

**AGENDA**  
**MEETING OF THE AMES AREA METROPOLITAN**  
**PLANNING ORGANIZATION POLICY COMMITTEE**  
**AND REGULAR MEETING OF THE AMES CITY COUNCIL**  
**COUNCIL CHAMBERS - CITY HALL**  
**JULY 9, 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.**

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

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

1. Public Hearing on proposed FY 2014-17 Transportation Improvement Program (TIP):
  - a. Motion approving Final FY 2014-17 TIP

**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 June 25, 2013
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for June 16 - 30, 2013
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Liquor – Welch Ave. Station, 207 Welch Avenue
  - b. Class B Native Wine – Artisan Peace Stores, 136 Main Street
  - c. Special Class C Liquor, B Native Wine, & Outdoor Service – Wheatsfield Cooperative, 413 Northwestern Avenue, Ste. 105
  - d. Class B Beer – Pancho's Mexican Grill, 1310 South Duff Avenue
  - e. Class C Liquor – Applebee's, 105 Chestnut Street
  - f. Class C Liquor – Sportsman's Lounge, 123 Main Street
  - g. Class C Liquor & Outdoor Service – Bar, 823 Wheeler Street, Suite 4
6. Resolution approving *Municipal Code* Supplement No. 2013-3

7. Resolution approving contract with EMC Risk Services for Workers Compensation Administrative Services
8. Resolution approving lease with Jefferson Lines at Intermodal Facility
9. Resolution approving Neighborhood Improvement Program grant for Old Town Park project
10. Resolution approving preliminary plans and specifications for Water Pollution Control Facility Methane Engine - Generator Set No. 2 Rehabilitation; setting August 15, 2013, as bid due date and August 27, 2013, as date of public hearing
11. Resolution approving waiver of formal bidding requirements and authorizing purchase of Software Maintenance from Sungard Public Sector
12. Resolution approving waiver of formal bidding requirements and authorizing purchase of Shared Public Safety Software Maintenance from Sungard Public Sector
13. Resolution approving contract and bond for 2012/13 Ames Municipal Cemetery Improvements (Paving Improvements)
14. Resolution approving contract and bond for Power Plant Maintenance Services
15. Resolution approving Change Order No. 1 for CyRide Facility Improvements
16. Resolution approving renewal of contract with Fletcher Reinhardt of Cedar Rapids, Iowa, in accordance with unit prices bid for Watthour Meters for Electric Meter Division
17. South Fork Subdivision, 4<sup>th</sup> Addition:
  - a. Resolution accepting partial completion of public improvements
  - b. Resolution approving Final Major Plat

**PUBLIC FORUM:** This is a time set aside for comments from the public on topics of City business other than those listed on this agenda. Please understand that the Council will not take any action on your comments at this meeting due to requirements of the Open Meetings Law, but may do so at a future meeting. The Mayor and City Council welcome comments from the public; however, at no time is it appropriate to use profane, obscene, or slanderous language. The Mayor may limit each speaker to five minutes.

**PERMITS, PETITIONS, AND COMMUNICATIONS:**

18. Motion approving 5-Day Special Class C Liquor License for Olde Main Brewing Company at ISU Alumni Center, 420 Beach Avenue
19. Request from Waters Edge Town Home Association pertaining to parking regulations on Burnham Drive
20. Request from Shelley Jaspering for reserved handicapped accessible parking in CBD Lot X

**HEARINGS:**

21. Hearing on zoning text amendment to correct Table 29.808(2) pertaining to uses in the Downtown Service Center:
  - a. First passage of ordinance
22. Hearing for vacation of utility easement for 2825 East 13<sup>th</sup> Street:
  - a. Resolution approving vacating utility easement
23. Hearing on Furnishing of SF6 Circuit Breakers:
  - a. Motion accepting report of bids and delaying award of contract
24. Hearing on Furnishing of Substation Electrical Materials:
  - a. Motion accepting report of bids and delaying award of contract
25. Hearing on Woodview Drive Sanitary Sewer and Water Main Installation Project:
  - a. Resolution adopting Final Resolution of Necessity

26. Hearing on rezoning of property located at 921 9<sup>th</sup> Street (former Roosevelt Elementary) from Government/Airport (S-GA) to Urban Core Residential Medium Density (UCRM):
  - a. First passage of ordinance

**ORDINANCES:**

27. Second passage of ordinance to allow conversion of a former school building to an apartment dwelling in the Urban Core Residential Medium Density Zone (UCRM) as a permitted use
28. Second passage of ordinance to allow higher residential density if specified in an Adaptive Reuse Plan approved by the City Council
29. Third passage and adoption of ORDINANCE NO. 4151 pertaining to shared common lot line garages
30. Third passage and adoption of ORDINANCE NO. 4152 setting speed limit on State Avenue

**ADMINISTRATION:**

31. ASSET priorities for 2014/15
32. Resolution approving extension of Sustainability Coordinator Contract

**FINANCE:**

33. Staff report on City WiFi Service

**LIBRARY:**

34. Resolution approving Change Order No. 4 in the amount of \$21,214 to A&P/Samuels Group Contract
35. Resolution approving preliminary plans and specifications for Window Restoration, setting July 31, 2013, as bid due date and August 13, 2013, as date of public hearing

**PLANNING & HOUSING:**

36. Staff report on development standards for residential zones

**PUBLIC WORKS:**

37. Staff Report on South Duff Avenue Access Study

**COUNCIL COMMENTS:**

**ADJOURNMENT:**

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

**Public Works Department**

515 Clark Avenue, Ames, Iowa 50010  
Phone 515-239-5160 ♦ Fax 515-239-5404

July 2, 2013

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

Ladies and Gentlemen:

I hereby certify that the utilities and base asphalt paving required as a condition for approval of the final plat of **South Fork, 4<sup>th</sup> Addition** have been completed in an acceptable manner by **Ames Trenching & Excavating of Ames, IA and Manatts, Inc. of Ames, IA**. The above-mentioned improvements have been inspected by the Engineering Division of the Public Works Department of the City of Ames, Iowa and found to meet City specifications and standards.

As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision be set at **\$15,185**. The remaining work covered by this financial security includes the asphalt surfacing, street lighting, temporary turn around, and erosion control.

Sincerely,

John C. Joiner, P.E.  
Director

JJ/jc

cc: Finance, Contractor, Construction Supervisor, PW Senior Clerk, Planning & Housing,  
Subdivision file

Description	Unit	Quantity
Class 13 Excavation	CY	900
Sub-grade Preparation	SY	1030
4" Sanitary Sewer Service (8" or 10" Saddle Connection)	EA	12
Sanitary Sewer Main, 8"	LF	16
Footing Drain Collector, 6"	LF	220
Footing Drain Cleanout	EA	1
Footing Drain Outlet and Connection, 6"	EA	1
Storm Sewer Service Stub, PVC, 1-1/2"	EA	12
Water main, Trenched, PVC, SDR18, 8"	LF	220
Water Service Connection, Curb Stop & Box, 1"	EA	12
Gate Valve & Box, 8"	EA	1
Fire Hydrant Assembly (includes gate valve, boot, 6" pipe and fittings)	EA	1
Remove and Relocate Hydrant Assembly	EA	1
Manhole/Intake Adjustment, Minor	EA	1
Manhole/Intake Adjustment, Major	EA	1
Silt Fence-Install, Maint. & Removal	LF	240
Seeding, Type 1 Lawn Mix	ACRE	1
Inlet Protection Device-Install, Maint. & Removal	EA	4
Remove Asphalt Pavement	SY	80
Pavement, HMA, 8" - Marigold	SY	495
Pavement, PCC, 6" - Alley	SY	330
30" PCC Curb and Gutter	LF	420

**COUNCIL ACTION FORM**

**SUBJECT:** MAJOR FINAL PLAT FOR SOUTH FORK SUBDIVISION FOURTH ADDITION

**BACKGROUND:**

On June 11, 2013, the City Council approved a revised Preliminary Plat for South Fork Subdivision. Pinnacle Properties Ames LLC has submitted a final subdivision plat to allow further development.

This proposed final plat of the Fourth Addition (attached) includes 12 residential lots, an extension of Marigold Drive and two public alleys, and an outlot reserved for future development. Overall, the plat comprises approximately 7.4 acres. All required improvements have been completed except as noted by the Public Works Director in the attached letter. The City Council is asked to accept those improvements that are completed. The City Council is also asked to accept the letter of credit for those remaining improvements and the agreement for the future installation of sidewalks and street trees.

The following documents have been submitted with the Final Plat:

- Resolution Accepting the Plat of South Fork Subdivision Fourth 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); and
- Agreement for Sidewalks and Street Trees.

**ALTERNATIVES:**

1. The City Council can approve the Final Plat for South Fork Subdivision Fourth 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 Fourth 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 no later than its August 13, 2013 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 Fourth Addition.

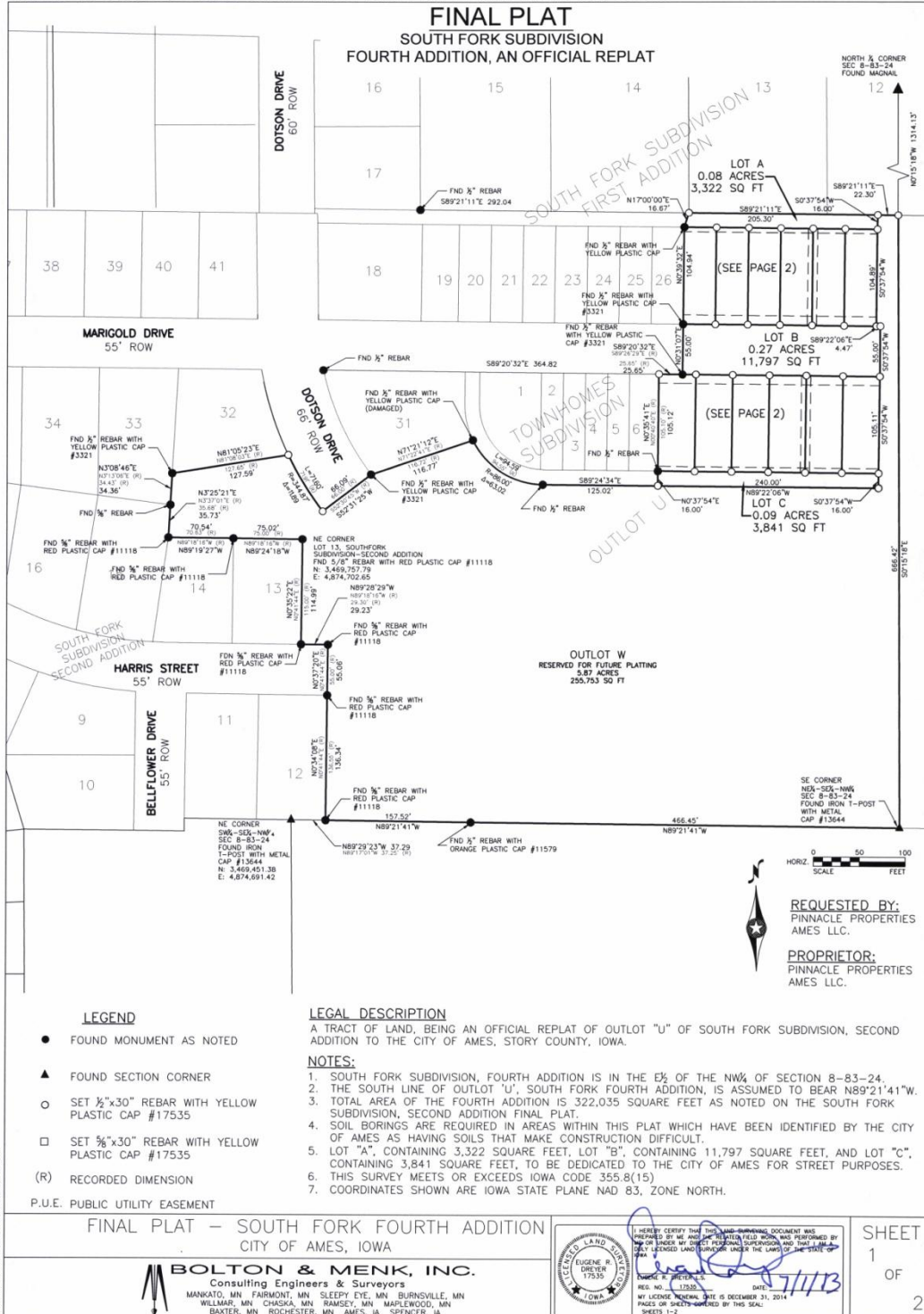
Location Map



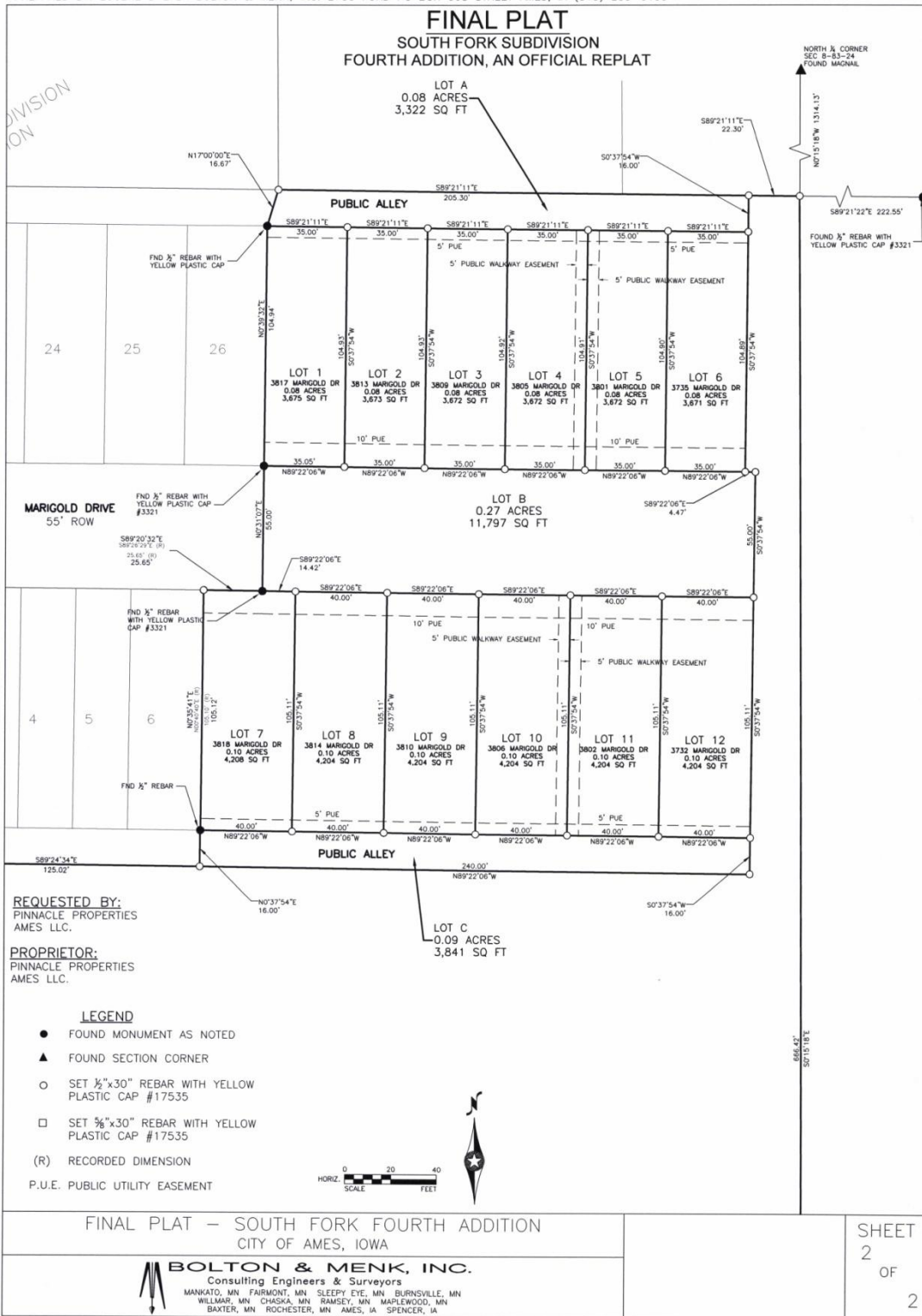


# South Fork Subdivision Fourth Addition

PREPARED BY: EUGENE DREYER BOLTON & MENK, INC. 2730 FORD PO BOX 668 STREET AMES, IA (515) 233-6100



PREPARED BY: EUGENE DREYER BOLTON & MENK, INC. 2730 FORD PO BOX 668 STREET AMES, IA (515) 233-6100



## 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)*

***Applicant***

Name of Applicant: LJPS Inc.

Name of Business (DBA): Olde Main Brewing Company

Address of Premises: 420 Beach Ave.

City: Ames County: Story Zip: 50011

Business Phone: (515) 232-0553

Mailing Address: PO Box 1928

City: Ames State: IA Zip: 50010

***Contact Person***

Name: Matt Sinnwell

Phone: (515) 232-0553 Email Address: mattombc@gmail.com

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

Term: 5 days

Effective Date: 07/27/2013

Expiration Date: 07/31/2013

Privileges:

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

***Status of Business***

BusinessType: Limited Liability Company

Corporate ID Number: 286196 Federal Employer ID # 77-0613629

***Ownership***

**Daniel Griffen**First Name: DanielLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Owner% of Ownership 25.00 %

U.S. Citizen

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

U.S. Citizen

**Susan Griffen**First Name: SusanLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Owner% of Ownership 25.00 %

U.S. Citizen

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

Policy Effective Date:

Policy Expiration Date:

Bond Effective Continuously:

Dram Cancel Date:

Outdoor Service Effective Date:

Outdoor Service Expiration Date:

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

### **COUNCIL ACTION FORM**

**SUBJECT:** PARKING REGULATIONS ON BURNHAM DRIVE

**BACKGROUND:**

On May 14, 2013, City Council referred a letter from the Waters Edge Town Home Association, care of Ron Shiflet the association President, requesting that the parking regulations along Burnham Drive be changed to restrict parking along the north side of the street. Currently parking is restricted at all times on the south side of the road.

In the letter, the Waters Edge Town Home Association cites two main reasons for the change 1) that there are fire hydrants located along the north side, therefore losing potential parking spaces that may also decrease access to those hydrants by the Fire Department during a fire, and 2) the south side has more street frontage for parking given the current layout of driveways. The letter also indicated that of the 27 residents living on Burnham Drive, 20 residents either support or do not object to the change. Five residents would like to keep No Parking on the south side, and two did not respond.

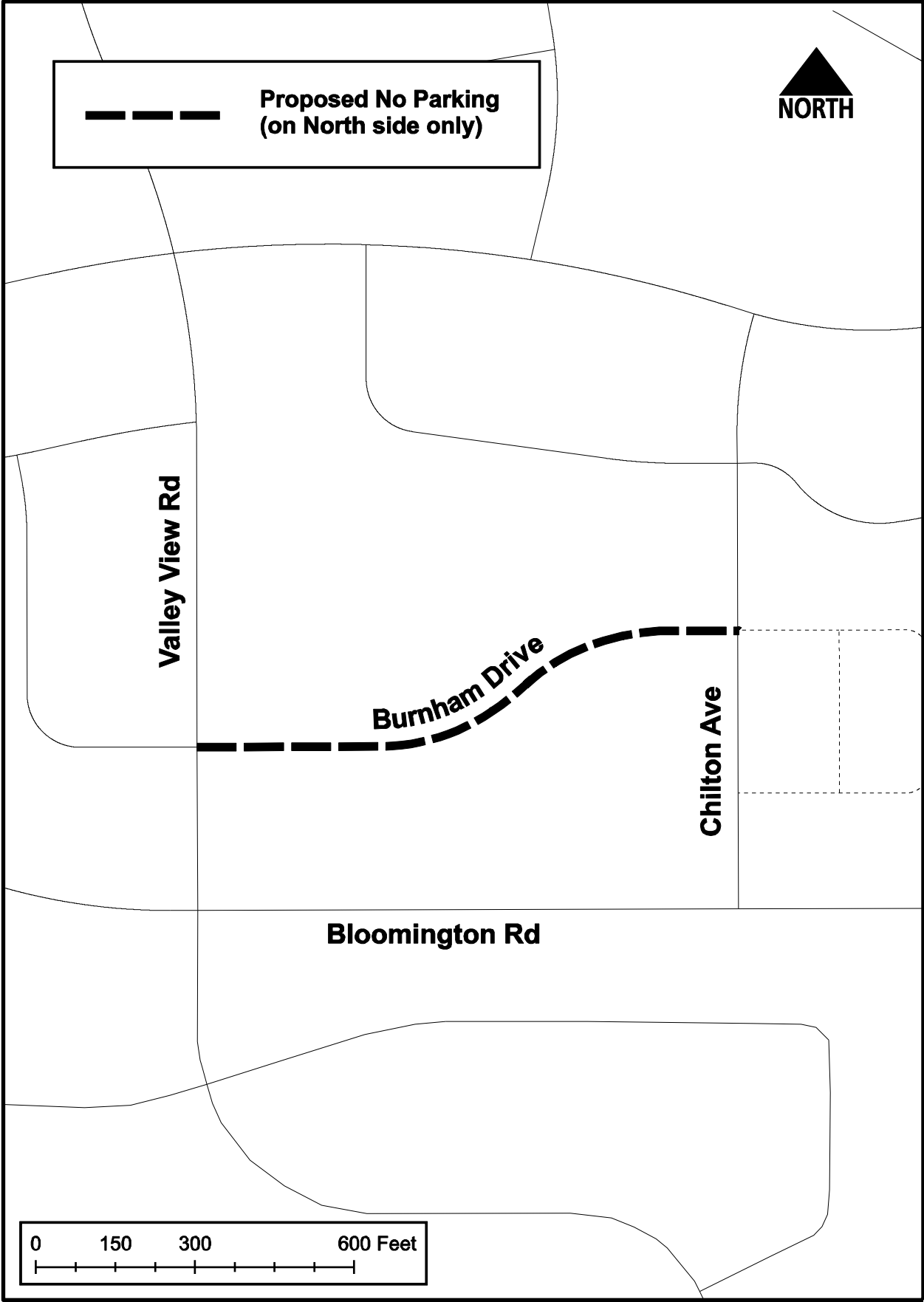
**Staff looked into this request and found no safety or operational issues in changing the side of the street that restricts parking. This change will actually bring the parking regulations into line with current standards for subdivisions by restricting parking on the same side of the street where the fire hydrants are located.**

**ALTERNATIVES:**

1. Direct the City Attorney to draft an ordinance that would restrict parking at all times on the north side of Burnham Drive and allow parking on the south side.
2. Reject the request, thereby keeping No Parking on the south side of Burnham Drive.

