

**AGENDA**  
**REGULAR MEETING OF THE AMES CITY COUNCIL**  
**COUNCIL CHAMBERS - CITY HALL**  
**OCTOBER 9, 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:** 7:00 p.m.

**PRESENTATION:**

1. Proclamation for CHARACTER COUNTS! Week, October 21-27, 2012

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

2. Motion approving payment of claims
3. Motion approving Minutes of Special Meetings of September 17, 2012, and October 4, 2012, and Regular Meeting of September 25, 2012
4. Motion setting December 4, 2012, and December 18, 2012, as Regular Council Meeting dates; and January 29, 2013, as a Special Council Meeting date
5. Motion approving certification of civil service applicants
6. Motion approving Report of Contract Change Orders for September 16-30, 2012
7. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Liquor – London Underground, 212 Main Street
  - b. Class C Liquor – Angie’s Cantina, 2414-2416 Lincoln Way
  - c. Special Class C Liquor – Le’s Restaurant, 113 Colorado Avenue
  - d. Class C Beer & B Wine – Aldi, Inc., #48, 1301 Buckeye Avenue
8. Resolution approving Kathranne Knight to fill vacancy on Public Art Commission
9. Resolution approving addition of five street lights in Ringgenberg Park Subdivision, 3<sup>rd</sup> Addition, per existing Street Lighting Agreement with Alliant Energy
10. Resolution approving preliminary plans and specifications for Ames Public Library Renovation Project; setting November 15, 2012, as bid due date and November 27, 2012, as date of public hearing
11. Resolution awarding a contract to Environmental Edge, of Ottumwa, IA, for Fall 2012 Asbestos Removal for the Power Plant in the amount of \$77,500
12. Resolution approving contract and bond for South Duff Avenue/Southeast 16<sup>th</sup> Street Frontage Road
13. Resolution approving contract and bond for 2008/09 and 2009/10 Skunk River Trail Extension (Hunziker Youth Sports Complex to Southeast 16<sup>th</sup> Street)
14. Resolution accepting completion of 2008/09 Arterial Street Pavement Improvement Project (North Dakota Avenue)
15. Resolution approving Plat of Survey for 517 Grand 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, AND COMMUNICATIONS:**

16. ISU Homecoming requests for October 26, 2012:
  - a. Resolution approving closure of portions of Ash Avenue, Gray Avenue, Lynn Avenue, Pearson Avenue, and Sunset Drive between 6:30 p.m. and 11:00 p.m.
  - b. Motion approving temporary obstruction permit for area inside street closures
  - c. Motion approving Fireworks Permit for ground effects fireworks shoot on Central Campus at midnight on October 27
17. Staff report on request from Main Street Cultural District for Downtown Employee Parking Hang Tag Pilot Program
18. Staff presentation on results of Traffic Calming Studies for:
  - a. Hayes Avenue
  - b. Ridgewood Avenue, Summit Avenue, and Crescent Street
  - c. Jewel Drive

**PARKS & RECREATION:**

19. Staff report on prospective purchase of 80-acre parcel of parkland located west on Ontario:
  - a. Conceptual Park Master Plan
  - b. Project Budget
  - c. Next Steps:
    - i. Motion providing direction to staff

**ELECTRIC:**

20. MEC Interconnection 161-kV Transmission Line:
  - a. Resolution authorizing the redirection of CIP funding
  - b. Resolution awarding contract for Transmission Line Construction to Hooper Corporation of Madison, Wisconsin, in the amount of \$9,248,611.46
21. Resolution approving addition of photovoltaic systems rebate to existing Smart Energy Program installed after July 1, 2012

**WATER & POLLUTION CONTROL:**

22. Resolution approving entering into State Revolving Fund (SRF) Sewer Revenue Loan and Disbursement Agreement in a principal amount not to exceed \$3,121,000

**HEARINGS:**

23. Hearing on Unit No. 8 Steam Turbine Parts:
  - a. Resolution approving final plans and specifications and awarding contract to ARGO Turboserve Corporation of Lyndhurst, New Jersey, in the amount of \$526,086.90, plus freight
24. Hearing on WPC Facility Methane Engine - Generator Set No. 2 Rehabilitation:
  - a. Motion accepting report of bids
25. Hearing on Flood Damage - Bank Erosion (326 North Riverside Drive and Stuart Smith Park):
  - a. Resolution approving final plans and specifications and awarding contract to Peterson Contractors, Inc., of Reinbeck, Iowa, in the amount of \$499,946.75
  - b. Resolution reallocating \$43,000 of G. O. Bond proceeds from the Squaw Creek Pedestrian Bridge project to fund this project
26. Hearing on Nuisance Assessment:
  - a. Resolution assessing costs of property clean-up and certifying assessment to Story County Treasurer

27. Hearing on Environmental Information Document (EID) for New Water Treatment Plant to be located at 1800 E. 13<sup>th</sup> Street:
  - a. Motion approving EID, as written

**ORDINANCES:**

28. First passage of ordinance amending *Iowa Code* reference pertaining to cruelty to animals
29. First passage of ordinance approving reduction in membership for Human Relations Commission
30. Second passage of ordinance adding firearm sales as prohibited home occupation in Section 29.1304(1)c
31. Second passage of ordinance vacating alley west of Ames Public Library
32. Third passage and adoption of ORDINANCE NO. 4125 to allow limited residential uses on first floor in Downtown Service Center (DSC) Zone

**COUNCIL COMMENTS:**

**HUMAN RESOURCES:**

33. Motion to hold Closed Session as provided by Section 20.17(3), *Code of Iowa*, to discuss collective bargaining strategy

**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*.**

**SPECIAL JOINT MEETING OF THE AMES CITY COUNCIL AND  
AMES COMMUNITY SCHOOL BOARD**

**AMES, IOWA**

**SEPTEMBER 17, 2012**

The Ames City Council met in special session at 7:00 p.m. on the 17<sup>th</sup> day of September, 2012, in the Multipurpose Room of Ames High School, 1921 Ames High Drive, Ames, Iowa, pursuant to law.

**INTRODUCTION OF SCHOOL BOARD OF DIRECTORS AND CITY COUNCIL**

**MEMBERS:** Council Members present: Davis, Goodman, Orazem, Szopinski, and Wacha. Council Member Larson was absent. School Board Members present: Briggs, Deardorff, Espeset, Putz, Simpson, Talbot, and Woodin. School Board President Dan Woodin explained that the meeting would consist of a presentation of information that would update the City Council on several major projects.

**APPROVAL OF AGENDA AND READING OF MISSION STATEMENT:** Moved by Putz, and seconded by Espeset to approve the agenda.

Vote on Motion: 7-0. Motion carried unanimously.

Ms. Simpson read the Ames Community School District's (ACSD) mission statement. Introductions of School Board members and City Council members took place. It was noted that Jami Larson will not be in attendance, and that Jeremy Davis will be arriving late.

**DISCUSSION OF SCHOOL DISTRICT'S MASTER FACILITIES PLAN:** Mr. Woodin told the group that Superintendent Tim Taylor will review the Master Facilities Plan. He explained that the Board is being very conscious of how many renovations will be going on at once. He also told the City Council that the middle school will be paid off this year, which will be eight years early. Mr. Woodin said that a long-range working plan is being laid out, of which the City will receive a copy.

Dr. Taylor showed the working draft of the Facilities Master Plan, which takes the district through 2017. He said last year the community showed its support by approving a referendum for \$55 million worth of revenue bonds for elementary school building construction and renovation. Dr. Taylor said the proposed schedule is very compact, and that the Board has been working with architects to design Miller Avenue Elementary School, which will replace Edwards. He showed a map of the proposed school, explaining that at the center of the design is the gym, which is high school regulation-size. He said their thinking is that Parks and Recreation would be able to utilize it. He also said that security was very important in the design, as well as room for "bubble classes". He showed the kindergarten/ first grade wing, the second/ third grade wing, and the fourth/ fifth grade wing. Dr. Taylor also explained that the large hallways would also be used for engagement of small groups. Mayor Campbell sought clarification regarding the entrance Parks and Recreation would use for programming. Dr. Taylor said the main doors would be used, and there would be the ability to seal off the rest of the building during those events. He said the Board has been very aggressive and prudent in the design, and when construction is underway in January, then the Board will go through the same process for the other elementary building construction and renovations. Dr. Taylor said the goal is to have all elementary schools completed by the 2016/17 school year.

Dr. Taylor told the Council that by this time next year, the school district will be debt free other than the new bonds. He said that consumers in Story County currently contribute about \$3.4

million per year through the 1% of sales tax that goes to the district, which can be spent on specific items including remodeling buildings and new buildings. Dr. Taylor said they have also been looking at other projects such as the Municipal Pool, and possible athletic fields at the 24<sup>th</sup> Street site. Council Member Goodman asked how large the 24<sup>th</sup> Street site is. Facilities Director Gerry Peters said it is 26.4 acres.

Discussion ensued regarding the unused ACSD property. School Board Member Putz thanked the City for providing the background information and the zoning information for the properties. Dr. Taylor asked if the City is interested in any portion of the Roosevelt or Edwards facilities for parks. Council Member Szopinski said she is curious about the Roosevelt property, since she receives many opinions about making sure that something is done with it. School Board Member Talbot said he thought the City would take the property for a park. School Board Member Deardorff said that he would like to hold off on that until it is determined exactly what can be done with the facility, and the Board weighs options including moving the school administration offices there, creating green space, etc.

Mr. Putz said Edwards and Roosevelt were centers of their communities at one point, and said he doesn't feel that a large park is a means to retain that feeling. He also said he hopes that since the Roosevelt building is listed on the National Register of Historic Places, that someone could benefit from tax benefits to remodel the building. Mr. Putz said he wants the facility to be community-oriented to retain the dynamic. Mr. Goodman asked Mr. Putz if he thinks the building is a core piece of that dynamic. Mr. Putz said that's a great question, and he believes the character of the neighborhood is related to the building. It was noted that StruXture Architects is doing a review on option for the building, and after those options are exhausted, then it could be opened up for suggestions. School Board Member Talbot said he doesn't want to sit on the decision until the building falls down. He said no one has come forward since the building became vacant in 2005, so if someone wants the building it is time for them to speak up. He also said he wants to make sure that it is or isn't an appropriate place for administrative offices. Dr. Taylor said some companies were discussing preserving the building and creating multiple residences, but the property is currently zoned for 1-2 units.

There was discussion regarding selling property when re-zoning or other land decisions needed to be made. Mr. Deardorff said the interested party for the old middle school will have 270 days to pursue re-zoning and other necessary changes, and if it doesn't work out, then the party can back out of the contract. Council Member Orazem commented that the new use would have to be able to pay for the demolition. Mr. Putz said the wording on the contract is such that the school Board washed its hands of the zoning issue, and that the buyer must take that up with the City. Mayor Campbell said having the government overlay was meant to prevent surprises to the neighboring residences and to limit land uses. Planning and Housing Director Steve Osguthorpe said in 2007 the Council was in a similar situation, having to respond to someone purchasing land from a governmental entity. He said there was nothing in place at the time to define how lands could be used after a buyer purchased land from a governmental entity. Mr. Osguthorpe explained that after seeking community input, holding workshops, seeking more feedback, and working with the school district, a statement was created that could be used to guide purchasing entities and the surrounding neighborhood. He said the statement included low to moderate density housing, and at that time the School Board agreed with the statement.

A chart was shown of the school district-owned properties, with the current Land Use Policy Plan (LUPP) designation, and uses consistent with compatible zoning, of which most were low

to medium density residential. Mr. Talbot asked if the previous Board desired the most single family overlay as possible. Mr. Osguthorpe said yes. Mayor Campbell said the board was also concerned with compatibility to the surrounding area. Mr. Goodman said the Council desired to work with the district to increase their operational revenue as much as possible. Mr. Putz said the revenue from selling land must be used for infrastructure. There was discussion on the projected population and housing needs.

City Manager Steve Schainker said government property also includes university land. He said the concern with the school district at that time was that most of the growth was going into the Gilbert School District. Mr. Putz said single family housing by itself is not a reason to settle in a certain area. Mr. Woodin said current university enrollment does show that there will be a need for high density residential. He also said when an offer is received, the Board doesn't necessarily know what the planned use will be. Mayor Campbell said there is a finite amount of land available for development within the Ames Community School District. Mr. Goodman said more students would result in an increase in operational funding, and asked the Board if it has an interest in that. Mr. Putz said the Board does, but that Iowa State University (ISU) also has an interest. There was discussion regarding the fluctuation in ISU enrollment.

Mr. Deardorff said he is concerned that the Board needs to move on the old middle school site, that no offer has been received by developers, and that build out of that land could take some time. Mayor Campbell said to look at the most lucrative offer is not good land use planning. Mr. Deardorff said the Board is concentrating on how to provide the best education to the children in Ames. Mr. Talbot said his position is that City Council doesn't control curriculum, and the School Board doesn't control zoning. He said his perspective is that the Board should send purchasers to the City for zoning questions, as the City has the zoning experts.

Council Member Davis arrived at 8:00 p.m.

Council Member Wacha thanked Mr. Talbot for his perspective, and then stated that his perspective is that what is best for the entire community should be considered. Mr. Wacha said it would be great if the enrollment decline that the district has seen in past years could be prevented. Mr. Goodman said at some point the Board must decide if it is reasonable to absorb single family homes on the largest property it will be selling during this time. Dr. Taylor said the old middle school site creates a huge liability for the district. He also said that if the property was sold to developers, the revenue may not even cover the demolition.

Mr. Putz said he believes there will be some K-12 students in whatever housing is built. School Board Member Simpson said having empty properties is ugly, looks run down, and more importantly, there is a true liability knowing that people have broken in and used the facilities for shelter. She said no one else has come forward with an offer, and that the current offer for the old middle school property is for \$2.5 million, and the purchaser will tear down the building. She said there are lots of factors, but among the factors being weighed by the Board are how to best improve the community for children, receive income, and get rid of old, vacant buildings. She said the Board does care about who is buying the property and what they will do with it. Mr. Woodin said the Board cannot control what the buyer does with the property. Mr. Wacha said from his long-term focus, he has concern that the existing, core neighborhoods will suffer if 900 more beds are added. He said in the case that ISU enrollment drops, it will be the core neighborhoods that will experience emptiness, not the new developments. Mr. Deardorff said

it is an opportunity for those owners to revitalize their properties. Discussion ensued regarding density requirements.

Mr. Putz said he would volunteer time if individuals would like to get together to discuss working together. Mayor Campbell said she hopes that is initiated at the staff level. Ms. Szopinski said the discussion was very helpful. Mr. Goodman said he would like to see opportunities proposed for the old middle school site, such as the plan for affordable housing on the 24<sup>th</sup> Street site several years ago that would have been supported by Community Development Block Grant (CDBG) funds. He said the old middle school site could work for that same type of effort if both parties were interested. Mr. Goodman said more affordable housing could be created, of which there is a shortage. He said he realizes the Board is very concerned about moving forward, but it would be worth looking into. Mr. Deardorff said there are 270 days of review in the contract, so these discussions could be had during that time. He also said he would be concerned that ideas like this could jeopardize the contract. Mr. Davis said the CDBG funds for the current year are already spoken for, and said he is hesitant to plan for future CDBG funds since it is uncertain whether the City will continue to receive those funds.

Mr. Woodin said traffic could change specifically at the old middle school site, as well as other sites if the use changes. Mr. Schainker said when the City develops a site, the Development Review Committee reviews plans with the needed expertise of the City Traffic Engineer to look at the effects on neighborhoods. Mr. Putz asked about traffic at the new middle school site. He said buses are having trouble getting out of the middle school, and asked about a traffic light. Mr. Schainker said the site is not warranting a stop light at this time according to Iowa Department of Transportation's warrants. Discussion ensued regarding the traffic at the middle school. It was clarified that the recent traffic study was done for future traffic, as if Dotson Drive was completed. Mr. Wacha said there is not enough traffic according to the State criteria to warrant a stoplight at this time, and since it's not warranted, he sought clarification on if the School Board is asking for a light. School Member Briggs said it is the apartments, built after the school, that is causing the problem. He said the Board is willing to put money toward the traffic light for safety reasons, and said the Board would like help from the City. Assistant City Manager Bob Kindred said that there are 3 east/west arterial streets in the entire community, and Mortensen Road is one of them. He explained that as new development comes online north or south of this major arterial, it is required that the developer do a traffic study to check trip generations. Mr. Kindred said that when the school was built there was no need for a traffic signal, so it was not included in the requirements. He said that the apartments to the south come out on different points of Dotson Drive, and the question of whether or not a traffic signal is required is asked at each intersection. Mr. Kindred explained that the five year Capital Improvements Plan (CIP) includes any new signals that are needed, and this area has not show up on the radar at all since it hasn't risen to that level yet. He said that someday when Dotson Drive goes all the way through, as the warrant analysis showed, a signal will be needed but it is not needed now. Mr. Putz suggested staff members could get together to discuss this issue.

School Board Member Espeset asked if, when Dotson Drive is connected, it would be warranted to have a signal. Mr. Kindred said yes. Mr. Espeset asked how that would be paid for. Mr. Kindred said if arrangements had not been made previously for developers or others to have escrowed money for it, then it would be scheduled into the five year CIP plan to be constructed and paid for by the City. Mr. Kindred said that for example, if in four years, the developer of

Southfork Subdivision paved to the northern edge of the school property, that would kick in the contractual provision that the school district finish Dotson Drive within two years, which would trigger the City to place the traffic light in the CIP. Mr. Putz asked how the process could move faster. Mr. Kindred said it depends on the private property owner's progress. Mr. Woodin said much information was shared, and said he hopes to meet again in the future.

**ADJOURNMENT:** The meeting adjourned at 8:40 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

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Erin Thompson, Recording Secretary



**MINUTES OF THE JOINT MEETING OF THE  
AMES CITY COUNCIL AND HOSPITAL BOARD OF TRUSTEES**

**AMES, IOWA**

**OCTOBER 4, 2012**

The Ames City Council and Hospital Board of Trustees met in joint session at 12:07 p.m. on the 4<sup>th</sup> day of October, 2012, in Mary Greeley Medical Center (MGMC) North Addition, Room A/B. Those in attendance were Mayor Campbell and Council Members Goodman, Larson, and Szopinski; and, Hospital Board Chairperson Buck and Trustees Banitt, Heemstra, Kitchell, and McCuskey. Administrative staff present were Brian Dieter, President and CEO; Vice-Presidents Karen Kiel Rosser and Lynn Whisler, Jennifer Killion, MD; and Stephanie Bates, Executive Assistant, representing MGMC; and Steve Schainker, City Manager; Susan Gwiasda, Public Relations Officer; and Diane Voss, City Clerk, on behalf of the City.

Chairperson Buck and Mayor Campbell welcomed the City Council, Hospital Board of Trustees, and administrative staff members from both entities.

Mr. Dieter gave a presentation on “The Triple Aim of Healthcare,” utilized by MGMC. He defined it as a framework developed by the Institute for Healthcare Improvement that describes an approach to optimizing health system performance. The three Aims are: (1) improving the patient’s experience of care, (2) improving the health of populations, and (3) reducing the per capita cost of health care. Mr. Dieter explained how MGMC compares with other hospitals statewide and nationally in certain categories. Readmission rates for MGMC were also explained by Mr. Dieter. He described how they survey patients and presented statistics from 2008 through 2012 on the results of those surveys. He also how MGMC works to ensure that its patients get the very best in care. Discussion entailed specifically on two health concerns prevalent in the City of Ames: obesity and binge drinking. Suggestions were made on how the different entities: MGMC, ISU, and the City can work together to make Ames a healthier community.

The Council was given an update on MGMC’s expansion project, which has been underway for approximately one year.

There were no further comments from the Board of Trustees or City Council, and the meeting adjourned at 1:17 p.m.

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Diane Voss, City Clerk

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Ann Campbell, Mayor

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

AMES, IOWA

SEPTEMBER 25, 2012

The regular meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on September 25, 2012, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, Victoria Szopinski, and Tom Wacha. *Ex officio* Member Sawyer Baker was also present.

**PRESENTATION OF 2012 HEALTHY IOWA COMMUNITY AWARD:** Elaine Hieber advised that she and John Shierholz co-chair the Healthiest Ames Initiative, which is comprised of a group of more than a dozen Ames organizations, businesses, and individuals that originally formed as the Ames Blue Zones Project Team. Ms. Hieber explained that after Ames was not selected as a Blue Zones Demonstration Site, that Team felt that, based on what Ames has to offer - resources, facilities, and programs - it could better serve Ames residents if it took a self-directed path. The chosen path will include principles of the Blue Zones initiative, but also allow inclusion of other programs, such as the Healthiest State Initiative. In late March, the Team nominated Ames for the Healthiest Community in Iowa Award. Ames was named the winner at the Healthy Iowa Awards annual dinner on September 20, 2012 in Des Moines.

Ms. Hieber advised that the Healthy Iowa Awards began in 2009 as a celebration of the healthiest schools, organizations, and individuals in the state. The Awards are presented by the Academy for a Healthy Iowa, a collaboration among the Iowa Department of Public Health, Governor's Council on Physical Fitness and Nutrition, and Wellness Council of Iowa. Award winners are selected based on providing access to wellness, programming, financial commitment, measurability, and sustainability.

Mayor Campbell recognized City Health Promotion Coordinator Stephanie Downs for her tireless efforts in coordination with the Healthiest Ames Initiative.

The video done by staff of the Healthy Iowa Awards showcasing Ames as the 2012 Healthiest Community in Iowa was shown.

Ms. Downs welcomed and encouraged residents to participate in the Iowa Healthiest State Walk at several Ames locations at Noon on October 3. The Mayor will lead a Walk from City Hall on that date and time.

**PRESENTATION OF "SMART CHOICE" COMMERCIALS:** Public Relations Officer Susan Gwiasda stated that Ames native Harrison Barnes, who now plays professional basketball for the Golden State Warriors, had approached the City asking what he could do to "give back to the community" that had given him so many opportunities. It was decided that he would participate in a series of commercials highlighting Ames as the "Smart Choice" in which to live. The commercials prepared by Cable Coordinator Derek Crisler were shown.

**CONSENT AGENDA:** Council Member Goodman requested to pull Items No. 11, 12, and 13 (pertaining to Traffic Signal Programs) for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of September 11, 2012

3. Motion approving Report of Contract Change Orders for September 1 - 15, 2012
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Liquor & Outdoor Service – Hickory’s Hall, 300 South 17<sup>th</sup> Street
  - b. Class C Beer & B Wine – K Mart #3971, 1405 Buckeye Avenue
  - c. Class C Beer & B Wine – Hy-Vee Gas #5018, 636 Lincoln Way
  - d. Class C Beer – Doc’s Stop No. 5, 2720 East 13<sup>th</sup> Street
  - e. Class E Liquor, C Beer, & B Wine – Hy-Vee Food Store #1, 3800 West Lincoln Way
  - f. Class E Liquor, C Beer, & B Wine – Hy-Vee Food & Drugstore #2, 640 Lincoln Way
5. Motion setting the following City Council meeting dates:
  - a. January 15, 2013, at 5:15 p.m. for CIP Work Session
  - b. February 1, 2013, at 2:00 p.m. for Budget Overview
  - c. February 5, 6, 7, and 12, 2013, at 5:15 p.m. for Budget Hearings/Wrap-Up
  - d. March 5, 2013, at 7:00 p.m. for Regular Meeting and Final Budget Hearing
6. RESOLUTION NO. 12-499 approving and adopting Supplement No. 2012-4 to *Ames Municipal Code*
7. RESOLUTION NO. 12-500 approving appointment of Shelby Ebel to fill vacancy on Zoning Board of Adjustment
8. RESOLUTION NO. 12-501 approving 28E Agreement with the Alcoholic Beverages Division for enforcement of tobacco laws
9. RESOLUTION NO. 12-505 approving preliminary plans and specifications for 2010/11 Traffic Signal Program (Southeast 16<sup>th</sup> Street & South Dayton Avenue); setting October 18, 2012, as bid due date and October 23, 2012, as date of public hearing
10. RESOLUTION NO. 12-506 approving preliminary plans and specifications for Water Pollution Control Facility Pipe Painting Project; setting October 30, 2012, as bid due date and November 13, 2012, as date of public hearing
11. RESOLUTION NO. 12-507 approving preliminary plans and specifications for 2010/11 Storm Water Facility Rehabilitation Program - Spring Valley Subdivision (Utah Drive/Oklahoma Drive); setting October 17, 2012, as bid due date and October 23, 2012, as date of public hearing
12. RESOLUTION NO. 12-508 approving contract and bond for 2012/13 CDBG Public Facilities Neighborhood Infrastructure (Beedle Drive and Aplin Road)
13. RESOLUTION NO. 12-509 approving contract and bond for 2011/12 Asphalt Pavement Improvement Program (South Oak Avenue)
14. RESOLUTION NO. 12-510 approving contract and bond for 2011/12 Downtown Street Pavement Improvements (Douglas Avenue)
15. RESOLUTION NO. 12-511 approving contract and bond for Water Pollution Control Facility Equalization Basin and Biosolids Basin Repairs
16. RESOLUTION NO. 12-512 accepting completion of 2010/11 Arterial Street Pavement Improvements (Duff Avenue from Lincoln Way to 7<sup>th</sup> Street)
17. RESOLUTION NO. 12-513 revoking approval of Rasmussen Group Subdivision and approving Rasmussen Group Re-Plat of Outlot H Except Lot 1 of Gene Harris Second Subdivision, Boone County, Iowa
18. RESOLUTION NO. 12-514 accepting completion of public utilities required of Final Plat for North Grand Mall  
 Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**2008/09, 2009/10, AND 2010/11 TRAFFIC SIGNAL PROGRAMS:** Council Member Goodman said that he had asked to pull the Traffic Signal Programs after being contacted by a citizen, who wanted to be allowed to speak about the projects.

