

AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL
OCTOBER 23, 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.

PROCLAMATION:

1. Proclamation for Hunger and Homelessness Awareness

PRESENTATION:

2. Presentation recognizing Ames Historical Society for completion of the “Mayors of Ames” display in City Hall

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

3. Motion approving payment of claims
4. Motion approving Minutes of Regular Meeting of October 9, 2012
5. Motion approving Report of Contract Change Orders for October 1-15, 2012
6. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class E Liquor, C Beer, & B Wine – Target Store T-1170, 320 South Duff Avenue
 - b. Class C Beer & B Wine – Southgate Expresse, 110 Airport Road
7. Resolution approving appointment of Devita Harden to fill vacancy on Human Relations Commission
8. Resolution approving Quarterly Investment Report for the period ending September 30, 2012
9. Resolution approving proposed revisions to Purchasing Policies, to be effective November 1, 2012
10. Resolution approving renewal of contract with Wellmark for administrative and claims processing services for Flexible Spending Account effective January 1, 2013
11. Resolution approving Underage Enforcement Agreement between Police Department and Youth & Shelter Services
12. Resolution approving contract and bond for Maintenance Facility Energy Efficiency Project - HVAC Improvements
13. Resolution approving contract and bond for Unit No. 8 Steam Turbine Parts
14. Resolution approving Change Order No. 1 for 2010/11 and 2011/12 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program
15. Resolution approving Change Order No. 2 for 2010/11 Concrete Pavement Improvements - Lincoln Swing (Beedle Drive to South Dakota Avenue) and Oakland Street (North Hyland to Hawthorne Avenue)
16. 2011/12 Water System Improvements (Water Service Transfers):
 - a. Resolution approving Change No. 2
 - b. Resolution accepting completion
17. Resolution accepting completion of FY 2011/12 Water Treatment Plant Lime Sludge Disposal Operations

18. Resolution approving Plat of Survey for 515 Douglas Avenue, subject to vacating a section of the alley west of Ames Public Library

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:

19. Motion approving new Class B Native Wine permit for Casey's General Store #2560, 3020 South Duff
20. Motion approving 5-day licenses at the ISU Alumni Center, 420 Beach Avenue:
 - a. Gateway Hotel & Conference Center - Class C Liquor (October 31-November 4)
 - b. Olde Main Brewing Company - Special Class C Liquor (November 3-7)
21. Motion approving 5-day license at the CPMI Events Center
 - a. Olde Main Brewing Company - Special Class C Liquor (November 2-6)
22. Staff report on request for cigarette butt receptacles in public right-of-way in 100 Block of Main Street
23. Resolution approving the request from the Ames Economic Development Commission to share equally in the cost to create a conceptual plan for the new industrial park along with the associated costs by providing reimbursement up to \$7,500 from the Contingency Account
24. Request for renewal of Lease of City-owned property located at 205 S. Walnut to Heartland Senior Services:
 - a. Resolution setting date of public hearing for November 13, 2012
25. 3618 Cedar Lane:
 - a. Resolution approving/motion denying waiver of density standards for the Urban Residential designation
 - b. Resolution approving/motion denying proposed Plat of Survey

ADMINISTRATION:

26. Richmond Center Forgivable Loan
 - a. Staff update
 - b. Resolution approving/motion denying request for forgiveness of loan
 - c. Motion providing direction on 2011/12 billing errors identified in the State Audit

ELECTRIC:

27. 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 \$9,054,395.90

PLANNING & HOUSING:

28. Review of Land Use Policy Plan alternatives for Athen property generally located west of George Washington Carver

PUBLIC WORKS:

29. Staff report on Stormwater Fee Tier System:
 - a. Motion directing City Attorney to prepare ordinance
30. 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

31. Resolution approving Supplemental Development Agreement for Ringgenberg Subdivision

HEARINGS:

32. Hearing on Urban Revitalization Plan for Southeast 16th Street First Urban Revitalization Area:
 - a. Resolution approving the Plan
 - b. First passage of ordinance establishing the Southeast 16th Street First Urban Revitalization Area
 - c. Resolution approving Developer's Agreement
 - d. Resolution approving Sidewalk Agreement
 - e. Resolution approving Final Plat
33. Hearing on Master Plan for Sunset Ridge Subdivision:
 - a. Resolution approving revised Master Plan
 - b. Resolution approving revised Preliminary Plat
 - c. Resolution approving Second Supplemental Development Agreement
34. Hearing on Motor Control Center No. 1 Replacement Project:
 - a. Motion accepting report of bids and delaying award of contract
35. Hearing on Ames Public Library Renovation and Expansion Abatement Work:
 - a. Motion accepting report of bids and delaying award of contract until November 27, 2012
36. Hearing on Stormwater Facility Rehabilitation Program - Spring Valley Subdivision:
 - a. Motion accepting report of bids and rejecting the project
37. Hearing on 2008/09 Traffic Signal Program (Lincoln Way and Sheldon Avenue):
 - a. Resolution approving final plans and specifications and awarding contract to KWS, Inc., of Cedar Falls, Iowa, in the amount of \$185,983.50
38. Hearing on 2009/10 Traffic Signal Program (Lincoln Way and Ash Avenue):
 - a. Resolution approving final plans and specifications and awarding contract to KWS, Inc., of Cedar Falls, Iowa, in the amount of \$160,919.23
39. Hearing on 2010/11 Traffic Signal Program (28th Street and Grand Avenue):
 - a. Resolution approving final plans and specifications and awarding contract to Baker Electric, Inc., of Des Moines, Iowa, in the amount of \$160,872.83
40. Hearing on 2010/11 Traffic Signal Program (Southeast 16th Street and South Dayton Avenue):
 - a. Resolution approving final plans and specifications and awarding contract to Baker Electric, Inc., of Des Moines, Iowa, in the amount of \$157,573.72

ORDINANCES:

41. First passage of ordinance removing misdemeanor from *Municipal Code* Section 11.4, "Public Urination," so offense may be charged as a misdemeanor or municipal infraction
42. Second passage of ordinance amending *Iowa Code* reference pertaining to cruelty to animals
43. Second passage of ordinance approving reduction in membership for Human Relations Commission
44. Third passage and adoption of ORDINANCE NO. 4126 adding firearm sales as prohibited home occupation in Section 29.1304(1)c
45. Third passage and adoption of ORDINANCE NO. 4127 vacating portion of alley west of Ames Public Library

COUNCIL COMMENTS:

ADJOURNMENT:

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

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

OCTOBER 9, 2012

The regular meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on October 9, 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, and Victoria Szopinski. Council Member Tom Wacha was brought in telephonically at 9:38 p.m. *Ex officio* Member Sawyer Baker was also present.

Mayor Campbell announced that the Council would be working from an Amended Agenda. The additional item pertaining to the Library's purchase of Radio Frequency Identification equipment, would follow Item No. 18. She also brought the Council's attention to a revised Council Action Form for Item No. 22; the correct amount for the State Revolving Fund Sewer Revenue Loan and Disbursement Agreement is in an amount not to exceed \$3,121,000. Item No. 20 pertaining to the MEC Interconnection 161-kV Transmission Line was pulled by staff, and Item No. 25, Flood Damage - Bank Erosion (326 North Russell Drive and Stuart Smith Park) will be a report of bids only.

PROCLAMATION FOR CHARACTER COUNTS! WEEK: Mayor Campbell proclaimed the week of October 21 - 27, 2012, as Character Counts! Week. Accepting the Proclamation were Erin Kennedy, Mary Jo Mattila, and Police Chief Chuck Cychosz.

CONSENT AGENDA: Moved by Davis, seconded by Larson, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meetings of September 17, 2012, and October 4, 2012, and Regular Meeting of September 25, 2012
3. Motion setting December 4, 2012, and December 18, 2012, as Regular Council Meeting dates; and January 29, 2013, as a Special Council Meeting date
4. Motion approving certification of civil service applicants
5. Motion approving Report of Contract Change Orders for September 16-30, 2012
6. 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
7. RESOLUTION NO. 12-529 approving Kathranne Knight to fill vacancy on Public Art Commission
8. RESOLUTION NO. 12-530 approving addition of five street lights in Ringgenberg Park Subdivision, 3rd Addition, per existing Street Lighting Agreement with Alliant Energy
9. RESOLUTION NO. 12-531 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
10. RESOLUTION NO. 12-532 awarding a contract to Environmental Edge, of Ottumwa, IA, for Fall 2012 Asbestos Removal for the Power Plant in the amount of \$77,500
11. RESOLUTION NO. 12-533 approving contract and bond for South Duff Avenue/Southeast 16th Street Frontage Road
12. RESOLUTION NO. 12-534 approving contract and bond for 2008/09 and 2009/10 Skunk River Trail Extension (Hunziker Youth Sports Complex to Southeast 16th Street)
13. RESOLUTION NO. 12-535 accepting completion of 2008/09 Arterial Street Pavement

Improvement Project (North Dakota Avenue)

14. RESOLUTION NO. 12-536 approving Plat of Survey for 517 Grand Avenue

Roll Call Vote: 5-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: No one spoke during this time.

IOWA STATE UNIVERSITY (ISU) HOMECOMING REQUESTS FOR OCTOBER 26, 2012: Mayor Campbell announced that, per information received from City staff, Lynn Avenue will not need to be closed to facilitate this event.

Iowa State University Homecoming Chairpersons Alicia Snyder and Morgan Foldes were present. Ms. Snyder noted that this year marks the 100th anniversary of Homecoming observances at Iowa State University. Several of the activities that will be happening this year were highlighted by Ms. Foldes.

Moved by Davis, seconded by Szopinski, to adopt/approve the following:

- a. RESOLUTION NO. 12-537 approving closure of portions of Ash Avenue, Gray 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

Roll Call Vote: 5-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

REQUEST FROM MAIN STREET CULTURAL DISTRICT (MSCD) FOR DOWNTOWN EMPLOYEE PARKING HANG TAG PILOT PROGRAM:

Traffic Engineer Damion Pregitzer stated that the MSCD had submitted a proposal to the City to improve the parking situation for employees who work in Downtown Ames. Currently, employees in the Downtown have three options: metered spaces, two- or four-hour spaces in City lots, or 24-hour Reserved spaces at a cost of \$35/month. The MSCD's proposal was to add an Employee Hang Tag option that would allow employees to park for a period of nine hours in the four-hour spaces in the Central Business District (CBD) Lots X, Y, and Z only. The cost of the Tag would be \$144 annually (\$12/month). It was anticipated that the pilot program would be evaluated after one year.

Mr. Pregitzer explained that this proposal was a follow-up to a 2011 survey conducted by the MSCD asking Downtown employees whether they would support an Employee Hang-Tag Program. It was 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).

A brief revenue analysis based on the results of the survey as to what impact the pilot program could potentially have on the City's Parking Fund was provided by Mr. Pregitzer. He noted that the 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. 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.

Four potential options were outlined by Mr. Pregitzer:

1. Approve a 1-Year Pilot Employee Hang Tag Program at the annual cost of \$144/year (\$12/month). According to Mr. Pregitzer, 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.
2. Approve a 1-Year Pilot Employee Hang Tag Program at the annual cost of \$144/year (\$12/month) – Requiring Minimum Presale. This option would use the same conditions as in Option 1 but add 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.
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 (approximately \$250/month).
4. Do Not Approve a 1-Year Pilot Employee Hang Tag Program. Mr. Pregitzer pointed out that, 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.

City Manager Schainker noted that it was difficult to arrive at an accurate analysis of the impacts to the Parking Fund because there were a lot of unknowns. Mr. Pregitzer pointed out that was why it was being called a pilot program as it would be evaluated after one year.

Mr. Schainker recalled that the President of the Ames Historical Society (AHS) had sent a letter to the City Council on September 28, 2011, voicing opposition to a hang tag system that would offer parking for less than the market rate in the Downtown. It was noted that the Historical Society currently rents spaces on its property at 120-5th Street at a cost of \$25/month and was concerned that a Hang Tag Program could negatively impact its ability to generate enough revenue to pay its bank loan, snow removal, and property taxes. Upon being asked, Mr. Pregitzer replied that he was unsure if the AHS allows 24-hour parking in its lot.

Tom Drenthe, Director of the MSCD, 312 Main Street, Ames, advised that the MSCD has had discussions with Bob Bourne, President of the AHS Board. Mr. Drenthe explained that the

District in no way wanted the Hang Tag Program to adversely affect private parking options or the City's Parking Fund. He described the proposed program as a way for employees in the Downtown not to have to move their vehicles every four hours. It is a method to increase employee productivity at the businesses as if there is only one person working at the time and that person has to leave the store to move his or her vehicle, the store has to close momentarily. Mr. Drenthe provided a copy of an email from Mr. Bourne to the MSCD advising that if the AHS has a noticeable decline in revenue from the lot due to the Hang Tag Program, he will contact the MSCD.

Mr. Drenthe advised that Options No. 2 or No. 3 from the Council Action Form would not meet the objective of the proposed Hang Tag Program. He encouraged the Council to approve Option No. 1. The Council was told by Mr. Drenthe that the MSCD intends it to be a pilot program.

Council Member Goodman stated that he believes requiring a minimum pre-sale would be an acceptable option in order to prove the need for such a Program and ensure that the Parking Fund remains viable.

At the inquiry of Council Member Orazem, Mr. Drenthe advised that it is unknown how many people actually work in the Downtown who might use the Hang Tag Program. Mr. Pregitzer added that it is not proposed for the Hang Tag to be specific to any employee; the Tag may be moved from vehicle to vehicle. He also added that having a hang tag would not guarantee a parking spot. According to Mr. Pregitzer, there are 65 Reserved spaces in the City lots, of which 35 are currently rented. Council Member Larson suggested that the non-rented Reserved spaces be used for the pilot program.

Moved by Goodman, seconded by Larson, to approve Option 2 [approving a one-year pilot Employee Hang Tag Program at the annual cost of \$144/year (\$12/month) requiring a minimum presale].

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

TRAFFIC CALMING STUDIES: Traffic Engineer Pregitzer advised what constituted traffic-calming measures. He recalled that, on December 20, 2011, the City Council had referred to staff to analyze, using the new Neighborhood Traffic Calming Handbook: (1) Hayes Avenue between 24th Street and 20th street, (2) Ridgewood/Summit/Crescent streets between 16th Street and 13th Street, and (3) Jewel/Diamond streets from S. Duff Avenue to its end at Kate Mitchell Elementary School.

According to Mr. Pregitzer, in order to collect traffic data during the time of year that had the highest potential for speeding – months without snow and ice – staff conducted the studies during the months of April and May and made sure to collect data while school was in session. Mr. Pregitzer reported that many data were evaluated during the studies such as speed, roadway and intersection geometry, sight distance, crash history, and inventory of traffic control devices, as well as receiving input from local residents during public meetings. Though all of these data were important for the review, staff found that the public input and speed data were most critical in evaluating the particular locations.

Mr. Pregitzer described criteria used in the evaluation. He advised that, after initial investigation, the analyses of the first two locations (Hayes & Ridgewood/Summit/Crescent) were conducted together due to a common contributing factor of both sites – the Ames High School - since the

main concern for calming traffic seemed to result from ingress/egress traffic to the High School.

The findings and analyses for Hayes Avenue, Ridgewood/Summit/Crescent, and Jewel/Kate Mitchell School Area were reported. Mr. Pregitzer then provided recommended traffic calming methods to improve those areas, as follows:

Hayes: Install two Dynamic Speed Feedback signs at a cost of between \$5,200 to \$8,000 (basic sign versus one that collects the data).

Ridgewood/Summit/Crescent: Install six removable rubber speed humps - three along Ridgewood Avenue and three along Summit Avenue - at a cost of approximately \$12,000. Removable rubber speed humps are being recommended to ensure that it is the safest option and would not create a hazard.

Jewel/Kate Mitchell School: Install three Speed Humps near S. Duff Avenue along Jewel Drive at a cost of approximately \$6,000 and install four Dynamic Speed Feedback signs - two along Jewel Drive between Opal Drive and Diamond Street and two along Jewel Drive between Diamond Street and Kate Mitchell School - at a cost of between \$10,400 to \$16,000.

Mr. Pregitzer explained that a different traffic-calming method was being recommended for this area because the data were heavily influenced by the traffic of those traveling to and from Kate Mitchell School.

According to Mr. Pregitzer, an alternate solution for the Jewel/Kate Mitchell School would be to install Dynamic Speed Feedback signs and monitor both speed and the reactions of the neighborhood. If the residents find that 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 Speed Humps at a cost of approximately \$12,000).

It was noted by Mr. Pregitzer that staff's recommendation was written to be consistent with the findings of the data collected. He emphasized that the residents of the Jewel Neighborhood expressed the strongest concerns about 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. Mr. Pregitzer advised that staff's main concern with installing the Speed Humps in "Area A" is that, unlike the case of Ridgewood and Summit, the Jewel Drive 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. According to Mr. Pregitzer, that would simply be transferring the safety issue to other parts of the Southdale area.

Council Member Larson voiced his concern that the highest percent of vehicles in all of the studies that exceeded the parking limit by more than ten miles per hour (mph) was in a one-block area: Opal Drive to South Duff Avenue; yet, no permanent traffic-calming method was being recommended for that street.

City Manager Schainker asked the City Council members to indicate if staff was "on track" with what they had intended when they had directed traffic-calming studies. He asked if the Council agreed with the concept; if so, monies would need to be budgeted to allow for purchase of the signs, speed humps, etc. Council Member Szopinski said that she believed staff had met the

Council's objectives and would like staff to move forward to include traffic-calming methods in the 2013/14 budget decisions.

LIBRARY RADIO FREQUENCY IDENTIFICATION (RFID) PROJECT, PHASE II: Acting Library Director Lynne Carey recalled that 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; that 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.

Ms. Carey asked the City Council to approve \$32,280 in savings from Phase I along with \$7,367 from funds budgeted in the current year to purchase a portion of the equipment needed for the new RFID system. The equipment needed at this time would include dual aisle security gates, software, installation, and training at a cost of approximately \$12,123; and five self-serve check-out machines at a cost of approximately \$27,524.

It was reported by Ms. Carey that SirsiDynix/Bibliotheca of Huntsville, Alabama, had been selected as the vendor for both phases of the RFID project based on response to the Library's original Request for Proposals. The prices for the equipment had been offered in the original proposal dated January 17, 2012. The equipment needed to be purchased this month in preparation for the Library's relocation to temporary quarters in November. Ms. Carey told the Council that, after this purchase, the Library does not plan to purchase the other remaining equipment needed to complete the RFID Project until it can be installed in the renovated and expanded building.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-546 approving the purchase of RFID equipment needed for use in the Library's temporary location in the amount of \$39,646.66.

Roll Call Vote: 5-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-547 approving the reallocation of funding

Roll Call Vote: 5-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PROSPECTIVE PURCHASE OF 80-ACRE PARCEL OF LAND LOCATED WEST ON ONTARIO: Parks and Recreation Director Nancy Carroll introduced the two Parks & Recreation Commission members present: Alisa Frandsen and Ed Moran.

Ms. Carroll gave a presentation outlining the conceptual master plan for the approximate 80-acre parcel being recommended by the Parks & Recreation Commission for purchase by the City to utilize the funds received from the \$1.7 million Geitel Winakor bequest. A map outlining the property in question was shown.

A concern formerly expressed by Council Member Larson was addressed by Ms. Carroll. After having a discussion with the property owner, she reported that there could be a parcel of approximately seven acres that could include open green space for a recreational area (a basketball pad and play equipment). It would also include a parking lot and shelter/restroom. Ms. Carroll pointed out that that recreational open space allotment would exceed any of the existing park system acreage that is currently used for youth and adult soccer, flag football, pick-up activities, etc. It was emphasized by Ms. Carroll that that recreational open space would not be developed until residential development occurred to the south. Once there was residential development through the Huang Family property, Wilder Boulevard would be extended north to the south property line of the park to provide the necessary access to the proposed recreational area.

Ms. Carroll explained stipulations that the owners wanted put on their selling the 80-acre parcel to ensure that their land could never be developed with residential, industrial, or commercial structures. According to Ms. Carroll, the first stipulation would be that the owners would sell their land to the Iowa Natural Heritage Foundation (INHF), and the City would then purchase the parcel from INHF, which would include a Conservation Easement within the deed. The second stipulation would be that the property maintain a farm-like feel with prairie and woodland. The owners want assurance that the City would maintain the prairie, plant native oaks on the upland and structurally stabilize the barn and restore the exteriors of the barn and corn crib. According to Ms. Carroll, the cost to address structural issues related to the barn would total \$100,000; the corn crib is structurally sound. It is estimated that the total cost to make both buildings aesthetically pleasing would be \$125,000.

Council Member Orazem asked how much it would cost to build a new barn versus making the existing barn structurally and aesthetically pleasing at a cost of \$125,000. He felt that he would rather build a new barn as it seemed unreasonable to spend \$125,000 to repair the existing one. Mr. Orazem also questioned how long it would take to reconstruct the barn and whether it would be completed and usable by the time the park was open to the public. If the barn were not structurally sound by the time the park opened, he pointed out that that could be a liability for the City. Ms. Carroll said she would attempt to get information on that and follow-up with the Council.

Ms. Carroll continued with Stipulation 3: the owners would be allowed to maintain their home (located immediately adjacent to Ontario in the center of the 80-acre parcel) as a private dwelling. In addition, the owners have requested that the City pay to extend utilities (water and sewer) to their home. According to Ms. Carroll, it would cost approximately \$20,000 to extend utilities to the homestead and an additional \$10,000 for construction of a six-foot wood fence around the home to buffer the park from the residence.

The fourth stipulation, as described by Ms. Carroll, is that the owners want naming rights to the park. They are considering naming it in honor of their parents, i.e., Ted and Anna Sands Nature Park.”

Council Member Davis asked if there was going to be any recognition of Geitel Winakor, who bequeathed the funds that are allowing the City to even consider purchasing the parcel in question. Ms. Carroll told the Council that Geitel Winakor had made many financial donations to the City; however, she never wanted any name recognition.

Lisa Hein, 721 Northwestern Avenue, Ames, representing the Iowa Natural Heritage Foundation, said that the INHF had been working with the property owners for approximately 15 years on preservation of the land in question. She pointed out that the City's Park Master Plan includes a future park in West Ames.

According to Ms. Hein, the INHF had also received many donations from Geitel Winakor in the past, and land protection was of great interest to her. It was noted by Ms. Hein that the purchase price for the parcel would be based on agricultural land values.

Director Carroll outlined the estimated project expenses necessary for the development of the parcel being offered to the City. She stated that it is estimated to cost approximately \$2.6 million figured at a per-acre cost of \$8,000. Ms. Carroll reiterated that the purchase price for the parcel would be based on agricultural land values. It was noted that the INHF had contracted Hertz Farm Management to complete a formal land appraisal, which should be finished by the end of October.

Staff had prioritized the development of the proposed park into two phases. The cost for Phase I would be approximately \$1,762,600, and the cost for Phase II is estimated to be \$838,750. Ms. Carroll emphasized that the cost of the land in Phase I was merely an estimate made by staff based on an average of the cost for agricultural land; there are areas that will have less value. Phase II would not begin until Wilder Boulevard is completed to the south park property line.

According to Ms. Carroll, there might be opportunities for grants (REAP/Iowa Barn Foundation) and private fund raising to add revenue. For purposes of the estimate cost, staff was anticipating that the City would receive \$250,000 in REAP or Iowa Barn Foundation grants and \$450,000 in private fund-raising, perhaps from other naming opportunities for shelters, trails, bridges, and/or prairie area.

Ms. Carroll asked for City Council members' direction on the following issues:

1. Conservation Easement
2. Annexation of 1.6-acre of private property
3. Restoration of the structural issue associated with the barn and exteriors of both structures
4. Naming of the park
5. Development of the southwest open green recreational area/related amenities not occur until Wilder Boulevard is extended to the park's south property line

Mr. Larson noted the similarities between the parcel in question and Moore Park and cited his desire to receive community input on the proposed purchase. Alisa Frandsen, Chairperson of the Parks & Recreation Commission, told the City Council that the Commission had held a public input session during one of the Commission's meetings and also received email messages regarding how the Winakor Bequest should be spent. That public input was heavily considered as a part of the Commission's decision-making matrix it used to come up with the recommendation that the parcel in question be purchased.

Council Member Orazem asked if it were anticipated for one of the stone trails to connect the area by Clear Creek down to North Dakota. Ms. Carroll replied that it doesn't go quite far enough to the west. People can get out through City land to British Columbia, which is

immediately east of the parcel in question. Mr. Orazem expressed his desire to eventually connect the trail with the trails through Munn Woods, Emma McCarthy Lee Park, by Hyland Avenue, and onto the University land.

Council Member Larson reiterated his belief that the City might not need another 80-acre park in West Ames similar to another park already developed in the City. He is very dismayed by the owners' demands for usage of a parcel that the City will be purchasing at "market value." In his opinion, \$8,000/acre is very high considering the stipulations that the owners are placing on the property. Mr. Larson would like to see some of the restrictions removed. He pointed out that a portion of the tillable land adjacent to developable property that won't become a savannah area for 30, 40, or 50 years could be used to finance the second phase of the park's development. It is Mr. Larson's opinion that the City should be able to decide whether it needs a 60-acre park instead of an 80-acre park and could sell off the tillable land for residential development. Mr. Larson does not want to pay "top dollar" when the property owners are dictating to the City what the property can and cannot be used for, requiring renovation of existing buildings, being allowed to retain their homestead and the City constructing utilities and building a fence for them, and being given naming rights.

Ms. Carroll gave the history of acquisition of parkland in the City, specifically showing which parcels are leased, which have been gifted, and which have been purchased by the City.

Director Carroll indicated that she would have additional discussions with the property owners based on the discussion held at this meeting and report back to the City Council in the near future.

MEC INTERCONNECTION 161-kV TRANSMISSION LINE: Donald Kom, Director of Electric Services, informed the City Council that staff had pulled this item from the Agenda until all the bid numbers could be verified.

ADDITION OF PHOTOVOLTAIC SYSTEMS REBATE TO EXISTING SMART ENERGY PROGRAM: Director Kom explained the proposed addition of photovoltaic systems (active solar) Program. He indicated that 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 kilowatt the solar system generates/removes from the Utility's system during the City's summer peak season.

Moved by Larson, seconded by Orazem, to adopt RESOLUTION NO. 12-540 approving the addition of a photovoltaic installation rebate to the existing Smart Energy Program at a level of \$500 per KWA generated for systems installed after July 1, 2012.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

STATE REVOLVING FUND (SRF) SEWER REVENUE LOAN AND DISBURSEMENT AGREEMENT: John Dunn, Director of the Water and Pollution Control, clarified that the amount of the Loan Agreement was to be \$3,121,000.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-541 approving entering into a State Revolving Fund (SRF) Sewer Revenue Loan and Disbursement Agreement in a principal amount not to exceed \$3,121,000.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON UNIT NO. 8 STEAM TURBINE PARTS: Mayor Campbell opened the public hearing. No one wished to speak, and the Mayor closed the hearing.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 12-542 approving final plans and specifications and awarding a contract to ARGO Turboserve Corporation of Lyndhurst, New Jersey, in the amount of \$526,086.90, plus freight.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON WPC FACILITY METHANE ENGINE - GENERATOR SET NO. 2 REHABILITATION: The public hearing was opened by the Mayor. She closed same after no one came forward to speak.

Moved by Davis, seconded by Orazem, to accept the report of bids.

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

HEARING ON FLOOD DAMAGE - BANK EROSION (326 NORTH RIVERSIDE DRIVE AND STUART SMITH PARK): The Mayor declared the hearing open. The hearing was closed after no one asked to speak.

City Manager Schainker gave the history behind the City's request for FEMA funds. FEMA was to have provided written notification of funding to the City. Since that notification has not yet been received, Mr. Schainker did not want the City to enter into any contracts without that guarantee of funding.

Moved by Davis, seconded by Orazem, to accept the report of bids.

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

HEARING ON NUISANCE ASSESSMENT: Mayor Campbell opened the public hearing. There was no one wishing to speak, and the Mayor closed the hearing.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 12-545 assessing the costs of property clean-up and certifying assessment to Story County Treasurer.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON ENVIRONMENTAL INFORMATION DOCUMENT (EID) FOR NEW WATER TREATMENT PLANT: Assistant Water and Pollution Control Director Steve Duvall told the Council that holding a public hearing on the environmental impact of the new Water Treatment Plant project construction was one of the first steps to meeting requirements of the

State Revolving Fund (SRF) loan program. The City plans to use the loan to finance the construction of a new water plant. An Environmental Information Document had been prepared by the Iowa Department of Natural Resources (IDNR) evaluating the impact of constructing the new plant. The conclusion of the EID was that the project will have no significant environmental impacts. Staff had reviewed the EID and found no errors or omissions and agreed with the conclusions offered. Mr. Duvall read the 11 summary reasons, as required by the Iowa Department of Natural Resources.

The hearing was declared open by the Mayor. She closed same after no one asked to speak.

Moved by Goodman, seconded by Szopinski, to approve the EID, as written.

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

The meeting recessed at 9:05 p.m. and reconvened at 9:11 p.m.

ORDINANCE AMENDING IOWA CODE REFERENCE PERTAINING TO CRUELTY TO ANIMALS: Assistant City Attorney Judy Parks explained that 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. Ames' *Code* adopts the *Iowa 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. The City is then prohibited from adopting violations that are greater than a simple misdemeanor. According to Ms. Parks, it is likely that the *Iowa Code* was amended at some time and 717B.2 changed from a simple misdemeanor to an aggravated misdemeanor. Ames' *Code* now needs be amended to reflect the changes that have been made to the Iowa Code.

In addition, *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.

Moved by Szopinski, seconded by Orazem, to pass on first reading an ordinance amending *Iowa Code* reference pertaining to cruelty to animals.

Roll Call Vote: 5-0. Motion declared carried unanimously.

ORDINANCE APPROVING REDUCTION IN MEMBERSHIP FOR HUMAN RELATIONS COMMISSION: Moved by Larson, seconded by Davis, to pass on first reading an ordinance approving a reduction in membership for Human Relations Commission.

Roll Call Vote: 5-0. Motion declared carried unanimously.

ORDINANCE ADDING FIREARMS SALES AS PROHIBITED HOME OCCUPATION IN SECTION 29.1304(1)c: Mayor Campbell noted that on very rare instances, public input is accepted by the City Council on second reading of an ordinance. She said that, in light of misinformation

being circulated in the community, it had been decided to make an exception and accept public input on second reading of the ordinance adding firearms sales as a prohibited home occupation. The Mayor asked that only new information be presented at this meeting since a public hearing had been held on September 25.

Mayor Campbell stated that the matter at hand deals with a zoning issue. Assistant City Attorney Judy Parks noted that since the first passage of this ordinance on September 25, 2012, there had been many inquiries regarding the constitutionality of the text amendment in question. The main question that had surfaced in the community was dealing with an infringement on a person's constitutional right to bear arms under the Second Amendment. The answer to that the ordinance in question did not infringe on a person's constitutional right to bear arms.

It was further stated by Ms. Parks that 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. It was reported by Ms. Parks that Ames' proposed ordinance is not preempted by *Iowa Code* as the ordinance that was passed on first reading on September 25th 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).

Assistant City Attorney Parks stated that the U.S. Supreme Court recently addressed municipal gun regulation in *McDonald v. City of Chicago*, 130 S.Ct. 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.

According to Ms. Parks, 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).

Mayor Campbell asked if there was anyone wishing to speak.

Luke Wadsley, 1020 Ridgewood Avenue, Ames, read a statement from William B. Stoner, Jr., 2717 Oakwood Road, Ames, who was unable to attend the meeting in person. The statement said that Mr. Stoner holds a Federal Firearms License and has had a home business since the mid-1990's and has not caused any detrimental impacts on the neighborhood. In his statement, Mr. Stoner urged that the prohibition of firearms sales as a home occupation be dropped.

Cort Pahl, 2327 Sundown Drive, Ames, presented a petition signed by 434 people of which 314 were Ames residents, in opposition to the adoption of the ordinance in question.

Suzi Houte, 1110 Carroll Avenue, Ames, said she was speaking on behalf of her neighbors John and Amy Ellis. The Ellis's are a great family in Ms. Houte's opinion. The Ellis's have a home

occupation permit to sell firearms from their home. Ms. Houte was not even aware that the Ellis's had such a permit as there have been no incidents from it and there is no evidence of it; there is no impact on the neighborhood. The business is conducted on-line, and there is no additional traffic through the area. According to Ms. Houte, any packages containing guns sent through UPS or FedEx must be signed for by the resident.

