

**AGENDA**  
**MEETING OF THE AMES AREA METROPOLITAN**  
**PLANNING ORGANIZATION POLICY COMMITTEE**  
**AND REGULAR MEETING OF THE AMES CITY COUNCIL**  
**COUNCIL CHAMBERS - CITY HALL**  
**NOVEMBER 13, 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.**

**AMES AREA METROPOLITAN PLANNING ORGANIZATION**  
**TRANSPORTATION POLICY COMMITTEE MEETING**

**CALL TO ORDER:** 7:00 p.m.

1. Motion approving Metropolitan Planning Area (MPA) boundary adjustment for submission to the Iowa Department of Transportation and Federal Highway Administration

**COMMENTS:**

**ADJOURNMENT:**

**REGULAR CITY COUNCIL MEETING\***

\*The Regular City Council Meeting will immediately follow the meeting of the Ames Area Metropolitan Planning Organization Transportation Policy Committee.

**PROCLAMATION:**

1. Proclamation for "City of Service"

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

2. Motion approving payment of claims
3. Motion approving Minutes of Special Meeting of October 16, 2012, and Regular Meeting of October 23, 2012
4. Motion approving Report of Contract Change Orders for October 16-31, 2012
5. Motion approving certification of civil service applicants
6. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class B Native Wine – Kitchen, Bath & Home, 201 Main Street
  - b. Class B Liquor – Country Inn & Suites, 2605 SE 16<sup>th</sup> Street
  - c. Class C Liquor – Fuji Japanese Steakhouse, 1614 S. Kellogg Avenue
  - d. Class C Liquor & Outdoor Service – Outlaws, 2522 Chamberlain
7. Resolution approving Affirmative Action Plan Update

8. Resolution authorizing the sale and issuance of Hospital Revenue Bonds, setting parameters and approving a Second Supplemental Indenture of Trust, Bond Purchase Agreement, and other documents in connection therewith
9. Resolution approving renewal of Hangar Lease with Hap's Air Service
10. Resolution approving Human Services Contract with HIRTA for FY 2012/13
11. Resolution approving CyRide Intermodal Facility Change Order No. 66
12. Resolution awarding of contract to Baker Electric of Des Moines, Iowa, for the WPC Motor Control Center #1 Replacement in the amount of \$81,842
13. Resolution awarding contract to LawnPro, LLC, of Colo, Iowa, for 2012/13 Winter & Summer Tree Trimming in the amount of \$55,000
14. Resolution approving contract and bond for 2008/09 Traffic Signal Program (Lincoln Way and Sheldon Avenue)
15. Resolution approving contract and bond for 2009/10 Traffic Signal Program (Lincoln Way and Ash Avenue)
16. Resolution approving contract and bond for 2010/11 Traffic Signal Program (28<sup>th</sup> Street and Grand Avenue)
17. Resolution approving contract and bond for 2010/11 Traffic Signal Program (Southeast 16<sup>th</sup> Street and South Dayton Avenue)
18. Resolution approving contract and bond for Flood Damage - Bank Erosion (326 North Riverside Drive and Stuart Smith Park)
19. Resolution approving contract and bond for MEC 161-kV Transmission Line Construction
20. Resolution accepting completion of Unit No. 7 Stack Repair
21. Resolution approving Plat of Survey for 2122 and 2130 McCarthy Road

**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:**

22. Request for Jingle Bell Run on December 2, 2012:
  - a. Resolution approving closure of portions of Main Street, 5<sup>th</sup> Street, Kellogg Avenue, Burnett Avenue, and Clark Avenue from 10:30 a.m. to Noon
23. Staff report on possible revisions to *Municipal Code* Section 22.3 pertaining to vending stands and outdoor cafes:
  - a. Motion directing City Attorney to draft amendments to vending ordinance
24. Motion approving/denying renewal of Class C Liquor License for Café Mood, 116 Welch Avenue
25. Motion approving new Class C Liquor License for The Cave, 124 Welch Avenue
26. Motion approve new 5-day Special Class C (BW) Liquor License for Olde Main Brewing at the ISU Alumni Center, 420 Beach Avenue
27. Motion authorizing staff to develop a contract with the Ames Community Arts Council for placement of artistic bike racks in the Main Street Cultural District
28. Resolution approving roll-over of unspent 2011/12 Public Art Commission funds
29. Staff report regarding request for Sign Ordinance modifications:
  - a. Motion directing staff to prepare ordinance correcting Sign Code provisions

**PLANNING & HOUSING:**

30. Update of the Analysis of Impediments to Fair Housing Choice Study

**HEARINGS:**

31. Hearing on Lease with Heartland Senior Services for property located at 205 South Walnut:
  - a. Resolution approving 25-year Lease
32. Hearing on WPC Facility Raw Wastewater Pumping Station Pipe Repainting Project:
  - a. Resolution approving final plans and specifications and awarding contract to L & P Painting of Cedar Rapids, Iowa, in the amount of \$48,975.00
33. Hearing on Steam Turbine No. 8 Overhaul:
  - a. Motion accepting report of bids and delaying award of contract
34. Hearing on rezoning of property located at 1519 Top-O-Hollow Road from Agricultural (A) to Residential Low-Density (RL):
  - a. First passage of ordinance

**ORDINANCES:**

35. Second passage of Electric Rate Ordinance
36. Second passage of ordinance establishing Southeast 16<sup>th</sup> Street First Urban Revitalization Area
37. Second passage of ordinance removing misdemeanor from *Municipal Code* Section 11.4, "Public Urination," so offense may be charged as misdemeanor or municipal infraction
38. Third passage of ORDINANCE NO. 4128 amending *Iowa Code* reference pertaining to cruelty to animals
39. Third passage of ORDINANCE NO. 4129 approving reduction in membership for Human Relations Commission

**COUNCIL COMMENTS:****ADJOURNMENT:**

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

**AMES AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO)  
TRANSPORTATION POLICY COMMITTEE ACTION FORM**

**SUBJECT: METROPOLITAN PLANNING AREA BOUNDARY ADJUSTMENT**

**BACKGROUND:**

The Metropolitan Planning Area (MPA) refers to the geographic area within which AAMPO is responsible for metropolitan transportation planning. At a minimum, the MPA must cover the urbanized area and the contiguous geographic areas likely to become urbanized within the 25-year forecast period covered by the Long Range Transportation Plan (LRTP). This expanded urbanized area now includes Gilbert.

The 2010 urbanized areas released from the Census Bureau for the Ames area extend beyond the current MPA boundary of the AAMPO, requiring the MPA boundary to be adjusted to include the expanded urbanized area. This expanded area now includes Gilbert and a greater portion of Story County. **Creating the new boundary only necessitates that the AAMPO include the new areas in transportation planning activities. This map change does not shift or expand the jurisdiction or funding responsibility of any of the associated governmental bodies.**

Recently, AAMPO staff has been working with the Iowa Department of Transportation (DOT) and Federal Highway Administration (FHWA) toward smoothing and adjusting the urbanized boundary, resulting in a slightly larger area better suited to the transportation needs for the Ames area. This smoothed boundary, known as the FHWA Urban Area Boundary (UAB), was approved by the Iowa DOT and FHWA last month. This revised UAB was utilized in developing the adjusted MPA boundary. A map is attached showing the current and adjusted MPA boundaries.

**ALTERNATIVES:**

1. Approve the MPA boundary adjustment for submission to the Iowa DOT and FHWA.
2. Approve the MPA boundary adjustment with Policy Committee modifications for submission to the Iowa DOT and FHWA.

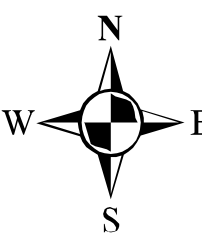
**ADMINISTRATOR'S RECOMMENDATION:**

AAMPO staff drafted the MPA boundary adjustment while working collectively with the Iowa DOT, FHWA, and Technical Committee members, who provided input on the boundary adjustment for the staff to consider and address.

Therefore, it is recommended by the Administrator that the Transportation Policy Committee approve the attached MPA boundary adjustment for submission to the Iowa DOT and FHWA.



# Ames Area MPO



## Metropolitan Planning Area (MPA) Boundary Map

### Legend

- Current MPA Boundary
- Adjusted MPA Boundary
- CORP\_LINES\_20120614
- Urban Area Boundary 2010
- IA\_BLOCK\_2010
- CENSUS\_URBANIZED AREA\_2010
- County
- Airport
- Airport Runway
- Rail
- Lakes
- Rivers
- Interstate
- US Highways
- IA Routes
- Secondary Roads
- Municipal Streets
- Ramps

0 0.2 0.4 0.8 Miles

### Metropolitan Planning Area Boundary

Submittal to Iowa DOT for FHWA approval.  
Adjusted Metropolitan Planning Area Boundary  
as identified by local officials.

Authorizing Officials:

Signature: \_\_\_\_\_

Title: Policy Committee Chair

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



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

AMES, IOWA

OCTOBER 16, 2012

The Ames City Council met in special session at 7:00 p.m. on the 16<sup>th</sup> day of October, 2012, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council Members present: Davis, Goodman, Larson, Orazem, Szopinski, and Wacha. *Ex officio* member Baker was also present.

**FLOOD MITIGATION STUDY PROGRESS UPDATE:** Mayor Campbell introduced Water and Pollution Control Director John Dunn. Mr. Dunn told the group that an update would be given on the Flood Mitigation Study, which is being completed by HDR Engineering (HDR). Mr. Dunn said staff recommended this firm for the Study in part because of the strategy proposed for public involvement, and for its technical expertise for modeling and mapping the implications and the ability to sort through appropriate levels of protection for our community. Mr. Dunn introduced the project manager, Andy McCoy and John Engel, water resources engineer, both of HDR.

Mr. McCoy said the Flood Mitigation Study would consist of collecting public input, developing and analyzing alternatives and strategies, and summarizing impacts. He said positive and negative impacts will be determined of the flood mitigation alternatives, and then the best alternatives and strategies will be presented to the City Council.

Mr. McCoy said the first set of public sessions consisted of questions directed toward the public, and that alternatives and strategies will be presented at the second set of public meetings. Council Member Larson asked if the people involved in the public meetings so far have represented areas outside of Ames. Mr. McCoy said communication has gone out to residents in Story County and the Squaw Creek watershed. Mr. Dunn said the steering committee leading and guiding the process includes Iowa State University Facilities, Iowa Department of Transportation, and the City of Ames, all of which will be involved in whatever strategies are recommended.

Mr. McCoy said alternatives will be presented to the City Council in January and February. Mr. Kindred said HDR will use technical data and costs for alternatives to give the City Council alternatives, and then it will be a policy level decision for the City Council. He said he is confident that HDR and staff are working to give the best information possible.

Mr. McCoy reviewed the attendance of the four public meetings held so far, and also said that there were 71 hits on the online, self-directed meeting. He also reviewed the tools used to reach members of the public. Impacts from the flooding were reviewed, as well as responses to questions asked of the public.

Council Member Goodman asked about the data needed to change the statistics of the “100 year flood” level or the “500 year flood” level. Mr. McCoy said that those terms are somewhat misleading, and described that there is a 1-in-100 chance that a “100 year flood” will happen during any year. He also said the watersheds are different than they were years ago.

Mr. Kindred said after the 1993 flood a study was completed in 1996, and then the 1% flood was redefined based on the added data. He said with the passage of time, it can continually be updated, but still doesn’t provide the degree of certainty that the City would like to have.

Mr. McCoy showed a graphical impression of the base flood level near US Highway 30. He said the 1996 and 2008 floods were the equivalent of a base flood, or a 1% annual chance and the 1993

flood was ½ foot higher than that. Mr. McCoy said the .2% annual chance, or a 500 year flood would be two feet higher than the base flood level, and he told the Council that the 2010 flood was 2.5 feet higher than the base flood level, which illustrates the magnitude of what has happened.

Mr. McCoy said that regarding the Flood Mitigation Study, the flood frequency analysis will be updated. He said HDR is looking at what happens to the estimate when taking into account the information from 1998-2011. Mr. McCoy showed how four extreme rainfall events that have occurred in Iowa within the last four years were transposed and applied to the Ames watershed to see the implications of the rainfall and runoff.

Mr. Goodman asked about the rainfall vs. runoff, and the differences in runoff. Mr. McCoy said the moisture conditions and the type of land play a role, as well as how fast the rain falls. Mr. McCoy reviewed the map of the watershed with the transposed storm boundaries applied.

Discussion ensued regarding the differences in the Ames flood of 2010 vs. the transposed events. Mr. McCoy said the next steps include an initial list of alternatives and screening criteria developed at the technical workshop on October 26, 2012 which will be presented to the public on November 14, 2012 and then the final alternatives list and detailed screening criteria will be developed in early December.

Mayor Campbell asked if the concerns at the public sessions were related to the intensity of rainfall, and not necessarily river flooding. Mr. McCoy said it was addressed a few times, but that many people were discussing river flooding, and most were wanting to talk about development standards. Council Member Davis asked if there were any issues that stood out among the rest. Mr. Dunn said the three that were heard the most were: filling in the floodplain, the impact of the US Highway 30 bridge over the Skunk River, and comments related to the Deery Brothers proposal.

Council Member Larson asked about the speed at which water enters from the watershed and how quickly it gets to Ames now. Mr. McCoy said they spoke with a couple people with that concern. He said it depends on where the rain falls. Mr. Larson said he has heard that water comes quickly off of farm land. Mr. Engel said they did hear that there has been a shift from ridge tilling along contours, which may hold back water, to more of a no till which could increase runoff. Mr. Kindred said some farmland has been tiled and put back into production, so a lot of land that used to slow down water is no longer there. Mr. Larson asked if there are opportunities where water could be slowed. Mr. McCoy said there are opportunities, including wetlands. Mr. Larson asked about the possibility of having agreements with farmers to reimburse them for loss of crops to slow water down. Mr. Goodman asked how the opportunities would be produced by HDR. Mr. McCoy said within the workgroup there is a starting place for alternatives. Mr. Dunn said the group will be sensitive to the public, but doesn't want to downplay the experience of HDR, who has done this before. Mr. Schainker reviewed the remaining time line of the Flood Mitigation Study.

The meeting recessed at 7:55 p.m. and reconvened at 8:00 p.m.

**NEIGHBORHOOD SUMMIT:** The neighborhood representatives introduced themselves. Staff members present were: Planner Jeff Benson (Neighborhood Liaison), Neighborhoods Inspector Sara Van Meeteren, Police Officer Adam McPherson (Safe Neighborhoods Team), Community Resource Officer Naimah Saadiq, Police Officer Nathan Rivera (Safe Neighborhoods Team), Lieutenant Tom Shelton (Safe Neighborhoods Team), and Sergeant Brad Baker. Officer Rivera said the Safe Neighborhoods team is tasked with neighborhood-based problems and street-level issues.

He said the team is led by Sergeant Mike Arkovich, and it works mainly on self-initiated activity tailored to solving unique problems related to neighborhoods. Officer Rivera said the phone number for the Safe Neighborhoods Team is (515) 231-4661.

Mr. Benson gave an update on the neighborhood programs and initiatives that are ongoing. He said the City was in contact with 16 neighborhood associations this year, and added that many neighborhoods that are active do not have associations set up.

Pat Brown, 3212 West Street, Ames, thanked the Council and City staff for the enforcement of the health and safety code.

Sue Crull, Brookside neighborhood representative said their neighborhood celebrated its 35<sup>th</sup> Fourth of July picnic this year, and that it was the second neighborhood to paint on the street. She also said the tennis courts and steps to Brookside Park look very good. Ms. Crull said she toured Roosevelt School with a housing initiative group last week that is very interested in rehabilitating the building into apartments. She said the group would be happy to have the green space be a park. Ms. Crull said the group is getting its finances in order and will later approach the City Council. She expressed concern regarding the zoning, and said she hoped that tax credits and grants could be used for the remodel. Mayor Campbell asked if the group works with a developer. Ms. Crull said she assumed they would work with a contractor.

Marty Helland, representing the Emanon neighborhood association said she would like to see more interest from the City in the park portion of Roosevelt. She said she is very hopeful that the City can work with the school board, and that it can be maintained.

A representative of Citizens for Roosevelt Park, a group to collaborate with the School Board and the citizens of Ames to ensure that the green space remains, said their website ([citizensforrooseveltpark.org](http://citizensforrooseveltpark.org)) is updated with current information on the issue. She encouraged the City to collaborate with the school board regarding the park.

Fred Bradner, representing the Sunrise neighborhood association, said Willson-Beardshear is also for sale. He said the neighborhood is very interested in the green space of that property. Mr. Bradner also said that the Hospital-Medical group continues to have conversations and work together. He thanked the City Council for initiating the conversations with Hospital-Medical parties.

Linda Feldman, representing the Sunrise neighborhood association, said the neighborhood was delighted to have the Police and Fire Departments attend their picnic. She said residents are also interested in street art and corner gardens.

Peter Hallock, representing the Historic Old Town neighborhood association, said their neighborhood did tree planting for the second year, and plans to continue it next year. He said they are working with Iowa State University on a statewide inventory of urban trees. Mr. Hallock said he believes it's critical to maintain vegetation in neighborhoods. He also said he appreciated working with Parks and Recreation on Old Town Park.

A representative of North Old Town neighborhood association said Sara VanMeeteren had helped with some properties in their area. She said few things are enforceable, and wishes City Council would discuss standards for upkeep that can be enforced. Ms. Brown added that landlords are



concerned that there is not a property maintenance code for the exterior of owner-occupied homes. The representative of North Old Town said that the noxious weeds ordinance is just “not cutting it” in regard to yard maintenance. Mr. Larson suggested the Ames Repair and Care program might be appropriate. Mr. Bradner said in some instances the homes are not occupied.

A representative of Bloomington Heights neighborhood association said their neighborhood is planning to work with the City on response times for fire/ paramedic services, as well as automotive traffic . She said they are also working with Parks and Recreation on safety at the park. She said their other concern is the water pipe tripping hazards that are sticking up 5-6" on the sidewalks.

A representative of the Timberland neighborhood association said since their neighborhood was annexed the City has been maintaining the roads as they were, but now they are very irregular and bumpy and have become unsafe. He said the residents are interested in finding some common ground on how to self-fund the resurfacing of the road, and want to find out what type of resurfacing the City would be comfortable maintaining.

Another representative of the Timberland neighborhood association commented on the wildlife the neighbors have seen this year.

Susan Tucker, representing the Orchard Estates area, said several residents have heard gun shots from the YMCA woods behind the houses. She said she knows many people use those trails. Ms. Tucker also said neighbors are anxious regarding the sale of the YMCA lodge and land to Iowa State University (ISU) since there are many unknowns. The neighbors hope to meet with ISU staff soon. She said she hopes the area can remain untouched. Mayor Campbell commended the neighborhood for planning a meeting with ISU, and said that the Police Department needs to know about the gun shots.

Ms. Brown thanked the Police Department, and said there haven’t been loud parties or riots in some time. Officer Rivera also thanked the neighborhoods for their efforts.

**ADJOURNMENT:** The meeting adjourned at 9:03 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

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Erin Thompson, Recording Secretary

# MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

OCTOBER 23, 2012

The regular meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:00 p.m. on October 23, 2012, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, Victoria Szopinski, and Tom Wacha. *Ex officio* Member Sawyer Baker was also present.

**PROCLAMATION FOR HUNGER AND HOMELESSNESS AWARENESS: WEEK:** Mayor Campbell proclaimed November 10-18, 2012, as Hunger and Homelessness Awareness Week. Representatives from the following organizations were present to accept the Proclamation: Mandy Conrad, ACCESS; Hope Metheny, Youth and Shelter Services; Troy Jensen, Emergency Residence Project; Robin Rutledge, Salvation Army; and, Janis Pyle, Story County Housing Coordinating Board. Ms. Pyle invited the public to a forum, "Resolve to Fight Poverty," to be held on November 12, 2012, from 6 - 8 PM at Bethesda Lutheran Church.

**PRESENTATION RECOGNIZING AMES HISTORICAL SOCIETY FOR COMPLETION OF THE "MAYORS OF AMES" DISPLAY IN CITY HALL:** Shannon Boyle, representing the Ames Historical Society, announced the completion of the "Mayors of Ames" project, showcasing 42 Mayors whom have served the citizens of Ames since 1870. Former Mayor Ted Tedesco said he was honored to be one of those people whose service was recognized and thanked the City for its support of the project.

**CONSENT AGENDA:** Council Member Larson asked to pull Item No. 9 (Revisions to Purchasing Policies) for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of October 9, 2012
3. Motion approving Report of Contract Change Orders for October 1-15, 2012
4. 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
5. RESOLUTION NO. 12-544 approving appointment of Devita Harden to fill vacancy on Human Relations Commission
6. RESOLUTION NO. 12-545 approving Quarterly Investment Report for the period ending September 30, 2012
7. RESOLUTION NO. 12-547 approving renewal of contract with Wellmark for administrative and claims processing services for Flexible Spending Account effective January 1, 2013
8. RESOLUTION NO. 12-548 approving Underage Enforcement Agreement between Police Department and Youth & Shelter Services
9. RESOLUTION NO. 12-549 approving contract and bond for Maintenance Facility Energy Efficiency Project - HVAC Improvements
10. RESOLUTION NO. 12-550 approving contract and bond for Unit No. 8 Steam Turbine Parts
11. RESOLUTION NO. 12-551 approving Change Order No. 1 for 2010/11 and 2011/12 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program
12. RESOLUTION NO. 12-552 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)

13. 2011/12 Water System Improvements (Water Service Transfers):
  - a. RESOLUTION NO. 12-553 approving Change No. 2
  - b. RESOLUTION NO. 12-554 accepting completion
14. RESOLUTION NO. 12-555 accepting completion of FY 2011/12 Water Treatment Plant Lime Sludge Disposal Operations
15. RESOLUTION NO. 12-556 approving Plat of Survey for 515 Douglas Avenue, subject to vacating a section of the alley west of Ames Public Library  
Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**REVISIONS TO PURCHASING POLICIES:** Council Member Larson stated that he asked to pull this item so that the changes could be explained to the public.

Karen Server, City Purchasing Agent, explained two changes being proposed: (1) Public Improvement Bid Thresholds and (2) Sales Tax Exemption for Construction Contracts.

Moved by Goodman, seconded by Szopinski, to adopt RESOLUTION NO. 12-546 approving proposed revisions to the Purchasing Policies, to be effective November 1, 2012.

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

**PUBLIC FORUM:** Bruce Hackbarth, 112 Blueberry Court, Ames, suggested that it would be a good time, due to the current drought conditions, to clean the waterways in Ames of debris, trees, and any obstacles that could block water from passing through. Mr. Hackbarth noted that he had lived in Ames for 42 years, and during the last 20 years, there had been three 500-year floods. He said that, given that history, there was a likelihood that Ames will experience more flooding in the future. Mr. Hackbarth asked the City to allocate funding to facilitate cleaning of the waterways around Ames.

Mr. Hackbarth also raised a concern about the size and visibility of the left-hand turn leading into the Walmart store on South Duff. He reported that motorists seem to ignore the sign or do not see it and make a left turn across traffic. Mr. Hackbarth believes that it is a huge safety hazard and asked that the sign be larger and lit to bring drivers' attention to it. It was also Mr. Hackbarth's suggestion that a police officer be at that location ticketing motorists who do not obey the sign.

**CLASS B NATIVE WINE PERMIT FOR CASEY'S GENERAL STORE #2560:** Moved by Davis, seconded by Goodman, to approve the Class B Native Wine Permit for Casey's General Store #2560, 3020 South Duff.

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

**5-DAY LICENSES AT THE ISU ALUMNI CENTER:** Moved by Goodman, seconded by Davis, to approve the following 5-Day licenses at the ISU Alumni Center:

- a. Gateway Hotel & Conference Center - Class C Liquor (October 31-November 4)
- b. Olde Main Brewing Company - Special Class C Liquor (November 3-7)

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

**5-DAY LICENSE AT CPMI EVENTS CENTER:** Moved by Davis, seconded by Larson, to approve a 5-Day Special Class C Liquor License (November 2-6) for Olde Main Brewing

Company at the CPMI Events Center.

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

**REQUEST FOR CIGARETTE BUTT RECEPTACLES IN 100 BLOCK OF MAIN STREET:**

Management Analyst Brian Phillips explained that the Council had received a request to consider placing cigarette butt receptacles near 136 Main Street. It had been reported that smokers had been placing 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. Mr. Phillips stated that there are currently no City-owned cigarette receptacles in any of Ames' commercial areas.

According to Mr. Phillips, staff had 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. Representatives from both the MSCD and CAA had noted two or three locations where cigarette butt receptacles might be ideal. Discussion ensued over the different types of receptacles, who should purchase them, and who should maintain them.

At the inquiry of Council Member Orazem, Corey Mellies, Civil Engineer II, advised that the each receptacle costs between \$300 - \$450.

Moved by Goodman, seconded by Orazem, to direct staff to work with one of the business associations on a type of pilot program, but not limit the type of receptacles, to see what is most effective.

City Manager Schainker stated that there were more questions that needed to be answered such as if the City should purchase the receptacle, who should maintain it, and where it should be placed.

Council Member Larson asked City Attorney Marek if throwing a cigarette butt on the ground constituted littering. Mr. Marek stated that the person could be ticketed for littering if he or she threw a cigarette butt onto the ground; however, it is difficult for police officers to catch the person doing it, and there are often higher priorities for police officers. Mr. Larson said that he believed it would be best for the business associations to determine what type of receptacle would work best at the most efficient cost.

Council Member Davis expressed skepticism over whether having a receptacle would prevent people from throwing cigarette butts on the ground. Council Member Larson expressed his opinion that the location of the receptacle would be very important as people are not going to walk very far to deposit a cigarette butt into a receptacle. He also suggested that, if it didn't work, the Police Department should step up its enforcement of littering violations.

City Manager Schainker noted that the request had come from a business owner in the MSCD and suggested that the pilot program be tried there first.

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

**REQUEST FROM AMES ECONOMIC DEVELOPMENT COMMISSION FOR FUNDING CONCEPTUAL PLAN FOR EAST LINCOLN WAY INDUSTRIAL PARK:** City Manager



Schainker reported that the Ames Economic Development Commission (AEDC) had requested \$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. Prior to developing a strategy for financing such an initiative, it was felt that it was 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 the two tasks at an estimated cost for these tasks of \$15,000. The AEDC had asked the City to share equally in the cost of the consulting work. According to Mr. Schainker, funding for the City's share is available from the City Council's Contingency Account.

Moved by Wacha, seconded by Orazem, to adopt RESOLUTION NO. 12-557 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.

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

**LEASE OF CITY-OWNED PROPERTY LOCATED AT 205 S. WALNUT:** City Attorney Marek advised that, on July 1, 1988, the City had 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. Mr. Marek told the Council that 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 lease requires that HSS maintain the building in a reasonably safe and serviceable condition. Although the current lease does not expire until June 30, 2013, HSS had 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.

According to Mr. Marek, the lease is substantially the same as it was approved in 1988. The renewal is set up as a no-cost lease; however, HSS will continue to be completely responsible for the care and upkeep of the facility.

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 12-558 setting a public hearing for November 13, 2012, to consider a 25-year lease renewal with Heartland Senior Services for the building located at 205 South Walnut.

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

**3618 CEDAR LANE:** Karen Marren, City Planner, noted that, on September 25, 2012, the City Council referred to staff a 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. Ms. Marren advised that the division of land would not actually create a new lot, but would enlarge an existing lot by adjusting its boundary. She said that the subject property is located outside the City limits, but within the two-mile Ames Urban Fringe, and the area proposed for the boundary line adjustment is within the "Urban Service Area" of the Ames Urban Fringe Plan and has an Urban Residential land use designation. The request for a waiver was to allow the owners to modify the boundary of the southernmost one-acre parcel into a larger four-acre parcel. According to Ms. Marren, the reason this is contrary to current density standards is that the property, with an Urban Residential land use designation, is planned

for a minimum density of 3.75 dwelling units per-acre, and the proposal to enlarge the developed parcel would further reduce the density.

Ms. Marren told the Council that 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. Those areas were established to allow for unified growth for efficient extension of public facilities and services once developed. The Plan states that such land areas should be protected from development that would hinder the planned growth of the surrounding communities.

The Urban Residential designation was defined by Ms. Marren. One of the Urban Residential policies identifies options for urban densities that would allow for the urban development standard to be met. According to Ms. Marren, the owners had expressed the need for the proposed boundary line adjustment due to a pending sale of the property where the buyer's desire is to own the full four-acre parcel. The additional three-acre parcel proposed for addition contains a barn, utility line, driveway encroachment, and septic system lateral field that serves the one-acre site. 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. It was noted that there is an existing L-shaped easement for such services located off of the existing one-acre parcel.

Ms. Marren advised the Council that Section 23.103(1) of the *Code* 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...." According to Ms. Marren, in addition to that Section, Chapter 354.9(2) of the *Code of Iowa* allows cities to "...waive the requirements of any of its standards or conditions...".

It was noted by Planner Marren that the City Council had routinely granted waivers for residential development in those areas of the Urban Fringe where annexation by the City was not anticipated in the foreseeable future. Those waivers, however, had been recommended only when the proposed development was consistent with the use and density standards of the Plan. Ms. Marren told the Council that, in this case, the waiver request was not within the density standards for the Urban Residential land use designation and would not be consistent with City Council policy. She explained to the Council that 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.

Steve Burgason, 3314 Cedar Lane, Ames, clarified that the septic laterals were all contained within the easement and service only the property at 3618 Cedar Lane. He said that his parents had owned the parcel for 45 years, and none of the current regulations had existed when they had built the home and barn on their property. Mr. Burgason stated that the potential new owners simply wanted an exit strategy, and they wanted to own the land containing the barn and septic system.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 12-559 approving the request to waive the City's density standard for the Urban Residential designation for the proposed Plat of Survey on Cedar Lane.

Council Member Wachha said that he struggled with this case since it was inconsistent with the past practices of the City Council and inconsistent with the goals of the Land Use Policy Plan. He did not believe that the criteria of creating a hardship had been met.

Council Member Larson noted that the request for a waiver of the boundary line adjustment affected only this property and was necessary 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. He believes that it, therefore, does constitute a hardship for the present owners.

Council Member Orazem said he did not believe the land was going to be usable for additional residential development; that did not present a concern to him.

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

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 12-560 approving the proposed Plat of Survey for Parcels R and Q on Cedar Lane (3618 Cedar Lane).

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

**RICHMOND CENTER FORGIVABLE LOAN:** Management Analyst Phillips provided a chronological history of the emergency financial assistance provided in 2008 to the County's community mental health provider, the Richmond Center, by United Way, Story County, Mary Greeley Medical Center, and the City. The City Council had authorized \$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 contract between the City and the Richmond Center had a provision where the loan could be forgiven after July 1, 2009, based on three 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, Richmond Center and Community and Family Resources together, or by Community and Family Resources (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 was evident to staff that the Richmond Center had fulfilled Obligation #2; however, it was less clear to them whether Obligations #1 and #3 had been met.

