AGENDA

MEETING OF THE AMES AREA METROPOLITAN PLANNING ORGANIZATION POLICY COMMITTEE AND REGULAR MEETING OF THE AMES CITY COUNCIL COUNCIL CHAMBERS - CITY HALL DECEMBER 18, 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 Population Adjustment Agreement between AAMPO and Central Iowa Regional Transportation Planning Alliance (CIRTPA) and directing staff to send a letter to CIRTPA requesting approval
- 2. Motion appointing representative to the SUDAS Board of Directors for calendar years 2013 and 2014

COMMITTEE 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.

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

- 1. Motion approving payment of claims
- 2. Motion approving Minutes of Regular Meeting of December 11, 2012
- 3. Resolution approving designation of City representatives to Central Iowa Regional Transportation Planning Alliance (CIRTPA)
- 4. Resolution setting date of public hearing on vacation of utility easements at 218-5th Street
- 5. Resolution approving proposed revision to Purchasing Policies regarding bid threshold limits
- 6. Resolution endorsing Iowa Economic Development Authority Application for Financial Assistance for WebFilings, LLC, with industrial property tax abatement as local match
- 7. Resolution approving contract for economic development financial assistance with Iowa Department of Economic Development and AMCOR Rigid Plastics USA, Inc., and Agreement for local match in the form of forgivable loan

- 8. Resolution approving contract with URS Corporation to conduct an analysis of CyRide's Orange Route
- 9. Resolution approving Construction Testing Contract with Allender & Butzke Engineers, Inc., of Urbandale, Iowa, in an amount not to exceed \$94,423.10 for Ames Public Library
- 10. Resolution approving Change Order No. 1 with Terracon Construction for Ames Public Library Renovation and Expansion Project
- 11. Resolution approving contract and bond for Ames Public Library Renovation and Expansion Project
- 12. Resolution accepting completion of landscaping improvements required as a condition of Site Plan approval and releasing security for LaVerne Apartments, 919 S. 16th Street

<u>PUBLIC FORUM</u>: 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:

- 13. Motion approving new Class C Liquor License & Outdoor Service for Chipotle Mexican Grill, 435 South Duff Avenue
- 14. Requests from Main Street Cultural District for January Dollar Days:
 - a. Resolution approving suspension of parking regulations and enforcement in Central Business District (CBD) from 8:00 a.m. to 6:00 p.m., Thursday, January 24, through Saturday, January 26
 - b. Motion approving Blanket Temporary Obstruction Permit for CBD sidewalks from 8:00 a.m. to 6:00 p.m., January 24 26
 - c. Motion approving Blanket Vending Permit for entire CBD for January 24 26
 - d. Resolution approving waiver of fee for Blanket Vending Permit

HEARING:

- 15. Hearing on Nuisance Assessment:
 - a. Resolution assessing costs of sidewalk repair and certifying assessment to Story County Treasurer

ELECTRIC:

- 16. Power Plant Fire Risk Mitigation:
 - a. Resolution canceling Professional Services Contract with Black & Veatch of Kansas City, Missouri
 - b. Resolution awarding contract to Burns & McDonnell of Chesterfield, Missouri, for the Professional Services for Fire Risk Mitigation in an amount not to exceed \$50,000

PLANNING & HOUSING:

- 17. Athen Property on George Washington Carver Avenue:
 - a. Resolution approving designation of subject property as Urban Residential in the Urban Fringe Plan
 - b. Resolution approving inclusion of subject site as an Allowable Growth Area in the Land Use Policy Plan

- 18. South Fork Subdivision, 3rd Addition:
 - a. Resolution accepting partial completion of public improvements
 - b. Resolution approving Major Final Plat
- 19. Resolution approving minor revision to 2012/13 Annual Action Plan projects and budget

PUBLIC WORKS:

- 20. Presentation of findings of Airport User Meetings regarding Ames Airport Terminal Building Project
- 21. 2012/13 West Lincoln Way Intersection Improvements (Lincoln Way and Dotson Drive):
 - a. Resolution approving Supplemental Funding Agreement for South Fork Subdivision with Pinnacle Properties Ames, LLC
 - b. Resolution approving preliminary plans and specifications; setting February 6, 2013, as bid due date and February 12, 2013, as date of public hearing
- 22. Presentation of results of Teagarden Drainage Study

ADMINISTRATION:

- 23. Discussion of City Hall Renovation Project
- 24. Staff report regarding evaluation of budget and timing for ASSET process

ORDINANCES:

- 25. First passage of ordinance making revision to parking regulations on Ash Avenue
- 26. Second passage of Storm Water Rate Ordinance
- 27. Second passage of ordinance pertaining to lighting and alternative landscape standards for auto and marine craft trade uses
- 28. Second passage of ordinance correcting a scrivener's error in Table 29.805(3) pertaining to Planned Regional Commercial Zone Development Standards
- 29. Third passage and adoption of ORDINANCE NO. 4134 setting speed limit on Grand Avenue

COUNCIL COMMENTS:

HUMAN RESOURCES:

- 30. Motion to hold closed session as provided by Section 20.17(3), *Code of Iowa*, to discuss collective bargaining:
 - a. Resolution ratifying contract with IBEW (Electrical Workers)

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

<u>SUBJECT:</u> POPULATION ADJUSTMENT AGREEMENT BETWEEN AAMPO AND CENTRAL IOWA REGIONAL TRANSPORTATION PLANNING ALLIANCE (CIRTPA)

BACKGROUND:

Last month, the Metropolitan Planning Area (MPA) boundary adjustment was approved by the AAMPO Policy Committee and submitted to the Iowa Department of Transportation (Iowa DOT) for their approval. The next step in this process is reaching an agreement on the population adjustment between the AAMPO and CIRTPA.

Currently, the base population for the Ames urbanized area is 60,438, according to census geography data. The population within the new MPA boundary is 62,728, resulting in a population adjustment of 2,290 from CIRTPA to the AAMPO. Estimated Surface Transportation Program (STP) targets provided by the lowa DOT Office of Program Management show funding levels of approximately \$55,819 being shifted from CIRTPA to the AAMPO based on the above-mentioned MPA boundary adjustment and population adjustment.

Pending approval, staff will send a formal letter on behalf of the Policy Committee to CIRTPA requesting their approval of the MPA boundary and population adjustment. This item will be placed on the CIRTPA agenda in January 2013. In order to meet the typical target distribution deadline of February, the lowa DOT requests that all signed population adjustment resolutions be received by January 31, 2013. Population adjustments received after this deadline will not be processed for the FFY 2014 targets, but can be processed during the following year. The population adjustment agreement is attached.

ALTERNATIVES:

- 1. Approve the population adjustment agreement, and direct staff to send a letter to CIRTPA requesting their approval.
- 2. Approve the population adjustment agreement with modifications, and direct staff to send a letter to CIRTPA requesting their approval.

ADMINISTRATOR'S RECOMMENDATION:

It is recommended by the Administrator that the AAMPO Policy Committee adopt Alternative No. 1, thereby approving the population adjustment agreement and directing staff send to a letter to CIRTPA requesting their approval.

JOINT AGREEMENT FOR METROPOLITAN AND REGIONAL POPULATIONS

WHEREAS, federal transportation planning regulations provide for the establishment of a metropolitan planning organization within each metropolitan area to serve as a forum for local officials to carry out certain multimodal transportation planning and programming responsibilities within each metropolitan area; and

WHEREAS, the Iowa Department of Transportation (hereinafter called the DEPARTMENT) has elected to share certain multimodal transportation planning and programming responsibilities with local officials acting through regional planning affiliations; and

WHEREAS, the Ames Area Metropolitan Planning Organization (hereinafter called the MPO) has been designated by the cities and counties within its boundaries, with the concurrence of the Governor(s), to serve as the metropolitan planning organization for the Ames, Iowa metropolitan area; and

WHEREAS, the Central Iowa Regional Transportation Planning Alliance (hereinafter called the RPA) has been designated by the general purpose units of local government to serve as the regional planning affiliation within region 11; and

WHEREAS, Surface Transportation Program and Transportation Alternatives (hereinafter called STP) funding is apportioned to the States for projects to preserve and improve the conditions and performance on any Federal-aid highway, bridge and tunnel projects on any public road, pedestrian and bicycle infrastructure, and transit capital projects; and

WHEREAS, the DEPARTMENT allocates STP funding to metropolitan planning organizations based solely on population and to regional planning affiliations based partially on population that is initially delineated by the Census-defined urbanized area boundary; and

WHEREAS, the MPO has established an adjusted Federal Highway Administration (hereinafter called FHWA) Urban Area Boundary and a MPO Planning Area Boundary, which have been reviewed and approved by the DEPARTMENT and FHWA.

NOW, THEREFORE, THE MPO AND THE RPA HAVE AGREED THAT THE DEPARTMENT shall proceed with allocating STP funding, subject to all terms, conditions and obligations connected with the federal program, based on the delineating boundary and resulting population adjustment described below:

Delineating boundary (map attached): Ames Area MPO Metropolitan Planning Area Boundary Resulting population adjustment: 2,290 from the RPA to the MPO

THIS AGREEMENT TO BE IN EFFECT until the next decennial Census.

IN WITNESS WHEREOF, the parties hereunto have caused this AGREEMENT to be executed by their proper officials thereunto duly authorized as of the dates below indicated, in consideration of the mutual covenants, promises, and representations contained herein.

| For the MPO: | For the RPA: | | |
|-------------------------------|--------------------------------|--|--|
| Ann Campbell | Bret VandeLune | | |
| Policy Committee Chair, AAMPO | Policy Committee Chair, CIRTPA | | |
| date: | date: | | |

ITEM # MPO 2 DATE: 12-18-12

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

SUBJECT: SUDAS BOARD OF DIRECTORS REPRESENTATIVE APPOINTMENT

BACKGROUND:

The Ames Area Metropolitan Planning Organization (AAMPO) is allocated one member on the Statewide Urban Design and Specifications (SUDAS) Board of Directors, as is each Metropolitan Planning Organization (MPO) in the state. A total of 37 members make up the Board of Directors. It is required that the individual serving on the board must be a registered professional engineer in Iowa. The City of Ames Public Works Director has served as the AAMPO representative on the Board of Directors since the inception of SUDAS in June of 2004.

ALTERNATIVES:

- Approve the appointment of the City of Ames Public Works Director, John Joiner, as the AAMPO representative to the SUDAS Board of Directors for calendar years 2013 and 2014.
- 2. Appoint another staff representative to the SUDAS Board of Directors for calendar years 2013 and 2014.

ADMINISTRATOR'S RECOMMENDATION:

It is recommended by the Administrator that the AAMPO Transportation Policy Committee adopt Alternative No. 1, thereby approving the appointment of the City of Ames Public Works Director, John Joiner, as the AAMPO representative to the SUDAS Board of Directors for calendar years 2013 and 2014.

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

DECEMBER 11, 2012

The regular meeting of the Ames City Council was called to order by Mayor Pro Tem Jami Larson at 7:00 p.m. on December 11, 2012, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Jeremy Davis, Matthew Goodman, Peter Orazem, Victoria Szopinski, and Tom Wacha. *Ex officio* Member Sawyer Baker was also present. Mayor Campbell was absent.

PRESENTATION OF GOLD AWARD FOR "LIVE UNITED" CAMPAIGN: Mayor Pro-Tem Larson presented the Gold Award for the United Way "Live United" Annual Campaign to the City of Ames employees. He noted that the United Way is one of the partners of the ASSET process, which helps fund human services contracts in Story County. Accepting the Award on behalf of City employees were Co-Chairs Lynne Carey, Acting Library Director; and Rich Iverson, Fleet Services Manager, and the 2011 Chairperson Charlie Kuester, City Planner.

CONSENT AGENDA: Moved by Goodman, seconded by Wacha, to approve the following items on the Consent Agenda:

- 1. Motion approving payment of claims
- 2. Motion approving Minutes of Special Meeting of November 20, 2012, and Regular Meeting of November 27, 2012
- 3. Motion approving Report of Change Orders for November 16 30, 2012
- 4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor & Outdoor Service The Café, 2616 Northridge Parkway
 - b. Class C Liquor Tip Top Lounge, 201 East Lincoln Way
 - c. Class C Beer Swift Stop #6, 125 6th Street
 - d. Class C Beer Swift Stop #7, 2700 Lincoln Way
 - e. Class C Liquor & Outdoor Service Thumb's Bar, 2816 West Street
 - f. Class C Liquor & Outdoor Service Aunt Maude's, 543-547 Main Street
 - g. Class C Beer Casey's General Store #2298, 428 Lincoln Way
 - h. Class C Liquor & Outdoor Service Mangostino's Bar & Grill, 604 East Lincoln Way
 - i. Class B Beer Pizza Pit, 207 Welch Avenue
- 5. RESOLUTION NO. 12-617 approving and adopting Supplement No. 2013-1 to *Municipal Code*
- 6. RESOLUTION NO. 12-618 approving appointment of Council Member Jeremy Davis to Ames Convention & Visitors Bureau Board of Directors
- 7. RESOLUTION NO. 12-619 authorizing Mayor to sign Certificate of Consistency with City's 2009/14 CDBG Consolidated Plan on behalf of Youth & Shelter Services
- 8. RESOLUTION NO. 12-620 accepting purchase agreement from Mike Satterwhite and Carla Weiner for future park land
- 9. RESOLUTION NO. 12-621 approving law enforcement Memorandum of Understanding with National Center for Animal Health (NCAH)
- 10. RESOLUTION NO. 12-622 awarding contract to Altec Industries, Inc., of Daleville, Virginia, for Digger Derrick in the amount of \$131,267 and for Body and Accessories in the amount of \$22,157
- 11. RESOLUTION NO. 12-623 approving contract and bond for WPC Facility Motor Control Center No. 1 Replacement Project
- 12. RESOLUTION NO. 12-624 approving contract and bond for WPC Facility Raw Wastewater Pumping Station Pipe Repainting Project

- 13. RESOLUTION NO. 12-625 approving Change Order #69 to Weitz Company for a deduct amount of \$67,515 for Intermodal Facility
- 14. RESOLUTION NO. 12-626 accepting completion of Main Street Alley Project
- 15. RESOLUTION NO. 12-627 accepting completion of 2010/11 Water Systems Water Main Replacement Project (Oak Street)
- 16. RESOLUTION NO. 12-628 accepting completion of 2011/12 Asphalt Pavement Improvements Program (Todd Circle and Abraham Drive)
- 17. RESOLUTION NO. 12-629 accepting completion of 2011/12 Storm Sewer Improvements (Country Club Boulevard)
- 18. RESOLUTION NO. 12-630 approving Minor Final Plat for 2501 Grand Avenue (Streets of North Grand, Plat 2)
 - Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: No one came forward to speak during this time.

HEARING ON REQUEST TO CHANGE AMES URBAN FRINGE PLAN AND LAND USE POLICY PLAN FOR ATHEN PROPERTY (3601 AND 3699 GEORGE WASHINGTON CARVER): Mayor Pro-Tem Larson announced that the hearing would be held prior to the discussion on the Development Agreement.

Mayor Pro-Tem Larson opened the public hearing.

Information was provided to the Council by City Planner Charlie Kuester regarding the LUPP amendment process adopted by Council earlier this year. He clarified that, at this meeting, the Council would conduct the required public hearing on the LUPP and Urban Fringe Plan amendment request. He said that the approved LUPP process also states that the preference is not to take action on the request immediately following the public hearing, but act on it at the next meeting.

Planner Charlie Kuester recalled that the applicant was seeking approval to develop the Athen property (located west of Northridge Heights Subdivision on George Washington Carver Avenue) for a senior living center, which would be comprised of senior housing, assisted living, and skilled care, as well as residential housing. The applicant had requested the designation of the subject 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 (LUPP).

The Council was advised by Planner Kuester that the area in question consisted of approximately 140 acres of which 70 acres is developable and 70 acres is undevelopable because it is in the floodplain. Fifteen (15) acres would be needed for the proposed assisted living facility. It is estimated that approximately 200 homes could be built on the remainder of the property. At the inquiry of Council Member Goodman, Mr. Kuester advised that the annual single-family residential absorption equated to 60 - 65 homes.

The Council was made aware of several factors that could impact its decision on this issue: as follows:

- 1. There is a serious issue regarding the capacity of the downstream sanitary sewer to accommodate the expected future growth within the City limits, with an even greater concern regarding the additional load created by this project. An agreement requiring the developer to contribute \$197,600 to the City to correct a sanitary sewer problem should be in place at the time that the City Council is asked to act on the annexation.
- 2. The emergency response factor does not require any development agreement; however, the City Council needed to consider what impact this annexation would have on emergency response times to this area.
- 3. The Council needed to consider the impact that development in this area may have on areas that have already been targeted for growth or are being invested in by the City for growth, i.e, development in the North Growth Area west of Ada Hayden Heritage Park. The City is currently investing in the water and sanitary sewer infrastructure with the expectation of payback as residential development occurs. However, an agreement to assess the paving of Grant Avenue has not yet been finalized between the City and two of the three developers adjacent to this unpaved roadway.
- 4. A Development Agreement is necessary to ensure that a care facility is built, rather than any other type of medium-density residential use. The agreement should be in place no later than at the time of rezoning approval.
- 5. The LUPP Map amendment had been prepared to extend the Urban Residential designation up to the tree line and to retain the Natural designation over the remainder of the site.
- 6. The area in question should be provided with two zoning designations with the minimum zoning necessary for the care facility and low-density housing, which would ensure that allowed uses are kept to a minimum to reduce the potential impact on existing neighbors. It is anticipated that the senior living center would require a FS-RM (Floating Suburban Medium Density Residential) zoning designation and that the remainder of the site would be zoned FS-RL (Floating Suburban Low Density Residential).

The processes necessary to be followed were summarized by Planner Kuester: Urban Fringe LUPP Amendment; LUPP Amendment & Annexation; agreement on the sanitary sewer issue should be resolved no later than at annexation; rezoning; an agreement should be in place at the time of rezoning to limit undesired uses, such as apartments; Preliminary Plat and Final Plat: and lastly, Building Permits.

Mr. Kuester summarized the meetings that had been conducted as part of the LUPP Major Amendment process. He reported that this request had also come before the City's Planning & Zoning Commission on October 3, 2012. The Commission had recommended approval of a Map amendment that would allow annexation of the proposed area and recommended the following 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 on areas that had already been targeted for growth or are being invested in by the City for growth.
- 4. The possibility of a Developer's Agreement be investigated to require a care facility as the only allowable development [within a medium-density-zoned area].
- 5. Consideration be given to ensure the protection of the natural area of at least at or before the tree line.
- 6. The subject area be provided with two zoning designations with the minimum zoning necessary for the care facility and low-density housing.

Following the newly instituted Major LUPP Amendment process, no Council action was requested at this meeting. Mr. Kuester reiterated the necessary next steps, which would include annexation, rezoning, LUPP change, and approval of a subdivision.

Greg Artz, 3819 Deer Run Lane, Ames, said that he had attended many of the meetings concerning this topic. He expressed his desire that apartments not be allowed in the subject property. Mr. Artz asked what type of lighting would be installed for the prospective assisted-living facility and specifically asked that low-intensity lighting be installed.

Chuck Olson, 3853 Deer Run Lane, Ames, said his property would be adjacent to the proposed development. He requested that the assisted living development not be allowed to be a high-rise. He does not believe that a multiple-story structure, a parking lot with security lights, or the type of traffic (buses or ambulances) that is characteristic of an assisted-living facility would be conducive to a single-family residential neighborhood.

Chuck Winkleblack, 105 S. 16th Street, Ames, Iowa, explained that the proposed builder was present and could address questions about the type of building that would be proposed. Also addressing the parking lot concerns, he stated that the parking requirements for the proposed assisted living facility would not be the same as for other two-story multi-family residential buildings. Due to the clientele normally living in retirement homes, fewer parking places are required and the lot would be smaller.

Mr. Winkleblack noted that his initial request had been made on January 24, 2011. Since then, many meetings, workshops, and open houses had been held, which provided many opportunities for public input. He explained the time sensitivity of this project and asked that the LUPP amendment be de-coupled from the Development Agreement and approved at the Council meeting of December 18, 2012. It was the contention of Mr. Winkleblack that there are not that many outstanding issues. Even given that time frame, Mr. Winkleblack stated that it would be April or May 2013 before the annexation and rezoning processes would begin.

Gib Wood, 109 South Cottage Court, Olathe, Kansas, said that he represented the builder on this proposed development. He stated that his company is building a similar facility in Lenexa, Kansas; it is an infill project surrounded on three sides by residential subdivisions. The residents there had similar concerns about the lighting. A lighting study was conducted, and exterior lighting was selected that will cast the light down, so as not to cause issues for

the neighbors. It is a two-story structure, which would be the same as this proposed development. According to Mr. Wood, the assisted living building would essentially be the same height as a two-story house.

Mr. Wood explained that the developer was working on a tight time limit because of the Certificate of Need issued by the State of Iowa; therefore, it was crucial that the project get moving forward. Upon being asked by Mayor Pro-Tem Larson, Mr. Wood explained that residents would pay rent on a monthly basis for the units in the proposed assisted living facility; they would not own their unit.

The hearing was closed after no one else requested to speak.

City Manager Steve Schainker indicated that staff saw no problems de-coupling the development agreement from the LUPP change and moving forward on December 18 to approve the LUPP amendment; that would send a positive message for the developer regarding its Certificate of Need. Staff believes that the outstanding issues could be addressed in an Annexation Agreement, which would come before the Council for approval. The Council, at that time, would have the opportunity to approve or not approve the Developer's Agreement. If, at that time, Council was not satisfied with the Agreement, it could vote to change the LUPP back to its current form.

Council Member Szopinski said that at some point the Council was going to have to have a policy discussion focusing on other developable land that the City had made investments in and where it wants to prioritize. Specifically, she noted that the City had committed to investing \$1.4 million in infrastructure improvements for certain areas that would be annexed with the expectation of payback in a certain amount of time. Ms. Szopinski advised that she was concerned that if additional developer land is added, the payback would be longer. She also wanted the Council to also look at emergency response times and how they would be affected by building in the area in question. City Manager Schainker recalled that the Council had requested an update on where the Pre-Annexation is on Grant Avenue; that was contained in the Council Action Form pertaining to the Athen request.

Council Member Goodman added that build-out of the land north of Ada Hayden Park was estimated to take 40 years; that is a long payback for infrastructure investment, and now the Council was being asked to consider annexation of another 80 acres.

Council Member Larson noted that the proposed development would be a property-tax-paying entity. According to Planner Kuester, the residential portion proposed for this development would allow for 160 single-family homes, which would take approximately two years to build out. He noted that the City would not have any infrastructure investment in this particular development.

Council Member Orazem said it was important to put history in context. He noted that for about ten years, starting in 1999, Ames' job growth was zero. The growth that did occur was from the University (18- to 25-year-olds) and retirees. The 2,500 jobs that have been created since 1999 have occurred within the last 18 months. Mr. Orazem also stated that commuters from Ames to Des Moines increased from 6% to 18% of the working-age population during that time. People to fill the newly added jobs might want to live in Ames close to their work and schools. Logically, the increase in the number of jobs in Ames should have some impact

on the demand for single-family home ownership. Council Member Orazem noted that the cost of infrastructure for this development will be borne by the developer.

Council Member Goodman agreed that developing the land in question would not require any investment by the City. However, the City had already committed to be a partner with three developers in developing 580 acres north of Ames. If that land is developed as well as the 80 acres in this development, emergency services will be impacted. The Athen property would be a good investment if it did not add to capacity and slow down the City's payback on the northern annexation.

City Manager Schainker recommended that the Council require the annexation agreements for the development along Grant Avenue be approved prior to the Development Agreement for the Athen property.

Council Member Wacha noted that the three developers of the 580 acres north and west of the city limits and the City had not come to a cost-share agreement regarding infrastructure improvements, e.g., paving of Grant Road. He would like to see the agreement among those three developers be worked out prior to annexation of the Athen property.

Moved by Wacha, seconded by Davis, to direct staff to prepare a Development Agreement for the Athen property at the time of the annexation of the property.

Moved by Wacha, seconded by Davis, to amend the motion to include direction to staff to create Developers' (Cost-Sharing) Agreements for Annexation of the Grant Avenue property prior to the annexation of the Athen property.

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

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

Council Member Davis noted that if the three developers of the properties along Grant had to agree to the cost-sharing agreement, that, in essence, is "holding the Athen property development hostage." Planner Kuester clarified that, following the Council's policy, the LUPP Map change would be acted on at the Council's next meeting (December 18, 2012).

