

AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL
MARCH 5, 2013

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

CALL TO ORDER: 7:00 p.m.

1. Motion to name Matthew Goodman as Acting Mayor for March 11, 2013, Special Meeting

PRESENTATION:

2. Government Finance Officers Association Distinguished Budget Presentation Award

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

3. Motion approving payment of claims
4. Motion approving Minutes of Regular Meeting of February 26, 2013
5. Motion approving Report of Contract Change Orders for February 16-28, 2013
6. Motion approving certification of civil service applicants
7. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor & Outdoor Service – Coldwater Golf Links, 615 S. 16th Street
 - b. Class E Liquor – Kum & Go #113, 2801 E. 13th Street
 - c. Class A Liquor w/ Outdoor Service – Elks Lodge #1626, 522 Douglas Avenue
 - d. Class C Beer and B Wine – Swift Stop #5, 3218 Orion Street
 - e. Class C Liquor – Carlos O’Kelly’s Mexican Café, 631 Lincoln Way
 - f. Special Class C Liquor – Valentino’s, 823 Wheeler Street, #1
 - g. Class E Liquor, C Beer, and B Wine – Sam’s Club #6568, 305 Airport Road
 - h. Special Class C Liquor – The Spice Thai Cuisine, 402 Main Street
 - i. Class C Beer & B Native Wine – Swift Stop #4, 1118 South Duff Avenue
 - j. Special Class C Liquor – Lucullan’s Italian Grill, 400 Main Street
 - k. Class E Liquor – Kum & Go #227, 2108 Isaac Newton Drive
 - l. Class C Liquor – Café Northwest, 114 Des Moines Avenue
8. Resolution approving appointments to City’s various boards and commissions
9. Resolution adopting Rental Housing Fees
10. Resolution approving preliminary plans and specifications for Power Plant Maintenance Services; setting May 1, 2013, as bid due date and May 14, 2013, as date of public hearing
11. Resolution approving contract and bond for 2012/13 West Lincoln Way Intersection Improvements (Lincoln Way and Dotson Drive)

PUBLIC FORUM: This is a time set aside for comments from the public on topics of City business other than those listed on this agenda. Please understand that the Council will not take any action on

your comments at this meeting due to requirements of the Open Meetings Law, but may do so at a future meeting. The Mayor and City Council welcome comments from the public; however, at no time is it appropriate to use profane, obscene, or slanderous language. **The Mayor may limit each speaker to five minutes.**

HEARINGS:

12. Hearing on Amendments to Fiscal Year 2012/13 Budget:
 - a. Resolution amending budget for current Fiscal Year ending June 30, 2013
13. Hearing on adoption of 2013/14 budget:
 - a. Resolution approving 2013/14 budget

PERMITS, PETITIONS, AND COMMUNICATIONS:

14. Resolution approving/Motion denying waiver of Major Subdivision requirements for 1817 East Lincoln Way
15. Resolution approving 2013/14 Ames Annual Outdoor Sculpture Exhibition sculptures
16. Resolution approving/Motion denying waiver of fees for meters surrounding 516 Kellogg Avenue for Story County Commission of Ames Veterans Affairs event on Friday, March 15, 2013

FINANCE:

17. Resolution awarding contract to RSM McGladrey of Des Moines, Iowa, in the amount of \$105,753 for purchase of Integrated Network Storage Solution

LEGAL:

18. Resolution authorizing the retention of outside counsel to assume City prosecutions

ADMINISTRATION:

19. Feedback on possible questions to be included in Resident Satisfaction Survey

ORDINANCES:

20. Second reading of ordinance making modifications to *Municipal Code* Chapter 21 (Sign Code)
21. Second reading of ordinance making modifications to *Municipal Code* Appendix N relating to the titles of Chapters 5 and 21

COUNCIL COMMENTS:

HUMAN RESOURCES:

22. Motion to hold closed session as provided by Section 20.17(3), *Code of Iowa*, to discuss collective bargaining strategy:
 - a. Resolution ratifying contract with Public, Professional, and Maintenance Employees (PPME)

ADJOURNMENT:

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

**MINUTES OF THE REGULAR MEETING OF THE
AMES CONFERENCE BOARD AND
REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

FEBRUARY 26, 2013

REGULAR MEETING OF THE AMES CONFERENCE BOARD

The regular meeting of the Ames Conference Board was called to order by Chairperson Ann Campbell at 6:31 p.m. on January 22, 2013. Present from the Ames City Council were Jeremy Davis, Matthew Goodman, Peter Orazem, Victoria Szopinski, and Tom Wacha. Story County Board of Supervisors present were Wayne Clinton and Paul Toot. Representing the Ames School Board were Teresa Simpson and Bill Talbot. Ames City Council Member Jami Larson arrived at 6:32 p.m. Gilbert School District and United School District were not represented.

MINUTES OF THE JANUARY 22, 2013, SPECIAL MEETING OF THE CONFERENCE BOARD: Moved by Davis, seconded by Clinton, to approve the minutes of the Regular Meeting of the Conference Board held January 22, 2013.

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

APPOINTMENT TO BOARD OF REVIEW: Moved by Goodman, seconded by Clinton, to adopt RESOLUTION NO. 13-062 approving the reappointment of Judy Albright to the Board of Review. Vote on Motion: 3-0. Motion declared carried unanimously.

PUBLIC HEARING ON PROPOSED FY 2013/14 BUDGET FOR AMES CITY ASSESSOR'S OFFICE: Chairperson Campbell opened the public hearing. No one came forward to comment, and the hearing was closed.

Moved by Clinton, seconded by Goodman, to adopt the proposed FY 2013/14 Budget for the Ames City Assessor's Office.

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

ADJOURNMENT: Moved by Davis, seconded by Clinton, to adjourn the Ames Conference Board at 6:33 p.m.

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

REGULAR MEETING OF THE AMES CITY COUNCIL

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 6:37 p.m. on February 26, 2013, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Davis, Goodman, Larson, Orazem, Szopinski, and Wacha. *Ex officio* Member Sawyer Baker was also present.

CONSULTATION FOR ANNEXATION: Wayne Clinton, representing the Story County Board of Supervisors, and Steve Howell, representing the Franklin Township Trustees, were present.

City Planner Charlie Kuester stated that, in accordance with state law, a consultation with the Franklin Township Board of Trustees and the Story County Board of Supervisors is the first step in the annexation process. The purpose of the consultation is to identify any issues that the affected entities may raise concerning the proposed annexation. Within seven business days following the consultation, the Supervisors and Trustees may then make written recommendations for modification to the proposed annexation. Within 30 days of the consultation, the Supervisors are also to pass a resolution stating whether or not they support the application or whether they take no position in support of or against the application.

Mr. Kuester reminded the Council that the first territory contains two parcels owned by the Phyllis Athen Revocable Trust, the James Athen Revocable Trust, and Ricky Madson, collectively known as the Athen properties. The territory, totaling 121.02 acres, lies west of George Washington Carver Avenue in Sections 20 and 29 of Franklin Township. Annexation of the second territory was initiated by Quarry Estates, LLC. In order to avoid creating an island, the City is also including three non-consenting properties, as allowed under *Code of Iowa* Section 368.7(a). The additional properties are owned by Harold and Bette Frame, Harold and Bette Frame on contract to Brian and Jamie Frame, and Hunziker Land Development, LLC. The properties lie along 190th Street and Grant Avenue in Section 22 of Franklin Township and total 105.12 gross acres. Mr. Kuester pointed out that Hunziker Land Development, LLC, is listed as non-consenting because they are awaiting resolution of the rural water issues before filing annexation petitions for their two properties along Grant Avenue. Prior to the actual annexation of these territories, the rural water issue must be worked out and pre-annexation agreements signed for the Athen properties, Quarry Estates, and the two Hunziker properties.

Mr. Howell advised that, even though Franklin Township will be losing some tax revenue from the properties, the Gilbert School District will benefit greatly from the developed land. Since the properties will be annexed to Ames, it will not present a burden on Story County fire and rescue. Story County Supervisor Clinton advised that a written letter of support from Story County had already been submitted.

Mayor Campbell noted that no action was being requested; the purpose was to allow for conversation among the affected entities.

Council Member Goodman asked to know the status of the properties between the Athen property and Quarry Estates. Mr. Kuester advised that staff had met with the Sturgeses, and with the direction previously given by the Council, started to work on development agreements that might offer those property owners an incentive to annex. The development agreement would initially offer a reduced rate for a single homestead, but upon further development, they would pay the balance. No progress has been made in actually getting Annexation Petitions in hand from those non-consenting owners. At this time, only the Athen and Quarry Estates properties would move forward to a public hearing on April 9, 2013. Staff would not recommend taking any further action until there were development agreements in hand for all the property owners along Grant.