**MANAGER'S RECOMMENDED ACTION:**

**Since 1) there is a large majority of support for this change by the affected residents, 2) the change will promote better access to fire hydrants in times of emergency, and it would make parking regulations more consistent throughout the subdivision; it is the recommendation of the City Manager that the City Council support Alternative #1 and direct the City Attorney to draft an ordinance to restrict parking at all times on the north side of the street and allow parking on the south side.**



## **COUNCIL ACTION FORM**

**SUBJECT: RESERVED VAN-ACCESSIBLE PARKING STALL (CBD LOT X)**

**BACKGROUND:**

On June 11, 2013, City Council referred a letter from Shelley Jaspering requesting that an existing van-accessible stall in CBD Parking Lot X be also designated as a reserved parking stall. Ms. Jaspering is a small business owner located in the Town Center building, which is directly adjacent to the east side of Tom Evans Park in the Downtown district.

Over the last year, Ms. Jaspering has been utilizing the on-street accessible parking stalls along Burnett Avenue using the City parking passes for disabled employees in the Downtown; this system provides extended time parking in accessible stalls for the cost of \$3/day. At that time Ms. Jaspering's business was located in one of the Main Street level leased spaces. However, her business has since moved to the lower level of the Town Center building that is only accessed from the back side of the building facing the CBD Lots by way of a concrete accessible ramp.

**Currently, there are no van-accessible reserved stalls in the Ames parking system that are designated for disabled users only; meaning, parking stalls that have 8 feet parking space and an 8 foot striped landing area for wheelchair/ramp access and are signed as accessible, therefore requiring the user to display a permit.** The parking stall in question is located in the far north-east corner of the CBD Lot X, stall 398H; a map of the parking stall has been provided as an attachment.

**This situation is a rare occurrence not only for the Downtown, but other business districts in Ames alike, which is why such a facility does not already exist.** The City's ADA Coordinator and staff in Public Works are in the process of taking inventory of all public parking stalls in Ames and applying the standards set forth in the Public Rights-of-Way Accessible Guidelines (PROWAG) to create a compliance and priority plan that eventually will become part of the City's overall ADA Transition Plan. The plan could potentially identify full reconstruction of public accessible stalls analogous to the City's pedestrian curb ramp replacements. These improvements would happen either during a street reconstruction or as a standalone project.

After meeting on-site to discuss the situation it appears that the most straight forward and cost effective solution would be to designate one of the existing accessible stalls in CDB Lot X as a reserved stall; this would make use of the City's established process of a monthly rental contract in which the fee is \$35/month. Utilizing a parking stall that is not already designated as accessible would create numerous ADA compliance issues in having to bring that stall up to current standards.



**ALTERNATIVES:**

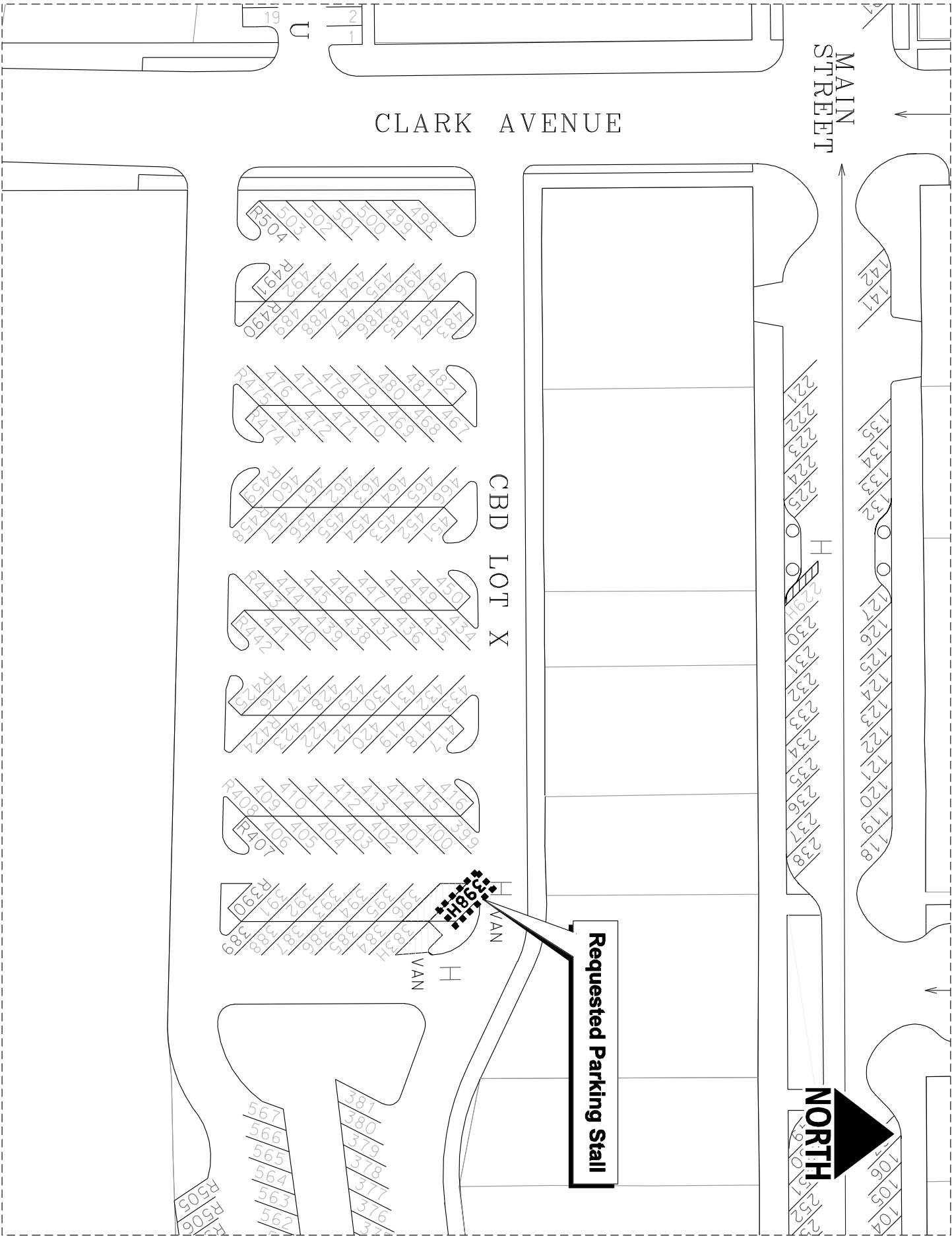
1. Approve an update the Parking Meter Map to show parking stall 398H in CBD Lot X as a reserved van-accessible stall (398RH). Establishing a rate of \$25/month, Monday to Friday, 9:00 AM to 6:00 PM. All other standard reserve contract provisions apply.
2. Approve an update the Parking Meter Map to show parking stall 398H in CBD Lot X as a reserved van-accessible stall (398RH). Using the existing rate of \$35/month for all hours, all days. All standard reserve contract provisions apply.
3. Reject the request and keep stall 398H as a van-accessible parking stall, 4-hour time limited.

**MANAGER'S RECOMMENDED ACTION:**

By approving this change the City will be able to be responsive to Ms. Japsering's request, thereby creating a reserved space that she can utilize for her business. This approach will also allow staff time to continue efforts to update the ADA transition plan to include the application of new PROWAG standards to all public on-street parking and parking lot stalls.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving an update the Parking Meter Map to show parking stall 398H in CBD Lot X as a reserved van-accessible stall (398RH). Establishing a rate of \$25/month, Monday to Friday, 9:00 AM to 6:00 PM. All other standard reserve contract provisions apply.

Attachment (1)



CLARK AVENUE

MAIN STREET

CBD LOT X

NORTH

Requested Parking Stall

**COUNCIL ACTION FORM**

**SUBJECT:** ZONING ORDINANCE TEXT AMENDMENT TO DOWNTOWN SERVICE CENTER USE TABLE

**BACKGROUND:**

On October 9, 2012, Ordinance 4125 was enacted amending the Use Table for the Downtown Service Center Zoning District to permit Household Living in the first story of a building. In that ordinance, all of the information in the Approval Required and Approval Authority columns below Household Living was unintentionally shifted down one row.

In the following segment of this table, "Retail Sales and Service-General" has "Y" in the STATUS column, yet the APPROVAL REQUIRED and APPROVAL AUTHORITY columns are blank. The row below has "N" in the STATUS column, but does have information in the APPROVAL REQUIRED and APPROVAL AUTHORITY columns. The "Entertainment, Restaurant and Recreation Trade" row has "Y" in the STATUS column, but has "—" in the APPROVAL REQUIRED and APPROVAL AUTHORITY columns, which belong in the row directly below. These errors continue throughout the rest of this use table.

Table 29.808(2)

**Downtown Service Center (DSC) Zone Uses**

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
Group Living	N	--	--
Household Living	N, except in combination with permitted non-residential use or uses, in which case 75% Household Living shall be located above the first story, and at least the front 50% of the first story must be maintained for non-residential use.	SDP Minor	Staff
Short-term Lodgings	Y	SDP MINOR	STAFF
<b>OFFICE USES</b>	Y	SDP MINOR	STAFF
<b>TRADE USES</b>		SDP MINOR	STAFF
Retail Sales and Services - General	Y		
Retail Trade - Automotive, etc.	N	SDP MINOR	STAFF
Entertainment, Restaurant and Recreation Trade	Y	--	--
Wholesale Trade	N	SDP MINOR	STAFF

Since this affects regulation of all uses in this commercial zoning district, it is important to correct the table as quickly as possible. The corrected portion is shown below.

**Table 29.808(2)**  
**Downtown Service Center (DSC) Zone Uses**

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
Group Living	N	--	--
Household Living	N, except in combination with permitted non-residential use or uses, in which case 75% Household Living shall be located above the first story, and at least the front 50% of the first story must be maintained for non-residential use.	SDP MINOR	STAFF
Short-term Lodgings	Y	SDP MINOR	STAFF
<b>OFFICE USES</b>	Y	SDP MINOR	STAFF
<b>TRADE USES</b>			
Retail Sales and Services - General	Y	SDP MINOR	STAFF
Retail Trade - Automotive, etc.	N	--	--
Entertainment, Restaurant and Recreation Trade	Y	SDP MINOR	STAFF
Wholesale Trade	N	--	--
<b>INDUSTRIAL USES</b>			
Industrial Service	N	--	--
<b>INSTITUTIONAL USES</b>			
Colleges and Universities	Y	SP	ZBA
Community Facilities	Y	SDP MINOR	STAFF
Social Service Providers	Y	SP	ZBA
Medical Centers	N	--	--

**ALTERNATIVES:**

1. The City Council can approve the zoning text amendment to Table 29.808(2) to correct the Downtown Service Center Use Table.
2. The City Council can not approve the zoning text amendment to Table 29.808(2) to correct the Downtown Service Center Use Table.
3. The City Council can refer the proposed zoning text amendments back to staff for further information.

**MANAGER'S RECOMMENDATION:**

Neither the Commission Action Form or the Whereas section of Ordinance No. 4125 referred to these changes in the Downtown Service Center Use Table. These changes created unintentional and major changes in this zoning district, which are currently in effect. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 thereby approving the attached zoning text amendment to Table 29.808(2) to correct the Downtown Service Center Use Table.

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING TABLE 29.808(2), AND ADOPTING NEW TABLE 29.808(2) FOR THE PURPOSE OF TEXT AMENDMENTS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

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

**Section One.** The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Table 29.808(2), and adopting a new Table 29.808(2), to read as follows:

“

**Table 29.808(2)**  
**Downtown Service Center (DSC) Zone Uses**

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
Group Living	N	--	--
Household Living	N, except in combination with permitted non-residential use or uses, in which case 75% Household Living shall be located above the first story, and at least the front 50% of the first story must be maintained for non-residential use.	SDP MINOR	STAFF
Short-term Lodgings	Y	SDP MINOR	STAFF
<b>OFFICE USES</b>	Y	SDP MINOR	STAFF
<b>TRADE USES</b>			
Retail Sales and Services - General	Y	SDP MINOR	STAFF
Retail Trade - Automotive, etc.	N	--	--
Entertainment, Restaurant and Recreation Trade	Y	SDP MINOR	STAFF
Wholesale Trade	N	--	--
<b>INDUSTRIAL USES</b>			
Industrial Service	N	--	--
<b>INSTITUTIONAL USES</b>			
Colleges and Universities	Y	SP	ZBA
Community Facilities	Y	SDP MINOR	STAFF
Social Service Providers	Y	SP	ZBA
Medical Centers	N	--	--

Parks and Open Areas	Y	SDP MINOR	STAFF
Religious Institutions	Y	SP	ZBA
Schools	N	--	--
<b>TRANSPORTATION, COMMUNICATIONS AND UTILITY USES</b>			
Passenger Terminals	Y	SDP MINOR	STAFF
Basic Utilities	Y	SDP MAJOR	CITY COUNCIL
Commercial Parking	Y	SDP MINOR	STAFF
Radio and TV Broadcast Facilities	Y	SP	ZBA
Rail Line and Utility Corridors	Y	SP	ZBA
Railroad Yards	N	--	--
<b>MISCELLANEOUS USES</b>			
Commercial Outdoor Recreation	N	--	--
Child Day Care Facilities	Y	SP	ZBA
Detention Facilities	N		
Major Event Entertainment	Y	SP	ZBA
Vehicle Service Facilities	N	--	--
Adult Entertainment Business	Y	SDP MINOR	STAFF

Y = Yes: permitted as indicated by required approval.  
N = No: prohibited  
SP = Special Use Permit required: See Section 29.1503  
SDP MINOR = Site Development Plan Minor: See Section 29.1502(3)  
SDP MAJOR = Site Development Plan Major: See Section 29.1502(4)  
ZBA = Zoning Board of Adjustment  
-- =

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

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

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

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

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

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

~~ITEM # 8  
DATE: 06-25-13~~

### COUNCIL ACTION FORM

**SUBJECT: PUBLIC UTILITY EASEMENT VACATION – 2825 EAST 13<sup>TH</sup> STREET**

#### **BACKGROUND:**

In May 2013, staff was contacted by the property owner at 2825 East 13<sup>th</sup> Street regarding redevelopment of the property. The property currently has a 16.5 foot public utility easement running from southwest to northeast that would interfere with the construction of a new building on the western half of the lot. The property owner requested that the easement be vacated to accommodate the construction. The existing 5-foot easements on the west and north sides of the lot will remain in place.

**Public Works staff contacted all registered right-of-way users** to determine the extent of the utilities in the immediate area and has received responses back from all users that **there are no current utilities in the easement area and no future plans to utilize the easement area.** The attached map provides more information on the affected area.

#### **ALTERNATIVES:**

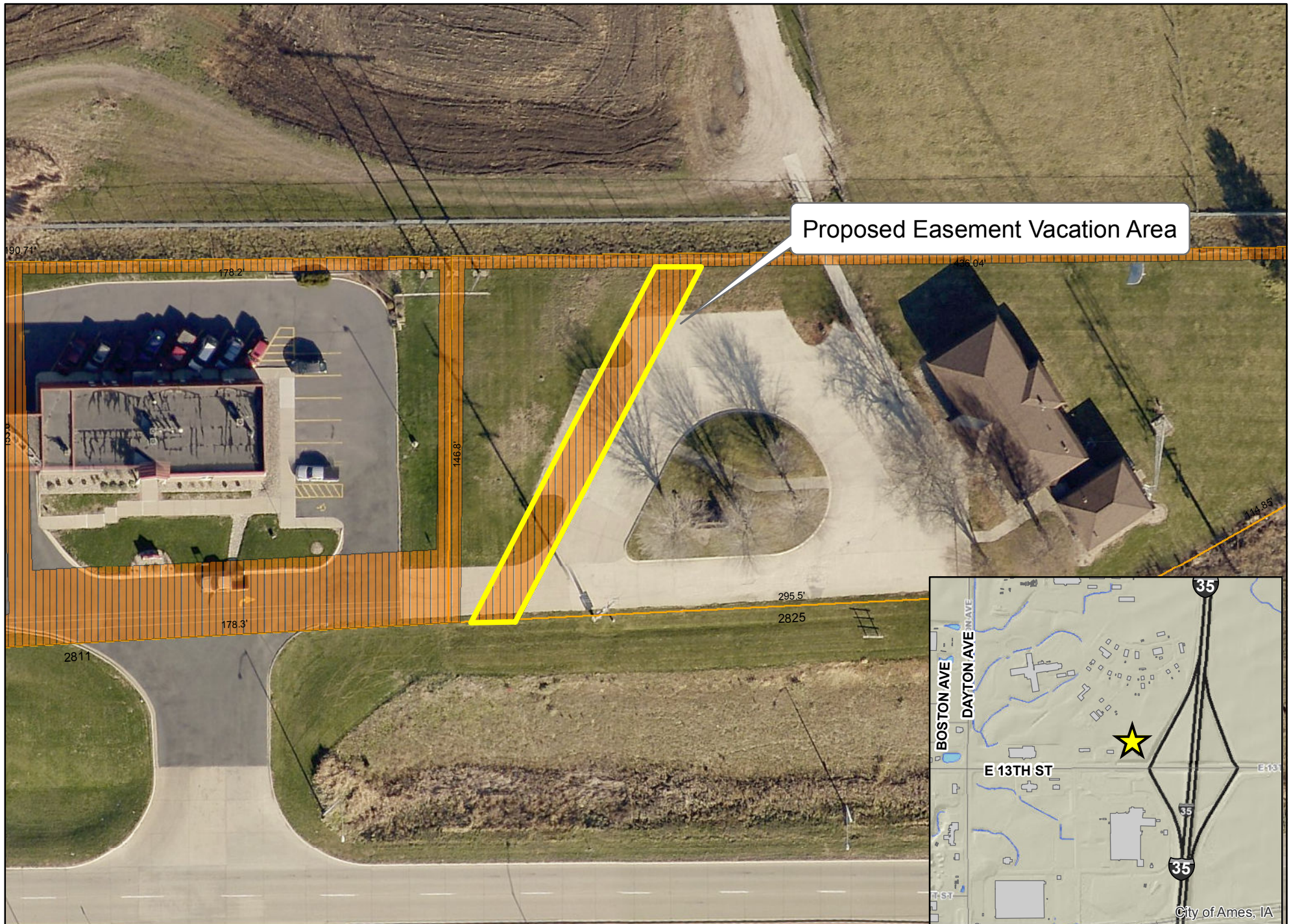
1. Approve the proposal to vacate the 16.5 foot wide easement across Lot 1, the centerline being described as follows: Beginning 19.0 feet Easterly of the Southwest corner of said Lot 1; thence North 27° 11' 30", 164.15 feet to the north line of said Lot 1, except the north 5 feet of the existing easement at 2825 East 13<sup>th</sup> Street, and set the date of public hearing for July 9, 2013.
2. Direct staff or the property owner to pursue other options.