Jim Popken, 920 Clark Avenue, Ames, confessed that he had previously “run” the stop light at Sixth and Clark every morning while riding his bicycle to work because the light would never change to green. He no longer runs the stoplight because he has found the pick-up coil in the ground and thereafter knew where to position his bicycle so that the light would turn green. Mr. Popken asked that the City “tune” the stop lights to accept bicycles so that they can be picked up by the coils in the ground or mark the pavement so that bicyclists know where to position their bikes to change the light to green.

Municipal Engineer Tracy Warner reported that none of the Traffic Signal Programs on this Agenda will necessitate cut-loops in the pavement. The City has made the transition to radar detection, which detects bicycles; that will be used on the Traffic Signal Programs in question. Ms. Warner noted that radar detection had already been installed at 6<sup>th</sup> and Duff and 6<sup>th</sup> and Grand. Another benefit of the radar detection is that the pavement does not have to be cut; the cuts cause a weakening in the pavement.

Council Member Goodman asked Ms. Warner if there would be any benefit to marking the pavement where bicycles should be positioned even with radar being installed. Ms. Warner said she did not believe that was necessary, but would confirm that with the Traffic Engineer.

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 12-502 approving the preliminary plans and specifications for the 2008/09 Traffic Signal Program (Lincoln Way & Sheldon Avenue); setting October 18, 2012, as bid due date and October 23, 2012, as the date of public hearing.

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

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 12-503 approving the preliminary plans and specifications for 2009/10 Traffic Signal Program (Lincoln Way & Ash Avenue); setting October 18, 2012, as bid due date and October 23, 2012, as the date of public hearing.

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

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 12-504 approving the preliminary plans and specifications for 2010/11 Traffic Signal Program (28<sup>th</sup> Street & Grand Avenue); setting October 18, 2012, as bid due date and October 23, 2012, as the date of public hearing.

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

**PUBLIC FORUM:** Dan Gries, 1315 Coconino Road, Apartment #104, Ames, stated that he had seen an ad in the *Ames Tribune* for workers at a payday loan company coming to Ames. He noted that it was not an established business at the time the ordinance setting regulations for new payday loan establishments in Ames had been adopted. It had been his understanding that the new ordinance would basically preclude all new payday loan establishments in Ames. Assistant City Manager Bob Kindred advised that Mr. Gries’ understanding was correct. He asked Mr. Gries to bring the ad into the City Manager’s Office, and it would be investigated by staff.

**5-DAY LICENSES FOR OLDE MAIN AT THE ISU ALUMNI CENTER, 420 BEACH AVENUE:** Moved by Davis, seconded by Larson, to approve the following 5-day licenses for Olde

Main at the ISU Alumni Center, 420 Beach Avenue:

1. Special Class C Liquor (October 13-17)

2. Special Class C Liquor (October 26-30)

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

**5-DAY CLASS B BEER PERMIT & OUTDOOR SERVICE FOR WHISKEY RIVER AT WEBFILINGS:** Moved by Davis, seconded by Szopinski, to approve a 5-Day Class B Beer Permit & Outdoor Service for Whiskey River at Webfilings.

Vote on Motion: 5-0-1. Voting aye: Davis, Goodman, Larson, Orazem, Szopinski. Voting nay: None. Abstaining due to conflict of interest: Wacha. Motion declared carried.

**NEW CLASS C LIQUOR LICENSE FOR AJ'S ULTRA LOUNGE, 2518 LINCOLN WAY, PENDING CERTIFICATE OF OCCUPANCY AND DRAM SHOP INSURANCE:** Moved by Davis, seconded by Goodman, to approve a Class C Liquor License for AJ's Ultra Lounge, 2518 Lincoln Way, pending Certificate of Occupancy and Dram Shop insurance. Motion declared carried.

**INCLEMENT WEATHER REQUESTS FROM MAIN STREET CULTURAL DISTRICT (MSCD) FOR OKTOBERFEST ON OCTOBER 6, 2012:** Management Analyst Brian Phillips explained that on July 24, 2012, the City Council had approved street closures and permits for the Main Street Cultural District's (MSCD) Oktoberfest on Main. The MSCD is requesting approval for a rain location in the Central Business District lot where tents and other shelter could be used, if needed.

Moved by Davis, seconded by Wacha, to approve an extension of the Blanket Temporary Obstruction Permit and Blanket Vending License.

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

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-515 approving partial closure of CBD Lot Y.

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

**DEERY SUBDIVISION:** City Planner Ray Anderson told the Council that the purpose of the Deery Subdivision was to reconfigure four lots in order to accommodate the development of an automobile dealership on proposed Lot 1 and establish Lots 2 and 3 for future commercial development.

Mr. Anderson advised that sidewalks are required along each side of any street within commercially zoned areas. An eight-foot-wide multi-use path already exists on the north side of Southeast 16<sup>th</sup> Street and extends the entire distance between Dayton Avenue and Duff Avenue. The developer had proposed to construct a five-foot-wide sidewalk along the street frontage of Lots 1, 2, and 3 and has submitted a letter requesting a waiver of the sidewalk requirement along Outlot A (approximately 1,217 feet).

According to Mr. Anderson, the *Municipal Code* allows for a waiver from subdivision requirements to be granted if compliance with the requirements would result in extraordinary hardship for the applicant and/or it would prove inconsistent with the purpose of the regulations because of unusual topography or other conditions. Reasons given by the applicant for granting

a sidewalk waiver along Outlot A were (1) A portion of Outlot A's frontage on Southeast 16<sup>th</sup> Street is in the river and river bank; (2) The remainder of Outlot A does not have access to the bridge crossing for pedestrians over the Skunk River; (3) If a sidewalk were installed along Outlot A, pedestrians would have to cross Southeast 16<sup>th</sup> Street at the bridge in order to use the pedestrian bridge crossing on the other side of the street; and, (4) Since the site distance is better at that location, the applicant would prefer to have pedestrians cross Southeast 16<sup>th</sup> Street at a safer location, which is at the east end of Outlot A. The Council was reminded that the Subdivision Code requires installation of sidewalks prior to Final Plat approval unless Council approves deferral. Mr. Anderson told the Council that it will have to determine, as part of the Preliminary Plat decision, if sidewalk installation will be required prior to Final Plat approval or if it should be deferred under either a financial guarantee or occupancy provision in the Developer's Agreement.

Council Member Goodman noted that the City had, in the past, approved sidewalk waivers, but required that the property owner commit to pay at a later date for connections that may develop along the link. In this case, it would relate to parcels that developed to the west of the site in question and west of the bridge. He felt that perhaps the opportunity to create pedestrian access on the south side might occur in the future. City Planner Charlie Kuester recalled that the City Council had, in the past, approved a sidewalk deferral if installation of sidewalk was premature at that time due to the topography of the land. However, in this case, a waiver was requested because it was felt that a sidewalk would never be useful since there was no sidewalk on the south side of the bridge and pedestrians would have to cross over to the north side anyway.

Council Member Wacha asked if painting of the crosswalk was planned at the point where the sidewalk ends. Planner Anderson said that would be done.

Mr. Goodman asked if the waiver could come back to Council separately after staff had a chance to research and report back to Council on how similar waivers or deferrals had been handled in the past. Assistant City Manager Kindred advised that staff would review past sidewalk waiver requests to ascertain past practice. He also noted that the abatement agreement would be coming back to Council; however, it has a finite life span. City Attorney Doug Marek emphasized that the property tax abatement agreement would not run with the land beyond the time when all the abatement conditions had been fulfilled. If the City Council planned to require sidewalk installation upon future development, it would need to approve and record a separate covenant or agreement pertaining to the applicable lot. He told the Council members that if that was their desire, they should so direct staff to prepare a separate agreement to deal with that issue.

Council Member Szopinski expressed her concerns about approving a waiver not knowing how much development might occur in this area in the future. If the road's usage increases significantly, it becomes a bigger safety issue for pedestrians to cross it.

Council Member Larson said it was his understanding that the real issue was that there is no lane across the bridge on the south side. Tracy Warner explained a similar situation that had occurred when there was no sidewalk on the east side of South Dakota Avenue. The bike path was on the west side, and pedestrians needed to cross mid-block. She stated that if the area in question develops to such an extent that traffic increases significantly, the City could potentially look at adding a cantilevered pedestrian bridge off the existing bridge; however, it would be costly. She cautioned that the topography is not conducive to a sidewalk being installed in the area in question.

Council Member Goodman offered his opinion that the road will continue to develop. He felt the City would be asking very little of the developer to include the requirement to install sidewalks on the south side when warranted.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-516 approving the Preliminary Plat for Deery Subdivision conditioned on:

- a) The preparation of easement documents for all public utilities in the proposed subdivision for submittal with the Final Plat.
- b) The acceptance of the “Floating Future Stormwater Drainage Easement”, in conjunction with approval of the Preliminary Plat for Deery Subdivision.
- c) Approval of a request for a waiver from the requirement for construction of a sidewalk on the south side of the right-of-way for S.E. 16th Street next to proposed “Outlot A”, as specified in Section 23.403(14)(a) of the *Municipal Code*, in conjunction with approval of the Preliminary Plat.
- d) The required sidewalk along the frontages of Lots 1, 2, and 3 shall be installed per the standard sidewalk agreement submitted with the Final Plat Application. This agreement will require sidewalk construction prior to occupancy of structures on each lot as they develop.
- e) The construction of handicapped ramps facilitating pedestrian crossing from the sidewalk on the south side of S.E. 16th Street to the multi-use path on the north side of the street at the end boundary of Outlot A, at the time of construction of the sidewalk along the street frontage of Lot 1. This includes construction of handicapped ramps by the developer on both sides of S.E. 16th Street.

Council Member Goodman said that he would be willing to approve the waiver if it included the owner to install sidewalk in the same manner that is required for any other development in the City (sidewalk on the frontage), but where, at the present time, there is no connection.

City Attorney Marek said that could be accomplished either by an assessment being levied against the property owners for the sidewalk, by an agreement not to contest a future assessment, or by the owner filing a bond or cash escrow filed with the City as security to perform such work if it is deemed warranted in the future.

Moved by Goodman, seconded by Szopinski, to amend the motion to condition the waiver on a signed Agreement that would run with the land in perpetuity by the property owner not to contest any future assessment for construction of a sidewalk if a connection ever becomes available at the bridge for the piece of sidewalk being waived at this meeting.

Council Member Larson said that he was opposed to approving that condition into perpetuity. He felt that, over the period of time that it takes to develop in the area, it becomes less and less the responsibility of the Deerys when other property owners could also be developing in the area in question. Mr. Larson said he would not be opposed to the condition being in place during the period of abatement. It was emphasized by Mr. Larson that Outlot A was basically unusable land that was basically included to satisfy the City’s requirements for flood mitigation. Outlot A does not have a commercial use.

Council Member Davis said that he did not foresee the City installing a cantilevered bridge on the south side at any time in the future; therefore, he did not see the amendment as a viable motion.

Vote on Amendment: 4-2. Voting aye: Goodman, Orazem, Szopinski, Wacha. Voting nay: Larson, Davis. Motion carried.

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

**LAND USE POLICY PLAN (LUPP) AMENDMENT FOR 2008-24TH STREET:** City Planner Charlie Kuester reported that the First Evangelical Free Church, as the property owner, and Northcrest Community, as the applicant, submitted a letter to the City Council on June 7, 2012, requesting a LUPP Map change from “Low-Density Residential” to High-Density Residential for 4.80 acres of land located at 2008-24th Street. On July 10, 2012, the City Council directed staff to process the request as a Minor Amendment. If the LUPP Map change and rezoning are approved by the City Council, it is the intention of Northcrest to purchase the subject property and consolidate it with its existing property into a single parcel of land. The applicant anticipates no adverse impacts on the surrounding properties and envisions less traffic and noise than is presently the case with use of the property for church events. The applicant also asserts that redevelopment of the church site with single-family homes in a low-density residential zoning district would require the extension of public streets and utilities.

Mr. Kuester stated that staff had reviewed the LUPP Goals and Policies and could not find anything inconsistent with the request. He noted that the existing development around the site provides for effective transitioning between the proposed high-density land use and the abutting low-density zone. If the current development pattern of Northcrest were extended onto the subject site, it would significantly increase the on-site open space and landscaped areas, which would also provide areas for on-site storm water infiltration. Staff believes that the requested land use change would be a logical extension of the high-density residential land use designation and would transition well to surrounding high-density residential land use designation. If the land use designation is changed to High-Density Residential, but the subject property is not developed as senior housing, apartment buildings could be constructed at the site in question if the zoning were to be changed to Residential High Density. If that is a concern to the Council, it could approve the LUPP Map change with restrictions.

According to Mr. Kuester, the Planning and Zoning Commission, at its meeting of September 5, 2012, unanimously recommended approval of the LUPP Map change from Low-Density Residential to High-Density Residential. The Commission had also been presented with the option of approving a Conditional LUPP Amendment; however, chose not to recommend that option.

Planner Kuester told the Council members could, if they felt there was the potential of apartments being constructed on the site in question if the sale to the Northcrest Community did not occur, they could approve a Conditional LUPP Amendment with a limitation on the uses. As an alternative, the condition could be placed at the time when rezoning is requested.

Council Member Orazem asked for staff’s recommendation to allow the change to High-Density Residential with restrictions. Mr. Kuester told the Council what healthcare uses would be allowed in High-Density Residential (RH) and Medium-Density Residential (RM). He noted that



the RM would require a Special Use Permit from the Zoning Board of Adjustment (ZBA) any time a new building was constructed or another activity was planned for the property. It would constitute spot-zoning if the parcel were zoned RM. Staff believed that keeping the existing designation for Northcrest properties and extending it to the new property parcel would be the most appropriate approach.

Council Member Larson recalled that when the referral was initially made, it appeared that Northcrest did not really have a need to be zoned RH based on its current density. He inquired if it would be possible to rezone the RH portion to RM. Mr. Kuester said that it would be possible; however, any changes in use for any new buildings constructed in the new parcel would require approval of the Zoning Board of Adjustment. There would be a limit on building height in the RM. Mr. Larson pointed out that, from a land use standpoint, the current Northcrest development is not high-density now.

Planner Kuester advised that one of the options would be to place conditions on the development at the time of rezoning, e.g., height restriction.

Dave Miller, President of Northcrest, Inc., advised that Northcrest had entered into a Purchasing Agreement, placed a sizeable security deposit down, and has funds available to be able to execute the Agreement; that Agreement is contingent on the LUPP Map change and rezoning being approved. Mr. Miller said that he had not reviewed the regulations of Residential Medium-Density; however, Northcrest's intent is to co-join the properties, which would be under the ownership of Northcrest. If the LUPP Map change is approved, Northcrest planned to proceed with its rezoning request for the new parcel to RH. Mr. Miller told the Council that this was not a "maybe project." Once approved by the City, Northcrest would begin progress payments to the Church; that is part of the deal to give the Church capital to move on to its next phase of construction at its new location. Mr. Miller emphasized that the Church and Northcrest are both committed to the process.

At the inquiry of Council Member Szopinski, Planner Kuester explained that conditions could be placed on approval of a rezoning request or a Developer's Agreement; however, any Developer's Agreement would be acted upon at the same time as the rezoning request. Ms. Szopinski asked if the Developer's Agreement could specify that the property could only be used as a senior housing development. Mr. Kuester reported that the Developer's Agreement would be signed by the owner, and it could be very specific as to use so as to ensure there would be no incompatible uses. He reiterated that that would be done at the time of rezoning.

Council Member Goodman wanted to know if the Church and Northcrest could wait until staff could review the existing Northcrest development to see if it would fit more appropriately under RM zoning. Mr. Kuester noted that notice had been published and acted on by the Planning & Zoning Commission for only the Church site at 2008-24th Street. Mr. Miller stated his concern that if the Church property were to be Residential Medium Density, it would then make Northcrest a legally non-conforming property. He is unsure what that would mean for them in the future.

Mayor Campbell asked staff how long it would take for staff to analyze whether RM would be a better fit for the existing Northcrest property as well as the new parcel. Mr. Kuester said that staff would look at the existing site plans for Northcrest and determine if they would be compliant with RM; that would take a week to ten days. He noted that some of the existing

buildings might be close to the 50-foot height limit, which is the limit in the RM Zone. Planner Kuester reiterated that notice had been published for only the Evangelical Free Church site. If Council wanted to down-zone the existing Northcrest property, the process for a LUPP Map change would have to be followed. Council Member Larson said that he did not want to “muddy the waters,” but wanted to ensure that the subject property would be redeveloped only as part of the Northcrest senior housing development.

Council Member Larson asked for assurances that the Council would have the option to review and ensure that any agreement will state the specific uses that are compatible with the current uses of Northcrest, e.g., senior housing. City Attorney Marek said that if the Council approved the LUPP Map amendment for the subject parcel, it could still condition any rezoning on the Development Agreement to lock in the uses or building type.

City Attorney Marek advised the Council that it could approve the rezoning with the requirement that the subject property would be redeveloped only as part of the Northcrest senior housing development. He pointed out, however, that approval of the requested Land Use Policy Map change does not force the Council to approve the rezoning request.

Moved by Larson, seconded by Orazem, to adopt RESOLUTION NO. 12-519 approving an amendment to the LUPP Future Land Use Map to change the land use designation of the property at 2008-24th Street from Low-Density Residential to High-Density Residential.

Roll Call Vote: 5-0-1. Voting aye: Davis, Goodman, Larson, Orazem, Szopinski. Voting nay: None. Abstaining due to a conflict of interest: Wacha. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Goodman, seconded by Larson, to direct staff to work with the applicant at the time of its rezoning application to include conditions that would mirror the existing uses by Northcrest.

Roll Call Vote: 5-0-1. Voting aye: Davis, Goodman, Larson, Orazem, Szopinski. Voting nay: None. Abstaining due to a conflict of interest: Wacha. Motion declared approved.

**DEER POPULATION RESEARCH CAMERAS/SENSORS ON CITY-OWNED PROPERTY:**

Moved by Orazem, seconded by Davis, to adopt RESOLUTION NO. 12-520 approving the placement of research cameras and sensors on City-owned property as part of an ISU animal ecology research project on deer population.

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

Council Member Szopinski requested that signage be placed at the entrance to the park to indicate the area is under surveillance. Assistant City Manager Kindred indicated that that would be done by staff.

**TEMPORARY WAIVER OF PARKING REGULATIONS FOR DISPLAY OF CLASSIC CARS:**

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-521 approving the temporary suspension of Municipal Code Section 18.15 to allow parking in front yards for a Classic Car Showcase at Iowa State University Greek fraternities and sororities only, on September 29, 2012, during the hours of 8 AM to 10 PM using the following criteria:

1. Application should display the waiver on site.
2. A car show should provide advance publicity or a publicity plan in its application.
3. Vehicles must clearly be positioned for display, not for parking. Cars must be available for public viewing during the proposed time.
4. Public visitors must be allowed.
5. Fire lanes and emergency access must be planned and maintained.
6. Approval lasts for one specific time period, typically on weekends and ending at 8 PM, or if later, at a specified time related to the conclusion of festivities.
7. Cars to be displayed must be more than the individual vehicles licensed to the property owner or tenant. Applicant must list the number of cars that are proposed for each participating property - the maximum number displayed shall be part of the approval and vehicles in excess of this number may be cited for front-yard parking.
8. The approval specifically excludes front-yard storage, front-yard convenience parking, and sale of front-yard parking spots.

Roll Call Vote: 5-0-1. Voting aye: Davis, Goodman, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to conflict of interest: Larson. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

**ENGINEERING SERVICES AGREEMENT RELATED TO UV DISINFECTION SYSTEM CONSTRUCTION AT WATER POLLUTION CONTROL FACILITY:** Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 12-522 approving an Engineering Services Agreement with Stanley Consultants of Muscatine, Iowa, for construction phase services related to UV Disinfection System Construction Project at the Water Pollution Control facility.

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

**STEAM TURBINE NO. 8 OVERHAUL:** Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-523 approving preliminary plans and specifications for Steam Turbine No. 8 Overhaul; setting October 31, 2012, as bid due date and November 13, 2012, as date of public hearing.

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

**RESIDENT SATISFACTION SURVEY:** Public Relations Officer Susan Gwiasda presented highlights from the results of the City's 30th Annual Resident Satisfaction Survey. The Survey was sent to 1,350 Ames residents and 1,000 Iowa State University students. Ms. Gwiasda stated that a total of 470 surveys were returned, which was a 21% response rate. According to Ms. Gwiasda, 97% of the respondents gave the City "good" or "very good" rankings.

Council Member Goodman noted that 63% of the respondents wanted to spend more on bike paths. He asked that a question be included in next year's Survey asking respondents how they get to work. Ms. Gwiasda said that she would make note of that for next year's Survey.

It was noted that fewer students participated in the 2012 Survey than in past years. The Surveys were emailed to ISU students after Spring Break; however, that time is also close to finals. Ms. Gwiasda also reported that many of the students did not finish the 12-page Survey. *Ex officio* Member Baker suggested that a short-form be developed along with the long-form.

Referring to the new question about economic development preferences, Council Member Larson noted that there is an approximate two-block stretch on West Lincoln Way where probably 75% of the commercial buildings are currently unoccupied. He suggested that that area be emphasized. Ms. Gwiasda said she would also make note of that as a possibility for next year's Survey.

**HEARING ON ZONING ORDINANCE TEXT AMENDMENT TO ADD FIREARM SALES AS A PROHIBITED HOME OCCUPATION:**

Planner Kuester stated that, on April 25, 2012, the Zoning Board of Adjustment approved an application for a Home Occupation for home-based firearm sales. The Zoning Board of Adjustment determined that, in this case, it did not distinguish among the type of retail sales by type of merchandise, so the application was treated as any other retail request and approved under the Ordinance. At that time, the Board heard multiple concerns from neighboring residents who felt that the proposed use was a safety issue. The Board approved the Home Occupation with conditions that included such items as: the business operating only by appointment during specific restricted hours, that the address of the business not be listed in advertising, that no ammunition sales be permitted as part of the business, that proof of federal firearms licensing be provided, and that the City be able to monitor appointment logs and gun transfers upon request. The approval by the Board was granted for one year only; should the owner wish to continue his home occupation after expiration, a new application would be required to be submitted for review under the then-existing Zoning Ordinance. Therefore, if the proposed text amendment is approved, the applicant would not be allowed to obtain a renewed home occupation permit for this use.