Council Member Goodman questioned whether there was any legal risk to the City if it allowed the process to move forward even though the water issue has not been resolved. Interim City Attorney Judy Parks said it would be advisable for the City to move forward and work on resolving the water situation; that would be taken out of the development agreements at this point. Mr. Goodman recalled that the Council had directed staff not to annex the properties until the water issue was resolved.

At the inquiry of Council Member Orazem, Assistant City Manager Bob Kindred reported that City staff has a meeting scheduled with the Xenia Rural Water District for March 6, 2013, to hopefully lay out clearly what approach it would take to Ames annexing the property and serving it with water. In addition, the City is still pressing Central Iowa Rural Water District for an answer in writing to the fundamental questions of whether they would provide full municipal water service to the eastern industrial area, and if not, how much they would charge the City to buy the right to service that territory. Staff is hopeful that answers, in writing, will be received by April 9, 2013.

Mayor Campbell told the Council that late this afternoon the Subcommittee in the Iowa House did vote out a piece of amended legislation pertaining to rural water districts that will go to the Full

Committee of the Economic Development Committee on Thursday. She noted that City staff and lobbyists from the Iowa League of Cities had worked very hard on that potential legislation. City Manager Schainker added that City staff will also be working on this at the federal level. The Mayor noted that she and Assistant City Manager Bob Kindred will be in Washington, D.C., and will meet with officials from the U.S.D.A. and possibly the Ag Committee in both the House and the Senate.

Supervisor Clinton stated that he would be going to Washington, D.C., as part of the Iowa Association of Counties Legislative Conference. He volunteered to discuss the issue at the federal level as well.

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

1. Motion approving payment of claims
 2. Motion approving Minutes of Regular Meeting of February 12, 2013, and Special Meeting of February 1, 2013
 3. Motion approving Report of Contract Change Orders for February 1-15, 2013
 4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Beer – Almost Always Open, 419 Lincoln Way
 - b. Class C Beer & B Native Wine – Casey's General Store #2905, 3612 Stange Road
 5. RESOLUTION NO. 13-063 approving Iowa Clean Air Attainment Program (ICAAP) Grant application for Mortensen Road Improvements
 6. RESOLUTION NO. 13-064 approving CyRide Memorandum of Agreement with Iowa State University Intermodal Facility Construction for additional construction at the Ames Intermodal Facility not to exceed \$74,300
 7. RESOLUTION NO. 13-065 approving preliminary plans and specifications for 2012/13 Shared Use Path Maintenance project; setting March 20, 2013, as bid due date and March 26, 2013, as date of public hearing
 8. RESOLUTION NO. 13-066 approving up to four two-month fuel contracts at a total price not to exceed \$619,500 and accept fixed rate and mark-up/deduct for remainder of CyRide's fuel purchases
 9. RESOLUTION NO. 13-067 awarding contract to Stivers Ford Lincoln of Waukee, Iowa, for four 2013 Ford Taurus Interceptor sedans for a total cost of \$100,380
 10. RESOLUTION NO. 13-068 awarding contract to Titan Machinery of Des Moines, Iowa, for Wheel Loader and Clam Bucket for \$156,360 with buyback guarantee
 11. RESOLUTION NO. 13-069 awarding contract to O'Halloran International of Altoona, Iowa, for the purchase of medium-duty truck chassis in the amount of \$84,465
 12. RESOLUTION NO. 13-070 awarding contract to Bobcat of Ames of Ames, Iowa, for one 2013 Bobcat VH417 Material Handler with attachments in the amount of \$62,002
 13. RESOLUTION NO. 13-071 approving contract and bond for 2009/10 Low-Point Drainage (Crystal Street)
 14. RESOLUTION NO. 13-072 approving Plat of Survey for 3621 Lincoln Way
- 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 spoke during this time.

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

- a. Special Class C Liquor (Feb. 26 - Mar. 2) at ISU Alumni Center, 420 Beach Avenue
- b. Special Class C Liquor (Mar. 1 - 5) at Reiman Gardens, 1407 University Boulevard
- c. Special Class C Liquor (Mar. 11 - 15) at Reiman Gardens, 1407 University Boulevard

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

REQUESTS FOR HOPE RUN ON JUNE 15, 2013: Moved by Goodman, seconded by Davis, to adopt the following:

- a. RESOLUTION NO. 13-073 approving closure of portion of Mortensen Road from 7:00 a.m. to approximately 8:15 a.m. and portion of State Avenue from 7:45 a.m. to approximately 9:00 a.m.
- b. RESOLUTION NO. 13-074 approving waiver of Road Race permit fee

Melissa Rowan, Event Co-Chair, said that this was the 15th year of the Hope Run. At the question of Council Member Orazem as to how participants are to register, Ms. Rowan advised that there will be a page on the Mary Greeley Medical Center Web site; however, it is not available yet. The proceeds of the Run will go to benefit the Hospice House.

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

REQUESTS FROM MAIN STREET CULTURAL DISTRICT (MSCD) FOR SUMMER EVENTS: Moved by Davis, seconded by Orazem, to adopt/approve the following:

- a. Main Street Farmers' Market, Saturdays from May 4 to September 28:
 - i. RESOLUTION NO. 13-075 approving closure of street and parking spaces in 400 block of Main Street; closure of Burnett Avenue, from Main Street north to the alley; and eight parking spaces in 300 block of Main Street, from 6:00 a.m. to 1:00 p.m.
 - ii. Motion approving blanket Temporary Obstruction Permit and blanket Vending Permit for entire Central Business District from 8:00 a.m. to 6:00 p.m.
 - iii. RESOLUTION NO. 13-076 approving waiver of fee for blanket Vending Permit
- b. Art Walk on Friday, June 7:
 - i. RESOLUTION NO. 13-077 approving waiver of parking meter fees and enforcement for MSCD from 3:00 p.m. to 6:00 p.m.
 - ii. Motion approving blanket Temporary Obstruction Permit for MSCD sidewalks from 3:00 p.m. to 8:00 p.m.
 - iii. Motion approving blanket Vending Permit for MSCD from 8:00 a.m. to 8:00 p.m.
 - iv. RESOLUTION NO. 13-078 approving waiver of fee for Blanket Vending Permit
 - v. RESOLUTION NO. 13-079 closing six parking spaces near intersection of Main Street and Kellogg Avenue for food vendors
- c. 4th of July Parade and Festival on Thursday, July 4:
 - i. RESOLUTION NO. 13-080 approving closure of Clark Avenue between 5th Street and 6th Street from 6:00 p.m. on Wednesday, July 3, until conclusion of parade on July 4 for City Council Community Pancake Breakfast
 - ii. RESOLUTION NO. 13-081 approving closure of portions of Main Street, Northwestern Avenue, Fifth Street, Douglas Avenue, Burnett Avenue, Kellogg Avenue, Clark Avenue, Allan Drive, and Pearle Avenue from 6:00 a.m. to approximately 3:00 p.m. for parade
 - iii. RESOLUTION NO. 13-082 approving waiver of parking meter enforcement for the entire Central Business District on July 4
 - iv. RESOLUTION NO. 13-083 approving closure of Parking Lot MM, Parking Lot N, Parking Lot Q, Depot Lots V and TT, and south half of Parking Lot M from 6:00 a.m. to 3:00 p.m.
 - v. Motion approving blanket Temporary Obstruction Permit and blanket Vending Permit for MSCD from 8:00 a.m. to 6:00 p.m.
 - vi. RESOLUTION NO. 13-084 approving waiver of utility fees for use of outlets and water in Tom Evans Plaza and waiver of Vending Permit fee

- d. July Sidewalk Sales, July 25 - 27:
 - i. RESOLUTION NO. 13-085 approving suspension of parking regulations in CBD from 8:00 a.m. to 6:00 p.m, July 25 - 27
 - ii. Motion approving blanket Temporary Obstruction Permit and blanket Vending Permit
 - iii. RESOLUTION NO. 13-086 approving waiver of fee for Blanket Vending License

Representing the MSCD, Director Cari Hague and Events Coordinator Rachel Miller thanked the Council for its past support.

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

TAX ABATEMENT FOR 127 STANTON AVENUE: City Planner Jeff Benson noted that the background on this issue had been presented at the Council meeting held February 12, 2013. In summary, 127 Stanton Avenue is located within the Campustown Urban Revitalization Area, for which Council had established an Urban Revitalization Plan. Improvements have been completed consistent with the requirements of that Plan except for screens that were to be installed on all balconies of the adjacent building at 119 Stanton that overlook the property at 127 Stanton. The property owner estimates that installation of the screens will be completed by March 31, 2013; however, the owner requests that City Council forward approval of tax abatement to the City Assessor before March 1, 2013, so that tax abatement can commence for the current levy year. The City Council had directed staff to prepare an agreement whereby the property owner would agree to repay to the City any tax abatement received if the screens are not completed by March 31, 2013.