HEARING ON ZONING ORDINANCE TEXT AMENDMENT PERTAINING TO LIGHTING AND ALTERNATIVE LANDSCAPE STANDARDS FOR AUTO AND MARINE CRAFT TRADE USES: City Planner Karen Marren gave the history behind the request from a Deery Brothers' representative to reevaluate lighting provisions in the alternative landscape standards for auto dealers. The Council had been asked to consider changes to the lighting level allowed for the auto dealership. Subsequently, staff met with a Deery Brothers' consultant who provided information on the output of lighting associated with commercial developments. After assessing the information, it was staff's belief that shielding the view of fixture lenses from public rights-of-way would significantly mitigate one of the greater glare factors of outdoor lighting by shielding the visual "hot spots" of light around fixture lenses. Several options were presented to and considered by the City Council, which then directed staff to prepare an ordinance incorporating the following amendments:

- 1. Allow typical sales display light levels (15-foot candles average in all auto display areas (no dazzle or highlight levels).
- 2. Retain lower lighting levels of Code in all non-display parking areas.
- 3. Require glare shield requirements for all lights.
- 4. Require security lighting levels in all areas after 10:00 p.m. (2-foot candles average).

Those requirements would not allow for the most intense light that auto dealers would choose if left unregulated, but it would allow light commensurate with what dealers typically provide in their display sale areas while providing reasonable mitigation of lighting impacts on the community.

The specifics of the proposed ordinance were explained. Initially, staff had considered a 45-foot candle high point for the sales areas, while maintaining the 15-foot candle average. However, Deery Brothers' representative Fred Rose had indicated that they needed a range that would allow up to 90-foot candles on the upper end to achieve the 15-foot candle average across the sales area. This would result in approximately 2.5-foot candles on the low end and up to 90-foot candles on the high end. Planner Marren told the Council members that they needed to determine if that was an acceptable level on the upper end.

Ms. Marren reported that, on October 10, 2012, City staff had met with a workgroup to discuss the proposed alternative lighting text. The workgroup consisted of Bob Brown, KJWW Engineering Consultant; Scott Renaud, FOX Engineering; and representatives from the Ames Area Amateur Astronomers, including Al Johnson, Ed Engle, Joe Kollasch, and Jim Bonser. After reviewing examples given, the group generally agreed that the proposed language would help to address the concern for lighting hot spots, glare, and the typical light levels associated with auto dealers. Additional site research had been conducted by Bob Brown, who found some comparable 90-point source and higher values. Mr. Brown also had submitted information regarding lumen values for light fixtures to indicate the actual characteristics of a light source.

The Council was reminded by Ms. Marren that the proposed ordinance represented an alternate option in the Code. Auto and marine dealers may still choose to install landscaping and lighting to meet the existing Lighting Code if they choose not to utilize this alternative landscaping and lighting option.

Ms. Marren advised that the Planning and Zoning Commission, at its meeting of November 28, 2012, unanimously recommended that the City Council adopt the proposed ordinance to allow for a maximum high point value of 90-foot candles over an area with an average of 15-foot candles for all sales display areas.

The public hearing was opened by Mayor Pro-Tem Larson. He closed same after no one came forward to speak.

Council Member Goodman expressed appreciation to the staff for getting input from the Ames Amateur Astronomers on the proposed ordinance.

Moved by Davis, seconded by Orazem, to pass on first reading an ordinance pertaining to lighting and alternative landscape standards for auto and marine craft trade uses; thus, approving a maximum of 90-foot candles on the upper end to achieve a 15-foot candle average across the sales area.

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

HEARING ON REZONING PROPERTY LOCATED AT 2008-24TH STREET: City Planner Karen Marren provided a chronological summary of the actions taken by the City Council to date on the request of the First Evangelical Free Church (property owners) and Northcrest Community (applicant) to grant a Land Use Policy Plan (LUPP) Map change and rezone the property at 2008-24th Street from Low-Density Residential to High-Density Residential. She noted that, if approved, the proposed rezoning would bring the subject property into conformance with the Future Land Use Map.

Land uses for surrounding properties were described by Planner Marren. She said that rezoning the subject parcel would be an extension of the Residential High-Density Zone abutting its east property line. The Northcrest Community development abuts not only the subject property, but also low-density residential to the south (single-family detached homes). Staff believed that extension of Northcrest and demolition of the existing church facilities, if developed in a manner similar to the existing senior housing facilities, would greatly increase the on-site open space and landscaped areas for storm water infiltration as compared to the more auto-dependent church development. It was also the contention of staff that the zoning change to high-density residential is a logical extension of the high-density residential development to the west and will transition to lower-density development with landscaped back yards to the south and two-family dwellings to the west.

Planner Marren reviewed the staff's findings of fact. Based on the analysis, staff concluded that the proposed rezoning of the subject property was consistent with the Future Land Use Map as well as the goals and objectives of the LUPP.

Ms. Marren specifically noted that if the zoning classification were to be changed to High-Density Residential, but the subject property was not developed as senior housing, apartment buildings could be constructed on the land. For that reason, staff had recommended that the zoning change be approved with conditions that the use of the site be limited to only group-living uses consistent with or existing on the current Northcrest Senior Care Facility property and that new facilities not exceed existing building heights or be limited to 50 feet or four stories, which would be in line with the Residential Medium-Density Zoning District.

It was stated by Ms. Marren that the Planning and Zoning Commission, at its meeting of November 28, 2012, had unanimously recommended that the City Council approve the rezoning of 2008-24th Street from Residential Low Density to Residential High Density with the following conditions:

- 1. The use of the site be limited to only senior housing and/or senior services facilities consistent with or existing on the current Northcrest Senior Care Facility property, such as senior housing consisting of town home or apartment style residences, assisted living facilities, nursing care facilities, or specialized care facilities.
- 2. The maximum building height not exceed the existing building height of the current Northcrest property or 50 feet or four stores, whichever is lower.

Ms. Marren noted that staff was currently working with the applicant to draft a Development Agreement to outline the use conditions recommended by the Planning and Zoning

Commission and in line with the Council directive. That Agreement is expected to be completed by the Council's January 8, 2013, meeting; therefore, staff was recommending that the public hearing be continued until that date.

The hearing was opened by Mayor Pro-Tem Larson. David Miller, President of Northcrest, 1801 20th Street, Ames, summarized the discussions held at the Planning & Zoning Commission meeting regarding this request. He stated that Northcrest representatives agreed with City staff's recommendation that Council postpone this issue until the Development Agreement could be prepared. That would allow representatives of Northcrest to meet with City staff to ensure correct wording in the Ordinance so that Northcrest's use of the property would not be unnecessarily constrained.

No one else came forward to speak.

Moved by Davis, seconded by Orazem, to continue the hearing until January 8, 2013. Vote on Motion: 5-0-1. Voting aye: Davis, Goodman, Larson, Orazem, Szopinski. Voting nay: None. Abstaining due to a conflict of interest: Wacha. Motion declared carried.

HEARING ON ZONING ORDINANCE TEXT AMENDMENT TO CORRECT SCRIVENER'S ERROR PERTAINING TO PLANNED REGIONAL COMMERCIAL ZONING DEVELOPMENT STANDARDS: Planner Kuester explained that an error had been discovered in the Development Standards Table for the Planned Regional commercial Zoning District regarding rear setbacks. A former *Code* amendment approved in 2007 added new setback requirements from the street lot line for the then-new Northeast Gateway Overlay District. There was a mistake in the formatting of the Council-approved Ordinance No. 3928 in 2007. A comparison of the incorrect table and the corrected table was given.

The public hearing was declared open by the Mayor Pro-Tem. There being no one who wished to speak, the hearing was closed.

Moved by Goodman, seconded by Davis, to pass on first reading an ordinance correcting a scrivener's error in Table 29.805(3) specific to the Rear Lot Line Setback Requirements in the Planned Regional Commercial Zone Development Standards. Roll Call Vote: 6-0. Motion declared carried unanimously.

RENTAL HOUSING CODE INSPECTIONS AT FRATERNITIES AND SORORITIES:

Council Member Larson and Council Member Davis recused themselves from the discussion of this item due to conflicts of interest.

City Manager Schainker reported that, after assuming leadership of the Fire Department, Chief Shawn Bayouth has been reviewing the services being provided by the Inspections Division. As a result, he had discovered that rental housing inspections were not being performed for ISU Greek houses. It was pointed out by Mr. Schainker that Section 13.301 (3) of the *Ames Municipal Code* specifies that rental housing inspections are required for fraternities and sororities every year.

It was noted by Mr. Schainker that Chief Bayouth had not been able to determine precisely when rental inspections had ceased. Mr. Schainker emphased that, while rental inspections had not been performed, fraternities and sororities had been subjected to comprehensive Fire Code inspections each year. In addition, when obvious violations of other codes (plumbing,

electric, etc.) were identified, the Fire Inspector requested the respective inspector to intervene to correct those Code issues.

Mr. Schainker advised that the *Municipal Code* was modified some time ago to require the installation of sprinkler systems in all Greek housing by 2016. As a result, approximately 30 out of the 40 houses had made a significant investment to provide that superior level of life safety. It was cautioned by Mr. Schainker that, if rental housing inspections were to be reinitiated, problems might be identified related to S-traps, egress windows, etc., that previously had not been brought to the attention of officers of the Greek houses.

Also, according to Mr. Schainker, the extent of the full compliance with the Rental Housing Code for fraternities and sororities is not known at this time. He reported that the City's Rental Housing Inspectors had accompanied the Fire Inspector on a few Greek housing inspections this fall and did not identify any significant violations; however, those findings might not be indicative of all Greek houses.

The options available to the City Council were given, as follows:

- 1. Reinitiate Rental Housing Inspections for Fraternities and Sororities. Chief Bayouth recalled that, while the City does not have an external property maintenance code for owner-occupied residential units, there are regulations that allow the City to address these types of complaints for properties under the Rental Housing Code. Eliminating Greek houses from the jurisdiction of the Rental Housing Code would diminish the City's ability to respond to property-maintenance-related complaints involving fraternities or sororities.
- 2. Exclude Sororities And Fraternities from the Rental Housing Code. The situation provides the City Council with an opportunity to pursue another course of action and exclude sororities and fraternities from the Rental Housing Code. The argument in support of rental housing inspections revolves around a belief that government should protect third parties (tenants) from property owners who are operating a housing related business.

Mr. Schainker said that it could be argued that Greek houses are different than rental units. The inhabitants of fraternities and sororities are members of an organization that operates their housing. Therefore, a case can be made that Greek housing should be added to the list of uses that are exempt from the City's Rental Housing Code (e.g., hotels, motels, university housing, state-licensed health and custodial facilities, owner-occupied single family housing dwellings, and other residential occupancies specifically regulated by state and federal authority).

Chief Bayouth reported that staff had surveyed other cities to learn of how they were dealing with inspection of Greek housing, The responses indicated that only two of the 13 college communities surveyed perform rental inspections for Greek housing. In addition, because the Greek Affairs Office at Iowa State University has substantial influence over the off-campus sororities and fraternities, staff believed that the City would be able to influence corrective actions for any exterior maintenance complaints received on these properties, even if they were exempted from the Rental Housing Code.

City Manager Schainker advised the Council that, if Option 2 is pursued, it would be advisable to maintain a \$100 inspection fee. The amount of time spent inspecting for the International Fire Code would justify this fee. The only question would be whether to credit this revenue to the General Fund or continue to use it to support the Rental Housing Inspection program. It was noted that all other businesses in the City are not charged a fee for this type of fire safety inspection.

Ex- officio Member Baker expressed support for reinitiating rental housing inspections for fraternities and sororities. She stated that the residents of the Greek institutions pay rent and the Greek houses should be treated like other rental institutions. Ms. Baker said her comments were mainly for the safety of the residents.

Council Member Szopinski asked if the City generally received complaints about fraternities or sororities. Chief Bayouth reported that it would vary from fraternity to fraternity and from sorority to sorority; however, the Fire Inspector typically does issue several violations., which vary in severity, every year. Council Member Goodman asked Chief Bayouth if he believed reinitiating Rental Housing Code inspections would cause financial implications for fraternities and sororities. Chief Bayouth said that it could, depending on what violations would be found by the Rental Inspectors. He noted several requirements that are imposed on rental property owners

Council Member Wacha said that he feels the Council is focusing on the wrong things: "Is it going to be tough on the fraternities and sororities? Is it going to be cost-prohibitive for the fraternities and sororities?". He believed that the right thing is to determine whether fraternities and sororities are rental units and should they be treated the same as other rental units.

Moved by Goodman, seconded by Orazem, to direct staff to organize a round table discussion on this issue with people of interest, i.e., Boards that run the fraternities and sororities or other owners, residents, and the Office of Greek Affairs; and that staff describe and provide the philosophy behind the exemptions.

Vote on Motion: 4-0-2. Voting aye: Goodman, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to conflict of interest: Davis, Larson. Motion declared carried.

City Manager Schainker recommended that Council instruct staff to temporarily cease rental housing inspections for fraternities and sororities. Council Member Goodman noted that he would be in favor of the inspections continuing to occur, if nothing more than for data collection. Mr. Schainker advised that Rental Housing fees for inspections of fraternities and sororities equate to \$100; however, that does not fully recuperate the City's costs.

Chief Bayouth pointed out that potentially each Greek house would be inspected three times: once by the Fire Inspector, once by the Rental Inspector, and once by Fire crews who go through to do pre-planning.

Moved by Goodman, seconded by Orazem, to direct that staff continue on its current schedule noting Rental Housing Code violations under the current Code until the round table discussion occurs.

Ex-officio Member Baker pointed out that continuing to inspect could cause a philosophical issue in that, if violations are found that would be costly, that could influence the ultimate decision of the City on whether it would reinstitute inspections.

Vote on Motion: 4-0-2. Voting aye: Goodman, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to conflict of interest: Davis, Larson. Motion declared carried.

The meeting recessed at 9:00 p.m. and reconvened at 9:08 p.m.

Mayor Pro-Tem Larson advised that, due to technological difficulties, the Semi-Annual Report of the Business Development Coordinator would be presented before the Buxton Retail Analysis.

2012 DEVELOPMENT PROCESS SURVEY: Seana Perkins, Business Development Coordinator, presented a summary of the results of the responses to the 67 Planning Surveys and 303 Building Inspections Surveys. The response rate was 24.8% for the Planning and 35% for the Inspections Surveys. She highlighted responses to some of the questions. A comparison between 2011 and 2012 survey responses was shown. Ms. Perkins read through the Continuous Improvement Themes created by staff.

<u>Discussion of software for Inspections Division</u>. Fire Chief Bayouth read a list of improvements compiled by staff members that they felt would provide efficiencies for the inspectors as well as better service to customers. The bottom line was that a new system was needed to help provide essential tools to increase productivity and better manage administrative operations. Currently, the Inspections Division does not have field access to information, but a new system would create fully mobile inspectors with the ability to access information in the field and on job sites, to email violations notices/letters/Certificates of Occupancy, etc., immediately to the responsible party and to be notified remotely of newly scheduled inspections.

Chief Bayouth reported that a Request for Proposal had been sent to prospective vendors to provide inspections/permitting hardware and software to help the Inspection Division's efforts to better manage its operations; ten proposals were received. Those proposals were analyzed, which resulted in a request for a presentation by each of the four chosen vendors. After further review, a company was deemed to be the vendor of choice. Staff made an onsite visit to Omaha, Nebraska, to witness the software being used.

City Manager Schainker said that if the City Council so desired, the first step would be to place the proposed expenditure in the budget. It was noted that the cost would be approximately \$250,000.

Council Member Wacha requested that the City Council receive more information on the process undertaken to arrive at the point of staff recommending a certain vendor. City Manager Schainker told the Council that no Council decision was being requested at this meeting; however, it was staff's intention to bring this to the Council's attention prior to budget time.

SEMI-ANNUAL REPORT OF BUSINESS DEVELOPMENT COORDINATOR: Business Development Coordinator Seana Perkins provided the semi-annual report of the duties she

had performed in her position as Business Development Coordinator. She described in detail how she receives customer feedback and how that creates opportunities for process improvement. The toolkit, introduced early in 2012, will be included on the economic development section on the City's website. Content is being created and designed to provide the business community with resources and links to information that are beneficial to business development. Ms. Perkins described her involvement in the City's Development Review Committee. Future plans include continued community education about the Business Development Coordinator position and the assistance that can be offered.

BUXTON RETAIL ANALYSIS: Ms. Perkins recalled that the City Council had approved sharing equally, with the Ames Economic Development Commission (AEDC), the cost of hiring Buxton to build the Retail Matching Model, deploy the Model, and provide a 12month access to the data through a Web-based, client-specific, analytic portal. The Council was shown how the Retail Matching Model would work. It reviews and assesses retail opportunities with the selection by the user of the following: (1) Site Selection, (2) Geographic Area, (3) Type of Retail; (4) Drive Time, and (5) Residential or Workplace. After all the selections are made, a document is produced that includes all of the matches for the site that were chosen based on parameters that had been selected. The Retail Match Report includes all available retailers and then further identifies if they are a good match by reviewing the Match Quality and the Consumer Density. Once a retailer is found that has a Match Quality designation that is Average or High and a Consumer Density that is Comparable or High, a Comparables Report can be created. A Comparables Report is based on the same criteria that the Retail Match Report is based on, except that it allows the user to select the retailer. The Comparables Report and the Retail Matching Report can be provided to the retailer to support their location in Ames.

The Retail Leakage and the Surplus Analysis report was described by Ms. Perkins. She said that that report indicates how well the retail needs of local residents are being met, uncovers unmet demand and possible opportunities, helps to create an understanding of the strengths and weaknesses of the local retail sector, and measures the difference between actual and potential retail sales. The definition of retail leakage was given; it means that residents are spending more for products than local businesses capture. It suggests that there is unmet demand in the trade area and that the community can support additional store space for that type of business. Retail surplus means that the Ames trade area is capturing the local market plus attracting non-local shoppers. Ms. Perkins cautioned that even though this report could indicate retail leakage, there could be a strong competitor in a neighboring community that dominates the market for that type of product or store. Likewise, a retail surplus does not necessarily mean that Ames cannot support additional business.

Lastly, the Consumer Propensity Report, which analyzes an area that is determined by a drive time, radius, or by a created shape from a point selected on a map, was explained by Ms. Perkins.

City Manager Schainker noted that the contract with Buxton for Internet-Based Retail Analysis, was due to expire in March 2013. The Council will have to decide prior to that time if the contract should be continued.

RECRUITMENT PROCESS FOR NEW CITY ATTORNEY: City Manager reviewed the recruitment plan in detail. The project start date for the new City Attorney would be May 2013.

Discussion ensued on the education and experience requirements, specifically relative to experience in public sector professional legal experience, and whether it would be required or preferred. Council Member Larson did not want to require five years' experience because he did not want that to preclude a potentially good candidate from applying. Council Member Goodman suggested that some, but not necessarily five years' experience, be required.

Moved by Szopinski, seconded by Davis, to change the word "required" to "preferred" pertaining to the public sector professional legal experience.

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

Moved by Goodman, seconded by Davis, to require that the new City Attorney live in the City of Ames.

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

Moved by Davis, seconded by Szopinski, to state that the salary is "commensurate with experience."

Council Member Goodman suggested that other advertisements for City Attorneys be reviewed to see if that terminology is included.

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

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-631 appointing Judy Parks as Acting City Attorney with a 5% increase [salary of \$87,424].

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

SOUTH FORK SUBDIVISION: Public Works Director John Joiner that the 2001 Memorandum of Agreement or Developer's Agreement for South Fork Subdivision had required the developer to pay 50% of the costs of construction for installation of the left turn lane improvements at the intersection of Lincoln Way and Franklin Avenue. The City would pay for the remaining 50%, as well as any engineering design and right-of-way costs, as needed, to complete the project. The Agreement further had stipulated that those improvements not be constructed until the intersection had fallen below the Institute of Traffic Engineers Level of Service "C" or a Final Plat was sought for a part of the site east of Dotson Drive and not abutting Dotson Drive, whichever occurs first. It was reported by Director Joiner that neither of those triggers had been met.

Mr. Joiner further advised that the developer had also been required to guarantee the financial obligation by providing security in an amount equal to 50% of the estimated costs of construction specified by the City. The most recent estimate from June 2012 estimates the construction costs at \$900,000. The developer was required to post security equivalent to \$450,000.

According to Director Joiner, on October 25, 2012, the City Council approved the developer's request to use security interest in the developer's real property as an alternative to the Letter of Credit. The developer provided the City with security interest in two lots (Outlot R contains a 4,000 square foot residence and Outlot U, which is an unimproved four-acre parcel). In October 2010, the City Attorney reviewed abstracts, appraisals, and titles to

both properties and determined that Outlot R (3908 Marigold Drive) had an appraised value of \$700,000 and was encumbered by a mortgage in the amount of \$420,000, and Outlot U (500 Dotson Drive) had an assessed value of \$175,100 and was encumbered by the Letter of Credit currently being held by the City. With those considerations, there was unencumbered value in the two lots of \$455,100 to exchange the form of security from a Letter of Credit to a mortgage on Outlots R and U.

The Council was informed that Pinnacle Properties had recently approached the City to express its desire to purchase and further develop Outlot U. Mr. Joiner explained a number of issues that needed to be addressed by the City Council to facilitate the development of 500 Dotson Drive, as follows:

- 1. Because the subject property is being held as security for the Lincoln Way and Franklin Avenue improvements, a replacement form of security would need to be provided to the City.
- 2. Due to the parcel connecting to Dotson Drive, rather than leading east to Franklin Avenue improvements, the Developer's Agreement needs to be modified so that developing this area doesn't initiate the requirement for the Lincoln Way and Franklin Avenue improvements. Further development of 3908 Marigold Drive or the intersection falling below a Level of Service "C" would still initiate the requirement for the improvements.
- 3. Using recent estimates from the City Assessor, the combined value of the two parcels is approximately \$560,014. Outlot U (estimated at \$175,100) represents 31% of the overall value while Outlot R represents 69% of the cost share.

Mr. Joiner advised that the Developer's Agreement would also need to be modified to reflect that Pinnacle Properties is responsible for 31% of that cost share and that Terra Firma, L.P., remain responsible for 69% of the cost share.

Moved by Goodman, seconded by Davis, to direct the Acting City Attorney to draft modifications to the Memorandum of Agreement so that:

- 1. Construction of the improvements at Lincoln Way and Franklin Avenue shall be done and completed at such time as it is determined that the overall intersection had fallen below the Institute of Traffic Engineers Level of Service "C" or a Final Plat is sought for any portion of 3908 Marigold Drive.
- 2. Pinnacle Properties will be responsible for providing a Letter of Credit to the City in the amount of \$175,100, which should be adjusted periodically, to secure 31% of half the estimated cost of the intersection improvements at Lincoln Way and Franklin Avenue.
- 3. Pinnacle Properties will be responsible for 31% and Terra Firma, L.P., will be responsible for 69% of the developer's share of the actual cost of construction improvements at Lincoln Way and Franklin Avenue.
- 4. Pinnacle Properties will be responsible for the provisions of said Agreement that are necessitated by or pertain to the further development of 500 Dotson Drive.

5. Terra Firma, L.P., will be responsible to pay 69% of half the cost of the intersection improvements at Lincoln Way and Franklin Avenue. The security for that responsibility will continue to be in the current form of mortgage on the land in Outlot R, which previously had a net value of \$280,000.

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

OUTDOOR WARNING SYSTEM: Police Chief Chuck Cychosz informed the Council that the City had updated the siren equipment in the City's 15 outdoor warning system sirens approximately five years ago. The sirens are designed to provide a warning of severe weather to citizens who are outside their homes. The Chief cautioned that indoor warnings are best achieved through household use of a weather radio.

It was reported by Chief Cychosz that there has been a trend across the country toward siren activation in the event of high winds or potentially dangerous hail. The Story County Emergency Management Commission had recommended, on October 17, 2012, that activation criteria include forecasted winds in excess of 70 mph or hail in excess of 1.75 inches. Chief Cychosz noted, however, that the most-recent high wind events within the City of Ames were not forecasted with sufficient advance warning to allow utilization of the Outdoor Warning System.

According to Chief Cychosz, Ames and Iowa State University have coordinated their usage of the Outdoor Warning System for many years. He advised that staff from both entities supported the proposed additional activation criteria.