Mr. Phillips reminded the Council that at the time the assistance was provided, the Richmond Center purported to be in a financial emergency. Stakeholders from the Richmond Center and Community and Family Resources were attempting to merge the two agencies.

It was noted by Mr. Phillips that the FY 2011 audit for the Richmond Center identified material weaknesses in internal controls. He provided specifics of the results of the State Auditor's Office audit, noting in particular that, between June 2010 and January 2012, Richmond Center employees received \$103,802 in bonuses and gift cards. In addition, the gift cards were not taxed as required by the IRS. The audit also identified questionable expenditures, e.g., retreats and outreach luncheons, and gold coins given to staff members on their birthdays. Another issue brought forward as a result of the audit was that 46 clients were identified who should have been billed to Story County or another county, but were billed to the City during 2011/12; that amounted to \$4,686.42 in services. Another error resulted in the City being billed incorrectly in the amount of \$1,097.72. Mr. Phillips reported that ASSET staff had received different figures regarding the number of clients the Richmond Center actually has been serving.

Mr. Phillips reviewed the options available to the City Council regarding the request of the Richmond Center for forgiveness of the loan. He also asked for Council direction regarding the improper 2011/12 billings identified in the State Audit.

Council Member Szopinski referenced the employee bonuses, gifts of gold coins, and gift cards, stating that she felt there had been an inappropriate use of City funds.

John Hostettler, Executive Director of Community and Family Resources and Managing Director for the Richmond Center, introduced Bernice Buchanan, Development Director, and Theresa Brown, Medical Billing Supervisor. Mr. Hostettler said that they wanted to work with the City, but they had not been asked to sit down with ASSET funders to have dialog in an effort to explain the concerns expressed in the State Audit. He alleged that findings of the State Audit were being taken out of context. Mr. Hostettler told the Council members that it was important for them to remember that the Richmond Center is a 501c3 corporation; it is a non-profit private agency, not a governmental agency.

Council Member Wacha asked Mr. Hostettler if he disagreed with any part of the Council Action Form (CAF) or the State Audit. Mr. Hostettler said that he did disagree with parts of the CAF that had referenced discrepancies found by the State Audit. Mr. Wacha strongly expressed his concern over the results of the State Audit, stating that he found the results "shocking." He pointed out that the City had provided a loan of \$25,000 to assist in the Richmond Center's "financial emergency," and it was totally unjustifiable to him for the Richmond Center to give bonuses and gifts to employees when the agency was struggling just to pay its bills.

Bernice Buchanan addressed some key items in response to the results of the State Audit, specifically employee bonuses and gifts. She contended that the bonuses and gifts were provided through private funds. Council Member Wacha said none of her explanations excused the Richmond Center from mismanagement of funds. He noted that the Audit had stated that the Richmond Center did not even know how many clients it served.

Harv Terpstra, 2423 Timberland Road, Ames, identified himself as a long-time Board Member of the Richmond Center and a current Board Member of the Community and Family Resources. He said, from his perspective, the staff of the Richmond Center and CFR had worked hard and honestly trying to make the agency successful; however, it has become evident that their efforts had not made the Richmond Center financial viable. Mr. Terpstra acknowledged that there had been billing errors, but staff had not been fraudulent. In Mr. Terpstra's opinion, the Richmond Center had provided excellent service to its mental health and psychiatric clients. Mr. Terpstra



asked the City Council to forgive the \$25,000 loan to the Richmond Center, stating that would greatly assist the agency. He contended that the Richmond Center fulfilled many, but not all, of the stipulations for forgiveness of the loan. Mr. Terpstra also asked that they be allowed to correct the billing errors to the Council's satisfaction.

Council Member Goodman said that he and Council Member Larson were on the Council at the time the City granted the \$25,000 loan to the Richmond Center. He feels that there may be a lack of information on the part of the other Council members who were not serving at the time of the loan. Mr. Goodman said he perceived the situation as one human service organization trying to save another human service organizations, but failing in the process. He gave his recollection of the history of the Richmond Center's association with Safari and later with CFR. Council Member Goodman referenced the Council's past decisions to forgive loans to businesses that had never created a job in Ames and no longer even exist in the City.

Council Member Larson said that the merger never quite got there; however, the Richmond Center and CFR operated as though it had happened. He stated that he had totally lost confidence in both the Richmond Center and CFR and did not believe that the City should be a participant in the ASSET process with either agency in the future. Mr. Larson expressed his preference to bring this matter with the Richmond Center to a close. He wanted the City to be done with the Richmond Center and did not want City staff to spend any more time having dialog on this. Although the criteria had not been met for forgiveness of the loan, he just wanted "the issue to go away;" he wanted the matter to end as of this meeting. Council Member Szopinski said that she agreed with Council Member Larson.

Moved by Larson, seconded by Goodman, to direct that, if the Richmond Center reimburses the City for the \$5,784 in billing errors, the \$25,000 loan will be forgiven.

Theresa Brown spoke as the Medical Billing Supervisor for CFR and the Richmond Center. She told the Council that she was hired in January 2011, and her primary duty was to get the new billing system in operation by January 1, 2012. Ms. Brown disputed the allegation that \$5,784 was billed in error. In reviewing every single charge and back-up, she had only found \$844 that was billed to the City, but should have been billed to Story County. She explained that it takes 90 days for the County to approve funding, and in the interim, charges could have been incurred that were billed to the City. After the 90 days, the County may have notified CFR that the charges had been approved. The old system did not have a function to credit the City; it would have had to be done manually.

Council Member Wacha said he could not support the motion because he believed that the City should send a strong message and call the loan; it represents \$25,000 of taxpayer money. The inaccurate billings needed to be corrected and the City needed to recoup the amount. Mr. Wacha again referenced the \$103,000+ in bonuses and the fact that the Richmond Center had given those bonuses because someone had worked in excess of 40 hours per week. He believed it was the difference between government mentality and private business mentality. Council Member Larson said that his philosophy would perhaps be different if the Richmond Center had a pool of money or the merger with CFR had gone through.

Council Member Davis said that one of the most disturbing things to him was the comment made by Theresa Brown that the City had been billed for services that the County would sometimes 90 days later would approve. Mr. Davis believed that, in a double-entry accounting system,

there should have been a record-tracking system that identified the initial service; that is a fiduciary failure on the part of the Richmond Center. Ms. Brown attempted to explain the billing system that existed when she was hired by the Richmond Center. She stated that 902 nursing services were provided to those living in the zip code 50010 and 411 nursing services were provided to those living in the zip code 50014. She is unsure whether they were City or County, but contended that they were mostly City clients.

Mr. Davis said that he had originally not intended to forgive the loan; however, he, too, wanted to be done with this issue and “wipe the slate clean.”

Roll Call Vote: 5-1. Voting aye: Davis, Goodman, Larson, Orazem, Szopinski. Voting nay: Wacha. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

**MEC INTERCONNECTION 161k-V TRANSMISSION LINE:** Donald Kom, Director of Electric Services, advised the Council that the City had received a franchise from the Iowa Utilities Board to construct the 161k-V Transmission Line. The Line will greatly enhance the reliability of the delivery of the electric system, bringing a third source into the City. After being asked by Council Member Davis, Mr. Kom stated that the contract in question has an in-service date of August 2013.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-561 authorizing the redirection of CIP funding.

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

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-562 awarding a contract for Transmission Line Construction to Hooper Corporation of Madison, Wisconsin, in the amount of \$9,054,395.90.

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

The meeting recessed at 8:50 p.m. and reconvened at 8:57 p.m.

**REVIEW OF LAND USE POLICY PLAN ALTERNATIVES FOR ATHEN PROPERTY:** City Planner Charlie Kuester presented background information. He advised that Chuck Winkleblack, representing the applicant Jim Athen, was seeking to develop the Athen property, which is located outside the city limits 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 was shown; it totals approximately 140 acres. According to Mr. Kuester, Mr. Winkleblack was also 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. This would allow for the annexation and development of the property in question. He said that 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.

Mr. Kuester recalled that, at the March 6, 2012, meeting, the City Council determined the request to be a major amendment to the Land Use Policy Plan. He expounded on the Major Amendment Process, stating that City staff had conducted an Open House on June 21 to introduce the request to interested persons, held a workshop on June 28 to allow interested persons the opportunity to identify issues and to seek further information, and held a second workshop on September 10 for staff to report back on specific questions.

It was reported by Planner Kuester that, 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. The Commission applied in its analysis the review criteria defined in the LUPP Amendment procedures, which were as follows:

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

Mr. Kuester reported that the Planning & Zoning Commission had 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

It was noted by Mr. Kuester that the Commission made the broader determination that the proposal could provide positive benefit to the community and deferred to the City Council to consider those six factors.

Mr. Kuester advised that the purpose of this item on the Council Agenda was to update the City Council members on the progress of the evaluation of this request and to give them 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.

Public Works Director John Joiner advised the Council of potential impacts on the sanitary sewer system from the annexation of the Athen Farm. He stated that the City has had concerns about the sanitary sewer system in this area. According to Mr. Joiner, the City's sanitary sewer consultant had identified a possible capacity issue in the trunk line that flows through Moore Memorial Park and serves the Northridge, Northridge Heights, Somerset, and Taylor Glen Subdivision; that trunk line would also serve the subject site. Mr. Joiner advised that Stanley Consultants had performed a flow study of the sanitary sewer system in 2008 and found that one segment of 15" sanitary sewer under the northwest corner of the Moore Memorial Park parking lot was constructed incorrectly; it was laid too flat. The Iowa Department of Natural Resources (DNR) 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 that segment show the existing depth of flow ratio is 0.45. The sanitary sewer model for this area was updated by Bolton and Menk to reflect planned growth east of George Washington Carver Avenue, and using the planned growth, the model showed the depth ratio will be 0.70. The model was also updated to include the additional planned assisted living and single-family growth of the Athen Farm; the depth ratio would increase to 0.85. Accounting for the Northridge, Northridge Heights, Somerset, and Taylor Glen Subdivisions, the sanitary sewer flow through that 15" pipe would equate to a flow of 773 gallons/minute compared to the proposed DNR maximum of 710 gallons/minute. If the Athen flow were added to that segment, it would equate to 970 gallons/minute.

Mr. Joiner presented mitigated options and presented possible scenarios. The least costly alternative would be to bypass the flat segment with a new segment of larger pipe constructed at the correct grade, which would cost approximately \$260,000. A proposed cost split would be for the Athen developer to be responsible for that increment of flow that is contributed beyond what the current subdivisions contribute. The City would be responsible for its representative share based on the already established subdivisions. Under that scenario, the developer would be responsible for 76% of the estimated project cost, which is approximately \$197,600. The second option would be to reroute the sewer flow from the Taylor Glen and Somerset areas to the south along George Washington Carver Avenue to the Moore Memorial Park sewer. The estimated costs for that option are \$685,000.

According to Mr. Joiner, staff is recommending 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 to provide constant, real-time information so that staff may continually monitor the flow situation in the various segments. If the City Council would decide to amend the LUPP to allow for the annexation of the Athen Farm, the developer should be



required to deposit the \$197,600 share into escrow so that when the time for a project is determined, that amount would be applied to the overall costs.

It was noted by Director Joiner that the existing pipe is sufficient for the current existing four Subdivisions; however, when they are completely built-out, more capacity would be needed. Council Member Davis inquired as to whom would be responsible for the costs if the Athen property were not annexed. City Manager Schainker said that there is a “fix” that will remedy similar situations over a broader part of the City; it would also fix this situation. He told the Council that the City is modeling the situation to find the best solution.

Council Member Davis asked how the pipe got laid incorrectly. Mr. Joiner said that the sewer is very deep (35'). It was designed correctly, but apparently was surveyed incorrectly and laid too flat.

Mr. Schainker told the Council that it would be preferable if the Athen developer's share would be held in escrow and used towards the most-cost-effective solution. It is difficult to get the proportionate share from the developer after the development has occurred. Mr. Schainker also noted that the City is currently conducting a sanitary sewer system evaluation. Mr. Joiner said it will be at least a year before that is complete. In the context of the entire community, the scale of this property is not yet known. According to Mr. Joiner, that is the reason for staff recommending installing permanent flow meters at this spot and in Somerset as well.

Director Joiner said a much-more-expensive solution would be to come up through the Squaw Creek Corridor to serve the Athen development.

The concern over the cost for emergency services was raised by Planner Kuester. City Manager Schainker reminded the Council that on April 24, 2012, City staff had presented a report to the City Council regarding the topic of emergency response times for the City in response to their decision to allow growth to the North, Northwest, and Southwest, and expansion to 590<sup>th</sup> Street to the east. Based on the City's previous approach to measuring response times, many of those areas would be outside the City's five-minute travel response time goal of covering 85% of the community within five minutes travel time from any fire station. He reminded the Council members that, after the updated Fire Response Study had been presented, they had eliminated that as a goal from which to base a final decision regarding land use; it moved more towards a performance indicator for the Fire Department. Mr. Schainker said that senior living, assisted living, and skilled care facilities have a history of a high demand for services. The City Council should consider the impacts of locating such a use on the periphery of the City. Not only is this site farther 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 Council was asked to consider the impact of fire department and emergency resources on growth so that the need for a fourth fire station could be deferred as long as possible.

Planner Kuester explained the impacts this development may have on other City-invested Growth Areas. 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. Council Member Goodman said that it might be time for the City to start looking at where the market dictates development. At the request of Council Member Orazem, Mr. Kuester gave the locations of the Allowable Growth Areas and the incentives offered in those Areas. The fourth factor that staff was asking the Council to consider was whether a care facility should be

mandated. Mr. Kuester advised that a Development Agreement, as part of a conditional LUPP amendment, would be the mechanism to accomplish that.

Mr. Kuester explained Factor #5: Protection of Natural Area. He said that a tree line exists at the top of the slope of the Squaw Creek Valley. The applicant was seeking 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 could be accomplished by deciding where that line should be drawn. The Natural Area designation that exists has a purpose to protect the slopes and the tree cover.

The Council was told that the final factor to consider was the zoning designation. According to Planner Kuester, residents of Northridge Heights are concerned that the area might be zoned to allow apartments. Mr. Kuester said that the City Council should 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. In order for the assisted living facility to exist, a FSRM zoning designation would be necessary.

Council Member Szopinski expressed concern that, by allowing annexation of the area in question, more competition would be created for lands that the City had already decided to service with utilities and prepare for development. Planner Kuester referenced the growth study performed in 2008 to forecast the population of Ames in 2035. At that time, 40 - 170 single-family homes/year were being constructed in Ames. That number dropped considerably in 2008, but it has been rising again since then, and it is a fact that Ames is growing. According to Mr. Kuester, 40 acres of developable land would allow for the construction of approximately 150 homes based on current density standards. If residential development were allowed on the Athen site, it could provide all the new home sites for Ames for one year.

Council Member Larson noted that, due to the assisted-living developer wanting to locate at the site in question, there would be a large tax base provided initially. He would like assurance that that will occur.

In conclusion, Mr. Kuester asked the City Council to direct staff to develop specific amendments to develop specific amendments to the LUPP Map and/or text if it believes that the six factors identified by the Planning and Zoning Commission could be adequately addressed. He said that 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.

Chuck Winkleblack, 105 South 16<sup>th</sup> Street, Ames, addressed the six factors outlined by staff. He specifically pointed out that, by the sewer system modeling already done, it appeared that the City has a problem or will have a problem in this area when Taylor Glen and Somerset are built out - regardless of whether the senior care facility is built. He does not believe that it is fair for the developer to have to pay for 75% of the sewer system, as staff has proposed, when the problem already exists. Mr. Winkleblack noted the multi-million-dollar projects done by the City in Northwest I and Northwest II with no one interested in developing in those areas. He contended that the Athen property is the most economical area to develop with a cost to the City of less than \$200,000. There is not an adequate number of lots to supply the housing demand in the near and medium term. Mr. Winkleblack said he also does not see a need for the buffer

because it is bordered by agricultural land. He urged the Council to refer this back to the staff for sending it back to the Planning and Zoning Commission to hold a public hearing on specific LUPP text and Map amendments.

Moved by Orazem, seconded by Goodman, to direct staff to have as one of four items that will be included in a Developer's Agreement the prorated share of costs that meets the fair costs of the developer's and the City's costs of adding capacity to the sanitary sewer, but that the City would be monitoring as use increases as Taylor Glen, the rest of Somerset, and as this area develops and be planning to add capacity as necessary.

City Manager Schainker clarified that that would under the breakdown of costs as presented by staff. Council Member Orazem said that his motion would include the monitoring and the shared costs based on that breakdown.

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

Moved by Davis, seconded by Larson, to devise a Developer's Agreement to require a senior care facility.

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

Moved by Goodman, seconded by Orazem, to direct staff to engage in a process to protect the natural areas running along the tree line in the area.

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

Council Member Szopinski said that she was not in favor of these changes because she does not feel that she has enough information to make the decisions at this point. Specifically, she noted that there may be other land that could be developed within the city limits that already has utilities.

Moved by Orazem, seconded by Davis, to provide this area with two zoning designations with the minimum zoning necessary for the care facility and low-density housing.

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

Council Member Goodman expressed his concern that the Council had not yet found a solution to the problem of emergency response rates.

Moved by Davis, seconded by Orazem, to refer this item back to the staff and the Planning and Zoning Commission.

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

**STORMWATER FEE TIER SYSTEM:** Civil Engineer Corey Mellies recalled that, 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. The goal of the simplified tier structure was 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.

Mr. Mellies explained the Tier Structure Rate System. He said that staff used the impervious area per account to establish the four tiers. These ranges were then used to define the difference in cost for each tier. 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. That 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 that rate. Only active accounts would be charged, however under 150 square feet of impervious surface would not be charged.

Council Member Davis asked why a February 2013 commencement date for implementation of the new Structure. He felt that many non-profit properties operate on a fiscal year basis and would not have budgeted for an increased amount for Stormwater Fees. Mr. Mellies noted that the City had already begun its customer education outreach. The original implementation date was going to be January 2013; this would only be pushing it back one month.

Moved by Larson, seconded by Orazem, to direct staff to prepare an ordinance amending the current Stormwater Code Section 28.802 to implement a four-tier-based system based on impervious area, implement a public relations campaign to notify the public of the changes, and implement the new rates in February 2013.

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

**FLOOD DAMAGE - BANK EROSION (326 NORTH RIVERSIDE DRIVE AND STUART SMITH PARK):** Civil Engineer Corey Mellies recalled that the Council had been asked at a prior meeting to receive the report of bids, but not award the contract because the confirmation letter from Homeland Security had not been received. An e-mail confirmation had now been received.

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 12-563 approving final plans and specifications and awarding a contract to Peterson Contractors, Inc., of Reinbeck, Iowa, in the amount of \$499,946.75.

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

Moved by Davis, seconded by , Szopinski, to adopt RESOLUTION NO. 12-564 reallocating \$43,000 of G. O. Bond proceeds from the Squaw Creek Pedestrian Bridge project to fund this project.

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

**RINGGENBERG SUBDIVISION:** Public Works Director Joiner told the Council that, under a 2005 Development Agreement for the Ringgenberg Subdivision, the City is to pay for upsizing 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. However, the State's bidding laws had changed since that time, so if the City has any funds in the contract, the contract must be bid by the City as a public improvement.

According to Mr. Joiner, the developer of this Subdivision would like to have the street paved yet this fall. 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. Under the Development Agreement, the developer is responsible for paving the section of concrete trail on the west side of Cedar Lane from Oakwood Road to Suncrest Drive. The cost to construct the trail is comparable to the City's portion of the costs to upsize Cedar Lane, so to facilitate construction of the street this fall, the Council could approve an amendment to exchange those responsibilities. The developer would then cover the City's oversizing costs and take responsibility for paving the street, and the City would assume the responsibility to construct the trail.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-565 approving the Supplemental Development Agreement for Ringgenberg Subdivision.

Kurt Friedrich, Friedrich & Company, Ames, developer of the site in question, requested that the \$250,000 Letter of Credit, originally filed with the Final Plat and currently being held by the City for this specific section of Cedar Lane, be released or significantly reduced. City Attorney Marek advised that the Letter of Credit was securing other improvements besides the pavement of the street (erosion control, grading, and surface paving and sidewalks for Coyote Drive and Red Fox Road). Mayor Campbell suggested that Mr. Friedrich discuss his request with staff.

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

The meeting recessed at 10:30 p.m. and reconvened at 10:36 p.m.

**HEARING ON URBAN REVITALIZATION PLAN FOR SOUTHEAST 16<sup>TH</sup> STREET  
FIRST URBAN REVITALIZATION AREA:** Mayor Campbell opened the public hearing.

Steve Marley, 1502 Meadowlane Avenue, Ames, said that he believed the creation of an Urban Revitalization Area for Southeast 16<sup>th</sup> Street would be a "really bad idea." He said what is critical is that the City has a flood mitigation study currently in process, and approving the URA would be premature at this point since changes might be made to the base flood elevation. Mr. Marley also expressed his concerns over fill dirt being brought in to change elevations. His property is within two miles of the Skunk River. Mr. Marley raised additional concerns that the needed engineer's certification of the no-rise elevation and the various permits/approvals from the Department of Natural Resources (DNR), Army Corps of Engineers, and City of Ames have not yet been received.

The public hearing was closed after no one else asked to speak.



City Planner Kuester, recalled that the City Council had determined, on September 11, 2012, that the Urban Revitalization Policy for Southwest 16<sup>th</sup> Street could be met, accepted the application of Deery Brothers for the establishment of the Urban Revitalization Area, and directed staff to prepare an Urban Revitalization Plan and ordinance. He explained the Plan for the Southeast 16<sup>th</sup> Street First Urban Revitalization Area. Mr. Kuester stated that staff believes all criteria have been or will be met with the approval of the Development Agreement.

The concerns of Mr. Marley were addressed by Mr. Kuester. The DNR has indicated that it is waiting for information from the applicant to determine if it needs to approve the Plan. The same holds true for the Army Corps of Engineers. If it is determined that either agency needs to approve the Plan, evidence of approval must be shown to the City. If approval is needed and not given, then the terms of the Development Agreement would apply. Council Member Wachar clarified that the project would still move forward; tax abatement would be granted, but the developer would then have to reimburse the City for the exact amount of abatement. In that case, they would not receive any financial incentive from the City.

City Manager Schainker emphasized that once the City Council approves the URA Plan, all the lots become eligible for tax abatement. He noted the six criteria that had been placed on the tax abatement. However, to protect the City's interests in the event that all six criteria are not met in a timely basis, a separate Developer's Agreement had been created, which would ensure that the City would be reimbursed by the developers through a payment-in-lieu-of tax for the total amount of the City's portion of the tax abatement they receive. Mr. Schainker explained the terms of that Agreement, specifically:

1. The requirement to construct improvements within two years of the effective date of the Agreement
2. Placement of fill
3. Use restrictions
4. Reimbursement to the City if any of the qualifying criteria are not satisfied
5. Security in the amount of \$300,000 to secure the developer's obligation to reimburse the City if they fail to satisfy the criteria related to lot 1
6. The Deerys will be responsible only for the lots they develop
7. Revised site plan and Supplemental Agreement will be required for development on Lots 2 and 3

City Manager Schainker reviewed the terms of the Developer's Agreement. He emphasized the requirement placed on the developer to construct the flood mitigation improvements. The Agreement gives the developer up to two years to complete the improvements. Section 8 of the Agreement requires a Letter of Credit to be filed by the developer to secure improvements on Lot 1. The Deerys will only be responsible for the lots that they own.

City Attorney Marek noted that there is also a continuing obligation to maintain the stream channel by the owner of Lot 1 even after the expiration of the abatement. Even if the "clawback" provisions and security have been released, the City has the right to sue and get a Court Order to force the owner of Lot 1 to maintain the improvements.

Discussion ensued as to the revenues being denied to the other taxing entities (specifically the School District) if the developer fails to meet the six criteria. Responding to a question asked by Council Member Goodman, City Manager Schainker stated that the direction given by the

City Council was to protect the City's portion of the taxes. He did not negotiate for any other entities.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-566 approving the Urban Revitalization Plan.

City Manager Schainker wanted the planner to explain the Final Plat before motions would be made.

Motion withdrawn.

Planner Kuester told the Council that it had, on September 25, 2012, approved the Preliminary Plat for Deery Subdivision with five conditions. The Council was advised by Mr. Kuester that those conditions had been or will be met with the adoption of the Sidewalk Agreement.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-566 approving the Urban Revitalization Plan.

Roll Call Vote: 4-2. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman, Szopinski. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Davis, seconded by Orazem, to pass on first reading an ordinance establishing the Southeast 16<sup>th</sup> Street First Urban Revitalization Area.

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

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-567 approving the Developer's Agreement.

Roll Call Vote: 5-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-568 approving the Sidewalk Agreement.

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

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-569 approving the Final Plat.

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

**HEARING ON MASTER PLAN FOR SUNSET RIDGE SUBDIVISION:** City Planner Marren stated that the item deals with a proposal to revise the Preliminary Plat and Master Plan for Sunset Ridge Subdivision, which was originally approved by the City Council on June 8, 2004, and amended on October 24, 2006.

Ms. Marren advised that the Preliminary Plat and Master Plan amendments included the addition of four lots for the construction of single-family detached residential dwellings. The applicant

is proposing a shift to Westfield Road south to allow for a row of single-family lots on the north side of Westfield, remove Glenwood Street and Bedford Avenue, extend Ellstone and Wilder Avenue to the north boundary of the Subdivision, to end Allerton Drive at Wilder Avenue, and to extend Springbrook Drive across Westfield Road into a cul-de-sac at Springbrook Circle.

Pertaining to the Development Agreement, Ms. Marren noted two required amendments:

1. Section IV(A)(3), regarding the number of street connections, will need to be amended to address the newly proposed street layout for the revised Preliminary Plat.
2. Section IV(A)(9), the provision regarding when the City shall let a contract for bid for the Westfield Road and Wilder Avenue work, needs to be updated to conform to the current bidding law and to allow an option for the City contribution to the oversizing of Wilder Avenue and Westfield Road to be an equivalent project, upon mutual agreement of the owner and the City.

The public hearing was opened by the Mayor. Jason Mickelson, 768 North 500<sup>th</sup> Avenue, Ames, said that he is concerned about the speed limit of County Line Road. He asked if the City was considering lowering the speed limit on that Road. He also expressed concerns about homes being built so close to his property line. He asked if anyone knew what effect that would have on his property's value.

Mayor Campbell told Mr. Mickelson that changing the speed limit on County Line Road was not under the purview of City.

Chuck Winkleblack, 105 South 16<sup>th</sup> Street, Ames, replied to Mr. Mickelson's concern that, from a property value perspective, Mr. Mickelson's property will be adjacent to another property's backyard instead of having a street run right by his home. Further, it is generally more desirable to have the buffer (a backyard) instead of a street. The lots will be slightly larger with less impervious surface.

The Mayor closed the hearing when no one else asked to speak.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-570 approving the revised Master Plan.

Roll Call Vote: 6-0. Resolution 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. 12-571 approving the revised Preliminary Plat.

Roll Call Vote: 6-0. Resolution 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. 12-572 approving the Second Supplemental Development Agreement.

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

**HEARING ON MOTOR CONTROL CENTER NO. 1 REPLACEMENT PROJECT:**

The public hearing was opened by Mayor Campbell. She closed same after there was no one who asked to speak.

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

**HEARING ON AMES PUBLIC LIBRARY RENOVATION AND EXPANSION**

**ABATEMENT WORK:** Mayor Campbell opened the public hearing. No one came forward to speak, and the hearing was closed.

Moved by Davis, seconded by Szopinski, to accept the report of bids and delay award of contract until November 27, 2012.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**HEARING ON STORMWATER FACILITY REHABILITATION PROGRAM - SPRING**

**VALLEY SUBDIVISION:** The Mayor opened the hearing. No one requested to speak, and the Mayor closed the hearing.

Moved by Wacha, seconded by Davis, to accept the report of bids and reject the project.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**HEARING ON 2008/09 TRAFFIC SIGNAL PROGRAM (LINCOLN WAY AND SHELDON**

**AVENUE):** The hearing was opened by the Mayor and closed after no one asked to speak.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-573 approving final plans and specifications and awarding a contract to KWS, Inc., of Cedar Falls, Iowa, in the amount of \$185,983.50.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON 2009/10 TRAFFIC SIGNAL PROGRAM (LINCOLN WAY AND ASH**

**AVENUE):** Mayor Campbell opened the public hearing. It was closed as no one came forward to speak.

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 12-574 approving final plans and specifications and awarding a contract to KWS, Inc., of Cedar Falls, Iowa, in the amount of \$160,919.23.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON 2010/11 TRAFFIC SIGNAL PROGRAM (28<sup>TH</sup> STREET AND GRAND**

**AVENUE):** The public hearing was opened by the Mayor. There being no one wishing to speak, the hearing was closed.

Moved by Szopinski, seconded by Orazem, to adopt RESOLUTION NO. 12-575 approving final plans and specifications and awarding a contract to Baker Electric, Inc., of Des Moines, Iowa, in the amount of \$160,872.83.

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

**HEARING ON 2010/11 TRAFFIC SIGNAL PROGRAM (SOUTHEAST 16<sup>TH</sup> STREET AND SOUTH DAKOTA AVENUE):** The Mayor opened the hearing. The public hearing was closed as no one requested to speak.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-576 approving final plans and specifications and awarding a contract to Baker Electric, Inc., of Des Moines, Iowa, in the amount of \$157,573.72.

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

**ORDINANCE RELATING TO CHARGES FOR PUBLIC URINATION:** Moved by Goodman, seconded by Orazem, to pass on first reading an ordinance removing misdemeanor from *Municipal Code* Section 11.4, "Public Urination," so offense may be charged as a misdemeanor or municipal infraction.

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

**ORDINANCE AMENDING IOWA CODE REFERENCE PERTAINING TO CRUELTY TO ANIMALS:** Moved by Davis, seconded by Wacha, to pass on second reading an ordinance amending Iowa Code reference pertaining to cruelty to animals.

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

**ORDINANCE PERTAINING TO MEMBERSHIP FOR HUMAN RELATIONS COMMISSION:** Moved by Davis, seconded by Goodman, to pass on second reading an ordinance approving a reduction in membership for the Human Relations Commission.

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

**ORDINANCE ADDING FIREARM SALES AS PROHIBITED HOME OCCUPATION:** Moved by Wacha, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4126 adding firearm sales as a prohibited home occupation in Section 29.1304(1)c.

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

**ORDINANCE VACATING ALLEY WEST OF AMES PUBLIC LIBRARY:** Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4127 vacating the alley west of the Ames Public Library.

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

**COUNCIL COMMENTS:** Moved by Wacha, seconded by Davis, to direct staff to have an informal conversation with the IDOT about the size and visibility of the left-hand turn sign into Walmart on South Duff.