According to Mr. Benson, Campus Investors has now signed and returned the Agreement for Maintenance and Management, as required by the City Council. Mr. Benson advised that, in accordance with the Council's direction and by approving the Supplemental Agreement, Campus Investors has agreed to forfeit and repay the tax exemption if the screens are not completely installed by March 31, 2013. Planner Benson further explained that the Supplemental Agreement provides that if all of the screens are not installed by March 31, 2013, the owner of the property at 127 Stanton will forfeit and repay the tax exemption allowed against property taxes levied on that property. Under the Supplemental Agreement, the City Council would agree to approve and forward the property owner's application for urban revitalization tax exemption to the City Assessor before March 1, 2013.

Council Member Larson noted that the clawback would pertain to the total cost of abatement, not just the City's portion. He also expressed concerns about not setting a specific date for the completion of the screening on 119 Stanton. It was Mr. Larson's concern that the screening would never get done or get done only after a catastrophic incident, and the objective of the screening in the first place was a safety issue.

Assistant City Attorney Parks notified the City Council that she had received an email today that 24 of the total 44 actual screen structures were now in place. She said that staff has confirmed that the screens have been fabricated and are on-site. The Inspections Division has issued a building permit for the installation, and that work is now underway.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 13-087 approving the Supplemental Agreement for Urban Revitalization Tax Exemption for 127 Stanton.

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

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 13-088 approving the Agreement for Maintenance and Management.

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

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 13-089 approving tax exemption and directing staff to forward to the City Assessor.

Council Member Wacha said he was dismayed that this issue had taken up so many staff resources. He noted that it was not the City's fault that materials were not ordered on time, and the screening did not get done.

Council Member Goodman said he felt that the real argument to the compromise was that the objective was to make Campustown safer. He contended that this agreement met that objective.

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

LAND USE POLICY PLAN (LUPP) AMENDMENT PERTAINING TO ZONING DESIGNATIONS OF ANNEXED LAND:

Planner Charlie Kuester said that, prior to the adoption of the Ames Urban Fringe Plan, the City's Land Use Policy Plan had land use designations within the City that were the same as outside the City. For instance, outside the City an area would be designated Village/Suburban Residential. After the land was annexed, it would retain that LUPP designation. With adoption of the Ames Urban Fringe Plan in 2007, a new designation was created for areas outside the city limits intended for residential development. This designation of Urban Residential is similar to Village/Suburban Residential, although the different terminology does not allow for the retention of the LUPP designation after annexation.

Mr. Kuester advised that, under current policy, the assigning of an LUPP designation is not automatic, but requires a deliberate action by the City Council. In contrast, however, upon annexation zoning is automatic. Section 29.302 of the Zoning Code assigns an Agricultural zoning classification when a tract of land is annexed. The City Council would thereafter change it to the appropriate zoning designation through the specified process for a zoning map amendment. Staff is now proposing language for the LUPP that would automatically allow for the designation of newly-annexed property consistent with the LUPP. Since the Urban Fringe Plan allows for annexation only of land designated Urban Services, it would be possible to ensure LUPP designations that correlate directly with the Urban Fringe designations. In addition, language in the LUPP is proposed to designate Natural Areas in the Urban Fringe Plan as Environmentally Sensitive Areas in the LUPP. The descriptions of these land uses are similar and are intended to designate areas of steep slopes, flood plains, and areas of natural vegetation. The proposed language also allows the City Council, at the time it considers an annexation petition, to direct the applicant to seek a different LUPP designation. This would occur if the City Council felt that the automatic designation was not the most appropriate land use due to changing circumstances or development patterns.

According to Mr. Kuester, the proposed amendment to the Land Use Policy Plan will streamline processes by eliminating one step in the annexation and development of land in the Urban Services

area. Staff resources and customers' time will be more effectively used and development timetables can be better met, while the public will still receive notification and have opportunities for input.

Mr. Kuester advised that the Planning & Zoning Commission had, at its February 6, 2013, unanimously recommended approving of the change.

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 13-090 approving a Land Use Policy Plan Amendment pertaining to zoning designations of annexed land (Appendix C).

Council Member Larson commended staff for coming up with the recommended amendment. He felt that the former process had created an extra step.

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

URBAN REVITALIZATION AREA FOR 205 SOUTHEAST 5TH STREET: Planner Kuester recalled that, in 2010, the City Council adopted new criteria for commercial development in the Highway-Oriented Commercial zoning district. That new criteria had been prompted by an application for a Minor Site Development Plan that had been submitted by Ruhl and Ruhl Commercial Company. At that time the applicant also sought designation of 205 SE 5th Street as an Urban Revitalization Area in order to receive a tax exemption for the development of the property. The proposal, however, did not meet the criteria of City policy at that time.

Mr. Kuester defined the new criteria that were established in 2010. Under Criteria No. 4, the developer must demonstrate that the proposed project cannot be configured or designed in a manner to avoid significant extra impact to the project because of its location near a City well head. According to Planner Kuester, the applicant is seeking this Urban Revitalization Area designation based on the fourth criterion of the Commercial Urban Revitalization Policy. It was further explained by Mr. Kuester that the property in question is located within the HOC zoning district. Approximately 23 percent of the property lies within 1,000 feet of one of the City's water supply wells and about 97.5 percent of the property lies within the Floodway Fringe overlay district. According to Mr. Kuester, the City's well head protection ordinance does not allow the placement of storm water detention areas within that protected area. Instead, the ordinance allows development to meet water quality-based treatment, or a combination of quantity- and quality-based treatment as approved by staff. Further, it does not allow for permanent excavation below the natural grade, although structures and foundation footings may be constructed in that area. In addition, the Floodway Fringe requires that development be elevated (or floodproofed) to three feet above the base flood elevation (the 100-year flood level). In this case, approximately five to seven feet of fill has been placed over the natural grade to meet the Floodway Fringe requirements. The criterion also requires "that the proposed project cannot be configured or designed in a manner to avoid significant extra impact to the project because of its location near a City well head." According to Mr. Kuester, the applicant states that the location of the well head protection area, covering approximately the southeast 23 percent of the lot, restricts their ability to manage storm water as they had originally planned.

According to Planner Kuester, the original 2009 site plan showed 31,300 square feet of buildings, supported by 191 parking spaces. In addition, the site plan had a detention area of about 7,100 square feet in the southeast corner of the property. He advised that the applicant had submitted a new site plan for the development, which will consist of two businesses: Petco and Sports Authority. The site plan is very close to being approved by City staff as a Minor Site Development Plan. The application for a Flood Plain Development Permit has also been submitted and appears to meet all the requirements. Mr. Kuester told the Council that it needed to decide whether the applicant met the fourth criteria, i.e., did the project suffer significant impact due to the proximity of the well head within 1,000 feet.

Mr. Kuester said that the 2009 site plan showed a major building in the back of the property and a restaurant outlot in the southwest corner with a detention pond in the southeast corner. He reported that City staff had not approved that plan because a detention pond is not allowed within 1,000 feet of a well head. The site was then reconfigured: the detention pond was moved to the north side of the lot, the building was enlarged, the restaurant pad in the front has been deleted; and, since the City's parking requirements were changed, the lot is larger. The applicant has alleged that the reconfiguration necessary to meet the well head protection zone has lost the developer the pad in the front of the property that was going to be occupied by a restaurant. However, according to Mr. Kuester, staff is not convinced that the developer has suffered any impact due to the reconfiguration. It is staff's opinion that the enlargement of the building as a result of the separate outlot was a choice made by the developer. Staff believes that the location of the detention area could be placed elsewhere on the lot, as long as it is outside of the well head protection area. It may be possible with minimal earth movement to redirect the storm water to a different portion of the lot.

It was stated by Mr. Kuester that Petco and Sports Authority are qualifying uses; however, a Development Agreement would still be prepared and brought for Council approval at the time that the Urban Revitalization Plan were to be approved.

Steve Scott, 1701 - 48th Street, West Des Moines, representing the property owner and developer, told the Council that Ruhl and Ruhl has tried to develop the site since 2006. He provided a chronological history dating back to the developer's pre-application meeting with City staff in 2006 and its submittal of the first site plan in 2009. Referencing the 2009 site plan, Mr. Scott told the Council that he had correspondence from City staff indicating that that site plan would probably be approved, and the developers decided to go ahead and purchase the property and closed the deal in April 2007. Shortly after the purchase, Target approached the new owners and asked them to wait on development as it planned to expand its store to make it a Super Target. Due to the recession, Target decided, approximately one year later, not to expand.