Moved by Davis, seconded by Orazem, to direct staff to add Outdoor Warning System activation criteria for winds in excess of 70 mph and hail in excess of 1.75 inches. Vote on Motion: 6-0. Motion declared carried unanimously.

CONCEPTUAL COST STUDY FOR AIRPORT TERMINAL: Public Works Director John Joiner said that the next step in this process was to take the input from the Airport users to create a conceptual layout to be used for refining the overall project budget and to meet state and federal requirements of providing definitions of the proposed spaces within the Terminal. Those definitions are used by the Iowa Department of Transportation and Regional Federal Aviation Administration staff to determine eligibility of each space.

The City's current airport consultant, Bolton & Menk, along with Architectural Alliance of Minneapolis, Minnesota, will meet with City staff to develop the schematic design and refine the budget. The cost of that conceptual work is estimated not to exceed \$7,000 and could be funded from the City Council Contingency Account.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-632 approving the Contract for Professional Services with Bolton & Menk in the amount of \$7,000 to be paid from the City Council Contingency account for creation of a conceptual layout and budget for the new Airport Terminal Building project.

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

6TH STREET BRIDGE DESIGN ALTERNATIVES: Josh Opheim, representing WHKS, provided the design alternatives study, which refined the type, layout, and style of the proposed bridge. The report identified Alternate D as the preferred alternative based on cost and feedback received on the alternatives and aesthetics. Alternative D called for a concrete bridge having two vehicular travel lanes and on-street bike lanes, a shared use path on the south side, and a sidewalk on the north. It also included the aesthetic elements identified through the public input process. The total cost of \$2,286,000 includes the aesthetics; however, costs could be reduced by choosing only certain aesthetic treatments.

Examples of each aesthetic treatment and its cost were detailed by Mr. Opheim. The total cost for all aesthetic premiums would equate to \$349,500.

Council Member Goodman asked that the Council be provided with some visual elements for the different types of bridges. Mr. Mellies stated that staff could provide that to the City Council.

Discussion ensued as to whether a decision on the 6th Street Bridge should be postponed until the information on flood mitigation is received.

The City Council accepted the report, but took no further action.

ORDINANCE SETTING STORM WATER RATE: Moved by Goodman, seconded by Davis, to pass on first reading the new Storm Water Rate Ordinance.

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

ORDINANCE SETTING SPEED LIMIT ON GRAND AVENUE: Moved by Goodman, seconded by Davis, to pass on second reading an ordinance setting the speed limit on Grand Avenue.

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

ORDINANCE REZONING PROPERTY LOCATED AT 1519 TOP-O-HOLLOW ROAD:

Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4133 rezoning property located at 1519 Top-O-Hollow Road from Agricultural (A) to Residential Low-Density (RL).

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 Goodman, to refer to staff the letter dated November 29, 2012, from Historic Old Town Association, requesting that the City conduct a traffic speed study in the residential stretch of Duff from just north of 6th Street to approximately 10th Street.

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

Moved by Wacha, seconded by Goodman, to refer to staff the recommendation of the City Attorney's Office that the ordinance establishing the Ames Board of Health be amended or repealed. Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Davis, seconded by Wacha, to refer the request of Rusty Hesson to spread a sidewalk assessment over a period of up to ten annual installments.

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

Moved by Goodman, seconded by Szopinski, to refer to staff for a memo from John Dunn regarding an email received by the City Council that pertained to levels of fluoride in the water.

Council Member Orazem noted that he had gone to the website from the link provided in the email, and the issue was actually pertaining to incidents occurring in China, and he did not feel that the staff should be asked to respond. Mr. Orazem said that he had replied to the sender of the email. Council Member Goodman said that he was responding to an inquiry made by an Ames citizen, and he preferred that a response be made by John Dunn, Director of Water and Pollution Control, to the concerns expressed in the email.

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

Noting the tasks being referred and assigned to the City Attorney, Council Member Larson stated that, in the interim before the hiring of the new City Attorney, Council Member Goodman and he, representing the subcommittee for the recruitment of the new attorney, would meet with City Manager Schainker and Acting City Attorney Judy Parks to prioritize work.

Council Member Szopinski advised that she and Council Member Larson had recently met with some residents of Northridge Subdivision to discuss alternatives to mitigate flooding. Ideas from the residents had been shared with Ms. Szopinski and Mr. Larson, and she would like City staff to hear those ideas.

Moved by Szopinski, seconded by Davis, to direct staff to meet with Jim Bollinger and Carroll Marty to consider and discuss the ideas being suggested by them to mitigate flooding in the Northridge Subdivision.

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

Moved by Orazem, seconded by Goodman, to refer Brian Phillips' memo pertaining to car/pedestrians/bicyclists collisions occurring in the 100 Block of Welch and Lincoln Way/ Welch area.

Ms. Baker stated that property owners in the Campustown area had approached her to take up this issue to the Student Affairs Commission, which she had done.

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

ADJOURNMENT: Moved by Davis to adjourn the meeting at 11:46 p.m.

Moved by Davis, seconded by Szopinski, to refer the letter of Keith Arneson dated December 6, 2012, requesting a timing exception to the staff's policy regarding Final Plat review.

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

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| Diane R. Voss, City Clerk | Ann H. Campbell, May | or |

ITEM #___3 DATE: 12-18-12

COUNCIL ACTION FORM

SUBJECT: DESIGNATION OF CIRTPA REPRESENTATIVES

BACKGROUND:

Each year, the City Council appoints representatives and alternate representatives to the Central Iowa Regional Transportation Planning Alliances' (CIRTPA) two committees – the Transportation Policy Committee (TPC) and the Transportation Technical Committee (TTC). Since the City is an advisory member of CIRTPA, these are non-voting positions.

It is recommended that the City's designated representatives be as follows:

TPC Representative: Damion Pregitzer, Traffic Engineer

TPC Alternate Representative: Tracy Warner, Municipal Engineer

TTC Representative: Damion Pregitzer, Traffic Engineer

TTC Alternate Representative: Tracy Warner, Municipal Engineer

ALTERNATIVES:

- 1. Appoint the individuals named above to their respective roles representing the City on CIRTPA.
- 2. Designate some other individuals to serve the City in this capacity.

MANAGER'S RECOMMENDED ACTION:

It is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby appointing the individuals named above to serve in their respective roles representing the City on CIRTPA.

COUNCIL ACTION FORM

SUBJECT: VACATION OF UTILITY EASEMENTS -YOUTH & SHELTER SERVICES PARKING LOT

BACKGROUND:

On September 2, 2011, the Electric Services Department obtained an electric facilities easement for the future placement of a pad-mount transformer to provide alternate electric service to the buildings in the block encompassed by Main Street, Kellogg Avenue, 5th Street, and Douglas Avenue. The easement was granted by Youth and Shelter Services, 420 Kellogg Avenue, on property owned by them at 218 5th Street.

During recent construction activities in the alley north of Main Street, it was determined by Electric Services staff that the proposed location of the future transformer would not be feasible due to difficulties in extending future buried wires to and from the transformer. An alternate location for the future transformer was identified on the YSS site and an easement has been granted for this new location. **The original electric facilities easement obtained for this purpose, therefore, is no longer required.**

Staff has reviewed the easement vacation location, and the easement is only an Electric Services easement. No other utility facilities will be affected by the vacation of this easement.

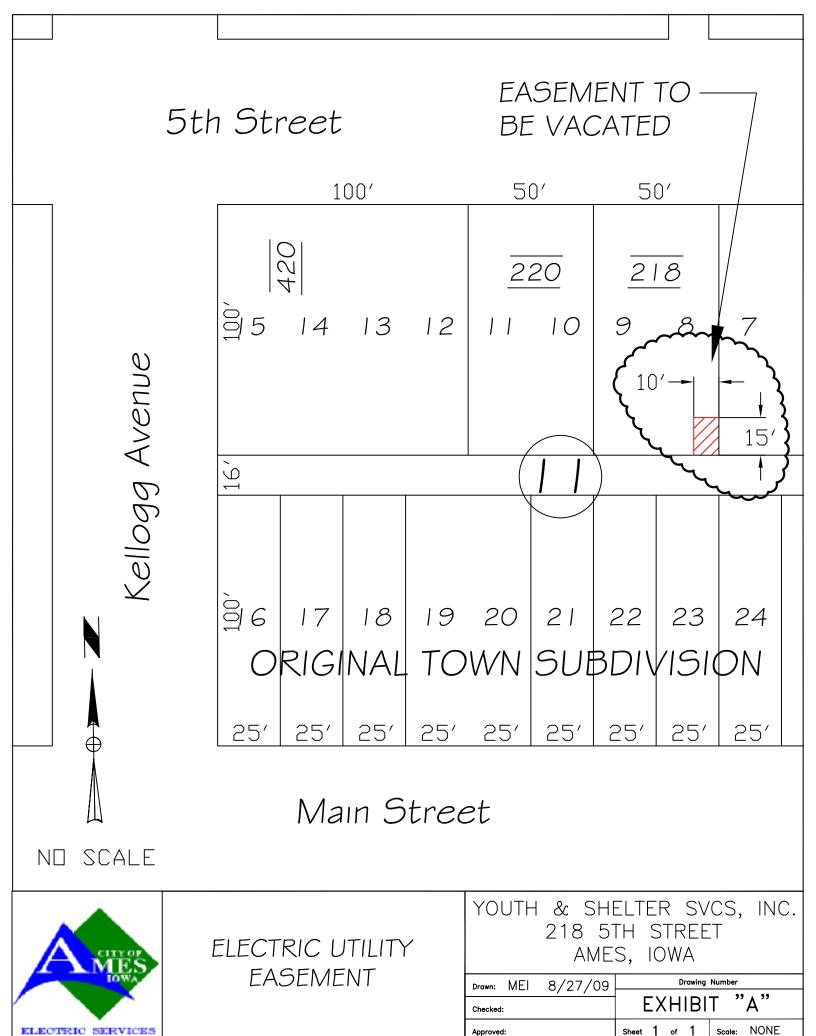
ALTERNATIVES:

- 1. Approve the vacation of the easement shown in Attachment A on the Youth and Shelter Services property, and set the date of public hearing for January 22, 2013.
- 2. Do not approve the request to vacate the easements shown in Attachment A on the Youth and Shelter Services property.

MANAGER'S RECOMMENDED ACTION:

Since a new location for the transformer has been found that is more easily accessible now and in the future, the City no longer has a need for the easement.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the vacation of easements shown on Attachment A, and setting the date of public hearing for January 22, 2013.



ITEM # <u>5</u> DATE: <u>12/18/12</u>

COUNCIL ACTION FORM

SUBJECT: PROPOSED REVISION TO PURCHASING POLICY

BACKGROUND:

On October 23, 2012 the City Council approved a revision to the City purchasing policy to follow the State of Iowa statutory limits set by the Horizontal and Vertical Bid Threshold subcommittees. The changes to the bid thresholds become effective January 1 of the year following when the adjustment is made by the subcommittee.

Currently the City's bid threshold is based on the 2012 threshold and was set by the City Council when it revised the purchasing policy on October 23, 2012. The current thresholds for 2012 are \$67,000 for horizontal construction and \$125,000 for vertical construction.

Proposed revisions are listed below for 2013:

| Year Effective | Inreshold | Horizontal Infrastructure Cities > 50,000 population | Vertical Infrastructure Cities > 50,000 population | |
|-------------------|-------------------|--|---|--|
| 2013 | Competitive bid | \$70,000 | \$130,000 | |
| 2013 | Competitive Quote | N/A | \$ 72,000 | |

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

ALTERNATIVES:

- 1. Approve revision to the purchasing policy effective January 1, 2013. Purchasing staff will immediately begin notifying users on policy revision upon Council approval.
- 2. Do not approve revision to the purchasing policies.

MANAGER'S RECOMMENDED ACTION:

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

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the revision to the purchasing policy effective January 1, 2013.

ITEM # _ 6 DATE: 12 -18-12

COUNCIL ACTION FORM

<u>SUBJECT</u>: ENDORSEMENT OF IOWA ECONOMIC DEVELOPMENT AUTHORITY APPLICATION FOR FINANCIAL ASSISTANCE FOR WEBFILINGS LLC

WITH LOCAL MATCH IN THE FORM INDUSTRIAL PROPERTY TAX

ABATEMENT

BACKGROUND:

WebFilings is a privately held Los Altos, California and Ames, Iowa-based company, that offers financial and regulatory reporting solutions. WebFilings has software development and sales and marketing support operations located in the ISU Research Park. The company has been rapidly expanding operations in Ames. Webfilings has applied for economic development assistance from the Iowa Economic Development Authority (IEDA) with a local match provided by the City of Ames in the form of our existing Industrial Property Tax Abatement program.

The project will include building expansion and associated computer equipment and furniture and fixtures. Total investment expected for the project is over \$32 million, including a \$1,200,000 loan from IEDA and High Quality Job Program tax credits. This project is an expansion beyond the building currently under construction and is expected to create an additional 135 jobs. The local assistance from the City is limited to the currently existing Industrial Property Tax Abatement Program that would be available to the business for qualified improvements even if not used as a match to IEDA assistance.

IEDA will review Webfilings application for assistance later this month. For the IEDA to continue consideration of this project, the City Council must adopt a resolution supporting the submittal of the Webfilings application for IEDA assistance.

ALTERNATIVES:

- 1. Adopt a resolution supporting the submittal of an application from Webfilings, LLC requesting economic development assistance from IEDA with local match to be provided in the form of Industrial Property Tax abatement.
- 2. Do not adopt a resolution of support for Webfilings application.

MANAGER'S RECOMMENDED ACTION:

Webfiling is a rapidly growing software company in Ames that is making a significant investment of capital to expand high paying jobs without the cost of additional City

infrastructure. In keeping with the Council's goal to promote economic development, this project will expand the number of quality jobs within our city.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, adopting a resolution supporting the submittal of an application from Webfilings, LLC requesting economic development assistance from IEDA with local match to be provided in the form of Industrial Property Tax abatement.

ITEM # _____7 DATE: 12-18-12

COUNCIL ACTION FORM

SUBJECT: APPROVAL OF CONTRACT FOR ECONOMIC DEVELOPMENT FINANCIAL ASSISTANCE WITH THE IOWA ECONOMIC DEVELOPMENT AUTHORITY AND AMCOR RIGID PLASTICS USA INC AND AGREEMENT FOR LOCAL MATCH IN THE FORM OF A

FORGIVABLE LOAN

BACKGROUND:

AMCOR is a large, multi-national company with several business lines including operation of a plastic beverage container manufacturing plant in Ames (the former Ball Plastics plant). The company is retooling the Ames plant to more modern equipment to improve efficiency. The lowa Economic Development Authority (IEDA) has approved an economic development assistance contract with AMCOR that includes a local match provided by the City of Ames and the Ames Economic Development Commission (AEDC).

The project will include improvements to the existing building as well as new production equipment and is expected to retain 150 full-time jobs in Ames. Total investment for the project is over \$24 million, including a \$175,000 forgivable loan from IEDA as well as various state tax incentives. The addition of new equipment may also improve the efficiency of electric power, and the company may qualify for rebates under the Ames Electric Services demand side management program.

At the June 12, 2012 meeting, the City Council adopted a resolution supporting the AMCOR application for economic development assistance including the local match consisting of a \$35,000 forgivable loan to be funded with \$17,500 from the City of Ames (from the available balance in the Economic Development Fund) and \$17,500 from the Ames Economic Development Commission (AEDC). The AEDC Board has authorized their commitment to the local match. The final step in this process is to finalize the agreement between AMCOR, IEDA, and the City of Ames and the local match agreement between AMCOR, AEDC and the City of Ames.

ALTERNATIVES:

1. Adopt a resolution approving a contract for economic development financial assistance with the Iowa Economic Development Authority and AMCOR Rigid Plastics USA, Inc. and a contract providing the local match in the form of a forgivable Ioan in the amount of \$35,000 (\$17,500 from the City of Ames from available balance in the Economic Development Fund and \$17,500 from the Ames Economic Development Commission).

2. Do not adopt a resolution approving the contracts.

MANAGER'S RECOMMENDED ACTION:

AMCOR is a well-established manufacturing company in Ames that is making a significant investment of capital to make improvements to continue to provide high paying jobs without the cost of additional City infrastructure. In keeping with the Council's goal to promote economic development, this project will expand the number of quality jobs within our city.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, adopting a resolution approving a contract for economic development financial assistance with the Iowa Economic Development Authority and AMCOR Rigid Plastics USA, Inc. and a contract providing the local match in the form of a forgivable loan in the amount of \$35,000 (\$17,500 from the City of Ames from available balance in the Economic Development Fund and \$17,500 from the Ames Economic Development Commission).

The contract that is being recommended includes the normal "clawback" provisions that include penalties should the company not meet the retention commitment of 150 jobs in a timely manner or leave town within a certain timeframe.

ITEM # <u>8</u> DATE: <u>12-18-12</u>

COUNCIL ACTION FORM

<u>SUBJECT</u>: RESOLUTION APPROVING AWARD OF CONTRACT TO URS CORPORATION TO CONDUCT AN ANALYSIS OF CYRIDE'S ORANGE ROUTE

BACKGROUND: In August 2012, the Transit Board of Trustees approved a study to examine the Orange Route Corridor to determine how best to serve the needs of its riders today and into the future. The Scope of Work included specific questions to help guide the study as well as requirements of the federal grant program funding a majority of the study with 80% federal funds. The total budget for the project is set at \$200,000.

Proposals from interested firms were due on November 9, 2012. CyRide received three proposals from the following firms:

- 1. URS Corporation
- 2. SRF Consulting Group
- 3. Olsson Associates

Five CyRide and City of Ames staff reviewed each of the proposals based on the general evaluation language contained in the RFP and the Federal Transit Administration's Two-Step Process as is required for professional services contracts, which first evaluates proposals based only on their technical merit and then based on technical criteria and price together. Specifically the following criteria/weights were used, with each category ranked using a scale from 1 - 10.

| Criteria | Percentage Weight |
|----------------------|-------------------|
| Key Personnel | 20% |
| Team Composition | 10% |
| Firm qualifications | 15% |
| Project Approach | 15% |
| Understanding of the | 20% |
| Study | |
| Time Schedule | 5% |
| Price | 15% |

In reviewing the technical ranking and points, the team determined that that each member of the evaluation had substantially rated the URS firm higher as indicated on the following page based on the 10-point scale and also unanimously ranked URS as their #1 choice:

- URS Average 7.63
- SRF 6.76
- Olsson 6.95

The team then opened the price proposals from the three firms with the following results:

- URS \$201,880
- SFR \$198,443
- Olsson \$197,980

The price proposal spread is very small, within less than 2%. The results for the combined **technical and price analysis** are attached with URS Corporation identified as the best firm to provide the services requested with the highest point total, even though its price was slightly higher. The additional \$1,880 required above the budgeted amount will be provided with local dollars from CyRide's capital budget.

The Transit Board of Trustees approved the contract award to URS Corporation at their December 10, 2012 meeting.

ALTERNATIVES:

- 1. Award the #23 Orange Route Analysis to URS Corporation for a not-to-exceed amount of \$201.880.
- 2. Reject all proposals and direct CyRide staff to rebid the project.
- 3. Do not proceed with a #23 Orange Route analysis.

MANAGER'S RECOMMENDED ACTION:

URS Corporation's technical response satisfactorily addressed all questions included in the RFP, developed tasks that addressed these questions, met federal planning requirements, and formed a well qualified team that would be able to assist the community in indentifying modifications allowing this route to operate as its maximum efficiency. With less than \$4,000 difference in price, the technical capabilities of URS Corporation identified their firm as the best choice for this study.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby awarding the contract to URS Corporation for a not-to-exceed amount of \$201,880.

Orange Route Alternatives Analysis Evaluation Results - Technical & Price

| | | URS | SRF | Olsson |
|---|---------------------------|-------------|--------------|--------------|
| I. Key Personnel | | UKS | SKF | Olssoli |
| Qualifications of key staff, availability of time | Evaluator #1 | 1.8 | 1.6 | 1.6 |
| (score = rating x 20%) | Evaluator #2 | 1.6 | 1.6 | 1.4 |
| | Evaluator #3 | 1.6 | 1.6 | 1.6 |
| | Evaluator #4 | 1.6 | 1.6 | 1.6 |
| | Evaluator #5 | 2 | 2 | 2 |
| II. Team Composition | | | | |
| Qualifications of the team. | Evaluator #1 | 0.8 | 0.8 | 0.7 |
| (score = rating x 10%) | Evaluator #2 | 0.9 | 0.8 | 0.8 |
| | Evaluator #3 | 0.8 | 0.7 | 0.7 |
| | Evaluator #4 | 0.9 | 0.8 | 0.8 |
| | Evaluator #5 | 1 | 1 | 0.9 |
| III. Firm Qualifications | | | | |
| Experience with similar studies, staff to back up | Evaluator #1 | 1.35 | 1.35 | 1.05 |
| (score = rating x 15%) | Evaluator #2 | 1.2 | 1.35 | 1.2 |
| | Evaluator #3 | 1.2 | 1.05 | 1.2 |
| | Evaluator #4 | 1.2 | 1.2 | 1.2 |
| | Evaluator #5 | 1.35 | 1.35 | 1.35 |
| IV. Project Approach | | | | |
| Logical, comprehensive, technically sound | Evaluator #1 | 1.5 | 1.2 | 1.2 |
| (score = rating x 15%) | Evaluator #2 | 1.35 | 0.9 | 1.35 |
| | Evaluator #3 | 1.35 | 1.2 | 1.2 |
| | Evaluator #4 Evaluator #5 | 1.35 1.5 | 1.05 1.05 | 1.35 1.05 |
| V. Understanding of the Study | Evaluator #5 | 1.5 | 1.05 | 1.05 |
| Understand the scope | Evaluator #1 | 1.6 | 1.4 | 1.6 |
| (score = rating x 20%) | Evaluator #2 | 2 | 1.2 | 1.6 |
| (00010 = 14ting x 2070) | Evaluator #3 | 1.8 | 1.6 | 1.6 |
| | Evaluator #4 | 2 | 1.4 | 1.6 |
| | Evaluator #5 | 2 | 1.6 | 1.6 |
| VI. Time Schedule | | | | |
| Within RFP schedule | Evaluator #1 | 0.4 | 0.4 | 0.5 |
| (score = rating x 5%) | Evaluator #2 | 0.5 | 0.5 | 0.5 |
| | Evaluator #3 | 0.5 | 0.5 | 0.5 |
| | Evaluator #4 | 0.5 | 0.5 | 0.5 |
| | Evaluator #5 | 0.5 | 0.5 | 0.5 |
| TOTAL Technical | | 38.15 | 33.8 | 34.75 |
| Average | | 7.63 | 6.76 | 6.95 |
| VI. Price | | | | |
| (score = rating x 15%) | | 0.6 | 0.9 | 0.9 |
| 5% over budget - 0 pts, 2.5% - 4.9% over budget – 2pts, | | \$201,880 | \$198,885 | \$197,980 |
| 0 - 2.5% over budget - 4 pts, .1 - 2.4% under budget - | | 100.940% | 99.443% | 98.99% |
| 6 pts, 2.5 - 4.9% under budget - 8 pts, | | 4 pts | 6 pts | 6 pts |
| 5% under budget - 0 pts | | | | |
| Total Points | | 8.230 | 7.660 | 7.850 |
| | | | -1000 | 1.000 |

ITEM # ___<u>9</u> DATE: 12-18-12

COUNCIL ACTION FORM

SUBJECT: CONSTRUCTION TESTING CONTRACT FOR AMES PUBLIC LIBRARY

BACKGROUND:

Allender Butzke Engineers, Inc. (ABE), of Urbandale, Iowa, was selected by the architect as a subcontractor last January to provide geotechnical engineer consulting for improvements to the Ames Public Library. It is common practice to engage the independent testing firm that made the original recommendations to carry out the evaluation of actual job site conditions.

Now that construction is about to commence, the Library Board would like to hire ABE as an owner's independent consultant for testing during construction. The services to be performed by ABE include compaction testing, structural steel inspection, fire proofing inspection, anchoring inspection as well as concrete testing. ABE has submitted a proposal that includes unit prices for work that will be provided, as required by the contract documents. The estimated fee of \$94,423.10 represents a "not to exceed" amount. The project budget estimated these services to be \$90,000. It should be noted that the Library also received a proposal from Terracon Consultants, Inc., the firm that conducted the Library's environmental site survey and is currently monitoring the abatement of hazardous materials. However, Terracon's proposal was incomplete.