According to Mr. Kuester, the list of stipulations on the approval was an effort to mitigate and monitor the concerns of the residents. The Zoning Board of Adjustment recommended to the residents that they raise their concerns with the City Council should they wish to request an amendment to the ordinance to list firearm sales as a prohibited use as a Home Occupation. On April 30, 2012, after approval of the home occupation, the City received a formal request from John and Kitty Lamont requesting that the City Council add "residential gun sales" to the prohibited list of businesses for home occupation permits. The City Council, at its May 8, 2012, meeting, referred the request to staff to address firearm sales as a prohibited use as a Home Occupation.

Mr. Kuester advised that Section 29.1304 of the Zoning Ordinance has the stated intent to "protect residential areas from potential adverse impacts of activities defined as home occupations; to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementing of personal/family income; to restrict incompatible uses; to establish criteria and develop standards for the use of residential structures or dwelling units for home occupations." He noted that the Zoning Ordinance currently does not list firearm sales as either a permitted, special permitted, or prohibited home occupation. The uses specifically prohibited in Section 29.1304(1)c as home occupations are listed as follows:

- (I) Animal hospitals;
- (ii) Dancing studios or exercise studios;
- (iii) Private clubs;
- (iv) Restaurants;
- (v) Stables and kennels; and
- (vi) Repair or painting of motor vehicles, including motorcycles.

According to Mr. Kuester, consistent with the City Council referral, staff was proposing that the text amendment add a line item to Section 29.1304(1)c designating firearm sales as a prohibited home occupation.

It was relayed by Mr. Kuester, that at its meeting of September 5, 2012, the Planning and Zoning Commission heard public comment regarding the neighborhood concerns for having firearm sales as an allowed home occupation. Public comment was also voiced on behalf of the current resident who was approved by the ZBA for a Home Occupation permit for firearm sales. The Planning and Zoning Commission made three motions, two of which failed on 2 to 4 and 3 to 3 votes, and the third of which failed due to lack of second. While the Planning and Zoning Commission submits no formal recommendation to the City Council, they suggested that the City Council review the conditions of the previously approved Home Occupation Permit along with comments from the Planning and Zoning Commission meeting.

At the inquiry of Council Member Davis, Mr. Kuester advised that the reason this home business came to staff's attention in the first place was because Mr. Seaton needed a Federal Firearms License (FFL). That License requires that the licensee meets local zoning ordinance regulations. It was noted by Planner Kuester that firearms sales occur through other means, e.g., eBay, Craig's List; however, if those are not being done through a FFL, the City might not ever know about it.

Mayor Campbell opened the public hearing.

Greg Seaton, 4809 Utah Drive, Ames, told the Council that he was the one who has the approved firearms business in his home. Mr. Seaton stated that most everything he does is via the phone or the Internet; sales are handled dealer-to-dealer. He said that he has a minimum number of guns on location. There are not safety issues because no ammunition is shipped with the guns. If he does have any firearms on location, they are placed in a safe in his residence. It was pointed out by Mr. Seaton that he has applied for and been granted a Federal Firearms License by the proper authorities; he has followed all the rules and the conditions placed on him.

Mr. Seaton alleged that his business "leaves no footprint whatsoever;" it is not intrusive to the neighborhood. He advised the Council that he pays Sales Tax, which ultimately comes back to the City of Ames. Mr. Seaton urged the City Council not to add firearms sales to the list of prohibited home occupations. He contended that he had followed all the rules and regulations, and it was his belief that he would be penalized personally if firearms sales were added to the list of prohibited home occupations. Mr. Seaton expressed his opinion that approval or denial of such home occupations should be handled on a case-by-case basis.

Council Member Wacha asked to know the approximate volume of sales. Mr. Seaton answered that two to three people come to his property per month; the rest of the time it is handled by phone, Internet, or email. He speculated that he would have two to three new sales per month. He has a safe where the guns would be put between the time they are delivered by FedEx or UPS and picked up by or sent to the buyer.

Council Member Szopinski asked if Mr. Seaton anticipated his business growing. He replied that he hoped that it would, but he doesn't know for sure. Council Member Larson noted that there was, however, nothing that would prohibit a much larger operation. Mr. Seaton said that if his business grows, he would move to a commercial location.

Mr. Seaton said he believes that this situation turned into a “neighborhood dispute” and he had “been singled-out personally.” He did not want his livelihood to be affected by something that was of a personal nature and should not have made it to the City Council in the first place. Council Member Larson asked Mr. Seaton if firearms sales was his main livelihood, to which he replied it was not. Mr. Seaton said it was his hobby at this time. Council Member Szopinski offered her opinion that she did not see this as being personal against Mr. Seaton; to her, it was about the product. Mr. Seaton said that he had only had one neighbor ask him about the business. It was contended by Mr. Seaton that there is only one side of the story being told; that is from the people who are against his business. He told the Council that there had never been any issues or complaints with a firearms home business; to add it to a list of prohibited home occupations is penalizing him and others for something that had not happened and may not ever happen.

John Lamont, 1005 Idaho Avenue, Ames, repudiated some of the comments made by Mr. Seaton. Mr. Lamont reported that he had been informed that Ames is the only city in the region that allows home firearms sales as a business. He stated that licensing is done by the Bureau of Alcohol, Tobacco, and Firearms (ATF); that agency does the permit tracking. The Bureau of Alcohol, Tobacco, and Firearms has 600 inspectors, but there are 115,000 Federal Firearms Licenses (FFL) by private individuals. The average inspection time is once every ten years.

Mr. Lamont relayed comments he had heard from affected neighbors. Contact was made with 73.5% of the 102 homes in Spring Valley. Ninety-seven (97%) of those homeowners (127 signatures) was opposed to allowing this type of business in residential neighborhoods. Mr. Lamont stated that the persons who signed the petition as being opposed feel that gun dealerships - not private collectors - belong in commercial locations, not residential areas. They requested that gun sales be prohibited.

John (Jack) Whitmer, 1030 Oklahoma Drive, Ames, noted that Ames has a good comprehensive plan dictating what uses are allowed in different zones. There is a process in place to deal with requests for uses not specifically allowed. Mr. Whitmer contended that there are many locations in Ames where businesses may be located. He noted the stipulations that had been placed on Mr. Seaton’s home firearm sales. Mr. Whitmer urged the Council to add firearm sales as a prohibited home occupation. Council Member Goodman asked Mr. Whitmer if he had noted any impacts on the neighborhood from this home occupation. Mr. Whitmer said the issue for him was how much the City should open up single-family neighborhoods to any possible businesses.

Deborah Blaedel, 900 Idaho Avenue, Ames, said she does not see FedEx or UPS as secure ways to deliver firearms, as the shipment could be left outside the home. Ms. Blaedel emphasized that guns are not safe in the wrong hands. She believes that it is important to prohibit home gun sales to her neighborhood.

Steven Herrnstadt, 909 Idaho, Ames, pointed out that this is not a 2<sup>nd</sup> Amendment issue; it is a neighborhood issue. Mr. Herrnstadt said that it is not about Mr. Seaton personally. He is mainly concerned about the lack of regulations of this type of business. Mr. Herrnstadt alleged that the impact on this family-oriented neighborhood is not so much additional traffic as it is emotional and perception.

At the inquiry of Council Member Orazem, Planner Kuester advised that there are seven businesses listed as operating in Ames with FFLs per the ATF Website. Mr. Kuester said that it is not known if they are active or not. If they are, they are operating illegally without a Home

Occupation Permit. Council Member Larson is concerned that the City does not know about the other similar residential firearm businesses; therefore, they are not being regulated.

Council Member Wachal noted that the current Ordinance is based on tangible residential issues, e.g., traffic. He feels, however, that there is a very valid issue with perceptions; to him, perceptions play a very important role. Mr. Wachal contended that there are valid safety concerns in this case, be it perception or not.

Council Member Davis said he has known many people who have had very successful businesses out of their homes. He did not want all home occupations to be banned.

Council Member Szopinski pointed out that regulations are placed on home occupations for a reason, and staff should check on them.

Planner Kuester provided the chronological history of this case from the date of application for a home occupation by Mr. Seaton. The Home Occupation Permit has been granted for a period of one year. Mr. Kuester clarified that delivery carriers may not leave a gun that is being shipped from a wholesaler or retailer to a home or property; it must be signed for by a resident of the home, age 21 or older. He also explained the requirements that would have to be met if the business were located in a commercial zone.

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

Moved by Szopinski, seconded by Orazem, to pass on first reading an ordinance to add firearm sales in Section 29.1304(1)c Prohibited Home Occupations.

Council Member Goodman said that he is struggling with this decision because of perceived safety issues without data to support them.

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

The meeting recessed at 9:38 p.m. and reconvened at 9:43 p.m.

**HEARING ON PROPOSAL TO LEASE SPACE FOR TEMPORARY RELOCATION OF AMES PUBLIC LIBRARY:** The public hearing was opened by Mayor Campbell. She closed same after no one asked to speak.

Moved by Szopinski, seconded by Larson, to adopt RESOLUTION NO. 12-524 approving the Lease with Midwest Centers, L.P. at Lincoln Center for temporary relocation of Ames Public Library.

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

**VACATING OF ALLEY WEST OF AMES PUBLIC LIBRARY:** The Mayor opened the hearing. No one came forward to speak, and the hearing was closed.

Moved by Davis, seconded by Goodman, to pass on first reading an ordinance vacating the alley west of the Ames Public Library.

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

**HEARING ON 2011-12 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER):** The public hearing was opened by Mayor Campbell. No one asked to speak, and the Mayor closed the hearing.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 12-525 accepting the CAPER pursuant to the Housing and Community Development Act.

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

**HEARING ON MAINTENANCE FACILITY ENERGY EFFICIENCY PROJECT - HVAC IMPROVEMENTS:** Mayor Campbell opened the public hearing. After no one came forward to speak, the Mayor closed the hearing.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-526 approving final plans and specifications and awarding a contract to Neighbors Heating, Cooling and Plumbing of Ames, Iowa, in the amount of \$97,440.

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

**HEARING ON 2008/09 AND 2009/10 SKUNK RIVER TRAIL EXTENSION (HUNZIKER YOUTH SPORTS COMPLEX TO SOUTHEAST 16<sup>TH</sup> STREET):** The public hearing was opened by Mayor Campbell. No one requested to speak, and the hearing was closed.

Moved by Wacha, seconded by Goodman, to adopt RESOLUTION NO. 12-527 approving final plans and specifications and awarding a contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$252,409.75.

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

**HEARING ON SOUTH DUFF AVENUE/SOUTHEAST 16<sup>TH</sup> STREET FRONTAGE ROAD REHABILITATION:** The hearing was opened and closed by Mayor Campbell when no one asked to speak.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-528 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Brooklyn, Iowa, in the amount of \$73,333.00.

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

**ORDINANCE PROHIBITING PARKING ON WEST SIDE OF ASH AVENUE:** Moved by Davis, seconded by Goodman, to pass on first reading an ordinance prohibiting parking on the west side of Ash Avenue from a point 460 feet south of the south line of Country Club Boulevard to Mortensen Parkway.

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

Municipal Engineer Warner stated that Ash was narrowed when the bike lanes were added, and there is no longer room for vehicles to park on both sides. Since parking is currently not prohibited, cars continue to park on both sides, which creates a safety issue. Ms. Warner advised that neighbors had not been individually contacted; however, many neighborhood meetings were



held, and there were no objections voiced to the traffic-calming measures and construction of bike lanes.

Moved by Davis, seconded by Larson, to suspend the rules necessary for the adoption of an ordinance.

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

Moved by Davis, seconded by Goodman, to pass on second and third readings and adopt ORDINANCE NO. 4124 prohibiting parking on the west side of Ash Avenue from a point 460 feet south of the south line of Country Club Boulevard to Mortensen Parkway.

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

**ORDINANCE TO ALLOW LIMITED RESIDENTIAL USES ON FIRST FLOOR IN DOWNTOWN SERVICE CENTER (DSC) ZONE:** Moved by Goodman, seconded by Davis, to pass on second reading an ordinance to allow limited residential uses on the first floor in Downtown Service Center (DSC) Zone.

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

**COUNCIL COMMENTS:** Moved by Wacha, seconded by Davis, to refer to staff the letter from Heartland Senior Services dated September 12, 2012, pertaining to an extension of lease for building at 205 South Walnut.

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

Moved by Davis, seconded by Orazem, to refer to staff for a report on the request contained in the letter from Steve Burgason (on behalf of Verle and JoAnn Burgason) dated September 19, 2012, and letter from Brad Stumbo dated September 5, 2012, requesting a waiver of LUPP density requirements for property located at 3618 Cedar Lane.

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

Council Member Orazem asked Water & Pollution Control Director John Dunn to comment on the request of the City of Kelley to purchase water from Ames. Mr. Dunn advised that it would not be of exceptional benefit to the City of Ames.

Moved by Orazem, seconded by Goodman, to direct staff to prepare a short report to the City Council with a proposed response to the City of Kelley on its request dated September 13, 2012, that Ames consider connecting to and supplying water from the City to the City of Kelley.

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

Council Member Orazem noted that he had recently attended the Riverside Neighborhood Association picnic and been asked if bicyclists had the right-of-way at intersections. An avid bicyclist had stated that the legal requirement is for the bicyclist to get off the bicycle, walk it across the intersection, and then get back on it and continue riding on the bike route. He wanted to know if that was true and why bicyclists would not have the same rights as pedestrians.

Moved by Orazem, seconded by Goodman, to request information from staff as to whether bicyclists are to stop at intersections and walk their bicycles across the street.

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

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 10:02 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor



# Memo

City Clerk's Office

**TO:** Mayor and City Council  
**FROM:** Diane Voss  
**DATE:** October 5, 2012  
**SUBJECT:** Item #4

Please set the following meetings dates/times:

1. Special: December 4, 2012, commencing at 5 PM, to hear the Energy Resource Options Study and Gasification Study Report
2. Regular: December 18, 2012, commencing at 7 PM, for the second regular meeting of the month in lieu of holding a meeting on December 25, 2012
3. Special: January 29, 2013, commencing at 7 PM, for presentation of the Flood Study

Thank you!

/drv

**MINUTES OF THE AMES CIVIL SERVICE COMMISSION**

**AMES, IOWA**

**SEPTEMBER 27, 2012**

The Ames Civil Service Commission met in regular session at 8:15 a.m. on September 27, 2012, in the Council Chambers of City Hall, 515 Clark Avenue, with Commission Members Adams and Shaffer present. Commission Member Crum was absent. Also in attendance was Human Resources Analyst Inta Garrett.

**APPROVAL OF MINUTES:** Moved by Shaffer, seconded by Adams, to approve the minutes of the August 23, 2012, Civil Service Commission meeting as written.

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

**CERTIFICATION OF PROMOTIONAL-LEVEL APPLICANTS:** Moved by Adams, seconded by Shaffer, to certify the following individuals to the Ames City Council as promotional-level applicants:

Apprentice Electric Lineworker:	Travis Webb	83
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Vote on Motion: 3-0. Motion declared carried unanimously.

**COMMENTS:** The next regularly scheduled Civil Service Commission meeting was set for October 25, 2012, at 8:15 a.m.

**ADJOURNMENT:** The meeting adjourned at 8:16 a.m.

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Terry Adams, Chair

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Jill Ripperger, Recording Secretary



# REPORT OF CONTRACT CHANGE ORDERS

Period:	<input type="checkbox"/>	1 <sup>st</sup> – 15 <sup>th</sup>
	<input checked="" type="checkbox"/>	16 <sup>th</sup> – end of month
Month and year:	September 16-30, 2012	
For City Council date:	October 9, 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
Transit	Ames Intermodal Facility	56	\$7,115,000.00	The Weitz Company LLC	\$579,729.61	\$-(1,000.00)	S. Kyras	MA
Public Works	2011/12 Collector Street Pavement Improvements (Ash Avenue)	1	\$1,161,811.46	Manatt's Inc.	\$0.00	\$33,651.00	B. Kindred	MA
Electric Services	Unit 7 Rotary Air Preheater Partial Basket Replacement	1	\$75,067.00	Alstom Power, Inc.	\$0.00	\$5,286.00	D. Kom	CB
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		



# Memo

Police Department

7a-d

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

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

**DATE:** September 11, 2012

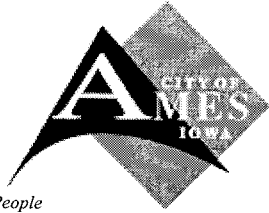
**SUBJECT:** Beer Permits & Liquor License Renewal Reference City Council Agenda  
October 9, 2012

The Council agenda for October 9, 2012, includes beer permits and liquor license renewals for:

- Class C Liquor – London Underground, 212 Main Street
- Class C Liquor – Angies Cantina, 2414-2416 Lincoln Way
- Special Class C Liquor – Le's Restaurant, 113 Colorado Avenue
- Class C Beer & B Wine – Aldi, Inc. #48, 1301 Buckeye Avenue

A routine check of police records found no violations for any of the establishments listed above.

The Police Department would recommend renewal of all four liquor licenses.



*Caring People  
Quality Programs  
Exceptional Service*

# Memo

Mayor's Office

**TO:** Members of the City Council

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

**DATE:** October 5, 2012

**SUBJECT:** Appointment to Fill Vacancy on the Public Art Commission

Due to Joyce Mercier's resignation from the Public Art Commission, it will be necessary to appoint an individual to fill this vacancy. I have chosen Kathranne Knight to fill the unexpired term of office.

Therefore, I recommend that the City Council approve the appointment of Kathranne Knight to the Public Art Commission.

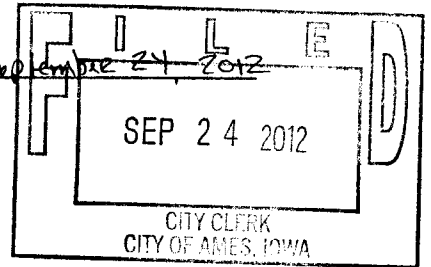
AHC/jlr

Attachment



APPLICATION FOR APPOINTMENT
Boards and Commissions
City of Ames

Date: Sep 24 2012



Name: Kathranne Knight Are you a resident of Ames? YES

Address: (home): 123 S. Riverside Dr.
(work): The Octagon, 427 Douglas Avenue
(e-mail): KathranneK@yahoo.com

Phone: 413-386-7386 (h) (w) (fax)

Occupation: Artist/teacher Education: MFA Yale University

List the name of the board and/or commission to which you wish to be appointed (in order of preference):

- 1. Public Art Commission
2.
3.

Please state any particular qualifications, expertise, or experience you have that you believe to be relevant. I received my Master of Fine Arts from Yale in 1997 and since that time I have shown my work nationally, and taught and been an active participant in contemporary art.

Please state your reasons for wishing to be appointed to the above. The opportunity to bring quality art projects to our community and connect those projects to the people in a meaningful way is an exciting challenge in which I'd like to participate.

How did you hear about openings on the City's boards/commissions?

- City Side Utility Stuffer City's Website TV 12, Government Access
The Tribune ISU Daily The Des Moines Register
KASI Other: Greg Fuqua

PLEASE RETURN THIS FORM TO CITY CLERK'S OFFICE

(Over) ->



**COUNCIL ACTION FORM**

**SUBJECT: APPROVAL FOR ALLIANT ENERGY TO ADD STREET LIGHTS IN RINGGENBERG PARK SUBDIVISION 3<sup>RD</sup> ADDITION**

**BACKGROUND:**

The City of Ames pays Alliant Energy for the electric usage of approximately 74 street lights in various locations throughout the City. These locations are within the city limits, but outside the service territory of the City of Ames Electric Services.

The developer of Ringgenberg Park Subdivision has requested the installation of five street lights in the 3<sup>rd</sup> Addition, which will be in the service territory of Alliant Energy. The developer has already paid for these street lights.

Alliant Energy will install the lights and other related materials and equipment in accordance with adopted City of Ames standards. Alliant Energy will maintain the lights and supply energy for the lights. The City of Ames will pay a monthly charge for the maintenance and energy for these street lights in Ringgenberg Park Subdivision 3<sup>rd</sup> Addition in accordance with the Iowa Utility Board approved tariff.

**ALTERNATIVES:**

1. The City Council can adopt a resolution approving the addition of 5 street lights in Ringgenberg Park Subdivision 3<sup>rd</sup> Addition at a rate in accordance with the Iowa Utility Board approved tariff, to the existing Alliant Energy street lighting agreement.
2. The City Council can direct staff to provide more information.

**MANAGER'S RECOMMENDED ACTION:**

Providing for these street lights is consistent with how street lights have been provided in other areas of the city which are not within the service territory of the City of Ames Electric Services and with the codes and policies of the City. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the addition of 5 street lights in Ringgenberg Park Subdivision 3<sup>rd</sup> Addition at a rate in accordance with the Iowa Utility Board approved tariff, to the existing Alliant Energy street lighting agreement.**

**COUNCIL ACTION FORM**

**SUBJECT: RENOVATION AND EXPANSION OF THE AMES PUBLIC LIBRARY**

**BACKGROUND:**

Work done by Library staff and the architectural firm of Meyer, Scherer, and Rockcastle, LTD, over the last seven months has resulted in the design of a modern, efficient, functional, flexible, beautiful library for the citizens of Ames. Along with a new façade that juxtaposes the old and the new, the building includes an inviting, two-story lobby atrium where daylight will illuminate the walls of the original library built in 1903. The children's area and a dedicated space for teens will occupy the first floor, while adult collections, browsing, and study areas will be housed on the upper level. The plans call for eight study rooms, four meeting or seminar rooms, and a spacious new auditorium. Efficiently designed staff work areas are laid out at the rear of the building, along with a drive-through garage for the bookmobile.

The construction estimate is \$14.1 million. In addition to the essential elements of the project, the contract documents identify bid alternates that may be included, depending on the results of the bids and the receipt of additional private donations.

The Library Board of Trustees has committed \$1,085,000 in bequest funds to this project to continue to pay for architectural services, begin geotechnical and surveying work, conduct a preliminary environmental hazard assessment, and engage a construction advisor. An additional \$500,000 has been received in private donations. Last month, the Finance Department sold \$4.5 million of the \$18 million General Obligation Bonds approved by referendum in November 2011.

The Library Board of Trustees affirmed its intent to proceed with the construction phase of this project at its meeting on September 19. Since the project timeline requires award of the construction contract before all bond funds for the project become available for use by the Library Board, and because the Offices of the City Clerk and City Purchasing Department offer expertise in managing the public bidding process, the Library Board adopted a resolution to delegate its contracting authority for public improvements for the Renovation and Expansion Project to the City Council.

Therefore, the Library now requests Council to approve the preliminary plans and specifications for the Renovation and Expansion of the Ames Public Library; issue a Notice to Bidders; and set November 15, 2012, as the bid due date and November 27, 2012, as the date of public hearing and award of contract.

**ALTERNATIVES:**

1. Approve the preliminary plans and specifications for the Renovation and Expansion of the Ames Public Library; issue a Notice to Bidders; and set November 15, 2012, as the bid due date and November 27, 2012, as the date of public hearing and award of contract.
2. Do not approve plans and specifications at this time.

**MANAGER'S RECOMMENDED ACTION:**

The preparation of construction documents for an expanded and renovated Library is the culmination of a process that was initiated nearly a decade ago. By approving plans and specifications and establishing a bid timeline, it will be possible to move forward with the project overwhelmingly approved by the voters in 2011, and in accordance with the timeline established on February 28, 2012, when the Phase II contract with the architect was approved.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving preliminary plans and specifications for the Renovation and Expansion of the Ames Public Library; issue a Notice to Bidders; and set November 15, 2012, as the bid due date and November 27, 2012, as the date of public hearing and award of contract.

**COUNCIL ACTION FORM**

**SUBJECT:**           **POWER PLANT ASBESTOS REMOVAL**

**BACKGROUND:**

This project involves the removal and proper disposal of asbestos insulation at the City's Power Plant. This fall 2012 project will consist of asbestos removal in six areas located in a part of the Power Plant where equipment is retired from service. The material to be removed is associated with the insulation system which includes the asbestos containing materials. Once removed, the contractor will transport the asbestos to and dispose of it in an appropriate landfill.