Mr. Scott told the Council that the project does not work financially if Ruhl and Ruhl cannot obtain tax abatement that was structured by the City for the site in 2010. Since several years have elapsed since they purchased the property, they had incurred carrying costs – interest on the loan, property taxes, maintenance on the property. In addition, rent costs have lowered and construction costs had increased. Ruhl & Ruhl had assumed that they would get the tax abatement from the actions taken by the Council in 2010 and had used that assumption when structuring its economic deals with the two tenants. Mr. Scott said that, even though the total square footage of the commercial center now proposed is greater, the rents that Petco and Sports Authority pay are less per square foot than what a restaurant in the front of the lot would pay. In addition, Mr. Scott advised that the developer raised the site due to the flood plain issue, but mainly because City staff had told the developers that they could not retain water in the lower southeast corner of the property. They then had to redesign the site, and by so doing, the outlot was lost. According to Mr. Scott, the tax abatement is being requested simply to make it affordable to develop the site. He said that he was not asking for any reimbursement or guarantee of a profit, but only trying to structure a deal that is capable of being financed by their lender. Council Member Larson refuted that having two good tenants was not as good as having a restaurant or a bank.

Mayor Campbell asked if the tax abatement was needed in order to make it a good business deal because the land had remained undeveloped and the developer had incurred expenses, e.g., taxes, maintenance, during that time. Mr. Scott replied that any deal did not include those expenses; "that horse left the barn a long time ago." It is simply what the tenants will pay, what it costs to develop the site, build the buildings, and have a project that can be financed.

Council Member Szopinski said that it is unfortunate that the two prospective tenants are not high-dollar rent payers; however, they appear to be welcomed retailers in the community. She added that the area in question is one of the better areas in Ames for high traffic and others have built in the same area

without receiving tax abatement. Mr. Scott replied that the challenge is related to the additional costs of developing the site that have been caused by its proximity to the water wells. Council Member Szopinski said that it was not a Council issue that the two tenants would not pay high enough rents.

At the inquiry of Council Member Goodman, Mr. Scott answered that the developers had purchased the property without the well head ordinance being in place. Mr. Scott clarified that the developers had not requested tax abatement until after the well head ordinance was enacted. He advised that, after learning of the ordinance, the developers met with the City Manager and Planner Benson

Council Member Davis said that he would like to see if it would be worthwhile for the City to approve tax abatement. Mr. Scott said that he would like an opportunity to show the business pro-formas to the Council. He suggested that the City Council consider what the properties are now paying in property taxes, which is \$39,000/year, compared to what taxes would be paid when developed, which is approximately \$154,000/year. Mr. Scott noted that the \$300,000 in tax abatement would be offset in two years.

Council Member Davis asked how many jobs would be created by the two prospective tenants. Mr. Scott said Petco would employ a total of 50, and Sports Authority would employ 75.

Moved by Szopinski, seconded by Goodman, to deny the application for tax abatement.

Council Member Orazem asked if the design would be the same as its first site plan if there were no well fields, specifically, would there then be three tenants. Mr. Scott said that is not entirely known, depending on how much square footage each tenant would require.

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

HEARING ON ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$10,000,000: Mayor Campbell opened the public hearing. No one asked to speak, and the hearing was closed.

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 13-092 authorizing a Loan Agreement and providing for the levying of taxes.

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

HEARING ON 2012/13 ASPHALT STREET RECONSTRUCTION/SEAL COAT RECONSTRUCTION AND 2012/13 WATER MAIN REPLACEMENT: The public hearing was opened by the Mayor. She closed same after no one requested to speak.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-093 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$957,521.70.

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

HEARING ON 2012/13 AMES MUNICIPAL CEMETERY PAVING IMPROVEMENTS: The Mayor opened the public hearing. There being no one wishing to speak, the hearing was closed.

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

HEARING ON HICKORY DRIVE IMPROVEMENTS (LINCOLN WAY TO WESTBROOK DRIVE): Mayor Campbell opened the public hearing. After no one came forward to speak, the Mayor closed the hearing.

Moved by Szopinski, seconded by Davis, to adopt RESOLUTION NO. 13-094 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$167,500.48.

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

HEARING ON TORONTO AREA WATER MAIN REPLACEMENT: The hearing was opened by the Mayor. She closed the hearing as no one asked to speak on the subject.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 13-095 approving final plans and specifications and awarding a contract to J&K Contracting, LLC, of Ames, Iowa, in the amount of \$298,735.47.

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

HEARING ON 2013 UNDERGROUND TRENCHING FOR ELECTRIC SERVICES: The public hearing was opened by Mayor Campbell. She closed same after no one asked to speak.

Moved by Wacha, seconded by Davis, to adopt the following:

RESOLUTION NO. 13-096 approving final plans and specifications and awarding the Primary Contract to Ames Trenching & Excavating, Inc., of Ames, Iowa, in an amount not to exceed \$136,500.00.

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

RESOLUTION NO. 13-097 awarding the Back-Up Contract to Communication Technologies of Des Moines, Iowa, in an amount not to exceed \$58,500.

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

ORDINANCE MAKING MODIFICATIONS TO *MUNICIPAL CODE* CHAPTER 21 (SIGN CODE) [Tabled from January 8, 2013]: Management Analyst Brian Phillips recalled that, in November staff reported to Council on several "clean-up" concerns that existed in the Sign Code, as well as an issue related to the removal of sign structures. Staff was seeking clarification regarding how to deal with sign structures that (1) had no sign face when a business was no longer in existence or (2) remained in existence when the building was already demolished.

Mr. Phillips and Neighborhoods Inspector Sara VanMeeteren showed pictures of sign structures on businesses that no longer exist. Rather than approve the ordinance that was presented for consideration on January 8th, the City Council directed staff to prepare a modification to the sign requirements stating that, in the event a business closes and the primary building is demolished, the sign structure on that premises must also be taken down. The change also specifies that a sign

structure must always have a lawfully permitted sign or a blank panel of a solid color in its frame (the frame or electrical elements of the sign structure cannot remain exposed.) The remainder of the ordinance was to be unchanged from that which was presented to the City Council on January 8th. Mr. Phillips gave a summary of the changes. He explained that two ordinances were needed because the proposed modifications fall into two different sections of the *Municipal Code*: 5 and 21. Several of the corrections are necessary because the Sign Code was moved out of Chapter 5 and into its own chapter in 2010. Some references to Chapter 5 needed to be amended to reflect the correct chapter. It was also noted that, until 2010, a Sign Code violation was charged with a \$500 fine. Because the fine schedule does not currently refer to the correct chapter, a violation of the Sign Code has been charged on the standard municipal infraction schedule (\$30 per violation). In correcting the reference to its original intent, a violation of the Sign Code would revert to its original fine of \$500 per violation.

Mr. Phillips also recalled that Council had directed staff to address electronic signs in addition to the Code clean up. He advised that staff intends to bring recommendations on electronic signs in a separate report at a later date.

Council Member Goodman wanted to ensure that the “blank” concept would apply for cabinets and awnings. Mr. Phillips confirmed that the proposed ordinance does address it.

Moved by Goodman, seconded by Davis, to remove the item from the table.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Goodman, seconded by Orazem, to pass on first reading an ordinance making modifications to *Municipal Code* Chapter 21 (Sign Code).
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE MAKING MODIFICATIONS TO *MUNICIPAL CODE* APPENDIX N RELATING TO THE TITLES OF CHAPTERS 5 AND 21 [Tabled from January 8, 2013]: Moved by Goodman, seconded by Wacha, to remove the item from the table.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Wacha, seconded by Larson, to pass on first reading an ordinance making modifications to *Municipal Code* Appendix N relating to the titles of Chapters 5 and 21.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE STRIKING REFERENCES TO BOARD OF HEALTH IN *MUNICIPAL CODE* CHAPTER 11 (HEALTH AND SANITATION): Moved by Davis seconded by Wacha, to pass on third reading and adopt ORDINANCE NO. 4140 striking references to Board of Health in *Municipal Code* Chapter 11 (Health and Sanitation)
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE STRIKING REFERENCE TO BOARD OF HEALTH IN THE INDEX OF THE *MUNICIPAL CODE*: Moved by Goodman, seconded by Davis, to pass on third reading ORDINANCE NO. 4141 striking references to Board of Health in the index.
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 Szopinski, seconded by Goodman, to refer to staff the request for FY 2014 funding from the ACCESS Shelter.

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

Moved by Szopinski, seconded by Goodman, to direct the City organization to participate in the World Wildlife Federation's Earth Hour on March 23 at 8:30 p.m. by encouraging citizens to participate.

Mayor Campbell noted that the Council normally does not make such proclamations unless there is local agency participation.

Vote on Motion: 3-3. Voting aye: Goodman, Orazem, Szopinski. Voting nay: Davis, Larson, Wacha. Mayor elected not to vote. Motion failed.

Moved by Szopinski, seconded by Orazem, to refer to staff the letter from Luke Jensen on behalf of the Story County Veterans Affairs, requesting free parking around 516 Kellogg Avenue for an event on March 15, 2013.