The Library Board requests that the City Council award a contract for construction testing services to Allender Butzke Engineers, Inc., of Urbandale, Iowa, in an amount not to exceed \$94,423.10. Funds are available from General Obligation bonds sold in July 2012 for the Renovation and Expansion of the Ames Public Library.

ALTERNATIVES:

- 1. Award the contract for construction testing services to Allender Butzke Engineers, Inc., of Urbandale, Iowa, in an amount not to exceed \$94,423.10.
- 2. Do not award the contract at this time.

MANAGER'S RECOMMENDED ACTION:

In order to maintain a single line of responsibility, the firm providing geotechnical information and recommendations should be engaged to conduct field observations and testing during construction. The proposal submitted by Allender Butzke Engineers is in order and the Library's architects have confirmed that all services have been identified correctly.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby awarding a contract for construction testing services for the Ames Public Library Renovation and Expansion Project to Allender Butzke Engineers, Inc., of Urbandale, Iowa, in an amount not to exceed \$94,423.10.



623 East Lincoln Way Ames, Iowa 50010 Phone: (515) 268-3346 Fax: (515) 268-3349

MEMO

Date: December 10, 2012

To: Lynne Carey

From: Brad Heemstra

Project: Ames Public Library Renovation and Expansion

Subject: Construction Testing

Remarks:

Allender Butzke Engineers Inc. from Urbandale provided the geotechnical investigation report and soil recommendations for the design team on the Library project. It is common practice to engage the same firm for construction testing for single source responsibility between the geotechnical recommendations and evaluating actual conditions on the project during construction.

Allender Butzke has submitted the attached proposal dated December 6, 2012 for all testing specified in the construction documents. We have reviewed this proposal with Kate Michaud from MS&R Architects to confirm all testing is identified correctly.

Allender Butzke's proposal for professional services is based on unit prices for services performed. The total cost may vary based on the actual quantity of tests completed. The unit price rates appear reasonable compared to other central lowa testing firms.

It is our recommendation that the Library Board and the City Council accept this proposal from Allender Butzke Engineers for construction testing and issue a purchase order accordingly.

ALLENDER BUTZKE ENGINEERS INC.

GEOTECHNICAL • ENVIRONMENTAL • CONSTRUCTION Q. C.

STANDARD AGREEMENT FOR PROFESSIONAL SERVICES

| PROJECT NAME: PROJECT ADDRESS: | Ames Public Library 515 Douglas Avenue Ames, Iowa 50010 | PP:_ | 129251 |
|---|---|---|--|
| CLIENT: ADDRESS: | City of Ames c/o Integrity Construction Attn: Mr. Brad Heem 623 E. Lincoln Way Ames, Iowa 50010 | ıstra | |
| 129251 during co | ield and laboratory test and observation services listed on the enclosonstruction of this project. Services will be provided on a part time aduling (24 hour notice) the responsibility of the contractor. Additionally equest. | basis wit | h project |
| enclosed Proposacost may be low ABE's control. required to represent the remaining arranged in writing authorization to proposed arranged in the proposed arranged in writing authorization to proposed arranged arranged arranged authorization to proposed arranged | MS: The services will be invoiced on the basis of the unit prical No. 129251. The estimated total is for example budget purposes over or higher based on the actual amount of services provided, where the various contractors primarily decide when they need tests, however, and if we need to provide services during overtor business hours, weekends, and holidays). It is understood that, ang, verbal requests for services that exceed the estimated total amount provide the services and receive payment for same. Additional services fee schedule rates. | only and nich is now many time how unless out the country are country and the country are | the final of under tests are urs (after therwise onsidered |
| following page and any atta | greement will be performed in accordance with the GENERAL CONDITICATION of the second | | |
| PROPOSED BY ABE I | INC. ACCEPTED FOR CLIENT | | |
| By: Keith Kimsey | By: Printed Name | | |
| Title: Staff Engineer Date: 12/6/2012 | Title: Date: | | |

PLEASE SIGN AND RETURN ACCEPTANCE AGREEMENT TO OUR OFFICE, THANK YOU!

- 1. PARTIES AND SCOPE OF WORK: Allender Butzke Engineers (hereinafter referred to as "ABE") shall perform the work as set forth in ABE's proposal, the client's acceptance thereof if accepted by ABE and these General Conditions. "Client" refers to the person or business entity ordering the work to be done by ABE. If the client is ordering the work on behalf of another, the client represents and warrants that the client is the duly authorized agent of said party for the purpose of ordering and directing said work. Unless otherwise stated in writing, the client assumes sole responsibility for determining whether the quantity and the nature of the work ordered by the client is adequate and sufficient for the client's intended purpose. Client shall communicate these General Conditions to each and every third party to whom the client transmits any part of ABE's work. ABE shall have no duty or obligation to any third party greater than that set forth in ABE's proposal, client's acceptance thereof and these General Conditions. The ordering of work from ABE shall constitute acceptance of the terms of ABE's proposal and these General Conditions.
- 2. TESTS AND INSPECTIONS: Client shall cause all tests and inspections of the site, materials and work performed by ABE or others to be timely and properly performed in accordance with the plans, specifications and contract documents and ABE's recommendations. No claims for loss, damage or injury shall be brought against ABE by client or any third party unless all tests and inspections have been so performed and unless ABE's recommendations have been followed. Client agrees to indemnify, defend and hold ABE, its officers, employees and agents harmless from any and all claims, suits, losses, costs and expenses, including, but not limited to, court costs and reasonable attorney's fees in the event that all such tests and inspections are not so performed or ABE's recommendations are not so followed except to the extent that such failure is the result of the negligence, willful or wanton act or omission of ABE, its officers, agents or employees, subject to the limitation contained in paragraph 9.
- 3. SCHEDULING OF WORK: The services set forth in ABE's proposal and client's acceptance will be accomplished in a timely, workmanlike and professional manner by ABE personnel at the prices quoted. If ABE is required to delay commencement of the work or if, upon embarking upon its work, ABE is required to stop or interrupt the progress of its work as a result of changes in the scope of the work requested by the client, to fulfill the requirements of third parties, interruptions in the progress of construction, or other causes beyond the direct reasonable control of ABE, additional charges will be applicable and payable by client.
- 4. ACCESS TO SITE: Client will arrange and provide such access to the site as is necessary for ABE to perform the work. ABE shall take reasonable measures and precautions to minimize damage to the site and any improvements located thereon as the result of its work or the use of its equipment; however, ABE has not included in its fee the cost of restoration of damage which may occur. If client desires or requires ABE to restore the site to its former condition, upon written request ABE will perform such additional work as is necessary to do so and client agrees to pay ABE the cost thereof.
- 5. CLIENT'S DUTY TO NOTIFY ENGINEER: Client represents and warrants that he has advised ABE of any known or suspected hazardous materials, utility lines and pollutants at any site at which ABE is to do work hereunder, and unless ABE has assumed in writing the responsibility of locating subsurface objects, structures, lines or conduits, client agrees to defend, indemnify and save ABE harmless from all claims, suits, losses, costs and expenses, including reasonable attorney's fees as a result of personal injury, death or property damage occurring with respect to ABE's performance of its work and resulting to or caused by contact with subsurface or latent objects, structures, lines or conduits where the actual or potential presence and location thereof was not revealed to ABE by client.
- 6. RESPONSIBILITY: ABE's work shall not include determining, supervising or implementing the means, methods, techniques, sequences or procedures of construction. ABE shall not be responsible for evaluating, reporting or affecting job conditions concerning health, safety or welfare. ABE's work or failure to perform same shall not in any way excuse any contractor, subcontractor or supplier from performance of its work in accordance with the contract documents. ABE has no right or duty to stop the contractor's work.
- 7. SAMPLE DISPOSAL: Unless otherwise agreed, test specimens or samples will be disposed immediately upon completion of the test. All drilling samples or specimens will be disposed thirty (30) days after submission of ABE's report.
- 8. PAYMENT: Client shall be invoiced as work is completed and reported, either periodically or at end of project. Client agrees to pay each invoice within thirty (30) days of its receipt. Client further agrees to pay interest on all amounts invoiced and not paid or objected to for valid cause in writing within said thirty (30) day period at the rate of eighteen (18) percent per annum (or the maximum interest rate permitted under applicable law), until paid. Client agrees to pay ABE's cost of collection of all

- amounts due and unpaid after sixty (60) days, including court costs and reasonable attorney's fees. ABE shall not be bound by any provision or agreement requiring or providing for arbitration of disputes or controversies arising out of this agreement, and provision wherein ABE waives any rights to a mechanics' lien, or any provision conditioning ABE's right to receive payment for its work upon payment to client by any third party. These General Conditions are notice, where required, that ABE shall file a lien whenever necessary to collect past due amounts. Failure to make payment within 30 days of invoice shall constitute a release of ABE from any and all claims which client may have, either in tort or contract, and whether known or unknown at the time.
- 9. STANDARD OF CARE: ABE'S SERVICES WILL BE PERFORMED, ITS FINDINGS OBTAINED AND ITS REPORTS PREPARED IN ACCORDANCE WITH THIS AGREEMENT AND WITH GENERALLY ACCEPTED PRINCIPLES AND PRACTICES. IN PERFORMING ITS PROFESSIONAL SERVICES, ABE WILL USE THAT DEGREE OF CARE AND SKILL ORDINARILY EXERCISED UNDER SIMILAR CIRCUMSTANCES BY MEMBERS OF ITS PROFESSION. STATEMENTS MADE IN ABE REPORTS ARE OPINIONS BASED UPON ENGINEERING JUDGMENT AND ARE NOT TO BE CONSTRUED AS REPRESENTATIONS OF FACT.
- 10. LIMITATION OF LIABILITY: SHOULD ABE OR ANY OF ITS PROFESSIONAL EMPLOYEES BE FOUND TO HAVE BEEN NEGLIGENT IN THE PERFORMANCE OF ITS WORK, OR TO HAVE MADE AND BREACHED ANY EXPRESS OR IMPLIED WARRANTY, REPRESENTATION OR CONTRACT, CLIENT, ALL PARTIES CLAIMING THROUGH CLIENT AND ALL PARTIES CLAIMING TO HAVE IN ANY WAY RELIED UPON ABE'S WORK AGREE THAT THE MAXIMUM AGGREGATE AMOUNT OF THE LIABILITY OF ABE, ITS OFFICERS, EMPLOYEES, AND AGENTS SHALL BE LIMITED TO \$20,000
- 11. INDEMNITY: Subject to the foregoing limitations, ABE agrees to indemnify and hold client harmless from and against any and all claims, suits, costs and expenses including reasonable attorney's fees and court costs arising out of ABE's negligence to the extent of ABE's negligence. Client shall provide the same protection to the extent of its negligence. In the event that client or client's principal shall bring any suit, cause of action, claim or counterclaim against ABE, the party initiating such action shall pay to ABE the costs and expenses incurred by ABE to investigate, answer and defend it, including reasonable attorney's and witness fees and court costs to the extent that ABE shall prevail in such suit.
- 12. TERMINATION: This Agreement may be terminated by either party upon seven day's prior written notice. In the event of termination, ABE shall be compensated by client for all services performed up to and including the termination date, including reimbursable expenses, and for the completion of such services, records and reports as are necessary to place ABE's files in order and/or protect its professional reputation.
- 13. WITNESS FEES: ABE's employees shall not be retained as expert witnesses except by separate, written agreement. Client agrees to pay ABE's legal expenses, administrative costs and fees pursuant to ABE's then current fee schedule for ABE to respond to any subpoena.
- 14. HAZARDOUS MATERIALS: Nothing contained within this agreement shall be construed or interpreted as requiring ABE to assume the status of an owner, operator, generator, storer, transporter, treater or disposal facility as those terms appear within RCRA or within any Federal or State statute or regulation governing the generation, transportation, treatment, storage and disposal of pollutants. Client assumes full responsibility for compliance with the provisions of RCRA and any other Federal or State statute or regulation governing the handling, treatment, storage and disposal of pollutants.
- 15. PROVISIONS SEVERABLE: In the event any of the provisions of these General Conditions should be found to be unenforceable, it shall be stricken and the remaining provisions shall be enforceable.
- 16. ENTIRE AGREEMENT: This agreement constitutes the entire understanding of the parties, and there are no representations, warranties or undertakings made other than as set forth herein. This agreement may be amended, modified or terminated only in writing, signed by each of the parties hereto.

ALLENDER BUTZKE ENGINEERS INC.

3660 109th Street - Urbandale, Iowa 50322 - Phone No. 515-252-1979

TO: City of Ames

Date: 12/06/2012

c/o Integrity Construction

Prop.# 129251

623 E Lincoln Way

Ames, Iowa 50010

Attn: Mr. Brad Heemstra

RE:

Construction Testing Services - Ames Public Library

| Description of Services | Amount | Unit Price | Total |
|---|-----------|----------------|------------|
| *Foundation Pile Installation & Testing Observations - ABE | | | |
| Senior Technician | 8.0 hrs | \$59.00 /Hour | \$472.00 |
| Transportation Charges | 84 miles | \$0.72 /Mile | \$60.48 |
| Compressive Strength of 2x2 Cubes | 6.0 tests | \$15.50 /Test | \$93.00 |
| 2"x2" Disposable Cube Molds | 6.0 ea | \$0.82 /each | \$4.92 |
| *Assumes activity duration of 10 days including pile testing. | | Per Trip | \$630.40 |
| Reference 316316 | | Trips | 10 |
| | | Sub Total | \$6,304.00 |
| Compacted Fill Part Time Tests - Site Work and Backfills - Al | l BE | | |
| Technician III | 3.5 hrs | \$47.00 /Hour | \$164.50 |
| Transportation Charges | 84 miles | \$0.72 /Mile | \$60.48 |
| Nuclear moisture/density gauge | 5 tests | \$11.50 /Test | \$57.50 |
| Reference 312000 | | Per Trip | \$282.48 |
| | | Trips | 20 |
| | | Sub Total | \$5,649.60 |
| Laboratory Testing of Soil - ABE | | | |
| Standard Proctor (ASTM D698) | 6 tests | \$134.00 /Test | \$804.00 |
| Reference 312000 | | Sub Total | \$804.00 |
| Field Concrete Inspection (Including Reinforcing) - ABE | | | |
| Technician III | 4.0 hrs | \$47.00 /Hour | \$188.00 |
| Transportation Charges | 84 miles | \$0.72 /Mile | \$60.48 |
| Reference 033000, 321313 | | Per Trip | \$248.48 |
| | | Trips | 40 |
| | 3 | Sub Total | \$9,939.20 |
| *Concrete Test Cylinder Pick-Up - ABE | | | |
| Technician III | 2.0 hrs | \$47.00 /Hour | \$94.00 |
| Transportation Charges | 84 miles | \$0.72 /Mile | \$60.48 |
| *Assumes other cylinders picked up during other activities onsite | ? | Per Trip | \$154.48 |
| | | Trips | 20 |
| | | Sub Total | \$3,089.60 |

ALLENDER BUTZKE ENGINEERS INC.

3660 109th Street - Urbandale, Iowa 50322 - Phone No. 515-252-1979

TO: City of Ames

Date: 12/06/2012

c/o Integrity Construction

Prop.# 129251

623 E Lincoln Way

Ames, Iowa 50010

Attn: Mr. Brad Heemstra

RE: Construction Testing Services - Ames Public Library

Ames, Iowa

| Description of Services | Amount | Unit Price | Total |
|--|-----------|----------------|------------|
| Laboratory Testing of Concrete - ABE | | | |
| Compressive Strength of Cylinder ASTM C39 | 3 tests | \$15.50 /Test | \$46.50 |
| 4" x 8" cylinder molds | 3 ea | \$1.90 /Ea. | \$5.70 |
| Tax on cylinder molds 4" x 8" | 3 ea | \$0.114 /Ea. | \$0.34 |
| Reference 033000, 321313 | | Per Set | \$52.54 |
| | | Sets | 50 |
| | | Sub Total | \$2,627.10 |
| Floor Flatness/Levelness Testing - ABE | | - | |
| *Minimum charge for up to 20,000 sf/trip | 1.0 ea | \$780.00 /each | \$780.00 |
| Transportation Charges | 84 miles | \$0.72 /Mile | \$60.48 |
| *Areas in excess of 20,000 sf add \$0.06/sf over 20,000 sf | | Per Trip | \$840.48 |
| Reference 033000 | | Trips | 4 |
| | | Sub Total | \$3,361.92 |
| Proof Roll Observations and Onsite Engineering Consultation | ons - ABE | | |
| Staff Engineer III | 3.5 hrs | \$100.00 /Hour | \$350.00 |
| Transportation Charges | 84 miles | \$0.72 /Mile | \$60.48 |
| Proof Roll Reference 312000 "Subgrade Stability" | | Per Trip | \$410.48 |
| | | Trips | 20 |
| | | Sub Total | \$8,209.60 |
| Structural Steel - Visual Field Observations Welds & Bolts - | · ABE | | |
| NDT Technician | 4.0 hrs | \$93.00 /Hour | \$372.00 |
| Transportation Charges | 84 miles | \$0.72 /Mile | \$60.48 |
| Reference 051200, 052100, 053100, 054000 | | Per Trip | . \$432.48 |
| | | Trips | 10 |
| | | Sub Total | \$4,324.80 |
| Masonry Observation & Testing (Grout) - ABE | | | |
| Technician III | 4.0 hrs | \$47.00 /Hour | \$188.00 |
| Transportation Charges | 84 miles | \$0.72 /Mile | \$60.48 |
| Compressive Strength of Pinwheel | 3 tests | \$37.00 /Test | \$111.00 |
| Reference 042000 | | Per Trip | \$359.48 |
| | | Trips | 20 |
| | | Sub Total | \$7,189.60 |
| Cold Fluid-Applied Waterproofing Thickness - ABE | | | |
| NDT Technician | 3.0 hrs | \$93.00 /Hour | \$279.00 |
| Transportation Charges | 84 miles | \$0.72 /Mile | \$60.48 |
| Reference 071416 | | Per Trip | \$339.48 |
| | | Trips | 2 |
| | | Sub Total | \$678.96 |

ALLENDER BUTZKE ENGINEERS INC.

3660 109th Street - Urbandale, Iowa 50322 - Phone No. 515-252-1979

TO: City of Ames

RE:

Date: 12/06/2012

c/o Integrity Construction

Prop.# 129251

623 E Lincoln Way

Ames, Iowa 50010

Attn: Mr. Brad Heemstra

Aun: Mr. Brad Heemstra

Construction Testing Services - Ames Public Library

Ames, Iowa

| Description of Services | Amount | Unit Price | Total |
|--|-----------|------------------|---|
| | | | |
| Applied Fireproofing Thickness, Density, Pull Test - ABE | | | |
| NDT Technician Thickness, Density Sample, Pull Test Set-up | 6.0 hrs | \$93.00 /Hour | \$558.00 |
| Pull Test Adhesive (1 Can) | 1.0 ea | \$17.00 /ea | \$17.00 |
| NDT Technician Pull-Test (Next day minimum) | 3.0 hrs | \$93.00 /Hour | \$279.00 |
| Transportation Charges | 168 miles | \$0.72 /Mile | \$120.96 |
| Reference 078100 | | Per Trip | \$974.96 |
| | | Trips | 4 |
| | | Sub Total | \$3,899.84 |
| Intumescent Fireproofing Thickness - ABE | | | |
| NDT Technician | 8.0 hrs | \$93.00 /Hour | \$744.00 |
| Ultrasonic Gauge Equipment | 1.0 day | \$165.00 /day | \$165.00 |
| Transportation Charges | 84 miles | \$0.72 /Mile | \$60.48 |
| Reference 078123 | | Per Trip | \$969.48 |
| · | | Trips | 1 |
| | | Sub Total | \$969.48 |
| | | | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, |
| Acoustical Panel Ceiling Anchor Testing - ABE | | | |
| NDT Technician | 4.0 hrs | \$93.00 /Hour | \$372.00 |
| Transportation Charges | 84 miles | \$0.72 /Mile | \$60.48 |
| Reference 095113 | | Per Trip | \$432.48 |
| | | Trips | 4 |
| | | Sub Total | \$1,729.92 |
| Storefront Testing - Element | | | |
| Mock-up AAMA 501.2, ASTM E783, ASTM E1105 | 1.0 ea | \$2,160.00 /each | \$2,160.00 |
| Field ASTM 1105, AAMA 501.2, ASTM E783 | 3.0 area | \$2,160.00 /area | \$6,480.00 |
| Element Travel | 4.0 ea | \$240.00 /each | \$960.00 |
| Reference 084113 | | Sub Total | \$9,600.00 |
| Glazed Aluminum Curtain Wall Testing - Element | | | |
| Mock-up AAMA 501.2, ASTM E783, ASTM E1105 | 1.0 ea | \$3,600.00 /each | \$3,600.00 |
| 10% Work Field ASTM 1105, AAMA 501.2, ASTM E783 | 1.0 ea | \$3,600.00 /area | \$3,600.00 |
| 35% Work Field ASTM 1105, AAMA 501.2, ASTM E783 | 1.0 ea | \$3,600.00 /area | \$3,600.00 |
| 70% Work Field ASTM 1105, AAMA 501.2, ASTM E783 | 1.0 ca | \$3,600.00 /area | \$3,600.00 |
| Element Travel | 4.0 ea | \$240.00 /each | \$960.00 |
| Reference 084413 | 7.0 04 | Sub Total | \$8,160.00 |
| Tayor once vortil | Į | Sub I Utai | \$0,100.00 |

ALLENDER BUTZKE ENGINEERS INC.

3660 109th Street - Urbandale, Iowa 50322 - Phone No. 515-252-1979

TO: City of Ames Date: 12/06/2012

c/o Integrity Construction

Prop.# 129251

623 E Lincoln Way

Ames, Iowa 50010

Attn: Mr. Brad Heemstra

RE: Construction Testing Services - Ames Public Library

| Description of Services | Amount | Unit Price | Total |
|--|----------|-------------------|-------------|
| *Wood Window Testing - Element | | | |
| Wood Window Testing | 3.0 ea | \$720.00 /each | \$2,160.00 |
| Element Travel | 1.0 ea | \$240.00 /each | \$240.00 |
| *Assumes 1 type of wood window. | 1.5 5 | Per Trip | \$2,400.00 |
| Spec requires 3 windows tested per type. | | Trips | 1 |
| Reference 085200 | | Sub Total | \$2,400.00 |
| *Metal Framed Skylights Testing - Element | | | |
| Skylight Testing | 1.0 ea | \$480.00 /each | \$480.00 |
| Element Travel | 1.0 ea | \$240.00 /each | \$240.00 |
| *Assumes testing for 1 skylight unit. | | Per Trip | \$720.00 |
| Reference 086300 | | Trips | 1 |
| | | Sub Total | \$720.00 |
| Insulated Core Metal Wall Panel Testing - Element | | | |
| Mock-up AAMA 501.2 | 1.0 ea | \$1,260.00 /each | \$1,260.00 |
| Field ASTM 1105 (2 days) | 1.0 ea | \$3,600.00 /each | \$3,600.00 |
| Field AAMA 501.2 | 1.0 ea | \$1,260.00 /each | \$1,260.00 |
| Element Travel | 4.0 ea | \$240.00 /each | \$960.00 |
| Reference 074216 | | Sub Total | \$7,080.00 |
| Fluid-Applied Membrane Air Barriers-Visual Observations | | | |
| Staff Engineer III | 8.0 hrs | \$100.00 /Hour | \$800.00 |
| Transportation Charges Reference 072726 | 84 miles | \$0.72 /Mile | \$60.48 |
| Reference 0/2/20 | | Per Trip Trips | \$860.48 |
| | | Sub Total | \$860.48 |
| | | | |
| Engineering Consultation & Administration - ABE | | | |
| Plan and Specification Review | 5.0 hrs | \$100.00 /Hour | \$500.00 |
| Engineer Review & Report Preparation(0.5hr. min./report) | 55.0 hrs | \$115.00 /Hour | \$6,325.00 |
| | | Sub Total | \$6,825.00 |
| Over Time @ 1.5 * Hourly Rate | | Total | \$94,423.10 |

We emphasize that the estimated total cost listed is only an example budget based on the assumed scope we have outlined. This is not intended as a not-to-exceed price since the scope may not accurately reflect how frequently the contractor will need us on site. The number of tests, trips, and hours on site are primarily controlled by the contractor's scheduling and performing of their construction activities. We recommend that the contractor review our estimated number of tests, trips, and the duration of time necessary on site to determine if our estimated scope is compatible with their production. The estimated budget can be amended with a revised scope. It is understood that, unless otherwise arranged in writing, verbal requests for services that exceed the estimated total amount are considered authorization to provide the services and receive payment for same. If Allender Butzke Engineers is selected to perform the above tests, a Confirming Agreement will be sent at that time.