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

Moved by Wacha, seconded by Davis, to refer to staff the request from the Campustown Action Association that the image on the green Campustown directional sign on the north side of

Lincoln Way across from the Iowa State Center be changed to the new Campustown logo.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Davis, seconded by Larson, to refer to staff the request dated October 13, 2012, from Larry W. Cormicle, Chair of the Ames Building Code Board, to research whether to revise the signage ordinance.

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

Moved by Davis, seconded by Larson, to refer the letter from Brad Larson, Stumbo and Associates Land Surveying, dated October 18, 2012, requesting a waiver of Major Subdivision requirements for 1817 East Lincoln Way

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

Moved by Goodman to direct staff to respond to Mr. Hackbarth's suggestion to clean up the rivers. Assistant City Manager Bob Kindred said that special permits are required from the DNR, among others. He said he had spoken with Mr. Hackbarth after he had spoken at Public Forum. Motion died for lack of a second.

Council Member Larson requested that the City Council get an update on the status of Grant Avenue, i.e., cost estimates and Developers' Agreements. Mr. Larson said he seemed to recall that the developers of Quarry Estates had indicated that they would go ahead with their part of the development without the road issue being resolved. Mr. Kindred stated that the pavement of Grant Avenue had not been included in the CIP. After approving the first steps towards allowing the Athen development, Mr. Larson said he wanted to ensure that the City Council is not giving an unfair advantage to one developer over others. Mr. Kindred indicated that a status report would be provided to the Council.

**ADJOURNMENT:** Moved by Davis to adjourn at 11:47 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor



# REPORT OF CONTRACT CHANGE ORDERS

|                        |                                     |                                    |
|------------------------|-------------------------------------|------------------------------------|
| Period:                | <input type="checkbox"/>            | 1 <sup>st</sup> – 15 <sup>th</sup> |
|                        | <input checked="" type="checkbox"/> | 16 <sup>th</sup> – end of month    |
| Month and year:        | October 16-31, 2012                 |                                    |
| For City Council date: | November 13, 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 | Purchasing Contact Person/Buyer |
|--------------------|--|---------------------|--------------------------|---------------------------|------------------------------|--------------------------|--------------------|---------------------------------|
| Transit            | 40' Standard Diesel LF Buses               | 1                   | \$1,894,755.00           | Gillig LLC                | \$0.00                       | \$22,200.00              | R. Leners          | MA                              |
| Electric Services  | Cable for Electric Distribution Inventory  | 2                   | \$59,820.00              | Wesco Distribution, Inc.  | \$193.28                     | \$16.10                  | D. Kom             | ES                              |
| Electric Services  | Unit 7 Stack Repair                        | 1                   | \$227,354.00             | NAES Power Contractors    | \$0.00                       | \$4,899.18               | D. Kom             | CB                              |
| Fleet Services     | 2012 Altec TA60-ARM Aerial Lift            | 1                   | \$108,910.00             | Altec Industries, Inc.    | \$0.00                       | \$3,750.00               | Paul H.            | MA                              |
| Parks & Recreation | Brookside Park East Side Improvements      | 2                   | \$484,000.00             | Manatt's Inc.             | \$0.00                       | \$14,590.00              | N. Carroll         | MA                              |
| Transit            | Design work and Architectural Construction | 1                   | \$967,937.00             | Neumann Monson Architects | \$0.00                       | \$8,600.00               | S. Kyras           | MA                              |



## MINUTES OF THE AMES CIVIL SERVICE COMMISSION

AMES, IOWA

OCTOBER 25, 2012

The Ames Civil Service Commission met in regular session at 8:15 a.m. on October 25, 2012, in the Council Chambers of City Hall, 515 Clark Avenue, with Commission Members Crum and Shaffer present. Commission Member Adams was absent. Also in attendance was Human Resources Officer Doug Garnett.

**APPROVAL OF MINUTES:** Moved by Shaffer, seconded by Crum, to approve the minutes of the September 27, 2012, Civil Service Commission meeting as written.

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

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

Electric Lineworker:

Robert Yeager

75

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

**COMMENTS:** The next regularly scheduled Civil Service Commission meeting will be set once it's determined if November 15 or November 29 will work for Commission members.

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

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Michael Crum, Vice Chair

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Jill Ripperger, Recording Secretary

# Memo

Police Department



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

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

**DATE:** October 25, 2012

**SUBJECT:** Beer Permits & Liquor License Renewal Reference City Council Agenda  
November 13, 2012

The Council agenda for November 13, 2012, includes beer permits and liquor license renewals for:

- Kitchen, Bath & Home, 201 Main Street - Class B Native Wine
- Country Inn & Suites, 2605 SE 16th Street - Class B Liquor
- Cafe Mood, 116 Welch Avenue - Class C Liquor
- Fuji Japanese Steakhouse, 1614 S Kellogg Avenue - Class C Liquor
- Outlaws, 2522 Chamberlain - Class C Liquor

A routine check of police records found no violations for Kitchen, Bath & Home, Country Inn & Suites, Fuji Japanese Steakhouse, or Outlaws.

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

The Same check found the following violations for Café Mood:

|           |  |
|-----------|--|
| 3/25/2012 | 4 On premise violations  |
| 4/1/2012  | 2 On premise violations  |
| 4/21/2012 | 4 On premise violations (1 verified fake ID)<br>1 violation for allowing minors on premise |
| 7/20/2012 | 3 On premise violations  |
| 7/28/2012 | 1 On premise violation   |
| 8/9/2012  | 1 Noise Ordinance violation  |
| 8/25/2012 | 1 Noise Ordinance violation  |
| 9/21/2012 | 1 Noise Ordinance violation  |

Total: 14 violations for on premise  
1 violation for allowing minors on premise  
3 Noise Ordinance violations

The police department would recommend a 6 month renewal of Café Mood. (see Liquor License Criteria Form)



## **CITY OF AMES AFFIRMATIVE ACTION EXECUTIVE SUMMARY July 1, 2011 – June 30, 2012**

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The City of Ames is strongly committed to maintaining a work environment that is free from illegal discrimination. In addition, the City is also committed to working toward a work force that mirrors the gender and racial/ethnic characteristics of the qualified available population, and the diversity of the Ames community.

Each year, in accordance with the City of Ames Affirmative Action Policy and Plan, the Affirmative Action Officer prepares a report describing the City's progress toward attaining this goal. The information contained within this report summarizes the City of Ames workforce, as it existed during the fiscal year between July 1, 2011 and June 30, 2012. This information is used to determine the changes that have occurred in the gender and racial/ethnic characteristics of the workforce.

The City of Ames benchmarks population data obtained from the U.S. Census Bureau. The data provided also reflects the estimated number of residents by gender and race in Story County and Iowa during the 2011 calendar year. The city of Ames and Story County population data includes the Iowa State University student population.

## INTRODUCTION

In order to lend some perspective to the 2011/2012 statistics, we must recognize that the 2010/2011 recruiting year was unusual. During 2010/2011 not only were there more vacancies but also the positions being filled were more professional/managerial in nature (43% of total vacancies in 2010/2011 versus 22% in 11/12). The category of vacancy tends to attract a specific applicant pool. The professional and managerial job seeker is more apt to apply for jobs out of state thus increasing the probability of receiving minority applicants. Applicants interested in traditional hourly vacancies tend to apply for positions locally. The demographics in Ames and the State of Iowa have a small minority population. We would expect to see fewer minority applicants when the vacancies the City is filling are not professional or managerial in nature. This theory also holds true for female applicants who tend to apply in larger numbers for hourly and part time (usually clerical) openings as a percentage of total applications received. Fiscal year 2011/2012 revealed that 58% of the vacancies filled were either part time, temporary, or hourly in nature.

## GENDER REPRESENTATION

Females represented approximately 48%<sup>1</sup> of the Story County population, 47%<sup>1</sup> of the Ames population, and 50%<sup>1</sup> of the statewide population.

The following data is based on the City of Ames female workforce.

- The number of full-time female employees slightly decreased from 26.53% in FY 10/11 to 25.71% in FY 11/12.
- The number of full-time female new hires remained fairly flat from 26.9% in FY 10/11 to 26.3% in FY 11/12.
- The total City female workforce has increased from 40.25% in FY 10/11 to 42.01% in FY 11/12. (The total City workforce includes full-time and other than full-time employees.)

The number of female applications received by the City of Ames Human Resources Department has decreased from the previous fiscal year but increased in the percentage of total applications received.

- FY 11/12 – received 554 female applications (25.05% of total)
- FY10/11 - received 637 female applications (19.63% of total)

## MINORITY REPRESENTATION

Minorities represent approximately 14%<sup>1</sup> of the Story County population, 18%<sup>1</sup> of the Ames population, and 11.9%<sup>1</sup> of the statewide population.

The following data is based on the City of Ames minority workforce.

- The number of full-time minority employees remained unchanged at 2% in FY 11/12.
- The number of full-time minority new hires remained unchanged at 0% in FY 11/12
- The total City minority workforce increased from 2.74% in FY 10/11 to 3.45% in FY 11/12. (The total City workforce includes full-time and other than full-time employees.)

The number of minority applications received by the City of Ames Human Resources department has decreased from the previous fiscal year.

- FY 11/12 – received 253 minority applications (11.44% of total)
- FY 10/11 – received 436 minority applications (26.88% of total)

Minority individuals applied for a variety of full and part-time vacancies in FY 11/12 including but not limited to: transit driver, lane worker, community safety officer, management analyst,

<sup>1</sup> = 2010 Census

firefighter, principal clerk, assistant city manager, water plant operator, fire chief, planner, power plant engineer, electric lineworker, instrument control technician and building & zoning inspector.

Each recruitment selection process was unique and included different consideration factors such as a qualifications review, written, oral, and performance testing. Based on the applicant tracking data, 65.21% (down from 75% during FY 10/11) of the minority applicants ended the selection process in one of the following categories: failed oral board or structured interview, failed performance exam, failed written exam, did not show for the performance or written exam, did not qualify, or withdrew from the selection process (see below). Great care is taken to ensure that selection procedures are job-related.

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|                               |     |
|-------------------------------|-----|
| Not qualified                 | 108 |
| Did not Schedule Written Exam |     |
| No Show for Written Exam      | 17  |
| Written Exam                  | 15  |
| Withdrew from Exam process    | 8   |
| Oral Board                    | 7   |
| Training & Experience         | 5   |
| Incomplete Applications       | 3   |
| Minimum Qualifications        | 2   |
| Phone Interview               | 2   |

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## CONCLUSION

The City of Ames affirms its commitment to providing Equal Employment Opportunity for applicants by utilizing a variety of resources for diversity recruitment. Job postings are distributed to diverse sources such as Iowa Workforce Development, NAACP, Mid Iowa Community Action, local community colleges and churches, ISU minority student affairs office, and the Department of Human Services to ensure public knowledge of vacancies. Openings posted through the web based recruitment service, CareerBuilder, are linked to over 60 web sites targeting diverse populations such as minorities, women, veterans, and individuals with disabilities.

The City of Ames continued to accept on-line applications through NEOGOV, a technology leader in on-demand workforce management for the public sector which makes it easier for applicants to apply for positions on-line. The total number of vacancies is down for FY 11/12 compared to FY 10/11 therefore decreasing the total number of applications received.

The City of Ames continues to explore new initiatives to strengthen the minority recruiting efforts for FY 11/12. For example: the Fire Department implemented a change in the order of their new hire process in 2012 and no longer bases their eligibility list for Civil Service on the outcome of the written examination. Written test invitations were extended to 11 minority candidates, four of whom participated. The remaining seven applicants either withdrew from the testing process or failed to schedule themselves for the exam. One minority candidate was interviewed and placed on the Civil Service eligibility list. This is in comparison to 14 minority candidates invited to take

the written exam in 2009 of which 7 passed but were not in the top 40 scores to be certified by Civil Service which disqualified them from the interview process.

The Fire Department continues to utilize a recruiting video that resides on their website which features firefighters representing various ethnic and racial backgrounds as well as women. The Police Department continues to provide several Iowa colleges with informational emails that included the "Faces of APD," which featured minority employees who work as Police Officers. To potentially increase the number of female applicants, the Police Department provided recruitment materials to both the Women's Center and the University Committee on Women at Iowa State University. Human Resources, along with other department employees, staffed tables at the FACES of Ames event held on September 24, 2011. The interaction with visitors to the event provided exposure to the various types of careers available at the City. Other recruitment sources targeting minorities and/or women with specific skills and experiences are used when appropriate and available.

Initiatives for FY 12/13 include:

- Human Resources staff will continue to have a presence at the FACES of Ames event held in September celebrating the diversity of our community, where members of Human Resources and staff from other departments talk to attendees about career opportunities at the City of Ames.
- Doug Garnett and Vanessa Latimer-Baker attended the NAACP Job Fair on August 9, 2012 which was sponsored by Wellmark.
- Contact will be made to the nearby school districts to discuss the possibility of attending career fairs and to invite middle school and high school students to job shadow City of Ames employees in order to encourage interest in career opportunities at the City.

The City of Ames Affirmative Action Policy and Plan will continue to provide guidance to City departments and employees with the duty to promote the City's values by defining and supporting diversity in the working and learning environments; by creating an environment that provides fair and equal opportunities for all employees and by maintaining compliance with federal/state laws and regulations. The City will continue to follow the guidelines presented in the policy with a goal of maintaining a work place that is free of any illegal discrimination and mirrors the qualified available population.

The City of Ames Affirmative Action Policy and Plan will provide complaint and investigation procedures that provide both applicants and current employees recourse for objective investigation for complaints of illegal discrimination.

## FEDERAL EEO-4 JOB CATEGORIES

1. **Officials and Administrators:** Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, fire and police chiefs, and superintendents.
2. **Professionals:** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: human resource officers, systems analysts, and accountants.
3. **Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill, which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: engineering technicians, inspectors, and police and fire sergeants.
4. **Protective Service Workers:** Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police officers and firefighters.
5. **Paraprofessionals:** Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Includes: library assistants, recreation coordinators, and administrative assistants.
6. **Administrative Support:** Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: principal clerks and senior clerks.
7. **Skilled Craft Workers:** Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics, plant operators, and equipment operators.
8. **Service-Maintenance:** Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: transit drivers, RRP process maintenance workers and maintenance workers.



**Table Comparison of City of Ames Employees to 2010 City of Ames Census and Estimated 2011 Story County Residents**

|                                | 2010 Census <sup>1</sup> | 2000 Census <sup>1</sup> | 2011 Estimate <sup>1</sup> | 2010/2011 <sup>3</sup> | 2011/2012            |
|--------------------------------|--------------------------|--------------------------|----------------------------|------------------------|----------------------|
| <b>Total Ames Population</b>   | <b>City of Ames</b>      | <b>City of Ames</b>      | <b>Story County</b>        | <b>All Employees</b>   | <b>All Employees</b> |
| White                          | 48,456                   | 46,517                   | 79,979                     | 1,242                  | 1,232                |
| Asian/Pacific Islander         | 5,192                    | 4,103                    | 5,559                      | 10                     | 14                   |
| American Indian/Alaskan Native | 103                      | 107                      | 179                        | 0                      | 0                    |
| Black/African American         | 1,993                    | 1,385                    | 2,511                      | 15                     | 17                   |
| Hispanic/Latino <sup>4</sup>   | 2,027                    | 1,065                    | 2,780                      | 10                     | 13                   |
| Two or more races              | 1,194                    | Not reported             | 1,345                      | Not reported           | Not reported         |
| <b>Total Racial/Ethnic</b>     | <b>10,509</b>            | <b>6,660</b>             | <b>12,373</b>              | <b>35</b>              | <b>44</b>            |
| <b>Total Women</b>             | <b>27,718</b>            | <b>25,469</b>            | <b>43,218</b>              | <b>514</b>             | <b>536</b>           |
| <b>Total Population</b>        | <b>58,965</b>            | <b>53,177</b>            | <b>89,663</b>              | <b>1,277</b>           | <b>1,276</b>         |

|                                   | 2010 Census <sup>1</sup> | 2000 Census <sup>1</sup> | 2011 Estimate <sup>2</sup> | 2010/2011 <sup>3</sup> | 2011/2012 <sup>3</sup> |
|-----------------------------------|--------------------------|--------------------------|----------------------------|------------------------|------------------------|
| <b>Percent of Ames Population</b> | <b>City of Ames</b>      | <b>City of Ames</b>      | <b>Story County</b>        | <b>All Employees</b>   | <b>All Employees</b>   |
| White                             | 82.18%                   | 87.48%                   | 89.20%                     | 97.26%                 | 96.55%                 |
| Asian/Pacific Islander            | 8.81%                    | 7.72%                    | 6.20%                      | 0.78%                  | 1.10%                  |
| American Indian/Alaskan Native    | 0.17%                    | 0.20%                    | 0.20%                      | 0.00%                  | 0.00%                  |
| Black/African American            | 3.38%                    | 2.60%                    | 2.80%                      | 1.17%                  | 1.33%                  |
| Hispanic/Latino <sup>4</sup>      | 3.44%                    | 2.00%                    | 3.10%                      | 0.78%                  | 1.02%                  |
| Two or more races                 | 2.02%                    | Not reported             | 1.50%                      | Not reported           | Not reported           |
| <b>Total Racial/Ethnic</b>        | <b>17.82%</b>            | <b>12.52%</b>            | <b>13.80%</b>              | <b>2.74%</b>           | <b>3.45%</b>           |
| <b>Total Women</b>                | <b>47.01%</b>            | <b>47.89%</b>            | <b>48.20%</b>              | <b>40.25%</b>          | <b>42.01%</b>          |

<sup>1</sup> <http://quickfacts.census.gov>

<sup>2</sup> <http://factfinder.census.gov>

<sup>3</sup> Includes seasonal parks and recreation employees and temporary library employees.

<sup>4</sup> Hispanic may be of any race so also included in applicable race category



**COUNCIL ACTION FORM**

**SUBJECT: SETTING SEPTEMBER 11, 2012, AS THE DATE OF PUBLIC HEARING FOR AUTHORIZATION TO ISSUE HOSPITAL REVENUE BONDS, MARY GREELEY MEDICAL CENTER SERIES 2012, IN AN AMOUNT NOT TO EXCEED \$26,000,000**

**BACKGROUND:**

Mary Greeley Medical Center (MGMC) is in the process of implementing a major facility expansion to continue to provide quality regional medical services. The Medical Center also has an opportunity for savings by refunding outstanding Series 2003 bonds. The Municipal Code section that specifies duties and authorities of the Hospital Trustees does not delegate activities related to the issuance and sale of revenue bonds. Therefore, Council action is required to issue revenue bonds for the Hospital.

**Since revenue bonds are being issued, only revenues from MGMC will be used to pay back the bonds.** Even though the issuance of revenue bonds by MGMC does not create a financial obligation or pledge of credit or taxing authority for the City of Ames, failure to follow through with bond payments could have a negative impact on the future credit of the City. Therefore, when available, the City Council previously required MGMC to purchase insurance to protect the City in the unlikely event of default. Since this type of insurance is no longer available, this bond issue will not be insured. However, it should be remembered that because of the strong financial condition of the Hospital, the City Council supported the most recent issuance of hospital revenues bonds even without the insurance protection.

**ALTERNATIVES:**

1. Establish September 11, 2012, as the date to hold a public hearing and take action to authorize the issuance of Hospital Revenue Bonds, Mary Greeley Medical Center Series 2012, in an amount not to exceed \$26,000,000.
2. Delay the hearing on the issuance of Hospital Revenue Bonds.

**MANAGER'S RECOMMENDED ACTION:**

Mary Greeley Medical Center provides quality medical services to both Ames and a large surrounding area, and is a major economic contributor to the community. Issuance of these bonds is needed to provide funding for the Medical Center's planned facility expansion, and will also provide savings by refunding outstanding bonds. Issuance of these bonds involves no financial obligation on the part of Ames property taxpayers.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby establishing September 11, 2012, as the date to hold a public hearing and take action to authorize the issuance of Hospital Revenue Bonds, Mary Greeley Medical Center Series 2012, in an amount not to exceed \$26,000,000.

**COUNCIL ACTION FORM**

**SUBJECT:** HANGAR LEASE RATE ADJUSTMENT FOR HAP'S AIR SERVICE

**BACKGROUND:**

The Ames Municipal Airport currently has land leases with six aircraft hangar owners. On March 27, 2012, City Council approved new five-year Aircraft Hangar Leases for Viking Aviation Inc., Craig Sommerfeld, Kenneth L. Augustine, Brian Aukes, and the Ames Hangar Club. These leases have been renewed several times, with current terms and lease payments adjusted in accordance to the current Ames Airport Master Plan.

The lease with Hap's Air Service has a 25-year term ending in 2017, and that rate is adjusted every 5-year period of the lease term. The current period will expire December 31, 2012. Hap's Air Service has elected to renew their lease for the final 5-year period using the same square-foot rate designated by the Airport Master Plan (see table below). This same rate was also applied to all other land leases renewed beginning April 1, 2012.

| Lease Term                           | Annual Amount |
|--------------------------------------|---------------|
| January 1, 2013 to December 31, 2013 | \$ 5,278      |
| January 1, 2014 to December 31, 2014 | \$ 5,422      |
| January 1, 2015 to December 31, 2015 | \$ 5,565      |
| January 1, 2016 to December 31, 2016 | \$ 5,709      |
| January 1, 2017 to December 31, 2017 | \$ 5,853      |

It should be noted that this land lease is for Hap's private hangar space, which is a separate agreement from that establishing the airport services of the Fixed Base Operator (FBO). The FBO contract will expire on June 30, 2013.

**ALTERNATIVES:**

1. Approve the hangar lease rate adjustment for the next 5-year period for Hap's Air Service.
2. Reject the proposed rates, and establish alternate rates.

**MANAGER'S RECOMMENDED ACTION:**

As in the case of the other five land leases, renewal of the lease with Hap's Air Service will ensure the ongoing financial stability of the Ames Airport, thereby staying consistent with the recommendations of the Ames Airport Master Plan.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the hangar lease rate adjustment for the next 5-year period for Hap's Air Service.

**COUNCIL ACTION FORM**

**SUBJECT:**           **APPROVAL OF ASSET CONTRACT WITH HIRTA**

**BACKGROUND:**

The Heart of Iowa Regional Transit Agency (HIRTA) is the state-appointed regional agency for the transit district that includes Story County. HIRTA had contracted with Heartland Senior Services to provide transit services in the county until July 1, 2012, when service was transferred back to HIRTA. Heartland had received funds from ASSET to enhance the transit services and provide reduced rates to certain groups of riders. Many riders use this transit service to go to and from other human services agencies in the area.

Because Heartland had indicated that service would be transferred to HIRTA, the ASSET funders allocated transportation funds but did not award contracts for 2012/13. The City allocated \$37,957 for transportation services through ASSET. ASSET staff agreed to make contract recommendations once HIRTA had one quarter's worth of ridership and cost information.

HIRTA has provided staff with information indicating that City rides cost \$10.77, County rides cost \$15.04, and rides to Iowa City cost \$120.01. Staff feels comfortable that these cost estimates are reasonable and is asking for the Council's approval to enter into a contract with HIRTA. Council should note that, although the fiscal year started several months ago, HIRTA can be reimbursed for services that have already been delivered.

**ALTERNATIVES:**

1. Approve a contract with HIRTA for 2012/13 in an amount not to exceed \$37,957.
2. Do not approve a contract.

**MANAGER'S RECOMMENDED ACTION:**

Effective transportation services are a critical component to delivering human services in the community, and transportation is one of the Council's ASSET priorities for 2012/13. City funds will be used to enhance the service the HIRTA is able to provide.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving a contract with HIRTA for 2012/13 in an amount not to exceed \$37,957.

**COUNCIL ACTION FORM**

**SUBJECT:** CYRIDE INTERMODAL FACILITY CHANGE ORDER #66

**BACKGROUND:**

In accordance with City of Ames purchasing policies, City Council must approve “change orders increasing or decreasing the contract in an amount in excess of the lesser of \$50,000 or 20% of the original contract amount....” The add and deduct change orders for the Ames Intermodal Facility construction project total \$602,568, including the addition of the Arboretum trail at \$304,906 in June 2012. Attached are the change orders to date for this complex project.

The Weitz Company is requesting a \$33,408.67 **add** change order, #66, to include parking meter equipment. Originally this equipment was to be purchased directly by the owner and installed by the contractor. After further discussion with the contractor, it was determined that it would be quicker and more cost effective to have the contractor purchase and install the equipment under the construction contract. This change order addresses this revised approach to this portion of the project. If approved, this change order would bring the total contract amount with Weitz Company to \$7,750,977. This will leave approximately \$200,000 remaining after the project’s sales tax refund is received. The Transit Board is currently considering how to spend the remaining dollars prior to September 2013 when the grant will need to be closed out.

The Transit Board of Trustees reviewed and approved this change order at a special meeting held on November 2, 2012.

**ALTERNATIVES:**

1. Approve Change Order #66 to Weitz Company for an additional amount of \$33,408.67 for parking meter equipment in the Intermodal Facility parking ramp.
2. Do not approve Change Order #66 for parking meter equipment.

**MANAGER’S RECOMMENDED ACTION:**

The inclusion of parking meter equipment is an essential function of the facility. Originally this equipment was to be purchased by the City/CyRide and installed by the contractor. However, it was determined by the project team that it could be completed more expeditiously if the contractor **purchased and installed** the equipment.

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

## Ames Intermodal Facility Change Order History

- **Change Orders #1- #9** – Approved by city staff administratively during the fall of 2011 totaling \$30,794.
- **Change Order #10** – Approved by the City Council on July 26, 2011 for \$42,289, change order was later reduced to \$41,385.
- **Change Order #11** – Approved by city staff administratively in October 2011 totaling \$7,467.
- **Change Order #12** – Approved by City Council on November 1, 2011 in the amount of \$52,103.
- **Change Orders 13, #14 and #16** – Approved by city staff administratively in January- February 2012 for a deduct amount totaling -\$15,708.
- **Change Order #15** – Approved by the City Council on February 28, 2012 in the deduct amount of -\$9,200.
- **Change Orders #17- #24** – Approved administratively by city staff in March 2012 in the amount of \$40,015.
- **Change Order #25** – Approved by City Council on March 27, 2012 in the amount of \$2,500.
- **Change Orders #26 - #36** – Approved by city staff administratively in March/April 2012 totaling \$23,420.
- **Change Order #37** – Approved by City Council on May 22, 2012 in the amount of \$53,000.
- **Change Orders #38 - #42** - Approved by city staff administratively in late May and June 2012 totaling \$28,982.
- **Change Order #44** - Approved by City Council on June 26, 2012 in the amount of \$304,906.
- **Change Orders #43 and #45 – #54** - Approved administratively by city staff in August 2012 in the amount of \$49,123.
- **Change Order #55** – Approved by City Council on August 28, 2012 in the amount of \$1,899.92
- **Change Orders #56 - #65** – Approved by city staff administratively from August 30 – October 18, 2012 in the amount of \$24,839.



**COUNCIL ACTION FORM**

**SUBJECT:**           **WATER POLLUTION CONTROL FACILITY MOTOR CONTROL  
CENTER NO. 1 REPLACEMENT**

**BACKGROUND:**

The WPC Facility Motor Control Center No. 1 is an electrical panel that distributes power and provides overload protection to all of the equipment in the Raw Water Pump Station. Over the years, various corrosive gases present in the building have contributed to a deterioration of the electrical connections. This is part of the normal cycle of infrastructure replacement within a wastewater treatment plant.

On September 11, 2012, the City Council issued a Notice to Bidders for the Water Pollution Control (WPC) Facility Motor Control Center No. 1 Replacement Project. On October 16, 2012, the City received bids to provide all labor, equipment, materials, and other components necessary to complete the above-mentioned project according to City of Ames specifications. Bids were received as follows:

|  | <b><u>Lump Sum Bid</u></b> |
|--|----------------------------|
| Baker Electric, Des Moines, Iowa                         | \$ 81,842.00               |
| Biermann's University Electric Company, Des Moines, Iowa | \$ 96,940.00               |
| The Waldinger Corporation, Des Moines, Iowa              | \$113,188.00               |

Funding for this repair was approved by Council on September 11, 2012, allocating \$136,740 (\$88,741 by delaying a project to replace the main plant transformer and another \$48,000 by delaying the replacement of a waste activated sludge pump). The engineering consultant's contract was awarded in the amount of \$12,500. The engineer's estimate to replace MCC#1 was \$100,000, plus a contingency of \$10,000.

All bids received appear to be responsive, and all three are less than the budgeted amount. Staff recommends awarding the contract to the low bidder, Baker Electric.

**ALTERNATIVES:**

1. Accept the low lump-sum bid of \$81,842.00 from Baker Electric of Des Moines, Iowa to provide all labor, equipment, materials, and other components necessary to complete the WPC Facility Motor Control Center No. 1 Replacement Project.
2. Do not accept bids at this time for the above-mentioned project.

**MANAGER'S RECOMMENDED ACTION:**

Bids were solicited in accordance with the City's Purchasing Policies, and the lowest responsive, responsible bidder offers a price that is within the approved budget.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby awarding a contract to Baker Electric of Des Moines, Iowa in the amount of \$81,842.00.

**COUNCIL ACTION FORM**

**SUBJECT:**            **WINTER & SUMMER TREE TRIMMING**

**BACKGROUND:**

It is important to maintain the condition of trees in the public right-of-way and on public grounds. Trimming, removal and stump grinding is needed to provide for public safety and tree health. It is most efficient to contract for these activities. The following bids for this work were received on August 25, 2011:

| <b><u>Bidder</u></b>        | <b>2011/12 WINTER &amp; SUMMER TREE TRIMMING</b> |                                   |
|-----------------------------|--|-----------------------------------|
|                             | <b><u>Bid Amount – Winter</u></b>                | <b><u>Bid Amount - Summer</u></b> |
| LawnPro L.L.C.              | \$ 34.00/Crew Hour                               | \$ 39.00/Crew Hour                |
| Dan's Custom Landscapes     | \$ 85.00/Crew Hour                               | \$150.00/Crew Hour                |
| Asplundh Tree Expert Co.    | \$ 85.15/Crew Hour                               | \$ 85.15/Crew Hour                |
| Finco Tree/Wood Service LLC | \$ 99.00/Crew Hour                               | \$110.00/Crew Hour                |
| J. C.'s Tree Service        | \$180.00/Crew Hour                               | \$199.00/Crew Hour                |

LawnPro L.L.C. was awarded the Winter & Summer Tree Trimming contract in 2011, with the option for annual renewal. This renewal option provided for a 3% winter 2012/13 increase and 2.5% summer 2013 increase. This equates to a winter tree trimming contract of \$30,000 and a summer tree trimming contract of \$25,000, totaling \$55,000. The 2012/13 budget includes \$60,000 for this work.