Jeff Burkett, 603 Kayla Lane, Prairie City, Iowa, representing the National Rifle Association (NRA) of America, informed the Council of the NRA's opposition to the proposed ordinance. Mr. Burkett pointed out that the City has a history of home-based holders of FFLs. He contended that those testifying in favor of the prohibition presented emotion-based arguments that had no basis in fact. Mr. Burkett asked the City Council to reject the proposed ordinance based on it not having substantiated facts to justify it.

Michael Ware, 8401 Highway S52, Baxter, Iowa, advised that he is a FFL-holder. Mr. Ware refuted the City Attorney's statement that political subdivisions are not able to regulate transfer. He stated that firearms sales are legal transfers and they are highly regulated. Mr. Ware presented for the record a print-out of the Compliance Prerequisites for all holders of Federal Firearms Licenses as well as Safety and Security Information for Federal Firearms Licenses. He contended that the City Council does not fully understand the issue. Some of the stipulations that the Zoning Board of Adjustment placed on Mr. Seaton, whose home occupation as a firearms salesman was approved for one year, are federally prohibited.

Ben Schmitt, 1035 Vermont Court, Ames, indicated that he is a resident of Spring Valley Subdivision, which is where the firearms sales as a home occupation is located. He indicated that he purchased his home approximately one year ago. Mr. Schmitt indicated that he was at one time a member of the NRA. Mr. Schmitt agreed that the issue at hand is a zoning issue, not a Second Amendment issue. He does not want a neighborhood arms dealer making gun exchanges located near where his children play and is concerned about his property values being adversely affected. Mr. Schmitt urged the Council to approve the ordinance on second reading.

Council Member Wacha, who was out of the state, was brought into the meeting telephonically at 9:38 p.m.

Jean Prestemon, 4606 Dover Drive, Ames, said citizens expect City Council members to uphold the idea that they have been elected to serve residents of neighborhoods. She and her neighbors have made a request for the City to expand the ordinance in order to keep commercial businesses in commercial areas and let residential areas remain residential areas. Ms Prestemon said it is important to neighborhoods, particularly those that contain schools.

Brian Vandewater, 1217 Grand Avenue, Ames, said that there is no problem; it does not exist. Mr. Vandewater explained some of the requirements to get a FFL. He noted that gunsmithing also requires a FFL; so if the home occupation in question is prohibited, so would gunsmithing be prohibited.

Cappie Dobyms, 4804 Utah Drive, Ames, said she is speaking as a member of the neighborhood and a school teacher. She advised that she lives across the street from the man who was recently granted a one-year home occupation for guns sales. Ms. Dobyms shared that she keeps hearing

assumptions about emotional charges and the things that residents want in their neighborhood are emotional in nature. She feels that her concerns about such home occupations are very valid; gun sales occurring in the neighborhood would deter people from wanting to purchase her home when she is ready to sell it.. Ms. Dobyons stated that at a time in the schools when lock-down drills are being practiced as often as fire drills, there is a genuine fear in the community; that fear would pervade in the selling of her home. In her opinion, there are definite causes trumping her concerns that are not just emotions.

Dusty Juhl, 1422-13th Street, Ames, stated that he was an advocate for Greg Seaton. He wished to correct what he construed to be misconceptions raised at the Council's September 25, 2012. A neighbor of Mr. Seaton had stated that there were no cities or town in this region that allowed home-based firearms sales. According to Mr. Juhl, the City of Ankeny does not ban firearms sales as a home occupation. Mr. Juhl also said that firearms sales in homes do not compete with commercial firearms retailers.

Jean Morz, 825 Idaho Avenue, Ames, advised that she has lived in the Spring Valley Neighborhood for the past nine years. Ms. Morz pointed out that there are many regulations of FFLs; however, she questioned who enforces those regulations. There needs to be provisions for oversight of those with FFLs. She urged the Council to pass the ordinance prohibiting firearms sales as a home occupation.

Kevin Martin, 203 - 21st Street, Ames, pointed out that there are a lot of companies and businesses that started out as "mom and pop" businesses, and "those people are usually good people." He believes that there is a negative stigma attached to firearms. He would like the Council to get the facts as to whether there are adverse effects from home firearms sales prior to the Council adopting an ordinance that prohibits them.

Terrence Jensen, 1121 Oklahoma Drive, Ames, advised that most large cities prohibit home firearms businesses. Stringent requirements are placed on commercial gun sales. The regulation of firearm dealers in Iowa is left up to the federal level (ATF). He reported that, according to the ATF, one percent of the Federal Firearms Licenses are responsible for selling almost 60% of the guns that are found at crime scenes and traced to dealers. In Ames, the Zoning Board of Adjustment proposed extensive restrictions on a gun sales business for Greg Seaton; however, the City has no way to enforce the restrictions and will rely on the ATF to inspect. It is estimated that due to limited personnel at the ATF, a gun dealer is inspected only about once every ten years. Mr. Jensen believes that perception is important when it comes to defining neighborhoods; to maintain attractive neighborhoods for families, it is necessary to impose uniform, sensible, and enforceable restrictions on home businesses.

Moved by Orazem, seconded by Larson, to pass on second reading an ordinance adding firearm sales as a prohibited home occupation in Section 29.1304(1)c.

Council Member Davis referenced a memo from Charlie Kuester, City Planner, that had been placed around the dais regarding local regulations pertaining to home occupations in general, and gun sales in particular, for seven other communities' in Iowa: Newton, West Des Moines, Sioux City, Johnston, Iowa City, Des Moines, and Ankeny. Council Member Davis refuted Dusty Juhl's earlier statement by noting that Ankeny does not allow home occupations in the low-density residential zone.

In Council Member Orazem's opinion, it comes down to an issue, in essence, of a dispute over property rights. In this particular case, a person wants to use their residential area for a business and there are neighbors who feel that that business is going to lower their enjoyment of their own property. Mr. Orazem said it doesn't matter if people do not believe that they don't have the right opinion or the right facts. The right of people to use their home as they want to only goes as far as it does not affect their neighbors. But when it affects neighbors, the state has to step in and adjudicate the dispute. In this particular case, there is an overwhelming number of people in the affected neighborhood who feel that a gun sales business is going to lower their enjoyment of their own property; those feelings cannot be negated. Mr. Orazem reiterated that he believes the right to use your property as you want only goes as far as that it doesn't affect your neighbor's enjoyment of their property. He also pointed out that a firearms business could operate in a commercial area without the type of restrictions that were imposed by the City on Greg Seaton; that way the City could stop placing restrictions that it can't enforce, and the firearms dealers would be competing on a level playing field.

Council Member Larson pointed out that the City cannot enforce the ATF's rigid rules. He also noted that one of the Council's goals is to strengthen the Ames community, which includes neighborhoods. He believes that a heavily regulated business is problematic in a residential neighborhood; a firearms business belongs in a commercial neighborhood.

Council Member Davis said that he views this not an issue that deals with the Second Amendment; it is a zoning issue. The Second Amendment allows persons to keep and bear arms; it does not state that individuals have the right to commercially profit from bearing arms. Mr. Davis believes that it is important to note what fits in a residential zone and what does not.

Council Member Goodman said he wrestled with the proposed ordinance because of the fear being only perceived. He believed that it is reasonable for residents to ask their government to not allow the profit motive to increase the presence of something in their neighborhoods. It was pointed out by Mr. Goodman that the City is not being asked to disallow people from purchasing or having firearms.

Council Member Szopinski expressed her opinion that it is very much a quality of life issue. She used the example that people are not allowed to sell gasoline out of their garages.

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

ORDINANCE VACATING ALLEY WEST OF AMES PUBLIC LIBRARY: Moved by Davis, seconded by Larson, to pass on second reading an ordinance vacating the alley west of the Ames Public Library.

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

ORDINANCE TO ALLOW LIMITED RESIDENTIAL USES ON FIRST FLOOR IN DOWNTOWN SERVICE CENTER (DSC) ZONE: Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4125 to allow limited residential uses on the first floor in the DSC Zone.

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

COUNCIL COMMENTS: Moved by Davis, seconded by Larson, to refer to staff for a recommendation the letter from Dan Culhane, as President and CEO of Ames Economic Development Commission dated September 27, 2012, pertaining to sharing costs of an Industrial Park Analysis.

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

Moved by Davis, seconded by Goodman, to refer to staff, for a memo back to the City Council, the letter from Doug Pyle dated October 5, 2012, requesting a waiver of development standards in order to develop property at 125 Hyland Avenue, 118 Campus Avenue, and 122 Campus Avenue as a single lot.

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

Council Member Goodman noted that the Ames School District Board has made certain properties available for sale and for anyone interested in purchasing any of those properties to come forward. He thought it would be reasonable to ask staff members to bring back their thoughts as to whether there are any opportunities for the City from those properties. The Mayor pointed out that there is already an existing government zoning overlay over the properties. Council Member Davis said that he did not want the City to overstep its bounds; the School District needs to be able to sell its property. Council Member Larson said he would rather empower the City Manager to have discussions with School Superintendent Tim Taylor. Mayor Campbell encouraged the City Council to work with the School Board as a unit, rather than independently. Council Member Goodman reported that he had received many emails on this subject. Council Member Orazem cited his concerns about interfering with negotiations of another entity with proposed purchasers of properties, unless the properties are given to the City.

Moved by Goodman, seconded by Szopinski, to direct staff to provide information back to the City Council as to whether it sees any opportunities for City use of any of the properties potentially being offered for sale by the Ames School District.

Council Member Larson added that the City Council does have the right to determine land use. If there is a potential purchaser, it is very important for that person to know what uses are allowed on the property.

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

Ex officio Member Sawyer Baker reminded the City Council that it would be meeting with the Government of the Student Body on October 24, 2012, at 7:00 p.m. in the Memorial Union.

HUMAN RESOURCES: Moved by Davis, seconded by Goodman, to hold a Closed Session as provided by Section 20.17(3), *Code of Iowa*, to discuss collective bargaining strategy.

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

The meeting was reconvened in Regular Session at 10:41 p.m.

Moved by Orazem, seconded by Goodman, to refer to staff the letter from David E. Carlson, on behalf of the Greater Iowa Credit Union, requesting that the portion of 2nd Street that runs east

of N. Elm Avenue be changed from allowing parking on both the north and south sides to only allowing parking on the north side of the street

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

ADJOURNMENT: Moved by Davis to adjourn at 10:43 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor



REPORT OF CONTRACT CHANGE ORDERS

Period:	<input checked="" type="checkbox"/>	1 st – 15 th
	<input type="checkbox"/>	16 th – end of month
Month and year:	October 1-15, 2012	
For City Council date:	October 23, 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
Public Works	2012/13 Collector Street Pavement Improvements (Meadowlane)	1	\$698,559.80	Con-Struct, Inc.	\$0.00	\$11,525.43	J. Joiner	MA
Public Works	2011/12 Asphalt Pavement Improvements (Barr Drive & Indian Grass Court)	1	\$485,118.18	Manatt's, Inc.	\$0.00	\$2,860.00	J. Joiner	MA
Public Works	Main Street Alley (Kellogg Avenue to Douglas Avenue)	1	\$94,457.00	Absolute Concrete	\$0.00	\$(5,930.12)	T. Warner	MA
Public Works	Squaw Creek Pedestrian Bridge Project	1	\$279,335.00	Iowa Bridge & Culvert LC	\$0.00	\$5,405.00	T. Warner	MA
Public Works	2011/12 Storm Sewer System Improvements (Country Club Blvd)	1	\$45,924.50	Keller Excavating, Inc.	\$0.00	\$5,259.51	T. Warner	MA
			\$		\$	\$		



Memo

Police Department

ITEM NO. 6

TO: Mayor Ann Campbell and Ames City Council Members

FROM: Commander Geoff Huff – Ames Police Department

DATE: September 12, 2012

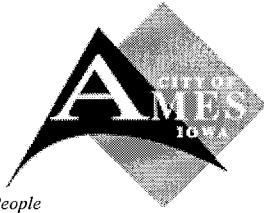
SUBJECT: Beer Permits & Liquor License Renewal Reference City Council Agenda
October 23, 2012

The Council agenda for October 23, 2012, includes beer permits and liquor license renewals for:

- Class E Liquor, C Beer, & B Wine – Target Store T-1170, 320 South Duff Avenue
- Class C Beer & B Wine – Southgate Expresse, 110 Airport Road

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

The Police Department would recommend renewal of both 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 19, 2012

SUBJECT: Appointment to Fill Vacancy on the Human Relations Commission

Due to Amit Shah's resignation from the Human Relations Commission, it will be necessary to appoint an individual to fill this vacancy. I have chosen Devita Harden to fill the unexpired term of office.

Therefore, I recommend that the City Council approve the appointment of Devita Harden to the Ames Human Relations Commission.

AHC/jlr

Attachments



APPLICATION FOR APPOINTMENT
Boards and Commissions
City of Ames

Date: FILE
JAN 27 2012
CITY CLERK
CITY OF AMES, IOWA

Name: Devita Harden Are you a resident of Ames? yes

Address: (home): ~~770-617-3096~~ 1305 Georgia Ave #6
(work): Sawyer Elementary
(e-mail): devita.harden@yahoo.com

Phone: 770-617-3096 (h) _____ (w) _____ (fax)

Occupation: Educational Assistant Education: College - BA

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

1. Human Relations
2. Planning and Zoning
3. _____

Please state any particular qualifications, expertise, or experience you have that you believe to be relevant.

I have a BA in Sociology - Minor in Criminal Justice.
I am a Professional Retiree from Coca-Cola as Quality Manager
I have excellent communication and interpersonal skills.

Please state your reasons for wishing to be appointed to the above.

To assist the city of Ames in the attempt to accomplish the goal of diversifying the community. To inspire other minorities to become involved in ~~our~~ improving their Quality of Life -

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

- | | | |
|--|--|--|
| <input type="checkbox"/> City Side Utility Stuffer | <input checked="" type="checkbox"/> City's Website | <input checked="" type="checkbox"/> TV 12, Government Access |
| <input type="checkbox"/> The Tribune | <input type="checkbox"/> ISU Daily | <input type="checkbox"/> The Des Moines Register |
| <input type="checkbox"/> KASI | <input checked="" type="checkbox"/> Other: <u>City Residents of Ames</u> | |

PLEASE RETURN THIS FORM TO CITY CLERK'S OFFICE

(Over) ➔



City Treasurer

P. O. Box 811
515 Clark Avenue
Ames, Iowa 50010
515-239-5119
Fax 515-239-5320

TO: Mayor and City Council

FROM: Roger Wisecup, CPA 
City Treasurer

DATE: October 12, 2012

SUBJECT: Investment Report for Quarter Ending September 30, 2012

Introduction

The purpose of this memorandum is to present a report summarizing the performance of the City of Ames investment portfolio for the quarter ending September 30, 2012.

Discussion

This report covers the period ending September 30, 2012 and presents a summary of the investments on hand at the end of September 2012. The investments are valued at amortized cost; this reflects the same basis that the assets are carried on the financial records of the City. All investments are in compliance with the current Investment Policy.

Comments

The Federal Reserve has continued to maintain its target rate for federal funds at zero to 0.25 percent. While the yield curve has a normal shape, rates are at historic lows. This means that future investments will be made at lower rates and future interest income will decrease. The current outlook has the Federal Reserve maintaining the target rate into 2015. Therefore, we will maintain our investment strategy, extending some investments maturities to the twelve months and longer range.

CITY OF AMES, IOWA

CASH AND INVESTMENTS SUMMARY
AND SUMMARY OF INVESTMENT EARNINGS

FOR THE QUARTER ENDED SEPTEMBER 30, 2012
AND THE ACCUMULATED YEAR-TO-DATE

DESCRIPTION	BOOK VALUE	MARKET VALUE	UN-REALIZED GAIN/(LOSS)
CERTIFICATES OF DEPOSIT	14,000,000	14,000,000	0
FEDERAL AGENCY DISCOUNTS			0
FEDERAL AGENCY SECURITIES	54,544,080	54,684,416	140,336
COMMERCIAL PAPER	5,991,686	5,990,010	(1,676)
INVESTMENT POOLS	14,256,523	14,256,523	0
PASS THRU SECURITIES PAC/CMO	463,945	466,233	2,288
MONEY FUND SAVINGS ACCOUNTS	8,010,681	8,010,681	0
STRIP BONDS			0
US TREASURY SECURITIES			0
INVESTMENTS	<u>97,266,915</u>	<u>97,407,863</u>	<u>140,949</u>
CASH ACCOUNTS	<u>14,079,608</u>	<u>14,079,608</u>	
TOTAL FUNDS AVAILABLE	<u>111,346,523</u>	<u>111,487,471</u>	<u>140,949</u>

ACCRUAL BASIS INVESTMENT EARNINGS

YR-TO-DATE

GROSS EARNINGS ON INVESTMENTS:

172,898

INTEREST EARNED ON CASH:

9,424

TOTAL INTEREST EARNED:

182,322



**Investments FY 2012-2013
Portfolio Management
Portfolio Summary
September 30, 2012**

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Certificates of Deposit	14,000,000.00	14,000,000.00	14,000,000.00	14.39	1,078	595	1.078	1.093
Money Market	14,256,522.92	14,256,522.92	14,256,522.92	14.66	1	1	0.542	0.550
Passbook/Checking Accounts	8,010,681.22	8,010,681.22	8,010,681.22	8.24	1	1	0.247	0.250
Commercial Paper Disc. -Amortizing	6,000,000.00	5,990,010.00	5,991,685.57	6.16	197	122	0.492	0.498
Federal Agency Coupon Securities	54,370,000.00	54,684,415.82	54,544,079.88	56.08	1,141	905	0.812	0.823
Pass Through Securities /PAC/CMO	445,371.39	466,233.13	463,944.98	0.48	1,484	296	1.552	1.573
Investments	97,082,575.53	97,407,863.09	97,266,914.57	100.00%	814	602	0.748	0.758

Total Earnings	September 30	Month Ending	Fiscal Year To Date
Current Year		57,214.53	172,897.84
Average Daily Balance		96,436,470.45	
Effective Rate of Return		0.72%	

**US TREASURY CONSTANT MATURITY RATES
PERIOD ENDING SEPTEMBER 30, 2012
3 YEAR COMPARISON**

	September 30, 2012	September 30, 2011	September 30, 2010
3 Months	0.10%	0.02%	0.16%
6 Months	0.14%	0.06%	0.19%
1 Year	0.17%	0.13%	0.26%
2 Years	0.26%	0.25%	0.42%
3 Years	0.34%	0.42%	0.63%
5 Years	0.65%	0.96%	1.26%

I certify that these reports are in conformance with the Iowa Public Investment Act

Roger J. Wisecup II, CPA 10-12-12
Roger J. Wisecup II, City Treasurer

**Investments FY 2012-2013
Portfolio Management
Portfolio Details - Investments
September 30, 2012**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	YTM 360	YTM 365	Days to Maturity	Maturity Date
Certificates of Deposit												
SY548315	48315	First National Bank		10/15/2010	5,000,000.00	5,000,000.00	5,000,000.00	1.000	0.986	1.000	242	05/31/2013
SY57809399202	7809399202	Wells Fargo		10/14/2011	4,500,000.00	4,500,000.00	4,500,000.00	1.064	1.049	1.064	608	06/01/2014
SY57809399210	7809399210	Wells Fargo		10/14/2011	4,500,000.00	4,500,000.00	4,500,000.00	1.226	1.209	1.226	973	06/01/2015
	Subtotal and Average		14,000,000.00		14,000,000.00	14,000,000.00			1.078	1.093	595	
Money Market												
SY54531558874A	4531558874A	Great Western Bank			4,087,066.25	4,087,066.25	4,087,066.25	0.550	0.542	0.550	1	
SY54531558874B	4531558874B	Great Western Bank			10,169,456.67	10,169,456.67	10,169,456.67	0.550	0.542	0.550	1	
	Subtotal and Average		14,255,195.27		14,256,522.92	14,256,522.92			0.542	0.550	1	
Passbook/Checking Accounts												
SY56952311634A	6952311634A	Wells Fargo			4,005,522.52	4,005,522.52	4,005,522.52	0.250	0.247	0.250	1	
SY56952311634B	6952311634B	Wells Fargo			4,005,158.70	4,005,158.70	4,005,158.70	0.250	0.247	0.250	1	
	Subtotal and Average		8,010,477.13		8,010,681.22	8,010,681.22			0.247	0.250	1	
Commercial Paper Disc. -Amortizing												
0027A0KF7	0586-12	Abbey National LLC		03/26/2012	1,000,000.00	999,910.00	999,657.78	0.880	0.902	0.915	14	10/15/2012
3024A6PF3	0602-12A	FCARI		08/10/2012	1,500,000.00	1,497,255.00	1,497,716.67	0.400	0.410	0.415	137	02/15/2013
3024A6PF3	0602-12B	FCARI		08/10/2012	1,000,000.00	998,170.00	998,477.78	0.400	0.410	0.415	137	02/15/2013
3024A6PU0	0601-12A	FCARI		08/10/2012	1,500,000.00	1,496,805.00	1,497,500.00	0.400	0.409	0.415	150	02/28/2013
3024A6PU0	0601-12B	FCARI		08/10/2012	1,000,000.00	997,870.00	998,333.34	0.400	0.409	0.415	150	02/28/2013
	Subtotal and Average		5,990,525.57		6,000,000.00	5,990,010.00	5,991,685.57		0.492	0.498	122	
Federal Agency Coupon Securities												
31398A6F4	0570-11	Federal Nat'l Mtg. Assoc.		11/15/2011	1,000,000.00	1,000,760.00	1,000,410.17	0.375	0.202	0.205	88	12/28/2012
3137EACJ6	0589-12A	Federal Home Loan Mortgage Co.		03/30/2012	1,000,000.00	1,008,110.00	1,007,484.74	1.625	0.230	0.234	196	04/15/2013
3137EACJ6	0589-12B	Federal Home Loan Mortgage Co.		03/30/2012	1,000,000.00	1,008,110.00	1,007,484.74	1.625	0.230	0.234	196	04/15/2013
3136F9DU4	0478-10	Federal Nat'l Mtg. Assoc.		01/05/2010	500,000.00	510,090.00	504,518.87	4.000	2.219	2.250	196	04/15/2013
313373KA9	0588-12A	Federal Home Loan Bank		03/30/2012	1,000,000.00	1,003,470.00	1,003,298.06	0.800	0.217	0.220	207	04/26/2013
313373KA9	0588-12B	Federal Home Loan Bank		03/30/2012	1,000,000.00	1,003,470.00	1,003,298.06	0.800	0.217	0.220	207	04/26/2013
313376C86	0596-12A	Federal Home Loan Bank		04/26/2012	1,500,000.00	1,500,990.00	1,500,803.45	0.300	0.208	0.211	218	05/07/2013
313376C86	0596-12B	Federal Home Loan Bank		04/26/2012	1,000,000.00	1,000,660.00	1,000,535.63	0.300	0.208	0.211	218	05/07/2013
3137EABJ7	0529-11	Federal Home Loan Mortgage Co.		04/15/2011	3,000,000.00	3,065,160.00	3,052,054.71	3.500	0.834	0.846	240	05/29/2013
3137EABJ7	0595-12A	Federal Home Loan Mortgage Co.		04/26/2012	1,500,000.00	1,532,580.00	1,532,438.01	3.500	0.220	0.223	240	05/29/2013
3137EABJ7	0595-12B	Federal Home Loan Mortgage Co.		04/26/2012	1,000,000.00	1,021,720.00	1,021,625.33	3.500	0.220	0.223	240	05/29/2013

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**Investments FY 2012-2013
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CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Rated Rate	YTM 360	YTM 365	Days to Maturity	Maturity Date					
Federal Agency Coupon Securities																	
3133XXYX9	0572-11	Federal Home Loan Bank		11/15/2011	1,500,000.00	1,519,005.00	1,516,942.26	1.875	0.302	0.306	263	06/21/2013					
313372TV6	0593-12A	Federal Home Loan Bank		04/02/2012	500,000.00	504,170.00	503,664.39	1.100	0.313	0.317	343	09/09/2013					
313372TV6	0593-12B	Federal Home Loan Bank		04/02/2012	1,000,000.00	1,008,340.00	1,007,328.78	1.100	0.313	0.317	343	09/09/2013					
3133EAYJ5	0592-12	Federal Farm Credit		03/30/2012	1,000,000.00	1,001,190.00	1,000,093.59	0.330	0.316	0.321	364	09/30/2013					
3134G23H3	0591-12	Federal Home Loan Mortgage Co.		03/30/2012	1,000,000.00	1,002,180.00	1,001,859.89	0.500	0.316	0.320	379	10/15/2013					
3137EACL1	0590-12	Federal Home Loan Mortgage Co.		03/30/2012	1,000,000.00	1,006,920.00	1,006,050.28	0.875	0.306	0.310	392	10/28/2013					
3134G23X8	0571-11	Federal Home Loan Mortgage Co.		11/15/2011	500,000.00	500,005.00	500,324.25	0.725	0.675	0.685	590	05/14/2014					
313380FJ1	0603-12	Federal Home Loan Bank		08/28/2012	1,000,000.00	999,380.00	1,000,000.00	0.300	0.296	0.300	604	05/28/2014					
313373EE8	0530-11	Federal Home Loan Bank		04/15/2011	3,500,000.00	3,563,245.00	3,502,553.07	1.420	1.356	1.375	606	05/30/2014					
313380PR2	0605-12	Federal Home Loan Bank		09/27/2012	1,000,000.00	999,640.00	1,000,000.00	0.300	0.296	0.300	634	06/27/2014					
313380GB7	0604-12	Federal Home Loan Bank		08/28/2012	1,000,000.00	1,000,130.00	1,000,000.00	0.400	0.395	0.400	696	08/28/2014					
3136FTDN6	0561-11A	Federal Nat'l Mtg. Assoc.		10/24/2011	1,500,000.00	1,500,255.00	1,500,000.00	1.000	0.986	1.000	935	04/24/2015					
3136FTDN6	0561-11B	Federal Nat'l Mtg. Assoc.		10/24/2011	1,000,000.00	1,000,170.00	1,000,000.00	1.000	0.986	1.000	935	04/24/2015					
3133792M0	0594-12	Federal Home Loan Bank		04/17/2012	3,500,000.00	3,524,325.00	3,500,000.00	0.540	0.533	0.540	942	05/01/2015					
3133EADT2	0582-12	Federal Farm Credit		02/21/2012	1,000,000.00	1,000,000.00	1,000,000.00	0.620	0.612	0.620	962	05/21/2015					
3134G3EL0	0573-11	Federal Home Loan Mortgage Co.		12/28/2011	1,000,000.00	1,001,960.00	1,000,000.00	1.150	1.134	1.150	1,183	12/28/2015					
31331KLC2	0538-11	Federal Farm Credit		05/16/2011	870,000.00	871,887.90	870,000.00	2.250	2.219	2.250	1,323	05/16/2016					
3135G0DX8	0577-11	Federal Nat'l Mtg. Assoc.		12/15/2011	1,500,000.00	1,500,660.00	1,500,000.00	1.375	1.356	1.375	1,479	10/19/2016					
31331KR69	0567-11	Federal Farm Credit		11/14/2011	1,000,000.00	1,000,130.00	1,000,000.00	1.470	1.450	1.470	1,505	11/14/2016					
3134G26H0	0576-11	Federal Home Loan Mortgage Co.		12/12/2011	1,500,000.00	1,501,260.00	1,500,000.00	1.250	1.244	1.250	1,519	11/28/2016					
3133EABE7	0579-12A	Federal Farm Credit		01/30/2012	1,500,000.00	1,504,125.00	1,499,675.21	1.230	1.218	1.235	1,582	01/30/2017					
3133EABE7	0579-12B	Federal Farm Credit		01/30/2012	1,000,000.00	1,002,750.00	999,783.47	1.230	1.218	1.235	1,582	01/30/2017					
3136FTM30	0580-12	Federal Nat'l Mtg. Assoc.		02/15/2012	1,500,000.00	1,500,570.00	1,500,000.00	0.500	0.371	0.390	1,598	02/15/2017					
3134G3NA4	0581-12	Federal Home Loan Mortgage Co.		02/28/2012	1,500,000.00	1,505,865.00	1,500,000.00	0.750	0.750	0.750	1,611	02/28/2017					
3133EAVS4	0598-12	Federal Farm Credit		06/27/2012	1,000,000.00	1,000,080.00	1,000,000.00	1.030	1.016	1.030	1,638	03/27/2017					
3133EAK80	0606-12A	Federal Farm Credit		09/14/2012	1,500,000.00	1,501,642.50	1,501,087.50	0.900	0.888	0.900	1,687	05/15/2017					
3133EAK80	0606-12B	Federal Farm Credit		09/14/2012	1,000,000.00	1,001,095.00	1,000,725.00	0.900	0.888	0.900	1,687	05/15/2017					
3136G0QG9	0597-12	Federal Nat'l Mtg. Assoc.		06/28/2012	2,500,000.00	2,503,175.00	2,500,000.00	1.125	1.110	1.125	1,731	06/28/2017					
3133EAWY0	0599-12	Federal Farm Credit		07/10/2012	1,000,000.00	1,002,400.00	1,000,000.00	1.040	1.026	1.040	1,743	07/10/2017					
3133EAZK7	0600-12	Federal Farm Credit		07/25/2012	1,500,000.00	1,502,740.42	1,500,040.42	0.970	0.957	0.970	1,757	07/24/2017					
3134G3M23	0607-12	Federal Home Loan Mortgage Co.		09/28/2012	1,000,000.00	1,000,000.00	1,000,000.00	1.020	1.006	1.020	1,823	09/28/2017					
Subtotal and Average										53,687,455.07	54,370,000.00	54,684,415.82	54,544,079.88	0.812	0.823	905	
Pass Through Securities (PAC/CMO)																	
3136FYK9	0453-09	Federal Nat'l Mtg. Assoc.		05/26/2009	205,162.96	206,929.41	214,715.86	4.400	0.694	0.704	85	12/25/2012					
31400GJZ9	0463-09	Federal Nat'l Mtg. Assoc.		09/28/2009	9,740.37	10,527.10	10,227.39	6.000	2.059	2.088	92	01/01/2013					

Portfolio 2013
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Investments FY 2012-2013
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CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	YTM 360	YTM 365	Days to Maturity	Maturity Date
Pass Through Securities / PAC/CMO												
31371K3N9	0444-09	Federal Nat'l Mtg. Assoc.		03/23/2009	11,139.32	12,201.57	11,654.51	5.500	2.138	2.167	151	03/01/2013
31371LB99	0442-09	Federal Nat'l Mtg. Assoc.		02/18/2009	36,348.96	39,267.42	37,530.30	4.500	2.576	2.612	304	08/01/2013
31371LGM3	0454-09	Federal Nat'l Mtg. Assoc.		06/16/2009	37,495.90	40,865.28	38,984.02	5.000	2.742	2.780	396	11/01/2013
31371LMX4	0458-09	Federal Nat'l Mtg. Assoc.		09/18/2009	89,691.07	96,328.21	92,718.14	4.000	2.109	2.138	516	03/01/2014
31371LVX4	0466-09	Federal Nat'l Mtg. Assoc.		10/19/2009	25,163.48	27,025.58	26,107.11	4.000	2.056	2.084	700	09/01/2014
31371LWK1	0465-09	Federal Nat'l Mtg. Assoc.		10/08/2009	30,629.33	33,088.56	32,007.65	4.500	2.252	2.284	730	10/01/2014
Subtotal and Average			492,817.42		445,371.39	466,233.13	463,944.98		1.552	1.573	296	
Total and Average			96,436,470.45		97,082,575.53	97,407,863.09	97,266,914.57		0.748	0.758	602	

Investments FY 2012-2013

Portfolio Management

Portfolio Details - Cash

September 30, 2012

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	YTM 360	YTM 365	Days to Maturity
		Average Balance	0.00								0
		Total Cash and Investments	96,436,470.45		97,082,575.53	97,407,863.09	97,266,914.57		0.748	0.758	602