Staff has initiated an asbestos removal program to remove a moderate amount of asbestos from the facility each year until it is gone. The amount removed per year will depend on the yearly budget allowance, contractor bid viability/availability, and staff availability.

On July 23, 2012, the request for proposal (RFP) document was issued to nineteen firms for proposals. On August 24, 2012, staff received competitive proposals from six firms. These proposals were then evaluated by a committee consisting of the Power Plant Maintenance Superintendent and two Power Plant Engineers. The committee members independently evaluated and scored all six of the proposals in the following two steps:

**Step 1**

In the first step, the proposals were evaluated based on (1) if a pre-proposal site visit was made, and (2) if the proposal provided evidence of a valid Iowa permit to remove asbestos. Each of these criteria was rated on a Pass/ Fail basis.

**Step 2**

In the second step, the proposals were evaluated based on price, proposals' compliance with specifications, type and quality of references supplied, and removal procedures and method of facility and personnel protection.

Following is a summary of the scores from Step 2 assigned to the six firms:

OFFERORS	PRICE	AVERAGE SCORE
Environmental Edge, Ottumwa, IA	\$77,500	880
Robinson Brothers Environmental, Inc., Waunakee, WI	\$129,890	763
Pro Environmental Abatement, Inc., Des Moines, IA	\$135,000	741
ESA, Inc., N. Sioux City, SD	\$154,668	727
Patriot Abatement Services, LLC, Olathe, KS	\$170,775	473
ECCO Midwest, Inc., Inver Grove Heights, MN	\$115,300	184

Each score was based on a scale of 1 to 10, with a maximum of 1,000 points possible.

Based on the averaged scores and a unanimous decision by the evaluation committee, it is recommended that a contract be awarded to Environmental Edge, Ottumwa, IA in the amount of \$77,500.

The approved FY 2012/13 operating budget for building maintenance contains \$75,000 for asbestos removal. Additional funds to cover the \$2,500 balance will come from the approved FY 2012/13 operating budget for miscellaneous building maintenance expenses.

**ALTERNATIVES:**

1. Award a contract to Environmental Edge, Ottumwa, IA, for the Fall 2012 Asbestos Removal for the Power Plant, in the amount of \$77,500.
2. Reject all proposals and delay asbestos removal at the Power Plant.

**MANAGER'S RECOMMENDED ACTION:**

Asbestos must be removed and disposed of per State and Federal regulations before retired equipment can be physically removed. Asbestos removal is a legacy cost that will be incurred since most of the old equipment at the Power Plant was insulated with asbestos. The current intent is to remove the asbestos in critical areas each year to avoid a one time large expense. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as stated above.



# Memo

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City Clerk's Office

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

**FROM:** City Clerk's Office

**DATE:** October 5, 2012

**SUBJECT:** Contract and Bond Approval

There are no Council Action Forms for Item Nos. 12 and 13. Council approval of the contract and bond for these projects is simply fulfilling a *State Code* requirement.

/jlr

**COUNCIL ACTION FORM**

**SUBJECT: 2008/09 ARTERIAL STREET PAVEMENT IMPROVEMENTS PROJECT  
(NORTH DAKOTA AVENUE – 600’ SOUTH OF DELAWARE AVENUE  
TO ONTARIO STREET)**

**BACKGROUND:**

The annual Arterial Street Rehabilitation program utilizes current repair techniques to rehabilitate arterial streets with asphalt or concrete. This rehabilitation of arterial streets is needed to restore structural integrity, serviceability, and rideability. Targeted streets are reaching a point of accelerated deterioration.

The program location was identified as North Dakota Avenue from 600 feet south of Delaware Avenue to Ontario Street. The project included reconstruction of the portion of pavement south of Delaware Avenue and placing a concrete overlay from that point north to Ontario Street. This project also included reconstruction of the retaining wall adjacent to the cemetery and reconstruction of the shared use path.

City Council awarded this contract to Wicks Construction, Inc., of Decorah, Iowa, in the amount of \$1,355,004.18. Construction was completed in the amount of \$1,388,556.39. This amount includes \$27,000 in liquidated damages for late completion. Engineering and construction administration expenses were \$278,870.41, bringing the **total project cost to \$1,667,426.80.**

This program is shown in the Capital Improvement Plan with \$467,573 from General Obligation Bonds and \$782,000 in Metropolitan Planning Organization Surface Transportation Program funds. This project will also used Pedestrian Walkway Program funding in the amount of \$313,000 from Local Option Sales Tax; \$50,000 from Local Option Sales Tax as part of Shared Use Path Pavement Improvements; \$20,000 from Water System Improvements; \$14,483 from Electric Utility Funds, and \$52,000 in Road Use Tax from the Retaining Wall Reconstruction Program. This brings **total revenue available for this project to \$1,699,056.**

**CONTRACTOR PERFORMANCE:**

During construction, delays in the work were experienced due to poor performance of the prime contractor. These delays negatively affected the City and the citizens of Ames as North Dakota Avenue was closed to traffic much longer than anticipated. The lack of diligent and continual progress on the project resulted in additional staff time and resources, as well as delaying the street reopening to the public. This resulted in levying the liquidated damages noted above.

**ALTERNATIVES:**

1. Accept 2008/09 Arterial Street Pavement Improvements Project (North Dakota Avenue – 600' South of Delaware Avenue to Ontario Street) as completed by Wicks Construction, Inc., of Decorah, Iowa, in the amount of \$1,388,556.39.
2. Direct Staff to pursue modifications to the project.

**MANAGER'S RECOMMENDED ACTION:**

This project has now been completed in accordance with the approved plans and specifications and has passed an Iowa Department of Transportation audit.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the 2008/09 Arterial Street Pavement Improvements Project (North Dakota Avenue – 600' South of Delaware Avenue to Ontario Street) as completed by Wicks Construction, Inc., of Decorah, Iowa, in the amount of \$1,388,556.39.



**COUNCIL ACTION FORM**

**SUBJECT: PLAT OF SURVEY – 517 GRAND AVENUE**

**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: 517 Grand Avenue  
Assessor's Parcel #: 0903476045  
Legal Description: See plat  
Owners: Danny D. and Julianne Craig

A copy of the proposed plat of survey is attached for Council consideration. **The plat consolidates Tracts A, B, and C (as shown on the aerial photograph) into a single Parcel A in anticipation of the property being redeveloped.**

Pursuant to Section 23.308(4)(c), a preliminary decision of approval for the proposed plat or survey has been rendered by the Planning & Housing Department, subject to the following conditions:

1. None

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 23.307(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 incorporating all conditions of approval specified in the resolution. 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 shall 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.

## EXISTING TRACTS



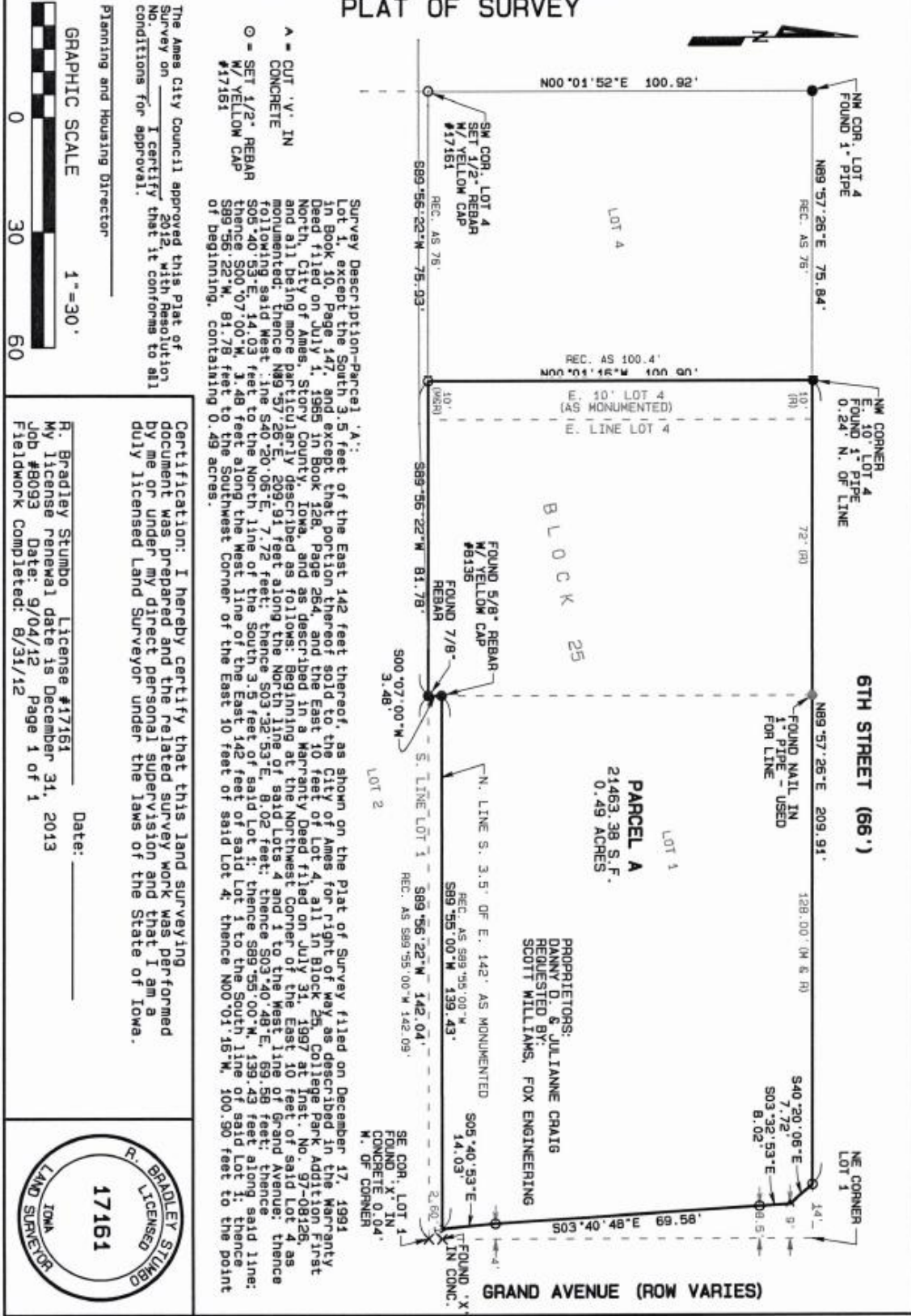
The Plat of Survey proposes to combine Tracts A, B, and C into a single Parcel A as shown on following page.



# PROPOSED PLAT OF SURVEY

R. BRADLEY STUMBO P.O. BOX 1664 AMES, IOWA 50010 515-233-3689

## PLAT OF SURVEY



**Survey Description-Parcel A:**  
 Lot 1, except the South 3.5 feet of the East 142 feet thereof, as shown on the plat of Survey filed on December 17, 1991 in Book 10, Page 147, and except that portion thereof sold to the City of Ames for right of way as described in the Warrantly Deed filed on July 1, 1965 in Book 128, Page 264, and the East 10 feet of Lot 4, all in Block 25, College Park Addition First North, City of Ames, Story County, Iowa, and as described in a Warrantly Deed filed on July 31, 1997 at Inst. No. 97-08126, and all being more particularly described as follows: Beginning at the Northwest Corner of the East 10 feet of said Lot 4 as monumented; thence North 89°57'26" E, 7.72 feet; thence along the North line of said Lot 4 and 1 to the West line of Grand Avenue; thence South 40°53' E, 14.03 feet; thence 503°32'53" E, 8.02 feet; thence 503°40'48" E, 69.43 feet; thence along said line: thence S05°40'53" E, 14.03 feet; thence S89°55'00" W, 139.43 feet; thence S89°55'00" W, 142.09 feet; thence N00°01'52" E, 100.92 feet to the point of beginning, containing 0.49 acres.

The Ames City Council approved this plat of Survey on \_\_\_\_\_ I certify that it conforms to all conditions for approval.

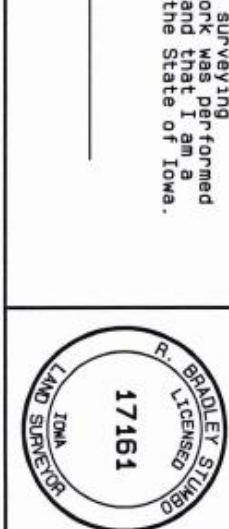
Planning and Housing Director \_\_\_\_\_

**GRAPHIC SCALE** 1" = 30'

0 30 60

**Certification:** I hereby certify that this land surveying document was prepared and the related survey work was performed 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 renewal date is December 31, 2013  
 Job #8093 Date: 9/04/12 Page 1 of 1  
 Fieldwork Completed: 8/31/12



**COUNCIL ACTION FORM**

**SUBJECT: REQUESTS FROM ISU STUDENT ALUMNI LEADERSHIP COUNCIL FOR ISU HOMECOMING EVENTS**

**BACKGROUND:**

On Friday, October 26, 2012, the Student Alumni Leadership Council at Iowa State University is again planning “ExCYtement In The Streets” in connection with Homecoming Weekend at Iowa State. The event is scheduled to begin at approximately 8:00 p.m. and continue until 10:00 p.m. Music and tours of the lawn displays built to celebrate Homecoming will be the featured entertainment for attendees. The event is an opportunity for the general public to view the Homecoming lawn displays and watch performances associated with the displays.

To facilitate this event, organizers are asking the City Council to approve the following items:

1. Closure of Sunset Drive, from Ash to just west of the intersection with Beach Avenue
2. Closure of Ash Avenue from Gable Lane to Knapp Street (Knapp and Gable will remain open)
3. Closure of Gray Avenue from its intersection with Gable to Greeley Street
4. Closure of Pearson Avenue between Greeley and Sunset
5. Temporary Obstruction Permit to cover the above areas as well as the triangular shaped median at the intersection of Pearson and Sunset, which will be used for judging displays
6. Fireworks permit for ground effects fireworks display on Central Campus to begin at midnight (**12:00 a.m.**) on Saturday, October 27

Streets will be closed by approximately 6:30 p.m. and will be reopened by 11:00 p.m. On-street parking will also be prohibited on these streets from 8:00 a.m. to 11:00 p.m. on October 26. Public Works will provide the barricades necessary for the street closures along with “No Parking” signs. Organizers will be responsible for staffing the barricades as long as they are in place. Organizers have been asked to work with residents in accessing the area, particularly during the early evening setup hours.

It should be noted that Homecoming used ground effect fireworks for its celebration last year. While these fireworks produce noise, it is somewhat less than conventional aerial

shells. Staff reviewed police call logs from Homecoming 2011 and found that no noise complaints were received in connection with the fireworks show.

**ALTERNATIVES:**

1. The City Council may approve the requests from the Student Alumni Leadership Council for street closures and parking prohibitions on portions of Ash, Gray, Pearson and Sunset as outlined above, on October 26, 2012, to facilitate the celebration of Homecoming at Iowa State, as well as the Fireworks Permit for midnight on October 27, 2012.
2. The City Council may direct staff to seek alternative locations for the event.
3. The City Council may deny this request.

**MANAGER'S RECOMMENDED ACTION:**

ExCYtement in the Streets is enjoyed by hundreds of members of our community each year. This event will provide our citizens with another opportunity to enjoy the lawn displays and some of the activities associated with Homecoming at Iowa State University. It is a time for interaction between long-time residents and students at Iowa State. The pancake feed on Central Campus has provided an alcohol-free alternative to individual house parties and other forms of entertainment which may involve the use (and possible abuse) of alcohol.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the requests from the Student Alumni Leadership Council associated with the celebration of Homecoming at Iowa State.



Mayor and Ames City Council Members:

The Iowa State University Alumni Association and the Student Alumni Leadership Council (SALC) are preparing to celebrate the 100th anniversary of Homecoming at Iowa State, Oct. 21-28 on the ISU campus and in the Ames community. The CYtennial Homecoming celebration will include a wide variety of events for students, alumni, and members of the community. Some of them include:

- **Friday, Oct. 26 Pep Rally & Centennial Celebration, ISU Alumni Center, 5-9 p.m., free**  
This year the traditional ISU Homecoming pep rally moves from central campus to the grounds of the ISU Alumni Center, 420 Beach Ave., adjacent to the Iowa State Center parking lot. The pep rally program featuring Cyclone football coach Paul Rhoads, members of the football and basketball teams, and the finals of the annual Yell-Like-Hell competition, will begin at 7 p.m.
- **Friday, Oct. 26 ExCYtement in the Streets, Greek Community, 8 p.m., free**  
Following the Pep Rally & Centennial Celebration, Iowa Staters are encouraged to head into the nearby Greek Community to view Homecoming lawn displays. The self-guided “still parade” is a Homecoming classic.
- **Friday, Oct. 26 Pancake Feed, central campus, 10 p.m.-midnight, \$3**  
Join us on central campus for all-you-care-to-eat pancakes.
- **Friday, Oct. 26, Fireworks and Mass Campaniling, central campus, midnight-1 a.m., free**  
A breathtaking fireworks display will follow Iowa Staters creating their own fireworks under the landmark Campanile.
- **Saturday, Oct. 27, Cyclone Central Homecoming Tailgate, ISU Alumni Center, 3 hours prior to kickoff, free**  
As always, the ISU Alumni Association will be hosting a pregame football tailgate at the ISU Alumni Center to celebrate Homecoming. Admission is free, though fans wanting catered meals from Hickory Park Restaurant must register and pay in advance at [www.isualum.org/cyclonecentral](http://www.isualum.org/cyclonecentral).
- **Saturday, Oct. 27, Cyclone Football vs. Baylor, Jack Trice Stadium, kickoff time TBD, ticket info/cost TBD**  
The Iowa State football team will face Baylor in its annual Homecoming football game.

The full schedule of events can be found at [www.isualum.org/homecoming2012](http://www.isualum.org/homecoming2012).

The Student Alumni Leadership Council is requesting the City of Ames approve the related street closures, permits, and fireworks display as a part of the Homecoming celebration. We look forward to the event and the community and campus connections it provides. We truly plan to live out the Homecoming theme: Taking Ames by Storm!

Sincerely,

Kurt Beyer  
Assistant Director for Student Programs  
Iowa State University Alumni Association

## Staff Report

**Downtown Employee Parking Hang Tag Pilot Program**

October 9, 2012

**BACKGROUND**

In a letter to Mayor and City Council dated January 29, 2012, the Main Street Cultural District (MSCD) outlined a proposal to improve the parking situation for employees who work in Downtown Ames by instituting an employee hang tag pilot program. Currently, employees in Downtown have generally three options for parking during the workday; in Metered Spaces, 2-Hour or 4-hour Spaces (in City Lots), or 24-Hour Reserved Spaces (~\$35/month). **Their proposal is to add an Employee Hang Tag option that would allow employees to park for a period of 9 hours in the 4-hour spaces only of CBD Lot X, Y, and Z, for the annual cost of \$144 (equates to \$12/month). It is anticipated that the pilot program would be evaluated after one year.**

This proposal is a follow-up to a 2011 survey conducted by the MSCD in which they asked Downtown employees whether they would support an Employee Hang Tag program. It should be noted that at the time the survey was given, employees taking the survey based their responses upon a proposed annual fee of \$120 (\$10/month). One of the more important questions to be answered is what impact this pilot program would potentially have in the City's Parking Fund; a brief revenue analysis has been provided below.

The MSCD survey of Downtown Businesses found that approximately 62% of employees who currently rent a 24-hour Reserved Space said they would keep their parking space; this left 28% that said they would switch to the 9-Hour Hang Tag and 10% were undecided. City Staff then took those results to perform a revenue cost analysis. This analysis took into account the potential lost revenue by employees terminating their 24-Hour rental spaces and switching to the lower cost hang tag option, as well as the potential revenue gain by new hang tag users who are not currently paying for parking (those employees who are utilizing the free time-limited parking areas).

The most conservative case would estimate that approximately 38% (by adding the 28% of "yes" and 10% of "maybe" respondents) of Downtown employees could choose to terminate their rental contract and participate in the pilot program. Currently, there are 65 of 95 total spaces rented in the Downtown CBD Lots, therefore Staff used the following calculation to determine the minimum number of hang tags that need to be sold at the \$144/year rate in order to recover the potential lost rental revenue:

**Breakeven Participation:**

- 38% of 65 Total Rented Spaces = **25 Spaces**



- 25 spaces at \$35/month = \$875/month or **\$10,500/year**
- \$10,500/year divided by \$144/year/hang-tag = **73 hang tags (minimum)**

Therefore, the City would need to sell at least 73 hang tags at an annual cost of \$144 for the Parking Fund to break even. However, as indicated by the MSCD survey, only 42 people said that they would purchase a hang tag, while 19 more indicated that they *may* purchase a hang tag (42 to 61 potential participants). Therefore, if only 42 employees ultimately purchase a hang tag, the annual cost of the tag would have to be \$250 (approximately \$21/month) in order to generate enough revenue to break even.

*A map has been attached showing where the areas of the CBD Lot in which the proposed Downtown Employee Hang Tag Pilot Program would apply.*

**POTENTIAL OPTIONS:**

It should be noted that any potential Hang Tag system approved by City Council would be sold by Customer Service Division of the Finance Department on an annual basis only (12 Full Months). This is necessary to minimize the administrative costs borne by the City, which may ultimately help in the success of the proposed pilot program.

**Option 1: Approve a 1-Year Pilot Employee Hang Tag Program at the annual cost of \$144/year (\$12/month).**

This is the preferred option of the Main Street Cultural District representing the desire of the Downtown Businesses to have an all-day parking option for their employees.

However, based upon the survey this option could potentially result in a net loss in revenue for the Parking Fund. If the Hang Tag program continues at the estimated rate in the future, Parking Fees may need to be adjusted to offset the loss.

**Option 2: Approve a 1-Year Pilot Employee Hang Tag Program at the annual cost of \$144/year (\$12/month) – Requiring Minimum Presale.**

This option uses the same conditions as in Option 1 but adds the requirement of the Main Street Cultural District to pre-sell a minimum number of Hang Tags needed to ensure that the Parking Fund breaks even. Under this option, prior to the start of the pilot year and issuance of any hang tags, at least 73 people must commit to participating in the Hang Tag Program. Payments of cash or by check would be held by the City until the start of the program. Those payments would be fully refunded if the minimum sold threshold was not met.

This option would provide for a hang tag cost in line with what is preferred by the MSCD yet eliminate the financial risk to the City’s Parking Fund.

**Option 3: Approve a 1-Year Pilot Employee Hang Tag Program at the annual cost of \$250/year (approximately \$21/month).**

This option reflects a more conservative estimate of the number of employees (42) who will purchase the hang tags. As a result of this lower participation as compared to the first two options, the annual hang tag fee would have to be greater (\$250/month).

**Option 4: Do Not Approve a 1-Year Pilot Employee Hang Tag Program.**

Given the current parking options provided throughout the Downtown, City Council can choose to keep with existing conditions.

With the closure of the Innova office building on Main Street, the demand for employee parking in the area has decreased substantially to the point a change might no longer be needed.

