space or other required improvements are in place to ensure that each successive phase complies with minimum requirements in the event that subsequent phases are not completed; (3) expiration of the agreement and all provisions therein.

### **23.706 Amendment, modification and vacation.**

- 1) Amendments or modifications to an Integrated Site Plan Subdivision are processed as both an amendment to the subdivision plat and the associated Integrated Site Plan, being processed simultaneously and under the same review criteria and procedures specified for an initial application for an Integrated Site Plan Subdivision (per Section 23.703).
- 2) The following types of amendments require the consent of all owners within the subdivision:
  - a) Major amendments as defined in Section 23.306.
  - b) Amendments that are not consistent with recorded covenants and maintenance agreements.
  - c) Any amendment that is not consistent with the approved Integrated Site Plan.
- 3) Amendments pertaining to the layout or improvements on individual lot(s), and that do not otherwise fall under the provisions of subsection 1 above, require only the consent of the individual affected lot owners.
- 4) If a portion of an Integrated Site Plan Subdivision is vacated, the property subject to the vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision. Development of the vacated lot is subject to an amendment to the Integrated Site Plan Subdivision and associated Integrated Site Plan.

### **23.707 Review Procedure.**

An Integrated Site Plan Subdivision is subject to the same review process and decision criteria as Major Subdivision (Section 23.302); and an Integrated Site Plan is subject to the same review process and decision criteria as a Major Site Development Plan (Section 29.1502). Although the subdivision and site plans are separate documents, they are reviewed and processed simultaneously, and an Integrated Site Plan Subdivision incorporates by reference all documents of an approved Integrated Site Plan.

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Three. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk

\_\_\_\_\_  
Ann H. Campbell, Mayor

**COUNCIL ACTION FORM****SUBJECT: PARKING REGULATIONS ON TIMBER RIDGE DRIVE****BACKGROUND:**

On February 10, 2012, City Council referred to staff a letter from Chuck Winkleblack regarding the existing parking regulations along Timber Ridge Drive in the Estates West Subdivision located off of North Dakota Avenue. The letter indicated the current ordinance prohibits parking on both sides of Timber Ridge Drive and that the residents in the subdivision would like to see parking allowed along one side of the street.

After receiving the initial request from Mr. Winkleblack, staff found that the preliminary plat had anticipated that parking be prohibited only along the north side of Timber Ridge Drive, which is consistent with the City's normal standard, given the width of the road and that the fire-hydrants/water main are also located on the north side of the street.

Following the review of the subdivision information and performing a field review of Timber Ridge Drive, staff did not find a safety or operational reason to not allow on-street parking. Therefore, staff recommends that an ordinance be drafted to revise Section 18.31 (345) of the *Municipal Code* to prohibit parking at all times along the north side of Timber ridge Drive.

**ALTERNATIVES:**

1. Direct the City Attorney to develop an ordinance revising the parking regulations on Timber Ridge Drive to prohibit parking at all times on the north side of the road.
2. Reject this ordinance.

**MANAGER'S RECOMMENDED ACTION:**

This revision would be consistent with the City's normal parking standards and practice.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby directing the City Attorney to develop an ordinance revising the parking regulations on Timber Ridge Drive to prohibit parking at all times on the north side of the road.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 18.31 (345) AND ENACTING A NEW SECTION 18.31 (345), FOR THE PURPOSE OF REVISING PARKING REGULATIONS ON TIMBER RIDGE DRIVE PROHIBITING PARKING ON THE NORTH SIDE AT ALL TIMES OF THE DAY; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 18.31 (345) and enacting a new Section 18.31 (345) as follows:

“**Sec. 18.31. REGULATIONS FOR SPECIFIC STREETS OR LOCATIONS.**

(345) **TIMBER RIDGE DRIVE.** Parking is prohibited at all times on the north side of Timber Ridge Drive.”

Section Two. Violation of the provisions of this ordinance shall constitute a simple misdemeanor punishable as set out by law.

Section Three. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk

\_\_\_\_\_  
Ann H. Campbell, Mayor