**Investments FY 2012-2013
Portfolio Management
Investment Status Report - Investments
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CUSIP	Investment #	Issuer	Par Value	Stated Rate	Maturity Date	Purchase Date	YTM 360	YTM 365	Payment Dates	Accrued Interest At Purchase	Current Principal	Book Value
Certificates of Deposit												
SYS48315	48315	FN	5,000,000.00	1.000	05/31/2013	10/15/2010	0.986	1.000	05/31 - At Maturity		5,000,000.00	5,000,000.00
SYS7809399202	7809399202	WF	4,500,000.00	1.064	06/01/2014	10/14/2011	1.049	1.064	06/01 - At Maturity		4,500,000.00	4,500,000.00
SYS7809399210	7809399210	WF	4,500,000.00	1.226	06/01/2015	10/14/2011	1.209	1.226	06/01 - At Maturity		4,500,000.00	4,500,000.00
Certificates of Deposit Totals			14,000,000.00				1.078	1.093		0.00	14,000,000.00	14,000,000.00
Money Market												
SYS4531558874A	4531558874A	GWB	4,087,066.25	0.550			0.542	0.550	07/01 - Monthly		4,087,066.25	4,087,066.25
SYS4531558874B	4531558874B	GWB	10,169,456.67	0.550			0.542	0.550	07/01 - Monthly		10,169,456.67	10,169,456.67
Money Market Totals			14,256,522.92				0.542	0.550		0.00	14,256,522.92	14,256,522.92
Passbook/Checking Accounts												
SYS6952311634A	6952311634A	WF	4,005,522.52	0.250			0.247	0.250	10/31 - Monthly		4,005,522.52	4,005,522.52
SYS6952311634B	6952311634B	WF	4,005,158.70	0.250			0.247	0.250	10/31 - Monthly		4,005,158.70	4,005,158.70
Passbook/Checking Accounts Totals			8,010,681.22				0.247	0.250		0.00	8,010,681.22	8,010,681.22
Commercial Paper Disc. -Amortizing												
0027A0KF7	0586-12	ABBEEY	1,000,000.00	0.880	10/15/2012	03/26/2012	0.902	0.915	10/15 - At Maturity		995,037.78	999,657.78
3024A6PF3	0602-12A	FCARI	1,500,000.00	0.400	02/15/2013	08/10/2012	0.410	0.415	02/15 - At Maturity		1,496,850.00	1,497,716.67
3024A6PF3	0602-12B	FCARI	1,000,000.00	0.400	02/15/2013	08/10/2012	0.410	0.415	02/15 - At Maturity		997,900.00	998,477.78
3024A6PU0	0601-12A	FCARI	1,500,000.00	0.400	02/28/2013	08/10/2012	0.409	0.415	02/28 - At Maturity		1,496,633.34	1,497,500.00
3024A6PU0	0601-12B	FCARI	1,000,000.00	0.400	02/28/2013	08/10/2012	0.409	0.415	02/28 - At Maturity		997,755.56	998,333.34
Commercial Paper Disc. -Amortizing Totals			6,000,000.00				0.492	0.498		0.00	5,984,176.68	5,991,685.57
Federal Agency Coupon Securities												
31398A6F4	0570-11	FNMA	1,000,000.00	0.375	12/28/2012	11/15/2011	0.202	0.205	12/28 - 06/28	Received	1,001,900.00	1,000,410.17
3137EACJ6	0589-12A	FHLMC	1,000,000.00	1.625	04/15/2013	03/30/2012	0.230	0.234	04/15 - 10/15	Received	1,014,467.92	1,007,484.74
3137EACJ6	0589-12B	FHLMC	1,000,000.00	1.625	04/15/2013	03/30/2012	0.230	0.234	04/15 - 10/15	Received	1,014,467.92	1,007,484.74
3136F9DU4	0478-10	FNMA	500,000.00	4.000	04/15/2013	01/05/2012	2.219	2.250	04/15 - 10/15	Received	527,485.91	504,518.87
313373KA9	0588-12A	FHLB	1,000,000.00	0.800	04/26/2013	03/30/2012	0.217	0.220	04/26 - 10/26	Received	1,006,210.00	1,003,298.06
313373KA9	0588-12B	FHLB	1,000,000.00	0.800	04/26/2013	03/30/2012	0.217	0.220	04/26 - 10/26	Received	1,006,210.00	1,003,298.06
313376C86	0596-12A	FHLB	1,500,000.00	0.300	05/07/2013	04/26/2012	0.208	0.211	05/07 - 11/07	Received	1,501,380.00	1,500,803.45
313376C86	0596-12B	FHLB	1,000,000.00	0.300	05/07/2013	04/26/2012	0.208	0.211	05/07 - 11/07	Received	1,000,920.00	1,000,535.63
3137EABJ7	0529-11	FHLMC	3,000,000.00	3.500	05/29/2013	04/15/2011	0.834	0.846	05/29 - 11/29	Received	3,167,100.00	3,052,054.71
3137EABJ7	0595-12A	FHLMC	1,500,000.00	3.500	05/29/2013	04/26/2012	0.220	0.223	05/29 - 11/29	Received	1,553,563.61	1,532,438.01

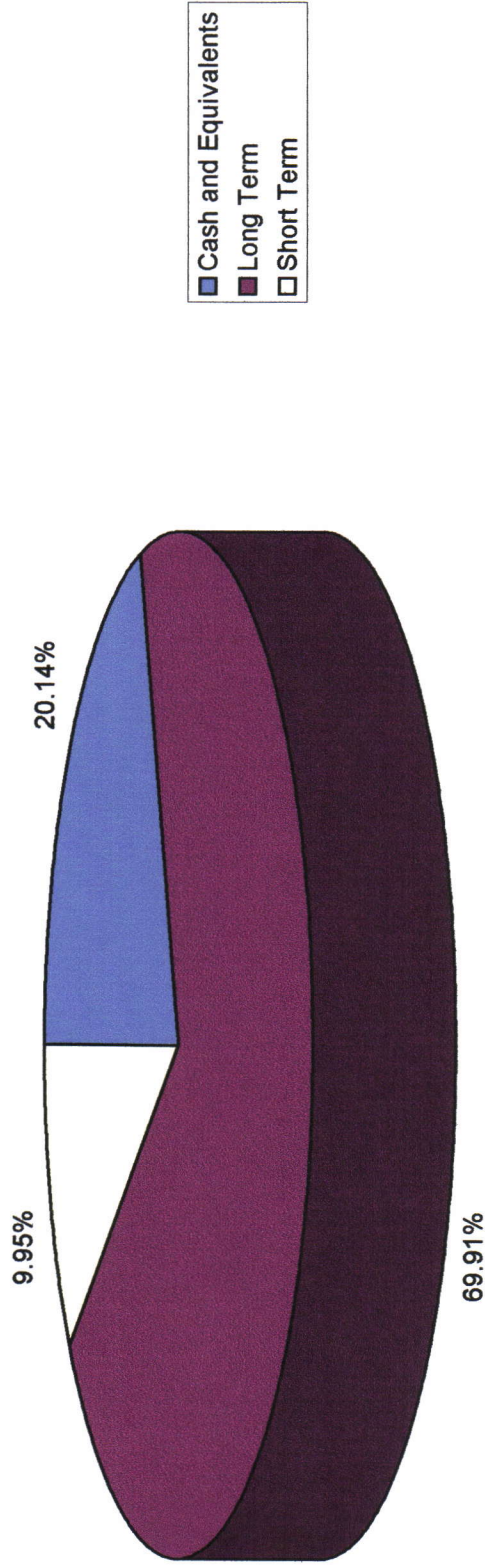
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CUSIP	Investment #	Issuer	Par Value	Stated Rate	Maturity Date	Purchase Date	YTM 360	YTM 365	Payment Dates	Accrued Interest At Purchase	Current Principal	Book Value
Federal Agency Coupon Securities												
3137EABJ7	0595-12B	FHLMC	1,000,000.00	3.500	05/29/2013	04/26/2012	0.220	0.223	05/29 - 11/29	Received	1,035,709.06	1,021,625.33
3133XXYX9	0572-11	FHLB	1,500,000.00	1.875	06/21/2013	11/15/2011	0.302	0.306	12/21 - 06/21	Received	1,537,533.62	1,516,942.26
313372TV6	0593-12A	FHLB	500,000.00	1.100	09/09/2013	04/02/2012	0.313	0.317	09/09 - 03/09	Received	505,605.00	503,664.39
313372TV6	0593-12B	FHLB	1,000,000.00	1.100	09/09/2013	04/02/2012	0.313	0.317	09/09 - 03/09	Received	1,011,210.00	1,007,328.78
3133EAJY5	0592-12	FFCB	1,000,000.00	0.330	09/30/2013	03/30/2012	0.316	0.321	09/30 - 03/30	Received	1,000,093.59	1,000,093.59
3134G23H3	0591-12	FHLMC	1,000,000.00	0.500	10/15/2013	03/30/2012	0.316	0.320	04/15 - 10/15	Received	1,002,760.00	1,001,859.89
3137EACL1	0590-12	FHLMC	1,000,000.00	0.875	10/28/2013	03/30/2012	0.306	0.310	04/28 - 10/28	Received	1,008,880.00	1,006,050.28
3134G23X8	0571-11	FHLMC	500,000.00	0.725	05/14/2014	11/15/2011	0.675	0.685	05/14 - 11/14	Received	500,500.00	500,324.25
313380FJ1	0603-12	FHLB	1,000,000.00	0.300	05/28/2014	08/28/2012	0.296	0.300	11/28 - 05/28	Received	1,000,000.00	1,000,000.00
313373EE8	0530-11	FHLB	3,500,000.00	1.420	05/30/2014	04/15/2011	1.356	1.375	05/30 - 11/30	Received	3,504,795.00	3,502,553.07
313380PR2	0605-12	FHLB	1,000,000.00	0.300	06/27/2014	09/27/2012	0.296	0.300	03/27 - 09/27	Received	1,000,000.00	1,000,000.00
313380GB7	0604-12	FHLB	1,000,000.00	0.400	08/28/2014	08/28/2012	0.395	0.400	02/28 - 08/28	Received	1,000,000.00	1,000,000.00
3136FTDN6	0561-11A	FNMA	1,500,000.00	1.000	04/24/2015	10/24/2011	0.986	1.000	04/24 - 10/24	Received	1,500,000.00	1,500,000.00
3136FTDN6	0561-11B	FNMA	1,000,000.00	1.000	04/24/2015	10/24/2011	0.986	1.000	04/24 - 10/24	Received	1,000,000.00	1,000,000.00
3133792M0	0594-12	FHLB	3,500,000.00	0.540	05/01/2015	04/17/2012	0.533	0.540	05/01 - 11/01	Received	3,500,000.00	3,500,000.00
3133EADT2	0582-12	FFCB	1,000,000.00	0.620	05/21/2015	02/21/2012	0.612	0.620	05/21 - 10/10	Received	1,000,000.00	1,000,000.00
3134G3EL0	0573-11	FHLMC	1,000,000.00	1.150	12/28/2015	12/28/2011	1.134	1.150	06/28 - 12/28	Received	1,000,000.00	1,000,000.00
3133TKLC2	0538-11	FFCB	870,000.00	2.250	05/16/2016	05/16/2011	2.219	2.250	11/16 - 05/16	Received	870,000.00	870,000.00
3135G0DX8	0577-11	FNMA	1,500,000.00	1.375	10/19/2016	12/15/2011	1.356	1.375	04/19 - 10/19	Received	1,500,000.00	1,500,000.00
31331KR69	0567-11	FFCB	1,000,000.00	1.470	11/14/2016	11/14/2011	1.450	1.470	05/14 - 11/14	Received	1,000,000.00	1,000,000.00
3134G26H0	0576-11	FHLMC	1,500,000.00	1.250	11/28/2016	12/12/2011	1.644	1.666	05/28 - 11/28	Received	1,500,000.00	1,500,000.00
3133EABE7	0579-12A	FFCB	1,500,000.00	1.230	01/30/2017	01/30/2012	1.218	1.235	07/30 - 01/30	Received	1,499,625.00	1,499,675.21
3133EABE7	0579-12B	FFCB	1,000,000.00	1.230	01/30/2017	01/30/2012	1.218	1.235	07/30 - 01/30	Received	999,750.00	999,783.47
3136FTM30	0580-12	FNMA	1,500,000.00	0.500	02/15/2017	02/15/2012	1.371	1.390	08/15 - 02/15	Received	1,500,000.00	1,500,000.00
3134G3NA4	0581-12	FHLMC	1,500,000.00	0.750	02/28/2017	02/28/2012	1.295	1.313	08/28 - 02/28	Received	1,500,000.00	1,500,000.00
3133EAVS4	0598-12	FFCB	1,000,000.00	1.030	03/27/2017	06/27/2012	1.016	1.030	09/27 - 10/12	Received	1,000,000.00	1,000,000.00
3133EAK80	0606-12A	FFCB	1,500,000.00	0.900	05/15/2017	09/14/2012	0.888	0.900	11/15 - 05/15	Received	1,500,000.00	1,501,087.50
3133EAK80	0606-12B	FFCB	1,000,000.00	0.900	05/15/2017	09/14/2012	0.888	0.900	11/15 - 05/15	Received	1,000,000.00	1,000,725.00
3136G0QG9	0597-12	FNMA	2,500,000.00	1.125	06/28/2017	06/28/2012	1.110	1.125	12/28 - 06/28	Received	2,500,000.00	2,500,000.00
3133EAWY0	0599-12	FFCB	1,000,000.00	1.040	07/10/2017	07/10/2012	1.026	1.040	01/10 - 07/10	Received	1,000,000.00	1,000,000.00
3133EAZK7	0600-12	FFCB	1,500,000.00	0.970	07/24/2017	07/25/2012	0.957	0.970	01/24 - 07/24	Received	1,500,000.00	1,500,040.42
3134G3M23	0607-12	FHLMC	1,000,000.00	1.020	09/28/2017	09/28/2012	1.006	1.020	03/28 - 09/28	Received	1,000,000.00	1,000,000.00
Federal Agency Coupon Securities Totals											1,852.92	54,770,213.82
			54,370,000.00			0.812	0.823			54,544,079.88		

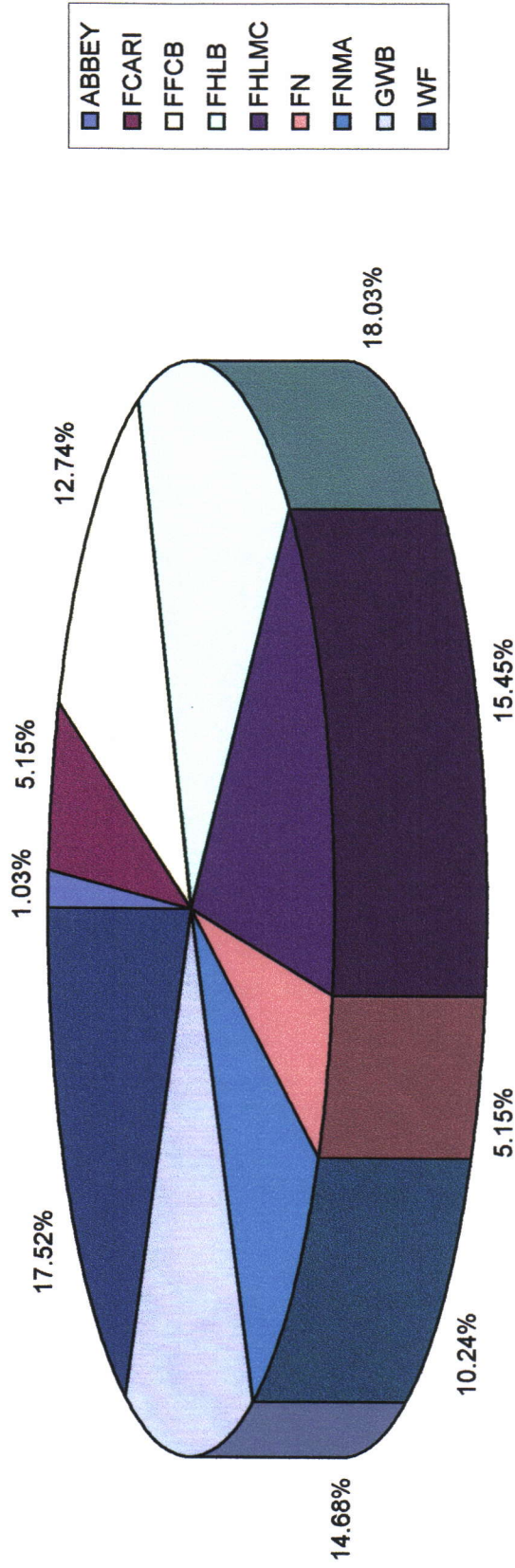
Investments FY 2012-2013
Portfolio Management
Investment Status Report - Investments
September 30, 2012

CUSIP	Investment #	Issuer	Par Value	Stated Rate	Maturity Date	Purchase Date	YTM 360	YTM 365	Payment Dates	Accrued Interest At Purchase	Current Principal	Book Value
Pass Through Securities /PAC/CMO												
3136F6YK9	0453-09	FNMA	205,162.96	4.400	12/25/2012	05/26/2009	0.694	0.704	06/25 - Monthly	Received	214,715.86	214,715.86
31400GJZ9	0463-09	FNMA	9,740.37	6.000	01/01/2013	09/28/2009	2.059	2.088	10/25 - Monthly	Received	10,227.39	10,227.39
31371K3N9	0444-09	FNMA	11,139.32	5.500	03/01/2013	03/23/2009	2.138	2.167	04/25 - Monthly	Received	11,654.51	11,654.51
31371LB99	0442-09	FNMA	36,348.96	4.500	08/01/2013	02/18/2009	2.576	2.612	03/25 - Monthly	Received	37,530.30	37,530.30
31371LWX4	0454-09	FNMA	37,495.90	5.000	11/01/2013	06/16/2009	2.742	2.780	07/25 - Monthly	Received	38,984.02	38,984.02
31371LWX4	0458-09	FNMA	89,681.07	4.000	03/01/2014	09/18/2009	2.109	2.138	10/25 - Monthly	Received	92,718.14	92,718.14
31371LVX4	0466-09	FNMA	25,163.48	4.000	09/01/2014	10/19/2009	2.056	2.084	11/25 - Monthly	Received	26,107.11	26,107.11
31371LWK1	0465-09	FNMA	30,629.33	4.500	10/01/2014	10/08/2009	2.252	2.284	11/25 - Monthly	Received	32,007.65	32,007.65
Pass Through Securities /PAC/CMO Totals							1.552	1.573		0.00	463,944.98	463,944.98
Investment Totals			97,082,575.53				0.748	0.758		1,852.92	97,485,539.62	97,266,914.57

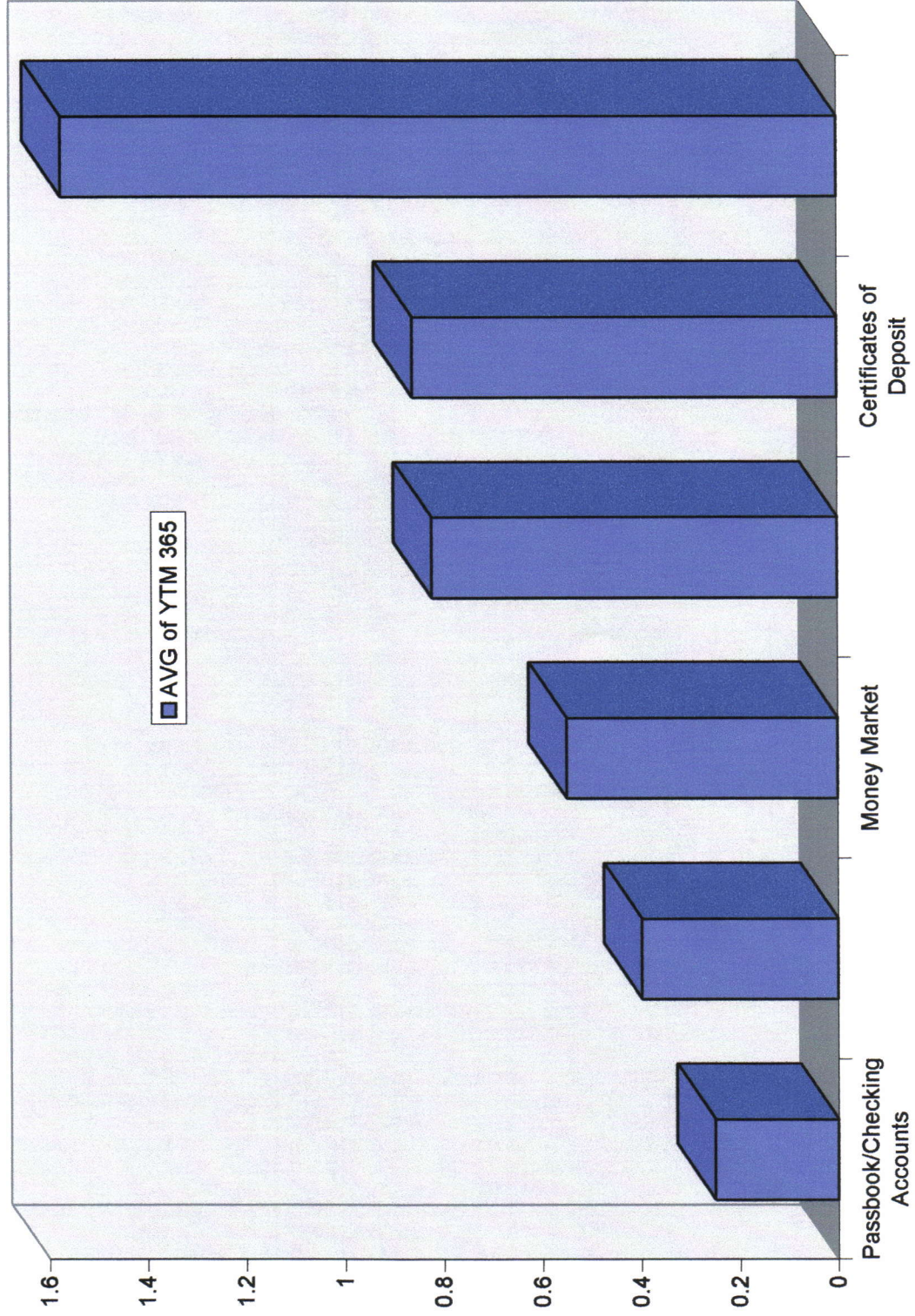
Portfolio by Asset Class



Par Value by Issuer Graph

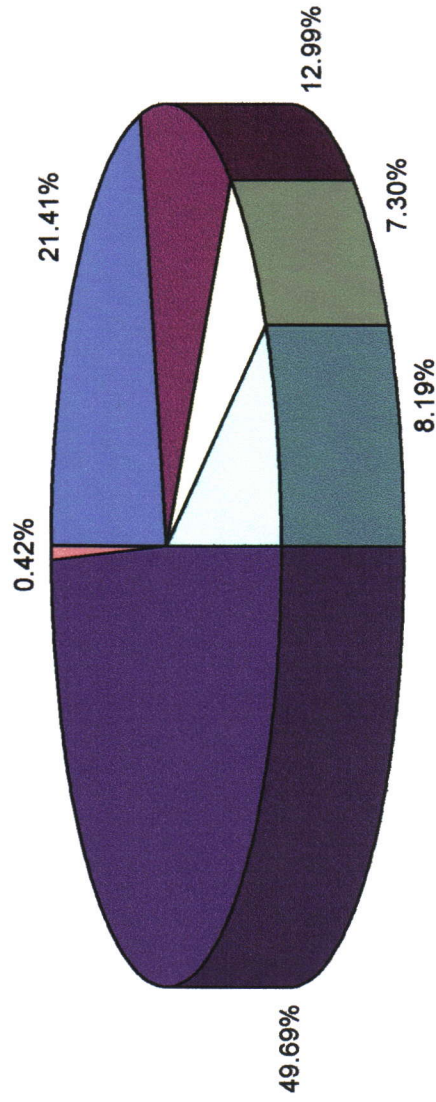


Investment Yield by Type



For Quarter Ending September 30, 2012

Book Value By Investment Type



- Certificates of Deposit
- Money Market
- Passbook/Checking Accounts
- Commercial Paper Disc. -Amortizing
- Federal Agency Coupon Securities
- Pass Through Securities /PAC/CMO

COUNCIL ACTION FORM

SUBJECT: PROPOSED REVISIONS TO PURCHASING POLICIES

BACKGROUND:

A review of the City’s purchasing policies and procedures generally is done every two years. The last major revisions were effective April 1, 2011. Instead of a large revision every two years, it is staff’s intent to periodically provide revisions to the Purchasing Policies as the need arises.

As part of Purchasing’s service objectives, staff will recommend policies and procedures that comply with applicable laws and regulations, protect the interests of the City, and enable City programs to provide cost-effective services to the public. Two specific areas of revision are directed at the public improvement bid thresholds and sales tax exemption certificate for construction contracts.

Public Improvement Bid Thresholds

Iowa Code Section 314.1B establishes horizontal and vertical bid threshold subcommittees that meet every other year to establish the bid and quote thresholds for city and county projects. The subcommittee has begun to raise the bid threshold for construction projects and the City would like to follow the statutory limits set by them. To accomplish this, the City’s purchasing policy will be modified to allow public improvement bid threshold to be set by this subcommittee. The City Council will be notified by staff in December of each year when the bid thresholds change and what the new limits will be. The changes to the bid thresholds become effective January 1 of the year following the year after the adjustment is made. Currently the City’s bid threshold is set by the City’s purchasing policy at \$50,000 for horizontal construction and \$100,000 for vertical construction. Proposed revisions are listed below.

Year Effective	Threshold	Horizontal Infrastructure Cities > 50,000 population	Vertical Infrastructure Cities > 50,000 population
2012	Competitive bid	\$67,000	\$125,000
2012	Competitive Quote	N/A	\$ 69,000

Increasing the bid threshold will allow smaller projects to be bid without the need for a bid bond or publishing a public notice to bidders, thus eliminating these costs to the project. The performance bond will remain a requirement at \$25,000 and the specifications and drawings will be required to be stamped by a registered architect, engineer or landscape architect if the project is determined to be a public improvement, regardless of the estimated value of the work.

Sales Tax Exemption Certificate for Construction Contracts

The City's current procedure requires the contractor to include sales tax in their bid and, upon final completion of the project, the contractor submits a Contractor's Statement to the City. City staff then request a refund of the sales tax paid from the Department of Revenue.

On January 1, 2003, a change in the Iowa Code allowed the tax exempt certificate process as an option. At that time, the City evaluated its merit and decided to stay with the existing process. Since then, the tax exempt certificate process has become recognized as a standard form in construction contracts with public entities instead of the Contractor Statement process. The DOT, Mary Greeley Medical Center, Iowa State University, and the cities of Des Moines, Iowa City and Cedar Rapids currently use the tax exempt certificate process. In a recent survey, the City of West Des Moines was the only public entity contacted that continues to use the Contractor Statement process.

The Finance Accounting Division currently processes the Contractor's Statement submitted by the contractors. Experience has shown that some contractors struggle to complete the forms properly, which can delay close out of the project and the refund to the City of sales tax that did not need to be paid. Under the new tax exempt certificate process, each City department entering into a construction contract will be responsible to provide all the necessary details of the project and the list of contractors and subcontractors to the Purchasing Division, which will create the tax exempt certificates for the contractor's to use for the project. Contractors will no longer be required to submit a Contractor's Statement at the end of the project, and the City will not be paying sales tax and waiting for reimbursement after the close of the project. Additionally, City staff will no longer be responsible to obtain the Contractor's Statement at the end of the project.

By making this change to the Sales Tax Exemption Certificate for Construction Contracts, construction bids are expected to be lower, excluding sales tax, and delays in project close out and in receiving the sales tax refunds will be eliminated. This revision is also a benefit to contractors, who will no longer need to pay administrative personnel to track the sales tax and prepare the forms for submission to the City.

These specific areas of revision will improve the City's efficiency of the procurement process and administration of construction projects. A summary of proposed policy revisions is attached. The complete proposed manual is available in the City Clerk's office.

ALTERNATIVES:

1. Approve revisions to the purchasing policies to be become effective November 1, 2012. Purchasing staff would immediately begin training users on policy revisions.
2. Do not approve revisions to the purchasing policies.

MANAGER'S RECOMMENDED ACTION:

The proposed revisions to the purchasing policies reflect new statutory limits and current practices on construction projects for public entities. These revisions will improve the City's efficiency of the procurement process and administration of construction projects.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving these revisions to the purchasing policies to become effective November 1, 2012.

SUMMARY OF 2012 CHANGES TO PURCHASING POLICIES

Section 1: Organization, Purpose, and General Guidelines: No additional changes

Section 2: Requisitions for Purchase Order: No additional changes

Section 3: Fleet Vehicles and Equipment: No additional changes

Section 4: Technology and Communications Purchases: no additional changes

Section 5: Specifications and Descriptions/Statements of Work: No additional changes

Section 6: Bids, Quotations, and Proposals

Section	Subject	Description of Change	Comments
6.04 A, B, C & D	Bid Threshold Amounts for Bids/Quotations and Proposals	Change bid thresholds limits.	Reflects statutory bid threshold limits raised by subcommittee for public improvements.
6.05	Types of Solicitations	Change footnote to the current bid threshold limits.	Reflects statutory bid threshold limits raised by subcommittee for public improvements.
6.12 D8	Changes to Contracts Awarded by City Council	Change bid thresholds limits.	Reflects statutory bid threshold limits raised by subcommittee for public improvements.
6.14 D5	Bids, Quotations and Proposals	Remove D5, "When required by the Code of Iowa or in the bidding documents, payment of retained funds will be further subject to the receipt of the Contractor's Statement of Sales Taxes. The City has chosen to pay sales tax on public improvements projects and to apply for a refund from the Iowa Department of Revenue and Finance. The Contractor shall pay sales tax on all construction materials and submit a "Contractor's Statement" on the appropriate Iowa Department of Revenue and Finance Form prior to release of retained funds."	Reflects revision in the sales tax procedures for public improvements.

Section 7: Purchase Order-Receiving Report: No additional changes

Section 8: Emergency & Rapid Need Purchases: No additional changes

Section 9: Travel, Conference, & Training Expense: No additional changes

Section 10: Reserved

Section 11: Central Office Supply Store & Inventory Management: No additional changes.

Section 12: Disposal of Surplus Property: No additional changes

Section 13: Conflict of Interest Policies and Code of Ethics – No additional changes

Section 14: Procurement Card Program – No additional changes

Rev. 11/1/2012

SUMMARY OF 2012 CHANGES TO PURCHASING PROCEDURES

Section 15: Procedures for Requisitions or Purchase Order: No additional changes

Section 16: Procedures for the Purchase of Fleet Equipment: No additional changes

Section 17: Procedures for the Purchase of Technology & Communication Equipment: No additional changes

Section 18: Specification Guidelines & Procedures: No additional changes

Section 19: Procedures for Bids, Quotations, and Proposals

Section	Subject	Description of Change	Comments
19.01 B & C	Determining if a Competitive Solicitation is Required	Change bid thresholds limits.	Reflects statutory bid threshold limits raised by subcommittee for public improvements.
19.04 D & F	Other Bid Requirements and Conditions	Change bid thresholds limits.	Reflects statutory bid threshold limits raised by subcommittee for public improvements.

Section 20: Procedures for Purchase Order Receiving Report: No additional changes

Section 21: Procedures for Emergency & Rapid Need Purchases: No additional changes

Section 22: Procedures for Travel, Conference, & Training Expenses: No additional changes

Section 23: Section not used

Section 24: Procedures for Central Stores & Catalogued Inventory Management: No additional changes

Section 25: Procedures Relating to Conflict of Interest & Code of Ethics: No additional changes

Section 26: Procurement Card Program Procedures: No additional changes

Rev. 11/1/2012

PUBLIC IMPROVEMENT BID THRESHOLD AMOUNTS
Effective November 1, 2012

\$10,000-\$24,999

Description		City of Ames
Public improvements		Written competitive bids or quotations

\$25,000 - \$66,999

Description		City of Ames
Public improvements, and repair and maintenance of public improvements, "horizontal"		Written competitive bids or quotations

\$67,000 or more

Description		City of Ames
Public improvements, and repair and maintenance of public improvements, "horizontal"		Formal sealed bids per <i>Code of Iowa</i> Chapter 26 and bid threshold subcommittee.

\$25,000-\$68,999

Description		City of Ames
Public Improvements, and repair and maintenance of public improvements, "vertical"		Written competitive quotes per <i>Code of Iowa</i> Chapter 26 and bid threshold subcommittee.

\$69,000-\$124,999

Description		City of Ames
Public improvements, and repair and maintenance of public improvements, "vertical"		Written competitive bids per <i>Code of Iowa</i> Chapter 26 and bid threshold subcommittee.

\$125,000 or more

Description		City of Ames
Public improvements and repair and maintenance of public improvements, "vertical"		Formal sealed bids per <i>Code of Iowa</i> Chapter 26 and bid threshold subcommittee.