**Under Options 1, 2, and 3, the hang tag cost could be adjusted at the conclusion of the pilot program based on actual usage data.**

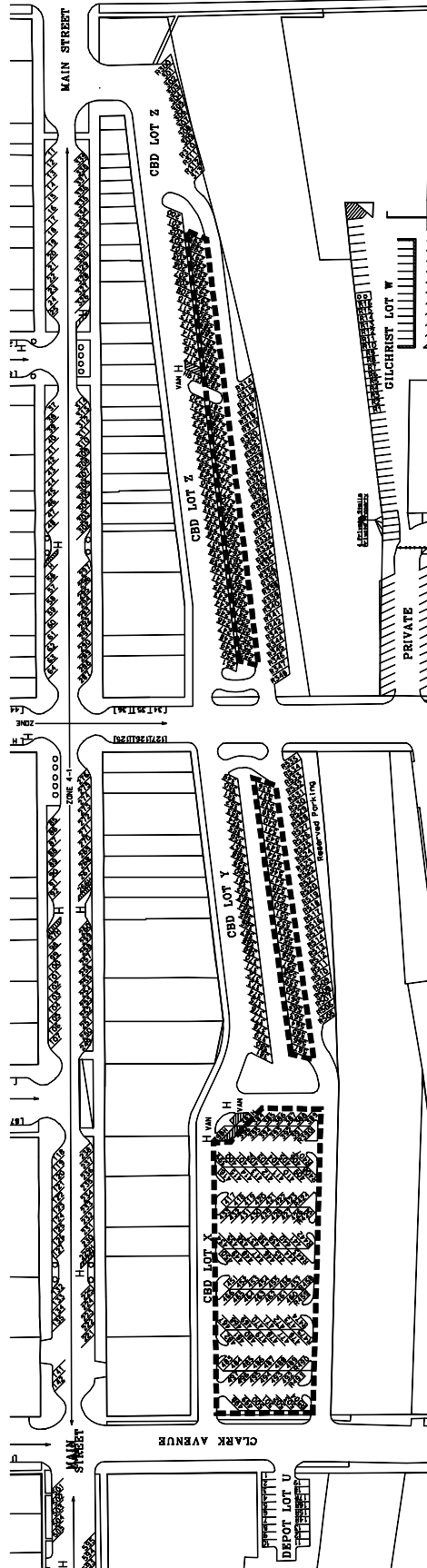
**STAFF COMMENTS**

The Main Street Cultural District staff and City Staff have worked extensively over the last year to create a potential solution to the ongoing challenge of accommodating employee parking in the Downtown. **Staff is generally in support of the District and its members to try a pilot program that provides all-day parking during business hours for employees, while trying to minimize the impact to customers and visitors of the Downtown.**

In order to minimize the risk to the Parking Fund, the City Council might want to pursue Option #2. While a bit more cumbersome than the other options, the advantage of this approach is that an annual hang tag fee can be established after it is determined how many hang tags will actually be sold.

It should be remembered that Peggy Baer, President of the Ames Historical Society, sent a letter to the City Council on September 28, 2011 voicing her opposition to a hang tag system that would offer parking for less than the market rate in the Downtown, which she perceives to be \$45 to \$55 per month. Apparently, the Ames Historical Society is renting the parking spaces for \$25/month on their property at 120 5<sup>th</sup> Street in order to generate additional funding. She is concerned that if the fee that the City establishes for the hang tags is lower than their rates, it could negatively impact their ability to generate enough revenue to pay their bank loan, snow removal, and property tax on their parking lot.

# Downtown Employee Parking Hang Tag Pilot Program Areas



4-Hour Parking Areas (Stalls where Employee Hang Tags can be Used)



## Staff Report

**TRAFFIC CALMING STUDY FINDINGS**

October 9, 2012

**BACKGROUND:**

At the December 20, 2011 meeting, City Council was presented with the final draft of The Neighborhood Traffic Calming Handbook, which was planned through the Capital Improvement Plan (CIP). This handbook is meant to serve as a technical guide compiling nationally recognized best practices in the field of traffic calming, and then modifying those methods and their application to fit the context of the Ames community.

During that meeting, City Council referred to Staff the first locations to be analyzed under this new process; they were 1) Hayes Avenue between 24<sup>th</sup> Street and 20<sup>th</sup> street, 2) Ridgewood/Summit/Crescent streets between 16<sup>th</sup> Street and 13<sup>th</sup> Street, and 3) Jewel/Diamond streets from S. Duff Avenue to its end at Kate Mitchell Elementary School.

In order to collect traffic data during the time of year that has the highest potential for speeding – months without snow and ice – Staff conduct the studies during the months of April and May making sure to collect data while school was in session. The following sections will summarize these findings and provide recommend traffic calming methods to improve these areas.

Many data were evaluated during these studies such as speed, roadway and intersection geometry, sight distance, crash history, and inventory of traffic control devices, as well as input from local residents during public meetings. Though all of these data are important for this review, **it was found that the public input and speed data were most critical in evaluating these particular locations.** In addition to the experiences shared by local residents, evaluations are based upon the following criteria:

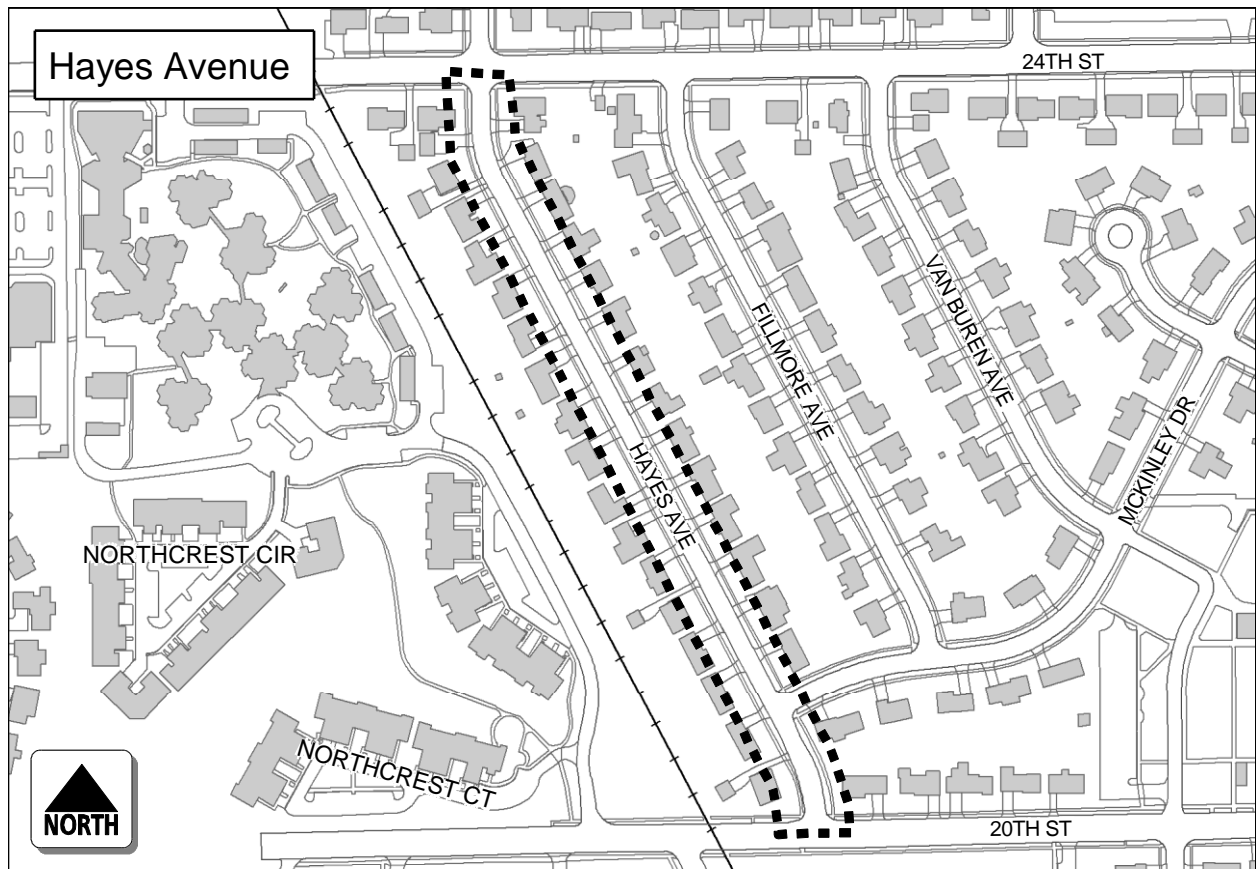
- **Prevailing Speed** = Average of the **85<sup>th</sup> Percentile Speed** and the **Pace**.
  - Threshold: Posted Speed Limit  $\pm 2.5$  MPH is ideal, > 5 MPH is a concern, > 10 MPH could be considered severe.  
(*Pace = the 10 MPH range that includes the highest number of vehicles*)
- **% > 10 MPH** = is the percent of vehicles traveling at least 10 MPH over the posted speed limit or higher.
  - Threshold: typical distributions have 3% to 5%; > 5% is a concern, > 10% could be considered severe.

After an initial investigation, the analyses of the first two locations (Hayes & Ridgewood/Summit/Crescent) have been conducted together due to a common contributing factor of both sites – the Ames High School. As this report will discuss each

of the two areas have their own unique characteristics, however the main concern for calming traffic results from ingress/egress traffic to the High School.

**HAYES AVENUE:**

The first location is Hayes Avenue (24<sup>th</sup> Street to 20<sup>th</sup> Street), which serves as one of the main northern access points for the Ames High School. A public meeting was held on Thursday, March 1, 2012 in one of the meeting rooms of Bethesda Lutheran Church; general issues discussed during the meeting related to vehicle speeds, driving behaviors relevant to the age of the driver; also, the safety of various pedestrian crossings in the area.



Hayes was found to have a very uniform distribution of speeds; the data collected over the course of a week nearly forms a perfect “Bell Curve”. The table below summarizes the findings of the speed data collected:

Location		Prevailing Speed (MPH)	% > 10 MPH
Hayes Ave.	NB	31.5	3.11%
	SB	31.5	3.36%

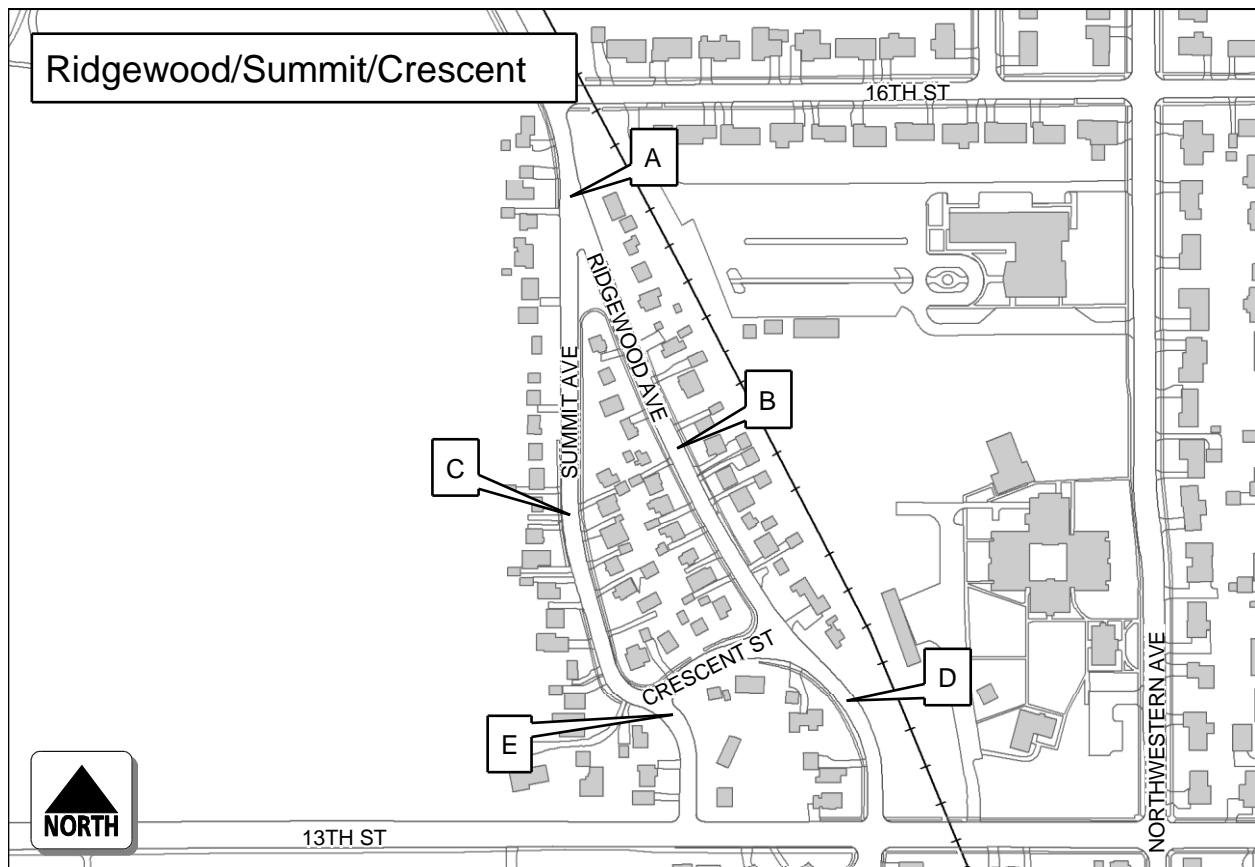
*NB = Northbound, SB = Southbound*

Considering there is a low level of “moderate” speeding along Hayes Avenue, the data would suggest that **Dynamic Feedback Speed Limit Signs** could be a solution to reduce those vehicles traveling in the 5-15 MPH over the speed limit. The purpose of these signs is to provide real-time information to motorists so they can be reminded of the legal speed limit. **The estimated cost is approximately \$2,600 to \$4,000 per sign – one each direction; this equates to \$5,200 to \$8,000 for the street.**

**RIDGEWOOD/SUMMIT/CRESCENT:**

The second location is a combined area of three streets; Ridgewood Avenue, Summit Avenue, and Crescent Street. These streets are directly south of the Ames High School and carry much, if not all, of the Ames High School traffic coming from the south, along with local traffic.

A public meeting for these streets was also held on March 1, 2012 and Staff heard similar concerns as in the case of Hayes Avenue; the biggest difference related to the operation of the 13<sup>th</sup> Street and Ridgewood traffic signal. Residents suggested some operational improvements for pedestrians and bikes aside from the traffic calming concerns – City Traffic Staff will be able to make those minor changes separate from a potential traffic calming project.



A table summarizing the Prevailing Speed and the percent of the distribution operating at 10 MPH or more over the posted speed limit has been proved below:

Location		Prevailing Speed (MPH)	% > 10 MPH
A	NB	25	0.34%
	SB	26	0.19%
B	NB	31.5	5.79%
	SB	31.5	3.68%
C	NB	31.5	5.83%
	SB	31	4.03%
D	NB	28	0.44%
	SB	30.3	1.71%
E	EB	24	0.00%
	WB	23.3	0.21%

*NB = Northbound, SB = Southbound, EB = Eastbound, WB = Westbound*

As indicated above, moderate speeding is occurring mainly in the blocks of Summit Avenue and Ridgewood Avenue, between 16<sup>th</sup> Street and Crescent. Further analysis shows that these two street segments also have a noticeably higher percentage of motorists traveling above 10 MPH over the speed limit. Because of this, it is recommended that **Speed Humps** be placed along each street segment.

According to national recommended practices the optimal speed hump spacing to achieve an 85<sup>th</sup> percentile of 25 MPH is 275 feet. This equates to three speed humps (~14-ft wide, 3-in to 4-in rise) along Ridgewood Avenue and Crescent Avenue respectively. **Current pricing for these treatments are approximately \$2,000 each (6 total); this brings the total estimated price to \$12,000.**

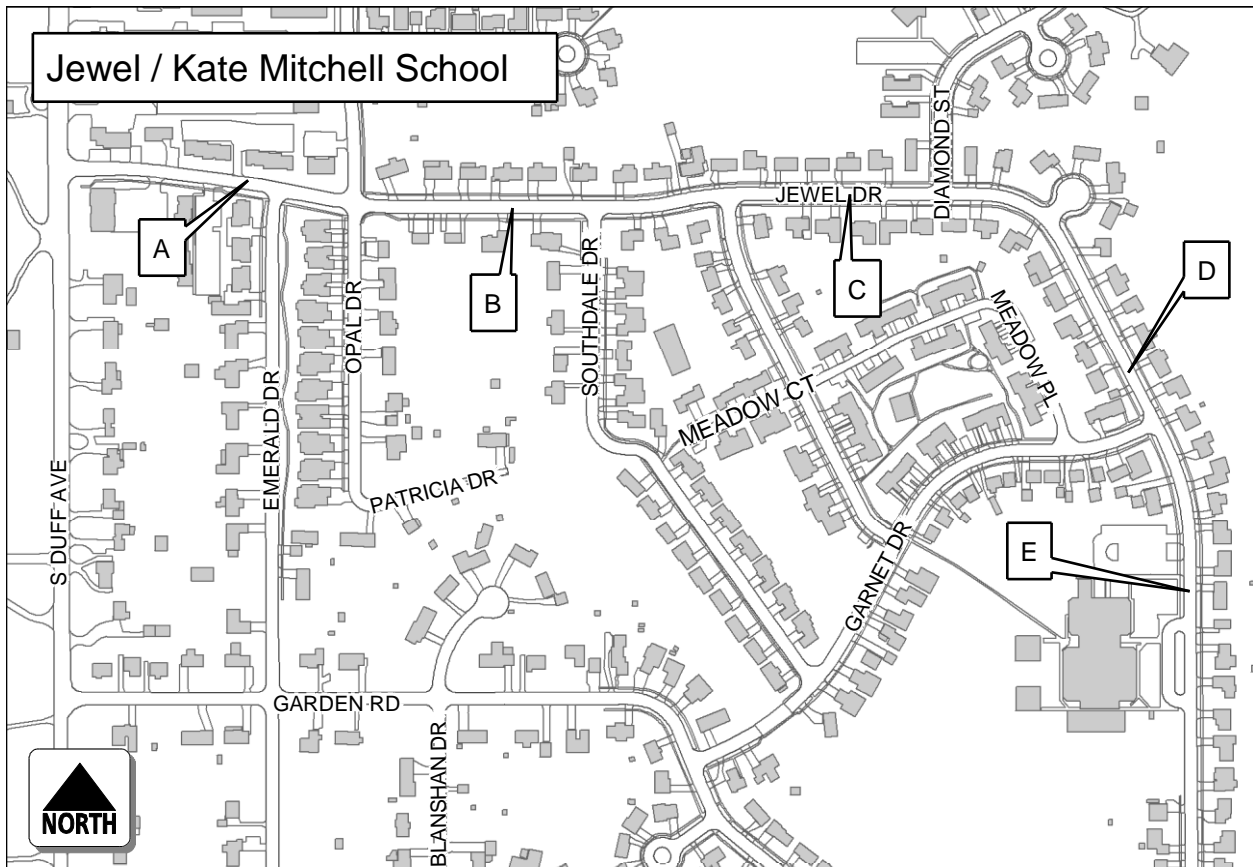
The recommended type of speed hump should be of solid rubber construction that can be retrofitted to the surface of the pavement. This also allows for the speed hump to be removed; considering this area would be the first location in Ames that could potentially use speed humps it is recommended that they be semi-permanent in case there are unforeseen issues or if the City would receive a request by the neighborhood to remove the treatment.

Removable speed humps can also be reused at other locations if needed, compared to speed humps constructed from asphalt or concrete that have to be destroyed when they are removed.

**JEWEL / KATE MITCHELL SCHOOL AREA:**

This study area is located in the far southeast corner of Ames; the main entrance to the neighborhood is accessed off of South Duff Avenue (US HW69). Similar to the other study areas, the data is heavily influenced by the school day traffic of those traveling to and from Kate Mitchell Elementary.

The public meeting for this neighborhood was held on Tuesday, May 15, 2012, in Room 235 of City Hall. Residents that attended the meeting generally indicated the highest concern for speeding in the areas of Jewel Drive starting from “Area C” down to the school around “Area E”; it should be noted that were not major issues discussed regarding the safety of a particular pedestrian route or crossing. An area map and table summarizing the speeds has been provided below:



Location		Prevailing Speed (MPH)	% > 10 MPH
A	IN	32	3.78%
	OUT	32.5	6.56%
B	IN	31.3	2.73%
	OUT	31.5	3.83%
C	IN	29.5	1.23%
	OUT	29.5	0.88%
D	IN	29.5	1.14%
	OUT	28.5	0.97%
E	IN	24.8	0.00%
	OUT	25.5	1.12%

IN = Inbound, towards Kate Mitchell, OUT = Outbound, towards S. Duff Ave.



The data would suggest that for areas B, C, and D that they are again in a range that may be best suited for dynamic feedback signs; areas B & C could be served with two signs and Area D would need another two – **total estimated cost for 4 signs would be \$10,400 to \$16,000**. Then in Area A, due to its moderately high “% > 10 MPH” percentage, a consistent approach would suggest that the City install two or three Speed Humps that are again spaced at 275 feet apart – **the cost for this treatment would approximately range from \$4,000 to \$6,000**.

### **STAFF COMMENTS:**

The newly adopted Neighborhood Traffic Calming Handbook (NTCH) for the City of Ames contains a wide range of roadway and roadside treatments to help improve traffic safety and the quality of life for residential neighborhoods. Treatments in the handbook range from **Non-Physical Measures** such as Enforcement, Signs, and various types of Pavement Marking to **Physical Measures** both Vertical and Horizontal.

This range exists so that the appropriate level of treatment can be applied to each respective traffic calming project in order to best match the severity of the problems experienced in the study area. In the case of the three study areas shown in the report; 1) Hayes, 2) Ridgewood/Summit/Crescent, and 3) Jewel/Kate Mitchell School, they all experience low to moderate traffic speeds and therefore the recommended treatments come from the list of Non-Physical Measures and the more minor Physical Measures of the NTCH.

### **RECOMMENDATIONS:**

Hayes: Install two (2) Dynamic Speed Feedback signs; Cost ~ **\$5,200 to \$8,000**.

Ridgewood/Summit/Crescent: Install six (6) removable rubber Speed Humps, three (3) along Ridgewood Avenue and three (3) along Summit Avenue; Cost ~ **\$12,000**.

Jewel/Kate Mitchell School\*\*: Install three (3) Speed Humps near S. Duff Avenue along Jewel Drive; Cost ~ **\$6,000**, and Install four (4) Dynamic Speed Feedback signs, two along Jewel Drive between Opal Drive and Diamond Street, and two (2) along Jewel Drive between Diamond Street and Kate Mitchell School; Cost ~ **\$10,400 to \$16,000**.

Alternate 1 - Jewel/Kate Mitchell School: Install the Dynamic Speed Feedback signs as indicated above, and monitor both the speeds and the reactions of the neighborhood. If the residents find this treatment to be ineffective, the City could choose to increase the level of treatment by adding Speed Humps in areas C, D, and E for an additional six (6) Speed Humps; Cost ~ **\$12,000**.

\*\*Note: This recommendation is written to be consistent with the findings of the data collected, however it should be noted that the residents of the Jewel Neighborhood expressed their strongest concerns for speeding along Jewel

Drive in the areas where the street turns and heads south to the school, not in the areas near S. Duff Avenue.

Staff's main concern with installing the Speed Humps in "Area A" is that unlike the case of Ridgewood and Summit, this area is not well isolated and there is a higher potential that the Speed Humps would simply cause a shift in traffic patterns to other streets such as Garden Road or possibly Crystal Street. This would simply be transferring this safety issue to other parts of the Southdale area. Therefore, "Alternative 1" has been created above that better suit the context of the Jewel Neighborhood area.

**City Council members can decide based upon the information in this report which option, if any, they would like to support. The final authorization to fund these improvements would take place in conjunction with the 2013/14 budget decisions.**

**ITEM #: Add'l. Item**  
**DATE: 10-09-12**

**COUNCIL ACTION FORM**

**SUBJECT: LIBRARY RADIO FREQUENCY IDENTIFICATION PROJECT PHASE II**

**BACKGROUND:**

The project to convert the Library collection to a Radio Frequency Identification (RFID) system for circulation, security, and management was approved in the 2011-2016 Capital Improvements Plan (CIP) in two phases. Phase I, budgeted at \$125,000 in FY 2011/12, was earmarked for the tags and equipment necessary for tagging the collection. This phase of the project was completed at a cost of \$92,719. Phase II, budgeted at \$153,400 in FY 2012/13, is intended to finance the acquisition of the equipment necessary for self-serve circulation, security gates, and equipment supporting inventory management.