The community weathered a severe storm event this past summer with widespread tree damage. Clean-up from the storm required utilizing the services of Lawn Pro to help restore public areas and assure the safety of our community as quickly and efficiently as possible. On August 28, 2012 City Council approved a change order to the previous contract that increased that contract to \$78,000. These services crossed fiscal years, using part of the funds budgeted for 2012/13. Staff will work with City Council through the upcoming budget amendment process to include an adequate budget for this coming year's contract.

**ALTERNATIVES:**

1. Approve a contract for the 2012/13 Winter & Summer Tree Trimming to LawnPro L.L.C., Colo, IA, in the amount of \$55,000.
2. Reject all bids and attempt to secure tree trimming on an as-needed basis.

**MANAGER'S RECOMMENDED ACTION:**

It is very important to maintain the public urban forest through a proactive tree trimming and removal program. This provides the safest environment for our citizens and minimizes damage experienced during severe storms. It is most effective to contract for this work from both a cost and work activity perspective.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving award of contract for the 2012/13 Winter and Summer Tree Trimming to LawnPro L.L.C., Colo, IA, in the amount of \$55,000.



# Memo

City Clerk's Office

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

**FROM:** City Clerk's Office

**DATE:** November 9, 2012

**SUBJECT:** Contract and Bond Approval

There are no Council Action Forms for Item Nos. 14 through 19. Council approval of the contract and bond for these projects is simply fulfilling a *State Code* requirement.

/jlr

**COUNCIL ACTION FORM**

**SUBJECT:**     **COMPLETION OF POWER PLANT UNIT #7 STACK REPAIR**

**BACKGROUND**

On April 10, 2012, City Council approved preliminary plans and specifications for Power Plant Unit #7 Stack Repair. The scope of this project included installing additional steel reinforcing rings, replacing the grating on the elevated platforms, replacing the top ring, repairing the upper five courses of brick liner, painting the ladder and platforms, cleaning the interior, repairing cracks in the concrete, and coating the stack with a waterproof coating.

Bids were received on May 23, 2012, and it was determined that the low bid submitted by NAES Power Contractors was acceptable. The contract awarded by Council on June 12, 2012, was in the amount of \$227,354.

This project had one change order approved by staff in the amount of \$4,899.18 for the repair of additional cracks discovered during the work. As a result, the total contract amount with this change order is \$232,253.18. Funding for this repair was included in the FY 2011/12 operating budget.

All of the work included in the contract with NAES Power Contractors has now been completed, and the Power Plant Engineer has provided a certificate of completion.

**ALTERNATIVES:**

1) Accept completion of the contract for the Power Plant #7 Stack Repair with NAES Power Contractors at a total cost of \$232,253.18, and authorize final payment to the contractor.

2) Delay acceptance of this project.

**MANAGER'S RECOMMENDED ACTION:**

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

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

**COUNCIL ACTION FORM**

**SUBJECT:** PLAT OF SURVEY – 2122 and 2130 McCarthy

**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: 2122 and 2130 McCarthy

Assessor's Parcel #: 0909428025 and 0909428010

Legal Description: See Plat of Survey

Owners: Mr. Shahbaz Ahmed Merchant and Mrs. Kaukab Barni Merchant

**The plat consolidates two residential parcels into one parcel so the owner can construct an addition to combine the two residential structures into one single family residential structure. A copy of the proposed plat of survey is attached for Council consideration.**

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 condition:

1. The official signing and recording of the Plat of Survey will not be completed until evidence of a conforming single family structure is verified at the time of occupancy.

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 to approve the proposed plat of survey subject to the following condition:
  - a. The official signing and recording of the Plat of Survey not be completed until evidence of a conforming single family structure is verified at the time of occupancy.
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:**

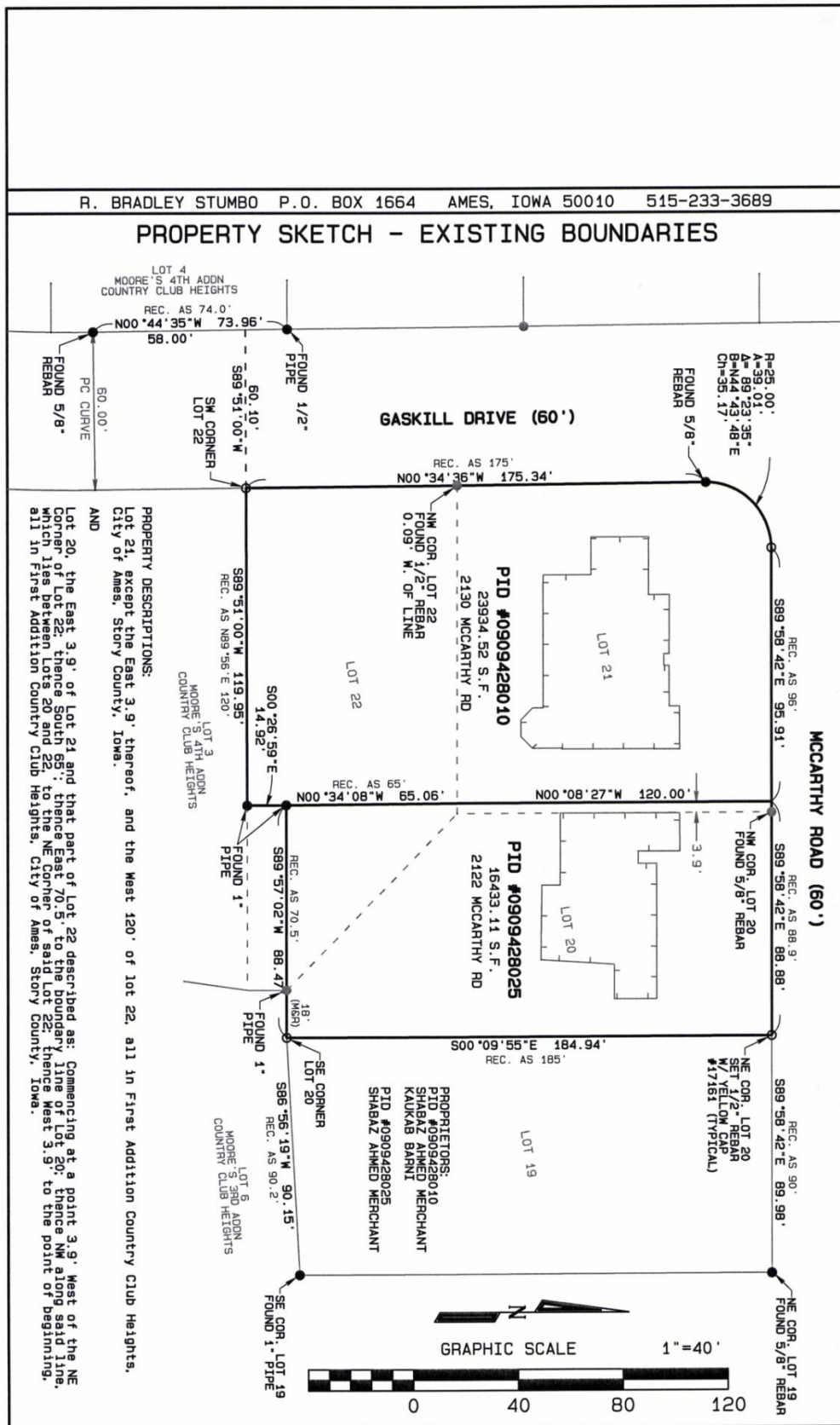
The Planning & Housing Department has determined that the proposed plat of survey satisfies all code requirements, and has accordingly rendered a preliminary decision to approve the proposed plat of survey subject to the condition noted in the report.

**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 holding the official signing and recording of the Plat of Survey until evidence of a conforming single family structure is verified at the time of occupancy.

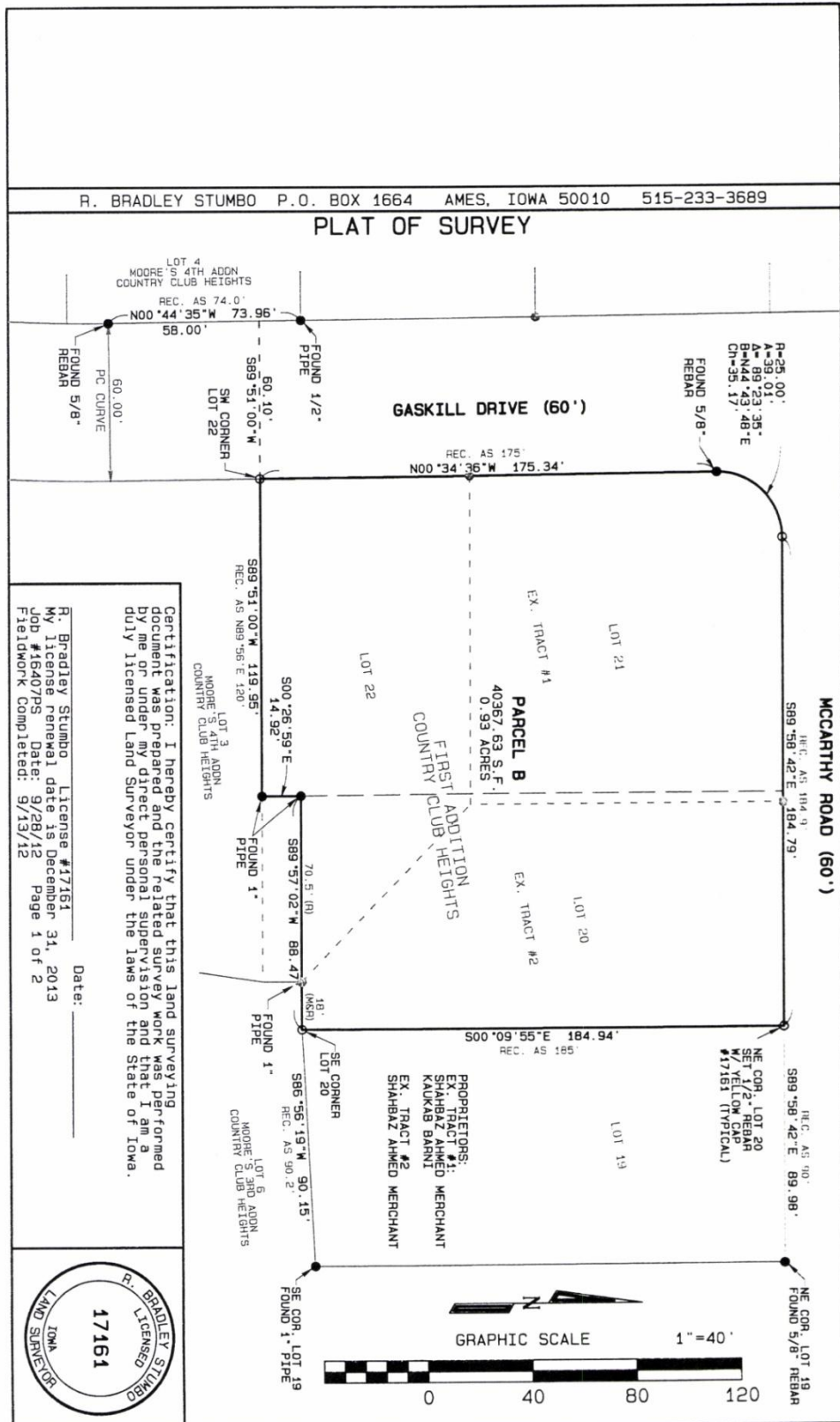
Approval of the resolution will allow the applicant to prepare the official plat of survey incorporating all conditions of approval specified in the resolution. It will further allow the prepared plat of survey to be reviewed and signed by the Planning & Housing Director confirming that it fully conforms 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 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.

## EXISTING CONDITIONS



# PROPOSED PLAT OF SURVEY



**COUNCIL ACTION FORM**

**SUBJECT:** JINGLE BELL RUN/WALK FOR ARTHRITIS

**BACKGROUND:**

KOSAMA of Ames and the Arthritis Foundation have proposed to hold the 2<sup>nd</sup> annual Jingle Bell Run/Walk on Sunday, December 2, 2012, beginning at 10:30 a.m. and concluding by noon. The event includes a 5K run and a fun run/walk. The run will start in the downtown area, go to Brookside Park, and loop back to downtown. Approximately 200 participants are expected. The downtown portion of the event will occur on roadways, while the western portion of the run will take place on shared-use paths.

Organizers have been asked to notify affected businesses in the area as well as churches along the route. The Main Street Cultural District has indicated its support of this event.

Because portions of the event take place on CyRide routes, Council is being asked to close Main Street and Fifth Street from Clark Avenue to Kellogg Avenue, and Kellogg Avenue, Burnett Avenue, and Clark Avenue from Main Street to Fifth Street to facilitate this event. Streets will be reopened as soon as runners have cleared the area. Since parking meter regulations are not in effect on Sundays, there will be no loss of revenue to the Parking Fund.

In the event of snowfall before the event, staff will inspect the route and make an attempt to clear it for the participants.

**ALTERNATIVES:**

1. Approve the street closures for the 2<sup>nd</sup> annual Jingle Bell Run/Walk as outlined above.
2. Direct organizers to find alternate routes for this event.
3. Do not approve the street closures as requested.

**MANAGER'S RECOMMENDED ACTION:**

The 2011 Jingle Bell Run was a successful road race. By moving the event to a Sunday morning, the organizers hope to reduce potential disruption to the downtown area. In addition, this event has the potential to draw several hundred people into the downtown area during the holiday shopping season. Main Street Cultural District has expressed support of this event.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the street closures for the 2<sup>nd</sup> annual Jingle Bell Run/Walk as outlined above.



November 6, 2012

Mayor and City Council  
City of Ames  
515 Clark Ave  
Ames, IA 50010

Dear Honorable Mayor Campbell and Distinguished City Council Representatives

The Arthritis Foundation has worked diligently with MSCD and city staff to plan the December 2 Jingle Bell Run and to work out all logistical issues. MSCD feels the Jingle Bell Run will be a great event in downtown Ames and we encourage your support of the Arthritis Foundation's requests. The MSCD support is contingent on the Arthritis Foundation meeting businesses about the proposed race to go over road closure times with them to assess local impact and gain their approvals.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Drenthe", written over a light blue rectangular background.

Tom Drenthe  
Executive Director  
Main Street Cultural District

Cc: Jeff Benson, Brian Phillips

ITEM #23

Staff Report

## Vending Chapter 22 Revisions

November 13, 2012

**This report provides potential suggested changes for how the City of Ames handles its public right of way vending permits.**

### **Background**

After several complaints this year about vending stands and a request by the Campustown Action Association (CAA) pertaining to sidewalk cafes regulations, City staff began reviewing Chapter 22, Division III of the City Code that pertains to vending on public rights of way. The current City Code does not provide staff ample guidance pertaining to vending stands, vendor persons, motor vehicles-ice cream trucks, sidewalk cafes and sidewalk sales on public rights of way. The CAA requested consideration of several changes to the sidewalk cafe section that are significant. The first is clarification about food service regulations and the second pertains to how sidewalk cafe areas are to be delineated. CAA would like language added to the Code that would allow for service of alcoholic beverages. (See attached letter from the Campustown Action Association dated May 16, 2012.)

Staff has contacted and solicited comments from CAA, Main Street Cultural District as well as Somerset Commercial Property Owners Association to determine if there were strong feelings or concerns about how to regulate sidewalk cafes and vending stands in particular. Given the purpose of the regulations, staff is proposing to separate the Code and provide administrative policies and separate applications for each of the six uses laid out in this section of the code: Vending Stands, Vendor Persons, Motorized vehicle-Ice Cream Trucks, Sidewalk Cafes, Newspaper Dispensers and Sidewalk Sales. Staff feels that the current regulations in Sec. 22, Division III for these very different vending functions do not work well for the City or the vendor.

In preparing to bring these policy questions to City Council, staff has developed maps for locations of vending stands and assessed potential areas for sidewalk cafes. As noted later in this report, there are significant space constraints in Campustown and Downtown for sidewalk cafes. Both business districts have been made of aware of these constraints.

## *Policy Issues for City Council Consideration*

Staff recommendations are listed first for all consideration items.

### ***Consideration No. 1***

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#### ***What areas of the community are most appropriate for vending on public property?***

Currently vending on public property is allowed in *"various commercial and industrial zoning districts"*.

- The Codes does not allow for the use in a new zoning district --Village-Town Center. The Village-Town Center Zoning District typically contains 6 ft. of private property that is designated for outdoor uses. However, portions of the District do not have that much private property in front of businesses available for outside activities, so adding public right of way for vending in Sec. 22, Division III would be fitting. This will add to the pedestrian experience in this commercial area by providing more room for the operation of sidewalk cafes, as an example.
- Ice Cream trucks are allowed in the Medical zoning district and in residential zoning districts.
- There is no statement related to where vendor persons can operate in the current code.

#### **OPTIONS**

1. Allow for vending stands, vendor persons and sidewalk sales only in the Downtown Service Center, Campustown Service Center and Village-Town Center Zoning districts that are pedestrian oriented commercial centers, which are a good fit for this type of use on the public right of way. Leave ice cream trucks language as is.
2. Leave the current language: *"The license provided for in Section 22.13 may be issued in the various commercial and industrial zoning districts of the city, but, except for vendors of nothing more than ice-cream and similar frozen desserts, not in the Hospital-Medical zoning district nor in any other zoning district, as shown on the official zoning map of the city."*

### ***Consideration No. 2***

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#### ***What are the appropriate types of items to be sold from stands, motor vehicles or vendor persons?***

The vending section allows for sales of *"food, beverage, or other merchandise from a stand, motor vehicle or from the vendors person..."*. Staff wants to know if Council would like to see restrictions on the types of items that can be sold from **vending stands, motor vehicles and vendor persons**.

## OPTIONS

1. Allow only food sales and non alcoholic beverage sales from a vending stand, motor vehicle, and vendor person unless it is for a special event as designated by the City Council, and then merchandise sales would continue to be allowed from a vending stand, motor vehicle or vendor person. No food or alcoholic beverages are allowed at sidewalk sales.
2. Continue to allow for sales of *"food, beverage, or other merchandise from a stand, motor vehicle or from the vendors person..."*.

## Consideration No. 3

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***What is the best way to prevent expansion of the area allowed for each vendor beyond the limits agreed to? Will these vendors impede views of retail buildings and facades? How large should the vending operations be? Should scale of operation and quantity of operations be limited to maintain fairness in competition with retailers who invest in real estate and pay property taxes?***

- The vending section defines a stand as *"any table, showcase, bench, rack, pushcart, wagon vehicle or device used for displaying, keeping and offering of articles for sale by a vendor"*. Recently, staff has had a number of challenges as it pertains to this definition. The size of a recent stand was a problem in the Downtown. This stand was designed for a person to be fully enclosed and to serve out of it, like a State Fair food vendor. This stand obstructed visibility of several businesses and crowded a sidewalk ramp as well as businesses entrance. In Campustown the issues are different, in that crowds of patrons block sidewalks and when stands are situated closely together the crowds begin to merge. In both areas, vendors have operations with multiple accessory items, such as large coolers, side tables and pallets of food that can take up significant space on the sidewalk and reduce the area for pedestrian movement.
- The current code does not limit motorized vehicles to only the sale of ice cream and similar frozen items in commercial and industrial areas.
- There is also no definition or clarification of what constitutes a sidewalk sale or how a vendor person is allowed to operate.

## OPTIONS

1. Change "stand" to "vending cart" -- A non-motorized wheeled carrier with handles for pushing or pulling the carrier. A vending cart is not designed for human enclosure or occupancy, and is used for outdoor display and vending of **food and non alcoholic beverages, unless it is for a special event as designated by the City Council, then it may also include merchandise**. Vending carts may include light cooking and final preparation of food products. Any components associated with the vending cart operation must be either integrated into the cart, or able to be stored on the cart for mobility. Separate counters or appliances that cannot be folded and easily stored on the vending cart are not allowed. Vending carts must be removed and stored in a non-public location when not in use. Vending carts are intended to be used by walk-by patrons and may not include sit-down dining. Staff will provide a maximum foot print for vending carts as part of the new regulations and a set of defined locations that can be used



for vending cart operations to maintain the public right of way for use by pedestrians in a safe manner. (See maps for locations in Downtown and Campustown that have been reviewed and approved by both area associations, which include at a minimum four feet of circulation.)

Sidewalk sales --may only be permitted where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the sidewalk sale in a safe manner. Four feet must be maintained at all times next to and in front of the building for the purpose of displaying goods kept by the business for sale. It is prohibited to sell anything that might endanger or injure the person or the dress of anyone who might pass on the sidewalk. No storage of goods on the sidewalk will be permitted.

Vendor persons --may only be permitted where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operations of the vendor person. Four feet must be maintained at all times for pedestrians to utilize the sidewalk. It is prohibited to sell anything that might endanger or injure the person or dress of anyone that might pass on the sidewalk. No storage of goods on the sidewalk will be permitted.

Motorized vehicles --are only allowed for vending ice cream or similar frozen desserts in residential zoning districts and Hospital-Medical Zoning District and not allowed to set up on public sidewalks or rights of way to operate similar to a vending cart.

2. Leave the definition as stated in the current version of Chapter 22, Division III., but define the space allowed for utilization on public rights of way for vending stands, vendor person and sidewalk sales to include a minimum of four feet for circulation. Motorized vehicles are only allowed for vending ice cream or similar frozen desserts in residential and Hospital-Medical zoning districts and not allowed to set up on public sidewalks or rights of way.
3. Leave the definition as stated in the current version of Chapter 22, Division III.

#### **Consideration No. 4**

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***What is an equitable method of providing opportunities for commercial use of public rights of way (e.g., first come, first served; selection criteria; a lottery)?***

One of the questions that came up in review of Chapter 22, Division III, was the guarantee of a space for vending on public right of way. Currently, stands must apply a minimum of 60 days prior to the expiration of the current license to guarantee their location, and requested are accepted year round for new licenses. Staff would like the City Council's input on limiting the number of vending cart spaces to ones that clearly meet all safety requirements for pedestrian circulation, including ADA and sight distance (see attached maps for Downtown and Campustown), for use of public right of way. Additionally, staff is working closely to assist the Police Department to avoid creating areas that are so congested that it creates ongoing policing issues, especially in Campustown.

## OPTIONS

1. Request staff to develop a lottery system based on the spaces that have been defined in the attached maps and incorporate the language into the City Code and applications as deemed necessary. An annual application period would be set up and staff would be aware of any construction or other constraints that might eliminate a space from use in that year. It would also allow for staff to solicit feedback from adjacent properties and the various associations on how vending stands have functioned during the year and to make any adjustments necessary prior to the annual renewal.
2. Request staff to develop a selection system based on predetermined spaces that involves a committee with representation from each district that assist in assigning vendors to spaces based on a scoring criteria.
3. Request staff to determine spaces that meet all municipal requirements for safety and other necessary regulation for use of public rights of ways. Leave the current renewal process in place as a first come, first served and adjust only the vendors that are in locations that would not be permitted when their renewal comes up.
4. Leave the renewal process as stated in the current version of Chapter 22, Division III.

## Consideration No. 5

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### ***What priority should a stand have compared to a sidewalk cafe?***

The current code also is silent when it comes to competition for space between stands and sidewalk cafes. As staff began to research locations for vending carts and sidewalk cafes, it became clear that there are few areas in Downtown and Campustown that can accommodate either use without pedestrian conflict. Sidewalk cafes are required to be adjacent to the business and therefore face restraints based on location. There are very few spaces in either area that can accommodate more than a two seat bistro style table and chairs. That being said, staff would still like the City Council's guidance:

## OPTIONS

1. If an owner of a business would like to have a sidewalk cafe and there is a conflict with an existing stand, then the owner of the business must apply for a sidewalk cafe permit and wait until the expiration of the annual permit for the stand, prior to construction of the sidewalk cafe.
2. If an owner of a business would like to have a sidewalk cafe and there is a conflict with an existing stand, then the owner of the business must apply for a sidewalk cafe permit and if approved by the City, then a 60 day notice will be provided to the stand of the termination of that location. If another location is available that stand will be given opportunity to transfer to that location. Any sidewalk cafe application will take priority over a stand.
3. Leave as currently stated in Sec. 22, Division III.

### Consideration No. 6

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#### ***Should vending be restricted to certain times of the day and certain parts of the year?***

Staff would like Council's input on the hours of operation of all of these types of uses. Currently, there are no restrictions on hours or months of operation for vending stands, vendor person, sidewalk sales, ice cream trucks or sidewalk cafes. There have been concerns expressed by the Police Department as it relates to the closure of vending stands in particular. The Police Department would like to see the vending stands close no later than an hour after the bars close. Police personnel are necessary in Campustown and Downtown until the stands close due to the large number of patrons they attract at bar close. The months of operation for these vending functions are not currently restricted.

#### **OPTIONS**

1. Request staff to add language that restricts the hours of operation for:
  - Vending Stands --to no longer than one hour after the closure of bars and no restriction on months of operation.
  - Sidewalk Cafes --to when there is food service available and do not restrict months of operation. If the kitchen is not open then the sidewalk cafe needs to stop outdoor service.
  - Sidewalk Sales --to normal business hours with no restriction on months.
  - Ice Cream Truck sales --from 9 a.m. to 8 p.m. and provide no restriction on months.
  - Vendor Persons --from 9 a.m. to 9 p.m. and no restriction on months of operation.
2. Request staff to add language related to hours and months of operation as determined by the City Council.
3. Leave as currently stated in Sec. 22, Division III.

### Consideration No. 7

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#### ***Should there be restrictions on the types of electric devices that can be used for patron comfort at sidewalk cafes?***

There are restrictions for sidewalk cafes that pertain to outdoor heaters, fans, air conditioners, amplified sound, and/or speakers. Currently these devices are prohibited at sidewalk cafes. Staff is aware that these devices are common to sidewalk cafes in other areas of the Midwest and would like the City Council to provide feedback on allowing the use of any or all of these devices for creating a more attractive space for patrons.

#### **OPTIONS**

1. Request staff to draft language that allows the use of any of these devices in a safe and responsible manner.
2. Request staff to draft language for only specific devices as stated by the City Council.
3. Leave as currently stated in Sec. 22, Division III.

### **Consideration No. 8**

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#### ***Should there be restrictions on the types of electric devices that can be used at or on vending stands or motor vehicles-ice cream trucks?***

Similar to the above, there are no regulations on use of outdoor heaters, fans, refrigeration units, amplified sound or speaks as it pertains to vending stands, vendor persons, and or ice cream trucks. Staff has received complaints about amplified sounds from vending stands and would like the City Council to provide direction on how it would like to see these potential concerns addressed.

#### **OPTIONS**

1. Request staff to draft language that allows the use of any of these devices in a safe and responsible manner.
2. Request staff to draft language for only specific devices as stated by the City Council.
3. Leave as currently stated in Sec. 22, Division III and allow other areas of the Code to regulate as necessary.

### **Consideration No. 9**

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#### ***Should we allow table service for a sidewalk cafe?***

The CAA also requested that language in the Code pertaining to table service be clarified for sidewalk cafes. It is their understanding that the current Code is being interpreted to prohibit outdoor table service. They do not believe that was the intention. Because the language is not clear, staff would like direction from the City Council. Table service is where the waiter brings plated food to the patrons table and buses food at the end of the meal. The current Code does not address potential issues with outdoor service stations.

#### **OPTIONS**

1. Request staff to draft language that allows for table service, but that does not include outdoor food preparation, service stations and storage of used table service items.
2. Request staff to draft language allowing for outdoor food preparation, busing, and service stations and the like.
3. Leave as currently stated in Sec. 22, Division III.

### **Consideration No. 10**

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#### ***Does the City have guidance as to proper delineation of a sidewalk cafe in lieu of barriers?***

CAA has requested clarification on delineation requirements for sidewalk cafes. They have concerns about the space required to have barriers due to the width of the sidewalk throughout much of

Campustown, which is also true in Downtown. CAA is asking the City to provide some guidance on the proper delineation of sidewalk cafes to assist businesses who might be considering this type of service extension. Staff has researched a variety of options for creating the sense of separation or delineation for sidewalk cafes, such as planters, columns, ropes and chains.

#### **OPTIONS**

1. Request staff to draft language that allows delineation of sidewalk cafes in a safe and responsible manner in lieu of barriers.
2. Leave as currently stated in Sec. 22, Division III.

#### **Consideration No. 11**

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##### ***How should special events and home deliveries be handled?***

Staff would like to provide clear guidance in this section of the City Code to the following groups that are exceptions to the day to day vending language:

- Organized business districts' promotionals
- Farmers' Market
- Civic and service club activities
- Home deliveries of food and merchandise in residential zoning districts

#### **OPTIONS**

1. Request staff to remove home deliveries from this section of the Code. Regulations of home deliveries do not belong in a section on public right of way use, since the commercial transaction takes place on private property. Request staff to provide language in the Code to guide remaining exceptions regarding blanket permits for a special event.
2. Leave as currently stated in Sec. 22, Division III.

#### **Consideration No. 12**

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##### ***Should alcohol be permitted at sidewalk cafes?***

Part of the request from the CAA pertains to allowing alcoholic beverages at a sidewalk cafe. It would be very difficult for staff to regulate alcohol when the premises cannot be secured and liquor could be easily passed outside of the area. Staff would like to have the City Council give policy direction on the sale of alcohol from vending stands, from a vendor person, from motor vehicles and at sidewalk sales, since the current Code does not explicitly address it.

#### **OPTIONS**

1. Do not allow alcoholic beverages at a sidewalk cafe, vending stands, on vendor persons, from motor vehicles or at sidewalk sales.
2. Allow alcoholic beverages sales at sidewalk cafes and request staff to prepare language that ties sale of food to sale of alcohol, so that only a restaurant by definition in the Code can sell alcohol.

Do not permit the sale of alcoholic beverages at vending stands, on vendor persons, from motor vehicles or at sidewalk sales.

3. Leave as currently stated in Sec. 22, Division III.

***Other items staff intends to add to vending requirements***

In addition to the aforementioned items, staff is also looking at adding clarifying language for the following requirements:

1. Background checks for vending permits and policies for denial should the background check return information that would present safety issues for the public
2. Ability of City to require the vending business to close temporarily due to public emergency or need due to crowd control
3. Site distance and the ADA
4. Removal of trash and other waste related to operating a business on public rights of way
5. Access and use of public utilities
6. Insurance requirements by type of use
7. Provide a temporary or annual license for sidewalk sales and vendor persons.

**STAFF COMMENTS**

The first option under each of the policy issues reflected above is staff's recommended course of action. However, Council may wish to direct staff to incorporate different language into the Code revisions for Section 22, Division III pertaining to vending.

Staff will continue to work with the three commercial retail associations to share information and solicit feedback, prior to bringing back the ordinance revisions to the City Council.



campustown  
action  
association

May 16, 2012

Mayor and City Council

City of Ames

515 Clark Ave

Ames, IA 50010

Dear Honorable Mayor Campbell and City Council,

The Campustown Action Association represents the interests of its members, which are a diverse group of Campustown stakeholders and seeks to work with the City of Ames, and Iowa State University to increase the vitality and success of Campustown to the benefit of the entire Ames community.