BID/PROPOSAL REQUIREMENTS

Appendix 6-1

Note: Amounts are total project amount!			Professional Services Qualified by Experience or Technical Ability	Professional Services Qualified by License or Education	Special: Conflict of Interest Potential
	Commodities	General Services			
<u>Bid Threshold Amount:</u>					
Less than \$10,000	Informal quotes when determined to be of a competitive nature and value is significant enough to result in savings				Sealed bids.
\$10,000-\$24,999	Written competitive quotes	Written competitive quotes	Same as above	Same as above	Sealed bids.
\$25,000-\$49,999	Written competitive quotes	Written competitive quotes	Written competitive proposals	Written competitive proposals	Sealed bids.
\$50,000-\$99,999	Written competitive bids	Written competitive bids	Written competitive proposals	Written competitive proposals	Formal Sealed Bids
\$100,000 or more	Formal sealed bids	Formal sealed bids	Written competitive proposals	Written competitive proposals	Formal sealed bids
<u>Award Authority:</u>					
Less than \$2,500	Using department	Using department	Using department	Using department	Purchasing, with recommendation from using dept.
\$10,000-\$24,999	Purchasing, with recommendation from using department				
\$25,000-\$49,999	City Manager				
\$50,000-\$99,999	City Council				
\$100,000 or more	City Council				
<u>Bid Security:</u>					
Less than \$2,500	none	none	none	none	none
\$10,000-\$24,999	none	none	none	none	none
\$25,000-\$49,999	none	none	none	none	none
\$50,000-\$99,999	When appropriate for project	When appropriate for project	When appropriate for project	When appropriate for project	When appropriate for project
\$100,000 or more	When appropriate for project	When appropriate for project	When appropriate for project	When appropriate for project	When appropriate for project
<u>Performance & Payment Bond:</u>					
Less than \$2,500	none	none	none	none	none
\$10,000-\$24,999	none	none	none	none	none
\$25,000-\$49,999	When appropriate for project	When appropriate for project	When appropriate for project	When appropriate for project	When appropriate for project
\$50,000-\$99,999	When appropriate for project	When appropriate for project	When appropriate for project	When appropriate for project	When appropriate for project
\$100,000 or more	When appropriate for project	When appropriate for project	When appropriate for project	When appropriate for project	When appropriate for project

Standard practice is formal sealed bids

BID/PROPOSAL REQUIREMENTS

Note: Amounts are total project amount!			Professional Services Qualified by Experience or Technical Ability	Professional Services Qualified by License or Education	Appendix 6-1 Special: Conflict of Interest Potential
	Commodities	General Services			
<u>Publication of Notice:</u>					
Less than \$2,500	none	none	none	none	Required
\$10,000-\$24,999	none	none	none	none	Required
\$25,000-\$49,999	When appropriate for project	When appropriate for project	When appropriate for project	When appropriate for project	Required
\$50,000-\$99,999	When appropriate for project	When appropriate for project	When appropriate for project	When appropriate for project	Required
\$100,000 or more	When appropriate for project	When appropriate for project	When appropriate for project	When appropriate for project	Required

COUNCIL ACTION FORM

SUBJECT: FLEXIBLE SPENDING PLAN DOCUMENT

BACKGROUND:

A Flexible Spending Account, as provided to benefit-eligible City of Ames employees, allows an employee to set aside a portion of his or her earnings to pay for qualified expenses, such as health insurance premiums, as well as medical and dependent care expenses. Money deducted from an employee's pay into a Flexible Spending Account is not subject to payroll taxes resulting in substantial payroll tax savings.

Over the past several years, Wellmark Blue Cross Blue Shield has provided good customer service and flexible reimbursement options including automatic reimbursement of health and pharmacy claims processed through Wellmark and direct deposit of reimbursement when elected.

Effective January 1, 2013, Wellmark will charge \$4.60 per contract per month in claims processing fees and \$400 in annual administration fees. This is an increase of 0% from 2012.

ALTERNATIVES:

1. Accept the renewal documents from Wellmark for administrative and claims processing services for our flexible spending account (FSA) benefit effective January 1, 2013.
2. Do not renew the agreement with Wellmark and seek another company to provide this service.

MANAGER'S RECOMMENDED ACTION:

Over the past several years Wellmark Blue Cross Blue Shield has been an effective administrator of the City's Flexible Spending Account. Wellmark's services are cost-effective, and they have a strong working relationship with Human Resources staff and the City's other health care partners. Renewal of this contract will provide the best value to the City in administering its health insurance program

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the renewal for administrative and claims processing services for the Flexible Spending Account (FSA) benefit with Wellmark Blue Cross Blue Shield of Iowa for the period from January 1, 2013 to December 31, 2013.

HEALTH CARE FLEXIBLE SPENDING ACCOUNT AMENDMENT

**ARTICLE I
PREAMBLE**

- 1.1 **Adoption and effective date of amendment.** The Employer adopts this Amendment to the City of Ames Flexible Spending Account Plan ("Plan") to reflect changes to Internal Revenue Code (IRC) Section 125(i), as amended by the Affordable Care Act (ACA). The sponsor intends this Amendment as good faith compliance with the requirements of this provision. This Amendment shall be effective on or after the date the Employer elects in Section 2.1 below.
- 1.2 **Supersession of inconsistent provisions.** This Amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment.

**ARTICLE II
LIMITATION ON ALLOCATIONS**

- 2.1 **Effective Date.** This Amendment is effective as of January 1, 2013 (the first day of the plan year beginning on or after January 1, 2013).
- 2.2 **Limitation on Allocations.** Notwithstanding any provision contained in this Health Care Flexible Spending Account to the contrary, the maximum annual contribution amount that may be allocated to the Health Care Flexible Spending Account Benefit may not exceed the lesser of the Participant's salary reduction elected for the plan year or \$2,500 plus any Employer contributions that may be made. (The \$2,500 amount will be indexed each year to reflect any anticipated cost of living adjustments as assigned by the IRS.)

This Amendment has been executed this ____ day of _____, _____.

Name of Employer:

_____ City of Ames _____

By: _____

EMPLOYER

CERTIFICATE OF ADOPTING RESOLUTION

The undersigned authorized representative of the City of Ames (the Employer) hereby certifies that the following resolutions were duly adopted by Employer on October 23, 2012, and that such resolutions have not been modified or rescinded as of the date hereof;

RESOLVED, that the Amendment to the City of Ames Flexible Spending Account Plan (the Amendment) is hereby approved and adopted, and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the amendment.

The undersigned further certifies that attached hereto is a copy of the Amendment approved and adopted in the foregoing resolution.

Date: _____

Signed: _____

(print name/title)

SUMMARY OF MATERIAL MODIFICATIONS (SMM)

For the

City of Ames Flexible Spending Account Plan

(1) **General.** This is a Summary of Material Modifications regarding the above referenced Plan ("Plan"). This Summary of Material Modifications supplements and amends the Summary Plan Description (SPD) previously provided to you. You should retain this document with your copy of the SPD.

(2) **Identification of Employer.** The legal name, address and Federal Employer Identification number of the Employer are:

City of Ames

EIN: 42-600-4218

515 Clark Avenue

Ames, Iowa 50010

FOR CAFETERIA PLANS:

(3) **Description of Modifications.** The Employer has amended your Plan effective as of the first day of the Plan year coinciding with or following January 1, 2013. Subsequent plan years will reflect the IRS cost-of-living adjustment indexed amount.

If you have any questions regarding the application of this provision to you, contact your Plan Administrator.

BENEFITS

Annual Health Care Spending Account Amount. The maximum annual contribution amount that may be allocated to your Health Care Flexible Spending Account Benefit may not exceed the lesser of your salary reduction (contribution) elected for the year or \$2,500 plus any Employer contributions that may be made. (The \$2,500 amount will be indexed each year to reflect any anticipated cost of living adjustments as assigned by the IRS.)

COUNCIL ACTION FORM

SUBJECT: REIMBURSEMENT AGREEMENT FOR POLICE OVERTIME TO ENFORCE UNDERAGE DRINKING LAWS

BACKGROUND:

With City Council approval, in October of 2008 the Police Department entered into an agreement with Youth and Shelter Services (YSS) under which YSS reimbursed the Police Department for officer overtime and other expenses related to enforcement of underage drinking laws. Under the agreement, the Police Department conducted compliance checks and special enforcement activities that specifically addressed underage drinking.

The agreement was renewed for additional 12 month periods in each of the last four years. The Police Department is requesting permission to again renew that agreement with YSS for a fifth consecutive year under the similar terms and conditions.

The grant is part of the Drug Free Communities Grant Program. The maximum reimbursement for the year would be \$6,000. **There is no local match required with this grant.** This is the last year of the YSS Drug Free Communities Grant Program.

If approved, the Police Department will continue to carry out enforcement activities and compliance checks related to underage drinking with alcohol retailers. The officers conducting this enforcement supplement regular Police Department staff on an overtime basis. Areas targeted by this program will be selected by each Police Department shift supervisor.

ALTERNATIVES:

1. Approve the Underage Enforcement agreement between the Police Department and Youth and Shelter Services.
2. Do not approve the Underage Enforcement agreement.

MANAGER'S RECOMMENDED ACTION:

These funds supplement the Police Department's existing efforts to combat alcohol problems in the City of Ames.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the Underage Enforcement agreement between the Police Department and Youth and Shelter Services.



Memo

City Clerk's Office

TO: Mayor and Members of the City Council

FROM: City Clerk's Office

DATE: October 19, 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.

COUNCIL ACTION FORM

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

BACKGROUND:

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

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

A previous location, Little Street (Hayward Avenue to Welch Avenue), was completed in November 2011, and a second set of streets, East O'Neil (Duff Avenue to Maxwell Avenue) and Hunziker Drive (20th Street to Melrose Avenue), was included in Contract #2 which utilized I-JOBS funding.

On May 8, 2012, Council awarded this contract to Manatts, Inc. of Ames, Iowa, in the amount of \$795,711.65.

Change order No. 1 is for the addition of Curtiss Avenue to the program. The street is currently under construction having the curb and gutter replaced as part of the 2011/12 & 2012/13 Neighborhood Curb Replacement Program. During this project, it was determined that replacing only the curb and gutter resulted in excessive cross slope as the new gutters connected with the existing street, a condition which would create a winter maintenance challenge and a potential safety issue. This change order authorizes replacement of the seal coat surface during this construction season in coordination with the 2011/12 & 2012/13 Neighborhood Curb Replacement Program.

Although replacement of the street surface for this section of Curtiss was not originally included in this project, it is definitely warranted. The original street was constructed in 1936 and eight seal coat overlays have been placed on the surface since that time. The City's street condition inventory designates this street as being in poor condition, meaning that surface replacement would have needed to follow within the next few years.

Costs associated with this project to date include the following:

<u>Project Locations</u>	<u>Total</u>
Little Street (Actual)	\$ 44,237.00
East O'Neil & Hunziker (Actual)	\$ 327,207.15
22 nd , 25 th , 26 th , Fletcher & Melrose (Contract)	\$ 795,711.65
CO #1 Curtiss Avenue (10th to 13th)	\$ 102,930.00
Engineering & Administration (Estimate)	\$ 175,000.00
Overall Total:	\$1,445,085.80

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

ALTERNATIVES:

1. Approve Change Order No. 1 in the amount of \$102,930.00 for the 2010/2011 & 2011/2012 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program.
2. Direct staff to pursue modifications to the project.

MANAGER'S RECOMMENDED ACTION:

Approval of Change Order No. 1 will allow this section of Curtiss Avenue to be reconstructed this fall, which will alleviate winter maintenance and potential safety issues. This addition can be accomplished within the overall budget established for these projects.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving Change Order No. 1 in the amount of \$102,930.00 for the 2010/2011 & 2011/2012 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program.

COUNCIL ACTION FORM

SUBJECT: 2010/2011 CONCRETE PAVEMENT IMPROVEMENTS – LINCOLN SWING (BEEDLE DRIVE TO SOUTH DAKOTA AVENUE) AND OAKLAND STREET (NORTH HYLAND TO HAWTHORNE AVENUE)

BACKGROUND:

This annual program was to remove and replace concrete street sections that have deteriorated. Removal and replacement of these street sections provide enhanced rideability to residents and visitors.

The project locations were Lincoln Swing between Beedle Drive and South Dakota Avenue and Oakland Street from North Hyland to Hawthorne Avenue. Work consisted of concrete pavement reconstruction, storm sewer intake replacement, sanitary sewer manhole replacement, sanitary sewer main repairs, upgrading of existing pedestrian facilities to meet current Americans with Disabilities Act (ADA) standards, and restoration of the affected areas with sod.

The contract required Lincoln Swing to be staged to allow for access to all properties at all times during construction and to accommodate the annual Hope Run this past spring. Oakland Street was constructed such that the street was passable for local traffic during the move-in/move-out times associated with Iowa State University student leases, due to the large number of rental properties in the area.

On April 10, 2012, City Council awarded the project to Con-Struct, Inc. of Ames, Iowa, in the amount of \$739,207.10. One change order was approved administratively by staff. Change order No. 1, in the amount of \$28,732.50, included changes to pavement thickness and modification to the existing storm sewer at the intersection of Oakland Street and Campus Street, along with the addition of trail repair along Lincoln Swing.

Change order No. 2 is the balancing change order for the project in the amount of \$27,640.44. Items in the this change order include additional grading and soil stabilizing measures due to soft and yielding soils, additional sanitary sewer rehabilitation work, additional site restoration activities, and balancing the actual field installed quantities.

The costs associated with this project to date include the following:

Con-Struct, Inc. (original construction contract)	\$ 739,207.10
Con-Struct, Inc (change order No. 1)	\$ 28,732.50
Con-Struct, Inc (change order No. 2)	\$ 27,640.44
Engineering and Construction Administration (estimate)	<u>\$ 215,000.00</u>
Total Cost	\$1,105,580.04

This project was programmed with financing in the amount of \$1,000,000 from General Obligation Bonds. Unobligated funds from the 2011/12 Sanitary Sewer Rehabilitation Program in the amount of \$200,000 are also being used, bringing total project funding to \$1,200,000.

ALTERNATIVES:

1. Approve Change Order No. 2 in the amount of \$27,640.44 for the 2010/2011 Concrete Pavement Improvements – Lincoln Swing (Beedle Drive to South Dakota Avenue) and Oakland Street (North Hyland to Hawthorne Avenue).
2. Direct staff to pursue modifications to the project.

MANAGER'S RECOMMENDED ACTION:

Approval of Change Order No. 2 will allow the project to move forward towards final acceptance and completion.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving Change Order No. 2 in the amount of \$27,640.44 for the 2010/2011 Concrete Pavement Improvements – Lincoln Swing (Beedle Drive to South Dakota Avenue) and Oakland Street (North Hyland to Hawthorne Avenue).

COUNCIL ACTION FORM

SUBJECT: 2011/2012 WATER SYSTEM IMPROVEMENTS (WATER SERVICE TRANSFERS)

BACKGROUND:

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

The 2011/2012 program locations for water service transfers were on Lincoln Way (Franklin Avenue to Hayward Avenue), Franklin Avenue (500' South of Lincoln Way to Woodland Street) and Campus Avenue (Lincoln Way to Oakland Street). Duplicate water mains have existed along all locations, but water services were not transferred to the larger main when installation was completed. Transfer of water services to the larger mains improved the water service for those customers affected and provided a higher quality water supply. Following transfer of services, the smaller mains were abandoned, which will reduce maintenance in these areas.

On April 12, 2011, Council awarded this contract to Synergy Contracting LLC of Bondurant, Iowa, in the amount of \$352,062.60. Construction was completed in the amount of \$347,469.70. One change order was approved administratively by staff.

Change order No. 1, in the amount of \$32,155, included changes in the existing water main abandonments due to unknown site conditions and additional interior plumbing required to install the new water services.

Change order No. 2, the balancing change order, is a reduction in the amount of \$36,747.90. Items in this change order include reduction in plan quantities for water service transfers that had already taken place, change in water main abandonments due to unknown site conditions, and liquidated damages (41 calendar days) for failure to complete the work within the contract allotted time. Liquidated damages for this contract were \$400 per calendar day.

The 2011/12 Water Systems Improvements Program includes expenses as follows:

Douglas Avenue Water Main Replacement (estimated) <i>(bid with Douglas Avenue Street Replacement project)</i>	\$ 92,900.00
Graeber/Hughes Water Main Replacement (actual)	\$154,580.90
Water Service Transfers (actual)	\$347,469.70
Engineering and Contract Administration (estimated)	<u>\$120,000.00</u>
	<u>\$714,950.60</u>

The 2011/12 budget includes \$900,000 from the Water Utility Fund for these system improvements. Remaining funds will be used for contingencies on the active contracts or on future water systems projects as they are identified.

ALTERNATIVES:

- 1a. Approve Change Order No. 2, a reduction in the amount of \$36,747.90.
 - b. Accept the 2011/2012 Water System Improvements (Water Service Transfers) as completed by Synergy Contracting LLC, of Bondurant, Iowa, in the amount of \$347,469.70.
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. The balancing change order includes appropriate liquidated damages, since the contractor did not complete the project within the timeframe specified in the plans and specifications.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving Change Order No. 2, a reduction in the amount of \$36,747.90, and accepting the 2011/12 Water System Improvements (Water Service Transfers) as completed by Synergy Contracting LLC, of Bondurant, Iowa, in the amount of \$347,469.70.

COUNCIL ACTION FORM

**SUBJECT: COMPLETION OF FISCAL YEAR 2011/12 WATER TREATMENT
PLANT LIME SLUDGE DISPOSAL OPERATIONS**

BACKGROUND:

On June 10, 2008, the Ames City Council awarded a contract for the Water Treatment Plant Lime Sludge Disposal Operations to Wulfekuhle Injection and Pumping of New Vienna, Iowa in the amount of \$316,220. This contract also included the option of extending the contract up to a period of five years. A change order was issued on November 22, 2011 increasing the 2011/12 contract to \$435,444 to include the removal of approximately 10,900 wet tons of lime sludge that could not be hauled during the previous contract year due to unfavorable weather conditions. That change order also extended the original completion date for lime sludge disposal operations from May 1, 2012 to June 30, 2012.

All work required under the 2011/12 contract has now been satisfactorily completed. The actual cost for these operations was \$435,444.

ALTERNATIVES:

1. Accept completion of the 2011/12 Water Treatment Plant Lime Sludge Disposal Operations contract and release retainage to Wulfekuhle Injection and Pumping in accordance with the contract documents.
2. Do not accept completion of the 2011/12 Water Treatment Plant Lime Sludge Disposal Operations at this time.

MANAGER'S RECOMMENDED ACTION:

All work required to complete the 2011/12 portion of the five-year Water Treatment Plant Lime Sludge Disposal Operations has now been completed.

Therefore, it is the recommendation of the City Manager to adopt Alternative No. 1, thereby approving completion of this contract and releasing the retainage to Wulfekuhle Injection & Pumping.

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY – 515 DOUGLAS 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: 515 Douglas Avenue
Assessor's Parcel #: 0902376020 and 0902376065
Legal Description: See Plat of Survey
Owners: City of Ames

A copy of the proposed plat of survey is attached for Council consideration. The plat consolidates a number of parcels in anticipation of the Ames Public Library expansion project.

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, subject to:
 - A. Vacating of a section of the alley west of the Ames Public Library.
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.

The purpose of this Plat of Survey is to consolidate the lots where the library building is presently located with the vacant parcel between the existing building and the alley, and a 69-foot section of the alley to be used for construction of the library bookmobile garage. This will result in a single parcel of land for the proposed expansion of the library building

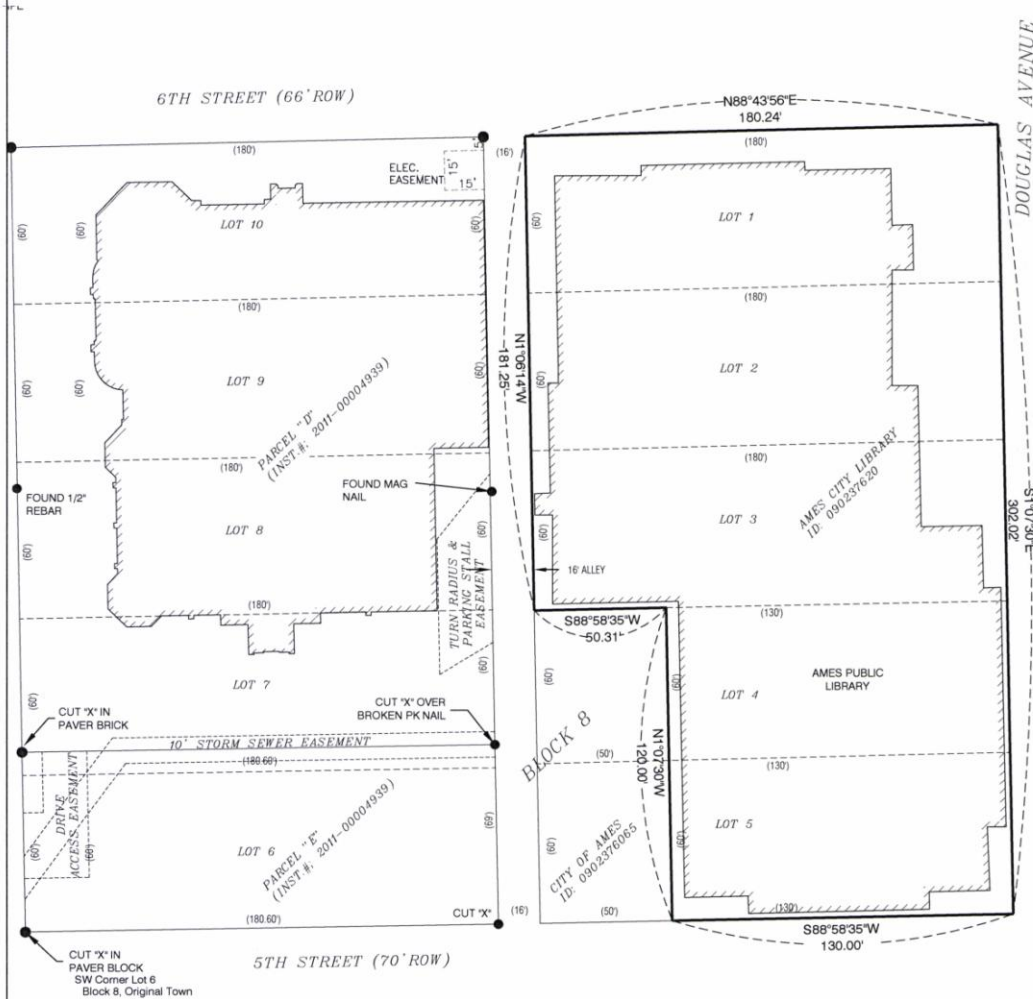
Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to adopt the resolution approving the proposed plat of survey, subject to vacating of a section of the alley west of the Ames Public Library.

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.

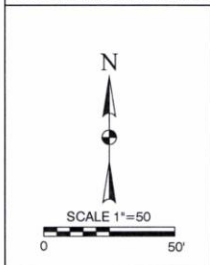
PREPARED BY - CLAPSADDLE-GARBER ASSOCIATES, INC, 16 EAST MAIN STREET, P.O. BOX 754, MARSHALLTOWN, IOWA 50158 - PHONE 641-752-6701

EXISTING CONDITIONS EXHIBIT



OWNERS OF RECORD: CITY OF AMES

SURVEY REQUESTED BY: AMES PUBLIC LIBRARY
 FIELD WORK COMPLETED: 5/2/2012



LEGEND:

- ▲ GOVERNMENT CORNER MONUMENT FOUND
- △ GOVERNMENT CORNER MONUMENT SET
1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- PARCEL OR LOT CORNER MONUMENT FOUND
- SET 1/2" x 30" REBAR w/ORANGE PLASTIC
ID CAP #17162
- () RECORDED AS

EXISTING CONDITIONS EXHIBIT
 IN BLOCK 8, ORIGINAL TOWN OF AMES
 CITY OF AMES, STORY COUNTY, IOWA



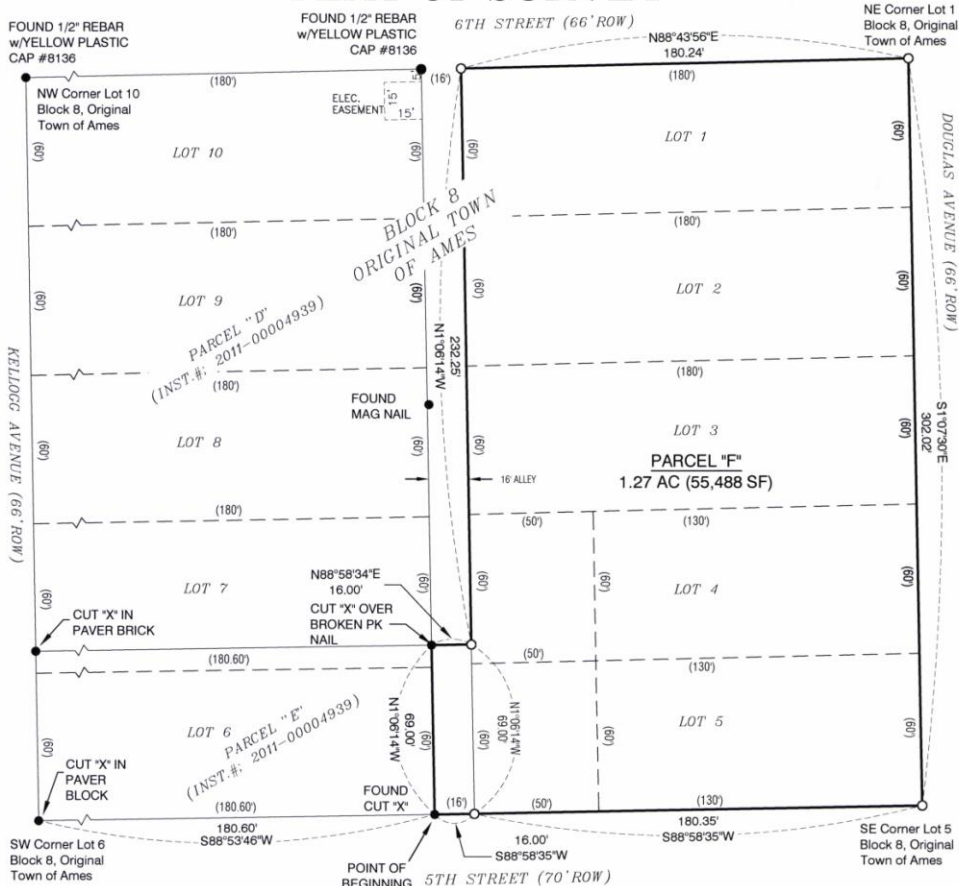
Clapsaddle-Garber Associates, Inc.
 16 East Main Street
 Marshalltown, Iowa 50158
 Ph 641-752-6701
 www.cgsaconsultants.com

DRAWN	SHEET NO.
RWA	1 OF 1
DATE	PROJECT NO.
8-15-2012	5454

PROPOSED PLAT OF SURVEY

PREPARED BY - CLAPSADDLE-GARBER ASSOCIATES, INC, 16 EAST MAIN STREET, P.O. BOX 754, MARSHALLTOWN, IOWA 50158 - PHONE 641-752-6701

PLAT OF SURVEY



DESCRIPTION
SEE ATTACHED

THE AMES CITY COUNCIL APPROVED THIS PLAT OF SURVEY ON _____, 2012 WITH RESOLUTION No. _____ I CERTIFY THAT IT CONFORMS TO ALL CONDITIONS FOR APPROVAL.

CITY OF AMES, IOWA

LEGEND:

- ▲ GOVERNMENT CORNER MONUMENT FOUND
- △ GOVERNMENT CORNER MONUMENT SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- PARCEL OR LOT CORNER MONUMENT FOUND
- SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- () RECORDED AS

OWNERS OF RECORD: CITY OF AMES
SURVEY REQUESTED BY: AMES PUBLIC LIBRARY
FIELD WORK COMPLETED: 5/2/2012

AMES PUBLIC LIBRARY SURVEY
IN BLOCK 8, ORIGINAL TOWN OF AMES
CITY OF AMES, STORY COUNTY, IOWA

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 Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, PLS _____ date _____
Iowa License Number 17162
My License Renewal Date is December 31, 2013.
Pages or sheets covered by this seal: THIS SHEET AND ITS DESCRIPTION



CGA

Clapsaddle-Garber Associates, Inc
16 East Main Street
Marshalltown, Iowa 50158
Ph 641-752-6701
www.cgaconsultants.com

DRAWN	SHEET NO.
RWA	1 OF 1
DATE	PROJECT NO.
9-4-2012	5454

License Application (BC0028472)

Carryout native wine

19

Applicant

Name of Applicant:	<u>Casey's Marketing Company</u>		
Name of Business (DBA):	<u>Casey's General Store #2560</u>		
Address of Premises:	<u>3020 S. Duff Ave.</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>	
Business Phone:	<u>(515) 233-5237</u>		
Mailing Address:	<u>PO BOX 3001</u>		
City: <u>ANKENY</u>	State: <u>IA</u>	Zip: <u>500218045</u>	

Contact Person

Name:	<u>PENNY PATRICK, STORE OPERATIONS</u>		
Phone:	<u>(515) 965-6572</u>	Email Address:	<u>penny.patrick@caseys.com</u>

Classification: Class C Beer Permit (BC)

Term: 12 months

Effective Date:

Expiration Date:

Privileges:

Class B Native Wine Permit

Class C Beer Permit (BC)

Status of Business

BusinessType:	<u>Privately Held Corporation</u>		
Corporate ID Number:	<u>184278</u>	Federal Employer ID #	<u>42 1435913</u>

Ownership

add to agenda 10-23 ✓

42-0935283 Casey's General St

First Name: 42-0935283

Last Name: Casey's General Stores, Inc.

City: Ankeny

State: Iowa

Zip: 500218045

Position owner

% of Ownership 100.00 %

U.S. Citizen

Julia L. Jackowski

First Name: Julia L.

Last Name: Jackowski

City: Urbandale

State: Iowa

Zip: 50322

Position Assistant Secretary

% of Ownership 0.00 %

U.S. Citizen

Michael Richardson

First Name: Michael

Last Name: Richardson

City: Pleasant Hill

State: Iowa

Zip: 50327

Position President

% of Ownership 0.00 %

U.S. Citizen

Robert C. Ford

First Name: Robert C.

Last Name: Ford

City: Dallas Center

State: Iowa

Zip: 50063

Position Vice President

% of Ownership 0.00 %

U.S. Citizen

Russell D. Sukut

First Name: Russell D.

Last Name: Sukut

City: Ankeny

State: Iowa

Zip: 50021

Position Treasurer

% of Ownership 0.00 %

U.S. Citizen

Insurance Company Information

Insurance Company: First Western Insurance

Policy Effective Date:

Policy Expiration Date:

Bond Effective Continuously:

Dram Cancel Date:

Outdoor Service Effective Date:

Outdoor Service Expiration Date:

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

License Application ()

20a

Applicant

Name of Applicant:	<u>Gateway Center Associates, LLP</u>		
Name of Business (DBA):	<u>dba/ Gateway Hotel and Conference Center</u>		
Address of Premises:	<u>ISU Alumni Center</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50011</u>	
Business Phone:	<u>(515) 331-1753</u>		
Mailing Address:	<u>200 10th St., Ste 300</u>		
City: <u>Des Moines</u>	State: <u>IA</u>	Zip: <u>50309</u>	

Contact Person

Name:	<u>Michelle Mathews</u>		
Phone:	<u>(515) 331-1753</u>	Email Address:	<u>mmathews@orchestrate-mgmt.com</u>

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

Term: 5 days

Effective Date: 11/02/2012

Expiration Date:

Privileges:

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

Status of Business

BusinessType:	<u>Limited Partnership</u>		
Corporate ID Number:	<u>86769</u>	Federal Employer ID #	<u>42-1068825</u>

Ownership

Douglas Drees

First Name: Douglas

Last Name: Drees

City: Des Moines

State: Iowa

Zip: 50313

Position Manager

% of Ownership 0.00 %

U.S. Citizen

Friends of ISU Hotel Holdings

First Name: Friends of ISU

Last Name: Hotel Holdings

City: Des Moines

State: Iowa

Zip: 50313

Position Partner

% of Ownership 1.00 %

U.S. Citizen

Gateway Center Holdings, Inc.

First Name: Gateway Center

Last Name: Holdings, Inc.