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

Moved by Goodman, seconded by Orazem, to refer to staff the letter dated December 17, 2012, from Kathy Svec, on behalf of the Ames Historical Society, requesting that \$1203.15 of its allocation for FY 2011/12 be carried forward into the FY 2012/13 Budget.

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

ADJOURNMENT: Moved by Davis to adjourn the meeting at 8:17 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor



REPORT OF CONTRACT CHANGE ORDERS

Period:	<input type="checkbox"/>	1 st – 15 th
	<input checked="" type="checkbox"/>	16 th – end of month
Month and year:	February 2013	
For City Council date:	March 5, 2013	

Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact Person/Buyer
Transit	Architectural / Engineering Services	2	\$462,509.00	URS Corporation	\$16,720.00	\$11,330.00	M. Mundt	MA
Fleet Services	Maintenance Facility Energy Efficiency Project - HVAC Improvements	1	\$97,440.00	Neighbors Heating, Cooling, and Plumbing	\$0.00	\$2,294.60	C. Mellies	MA
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		

MINUTES OF THE AMES CIVIL SERVICE COMMISSION

AMES, IOWA

FEBRUARY 28, 2013

The Ames Civil Service Commission met in regular session at 8:15 a.m. on February 28, 2013, in the Council Chambers of City Hall, 515 Clark Avenue, with Commission Members Adams and Shaffer present. Commission Member Crum was absent. Also in attendance were Human Resources Officer Doug Garnett and Human Resources Analyst Krista Robinson.

APPROVAL OF MINUTES: Moved by Shaffer, seconded by Adams, to approve the minutes of the January 24, 2013, Civil Service Commission meeting as written.

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

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

Fire Shift Commander:	Tom Hackett	92
	John Sebastian	85
Power Plant Fireworker:	Galen Gillespie	92
	Jon Jensen	91
	Chad Stevens	87
	Chris Sprong	81
	Tim Moore	77
	Mike Pietz	75
Power Plant Operator:	Dennis Blair	92
	Jon Jensen	81
	Chad Stevens	77

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

COMMENTS: The next regularly scheduled Civil Service Commission meeting was set for March 28, 2013, at 8:15 a.m.

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

Terry Adams, Chair

Jill Ripperger, Recording Secretary



MEMO

*Caring People
Quality Programs
Exceptional Service*

7a-l

TO: Mayor Ann Campbell and Ames City Council Members

FROM: Lieutenant Jeff Brinkley – Ames Police Department

DATE: February 24, 2013

SUBJECT: Beer Permits & Liquor License Renewal Reference City Council Agenda
March 5, 2013

The Council agenda for February 26, 2013, includes beer permits and liquor license renewals for:

- Class C Liquor and Outdoor Service – Coldwater Golf Links, 615 S 16th Street
- Class E Liquor – Kum and Go #113, 2801 E 13th Street
- Class A Liquor and Outdoor Service – Elks Lodge #1626, 522 Douglas Avenue
- Class C Liquor – Carlos O’Kelley’s Mexican Café, 631 Lincoln Way
- Special Class C Liquor – Valentino’s, 823 Wheeler Street #1
- Class E Liquor, C Beer, and B Wine – Sam’s Club, 305 Airport Road
- Special Class C Liquor – The Spice Thai Cuisine, 402 Main Street
- Special Class C Liquor – Lucullan’s Italian Grill, 400 Main Street
- Class E Liquor – Kum & Go #227, 2108 Isaac Newton Drive
- Class C Liquor – Café Northwest, 114 Des Moines Avenue
- Class C Beer and B Wine – Swift Stop #5, 3218 Orion Street
- Class C Beer and B Wine – Swift Stop #4, 1118 S Duff Avenue

A routine check of police records found no violations for Coldwater Golf Links, Kum and Go #113, Elks Lodge, Carlos O’Kelley’s, Valentino’s, Sam’s Club, The Spice, Lucullan’s, Kum & Go #227, or Café Northwest. The Police Department would recommend renewal of these licenses.

Employees at both Swift Stop #5 and Swift Stop #4 were cited for selling alcohol to underage persons during a police compliance check in November 2012. Both stores passed a follow-up compliance check later. We are continuing to monitor compliance in both cases. We would recommend renewal of both of these licenses at this time.



MEMO

8

To: Members of the City Council

From: Ann H. Campbell, Mayor

Date: March 1, 2013

Subject: Appointments to City Boards and Commissions

Attached you will find a listing of the City's various boards/commissions that have upcoming vacancies and the individuals I have selected to fill them. I am requesting your approval of these appointments.

Thank you for your assistance and cooperation in this important process.

AHC/jlr

Attachment

**MAYOR'S APPOINTMENTS
TO CITY OF AMES BOARDS AND COMMISSIONS
2013**

(* Incumbents)

Board/Commission	Vacancies	Name
ASSET	1	* Amber Corrieri
Building Board of Appeals	3	* Larry Cormicle * Brad Heemstra * Dan Nutini
Civil Service Commission	1	* Mike Crum
COTA	2	Jennifer Brockpahler Malinda Cooper
EUORAB/Project Share	2	Jim Converse
Historic Preservation Commission	2	Kim Hanna Maria Miller
Human Relations Commission	2	Nicole Facio (1 yr.) * Devita Harden
HRC–Hearing Officers	5	Aaron Fultz Laurie Heron
HRC–Investigative Officers	5	* Daniel Brown * Elaine Phompheng
Library Board of Trustees	3	* Sherry Bradley Tyler Eason * Kevin Stow
Parks and Recreation Commission	4	* Victoria Feilmeyer * Alisa Frandsen * Edward Moran Melissa Rowan (1 yr.)
Partner Cities Association	2	* John Kolb
Planning & Zoning Commission	2	* Julie Gould John Tillo
Property Maintenance Appeals Board	1	* Jill Smith
Project Share Committee	1	* Michelle Boster (MICA)

Board/Commission	Vacancies	Name
Public Art Commission	6	Sarah Buss (1 yr.) * Heather Johnson * Kathranne Knight * Allison Sheridan Joyce Vegge Erica Westbrook
Transit Board	1	Tom Drenthe
Zoning Board of Adjustment	1	* Shelby Ebel

RESOLUTION NO. _____

**RESOLUTION ADOPTING NEW AND REVISED FEES FOR
RENTAL HOUSING REGULATION**

BE IT RESOLVED by the City Council for the City of Ames, Iowa, that the following fees shall be adopted or adjusted to recover the approximate actual costs of city services from those who use and benefit from these services, pursuant to Section 13.300, Ames Municipal Code:

A. Multi-family Dwellings.

Three-Six Apartments	\$23.80/apartment
Seven to Twenty Apartments	\$23.80/apartment
Over Twenty Apartments	\$21.03/apartment

Due and payable within 30 days of date of notice each year is hereby established for multi-family dwellings (Apartment buildings).

B. Lodging House and Boarding House. A fee of twenty-three dollars and thirty cents (\$23.30) per room, due and payable within 30 days of date of notice each year, is hereby established for what are called Rooming Houses, Boarding Houses, and Lodging Houses.

C. Fraternity and Sorority Houses. A fee of one-hundred dollars (\$100.00) per structure, due and payable within 30 days of date of notice each year, is hereby established for Fraternity and Sorority Houses.

D. Owner-Occupied Single-Family Dwelling with Roomers Paying Rent to the Owner. A fee of twenty-eight dollars and fifty cents (\$28.50) per rental room, due and payable within 30 days of date of notice each year, is hereby established for single family dwellings with rooms to rent.

E. One- or Two-Family Rental Housing. A fee of twenty-eight dollars and fifty cents (\$28.50) per unit for single family dwellings and twenty-four dollars and twenty cents (\$24.20) per unit for duplexes, due and payable within 30 days of date of notice each year, is hereby established for one and two unit dwellings.

F. Special Request Inspection. A fee of fifty-two dollars (\$52.00) per dwelling unit for inspections made at the special request of the owner, a realtor, or potential buyer of a property, is hereby established.

G. Reinspection Fee. A fee of fifty-two dollars (\$52.00) per dwelling unit for a reinspection after one free reinspection, is hereby established.

- H. Appeals and Hearings.** For petitions for hearings or appeals to the Housing Code Board of Appeals a fee of seventy-eight dollars (\$78.00) shall be charged to defray the costs thereof.
- I. Condominiums.** A fee of twenty-eight dollars and fifty cents (\$28.50) per unit for condominiums, due and payable within 30 days of date of notice each year, is hereby established.

BE IT FURTHER RESOLVED, that the aforesaid fees shall be in effect from and after April 1, 2013.