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

By approving vacation of the easement, the property owner will be able to improve the property and maintaining the construction schedule and have the property open for business in 2013.

Since there are no current utilities in the easement area and no future plans to utilize the easement area, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1. This alternative will **approve the vacation** of the north five feet of the 16.5 foot wide easement across Lot 1, the centerline being described as follows: Beginning 19.0 feet Easterly of the Southwest corner of said Lot 1; thence North 27° 11' 30", 164.15 feet to the north line of said Lot 1, except the north 5 feet of the existing easement at 2825 East 13<sup>th</sup> Street, **and set the date of public hearing** for July 9, 2013.





2825 East 13th Street  
Proposed Easement Vacation Area



1 inch = 50 feet  
Date: 6/19/2013

**COUNCIL ACTION FORM**

**SUBJECT: REPORT OF BIDS FOR SF6 CIRCUIT BREAKERS**

**BACKGROUND:**

On June 11, 2013, City Council approved preliminary plans and specifications for SF6 Circuit Breakers. The complete project is the replacement of 69kV switchyard relay, controls and other electrical equipment at the Ames Plant substation.

Bid documents were issued to five firms. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published in the Ames Tribune. The bid was also sent to one planroom.

On June 26, 2013, one bid was received as shown below:

Mitsubishi Electric Power Products, Inc., Warrendale, PA	\$169,131.75
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Mitsubishi submitted additional terms and conditions along with its bid. **Due to these additional terms, staff needs additional time to review those terms before a recommendation can be made to Council. The review will ensure that the added conditions do not pose any unnecessary risk to the City.**

**ALTERNATIVES:**

1. Accept the report of bids and delay award for the SF6 Circuit Breakers.
2. Reject the bid and direct staff to rebid.

**MANAGER'S RECOMMENDED ACTION:**

This equipment is necessary to complete the projects at the specified substations. This project will help move customer loads off the Power Plant bus and will help to limit exposure of the Power Plant bus to distribution faults, thereby improving Power Plant reliability. By installing modern, programmable relays and updated controls in these locations, long-term reliability can be improved by eliminating the obsolete and maintenance-intensive electromechanical relays and aged, lengthy control circuits that are no longer accessible for repair. These projects are necessary for Electric Services to continue providing safe, reliable, service to the customers in the City.

**By choosing Alternative No. 1, staff will have enough time to evaluate the submitted terms and conditions to ensure there is minimal risk posed to the City.** Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.



**COUNCIL ACTION FORM**

**SUBJECT: REPORT OF BIDS FOR SUBSTATION ELECTRICAL MATERIALS**

**BACKGROUND:**

On June 11, 2013, City Council approved preliminary plans and specifications for certain electrical materials. The complete project is the replacement of 69kV switchyard relay, controls and other electrical equipment at the Ames Plant substation.

Bid documents were issued to twenty-five firms. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published in the Ames Tribune. The bid was also sent to one planroom.

On June 26, 2013, nine bids were received as demonstrated on the attached report. Electric Services staff, along with an engineer from Dewild Grant Reckert & Associates (DGR) Company, reviewed the bids. After the initial evaluation, they determined that the bids submitted by MVA Power, Inc., Trinity Utility Structures and Valmont Newmark were all non-responsive. The reason they were non-responsive was due to bid security not submitted along with their bids.

**As a result, six bids remain which require further evaluation before a decision can be made on winners of each portion. This Council Action Form is merely reporting bids and requesting that Council delay award at this time.**

**ALTERNATIVES:**

1. Accept the report of bids and delay award for the substation electrical materials.
2. Award contracts to the apparent low bidders.
3. Reject all bids and direct staff to rebid.

**MANAGER'S RECOMMENDED ACTION:**

This equipment is necessary to complete the projects at the specified substations. This project will help move customer loads off the Power Plant bus and will help to limit exposure of the Power Plant bus to distribution faults, thereby improving Power Plant reliability. By installing modern, programmable relays and updated controls in these locations, long-term reliability can be improved by eliminating the obsolete and maintenance-intensive electromechanical relays and aged, lengthy control circuits that

are no longer accessible for repair. These projects are necessary for Electric Services to continue providing safe, reliable, service to the customers in the City.

**By choosing Alternative No. 1, staff and DGR will have enough time to evaluate each bid.** Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.



**INVITATION TO BID 2013-236  
FURNISH SUBSTATION ELECTRICAL MATERIALS**

**Bid No. 1 69kv Switches**

<b>BIDDER</b>	<b>BID PRICE* (LESS APPLICABLE SALES TAX)</b>	<b>OVERALL BID PRICE**</b>
Southern States, Hampton, GA	\$44,389.00	\$47,496.23
Hamby-Young, Aurora, OH	\$47,726.29	\$52,552.84
V & S Schuler Engineers, Inc., Canton, OH	\$50,180.00	\$54,498.00
RESCO, Ankeny, IA	\$53,078.33	\$56,793.81
MVA Power, Inc., Montreal, Quebec, Canada	Non-Responsive - Bidder did not supply bid bond with bid	

**Bid No. 2 Instrument Transformers**

RESCO, Ankeny, IA	\$61,832.43	\$66,160.70
Hamby-Young, Aurora, OH	\$64,890.11	\$70,860.99
V & S Schuler Engineers, Inc., Canton, OH	\$67,530.00	\$73,341.00
Fletcher-Reinhardt Company, Bridgeton, MO	\$86,730.00	\$92,801.10
MVA Power, Inc., Montreal, Quebec, Canada	Non-Responsive - Bidder did not supply bid bond with bid	

**Bid No. 3 Lightning Arresters (Vertical)**

Fletcher-Reinhardt Company, Bridgeton, MO	\$10,536.00	\$11,273.52
RESCO, Ankeny, IA	\$10,599.72	\$11,341.70
Hamby-Young, Aurora, OH	\$19,013.70	\$20,344.66
V & S Schuler Engineers, Inc., Canton, OH	\$18,960.00	\$20,600.00
MVA Power, Inc., Montreal, Quebec, Canada	Non-Responsive - Bidder did not supply bid bond with bid	

**Bid No. 3 Lightning Arresters (Underhung)**

Fletcher-Reinhardt Company, Bridgeton, MO	\$11,166.00	\$11,947.62
RESCO, Ankeny, IA	\$11,226.42	\$12,012.27
MVA Power, Inc., Montreal, Quebec, Canada	Non-Responsive - Bidder did not supply bid bond with bid	

**Bid No. 4 Steel Structures**

Galvanizers, Inc., West Fargo, ND	\$1,967.42	\$2,327.34
V & S Schuler Engineers, Inc., Canton, OH	\$2,500.00	\$2,715.00
Fletcher-Reinhardt Company, Bridgeton, MO	\$2,868.00	\$3,068.76
Hamby-Young, Aurora, OH	\$2,619.40	\$3,252.76
MVA Power, Inc., Montreal, Quebec, Canada	Non-Responsive - Bidder did not supply bid bond with bid	
Trinity Utility Structures, Dallas, TX	Non-Responsive - Bidder did not supply bid bond with bid	
Valmont Newmark, Tulsa, OK	Non-Responsive - Bidder did not supply bid bond with bid	

\* This column included since two of the bidders are not licensed to collect sales-tax.

\*\* This includes applicable sales-tax to be paid by the Bidder or from the City directly to the State of Iowa.

ITEM # 37  
DATE 06-11-13

**COUNCIL ACTION FORM**

**SUBJECT:**     **WOODVIEW DRIVE WATER AND SEWER PROJECT**

**BACKGROUND:**

In September of 2009, property owners on Woodview Drive asked City Council to investigate the costs associated with installation of sanitary sewer and water main to serve those property owners who are not currently served by City utilities. A concept design and preliminary cost estimate were prepared, and it was determined that a Special Assessment District could be set up for all benefited properties.

Staff has completed plans and specifications for the utilities installation with estimated construction costs as shown below:

Sanitary Sewer Main	\$ 126,696.65
Water Main	\$ 152,213.60
Engineering	<u>\$ 37,354.05</u>
Total	<u>\$ 316,264.30</u>

All property owners have agreed to the Special Assessment and have also agreed on how the costs are to be split between each property. The formula they have agreed upon involves half the cost of the assessment be split equally amongst the owners and the remaining half to be split based on property area and frontage. There will be no City funding contribution to this project.

It should be noted that in an effort to keep costs down, the property owners have agreed to complete the restoration of any disturbed areas on their respective properties, which would normally be the responsibility of the project contractor. The above costs do not include service connections to the individual properties. These costs will be property-dependant and the residents are agreeable to this. Staff has encouraged the residents to coordinate with the contractor at the time of the utility installation or to hire a plumber of their choice at a later date to provide the connection to their homes.

This project is shown in the 2012/13 Capital Improvements Plan with funding in the amount of \$357,000 from Assessment Abated General Obligation Bonds.

**ALTERNATIVES:**

- 1a.     Approve the preliminary resolution pursuant to the Iowa Code covering the Woodview Drive Water and Sewer project.

- b. Adopt the plat (Exhibit A), schedule (Exhibit B), and Engineer's estimate (Exhibit C) pursuant to *Iowa Code* covering the Woodview Drive Water and Sewer project.
  - c. Adopt a resolution of necessity in accordance with the *Iowa Code* covering the Woodview Drive Water and Sewer project and setting July 9, 2013 as the date of public hearing.
  - d. Approve the Woodview Drive Water and Sewer project by establishing July 17, 2013 as the date of letting and July 23, 2013 as the date for report of bids.
  - e. Approve the Woodview Drive Water and Sewer project Covenant for Assessment of Costs of Improvements (Exhibit D).
2. Direct staff to pursue modifications to the project.

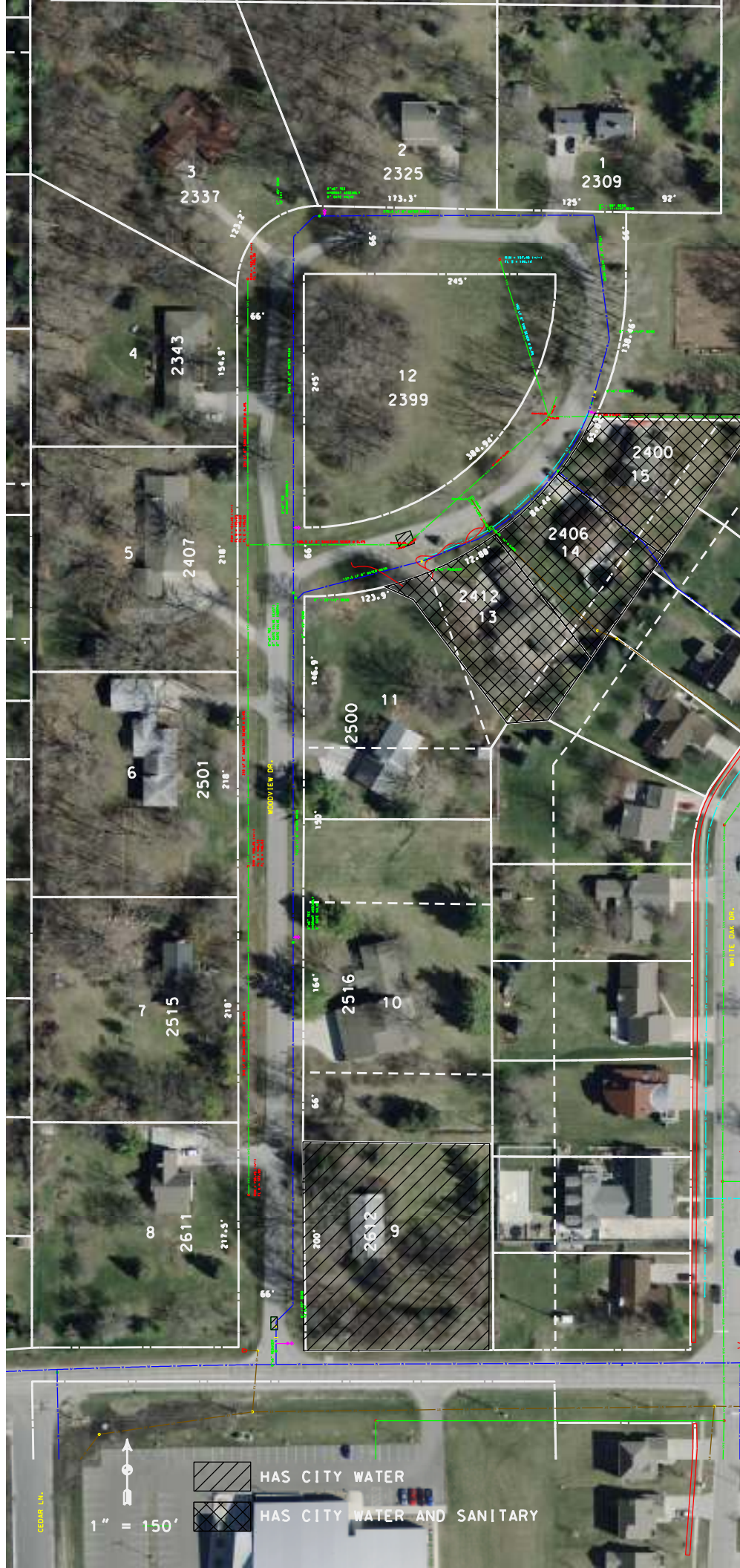
**MANAGER'S RECOMMENDED ACTION:**

By approving this project, these utilities will be able to be installed during the 2013 construction season. This will help the residents avoid the impact of failure to aging private wells and septic systems.

It should be noted that the property owners reached agreement amongst themselves before they contacted the City to initiate this project, and all have contractually committed to a voluntary assessment process. To that end, they have all signed a Contract and Waiver agreement in which there is language that essentially has the property owners waiving rights to notice, to object to boundaries, to object to the formula for assessment, and to waive assessment valuation limitations as well as other rights that state law establishes for non-voluntary public improvement assessment situations.

Their agreement allows the City to assess the actual costs, no matter what they are. However, when the bids come in, the property owners will be contacted and asked for concurrence as to whether they still want to move forward. The recommendation to Council upon report of bids will be based on their desire whether or not to proceed with award of contract. If the neighbors reject moving forward, the City would still be able to recover the cost of staff engineering time.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 (a through e), thereby approving the Woodview Drive Water and Sewer project.



CEDAR LA.

1" = 150'



HAS CITY WATER

HAS CITY WATER AND SANITARY



## Exhibit A

### Woodview Drive Sanitary Sewer and Water Main Installation PRELIMINARY SCHEDULE OF ASSESSMENT

City of Ames, June 11, 2013

	OWNER NAMES PROPERTY ADDRESS	PARCEL DESCRIPTIONS	ASSESSMENT	TOTAL COST %
1	Gary and Cathy Smelser 2309 Woodview Drive Ames, IA 50010	Commencing at the Northeast Corner of Lot Seven (7), Christofferson's First Subdivision of a part of the Northwest Quarter of the Southeast Quarter of Section Sixteen (16) Township Eighty-Three (83) North, Range Twenty-Four (24) West of the 5th P.M., Iowa thence East, along the Quarter Section line, Two Hundred Seventeen (217) Feet, thence South Two Hundred (200) Feet, then West, along the North line of William Road extended, Two Hundred Seventeen (217) Feet, thence North Two Hundred (200) Feet to the point of beginning.  <u>Tax Parcel #:</u> <b>09-16-400-170</b>	<b>Sanitary Sewer</b> \$11,558.89  <b>Water Main</b> \$15,505.67  <b>Total</b> \$27,064.56	8.56%
2	Michael W Schmidt 2325 Woodview Ames, IA 50010	Lot 7, Christofferson's First Subdivision of part of the NW 1/4 of the SE 1/4 of 16, Township 83 North, Range 24 West of the 5th P.M., Iowa.  <u>Tax Parcel #:</u> <b>09-16-400-160</b>	<b>Sanitary Sewer</b> \$12,288.54  <b>Water Main</b> \$16,488.09  <b>Total</b> \$28,776.63	9.10%
3	John D Corbett 2337 Woodview Drive Ames, IA 50010	Lot 6, Christofferson's First Subdivision of part of the NW 1/4 of the SE 1/4 of 16, Township 83 North, Range 24 West of the 5th P.M., Iowa. <u>Tax Parcel #:</u> <b>09-16-400-150</b>	<b>Sanitary Sewer</b> \$12,605.88  <b>Water Main</b> \$16,891.21  <b>Total</b> \$29,497.09	9.33%
4	David W & Carol A Gieseke 2343 Woodview Drive Ames, IA 50010	Lot Five (5), Christofferson's First Subdivision of part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Sixteen (16), Township Eighty-Three (83) North, Range Twenty-Four (24) west of the 5th P.M., Iowa.  <u>Tax Parcel #:</u> <b>09-16-400-140</b>	<b>Sanitary Sewer</b> \$11,998.55  <b>Water Main</b> \$16,097.91  <b>Total</b> \$28,096.45	8.88%

	OWNER NAMES PROPERTY ADDRESS	PARCEL DESCRIPTIONS	ASSESSMENT	TOTAL COST %
5	James K & Elizabeth A. Wilt-Cable 2407 Woodview Drive Ames, IA 50010	Lot 4, Christofferson's First Subdivision, Ames in Story County, Iowa.  <u>Tax Parcel #:</u> <b>09-16-400-130</b>	<b>Sanitary Sewer</b> \$13,056.27  <b>Water Main</b> \$17,519.72  <b>Total</b> \$30,575.99	9.67%
6	James A & Cheryl A Davis 2501 Woodview Drive Ames, IA 50010	Lot 3, Christofferson's First Subdivision of part of the NW 1/4 of the SE 1/4 of 16, Township 83 North, Range 24 West of the 5th P.M., Iowa.  <u>Tax Parcel #:</u> <b>09-16-400-120</b>	<b>Sanitary Sewer</b> \$13,056.27  <b>Water Main</b> \$17,519.72  <b>Total</b> \$30,575.99	9.67%
7	Richard E & Elise W Mull 2515 Woodview Drive Ames, IA 50010	Lot Two (2) in Christofferson's First Subdivision, a Subdivision of a part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE 1/4) of Section 16, Township 83 North, Range 24 West of the 5th P.M., Iowa.  <u>Tax Parcel #:</u> <b>09-16-400-110</b>	<b>Sanitary Sewer</b> \$12,993.03  <b>Water Main</b> \$17,435.99  <b>Total</b> \$30,429.02	9.62%
8	David L & Dawn M Bovenmyer 2611 Woodview Drive Ames, IA 50010	Lot 1, Christofferson's First Subdivision, Ames in Story County, Iowa.  <u>Tax Parcel #:</u> <b>09-12-400-100</b>	<b>Sanitary Sewer</b> \$13,048.39  <b>Water Main</b> \$17,509.11  <b>Total</b> \$30,557.50	9.66%
9	Ephram I & Arian J Hadley 2612 Woodview Drive Ames, IA 50010	Lot Eleven (11), except the South Seven (7) Feet thereof, Christofferson's First Subdivision of a part of the Northwest Quarter (NW 1/4) of the Southeast (SE1/4) of Section 16, Township 83 North, Range 24 West of the 5th P.M., Iowa, subject to easements and restrictions on record.  <u>Tax Parcel #:</u> <b>09-16-400-210</b>	<b>Sanitary Sewer</b> \$12,234.94  <b>Water Main</b> \$0.00  <b>Total</b> \$12,234.94	3.87%

	OWNER NAMES PROPERTY ADDRESS	PARCEL DESCRIPTIONS	ASSESSMENT	TOTAL COST %
10	Michael S & Janice L Bryant 2516 Woodview Drive Ames, IA 50010	S 1/2 of Lot 9 and all of Lot 10 in Christofferson's First Subdivision of a part of the NW 1/4 of the SE 1/4 of Section 16, Township 83 North, Range 24 West of the 5th P.M., of Iowa.  <u>Tax Parcel #:</u> <b>09-16-400-195</b>	<b>Sanitary Sewer</b> \$15,313.01  <b>Water Main</b> \$20,537.06  <b>Total</b> \$35,850.07	11.34%
11	Douglas W & Gwenna Sue Jacobson 2500 Woodview Drive Ames, IA 50010	Lot Eight (8) and the North Half (N 1/2) of Lot Nine (9) in Christofferson's First Subdivision of a part on the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Sixteen (16), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., Iowa, Except Beginning at the Northeast (NE) Comer of Lot Eight (8), Christofferson's First Subdivision in Section Sixteen (16), Township Eighty- three (83) North, Range Twenty-four (24) West of the 5-P.M., Story County, Iowa; thence S 19° 41' 19" E, Eighty-two and Twenty-two Hundredths (82.22) Feet along the Northeasterly line of said Lot Eight (8); thence N 31° 40' 39" W, Sixty- two and Sixty Hundredths (62.60) Feet; thence N 67° 8' 03" W, Thirty-one and Nineteen Hundredths (31.19) Feet; thence Northeasterly along the Northerly line of Lot Eight (8) and along a 31 l foot radius curve concave Northwesterly, an arc distance of Thirty-six (36.00) Feet (the long chord bears N 70° 27' 43" E, Thirty- five and Ninety-eight Hundredths (35.98) Feet to the point of beginning; AND Beginning at the SW Comer of Lot 1, Oakwood First Addition in the City of Ames, Story County, Iowa; thence N 35° 37' 15" E, 22.00 Feet along the Southeasterly line of said Lot 1; thence N 31° 40' 39" W, 87.06 Feet; thence S 19° 41' 19" E, 97.68 Feet along the Southwesterly line of Lot 1, to the point of beginning.  <u>Tax Parcel #:</u> <b>09-16-400-185</b>	<b>Sanitary Sewer</b> \$13,917.72  <b>Water Main</b> \$18,688.32  <b>Total</b> \$32,606.04	10.31%

TOTAL ASSESSMENTS

\$316,264.30

## ENGINEER'S ESTIMATE

**WOODVIEW SANITARY SEWER**

PUBLIC WORKS DEPT.- ENGINEERING DIV.