City: Des Moines

State: Iowa

Zip: 50313

Position Partner

% of Ownership 99.00 %

U.S. Citizen

Michelle Mathews

First Name: Michelle

Last Name: Mathews

City: Des Moines

State: Iowa

Zip: 50309

Position Controller

% of Ownership 0.00 %

U.S. Citizen

Insurance Company Information

Insurance Company: General Casualty

Policy Effective Date: 11/02/2012

Policy Expiration Date: 11/07/2012

Bond Effective Continuously:

Dram Cancel Date:

Outdoor Service Effective Date:

Outdoor Service Expiration Date:

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

License Application ()

Applicant

Name of Applicant:	<u>LJPS, Inc</u>		
Name of Business (DBA):	<u>Olde Main Brewing Co</u>		
Address of Premises:	<u>ISU Alumni Center, 420 Beach Ave, Second Floor</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>	
Business Phone:	<u>(515) 232-0553</u>		
Mailing Address:	<u>316 Main St</u>		
City: <u>Ames</u>	State: <u>IA</u>	Zip: <u>50010</u>	

206

Contact Person

Name:	<u>Jamie Courtney</u>		
Phone:	<u>(515) 291-8346</u>	Email Address:	<u>jcourtney@oldemainbrewing.com</u>

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

Term: 5 days

Effective Date: 11/03/2012

Expiration Date:

Privileges:

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

Status of Business

BusinessType:	<u>Privately Held Corporation</u>		
Corporate ID Number:	<u>286196</u>	Federal Employer ID #	<u>770613629</u>

Ownership

Len Griffen

First Name: Len

Last Name: Griffen

City: Potomac

State: Maryland

Zip: 24854

Position Vice President

% of Ownership 25.00 %

U.S. Citizen

Scott Griffen

First Name: Scott

Last Name: Griffen

City: Ames

State: Iowa

Zip: 50010

Position President

% of Ownership 50.00 %

U.S. Citizen

Sue Griffen

First Name: Sue

Last Name: Griffen

City: Potomac

State: Maryland

Zip: 24854

Position Treasure

% of Ownership 25.00 %

U.S. Citizen

Insurance Company Information

Insurance Company: <u>Founders Insurance Company</u>	
Policy Effective Date:	Policy Expiration Date:
Bond Effective Continuously:	Dram Cancel Date:
Outdoor Service Effective Date:	Outdoor Service Expiration Date:
Temp Transfer Effective Date:	Temp Transfer Expiration Date:

License Application ()

Applicant

Name of Applicant:	<u>LJPS, Inc</u>		
Name of Business (DBA):	<u>Olde Main Brewing Co</u>		
Address of Premises:	<u>CPMI Events Center, 2321 N Loop Dr</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>	
Business Phone:	<u>(515) 232-0553</u>		
Mailing Address:	<u>316 Main St</u>		
City: <u>Ames</u>	State: <u>IA</u>	Zip: <u>50010</u>	

21

Contact Person

Name:	<u>Jamie Courtney</u>		
Phone:	<u>(515) 291-8346</u>	Email Address:	<u>jcourtney@oldemainbrewing.com</u>

Classification: Class C Liquor License (LC) (Commercial)

Term: 5 days

Effective Date: 11/02/2012

Expiration Date:

Privileges:

Class C Liquor License (LC) (Commercial)

Status of Business

BusinessType:	<u>Privately Held Corporation</u>		
Corporate ID Number:	<u>286196</u>	Federal Employer ID #	<u>770613629</u>

Ownership

Len Griffen

First Name: Len

Last Name: Griffen

City: Potomac

State: Maryland

Zip: 24854

Position Vice President

% of Ownership 25.00 %

U.S. Citizen

Scott Griffen

First Name: Scott

Last Name: Griffen

City: Ames

State: Iowa

Zip: 50010

Position President

% of Ownership 50.00 %

U.S. Citizen

Sue Griffen

First Name: Sue

Last Name: Griffen

City: Potomac

State: Maryland

Zip: 24854

Position Treasure

% of Ownership 25.00 %

U.S. Citizen

Insurance Company Information

Insurance Company: <u>Founders Insurance Company</u>	
Policy Effective Date:	Policy Expiration Date:
Bond Effective Continuously:	Dram Cancel Date:
Outdoor Service Effective Date:	Outdoor Service Expiration Date:
Temp Transfer Effective Date:	Temp Transfer Expiration Date:

Staff Report

CIGARETTE BUTT RECEPTACLES

September 25, 2012

In June, Council received a request to consider placing cigarette butt receptacles near 136 Main Street. Smokers have been placing used cigarette butts in the large planters on Main Street or dropping them directly on the sidewalks, particularly near the entrances to nearby bars and in Cynthia Duff Plaza.

There are currently no City-owned cigarette receptacles in Ames commercial areas. With the implementation of the Iowa Smoke Free Air Act of 2008, many establishments began to place temporary containers outside their doors during business hours to allow patrons to smoke outside.

For locations that are not near one of these containers, it might be possible to locate permanent cigarette butt receptacles. However, there are several questions that should be considered:

What kind of receptacle should be used?

There are three basic types of receptacles: wall-mounted, free-standing, and trash can mounted. They range in terms of price, quality, durability, and aesthetics. Upon exploring these options, staff is concerned that wall-mounted receptacles may not be feasible since the City does not own buildings where receptacles could be attached in each of the complaint areas. There are a variety of makes of free-standing containers available; however, locating a container off by itself would take up space in the right-of-way and may be susceptible to damage by passersby. Stand-alone containers also have a tendency to become plugged with trash when they are not located near a trash can. **Staff would suggest that receptacles mounted on trash cans would be the preferred option.**

Who should purchase and own the receptacles?

Staff contacted other communities that have cigarette butt receptacles. In some cities, the local governments have chosen to purchase, own, maintain and empty the receptacles. However, this is not always the case. For example in Lawrence, Kansas, the downtown business association was responsible for purchasing and maintaining the containers.

The City Council should decide which ownership model to pursue. The City could select the design and own the cans outright or choose an approved design and request the businesses to purchase the approved container.

Because the receptacles would be in the public right-of-way, the least complicated option would be for the City to own them. That would help ensure that the

receptacles are located in the correct areas, with proper clearances and as a part of an overall plan. Private ownership of articles in the right-of-way would require more complex approval and record-keeping.

Maintenance of the receptacles can be minimized by choosing an appropriately durable container. If the City owned the containers, the City would likely pay to replace damaged containers. If an outside entity bought a City-approved style of container, the City could require them to maintain it to a certain standard or replace it if needed.

Based on informal pricing from street furniture vendors, most receptacle options cost between \$300-\$450 per unit.

Who should be responsible for ongoing disposal?

The City's contract waste hauler has indicated that receptacles attached to trash cans would cost approximately \$1 for each emptying, and that each receptacle would need to be emptied about once per week. **Therefore, each receptacle would generate disposal costs of \$4-5 per month.** In comparison, maintaining the public garbage cans on a regular basis costs \$17.32 per can per month.

How do community groups view receptacles?

Staff consulted with Main Street Cultural District (MSCD) and Campustown Action Association (CAA) staff. Both organizations expressed support of the idea of installing receptacles to reduce litter. CAA staff indicated that cigarette butts are the most visible form of litter in the area, and noted that experience in other communities had been that the receptacles were successful in reducing litter. **Staff from both organizations each noted two or three locations where cigarette butt receptacles might be ideal.**

Next Steps:

If the Council desires to pursue the installation of cigarette butt receptacles, the next step would be for staff to contact vendors, and select a style that matches the existing street furniture and will be durable in high-traffic environments. Direction would then need to be given as to the number of receptacles that are desired for the Downtown and Campustown Districts as well as who would purchase, own, and maintain them.

COUNCIL ACTION FORM

SUBJECT: AMES ECONOMIC DEVELOPMENT COMMISSION REQUEST FOR FUNDING TO CREATE CONCEPTUAL PLAN FOR EAST LINCOLN WAY INDUSTRIAL PARK

BACKGROUND:

The City Council referred to staff the September 27, 2012 letter from the President of the Ames Economic Development Commission (AEDC) requesting \$7,500 from the City to share the cost of creating a conceptual design plan with associated costs to develop a new industrial park east of Highway 35 along E. Lincoln Way.

The discussions to date among the City Council members have focused on the \$4,300,000 needed to extend the infrastructure (water mains and sanitary sewer trunk lines) to the industrial area envisioned in our LUPP. However, the AEDC has indicated that this investment is the first step in creating the necessary environment to attract or expand industries to our community along with their much needed jobs. They have emphasized the need for an industrial park located east of Highway 35 along E. Lincoln Way.

Prior to developing a strategy for financing such an initiative, it is critical that a conceptual plan for the new park be created and the associated costs be identified. The AEDC is prepared to hire a consulting engineer to accomplish these two tasks. The estimated cost for these tasks is \$15,000. The AEDC is asking the City to share equally in the cost of this consulting work.

The AEDC would contract directly with the consulting engineer and the City would provide reimbursement for the cost of half of this work up to \$7,500. Funding for this purpose is available within the City Council's Contingency Account.

ALTERNATIVES:

1. The City Council can approve the request to share equally in the cost to create a conceptual plan for the new industrial park along with the associated costs.
2. The City Council can deny the request to share equally in the cost to create a conceptual plan for the new industrial park along with the associated costs.

MANAGER'S RECOMMENDED ACTION:

Given the fact that the City Council has committed to the goal of economic development and there appears to be an insufficient supply of developable land to accommodate

industrial growth in our community, it seems appropriate to create a conceptual plan that would provide guidance as to how we should develop in an industrial growth area.

In addition, given the fact that the City Council has taken steps to move ahead to develop this area with (1) the authorization to begin design work on the sanitary sewer main to serve the area, (2) the appropriation of funds in the budget to accomplish the infrastructure improvements, and (3) the approved increase in the utility fees to support needed water and sewer extensions, the logical next step would be to create a conceptual plan to assure the most efficient development of the area.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the request from the AEDC to share equally in the cost to create a conceptual plan for the new industrial park along with the associated costs by providing reimbursement up to \$7,500 from the Contingency Account.



Smart Choice

September 27, 2012

Mayor Ann Campbell & City Council
515 Clark Street
Ames IA 50010

RE: Industrial Park Analysis – Cost Share Request

Dear Honorable Mayor and City Council,

The Ames Economic Development Commission thanks you for moving the Eastern Ames Annexation Project forward at your September 11, 2012 meeting. As we identified in our presentation, it is important that we clarify the expectations for this project as it moves forward and minimize the risk of later surprises; therefore we have determined that an Industrial Park Analysis is imperative to the success of this endeavor. The Industrial Park Analysis will consist of a preliminary review of infrastructure items such as the railroad; surface transportation, electric service, natural gas, and soils. The Ames Economic Development Commission has received the attached Agreement for Engineering Services from FOX Engineering. FOX was contacted to prepare this Agreement due to their knowledge of this area and past work on similar studies.

As identified in the attached Agreement, the fee for the Industrial Park Analysis is \$15,000. The Ames Economic Development Commission continues to consider this a necessary step and stands ready to contract with FOX Engineering for this work, however this is a large expense for our organization to accommodate, therefore we respectfully request that the City of Ames pay for half of the amount, \$7,500. We further request that this item be referred to staff, so that they can bring it back before you at your October 23, 2012 meeting.

Thank you for your partnership. You are welcome to call me at 232-2310 if you have any questions or need any clarification.

Sincerely,

A handwritten signature in black ink that reads 'Daniel A. Culhane'. The signature is written in a cursive style with a large, prominent 'D' and 'C'.

Daniel A. Culhane, CEcD
President & CEO

COUNCIL ACTION FORM

SUBJECT: PUBLIC HEARING FOR CONSIDERATION OF LEASE RENEWAL FOR BUILDING OCCUPIED BY HEARTLAND SENIOR SERVICES

BACKGROUND:

On July 1, 1988, the City entered into a 25 year lease with Story County Council on Aging, now Heartland Senior Services (HSS) at 205 South Walnut. The property was originally acquired by the City using Community Development Block Grant (CDBG) funding through the State of Iowa for the purpose of providing a Senior Center. The use must remain for the community and have a focus on serving low-income individuals. HSS meets the intent of the CDBG grant.

The existing lease refers to this site as the "Wilson School Senior Service Center". The lease required that HSS maintain the building in a reasonably safe and serviceable condition. The lease also requires HSS to provide its own furnishings for the facility. In return, the City requested a payment of \$1.00 for the 25 year lease in 1988.

Although the current lease does not expire until June 30, 2013, HSS has requested that the City Council renew the lease early as they need assurance on the continuance of the lease prior to making a major investment in the roof. HSS is no longer providing transit services, since HIRTA took over this summer. Therefore issues with parking which caused concern in the past no longer exist on the site.

The City Attorney reviewed the lease terms and requested updated insurance provisions from the City's Risk Manager. These were the only significant changes to the lease requirements for HSS. Otherwise, the lease is substantially the same as it was approved in 1988 and is set up as a no cost lease for this renewal. HSS will continue to be completely responsible for the care and upkeep of the facility.

ALTERNATIVES:

1. Set a public hearing date of November 13, 2012 for consideration of a 25 year lease renewal with Heartland Senior Services for the building located at 205 South Walnut.
2. Do not set a public hearing for the lease renewal with Heartland Senior Services.

MANAGER'S RECOMMENDED ACTION:

The existing lease is expiring on June 30, 2013, and HSS has requested that the City Council renew the lease in advance so that it can make the necessary roof repairs with confidence in continuing its operations at this location.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting the date of public hearing for the extension of the lease with HSS for November 13, 2012.

COUNCIL ACTION FORM

SUBJECT: REQUEST FOR WAIVER OF MINIMUM DENSITY STANDARDS FOR URBAN RESIDENTIAL LAND USE DESIGNATION AT 3618 CEDAR LANE

BACKGROUND:

On September 25, 2012, the City Council referred to staff the attached letter from Steve Burgason, on behalf of Verle and Jo Ann Burgason, requesting a waiver of density standards of the Ames Urban Fringe Plan in order to divide land located at 3618 Cedar Lane. The division of land would not actually create a new lot, but would enlarge an existing lot by adjusting its boundary. This division is called a boundary line adjustment. Attachment 2 shows the existing lot configuration and Attachment 3 shows the proposed lot configuration.

The property is located outside the City limits but within the 2 mile Ames Urban Fringe. The area proposed for the boundary line adjustment is within the “Urban Service Area” of the Ames Urban Fringe Plan and designated as an Urban Residential land use designation (Attachment 4, location map). **The request of the waiver is to allow the owners to modify the boundary of the southernmost one acre parcel into a larger four acre parcel. The reason this is contrary to current density standards is that the property is located within the Urban Service Area of the Ames Urban Fringe and has an Urban Residential land use designation, which is planned for a minimum density of 3.75 dwelling units per acre.** The proposal to enlarge the developed parcel further reduces the density under the minimum requirement.

The Urban Service Area of the Ames Urban Fringe contains lands which are adjacent to city limits and identified for urban development once annexed into corporate boundaries. These areas were established to allow for unified growth for efficient extension of public facilities and services once developed. The plan demonstrates that these designated land uses of Urban Residential should be protected from inappropriate development which would hinder the planned growth of the surrounding communities.

The Ames Urban Fringe Plan defines the Urban Residential designation as follows:

“This land use designation applies to areas reserved for future city growth. Residential land uses within Urban Residential designated areas are annexed and then developed at an urban density and with infrastructure and subdivision according to urban standards.”

The Urban Residential designation identifies five policies (Attachment 5) which guides future develop to meet the urban standards so once annexed, development can fit

seamlessly into the City's development characteristics. One of the Urban Residential policies identifies options for urban densities which would allow for the urban development standard to be met. UR Policy 1 identifies conventional single-family/suburban residential development as an acceptable development type, provided that it achieves the 3.75 minimum density target.

The owners have expressed in the attached letter and maps that the need for the proposed boundary line adjustment (a) is due to a pending sale of the property, where the buyer's desire is to own the full four acre parcel, (b) that the additional 3 acre parcel proposed for addition contains a barn, utility line, driveway encroachment, and septic system lateral field which serves the one acre site, and (c) if maintenance or replacement was ever needed on the septic system, the one acre parcel would not be able to accommodate such replacement area due to the soils and the location of the existing residence. However, the letter does reference an existing L-shaped easement for such services located off of the existing one acre parcel.

The City's Interests

As long as Ames anticipates an increasing population, land necessary to accommodate that population needs to be identified and protected against development patterns that would preclude or make it unnecessarily expensive or cumbersome to annex. Some areas on the periphery of Ames have developed in patterns that would make it difficult to annex. That difficulty can lie within substandard right-of-way widths, rural water systems, sanitary septic systems, lot arrangements, and unpaved roads.

The LUPP recognizes that maintaining certain minimum densities is important to achieve a number of goals. Creating a dense urban environment promotes cost-effective and efficient provisions of services, creates a greater sense of place, strengthening the connectivity of neighborhoods and building community identity and spirit, and allows for a more efficient use of private transportation. It may be difficult in the future, once annexed, to develop this area within the urban standard planned in the LUPP.

Section 23.103(1) of the ordinance allows the City Council to waive or modify the requirements of the subdivision regulations where "...strict compliance with the requirements of the regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations because of unusual topography or other conditions...provided, however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the Regulations.... In so granting a modification or waiver, the City Council may impose such additional conditions as are necessary to secure substantially the modifications of the requirements so modified or waived." In addition, Chapter 354.9(2) of the *Code of Iowa* allows cities to "...waive the requirements of any of its standards or conditions...."

The City Council has routinely granted waivers to Division IV of Chapter 23 for residential development in those areas of the Urban Fringe where annexation by the City is not anticipated in the foreseeable future. These waivers, however, have been recommended only when the proposed development is consistent with the use and density standards of the Plan.

In this case, this waiver request is not within the density standards for the Urban Residential land use designation and would not be consistent with City Council policy.

Mr. Burgason does clarify in the request that the need for the waiver for the boundary line adjustment is to allow for the sale of the property in which the services (i.e. service barn, utility lines, driveway, and septic lateral field) are located off of the existing parcel. However, the proposed waiver for the boundary line adjustment causes concern for future subdivision and development of the larger parcel for the connection of streets, lot layouts, and possibly the efficient and cost effective extension of City services.

ALTERNATIVES:

1. The City Council can deny the request to waive the City's density standard for the Urban Residential designation for the proposed Plat of Survey on Cedar Lane. This denial is supported by the Ames Urban Fringe Plan which designates this area as Urban Residential and establishes a policy for conventional single-family/suburban residential development to maintain a minimum 3.75 dwelling unit per net acre density standard.
2. The City Council can approve the request to waive the City's density standard for the Urban Residential designation for the proposed Plat of Survey on Cedar Lane if it finds that approval of this waiver is consistent with the policies and intent of the Ames Urban Fringe Plan or with past practices of the City Council since the Urban Fringe Plan was adopted.
3. The City Council can refer this request back to staff and/or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

Offering a recommendation regarding this request is very difficult. It should be noted that the current lots in the vicinity of the subject parcel currently do not meet the City's density requirements for Urban Residential Area. It is only because the existing situation would be altered through a boundary line adjustment that the newly enlarged parcel is now required to meet the City's minimum density requirement. No new residential units are being added, and thereby no increase in density will result from this request.

The Municipal Code allows the City Council to waive this density requirement as requested. To do so, however, the City Council must determine that strict compliance

with the requirements of the regulations would result in extraordinary hardship to the applicant or would prove inconsistent with the purpose of the regulations because of unusual topography or other conditions so long as the waiver does not have the effect of nullifying the intent and purpose of the regulations.

Since the proposed request is inconsistent with the policies and intent of the Urban Residential designation of the City Council's Urban Fringe Plan and it is not clear how the denial of the request would result in "extraordinary hardship" to the applicant, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby denying the request for waiver of the density standards.

However, if the City Council determines that the conditions reflected in the Municipal Code to justify the waiver of the density requirement in this unique situation have been met, then the Council should adopt Alternative #2, thereby approving the request to waive the City's density standard for the Urban Residential designation for the proposed Plat of Survey on Cedar Lane.

Attachment 1

September 27, 2012

Honorable Mayor Campbell
Members of the Ames City Council

FROM: Steve Burgason (on behalf of Verle and Jo Ann Burgason)

RE: Request for Waiver to the Density Standard in the L.U.P.P. Based on Unusual Circumstances

Greetings Honorable Mayor and Council,

I am writing at the request of my parents, Verle and JoAnn Burgason, requesting that the Ames City Council grant a waiver regarding the property located at 3618 Cedar Lane and three acres of land which has been a perpetual easement since 2008. Verle and Jo Ann Burgason have lived at this location since 1967. They own a total of 54.46 acres that is likely, due to the land use policy, as area that will be developed as the City of Ames expands to the southern direction.

Pursuant to Section 23.103 of the Ames City Code, we are requesting that you grant a waiver to the L.U.P.P. density standards for four acres of this real estate. You can identify these acres by looking at Exhibits A and B, which are attached. On Exhibit A there are three lots of approximately one acre size, the southern most of those uniformed shaped lots is the residential lot at issue. Then on Exhibit A the parcel identified as 3A is an L-shaped easement that serves the Verle and Jo Ann Burgason lot.

We understand that this waiver would allow the present proposed purchasers to be able to purchase the four acre parcel under an amended Plat of Survey rather than the one acre lot alone where the residence is currently situated.

When my father sold the property, he entered into an agreement to sell both the one acre parcel and the L-shaped easement in the transaction. We have since learned from the Planning and Housing Department, on submittal of an amended boundary plat that the plat would be rejected because of the density requirements.

We hope that our appeal results in a win-win agreement that represents success for all parties involved, my parents, the new homeowners, and the City of Ames in its future expansion plans. The first of the extenuating circumstances are that my parents have lived at this location since 1966, a time that pre-dates the density requirements. They have recently moved to Green Hills for their retirement years, and had found a buyer for the real estate. The buyers are desirous of owning the entire four acres, because as the easement area greatly enhances the residence.

Attachment 1 (Cont.)

Honorable Mayor Campbell
Ames City Council
September 27, 2012
Page 2

If you examine Exhibit B attached, you will see that the barn that serves the residence has a utility line encroaching on the easement area, that there is driveway encroachment, and that the laterals for the septic system encroach over a significant portion of the easement area. In the event the septic system would ever have a requirement to be replaced, because of the location of the residence and the nature of the soil, it is probable that the replacement would need to be made in the easement area.

In summary, there are considerable exceptional circumstances for granting a waiver of the density standard as follows:

1. The L-shaped three acre easement has been subject to the easement since 2008 with the intention of serving the Burgason residence into the distant future. Because the easement is broad in its grant, the land is rendered unusable for virtually any purpose except service of the one-acre parcel.
2. The septic laterals that serve 3618 Cedar lane are located over a substantial part of the three acre easement.
3. If at some time the septic system requires replacement, there is insufficient area on the parcel to replace the septic system.
4. A driveway providing access to the rear entrance of the house is located over a portion of the easement area.
5. Access to the existing barn and the area proposed for expansion is across the existing easement area.
6. The utilities for the existing barn cross both the subject lot and the easement area.

When City expansion so requires, the Burgason family will be very cooperative regarding the deployment of City utilities and infrastructure across the property.

We hope that you agree that a waiver would benefit all parties interested, my parents, the purchasers, and the City.

Thank you for your consideration.

Sincerely,

Steve Burgason
on behalf of Verle and JoAnn Burgason

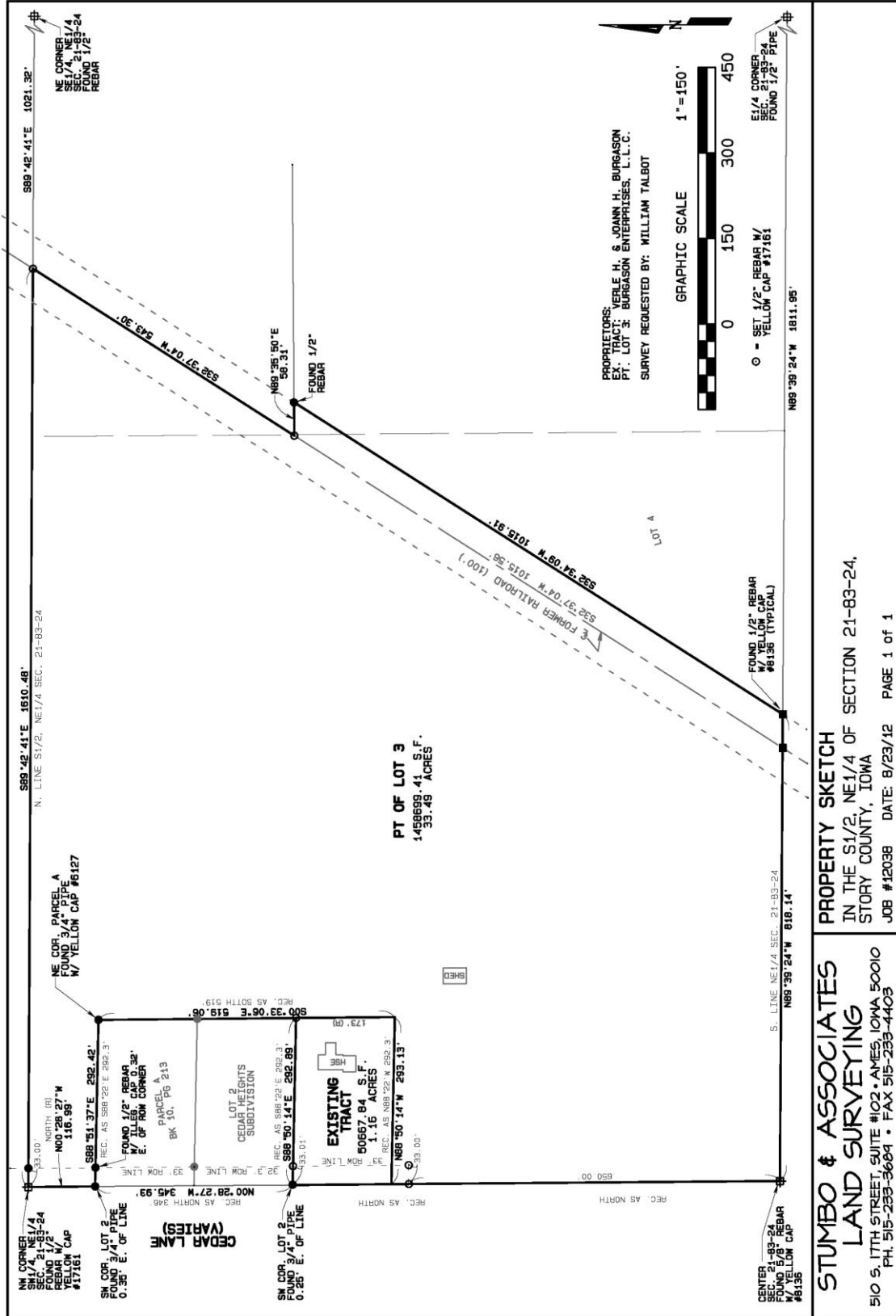
Attachment 1 (Cont.)



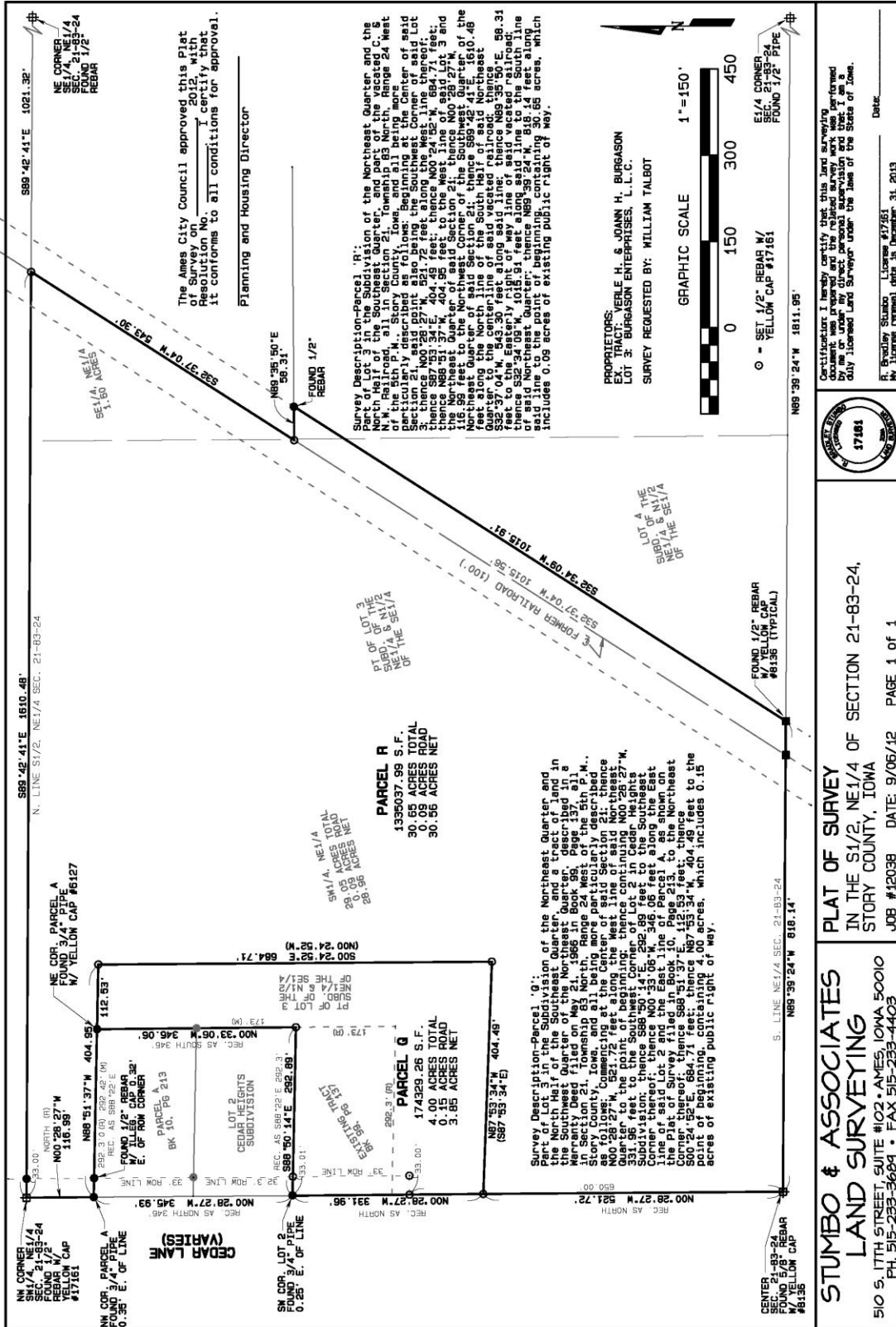
Attachment 1 (Cont.)