ALLENDER BUTZKE ENGINEERS INC. 2012 CONSTRUCTION FEE SCHEDULE

| Perso | nnel |
|--|--|
| Senior Principal Engineer (Registered)\$149.00/hour | Supervisory Engineering Technician\$66.00/hour |
| Principal Engineer (Registered)\$129.00/hour | Senior Technician\$59.00/hour |
| Project Engineer (Registered)\$113.00/hour | Technician IV\$51,00/hour |
| Staff Engineer IV\$106.00/hour | Technician III\$47.00/hour |
| Staff Engineer III\$100.00/hour | Technician II\$44.00/hour |
| Staff Engineer II\$93.00/hour | Technician I\$40.00/hour |
| Staff Engineer I | Engineering Review & Report Preparation\$115.00/hour |
| NDT Steel Inspector\$93.00/hour | Report Preparation \$41.00/hour |
| | |
| Note: Technician overtime rates are 1.5 times standard rates for h Sundays, or Holidays. Two hour field services minimum for t same day. | nours before and after normal weekday business hours, Saturdays, he first daily trip and one hour minimum for following trips on the |
| <u>Tra</u> | |
| Travel (Auto, Truck)* \$0.72/mile | Per Diem/Person (Est Negotiated by Project) \$140.00/day |
| *Travel charges are in add | lition to Personnel Rates. |
| 15 • | |
| Nuclear Moisture/Density Gauge | |
| Core Drilling Machine* | Hammer Drill*\$45.00/day |
| Generator* | Bolt Tension Calibrator* |
| Special Access Equipment by Customer or Cost +15% | Calibrated Torque Wrench*\$56.00/day |
| *Equipment Charges are in addition to Personne | Ultrasonic Gauge Equipment* (Paint Thickness) \$165.00/day |
| Equipment Charges at o in addition to 1 0150mile | r Rate. One day minimum charge is applicable. |
| Materials & Re | eport Charges |
| Atterberg Limits (LL, PL)\$77.00/test | Fine & Coarse Sieve Analyses\$190.00/each |
| Density (Shelby Tube)\$7.50/test | Modified Proctor ASTM D1557*\$158,00/test |
| Water Content\$7.50/test | Standard Proctor ASTM D698*\$134.00/test |
| Unconfined Compression (Soil)\$23.00/test | One Point Proctor – Standard\$81,00/test |
| Fine Sieve Analysis (Washed #200 Sieve)\$86.50/each | Fire Proofing Adhesive |
| Analysis of Material Finer than #200 ASTM C117 \$32.00/each | Fire Proofing Foam\$98.00/can |
| Coarse Sieve Analysis ASTM C136\$106.00/each | *Addl. Charge for Coarse Aggregate Correction \$24,50/test |
| | |
| Concrete and Growt Test Ordinates and Gro | |
| Concrete and Grout Test Cylinders and 2" Cubes: | Flexural Strength of Concrete Beam*\$39.00/each |
| Set of 3 or more | Special Capping for Irregular Surface\$8.80/each |
| Set of 2 | Sawing Plane Ends\$11.30/cut |
| Set of 1 | Disposable Cylinder Molds\$1,90/each |
| "Hold" Cylinder not tested | 2" x 2" Disposable Cube Molds\$0.82/each |
| Grout "Pinwheels"\$37.00/each | *Cleaning charges in addition where applicable |
| Concrete Coring & | k Report Charges |
| Diamond Bit Wear: | Concrete Core Measurement (L/D) & Strength\$50.00/core |
| P.C. Concrete w/Gravel\$5.00/inch | Concrete Core 9-Point Measurement*\$20.00/core |
| P.C. Concrete w/Limestone\$4,50/inch | Non-shrink Grout Patch\$28.00/bag |
| Reinforced P.C. Concreteadd \$1.30/inch | HMA Core Bulk Specific Density (field cut)\$38.00/core |
| H.M.A. Concrete\$3.50/inch | Moisture Vapor Emission Test Kit\$23.00/kit |
| Concrete Coring (2 men, 4-hr minimum) \$118.00/hour | RH Rapid Moisture Probe\$85.00/each |
| , | *\$115.00 minimum per report |
| | |
| Floor F | latness |
| Minimum charge for up to 20,000 ft ² /trip | \$780.00/minimum |
| Additional charge for areas in excess of 20,000 ft" | \$0,06/ft ² |
| Final project report (2 hour Project Engineer minimum) | Personnel Hourly |
| Panndation Twa | Engineer Observation |
| Foundation Excavation Minimum charge if no ABE Inc. Geotechnical Report is available for t | he huilding location (may 2 tring) |
| Additional hourly fees will be charged after the maximum 2 trips. A | dditional services to remediate problem and services to remediate problem and services to remediate problem and services. |
| request. | definition services to remediate problem son conditions available on |

These prices are only applicable for the current calendar year and may be subject to adjustment on January 1st of the following year. Fee Schedules for **Geotechnical Exploration** and **Environmental** services available upon request.

ITEM # <u>10</u> DATE: 12-11-12

COUNCIL ACTION FORM

SUBJECT: ASBESTOS AND LEAD-BASED PAINT ABATEMENT MONITORING FOR AMES PUBLIC LIBRARY

BACKGROUND:

As part of the Library's renovation and expansion project, asbestos and lead based paint are being abated by Abatement Specialties, LLC, of Cedar Rapids. Terracon Consultants, Inc., is performing monitoring services related to the abatement work under a contract approved by the Library Board on August 16, 2012.

Terracon's services are based on an estimated lump sum fee, for 20 days of on-site asbestos and lead air monitoring and clearance services, with the provision that final charges would be based on actual services provided.

Abatement work began on December 3, 2012, and is required to be completed by January 17, 2013. Based on this time frame, Terracon may need to be on site for 30 days. The firm has submitted a Supplement to the Agreement for Services in order to cover an additional 10 days of abatement monitoring and clearance services for a fee not to exceed \$15,470. The Library's Board's construction advisor agrees that the additional amount is appropriate. There is a possibility that the abatement work may be completed within the 20 days originally anticipated. However, if additional time is required and this change order has not been approved, the work underway at the Library would have to be suspended until the Council meets on January 8, 2013, or until a special meeting could be called.

The total cost of Terracon's professional services contract including Change Order No. 1 would be a "not to exceed" total amount of \$56,691. The Renovation and Expansion of the Ames Public Library cannot proceed without abatement of asbestos and lead-based paint and funding is available from private sources under the control of the Library Board of Trustees. Therefore, the Library Board now requests City Council approval of Change Order No. 1 with Terracon Consultants, Inc., for the Ames Public Library Renovation and Expansion Project to allow for an additional 10 days of on-site monitoring and clearance services at a fee not to exceed \$15,470.

ALTERNATIVES:

- 1. Approve Change Order No. 1 with Terracon Consultants, Inc., for the Ames Public Library Renovation and Expansion Project to allow for an additional 10 days of onsite work at a fee not to exceed \$15,470.
- 2. Do not approve the Change Order at this point in time.

MANAGER'S RECOMMENDED ACTION:

The Iowa Administrative Code requires that regulated asbestos-containing material must be removed before renovation or demolition activities take place that will disturb them. Lead-based waste from renovation or demolition activities must be managed and disposed of as a hazardous waste under the Resource Conservation and Recovery Act. The Renovation and Expansion of the Ames Public Library Project cannot proceed without completion of the abatement work.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving Change Order No. 1 to the contract for Asbestos and Lead-based Paint Abatement Services with Terracon Consultants, Inc. to allow for 30 days of on-site work at a fee not to exceed \$15,470.

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To: Mayor and Members of the City Council

From: City Clerk's Office

Date: December 14, 2012

Subject: Contract and Bond Approval

There is no Council Action Form for Item No. 11. Council approval of the contract and bond for this project is simply fulfilling a *State Code* requirement.

/jr



December 14, 2012

Honorable Mayor and Council Members City of Ames Ames, Iowa 50010

RE: Release of Financial Security for Tree Replacement at LaVerne Apartments, 919 S. 16th Street

Ladies and Gentlemen:

I hereby certify that the replacement of trees that did not survive and were part of the approval of the Minor Site Development Plan for LaVerne Apartments, 919 S. 16th Street, has been completed to meet the requirements of the approved site plan.

As a result of this certification, it is recommended that the financial security for the trees on file with the City for this subdivision be reduced to \$0 dollars and released.

Ray D. Anderson Planner

12

License Application (

13

Applicant

Name of Applicant: Chipotle Mexican Grill of Colorado, LLC

Name of Business (DBA): <u>Chipotle Mexican Grill</u>

Address of Premises: 435 S. Duff Avenue

 City: Ames
 County: Story
 Zip: 50010

)

Business Phone: (303) 222-2524

Mailing Address: Attn.: Licensing. 1401 Wynkoop St., Ste. 500

 City:
 Denver
 State:
 CO
 Zip:
 80202

Contact Person

Name: Nicholas Cooper (515) 558-0180 and Kim Oganesyan (Chipotle)

Phone: (303) 222-2524 Email Address: licensing@chipotle.com

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

Term: 12 months

Effective Date: <u>02/01/2013</u>

Expiration Date: 01/31/2014

Privileges:

Class C Liquor License (LC) (Commercial)

Outdoor Service Sunday Sales

Status of Business

BusinessType: Limited Liability Company

Corporate ID Number: 349085 Federal Employer ID # 84-1485992

Ownership

Chipotle Mexican Grill, Inc.

First Name: Chipotle Mexican Last Name: Grill, Inc.

City: Denver State: Colorado Zip: 80202

Position Parent Company

% of Ownership 100.00 % U.S. Citizen

John Hartung

First Name: John Last Name: Hartung

City: Naperville State: Illinois Zip: 60565

Position CFO (of parent)

% of Ownership 0.00% U.S. Citizen

M. Steven Ells

First Name: M. Steven Last Name: Ells

 City: New York
 State: New York
 Zip: 10011

Position Manager (LLC) / Co-CEO

% of Ownership <u>0.00 %</u> U.S. Citizen

Mark Crumpacker

First Name: Mark Last Name: Crumpacker

City: Denver State: Colorado Zip: 80202

Position CMO (of parent)

% of Ownership 0.00 % U.S. Citizen

Montgomery Moran

First Name: Montgomery Last Name: Moran

City: Boulder State: Colorado Zip: 80303

Position Manager (LLC) / Co-CEO

% of Ownership 0.00 % U.S. Citizen

Robert Blessing

First Name: Robert Last Name: Blessing

City: Great Falls State: Virginia Zip: 22066

Position CDO (of parent)

% of Ownership 0.00 % U.S. Citizen

Insurance Company Information

Insurance Company: Safety National Casualty Corporation

Policy Effective Date: 02/01/2013 Policy Expiration Date: 02/01/2014

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: MAIN STREET CULTURAL DISTRICT REQUESTS FOR JANUARY DOLLAR DAYS

BACKGROUND:

The Main Street Cultural District (MSCD) is planning to host its annual dollar days sales from January 24 through 26, 2013, and makes the following requests of the City Council:

- a. Waiver of parking meter fees and enforcement in the Central Business District (CBD) from 8:00 a.m. to 6:00 p.m., Thursday, January 24, through Saturday, January 26, with a loss of approximately \$2,700 to the Parking Fund
- b. Blanket Temporary Obstruction Permit for CBD sidewalks from 8:00 a.m. to 6:00 p.m., January 24 26
- c. Blanket Vending Permit for entire CBD for January 24 26
- d. Waiver of fee for Blanket Vending Permit

ALTERNATIVES:

- 1. The City Council may approve the January Sidewalk Sales requests as submitted by the Main Street Cultural District
- 2. The City Council may deny these requests.

MANAGER'S RECOMMENDED ACTION:

The MSCD Dollar Days is a successful event held twice a year. Since these events bring shoppers to the MSCD, these requests further the City Council's goals to continue to provide support for the downtown commercial area.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the January Dollar Days requests as submitted by the MSCD.



December 5, 2012

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

Dear Honorable Mayor Campbell and City Council,

The Main Street Cultural District is planning to hold its annual January Dollar Days sale from Thursday, January 24 through Saturday, January 26. Dollar Days is a semi-annual event designed to promote shopping in the Cultural District. In past years, this event has proven to be a successful sale for the many businesses who participate. At this time, MSCD requests the council to consider three specific requests:

- 1. The MSCD requests a district wide waiver of parking fees all day beginning Thursday, January 24 through Saturday, January 26 to help attract additional patrons downtown.
- 2. The MSCD requests a temporary obstruction permit for the entire Central Business District (CBD) to allow businesses to use the sidewalk in front of their stores to sell and display merchandise. MSCD requests the permit for January 24 through January 26.
- 3. The MSCD requests a Blanket Vending Permit for the entire CBD. MSCD requests the permit for January 24 through January 26 and further request the vending permit fee be waived.

Thank you for your consideration of these requests and continued support of the Main Street Cultural District. We look forward to seeing you at the end of January for the Dollar Days sale.

Sincerely,

Rachel Miller

Events Coordinator

Main Street Cultural District

Cc: Jeff Benson

| ITEM# | 15 |
|-------|----------|
| DATE | 12-18-12 |

COUNCIL ACTION FORM

SUBJECT: RESOLUTION ASSESSING COSTS OF SIDEWALK REPAIR

BACKGROUND:

A hired contractor for the City has repaired sidewalks on the property listed below. Notice is given to the property owner that the City will repair the sidewalk if the owner has not done so, and assess the actual cost of the repair to the property owner.

Also included in the list is the name and address of the property owner and the cost associated with the sidewalk repair. The work was completed, and a bill has been mailed to the owner. To date, the bill has not been paid. A certified notice of this hearing has been mailed to the property owner.

Michelle M. Eppert \$150.00
1919 Clark Avenue
Ames, IA 50010
Sidewalk repair for property located at 1919 Clark Avenue
Work performed on October 12, 2012

ALTERNATIVES:

- The City Council can adopt a resolution assessing the costs to the property owner shown above. The Finance Director will then prepare a spread sheet on the assessment, and the City Clerk's Office will file the assessment with the Story County Treasurer for collection in the same manner as property taxes as provided for by the Code of lowa.
- 2. The City Council could choose not to certify this cost to the County Treasurer and, instead, absorb it.

MANAGER'S RECOMMENDED ACTION:

The property owner has failed to repair the sidewalk after receiving notice to do so, and has neglected to pay the costs incurred by the City.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby assessing the costs of the sidewalk repair to the property owner shown above.

ITEM # <u>16</u> DATE: 12-18-12

COUNCIL ACTION FORM

SUBJECT: PROFESSIONAL SERVICES FOR POWER PLANT FIRE RISK MITIGATION

BACKGROUND:

City Council may recall at the February 14, 2012 meeting a contract was awarded to Black & Veatch, Kansas City, MO, for the Professional Services for Fire Risk Mitigation that was to be paid based on unit prices for actual work performed in an amount not to exceed \$50,000. This contract included a provision that would allow the City to renew the contract for up to four additional one-year terms.

This contract allows the Power Plant to have an engineering firm with fire protection expertise or a fire protection firm to act as the Owner's Engineer/Designer/Representative for various fire risk mitigation studies, for the preparation of specific fire system and installation design and specifications, and for fire system installation management, inspection and testing.

To this point, Black & Veatch has produced a report outlining fire suppression options for the Fuel Forwarding building, the oil tank, and the GT1 engine compartment. The low cost fire suppression system appears to be a "CO2" option for the engine compartment with "water misting" second, but with nearly a \$130,000 increase in cost. After much deliberation, staff has decided to pursue fire risk mitigation projects with CO2 as a viable option for fire protection. However, Black and Veatch is unable to consider CO2 as an option given the following B&V standard as stated in their Power Plant Fire Risk Mitigation Projects – Phase 1 report:

"The B&V QMS Standard for Carbon Dioxide Fire Suppression (Energy-Std-3-03113-02303, Rev.3) explicitly states CO2 systems shall not be specified and installed in areas subject to occupancy by personnel."

On Oct 31, 2012, staff had a conference call with Black & Veatch over the standard and came to an understanding that the City would be better served if a different engineering firm is used. Due to this standard, staff recommends cancelling the contract with Black & Veatch and awarding it to the Offeror who had the second highest score when the proposals were evaluated. Council should note that per the contract between the City and Black & Veatch that a termination notice must be given at least 15 days prior notice from when it is to be effective. Staff recommends issuing the termination notice with an effective date of January 10, 2013.

Based on the evaluation matrix, the averaged scores were as followed:

| OFFERORS | AVERAGED SCORE |
|---|----------------|
| Black & Veatch, Kansas City, MO | 834.50 |
| Burns & McDonnell, Chesterfield, MO | 764.00 |
| Hughes Associates, Inc., Baltimore, MD | 737.50 |
| Brown Engineering Company, Des Moines, IA | 692.00 |
| Innovative Engineers, Inc., Iowa City, IA | 665.00 |
| Rolf Jensen & Associates, Inc., Chicago, IL | 507.50 |

Each score was based on a scale of 1 to 10. Overall, 1,000 possible points were available cumulatively for each company that responded.

Since Black & Veatch is unable to perform the aforementioned option, staff recommends cancelling the contract and awarding it to Burns & McDonnell, Chesterfield, MO who had the second highest score for an amount not to exceed \$50,000. Payments would still be calculated on unit prices bid for actual work performed. Their labor unit costs are actually cheaper than Black and Veatch.

Council should note that this contract will be for the period from January 2013 through June 30, 2013. This will enable future renewals to coincide with the City's fiscal year. This contract also includes provisions that allow it to be renewed for up to four additional twelve month periods for a total contract length of not more than five years. Renewals periods are at the City's option and will be contingent upon approval by the City Council. Staff believes that consistency in the engineering firm for the next several years will be advantageous in keeping contractors accountable for implementing the engineered work.

Staff believes that in order to accomplish the needed protection in the most economical way possible, the assistance of a specialized engineering firm is needed to prioritize and establish a sensible path to react to individual recommendations of our insurance carrier. Funding is available from the 2012/13 Capital Improvements Plan in the Power Plant Fire Protection System Project.

ALTERNATIVES:

- a. Direct staff to issue a termination notice to Black & Veatch with an effective date of January 10, 2013. Council should understand that \$25,433.88 has already been spent under this contract. However, the information provided by Black & Veatch to date can be utilized to design fire suppression projects for the fuel tanks and fuel pumping system.
 - b. Award a contract to Burns & McDonnell, Chesterfield, MO, for the Professional Services for Fire Risk Mitigation in an amount not to exceed \$50,000 through June 30, 2013 in accordance with previously quoted labor unit prices. The

- contract includes a provision that would allow the City to renew the contract for up to four additional one-year terms.
- 2) Cancel existing contract with Black & Veatch and direct staff to re-issue Request For Proposals.

MANAGER'S RECOMMENDED ACTION:

This work is necessary for fire risk mitigation (fire detection, alarm, & suppression) to protect critical plant equipment. If not done, the loss event resulting from a fire could be catastrophic because electricity production could stop. Using CO2 in fire suppression is a viable, low-cost option accepted and offered by General Electric, Westinghouse and others. Further, the City of Ames already uses CO2 for fire suppression in GT2.

Since it is Black and Veatch's policy not to support a CO2 fire suppression system, it will not be possible for the City to pursue this lower cost alternative. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 and authorize the cancellation of the consulting services contract with Black and Veatch and authorize a similar contract with Burns and McDonnell based on unit prices for actual work performed up to \$50,000 through June 2013.

| Example Work | Staff evaluated the cost component of the proposal based on |
|--------------|---|
| Scenario: | the three primary engineer job classifications that are |
| | anticipated to be utilized. Time distribution: 10% by pm or |
| | principle, 60% by engineer and 30% by technician type. |
| | |

| | PM (10%) | | |
|-------------------|------------|-------|--|
| Offeror | \$5,000.00 | | |
| | Hrly | Score | |
| Innovative Eng. | \$125.00 | 10.00 | |
| Brown Eng. | \$130.00 | 9.96 | |
| Rolf J | \$175.00 | 7.14 | |
| Burns & Mac | \$179.00 | 6.98 | |
| Black & Veatch | \$180.00 | 6.94 | |
| Hughes Associates | \$180.51 | 6.92 | |

| | Eng (60%) | | |
|-------------------|-------------|-------|--|
| Offeror | \$30,000.00 | | |
| | Hrly | Score | |
| Innovative Eng. | \$95.00 | 10.00 | |
| Brown Eng. | \$116.00 | 8.19 | |
| Hughes Associates | \$123.61 | 7.69 | |
| Burns & Mac | \$156.00 | 6.09 | |
| Rolf J | \$160.00 | 5.94 | |
| Black & Veatch | \$162.00 | 5.86 | |

| | Tech (30%) | | |
|-------------------|-------------|-------|--|
| Offeror | \$15,000.00 | | |
| | Hrly | Score | |
| Innovative Eng. | \$50.00 | 10.00 | |
| Burns & Mac | \$64.00 | 7.81 | |
| Rolf J | \$85.00 | 5.88 | |
| Brown Eng. | \$88.00 | 5.68 | |
| Hughes Associates | \$91.25 | 5.48 | |
| Black & Veatch | \$109.00 | 4.59 | |

| OVERALL | | | | | | | |
|-----------------|-------|-------|-------|-------|------|--|--|
| Offeror | PM | ENG | TECH | TOTAL | RANK | | |
| Innovative Eng. | 1.000 | 6.000 | 3.000 | 10.0 | 1 | | |
| Brown Eng. | 0.996 | 4.914 | 1.704 | 7.6 | 2 | | |
| Hughes | 0.692 | 4.614 | 1.644 | 7.0 | 3 | | |
| Burns & Mac | 0.698 | 3.654 | 2.343 | 6.7 | 4 | | |
| Rolf J | 0.714 | 3.564 | 1.764 | 6.0 | 5 | | |
| Black & Veatch | 0.694 | 3.516 | 1.377 | 5.6 | 6 | | |

Staff Report

LUPP Amendment for Athen property on GW Carver Avenue

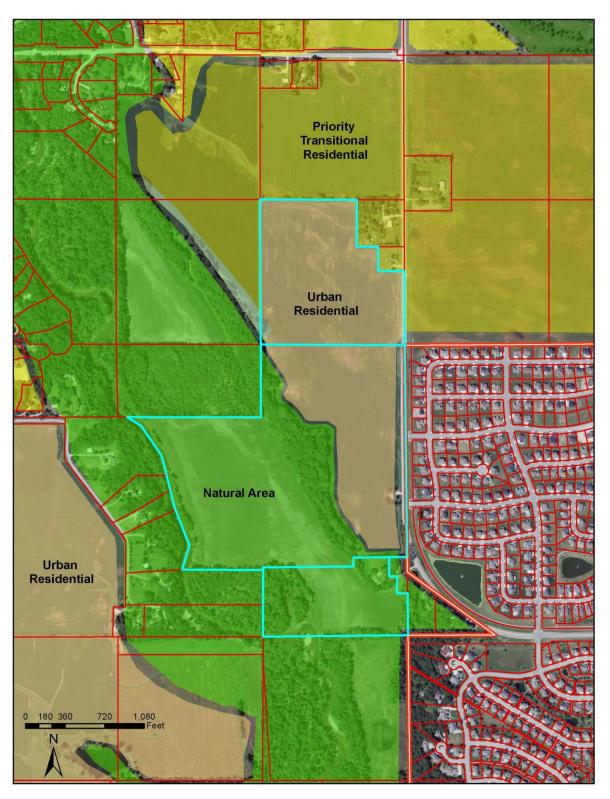
December 18, 2012

The direction of the City Council at the December 11 Public Hearing on the Athen LUPP amendment request was to place this item on the December 18 agenda for action. City staff will work with the applicant to finalize the development agreement for the cost share of the sanitary sewer improvements and other City Council conditions prior to action on the annexation of this property. Also by direction of the City Council, staff will ensure that a development agreement for the Grant Avenue street, sanitary, and sewer improvements are brought to the Council for approval prior to consideration of the annexation of the Athen property.