Recently, our membership has expressed interest in discussing two opportunities to improve the success of sidewalk cafes. CAA appreciates that the City of Ames has included the operation of sidewalk cafes as an option for local businesses, and believes minimal changes to the current sidewalk café code could enhance the success of these cafes. In the Sidewalk Café Permit language CAA has discovered opportunities for improving the safety and success of sidewalk cafes.

Item 1: OUTDOOR BUSING

**(Ord. No. 3537, Sec. 1, 9-28-99)**

*(k) Service Requirements. The outdoor preparation of food and busing, or service stations, are prohibited at sidewalk cafes.*

It has come to our attention that the interpretation of the above code language has been such that table service is not allowed. We believe table service is a realistic expectation of sidewalk cafes, and that interpreting the above passage as not allowing table service and busing service is in error. We would ask that the language be amended to permit busing tables and allow general service activities while maintaining the code provisions prohibiting the preparation of food, service stations and busing stations on sidewalk areas.

Item 2-3: BARRIER REQUIREMENT AND AESTHETICS

**(Ord. No. 3537, Sec. 1, 9-28-99)**

*(i) Delineating Sidewalk Cafe Area. The sidewalk cafe shall be delineated by barriers separating patrons from the pedestrian traffic on the sidewalk. The detailed requirements for each sidewalk cafe will be determined as warranted. The barriers will be within the 50 percent of the sidewalk designated for the sidewalk cafe, or to ensure a minimum of four (4) feet of sidewalk width clear of obstructions.*



campustown  
action  
association

In the Campustown area, this requirement of delineating an-area creates challenges with fitting services and patrons behind the delineation. The amount of space required to both accommodate seating, circulation of servers and the delineation barriers, greatly increases the size of the sidewalk café beyond the area necessary to provide the service. We would ask that the requirement of a delineation barrier be removed, while all other expectations of distances and spacing discussed in the code section to ensure safe passage in the public right of way remain.

In addition, CAA believes that some oversight regarding the aesthetic of these barriers, if required, will ensure a more aesthetically pleasing Campustown. We are support some design guidelines accompanying the nature of these barriers.

Item 4: Alcoholic Beverages

**(Ord. No. 3537, Sec. 1, 9-27-97)**

*(c) Alcoholic Beverages and Smoking Prohibited. Service of alcoholic beverages, consumption of alcoholic beverages, and smoking are prohibited at a sidewalk cafe, and a permittee shall enforce prohibition of such conduct.*

While CAA understands that appropriate control of alcoholic service must be ensured, we believe this regulatory control is possible in the sidewalk café format, just as it is inside licensed establishments. We would be very excited to work with the Ames Police Department and the Ames City Attorney to create this code language ensuring the City of Ames and its Police Department were comfortable with this change.

We also understand that such a use may require the barrier of they type mentioned previously to ensure such controls. We are comfortable with requiring barriers Sidewalk Cafés where alcohol would be served. We again would like to register concern that the addition of some design guidelines for these barriers would ensure an improved aesthetic for Campustown.

CAA would like to thank The City of Ames for its attention to these items, and looks forward to working with city staff and The Ames City Council and Mayor, to continually improve Campustown to the benefit of the entire community.

Sincerely,

John A. Haila

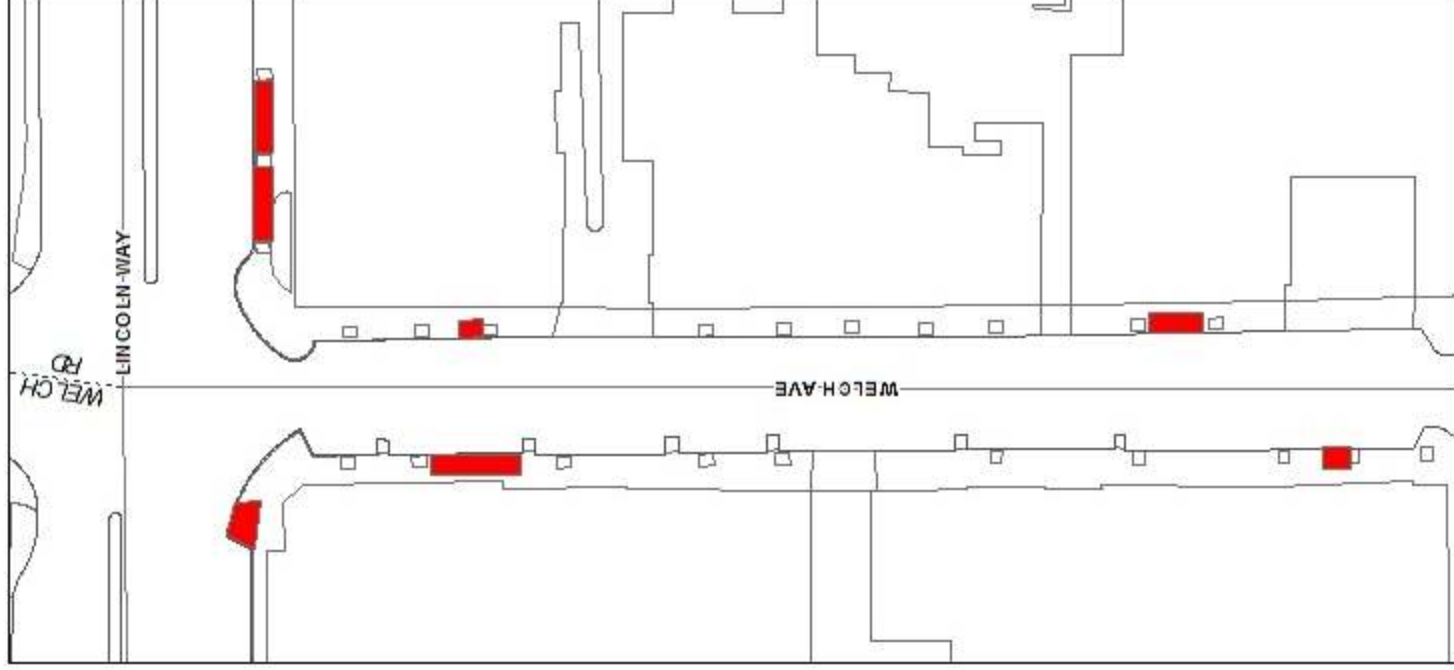
President

Campustown Action Association

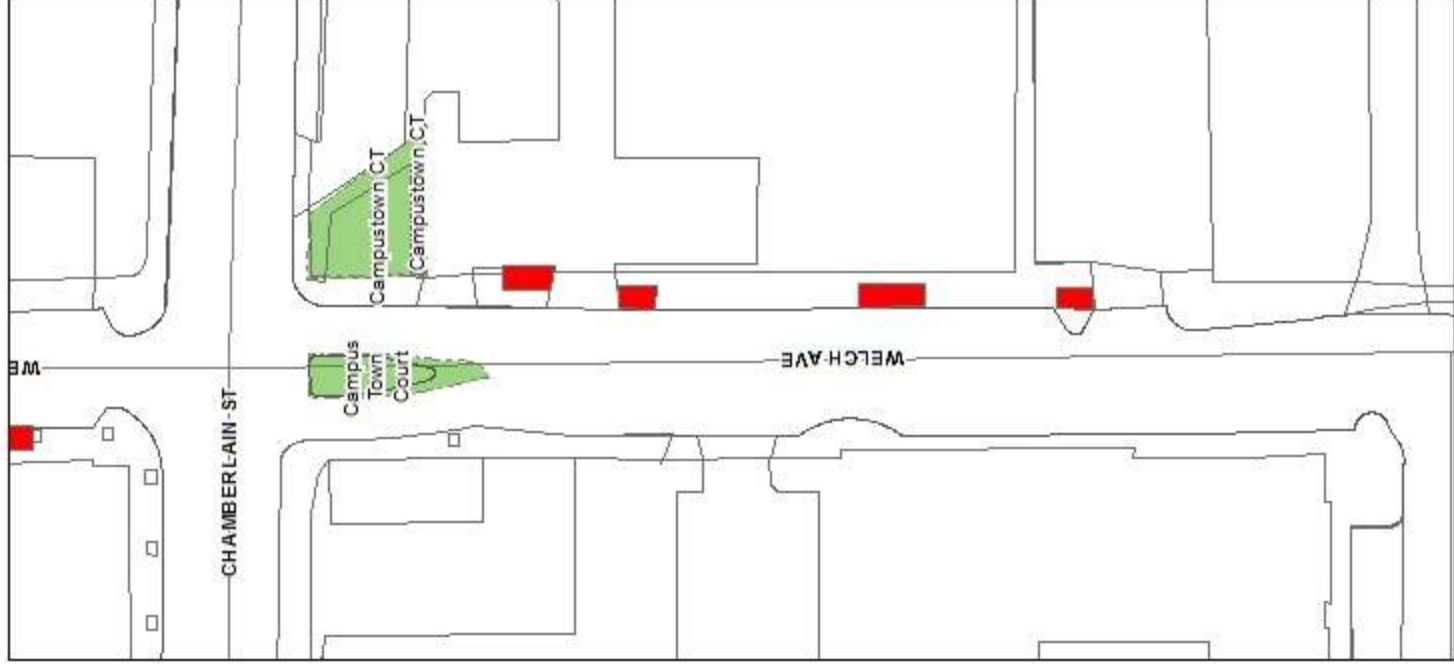


# Campustown Vending Sites

100 Block Welch Avenue

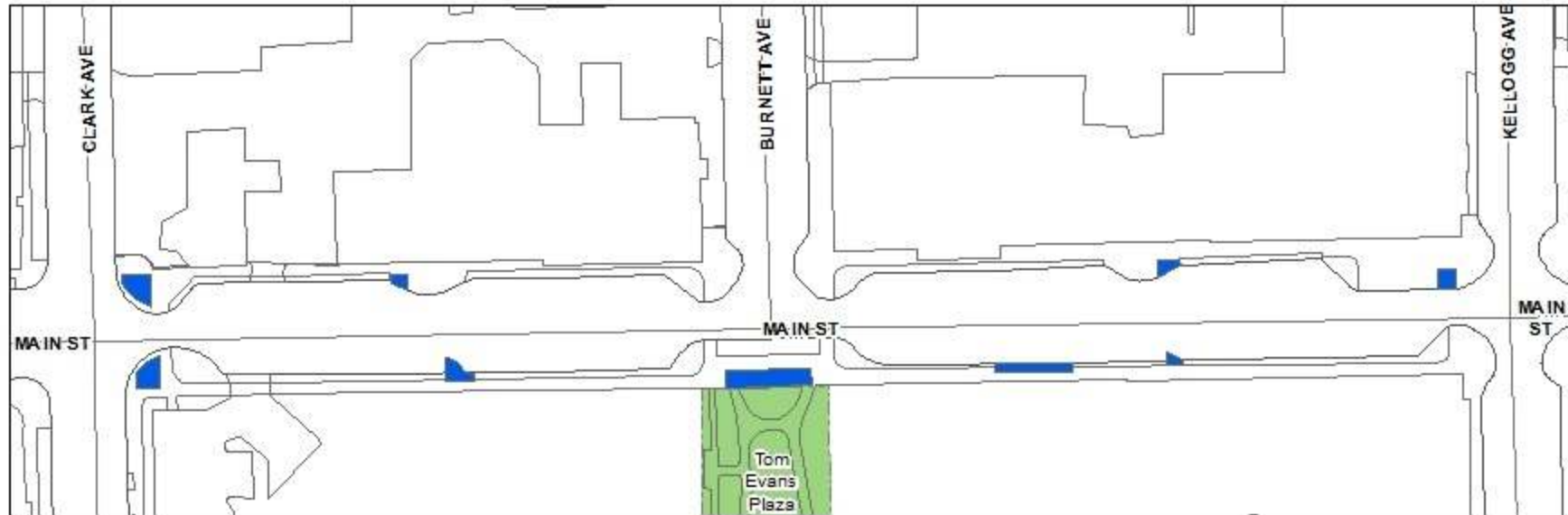


200 Block Welch Avenue

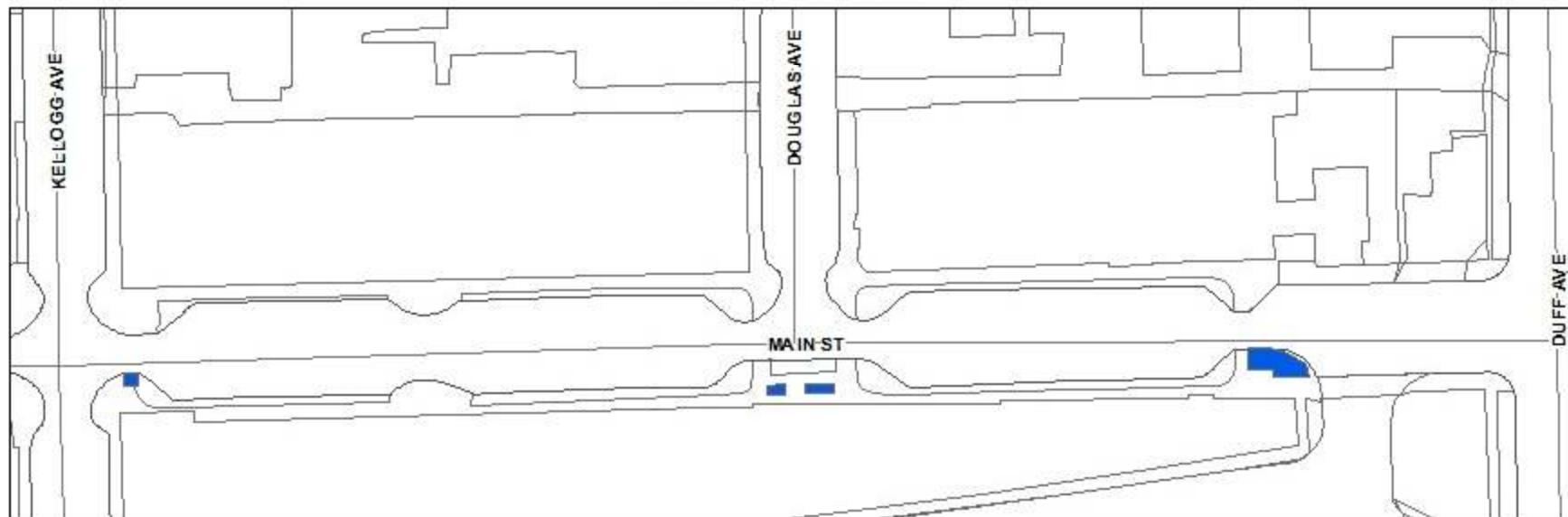


# Downtown Vending Sites

## 300-400 Main Street



## 100-200 Main Street



## Ames Police Department Liquor License Renewal Criteria Form

Business name: Café Mood

Address: 116 Welch Ave

Review Period: October 2011 to October 2012

100%: Number of quarterly alcohol meetings attended during twelve-month renewal period.

18: Number of citations/arrests during twelve-month renewal period.

      : Number of nuisance calls in and around the business during twelve-month renewal period.

      : Number of fire code violations during twelve-month renewal period.

13: Number of fake or altered IDs turned in during twelve-month renewal period.

Private: Percentage of employees who have attended police ID training during twelve-month renewal period.

List of any additional precautions employed by the business to assist in preventing underage on premise or consumption:

|   |  |
|---|--|
| <input type="checkbox"/> Electronic ID handheld         | <input type="checkbox"/> Additional Training _____ |
| <input type="checkbox"/> ALS (Alternative Light Sources | <input type="checkbox"/> Alarms                    |

Incentives for confiscated DLs ☐ Yes ☒ No

Level of cooperation extended to police by bar employees:

☐ High ☒ Medium ☐ Low

High Level of Cooperation – Responds to requests for improvements made by the Police Department or Inspections as soon as possible. Calls for assistance where appropriate before the situation gets “out of hand”. High attendance at ID training. Fake Ids turned over to Police Department.

Low Level of Cooperation – Does not respond to reasonable requests made by the Police Department or Inspections. Lets problems get out of hand before calling for help. Low or no attendance at ID training. No effort to identify and seize fake Ids.

Average Occupancy:

☐ High ☒ Medium ☐ Low

High: At or near capacity each night of operation

Medium: At capacity on some nights and fewer patrons on other nights

Low: Rarely at capacity

Occupancy

☐

High

☒

Medium

☐

Low

High – 200-300 Fire Code Occupancy

Medium – 100 – 200 Fire Code Occupancy

Low – Under 100 Fire Code Occupancy

Fire Inspection Comments: \_\_\_\_\_

Health and Sanitation Comments: \_\_\_\_\_

Building Inspection Comments: \_\_\_\_\_

Additional Comments:

|           |  |
|-----------|--|
| 3/25/2012 | 4 On premise violations  |
| 4/1/2012  | 2 On premise violations  |
| 4/21/2012 | 4 On premise violations (1 verified fake ID)<br>1 violation for allowing minors on premise |
| 7/20/2012 | 3 On premise violations  |
| 7/28/2012 | 1 On premise violation   |
| 8/9/2012  | 1 Noise Ordinance violation  |
| 8/25/2012 | 1 Noise Ordinance violation  |
| 9/21/2012 | 1 Noise Ordinance violation  |

Total: 14 violations for on premise

1 violation for allowing minors on premise

3 Noise Ordinance violations

Police Department's liquor license renewal recommendation: ☒ **YES** / ☐ **NO** (6 Month only)

I will highlight a few cases that trouble the police department in regards to Café Mood.

On March 25, 2012 the Safe Neighborhoods Team cited 4 individuals for on premise. In speaking with the individuals, they admitted that they were allowed into the bar without showing ID by someone described as the doorman. In speaking with the manager on duty, Harmit Singh, he said the person was not an employee but was being allowed to "check IDs". Sergeant Snider told Mr. Singh what had occurred and the problems associated with it and Singh told Sergeant Snider that this was not a big deal.

On April 1, 2012, officers cited two individuals for on premise and during the course of that investigation, found that one of them was the same person cited the week before.

On April 21, 2012 during VEISHEA, the Safe Neighborhood Team was conducting routine checks of the campustown establishment. When they entered Café Mood, they were told by the door person that only two officers were permitted in the establishment without a search warrant. Sergeant Howard Snider stepped in and spoke with the employee, correcting his error. During the investigation, the team found 4 people inside who were both under age and did not have any ID on them. The officers

also found others in the bar who were of age, but did not have ID. They explained that no one checked their ID on the way in. I also happened to be working and went to Café Mood. As there was absolutely no due diligence done on the part of the bar we had the staff empty the bar. It also appeared that they were over occupied creating a hazard. Once the bar was clear, we allowed them to re-open, checking IDs. We cited the manager, Richard Novencido for allowing minors on premise and warned him about the occupancy problem.

Recently, we have been getting complaints about the noise coming from the establishment. On three occasions, we have cited the bar for violating the noise ordinance.

It is my opinion, that the staff is not taking these violations seriously. The police department would recommend a 6 month renewal so we can be allowed to re-evaluate their performance in a shorter period of time and report back to Council.

On a positive note, I was contacted by the owner recently to discuss the contents of this form and a strategy for making improvements. We discussed the importance of keeping the side door closed which should fix the problem with noise. I suggested they put an alarm on the door to ensure that employees are alerted when the door is opened. Also, it is worth noting that they have not had any on premises violations since the end of July. They have already shown some improvement in this area. As cooler weather is upon us, the noise problem has also gone away. The members of the Safe Neighborhoods Team also reported that the bar does a good job of keeping the area in front of the establishment clear for pedestrians using the sidewalk.

Also after our meeting, Harmit has provided flashlights and black lights to aid in checking IDs and is also offering his staff \$10 for confiscated Fake IDs.

Report Submitted by : Commander Geoff Huff

# License Application ( )

## Applicant

Name of Applicant: RDHS LLC  
 Name of Business (DBA): Cave Event Room  
 Address of Premises: 124 Welch  
 City: Ames County: Polk Zip: 50014  
 Business Phone: (515) 490-9647  
 Mailing Address: 7803 Cottonwood Lane  
 City: West Des Moines State: IA Zip: 50266

## Contact Person

Name: Rajan Devan  
 Phone: (515) 490-9647 Email Address:

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

Term: 12 months

Effective Date: 10/23/2012

Expiration Date:

Privileges:

Class C Liquor License (LC) (Commercial)  
Sunday Sales

## Status of Business

BusinessType: Limited Liability Company  
 Corporate ID Number: W00795305 Federal Employer ID # 46-0830624

## Ownership

**Rajan Devan**

First Name: Rajan Last Name: Devan  
 City: West Des Moines State: Iowa Zip: 50266  
 Position member  
 % of Ownership 50.00 % U.S. Citizen

**Singh Harmit**

First Name: Singh Last Name: Harmit  
 City: Ames State: Iowa Zip: 50014  
 Position member  
 % of Ownership 50.00 % U.S. Citizen

## Insurance Company Information

Insurance Company: Founders Insurance Company

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>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> |  |

**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 daysEffective Date: 11/22/2012

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: LenLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Vice President% of Ownership 25.00 %

U.S. Citizen

**Scott Griffen**First Name: ScottLast Name: GriffenCity: AmesState: IowaZip: 50010Position President% of Ownership 50.00 %

U.S. Citizen

**Sue Griffen**First Name: SueLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Treasure% of Ownership 25.00 %

U.S. Citizen

***Insurance Company Information***Insurance Company: Founders Insurance Company

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:

**COUNCIL ACTION FORM**

**SUBJECT:**      **ARTISTIC BIKE RACKS IN MAIN STREET CULTURAL DISTRICT**

**BACKGROUND:**

In 2011, staff was approached by the Ames Community Arts Council (ACAC) about the possibility of placing of artistic bike racks in the Main Street Cultural District. Staff worked with ACAC and the Main Street Cultural District to identify potential locations for the bike racks that would benefit bicyclists and fill a need in the Main Street Cultural District for more bike racks. ACAC also presented their plans to the City's Public Art Commission to receive their input on and support for the project.

ACAC has also been working to identify outside funding for these bike racks, and took the initial step of putting out a call for artists for the design of six bike racks (see attached Call for Entries). As part of the fundraising effort, the Public Art Commission has agreed to seek Council's approval to reallocate \$1,600 in unspent funding to this project.

ACAC's contemplated program would entail the City ultimately becoming the owners of the bike racks. Given that fact, and in light of the Public Art Commission's request to allocate City funding to the project, it would be appropriate to contractually confirm this partnership with the Ames Community Art Council.

Representatives of ACAC and City staff will be present at the Council meeting to further describe this proposed collaboration. Should Council approve, the parties' respective roles and responsibilities will be confirmed in an agreement for approval by the City Council. In accordance with established Council policy, the artistic bike rack designs that are ultimately selected will be brought before the Public Art Commission for their recommendation and to the City Council before actually being commissioned.

**ALTERNATIVES:**

1.      Authorize staff to develop a contract with the Ames Community Arts Council for implementing a program to place artistic bike racks in the Main Street Cultural District.
2.      Do not authorize development of this agreement.
3.      Direct staff to pursue modifications to the project.

**MANAGER'S RECOMMENDED ACTION:**

This project will create a public/private partnership that will both add function and beautify the Main Street Cultural District.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby authorizing staff to develop a contract with the Ames Community Arts Council for implementing a program to place artistic bike racks in the Main Street Cultural District.



**Ames Community Arts Council**

## **BICYCLE RACK DESIGN COMPETITION (Phase 1)**

ARTISTS & DESIGNERS from Ames, Iowa and surrounding counties

Presented by Ames Community Arts Council

**CALL FOR ENTRIES: DUE BY 5:00 PM, DECEMBER 31, 2012**

**INSTALL DEADLINE: May 31, 2013**

Ames Community Arts Council, with the support of Main Street Cultural District, City of Ames and Community supporters are sponsoring a competition for six unique bicycle racks for the Ames community. This project seeks to add both visual appeal and functional utility. The City of Ames welcomes the creative energy of the greater community to assist in the creation of this important missing element – the bicycle rack.

### **SPECIFICATIONS FOR DESIGN:**

This project will emphasize the balance between form and function. The bicycle rack must be designed to withstand the outdoor elements as well as heavy recreational use. We are asking for designs in three different size groups: large, medium and small. The design for a large rack must accommodate 6-8 bikes, the medium rack: 3-5 bikes, the small rack; 2 bikes and be user-friendly for a wide range of cyclists (child-adult).

- Locking points must be at least 1 inch thick and no more than 4 inches thick
- Minimum gap of ten inches at the bottom of the rack to allow space for the pedal
- Design must consider safety, no sharp edges or openings that would be dangerous. The design must comply accessibility standards (ADA). This means that there is no overhangs or protrusions that could be difficult for the visually impaired in the walking area
- Space gaps within the design shall be larger than nine inches and smaller than three and one half inches to avoid trapping children's heads
- Base plate shall be a minimum of 3/8" thick with bolts to secure into a concrete pad
- Constructed of durable materials for permanent exposure to the elements
- Painting\* - If color is a part of the design, finished product should be primed and painted with high quality paint or powder coated (preferred).
- Fabrication will be the responsibility of selected artists/designers
- Installation, including slab, will be done in coordination with the City of Ames

Designers must approach the project as a permanent installation to be installed into a concrete surface, with a minimum 10-year life expectancy (excluding paint\*). Any weather-resistant, durable, non-abrasive material that can be easily maintained and does not scratch or damage bicycle frames will be considered.

All work must be safe to pedestrians and bicyclists. There must be a minimum two-point connection between the bicycle frame and the rack. In addition, artwork must

allow for at least one wheel to be secured to the rack. Most sizes and shapes of bicycle frames and

bicycle wheels must be able to use the rack utilizing generic, commonly available u-locks and/or chains utilized by bicyclists.

Designs must reflect the spirit of Ames.

Also Designers must include a 4" x 6" space for a plaque that would include the designers name and who provided the rack, ACAC and major donor(s) for each

Ames Community Arts Council - Bicycle Rack Project (Phase 1)

Title of Artwork/Rack

Designed by *Artist Name*

With funding by..... & .....

### **BICYCLE RACKS (Phase 1) LOCATIONS:**

Large racks: City Hall and Tom Evans Park

Medium racks: Main and Kellogg, Main and Douglas

Small racks: Between Douglas and Burnett on Main Street

**Please see [amesart.org](http://amesart.org) for specific sites photos and map**

### **DESIGN SELECTION:**

The Selection Committee will be comprised of representatives from: Ames Community Arts Council, Main Street Cultural District, the City of Ames, Bicycle Advocates and Designers. This group will review all submissions.

Ames Community Arts Council reserves the right to refuse or return any bicycle rack that does not meet the given specifications or which is not in the spirit of the original accepted design.

The winning design will receive \$2,250 (large size) \$1,500 (medium size), \$750 (small size).

Each selected artist will receive 25% deposit upon return of project agreement form sent at time of selection of project and 75% balance after completion/installation.

Notification of accepted designs sent out by February 1, 2013

### **Questions should be directed to:**

Technical/Specific Questions: Jim Wilcox, ACAC Vice President, Bicycle Rack Committee Chair  
[jwsknk@iastate.edu](mailto:jwsknk@iastate.edu)

### **OR**

General Questions: Barbara Walton, ACAC President  
[bewalton@iastate.edu](mailto:bewalton@iastate.edu)

Nancy Brouard, Ames Community Arts Council Cultural Coordinator  
[coordinator@amesart.org](mailto:coordinator@amesart.org) Phone: 515-233-6110

**Helpful Resources:**

[amesart.org](http://amesart.org)

<http://www.bicyclinginfo.org/library/details.cfm?id=6>

[http://www.dero.com/brochures/small\\_business/bike\\_parking\\_guide.pdf](http://www.dero.com/brochures/small_business/bike_parking_guide.pdf)

**Application form:**

Explanation of design (max. one page typed)

Traditional drawing or digital drawing (color renderings encouraged)

Drawings or Images of models need to include - dimensions, explanation of materials, method to secure rack to the ground, finish materials if any, etc

May submit up to 3 designs – drawings must be on 11” x 17” sized paper. Each design must include views from the front, the side, and footprint plan (from above). One of these must show rack with 2 bicycles.

Contact Information:

First Name:

Last Name:

Address:

Phone:

Email:

Website (if you have one):

**Submission Deadline:**

All submissions must be postmarked by December 31, 2012

Submittals must be mailed or dropped off:

Ames Community Arts Council

Post Office Box 1842

312½ Main Street, Ames, Iowa 50010

## Site location photos:



Large - south side city hall  
Between trees, building & sidewalk



Large- Tom Evans Park  
Between brick plaza, sidewalk & bench



Medium -131 Main  
In the island, curb cut will be made in island



Medium -233 Main  
Between flagpoles, island and street



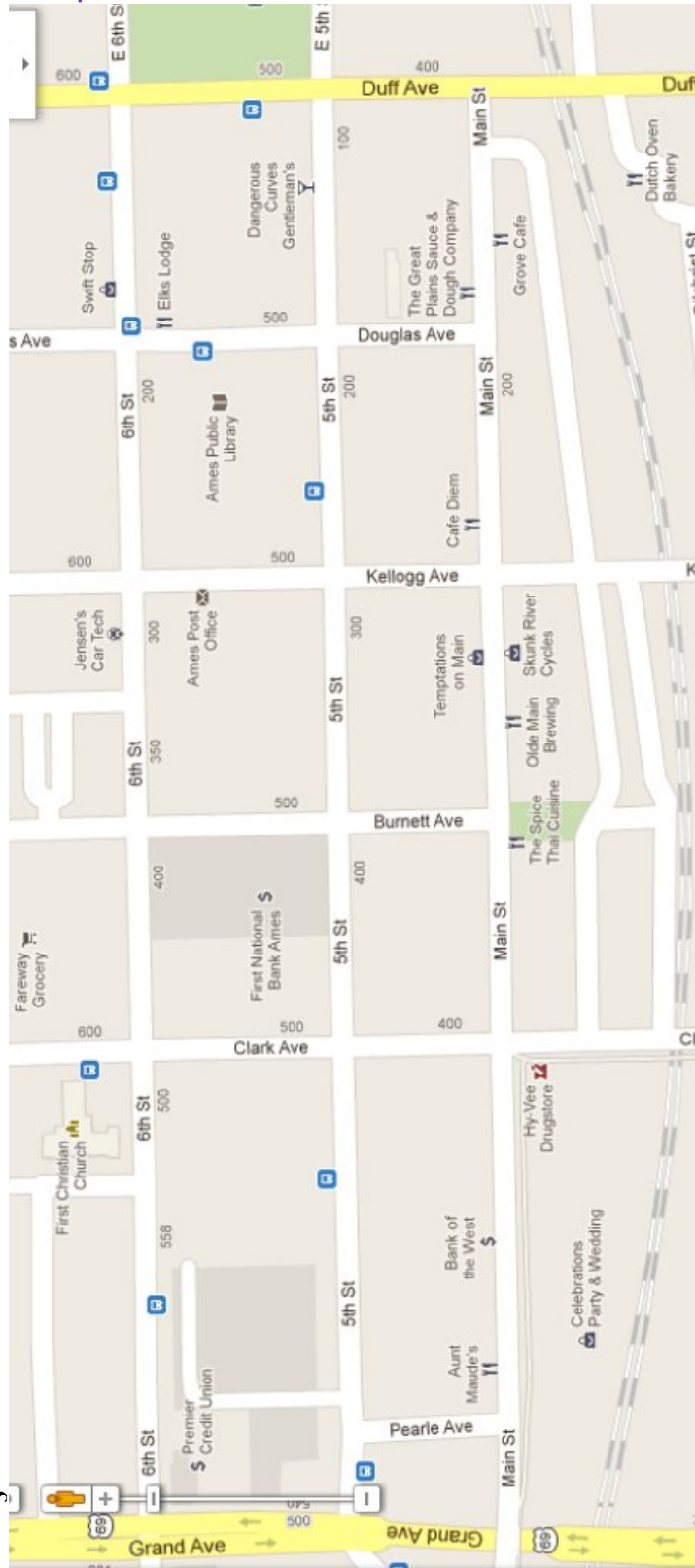
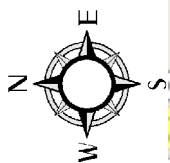
Small - 319 Main  
Triangular space between planter & curb



Small – 228 Main  
Triangular space between planter & curb



Downtown map:





October 18, 2012

Re: Carryover of 2011/12 Funding Amounts

Dear City of Ames Council Members,

The Ames Public Art Commission (PAC) has two budget requests dealing with the previous (FY 2011/12) fiscal year that we would like to bring forth to the Ames City Council for your consideration.