Attachment 2 (Existing)



Attachment 3 (Proposed)



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

Planning and Housing Director _____

Survey Description-Parcel R: Portion of the Northeast Quarter and the North Half of the Southeast Quarter, and part of the vacated C. S. N.W. Railroad, all in Section 21, Township 83 North, Range 24 West of the 5th P.M., Story County, Iowa, containing all of the Center of said Section 21, said point also being the Southwest Corner of said Lot 3, thence N00°28'27\"/>

PROPRIETORS:
LOT 3 - BURGASON ENTERPRISES, L.L.C.
SURVEY REQUESTED BY: WILLIAM TALBOT

GRAPHIC SCALE 1"=150'
0 150 300 450

NE 1/4 CORNER SEC. 21-83-24 FOUND 1/2\"/>



Certification: I hereby certify that this land surveying was done in accordance with the laws and regulations of the State of Iowa, and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

W. Talbot Surveyors, L.L.C. License #17161
My license renewal date is December 31, 2013 Date: _____

PARCEL R
1335037.99 S.F.
30.65 ACRES TOTAL
0.09 ACRES ROAD
30.56 ACRES NET

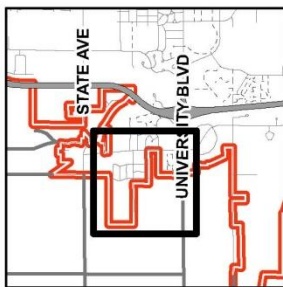
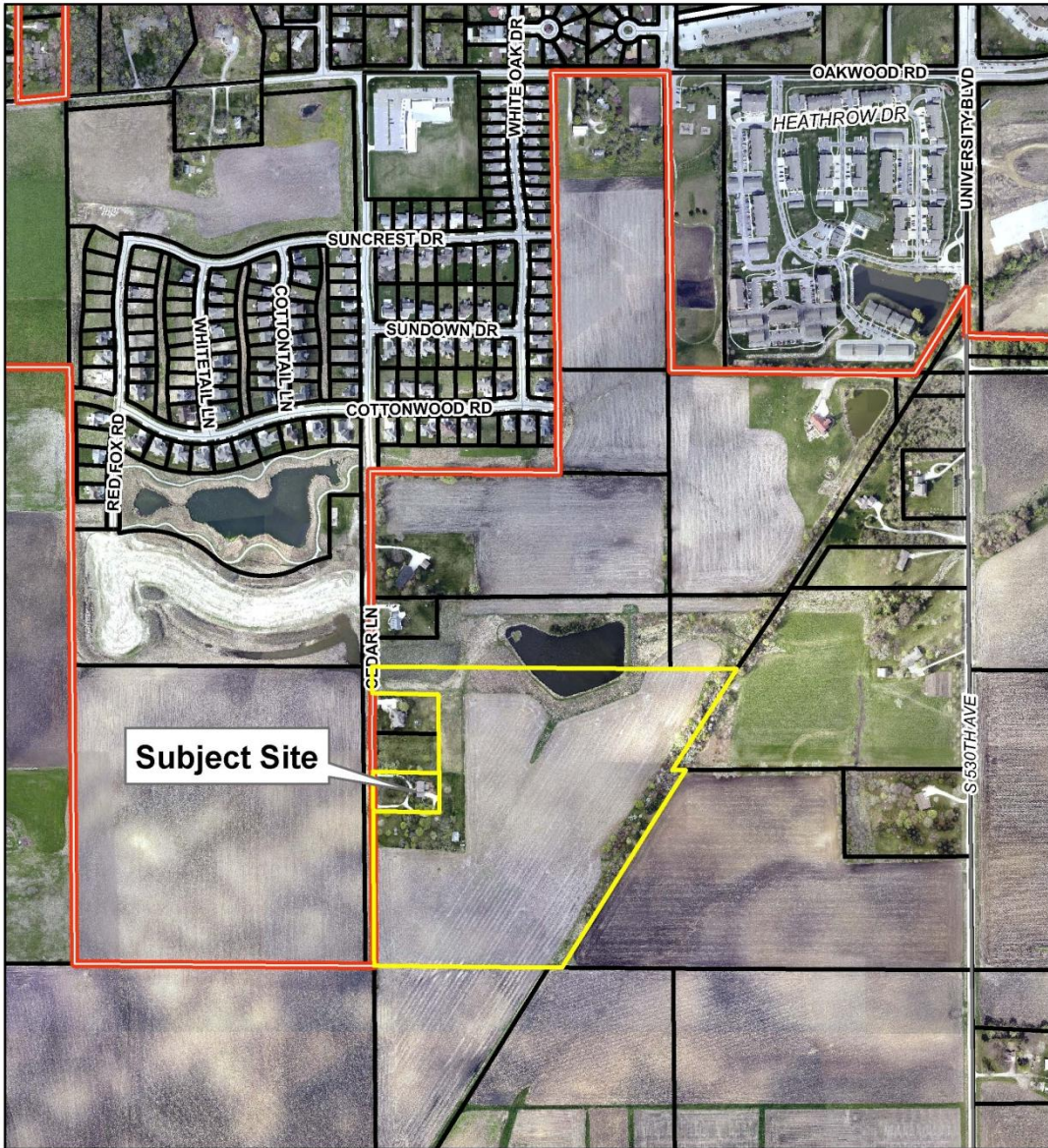
PARCEL Q
174329.26 S.F.
4.00 ACRES TOTAL
0.15 ACRES ROAD
3.85 ACRES NET

Survey Description-Parcel Q: Part of Lot 3 in the Subdivision of the Northeast Quarter and the North Half of the Southeast Quarter, and a tract of land in the North Half of the Southeast Quarter, all in Section 21, Township 83 North, Range 24 West of the 5th P.M., Story County, Iowa, containing all of the Center of said Section 21, said point also being the Southwest Corner of said Lot 3, thence N00°28'27\"/>

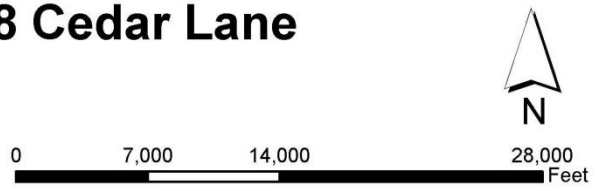
STUMBO & ASSOCIATES
LAND SURVEYING
510 S. 17TH STREET, SUITE #102 • AMES, IOWA 50010
PH. 515-233-3684 • FAX 515-233-4403

PLAT OF SURVEY
IN THE S1/2 NE1/4 OF SECTION 21-83-24,
STORY COUNTY, IOWA
JOB #12038 DATE: 9/06/12 PAGE 1 OF 1

Attachment 4



**Location Map
3618 Cedar Lane**



Attachment 5

Urban Residential (UR)

This land use designation applies to areas reserved for future city growth. Residential land uses within Urban Residential designated areas are annexed and then developed at an urban density and with infrastructure and subdivision according to urban standards.

UR Policy 1: This land use designation includes residential use in "traditional" Village Residential Development with minimum average net density of 8 units per acre. It also includes conventional single-family/suburban residential development with minimum average net residential densities of 3.75 units per acre and conventional suburban/medium density residential development with minimum average net residential densities of 10 units per acre. When combined in a development or area, conventional suburban single-family and conventional suburban medium density residential developments should not exceed 5 dwelling units per net acre.

UR Policy 2: Require annexation by the city before land is developed or further subdivided.

UR Policy 3: Require urban infrastructure and subdivision standards, including urban right-of-way standards, urban street construction, urban sanitary and potable water systems and urban storm water management systems.

UR Policy 4: Require land development agreements with the city before land is developed or further subdivided.

UR Policy 5: Mitigate and manage stormwater run-off, soil erosion, and wastewater discharge according to IDNR and city standards.

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR PARCELS R and Q ON CEDAR LANE

BACKGROUND:

An application was submitted by Brad Stumbo, Stumbo & Associates Land Surveying, requesting approval of a Plat of Survey for Mr. and Mrs. Verle and Jo Ann Burgason. The Plat of Survey is for a boundary line adjustment to enlarge an existing parcel of land, Parcel Q, from a one acre parcel into a four acre parcel by shifting the parcel line of Parcel R. (See Attachments B and C.) The property is located outside the City limits but within the 2 mile Ames Urban Fringe area. (See Attachment A). The area proposed for the Plat of Survey is within the "Urban Service Area" of the Ames Urban Fringe Plan with an Urban Residential land use designation.

Staff met with the applicant on September 4th and determined that the proposal does not meet the minimum density standards as established by the Urban Fringe Plan for the Urban Residential designation because the enlargement of the existing developed parcel further reduces its density below the minimum requirement.

Staff explained the options for processing of the submitted application, but noted the proposed Plat of Survey could not be approved unless the Plat could either meet the density standards of the Urban Fringe Plan or a waiver was approved by the City Council to waive the minimum density requirement for the Urban Residential designation.

The applicant then submitted two letters requesting the waiver of the density standards. On September 25th, the City Council referred to staff a letter from Steve Burgason, on behalf of Verle and Jo Ann Burgason, requesting waiver of the Ames Urban Fringe Plan's density standards in order to divide the property at 3618 Cedar Lane. **Staff has processed both the request for waiver and the request for the Plat of Survey concurrently so a decision can be rendered on both of the applicant's requests.**

A copy of the proposed plat of survey is attached for Council consideration. This Plat of Survey would allow for the transfer of the 123,661.42 square feet (2.83 acres) of land from Burgason Enterprises, LLC to Verle and JoAnn Burgason.

Pursuant to Section 23.308(4)(c), a preliminary decision of approval has been rendered by the Planning & Housing Department, conditional upon the Council making appropriate findings to approve the waiver request of the density standard required for the Urban Residential land use designation of the Ames Urban Fringe Plan.

If the Council denies the waiver request, the proposed plat of survey should be sent back to staff for a final decision, which would be to deny the proposed Plat of Survey. The applicant would then have the option to make a formal appeal of that decision.

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

ALTERNATIVES:

1. If the Council agrees with the Planning & Housing Director's preliminary decision, the Council can adopt the resolution approving the proposed plat of survey. **This alternative requires that the waiver request of the density standards be approved prior to approval of the Plat of Survey.**
2. If the City Council does not approve the waiver request, the Council should refer the proposed Plat of Survey back to staff for a final decision of denial.

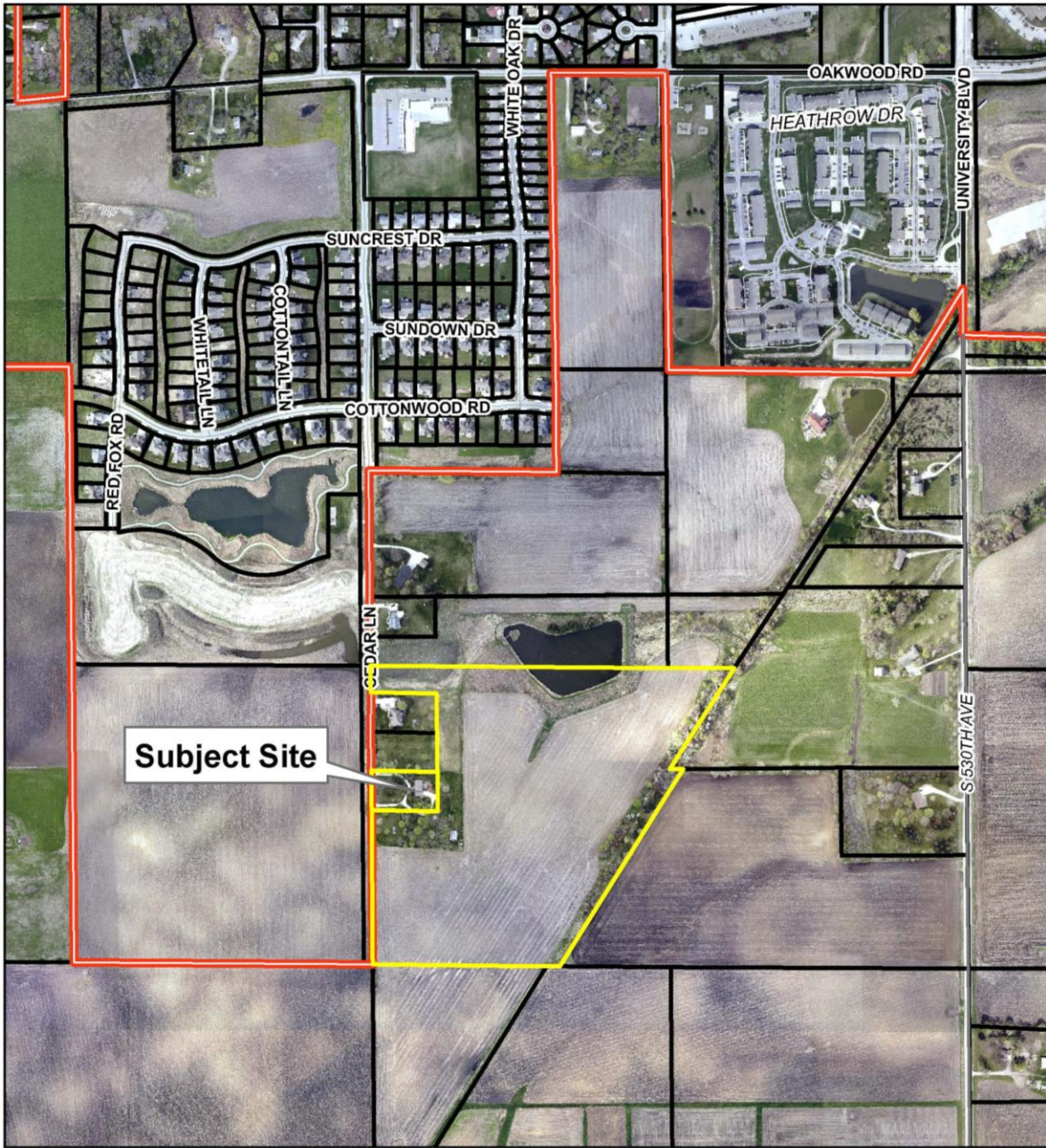
MANAGER'S RECOMMENDED ACTION:

If the City Council determines that the proposed plat of survey satisfies all code requirements, which requires the approval of the waiver of the density standards required for the Urban Residential land use designation of the Ames Urban Fringe Plan, then the Council can adopt the resolution approving the proposed plat of survey.

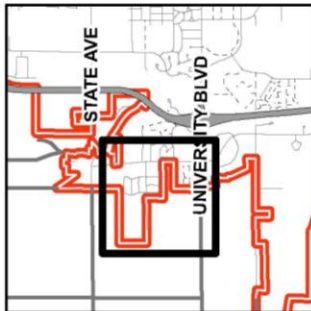
Assuming that is the case, it is the recommendation of the City Manager that the City Council accept Alternative #1, which is to adopt the resolution approving the proposed plat of survey. Approval of the resolution will allow the applicant to prepare the official plat of survey incorporating all conditions 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 City Council 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 23.307(10), the official plat of survey will not be recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office, and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

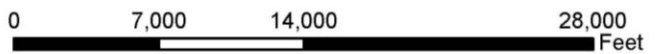
Attachment A



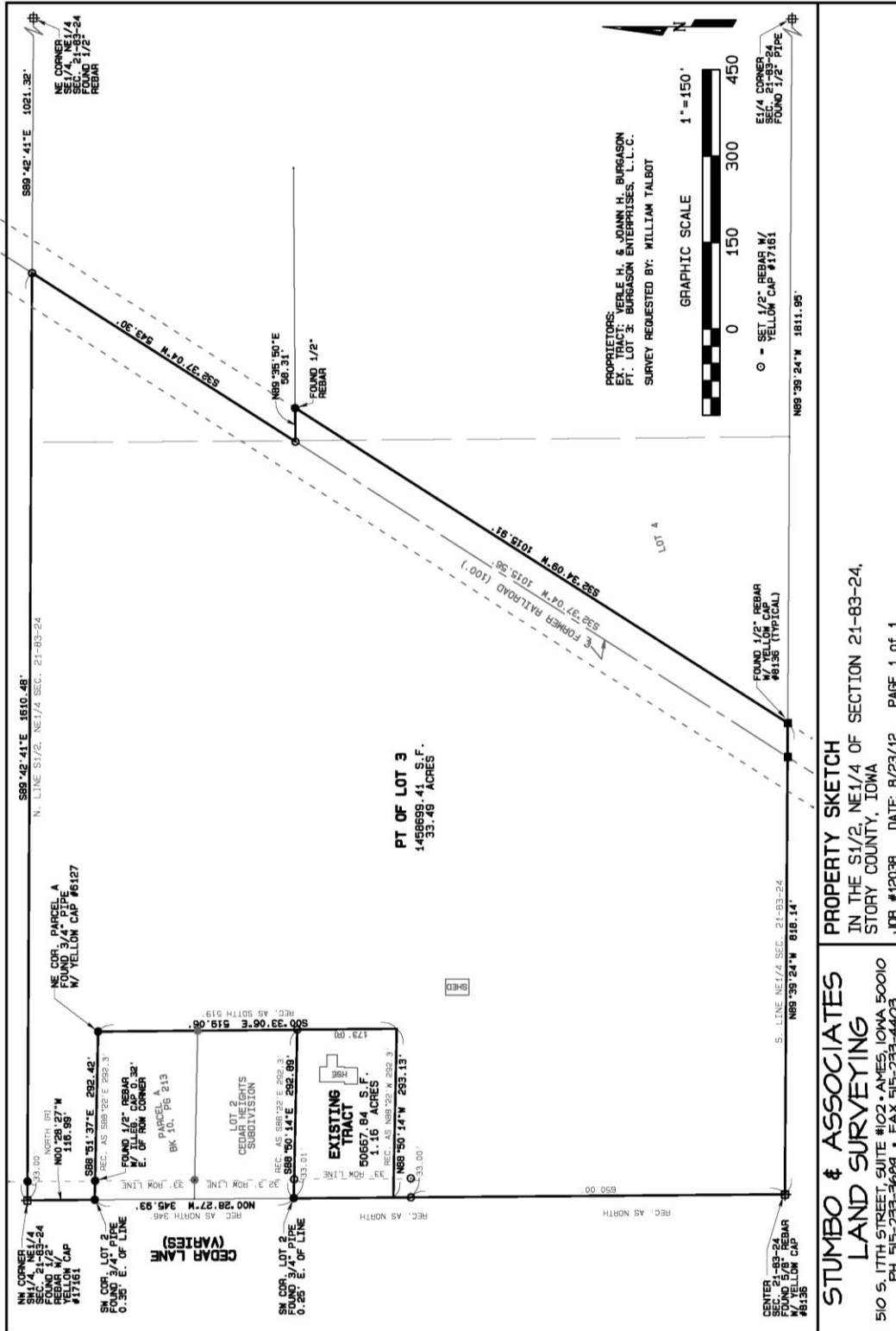
Subject Site



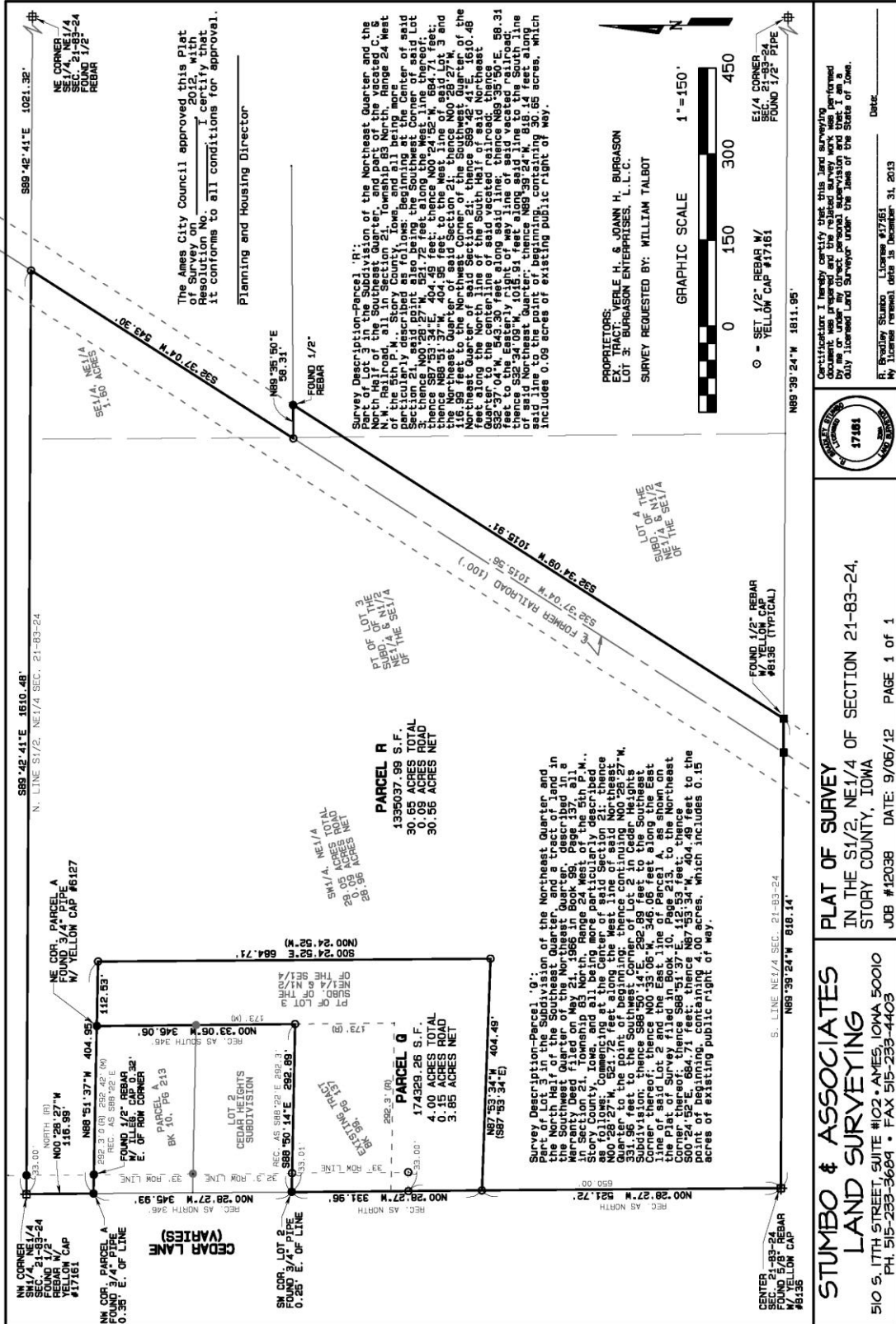
Location Map 3618 Cedar Lane



Attachment B (Existing)



Attachment C (Proposed)



The Ames City Council approved this Plat on Survey No. 2012 with Resolution No. _____ I certify that it conforms to all conditions for approval.

Planning and Housing Director _____

Survey Description-Parcel 'R': Part of Lot 3 in the Subdivision of the Northeast Quarter and the North Half of the Southeast Quarter, and part of the vacated C. S. North N.W. Railroad, all in Section 21, Township 83 North, Range 24 West of the 5th P.M., Story County, Iowa, and all being more particularly described in Section 21, said point also being the Southeast Corner of said Lot 3, thence N00°28'27\"/>

PROPRIETORS:
 PERLE H. S. JOHANN H. BURGASON
 LOT 3 - BURGASON ENTERPRISES, L.L.C.

SURVEY REQUESTED BY: WILLIAM TALBOT



NE 1/4 CORNER
 SEC 21-83-24
 FOUND 1/2\"/>

SE 1/4 NE 1/4
 1.50 ACRES

PT. OF LOT 3
 SUBDIVISION
 NE 1/4 & NW 1/4
 OF THE SE 1/4

FORMER RAILROAD (100')
 S22°37'04\"/>



PLAT OF SURVEY
 IN THE S1/2 NE1/4 OF SECTION 21-83-24,
 STORY COUNTY, IOWA

JOB #2038 DATE: 9/06/12 PAGE 1 of 1

STUMBO & ASSOCIATES
 LAND SURVEYING

510 S. 17TH STREET, SUITE #102 • AMES, IOWA 50010
 PH. 515-233-8694 • FAX 515-233-4403

Staff Report

UPDATE ON FORGIVABLE LOAN TO THE RICHMOND CENTER

October 23, 2012

BACKGROUND:

In late 2008, the County's community mental health provider, the Richmond Center, received emergency financial assistance from United Way (\$44,500), Story County (\$48,000), and Mary Greeley Medical Center (\$44,500). On November 15, 2008, the Council authorized \$45,000 in emergency assistance to the Richmond Center. This included \$20,000 in reimbursement for nursing services for Ames residents and a \$25,000 forgivable loan for the purchase of equipment and software to upgrade the Richmond Center's client tracking and billing system.

The City had not funded nursing services before 2008. At that time, the Police Department had begun to see an increase in calls related to mental health crisis. It was believed that providing assistance to the Richmond Center might stem the increase in police calls for mental health crises.

At that time, City staff had concerns about the records that were being submitted by the Richmond Center for reimbursement. Staff did not have confidence that the agency could accurately track and bill the City for City clients. It was believed that the \$25,000 for equipment and software could help provide better tracking and billing.

The contract for emergency funding between the City and the Richmond Center indicates that the loan may be forgiven after July 1, 2009 based on the following criteria being met:

- 1. The system provides information for use in tracking the service provided to, and outcomes of treatment for, Ames residents;**
- 2. Mental health services be provided to Ames residents by either Richmond Center (RC), RC and Community and Family Resources (CFR) together, or by CFR with its own accreditation at July 1, 2009;**
- 3. Mental health services be financially viable and able to continue beyond July 1, 2009."**

It is evident that the Richmond Center has fulfilled obligation #2. However, it is less clear whether obligations #1 and #3 have been met.

At the time the assistance was provided, staff noted that the Richmond Center was in a "financial emergency." Stakeholders from the Richmond Center and Community and Family Resources were attempting to merge the two agencies. A self-imposed condition before any merger was that the Richmond Center complete at least four quarters in the black, although some components of the agencies were functionally merged over the last four years.

Since 2008, the Richmond Center's financial situation has not improved. The Richmond Center's FY 2008 and 2010 audits expressed doubt as to whether the Richmond Center could continue as a going concern. The FY 2009 audit identified significant deficiencies in internal controls. The FY 2011 audit identified material weaknesses in internal controls. It also indicated that in 2010/11 the Richmond Center had a \$148,272 decrease in net assets with \$118,535 in net assets remaining at the end of the year. **Since this audit indicates the Richmond Center's position 16 months ago, it is difficult to determine the agency's current financial picture. If the Richmond Center has continued along the same financial trajectory, its debts may now equal or exceed its assets.**

STATE AUDIT

Earlier this year, Story County asked the State Auditor's Office to audit the Richmond Center. The audit raised several concerns about the Richmond Center's financial practices. Between June 2010 and January 2012, Richmond Center employees received \$103,802 in bonuses and gift cards. The gift cards were not taxed as required by the IRS. The audit also identified questionable expenditures such as retreats and outreach luncheons, as well as gold coins given to staffers on their birthdays. The audit notes that "record retention could have been better at TRC."

As a result of this audit, 46 clients were identified who should have been billed to Story County or another county, but were billed to the City during 2011-12 (\$4,686.42 in services). A further 21 clients were billed to the City after having been billed to the County, despite the County's policy of requiring anyone billed to the County to be considered a County client for at least 12 months thereafter (\$1,097.72 in incorrect billing to the City). The Richmond Center also billed the City \$0.08 more for each unit of nursing than it billed the County, despite the City's contract prohibiting charging funders different amounts for the same service. The Richmond Center's City allocation for nursing services was exhausted in December, although the Richmond Center continued to provide some services to City clients for the remainder of the fiscal year.

These billing issues were sent to the Richmond Center for explanation. In September, they provided a list to the City of \$971 in services that had been incorrectly billed and a list of \$1,963.23 in services that were delivered but not billed to the City. It is the understanding of City staff that these additional services are intended to make up for the incorrect billings. However, \$443 of these make-up billings was determined by staff to be comprised of clients ineligible for City funding.

The Richmond Center began implementing software in 2009 to provide better client statistics in accordance with the requirements of the forgivable loan. The January 2012 report on the Richmond Center by Eyerly Ball indicated that the software had not yet been fully implemented. City staff is not confident that the ability to track clients has improved. The most recent requests for reimbursement received by the City have been hand-written.

ASSET staff has received different figures regarding the number of clients the Richmond Center actually has. A November 2011 review by the Iowa Department of Human Services noted that staff had a difficult time describing how many clients there were from different funding sources. At a January 16, 2012 ASSET meeting, Richmond Center staff indicated that there were 2,043 clients in total at the Richmond Center, which includes 739 Ames clients and 369 Story County clients. The January 2012 Eyerly Ball report indicated that 1,040 therapy hours were provided to clients. At one hour per visit and many clients receiving multiple sessions, staff feels that it is unlikely that the number of therapy clients numbered more than a few hundred. In August, Eyerly Ball indicated that it had taken on approximately 200 clients in Story County that had been clients of the Richmond Center.

FURTHER ISSUES IN MENTAL HEALTH/SUBSTANCE ABUSE

None of the ASSET funders have contracts with the Richmond Center for 2012-13. On July 1, 2012, Eyerly Ball took over as the County's community mental health provider. The agency has been approved to participate in the ASSET process, although its ASSET support has come primarily from the County. **It is unclear yet how City funds may fit into Eyerly Ball's plans in the future.**

CFR has not received a contract from any ASSET funder for 2012/13. Staff has been waiting for the Richmond Center audit to be completed before considering a contract for substance abuse programs with CFR. With the concerns raised about the Richmond Center's future, and the liabilities placed on CFR by its connection with the Richmond Center, it may be prudent to continue holding this contract until the future of CFR and the Richmond Center become clearer or alternative providers of substance abuse treatment become available. ASSET's relationship with CFR will be discussed at an ASSET Joint Funders meeting on November 8.

Council should note that even though the Richmond Center and CFR have not received ASSET funds for 2012/13, ASSET rules still require that the agencies provide audits of their 2011/12 finances since they received ASSET funds during that year. ASSET policy states that those audits are due by January 2013.

OPTIONS:

The following options are available to Council regarding the forgivable loan:

1.a. Forgive the \$25,000 loan

If the Council believes the terms of the loan have been met, it may forgive the loan. The Richmond Center would no longer reflect the loan as a liability. Due to the potential difficulty of proving that the loan terms were not met or going through the process of collecting the loan if the Richmond Center disputes the City's position, it may be prudent to simply consider the \$25,000 as a fee paid to keep the agency open an additional four years until another provider could be identified.

1.b. Do not forgive the \$25,000 loan

If the Council believes the terms of the loan have not been met, it may choose to demand repayment of the loan. It is clear from the 2011/12 mis-billings that the agency has not improved its client-tracking abilities. Demanding repayment now may increase the likelihood of repayment if the Richmond Center is indeed losing cash at the rate the audit might suggest. However, the terms imposed on the loan in 2008 might be broad enough for the agency to argue that they have complied with the requirements. The contract does not provide a timetable for repayment if this option is exercised.

1.c. Defer action until a later date

The Council may choose to do nothing at this time, and determine whether to forgive the loan at a later date. Doing so may give the Richmond Center more time to complete the transition to the client tracking software. However, it also increases the risk that the City would be unable to collect if it chose to at a future date. The loan agreement has no automatic forgiveness provisions, so Council action will be required at some point to either forgive or not forgive the loan.

In addition to direction on the forgivable loan, staff requests direction regarding the improper 2011/12 billings identified in the state audit. The following options are available to the Council:

2.a. Require repayment

Require that the improper billings identified in the state audit during 2011/12 be repaid to the City, totaling \$5,784.

2.b. Allow for make-up billings

Allow the Richmond Center to keep the \$5,784 if it can show that bona fide City clients received services after the City's nursing allocation ran out for 2011/12 and no other party was billed for these services.

2.c. Do nothing

STAFF COMMENTS:

While the information that was supposed to be provided to the City as part of the loan agreement was not as helpful as hoped, staff believes it would be difficult to prove that the terms of the forgivable loan were not met for two out of the three criteria. Therefore, staff does not feel strongly enough to support any of the options provided above.

However, it is important to emphasize that the City Council needs to take action in support of Options 1a or 1b because the Richmond Center is carrying the forgivable loan as a liability on its books. In addition, City staff would like to resolve whether to expect repayment or not.

In regards to the issue of billings, staff would support Option 2b. and allow the Richmond Center to keep the \$5,784 if it can show that bona fide City clients received services after the City's nursing allocation ran out for 2011/12 and no other party was billed for these services.

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:

BIDDER	BID
Hooper Corporation Madison, WI	\$9,054,395.90
Probst Electric Heber, UT	\$9,252,866.30
PAR Electrical Contractors, Inc. Kansas City, MO	\$9,535,387.08
Michels Power Neenah, WI	\$10,968,925.55
Timberline Construction, Inc. Rapid City, SD	\$10,982,851.18

Electric Services staff reviewed the bids and concluded that the apparent low bid submitted by Hooper Corporation, Madison, WI, in the amount of \$9,054,395.90 (inclusive of sales tax) is acceptable. The Engineer's estimate of the total installed cost of this project is \$8,300,000. Staff discussed the bids with DGR, the engineering consultant, to determine if it would be in the City's best interest to rebid the project. Based on their assessment of current trends, they project that material and labor costs will continue to rise, and thus see no benefit to reject bids and rebid.

Council should 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, which are greater than 50% of the cost of the entire bid, are provided as part of this contract.

In addition to the subject contract amount of **\$9,054,395.90**, the contractor will be utilizing a substantial amount of material from City inventory purchased in 2008 for the project. This 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 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 \$9,577,665.90, creating a shortfall of \$1,379,914.**

To cover this shortfall, staff is recommending that the 2012/13 Vet Med Feeder Project budgeted at \$300,000 and the 2012/13 69kV Transmission Reconstruction Project budgeted at \$250,000 be cancelled and the savings redirected to this project. The Vet Med project will be reprioritized in a future CIP. In addition, staff is suggesting that \$829,914 from the Unit #8 Blading and Diaphragms/Parts CIP appropriation be used for this project. This action will still leave \$643,999 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, and staff may need to come back to Council for additional funding. 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 such requests.

ALTERNATIVES:

1. a. Award a contract to Hooper Corporation, Madison, WI, for the MEC Interconnection 161 kV Line Construction in the amount of \$9,054,395.90.
b. Authorize the redirection of CIP funding as noted above to finance the budget 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:

The 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, since the recent decision by the Iowa Utilities Board can still be challenged in court 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 supportive of proceeding with construction of the tie line at this time.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby awarding a contract to Hooper Corporation, Madison, WI, for the MEC Interconnection 161 kV Line Construction in the amount of \$9,054,395.90; and authorizing the redirection of CIP funding as noted above to finance the budget shortfall.

A summary of project expenses since 2003 for establishment of external electrical interconnections is attached.