Adopted this _____ day of _____, 2013.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

COUNCIL ACTION FORM

SUBJECT: POWER PLANT MAINTENANCE SERVICES CONTRACT

BACKGROUND:

The Electric Utility has two coal-fired, high-pressure steam generation units within the City's Power Plant, referred to as Unit No. 7 and Unit No. 8. These units require regular professional maintenance and repair. This consists of both emergency and planned repairs and service. Services include a large variety of boiler and pressure vessel maintenance and repairs, structural steel, pump and piping work, coal handling system, coal pulverizer work, and other miscellaneous mechanical Power Plant work.

The repair of the equipment on these generation units requires professional trade crafts such as boilermakers, steam/pipe fitters, and millwrights. The crafts are certified to install and repair high-pressure vessel and piping systems and other apparatus of the generation units. One of the most important aspects of this work is to provide the dependable, high pressure certified repairs and documentation required by State Code.

The City currently has an annual renewable contract in place for these services. This contract is in the final year and expires on June 30, 2013.

Staff recommends that these services continue to be outsourced on an annual renewable contract basis. The benefits of having a contract for these services in place include the following:

- 1) Consistency of work and quality from a single contractor.**
- 2) Reduction in the City's exposure to market forces regarding prices and availability for labor, travel, and supplies in preparation for a scheduled outage.**
- 3) Rapid contractor mobilization to start emergency repairs, thus reducing generation downtime.**
- 4) Saved City staff time obtaining quotes, evaluating bids and preparing specifications and other procurement documentation.**

The approved FY2013/14 Power Plant operating budget includes \$550,000 for this contract. Invoices will be based on contract rates for time and materials for services actually received.

ALTERNATIVES:

- 1.** Approve preliminary plans and specifications for the Power Plant maintenance services contract, and set May 1, 2013 as the due date for bids and May 14, 2013 as the date of public hearing and award of contract.

2. Purchase Power Plant maintenance services on an as-needed basis.

MANAGER'S RECOMMENDED ACTION:

This work is necessary to ensure that a qualified professional firm will respond to both scheduled and emergency needs for boiler repair and maintenance, and will also control costs by having established billing rates. Funds will be expended only as work is required and in accordance with approved invoices.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as stated above.



MEMO

To: Mayor and Members of the City Council

From: City Clerk's Office

Date:

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

Staff Report

Waiver of Subdivision Standards for 1817 E. Lincoln Way

March 6, 2013

At the October 23, 2012, meeting, the City Council referred to staff a letter from Brad Larsen requesting a waiver of the major subdivision requirements in order to split a property at 1817 E. Lincoln Way (see Attachment 1). Specifically, Mr. Stumbo is requesting a waiver from the requirement that the sidewalk and sanitary sewer be installed along the Carnegie Avenue frontage. The City Council was provided a staff report on this matter on November 8, 2012. At the February 12, 2013, meeting, the City Council referred this item, again, to staff. **This report provides possible options to help the Council determine whether or not to grant a request of the subdivision standards for the installation of required infrastructure.**

BACKGROUND

The owner of 1817 E. Lincoln Way seeks to split the platted lot as shown on the attached aerial photo (see Attachment 2). The site has a truck rental business at the south end and self-storage units at the north. He wishes to separate the self-storage units in order to convey that property to someone else. This division requires subdivision plat approval from the City Council, and the City's adopted subdivision regulations require that all necessary infrastructure be installed in order to approve a subdivision plat. In this instance, all of the necessary infrastructure is in place except for sidewalks and for sanitary sewer along Carnegie Avenue.

Section 23.403 of the Municipal Code states, "A minimum of a four-foot wide concrete sidewalk shall be installed in the public right-of-way...along at least one side of any street within industrially zoned areas." The property is zoned GI – General Industrial, and there currently are no sidewalks on either side of Carnegie Avenue. Although Carnegie Avenue is a paved (seal-coated) street, it has no enclosed storm sewer. A drainage ditch lies along the west side of the right-of-way that would make installation of a sidewalk difficult but not impossible.

Section 23.405 of the Municipal Code states, "Any lot or area of land created by subdivision shall be served by sanitary sewer facilities in a manner prescribed by City plans and specifications..." The purpose for extending sanitary sewer to the boundary of subdivided land is to provide for the orderly extension of this infrastructure as further development occurs.

The owner requests that the proposed north lot not be served by sanitary sewer service, even though there is no physical obstacle to installing the sewer. The owner indicates that the self-storage units currently located on the site do not have sanitary sewer and,

therefore, have no need for the installation of a public sewer. Other properties along Carnegie Avenue have sanitary sewer access from Edison Street to the north or East Lincoln Way to the south. One lot along Carnegie Avenue (308 Carnegie Avenue) does not have frontage along Edison Street or Lincoln Way and has no access to sanitary sewer service. However, the lot has no structures and is used for outdoor storage. A map of the sanitary sewer system in this area is included as Attachment 3.

POSSIBLE OPTIONS FOR CONSIDERATION

Option 1

The City Council can choose to deny the waiver for the installation of the required infrastructure. The standards for waiving require are that it be shown that “strict compliance with the requirements of the Regulations would result in extraordinary hardship...or would prove inconsistent with the purpose of the Regulations due to unusual topography or other conditions.” The regulations go on to state that if a waiver is granted, it “shall not have the effect of nullifying the intent and purpose of the Regulations.”

Granting a waiver merely because the lot currently has a use that does not require sanitary sewer service could set a precedent that other applicants would use to seek waivers. For instance, a car wash could seek a waiver from sidewalk requirements because users of the car wash are unlikely to arrive by foot.

Furthermore, without sanitary sewer service within 200 feet of the lot, a future use could argue that it could install a septic system in compliance with county sanitation requirements rather than install a City sanitary sewer system. On-site septic systems are more commonly used in rural settings—not in an urban industrial area. Such an argument, if accepted, would, again be a precedent for future development within the City.

Option 2

The City Council can choose to grant the waiver for the installation of either the sidewalk or the sanitary sewer or both. The City Council would need to find that the installation of these improvements would result in extraordinary hardship to the owner and that the waiver is not intended to nullify the standards for public improvements that are found in the subdivision regulations.

If the City Council chose to waive either or both standards, it could impose conditions so that, if necessary, the public infrastructure would be installed when needed. For instance, a development agreement could require the installation of both the public sanitary sewer and the sidewalk at such time as any improvements that require water service or sanitary sewer service are made to the rear lot. If this approach is selected by the Council, the development agreement would be submitted for approval along with the subdivision plat at some future meeting.

However, without the installation of the sanitary sewer by this applicant, if a property owner to the north subsequently requested development, there would be a gap of infrastructure that is missing, similar to the gap that the City Council resolved recently for electric service to the northern growth area. In addition, short of requiring financial security to be held in the eventuality of further development along Carnegie Avenue, there is not an easy mechanism to require payment from this applicant should an abutting property later need sanitary sewer.

Attachment 1: Letter from Brad Stumbo

STUMBO AND ASSOCIATES LAND SURVEYING
510 S. 17TH ST. / P.O. BOX 1664
AMES, IA 50010
PHONE: (515) 233-3689 FAX: (515) 233-4403

October 18, 2012

Mayor Campbell and City Council Members
515 Clark Ave.
Ames, IA 50010

Dear Mayor and Council Members:

Our client, Bud Ely, is the owner of a parcel located at 1817 East Lincoln Way. There is a U-Haul rental facility and repair shop located on the southerly part of the property and there are three storage buildings located on the northerly part of the property. Our client would like to split the property into two lots, as shown on the accompanying sketch plan. Since there is no sanitary sewer line or public sidewalk installed along the east side of the property, the City of Ames Planning Department has determined that a Major Subdivision will be required to allow this proposed property split to take place.

On behalf of our client I am requesting that the City of Ames grant a waiver of the Major Subdivision Requirements for this proposed subdivision. As far as the sanitary sewer is concerned, the proposed Lot 2 contains only storage buildings and has no need for sanitary sewer service. As far as a public sidewalk is concerned, it would not be practical to install one at this time because there is a grassy swale located between the west edge of Carnegie Avenue and the east property line that is being used for storm water drainage. In addition, in the case of both the sanitary sewer service and public sidewalk, there are no properties to the north of this proposed subdivision that would be served or benefited by the installation of these items.

Thank you for your attention to this matter.

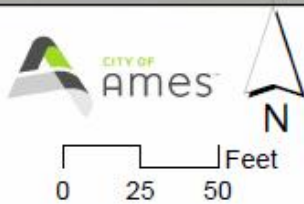
Sincerely,



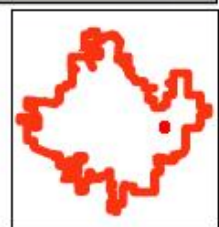
Brad Larson

Stumbo and Associates Land Surveying

Attachment 2: Proposed Lot Division of 1817 E Lincoln Way



**Location Map
Proposed Split
Of 1817 E. Lincoln Way**



Attachment 3: Area-wide Sanitary Sewer





Ames Annual Outdoor Sculpture Exhibition

March 5, 2013

The 2013-14 Ames Annual Outdoor Sculpture Exhibition (AAOSE) received 50 entries from 23 sculptors. The entries were evaluated by a jury of Ames residents. The jury previewed entry materials, met and then made their decision. The jurors selected five sculptures as their top choices, along with alternates if availability or other considerations prevent installation of one or more of the top selections.