CITY OF AMES, IA

Rev 02/022/2012

<u>Item</u>	<u>Description</u>	<u>Est Quant</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
	<i>Division 1 - General</i>				
1.1	Traffic Control	1	ls	5000.00	5,000.00
1.2	Mobilization	1	ls	10000.00	10,000.00
	<i>Division 2 - Earthwork</i>				
2.1	Pavement Removal, Full-Depth	21.7	sy	10.00	217.00
	<i>Division 3 - Trench, Backfill and Tunnelling</i>				
3.1	Tunnel under Drives/Trees	163	lf	65.00	10,595.00
	<i>Division 4 - Sewers and Drains</i>				
4.1	8" Sanitary Sewer Pipe	1199.5	lf	60.00	71,970.00
	<i>Division 5 - Water Mains and Appurtenances (Not Used)</i>				
	<i>Division 6 - Structures for Sanitary and Storm Sewer</i>				
6.1	Sanitary Sewer Manhole, 48" dia.	5	ea	3000.00	15,000.00
	<i>Division 7 - Streets and Related Work</i>				
7.1	HMA Surface, 1/2" Mix, 3" Depth	4	ton	85.00	340.00
	<i>Division 8 - Traffic Signals (Not Used)</i>				
	<i>Division 9 - Sitework and Landscaping</i>				
9.1	Sod	0	sq	135	0.00
	SUBTOTAL ESTIMATED COST				113,122.00
	ENGINEERING (15%)				16,968.30
	CONTINGENCY (12%)				13,574.64
	<b>TOTAL ESTIMATED COST</b>				<b>143,664.94 *</b>

\* Does not include cost of installing service to property line, which is the property owner's responsibility.  
Services would be estimated at \$2,500

## ENGINEER'S ESTIMATE

**WOODVIEW WATER MAIN**

PUBLIC WORKS DEPT.- ENGINEERING DIV.

CITY OF AMES, IA

Rev 02/22/12

<u>Item</u>	<u>Description</u>	<u>Est Quant</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
<i>Division 1 - General</i>					
1.1	Traffic Control	1	ls	5000.00	5,000.00
1.2	Mobilization	1	ls	10000.00	10,000.00
<i>Division 2 - Earthwork</i>					
2.1	Pavement Removal, Full-Depth	0	sy	10.00	0.00
<i>Division 3 - Trench, Backfill and Tunnelling</i>					
3.1	Tunnel under Drives/Trees	487	lf	65.00	31,655.00
<i>Division 4 - Sewers and Drains (Not Used)</i>					
<i>Division 5 - Water Mains and Appurtenances</i>					
5.1	8" Water Main Pipe	1667.5	lf	40.00	66,700.00
5.2	8"x8"x8" Tee	1	ea	350.00	350.00
5.3	8"x6"x8" Tee	3	ea	350.00	1,050.00
5.4	8" Gate Valve	4	ea	1500.00	6,000.00
5.5	8" 90 deg Bend	1	ea	350.00	350.00
5.6	8" 45 deg Bend	5	ea	350.00	1,750.00
5.7	8" 22-1/2 deg Bend	2	ea	350.00	700.00
5.8	8" 11-1/4 deg Bend	1	ea	350.00	350.00
5.9	6"x8" Increaser	3	ea	500.00	1,500.00
5.10	Hydrant Run & Assembly	3	ea	3500.00	10,500.00
<i>Division 6 - Structures for Sanitary and Storm Sewer (Not Used)</i>					
<i>Division 7 - Streets and Related Work</i>					
7.1	HMA Surface, 1/2" Mix, 3" Depth	0	ton	85.00	0.00
<i>Division 8 - Traffic Signals (Not Used)</i>					
<i>Division 9 - Sitework and Landscaping</i>					
9.1	Sod	0	sq	135	0.00
SUBTOTAL ESTIMATED COST					135,905.00
ENGINEERING (15%)					20,385.75
CONTINGENCY (12%)					16,308.60
<b>TOTAL ESTIMATED COST</b>					<b>172,599.35 *</b>

\* Does not include cost of installing service to property line, which is the property owner's responsibility.  
Services would be estimated at \$2,500

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**DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER**

Prepared by: Judy R. Parks, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; (515) 239-5146

Return document to: Ames City Clerk, 515 Clark Ave., Ames, IA 50010

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**SPECIAL ASSESSMENT  
CONTRACT AND WAIVER  
WOODVIEW DRIVE PROJECT  
AMES, IOWA**

THIS AGREEMENT made and entered into by and between the City of Ames, Iowa (hereinafter referred to as the "City"), and the undersigned property owners in the City (hereinafter referred to as the "Property Owners") and the undersigned Lienholders (hereinafter referred to as the "Lienholders") who hold liens on certain property of the Property Owners;

WITNESSETH THAT:

**WHEREAS**, each of the Property Owners is respectively the owner of the tracts of real estate set opposite their name; and

**WHEREAS**, the undersigned Property Owners desire that the public improvements (hereinafter referred to as the "Project") described in the Appendix hereto be accomplished; and

**WHEREAS**, such construction or repair will specifically benefit the respective properties of the Property Owners; and

**WHEREAS**, the City has the power to accomplish such Project and assess the cost thereof to the Property Owners pursuant to Chapter 384 of the Iowa Code; and

**WHEREAS**, a Proposed Schedule of Assessments has been prepared for the Project listing the proposing amount of assessments to be levied against the below listed properties for the Project.

**NOW, THEREFORE, IN CONSIDERATION OF THE AFORESAID, IT IS AGREED AMONG THE PARTIES HERETO AS FOLLOWS:**

The Property Owners, City and Lienholders, by execution of this Agreement, agree and intend that this Agreement shall constitute a written contract as provided for in section 384.41 of the Iowa Code for a public improvement to be paid in whole by special assessments to be levied against the below listed properties of the undersigned Property Owners.

**FURTHER**, it is understood and agreed that the costs of the Project may be financed by the issuance and sale of general obligation bonds of the city, payment of the principal and interest thereon, and all costs of issuance, interim borrowing, legal fees, engineering or whatever to be included in and fully abated by the aforesaid assessment as provided for herein.

**FURTHER**, the City, by execution of this Agreement, agrees, as soon as practicable, to proceed to take any and all action required by Chapter 384 of the Iowa Code or any and all other actions required by law to be taken in order to complete the Project.

**FURTHER**, Property Owners and Lienholders agree that in consideration of the City proceeding to complete the project, the Property Owners and Lienholders each, by execution of this Agreement:

1. Waive notice to Property Owners by publication and mailing as provided by section 384.50 of the Iowa Code.
2. Waive the right to a hearing on the making of the improvement, the boundaries of the special assessment district, the cost of the Project, the assessment against any lot or the final adoption of the resolution of necessity as provided for in section 384.51 of the Iowa Code.
3. Consent to the adoption of a preliminary resolution, a plat, schedule of assessments and cost estimate, and resolution of necessity by the City for the Project.
4. Waive any objections to the Project, the boundaries of the district, the cost of the Project, the valuation of any lot, the assessment against any lot or the final adoption of the resolution of necessity.
5. Agree that the amount and proportion of the cost of the construction or repair of the above-described improvement to be paid by the Property Owners, as ascertained and determined by the Council of the City, shall constitute assessments against the respective properties described in the attached appendix and that said assessments shall be paid by the undersigned Property Owners within the time provided by law for the payment of special assessments for such improvement.
6. The right to request deferment for agricultural land is hereby waived.

7. Waive the limitation provided in section 384.62 of the Iowa Code that an assessment may not exceed twenty-five percent (25%) of the value of his lot as defined in section 384.37(5) of the Iowa Code.
8. Waive notice to Property Owners by publication and mailing as provided by section 384.60 of the Iowa Code (relating to notice of certification to County Auditor of final schedule of assessments).
9. Warrant that the real estate described below is free and clear of all liens and encumbrances other than for ordinary taxes, except for such liens as are held by the Lienholders hereinafter listed and designated as signatories of this Agreement.
10. Agree to subordinate the sale of any part of the property listed below to the terms of this Agreement.
11. If the project in this Agreement or the assessment is declared in whole or in part invalid or beyond the City's authority, the parties agree to nevertheless pay the assessed amounts stated pursuant to this Agreement.



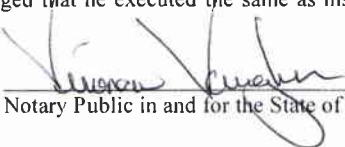
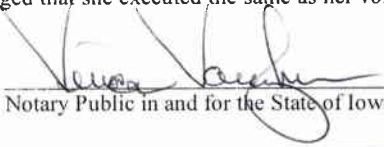
**FURTHER**, each of the Lienholders, by execution of this Agreement, individually:

1. Agrees and consents to the initiation of this public improvement as authorized by section 384.41(1) of the Iowa Code in order that the special assessments for the cost of the Project shall be liens on the below listed properties to the same extent as provided in section 384.65(5) of the Iowa Code.
2. Agrees and consents that their lien or liens shall be junior and inferior to the lien of the assessment levied pursuant to this Agreement.
3. That all the foregoing covenants, agreements, waivers and consents shall be binding on and inure to the heirs, devisees, executors, administrators, successors and assigns of any and all said Lienholders.

**FURTHER**, as provided by the second unnumbered paragraph of section 384.61 of the Code of Iowa, if a Property Owner divides the property subject to assessment (as described in the appendix hereto) into two or more lots, and if the plan of division is approved by the City Council, the lien on the property assessed may be partially released and discharged, with respect to any such lot, by payment of the amount calculated as determined by the City Council.



PROPERTY OWNERS – 2309 Woodview




 Gary A. Smelser	 Cathy A. Smelser K. L.
STATE OF IOWA, COUNTY OF STORY, ss: On this <u>23<sup>rd</sup></u> day of <u>May</u> , 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Gary A. Smelser, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.	STATE OF IOWA, COUNTY OF STORY, ss: On this <u>23<sup>rd</sup></u> day of <u>May</u> , 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Cathy A. Smelser, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.
 Notary Public in and for the State of Iowa	 Notary Public in and for the State of Iowa



LEGAL DESCRIPTION - 2309 Woodview (Parcel ID 0916-40-170)

Commencing at the Northeast Corner of Lot Seven (7), Christofferson's First Subdivision of a part of the Northwest Quarter of the Southeast Quarter of Section Sixteen (16) Township Eighty-Three (83) North, Range Twenty-Four (24) West of the 5th P.M., Iowa thence East, along the Quarter Section line, Two Hundred Seventeen (217) Feet, thence South Two Hundred (200) Feet, then West, along the North line of William Road extended, Two Hundred Seventeen (217) Feet, thence North Two Hundred (200) Feet to the point of beginning.

PROPERTY OWNER - 2325 Woodview

<p><u>Michael W. Schmidt</u> Michael W. Schmidt</p> <p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>On this <u>24</u> day of <u>May</u>, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Michael W. Schmidt, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.</p> <p><u>Melissa M. Ridondo</u> Notary Public in and for the State of Iowa</p>	<table border="1"><tr><td></td><td><p>MELISSA M RIDONDO Commission Number 754668 My Commission Expires September 9, 2014</p></td></tr></table>		<p>MELISSA M RIDONDO Commission Number 754668 My Commission Expires September 9, 2014</p>
	<p>MELISSA M RIDONDO Commission Number 754668 My Commission Expires September 9, 2014</p>		

LEGAL DESCRIPTION - 2325 Woodview (Parcel ID 0916-40-160)

Lot 7, Christofferson's First Subdivision of part of the NW 1/4 of the SE 1/4 of 16, Township 83 North, Range 24 West of the 5th P.M., Iowa.

PROPERTY OWNER – 2337 Woodview

*John D. Corbett*

John D. Corbett

STATE OF IOWA, COUNTY OF STORY, ss:

On this 31<sup>st</sup> day of May, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared John D. Corbett, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

*Jan Quarnstrom*  
Notary Public in and for the State of Iowa



LEGAL DESCRIPTION - 2337 Woodview (Parcel ID 0916-40-150)

Lot 6, Christofferson's First Subdivision of part of the NW 1/4 of the SE 1/4 of 16, Township 83 North, Range 24 West of the 5th P.M., Iowa.

PROPERTY OWNERS - 2343 Woodview

David W. Gieseke  
David W. Gieseke

STATE OF IOWA, COUNTY OF STORY, ss:

On this 9<sup>th</sup> day of May, 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared David W. Gieseke, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Elaine Smuck  
Notary Public in and for the State of Iowa



Carol A. Gieseke  
Carol A. Gieseke

STATE OF IOWA, COUNTY OF STORY, ss:

On this 9<sup>th</sup> day of May, 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Carol A. Gieseke, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

Elaine Smuck  
Notary Public in and for the State of Iowa



LEGAL DESCRIPTION - 2343 Woodview (Parcel ID 0916-40-140)

Lot Five (5), Christofferson's First Subdivision of part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Sixteen (16), Township Eighty-Three (83) North, Range Twenty-Four (24) west of the 5th P.M., Iowa.

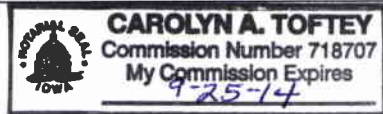
PROPERTY OWNERS – 2407 Woodview

James K. Cable  
James K. Cable

STATE OF IOWA, COUNTY OF STORY, ss:

On this 30 day of April, 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared James K. Cable, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Carolyn A. Toftey  
Notary Public in and for the State of Iowa

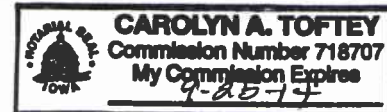


Elizabeth A. Wilt-Cable  
Elizabeth A. Wilt-Cable

STATE OF IOWA, COUNTY OF STORY, ss:

On this 30 day of April, 2013, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Elizabeth A. Wilt-Cable, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.


Carolyn A. Toftey  
Notary Public in and for the State of Iowa

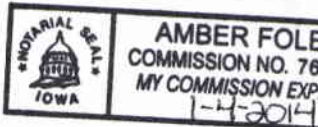


LEGAL DESCRIPTION - 2407 Woodview (Parcel ID 0916-40-130)

Lot 4, Christofferson's First Subdivision, Ames in Story County, Iowa.

PROPERTY OWNERS - 2501 Woodview

<p><u>James A. Davis</u> James A. Davis</p> <p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>On this <u>20th</u> day of <u>December</u>, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared James A. Davis, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.</p> <p><u>[Signature]</u> Notary Public in and for the State of Iowa</p> <p></p>	<p><u>Cheryl A. Davis</u> Cheryl A. Davis</p> <p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>On this <u>21</u> day of <u>December</u>, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Cheryl A. Davis, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.</p> <p><u>[Signature]</u> Notary Public in and for the State of Iowa</p>
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LEGAL DESCRIPTION - 2501 Woodview (Parcel ID 0916-40-120)

Lot 3, Christofferson's First Subdivision of part of the NW 1/4 of the SE 1/4 of 16, Township 83 North, Range 24 West of the 5th P.M., Iowa.



PROPERTY OWNERS – 2515 Woodview

Richard E. Mull  
Richard E. Mull

STATE OF IOWA, COUNTY OF STORY, ss:

On this 6 day of June, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Richard E. Mull, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Sarah C. Swanson  
Notary Public in and for the State of Iowa



**SARAH C. SWANSON**  
Commission No. 719832  
My Commission Expires  
December 4, 2014

Elise W. Mull  
Elise W. Mull

STATE OF IOWA, COUNTY OF STORY, ss:

On this 6 day of June, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Elise W. Mull, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

Sarah C. Swanson  
Notary Public in and for the State of Iowa



**SARAH C. SWANSON**  
Commission No. 719832  
My Commission Expires  
December 4, 2014

LEGAL DESCRIPTION -2515 Woodview (Parcel ID 0916-40-110)

Lot Two (2) in Christofferson's First Subdivision, a Subdivision of a part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE 1/4) of Section 16, Township 83 North, Range 24 West of the 5th P.M., Iowa.

Great Western Bank, Lienholder for 2515 Woodview  
P.O. Box 3828  
Omaha, NE 68103

By Sarah C. Swanson

PROPERTY OWNERS – 2611 Woodview

David L. Bovenmyer  
David L. Bovenmyer

STATE OF IOWA, COUNTY OF STORY, ss:

On this 25 day of may, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared David L. Bovenmyer, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

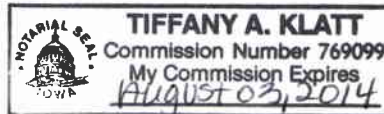
Tiffany A. Klatt  
Notary Public in and for the State of Iowa

Dawn M. Bovenmyer  
Dawn M. Bovenmyer

STATE OF IOWA, COUNTY OF STORY, ss:

On this 25 day of may, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Dawn M. Bovenmyer, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

Tiffany A. Klatt  
Notary Public in and for the State of Iowa

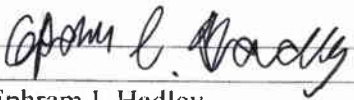
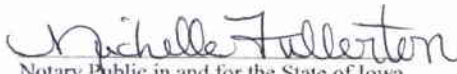

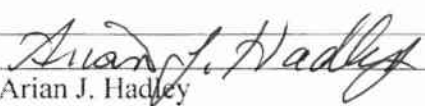
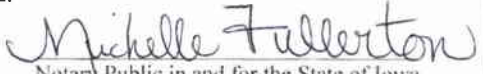



LEGAL DESCRIPTION -2611 Woodview (Parcel ID 0916-40-100)

Lot 1, Christofferson's First Subdivision, Ames in Story County, Iowa.



PROPERTY OWNERS – 2612 Woodview (assessment for sanitary sewer only)

 Ephram I. Hadley  STATE OF IOWA, COUNTY OF STORY, ss:  On this <u>21</u> day of <u>MARCH</u> , 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ephram I. Hadley, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.   Notary Public in and for the State of Iowa  	 Arian J. Hadley  STATE OF IOWA, COUNTY OF STORY, ss:  On this ____ day of _____, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Arian J. Hadley, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.   Notary Public in and for the State of Iowa  
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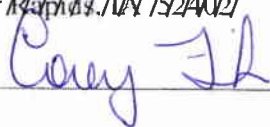
LEGAL DESCRIPTION - 2612 Woodview (Parcel ID 0916-40-210)

Lot Eleven (11), except the South Seven (7) Feet thereof, Christofferson's First Subdivision of a part of the Northwest Quarter (NW 1/4) of the Southeast (SE1/4) of Section 16, Township 83 North, Range 24 West of the 5th P.M., Iowa, subject to easements and restrictions on record.

EP-IA-2393, Lienholder for 2612 Woodview

////// ~~Attn: Amanda Freeman~~  
////// ~~532A Council Street NE~~  
////// ~~Decor Rapids, IA 52402~~

By



Carey Finch  
Assistant Vice-President  
Post Closing  
US Bank  
1550 American Boulevard East  
Bloomington MN 55425

PROPERTY OWNERS – 2516 Woodview

<p><u>Michael S. Bryant</u> Michael S. Bryant</p> <p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>On this <u>12</u> day of <u>June</u>, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Michael S. Bryant, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.</p> <p><u>Joan E. Liming</u> Notary Public in and for the State of Iowa</p>	<p><u>Janice L. Bryant</u> Janice L. Bryant</p> <p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>On this <u>12</u> day of <u>June</u>, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Janice L. Bryant, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.</p> <p><u>Joan E. Liming</u> Notary Public in and for the State of Iowa</p>
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Joan E. Liming  
Commission Number 705022  
My Commission Expires  
September 6, 2012



Joan E. Liming  
Commission Number 705022  
My Commission Expires  
September 6, 2012

LEGAL DESCRIPTION - 2516 Woodview (Parcel ID 0916-40-195)

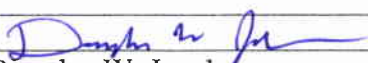
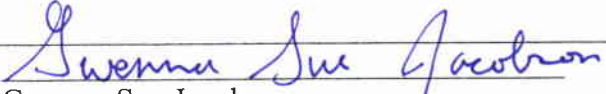

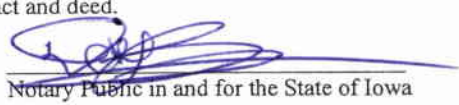
S 1/2 of Lot 9 and all of Lot 10 in Christofferson's First Subdivision of a part of the NW 1/4 of the SE 1/4 of Section 16, Township 83 North, Range 24 West of the 5th P.M., of Iowa.