The first issue involves the PAC asking your approval to roll-over the unspent amount of \$2206 from our 2011/12 Art in the Parks allocation. As you may be aware, the projects for Art in the Parks are some of the largest, most costly and impactful projects we develop and routinely require us to roll-over funds for at least 3-4 years. We have several exciting potential avenues for the future use of these funds which we can elaborate on at our presentation to the council.

Secondly, there is \$1600 in unused funds from two other programs from last fiscal year – \$850 left over from our Education/Information committee, and \$750 from our Operations budget. It is the PAC's hope, with the Council's approval, that that these remaining funds could be used for their intended purpose – to help develop public art projects for the city. We would like to ask for your approval to use these funds toward the purchase of one or two artful bike racks from the Art Bike Rack Competition currently being developed through the good work of the non-profit Ames Community Arts Council (ACAC). The PAC feels that this is an important project and partnership for the city, and aligns with PAC's goals of further development of the arts and culture in downtown Ames. Members of the ACAC will also be present to field any questions you may have considering their plans for this project.

We thank you for your work, time and consideration of these requests.

Sincerely

The Ames Public Art Commission

Greg Fuqua and Chad West, Co-chairs

**COUNCIL ACTION FORM**

**SUBJECT: SIGN CODE CHALLENGES AND SUGGESTED CHANGES**

**BACKGROUND:**

On October 23, Council referred to staff a letter from the Building Board of Appeals expressing an interest in revising the City's Sign Code.

Over the past several years, staff has experienced a number of difficulties in administering the Sign Code. These have caused confusion for both customers and staff in determining what meets code requirements. These difficulties can be split into two general groups: Issues that warrant Code clean-up, and more comprehensive issues that warrant more in-depth discussion.

**ISSUES JUSTIFYING CODE CLEANUP:**

In 2010, the Sign Code was moved from Chapter 5 of the *Municipal Code* to Chapter 21. This was done as part of a consolidation of the Building, Electrical, Mechanical, and Plumbing Codes into Chapter 5. During that process, several code references in the new Sign Code chapter became incorrect. Staff has identified five locations in the Sign Code where references are made to the incorrect chapter and should be updated. In another location, one of the City's base zones should be updated to its present name.

Another concern is in the fines and fees schedule. Until 2010, a Sign Code violation was charged with a \$500 fine. Because the fine schedule does not currently refer to the correct chapter, a violation of the Sign Code has been charged on the standard municipal infraction schedule (\$30 per violation). **In correcting the reference to its original intent, a violation of the Sign Code would revert to its original fine of \$500 per violation.**

In 1997, the City updated one component of the Sign Code to remove exceptions for non-commercial signs and political signs. This was done in response to an Iowa Attorney General's opinion that such exceptions violated "content neutrality" and could therefore be ruled unconstitutional if challenged in a court of law. Staff has identified two similar references that should have been removed at the same time, but were overlooked.

**OTHER ISSUES THAT MAY HAVE LARGER IMPACTS:**

An additional set of issues exists where the law has been unclear to staff or customers, but the solution would be more complex than simple Code clean-up. These items may require a more in-depth discussion of the Sign Code's intent. These challenges include, but are in no way limited to, the following:

| Issue  | Effect  |
|--|---|
| Section on electronic signs was designed 15 years ago and is limited in scope.   | The code is silent on issues such as sign brightness during the day versus at night, and provides limited guidance as to allowed features such as animations. |
| No definitions for “banner”, “marquee”, or “canopy”.   | Confusion as to the requirements and restrictions on different types of signs.  |
| A “sign structure” (e.g., pole) is not the same as a <u>sign</u> , and only <u>signs</u> are required to be removed after a business no longer exists. | Staff can require that a sign be removed after a business permanently closes, but an empty sign pole may remain.  |
| Temporary signs must be removed after 90 days, but no other restrictions apply.  | The sign can be removed for one day, then be put back out. No permit is needed for a temporary sign.  |
| A sign is defined as a device that is “out-of-doors”.  | Words and images placed behind glass do not require permits and do not count towards size limitations because they do not meet the definition of a sign.      |
| Ground signs do not have face size limitations.  | All other classes of signs have such regulations.   |
| The sign code sections regarding sign illumination conflict with the outdoor lighting code.  | It can be unclear to applicants who look to the sign code for illumination requirements but do not consult the outdoor lighting code.                         |
| Vehicles or trailers with advertising on the sides may be parked for extended periods without permits or restrictions.                                 | This serves as de facto signage without clear expectations of when a vehicle is used for transportation and when a vehicle is used as an advertising device.  |

## POTENTIAL STRATEGIES TO ADDRESS SIGN CODE ISSUES

The items identified as Code clean-up could be dealt with in short order by adopting an ordinance change. In addition, if Council wishes to address these or other more in-depth issues related to signage, staff suggests that the following plan be followed:

1. Staff would hold a series of open house discussions with business owners, residents, developers, vendors and other interested parties to hear comments, concerns, and other input on the current Sign Code.
2. Once the issues of concern are identified, staff would report back to Council and get direction on which issues the Council feels are worth addressing.
3. If Council desires to proceed further, consideration would be given to creating an ad hoc group of stakeholders to represent different interests and to lend their various perspectives to the review.
4. Once the issues to address are defined by Council, the stakeholders and staff would review and develop alternatives to address those issues.
5. A recommendation would also be developed on whether it would be advisable to amend the existing, localized sign code, or to adopt a model sign code and

amend it for local conditions (similar to the City adopting the various international construction codes with local amendments).

6. Council would determine which options to pursue, and staff would prepare an ordinance encompassing those modifications.
7. Public input would be taken on the proposed changes at a Council public hearing.
8. An updated sign ordinance would be adopted.

**Staff should caution that a more comprehensive Sign Code update is likely to entail a lengthy and contentious process. The Council has recently directed staff to initiate similar comprehensive reviews of the City's Landscaping Code and its Lighting Code. If Council desires to address the Sign Code at this time as well, staff will need to know how these major code reviews should be prioritized.**

#### **ALTERNATIVES:**

1. Direct staff to prepare an ordinance correcting the issues identified above as Code clean-up.
2. Direct staff to prepare an ordinance correcting the issues identified as Code clean-up, and have a discussion at a future meeting to prioritize staff and the community's work on the outstanding development code reviews.
3. Do not address Sign Code changes at this time.

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

There are several deficiencies in the current Sign Code. These problems cause confusion for both staff and customers, and should be addressed with an in-depth discussion. However, it would be very challenging for customers, staff and the Council to simultaneously complete three major development code revisions.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby directing staff to prepare an ordinance correcting the issues identified above as Code clean-up.

In the event that Council desires to place a high priority on addressing other, more substantive sign code issues, however, then the Council should adopt Alternative No. 2. That action will initiate corrections to the Code clean-up issues, and will also direct staff to bring back information on the various development code reviews for prioritization by Council.

**COUNCIL ACTION FORM**

**SUBJECT:**        **UPDATE TO CDBG ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE STUDY**

**BACKGROUND:**

As a requirement of the federal Community Development Block Grant (CDBG) Program, entitlement communities are required to conduct an Analysis of Impediments to Fair Housing Study of their jurisdictions at least once during their 3 or 5 Year Consolidated Plan period. The purpose of the Analysis is to identify the impediments and barriers to Fair Housing within the respective entitlement communities. The Analysis information is then utilized to create a "working document" for how the said barriers and impediments can be addressed and/or eliminated within the programs and project outlined in the Annual Action Plans.

In 2008 the City contracted with Hanna:Keelan & Associates, P.C. of Lincoln, Nebraska in the amount of \$18,000 to complete the City's first study. The City is currently in the fourth year of a 5-year (2009-2014) Consolidated Plan. The study sought to collect and identify the following information:

1. Analyze the Availability of Fair Housing Choice in Ames, with regard to:
  - A. Public Sector Issues and Conditions
    1. Zoning and Site Selection
    2. Neighborhood Revitalization, Municipal and Other Services, Employment-Housing-Transportation Linkage
    3. Public Housing Authority (PHA) and Other Assisted/Insured Housing Provider Tenant Selection Procedures; Housing Choices for Certificate and Voucher Holders
    4. Sale of Subsidized Housing and Possible Displacement
    5. Property Tax Policies
    6. Planning and Zoning Boards
    7. Building Codes (Accessibility)
  - B. Private Sector Lending Policies and Practices
  - C. Public and Private Sector Conditions
    1. Fair Housing Enforcement
    2. Informational Programs
    3. Visitability (physical accessibility) in Housing
2. Examine the existing conditions as they pertain to housing and housing choices in

Ames and answer questions regarding the availability of equal housing on the basis of race, color, creed, sex, religion, national origin, disability, age, familial status, or sexual orientation.

Include review of census information about demographic characteristics, income, employment, transportation, ethnic or racial concentrations, housing characteristics, public policies and current city laws/ordinances/programs regarding fair housing/equal opportunity and human rights cases involving housing.

3. Identify key players in the local housing arena and investigate the roles they play, including but not limited to:

|                               |                                  |
|-------------------------------|----------------------------------|
| Tenants                       | Landlords                        |
| Non-profit housing providers  | Banks                            |
| Realtors                      | Developers                       |
| Legal Services                | Neighborhood Associations        |
| Human Rights Staff/Commission | Planning/Zoning Staff/Commission |
| City Council                  | Property Insurers                |
| Housing Staff/Commission      | Other Community Institutions     |

4. Select key player interviews to elicit information and/or perceptions regarding housing, housing choice, access to housing, etc. in Ames that would help provide answers to the required areas of analysis identified in item 1 above.
- 5 Identify barriers/impediments to fair housing in Ames.
6. Recommend actions/strategies (both public and private) to overcome and/or eliminate the identified barriers or impediments.

From the initial study, six recommendations were formulated from the opinions and perceptions of persons who participated in the Housing Survey and the Listening Sessions, along with staff's response to each of the recommendations. The full version of the study can be found on the City's web page at <http://www.cityofames.org/Housing>.

Staff has been assisting in the updating of the City's overall Affirmative Action Plan and Limited English Proficiency (LEP) Policy and completing an update of the Analysis of Impediments to Fair Housing Study would greatly assist in generating needed data to formulate the policies and guidelines for the Affirmative Action Plan and LEP Policy Update.

To accomplish an effective mechanism for updating the study, staff has updated all background information except for implementing the survey questionnaire, community input sessions and data analysis and conclusions. To insure that the above three items are properly implemented, staff has reached out to ISU Community and Economic Development (CED) and Institute for Design Research and Outreach to assist with this stage of the update. This same group assists the City in conducting our annual Resident Satisfaction Survey. This group has agreed to perform the needed survey work for a fee of

\$5,000, which will be paid from the CDBG administrative allocation.

Attached is an agreement that outlines both parties' responsibilities in partnering to complete this update study.

**ALTERNATIVES:**

1. The City Council can approve the attached agreement in the amount of \$5,000 with the ISU Community and Economic Development (CED) and Institute for Design Research and Outreach to assist the City in updating the Analysis of Impediments to Fair Housing Choice Study.
2. The City Council can decline to approve the attached agreement, and direct staff to pursue other avenues for completing this study.

**MANAGER'S RECOMMENDED ACTION:**

This study is a working document for the City to utilize as appropriate in updating the City's CDBG Consolidated Plan and Annual Action Plans. The CDBG guidelines require that this type of study be completed at least once during each five-year Comprehensive Plan period.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the attached agreement in the amount of \$5,000 with the ISU Community and Economic Development (CED) and Institute for Design Research and Outreach to assist the City in updating its Analysis of Impediments to Fair Housing Choice Study.

## **AGREEMENT BETWEEN CITY OF AMES AND IOWA STATE UNIVERSITY**

This agreement is for performance of a project by and between the **CITY OF AMES**, with offices at 515 Clark Ave., Ames, IA 50010, and IOWA STATE UNIVERSITY with offices at 1138 Pearson Hall, Ames, IA 50011-2207 (ISU).

ISU has proposed a project with CITY as detailed in Exhibit A and detailed budget included therein, deemed incorporated into and made an integral part of this agreement.

**The parties agree as follows:**

### **Article 1. Project.**

The scope of work, timeline and budget (hereinafter "Project") are detailed in Exhibit A and incorporated herein.

### **Article 2. Period of Performance.**

The period of performance for this agreement is November 15, 2012 to May 1, 2013. No change in the dates of the period of performance shall be made unless agreed to in writing by all parties to this agreement.

### **Article 3. Key Personnel.**

CITY's key contact for the agreement is Vanessa Baker-Latimer, Housing Coordinator. ISU's Principal Investigator for this project shall be Dr. Timothy Borich, Associate Dean, and Nora Ladjahasan as the project coordinator.

### **Article 4. Deliverables.**

ISU shall provide Deliverables as listed in Exhibit A.

### **Article 5. Expenditures and Payment of Invoices.**

As compensation for this fixed priced agreement, CITY agrees to pay ISU for performance of work in the amount not to exceed FIVE THOUSAND DOLLARS (US\$5,000.00), as specified in Exhibit A. CITY shall not be obligated to pay ISU for any costs incurred in excess of this fixed amount. CITY agrees to make payments based on the following schedule:

03/1/2013          \$5,000.00    At the submission of the final report

Invoices from ISU shall be sent to Vanessa Baker-Latimer, Housing Coordinator., 515 Clark Ave., Ames, IA 50010, for the project set forth in Exhibit A. Payment will be made within 30 days of receiving proper invoices.



**Article 6. Publication.**

ISU may publish the results of the Project, but will send all publications to CITY at least thirty (30) days prior to public disclosure to provide opportunity for review and comment. ISU shall consider CITY's comments and suggested modifications. If CITY raises no objection within the notification period above, then ISU has the right to proceed with publication.

**Article 7. Confidentiality.**

The Parties acknowledge that it may be necessary to disclose information to the other Party that is considered proprietary or confidential ("Confidential Information"). If the provider of information considers the information as Confidential Information, it shall be identified as such in writing or marked "CONFIDENTIAL". If orally disclosed to or observed by the recipient, Confidential Information shall be reduced to writing by the provider, marked "CONFIDENTIAL," and delivered to recipient within thirty (30) days of disclosure. Confidential Information shall be maintained as confidential for three (3) years from the completion of this agreement.

**Article 8. Intellectual Property.**

Subject to any pertinent obligations to other CITY's and the federal government, including the provisions of Public Laws 96-517 and 98-620, intellectual property which results from this Project which is created solely by ISU employees will be owned by ISU (ISU's IP), intellectual property created solely by CITY employees will be owned by CITY (CITY's IP), intellectual property created jointly by ISU employees and CITY's employees will be owned jointly by ISU and CITY (Joint IP).

**Article 9. Amendments.**

Amendments or changes to this Agreement must be in writing and signed by each party's authorized representative.

**Article 10. Termination/Cancellation.**

This agreement may be terminated by either party at any time upon issuing of written notice sixty (60) days prior to termination or at any time upon mutual agreement of the parties.

**Article 11. Entire Agreement.**

This Agreement, including any exhibits, attachments and provisions incorporated by reference, constitutes the entire agreement between the parties hereto and supersedes all prior agreements, understandings and arrangements, oral or written, among the parties hereto with respect to the subject matter hereof.

**IOWA STATE UNIVERSITY**

**CITY OF AMES**

\_\_\_\_\_  
Debbra Matney                      Date  
Senior Award Administrator  
Office of Sponsored Programs Administration

\_\_\_\_\_  
Vanessa Baker-Latimer                      Date  
Housing Coordinator

**EXHIBIT A**  
**PLAN of Work and Budget**

**City of Ames 2012 Fair Housing Choice Survey**

Project fee: \$5,000

ISU Community and Economic Development (CED) and Institute for Design Research and Outreach (ISU) will do the following:

- help in the formulation of the questions and format the survey,
- develop online surveys,
- email the surveys to respondents with email addresses,
- get the ISU-IRB approval for the survey,
- do the random sampling (selection of prospective participants using the 96% confidence level and confidence interval of 5),
- facilitate two focus group sessions (community extension specialist),
- enter the data,
- analyze the data, prepare tables/graphs,
- prepare the final report.

The City of Ames, housing department's contributions to the project are:

- work with ISU on the development of questionnaires,
- provide the population list to ISU for sample size determination and list of actual respondents,
- provide email addresses of prospective respondents to ISU,
- print the questionnaire,
- advertise the survey,
- mail postcards to prospective respondents indicating the website address of the survey,
- mail the surveys to the prospective respondents, and
- send the completed surveys to ISU for data entry.

Data analysis and writing of the report will be done by ISU. The main role of CED/ISU is to produce the frequencies, corresponding tables and graphs, and other basic statistical analysis. This report (both digital and 2 hard copies) will be delivered to the City of Ames.

The fee will cover our costs for the development of the questionnaire, data entry, clean up and analysis, and report writing.

**Budget**

|  |         |
|--|---------|
| Data entry -----                           | \$1,000 |
| 2 Focus Groups -----                       | \$1,000 |
| Sampling, Data Analysis and Write-up ----- | \$3,000 |
| Total -----                                | \$5,000 |

**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: WATER POLLUTION CONTROL FACILITY RAW WASTEWATER  
PUMPING STATION PIPE REPAINTING PROJECT**

**BACKGROUND:**

On September 25, 2012, Council granted preliminary approval of plans and specifications and issued a Notice to Bidders for the repainting of the Water Pollution Control (WPC) Facility Raw Wastewater Pumping Station (RWPS) piping. Bids were received and opened on October 30, 2012, with a total of six bids having been submitted.

Bids were as follows:

|                            |                   |
|----------------------------|-------------------|
| L & P Painting             | \$ 48,975         |
| Thomas Industrial Coatings | 74,799            |
| Mongan Painting Co., Inc.  | 80,288            |
| Ziegler Industries, Inc.   | 84,900            |
| TMI Coatings, Inc.         | 139,800           |
| Pospisil Painting Inc.     | 199,133           |
| <hr/>                      |                   |
| Engineer's Estimate        | 111,000           |
| <b>Construction Budget</b> | <b>\$ 128,000</b> |

Staff had concerns with L&P Painting's bid being significantly lower than the engineer's estimate and the others received. Discussions with L&P Painting revealed that they had not fully accounted for all costs necessary for containment during the repainting process. However, L&P Painting has stated they will honor their bid price and complete all work in accordance with the contract documents.

For public improvement contracts relating to public utilities such as this one, the City Council is not required to award the contract to the lowest bidder. The contract may be awarded by the City Council as it deems to be in the best interest of the City.

There is some concern by staff that selecting a contractor knowing they may be losing money on a project could lead to difficulties in obtaining the desired quality and protracted debates about minor change orders. However, since L & P Painting has satisfactorily completed previous painting projects for the WPC Facility, staff believes they will also complete this project to staff's satisfaction. Their bid is below the engineer's estimate and within the authorized budget, and staff recommends award to L&P Painting.

**ALTERNATIVES:**

1. Approve plans and specifications and award a contract to L&P Painting of Cedar Rapids, Iowa in the amount of \$48,975.
2. Reject the bid from L&P Painting and award a contract to Thomas Industrial Coatings of Pevley, Missouri in the amount of \$74,799.
3. Receive the report of bids and do not award a contract at this time.

**MANAGER'S RECOMMENDED ACTION:**

The original coating on the RWPS piping has failed; and due to its exposure to a wastewater environment, the piping has begun to show signs of corrosion. Sand-blasting and recoating of the piping is necessary to protect the piping from further corrosion and ensure the long-term integrity of the WPC Facility equipment. L&P Painting has submitted a bid of \$48,975 to perform the work and was determined to be the lowest responsible, responsive bidder. The contractor has agreed to honor their bid price and complete all work in accordance with the contract requirements, even knowing that they did not account fully for the cost of dust containment.

Based on the contractor's assurances and their track record on previous projects for the Water Pollution Control Facility, it is the recommendation of the City Manager that the City Council accept Alternative No. 1, thereby awarding a contract to L&P Painting of Cedar Rapids, Iowa in the amount of \$48,975.

**COUNCIL ACTION FORM**

**SUBJECT:**           **POWER PLANT STEAM TURBINE NO. 8 OVERHAUL**

**BACKGROUND:**

On September 25, 2012, City Council approved preliminary plans and specifications for the Steam Turbine No. 8 Overhaul. This project is for the procurement of an experienced turbine contractor to perform all the disassembly, cleaning, repairing and reassembly of Unit 8 Turbine Generator. This unit is scheduled to be disassembled and inspected after over 27,000 hours of operation during the spring 2013 outage.

This work is required to replace worn parts and inspect the turbine and generator for repairs that may be needed to avoid more serious damage. Repairs and replacement of worn parts will be completed as the inspection progresses. Experience has shown that certain parts require replacement every outage and some parts become unusable during the disassembly process.

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

On October 31, 2012, eleven bids were received as shown on the attached report. The bid submitted by Turbocare, Chicopee, MA was found to be non-responsive because bid security was not submitted with its bid.


Electric Services staff has determined that additional time is needed to evaluate each of the remaining bids to determine which one can perform the Steam Turbine No. 8 Overhaul at the lowest overall price.

**ALTERNATIVES:**

1. Accept the report of bids and delay award for the Steam Turbine No. 8 Overhaul.
2. Award a contract to the apparent low bid.
3. Reject all bids and direct staff to rebid.

**MANAGER'S RECOMMENDED ACTION:**

By choosing alternative No. 1, staff will have adequate time to evaluate each bid and ensure that the City selects a contractor that can perform the steam turbine overhaul at the best price. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

|   |   |   |   |                               |                              |   |   |  |  |                                     |  |                    |  |             |                              |  |
|---|---|---|---|-------------------------------|------------------------------|---|---|--|--|-------------------------------------|--|--------------------|--|-------------|------------------------------|--|
|                              | INVITATION TO BID NO. 2013-037 STEAM TURBINE NO. 8 OVERHAUL BID SUMMARY |   |   |                               |                              |   |   |  |  |                                     |  |                    |  |             |                              |  |
| BIDDER:   | Midwest Service Center, Hobart, IN                                      | Wood Group Power Plant Services, Inc., Alpharetta, GA | Mitsubishi Power Systems Americas, Inc. Orlando, FL |                               | NAES Corporation Houston, TX | HPI-LLC Houston, TX                           | Power Generation Service, Inc Anoka, MN | Power Plant Field Services Ball Ground, GA | Turbine Diagnostic Services Odessa, FL | General Electric Intl Inc Omaha, NE | Turbine Pros Rogers, MN                        |                    | Turbocare Chicopee, MA                                       |             |                              |  |
| DESCRIPTION   |   |   |   |                               |                              |   |   |  |  |                                     |  |                    |  |             |                              |  |
| BASE  | \$885,470.00  | \$773,593.51  | \$825,373.00  | Base Major                    | \$443,800.00                 | \$445,160.00                                  | \$541,492.00                            | \$380,860.00                               | \$629,438.00                           | \$643,129.00                        | \$482,480.00                                   | Base               | Non-responsive. Did not receive bid security by bid due date |             |                              |  |
|   |   |   | \$5,020.00  | Safety Engineer during outage |                              |   |   |  |  |                                     | \$3,600.00                                     | Blade work per row |  |             |                              |  |
|   |   |   | \$33,514.00   | Round Trip Transportation     |                              |   |   |  |  |                                     | \$1,700.00                                     | Crack grind        |  |             |                              |  |
|   |   |   |   |                               |                              |   |   |  |  |                                     | \$2,700.00                                     | Blade Welding      |  |             |                              |  |
| Sales and/or Use taxes included in the above Amount:  | Not licensed to collect IA sales tax                                    | \$54,151.55   | Not included  |                               | \$29,050.00                  | \$29,122.45 - Freight included in above total | \$37,905.00                             | Not licensed to collect IA sales tax       | Not licensed to collect IA sales tax   | Not included                        | Not included                                   |                    |  |             |                              |  |
| OPTIONS   |   |   |   |                               |                              |   |   |  |  |                                     |  |                    |  |             |                              |  |
| Major repair of first stage nozzle parts  | \$36,995.00   | \$18,061.69   | \$79,753.00   |                               | \$15,000.00                  | \$18,250.00                                   | \$28,428.00                             | \$9,680.00                                 | \$97,836.00                            | \$14,743.00                         | \$14,500.00                                    |                    |  |             |                              |  |
| Major repair of first stage deflector   | \$23,061.00   | \$18,061.69   | \$34,776.00   |                               | \$7,500.00                   | \$18,250.00                                   | \$3,605.00                              | \$11,750.00                                | \$24,221.00                            | \$4,775.00                          | \$14,500.00                                    |                    |  |             |                              |  |
| Major repair of both rows of first stage rotating blades  | \$26,570.00   | \$21,425.14   | \$17,069.00   |                               | \$15,000.00                  | \$21,650.00                                   | \$3,605.00                              | \$6,000.00                                 | \$29,436.00                            | \$9,550.00                          | \$17,200.00                                    |                    |  |             |                              |  |
| Major repair of second thru fifth stage blades  | \$60,731.00   | \$53,562.86   | \$34,139.00   | Minor Repair                  | \$30,000.00                  | \$54,130.00                                   | \$7,416.00                              | \$12,000.00                                | \$84,721.00                            | \$19,100.00                         | \$43,000.00                                    |                    |  |             |                              |  |
| Major repair of second thru fifth stage diaphragms  | \$53,660.00   | \$76,731.91   | \$419.00  | each blade                    | \$30,000.00                  | \$77,540.00                                   | \$62,830.00                             | \$60,000.00                                | \$264,581.00                           | \$60,910.00                         | \$61,600.00                                    |                    |  |             |                              |  |
| Major repair of 14 <sup>th</sup> thru 17 <sup>th</sup> stage  | \$151,356.00  | \$76,731.91   | \$623.00  | each blade                    | \$30,000.00                  | \$74,540.00                                   | \$77,250.00                             | \$60,000.00                                | \$317,492.00                           | \$294,833.00                        | \$61,600.00                                    |                    |  |             |                              |  |
| Major repair of 14 <sup>th</sup> thru 17 <sup>th</sup> stage blades with installation and supply of erosion | \$116,525.00  | \$152,467.30  | \$17,069.00   |                               | T & M                        | \$154,080.00                                  | \$206,000.00                            | \$130,500.00                               | \$139,768.00                           | \$26,987.00                         | \$122,400.00                                   |                    |  |             |                              |  |
|   |   | \$1,004.00  | erosion shield each blade                           |                               |                              |   |   |  |  |                                     |  |                    |  |             |                              |  |
| Surface preparation and re-coating of the internals of the main lube oil tank                               | \$8,700.00  | T & M   | Exception   |                               | \$10,000.00                  | \$3,745.00                                    | T & M                                   | T & M                                      | \$34,339.00                            | No Bid                              | No Bid   |                    |  |             |                              |  |
| Machining and repair of the generator collector rings   | \$15,004.00   | \$43,222.90   | on-site   | \$58,830.00                   | \$15,000.00                  | \$43,680.00                                   | on-site                                 | \$36,050.00                                | \$10,000.00                            | \$38,204.00                         | \$49,585.00                                    | \$34,700.00        | on-site  |             |                              |  |
|   |   | \$22,944.83   | off-site  |                               |                              | \$23,187.00                                   | off-site                                |  |  |                                     | \$18,420.00                                    | off-site           |  |             |                              |  |
| Supply of two technical advisors  | \$139,480.00  | Included in Base Bid                                  | \$118,913.00  | each MPSA TFA                 | No Bid                       | Cannot provide                                | \$123,600.00                            | per each TFA                               | \$53,520.00                            | per each TFA                        | \$194.00                                       | per hr per man     | \$250,850.00   | \$85,150.00 | Technical Director day shift |  |
| Supply of one generator specialist  | \$16,292.00   | Included in Base Bid                                  | Included  |                               | Included                     | \$16,120.00                                   | Included                                | \$140.00                                   | per hr                                 | \$194.00                            | per hr per man                                 |                    | N/A  |             |                              |  |
| Repowering and boring of four main shaft journal bearings. Include shipping if necessary.                   | \$43,330.00   | \$43,326.88   | \$6,021.00  |                               | \$54,000.00                  | \$19,970.00                                   | \$19,313.00                             | \$24,840.00                                | \$24,282.00                            | \$55,941.00                         | \$42,200.00                                    | on-site            |  |             |                              |  |
|   |   |   |   |                               |                              |   |   |  |  |                                     | \$25,200.00                                    | off-site           |  |             |                              |  |
| Inspection and testing the generator  | \$20,944.00   | \$19,731.06   | \$55,015.00   |                               | \$16,500.00                  | \$16,120.00                                   | \$15,100.00                             | \$18,975.00                                | \$22,500.00                            | \$24,109.00                         | \$20,370.00                                    |                    |  |             |                              |  |
| Turbine rotor low speed spin balance  | \$10,048.00   | \$18,933.85   | \$14,750.00   |                               | \$21,000.00                  | shop \$17,890.00                              | \$8,755.00                              | \$23,000.00                                | \$21,122.00                            | \$7,885.00                          | \$17,200.00                                    | on-site            |  |             |                              |  |
|   |   |   |   |                               |                              |   |   |  |  |                                     | \$15,200.00                                    | off-site           |  |             |                              |  |
|   |   |   |   |                               |                              |   |   |  |  | \$26,676.00                         | Start-Up Specialist                            |                    |  |             |                              |  |
|   |   |   |   |                               |                              |   |   |  |  | \$31,000.00                         | Perf. Bond                                     |                    |  |             |                              |  |
|   |   |   |   |                               |                              |   |   |  |  | \$6,300.00                          | Turb. Rotor Transp. (both ways)                |                    |  |             |                              |  |
|   |   |   |   |                               |                              |   |   |  |  | \$6,300.00                          | Nozzle Plate and Diaphragms Transp (both ways) |                    |  |             |                              |  |



**COUNCIL ACTION FORM**

**SUBJECT:** REZONING OF PROPERTY LOCATED AT 1519 TOP-O-HOLLOW ROAD  
FROM AGRICULTURAL (A) TO RESIDENTIAL LOW DENSITY (RL)

**BACKGROUND:**

The applicant is proposing rezoning of the property at 1519 Top-O-Hollow Road for the purpose of creating a lot for the construction of a single-family dwelling on this “rear” parcel. The applicant has provided an explanation of the reasons for the rezoning (see *Attachment F*). The parcel currently does not have frontage on a public street (see *attached Location Map and Rezoning Exhibit*). Without such frontage, this is an unbuildable parcel. Therefore, if the rezoning is approved, it is the intent of the property owner to submit a subdivision plat to resubdivide the subject parcel and the parcel between this site and Top-O-Hollow Road into two new lots with frontage and access for each from this street. Approval of the rezoning, followed by approval of a Final Plat, would then enable the property owner to obtain a building permit to construct an additional single-family dwelling on this “rear” lot.