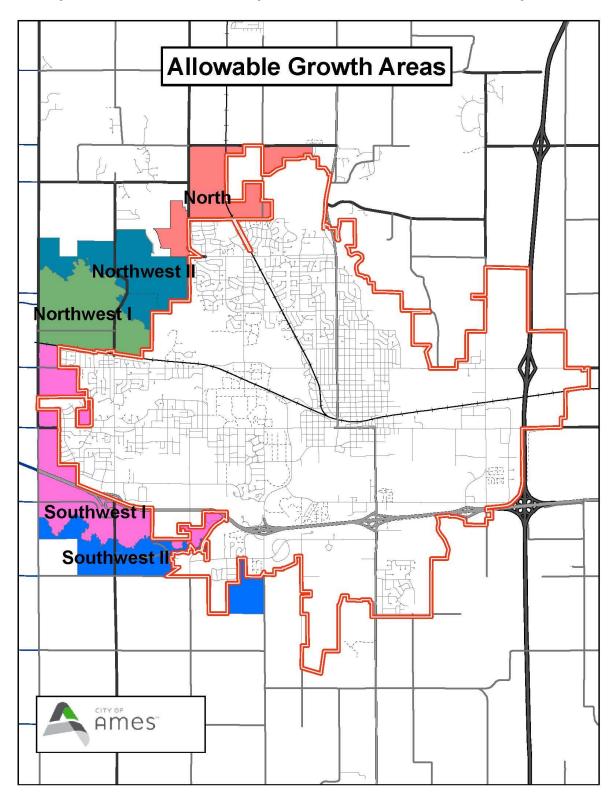
Summary of Request: Chuck Winkleblack, representing the applicant, seeks to develop the Athen property on George Washington Carver Avenue for a senior living center, comprising senior housing, assisted living and skilled care. In addition, other portions of the Athen property would be made available for residential housing. Mr. Winkleblack is requesting the designation of the subject 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. These draft amendments and the location of the Athen property are shown in Attachments 1 and 2. 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 identifies those areas intended to be annexed and developed to provide housing for future population growth in Ames.

Public Hearing: The City Council conducted a Public Hearing on December 11. The City Council may now take action on the resolutions approving the two map amendments as shown on the attachments.

Attachment 1
Proposed Amendment to the Urban Fringe Plan



Attachment 2
Proposed Amendment to Chapter 6, Allowable Growth Areas Map, LUPP



3

ITEM # <u>18a&b</u> DATE: 12-18-12

COUNCIL ACTION FORM

SUBJECT: MAJOR FINAL PLAT FOR SOUTH FORK SUBDIVISION THIRD ADDITION

BACKGROUND:

On July 10, 2012, the City Council approved a revised Preliminary Plat for South Fork Subdivision. The revised plat included the extension of Beedle Drive and Cochrane Parkway with the anticipated development of ten additional lots. A location map is attached.

This proposed final plat of the Third Addition (attached) includes 10 residential lots and an outlot intended to be developed later. Overall, the plat comprises approximately 11.35 acres. All required subdivision improvements have been completed except as noted by the Public Works Director. The City Council is asked to accept those improvements that are completed. The City Council is also asked to accept the letters of credit for those remaining improvements and for the future installation of street trees.

The following documents have been submitted with the Final Plat:

- Resolution Accepting the Plat of South Fork Subdivision Third Addition;
- Consent and Dedication;
- Lender's Consent to Platting;
- Attorney's Title Opinion;
- Certificate of the Treasurer of Story County, Iowa;
- Easements (public utility, public walkway, storm sewer and surface flowage easement, greenbelt/open space);
- Agreement for Sidewalks; and
- Letter of Credit for installation of street trees.

ALTERNATIVES:

- 1. The City Council can approve the Final Plat for South Fork Subdivision Third Addition by finding that all requirements of *Municipal Code* §23.302(10)(b) are met.
- 2. The City Council can deny the Final Plat for South Fork Subdivision Third Addition.
- 3. The City Council can refer this request back to staff or the applicant for additional information and or documents to be submitted to City Council by a date certain, but no later than its January 22, 2012 meeting.

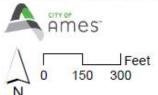
MANAGER'S RECOMMENDED ACTION:

City staff has evaluated the proposed final subdivision plat and determined that the proposal is consistent with the Preliminary Plat approved by the City Council and that the plat conforms to the adopted ordinances and policies of the City of Ames as required by Code.

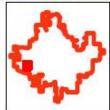
Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, approving the Final Plat for South Fork Subdivision Third Addition.

Location Map

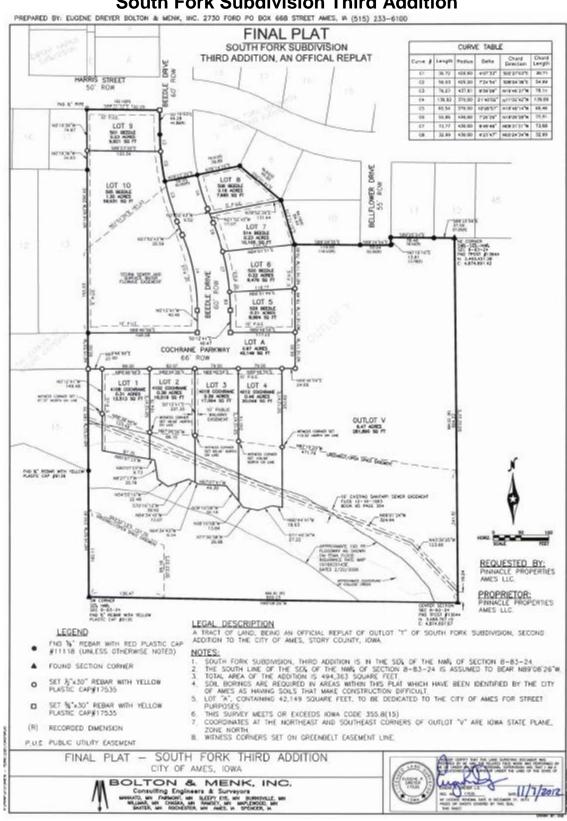




Legend Proposed South Fork Third Addition



South Fork Subdivision Third Addition



Applicable Laws and Policies Pertaining to Final Plat Approval

Adopted laws and policies applicable to this case file include, but are not limited to, the following:

Ames Municipal Code Section 23.302

- (10) City Council Action on Final Plat for Major Subdivision:
- (a) All proposed subdivision plats shall be submitted to the City Council for review and approval. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.
- (b) Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans.
 - (c) The City Council may:
- (i) deny any subdivision where the reasonably anticipated impact of such subdivision will create such a burden on existing public improvements or such a need for new public improvements that the area of the City affected by such impact will be unable to conform to level of service standards set forth in the Land Use Policy Plan or other capital project or growth management plan of the City until such time that the City upgrades such public improvements in accordance with schedules set forth in such plans; or,
- (ii) approve any subdivision subject to the condition that the Applicant contribute to so much of such upgrade of public improvements as the need for such upgrade is directly and proportionately attributable to such impact as determined at the sole discretion of the City. The terms, conditions and amortization schedule for such contribution may be incorporated within an Improvement Agreement as set forth in Section 23.304 of the Regulations.
- (d) Prior to granting approval of a major subdivision Final Plat, the City Council may permit the plat to be divided into two or more sections and may impose such conditions upon approval of each section as it deems necessary to assure orderly development of the subdivision.
- (e) Following such examination, and within 60 days of the Applicant's filing of the complete Application for Final Plat Approval of a Major Subdivision with the Department of Planning and Housing, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Major Subdivision. The City Council shall set forth its reasons for disapproving any Application or for conditioning its approval of any Application in its official records and shall provide a written copy of such reasons to the developer. The City Council shall pass a resolution accepting the Final Plat for any Application that it approves. (Ord. No. 3524, 5-25-99)

ITEM # 19 DATE: 12-18-12

COUNCIL ACTION FORM

SUBJECT: REALLOCATION OF THE 2012-13 ANNUAL ACTION PLAN PROJECTS AND BUDGET IN CONNECTION WITH THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

BACKGROUND:

At the May 8, 2012, City Council meeting, the City Council approved the submittal of the 2012-13 Action Plan Projects and budget to HUD and received approval in July (see Attachment 1).

As part of the ongoing budget review and update, our 2011-12 rollover balance ended up being approximately \$20,000 less than anticipated in the Action Plan (\$600,000 to \$579,000) as outlined below:

Revised 2012-13 Action Plan Revenue Budget:

| Programs | Current | Adjusted Budget | |
|--------------------------------------|-------------|-----------------|--|
| | Budget | | |
| 2012-13 CDBG Allocation | \$511,276 | \$511,276 | |
| 2011-12 Anticipated Program Rollover | \$600,000 | \$579,130 | |
| 2012-13 Anticipated Program Income | \$54,870 | \$54,870 | |
| Total | \$1,166,146 | \$1,145,276 | |

Because the rollover amount is lower than the projected revenue, we need to adjust our budget to reflect the amount indicated in the HUD IDIS system.

Also, our 2012-13 Neighborhood Public Infrastructure Program project on Aplin & Beedle was completed under budget (including change orders) the projected cost was \$378,896, the finally cost will be around \$352,000 (\$26,000 under budget). The drop in rollover versus the gain in project savings is a net gain of \$6,000.

Staff, in reviewing possible adjustments to the expenditure budget to match the revenue budget, also reviewed the status of the Single-Family Conversion (SFC) program and the Dangerous Buildings program (which were two projects approved for the 2012-13 year).

In regards to the SFC Program, there were two failed attempts to solicit participation from property owners this past year. Feedback from property owners were that they had a greater need to rehabilitate and maintain the units as rentals, rather than to sell them. In reviewing the Dangerous Buildings Program, staff is recommending at this time that due to the vacant Building Official position, the Dangerous Building's

Program can be put on hold and that the funding for the remainder of this year could be reallocated.

In order to adjust the expenditures to match revenue and in light of the status of the two stagnate programs, staff is proposing that the following adjustments be made for the remainder of this program year:

- a. Approximately \$80,000 be reallocated to re-open the Renter Affordability Program. Under this program staff would implement the Deposit and First month's rental Assistance Program to families issued Vouchers and want to reside within the City limits of Ames. In targeting families with Vouchers, they can provide copies of their income eligibility documents which has determined in accordance with the HUD Section 8 Program guidelines which is required under the CDBG Program regulations. This procedure will also insure longer sustained affordability for the family with the ongoing monthly rental subsidy from the Section 8 Program. In addition, the City will be able to implement the program much more efficiency.
- b. Approximately \$35,000 be reallocated to the **Operation and Repair Program**, this budget would increase from approximately \$62,500 to \$97,500. Under this program properties purchased under the Acquisition/Reuse Program are being rehabilitation to be sold to first-time homebuyers under the Homebuyer Assistance Program. The cost to eradicate lead paint, radon, and other environmental issues along with code compliance on the properties is more costly than anticipated, but are necessary in order to meet program requirement and provide decent, safe and affordable housing.
- c. The two adjustments noted above, would however; reduce the **Neighborhood Home Improvement Program** budget by approximately \$40,000 from \$426,000 to \$386,000 (see attachment 2). The good news is that staff has been working closely with our HUD Regional Environment Officer to update our Programmatic Agreement with the Iowa State Historic Preservation Office (SHPO) so that it is in compliance with the new changes to the 106 regulations and Environmental Review requirements. We will be bring to City Council in January the draft agreement for submittal to SHPO as the next step in the process that will allow us to operate our Neighborhood Home Improvement Program in the very near future.

In summary, the table below represents the above reallocation recommendations:

REVISED 2012-13 Action Plan Expenditure Budget:

| Programs | Current Budget | Adjusted Budget |
|---|-------------------|--------------------|
| Operation and Repair (Acquisition/Reuse) | \$62,500 | \$97,500 |
| Deposit Assistance Program (Renter Affordability) | \$0 | \$80,141 |
| Dangerous Building Program (Slum & Blight) | \$45,000 | \$0 |
| Neighborhood Home Improvement Program | \$426,021 | \$386,086 |
| Single-Family Conversion Project | \$25,000 | \$0 |
| Homebuyer Assistance Program | \$115,500 | \$115,500 |
| Neighborhood Infrastructure Improvements Program | \$378,896 | \$352,820 |
| 2012-13 Program Administration | \$113,229 | \$113,229 |
| Total | \$1,166,146 | \$1,145,276 |

Staff feels that these budget adjustments would have a greater impact on meeting the City Council's goals of strengthening our neighborhoods and provide better utilization of the CDBG funds and programming for the current year. In addition, these proposed changes are in compliance with our approved citizen participation plan for budget adjustments made under \$100,000.

ALTERNATIVES:

- 1. The City Council can approve the reallocation of the 2012-13 Action Plan projects and budget for the City's Community Development Block Grant Program as suggested above.
- 2. The City Council can refer this item back to staff with further direction.
- 3. The City Council can decide not to make any changes to the FY 12/13 Action Plan projects and budget.

MANAGER'S RECOMMENDED ACTION:

The reallocation of projects and budget that are being recommended for fiscal year 2012-13 will continue to focus on the City Council's goal of strengthening our neighborhoods and are still consistent with the priorities of the City's 2009-14 CDBG Consolidated Plan.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the proposed budget amendments to the 2012-13 Annual Action Plan Program Projects as reflected in the above table.

ATTACHMENT 1

PROPOSED 2012-13 AMENDED ANNUAL ACTION PLAN PROGRAM ACTIVITIES

| Project Activities | Program Description | | CDBG National Objective |
|--|--|------|--|
| The Neighborhood Sustainability Program is comprised of the following subcomponent programs: 1. Home Improvement Rehabilitation Program 2. Homebuyer Assistance 3. Dangerous Buildings Program 4. Single-family Conversion Program 5. Operation and Repair | The overall goal of the Neighborhood Sustainability program is to increase the availability of housing to low- and moderate-income families and to maintain and sustain decent, safe, and sanitary housing stock in existing neighborhoods by providing home repair.org/neighborhoods by pro | 1, 2 | Low- & Moderate- Income Benefit |
| The Public Improvement Program is comprised of the following subcomponent programs: Neighborhood Infrastructure Improvements (curb, street resurfacing, sidewalks, etc.) in targeted low- and moderate-income census tracts The overall goal of the Public Improvement Program is to preserve and enhance the viability and aesthetics of our core exisiting neighborhoods by maintaining the public infrastructure. | | 3 | Low- & Moderate- Income Benefit |

Staff Report

FINDINGS OF AIRPORT USER MEETINGS -AMES TERMINAL BUILDING PROJECT-

December 18, 2012

BACKGROUND:

On August 14, 2012, Staff presented a report to City Council summarizing potential funding sources for the new Terminal Building at the Ames Municipal Airport. The report concluded with a recommended to first hold public meetings to solicit feedback/input from various airport user groups as to the space needs of a new Terminal Building before identifying a funding strategy. These meetings would be used to develop a conceptual design along with a more accurate project cost.

The meetings focus on these themes; "How is the airport being used and/or not used today, and why?", "What are the future planning/programming needs in order to grow the Airport as a 'Gateway' to the community", and "What opportunities or interest exist for public/private partnership in order to meet our goals?".

OUTCOMES OF AIRPORT USER MEETINGS:

Over the course of the last several months Staff setup several large-group, small-group, and one-on-one meetings with the following user groups; Iowa State University (ISU), Private Hangar Owners, Corporate Jets, Business Charters, Light Sport – Recreational, Glider Club Members, Frequent Itinerant/Visitor Flights, and Ames Chamber and Visitor Convention Bureau.

One of the largest group of users was from ISU; these meetings were split amongst those departments who currently, or are interested in, using the Airport. This list included The ISU President's Office, ISU Research Park, ISU Athletics, ISU Facilities Planning & Management, ISU Foundation, ISU Business & Finance, and ISU Student Affairs.

Throughout this process ISU has shown a particularly high interest in the new Terminal Building and the Airport as a whole. During their meetings several key improvements were discussed by ISU Staff in order to meet the growing needs of the university; especially those improvements that will support the planned expansion of the ISU Research Park, which was identified as a high priority goal of ISU's current President, Steven Leath. Their feedback can be broken down into landside (buildings/facilities/services) and airside (runway/taxiways/navigation aids) needs.

Starting with the landside issues most, if not all, users felt the existing terminal building lacked the look and character visitors would expect from the Ames community – as a

metropolitan area, home of leading research/manufacturing industries, or the site of a major state university. Suggestions that were offered focused on having a more modern feel with modern amenities while maintain a relaxing and inviting atmosphere. One person suggested that the new terminal building needs to showcase Ames, emphasizing the "Town & Gown" relationship, and that Ames is a national/global leader in Science and Research. This perspective seems to coincide with the City Council's desire of making the airport a gateway to the community.

A majority of the feedback also focused on the use of the current building and how there is a significant lack of up-to-date pilot facilities. Many users commented on how important it will be to make the new terminal building a place that is inviting to pilots. The feedback emphasized the perspective that the pilots play a critical role in deciding whether to land at the Ames Airport verses surrounding airports. This is because pilots schedule the flight plans and are bound by various insurance requirements. These requirements can make or break a pilot's ability to land in Ames, especially during times of inclement weather.

Another critical issue that was brought to the attention of Staff was that the new terminal building needs to have overnight covered storage for aircraft through an attached hangar space. Business/Charter Aircraft represent a significant investment and cost to their owners; providing protection from weather such as snow, ice, hail and high-winds, as well as overnight security for these aircraft, as one user stated, "Shows that [the City] cares and appreciates them as a customer of the Ames Airport."

The previous report to City Council on Airport Funding emphasized that "airside" improvements (i.e. Runway, Taxiways, Air Nav-aids), once they are approved by the FAA, are eligible for 90% Federal assistance. It was noted that a terminal building does not qualify under this category. In all likelihood, the City should count on only \$450,000 (\$150,000 for each of the next three years) from Federal funds for a terminal/hanger building. This funding situation will be significant when developing a funding strategy for the identified Airport improvements and approaching potential funding partners.

User feedback also included airside issues. Users recognized the connection between landside and airside facilities so that as the Ames Airport grows so will the size and type of aircraft. Therefore, there was an expression of support by some to lengthen Runway 01/19 in a range from 7,500 to 8,000 foot from its current length of 5,900 feet. It was heard in all of the meetings that one of the biggest impediments to aircraft landing at Ames is when the runways are "contaminated" by various weather conditions there is a need for greater distances to land an aircraft. Assuming adequate funding sources can be identified, a realistic time line for implementation of the improvements would be, at least, 8 years.

While the input was meant to focus on capital improvements, the conversations did at times gravitate towards services, such as winter maintenance. All the users voiced the desire for enhanced winter maintenance activities above what is currently being

provided, specifically in the form of covered storage for the de-icing and for equipment based at the airport for de-icing of the runways. These concerns stem from pilots' insurance requirements related to breaking-action and the existing runway length. Other services that were identified as critical to the success of this project is having on-site service staff certified in the maintenance/repair of Jet Aircraft.

IDENTIFIED AIRPORT IMPROVEMENTS (BUDGET LEVEL COSTS):

Landside Facilities

Beginning with the Landside facilities, this report contains two conceptual layouts (for budgeting purposes only) created by Architectural Alliance of Minneapolis, MN for a new **Terminal Building** showing an **Attached Hangar**. Each concept identifies the relative space needs based upon user feedback. The main difference between these two concepts is the quality of the terminal space along with the location and function of the hangar space.

The Architect has put together a draft Building Program showing the minimum to ideal range of square-footages for each respective use along with three average cost ranges for construction (costs were derived from actual airport terminal projects similar in scale/scope to Ames):

| Quality Level | Terminal Building | Hangar |
|---|-------------------|------------|
| Type A – "Gateway" | \$434.00 / sf | |
| Type B – "Quality Residential/Commercial" | \$300.00 / sf | |
| Type C – "Enhanced Industrial" | \$250.00 / sf | \$150 / sf |
| Type D – "Industrial" (pre-fab) | | \$100 / sf |

Based upon feedback from the Airport User Meetings the anticipated range in square-footage for the new Terminal Building is from 5,885 to 7,290; the attached hangar is expected to be 12,000 square-feet (100' x 120'). This equates to the following estimated project costs:

| Quality Level | Terminal Building | | |
|---|-------------------|------------------|--|
| Quality Level | 5,885 sf (min.) | 7,290 sf (ideal) | |
| Type A – "Gateway" | \$2,554,090 | \$3,163,860 | |
| Type B – "Quality Residential/Commercial" | \$1,765,500 | \$2,187,000 | |
| Type C – "Enhanced Industrial" | \$1,471,250 | \$1,822,500 | |
| | Har | ngar | |
| Type C – "Enhanced Industrial" | \$1,800,000 | | |
| Type D – "Industrial" (pre-fab) | \$1,200,000 | | |

It should be noted that the size of the Terminal Building, the attached Hangar, and their associated construction costs, are only to illustrate current market value for this type of improvement. These numbers are to facilitate a discussion regarding the ultimate scale and scope for this project. Using this information, the City Council can provide direction to Staff as to what level of project they feel best matches the

community's goal for the reconstruction of the Airport Terminal Building as well as the corresponding level of financial commitment that can be supported.

Airside Facilities

The main Airside facility identified in the user conversations involves a runway extension of approach 01 (to the south) to approximately 7,500 to 8,000 feet. This project will include several required steps per FAA requirements. It will also include an Environmental Assessment and Land Acquisition prior to construction.

Below are the steps with estimated total costs for each required phase (*all steps shown are eligible 90% Federal Funds except for the Runway Extension Justification):

| Project Description | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 |
|------------------------------------|-----------|-----------------|-----------|-------------|-------------|
| Masterplan Update | \$166,000 | | | | |
| Runway Extension Justification* | \$4,000 | | | | |
| Environmental Assessment | | \$100,000 | | | |
| Land Acquisition | | | \$788,000 | | |
| Runway 01/19 Ext. Design & Grading | | | | \$1,095,000 | |
| Road Relocation (S. Riverside) | | | | \$719,600 | |
| Runway 01/19 Paving | | | | | \$3,588,000 |
| Estimated Local Match - | ¢20 600 | ¢ 40 000 | ¢70 000 | ¢101 E10 | ¢250 000 |

Estimated Local Match = \$20,600 \$10,000 \$78,800 \$181,510 \$358,800

It is difficult to predict the amount of time that will be needed to complete this project. The completion schedule will be impacted by the need for such items as environmental clearance or condemnation, if required.

Maintenance Issues

The final issue relates to enhancing winter maintenance. Currently the Ames Airport spends in the range of \$30,000 to \$60,000 annually depending on the severity of the winter experienced. This cost is based upon a competitive bidding process where a private contractor provides rates for each piece of equipment in order to meet the City's requirements. Each winter storm event is then billed according to the time it takes to properly clear the airport surfaces of snow. At this time, our contract does not include any type of ice control. The potential additional cost for increasing these services is highlighted below.

De-icing Runways

Typical materials such as sand and salt cannot be used under any circumstance for they would cause potentially serious damage to an aircraft. Therefore, we have to use Biodegradable Potassium Acetate (meeting FAA approved specifications) for deicing our runways. Each application of this material would take approximately 800 to 2,400 gallons. Cost could be minimized through anticing techniques which would take around 400 gallons per application. This equates to a cost range of \$4,300 up to \$25,500 per winter event involving icing. Similar to roadway maintenance, staff would track weather radar and choose the more cost effective option of "pre-wetting" the runway pavements to prevent ice buildup.

De-icing planes:

Current market pricing for de-icing fluid, most common form is Type I Propylene Glycol (PG), runs around \$8 to \$12 per dilute gallon. This equates to approximately \$2,400 to \$3,600 per business class of plane, 50 ft to 80 ft wingspan, which would most likely require deicing.

STAFF COMMENTS:

Airport user feedback indicates that there is a desire 1) for an Airport Terminal that will serve as an important gateway to the community, 2) for an Airport Terminal that will provide pilot amenities and aviation customer services, 3) for an extension of the Runway 01/19 to promote/facilitate the ongoing growth and use of the Airport, and 4) for improved service for winter maintenance of the runways.

Direction is needed from the City Council regarding the CIP which currently reflects a terminal project to be built in 2013/14 at a cost of \$2,000,000 financed with \$200,000 from Local Option Sales Tax funds and \$1,800,000 from FAA grant funds. As indicated previously in the report, the level of funding from the FAA is not realistic.

With the new cost information provided in this report, the City Council must decide on the magnitude of the terminal project that should now be reflected in the CIP. The costs could range from \$1,471,250 (for a "enhanced industrial" facility) to as much as \$4,963,860 (for an "ideal" sized "gateway" terminal building) coupled with an "enhanced industrial" hangar.