Listed below are the five top selections made for the 2013-14 Ames Annual Outdoor Sculpture Exhibition. (Photos are on the third page.)

Rotation and installation of the exhibit will take place during late April and early May after consultation with businesses and organizations near the likely sites and after review by City staff. The installation process will be coordinated through the City Manager's Office. The Best-in-Show award will be made to a winner that is determined by the public at a city-wide arts event in the autumn.

1. Pivot Steel, black patina, clearcoat, 6' x 2'6" x 2'6"
James Anthony Bearden
Des Moines, IA
2. Bunny Steel, 12' x 4' x 4'
Jeff Brewer
Nacogdoches, TX
3. Immaterial Etched steel, 10' x 4' x 3'
Chris Wubbena
Jackson, MO
4. Transponder Welded steel, 108" x 48" x 48
Steve Elliott
Wayne, NE
5. Horse Firewood & dowels, 103" x 36" x 96"
John Howard
Hinesville, GA

Alternates:

Black Bird
James Bearden
Des Moines, IA
Steel, black patina, clearcoat; 72" x 30" x 30"

Tree
Jeff Brewer
Nacogdoches, TX
Steel & bronze; 6' x 6' x 3'

Muso's Thought
Steve Maeck
Floral City, FL
Welded steel; 162" x 40" x 40"

Imbroglia
Zachary Schnock
Cedar Falls, IA
Concrete steel, soil, organic material, acrylic; 72" x 15" x 15"

Prayer Torso
V. Skip Willits
Camanche, IA
Painted, weatherproof steel; 8'4" x 10" x 10

Budget

Available FY 13 Ames Annual Outdoor Sculpture Exhibition Funds:		\$7,500
Honoraria to be paid to artists	(5 pieces @ \$1,000)	\$5,000
Installation costs	(signage, pad preparation)	\$350
Best-in-Show award	(FY'14 budget, choice in Oct.)	500

Ames Annual Outdoor Sculpture Exhibition Committee:

Patti Cotter, Steve Kawaler, Kathranne Knight, Chris Martin, Firth Whitehouse,
Greg Fuqua

Selected Sculptures



Transponder



Bunny



Horse



Pivot



Immaterial

Alternates



Black Bird



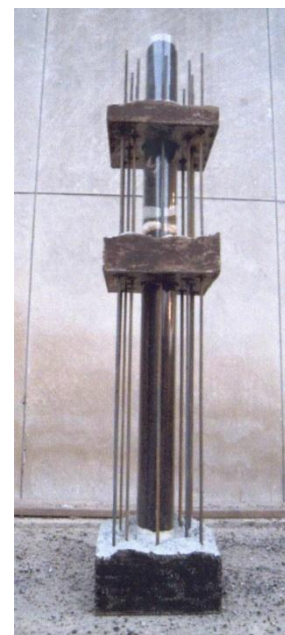
Tree



Muso's Thought



Prayer Torso



Imbroglia

COUNCIL ACTION FORM

SUBJECT: WAIVER OF PARKING METER FEES FOR STORY COUNTY COMMISSION OF VETERANS AFFAIRS EVENT

BACKGROUND:

On February 26, 2013, City Council referred to staff a letter from Luke Jensen, on behalf of the Story County Commission of Veterans Affairs, requesting free parking around 516 Kellogg Avenue for an event on March 15, 2013. In his letter, Mr. Jensen stated that the event would be held at the First United Methodist Church (516 Kellogg) and therefore, the affected parking is anticipated to be adjacent to the church in the 500 block of Kellogg Avenue and 200 block of 5th Street, respectively. Any additional parking necessary for the event would use Library Lot Q north of the Ames Public Library at 515 Douglas Avenue.

Mr. Jensen anticipates needing around 20-30 metered spaces for both the volunteers working the event and for veterans attending the event. Currently, meter rates in this area are set at \$0.20 per hour and meter fees are collected from 9:00 a.m. to 6:00 p.m. (9 hours) Monday through Friday, which equals \$1.80/meter/day. This results in an estimated loss in parking revenue of \$54 for the day. Historically, the average parking meter collections in this area reflect 30-60% utilization; therefore, average expected revenue would range from \$16 to \$32 per day.

Due to the date, time, and duration of this event, is not anticipated to cause any conflicts with ongoing construction projects in the area. It should also be noted that this event is similar to other non-profit charity or other special events held downtown. In the past, City Council has consistently approved similar requests to waive parking meter fees for these types of events.

ALTERNATIVES:

1. Approve the request from the Story County Commission of Veterans Affairs to waive parking meter fees during their event held on Friday, March 15, 2013, for those affected parking meters surrounding the First United Methodist Church at 516 Kellogg Avenue.
2. Reject the request; standard meter rates will applied during the event.

MANAGER'S RECOMMENDED ACTION:

This event includes support from City, state and federal resources with the goal of ending homelessness for veterans by 2014. The event will be open to all local at-risk

and homeless population, and will provide services such as haircuts, meals, and other health services.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the request from the Story County Commission of Veterans Affairs to waive parking meter fees during their event held on Friday, March 15, 2013, for those affected parking meters surrounding the First United Methodist Church at 516 Kellogg Avenue.

Attachments (1)

Requested Areas to Waive Parking Meter Fees



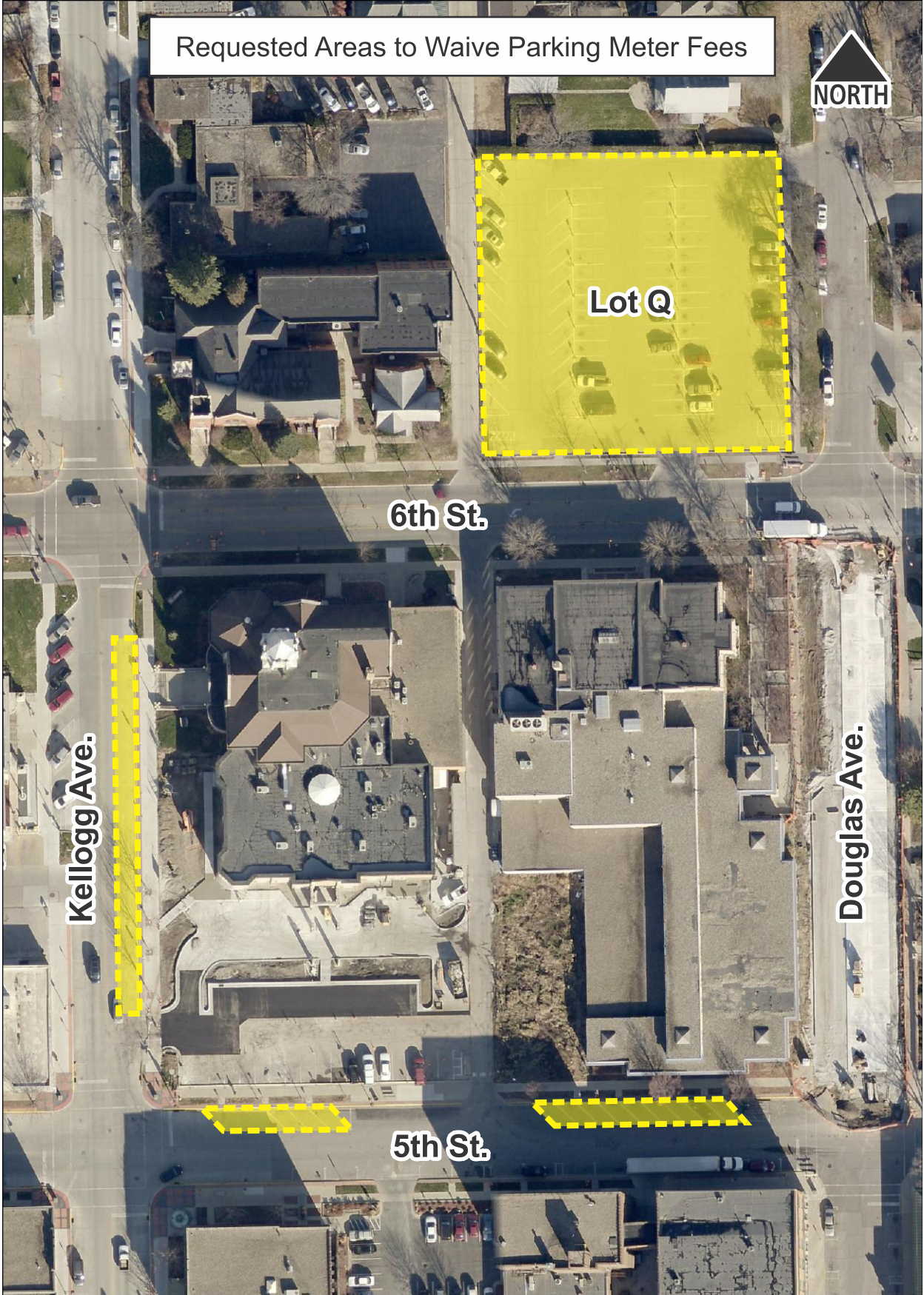
Lot Q

6th St.