Nationwide Advantage Mortgage Company  
P.O. Box 919000  
Des Moines, IA 50319

By

[Signature]  
MARIA L. WEE  
ASSOCIATE VICE PRESIDENT

PROPERTY OWNERS – 2500 Woodview

 Douglas W. Jacobson	 Gwenna Sue Jacobson
STATE OF IOWA, COUNTY OF STORY, ss:  On this <u>24</u> day of <u>May</u> , 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Douglas W. Jacobson, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.	STATE OF IOWA, COUNTY OF STORY, ss:  On this <u>24</u> day of <u>May</u> , 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Gwenna Sue Jacobson, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.
 Notary Public in and for the State of Iowa	 Notary Public in and for the State of Iowa



LEGAL DESCRIPTION - 2500 Woodview (L154185 ID 0916-40-185)

Lot Eight (8) and the North Half (N 1/2) of Lot Nine (9) in Christofferson's First Subdivision of a part on the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Sixteen (16), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5<sup>th</sup> P.M., Iowa, Except Beginning at the Northeast (NE) Comer of Lot Eight (8), Christofferson's First Subdivision in Section Sixteen (16), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5<sup>th</sup> P.M., Story County, Iowa; thence S 19° 41' 19" E, Eighty-two and Twenty-two Hundredths (82.22) Feet along the Northeasterly line of said Lot Eight (8); thence N 31° 40' 39" W, Sixty-two and Sixty Hundredths (62.60) Feet; thence N 67° 8' 03" W, Thirty-one and Nineteen Hundredths (31.19) Feet; thence Northeasterly along the Northerly line of Lot Eight (8) and along a 31 I foot radius curve concave Northwesterly, an arc distance of Thirty-six (36.00) Feet (the long chord bears N 70° 27' 43" E, Thirty-five and Ninety-eight Hundredths (35.98) Feet to the point of beginning; AND Beginning at the SW Comer of Lot 1, Oakwood First Addition in the City of Ames, Story County, Iowa; thence N 35° 37' 15" E, 22.00 Feet along the Southeasterly line of said Lot 1; thence N 31° 40' 39" W, 87.06 Feet; thence S 19° 41' 19" E, 97.68 Feet along the Southwesterly line of Lot 1, to the point of beginning.

Greater Iowa Credit Union, Lienholder for 2500 Woodview  
801 Lincoln Way  
P. O. Box 665  
Ames, IA 50010

By  5-24-12

**COUNCIL ACTION FORM**

**SUBJECT:**      **REZONING OF PROPERTY AT 921 9<sup>TH</sup> STREET – ROOSEVELT SCHOOL SITE**

**BACKGROUND:**

On June 7, 2013, RES Development, Inc. submitted an application requesting rezoning of approximately 1.90 acres of land located at 921 9<sup>th</sup> Street from “S-GA” (Government/Airport) to (UCRM) “Urban Core Residential Medium Density.” The former Roosevelt School is located on this property (***see Attachment G***). The rezoning is requested to accommodate reuse of the former school building as a multiple-family residential dwelling with 23 dwelling units.

Zoning text amendments are being processed concurrently with the rezoning request to allow the conversion of a former school building for use as an apartment dwelling in the UCRM zone through the approval of an Adaptive Reuse Plan by the City Council, and to allow a greater density of development as approved in an Adaptive Reuse Plan. The proposed UCRM zoning designation is the same as the zoning of the surrounding properties, and is also consistent with Future Land Use Map designation of One- and Two-Family Medium Density Residential in the Land Use Policy Plan.

The attached addendum provides background and analysis of the proposal and the requested action.

**ALTERNATIVES:**

1. The City Council can approve the request for rezoning of the land at 921 9<sup>th</sup> Street from “S-GA” (Government/Airport) to “UCRM” (Urban Core Residential Medium Density).
2. The City Council can deny the rezoning request for this land.

**CITY MANAGER’S RECOMMENDED ACTION:**

Staff has reviewed the proposed rezoning and finds that the proposed zoning change to Urban Core Medium-Density Residential is consistent with the One- & Two-Family Medium Density Residential designation of the Land Use Policy Plan. Further, there are no outstanding issues of utilities, traffic, or access that would preclude the use of this site for uses allowed in the district. Any specific impacts of the proposed development would be examined during the review of the Adaptive Reuse Plan. **Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the request for rezoning of land at 921 9<sup>th</sup> Street from “S-GA”**

**(Government/Airport) to “UCRM” (Urban Core Residential Medium Density).**

The land owner intends to ask the City Council to suspend the rules and waive readings for the rezoning and the proposed text amendments in order to facilitate timely development of this project. **It is important to note that the proposed rezoning should not be approved prior to approval of the text amendments that were previously passed on first reading. Those text amendments allow conversion of a former school building for use as an apartment dwelling, and will allow a higher density of residential units as specified in an Adaptive Reuse Plan.**

## **ADDENDUM**

### **INTRODUCTION:**

Dean Jensen, RES Development, Inc. is seeking approval of the rezoning of property at 921 9<sup>th</sup> Street from “S-GA” to “UCRM”, which includes the former Roosevelt School building and the land area between 9<sup>th</sup> Street on the south, 10<sup>th</sup> Street on the north, 1016 10<sup>th</sup> Street and 1009 9<sup>th</sup> Street to the west and the future City park on the east.

The Land Use Policy Plan Future Land Use Map designates this area as One- and Two-Family Medium Density Residential, which is consistent with the UCRM zoning.

Zoning text amendments are being processed concurrently with this rezoning request. One text amendment would add “*Former School Building Converted for Use as an Apartment Dwelling*” to the table of UCRM Zone Uses [Table 29.709(2)]. This would require approval of an Adaptive Reuse Plan by the City Council. The second text amendment [Section 29.700(3)] allows the City Council to approve a density for residential development that exceeds the density limits established for each residential base zone. The text amendment would require that the density approved by the City Council be specified in an Adaptive Reuse Plan approved by the City Council.

The zoning text amendments are necessary to allow conversion of the school building to an apartment dwelling with 23 units in the UCRM Zone, since presently the UCRM zone does not allow construction of a new apartment dwelling, and would only allow 17 units under the current maximum density standard of 7.26 dwelling units per net acre.

## **BACKGROUND:**

**Proposal.** This property is the location of the former Roosevelt School and includes the building, paved parking areas, and landscaping surrounding the building. The former playground to the east of the building is not part of this rezoning request as the School is transferring ownership of this land to the City of Ames for use as a public park. The intent of the developer is to convert the former school building to a residential structure with 23 individual units for sale as condominiums.

The existing zoning is shown in **Attachment C**. If approved, the zoning map would be as shown in **Attachment D**. The applicant has purchased the land from the Ames Community School District and is seeking the required approval of the rezoning and subsequent approval of an Adaptive Reuse Plan to convert the former Roosevelt School building into a multiple-family residential structure with individual condominium units for sale.

**Land Use Designation/Zoning.** The LUPP designation is One- and Two-Family Medium Density Residential. The proposed rezoning is consistent with that designation. The following tables provide the future land use designation and zoning of the subject property and other surrounding properties.

<b>Direction from Subject Property</b>	<b>LUPP Map Designation</b>	<b>Zoning Map Designation</b>
Subject Property	One & Two Family Medium Density Residential	"S-GA" (Government/Airport)
North	One & Two Family Medium Density Residential	"UCRM" (Urban Core Residential Medium Density)
East	One & Two Family Medium Density Residential	"UCRM" (Urban Core Residential Medium Density)
South	One & Two Family Medium Density Residential	"UCRM" (Urban Core Residential Medium Density)
West	One & Two Family Medium Density Residential	"UCRM" (Urban Core Residential Medium Density)

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

<b>Direction from Subject Property</b>	<b>Existing Land Uses/ Ownership of Properties</b>
Subject Property	Former Roosevelt School RES Development, Inc.
North	Single-Family Homes/ Individual Home Owners
East	Single-Family Homes/ Individual Home Owners
South	Single-Family Homes/ Individual Home Owners
West	Single-Family Homes/ Individual Home Owners

**Infrastructure.** The subject area is already a developed lot and served by all City infrastructure. Public utility mains and streets are immediately adjacent to the subject property with infrastructure to serve the site.

**Access.** The present configuration of the subject property's parking lot and access drive allows for access from 9<sup>th</sup> Street, 10<sup>th</sup> Street and Northwestern Avenue.

**Impacts.** The applicant intends to the utilize the existing school building, parking lots and open space as the location of 23 residential units for sale to individual owners. This use is not presently allowed in the UCRM zone; however, zoning text amendments to uses in UCRM and to maximum allowed residential densities are being processed concurrently with this rezoning request. Vehicular traffic will continue to access the site from 9<sup>th</sup> Street, 10<sup>th</sup> Street and Northwestern Avenue; however, the developer intends to close the access on 9<sup>th</sup> Street located east of the building. The 9<sup>th</sup> Street access west of the building will remain open.

**Goals of the Land Use Policy Plan (LUPP).** Several of the ten goal statements of the LUPP speak indirectly to this request for rezoning. However, Goal No. 5 seems to address the rezoning proposal most directly since it states that "it is the goal of Ames to establish a cost-effective and efficient growth pattern for development in new areas and in a limited number of existing areas for intensification." Objective 5.C.states: "Ames seeks continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits." The plans for this site already have the necessary infrastructure in place and will reuse the building mostly as is.

**Applicable Laws and Policies.** The City of Ames laws and policies that are applicable to this proposed rezoning are included in ***Attachment E***.

**Applicant's Statements.** The applicant has provided an explanation of the reasons for the rezoning (***see Attachment F***).



**Findings of Fact.** Based upon an analysis of the proposed rezoning and laws pertinent to the applicant's request, staff makes the following findings of fact:

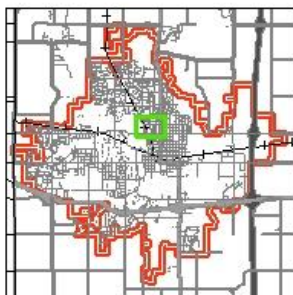
1. Ames *Municipal Code Section 29.1507(2)* allows owners of 50 percent or more of the area of the lots in any district desired for rezoning to file an application requesting that the City Council rezone the property. The property represented by the applicant is entirely under one ownership representing 100 percent of the property requested for rezoning.
2. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as "One- & Two-Family Medium-Density Residential."
3. The "One- and Two-Family Residential Medium Density" land use designation supports the "UCRM" (Urban Core Residential Medium Density) zoning designation. Under a "UCRM" zoning designation the proposed use will be permitted upon approval of a text amendment that allows a "former school building converted for use as an Apartment Dwelling, through the approval of an Adaptive Reuse Plan by the City Council.

**Public Notice.** Notice was mailed to property owners within 200 feet of the rezoning area and a sign was posted on the subject property. As of this writing, no comments have been received.

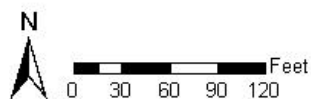
**Conclusions.** Based upon the analysis in this report, staff concludes that the proposed rezoning of the subject property is consistent with the Future Land Use Map, as well as the Goals and Objectives of the City of Ames Land Use Policy Plan. Staff believes the rezoning of the subject land would be a logical extension of the "UCRM" (Urban Core Residential Medium Density) zoning surrounding this site.

# Attachment A

## Location Map

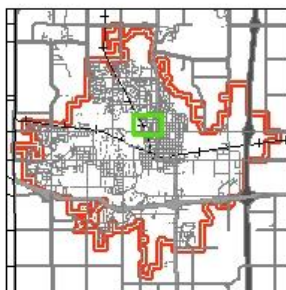
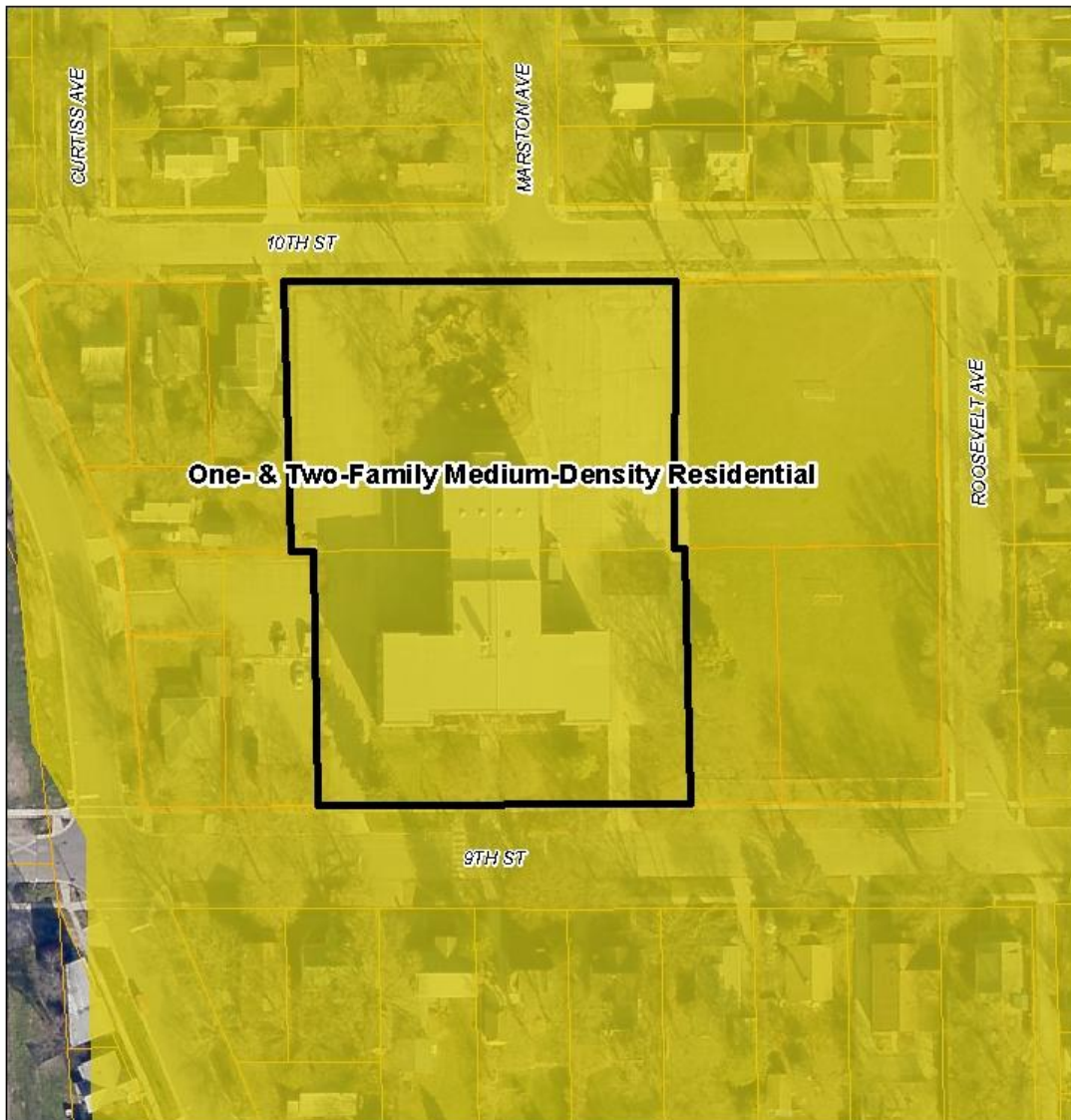


**Location Map**  
**921 9th Street**

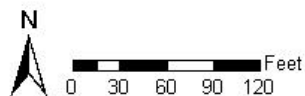


# Attachment B

## LUPP Future Land Use Map



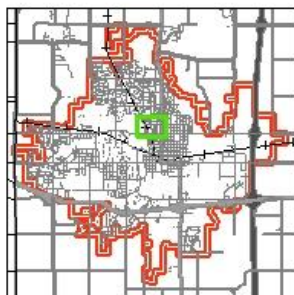
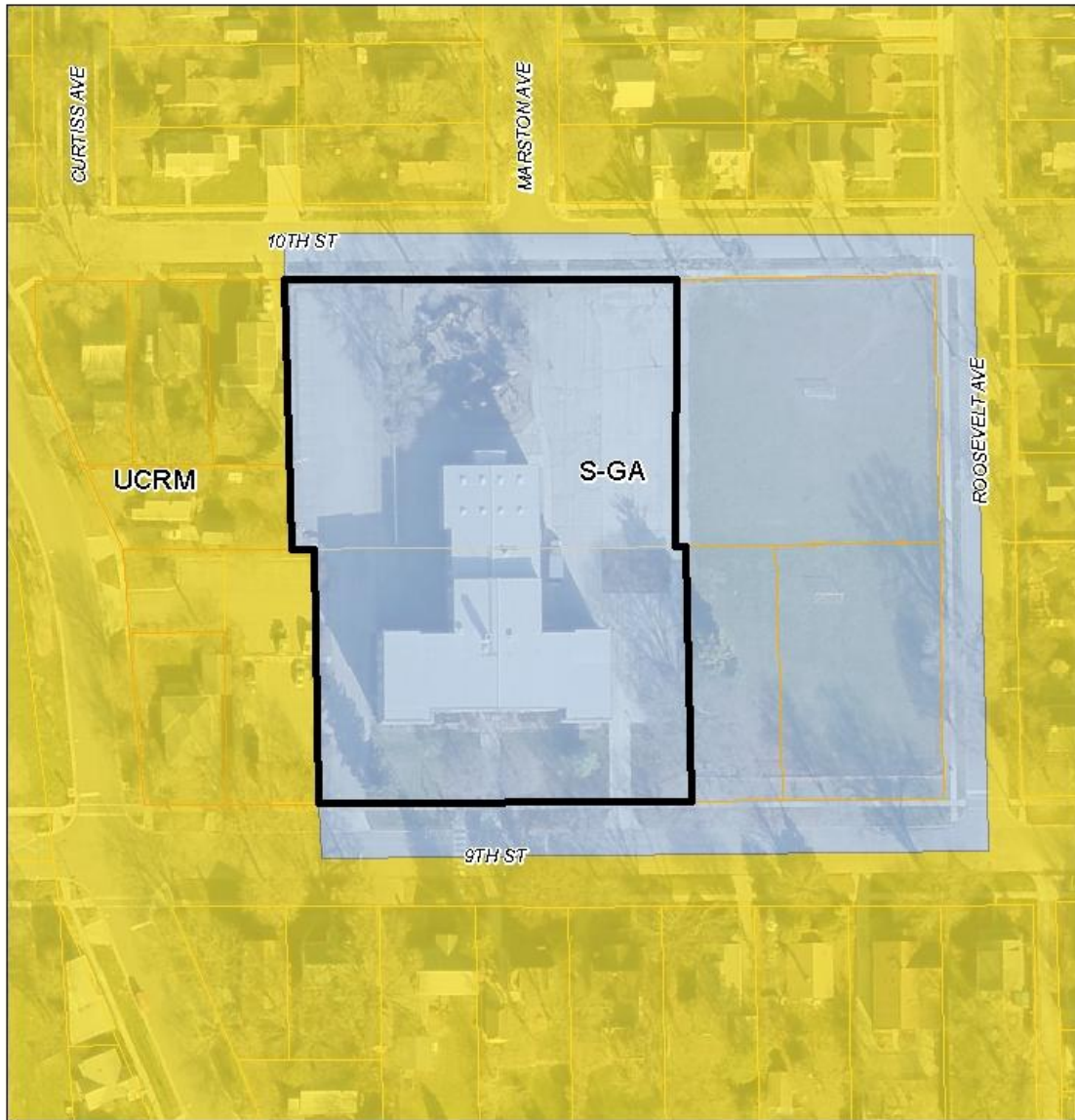
Land Use Policy Plan  
Future Land Use Map  
921 9th Street