City ordinances and policies applicable to this proposed rezoning are included in *Attachment E*.

This parcel, as well as all others adjacent to it, are designated as Low-Density Residential on the Future Land Use Map in the Land Use Policy Plan. The following tables identify the Future Land Use Map designations, existing zoning, and existing land use of the subject property and properties surrounding the parcel proposed for rezoning.

If approved, the proposed rezoning would bring the subject property into conformance with the Future Land Use Map (see *Attachment B*). The following tables provide the future land use designation and zoning of the subject property and other surrounding properties.

| <b>Direction from<br/>Subject Property</b> | <b>Future Land Use Map<br/>Designation</b> | <b>Zoning Map<br/>Designation</b>    |
|--|--|--------------------------------------|
| Subject Property                           | Low-Density<br>Residential                 | “RL”<br>(Residential Low-Density)    |
| North                                      | Low-Density<br>Residential                 | “F-PRD”<br>(Planned Residence Dist.) |
| East                                       | High-Density<br>Residential                | “A”<br>(Agricultural)                |
| South                                      | Low-Density<br>Residential                 | “RL”<br>(Residential Low-Density)    |
| West                                       | Low-Density<br>Residential                 | “F-PRD”<br>(Planned Residence Dist.) |

Land uses that occupy the subject property and other surrounding properties are described in the following table:

| <b>Direction from Subject Property</b> | <b>Existing Land Uses</b>               |
|--|---|
| Subject Property                       | Vacant Land                             |
| North                                  | Open Space for Stone Brooke Subdivision |
| East                                   | Vacant Land                             |
| South                                  | Single-Family Home                      |
| West                                   | Open Space for Stone Brooke Subdivision |

The subject property was voluntarily annexed into Ames in October, 2001. At the time of annexation the property was automatically zoned as “A” (Agricultural). Other nearby properties in the Kinyon-Clark Subdivision and The Reserve Subdivision annexed along with the subject property have since been rezoned to accommodate residential development in the area.

A lift station will be required to serve this proposed residential lot. Installation, maintenance and operation of the lift station will be the responsibility of the property owner. Municipal water and sanitary sewer mains are located in the right-of-way for Top-O-Hollow Road. Service lines for water and sanitary sewer would be extended from these public mains to serve the new residential lot. Municipal electric service would be provided from the Stone Brooke Subdivision to the west of the subject property, provided an easement to cross the open space is obtained by the property owner. Municipal electric service could also be extended to the building site from existing Municipal electric lines in the Top-O-Hollow right-of-way.

The present configuration of the subject property makes this a land-locked parcel with no access from a public street. If the rezoning is approved, it is the intent of the property owner to submit a Final Plat to resubdivide the subject property and the parcel between the subject property and Top-O-Hollow Road to provide access to the rear lot from Top-O-Hollow Road through the creation of a flag lot with frontage on that street.

The rezoning of this one parcel would be an extension of the “RL” (Residential Low-Density) zone abutting the south property line of the subject property. This would leave two parcels directly to the east of the subject property zoned as “A: (Agricultural). As with the subject property, these two parcels are land-locked with no access and no frontage on a public street. The owners of these two properties have not requested rezoning at this time, nor is the City aware that they have any interest in selling their parcels to the applicant for consolidation of the three parcels into a single lot. The two parcels cannot obtain a building permit without access and frontage on a public street, regardless of whether they remain zoned as agricultural land or are rezoned to “RL” at some point in the future.

The property owners live in the house on the parcel between the subject property and Top-O-Hollow Road. The distance between Top-O-Hollow Road and the rezoning site is approximately 390 feet. The impact of rezoning the subject parcel from “A” to “RL”, followed by replatting to meet access and frontage requirements, would enable the construction of a new house on the subject property.

The site is surrounded by properties that are densely planted with trees and shrubs. The grade of the site slopes quite steeply to the northwest with a large open area that could easily accommodate a new house. The houses on Woodhaven are closer than any others in the vicinity, with the back side of the houses facing the site. A walking trail, as well as the dense landscaping, provide a buffer between these existing dwellings and the subject property.

Several of the ten goal statements of the Land Use Policy Plan (LUPP) speak indirectly to this request for rezoning. However, Goal No. 5 seems to address the rezoning proposal most directly since it states that “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.” Objective 5.C.states: “Ames seeks continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits.” Although this site does not allow for intensification of development in the area to any significant degree, it does utilize an existing infill site for development of one additional single-family home, in an area where the public utilities are in place to serve the site.

Based upon an analysis of the proposed rezoning and laws that are pertinent to the applicant’s request, staff makes the following findings of fact:

1. Ames *Municipal Code Section 29.1507(2)* allows owners of 50% or more of the area of the lots in any district desired for rezoning to file an application requesting that the City Council rezone the property. The property represented by the applicant is entirely under one ownership, which meets the minimum requirements for ownership of the property requested for rezoning.
2. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as “Low-Density Residential.”
3. The “Low-Density Residential” land use designation is implemented through the “RL” (Residential Low-Density) zoning designation, which is what the applicant is requesting.

Based upon the analysis in this report, staff concludes that the proposed rezoning of the subject property is consistent with the Future Land Use Map, as well as the Goals and Objectives of the City of Ames Land Use Policy Plan. Although the land was zoned as “A” (Agricultural) at the time of annexation into the city, surrounding properties have been zoned for residential development that allows the construction of single-family dwellings. Rezoning of the subject land would be a logical extension of the “RL” (Residential Low Density) zoning to the south of this site.

**Recommendation of the Planning & Zoning Commission.** At its meeting of October 17, 2012, with a vote of 5-0, the Planning and Zoning Commission recommended that the City Council approve the rezoning of 1519 Top-O-Hollow Road from A (Agricultural) to RL (Residential Low Density).

**Letter Objecting to Rezoning.** A letter was received on October 17, 2012, following the Planning and Zoning Commission meeting, from the two neighbors that own land zoned as "A" (Agricultural) (see *Attachment G*). One of parcels (1511 Top-O-Hollow) abuts the east boundary of the parcel proposed for rezoning and is owned by Peggy Faden. The other parcel (1503 Top-O-Hollow) abuts the land owned by Ms. Faden and is owned by Mr. Kim Sharp.

**ALTERNATIVES:**

1. The City Council can approve the request for rezoning of land located at 1519 Top-O-Hollow (rear) from "A" (Agricultural) to "RL" (Residential Low Density).
2. The City Council can deny the request for rezoning of land located at 1519 Top-O-Hollow (rear) from "A" (Agricultural) to "RL" (Residential Low Density).
3. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

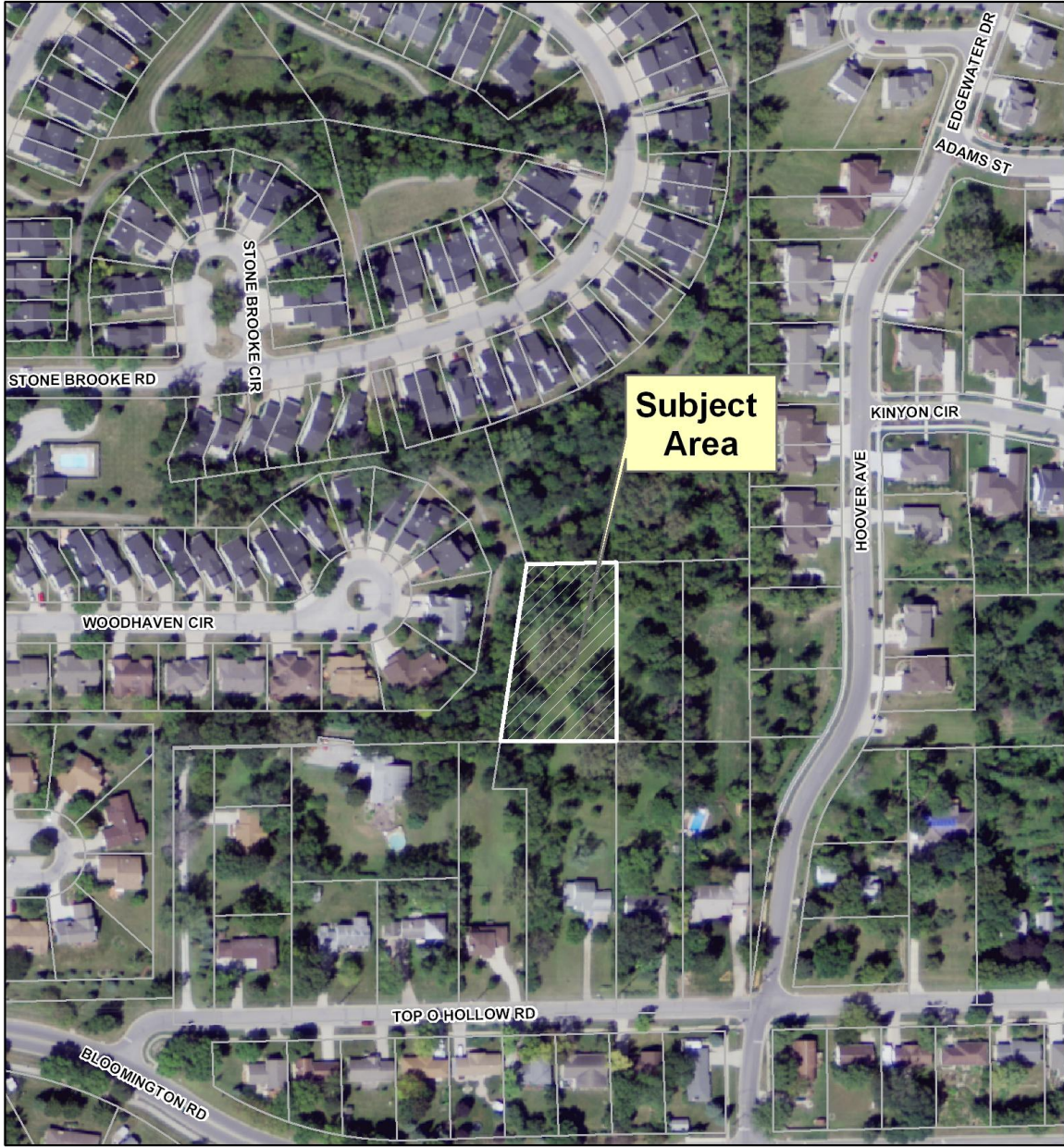
**MANAGER'S RECOMMENDED ACTION:**

The proposed rezoning is consistent with the City's adopted Land Use Policy Plan.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the request for rezoning of land located at 1519 Top-O-Hollow (rear) from "A" (Agricultural) to "RL" (Residential Low Density).

# Attachment A

Location Map

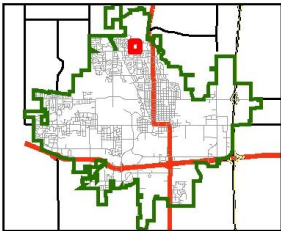


## Location Map

1519 Top O Hollow



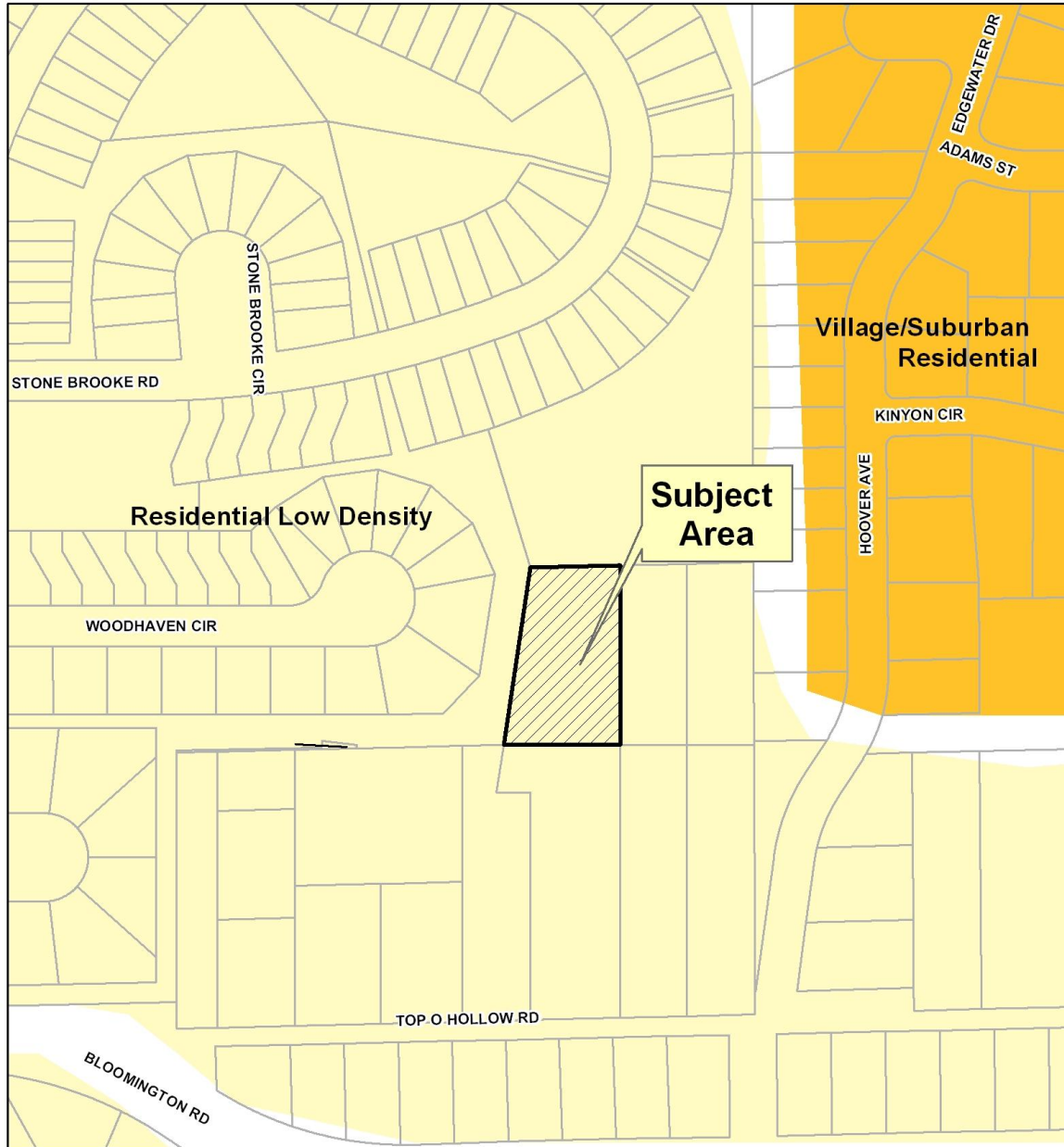
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Feet





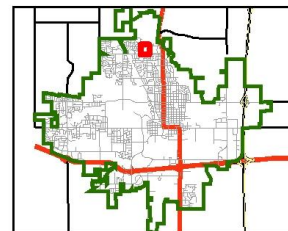
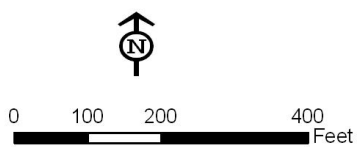
# Attachment B

## LUPP Future Land Use Map



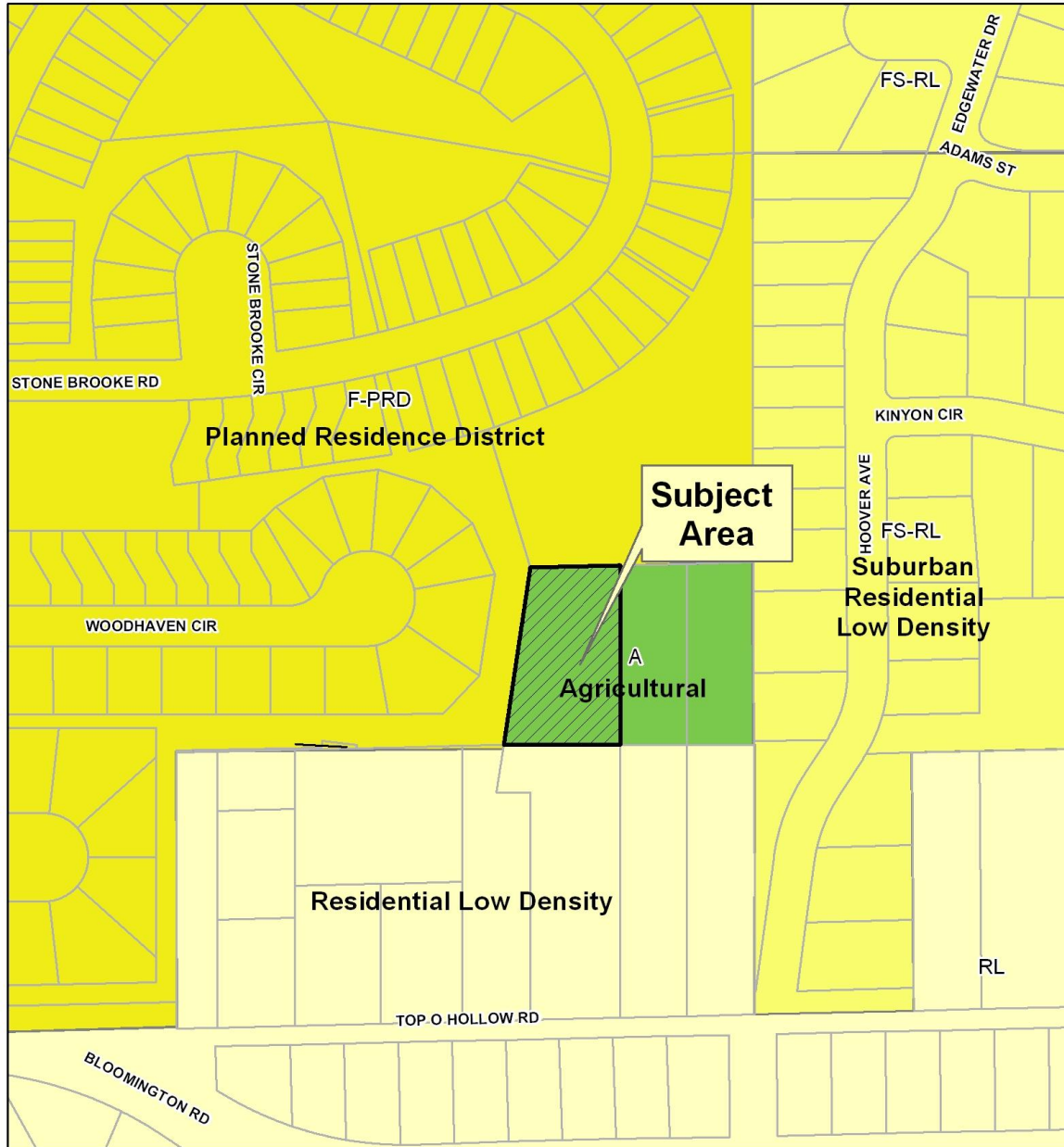
### Land Use Policy Plan Map

1519 Top O Hollow



# Attachment C

## Existing Zoning

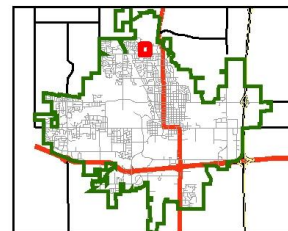


### Existing Zoning

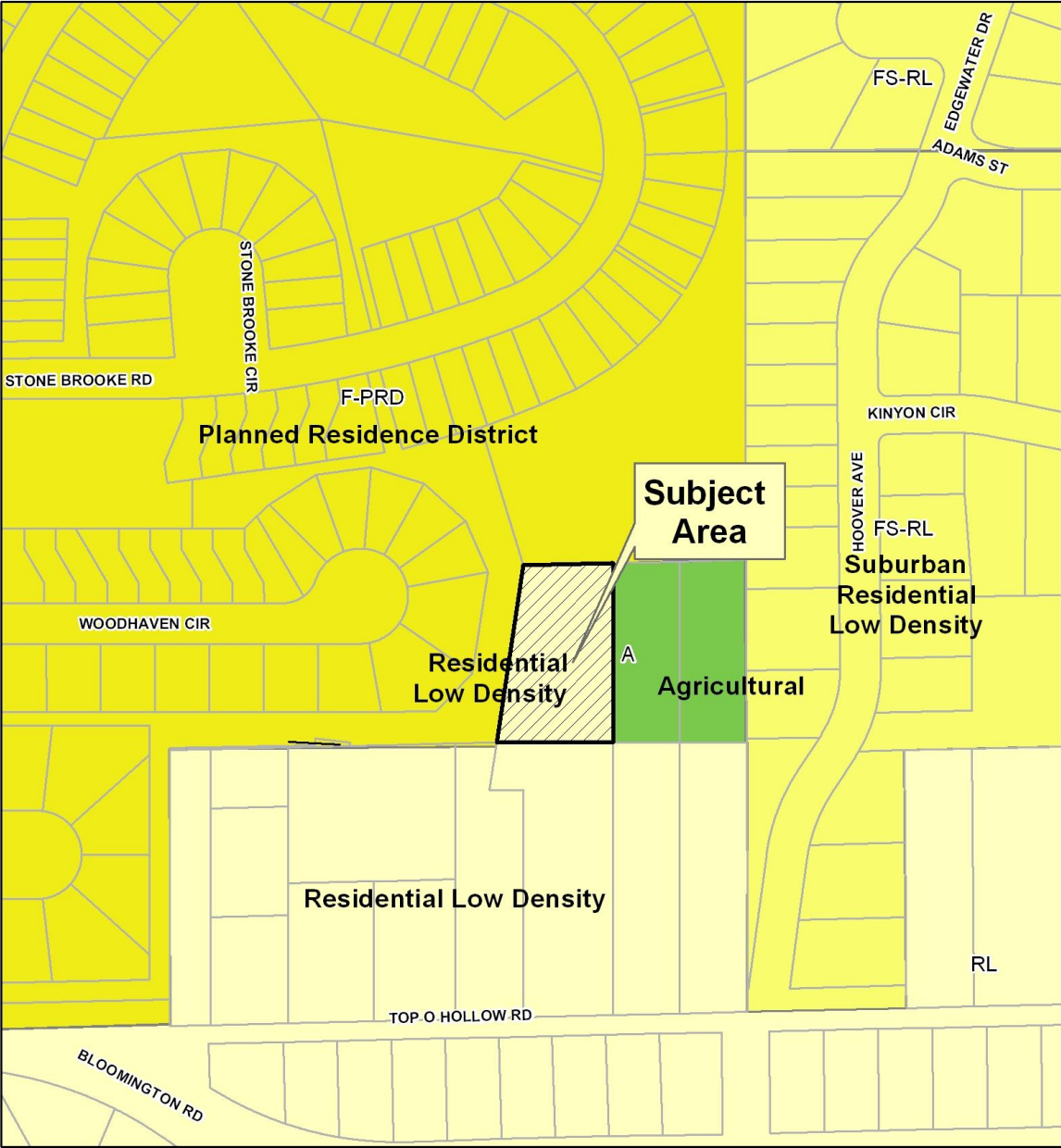
1519 Top O Hollow



0 100 200 400  
Feet



**Attachment D**  
*Proposed Zoning*





## **Attachment E**

### ***Applicable Laws and Policies***

The laws and policies applicable to the proposed rezoning at 1519 Top-O-Hollow Road are as follows:

- Land Use Policy Plan (LUPP) Goals, Policies and the Future Land Use Map:
  - The Land Use Policy Plan (LUPP) Future Land Use Map identifies the land use designations for the property proposed for rezoning.
- Ames *Municipal Code* Chapter 29, Section 1507, Zoning Text and Map Amendments ,includes requirements for owners of land to submit a petition for amendment, a provision to allow the City Council to impose conditions on map amendments, provisions for notice to the public, and time limits for the processing of rezoning proposals.
- Ames *Municipal Code* Section 29. 701, Residential Low Density, includes a list of uses that are permitted in the Residential Low Density (RL) zoning district and the zone development standards that apply to properties in that zone.
- Ames *Municipal Code* Section 29.600, Agricultural, includes a list of uses that are permitted in the Agricultural (A) zoning district and the zone development standards that apply to properties in that zone.

# Attachment F

## Applicant's Statements

### Application for Rezoning

#### Checklist

September 5, 2012

#### Explanation –

Owner is requesting a rezoning of the subject Parcels to have two reshaped RL-Residential Low Density lots. Parcel 1 will remain a residential lot, but become smaller in size and similar in shape. Parcel 2 will become a new residential flag lot with a new construction home to be built at a later date. Parcel 2 will be rezoned from “A-Agricultural” to “RL-Residential” in order to develop the new flag lot into a residential lot.

#### Consistency with Land Use Policy Plan –

This rezoning is to remain consistent with the current land use policy plan and surrounding parcels which are zoned Residential. Parcel 2 is currently zoned A-Agricultural but is taxed as a Residential lot. Rezoning Parcel 2 from A-Agricultural to RL-Residential Low Density will align the parcel with how it's currently being taxed as well as allow consistency with the surrounding parcels in the neighborhood. Parcel 1 will remain a Residential lot consistent with its present use and taxation, but reduce in size.

#### Current Zoning –

Parcel 1 is “RL – Low Density Residential”, Parcel 2 is currently zoned “A - Agricultural”

#### Proposed Zoning –

Parcel 1 will remain “RL – Low Density Residential”, Parcel 2 will be rezoned to “RL – Low Density Residential”

#### Proposed Use –

The proposed use of both Parcel 1 and Parcel 2 is to be two separate RL-Residential Low Density lots. Parcel 1 will be sized down, but maintain the same shape. Parcel 2 will become a flag lot per city code requirements for flag lots.

#### Legal Description –

The current legal description for both Parcels under one abstract and under title with the same owner is below. When the two new parcels are developed, there will be a separate legal description and abstract for each new parcel.

**A part of the Southeast Quarter of the Northwest Quarter of Section 27. Township 84 North. Range 24 West of the 5<sup>th</sup> P.M., City of Ames, Story County, Iowa, being more particularly described as follows: Commencing at a point 198.00 feet West of the Center of said Section 27 on the East and West ¼ Section line; thence North 390.5 feet parallel with the North and South ¼ Section line to the point of beginning; thence S88° 36'00"W. 172.43 feet; thence N08°29'51"E, 273.49 feet; thence N88°36'00"E, 132.00 feet; thence S00°00'00"W, 269.50 feet to the point of beginning, containing .94 acres.**

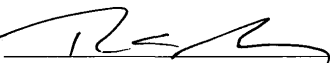
#### Land Area –

Parcel 1 is currently 1.25 acres --- to become ~.69 acres +/-  
Parcel 2 is currently .94 acres --- to become ~1.5 acres +/-  
Total of 2.19 acres

#### Map –

(See attached map)

Owner: \_\_\_\_\_



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

9-24-12

# Attachment G

## Letter Objecting to the Proposed Rezoning



*Kim and Jan Sharp*  
1503 Top-O-Hollow Road  
Ames IA 50010

17 October 2012

Mr. Ray D. Anderson, Department of Planning and Housing  
515 Clark Avenue  
Ames IA 50010

Dear Mr. Anderson:

There was not adequate time for me to rearrange my pre-arranged appointments for the evening of 17 October 2012. Therefore, I was unable to attend the Wednesday, 17 October 2012 meeting during which the rezoning request of the homeowner located at 1519 Top-O-Hollow Road.

I am distressed that the agricultural-reserve nature of the properties owned by those of us who chose to live on Top-O-Hollow Road because of this same quality, continue to find the area less and less a reserve and more and more an increasingly densely populated area.

While we do understand the rights of private landowners, myself and the Fadens are not in agreement with the request of the recent purchaser of the 1519 Top-O-Hollow Road property to add yet one more home to what has been agricultural zoned property by subdividing the lot, changing the zoning, and placing a home behind the existing home.

While we may have no power to stop this move, we are most upset about it. Further, we feel that such a desperate move for home builders in Ames to find property on which they may build a house may well be a function of the restrictive actions of the Planning and Housing department. Case in point the lovely home recently completed on Hoover Avenue that sits on a lot hardly large enough for a house!