ARCHITECTURAL ALLIANCE





New Executive Terminal Concept
Preliminary Program & Costs, December 18, 2012



schematic program



| Program elements | Square footage requirem | nents, Basic | Ideal |
|--------------------------------------|-------------------------|--------------|-------|
| Passenger Lounge, 40-50 people | | 900 | 1,300 |
| Conference Room, 6-8 people | | 250 | 400 |
| Coffee Bar | | 100 | 100 |
| Lobby | | 600 | 600 |
| Reception | | 200 | 200 |
| Car rental | | 75 | 75 |
| Airport Administration | | 550 | 550 |
| Kitchenette | | 80 | 80 |
| Line Room | | 220 | 220 |
| Business Center | | 150 | 150 |
| Training | | 600 | 800 |
| Public Toilet Rooms | | 375 | 375 |
| Pilot Lounge, with flight plan/weath | ner station | 400 | 600 |
| Pilot toilet/Shower Room | | 100 | 100 |
| Nap Room | | 120 | 120 |
| Pilot Kitchenette/Storage | | 40 | 40 |
| Mechanical, Electrical/Comm. Roon | ns Storage/Janitor Room | 200 | 300 |
| Circulation | | 700 | 1,000 |
| Subtotal | | 5,660 | 7,010 |
| Envelope /Structure | | 225 | 280 |
| Total | | 5,885 | 7,290 |



schematic program/layout

ARCHITECTURAL ALLIANCE

Program elements

Passenger Lounge, 40-50 people

Conference Room, 6-8 people

Coffee Bar

Lobby

Reception

Car rental

Airport Administration

Kitchenette

Line Room

Business Center

Training

Public Toilet Rooms

Pilot Lounge, with flight plan/weather station

Pilot toilet/Shower Room

Nap Room

Pilot Kitchenette/Storage

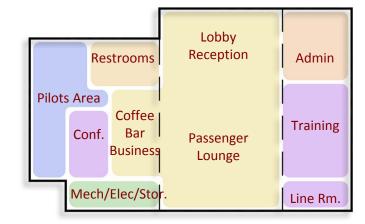
Mechanical, Electrical/Comm. Rooms Storage/Janitor

0 8 16

32

Room

Circulation



+- 6,500 s.f.





schematic layout / existing

ARCHITECTURAL ALLIANCE

Admin

Training

Line Rm.

Lobby Reception

Passenger

Lounge

Restrooms

Coffee

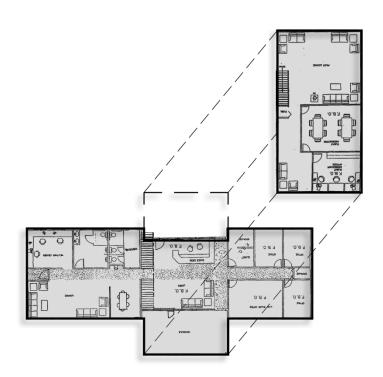
Business

Mech/Elec/Stor.

Bar

Pilots Area

Conf.



0 8 16 32

+- 6,500 s.f.

existing +- 4,600 s.f.

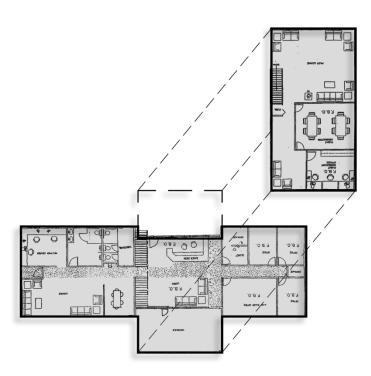
(not including basement)





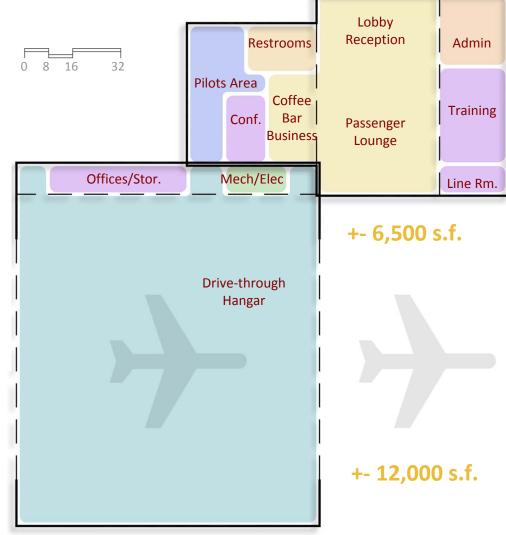
schematic layout – with hangar variation 1

ARCHITECTURAL ALLIANCE



existing +- 4,600 s.f.

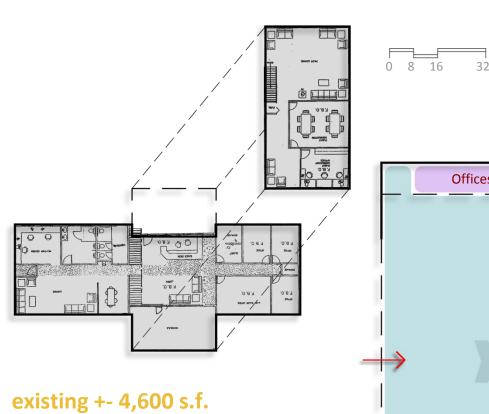
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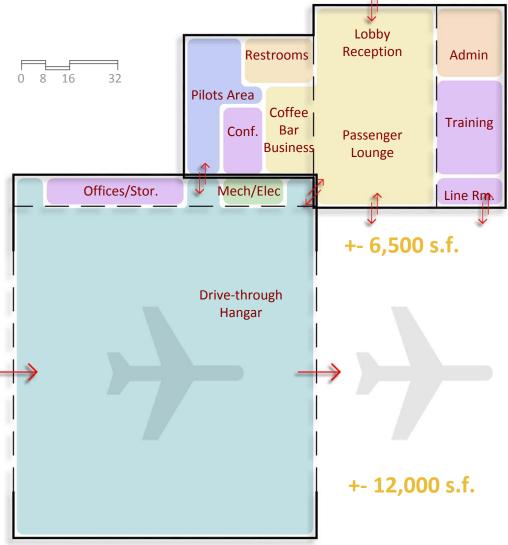




schematic layout – with hangar variation 1





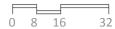




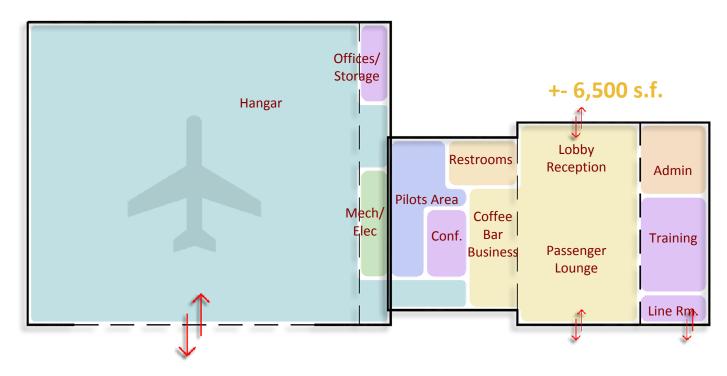
(not including basement)

schematic layout – with hangar variation 2





+- 12,000 s.f.





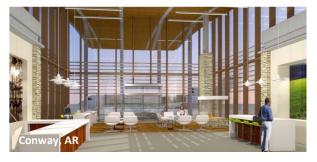
schematic architectural levels examples

ARCHITECTURAL ALLIANCE

A "Gateway"















schematic architectural levels examples

ARCHITECTURAL ALLIANCE

B "Quality Residential/Commercial"













schematic architectural levels examples

ARCHITECTURAL ALLIANCE

C "Enhanced Industrial"











schematic architectural levels

ARCHITECTURAL ALLIANCE

A "Gateway"

B "Quality Residential/Commercial"

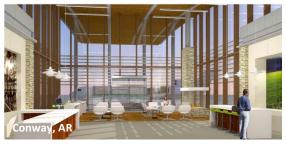
C "Enhanced Industrial"























schematic costs - terminal

ARCHITECTURAL ALLIANCE

Terminal

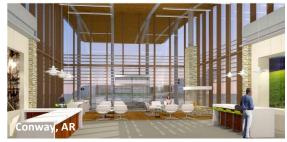
A "Gateway"

Basic Ideal **5,885 7,290**

\$2,554,090 - \$3,163,860









B "Quality Residential/Commercial" Basic Ideal 5,885 7,290

\$1,765,500 - \$2,187,000







C "Enhanced Industrial"

Basic Ideal **5,885 7,290**

\$1,471,250 - \$1,822,500









schematic costs - hangar

BOLTON & MENK, INC. ARCHITECTURAL ALLIANCE

Hangar (+-12,000 s.f.)

C "Enhanced Industrial" (nicer exterior finishes in places for ex.)

D "Industrial"

\$1,200,000

\$1,800,000

















schematic costs

ARCHITECTURAL ALLIANCE

| Terminal | Basic | Ideal |
|----------|-------|-------|
| | 5,885 | 7,290 |

A "Gateway" \$2,554,090 - \$3,163,860 B "Quality Residential/Commercial" \$1,765,500 - \$2,187,000 C "Enhanced Industrial" \$1,471,250 - \$1,822,500

Hangar (+-12,000 s.f.)

C "Enhanced Industrial" (nicer exterior finishes in places for ex.)

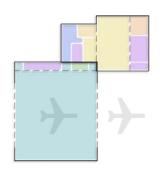
\$1,800,000

D "Industrial" \$1,200,000

Total Terminal & Hangar

Min -Max Range

\$2,671,250 - \$4,963,860









ARCHITECTURAL ALLIANCE





New Executive Terminal Concept
Preliminary Program & Costs, December 18, 2012



TEM # 21a DATE 12/18/2012

COUNCIL ACTION FORM

<u>SUBJECT:</u> SUPPLEMENTAL FUNDING AGREEMENT – SOUTH FORK SUBDIVISION (INTERSECTION IMPROVEMENTS: LINCOLN WAY & DOTSON DRIVE)

BACKGROUND:

On August 14, 2001, City Council approved a Development Agreement for the South Fork Subdivision with Terra Firma, LP for the installation of various public improvements associated with the development. One of those improvements identified was the construction of turn lanes and a traffic signal at the intersection of Lincoln Way and Dotson Drive. The developer is responsible for 50% of the actual construction costs; the City would pay the other 50% plus any engineering/inspection fees. It was also determined in an updated traffic study dated June 2010 that the Level of Service (LOS) had dropped below the threshold outlined in the Development Agreement, which has triggered the need for the improvement.

A portion of South Fork has been sold to Pinnacle Properties Ames, LLC, care of Keith Arneson, thereby transferring the public improvement costs to Mr. Arneson. Therefore, Staff has drafted a Supplemental Agreement that solidifies and updates the provisions in the existing agreement.

On February 28, 2012, City Council approved a Traffic Safety Improvement Program (TSIP) Grant from the lowa DOT for \$500,000. This Supplemental Agreement will take that grant into account by applying it against the estimated cost for the improvement of \$750,000; leaving \$250,000 to be paid from 50% local/private funds and 50% by Mr. Arneson. That equals \$125,000 for which Mr. Arneson would need to provide financial security prior to the award of the project.

ALTERNATIVES:

- 1. Approve the Supplemental Funding agreement for the South Fork Subdivision with Pinnacle Properties Ames, LLC.
- 2. Direct staff to pursue other funding options.

MANAGER'S RECOMMENDED ACTION:

In the last year, Staff has been working with Mr. Arneson to make possible the in-fill development of the South Fork area, which notably represents additional single-family housing within the Ames School District. This agreement will help facilitate that in-fill, while at the same time helping to move forward needed public improvements for this neighborhood and transportation network.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative No. 1, thereby approving the Supplemental Funding agreement for the South Fork Subdivision with Pinnacle Properties Ames, LLC.

DO NOT WRITE ABOVE THIS LINE: RESERVED FOR RECORDER

Prepared by: Judy K. Parks, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; 515-239-5146 Return to: Ames City Clerk, 515 Clark Ave., P.O. Box 811, Ames, IA 50010

A SUPPLEMENTAL AGREEMENT PERTAINING TO THE ROAD IMPROVEMENT COSTS FOR THE INTERSECTION IMPROVEMENTS AT LINCOLNWAY AND DOTSON DRIVE SOUTH FORK SUBDIVISION, AMES, IOWA

THIS AGREEMENT, made and entered into this ____ day of December, 2012, by and between the CITY OF AMES, IOWA (hereinafter called "City"), and Pinnacle Properties Ames, L.L.C., its successors and assigns (hereinafter called "Developer").

WITNESSETH THAT:

WHEREAS, the parties hereto previously entered into an agreement dated August 14, 2001, and filed for record that provided for cost sharing between City and Developer for road improvements contemplated to be necessary for the intersection improvements at Lincoln Way and Dotson Drive, and

WHEREAS, pursuant to that previous agreement the Developer and its successors and assigns are responsible for 50% of the costs the City associated with the construction of a left turn storage lane and traffic control signals at the said intersection to be done at such future time as traffic volumes warranted the improvement; and

WHEREAS Developer is the successor to Terra Firma, L. P., the Developer who executed the original agreement; and

WHEREAS, the City has determined that it is now necessary and warranted by traffic volumes to complete construction of the intersection improvements in the estimated cost of \$750,000, of which \$500,000 will be paid through grant funds; and

WHEREAS, the Developer and the City now desire to specify the manner of payment by the Developer to the City for the construction costs so that the project may proceed in a timely fashion;

NOW THEREFORE, the parties hereto have agreed and do agree as follows:

- A. The Parties agree that provision V. IMPROVEMENTS, subsection B(4) of the original agreement entered into on August 14, 2001, is hereby superseded by the provisions of this supplemental agreement.
- B. That in lieu of the former provision V(B)(4), the parties agree that the Developer shall provide to the City by December _____, 2012, an irrevocable letter of credit or payment bond, in a form acceptable to the City, in an amount of not less than one hundred twenty five thousand dollars (\$125,000.000). In the event the Ames City Council awards a contract for the construction of these intersections improvements on or after December _____, 2012, in an amount greater than \$750,000.00, the Developer immediately shall provide a supplemental or replacement letter of credit or payment bond to secure the Developer's 50% proportional share of the contract for the improvements plus amounts estimated by the City for Engineering and Construction inspection fees as provided in the Municipal Code, Appendix F.
- C. The City shall make payments to its contractor in accordance with the terms of the construction contract and shall draw down on the letter of credit or payment bond for the Developer's share of payments for work performed on the project. The City shall provide copies of all invoices and payments for the construction to the Developer at the time that payment is made to the construction contractor for construction work or to the City for Engineering and Construction inspection fees.
- D. If, during the progress of construction change orders are approved that increase the total costs of the project, the Developer shall immediately provide to the City a supplemental or replacement letter of credit, payment bond, or cash to secure the Developer's entire proportional share of the total amount of the contract plus estimated Engineering and Construction inspection fees.
- E. Upon final completion, payment, and project closeout, the City shall provide a final project accounting, including Engineering and Construction inspection fees, and shall release to the Developer any remaining letter of credit or payment bond. If, upon completion, payment, and project closeout the remaining letter of credit or bond is insufficient to cover outstanding amounts owed by the Developer to the City under the terms of this agreement, said amounts shall constitute a debt and the Developer immediately shall make full payment in cash for such debt.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective as of the date first above written.

| CITY OF AMES, IOWA | STATE OF IOWA, COUNTY OF STORY, ss: |
|---|---|
| , | On this, day of, 2012, |
| | before me, a Notary Public in and for the State of |
| | Iowa, personally appeared Ann H. Campbell and |
| By | Diane R. Voss, to me personally known, and, who, |
| Ann H. Campbell, Mayor | being by me duly sworn, did say that they are the |
| ram in campoon, maj or | Mayor and City Clerk, respectively, of the City of |
| | Ames, Iowa; that the seal affixed to the foregoing |
| | instrument is the corporate seal of the corporation; |
| Attest By | and that the instrument was signed and sealed on |
| Diane R. Voss, City Clerk | behalf of the corporation by authority of its City |
| Diano III + oss, eng erem | Council, as contained in Resolution No |
| | adopted by the City Council on the day of |
| | , 2012, and that Ann H. Campbell |
| | and Diane R. Voss acknowledged the execution of |
| | the instrument to be their voluntary act and deed and |
| | the voluntary act and deed of the corporation, by it |
| | voluntarily executed. |
| | voluntarily executed. |
| | |
| | Notary Public in and for the State of Iowa |
| | Tvotally I dolle in and for the State of Iowa |
| | |
| | |
| | |
| | |
| PINNACLE PROPERTIES AMES, L.L.C. | STATE OF IOWA, COUNTY OF STORY, ss: |
| 111 (111000 11101 011100 111100, 21210) | This instrument was acknowledged before me on |
| | , 2012, by Keith D. Arneson, |
| | Manager of Pinnacle Properties Ames, L.L.C. |
| By | ividinager of Filmacie Froperties Ames, L.L.C. |
| Keith D. Arneson, Manager | |
| · • • | Notary Public in and for the State of Iowa |
| | 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 |

ITEM # 21b DATE 12/18/2012

COUNCIL ACTION FORM

<u>SUBJECT:</u> 2012/2013 WEST LINCOLN WAY INTERSECTION IMPROVEMENTS (LINCOLN WAY & DOTSON DRIVE)

BACKGROUND:

This project is for constructing turn lanes and installing traffic signals at the Dotson Drive/Lincoln Way intersections. A traffic impact report for South Fork Subdivision justified these improvements. Increased traffic flow from South Fork Subdivision necessitates left-turn lanes at the Lincoln Way approaches to the Dotson Drive intersection to accommodate heavy turning movements. The increased traffic will also warrant the installation of new traffic signals at the Dotson Drive/Lincoln Way intersection. Turn lanes on Lincoln Way will mitigate left-turning, rear-end, and right-angle traffic accidents at this intersection. An existing agreement requires the developer and the City to share equally in the construction cost of these improvements.

Bolton & Menk, the consulting engineers, have completed plans and specifications for the 2012/2013 Program with estimated construction costs of \$750,000. This project received \$500,000 from an lowa Department of Transportation Traffic Safety Improvement Program grant. The Developer's agreement states that the developer is responsible for 50% of the actual construction costs; the City would pay the other 50% plus any engineering/inspection fees. This leaves an estimated \$125,000 in construction costs contribution required of Mr. Arneson.

Therefore, the estimated construction cost to be funded by the City is also \$125,000. Engineering and construction administration is estimated in the amount of \$50,000, which brings the total estimated City obligation to \$175,000. The Capital Improvements Plan earmarks! \$242,500 from the Road Use Tax Fund to be used as the City's local match.

ALTERNATIVES:

- 1. Approve the plans and specifications for the 2012/2013 West Lincoln Way Intersection Improvements (Lincoln Way & Dotson Drive) by establishing February 6, 2013, as the date of letting and February 12, 2013, as the date for report of bids.
- 2. Reject the project.

MANAGER'S RECOMMENDED ACTION:

Approval of the plans and specifications will initiate the letting process and should allow for the project to be completed by October 1, 2013.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the plans and specifications for the 2012/2013 West

Lincoln Way Intersection Improvements (Lincoln Way & Dotson Drive) by establishing February 6, 2013, as the date of letting and February 12, 2013, as the date for report of bids.

ITEM # <u>22</u> DATE: 12-18-12

Staff Report

TEAGARDEN DRAINAGE STUDY

December 18, 2012

The City Council received complaints about storm water flooding that caused property damage along S. Duff Avenue following the rainfall events in August 2010. In response to these complaints, in July 2011 the City Council approved the usage of Storm Sewer funds to complete a drainage study of the watershed that includes the Ames Municipal Airport, as well as Teagarden/Southdale/Emerald Subdivision area. The watershed is divided into three subwatersheds: South Branch, Middle Branch, and North Branch.

In order to complete this project efficiently, the City hired Alfred Benesch & Company (Benesch) to collect data and analyze watershed drainage concerns. On November 17, 2011, City staff hosted a public meeting where we gathered drainage comments from land owners and residents within the watershed. As a result of the meeting, the drainage concerns were able to be categorized into the following types of issues: groundwater, maintenance, and surface drainage that warranted further analysis.

On March 26, 2012, City staff hosted a second project informational meeting to present findings and potential solutions to the drainage concerns brought to our attention. A copy of the presentation slides are attached for reference. In general, a storm water model was developed to analyze the ability to make public improvements that prevent flooding near and over S. Duff Avenue/US Highway 69.

Maintenance Improvements - \$150,000

The drainage concerns categorized as maintenance issues exist primarily along the existing cunette in the residential subdivision east of S Duff Avenue/US Highway 69. Field observations of existing conditions indicate that over time, sediment has built up along the drainage channel, volunteer trees have become overgrown, and erosion is occurring at the end of the cunette. Additionally, a portion of the existing tile that has been part of Drainage District Washington #59 appears to be filled in with sediment and will need to be cleaned out. This is the Drainage District that Story County Supervisors, acting as the Drainage District Trustees, took action to transfer jurisdiction to the City of Ames in spring/summer 2012.

Maintenance of the cunette is included in the draft CIP in year 2013/14 as part of the Low Point Drainage Improvements with an estimated cost of \$150,000 from Storm Sewer Utility Funds.

South Branch Improvements - \$600,000

During the investigation, residents along the east side of S. Duff Avenue/US Highway 69 between Ken Maril Road and Garden Road indicated that the roadway was overtopped with flood waters during one night of the 2010 floods. While this was not able to be confirmed by Police, nor lowa DOT, the storm water model gives likely indication that this was the case.

As shown on the attached presentation, approximately half of the sub-watershed for the South Branch lies west of the Airport. The runoff from this area then flows through the south portion of the Ames Municipal Airport property before going back onto property located outside of the Ames corporate limits. Immediately west of S. Duff Avenue/US Highway 69, the South Branch flows inside the Ames corporate limits and under the highway into the residential subdivision. The South Branch combines with the Middle Branch north of Garden Road, which then flows into the existing cunette.

In order to prevent overtopping of S. Duff Avenue/US Highway 69 during a 100-year flood event, the Teagarden Drainage Study recommends adding a detention basin on Airport property. This basin would need to be approved by FAA and would need to be designed with aviation kept in mind (i.e. height of vegetation, wildlife that may be attracted to the basin). The estimated cost to create a basin is \$300,000.

Another public improvement along the South Branch is to shape and stabilize that portion that exists east of S. Duff Avenue/US Highway 69. This channel has existing in natural form, which is eroded, unstable, and flows out of the stream banks during higher flood events. The estimated cost to stabilize the channel is \$300,000.

Middle Branch Improvements - \$555,000

The Middle Branch is the smallest subwatershed of the three drainage areas analyzed with this report. The drainage area begins east of the Airport runway and includes the property at 3409-3413 S. Duff Avenue, which requested rezoning in summer 2011.

The analysis of this drainage area revealed a need to add a detention basin west of S. Duff Avenue/US Highway 69 to prevent flooding along the roadway. This basin could be combined with the development of 3409-3413 S. Duff Avenue, if an agreement of funding, sizing (if it would also cover the storm water management from the site development), and maintenance can be achieved with the property owner. The estimated cost to create a basin is \$345,000.

In addition to the added detention basin, improvement to the Middle Branch drainage way (both east and west of S. Duff Avenue/US Highway 69) is recommended. When the site at 3505 S. Duff Avenue was developed, the existing channel was decreased in size. This has contributed to the overland flooding in the area. By recreating a defined channel, storm water runoff would be more directed in a natural flowage path. The estimated cost to improve the channel is \$210,000.

North Branch Improvements - \$750,000

The North Branch also begins west of the Airport property. This drainage area already contains three of the four detention basins present on airport property. Commercially developed property along S. Duff Avenue/US Highway 69 (south of Airport Road) and residential development east of S. Duff Avenue/US Highway 69 also flow into the North Branch.

In order to prevent overtopping of S. Duff Avenue/US Highway 69 during a 100-year flood event, the Teagarden Drainage Study recommends adding a detention basin in the vicinity of the property located at 3115 S. Duff Avenue. This currently undeveloped property (3115 S. Duff Avenue) could be combined with the development of this property, if an agreement for funding, sizing (if it would also cover the storm water management from the site development), and maintenance can be achieved with the property owner. The estimated cost to create a basin is \$610,000.