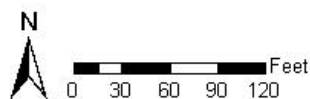


# Attachment C

## Existing Zoning

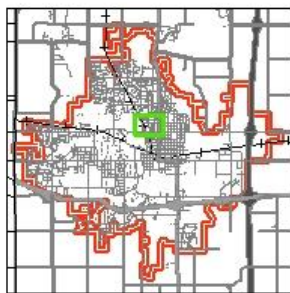
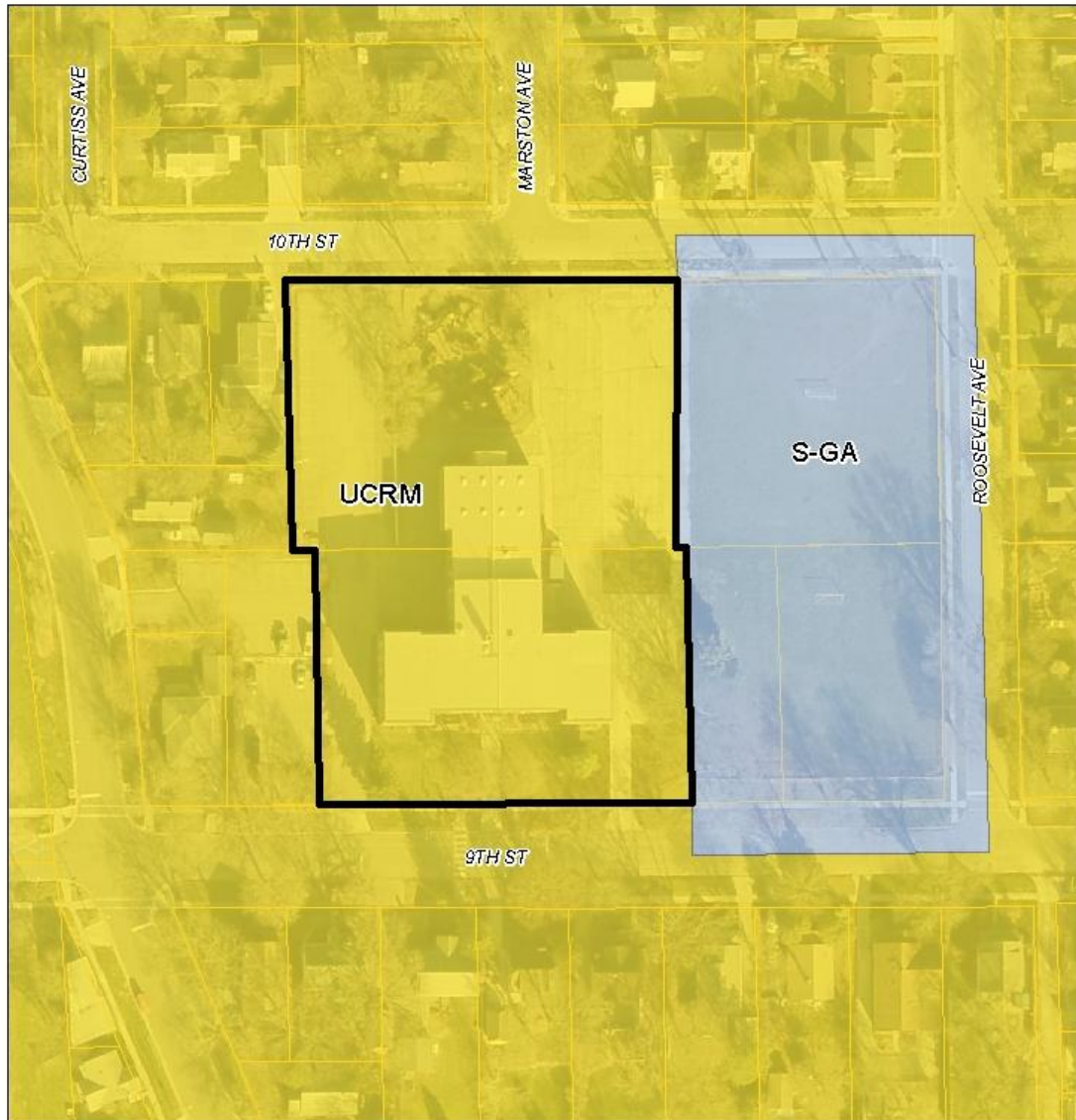


**Existing Zoning (S-GA)**  
**921 9th Street**

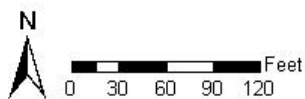


# Attachment D

## *Proposed Zoning*



## Proposed Zoning (UCRM) 921 9th Street



## **Attachment E**

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

The laws applicable to the proposed rezoning at 921 9<sup>th</sup> Street are as follows:

- Land Use Policy Plan (LUPP) Goals, Policies and the Future Land Use Map:

The Land Use Policy Plan (LUPP) Future Land Use Map identifies the land use designations for the property proposed for rezoning.

- Ames *Municipal Code* Chapter 29, Section 1507, Zoning Text and Map Amendments ,includes requirements for owners of land to submit a petition for amendment, a provision to allow the City Council to impose conditions on map amendments, provisions for notice to the public, and time limits for the processing of rezoning proposals.
- Ames *Municipal Code* Chapter 29, Section 703, Urban Core Residential Medium Density, includes a list of uses that are permitted in the Urban Core Residential Medium Density (UCRM) zoning district and the zone development standards that apply to properties in that zone.

# **Attachment F**

## ***Applicant's Statement***

Roosevelt Re-Imagined  
921 9<sup>th</sup> Street  
Ames, IA 50010

June 6, 2013

### **Reason for Rezoning**

RES Development, Inc. has purchased the former Roosevelt School Building, located at 921 9<sup>th</sup> Street, Ames, Iowa. The building is currently zoned S-GA since it was used as a school building for many years. Part of the lot is currently UCRM. Our Roosevelt Re-Imagined project proposes 23 single family condominiums that cannot operate without a residential designation.

### **Land Use Policy Plan Consistency**

The requested designation is consistent with surrounding zoning.

### **Current Zoning**

The Roosevelt School Building is zoned S-GA.

### **Proposed Zoning**

We are proposing a zoning ordinance text amendment to allow conversion of a former school building for use as an apartment dwelling in the UCRM zone as a permitted use and allow residential density as specified in an adaptive reuse plan approved by City Council.

### **Proposed Use**

Through an adaptive reuse permit, we intend to convert the building into 23 single family condominiums.

### **Legal Description**

LOTS 5-9, BLOCK 2 IN BAIRD'S ADDITION AND LOTS 9-12, BLOCK 26 IN COLLEGE PARK ADDITION  
2<sup>ND</sup> NORTH, ALL IN AMES, STORY COUNTY, IOWA

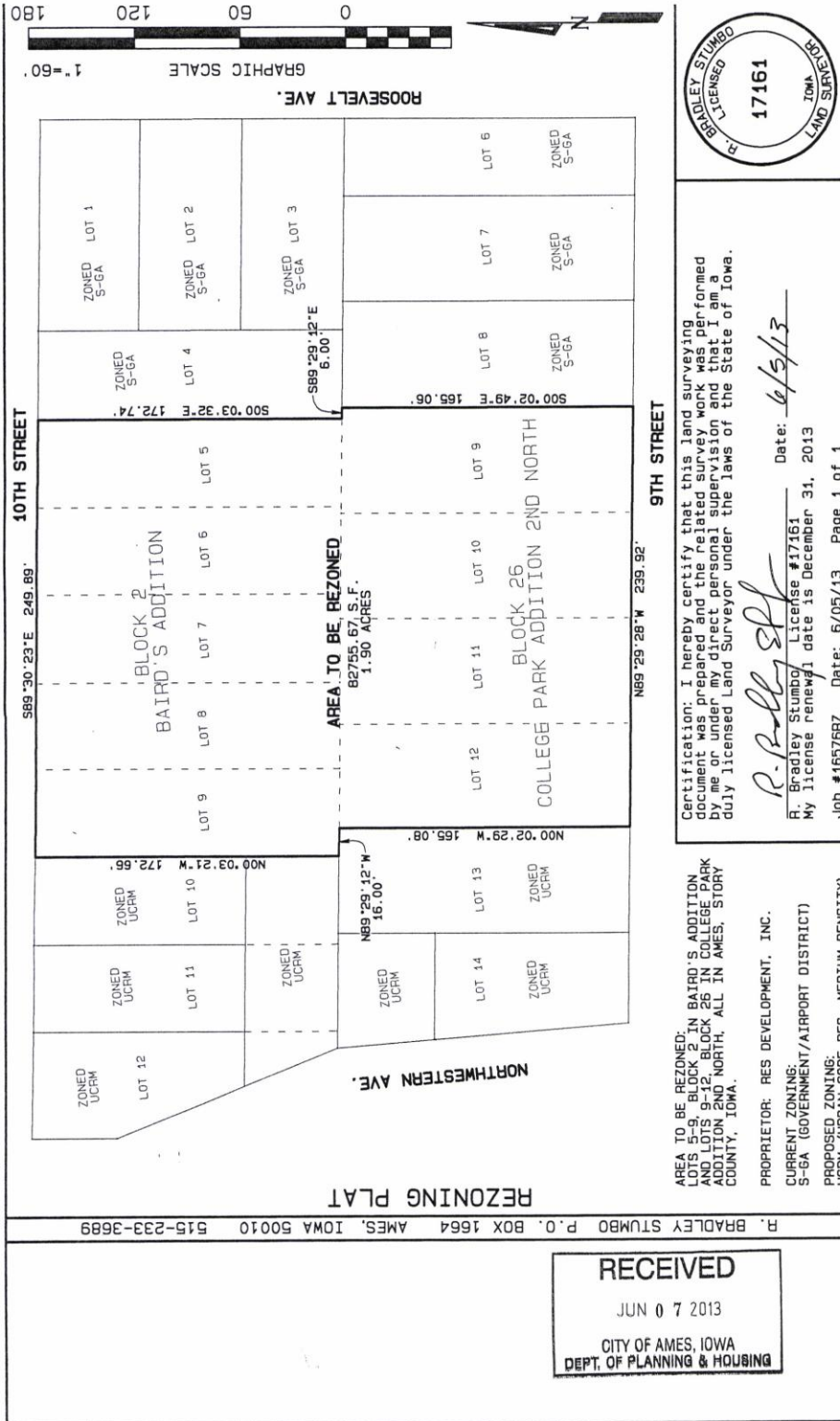
### **Land area**

1.90 Acres



# Attachment G

## Area to be Rezoned





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

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

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

Section 1: The Official Zoning Map of the City of Ames, Iowa, as provided for in Section 29.301 of the *Municipal Code* of the City of Ames, Iowa, is amended by changing the boundaries of the districts established and shown on said Map in the manner authorized by Section 29.1507 of the *Municipal Code* of the City of Ames, Iowa, as follows: That the real estate, generally located at 921 9<sup>th</sup> Street, is rezoned from Government/Airport (S-GA) to Urban Core Residential Medium Density (UCRM).

**Real Estate Description:** Lots 5-9, Block 2 in Baird's Addition and Lots 9-12, Block 26 in College Park Addition 2<sup>nd</sup> North, all in Ames, Story County, Iowa.

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

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

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor



# MEMO

ITEM #31

To: Mayor and City Council

Cc: ASSET City Volunteers

From: Melissa Mundt, Assistant City Manager

Date: July 5, 2013

Subject: 2014/2015 ASSET Priorities for the City of Ames

In December 2012, the City Council directed staff to meet with the City's ASSET volunteers to discuss the City's current ASSET priorities prior to the 2014/2015 ASSET funding cycle that will begin in August 2013.

The City's ASSET Priorities as adopted by the City Council for 2013/14 are (from higher to lower priority):

- Emphasis on assistance to low and moderate income families
- Meeting basic needs
- Crisis intervention
- Prevention
- Transportation

The City's ASSET volunteers met in May and early June to discuss the priorities for Ames and to review data to help develop an understanding of needs. The volunteers reviewed the following:

- Story County Quality of Life Alliance from the 2010 Story County Health and Human Services Needs Assessment
- The Cost of Living in Iowa - 2011 Edition by The Iowa Policy Project
- Statistical data from the federal census bureau for Ames, Story County, and Iowa

Additionally, City staff provided the ASSET volunteers Attachment A, which showed three years of funding recommendations from ASSET volunteers that were approved by the City Council. The funding falls into one of four panels --Health Services --Basic Needs --Youth and Children Services --Prevention and Support. The volunteers concluded that funding was being prioritized in a way that is consistent with City Council's priorities, as follows:

1. Basic Needs
2. Health Services
3. Youth and Children Services
4. Prevention and Support

The volunteers then looked at the outside data to determine needs and looked to understand what it means to be low to moderate income. Below are a few of the statistics they looked at when conducting their research.

***Appendix 2: Basic Needs Budgets for 10 Iowa Metropolitan Areas and Four Non-Metropolitan Regions***

	Ames MSA (Story County)		Married Couple: Two Children**	
	Single Parent		One	Both
	One child*	Two children**	Parent Works	Parents Work
<u>Monthly Expenses</u>				
Child care	557	914	-	914
Clothing & household expenses	289	369	398	398
Food	370	554	739	739
Health care	324	420	565	565
Rent and utilities	726	1,039	1,039	1,039
Transportation	633	633	633	950
Monthly total	2,900	3,930	3,375	4,606
<u>Annual Total Basic Expenses</u>	<b>34,805</b>	<b>47,163</b>	<b>40,501</b>	<b>55,271</b>
<u>Income and Taxes</u>				
Before-tax earnings needed	<b>39,503</b>	<b>54,632</b>	<b>44,030</b>	<b>63,316</b>
Less: Income & payroll taxes	4,987	7,512	4,215	8,096
Plus: EITC & other credits	289	43	686	50
Net after-tax income	34,805	47,163	40,501	55,271
<u>Family supporting hourly wage</u>	<b>\$19.75</b>	<b>\$27.32</b>	<b>\$22.01</b>	<b>\$15.83</b>

According to the "Cost of Living in Iowa --2011 Edition" study, it is estimated that 74% of working single-parent families in Iowa earn less than the minimum amount needed to meet **basic needs**. This assumes that:

- the family is cooking and eating at home all meals at the cost of the USDA low-cost family food plan
- cost of rent and utilities is based on HUD Fair Market Rent at the 40th percentile level for the area
- health care costs (insurance and out of pocket expenses) are average for the area
- workers drive to their job and for other basic needs, but not for recreation
- children are in child care when not in school

- childcare is calculated on county averages for home based care, not child centers
- is purchasing basic expenses for clothing, telephone and household maintenance
- is paying required taxes
- and wages are received full-time and year round

**The research also suggested that, on average, families need an income of about twice the federal poverty level to meet their most basic needs.**

#### 2013 Federal Poverty Level

Household Size	100%	133%	150%	200%	300%	400%
1	\$11,490	\$15,282	\$17,235	\$22,980	\$34,470	\$45,960
2	15,510	20,628	23,265	31,020	46,530	62,040
3	19,530	25,975	29,295	39,060	58,590	78,120
4	23,550	31,322	35,325	47,100	70,650	94,200
5	27,570	36,668	41,355	55,140	82,710	110,280
6	31,590	42,015	47,385	63,180	94,770	126,360

#### 2011 Median income for Iowa:

		Family Size							
Federal Fiscal year		1	2	3	4	5	6	7	8
2011	Annual	\$38,159	\$49,913	\$61,657	\$73,401	\$85,145	\$96,889	\$99,091	\$101,293
	Monthly	\$3,181	\$4,160	\$5,139	\$6,117	\$7,096	\$8,075	\$8,258	\$8,442
	Annual Basic Expenses in Story Co.		Single W/ One Child \$39,503	>Single W/ Two Children \$54,632 >Married W/ One Child \$44,030	Married W/ Two Children \$63,316				
	Family supporting hourly wage before taxes in Story Co.		Single W/ One Child \$18.99	>Single W/ Two Children \$26.26 >Married W/ One Child \$21.16	Married W/ Two Children \$30.44				

The estimated median household income from 2007-2011 for Ames was \$42,062, moderate income \$33,649 (or 80% area median income) and low income \$21,031 (or 50% of median area income).

**The City's ASSET volunteers have determined that the focus needs to remain similar to prior years priorities. However, they would like more emphasis on bridging the needs for those falling below median income and above Federal poverty level.**

### **Recommendations for 2014/2015 Priorities**

#### **#1 Meet basic needs of low to moderate income:**

- Housing cost offset programs
- Quality childcare cost offset programs, including daycare and State of Iowa licensed in home facilities
- Food cost offset programs, to assist in providing nutritional perishables and staples
- Transportation cost offset programs for the elderly and families

**The volunteers wanted to emphasize the gap where individuals are considered the "working poor" and to see how the City dollars could make more of an impact on their fight against slipping completely into poverty.**

#### **#2 Meet mental health and chemical dependency services needs**

- Provide outpatient emergency access to services
- Provide crisis intervention services
- Provide access to non-emergency services
- Ensure substance abuse preventions and treatment is available in the community

**Additionally, the volunteers for the City determined that continued emphasis on mental health and chemical dependency was necessary due to a study that was conducted by the University of Iowa Health Care system.** It noted that there are 184,000 people with a serious mental illness in Iowa, approximately 6% of the population. Iowa ranks 48th in the U.S. for number of psychiatric hospital beds per capita at only 4.9 per 100,000.

Though ASSET does not fund inpatient services to help those with mental illness or chemical dependency, it is critical to have outpatient programs to help provide opportunities for those struggling with mental illness and dependency. These outpatient services can help individuals, and in turn having an impact on their family, their neighbors, and the community at large. State of Iowa funding for these services remains insubstantial, since the State of Iowa has not changed its funding formula to counties

since 1995. Additionally, mental health redesign was not set up to address the issues of funding in any significant way. ASSET helps ensure these services are available in Ames for those above the federal poverty level.

### **#3 Youth development services and activities**

**The volunteers also agreed that the services and activities for youth were critical to the community, making it a smart choice for all residents regardless of ability to pay.** The volunteers also noted that the City Council had identified youth in its goals as being a priority to help strengthen the community.

### **#4 Provide ASSET funded programs with dollars to increase awareness of assistance funded by ASSET in #1-3**

**Lastly, the volunteers wanted to work with ASSET to help ensure awareness about these valuable services.** There was concern that individuals who need assistance are not aware of the variety of great programs in this community, and ASSET should support dollars toward ensuring awareness to these eligible individuals or groups.

### **Next Steps**

The volunteers will be available for a discussion with the City Council on July 9. They will then seek final approval of the 2014/2015 ASSET priorities at the July 23 City Council meeting. ASSET will publish the revised priorities for all funders after their August 15, 2013 meeting.