Kellogg Ave.

Douglas Ave.

5th St.



COUNCIL ACTION FORM

SUBJECT: PURCHASE OF INTEGRATED NETWORK STORAGE SOLUTION

BACKGROUND:

In December 2010, the City issued a Request for Proposal (RFP) to expand capacity and improve the efficiency of the City's network storage. A contract was awarded to RSM McGladrey to provide a NetApp network storage solution at a cost of \$99,189.

The City now needs to expand this network storage solution and NetApp model first released in 2007 has been phased out. Because the disk configuration is no longer available, staff issued an RFP for a network storage system replacement.

Staff solicited proposals for the replacement of the network storage technology and data management infrastructure. Expectations for the replacement technology include the following:

- Maximization of the server and data storage utilization.
- Ability to ensure server availability and data storage in the event of hardware failure.
- Reduction of the hardware costs and staff time when establishing new servers.
- Reduction in data center cooling costs and energy costs.
- Ability to implement redundant offsite data storage.

The target vendors for the RFP were value added resellers with extensive experience in implementing network storage solutions. Requests for proposals were sent to twenty-three vendors, with the City seeking a hardware, software, and services solution that provided the best value to meet the City's data storage needs. Four proposals were received and evaluated by a team of City staff. Staff believes that there were a reduced number of responses because we are looking for a complete vendor solution and not just a hardware purchase.

Vendor interviews were conducted and the evaluation team independently scored the proposals based on the following criteria:

- Pass/Fail - Completeness of proposal and compliance with proposal requirements (responsiveness)
- 30% - Ability to fulfill the stated technical requirements
- 20% - Experience and qualifications of the vendor and key project personnel
- 30% - Demonstration of the vendor's understanding of the project
- 20% - Cost of vendor's proposal.

The funding for this project will come from existing budget amounts in Information Technology's equipment replacement fund. All four proposals are with the budgeted amount.

Results of the evaluation are provided below:

Rank	Respondent	Manufacturer	Evaluation Score	Project Cost
1	RSM McGladrey Des Moines, Iowa	NetApp	171.50	\$105,753.00
2	LightEdge Solutions Des Moines, Iowa	EMC	138.40	\$97,660.00
3	Alexander Open Systems Omaha, Nebraska	EMC	134.80	\$102,561.00
4	Erb's Technology Solutions Cedar Rapids, Iowa	Hewlett Packard	88.00	\$83,640.84

After the proposals were evaluated, it was determined that the RSM McGladrey proposal provided the optimal solution for the City. Determining factors included 1) highest evaluated score; 2) staff being familiar with the products offered; 3) previous positive experience with support; 4) the hardware proposed is already integrated into our monitoring and alerting systems; 5) staff currently supports the same manufacturer for the Combined Public Safety network; and 6) additional staff time would be required for the implementation of an unfamiliar system.

Determining factors for not recommending the lower cost vendors include the following:

- The LightEdge/EMC solution would utilize existing stock hardware that was not installed at another LightEdge customer. The hardware has far more capacity than was requested in the RFP. Additionally, there were higher ongoing costs than with the McGladrey/Alexander solutions, as well as concerns about ongoing support.
- The Alexander/EMC solution provides the capabilities needed. However, staff feels that the \$3,192 cost savings is not sufficient to warrant the additional staff time required for implementation of an unfamiliar system.
- The Erb's/Hewlett Packard solution requires the purchase of additional layer of hardware and Microsoft licensing in order to provide the same data access functionality as the NetApp and EMC solutions. Further, there are concerns about ongoing support.

ALTERNATIVES:

1. Award a contract to RSM McGladrey of Des Moines, Iowa for implementation of the integrated network storage solution at a cost of \$105,753.
2. Reject proposals and solicit proposals at a later date.

MANAGER'S RECOMMENDED ACTION:

By approving an agreement between the City of Ames and RSM McGladrey of Des Moines, Iowa, the City will be maximizing the server and data storage utilization, increasing staff efficiency, reducing heating and cooling costs, and adding the functionality of offsite data storage.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby awarding the contract to RSM McGladrey of Des Moines, Iowa at a cost of \$105,753.



City Attorney's Office

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Ames, IA 50010

Phone: 515-239-5146 • Fax: 515-239-5142

TO: Mayor Campbell and Members of the City Council

FROM: Judy Parks, Acting City Attorney

DATE: March 1, 2013

SUBJECT: City Prosecutions – Authority for Retained Outside Counsel to Assume City Prosecution Duties

As most of you are probably aware, the staff in the Legal Department is again going to be changing significantly in the near future. Kristine Stone, the Assistant City Attorney who joined our staff three and one-half years ago, has recently accepted the position of City Attorney of Bettendorf, Iowa. She will be assuming that post on April 1.

Kristine's work here includes handling all of the criminal and infraction prosecutions. However, since this caseload is continual and time sensitive, it would very difficult for me to undertake that additional work with the present staffing. The proposed temporary resolution of this challenge is to authorize the prosecutions to be done on the City's behalf by Dorsey and Whitney, the Des Moines firm who was retained on a standby basis shortly after Doug Marek left.

You may recall that Dorsey and Whitney had approached us in 2010 with the offer to do prosecutor services on a *pro bono* basis as part of the firm's commitment to participating in programs that serve the public interest. Our experience with them on that occasion was beneficial to both parties, providing their attorneys with prosecution and litigation experience while assisting us in meeting staffing needs over the time Kristine was on maternity leave. That positive experience makes them a logical and appropriate choice for our current situation.

I have discussed this proposal with Ed McIntosh and Bill Miller, partner/attorneys at the Dorsey firm, and they are willing to undertake this function. It is anticipated that the same 3 attorneys who did the cases several years ago will again be assisting us. We have also spoken with the District Associate Court and the Clerk of Court about this proposal, both to make them aware of the different faces they will be seeing and to address logistical issues. All believe that a smooth transition can be made and utilized for as long as our staffing makes it necessary. I am requesting authorization to use up to \$10,000.00 of the \$50,000.00 you have allocated for their services.



MEMO

19

To: Mayor and Council

From: Susan Gwiasda, Public Relations Officer

Date: March 5, 2013

Subject: Resident Satisfaction Survey 2013

The City of Ames is again working with Iowa State University's Institute for Design Research and Outreach to produce, distribute, and analyze the 2013 Resident Satisfaction Survey. This will be the 31st year of the survey, which includes mostly benchmarking questions. Each year, a small amount of space is reserved for a current issue question(s) to be added.

In 2012, we added technology questions to the benchmarking portion of the survey under the category of Public Information. This included questions on Smart Phone, tablet, and Internet capabilities, as well as participation in social media. These questions will continue on future surveys. The current issue question from 2013 examined responses to economic development. Those questions are shown below:

A. For which of the following developments do you want to see tax dollars for subsidies used to promote economic development? (Circle ONE response)

1. Expanding existing business
2. Developing new business
3. Both
4. Neither

B. If the City provides tax dollars as incentive for economic development, in what area of the town should these funds be used? Please rank the following numerically with 1 as the first priority and 6 (or 7) as the last priority.

- _____ Downtown
- _____ Campustown
- _____ South Duff Avenue
- _____ Southeast 16th Street
- _____ North Grand Mall
- _____ Somerset
- _____ Other (please specify _____)

Based on your discussions throughout the year, there are several potential topics for additional survey questions. We are now at the point where we need a Council consensus on any new questions to be explored.

Potential topics from the past year include the following:

- Based on data presented at the Mary Greeley Hospital annual meeting, questions could be asked about community health concerns:
 - Binge Drinking
 - Obesity
- A question could explore how residents get to work/modes of commuting.
- Yard Waste Free Day questions could explore who uses these events, improvements needed, and possible alternatives for yard waste disposal
- We could seek public feedback regarding use of and perceived need for continued tax funded public WiFi hot spots at outdoor locations (currently Tom Evans Plaza, Hunziker Youth Sports Complex, Campustown Court & Brookside Park).
- Other topics you may identify.