The action being requested of the City Council is to approve the \$32,280 savings from Phase I along with \$7,367 from the funds budgeted in the current year to purchase a portion of the equipment needed for the new RFID system. This equipment includes:

- dual aisle security gates, software, installation, and training at a cost of \$12,123; and
- five self-serve check-out machines at a cost of \$27,524

SirsiDynix/Bibliotheca of Huntsville, Alabama, was selected as the vendor of choice for both phases of the RFID project based on response to the Library's original Request for Proposals. The prices listed above were offered in the original proposal dated January 17, 2012. This equipment needs to be purchased this month in preparation for the Library's relocation to temporary quarters in November. At this time, the Library is not planning to purchase the remaining equipment needed to complete the RFID Project until it can be installed in the renovated and expanded building.

**ALTERNATIVES:**

1. Approve the purchase of equipment identified above for the Radio Frequency Identification (RFID) Project needed for use in the Library's temporary location in the amount of \$39,647 and authorize the reallocation of the \$32,280 savings identified in Phase I to Phase II.
2. Do not approve the purchase at this time.

**MANAGER'S RECOMMENDED ACTION:**

The Library is ready to enter into the second phase of a project awarded in March 2012 following an evaluation of written proposals. The equipment being purchased now completes the Library's transition to the use of a Radio Frequency Identification system. This equipment will be used at the temporary location to provide security of materials and allow self-service check-out. It is anticipated that this equipment will eventually be moved to and augmented by additional units in the expanded and renovated Library building.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the purchase of equipment identified above for the Radio Frequency Identification (RFID) Project needed for use in the Library's temporary location in the amount of \$39,647 and authorizing the reallocation of the \$32,280 savings identified in Phase I to Phase II.

It should be pointed out that the remaining \$146,033 appropriated for Phase II will be available for the purchase of any other equipment needed to completed the RFID system in FY 2013/14 as well as for the reduction of the amount needed to finance an automated materials handling system currently planned for FY 2014/15.

## Staff Report

**UTILIZATION OF WINAKOR BEQUEST FOR WESTSIDE PARK  
ALONG ONTARIO ROAD**

October 9, 2012

**BACKGROUND:**

On September 11<sup>th</sup> members of the Parks and Recreation Commission met with the City Council to discuss how the unrestricted gift of approximately \$1.7 million from Geitel Winakor should be utilized.

Relying upon pre-established decision-making criteria, the Commission formally recommended, **“That City Council approve a resolution to utilize the funds received from this bequest to proceed with the purchase and subsequent development of an approximate 80-acre parcel of park land in west Ames.”**

At this meeting, the City Council questioned if any green open recreational space could be incorporated into the development to accommodate soccer and open play space for neighborhood residents. As a result of this feedback, Staff met with the owners of the property and informed them of the Council’s desire. At this meeting, **the property owners agreed to this request as shown on the attached conceptual Park Master Plan (Attachment A). Therefore, development of seven (7) acres now includes green open recreational space, a parking lot, shelter/restroom, a basketball pad, and play equipment.**

**The City Council should note that this recreational open space allotment exceeds any of the existing park system acreage that is currently used for youth and adult soccer, flag football, pick-up activities, etc.** As an example, recreational green open space totals 3.75 acres at North River Valley Park, 4.75 at Inis Grove Park, and 2.75 at McCarthy Lee Park.

**The City Council should also understand that this recreational open space, as currently planned, would not be developed until residential development occurs to the south.** As shown on Attachment B, Sunset Subdivision is being developed to the south and moving north toward the proposed park. Another 30 acre parcel of land (owned by the Huang family) is located between the Sunset Subdivision and the park parcel. The Huang’s anticipates selling their parcel for residential development in the future. **Once this occurs, Wilder Boulevard would be extended north to the south property line of the park to provide the necessary access to this recreational area.**

## **Owners Intent/Related Stipulations for Selling this Parcel**

### **ITEM 1: Preservation of the Site**

The owners want assurance that their land can **never** be developed with residential, industrial, or commercial structures. To accomplish this they intend to sell the land to the Iowa Natural Heritage Foundation (INHF). The City would then purchase the parcel from INHF, which will include a Conservation Easement within the deed.

The Conservation Easement will detail “Permitted Uses” and “Prohibited Uses”. **Anticipated stipulations** for this parcel would include:

#### **Permitted Uses:**

- Low-impact recreational uses including; picnicking, fishing, bird watching, wildlife viewing, hiking, bicycling, cross-country skiing, open green space to accommodate recreational sport programs such as soccer, flag football, and pick-up sports play and practices, kite flying, etc
- Construction of structures necessary for public access to the site; security lighting, benches, bridges, kiosks, shelters, restrooms, interpretive signs, parking lots / driveways, hard-surfaced trails, playground equipment, and basketball pad
- Utilities
- Restoration of stream corridor for water quality, ecological benefits, erosion control
- Restoration, improvements, replacement or removal of the existing structures including the corn crib and barn
- Agricultural crop productions on existing fields
- Enrollment and participation in Conservation Reserve programs
- Ecological management of native or reconstructed prairie, woodlands

#### **Prohibited Uses:**

- Developed recreational activities including; Dog Park, Disc Golf Course, Skate Park, sport field fencing and lighting, swimming pool, equestrian trails, paint ball courses, zip lines, and ropes courses
- Residential, commercial, and industrial development
- Agricultural confinement buildings
- Dumping or mining

#### **Staff Reaction:**

The Conservation Easement that will be required between the City and the INHF would be similar to the governance of Ann Munn Heritage Woods. This 40-acre woodland is owned by the City but under restrictions as detailed within a Conservation Easement with the INHF. No issues have arisen related to this agreement. Therefore, staff supports entering into a Conservation Easement

with the INHF which will detail the permitted and prohibited uses of this site as reflected.

**ITEM 2: Property maintains a farm-like feel, abundant with prairie and woodland**

To accomplish this “feel” the owners want assurance that the City will maintain the prairie, plant native oaks on the upland and **structurally stabilize** the barn and **restore the exteriors of both buildings**. They believe these structures will better assure that when combined with educational resources (interpretative signage, class outings for children, etc.) Iowa’s rich agricultural heritage will be passed along to future generations.

**Staff Reaction:**

Due to the educational connection that can be made between these two structures and Iowa’s rich agricultural heritage, staff agrees with the owners request to renovate the exteriors of the barn and corn crib.

A structural engineer provided a cursory assessment of the structures. The report states that it would be cost prohibitive to renovate the interior of the buildings to achieve code-required egress and accessibility standards. The cost to address **structural** issues related to the **barn** would total **\$100,000** (the corn crib is structurally sound). To make both buildings **aesthetically pleasing** would cost a total of **\$125,000**.

Staff supports expending \$100,000 (Phase I) to address the structural issues related to the barn. Future efforts (Phase II) should focus on raising private funds and obtain grants related to enhancing the **aesthetic issues** of both structures (\$125,000).

It should be noted, the Conservation Easement Agreement will **allow** for the **demolition of both of these structures** following their “renovated life-cycle” as described above in Phases I and II.

**ITEM 3: Maintain 1.6 Acre as Private Property/Annexation of the Land**

As shown on Attachment A, the 80 acre parcel is located on the south side of Ontario. The owners want to maintain their house (located immediately adjacent Ontario in the center of the 80 acre parcel) as a private dwelling. Therefore, this 1.6 acres will not be included in this land sale to the City. However, the City will have “Right of First Refusal” upon the owner’s selling this parcel in the future.

In addition, the owners have requested that the City pay **to extend utilities to** (water and sewer) **to their home** (approx. \$20,000).

**Staff Response:**

The owner’s residence must be annexed into the City per State law because an “island” can not be created. However, the City will have “Right of First Refusal” to purchase this parcel presumably based upon **agricultural land values at that**

**time** (yet to be finalized with the owners). Therefore, staff supports the extension of utilities to their residence and also the **construction of a 6' wood fence** (\$10,000) around the private property to buffer the park from the residence.

The house is currently on a septic system, and for water quality purposes, it is in the best interest of Clear Creek to eliminate the septic system.

**ITEM 4: Naming Rights of the Park:**

To honor their parents, who purchased this property in the 1940's, the owners request naming rights of the park and are considering naming it "Ted and Anna Sands Nature Park".

**Staff Response:**

Staff has no objections to naming this park after the owner's parents. This support is based upon the premise that the City will be purchasing this 80 acre parcel at an "agricultural" value. The official name of the park will be determined prior to the City entering into the Deed of Conservation Easement with the INHF.

**Estimated Project Expenses total \$2,601,350**

As detailed on Attachment C, the \$1.7 million bequest will not allow for the development of the entire parcel which is estimated to cost approximately \$2.6 million. It should be noted, that the cost estimates listed may vary by 20% (higher or lower) than the actual construction bids received.

**It should be remembered, the purchase price for the parcel will be based upon agricultural land values.** To determine this value, the INHF contracted Hertz Farm Management (HFM) to complete this formal land appraisal. It is anticipated that the appraisal will be completed by the end of October. In preparing the attached estimated project budget, **City staff** used a land value of \$8,000 per acre.

**Staff has prioritized this park development into two phases as follows:**

**Phase I = \$1,762,600 / Phase II = \$838,750** (to be developed when Wilder Boulevard is extended to the south property line of the park and funding allows)

**Anticipated Project Revenues total \$2,601,350**

City Funds	\$1,901,350
Grants	\$ 250,000 (REAP / Iowa Barn Foundation)
Private Fund Raising	<u>\$ 450,000</u>
Total Estimated Cost	\$2,601,350



## City Council Direction is Requested on the Following Issues

### **Conservation Easement**

Do you support entering into an agreement with the Iowa Natural Heritage Foundation with the permitted/prohibited uses (highlighted above) at a purchase price based on an agricultural land value?

### **Annexation of 1.6 Acre of Private Property**

Based on the City receiving the "Right of First Refusal" to purchase this parcel, do you support the City paying the associated costs of installing a fence (\$10,000) and extending utilities (\$20,000) to their home?

### **Barn and Corn Crib**

Do you support addressing the structural issues associated with the barn and to restore the exteriors of both structures in the future as funding allows?

### **Naming of the Park**

Do you support naming the park in honor of the owner's parents?

### **Phase II**

Is it acceptable that development of the southwest open green recreational area/related amenities **not** occur until Wilder Boulevard is extended to the park's south property line in the future?

## Identified "Next Steps" to Acquiring this Parcel

- Review the Hertz Farm Management appraisal and determine the land purchase price based upon agricultural land value. This step could include obtaining a second formal land appraisal should City Council so desire.
- Finalize the Project Budget - based on the updated purchase price of the land
- Finalize the "Right of First Refusal" legal document for the 1.6 acre private property parcel
- Complete the land survey, platting, and parcel legal descriptions
- Annex the parcels (Private Property and City Park)
- Purchase the land and enter into a Deed of Conservation Easement with the Iowa Natural Heritage Foundation

The goal of this public park and land conservation project is to protect and enhance the wildlife habitat, open space and water quality of Clear Creek, while providing the opportunity to preserve the historic Iowa farm character, encourage environmental education and allow for simple and leisurely recreational opportunities.



CONCEPTUAL MASTER PLAN



PROPOSED LANDCOVER LEGEND

	RESTORED WOODLAND		PRAIRIE AREA (EXISTING CRP)		RESTORED PRAIRIE		RESTORED SEEP OR WETLAND		RESTORED RIPARIAN AREA
	PAVED TRAIL (interior 0.4 mile) (perimeter 1.3 miles)								
	CRUSHED ROCK TRAIL (1.0 mile)								
	MOWN TRAIL (.25 mile)								



1 inch = 200 feet

Ontario Street

Future Park

Huang 30-acre Parcel

Sunset Ridge  
Subdivision

Future Wilder Ave

Wilder Ave

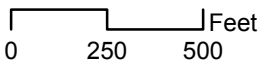
Lincoln Way



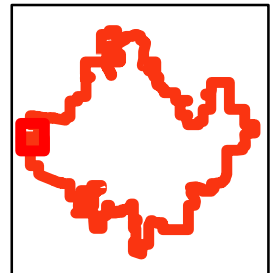
**Legend**



Ames City Boundary



**Location Map**



## Attachment C

### ESTIMATED PROJECT BUDGET

**\$2,601,350**

#### PHASE I = \$1,762,600

##### Cost Estimates

INHF Annual Monitoring of Deed Easement	\$ 20,000 (perpetual monitoring – one time fee)
Purchase property (80 acres)	\$640,000 (based on \$8,000 per/acre estimate)
Site Survey	\$ 5,000
Legal	\$ 10,000 (Closing costs, platting, etc)
Internal Walking Trails (rock)	\$ 25,000
*Utilities	
Park Development	\$ 40,000
House – Private	\$ 20,000
House – Fence	\$ 10,000
*Shelter House/Restroom	\$185,000
*Natural Play Ground	\$ 25,000
*Prairie / Savanna / Gully Restoration	\$ 25,000 (ISU classes – Volunteer Labor)
*Parking Lot #1 (24 spots)	\$ 36,000 (\$1,500/spot)
*Internal Asphalt Trail / Bridge	\$100,000
*Pedestrian / Heavy Equip Bridge #1	\$125,000
*Pedestrian Bridge #2	\$ 75,000
*Barn: Structural Stabilization	\$100,000
*Perimeter Paved Trail and 2 Bridges	\$225,000 (REAP grant submitted August 2013)
<b>Construction Budget Estimate</b>	<b>\$1,666,000</b>
A&E (*5%)	\$ 48,300
Contingency (*5%)	<u>\$ 48,300</u>
<b>Project Budget Estimate</b>	<b>\$1,762,600</b>

#### PHASE II = \$838,750 (Wilder Blvd is completed to the south park property line)

*Earthwork / Turf established	\$ 50,000
*Park Entry Drive	\$ 100,000
*Utility Extension	\$ 100,000
*Parking Lot #2 (75 spots)	\$112,500
*Shelter / Restroom #2	\$225,000
*Traditional Play Structure	\$ 50,000
*Barn & Corn Crib: Exterior Restoration	<u>\$125,000</u> (Grant / Private Fund raising)
<b>Construction Budget Estimate</b>	<b>\$762,500</b>
A&E (*5%)	\$ 38,125
Contingency (*5%)	<u>\$ 38,125</u>
<b>Project Budget Estimate</b>	<b>\$838,750</b>

**COUNCIL ACTION FORM**

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

**BACKGROUND:**

On March 27, 2012, City Council approved preliminary plans and specifications for MEC Interconnection 161 kV Line Construction. This project is to construct a 161kV line from Ames' Plant Substation to Mid-American Energy Company's (MEC) 161kV switching station northeast of Ankeny. This project is the final phase of a 5 phase project to increase electric delivery into the City and provide reliable electric service to the customers of Ames under many different outage scenarios. This will complete a multi-year project started in FY 2003/04.

Bid documents were issued to thirty-nine 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 two plan rooms.

On July 11, 2012, five bids were received as shown below:

<b>BIDDER</b>	<b>BID</b>	<b>TAXES</b>	<b>OVERALL</b>
Hooper Corporation Madison, WI	\$9,054,395.90	\$194,215.56	<b>\$9,248,611.46</b>
Probst Electric Heber, UT	\$9,252,866.30	\$127,864.52	<b>\$9,380,730.82</b>
PAR Electrical Contractors, Inc. Kansas City, MO	\$9,535,387.08	\$164,586.57	<b>\$9,699,973.65</b>
Michels Power Neenah, WI	\$10,968,925.55	\$92,088.47	<b>\$11,061,014.02</b>
Timberline Construction, Inc. Rapid City, SD	\$10,982,851.18	\$158,954.54	<b>\$11,141,805.72</b>

**Electric Services staff reviewed the bids and concluded that the apparent low bid submitted by Hooper Corporation, Madison, WI, in the amount of \$9,248,611 (inclusive of sales tax) is acceptable. The Engineer's estimate of the total installed cost of this project is \$8,300,000.00. Staff discussed the bids with DGR, the engineering consultant, to determine if it would be in the best interest to rebid the project. Based on their assessment of current trends, material and labor costs continue to rise. So, they saw no benefit to reject bids and rebid. Council**

should note that the taxes were not included when the results were initially reported at the July 24, 2012 meeting.

**Council should also note that from an analysis of bid units, the increased cost is primarily the result of material cost escalations that have occurred in steel and wood-laminate poles since the time that the engineer's estimate was prepared in March 2012; these materials are provided as part of this contract.**

In addition to the subject contract amount of \$9,248,611, the contractor will be removing a substantial amount of material from City inventory purchased in 2008 for the project. Material includes insulators, transmission poles, etc. with a value of \$523,270. These materials will be charged to the project once they are removed from inventory.

The approved FY 2012/13 Capital Improvements Plan budget for this project totaled \$8,566,521. Easement payments, increased legal and engineering professional services costs due to challenges to the order, and hearing costs totaling \$368,769 have reduced the available project funds to \$8,197,752. **The contract amount plus the material chargeback totals \$9,771,881 creating a shortfall of \$1,574,129.**

**To cover this shortfall, staff is recommending that the FY 12/13 Vet. Med Feeder project budgeted at \$300,000 and the FY 12/13 69kV Transmission Reconstruction project budgeted at \$250,000 be cancelled and the savings directed to this project. These projects will be reprioritized in future CIPs. In addition, staff is suggesting that \$1,024,129 from the Unit #8 Blading and Diaphragms/Parts CIP be used for this project. This action will still leave \$449,781 for additional parts if needed for the Unit #8 overhaul project.**

**It is important to note there are several additional miscellaneous costs anticipated for this project for which staff may have to come back to Council for additional funding if needed. These costs could be related to crop damage payments, easements, tree trimming, and minor professional services. Staff will identify the funding source(s) at the time of the request.**

**ALTERNATIVES:**

1. Award a contract to Hooper Corporation, Madison, WI, for the MEC Interconnection 161 kV Line Construction in the amount of \$9,248,611.46 (inclusive of sales tax). In addition, authorize the redirection of CIP funding as noted above to finance the shortfall.
2. Reject all bids and authorize staff to rebid the project.
3. Reject all bids and delay the construction of the 161kV line until all legal challenges have been exhausted.

**MANAGER'S RECOMMENDED ACTION:**

This timely completion of this tie line is extremely critical to our goal of providing reliable electricity to our customers. As such, this project represents the top priority capital improvement for Electric Services. Moving ahead with this contract does not come without some risk because the recent decision by the Iowa Utilities Board can still be challenged by the two current objectors. However, the City Attorney has consulted with our outside legal counsel and the risk appears to be minimal. Based on this legal analysis, the City Attorney is recommending that the City proceed with the construction of the tie line.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above. In addition, this alternative includes authorization to modify the CIP and redirect funds from the three projects highlighted above.

**SUMMARY OF EXPENSES FOR INTERCONNECTION IMPROVEMENT PROJECT**

	Substations and Ames-Boone Jct. 161 kV line	In-town 161kV line	MEC N.E. Ankeny line and easements	Proposed N.E. Ankeny 161 kV line	Ames-161 kV	TOTAL
FY03-08	\$13,907,987		\$340,617			\$14,248,604
FY 08/09		\$2,334,309	\$208,245			\$2,542,554
FY 09/10		\$1,732,388	\$479,785			\$2,212,173
FY 10/11		\$786	\$60,116		\$127,020	\$187,922
FY 11/12			\$63,865		\$379,614	\$443,479
FY 12/13				Encumbered Contract Invent. Mat.	\$368,769 \$9,248,611 \$523,270	\$10,140,650
<b>TOTAL</b>	\$13,907,987	\$4,067,483	\$1,152,628		\$10,647,284	\$29,775,382

**COUNCIL ACTION FORM**

**SUBJECT: ADDITION OF A REBATE FOR THE INSTALLATION OF PHOTOVOLTAIC SYSTEMS TO THE EXISTING SMART ENERGY PROGRAM**

**BACKGROUND:**

Smart Energy programs are designed to reduce summer demand for electricity resulting in a lower cost to the utility by delaying future generation. Side benefits of the Smart Energy program are a reduction in customer bills, a lower electric rate over time, contribution to a more robust electric distribution system, and a cleaner environment. In addition to education and load management programs, Smart Energy programs provide economic incentives to entice customers to install more efficient equipment resulting in a reduction in electric KW demand. **Presently, photovoltaic (active solar) systems do not qualify for a rebate under Smart Energy. However, they do reduce electrical demand, most notably during the heat of the summer.**

Smart Energy programs began in July 2007. Current program incentives are based on a \$500 per KW value. **Inclusion of an incentive to promote the installation of photovoltaic systems would be modeled after the Commercial Custom rebate program and pay a one time rebate of \$500 for every KW the solar system generates/removes from the utility's system during the City's summer peak season.**

**ALTERNATIVES:**

1. Authorize the addition of a photovoltaic installation rebate to the existing Smart Energy program at a level of \$500 per KW generated for systems installed after July 1, 2012.
2. Deny addition of the photovoltaic installation rebate to the Smart Energy program.

**MANAGER'S RECOMMENDED ACTION:**

It has been a goal of the City Council to hold down increases in energy consumed in our community and to make it more sustainable. The Smart Energy incentive programs have encouraged individuals and businesses to invest in more energy-efficient technologies and have reduced increases in demand on the City's Electric Utility. Particularly important have been the recent reductions in peak demand during the summer months. This addition has been presented to the EUORAB which has recommended adding a solar rebate to the Smart Energy suite of programs.

As photovoltaic systems accomplish this goal, it is the recommendation of the City Manager that the City Council approve Alternative #1, and authorize the addition of a photovoltaic system installation rebate to the Smart Energy programs.



**COUNCIL ACTION FORM**  
**REVISED**

**SUBJECT: AUTHORIZE STAFF TO CLOSE ON LOAN AGREEMENT WITH THE IOWA FINANCE AUTHORITY TO FUND CONSTRUCTION OF THE WATER POLLUTION CONTROL PLANT DISINFECTION PROJECT**

**BACKGROUND:**

On September 11, 2012, Council awarded a contract for construction of a new ultraviolet light (UV) disinfection system for the Water Pollution Control Plant. Construction of the system is required under the terms of the discharge permit for the facility. Staff has explored the most economical financing options and is recommending that the City use the Clean Water State Revolving Fund (SRF). As of October 1, 2012, the current terms for the SRF loan program include a 0.5% loan origination fee and an interest rate of 1.75% over a 20-year term. Repayment of the loan will come from the Sewer Fund and has been accounted for in the current rates and fund balance projections. The SRF loan program will provide disbursements as funds are requested, unlike bonds where the entire proceeds are provided at closing.

The first step to be eligible for the CWSRF loan is to have the project approved by the State and placed on the Intended Use Plan (IUP). The project has been included in the IUP since the first quarter of 2011 and is ready for financing. The WPC Plant Disinfection Project is currently shown in the IUP with an anticipated cost of \$3,120,900. Based on current contracts awarded by Council, the projected cost is as follows:

Engineering Cost	\$ 333,335
Construction Cost & Equipment	2,021,780
<u>Construction Contingency</u>	<u>210,000</u>
<b>Total Estimated Project Cost</b>	<b>\$ 2,565,115</b>

A public hearing was held on August 28, 2012. Staff delayed closing on the loan until after October 1 in order to benefit from a lower interest rate. No construction costs were incurred.

**The dollar amount Council is being asked to approve for the loan agreement is \$3,121,000.** This matches the dollar amount included in the State's Intended Use Plan (rounded to the nearest \$1,000), and is consistent with the dollar amount shown in the previous public hearing. The SRF program releases funds in the form of a reimbursement only after an eligible expense has been incurred. This is different than a traditional bond sale where the City takes on the entire amount of the bond immediately

at the start of the project. For SRF projects, only those expenses actually incurred will be ultimately be rolled into the SRF loan payments.

**ALTERNATIVES:**

1. Authorize staff to close on the loan agreement with the Iowa Finance Authority for construction of the Water Pollution Control Plant Ultraviolet Disinfection System in an estimated amount of ~~\$2,565,115~~ \$3,121,000.
2. Do not authorize staff to close on the loan agreement and provide staff with direction on the desired financing method for the project.