	A	B	C	D	E	F	G	H
1	Attachment A -Page 1							
2	<b>Panel 1 --Health Services</b>							
3	<b>Agency</b>	<b>Service</b>	<b>Index</b>	<b>CO</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>13/14 Notes</b>
4	ARC	special recreation active lifestyles	1.3b	mh	\$ 1,000	\$ 1,100	\$ 1,500	
5	CFR	subst abuse trtmnt group therapy	1.1f	gb	\$ 104,418	\$ -	\$ -	
6	CFR	co-occurring treatment	1.1f	gb	\$ -	\$ -	\$ -	
7	ERB	subst abuse trtmnt group therapy			\$ -	\$ -	\$ 12,875	Add't \$s are available
9	HMWD	com clinics clinics&hlth educ	1.1a	ph	\$ 12,000	\$ 12,750	\$ 14,380	
14	HMWD	home hlth assistance	1.4c	ph	\$ 8,797	\$ 9,390	\$ 10,900	
15	HMWD	home del meals Meals on Wheels	1.4d	ph	\$ 7,830	\$ 8,300	\$ 11,000	
16	HSS	day care adults adult day care	1.4a	mh	\$ 38,404	\$ 45,452	\$ 49,111	
19	HSS	congregate meals	1.4e	gb	\$ 20,771	\$ 28,256	\$ 26,405	
22	MICA	community clinics child dental	1.1a	gb	\$ 1,850	\$ 1,850	\$ 1,650	
23	MICA	Dental Clinics	1.1a	gb	\$ 7,550	\$ 7,714	\$ 7,891	
25	MICA	community clinics flouride	1.1a	gb	\$ 825	\$ 825	\$ 825	
30	RC	primary trtmnt crisis line & svcs	1.2b	mh	\$ 19,535	\$ -	\$ -	Add't \$s are available
31	RC	primary trtmnt nursing svcs	1.2b	mh	\$ 20,000	\$ -	\$ -	Add't \$s are available
34	RC	soc dev gps sup svc-mentally ill	1.3c	mh	\$ 10,876	\$ -	\$ -	Add't \$s are available
37	YSS	health safety svc sub abuse outpatient	1.1e		\$ 6,406	\$ 6,500	\$ 6,830	
38	YSS	primary trtmnt/hlth mnt fmly cnsling	1.2b		\$ 42,000	\$ 42,688	\$ 47,200	
39		<b>Total</b>			<b>\$ 302,262</b>	<b>\$ 164,825</b>	<b>\$ 190,567</b>	

	A	B	C	D	E	F	G	H
1	Attachment A -Page 2							
2	<b>Panel 2 --Basic Needs</b>							
3	<b>Agency</b>	<b>Service</b>	<b>Index</b>	<b>CO</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>13/14 Notes</b>
4	ACCESS	battering shelter	2.1b	gb	\$ 11,000	\$ 12,520	\$ 30,258	Includes 2nd request
5	ACCESS	battering crisis intervention	2.1b	gb	\$ 1,931	\$ 2,072	\$ 2,400	
6	ACCESS	battering counseling & support	2.1b	gb	\$ 24,131	\$ 24,350	\$ 24,600	
7	ACCESS	rape relief crisis intervention	2.1c	gb	\$ 1,391	\$ 1,428	\$ 1,550	
8	ACCESS	rape relief counseling & support	2.1c	gb	\$ 3,256	\$ 3,351	\$ 3,650	
9	ACCESS	battering court watch	2.1f	gb	\$ 4,481	\$ 4,489	\$ 4,600	
10	ARC	respite respite retreats	2.3f	mh	\$ 5,500	\$ 5,600	\$ 5,800	
11	CCJ	correctional srvc probation sprvsn	2.2a	gb	\$ 50,113	\$ 51,115	\$ 52,648	
12	ERP	emerg asst basic mat needs	2.1a	gb	\$ 58,000	\$ 60,481	\$ 63,900	
13	Good Neighb	basic material needs	2.1a	gb	\$ 12,400	\$ 12,672	\$ 13,100	
14	Good Neighb	healthy food vouchers	2.1a	gb	\$ 3,000	\$ 3,058	\$ 3,100	
15	HIRTA	transportation - City	2.3d			\$ 33,957	\$ 38,000	
16	HIRTA	transportation - Iowa City	2.3d		\$ -	\$ 4,000	\$ 2,000	
17	HSS	transportation - City	2.3d		\$ 32,057	\$ -	\$ -	
18	LegAid	legal aid society Legal Aid Civil	2.2c	gb	\$ 72,952	\$ 75,870	\$ 80,675	
19	LSI	crisis intervention crisis childcare	2.3f	gb	\$ 2,825	\$ 2,825	\$ 2,825	
20	MICA	food pantry	2.1a	gb	\$ 15,016	\$ 22,699	\$ 15,767	Move \$s in this area
21	Rcross	aid disaster victims disaster service	2.3c	gb	\$ 17,518	\$ 12,000	\$ 9,000	
22	Rcross	CPR first aid training health & safety	2.3g	gb	\$ 2,847	\$ 1,980	\$ -	Charge for this service
23	RSVP	disaster resp volunteer	2.3c	gb	\$ 5,000	\$ 5,000	\$ 5,300	
24	RSVP	transportation	2.3d	gb	\$ 200	\$ 295	\$ 400	
25	TSA	food pantry	2.1a		\$ -	\$ -	\$ 2,730	
26	TSA	rent and utility assistance	2.1a		\$ -	\$ -	\$ 13,100	
27	TSA	emergency disaster services	2.3c		\$ -	\$ -	\$ 2,000	
28	TSA	rep payee services	2.3e		\$ -	\$ -	\$ 6,667	
29	YSS	emerg. Asst. shelter rosedale	2.1a		\$ 33,000	\$ 34,080	\$ 35,000	
30	YSS	Storks Nest	2.3a	gb	\$ 4,916	\$ 5,333	\$ 5,996	
31		<b>Total</b>			<b>\$ 361,534</b>	<b>\$ 379,175</b>	<b>\$ 425,066</b>	



	A	B	C	E	L	M	N
1	Attachment A -Page 3						
2	<b>Panel 3 --Youth and Children Services</b>						
3	<b>Agency</b>	<b>Service</b>	<b>Index</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>13/14 Notes</b>
4	ACPC	day care infant	3.1a	\$ 4,330	\$ 4,503	\$ 4,683	
5	ACPC	day care children	3.1b	\$ 46,600	\$ 48,464	\$ 50,403	
6	ACPC	day care school age	3.1c	\$ 21,690	\$ 22,558	\$ 23,460	
7	BB/BS	Mentoring	3.2a	\$ 11,560	\$ 12,500	\$ -	No longer in Ames
8	B&Gclub	scl adj & dev svcs gen.program	3.2a	\$ 88,900	\$ 90,675	\$ 92,500	
9	Cfire	school age child care	3.1c	\$ 2,008	\$ 2,068	\$ 2,148	
10	Cfire	school age child care schlrshp	3.1c	\$ 3,804	\$ 3,804	\$ 3,988	
11	Cserve	daycare infant	3.1a	\$ 8,660	\$ 8,660	\$ 8,660	
12	Cserve	daycare children	3.1b	\$ 9,000	\$ 9,000	\$ 9,000	
13	Orch PI	child care provider training	3.1g	\$ -	\$ 5,665	\$ 6,165	
14	UCC	child care infant	3.1a	\$ 17,712	\$ 18,598	\$ 19,528	
15	UCC	child care children	3.1b	\$ 22,000	\$ 22,575	\$ 23,704	
16	UCC	comfort zone	3.1h	\$ 500	\$ 525	\$ 788	
17	YSS	srvc coord mentoring united & GRI	3.2a	\$ 13,580	\$ 14,200	\$ 15,000	
18	YSS	youth dev/social adjust Nevada	3.2a	\$ 24,780	\$ 25,116	\$ 26,000	
19	YSS	employment assist youth-skills	3.2c	\$ 17,028	\$ 17,900	\$ 18,500	
20		<b>Total</b>		<b>\$ 292,152</b>	<b>\$ 306,811</b>	<b>\$ 304,527</b>	

	A	B	C	D	E	F	G	H
1	Attachment A -Page 4							
2	<b>Panel 4 --Prevention and Support Services</b>							
3	<b>Agency</b>	<b>Service</b>	<b>Index</b>	<b>CO</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>13/14 Notes</b>
4	ACCESS	public ed & awareness	4.3a	gb	\$ 2,608	\$ 2,700	\$ 2,925	
5	FGP	Foster Grandparents	4.2b	gb	\$ 3,221	\$ 3,221	\$ 3,382	No contract currently
6	HSS	service coordination outreach	4.2c	gb	\$ 28,764	\$ 32,559	\$ 34,187	
7	HSS	service coordination friendly visitor	4.2c	gb	\$ 6,398	\$ 6,171	\$ 6,171	
8	HSS	act & res center	4.2d	gb	\$ 31,586	\$ 32,500	\$ 32,500	
9	MICA	family dev/ed family development	4.1a	gb	\$ 6,730	\$ 6,932	\$ 6,932	Do not spend
10	NAMI	public education and awareness	4.3a	gb	\$ 432	\$ 450	\$ 450	
11	NAMI	wellness center	4.3b		\$ -	\$ 1,000	\$ 5,000	
12	Rcross	service military armed forces emerg	4.1c	gb	\$ 2,960	\$ -	\$ -	
13	RSVP	volunteer mngmnt	4.2b	gb	\$ 19,800	\$ 20,400	\$ 21,200	
14	VolCent	volunteer mngmnt youth/adult prog	4.2b	gb	\$ 5,000	\$ 5,190	\$ 6,000	
15	VolCent	service learning	4.3b				\$ 1,000	
16	YSS	family dev/ed pathways, FaDSS	4.1a	gb	\$ 8,428	\$ 8,669	\$ 9,000	
17	YSS	pub ed/aware substance abuse ed	4.3a	gb	\$ 26,152	\$ 26,921	\$ 26,921	
18	YSS	pub ed/aware child abuse kidability	4.3a	gb	\$ 6,401	\$ 7,000	\$ 8,400	
19	YSS	pub ed/aware AIDS	4.3a	gb	\$ 500	\$ 250	\$ -	
20	YSS	adolescent pregnancy prevention	4.3a		\$ -	\$ 250	\$ 750	
21		<b>Total</b>			<b>\$ 148,980</b>	<b>\$ 154,213</b>	<b>\$ 164,818</b>	

**COUNCIL ACTION FORM**

**SUBJECT: SUSTAINABILITY ADVISORY SERVICES CONTRACT RENEWAL**

**BACKGROUND:**

On July 1, 2010, the City entered into a contract with Iowa State University to utilize the services of its fulltime Director of Sustainability. Since that time, the contract has been extended on three other occasions. The current contract expired on June 30, 2013. For the past couple of years, the City Council approved a Scope of Services to focus only on the reduction of electric consumption. The expectation was that the primary focus would be to provide City staff assistance to the three committees in implementing the Task Force's recommendations.

**In keeping with the Council's direction, staff is recommending that the Sustainability Advisory Services Contract with ISU be approved with the Scope of Services being targeted in five specific areas and or projects related to energy consumption reduction for 2013/2014, those include:**

- 1) Develop a program and related communications materials for businesses, non-profit and civic facilities entitled "Five Ways to Start Saving Energy". As part of this program, an awards/recognition component will be developed and branded around the City's 150th Anniversary and or Sesquicentennial.
- 2) Review of the City's building codes as it pertains to energy efficiency requirements and a report to the City Council regarding how the City compares other municipalities within the State of Iowa and nationally.
- 3) Advise the City on updating the Smart Energy programs on the City's website to provide a better customer experience.
- 4) Work with Iowa State University professors and students to develop a residential energy consumption comparison tool.
- 5) Work with Public Works and Electric Services to educate the ISU community and all residents on waste diversion and reuse as related to promoting the City's waste to energy program.

The FY 2013/14 operating budget includes \$25,000 for services to be performed under this contract with Iowa State University's Director of Sustainability.

### **ALTERNATIVES:**

1. Approve the contract renewal with Iowa State University for sustainability advisory services for a one-year period from July 1, 2013, through June 30, 2014. The total cost in FY 2013/14 shall be an amount not to exceed \$25,000.
2. Do not renew the agreement and direct staff to seek other alternatives to meet Sustainability Task Force Recommendations.

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

Staff has worked with the Sustainability Coordinator to target specific programs and initiatives for 2013/2014 that will continue to move the recommendations of the Sustainability Task Force forward and to provide an improved environment for the City's future.

**The continuation of our cost-sharing arrangement with Iowa State University for a Sustainability Coordinator seems to be the most cost-effective approach to accomplish the City Council's commitment to sustainability. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as stated above.**

**CONTRACT  
FOR  
SUSTAINABILITY ADVISORY SERVICES**

This Agreement, made and entered into the 1st day of July 2013, by and between the CITY OF AMES, IOWA, hereafter called the "City" and IOWA STATE UNIVERSITY, hereafter called "ISU."

**WITNESSTH THAT:**

**WHEREAS**, the City and ISU had previously entered into a Contract for Sustainability Advisory Services dated July 1, 2010, which was, by mutual consent, extended to December 31, 2011, and to June 12, 2012, and to June 30, 2013; and,

**WHEREAS**, the City and ISU remain committed to the concept of sustainability and are desirous of reducing carbon emissions; and

**WHEREAS**, ISU currently employs a Director of Sustainability to coordinate their sustainability efforts; and

**WHEREAS**, the sharing of the services of ISU's Director of Sustainability is a more efficient method for both the City and ISU to provide this service.

**NOW, THEREFORE**, the parties hereto, pursuant to and in accordance with the provisions of Chapter 28E Code of Iowa for joint exercise of governmental powers, agree as follows:

**I  
PURPOSE**

The purpose of this agreement is to secure for the City and its citizens leadership, coordination, and support services for sustainability efforts directed at carbon emission reduction.

**II  
SCOPE OF SERVICES**

**ISU, through its Director of Sustainability, shall assist City staff in the implementation of the Sustainability Task Force's recommendations related to electric consumption reduction by planning, implementing and carrying out the following programs or initiatives:**

- 1) Develop a program and related communications materials for businesses, non-profit and civic facilities entitled "Five Ways to Start Saving Energy". As part of this program, an awards/recognition component will be developed and branded around the City's 150th Anniversary and or Sesquicentennial.
- 2) Review of the City's building codes as it pertains to energy efficiency requirements and a report to the City Council regarding how the City compares other municipalities within the State of Iowa and nationally.

- 3) Advise the City on updating the Smart Energy programs on the City's website to provide a better customer experience.
- 4) Work with Iowa State University professors and students to develop a residential energy consumption comparison tool.
- 5) Work with Public Works and Electric Services to educate the ISU community and all residents on waste diversion and reuse as related to promoting the City's waste to energy program.

### **III METHOD OF PAYMENT**

Although this is a lump sum contract for consulting services, ISU anticipates devoting a maximum of 480 hours (25%) of the Director of Sustainability's time to complete the tasks identified in the Section II. Furthermore, ISU shall not charge for the use of ISU office space or office equipment (such as computing and communications) used on a day to day basis by the Director of Sustainability for conducting the work.

The City will disburse payments to ISU each month in the amount of \$2,083.33. The maximum total amount payable by the City under this agreement is \$25,000 for work detailed in the SCOPE OF SERVICES (Section II of this Contract) and no greater amount shall be paid.

### **IV SUPERVISION OF CONTRACTED SERVICES**

The work of ISU's Director of Sustainability under this agreement shall be supervised and directed by the Ames City Manager. Each month, the Director of Sustainability shall provide a written report to the City Manager highlighting the progress being made to accomplish the asks required in Section II. While the Director of Sustainability Programs will be responsible to take the minutes of the meetings, clerical assistance to type the minutes, schedule meetings, prepare and send out meeting packets, type other documents, or reproduce documents required to perform the work identified in the SCOPE OF SERVICES (Section II) will be provided by the City Manager's Office.

### **V DURATION AND EARLY TERMINATION**

This agreement shall be in full force and effect from and after July 1, 2013, until June 30, 2014. This agreement may be terminated without cause by either party upon the giving of notice 90 days advance written notice. On or before April 1, 2014, the parties will discuss renewal of this agreement.

### **VI DISCRIMINATION PROHIBITED**

In accordance with Chapter 14 of the *Municipal Code*, no person shall, on the grounds of age, race, color, creed, religion, national origin, disability, sexual orientation, or sex be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Agreement.

**IN WITNESS WHEREOF** the parties hereto have, by their authorized representatives, set their hand and seal as of the date first above written.

**CITY OF AMES, IOWA**

**ATTEST:**

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

\_\_\_\_\_  
Diane Voss, City Clerk

**IOWA STATE UNIVERSITY**

BY \_\_\_\_\_  
Steven Leath, President  
Iowa State University

## Staff Report

**City WIFI SERVICE**

July 9, 2013

The November 27, 2012 City Council budget guidelines discussion included a suggestion for review of the public WiFi system, specifically a review of service for outdoor locations. City staff noted that the current contract for the service would expire August 2013, and would continue on a month-to-month basis after the expiration. Staff stated that the service would be reviewed.

**Background**

The FY 2006/07 budget included a City Council goal to “Facilitate One Community Through Both Physical And Relationship Connections” which included a city-wide WiFi feasibility study. The study was completed in 2007 and based on the results of the study, Council chose to implement a pilot project that included installation of a series of WiFi hotspots, funded by the City and offered to the public free of charge.

Potential WiFi hotspot locations were selected based on existing City infrastructure and a review of expected public use in different locations. In order to prioritize locations, the following evaluation ranking was used:

**Priority   Description**

- A     WiFi supports benefits beyond public access
- B     Year round traffic, facilities sufficient to allow for laptop use
- C     Seasonal traffic, facilities sufficient to allow for laptop use
- D     Seasonal traffic, facilities might be sufficient to allow for laptop use

<b><u>Location</u></b>	<b><u>Priority</u></b>	<b><u>Location</u></b>	<b><u>Priority</u></b>
Campustown Court	A	Tom Evans Plaza	B
City Hall	A	Ada Hayden Heritage Park	C
Community Center	A	Ames Youth Sports Complex	C
Brookside Park	B	Bandshell Park	C
Country Gables Park	B	Emma McCarthy Lee Park	C
Furman Aquatic Center	B	Moore Memorial Park	C
Ice Arena	B	Daley Park and Greenbelt	D
Municipal Pool	B		

**Staff recommended the implementation of WiFi hotspots in locations with existing or planned City network infrastructure and in four pilot outdoor locations. The City-managed locations were primarily indoor locations used year round, had large public use, or would test the technology. The pilot outdoor locations were a test of the feasibility and public utilization of WiFi hot spots before consideration of expanding the number of hot spots.**



Locations chosen for the project included the following:

**Pilot Outdoor Locations**

Brookside Park  
Campustown Court  
Hunziker Youth Sports Complex  
Tom Evans Plaza

**City Managed Locations**

City Hall  
Community Center  
Furman Aquatic Center  
Ice Arena  
Municipal Pool

Additionally, it was determined that locations with existing or planned City network infrastructure would be installed and managed by the City. Through the Request for Proposal (RFP) process, Council approved entering into a contract with an Ames based company, ICS Technologies, to install, maintain, and operate the pilot outdoor locations.

**Current Status**

The pilot outdoor location sites were installed and operational by the winter of 2008. The first widespread advertising of the availability of WiFi was completed with the distribution of the 2009 Spring/Summer Parks and Recreation Guide. A standard logo to identify City WiFi was developed, included in the Parks and Recreation Guide, and posted at each hotspot site. In addition to providing reports to the media on the new service, the City held a “Wire-Cutting Celebration” on May 28, 2009 to provide additional public notice.

The City-managed locations were installed and operational in the fall of 2009 and are managed by City staff. The wiring and access points for these hotspots serve both City staff and the public.

All locations have operated with minimal problems with two exceptions. When trees at Brookside Park become fully leafed, there are interference problems with the WiFi nodes. Electrical problems have also occurred as breakers are turned on and off for various lighting systems in the park. The Information Technology Division worked with ICS and identified a solution that resolved the leaf issue, but periodic electrical problems still occur.

The chart below provides information on use of the system by the public:

Location	Individual Logins			Unique Users		
	Average Monthly	Total 2012	Change From 2011	Average Monthly	Total 2012	Change From 2011
City Managed	2,495	29,939	41%	496	5,633	29%
Campustown	499	5,985	-33%	75	899	-38%
Tom Evans	421	5,047	-50%	82	982	-15%
Hunziker YSC	98	1,170	19%	34	408	16%
Brookside	62	748	11%	25	305	33%

Also, since winter usage figures do not change from the averages above, staff believes that the outside WiFi figures for Tom Evans and Campustown are inflated because of usage from within nearby buildings.

#### **Winter Usage (December 2011 – February 2012)**

<b>Location</b>	<b>Average Monthly Logins</b>	<b>Average Monthly Unique Users</b>
Tom Evans	508	90
Campustown	476	56
Brookside	11	6
Hunziker YSC	1	1

#### **Summary**

The implementation of the public WiFi hotspots was approved by City Council partly to test the demand of public Internet connectivity primarily for short-term usage such as checking e-mail or getting information using laptop computers or handheld devices. **This short-term use of the Internet appears to have shifted substantially since the program was started. Short-term outdoor access to the Internet is now accessed more commonly and conveniently using smart phones with faster 3G/4G data plans. Indoor WiFi connectivity for longer term Internet usage is available as a service provided by many businesses in Ames as well as the City. Data indicates that most outdoor locations are less in demand and usage seems to be falling as market penetration of smart phones continues to grow. The City-provided indoor (and Furman Aquatics Center) WiFi locations meet a longer term usage for the public attending meetings at City locations or waiting for family members participating in City programs and have continued to experience strong demand for use.**

The FY 2013/14 budget reflects continuing the service at the current costs (\$4,200 for ICS locations and \$7,868 for City-managed). The current contract expires in August 2013. **Staff would like Council direction regarding the continuation of the outdoor service.**

There are, at least, three options to consider in regards to outdoor service:

- Continuing the service as currently offered while monitoring usage, and providing a report to Council at a later date.
- Expanding service to include additional outdoor locations.
- Eliminate some, or all, of the Pilot Outdoor locations, but continue the service to the City-managed locations which include all of the indoor locations and Furman Aquatics Center. Under this option the City would continue to offer access to private providers who offer service at City outdoor locations.

**COUNCIL ACTION FORM**

**SUBJECT: LIBRARY RENOVATION AND EXPANSION PROJECT CHANGE ORDER #4 WITH A&P/SAMUELS GROUP**

**BACKGROUND:**

The Library's renovation and expansion construction began in January 2013. Since that time the project has been moving along well and has encountered very little work needed beyond the anticipated scope. One of the first change orders was to remove the historic treatment specialist from the A&P/Samuels Group contract, the Library's General Contractor.

However, with the recent City Council decision to keep the historic wood windows, the project has now met the threshold for a change order to be issued to A&P/Samuels Group. The change order includes the following adds and deducts that total more than \$50,000 and therefore must be approved by the City Council:

- 1) Add \$1,500 to upgrade proposed interior elevator lighting
- 2) Add \$2,832 to cut down existing piers in Youth Services area on the south end of the building
- 3) Add \$15,128 to demolish and reconstruct unsalvageable west wall
- 3) Reduce \$65,663 by removing the replacement of the wood windows**
- 5) Add \$8,211 to repair existing brick walls on the south end of the building
- 6) Add \$16,778 for structural work needed to replace existing brick walls in historic section of the Library to facilitate relocation of kitchen

**The total for change order #4 is reduction of \$21,214.** The contract with A&P/Samuels was originally approved at \$12,543,350.