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 Ames–N.E. Ankeny 161 kV line	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 \$368,769 Contract \$9,054,395.90 Invent. Mat. \$523,270	\$9,946,434.90
TOTAL	\$13,907,987	\$4,067,483	\$1,152,628	\$10,453,068.90	\$29,581,166.90

Staff Report

**Request for LUPP Amendment for
Athen property on GW Carver Avenue**

October 23, 2012

Request and Referral: Chuck Winkleblack, representing the applicant, seeks to develop the Athen property on George Washington Carver Avenue for a senior living center, comprising senior housing, assisted living and skilled care. In addition, areas would be made available for residential housing. A map of the Athen property is shown on Attachment A. Mr. Winkleblack is requesting the designation of the property as Urban Residential on the Urban Fringe Plan and inclusion of the subject site as an Allowable Growth Area in the Land Use Policy Plan. The Urban Residential designation identifies those areas of the Ames Urban Fringe that are likely to be annexed and developed in the near to medium term. The Allowable Growth Area designation of the LUPP mirrors that intent. **At the March 6, 2012 meeting, the City Council determined the request to be a major amendment and referred the item to staff.** The application was submitted on April 25, 2012.

Major Amendment Process: In accordance with the process outlined in the Land Use Policy Plan for major amendments, City staff conducted an Open House on June 21 to introduce the request to interested persons. Approximately 20 people attended that meeting to hear details of the request and to ask questions on the proposed project.

On June 28, a workshop was held to allow interested persons the opportunity to identify issues and to seek further information. About fifteen people attended and raised a number of issues.

On September 10, a second workshop was held to report back. Again, about fifteen people were in attendance. A panel of City staff was able to provide further information on specific issues and information that was requested at the first workshop.

At the Planning and Zoning Commission meeting on October 3, the Commission considered the proposed change along with staff's summary of the input received at the workshops. Finally, the Commission applied in its analysis the review criteria defined in the recently adopted LUPP Amendment procedures, which include consideration of:

1. *City resources, including staff, budget, utilities, transportation, parks and/or schools, necessary to implement the proposed amendment.*
2. *The City's ability to provide the full range of public facilities and services at the planned level of service, or if the proposal will consume public resources otherwise needed to support comprehensive plan implementation strategies.*
3. *How the proposal relates to current land use allocations and growth projections that are the basis of the comprehensive plan.*

4. *Compatibility of development allowed under the proposal amendment with neighboring land uses and surrounding neighborhoods, if applicable.*
5. *Effects of the proposed amendment on historic resources or neighborhoods, or the City's general sense of place.*
6. *The cumulative impacts of the proposed amendment, in combination with other proposed or recently approved amendments.*

After considerable discussion of the proposal as it relates to the above criteria, and after considering the input received, the Planning & Zoning Commission recommended approval of a map amendment that would allow the annexation of the proposed area. The Commission also recommended that the City Council consider the following six factors in evaluating and approving these changes:

- 1. Development of proposal for the distribution of cost for any needed sanitary sewer improvements.**
- 2. The impact the development in this area may have on emergency service response.**
- 3. The impact the development in this area may have in areas that have already been targeted for growth or have been invested in by the City for growth.**
- 4. The possibility that a developer's agreement be investigated to require a care facility.**
- 5. Consideration be given to ensure the protection of the natural area of at least at or before the tree line.**
- 6. This area be provided with two zoning designations with the minimum zoning necessary for the care facility and low density housing.**

The Council will note that the Commission did not pursue a specific analysis of these issues before making a recommendation to the City Council. Instead, it made the broader determination that the proposal could provide positive benefit to the community and deferred to the City Council to consider these six factors.

The purpose of this review is to update the City Council on the progress of the evaluation of this request and to give the Council an opportunity to provide any comments before sending the request back to the Planning and Zoning Commission to hold a public hearing on specific LUPP text and/or map amendments.

However, before sending this request back to the Planning & Zoning Commission, the City Council should first consider the six factors identified by the Commission to determine how these issues might be addressed or resolved.

The following are staff's comments and/or suggested approaches to these six issues:

Factor #1 – **Sanitary Sewer** - A proposal is included in the Appendix along with a discussion of the sanitary sewer issues. The issue is a lack of capacity that can be resolved with replacement of a portion of the pipe in Moore Memorial Park. The proposal includes possible allocation of costs between the City and the developer.

Factor #2 – **Emergency Service** - The proposed uses (a skilled care and assisted living facility) have a history of a high volume of emergency calls. The City Council should consider the impacts of locating such a use on the periphery of the City. Not only is this site further than five minutes from a fire station, but a high volume of calls to the periphery redirects resources away from the bulk of the City. The performance measures ask the City Council to consider the impact of fire department and emergency resources on growth so that the need for a fourth fire station is deferred as long as possible.

Factor #3 – **Impacts on other City-Invested Growth Areas** - The City Council has budgeted for the installation of sanitary sewer and water in the North Growth Area, to be paid back as land is developed. The City Council should consider the impact of other development on the rate of payback to the City. Only a finite number of single-family homes are built in Ames every year. Enlarging the Growth Area to allow homes to be built outside the North Growth Area would delay payback on the City's investment in sewer and water infrastructure.

Factor #4 – **Requirement of a Care Facility** - Concerns were raised that after annexation and rezoning, something other than the proposed elderly care facility might be built. The City Council should consider whether a care facility should be mandated. A development agreement as part of a conditional LUPP amendment would be the mechanism to accomplish this.

Factor #5 – **Protection of Natural Area** - A tree line exists at the top of the slope of the Squaw Creek valley. The applicant seeks to develop up to but not in the tree line. The City Council should consider how much of the Natural Area line should be retained. The protection of these natural resources can be accomplished by deciding where this line should be drawn. It could be drawn at the "drip line" of the trees or with some specified buffer from there. The Natural Area designation that exists has a purpose—to protect the slopes and the tree cover.

Factor #6 – **Imposing Two Zoning Designations** - Residents of Northridge Heights are concerned that the area might be zoned to allow apartments. The

City Council may consider whether to place any restrictions on the Land Use Policy Plan change or to place any restrictions, later, when a change of zone is requested. A development agreement as part of a conditional LUPP amendment would be the mechanism to accomplish this.

CONCLUSION:

If the City Council believes that the six factors identified by the Planning and Zoning Commission can be adequately addressed, the City Council could, by motion, direct staff to develop specific amendments to the map and/or text of the Land Use Policy Plan and Urban Fringe Plan for a public hearing by the Planning and Zoning Commission. The City Council should also give staff direction regarding how to address each of the six factors noted above.

APPENDIX

Land Use Policy Plan and Ames Urban Fringe Plan: The Ames Urban Fringe Plan designates this site as Priority Transitional Residential with the Natural Area designation over the western portion. A map of the existing Urban Fringe Designation is shown in Attachment B. The Priority Transitional Residential designation allows for residential development under County zoning rules. However, it requires that development be done to urban densities (a minimum of 3.75 dwelling units per acre). It does not allow for access to City water and sanitary sewer but requires any infrastructure to be designed and built so that it can be accommodated by the City if it is annexed in the future.

The site is not in an Allowable Growth Area of the Land Use Policy Plan. In 2008, it was considered for inclusion within the North Growth Area for purposes of the Targeted Growth Study. However, due to the unknown ability of extending sanitary sewer service to this area, it was ultimately excluded from the North Growth Area. A map of the Allowable Growth Areas is included in Attachment C.

To accommodate the proposed annexation and development of the site, the Ames Land Use Policy Plan would need to recognize this as an Allowable Growth Area. In addition, the site would need to be designated as Urban Residential in the Ames Urban Fringe Plan. The Policies of the Natural Area and Urban Residential designations are included in Attachment D.

Zoning: The subject site is currently zoned A-1 by the County. This zoning designation would not allow for development except for single-family homes on 35 acres. To accommodate the proposed use under County zoning would require a change of zone to a designation consistent with the Priority Transitional Residential designation of the Ames Urban Fringe Plan.

Applicant's Statement: The applicant's Narrative for LUPP Change is included as Attachment E.

Below is a synopsis of the issues that were raised and addressed at the two workshops. This narrative describes the issues that were raised, the staff responses, and possible approaches to consider as the Commission develops alternatives.

ANALYSIS:

A. TRAFFIC

Questions were raised about the capacity of George Washington Carver Avenue to accommodate the expected traffic from this new development, in addition to the increased traffic as Northridge Heights continues to build out. The City traffic engineer responded by noting that the 2035 Long Range Transportation Plan took this development density into account when it projected future traffic demand in the City. The segment of George Washington Carver Avenue affected by this proposed subdivision is not shown in the LRTP as having a need for capacity improvements.

Minor safety and/or functional roadway improvements, such as turn lanes into or out of the site, may be identified during the Traffic Impact Study.

Questions were also raised concerning the impact on intersections, speed and bicycle/car interactions. The traffic engineer responded to these by stating that a Traffic Impact Study will determine estimated traffic for the proposed development and identify what site-specific improvements may be needed. The study will also help the City and developer determine the type, number, and location of the main access points on to George Washington Carver Avenue. Because George Washington Carver Avenue functions as an arterial street, there will be no access from individual lots onto this road. Access will be granted only to public streets.

Speed is, admittedly, an issue along this stretch of George Washington Carver Avenue as the rural traffic transitions into a more urban setting. As development occurs along this portion of the road, speed will moderate to account for the increased traffic and turning movements. Unless the City or the developer is willing or able to dramatically change either the geometry of the road and its respective intersections, not much can be done until further development occurs to change this section into a more urban setting. From a safety sight distance standpoint there is plenty of visibility along this stretch of the road. The speed, however, is a quality of life issue; one that will take some investment into the corridor before it can be improved. The City Council would need to determine if this is, in fact, a policy issue and who is responsible for any solutions.

The ability of this corridor to safely accommodate bicycles will depend on improvements that would be identified following the Traffic Impact Study. The design of any specific improvement would depend on the anticipated traffic movements that the Study anticipates. But, in general, there may need to be a combination of signs and pavements markings along with lights and, in the most severe case (usually determined by operating speed), some physical improvement such as medians, raised crossings, speed tables, etc.

Concerned participants raised the issue of cut-through traffic, that is, the traffic leaving this proposed development and taking local streets to Stange Road to get to points south or east rather than taking George Washington Carver Avenue. Cut-through traffic is usually due to an arterial road being over capacity and free movement of traffic degrades with the result that local roads are more attractive to drivers due to their reduced trip time to a particular destination. Since there is adequate capacity on this road to serve projected growth to 2035, it is not anticipated that cut-through traffic would manifest itself.

The existing noise from traffic on George Washington Carver Avenue was raised and was questioned whether this would be exacerbated by increased traffic from this proposed development. Noise is closely related to speed as engine noise, engine braking, and tire whine all increase as speed increases. As speed will naturally decrease as traffic and development turn this rural section into a more urban setting,

so too will noise decrease. Although the noise from individual vehicles will decrease, the total number of vehicles will increase and may not reduce overall noise levels.

Considerations for Alternatives: A Traffic Impact Study will be done at the time of development of this site. At that time, any improvements that are site specific for this development will be identified. As the capacity of the roadway is not in question, the Study will focus on the safety impacts associated with the development and how to mitigate any impacts to the quality of life of existing and future residents of this area.

B. SANITARY SEWER

The City has had concerns about the sanitary sewer system in this area. The City's sanitary sewer consultant has identified a possible capacity issue in the trunk line that serves the Northridge, Northridge Heights, and Somerset areas. This trunk line would also serve the subject site. There remain unanswered questions as to the extent of the restriction in the capacity and what the costs are of the many potential solutions to the capacity issue. Below is a memorandum from John Joiner, Public Works Director that describes the issues and a recommended solution.

THE IMPACT ON THE SANITARY SEWER SYSTEM FROM THE ANNEXATION OF THE ATHEN FARM

BACKGROUND:

The City Council has recently been asked to considering annexing the Athen Farm into the City. The Northridge Parkway, Northridge Heights, Somerset, and Taylor Glen subdivisions are all served by the sanitary sewer system that flows through Moore Memorial Park. It is being proposed that development in the Athen Farm would also utilize this sewer. Stanley Consultants performed a flow study of our sanitary sewer system in 2008 and found that one segment of 15" sanitary sewer under the Moore Park parking lot was constructed incorrectly (laid too flat).

Iowa Department of Natural Resources requires that sanitary sewer pipes of 15" diameter or less should have a ratio of planned depth of flow to overall pipe diameter of 0.67 or less. The current flow measurements through this segment show that the existing depth of flow ratio is 0.45.

Sanitary Sewer Capacity Projections Based On Current LUPP

The sanitary sewer model for this area was updated by Bolton and Menk, Inc. to reflect planned growth east of GW Carver Avenue. This included the former school site in Somerset developing as single family homes along with the current open farm ground on Stange Road developing as a church with 12 single family homes. The model also reflected the traditional Ames population density of 2.7 people per unit. Using this planned growth, the model showed the depth ratio will be 0.70.

Sanitary Sewer Capacity Projections When Athen Farm Is Added

The model was also updated to include the additional planned assisted living and single family growth of the Athen Farm. Results showed that if this flow was to be added to the previously mentioned planned flow, the depth ratio would increase to 0.85.

Mitigating Options (see attached map):

Option One would be to relay the subject sewer segment with an 18" pipe around the corner of the Moore Memorial Park parking lot at the correct slope. Upsizing the pipe would increase the maximum IDNR depth of flow ratio to 0.75 (for 18' pipes and greater). The model shows this project would accommodate the Somerset, Taylor, and Athen growth, while creating a depth ratio in the new pipe of 0.60. The estimated cost of this project is \$260,000, which includes engineering and construction. A cost share could be negotiated between the City and the Athen developer.

A possible scenario could be having the City be responsible for the share of flow depth ratio that exceeds the IDNR requirement in order to accommodate the Somerset and Taylor growth; the Athen developer could be responsible for the added depth ratio created beyond this amount. The flow associated with the IDNR maximum depth ratio 710 gpm (gallons per minute). The flow when adding the Taylor/Somerset build-out is 773 gpm and the flow when also adding the Athen development is 970 gpm. **That would equate to the developer contributing 76% (970-773/970-710) of the estimated project cost, which is approximately \$197,600.**

An alternative, **Option Two**, would be to reroute the sewer flow from the Taylor Glen and Somerset areas to the south along GW Carver Avenue to the Moore Memorial Park sewer. The estimated costs for this project are \$685,000. It is felt that a decision on this type of project should be delayed until actual land use and associated flow for the area can be determined.

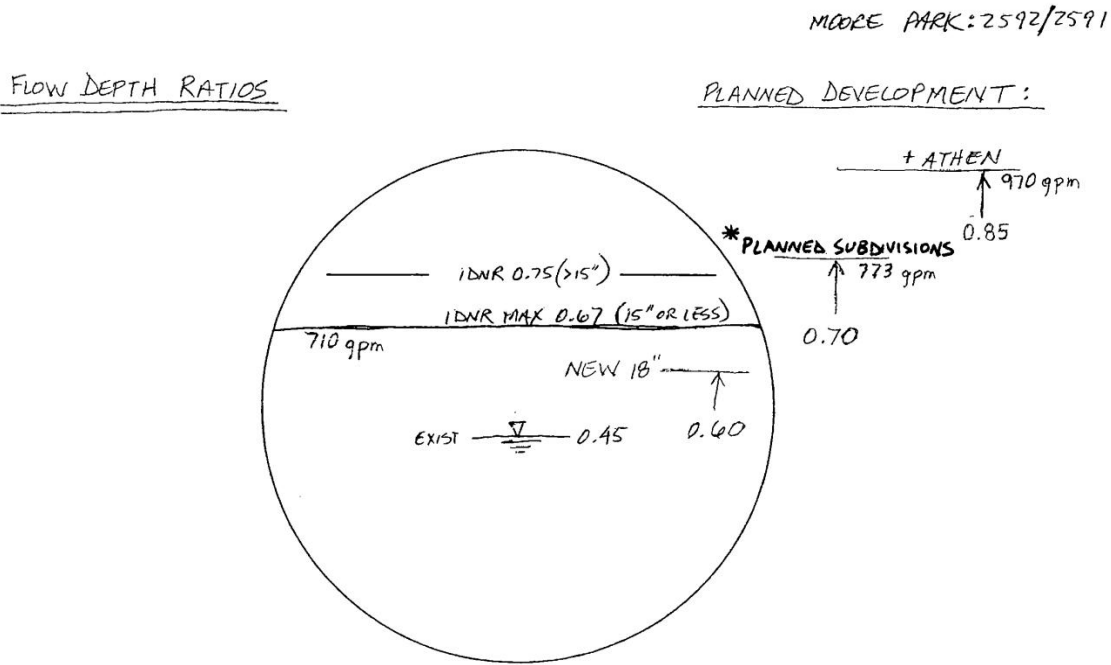
RECOMMENDATION:

There have been no reports of sanitary sewer problems in any of the developments served by this sewer. It is also felt that the actual flows in the system are likely lower than the standard IDNR flow values used in the model. The Sanitary Sewer System Evaluation continues across the community. More accurate numbers will likely be developed through the continuation of this study that will refine the values used in the model. This study will also likely identify a number of areas of concern throughout the community that will compete for improvement project priority.

Because of these factors, it is recommended that any project to address the problem segment in Moore Memorial Park be delayed and permanent flow meters be installed in Moore Memorial Park and

Somerset Subdivision. These meters will provide constant, real-time information so that staff may continually monitor the flow situation in these segments. If the City Council decides to amend the LUPP to allow for the annexation of the Athen farm, the developer should be required to deposit the \$197,000 share into escrow so that when the time for a project is determined, this amount may applied to the overall costs.

In discussing this cost sharing arrangement with Mr. Winkleblack, he had indicated he would prefer to share equally in the cost of the sewer improvement.



* INCLUDES NORTHRIDGE, NORTHRIDGE HEIGHTS, SOMERSET, TAYLOR GLEN

C. STORM WATER

Several residents in the area questioned how storm water will be handled. City staff noted that any development and installation of public infrastructure (such as roads) would need to follow the City's storm water requirements. These include the submittal of a storm water management plan with the preliminary plat that identifies how runoff will be managed. The review of the storm water management plan is to ensure that the post-development runoff quantities do not exceed the pre-development amounts. In addition, the developer would also need to obtain a COSECSO permit and NPDES permit prior to construction and comply with regulations regarding erosion control during construction.

The City may be interested in any innovative approaches to storm water management that the developer would propose. For instance, the City has adopted a conservation subdivision ordinance. This ordinance is mandatory in the Ada Hayden watershed but is optional in other developments. In addition, as buildings are developed, on-site bio-swales, rain gardens, and green infrastructure approaches offer acceptable methods of storm water management that the City can approve as part of the building development process. There is a vast array of approaches for low-impact development (LID).

Considerations for Alternatives: The City has a conservation subdivision that is mandatory in the Ada Hayden watershed but could be applied here. The standards of the conservation subdivision rely on preserving the natural drainage features of the site to reduce the impact of development on the landscape.

D. NATURAL RESOURCES

This broad category is further refined into subcategories related to the natural resources of the site.

Natural Area and Norris Study: The site consists of a flat flood plain along the west part of the subject site. The site rises about 50 vertical feet to the agricultural area west of GW Carver Avenue. The lower bottom land appears to be used for row crops, as does the upper flat land. The slopes are heavily wooded, with the wooded area extending not much beyond the top of the slopes.

Attachment F is an aerial photograph showing the existing ground cover and tree line. The Natural Area is overlain on the photograph.

Staff reviewed the “Norris Study,” done in 1994, which inventoried certain areas around the City to determine the extent of native vegetation and the degree to which invasive species can be found. Areas that were surveyed were given a letter grade (e.g., A, B, C, D, and S) to describe these resources. The study did not directly inventory this subject site. However, the Northridge area to the south of this subject site was given a grade of D for the woodland and a grade of B for the two identified prairies. The bottomland along Squaw Creek was given a grade of C.

The applicant notes that he does not intend to place development into the tree area. Rather, he seeks a change to the Natural Area to allow development up to the tree area.

Considerations for Alternatives: A Natural Area designation is placed over a portion of the subject site, including the flood plain of Squaw Creek and the steep slopes on the east bank. The Natural Area designation also extends into the existing bean field west of George Washington Carver Avenue. Under the policies of the Ames Urban Fringe Plan, no subdivision for residential purposes is allowed within the Natural Area. The applicant would like to develop up to the tree line. The City Council should provide direction to where the Natural Area extends. This direction could a) retain

the existing Natural Area, b) pull the Natural Area back to the tree line, or c) retain a buffer of, say, 50 to 100 feet that would be protect the tree area (and it's flora and fauna) from the human activities of the proposed development.

Flood Plain: Several participants asked about what the impact is on the flood plain of Squaw Creek. Staff provided to the participants (and now to the City Council) the following primer of flood plain regulations. The bottomland of the subject site lies within the FEMA designated AE zone of Squaw Creek. This designation includes both the Floodway and the Floodway Fringe. The Floodway and Floodway Fringe are shown in Attachment G. In areas within the Floodway, most development is prohibited except for uses that do not impede the flow of floodwaters. Structures that could be damaged or lead to loss of life are prohibited. Fill cannot be brought into the site unless it can be demonstrated that it will not increase flood heights. Allowed uses include open space, trails, and parks. Other uses include golf courses and parking lots. Small structures, such as a gazebo, could be allowed.

Within the Floodway Fringe, development can occur provided it is allowed by zoning and that it meets development standards. This normally requires that structures be elevated to three feet above the base flood elevation (100-year flood level). Fill can be brought into the site. A flood plain development permit must be approved by staff prior to any construction, grading, or development activities.

Base flood elevation along this stretch of Squaw Creek is about 911.5 feet (NGVD 29). The bottomland is relatively flat and lies at about 906 to 908 feet. The Floodway lies entirely on the bottomland while the Floodway Fringe extends part of the way up the side slopes. The upper level gently undulates and lies at an elevation of between 940 and 962 feet. There is a high spot along the edge of the tree line that rises to about 970 feet.

The applicant has stated that the slopes and the bottom area (floodplain) will not be developed. Instead, he anticipates retaining this area as open space with hiking trails through it.

Considerations for Alternatives: After annexation, the City's flood plain ordinance would apply to any area within the Floodway and Floodway Fringe. The City Council may consider alternatives that go beyond the restrictions described above.

Archeological Resources: City staff approached the Office of the State Archeologist in Iowa City to investigate whether any known archeological artifacts were found within the subject site. Within the subject site, the office has records of two archeological sites. The two sites are very small and consisted of surface findings. However, if there were a larger site with visible surface features, the state office believes that the archeologist would have discovered it. Unknown, however, is the extent of any unknown or underground archeological deposits.

Private development is not required to undergo a site survey or study unless federal funds are involved. If, during construction, the developer discovers archeological deposits or ruins, he or she is not required to collect, preserve or avoid them unless human remains are found.

Considerations for Alternatives: Any development of the site is not required to identify or preserve any archeological artifacts that may be found. Only if human remains are found would state law require protection of the area. The City Council may consider alternatives that require a site survey or study and the protection of any resources if they are found. The Office of the State Archeologist has offered its resources to help develop a scope of study.

E. ECONOMIC IMPACTS

A number of participants at the workshops expressed interest in a number of issues that can broadly be defined as the economic impacts of the proposed annexation and development. These subcategories are described below.

City Investment: The City of Ames is considering whether to install sanitary sewer and water to serve the North Growth Area. A study is underway to determine the costs of these installations. While the City would pay for the installation of the infrastructure, the intent is to establish districts whereby the City would be repaid as residential development occurs. It would stand to reason that the City's payback would be delayed if other areas of residential development were to open up. Additional growth areas would compete with the North for new housing construction, thus diluting the rate of payback.

Costs of Development in Allowable Growth Areas: A 2008 study identified capital and infrastructure costs for growth to the North, Northwest, and Southwest. The total costs for growth in the Northwest were the least, while the Southwest was the greatest. Costs for growth to the North were greatest on a net developable acre basis. Based on the 2008 study, growth to the North would necessitate the development of a new fourth fire station. However, based on discussion on fire response time, the use of performance measures, rather than a fixed response time goal, may allow for development without a fourth fire station. See Cost for Emergency Services, below.

Impacts on School District Revenue: This site is within the Gilbert School District, which will receive property tax revenue based on the taxable valuation of any development.

Considerations for Alternatives: Development of this area has a number of impacts regarding the potential payback of City investment and property tax collections by the City and by the Gilbert School District. These issues do not lend themselves to any particular alternative. However, the considerations of Appendix C of the LUPP are very important when discussing these issues.

F. COST FOR EMERGENCY SERVICES

This topic is important in considering the impact on public safety. It is also somewhat complicated as the City Council recently gave direction to the Fire Department to prepare a new approach to measuring response times and how development has an impact on them.

On April 24, 2012, City staff presented a report to the City Council regarding the topic of emergency response times for the City of Ames. This report was in response to the City Council's decision to allow growth to the North, Northwest, and Southwest, in addition to discussions about expanding to 590th Street to the east. Based on the City's previous approach to measuring response times, many of these areas would be outside of the City's five minute travel response time goal (the goal was to cover 85% of the community within 5 minutes travel time from any station).

Therefore, the Council requested that the emergency response time issue be revisited and that other cities be surveyed to determine how they are addressing this issue. All of the surveyed cities measured response time based on actual calls for service. As Ames has shifted away from a targeted growth strategy and is poised to grow in four directions; its current technique for measuring response time based on area covered no longer seems warranted. For purposes of informing the City Council of the possible impact of future land use decisions, the staff can now utilize more sophisticated GIS tools for planning purposes. This technique would allow staff to analyze response time patterns from existing developed areas in the city and project this information onto undeveloped areas that are being considered for annexation to better project anticipated response times from these new areas.

In addition, it should be noted that call volumes have intensified in certain types of occupancies over time in Ames. Particular types of development tend to have higher Fire Department service needs. These include areas of high-density residential, commercial areas, and medical, assisted living and/or nursing home facilities.

As new development occurs, response performance as measured by actual calls for service will at some point require that the City begin discussion of station location options. Until it becomes necessary to relocate and/or construct stations, the City Council can help mitigate the increasing demands on the Fire Department through land use choices.

A careful land use choice strategy was suggested for two reasons. A facility distant from a fire station will experience a longer time before rescue personnel can arrive, so facilities with more frequent needs will be served more effectively if they are closer. In addition, when emergency call volumes increase to the extent they have in Ames, the number of simultaneous calls increases. Frequent calls to locations far from fire stations will tend to increase the number of simultaneous calls, causing others in the community to wait longer for service.

Considerations for Alternatives: As noted above, the types of land uses will, over time, be a good predictor of emergency call demand. Senior living, assisted living, and skilled care facilities have a history of a high demand for services. While the developer has indicated that the facility will be fully sprinkled and have on-site nursing staff on a 24-hour basis, these mitigate only the first-response time. Calls will still need to be made to the facility, even though any fire may be partially suppressed by sprinklers and medical situations may be stabilized by on-site staff. The City Council may consider whether a limitation on the proposed uses is appropriate. Such a limitation, however, may result in the project not being built at this location.

G. ALTERNATIVE SITES

Many participants asked whether consideration was given to locate the proposed senior facility elsewhere. In addition, some asked whether the proposed single-family housing can be accommodated in existing Allowable Growth Areas.

The senior living center that is proposed consists of independent senior housing, assisted living and skilled care. These types of uses are allowed in the FS-RM (Suburban Residential Medium Density) and RM (Residential Medium Density) zones by special use permit. These uses would also be allowed in the RH (High Density Residential) zone as a Permitted Use. The expected Land Use Policy Plan designation for this site, if it were annexed, would likely be Village/Suburban Residential. Such a designation would support a rezoning to FS-RM.

Sites in the existing identified Growth Areas of the Fringe Area that would accommodate the proposed uses include all of the North Growth Area, Northwest Growth Area, and Southwest Growth Area. Although annexation and development activity are not currently in the pipeline for the Northwest and Southwest, there is active interest in the North Growth Area. The Urban Fringe Plan designation of these areas as Urban Residential supports the LUPP designation of Village/Suburban Residential, allowing for the application of FS-RM zoning, allowing the proposed uses.

Sites within the existing City limits may be constrained due to the anticipated size of the proposed senior living project. However, several sites owned by the Ames Community School District have an LUPP designation that could justify zoning to accommodate these uses. These school sites include 2714-2806 George Washington Carver Avenue (on the west side of Somerset); 3915 Mortensen Road (the eastern portion of the middle school site fronting on State Avenue); and 2005 24th Street (the triangular parcel east of Somerset). The former Roosevelt School (1000 9th Street) and Wilson-Beardshear School (900 Carroll Avenue) are surrounded by UCRM (Urban Core Residential Medium Density). This zoning designation does not allow the proposed uses and are much smaller than the size needed for the senior living project.

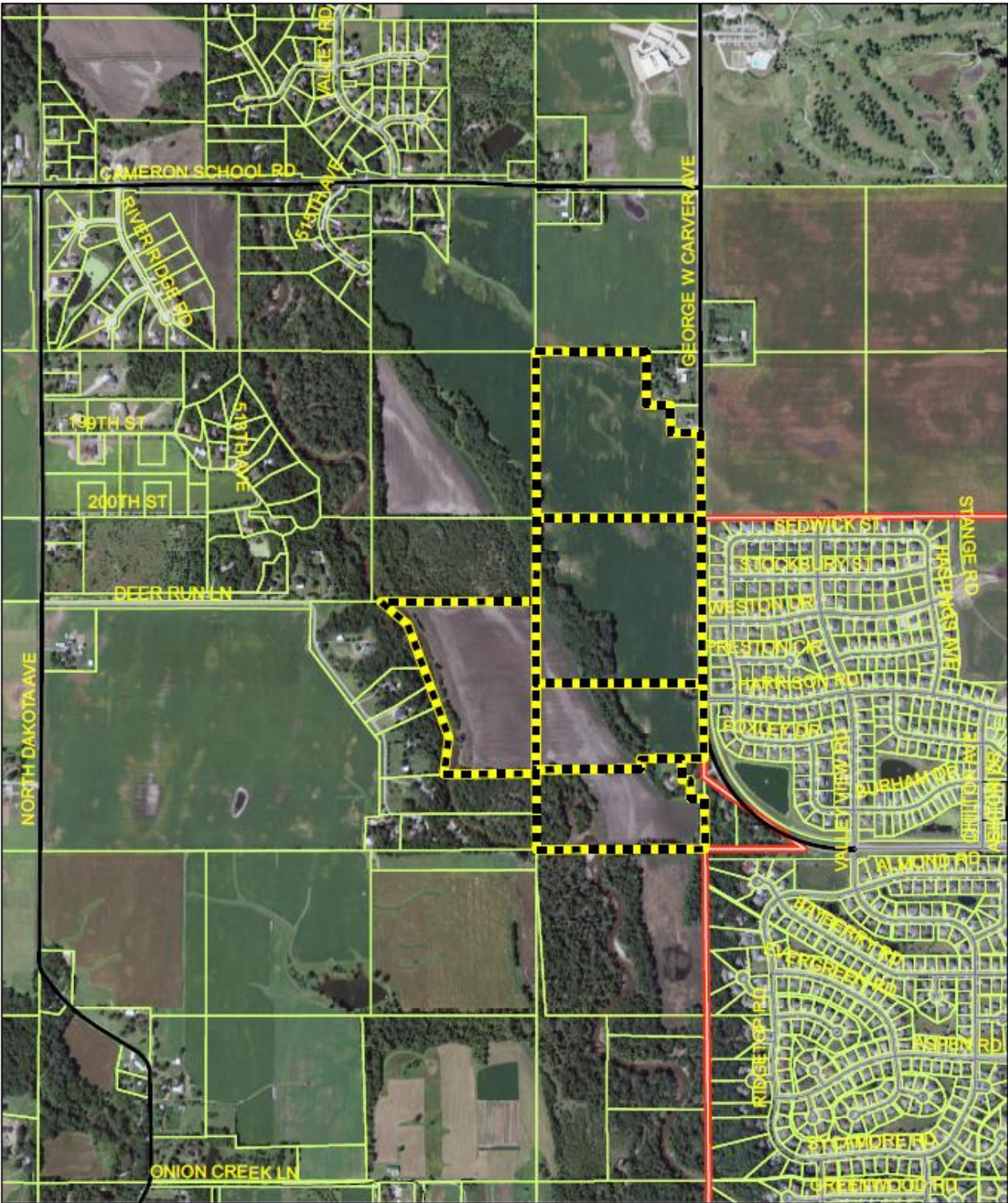
Other vacant sites within the City that are zoned RH or FS-RM and may be of sufficient size include Ringgenberg development on Oakwood Road, land between Maricopa Drive and US 30, and land between S. 16th Street and US 30. Please note that staff has not approached any of the owners of these sites to determine whether they are available or at what cost. Neither can we state that they meet the specific needs of the developer.

In November, 2011, the City Council adopted an amendment to the Land Use Policy Plan that included, among other things, projections for population growth to the year 2030. The seven forecast models ranged from a low of 61,270 to a high of 72,771. The median forecast was for a population of 67,107.