**MANAGER'S RECOMMENDED ACTION:**

Issuance of these bonds is necessary in order to complete the financing for the new Water Pollution Control Plant Ultraviolet Disinfection System required by the facility's discharge permit. Moving forward using a loan from the Clean Water State Revolving Fund is the most economical way to finance the project for our utility customers.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby authorizing staff to close on the loan agreement with the Iowa Finance Authority for construction of the Water Pollution Control Plant Ultraviolet Disinfection System in an estimated amount of ~~\$2,565,115~~ \$3,121,000.

**COUNCIL ACTION FORM**

**SUBJECT:**           **POWER PLANT UNIT 8 STEAM TURBINE PARTS**

**BACKGROUND:**

On August 14, 2012, City Council approved preliminary plans and specifications for the Unit 8 Steam Turbine Parts. This project is for the procurement of critical and miscellaneous parts for the Power Plant's Unit #8 turbine-generator. This unit is scheduled to be disassembled and inspected after over 27,000 hours of operation during the spring 2013 outage. This work is required to replace worn parts and inspect the turbine and generator for repairs that may be needed to avoid more serious damage. Repairs and replacement of worn parts will be completed as the inspection progresses. Experience has shown that certain parts require replacement every outage and some parts become unusable during the disassembly process.

Bid documents were issued to eleven 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 two plan rooms.

On September 26, 2012, six bids were received as shown below:

<b>BIDDER</b>	<b>BID PRICE</b>
<b>ARGO Turboserve Corporation, Lyndhurst, NJ</b>	<b>\$526,086.90 (Inclusive of sales-tax) plus freight</b>
Turbo Parts LLC, Clifton Park, NY	Non-Responsive
Fajon Machining, Inc., Phoenix, AZ	Non-Responsive
Action Turbine Repair Service, Summit, IL	Non-Responsive
Turbocare, Inc., Chicopee, MA	Non-Responsive
Energy Parts Solutions, Inc., Schaumburg, IL	Non-Responsive

After the initial evaluation, staff determined that the bids submitted by Turbocare, Inc., and Energy Parts Solutions, Inc. were both non-responsive. The reason they were non-responsive was due to bid security not submitted along with their bids.

After the further evaluation on the remaining bids, staff determined that the bids

submitted by Turbo Parts LLC, Fajon Machining, Inc., and Action Turbine Repair Service were also all non-responsive.

Each of these bidders was found to be non-responsive because each one did not meet all of the requirements of the additional supporting documentation that each must provide since they are offering non-OEM parts.

*The bidding document states that “bidders shall submit the following for any alternatives to the original OEM part specifications specified in division 1 of the Technical Specifications: a. weight, b. materials of fabrication, c. description of manufacturing processes used for all items if not supplied by the OEM, d. description of source of dimensional, and materials information for all items if not supplied by the OEM, e. schedules for drawing Submittals, manufacturing, and testing, f. factory tests and quality assurance practices, and g. experience list of similar steam turbine/generator parts if different from original or not supplied by OEM. Reference list with contact information must be provided.”*

**As a result only one responsive bid was received. Staff has reviewed and concluded that the remaining bid submitted by ARGO Turboserve Corporation, Lyndhurst, NJ, in the amount of \$526,086.90 (inclusive of sales-tax) plus freight is acceptable.**

**City Council should note that ARGO Turboserve Corporation is the original equipment parts supplier for the Power Plant’s General Electric turbine-generator. The parts they bid are genuine General Electric (GE) parts either made by GE or an approved supplier who makes parts that meet all of GE’s quality requirements. Since these are GE approved parts, staff believes these parts will meet our performance needs. In addition staff’s experience with parts from third part suppliers have been less than satisfactory with poor part fit and pre-mature wear and failure.**

The engineer’s estimate for anticipated parts is \$533,000 based on preliminary quotes received from General Electric, the turbine supplier. The approved FY 2012/13 Budget includes \$2,000,000 for parts in the Unit #8 Blading and Diaphragm/Parts project associated with the Unit #8 Turbine Generator Overhaul.

**ALTERNATIVES:**

1. Award a contract to ARGO Turboserve Corporation, Lyndhurst, NJ, for the Unit 8 Steam Turbine Parts in the amount of \$526,086.90 (inclusive of sales-tax) plus freight. The City will reimburse the contractor for the actual delivery costs.
2. Reject all bids and cancel the Unit 8 Turbine overhaul.

**MANAGER'S RECOMMENDED ACTION:**

The Unit 8 Turbine-Generator is scheduled for a major overhaul starting in the spring of 2013. Turbine-generator overhauls are typically performed in the industry about every five years to restore unit efficiency and to maintain good unit life and reliability. These are parts that will most likely be needed for the overhaul and can also be placed in inventory. Without this overhaul, the Power Plant's performance would degrade considerably over time and the risk of a failure shutting down the facility increases dramatically.

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

**COUNCIL ACTION FORM**

**SUBJECT: REPORT OF BIDS FOR WATER POLLUTION CONTROL FACILITY  
METHANE ENGINE-GENERATOR NO. 2 REHABILITATION PROJECT**

**BACKGROUND:**

On September 11, 2012, the Ames City Council granted approval to issue a Notice to Bidders for the WPC Facility Methane Engine-Generator No. 2 (MG-2) Rehabilitation Project.

On September 25, 2012, the City of Ames received bids to provide all labor, equipment, materials, and other components necessary to complete the above-mentioned project according to City of Ames specifications.

A single bid was received as follows:

	<b>Lump Sum Bid</b>
Ziegler Power Systems, Altoona, IA	\$ 172,500

Funding for this unplanned repair was approved by Council on April 24, 2012, allocating \$129,000 (\$53,449 in savings from another project and \$75,551 from the available Sewer Fund balance). The engineering consultant's contract was awarded in the amount of \$2,000. The staff engineer's estimate to overhaul MG-2 is \$129,000 based on the recent prior overhaul of MG-3, a similar-size engine that was bid and repaired for \$108,530, plus adjustments and contingency. The bid for MG-2 is \$43,500 over budget.

The discrepancy between bid price and budget obviously needs to be explained and accounted for. Staff requested our consultant to contact Ziegler requesting an explanation. There were several reasons they claimed their bid was higher than the budget as described below.

1. On the first rehabilitation project, they had an internal communication problem and did not include the gas pressure regulator, gas valves, and other gas train components in their bid for that machine. They had to absorb those costs.
2. Based on the problems they encountered with the exhaust manifold on the first engine rehabilitation, they included a new exhaust manifold on this bid to avoid having the issues with porosity on the second engine.

3. The G379 (MG-2) engine is an “old” design. The parts, particularly the parts that are to be “new,” are not nearly as common as parts for the 3412 (MG-3, which is a current engine). That makes the engine parts more expensive (particularly the piston packs that include the pistons, liners, seals, etc.).
4. Ziegler would carry the warranty on the engine if it were in the 2,000-hour range. However, based on the City’s warranty requirement of two years, Ziegler went to Caterpillar to help carry the warranty, thus, making that item more expensive.

#### **ALTERNATIVES:**

1. Report bids only and do not accept bids at this time. Direct staff to explore alternatives, including replacement with a new generator set and potential alternate means of using the biogas collected in lieu of power generation.
2. Accept the single, low lump-sum bid of \$172,500 from Ziegler Power Systems of Altoona, Iowa to provide all labor, equipment, materials, and other components necessary to complete the WPC Facility Methane Engine-Generator No. 2 Rehabilitation Project. Costs in excess of the already allocated budget will be transferred from the Sewer Fund balance.

#### **MANAGER’S RECOMMENDED ACTION:**

The methane engine-generator is an integral and vital component of the Water Pollution Control Facility, using biogas from the process to produce electricity and reduce electrical costs. The MG-2 unit was installed during the original construction of the plant in the late 1980s and has served us well. However, overhaul costs have risen significantly because of low availability of parts due to the engine’s age. A present-worth analysis needs to be done for several alternatives to determine the best way to use biogas moving forward.

**Therefore, it is the City Manager’s recommendation that Council accept Alternative No. 1 to report bids and do not accept bids at this time; direct staff to explore alternatives, including replacement with a new generator engine; and explore potential alternate means of using biogas collected in lieu of power generation.**

**COUNCIL ACTION FORM**

**SUBJECT: FLOOD DAMAGE – SQUAW CREEK BANK EROSION PROJECTS**

**BACKGROUND:**

During the floods of 2010, bank erosion damage occurred in several locations. Two such locations are in close proximity on the banks of Squaw Creek north of Lincoln Way. The first location involved bank erosion over a 16-inch water main on the east side of the creek near North Riverside Drive, and the second location eroded part of the park system path on the west side of the creek along the eastern edge of Stuart Smith Park (see attached aerial map).

This project will include the installation of sheet pile to protect the 16-inch water main on the east side of the creek, installation of rip rap along the western bank, and the relocation of the trail in Stuart Smith Park farther to the west. The project has been submitted to Federal Emergency Management Agency (FEMA) as an improved (revised) project. **FEMA has approved funding for the water main protection portion of the project and staff is still awaiting determination on the submittal for the shared use path relocation. Because of this, plans and specifications have been completed by Snyder & Associates with the water main protection portion of the this bid package listed as the base bid and the park portion as an add alternate.**

On September 12, 2012, bids on this project were received as follows:

	<u>Base Bid</u>	<u>Alternate 1</u>	<u>Total</u>
Engineering Estimate	\$387,000.00	\$108,500.00	\$495,500.00
Peterson Contractors, Inc.	\$386,552.75	\$113,394.00	\$499,946.75
Con-Struct, Inc.	\$443,406.00	\$103,710.00	\$547,116.00
Jensen, Construction, Co.	\$445,616.50	\$128,104.00	\$573,720.50
TK Concrete, Inc.	\$473,947.00	\$134,480.00	\$608,427.00

**Bank Erosion Project near 326 N. Riverside Drive (Base Bid)**

Inspection and administration is estimated to cost \$5,000 and engineering design was \$24,600, bringing total project costs to \$416,152.75. This project is expected to receive 85% reimbursement from FEMA for construction and engineering. The local share of \$62,423 needed for this project can be funded from the 2012/13 Flood Response and Mitigation Program, as shown in the Capital Improvements Plan (CIP), below.



Flood Response and Mitigation CIP Program Summary:

<b>Projects Currently Proposed</b>	<b>City Cost</b>
Utah Drive Landslide	\$250,000
Trail Ridge Landslide	\$250,000
Water Main Protection at S. Smith Park	\$120,000 (Local Match)
Northridge Subdivision localized flooding	\$ 50,000 (Local Match)
<b>N. Riverside Water Main (this base bid)</b>	<b>\$ 62,423</b> (Local Match)
<b>TOTAL</b>	<b>\$732,423</b>

The CIP's Flood Response and Mitigation Program has total funding in 2012/13 of \$1,145,000, comprised of \$850,000 in General Obligation Bonds and \$325,000 from the Storm Sewer Utility Fund. If all projects are approved as shown above, this would leave a balance of \$412,577 for additional flood mitigation projects.

**Bank Erosion Project north of Stuart Smith Park (Alternate 1)**

Upon initial site visit from FEMA, the City was directed to design a project using sheet piling for bank protection and identified an estimated cost of \$133,210. The FEMA participation cap would be 85% of that amount. An initial project was designed using the FEMA directed sheet piling method. However, the estimated costs were found to be in excess of \$250,000. The engineering was increased by a change order approved by City Council on May 8, 2012, due to needed revisions to the project approach because of these excessive costs for the original project concept of using sheet piling.

The project design was then revised to utilize rip rap and was submitted as an improved (revised) project to FEMA, meaning that the City would only be eligible to receive 85% of the \$133,210 originally identified by **FEMA, which is \$113,228**. Engineering design was \$39,800, and inspection and administration is estimated at \$2,500, bringing **total estimated costs to \$155,694. Therefore, local funds are needed in the amount of \$42,466 to cover the matching requirement and the costs over the maximum FEMA reimbursement.**

A construction contract for the Squaw Creek Pedestrian Bridge was recently awarded by City Council with total estimated costs of \$334,400. General Obligation Bond funding of \$400,000 was issued for this bridge project. Staff was recently informed that FEMA has approved federal funding of \$54,700 for this project, which means **there will be approximately \$120,000 of General Obligation Bonds available from the bridge project to fund the \$42,466** needed for the local share of the trail relocation and bank stabilization portion of this project.

City staff has recently been informed that an approval letter from FEMA is imminent for this improved project to repair the trail and erosion.

**ALTERNATIVES:**

- 1a. Accept the report of bids for the Flood Damage – Bank Erosion (Near 326 N. Riverside and Stuart Smith Park).
  - b. Approve the final plans and specifications for the Flood Damage – Bank Erosion (Near 326 N. Riverside and Stuart Smith Park).
  - c. Award the Flood Damage – Bank Erosion (Near 326 N. Riverside and Stuart Smith Park), Base Bid and Alternate 1 to Peterson Contractors, Inc. of Reinbeck, Iowa, in the amount of \$499,946.75.
  - d. Authorize the use of approximately \$43,000 of G.O. Bond proceeds now available from the Squaw Creek Pedestrian Bridge project to fund the Stuart Smith bank erosion project.
2. Reject the bids for this project and rebid the project at some future date.

**MANAGER'S RECOMMENDED ACTION:**

By approving the report of bids and awarding the contract, it will be possible to move forward with these flood repairs and have them completed by spring. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the report of bids, approving final plans and specifications, and awarding the Flood Damage – Bank Erosion (Near 326 N. Riverside and Stuart Smith Park), Peterson Contractors, Inc. of Reinbeck, Iowa, in the amount of \$499,946.75. In addition, this alternative will authorize the use of approximately \$43,000 of G.O. Bond proceeds now available from the Squaw Creek Pedestrian Bridge project to fund Alternate 1.**

**COUNCIL ACTION FORM**

**SUBJECT: RESOLUTION ASSESSING THE COSTS OF PROPERTY CLEAN-UP**

**BACKGROUND:**

City staff has loaded and transported trash and furniture to the Resource Recovery Plant from the property listed below. Also included in the list is the name and address of the property owner and the costs associated with the property clean-up. The work was completed, and a bill has been mailed to the individual. To date, the bill has not been paid. A certified notice of this hearing was mailed to the property owner.

Roy Saledo	\$315.66
2724 East Leach Avenue	
Des Moines, IA 50320	
Clean-up of property located at 232 Village Drive	
Work performed on August 3, 2012	

**ALTERNATIVES:**

1. The City Council could adopt a resolution to assess these costs to the property owner shown on the above list, instruct the Finance Director to prepare the spread sheet on the assessment, and direct the City Clerk's Office to file the assessment with the Story County Treasurer.
2. The City Council could choose not to certify these costs to the County Treasurer and, instead, absorb the costs.

**MANAGER'S RECOMMENDED ACTION:**

It is the recommendation of the City Manager that the City Council accept Alternative #1 and adopting a resolution assessing the costs for clean-up of property to the property owner shown above. The resolution adopted will also instruct the Finance Director to prepare a spread sheet computing the costs and interest to be paid and direct the City Clerk's Office to file a copy of the resolution and spread sheet with the County Treasurer.

ITEM # 27  
DATE 10-09-12

### COUNCIL ACTION FORM

**SUBJECT: HEARING AND REQUEST FOR APPROVAL OF THE IOWA DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL IMPACT DOCUMENT FOR THE WATER TREATMENT PLANT PROJECT**

#### **BACKGROUND:**

The City of Ames retained the consulting team of FOX Engineering Associates, HDR Engineering, and BARR Engineering in 2009 to perform an Infrastructure and Capacity Needs Assessment to form the basis for decisions about the future of the Ames Water Treatment Plant. Five alternative solutions were explored, with the most favorable option being to build a new lime softening treatment plant at a new site. The site is at 1800 East 13<sup>th</sup> Street within the city limits of Ames. The new site, along with other properties associated with interconnecting utilities and the existing plant site, is the subject of the Iowa Department of Natural Resources (IDNR) environmental impact review.

**A public hearing on the environmental impact of the project construction is one of the first steps to meeting requirements of the State Revolving Fund (SRF) loan program.** The City of Ames intends to obtain an SRF loan to finance the construction of the water treatment plant. A separate hearing will be held before the City enters into any financial agreements with the SRF loan program.

**An Environmental Information Document (EID) has been prepared by the IDNR evaluating the impact of constructing a new water treatment plant. The conclusion of the EID is the project will have no significant environmental impact. Staff has reviewed the EID and found no errors or omissions and agrees with the conclusions offered. The IDNR requires that the Mayor of Ames sign the EID, indicating that it is accurate to the best of her knowledge.**

#### **ALTERNATIVES:**

1. Authorize the Mayor of Ames to sign the IDNR Environmental Information Document on behalf of the City of Ames.
2. Do not approve the Environmental Information Document.

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

The City hopes to take advantage of low interest funding from the State to finance our new water treatment plant. A public hearing on the environmental impact of this construction project is one of the first steps to meeting requirements of the State

Revolving Fund (SRF) loan program. An Environmental Information Document (EID) has been prepared by the IDNR evaluating the impact of constructing a new water treatment plant. The conclusion of the EID is the project will have no significant environmental impact. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby authorizing the Mayor, acting on behalf of the City of Ames, to approve the IDNR Environmental Information Document with her signature.



# Executive Summary

**To:** Ames Water and Pollution Control Department

**Re:** **Executive Summary -**  
Ames Water Treatment Plant Infrastructure and Capacity Needs Assessment

**From:** FOX Engineering Associates, Inc. with HDR Engineering and Barr Engineering

**Date:** July 10, 2009

# EXECUTIVE SUMMARY

## AMES WATER TREATMENT PLANT INFRASTRUCTURE AND CAPACITY NEEDS ASSESSMENT

---

### 1.0 Introduction

The City of Ames retained the consulting team consisting of FOX Engineering Associates, HDR Engineering, and Barr Engineering to conduct an Infrastructure and Capacity Needs Assessment to form the basis for decisions about the long-range future of the Ames Water Treatment Plant. The Infrastructure and Capacity Needs Assessment is the initial concept development phase for anticipated rehabilitation, replacement, or expansion of the Water Treatment Plant.

The existing water treatment plant is a conventional lime-softening plant. Portions of the plant were originally constructed in 1927. Over the years significant expansions and modifications were made to the treatment facilities in 1931, 1962, 1971, 1988. The major efforts included in the Infrastructure and Capacity Needs Assessment include the consideration and evaluation of the following:

1. Capacity and condition of the existing Water Treatment Plant,
2. Water demands,
3. Water quality needs,
4. Feasible treatment process technologies,
5. Alternatives for upgrade and expansion of the existing facilities,
6. Alternatives for replacement of the existing facilities with a new plant, including phasing.

Care was taken throughout the project to include a cross-section of stakeholders in the evaluation process. To this end the City of Ames staff appointed a Concept Advisory Team to participate in the process. This team included several individuals from throughout the community representing large water customers, the University, other water plants in the region, chamber of commerce and interested citizens. The consulting team and City staff met with the Concept Advisory Team three times throughout the process to seek input, assess assumptions, evaluate the process and share ideas.

In addition to the Concept Advisory Team, three public meetings were held over the course of the project. These meetings were planned and scheduled by the City staff and attended by the consulting team. PowerPoint presentations and posters were used to communicate to the public about the project. The purpose of the public meetings was to inform and seek input and to ensure that public concerns were addressed. In addition, the City staff maintained the latest project information on the City's website so interested citizens could track progress of the project as it developed.

Figure E-1.0 graphically represents the work flow that was executed for the project. The work flow was broken down into four major areas and resulted in four technical memoranda.

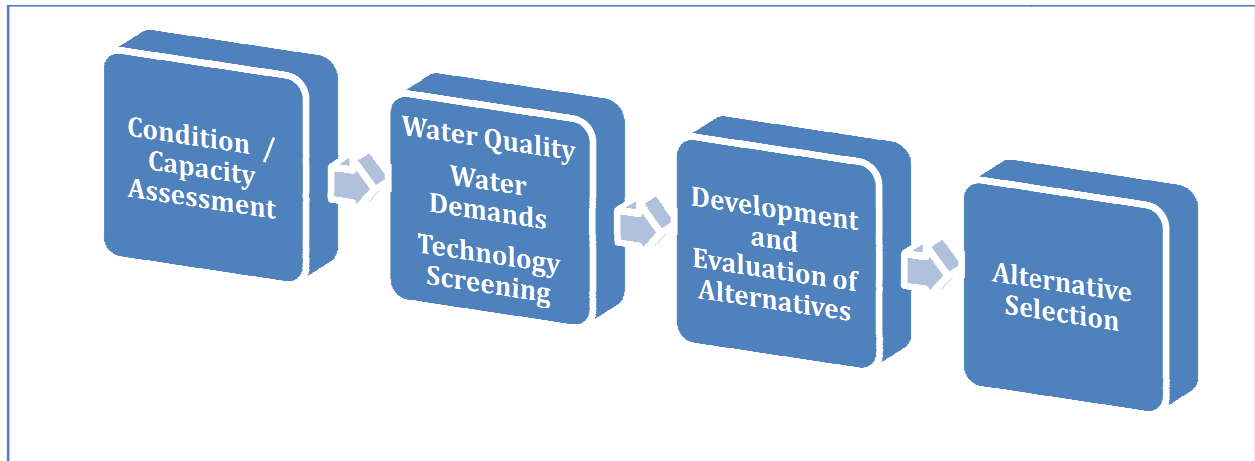


Figure E-1.0 – Work Flow

## 2.0 Capacity and Condition Assessment

The capacity and condition assessment was described in Technical Memorandum No. 1 and included review of the existing plant’s treatment capacity and condition. The existing capacity of the plant was evaluated based on Iowa Department of Natural Resources (IDNR) design criteria, hydraulic limitations and operational considerations. The Ames Water Treatment Plant has a rated nominal capacity of 12 million gallons per day (MGD). Because of certain processes and hydraulic limitations, the actual capacity is probably closer to 11 MGD. Operation beyond 11 MGD for a short period of time may be feasible but would require significant exceptional care and effort. Table E-2.0 summarizes the capacities of process treatment units. Source water supply, finished water storage and elevated storage appear to be adequate for the projected future demands.

**Table E-2.0**  
**Treatment Capacity by Process Unit**

<b>Treatment Unit</b>	<b>Capacity</b>
Aeration	10 MGD
Coagulation/Flocculation	11 MGD
Clarification	12.5 MGD
Recarbonation	11.5 MGD
Filtration	12 MGD
High Service Pumping	13 MGD

A key finding of the capacity analysis was many parts of the facility lack adequate redundancy and reliability. There are critical portions of the plant that have only one treatment unit or one conveyance pipe resulting in potential points of plant failure. If one of those treatment units were to go offline, the entire plant would be out of operation until repairs could be made. Reliability deficiencies include critical



pipings to and from the aerator, the existence of only one rapid mix basin, and a single filtration system backwash pump.

The physical condition of the Ames Water Treatment Plant was assessed by a team of personnel with expertise in architecture, structural engineering, mechanical engineering, electrical engineering, process engineering and plant operations. The assessment was completed during an on-site investigation conducted September 2 through 4, 2008, and included visual reviews of structures, process equipment, mechanical systems, and electrical systems. Interviews with plant staff provided needed information on maintenance history and operational issues. The following paragraphs summarize the condition of the plant.

The plant has limited physical access for safety and maintenance throughout. If modifications are made at the existing facility, certain building code requirements would become applicable and many of the existing building features would be non-compliant and the deficiencies would have to be remedied. This is problematic because the surrounding buildings and structures are critical in keeping the plant operating. Installation of code compliant stairs in the filter galleries, for example, would be extremely difficult while keeping the filters in operation. Also, resolution of the many dead end corridors would be difficult as the current facility does not provide access for exits. Chemical storage is located throughout the facility without secondary containment and is not isolated from the other building functions.

Due to structural issues, there are several structures on site that are in need of immediate replacement or extensive repair. These include:

- Mix Tank No. 1 with the Aeration Tank
- Recarbonation Tank No. 1
- ¾ million gallon reservoir

In general, there has been significant damage and deterioration of the concrete over time due to the freeze-thaw cycle. In addition, many of the concrete structures have shrinkage cracks that are allowing leakage to occur.