In addition to the added detention basin, storm sewer improvements along Jewel Drive from Opal Drive to 500 feet west are recommended. Currently the area from Opal Drive west to S. Duff Avenue/US Highway 69 does not have storm sewer pipe and structures. As part of this study, it is recommended to add storm sewer in the area in order to have pipe conveyance of area runoff to the existing cunette. The estimated cost to construct storm sewer improvements is \$140,000.

Next Steps

Unfortunately, in March 2012 Benesch closed their Ames, Iowa engineering consulting office and City staff is still without a final report as required in their contract. Staff has been working with a former Benesch project engineer, who has since provided the City with estimated costs of the recommended improvements. He has committed to Benesch that he will complete the final report, however no definitive schedule has been provided.

Public improvements recommended from this study will need to be prioritized for inclusion in the CIP. Since portions of the Middle and North Branch improvements involve private property, cost sharing arrangements with land owners/developers will need to be finalized before the City can proceed.

Ames

Teagarden Drainage Study

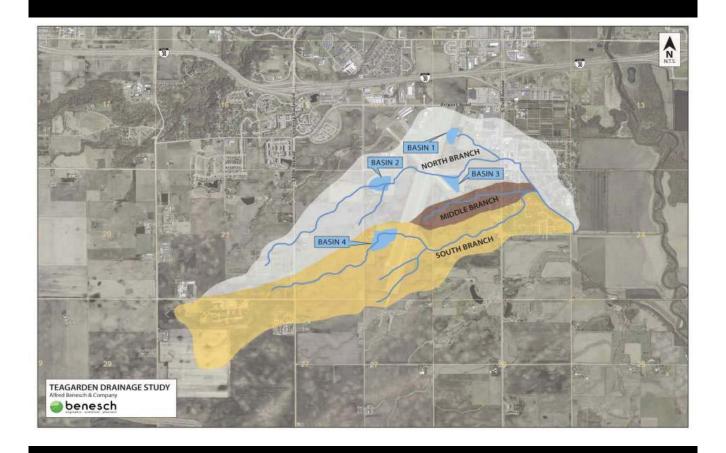
Alfred Benesch & Company | Public Meeting | March 26, 2012



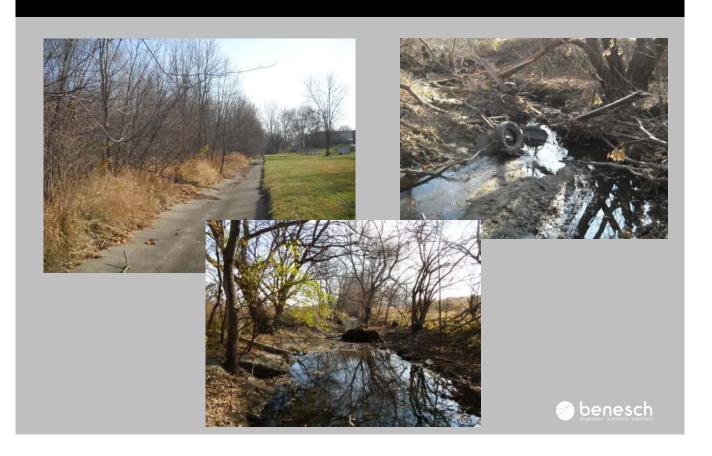
1ST PUBLIC MEETING (11/17/2011)



OVERALL DRAINAGE BASIN



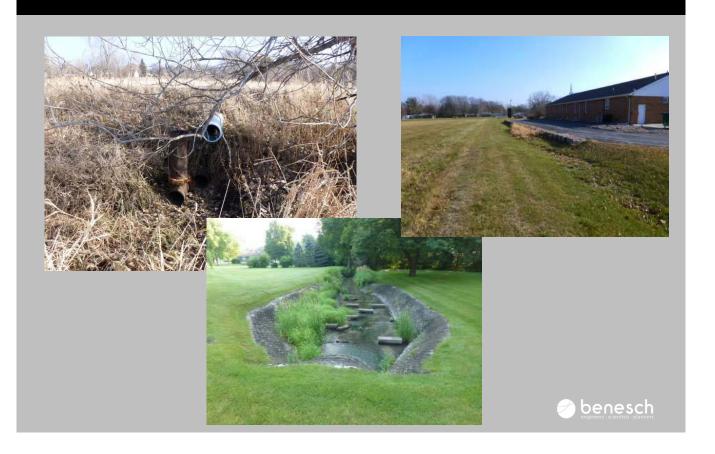
OBSERVATION/FIELD SURVEY



OBSERVATION/FIELD SURVEY



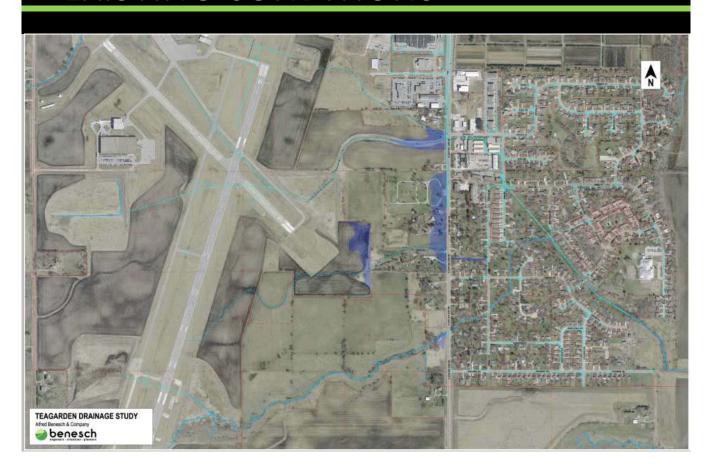
OBSERVATION/FIELD SURVEY



MODELING



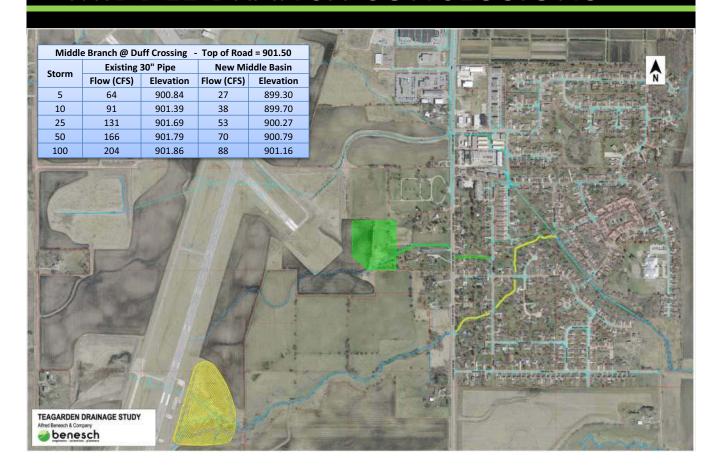
EXISTING CONDITIONS



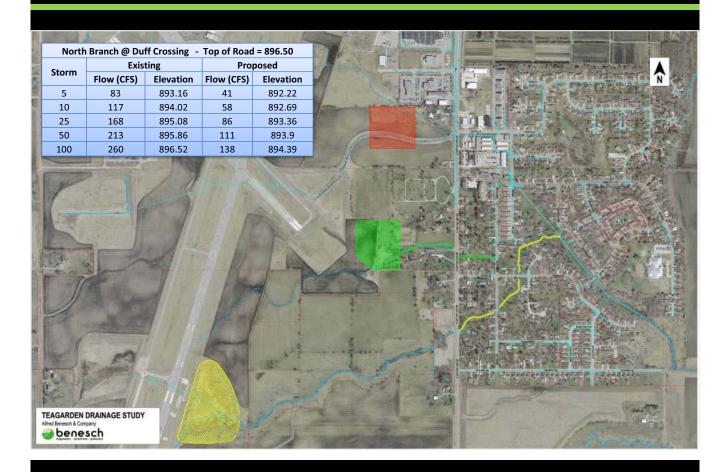
SOUTH BRANCH CONCLUSIONS



MIDDLE BRANCH CONCLUSIONS



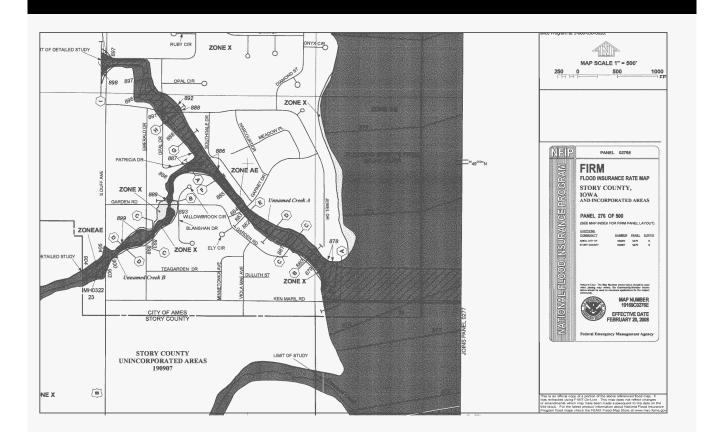
NORTH BRANCH CONCLUSIONS



ADDITIONAL CONCLUSIONS



RIVER FLOODING EFFECTS



QUESTIONS?









ITEM # <u>23</u> DATE: 12-18-12

COUNCIL ACTION FORM

<u>SUBJECT</u>: CITY HALL (EOC) RENOVATION – ARCHITECTURAL AND ENGINEERING SERVICES AND PROJECT STATUS

BACKGROUND:

On November 27, 2012, staff recommended that Council approve a change order to the architectural and engineering (A&E) agreement with Shive-Hattery for a scaled down Emergency Operations Center (EOC) renovation project in City Hall. That change order included an increase in fees of \$42,500 for the additional design work and a deduction of \$28,774 for the construction phase services not rendered in either of the two earlier failed bids. This created a net increase of \$13,726 (\$42,500 - \$28,774) to the A&E contract, for a grand total of \$128,726.

Upon further discussion with Shive-Hattery and after Council approved the change order, staff discovered that the \$28,774 deduction, which was an assumption made by staff, should not have been removed from the contract. Shive-Hattery intended to use that, <u>plus</u> the additional fees, to complete this project. With that understanding, the change order should have been only to add \$42,500, making the total A&E agreement \$157,500.

Following discovery of this oversight, staff took time to review and reevaluate other concerns related to the successful completion of this project. Those factors include the following:

- Meeting the FEMA completion deadline of December 31, 2013
- Recognizing that there are no guarantees in the FEMA grant that all the \$600,000 will be reimbursed
- Considering the likelihood of engaging a successful bidder who can complete this project successfully on time and on budget
- Seeing the importance of construction being completed with little or no delays
- Recalling that the architect's past cost opinions having been significantly under bids actually received for the project
- Recognizing the architect's failure to advise the City of project cost increases during the earlier design phase at times when City staff may have requested an expansion of the project scope

- Citing numerous errors and omissions in the final plans and specifications
- Acknowledging the City's earlier inability to quickly react or make decisions to keep the project moving

Last week staff also met with ISU's Facilities, Planning and Management personnel, who do construction projects on a regular basis, to gain their input, expertise, and advice regarding these specific project dilemmas. ISU staff identified several areas to discuss with the architect to better protect the City, yet to complete this project on schedule and on budget.

Staff also met with a principal from Shive-Hattery to discuss the challenges still facing this project. This included asking why the additional architectural fees are as large as they are with a project roughly one third the size of the original project where most of the design work has already been done; and exploring options to reduce design costs, bring in acceptable bids, and successfully complete this project on time within budget. The Shive-Hattery representative explained that their fees are based on the number of hours it would take them to disassemble the current plans and specs, redesign and redraw the plans, and reassemble the specifications for the next bid.

Staff then conducted a second conference call with the Shive-Hattery principal to revisit their design and service fees and the concerns regarding the success of this project. Several options were discussed that include more shared responsibility of cost opinions and design fees by Shive-Hattery, providing ownership of electronic contract documents to the City, and gaining a strong commitment from the firm to make this a successful project.

As a result of these discussions, Shive-Hattery has agreed to the following stipulations in their contract:

- 1. Shive-Hattery will transfer ownership of the final documents to the City of Ames, subject to receipt of a waiver of liability.
- 2. Shive-Hattery will proactively pursue contractors during the bid period.
- 3. Shive-Hattery will deliver final bid documents to the City 60 days after receipt of written authorization from the City to proceed.
- 4. Shive-Hattery will provide updated cost opinions at the time of targeted 75% construction documents (CD) completion and at the time of 100% CD completion. Three separate cost opinions will be prepared; two by two separate individuals and one by the design team.
- 5. Redesign fees:
 - Will either be increased by \$35,859 if the bids received are less than \$950,000, or

- Will be increased by only \$17,929 if the bids received are between \$950,000 and \$1,000,000, or
- Will be increased by only \$0 if the bids received are over \$1,000,000.
- 6. Construction phase fees will remain in the contract.

The revised A&E contract fees would be as follows:

| - | Original contract | \$112,000 | \$112,000 |
|---|--|-----------------------------|------------------------------|
| - | C/O #1 – to include the print shop | 3,000 | 3,000 |
| - | Corrected C/O #2 | 35,859 | 35,859 |
| | New Total Contract | \$150,859 | \$150,859 |
| - | Deduct, if bids are \$950,000-\$1,000,000 o Total | <u>-17,929</u> \$132,930 | |
| - | Deduct, if bids are over \$1,000,000 o Total | | <u>- 35,859</u> \$115,000 |

The budget and proposed expenses are now as follows:

| FEMA Grant General Fund Total Funding | \$600,000 <u>\$800,000</u> \$1,400,000 |
|---|--|
| Architect Fees (Shive Hattery) Construction Advisory Fees (ISU) Construction opinion (includes 10% contingency) 10% for Change Orders & Contingency Estimated Total Project Costs | \$ 150,859 maximum \$ 30,000 (hrly, not to exceed) \$ 897,942 (12/14/12) \$ 89,794 \$1,168,595 |
| Remaining funds (reserved for future project phases not included in EOC project) | \$ 231,405 |

ALTERNATIVES:

- 1. Rescind approval of the previous Change Order #2, and approve the updated Change Order #2 to Shive-Hattery for \$35,859 in redesign fees for a total contract amount of \$150,859 if the lowest responsible and responsive bid received is less than \$950,000; or \$17,929 if the lowest responsible and responsive bid received is between \$950,000 and \$1,000,000; or a zero cost increase if the lowest responsible and responsive bid received is over \$1,000,000.
- 2. Do not approve this Change Order, rescind approval of the previous A&E Change Order, cancel the existing A&E agreement with Shive-Hattery, and notify FEMA that the City will not utilize the \$600,000 EOC grant. Under this option, the City would

have spent \$88,005 for design fees that will not now be partially reimbursed by FEMA.

MANAGER'S RECOMMENDED ACTION:

The City Hall renovation project has met repeated stumbling blocks. The project twice was sent out to bids, and both times the bids greatly exceeded the project cost estimates and were rejected. In order to retain the FEMA EOC grant, staff previously recommended that Council approve additional A&E expenses for a scaled back project.

The recent misunderstanding over A&E costs led staff to conduct a comprehensive review of the pros and cons of continuing with this project. Helpful guidance was provided by ISU staff, and a principal from Shive-Hattery has made a number of strong commitments to demonstrate his firm's commitment to completing this project on time and within budget. This includes Shive-Hattery's commitments to expend extra effort in bringing capable bidders to the project, to transfer ownership of the electronic documents to the City, and to waive half or all of their redesign fees if the actual bids come in significantly higher than the architect's latest project cost estimate.

On balance, and notwithstanding the risks involved, moving forward with this A&E contract amendment provides the City with the opportunity to still access the \$600,000 federal EOC grant, and provides Shive-Hattery with the opportunity to help us bring a troubled project to a successful conclusion.

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

Should Council elect to accept Alternative #2 and not proceed with the current project, staff would emphasize that the need for these improvements is still exists. Therefore, the next steps would be to hire a new design firm and identify project costs, and to identify additional local funding sources for the entire City Hall renovation project. Substantial additional funding will be needed to finance the EOC, the remaining improvements in the Police Department, and the additional renovations in the basement.

Staff Report

EVALUATION OF ASSET BUDGETING AND TIMING

December 14, 2012

BACKGROUND:

At the City Council Budget Guidelines session on November 27th, Council raised several questions about the timing and procedures of the ASSET process. These include:

- 1. Could staff work with the other funders to consider a change in the ASSET timing mechanism so the Council's discussion of the services is more meaningful?
- 2. How does ASSET address duplication of services, and why is duplication not addressed before Council is asked to set its budget guidance?
- 3. What are the benefits and drawbacks of setting a percentage increase guideline for the volunteers?

ASSET PROCESS TIMELINE:

The City and County budget timelines are the primary determinant of the ASSET schedule. Because City and County funds must be budgeted and certified to the state by mid-March, the ASSET review and approval must be completed by February. The timeline for the process is generally as follows:

| Aug 1 – Oct 31: | Volunteers visit ASSET agencies |
|-----------------|---|
| Sept 30: | Agency budget requests are due |
| Mid-Oct: | Revised agency budgets are due based on ASSET staff comments |
| Early Nov: | Volunteer assessment reports are due |
| Nov – Dec: | ASSET Funders set budget and priorities guidance |
| Jan: | Agency budget hearings. Volunteers make funding recommendations. |
| | Joint Funders approve recommendations |
| Feb: | Funders approve allocations. Contracts are issued for funds available |
| | starting July 1. Feedback from volunteers is provided to agencies |

This process asks agencies to prepare and submit their budgets at least nine months in advance of the start of the fiscal year. Many agencies express difficulty in developing projections this far out. Moving the ASSET timeline to an earlier start date would likely make it more difficult for agencies to develop accurate projections of their needs.

Currently, the City, County, and United Way set funding guidelines and priorities around the same time in late November or early December. GSB sets its funding authorization in March and sets priorities in the fall. One opportunity for the City to make these discussions more meaningful might be to adopt the next year's priorities earlier, such as during the summer, and have a more substantive discussion with the volunteers about foreseeable needs in the community at that time. This would have the benefit of centering the discussion on the needs rather than the funds available, although it would lock those priorities in several months earlier. Setting the priorities earlier may also help the agencies understand what services the City is more interested in funding, and reduce requests that are outside the City's priorities (although because the priorities usually remain

the same, agencies might be able to do this now). Staff has discussed this option with the ASSET Administrative Team, which was receptive to this idea.

ADDRESSING DUPLICATION OF SERVICES:

Council expressed concern with setting funding guidance to the volunteers based on requests that might include duplication. It should be emphasized that ASSET is charged with funding services, not agencies. Where two agencies provide the same service, funding will go to the one best capable of providing an acceptable service at the best price. The ASSET process has mechanisms to reduce the potential for duplication.

The first is the screening process that takes place when new agencies request to join ASSET. Agencies are required to demonstrate the community need for their services and explain what services they might ask to be funded. If justified, the agency is accepted into ASSET, although funding is not guaranteed.

The second mechanism is a notification process for new or expanded services. When an agency decides to provide a new service, it must describe how the need was identified, who will be served, and how the service meets Funder priorities.

By this point, duplication of services will have been vetted by the ASSET Administrative Team. If two agencies propose the same service beyond this point, the duplication is addressed by the volunteers during the budget hearings in January. When Council sets its budget guidance in late November or early December, duplication usually only represents a small portion of the requested funding. Because of the nuances of programs that are provided by the various ASSET agencies, it can be hard to determine duplication without investigation by the volunteers.

SETTING THE BUDGET INCREASE AUTHORIZATION

Historically, Council has used the new requests as guidance for setting the budget direction for volunteers. The Council authorizes the volunteers to make recommendations that will not exceed a certain level. Each volunteer uses a worksheet that lists all the programs in a particular service group (panel) and divides the total funding available from each funder into the services based on what they believe is justified. The recommendations for each service are compared between volunteers and a final amount is agreed upon.

This system does not *encourage* the volunteers to increase amounts beyond the funders' guidance. However, it does not *prohibit* the volunteers from providing feedback to the Funders that they believe more funding is needed to satisfy the need. In the past, volunteers have expressed support for the funding cap as a way to guide them in making decisions.

Council has typically given a percentage increase authorization. The table below outlines the increases authorized by each funder to the volunteers and the City amount recommended by the volunteers back to the Council over the past several years.

| | | FY09 | FY10 | <u>FY11</u> | FY12 | <u>FY13</u> |
|------|-------------------------------|------|------|-------------|------|-------------|
| | City actual | 5.0% | 5.4% | 9.3% | 1.7% | 3.5% |
| | 1 | | | | | |
| eq | City | 7.3% | 6.0% | 13.0% | 3.0% | 6.0% |
| oriz | City County UWSC GSB | 2.0% | 4.0% | 1.0% | 2.5% | 2.5% |
| ıthc | UWSC | 2.0% | 2.0% | 6.0% | 1.3% | 5.0% |
| Αſ | GSB | 3.7% | 3.7% | 3.6% | 5.5% | 0.0% |

In 2010/11, the City began to exceed the County in total dollar contributions to ASSET. It is important to note that increasing contributions do not necessarily reflect more services being provided. In many cases it simply reflects higher costs for providing the same services.

Staff investigated the possibility of coordinating the funding guidance between the funders at a meeting on December 5th. However, the City and GSB are the only funders whose possible contributions can be calculated by this time. The County and United Way do not have firm numbers for their ASSET contributions until later in December.

The City's current method for setting budget guidance is to consider an amount for all of ASSET. United Way's funding guidance is set by its board determining how much funding should go to each of the four ASSET panels (the four panels are Health Services, Basic Needs Services, Youth and Children Services, and Prevention/Support Services). This method could be used by the Council to direct funding guidance in November with a greater emphasis on services requested rather than on the agency making the request.

The Administrative Team will be reviewing the ASSET process in early 2013, at the conclusion of this funding cycle. The goal will be to determine how to further streamline the process to ensure that the Funders can better coordinate allocation of dollars to address priorities and to ensure that ASSET priorities are understood by Agencies prior to submitting their funding requests in the fall of 2013.

OPTIONS AVAILABLE TO THE COUNCIL

Council could direct staff to do any combination of the following:

- 1. Direct staff to hold a discussion of the City's ASSET priorities with the volunteers during the summer before allocations.
- 2. Direct staff to ask for budget increase authorizations for each of the four ASSET panels in the future, rather than an increase for all of ASSET.
- 3. Direct staff to discuss some other ASSET process modifications with staff from the other funders.
- 4. Do nothing.



Memo

Legal Department

TO: Mayor and City Council

FROM: Kristine Stone, Assistant City Attorney

RE: Ordinance making minor revision to parking along Ash Avenue

DATE: December 14, 2012

On September 25, 2012, Ordinance No. 4124 was passed which amended the parking regulations along Ash Avenue. The amendment was necessary because of the new bike lane that was installed on the street. This amendment incorrectly restricted parking at all times along Country Club Boulevard to Mortensen Parkway.

The attached ordinance amendment corrects this error. The parking restriction should only be imposed on the west side of the street and along a shorter distance than what is currently in the code. I am therefore asking you to approve the attached ordinance making this minor correction. Thank you.

ORDINANCE NO.

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, CHAPTER 18, "PARKING", DIVISION III, "PARKING PROHIBITIONS AT CERTAIN LOCATIONS", SECTION 18.31(11) "ASH AVENUE"

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

<u>Section One</u>. Section 18.31(11) of the Municipal Code of the City of Ames, Iowa, is hereby amended by adding <u>underline text</u> as follows:

"(11) **ASH AVENUE**. Parking is prohibited at all times on both sides from the south line of Lincoln Way south for a distance of one hundred (100) feet.

Parking is prohibited on Monday, Wednesday and Friday on the west side and on Tuesday, Thursday, Saturday and Sunday on the east side from a point one hundred (100) feet south of the south line of Lincoln Way to the north line of Knapp Street, from midnight to 9:00 p.m. and also from the south line of Knapp Street to a point four hundred sixty (460) feet south of the south line of Country Club Boulevard from midnight to 9:00 p.m.

In addition, between 7:00 a.m. and 7:00 p.m. parking is limited to four hours on the side of the street on which it is lawful to park from Knapp Street to Country Club Boulevard.

Parking is prohibited at all times along the west side from a point four hundred sixty (460) feet south of the south line of Country Club Boulevard to Mortensen Parkway."

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

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

<u>Section Four</u>. 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 | | |