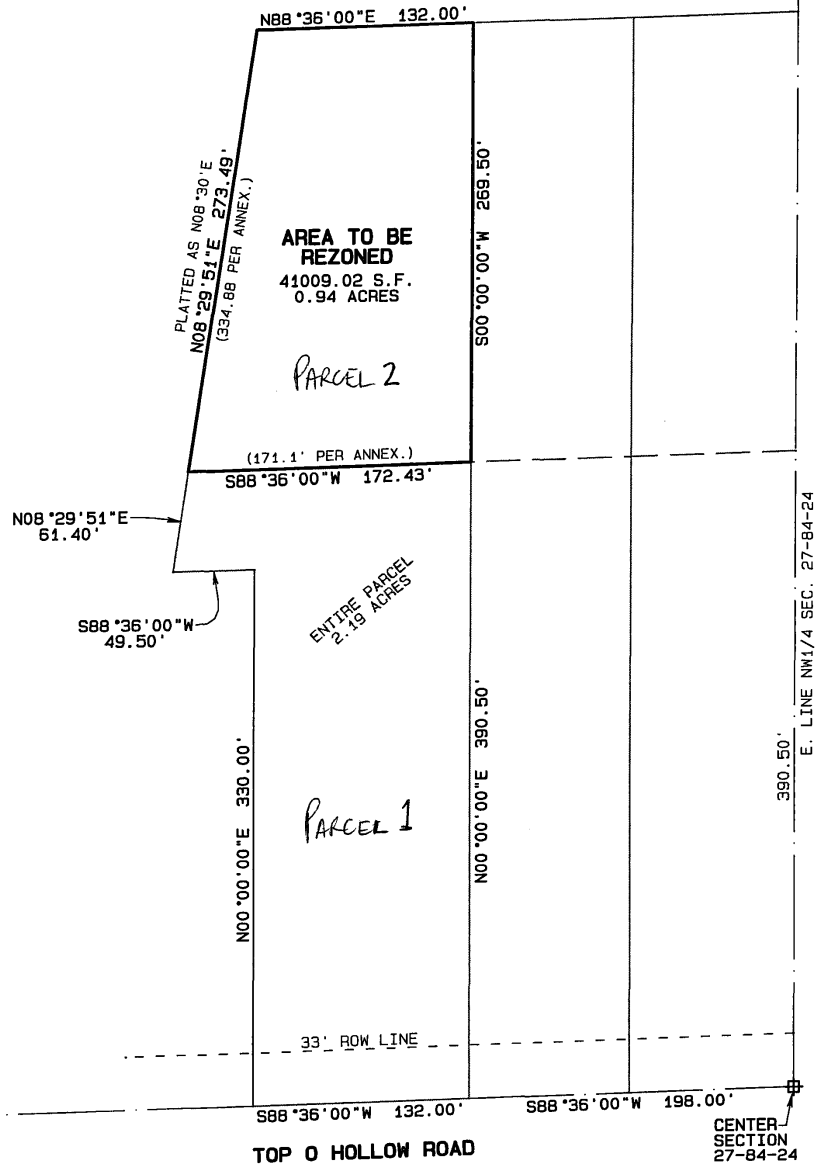
Sincerely,

  
Mr. M. Kim Sharp

  
Mrs. Peggy Faden

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

## REZONING EXHIBIT



Survey Description-Area to be Rezoned:  
A part of the Southeast Quarter of the Northwest Quarter of Section 27, Township 84 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, being more particularly described as follows: Commencing at a point 198.00 feet West of the Center of said Section 27 on the East and West 1/4 Section line; thence North 390.5 feet parallel with the North and South 1/4 Section line to the point of beginning; thence S88°36'00"W, 172.43 feet; thence N08°29'51"E, 273.49 feet; thence N88°36'00"E, 132.00 feet; thence S00°00'00"W, 269.50 feet to the point of beginning, containing 0.94 acres.

**Douglas R. Marek, City Attorney, 515 Clark Avenue, Ames, Iowa 50010 (515)239-5146**

**Return document to: City Clerk's Office, P.O. Box 811, Ames, IA 50010**

**ORDINANCE NO.**

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

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

Section 1: The Official Zoning Map of the City of Ames, Iowa, as provided for in Section 29.301 of the Municipal Code of the City of Ames, Iowa, is amended by changing the boundaries of the districts established and shown on said Map in the manner authorized by Section 29.1507 of the *Municipal Code* of the City of Ames, Iowa, as follows: That the real estate, generally located at 1519 Top-O-Hollow Road, is rezoned from following described real estate, is proposed to be rezoned by ordinance from "A" (Agricultural) to "RL" (Residential Low Density).

**Real Estate Description:** A part of the Southeast Quarter of the Northwest Quarter of Section 27, Township 84 North, Range 24 West of the 5<sup>th</sup> P.M., City of Ames, Story County, Iowa, being more particularly described as follows: Commencing at a point 198.00 feet West of the Center of said Section 27 on the East and West 1/4 Section line; thence North 390.5 feet parallel with the North and South 1/4 Section line to the point of beginning; thence S88°36'00" W, 172.43 feet; thence N08°29'51" E, 273.49 feet; thence N88°36'00" E, 132.00 feet; thence S00°00'00" W, 269.50 feet to the point of beginning, containing .94 acres.

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

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

ADOPTED THIS    day of            , 2012.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

## **COUNCIL ACTION FORM**

**SUBJECT: ELECTRIC UTILITY RATE ORDINANCE CHANGES – SECOND  
READING OF ORDINANCE**

**BACKGROUND:**

At the May 22, 2012 City Council meeting, the Council approved the first reading of an electric utility rate ordinance based upon the results of cost-of-service and rate studies. The rate ordinance is revenue neutral overall but provides a new structure; and the impact on customer groups will vary based on the cost of services utilized. Since this was the first significant change in the electric rate structure in several years, the Council delayed the second and third readings to allow staff time to provide information to customers on the new rates and to provide customer feedback to the Council. The implementation date was planned to occur no earlier than November 1, 2012.

Since the first reading of the rate changes in May, staff has utilized several avenues to communicate the proposed rates to our customers. In the October issue of the City Side, a publication included with our monthly utility bills, an article outlining the proposed rates was published. Over the past several months, Electric Services hosted two business lunch-and-learns and a lunch-and-learn specifically for faith-based organizations during which the proposed rates were explained. Staff has spoken at Rotary and is scheduled to speak before members of the economic development community on November 21<sup>st</sup>. Staff has made site visits to our largest 10 customers and has mailed out bill comparison information to our largest 100 customers.

To date, the majority of feedback received on the proposed rates has been from the faith-based group and from our largest electric customers. More specifically, the faith-based group is most concerned for three churches that fall on the border between the commercial and large commercial rates, and which thus could see substantial increases in their monthly billings. Staff plans to meet with those churches sitting between the commercial and large commercial rates to identify ways they can minimize their potential cost increases. Staff will encourage them to participate in a free energy audit to determine what can be done to keep their peak below the 55 kVa threshold. Staff will also meet one-on-one with these three churches to share areas where, through our Smart Energy Programs, the City can provide rebates on energy efficient upgrades.

The largest users are interested in additional rate designs such as interruptible rates and declining block rates on energy.

Based on the feedback received, staff is recommending that we go forward with the rate ordinance as approved in the first reading with planned implementation for electric bills

mailed on or after January 1, 2013. This will require approval of the second reading at the November 13th meeting and third reading at the November 27<sup>th</sup> meeting.

### **SUMMARY OF RATE CHANGES:**

**In general, the proposed cost based rates reflect increased customer charges for all classes and increased demand charges for those rate classes with a separate demand charge.** Below is a summary of changes in the proposed rate ordinance by class of customer:

1. **Residential:** The customer charge was increased. The summer energy rate was set to be the same as the current first block summer energy rate, including the ECA rate. The winter three-block energy rate was simplified to a single energy rate for the winter months. It is slightly lower than the average of the current winter rates. Overall revenues for the class are virtually the same. However, individual customers may see changes in their monthly bills.

2. **Small Commercial (General Power):** The customer charge was increased. The three-block energy rates for each season were simplified to a single energy rate for each season. Overall revenues for the class are virtually the same. However, individual customers may see changes in their monthly bills.

3. **Commercial (Large Power):** The customer charge was increased. The three-block energy rates for each season were simplified to a single energy rate for the year. Proposed energy rates are lower than current energy rates. The measurement factor for demand charge has been changed from kW to kVA. Total demand revenues are higher than at current rates. Overall revenues for the class are virtually the same. However, individual customers may see changes in their monthly bills.

4. **Industrial:** The customer charge was increased. The three-block energy rates for each season were simplified to a single energy rate for the year. Proposed energy rates are lower than current energy rates. The three-block demand rates per kW-month for each season were simplified to a single demand rate per month for each season. Total demand revenues are higher than at current rates. Overall revenues for the class are virtually the same. However, individual customers may see changes in their monthly bills.

### **ALTERNATIVES:**

1. Approve the proposed revenue neutral Electric Rate Ordinance developed from the recent cost-of-service study on second reading.
2. Refer the electric utility rate ordinance back to staff with direction to develop changes to the rate structure. This alternative would likely require some additional work to ensure that any newly proposed structure will generate adequate revenue.



**MANAGER'S RECOMMENDED ACTION:**

Both the City Council and City staff have supported conducting a cost-of-service study for some time. The proposed rate ordinance reflects the costs of services provided and provides a basis for cost-based customer decisions related to use of electric services. Decisions made by customers that increase or decrease their cost of electric services will result in corresponding increases or decreases in cost to the electric utility and help provide price signals for the most efficient use of energy resources.

The current financial status of the electric utility allows for implementation of this new rate structure without the need for an overall increase in revenue. That timing lessens the impact of the new rate structure on customers whose previous rates did not reflect the full cost of services provided.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the proposed revenue neutral Electric Rate Ordinance developed from the cost-of-service study on second reading.

## ORDINANCE NO.

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 28 SECTION 28.101(3), 28.102, 28.103(2)(a)(b)(i)(ii), 28.103(3), 28.104(1),(2)(a)(b)(i)(ii), (3),(4)(iii), 28.105(1),(2)(a)(b)(i)(ii)(c),(3)(d),(5),(8)(c),(9)(b)(i)(ii), 28.106(1),(2)(a)(b)(i)(ii), (3)(d), (5), (8)(c), (9)(b)(ii), 28.107(2)(b) AND ENACTING A NEW CHAPTER 28 SECTION 28.101(3), 28.102, 28.103(2)(a)(b)(i)(ii)(c), 28.103(3), 28.104(1),(2)(a)(b)(i)(ii)(c), (3),(4)(iii), 28.105(1),(2)(a)(b)(i)(ii)(c),(3)(d),(8)(c),(9)(b)(i)(ii), 28.106(1),(2)(a)(b)(i)(ii), (3)(d),(8)(c), (9)(b)(ii), 28.107(2)(b) THEREOF, FOR THE PURPOSE OF IMPLEMENTING COST OF SERVICE AND RATE STUDY; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

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

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

**“Sec. 28.101. GENERAL CONDITIONS FOR ELECTRIC RATES.**

The following general conditions are applicable to the following as indicated in each rate schedule:

- (1) Service shall be provided subject to Ames Municipal Electric System rules and regulations.  
*(Ord. No. 2975, Sec. 1, 5-19-87; Ord. No. 2977, Sec. 1, 6-9-87)*
- (2) The schedule will be applied to each meter and point of delivery and in no event will meter readings be combined except when it has been determined necessary by the Ames Municipal Electric System.  
*(Ord. No. 3885, 07-5-06)*
- (3) **Where a residence and a business are combined on one premise, service for the combined use will be considered residential only if the predominant use is for residential purposes. If the use is predominantly for business purposes, the customer is required to take all service under the applicable Small Commercial or Commercial rate.**
- (4) The standard approved type of electric water heater shall have a single 120 volt heating element no larger than 1500 watts or shall have multiple thermostatically controlled noninductive 240-volt heating elements of not more than 5000 watts per element with such multiple elements connected interlocking so that only one element may operate at a time.
- (5) The utility may assess an excess facilities charge when necessary to meet costs of an unusual installation.  
*(Ord. No. 2921, Sec. 1, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92)*

**Sec. 28.102. ENERGY COST ADJUSTMENT.**

The net monthly billing based on rates will be increased or decreased by an amount corresponding to the increase or decrease in the average cost to the Ames Municipal Electric System for power plant fuel in the preceding month. The incremental charge will be computed by multiplying the number of kilowatt-hours used by the customer times the difference between the base fuel cost and the average fuel cost of the preceding month. The base fuel cost is \$0.0495 per kilowatt-hour. The average fuel cost shall be determined by multiplying the unit fuel cost in the previous month times the quantity of fuel used in the twelve (12)-month period prior to the previous month divided by the actual kilowatt-hour sales during the same period.

*(Ord. No. 2921, Sec. 2, 4-9-85; Ord. No. 2975, Sec. 1, 5-19-87; Ord. No. 2977, Sec. 1, 6-9-87; Ord. No. 3199, Sec. 1, 9-24-92)*

**Sec. 28.103. RESIDENTIAL ELECTRIC RATES.**

(1) **Availability:** Electrical energy and service shall be available at the "Residential Rate" for all single-phase domestic uses in separately metered, dwelling units that are intended for occupancy by a single family as defined by the Ames Zoning Ordinance, as distinguished from group domiciles such as rooming houses, fraternity or sorority houses, supervised group homes, and residential care facilities of various kinds.

(2) **Rate per billing period.** For each monthly billing period a residential rate customer:

(a) shall be charged eight dollars (\$8.00) as a customer service charge, and  
(b) in addition, shall be charged for energy consumption during the billing period as follows:

(i) for bills mailed on or between July 1 and October 31 (summer period):  
\$0.1166 per kWh, or

(ii) for bills mailed on or between November 1 and June 30 (winter period):  
\$0.0966 per kWh

(c) All charges above shall also be subject to the current applicable energy cost adjustment per Sec. 28.102.

and

(3) **Minimum bill:** The minimum charge per billing period shall be eight dollars (\$8.00).

*(Ord. No. 3885, 07-25-06; Ord. No. 3955, 05-27-08; Ord. No. 3987, 05-12-09)*

(4) **Conditions:** The residential rate shall be subject to the general conditions set forth in Section 28.101(1), (2), (3), (4) and (5).

(5) **Load Management Credit:** Any dwelling unit that qualifies under the Residential Electric Rate and is equipped with a properly installed central air conditioner shall be eligible to participate in the Residential Load Management Program. Customers who agree to allow the utility to install and maintain a Load Management Switch on their central air conditioner will receive the following credits to their electric bills:

(a) \$5 credit for each installed Load Management Switch for bills mailed on or between July 1 and October 31.

(b) The total annual credit for each customer shall not exceed \$20 for each central air conditioner on which a Load Management Switch has been installed.

*(Ord. No. 3277, Sec. 1, 5-24-94)(Ord. No. 822, Sections 2, 3; Code 1956, Sections 26-2, 26-3; Ord. No. 1038, Sec. 1, 9-4-62; Ord. No. 2172, Sec. 2, 2-7-67; Ord. No. 2271, Sec. 1, 2, 10-22-68; Ord. No. 2505, Sec. 1, 2, 4-22-75; Ord. No. 2586, Sec. 2, 2-22-77; Ord. No. 2657, Sec. 2, 6-6-78; Ord. No. 2723, Sec. 2, 7-24-79; Ord. No. 2895, Sec. 1, 5-22-84; Ord. No. 2921, Sec. 3, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92)*

**Sec. 28.104. SMALL COMMERCIAL RATE.**

(1) **Availability:** Electrical energy and service shall be available at the "Small Commercial Rate" to all customers except those that qualify for another rate schedule, for all single-phase or three-phase, single-metered usage, where the metered demand does not exceed 55 kVA.

(2) **Rate per billing period:** For each monthly billing period a small commercial rate customer:

(a) shall be charged fifteen dollars (\$15.00) as the customer service charge; and,  
(b) in addition, shall be charged for energy consumption during the billing period as follows:

(i) for bills mailed on or between July 1 and October 31 (summer period):  
\$0.1148 per kWh

(ii) for bills mailed on or between November 1 and June 30 (winter period):  
\$0.0948 per kWh

(c) All charges above shall also be subject to the current applicable energy cost adjustment

per Sec. 28.102.

(3) **Minimum bill:** The minimum charge per billing period shall be fifteen dollars (\$15.00).

**(4) Conditions: The small commercial rate shall be subject to:**

(a) the general conditions of section 28.101 (1), (2), (3) and (5); and,

(b) the following specific conditions:

(i) Unless three-phase service is determined by the Ames Municipal Electric System to be economically available, motors up to and including 5 hp shall be single-phase. Motors above 5 hp shall be three-phase. Three-phase service will normally be 120/208 volt, 4 wire. Where conditions warrant (outside the business district area), 4-wire 120/240 volt or 277/480 volt service may be furnished if mutually agreeable to the Ames Municipal Electric System and the customer.

(ii) Fluctuating loads. Loads requiring excess transformer capacity because of large momentary current requirements, or to provide close voltage regulation, shall be subject to an additional charge of \$0.327 per rated kVA of capacity above normal capacity requirement for the diversified demand. The kVA subject to an additional charge will be adjusted no more than once a year. No charge shall apply if the customer furnishes the transformers.

*(Ord. No. 3885, 07-25-06; Ord. 3987, 05-12-09)*

**(iii) Should the electrical energy furnished under this schedule for any reason be metered on the primary side of the service transformers, the energy metered shall be reduced by 1-1/2 per cent before calculating the energy charge.**

**(5) Load Management Credit:** Any facility that qualified and is equipped with a properly installed central air conditioner shall be eligible to participate in the Load Management Program. Customers who agree to allow the Ames Municipal Electric System to install and maintain a Load Management Switch on their central air conditioner will receive the following credits to their electric bills:

(a) Five dollars (\$5.00) credit for each installed Load Management Switch for bills mailed on or between July 1 and October 31.

(b) The total annual credit for each customer shall not exceed twenty dollars (\$20.00) for each central air conditioner on which a Load Management Switch has been installed.

*(Ord. No. 822, Sections 4, 5; Code 1956, Sections 26-4, 26-5; Ord. No. 1038, Sec. 1, 9-4-62; Ord. No. 2172, Sec. 2, 2-7-67; Ord. No. 2271, Sec. 1, 2, 10-22-68; Ord. No. 2505, Sec. 1, 2, 4-22-75; Ord. No. 2586, Sec. 2, 2-22-77; Ord. No. 2657, Sec. 2, 6-6-78; Ord. No. 2723, Sec. 1, 2, 7-24-79; Ord. No. 2921, Sec. 4, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3885, 07-25-06)*

**Sec. 28.105. COMMERCIAL RATE.**

**(1) Availability.** The Commercial rate shall be optional for any non-residential customer whose consumption in any billing period exceeds 10,000 Kwh. The Commercial rate shall be mandatory for any non-residential customer whose metered demand at any time exceeds 55 kVA. If at any time, a non-residential customer's metered demand exceeds 55 kVA, all consumption for the billing period in which that occurs, and for the next succeeding eleven billing periods, shall be charged at the Commercial rate. Any customer for whom the Commercial Rate became mandatory, who subsequently has a metered demand of less than 55 kVA for 12 consecutive months, will again become an optional Commercial rate customer with a choice between Small Commercial and Commercial rates. Any customer for whom the Commercial rate is optional shall not switch rates more than once in a period of 12 months. Any customer on the Commercial rate who has a metered demand of less than 55 kVA, and a consumption of less than 10,000 Kwh, for twelve consecutive months, shall be changed to the Small Commercial rate.

**(2) Rate per Billing Period.** For each monthly billing period, a Commercial rate customer:

(a) shall be charged one hundred fifty dollars (\$150.00) as a customer service charge, and

(b) in addition, shall be charged for demand and energy consumption during the billing period as follows:

(i) for bills mailed on or between July 1 and October 31 (summer period)  
a customer shall be charged a demand of:

\$10.30 per kVA and an energy charge of:  
\$0.0619 per kWh

(ii) for bills mailed on or between November 1 and June 30 (winter period) a  
customer shall be charged a demand charge of:

\$7.70 per kVA and an energy charge of:  
\$0.0619 per kWh

*(Ord. No. 3987, 05-12-09)*

(c) All charges above shall also be subject to the current applicable energy cost  
adjustment per Sec. 28.102.

(3) **Billing Demand:** The "Billing Demand" shall be the greater of:

(a) The peak 15-minute demand measured during the present monthly billing period; or  
(b) Seventy-five percent (75%) of the peak demand measured during the most recent four  
months of the summer period; or

(c) Sixty percent (60%) of the peak demand measured during the last eleven billing periods.

(d) **Provided, however, that the demand used for billing shall in no case be less than 15  
kVA after discounts.**

(4) **Minimum bill:** The minimum bill shall be the customer charge plus the current demand charge.

(5) **RESERVED**

(6) **Service facilities:** The Ames Municipal Electric System shall furnish as a standard installation  
facilities adequate to supply service at a single point of delivery to a normal load equal to the maximum 15-minute  
demand of the customer. Each standard installation shall include, where necessary, facilities for one standard  
transformation and the demand and energy consumption of the entire premises.

(7) **Excess facilities charge:** In the event service facilities in addition to, or different from, a standard  
installation are requested by the customer, or are required to serve the customer's load, the Ames Municipal Electric  
System shall furnish, install, and maintain such facilities subject to the following considerations:

(a) The type, extent, and location of such service facilities shall be determined by agreement  
between the Ames Municipal Electric System and the customer.

(b) Such service facilities shall be the property of the Ames Municipal Electric System.

(c) The customer shall pay a monthly rental charge on those facilities in excess of the  
facilities included in a standard installation.

(d) If the optional or nonstandard facilities are used for other customers also, the rental  
payable by the customer shall be that portion of the total rental which is reasonably assignable to the customer.

(8) **Primary service:** Customers who take service at primary voltage shall be granted discounts  
to demand and energy as follows:

(a) 1-1/2% of the billing demand and measured energy where metering is on the high voltage  
side of utility-owned transformers.

(b) 5% of the billing demand and 1-1/2% of the measured energy where metering is on the  
high voltage side of customer-owned transformers.

(c) **A minimum billing demand after discount shall be 15 kVA.**

(d) Voltages below 8,000/13,800 Y nominal are considered secondary voltage.

(9) **Conditions:** The Commercial Rate shall be subject to

(a) the general condition in section 28.101 (1), (2), (3) and (5); and,

(b) **the following specific conditions:**

(i) **The customer's total usage on a single premise shall determine whether the  
customer qualifies for service under this rate structure. In no event will the customer be billed on both the  
Small Commercial and Commercial rates. A premise is defined as the main building of a commercial or  
industrial establishment, and shall include the outlying or adjacent buildings used by the same provided the  
use of service in the outlying buildings is supplemental and similar to the service used in the main building.**

(ii) **Fluctuating loads. If use of energy is intermittent or subject to violent  
fluctuation, the Ames Municipal Electric System may add to the 15-minute measured demand an amount  
equal to 65% of the rated capacity in kVA of the apparatus which causes such fluctuations.**

(10) **Load Management Credit:** Any facility that qualified and is equipped with a properly installed central air conditioner shall be eligible to participate in the Load Management Program. Customers who agree to allow the Ames Municipal Electric System to install and maintain a Load Management Switch on their central air conditioner will receive the following credits to their electric bills:

(a) Five dollars (\$5.00) credit for each installed Load Management Switch for bills mailed on or between July 1 and October 31.

(b) The total annual credit for each customer shall not exceed twenty dollars (\$20.00) for each central air conditioner on which a Load Management Switch has been installed.

*(Ord. No. 822, Sections 4, 5; Code 1956, Sections 26-4, 26-5; Ord. No. 1038, Sec. 1, 9-4-62; Ord. No. 2172, Sec. 2, 2-7-67; Ord. No. 2271, Sec. 1, 2, 10-22-68; Ord. No. 2505, Sec. 1, 2, 4-22-75; Ord. No. 2586, Sec. 2, 2-22-77; Ord. No. 2657, Sec. 2, 6-6-78; Ord. No. 2723, Sec. 1, 2, 7-24-79; Ord. No. 2921, Sec. 4, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92)(Ord. No. 3885, 07-5-06)*

#### **Sec. 28.106. INDUSTRIAL RATE.**

(1) **Availability:** The Industrial rate shall be mandatory for any non-residential customer whose metered demand at any time exceeds 2,500 kVA. If at any time, a non-residential customer's metered demand exceeds 2,500 kVA, all consumption for the billing period in which that occurs, and for the next succeeding eleven billing periods, shall be charged at the Industrial rate.

(2) **Rate Per Billing Period.** For each monthly billing period, an industrial rate customer

(a) shall be charged one hundred fifty dollars (\$150.00) as a customer service charge, and

(b) in addition, shall be charged for demand and energy consumption during the billing period as follows:

(i) for bills mailed on or between July 1 and October 31 (summer period) a customer shall be charged a demand charge of \$10.00 per kVA of billing demand, and an energy charge of: \$0.0619 per kWh

(ii) for bills mailed on or between November 1 and June 30 (winter period) a customer shall be charged a demand charge of:

\$7.50 per kVA of billing demand, and an energy charge of:

\$0.0619 per kWh

*(Ord. No. 3955, 05-27-08; Ord 3987, 05-12-09)*

(c) All charges above also shall be subject to the current applicable energy cost adjustment per Sec. 28.102.

(3) **Billing Demand.** The 'Billing Demand' shall be the greater of:

(a) The peak fifteen (15) minute demand measured during the current monthly billing period, or

(b) Seventy-five percent (75%) of the peak demand measured during the most recent four months of the summer period; or

(c) Sixty percent (60%) of the peak demand measured during the last eleven billing periods.

(d) **Provided, however, that the demand used for billing shall in no case be less than 2,500 kVA after discounts.**

(4) **Minimum Bill.** The minimum monthly bill shall be the customer charge plus the current demand charge plus the energy charge and energy cost adjustment for 600,000 Kwh.

(5) **RESERVED**

(6) **Service Facilities.** The Ames Municipal Electric System shall furnish as a standard installation facilities adequate to supply service at a single point of delivery to a normal load equal to the maximum 15-minute

demand of the customer. Each standard installation shall include, where necessary, facilities for one standard transformation and the demand and energy consumption of the entire premises.

(7) **Excess Facility Charge.** In the event service facilities in addition to, or different from, a standard installation are requested by the customer, or are required to serve the customer's load, the Ames Municipal Electric System shall furnish, install, and maintain such facilities subject to the following considerations:

(a) The type, extent, and location of such service facilities shall be determined by agreement between the Ames Municipal Electric System and the customer.

(b) Such service facilities shall be the property of the Ames Municipal Electric System.

(c) The customer shall pay a monthly rental charge on those facilities in excess of the facilities included in a standard installation.

(d) If the optional or nonstandard facilities are used for other customers also, the rental payable by the customer shall be that portion of the total rental which is reasonably assignable to the customer.

(8) **Primary service: Customers who take service at primary voltage shall be granted discounts to demand and energy as follows:**

(a) 1-1/2% of the billing demand and measured energy where metering is on the high voltage side of utility-owned transformers.

(b) 5% of the billing demand and 1-1/2% of the measured energy where metering is on the high voltage side of customer-owned transformers.

(c) **A minimum billing demand after discount shall be 2,500 kVA**

(d) Voltages below 8,000/13,800 Y nominal are considered secondary voltage.

(9) **Conditions. The Industrial rate shall be subject to the following specific conditions.**

(a) the general condition in section 28.101 (1), (2) and (5) and

(b) **the following specific conditions:**

(i) The customer's total usage on a single premise shall determine whether the customer qualifies for service under this rate structure. In no event will the customer be billed on more than one rate. A premise is defined as the main building of a commercial or industrial establishment, and shall include the outlying or adjacent buildings used by the same provided the use of service in the outlying buildings is supplemental and similar to the service used in the main building.

(ii) **Fluctuating loads. If use of energy is intermittent or subject to violent fluctuation, the Ames Municipal Electric System may add to the 15-minute measured demand an amount equal to 65% of the rated capacity in kVA of the apparatus which causes such fluctuations.**

*(Ord. No. 2827, 6-15-82; Ord. No. 2832, 9-21-82; Ord. No. 2921, Sec. 1, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92)*

## **Sec. 28.107. STREET AND SECURITY LIGHTING RATE.**

(1) **Availability.** Lighting energy and service shall be available for street lighting and for security lighting where it is impossible or impractical to meter the electrical energy through the customer's normal metering location.

(2) **Rate per Billing Period. For each monthly billing period the lighting customer:**

(a) shall be charged for service per lamp:

(i) for bills mailed on or after July 1, 2009:

|                                     | Monthly<br>Charge | Monthly Consumption<br>Lamp<br>(kWh per Lamp) |
|-------------------------------------|-------------------|---|
| 1000 Watt - Mercury Vapor           | 24.45             | 383   |
| 700 Watt - Mercury Vapor            | 17.80             | 268   |
| 400 Watt - Mercury Vapor            | 11.15             | 153   |
| 400 Watt - Mercury Vapor-Ornamental | 13.50             | 153   |
| 250 Watt - Mercury Vapor            | 8.00              | 96  |
| 250 Watt - Mercury Vapor-Ornamental | 11.90             | 96  |
| 175 Watt - Mercury Vapor            | 6.60              | 67  |
| 175 Watt - Mercury Vapor-Ornamental | 8.90              | 67  |

|  |       |     |
|--|-------|-----|
| 400 Watt - High Pressure Sodium            | 12.05 | 153 |
| 400 Watt - High Pressure Sodium-Ornamental | 13.50 | 153 |
| 360 Watt - High Pressure Sodium            | 11.40 | 138 |
| 360 Watt - High Pressure Sodium-Ornamental | 12.90 | 138 |
| 250 Watt - High Pressure Sodium            | 8.75  | 96  |
| 250 Watt - High Pressure Sodium-Ornamental | 12.35 | 96  |
| 200 Watt - High Pressure Sodium            | 8.45  | 77  |
| 200 Watt - High Pressure Sodium-Ornamental | 12.35 | 77  |
| 150 Watt - High Pressure Sodium            | 7.30  | 60  |
| 150 Watt - High Pressure Sodium-Ornamental | 9.65  | 60  |
| 100 Watt - High Pressure Sodium            | 5.90  | 38  |
| 100 Watt - High Pressure Sodium-Ornamental | 8.00  | 38  |
| 70 Watt - High Pressure Sodium             | 5.15  | 27  |
| 70 Watt - High Pressure Sodium-Ornamental  | 7.35  | 27  |

Ornamental fixtures are units on poles other than wood.

(Ord. No. 2975, Sec. 1, 5-19-87; Ord. No. 2977, Sec. 1, 6-9-77; Ord. No. 3885, 07-25-06; Ord. No. 3955, 05-27-08; Ord. No. 3987, 05-12-09)

**(b) and all lamps shall be charged any applicable energy cost adjustment, per Sec. 28.102, based on the stated average monthly kWh consumption per lamp.**

**(3) Conditions.** The street and security lighting rate will be subject to 28.101(1) and (5) and the following specific conditions:

(a) new service agreements shall be 3 years minimum

(b) new installation for "security lights" will only be made with 175, 400, or 1000 watt mercury vapor or with 70, 100, 150, 200, or 250 watt sodium fixtures on existing poles with a maximum of a 150 foot span of wire.

(c) Customers desiring a change from mercury to sodium fixtures after less than 3 years under an existing service agreement will be charged for conversion costs.

(d) Flood lights, where available from utility stock, shall have an additional monthly charge of \$0.65 per lamp.

(Ord. No. 3885, 07-25-06; Ord. No. 3955, 05-27-08; Ord. No. 3987, 05-12-09)

(e) No new 360 watt sodium fixtures will be installed.

(Ord. No. 2921, Sec. 6, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92)

(f) Contract for energy only charges will be billed at a rate of \$0.080 per kilowatt hour plus the applicable energy cost adjustment.

(Ord. No. 3955, 05-27-08; Ord. No. 3987, 05-12-09)

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

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

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

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

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