From a treatment process perspective, many of the plant components are in fair to good condition in spite of age due to the diligence of the operations and maintenance staff. Several items will need to be replaced due to lack of parts availability. The following items have five years or less of estimated useful life without major overhaul or repair.

- Mixer No. 4
- Middle lime slaker
- Aeration influent piping
- Mix Tank No. 1 mixers
- Clarifier Nos. 1 and 2
- Hypochlorite feed tanks
- Hypochlorite feed pumps

Mechanical plumbing and ventilation systems are in relatively good condition as many items have been replaced or upgraded in the past 20 years. The only items that need attention are the boilers and one unit

heater serving the entrance to the East pipe gallery. In addition, the high service pump diesel day tank size requires fire protection if major modifications are made to that structure.

The supervisory control and data acquisition (SCADA) system is new and in good condition. The general power distribution uses original raceways (conduits) in many locations. The integrity of the electrical conduit system is suspect and in many cases the existing circuitry should be replaced. All of the electrical equipment such as panelboards, motor control centers, starters, signal transmitters and similar devices located in process areas should be relocated to dedicated electrical space with appropriate ventilation and dehumidification systems.

The condition of the existing facility is noted as a key driver for the project. Sustained use of the existing facilities cannot occur without some significant modifications. Furthermore, code requirements that would become effective as the result of such modifications would require extensive rebuilding of the facilities.

### **3.0 Water Quality, Water Demands and Technology Screening**

Water quality, water demands and treatment technology options were summarized in two separate technical memoranda. Technical Memorandum No. 2a outlined the water quality and demand requirements. Technical Memorandum No. 2b described available treatment technologies and served as the basis for screening technologies for additional consideration and development of solution alternatives.

Two critical components to any drinking water planning project are the quantity and quality of the water to be provided to the utilities' customers. Of these two planning components, the question of future quantity demands is the most difficult to answer with certainty because it involves projecting future needs. The consulting team reviewed water demand projections prepared by the Ames Water and Pollution Control staff. The Ames staff projection was 16 MGD for peak day design capacity. The consulting team considered two similar forecasting techniques and, with a somewhat more conservative approach to reserve capacity, arrived at a recommended peak day capacity of 15 MGD for the planning period ending in 2038. The recommended design capacity includes an allowance for additional industrial demand of 1.5 MGD. In addition, the consulting team also recommended that any new or expanded plant should provide for a firm capacity (the capacity with any single treatment unit out of operation) greater than the average day demand of 7.54 MGD.

The consulting team also reviewed Ames' current water conservation program, Smart Water, and estimated the potential reduction in the water demand that may be expected from successful implementation of the program.

With regard to water quality, the current untreated source water utilized by the City meets all federally mandated primary and most secondary treatment standards with the possible exception of iron content. Through treatment, the water is softened and disinfected in a way that produces a high quality finished water that meets all chemical, biological, and aesthetic standards. Duplicating Ames' current finished water quality in any new or expanded treatment plant is the primary goal of the planning effort. The following general water quality treatment goals were established for the project:

- Comply with Safe Drinking Water Act and state and federal drinking water quality standards for chemical, microbiological, and radiological contaminants
- Protect the distribution system through proper water treatment
- Maintain the exceptional taste of the finished water
- Provide a softened water similar to the existing level of treatment
- Remove nuisance levels of iron and manganese

Based on the projected water demands and quality goals, available treatment technologies were described and reviewed by the project team to produce possible treatment scenarios to meet the stated goals. Multiple systems were reviewed ranging from conventional to emerging treatment technology. A technical memorandum – Technical Memorandum No. 2b -- summarizing the technology options was prepared and a workshop was conducted with the City staff and the consulting team to review the advantages and disadvantages of applicable technologies and formulate options for incorporation in an upgraded and expanded existing plant or a new treatment plant at a different site. As a result of the technology screening, three basic alternatives were advanced for evaluation and further development. A fourth phasing option was also discussed as a variation on one of the basic alternatives.

#### **4.0 Development and Evaluation of Alternatives**

In this portion of the assessment, alternatives were identified for providing upgraded and expanded treatment plant capacity for meeting a peak day water demand of 15 MGD. Technical Memorandum No. 3 describes each of the alternatives and conceptual level details for each. Four basic alternatives were identified in the previous phase of this study. The fourth alternative was broken into two parts which included a phased approach for one of the basic alternatives. Overall five alternatives were identified and evaluated in this part of the study, including:

1. Alternative 1 – Rehabilitation/reconstruction of the existing lime softening plant
2. Alternative 2 – Construction of a new lime softening plant at a new location
3. Alternative 3 – Construction of a new membrane softening plant at a new location
4. Alternative 4A – a phased-construction variation of Alternative 2 consisting of a 10 MGD plant as phase 1 and a 5 MGD plant expansion as phase 2
5. Alternative 4B – a phased-construction variation of Alternative 2 involving postponing certain elements of Alternative 2 to a second phase, including the demolition of the old facilities at the existing site and reconstruction of the existing filter building to provide administrative space at the old site.

Specific conceptual designs were developed and discussed for each alternative. Preliminary opinions of costs, both construction costs and operation and maintenance costs, were prepared, as well as an analysis of life-cycle costs. In addition to the cost analysis, non-monetary factors were also considered. These factors include operating requirements, reliability, flexibility, ability to be implemented, expandability, social impacts, and environmental impacts. The conceptual level opinion of construction costs and non-monetary rankings are summarized in Table E-4.0 below.

**Table E-4.0**  
**Opinion of Cost and Non-Monetary Evaluation Summary**

Alternative	Opinion of Costs			Non-monetary ranking (1 highest, 5 lowest)
	Capital (\$)	Operation and Maintenance (\$/yr)	Life Cycle (\$/yr)	
1	\$54,786,000	\$3,217,000	\$6,459,000	5
2	\$48,431,000	\$3,186,000	\$6,038,000	2
3	\$72,032,000	\$3,756,000	\$7,875,000	3
4A	\$36,502,000 – Phase 1 \$16,572,000 – Phase 2	\$3,186,000	\$6,103,000	4
4B	\$43,588,000 – Phase 1 \$5,907,000 – Phase 2	\$3,186,000	\$6,027,000	1

It is important to note that this level of planning is conceptual and has a relatively low level of detail relative to the final design documents. Several assumptions were required to estimate the costs, including the general process scheme, types of equipment, layout, type and materials of construction, and site conditions. The costs presented are based on February 2009 conditions and do not include escalation.

Funding for this significant project will likely be by long-term debt financing such as municipal revenue bonds or the State of Iowa financing program, the Drinking Water State Revolving Fund (DWSRF). The DWSRF has a lower interest rate, 3% + 0.25% administration fee, when compared to revenue bonds. City staff projected water rate increases based on using the DWSRF and concluded that by 2019 the monthly bill of a residential customer will increase about 35% over what would be expected if no project were to be completed.

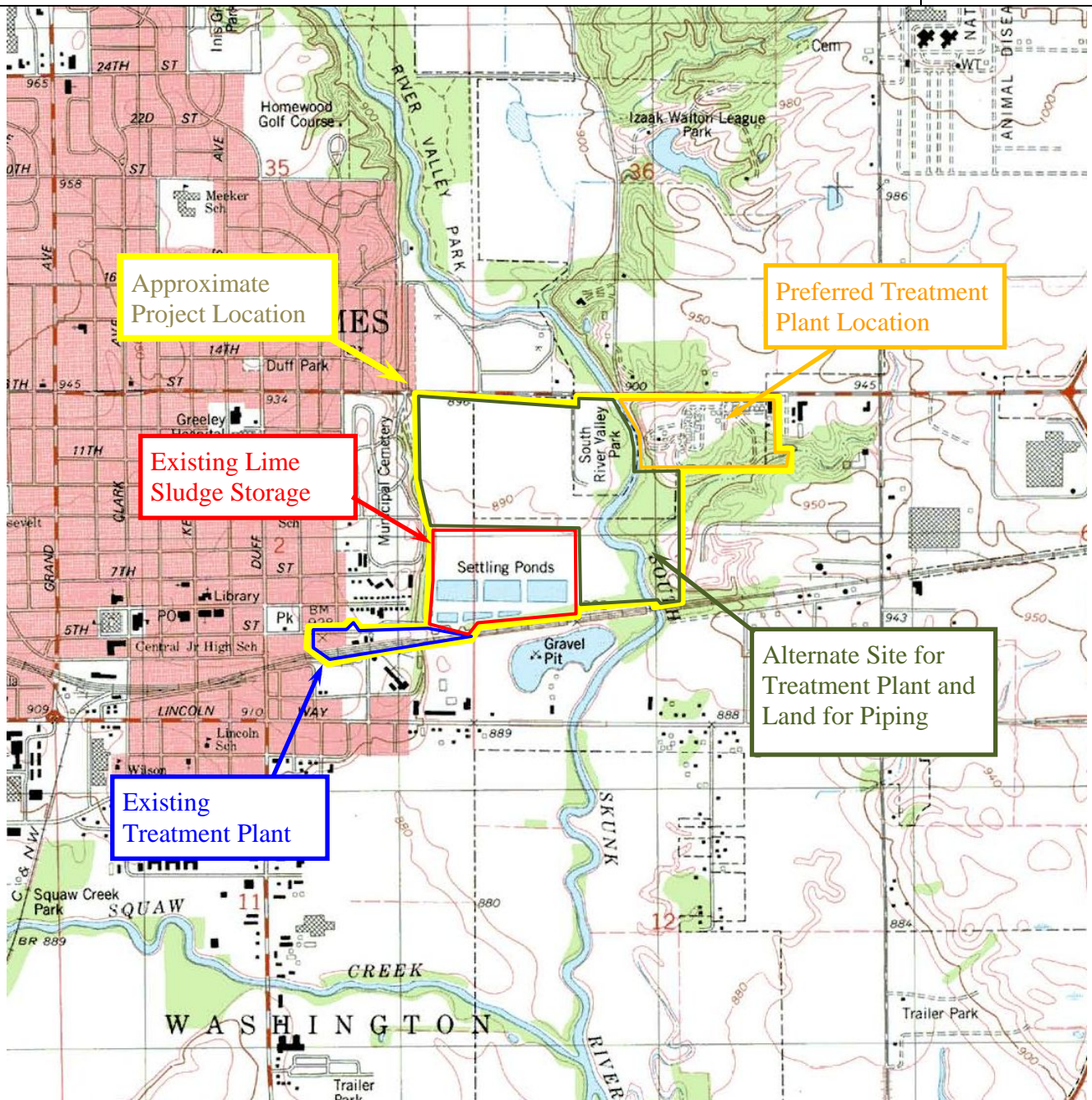
## 5.0 Alternative Selection

As a result of the cost and non-monetary evaluation of alternatives developed in this needs assessment effort, and considering the level of uncertainty of opinions of cost developed within this process, Alternative 2 - Construction of a new lime softening plant at a new location - and Alternative 4B – phased construction of a new lime softening treatment plant at a new site – emerged as essentially equal as the most favorable alternatives for meeting the City’s water treatment project objectives. Therefore, it is recommended to the City Council that they consider, endorse and implement a project for construction of a new lime softening plant at a new location with decisions related to construction of new administrative offices and timing of demolition of the existing plant left to be decided by Council at a later time based on the Water Department’s financial position and other mitigating factors at the time of construction of the new plant.

Ames East Quadrangle  
Section: 01 and 02, Township: 83 N, Range: 24 W  
Date: 1975  
Scale: 1 Inch = 2,000 Feet



North



## USGS Topographic Map

Ames Proposed Water Treatment Facility  
Ames, Iowa



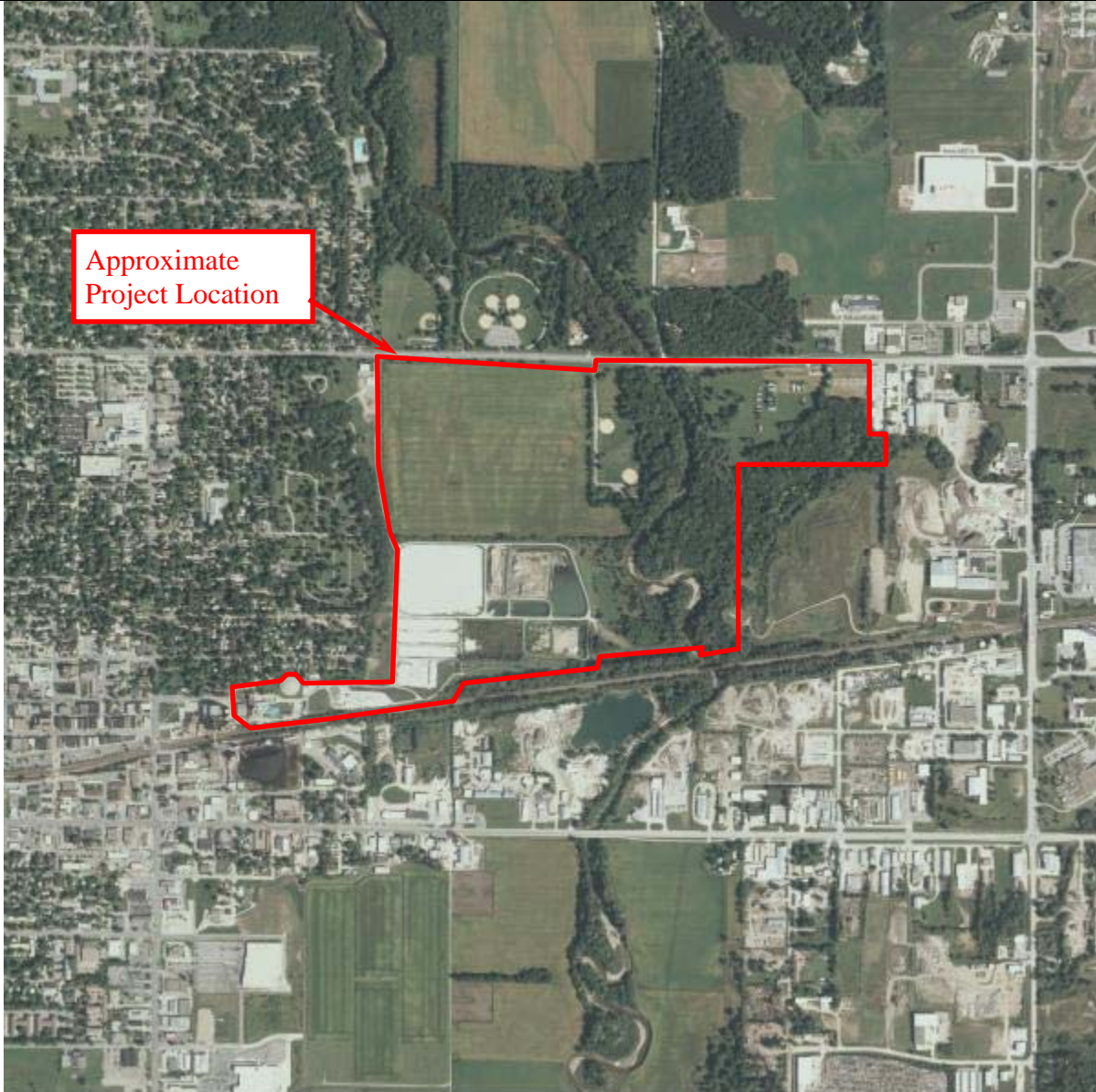
State Revolving Fund  
401 SW 7<sup>th</sup> Street, Suite M  
Des Moines, IA 50309

2009

Location provided by City of Ames, Water & Pollution Control Dept.



North



## Aerial Photograph

Ames Proposed Water Treatment Facility  
Ames, Iowa



State Revolving Fund  
401 SW 7<sup>th</sup> Street, Suite M  
Des Moines, IA 50309



# Memo

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## Legal Department

TO: Mayor and City Council  
FROM: Kristine Stone, Assistant City Attorney  
RE: Cruelty to Animals 17.1(1)(f)  
DATE: September 20, 2012

The Ames Municipal Code currently states that Cruelty to Animals is a public offense against the City of Ames and that it shall be charged as a simple misdemeanor. *See* 17.1(1)(f). The City Code adopts the State Code violation by reference. Iowa Code Section 380.10(2)(a)(2) states that a city may adopt a code by reference “only if the criminal penalty provided by the law adopted does not exceed the maximum fine and term of imprisonment for a simple misdemeanor.” Currently, the Municipal Code references Iowa Code 717B.2, Animal Abuse, which is defined as an aggravated misdemeanor. We are prohibited from adopting by reference any Iowa Code violations that are greater than a simple misdemeanor. It is likely that the State Code was amended at some time and 717B.2 changed from a simple misdemeanor to an aggravated misdemeanor. Our Code should now be amended to reflect the changes that have been made to the Iowa Code.

Iowa Code Section 717B.3, Animal Neglect, is a simple misdemeanor and prohibits a person from failing to provide sufficient food or water to an animal, torturing an animal, or mutilating, beating or killing any animal “by any means which causes unjustified pain, distress, or suffering.” The Animal Control Department is requesting that Ames Municipal Code Section 17.1(1)(f) be amended to refer to 717B.3, rather than 717B.2, so that the City can continue to prosecute cases of animal neglect and cruelty.

An ordinance is attached for your consideration and approval.

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

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 17.1(1)(f), AND ADOPTING A NEW SECTION 17.1(1)(f) TO REMOVE THE REFERENCE TO IOWA STATE CODE SECTION 717B.2 AND REPLACE IT WITH 717B.3; 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 Animal Control Department would like to have the ability of charging a person with Animal Neglect, consistent with the definition contained in the Code of Iowa; and

WHEREAS, currently the Code refers to the incorrect State Code violation.

NOW THEREFORE, 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 17.1(1)(f), and adopting a new Section 17.1(1)(f), to read as follows:

**“Sec. 17.1. OFFENSES; CERTAIN PUBLIC OFFENSES TO BE OFFENSES AGAINST THE CITY.**

...

(f) **Animal neglect** [State Law Ref. 717B.3]

...

**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 \_\_\_\_\_, 2012.

ATTEST:

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

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



**COUNCIL ACTION FORM**

**SUBJECT: REQUEST FROM AMES HUMAN RELATION COMMISSION TO REDUCE ITS MEMBERSHIP FROM SEVEN TO FIVE MEMBERS**

**BACKGROUND:**

When the Ames Human Relations Commission was first created in 1974, it was established as a five-member body. However, in 1976, the City Council approved an expansion to seven members. Staff has been unable to identify from any previous reports or from the Council minutes what precipitated the increase in membership.

**On Thursday, August 23, 2012, the Ames Human Relations Commission met and discussed a change to the number of Commission members. This discussion was brought about after having several openings on the seven-member Commission in the last two months. Finding new members has been difficult, as has having enough members present to constitute a quorum. The Commission concluded that the size of the body was perhaps larger than necessary, and made a motion to ask the City Council to consider reducing the size of the Commission from seven members to five members.**

The City Council referred this request to staff on September 11, 2012, for a revised ordinance that would reduce the membership from seven to five members to assist the Ames Human Relations Commission.

**ALTERNATIVES:**

1. The City Council can adopt an ordinance approving reduction of the Ames Human Relations Commission from seven to five members.
3. The City Council can deny adoption of an ordinance approving the reduction of the Ames Human Relation Commission from seven to five members.

**MANAGER'S RECOMMENDED ACTION:**

Due to the continued difficulties with recruiting new commissioners to participate in the Ames Human Relations Commission, it has been determined by the current members that five commissioners would be sufficient to carry out the duties described in the *City Code*. Staff feels this change would benefit the Commission while still providing them enough membership to work on programs and activities that raise awareness of

discriminatory actions against a person because of his or her race, ethnicity, national origin, color, creed, religious affiliation, sexual orientation, gender, physical disability, age, familial status, marital status, or developmental disability.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the Ames Human Relations Commission request to reduce its membership from seven to five.

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

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 14.3(1) AND ADOPTING A NEW SECTION 14.3(1); THEREOF, FOR THE PURPOSE OF REDUCING THE NUMBER OF MEMBERS OF THE HUMAN RELATIONS COMMISSION FROM SEVEN (7) TO FIVE (5); 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 14.3(1); and adopting a new 14.3(1) as follows:

**“Sec. 14.3. COMMISSION APPOINTED-STAFF-HEARING OFFICERS.**

(1) **Commission Appointed.** The Ames Human Relations Commission shall consist of five (5) members appointed by the Mayor with the approval of the City Council. Appointments shall take into consideration the various racial, religious, cultural and social groups and geographical areas within the City of Ames in so far as may be practicable. The term of office shall be three (3) years, and shall begin April 1 of the fiscal year of appointment, except that the Mayor may prescribe a shorter term for any appointment or reappointment in order to stagger terms. Four (4) of the members shall serve 3-year terms, and one (1) of the members shall serve a special 1-year term. Vacancies shall be filled for any unexpired term in the same manner as original appointments. Any member or all members of the Commission may be removed from office at any time by the Mayor with the approval of the City Council, for good cause. No member who has served two (2) full consecutive terms is eligible for reappointment. The Commission shall elect one of their members to be chairperson, and develop their own rules of procedure, not inconsistent with this chapter.”

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

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

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

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

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



# Memo

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## Legal Department

TO: Mayor and City Council Members  
FROM: Doug Marek, Judy Parks, Kristine Stone, Attorneys for the City of Ames  
RE: Text Amendment Adding Firearm Sales as Prohibited Use for Home Occupations  
DATE: October 5, 2012

Since the first passage of this ordinance at the September 25<sup>th</sup> Council Meeting, there have been many inquiries regarding the constitutionality of this text amendment. The main question that we have heard is does this text amendment infringe on a person's constitutional right to bear arms under the Second Amendment? The answer to this question is no.

The Code of Iowa states that “[a] political subdivision of the state shall not enact an ordinance regulating the ownership, possession, legal transfer, lawful transportation, registration, or licensing of firearms when the ownership, possession, transfer, or transportation is otherwise lawful under the laws of this state.” Iowa Code § 724.28. Is our ordinance therefore preempted by the State Code? The answer to this question is also no.

The ordinance that was passed on first reading on September 25<sup>th</sup> does not, in any fashion, regulate the personal possession, ownership, legal transfer, transportation, registration or licensing of firearms within the City of Ames. The ordinance only prohibits the ability to sell firearms as a permissible home occupation (home-based business).

The US Supreme Court recently addressed municipal gun regulation in *McDonald v. City of Chicago*, 130 SCt. 3020 (US 2010). In *McDonald*, the Supreme Court stated that “individual self-defense is the central component of the Second Amendment right” and that the cities of Chicago and Oak Park, Illinois, could not ban the possession of handguns in the home. Again, the text amendment passed by the City of Ames is not related to the personal possession of firearms at all. This basic right is therefore not affected by the ordinance.

A similar zoning ordinance was reviewed by the Eight Circuit Court of Appeals in 2006. The Court stated that “because the operation of a firearms dealership is not a constitutionally protected right, the City ordinance must be upheld if there is any reasonably conceivable state of facts that could provide a rational basis for the [ordinance].” *Koscielski v. City of Minneapolis*, 435 F.3d 898, 901 (8th Cir.Ct.App. 2006).

A United States District Court in Michigan has also held that there were no state preemption concerns raised by a local zoning ordinance which prohibited the dealing in firearms from a residence. *Morgan v. US Dept of Justice, Bureau of Alcohol, Tobacco, firearms & Explosives*, 473 F. Supp.2d 756 (E.D. Mich 2007). The Court stated that “the ordinance simply limits, in a generally applicable manner, the types of uses which are permitted in residential areas.” *Id.* at 768. The Court described the resulting effect on the property owner as “incidental”. *Id.*

The City’s ordinance is generally applicable to all homes in the city. In addition to prohibiting the sale of guns, Section 29.1304(1)(c) also prohibits the following home occupations: animal hospitals, dancing or exercise studios, private clubs, restaurants, stables and kennels, and the repair or painting of motor vehicles.

In conclusion, the zoning text amendment adding firearms sales to the list of prohibited home occupations in residential areas complies with all statutory and constitutional requirements.