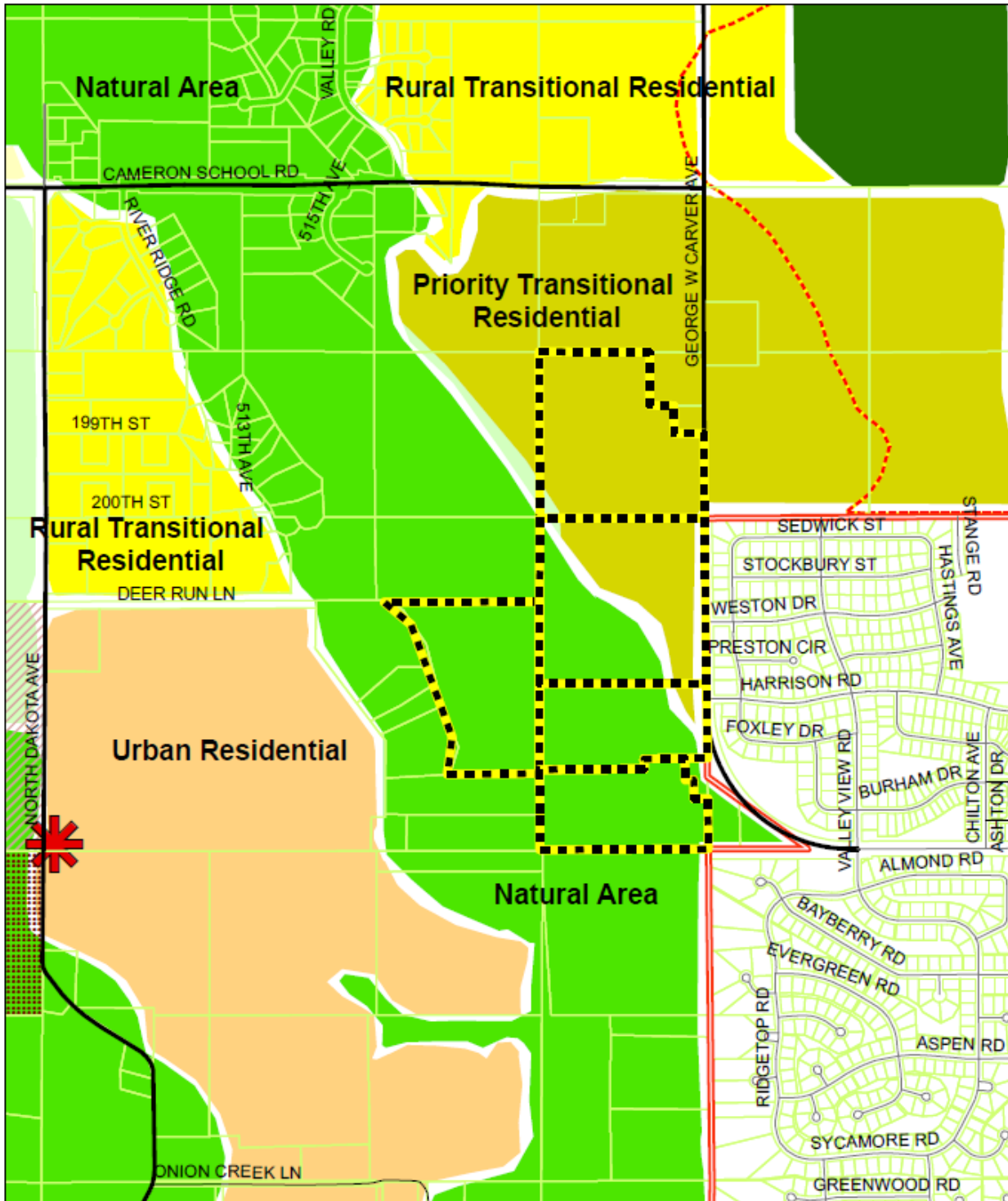
The LUPP also identified the capacity of the land within the City and the Fringe to accommodate a growing population. Using standard urban development densities, the existing City and the Allowable Growth Areas of the North, Northwest, and Southwest, could accommodate a population of 83,372. In January, 2011, the current Allowable Growth Areas were identified after much analysis by staff and discussion of alternatives. The analysis and discussion at that time included whether this subject site should be included as North Growth Area C. The alternative selected by the City Council did not include this subject site (North Growth Area C).

Considerations for Alternatives: The City Council should consider whether the existing Allowable Growth Areas within the City are adequate to supply the housing demand in the near and medium term (to the year 2030). The City recently took a hard look at directions for growth and settled on the existing Allowable Growth Area strategy. Have conditions changed dramatically or is more known now that would cause that decision to be changed?

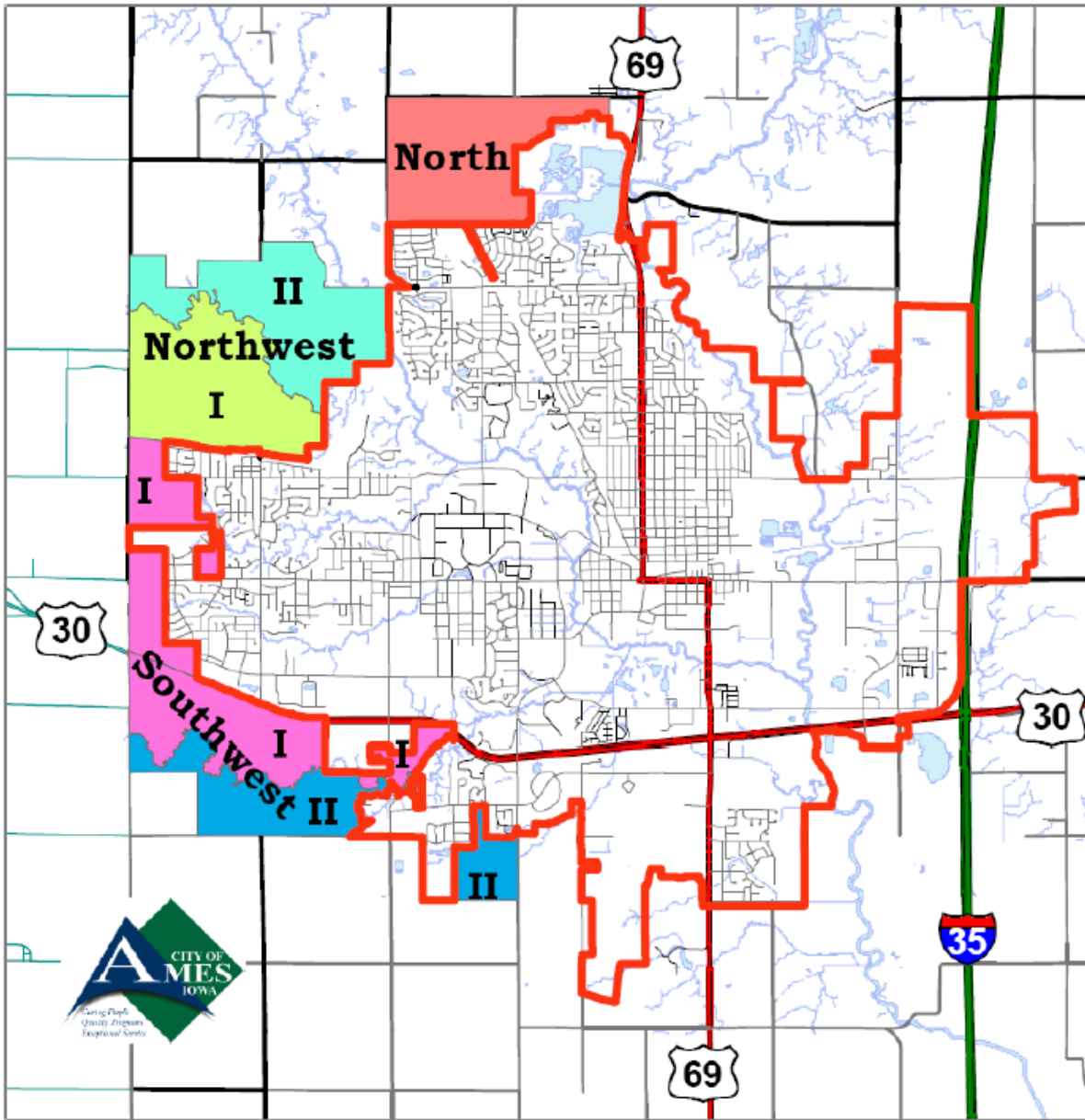
Attachment A: Location Map



Attachment B: Ames Urban Fringe Plan
Land Use Designations



**Attachment C: Allowable Growth Areas
(Excerpt from Land Use Policy Plan)**



Attachment D: Land Use Policies (Excerpts from Ames Urban Fringe Plan)

NATURAL AREAS (NA)

Natural Areas are vital to the region. They provide habitat for wildlife, minimize storm water run-off, stabilize soils, modify climactic effects, provide for visual attractiveness, and serve some recreational purposes. This designation seeks to conserve such natural resources. This designation is intended to prevent development encroachment and encourage greater mitigation standards. A buffer or other mitigation device may be necessary to fully protect Natural Areas.

NA Policy 1: Natural Areas are composed of the following features and locales that intermingle with each other.

Environmentally Sensitive Areas – flood-prone areas, wetlands, water bodies, areas of steep slopes and sensitive soil conditions, and other designated areas that should be protected from detrimental impacts from other land uses.

Significant Natural Habitat -- areas surveyed and evaluated based on vegetation type and condition in the “Norris Study.” These Significant Natural Habitat Areas may also occur outside of the designated Natural Areas. In such locations, the underlying land use designation applies.

Parks and Open Spaces – facilities, land, and/or structured programs for a variety of public recreational opportunities. The term "Open Space" refers to primarily undeveloped areas; such areas are typically maintained and managed as natural areas for passive recreational uses.

Future Parks -- general areas where future parks are anticipated.

Greenways -- stream ways, parks, improved and unimproved trail systems, and open spaces that provide linkages that in effect create a continuous "greenway" or recreational system. Greenways provide recreational and open space linkages in both rural and urban areas.

Particular features and locales in the Natural Areas often are appropriately described by more than one of the above labels. This is a reflection of the multiple benefits of, and the diversity of landscapes represented in the areas designated Natural Areas. Regardless of type, Natural Areas are protected from negative land use impacts.

NA Policy 2: Prevent subdivisions for new non-farm residential development. However, Natural Areas may include farm and non-farm residences existing at the time of this Plan

or remaining scattered building sites where farmstead homes once existed or homes on very large parcels of ground typical of the agricultural setting.

NA Policy 3: Mitigate negative impacts to Natural Areas, including, but not limited to: agricultural chemical application, animal confinement and feeding, agricultural irrigation, miscellaneous agricultural activities like manure and fuel storage, outdated and non-functioning on-site wastewater systems, underground storage tanks, and nutrient-loaded urban stormwater run-off.

URBAN RESIDENTIAL (UR)

This land use designation applies to areas reserved for future city growth. Residential land uses within Urban Residential designated areas are annexed and then developed at an urban density and with infrastructure and subdivision according to urban standards.

UR Policy 1: This land use designation includes residential use in "traditional" Village Residential Development with minimum average net density of 8 units per acre. It also includes conventional single-family/suburban residential development with minimum average net residential densities of 3.75 units per acre and conventional suburban/medium density residential development with minimum average net residential densities of 10 units per acre. When combined in a development or area, conventional suburban single-family and conventional suburban medium density residential developments should not exceed 5 dwelling units per net acre.

UR Policy 2: Require annexation by the city before land is developed or further subdivided.

UR Policy 3: Require urban infrastructure and subdivision standards, including urban right-of-way standards, urban street construction, urban sanitary and potable water systems and urban storm water management systems.

UR Policy 4: Require land development agreements with the city before land is developed or further subdivided.

UR Policy 5: Mitigate and manage stormwater run-off, soil erosion, and wastewater discharge according to IDNR and city standards.

Attachment E: Applicant's Narrative for LUPP Change

Athen Farm LUPP change narrative

April 25, 2012

The applicant believes that this proposed change is consistent with the LUPP in that the land is contiguous with the current corporate limits. Little or no new infrastructure would be needed as a result of this project. It will provide another housing product within the city of Ames.

The applicant believes that the LUPP should be changed to accommodate suburban residential development more in keeping with a metropolitan area than a rural development. We are running out of all types of land for residential development within the current corporate limits. One of the uses requires a large parcel of land to facilitate a senior housing project. There are no other parcels of land that could accommodate such a development in the Northern part of the community. Somerset and Taylor Glenn will be completely built out by the end of 2012. That will only leave Northridge Heights left to develop in the Northern part of the community and there are only 30 acres left in Northridge Heights to develop. It does not make any sense for us to sell 15 to 20 acres of the only remaining single family land for a senior project. The single family lot shortage is already far short of the near term needs.

The public would benefit by having some new types of housing products as well as adding another choice to the city's limited housing choices. There will also be significant increases to the tax base with the addition of this project. The senior housing project will be an initial investment of more than 12 million dollars. They would like to be under construction in the late summer or early fall of 2012.

The applicant believes that the widening to GW Carver that was done as a part of the Northridge Heights development will adequately handle the traffic generated by this project. If additional turning are required into the property, the developer understands that those turning lanes would be at the developer's expense.

Sanitary sewer remains a question and public works is in the process of having the flows measured so that the capacity can be calculated accurately. It is also our belief that if a problem exists in a short stretch of pipe in Moore Park that it can be remedied. A significant change to the sanitary sewer exists now since the land North of Northridge Heights that was planned to come through this area will now go to the East and not flow this direction. That was 155 acres of developable land, this project will create less than half of that number of developable acres.

The applicant believes that there is sufficient water capacity to handle the requirements of this project without having an adverse affect on the entire system for the city. The water tower is very close to this area so pressure and flow should not be a problem.

Storm sewer will be designed according to specifications provided by the city of Ames. This area is not in the Ada Hayden watershed.

This project will provide new types of housing as well as more inventories of the existing types of housing within the city. There will be numerous jobs created with the construction as well as an ongoing number of permanent jobs associated with the senior housing project.

Attachment F: Ground Cover and Natural Area



Attachment G: Flood Plain



**Attachment H: Goals For a New Vision
(Excerpt from Land Use Policy Plan, Chapter 1)**

Goal No. 1. Recognizing that additional population and economic growth is likely, it is the goal of Ames to plan for and manage growth within the context of the community's capacity and preferences. It is the further goal of the community to manage its growth so that it is more sustainable, predictable and assures quality of life.

Goal No. 2. In preparing for the target population and employment growth, it is the goal of Ames to assure the adequate provision and availability of developable land. It is the further goal of the community to guide the character, location, and compatibility of growth with the area's natural resources and rural areas.

Goal No. 3. It is the goal of Ames to assure that it is an “environmentally-friendly” community and that all goals and objectives are integrated with this common goal. In continuing to serve as a concentrated area for human habitat and economic activity, Ames seeks to be compatible with its ecological systems in creating an environmentally sustainable community.

Goal No. 4. It is the goal of Ames to create a greater sense of place and connectivity, physically and psychologically, in building a neighborhood and overall community identity and spirit. It is the further goal of the community to assure a more healthy, safe, and attractive environment.

Goal No. 5. It is the goal of Ames to establish a cost-effective and efficient growth pattern for development in new areas and in a limited number of existing areas for intensification. It is a further goal of the community to link the timing of development with the installation of public infrastructure including utilities, multi-modal transportation system, parks and open space.

Goal No. 6. It is the goal of Ames to increase the supply of housing and to provide a wider range of housing choices.

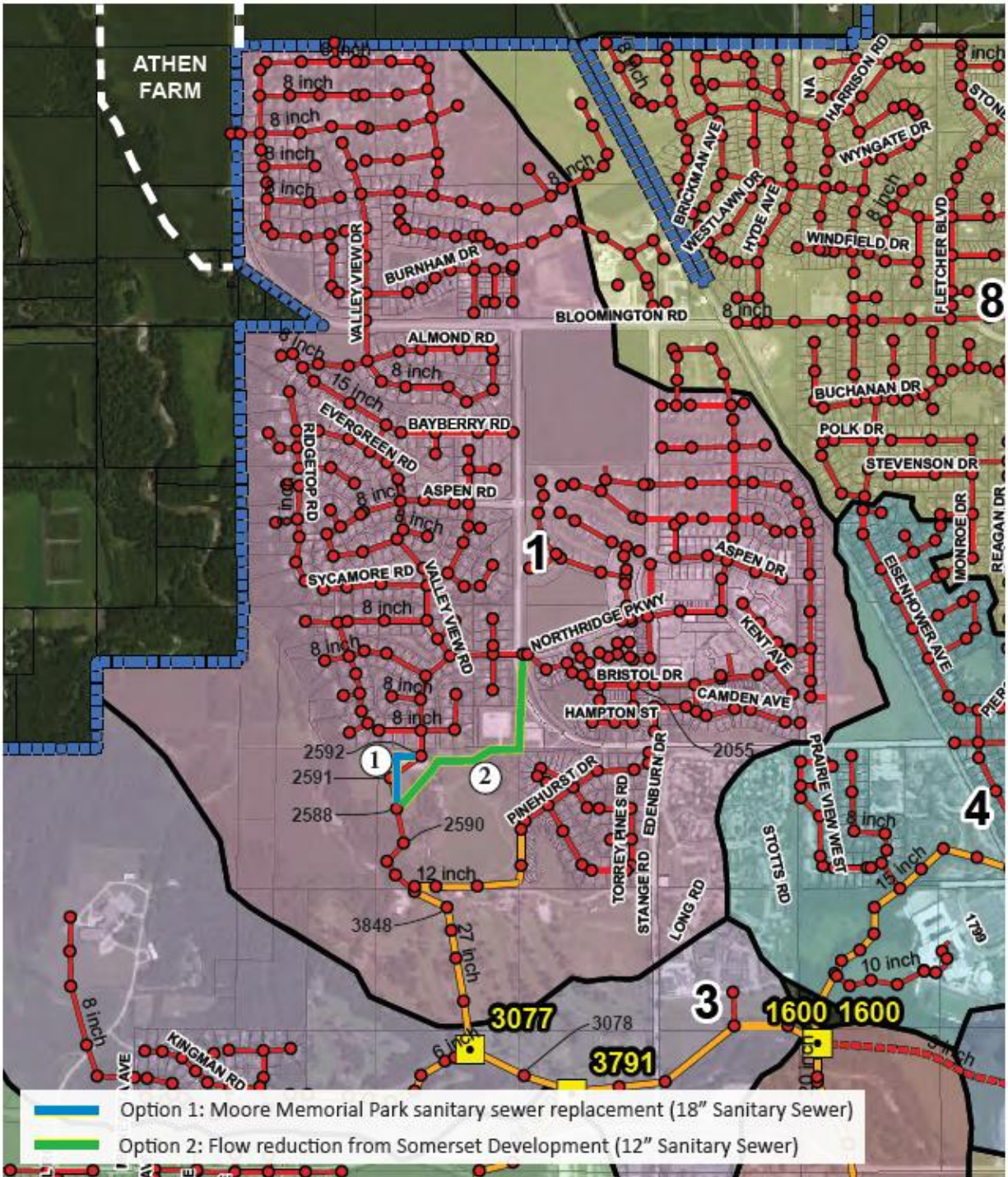
Goal No. 7. It is the goal of Ames to provide greater mobility through more efficient use of personal automobiles and enhanced availability of an integrated system including alternative modes of transportation.

Goal No. 8. It is the goal of Ames to enhance the role of Downtown as a community focal point.

Goal No. 9. It is the goal of Ames to promote expansion and diversification of the economy in creating a base that is more self-sufficient and that is more sustainable with regard to the environment.

Goal No. 10. It is the goal of Ames to maintain and enhance its cultural heritage.

Attachment I: Sanitary Sewer Alternatives



COUNCIL ACTION FORM

SUBJECT: STORMWATER UTILITY SYSTEM RATES – TIER STRUCTURE

BACKGROUND:

After several previous discussions concerning a new impervious based stormwater billing system, staff brought public feedback back to City Council on August 14, 2012. At that meeting, City Council reviewed the feedback and asked staff to provide a simplified three or four-tier system that still took impervious surface into account.

Storm Sewer Funding

The City's Storm Sewer Utility was established in FY 1994/95 to provide funding for the routine maintenance of storm sewers. The need in the Storm Sewer utility has grown over time as have regulations related to storm water management. Currently, stormwater fees fund all operations and some capital improvement projects. In the past, additional funding for stormwater management improvements has been provided through grant programs and general obligation bond capital improvement funding.

Existing Billing

At present, the City charges a flat fee per utility account for stormwater. This charge is currently \$3.45. There are approximately 25,325 utility accounts in the City. These accounts generate approximately \$87,370 per month or \$1,048,440 annually in revenue.

Simplified Billing Structure for Impervious Surface

To provide a tier structure, staff used the GIS system to review impervious area by parcel. To improve clarity of billing under the proposed tier structure, staff looked at the amount of impervious area per existing utility account. This information was then used as the basis to establish a simplified four-tier structure based on existing utility accounts.

Goals

The goal of the simplified tier structure is to provide an understandable stormwater fee that generates adequate revenue to fund the stormwater system serving Ames residents. Customers having larger impervious areas generally pay more than those with less impervious areas. Additionally, the cost to implement and administer the fee should not exceed the value of the new rate structure.

Tier Structure Rate System

Staff used the impervious area per account to establish the four tiers shown below. These ranges were then used to define the difference in cost for each tier as shown below. Staff then used the data to calculate the fee for each tier, assuming that the new

system was revenue neutral. The calculated values shown for Tier 1 were found to be close in value to the current flat fee of \$3.45 due to the high percentage of accounts in that tier. It was decided to leave Tier 1 at the current rate of \$3.45 and to use the difference in cost for each tier as shown in the table below. This resulted in a small overall increase in revenue, which may mitigate expected future rate increases.

The tier rate will be applied to all active accounts just as the current flat fee is applied. This means that no account in the City will pay less than the Tier 1 rate. This also means that apartment units and condos with individual accounts will continue to be charged no less than this rate.

Tier	Impervious Area/Account Range (SF)	Number of Accounts	Proposed Charge per Account	Total	Current Revenue \$3.45 per Account	Previous charge per account with ERU*
1	150 -10,000	24,490	\$ 3.45	\$84,490.50	\$84,490.05	\$1.00 - \$8.10
2	10,000.01 – 30,000	688	6.90	4,747.20	2,373.60	\$8.10 – \$24.30
3	30,000.01 – 90,000	309	10.35	3,198.15	134.55	\$24.30 - \$72.90
4	90,000.01 - Max	89	\$ 31.05	2,763.45	307.05	\$72.90 - \$699.84
				\$95,199.30	\$87,305.25	

*Assuming 5th year commercial charge of \$3.24 per ERU

Examples (per month charges)

Address	Tier	Number Of Accounts	Tier Charge Per Account	Total Tier Charge Per Parcel	ERU Charge Per Account	Total ERU Charge Per Parcel
2500 Northwestern Avenue (Single Family Residential)	1	1	\$3.45	\$3.45	\$2.80 to \$4.64	\$2.80 to \$4.64
1921 Ames High Drive Rear (Ames High School)	2	16	\$6.90	\$110.40	\$4.41 to \$10.53	\$70.56 to \$166.88
2801 Grand Avenue (North Grand Mall)	2	69	\$6.90	\$469.20	\$4.12 to \$9.75	\$284.28 to \$672.75
2900 Hoover Avenue (St. Cecilia Church)	3	3	\$10.35	\$31.05	\$25.11 to \$59.39	\$75.33 to \$178.17
3311 E. Lincoln Way (Barilla)	4	3	\$31.05	\$93.15	\$96.59 to \$228.42	\$289.77 to 685.26

Implementation Costs of Tier Structure Rate System

There will be some minimal administrative costs in switching from the current flat fee system. Implementation of the tier structure rate system will require staff to update parcels without planimetric (impervious) data. Staff time will also be required to verify calculated values for contested valuations.

Ongoing Costs for Tier Structure Rate System

While minimal overall, some staff time and resources will be required to maintain the tier structure rate system. This will be incorporated into existing work flow and will not require additional funding from the new fees. Considerations are outlined as follows:

- Ongoing staff time to value newly constructed properties
 - New construction impervious areas will be calculated by the Stormwater Specialist as permits are issued.
 - Tiers to be billed for new accounts will be provided to Utility Customer Services staff for billing.
- Recurring updates and audits to tier valuations
 - GIS Staff will carry out manual planimetric updates on an annual basis or as new aerial photography is acquired.
 - Whole system updates will be completed on an annual basis or as warranted.

Additional Comments

In order to keep the administration of this new approach understandable to our customers and to avoid additional administrative costs that would require higher rates, the proposed tier structure rate system will not offer credits for tier structure rate reduction. The only way to change the tier structure rate will be to reduce or increase impervious area (e.g., by reducing paved parking area or installing additional impervious surfaces) enough that a new tier is achieved.

As stated in the goals, the cost to implement and administer the new tier structure rate system should not exceed the value of the new rate structure. No stormwater fee would be applied to any impervious area without an associated utility account. **This goal resulted in a decision to not charge any stormwater fee to any impervious area without an associated account.** In reviewing the data, approximately 78% of impervious area without a utility account would be in Tier 1. It is also important to note that several of these parcels are homeowner association lots or park properties that have trails and other public amenities on them. The cost of these impervious areas would generally be covered by accounts that are already established.

Under the proposed fee structure, every property with impervious surface area over 150 square feet will be charged a stormwater fee. Currently, only properties with a utility account are charged the monthly fee. Currently 79 accounts show they

have less than 150 square feet of impervious area. We will continue to review these accounts to determine if they will have a storm water charge.

Iowa State University will not be charged stormwater fees, since the University is legally under their own Municipal Stormwater (MS4) permit from Iowa Department of Natural Resources.

ALTERNATIVES:

1. Direct staff to draft an ordinance amending the current stormwater code section 28.802 to:
 - a) Implement a four-tier based system based on impervious area as presented above;
 - b) Implement a public relations campaign to notify the public of the changes; and
 - c) Implement the new rates in February 2013.
2. Retain the existing stormwater flat-fee structure in place.
3. Proceed with the previously proposed ERU based fee structure.

MANAGER'S RECOMMENDED ACTION:

Since November 17, 2009, the City Council has reviewed at least seven different rate structures. Most recently, Council listened to the concerns expressed by the public and asked for a simpler fee system that still takes impervious area into account. The proposed four-tier system creates a fee structure that will be easier for customers to understand and for staff to manage.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative No. 1, thereby directing staff to draft an ordinance creating the four-tier storm water rate system described above.

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 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. 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	\$108,500	\$495,500
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) and summarized below:

Flood Response and Mitigation CIP Program Summary

Projects Currently Proposed	City Cost
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)
N. Riverside Water Main (this base bid)	\$ 62,423 (Local Match)
TOTAL	\$732,423

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 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 excess General Obligation Bonds available from the bridge project**. That savings can be used to fund the **\$42,466 needed for the local share of the trail relocation and bank stabilization portion of this project**.

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 next 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 the Stuart Smith bank erosion project.

COUNCIL ACTION FORM

SUBJECT: SUPPLEMENTAL AGREEMENT FOR RINGGENBERG SUBDIVISION

BACKGROUND:

In accordance with the 2005 Development Agreement for the Ringgenberg Subdivision, the City is to pay for up-sizing Cedar Lane to Collector street standards; and if the cost of the City's share is in excess of \$50,000, the contract would be bid through the City. Since 2005, the State's bidding laws changed such that, if the City has any funds in the contract, the contract must be bid by the City as a public improvement.

The developer of this subdivision is anxious to have this street paved this fall. However, if the City were to bid the contract, time constraints involved with the public bidding process would not allow the street to be constructed this calendar year. The City would also have staff time and the cost of processing a contract for bid.

Under the existing agreement, the developer is responsible for paving the section of concrete trail on the west side of Cedar Lane from Oakwood Road to Sun Crest Drive (see attached map). **The cost to construct that trail is comparable to the City's portion of the costs to up-size the Cedar Lane.** To facilitate construction of Cedar lane this fall, an amendment has been prepared to exchange these two responsibilities. The developer will cover the City's over-sizing costs and take responsibility for paving the street; while the City will assume the responsibility to construct the trail. Staff will incorporate the Cedar Lane trail section into a project to extend the trail connection from Christofferson Park to Cedar Lane, which is planned for the near future.

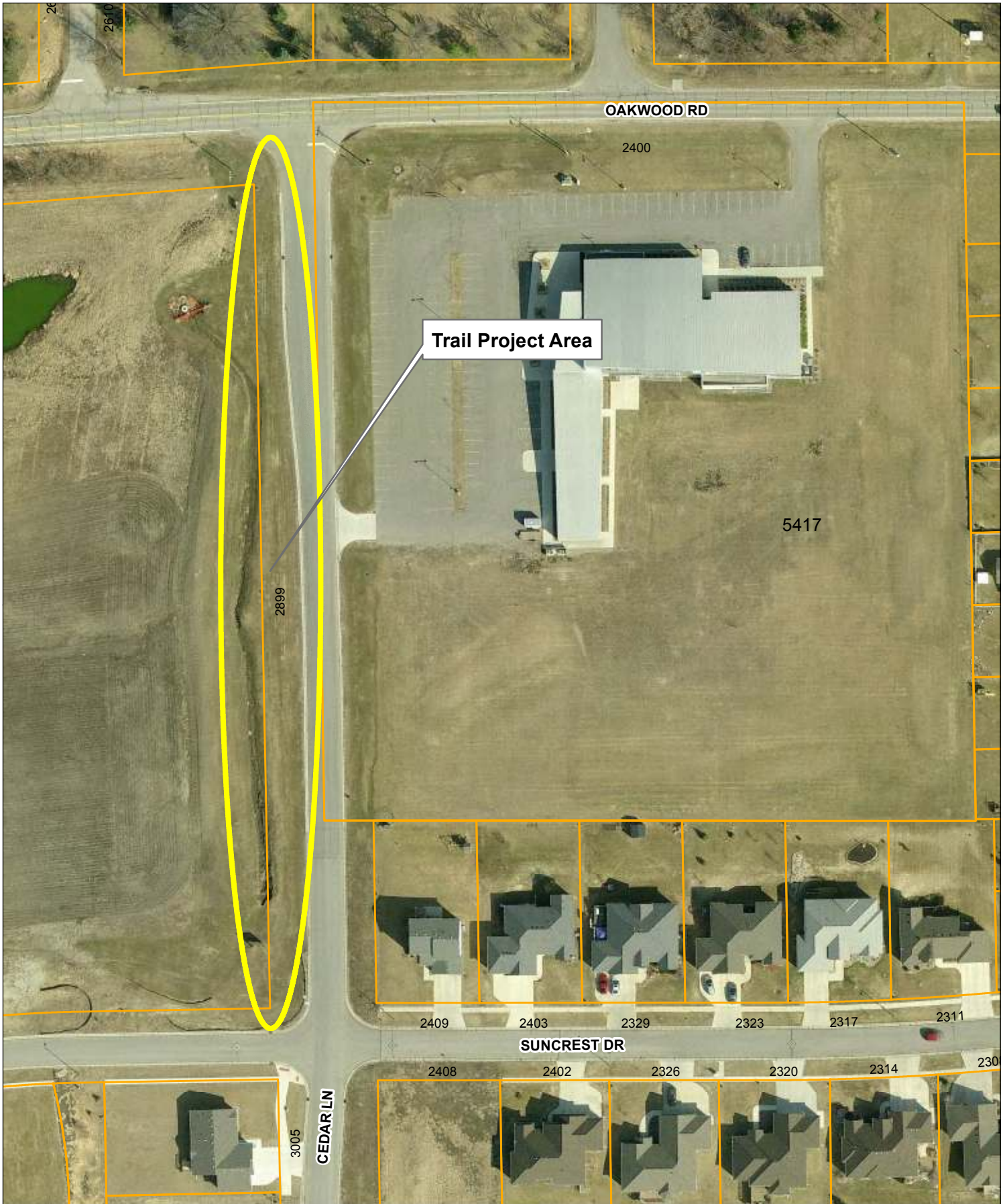
ALTERNATIVES:

1. Approve the Supplemental Agreement to the Ringgenberg Subdivision development agreement.
2. Do not approve the proposed Supplemental Agreement.

MANAGER'S RECOMMENDED ACTION:

Approval of the proposed Supplemental Agreement will allow the developer to construct the extension to Cedar Lane this calendar year, thus providing a hard surfaced roadway to new residents in this subdivision.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the Supplemental Agreement for Ringgenberg Subdivision.



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



Ringgenberg Subdivision
Trail Section along Cedar Lane



Title:	
Scale:	1 in = 100 ft
Date:	10/19/12