Change order #1 through #3 total \$937. With change order #4 A&P/Samuels revised contract amount is \$12,523,073. (See attached Project Cost Summary)

The overall project as of June 13, 2013 has an additional contingency of \$1,208,890 and those dollars will be used in part for the additional cost for the window restoration project, which is outside of the original scope of the A&P/Samuels contract.

The Library Board of Trustees will consider this change order request at its special meeting on July 8, 2013.

**ALTERNATIVE:**

1. Approve change order #4 to upgrade elevator lighting, eliminate existing piers in the Youth Services area, reconstruct the west wall, remove wood window replacement, and repair existing brick in multiple locations.
2. Do not approve change order #4 for to upgrade elevator lighting, eliminate existing piers in the Youth Services area, reconstruct the west wall, remove wood window replacement, and repair existing brick in multiple locations..

**MANAGER'S RECOMMENDED ACTION:**

The Library Renovation and Expansion project has been moving along well. The requested change order #4 will help address several important structural issues that have been uncovered and will eliminate the wood window replacement from the A&P/Samuels Group contract. This keeps the project working toward the goals set forward by the Library Board of Trustees and City Council for this major community project. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving Library's General Contractor Change Order #4.**

# Project Cost Summary

**INTEGRITY**  
CONSTRUCTION

623 East Lincoln Way

Ames, Iowa 50010

6/13/2013

**Project:** Ames Public Library  
Ames, Iowa  
**Architect:** MS&R Architects

No.	Scope of Work/Description	Amount	Remarks
<b>1</b>	<b>Construction Costs</b>		
1.01	Prime General Contractor - Original Contract Amount	\$ 12,543,350	A&P / Samuals, a Joint Venture Wausau, Wisconsin
<b>2</b>	<b>Construction Change Orders</b>		
2.01	Changes Through Change Order No: 3	937	
	<b>Subtotal</b>	<b>\$ 12,544,287</b>	Current Contract Amount
<b>3</b>	<b>Change Order Allowance</b>		
3.01	Current Amount Reserved for Potential Change Orders	8.0% 999,063	
	<b>Total Construction Costs</b>	<b>\$ 13,543,350</b>	
<b>4</b>	<b>Professional Services</b>	1,865,714	
4.01	Professional Design Services - Main Project	\$1,260,755	MS&R Architects
4.02	Professional Services for Furnishings	205,570	MS&R Architects
4.03	Reimbursable Expenses	40,000	
4.04	Printing of Bid Documents	15,000	Action Reprographics
4.05	Phase 1 Environmental Study	19,200	Terracon Consultants
4.06	Code Related Testing During Construction	94,423	Allender Butzke Engineers
4.07	Geotechnical Soil Investigation	5,760	Allender Butzke Engineers
4.08	Topographical Survey	6,250	CGA
4.09	LEED Building Commissioning Services	49,879	Cornerstone Commissioning
4.10	LEED Application Fees	12,000	
4.11	Construction Advisor	133,400	Integrity Construction thru CO#1
4.12	Construction Documentation	23,477	Multivista
	<b>Subtotal</b>	<b>\$ 15,409,064</b>	
<b>5</b>	<b>Owner Costs</b>	3,262,046	
5.01	Furnishings, Including Installation	\$2,150,000	MS&R Budget updated 11-26-12
5.02	Book Security System	50,000	
5.03	Book Depository Equipment	27,000	
5.04	Library Signage	138,000	MS&R Budget 11-26-12
5.05a	Asbestos Abatement Design & Testing	56,691	Terracon Consultants thru CO#1
5.05b	Asbestos Abatement Contractor Costs	64,055	Abatement Specialties CO#2
5.06a	Moving Costs From Existing Library	5,000	
5.06b	Moving Costs To New Library	10,000	
5.07a	Temporary Location - Lincoln Center	414,300	Rent for 21 months
5.07b	Temporary Location - 809 E. Lincoln Way	47,000	Rent for 24 months
5.07c	Temporary Location Misc. Expense	40,000	Approx. \$14,000 spent to date
5.08	Automated Materials Handling System	260,000	Transferred from City CIP Budget
5.09	Wood Window Restoration		
	<b>Subtotal</b>	<b>\$ 18,671,110</b>	
<b>6</b>	<b>Project Contingency</b>	6.5% 1,208,890	
	<b>Current Project Budget</b>	<b>\$ 19,880,000</b>	Based on Cash on Hand 4/15/13
<b>7</b>	<b>Outstanding Pledges &amp; Fundraising</b>	205,000	
	<b>Total Project Budget</b>	<b>\$ 20,085,000</b>	

Footnote: Additional items to be added to project scope based on fundraising efforts include A/V equipment for meeting rooms, computers, network equipment, and video surveillance.

**COUNCIL ACTION FORM**

**SUBJECT: AMES PUBLIC LIBRARY - WOOD WINDOW RESTORATION PROJECT**

**BACKGROUND:**

Restoration of the wood windows in the 1904 and 1940 portions of the Library building is being undertaken in conjunction with the Ames Public Library Renovation and Expansion Project. **The restoration of the wood windows, construction estimate of \$160,000, is outside the scope of work of the general contractor, A&P/Samuels will be paid from the overall project contingency. The Library Board is, therefore, seeking a professional restoration contractor to abate lead-based paint, make needed repairs, refinish, and properly re-install the original wood windows.**

With the assistance of the Library's construction advisor, the condition of each of the existing windows was photographically documented by Multivista IA, and a preliminary on-site visual inspection was made by David Arbogast, Architectural Conservator, on May 23, 2013. Based on that information, preliminary plans and specifications were prepared by the Library's architectural firm, MS&R, and the City's Purchasing Division.

The Library now requests Council to approve the preliminary plans and specifications for the Ames Public Library Wood Window Restoration Project; issue a Notice to Bidders; and set July 31, 2013, as the bid due date and August 13, 2013, as the date of public hearing and award of contract.

The Library Board of Trustees will consider these preliminary plans and specifications at its special meeting on July 8, 2013.

**ALTERNATIVES:**

1. Approve the preliminary plans and specifications for the Ames Public Library Wood Window Restoration Project; issue a Notice to Bidders; and set July 31, 2013, as the bid due date and August 13, 2013, as the date of public hearing and award of contract.
2. Do not approve plans and specifications at this time.

**MANAGER'S RECOMMENDED ACTION:**

The original plans and specifications for the Library Renovation and Expansion Project specified replacement of all windows in the library building. After hearing an appeal from

the Historic Preservation Commission and others in the community, the City Council, on May 14, 2013, directed the Library Board to bring back change orders to the appropriate contracts to restore the historic windows in the 1904 and 1940 sections.

**In addition to the wood window restoration contract that is being proposed, change orders are being prepared for an upcoming City Council meeting to address the wood window restoration project with:**

- Abatement Specialties and Terracon Consulting with respect to abatement of lead-based paint;
- Meyer, Scherer & Rockcastle, Ltd., for preparation of the documents outlining the scope of the wood window restoration project;
- and A&P/Samuels Group, A Joint Venture, to remove replacement of the wood windows in the historic sections from that firm's scope of work.

The work will commence in August 2013, with intention of the work being completed by November 2013.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving preliminary plans and specifications for the Ames Public Library Wood Window Restoration Project; issuing a Notice to Bidders; and setting July 31, 2013, as the bid due date and August 13, 2013, as the date of public hearing and award of contract.

## Staff Report

**Development Standards for Residential Zones**

July 9, 2013

**BACKGROUND**

In light of new project concepts that are proposing novel applications of current code, staff wants to review some of the development standards for residential developments with City Council for clarification and direction purposes. There are two issues that staff feels needs to be addressed by Council; occupancy standards and subdivision requirements. The first issue involves occupancy standards and a concern about the definitions of Single Family attached dwellings and apartment dwellings and staff's current interpretation of these units. The second issue about subdivision requirements is related to the code provision which allows multiple single and two-family structures on lot of one acre or greater without the process of subdivision.

The Zoning Code establishes five residential zoning classifications that allow for four different types of residential uses: single family dwellings, two-family dwellings, single family attached dwellings and apartment dwellings. There is a fifth residential use type, "dwelling house", that is only permitted in the "RM" Residential Medium Density and "RH" Residential High Density zones, which permit up to a 5 bedroom unit. Attachment 1 identifies what use types are allowed in each residential zone and the type of approval required for such use type.

**Occupancy Concern: Single Family Attached Residential Vs. Apartment Dwellings**

In looking at the definitions of the residential use types, Planning staff has interpreted the difference between a Single Family Attached Dwelling and an Apartment dwelling. The two use types are defined as the following:

"Dwelling, Single Family Attached" means a single family dwelling unit in a row of at least two such units in which each unit has its own front access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant party walls and the unit is located on a separate lot."

"Apartment Dwelling" means a dwelling containing three or more residential units. The term includes what is commonly known as an apartment building, but does not include community residential facilities or single family attached dwellings. Apartment dwellings may be occupied by families only, or by a group of unrelated persons limited to five or less per residential unit."

**A couple of distinctions between the two use types are that a single family attached unit is a unit that is designed as a completely side by side unit, each of which is on an individually platted lot. The single family attached units under strict definition require a single lot for each unit and would limit the occupancy of the unit to a "Family" by definition of not more than 3 unrelated persons.** According to staff's current interpretation, if an attached unit is not located on a separate lot, it by definition is not a "dwelling, single family attached" but must still be classified as a use type. The use type that then would fit this unit is



the less specific “apartment dwelling”, which by definition would allow the units on a single shared lot and would allow up to five unrelated persons to occupy such units. This would permit an increase in the number of occupants of the property while maintaining the same density of units for the site.

**This issue of occupancy only applies to zones which permit the single family attached and apartment use types which include the RM, RH, FS-RL and FS-RM zones. If Council doesn’t agree with the interpretation to allow single family attached units to be considered apartments (with its larger occupancy allowance) when not located on a single platted lot (as required by definition), Council could direct staff to initiate a revision to the zoning code.**

**An option for addressing this concern could be a revision to the definition section of the zoning code to limit all single family attached style residential dwellings to meet the definition of a “family” (three unrelated persons), which would never allow an attached unit, whether located on separate lots or developed on one large lot, to be occupied by more than three unrelated persons.**

#### **Subdivision Concern: Multiple Buildings on a Single Lot**

Another code allowance in residential districts is section 29.401(5), which states “more than one single family or two-family residential structure on the same lot of one acre or less is prohibited”. **This allows on residential lots larger than one acre more than one single family and two-family structures on a single platted lot.**

So how does this affect residential developments in terms of zoning? This allows for large parcels (more than one acre), zoned residential, to be developed with an unspecified maximum number of single family and two-family structures on a single lot when the developer chooses not to subdivide. **Without subdivision, the requirements of the subdivision code for lot and block standards, conformance with natural features, landscape standards, public street standards including public sidewalks, utility requirements for water, sanitary sewer, electric and storm water management, erosion control and also any improvement guarantees for any needed infrastructure improvements to accommodate the development are not required. Therefore, staff cannot review these proposed developments for conformance with subdivision standards.**

**Depending on the development, such as in the RL zone, where only single family structures are permitted, the Council may wish to see individual platted lots for each structure, thus requiring subdivision and compliance with all the subdivision standards, such as public streets, public infrastructure for utilities, sidewalks, etc.**

There may not be a concern for the overall platting of lots in RM or RH zones where apartment buildings are already permitted to have more than one building on a single lot. However, there may be other subdivision concerns in the RM or RH zones, such as the connection of public streets, access to city services or the need for protection of natural features that arise without subdivision.

**A couple of options for addressing this concern could be revisions to either the zoning code or subdivision code to incorporate standards of the subdivision code for certain developments, based on a created set of criteria, that choose not to subdivide the property. This would allow the certain regulations of the subdivision code, such as public streets, sidewalks, or public infrastructure to be met while allowing the developer to maintain a single lot development.**

**Another option could be to simply eliminate the allowance for multiple buildings on a single lot for the RL zone so as to maintain the character of a single family neighborhood therefore requiring that all single family structures and two family structures in the RL zone are developed on individually platted lots.**

### **PROJECT CONSIDERATIONS**

In looking forward to a couple of upcoming projects as examples of the concerns being addressed, there are two projects that will be affected by the code sections previously noted; Copper Beach Development at 712 S. 16<sup>th</sup> Street, and the Breckenridge Development on the Old Ames Middle School properties.

One current project to consider as an example of the occupancy concern is the property at 712 S. 16<sup>th</sup> Street which is intended, under a previously completed courtesy review (See Attachment 2, Concept plan for Copper Beach Development), to be a mixed unit type rental development with both single family attached and apartment units. This project is already zoned Residential High Density "RH" and therefore can proceed with development based on the district allowances for RH zoning. The thing to consider in this project is that the property can be developed under the proposed use types as a single lot development, no subdivision, with a staff approved Minor Site Development Plan. **Based on the code interpretation of single family attached dwellings, as discussed previously, the project could be constructed on a single lot, without subdivision to create separate lots for each unit, and therefore the units are considered apartments, and allowed to increase the number of occupants from a "family" up to five unrelated persons, as allowed under the definition of an apartment. This will increase the number of occupants on the property while maintaining the same density of units per acre on the parcel.**

Another project currently being reviewed, and noted here as an example of the subdivision concern, is the Old Ames Middle School properties, which has submitted for rezoning of two of the three parcels (the middle parcel at 321 S. State, and the south parcel at 601 S. State) and is in the middle of a Master Plan discussion process with the neighborhood association and Iowa State University. The intent is to have a Master Plan formally submitted once discussions with the neighborhood association are completed the end of July or early August.

The old Ames Middle School sites will require rezoning from the current S-GA zoning designation, but there are many options still under review for the sites. Without knowing the proposal yet for the sites this is a bit more difficult to address, however, some of the options under the current code allowances would permit, if approved by the council for the current rezoning requests submitted, to develop the properties as a single large lot development for single family style rental units, but also allow the development to proceed without compliance with subdivision standards.

The thing to consider in this project is that the property can be developed under the current LUPP designation and RL zone as a single large lot development, with no required subdivision, with a staff approved Minor Site Development Plan. **Based on the code which allows multiple single family and two family structures on a single lot (more than 1 acre in size), as discussed previously, the project could be constructed without subdivision to create separate lots for each unit, thereby eliminating the requirement for compliance with the subdivision code for public streets and sidewalks, public infrastructure, etc.**

## **POSSIBLE OPTIONS**

### **Option 1:**

**The City Council can choose to leave the current standards in place.**

In looking at current projects that have been completed in the City, the Council might find that the current zoning and subdivision standards are sufficient to regulate the developments being constructed. The council might also find in looking at the two upcoming projects that the concerns for the Old Ames Middle school site can be addressed via the Master Plan or other subsequent applications for the project. This option would not however, address any concern for the current regulations in looking as properties where zoning is already in place and the proposed uses do not require subdivision or council review of the development Site Plans.

### **Option 2: (Subdivision)**

**As an alternative to the large lot allowance in the RL zones, the City Council can consider a zoning text amendment to eliminate the allowance to multiple single family and two family residential units on a single lot for all or certain Residential Districts.** This approach recognizes a need for subdivision standards for single family and two family residential unit types to allow for subdivision review for compliance with public streets including sidewalks and infrastructure improvements.

### **Option 3: (Subdivision)**

**The City Council can consider revising the zoning code to incorporate certain elements of the subdivision standards into the zoning code which could create a tie to subdivision requirement without having to formally subdivide the property.** This option could allow Council to address which standards of the subdivision code should be incorporated into residential developments that do not go through the formal subdivision process. This option would require that there be a set of criteria, such as density or lot size that might trigger when the subdivision requirements must be met for a development that does not choose to subdivide.

### **Option 4: (Occupancy)**

**The City Council can consider revising the definitions of single family attached dwelling and apartment dwelling to only allow a single family attached style dwelling unit to be occupied by a “family” by definition.** This option would always limit the number of persons able to occupy a single family attached style unit to a “family” thereby; even if the unit was built on a large lot with multiple units (and defined as an apartment by definition) the occupancy of such unit type would always be consistent.

#### Option 5:

**The City Council can consider other options or combinations of options to help clarify the intent of the code.**

### **IMPACT ON PENDING DEVELOPMENT**

Several of the options listed above would involve amendments to the current zoning ordinance. It is generally true that at any given time, there will be development applications of various sorts that are being processed through the steps prior to completion. Generally, when a new zoning provision becomes effective, the result is that all permits issued for uses or structures that the new amendment prohibits are rendered invalid. That point should be mentioned so that the Council is aware that applications that are “in the pipeline” may be impacted by the adoption of any new zoning provision, and some of those projects may even be rendered impermissible by a zoning code change

#### General Principles concerning vested rights

“Vested rights” is the concept that considers at what point a project will be permitted to proceed under the prior zoning provision so that, when completed, the project will be contrary to the new regulations. Whether a vested right exists is often an important issue in court adjudication of constitutional due process and takings claims.

The majority of states follow the rule that a landowner’s right to develop land vests only at that point in time when there has been substantial construction or action in reliance upon a lawfully issued permit. In those states, issuance of the permit is not alone enough to vest a developer with the right to proceed. Under Iowa law, court decisions have held that no property owner has the right in the continuation of a particular zoning classification, and decisions have examined whether the owner has made substantial expenditures toward the use in question prior to the zoning change and whether those expenditures were lawful. Issuance of a building permit is an important element of this analysis. Each situation will depend on its unique facts.

#### Local provisions concerning when rights vest

Since litigation and court determinations about whether a developer’s right to proceed was vested are time consuming, costly and not necessarily in the best interests of any party, many zoning enactments often contain specific provisions which set forth how pending applications will be treated when there are new zoning provisions enacted prior to project completion. The City of Ames has done this. The City’s zoning ordinance provides that applications for a building or zoning permit are to be granted or denied on the basis of the code in effect on the date of the application, but that permits based on an approved site plan shall be based on the ordinance in effect at the time of plan approval. (See § 29.105, Ames Municipal Code).

### **NEXT STEPS**

If the City Council chooses to consider a specific change to some of the current zoning code standards, staff could be directed to draft the appropriate zoning text amendment(s), seek input from stakeholders, and hold a public hearing before the Planning and Zoning Commission. In that

case, staff would work to bring the text amendment back to Council for adoption on first reading in late August or early September.

If the City Council chooses to explore multiple options, staff could be directed to seek input on those options from stakeholders and the Planning and Zoning Commission. Staff would then bring that input back to Council in August, at which time Council could initiate the formal amendment process. This process would take an additional month or so to accomplish.

### **STAFF COMMENTS**

Staff is looking to develop consistency in the residential zoning regulation interpretations and wishes to verify with Council if the current standards meet the design intent and character the Council is looking for in residential developments. It is not the intent of this report to stop current development or hinder future residential development, but to clarify and get the direction and vision of the Council as the city continues to develop in residential areas.

## Attachment 1 Residential Use Chart

Zone	Use	Status	Approval Authority
<b>RL, Low Density</b>			
	Single Family	Y	Staff
	Two-Family	Y, if pre-existing	Staff
	Single Family Attached	N	--
	Apartments (12 Units or Less)	N	--
<b>RM, Medium Density</b>			
	Single Family	Y	Staff
	Two-Family	Y	Staff
	Single Family Attached	Y	SDP Minor
	Apartments (12 Units or Less)	Y	SDP Minor
	Dwelling House	Y	Staff
<b>RH, High Density</b>			
	Single Family	Y, if pre-existing	Staff
	Two-Family	Y	Staff
	Single Family Attached	Y	SDP Minor
	Apartments	Y	SDP Minor
	Dwelling House	Y	Staff
<b>UCRM, Urban Core Medium Density</b>			
	Single Family	Y	Staff
	Two-Family	Y, if pre-existing	Staff
	Single Family Attached (2 Units Only)	Y, if pre-existing	SDP Minor
	Apartments (12 Units or Less)	Y, if pre-existing	SDP Minor
<b>FS-RL, Floating Suburban Low Density</b>			
	Single Family	Y	Staff
	Two-Family	Y, if pre-existing	Staff
	Single Family Attached (12 Units or Less)	Y	SDP Minor
	Apartments (12 Units or Less)	N	--
<b>FS-RM, Floating Suburban Medium Density</b>			
	Single Family	Y	Staff
	Two-Family	Y	Staff
	Single Family Attached (12 Units or Less)	Y	SDP Minor
	Apartments (12 Units or Less)	Y	SDP Major

Y= Yes, permitted by required approval  
N= No, prohibited

SDP Minor= Minor Site Development Plan  
SDP Major= Major Site Development Plan

Staff Report

**SOUTH DUFF ACCESS STUDY**

**JULY 9, 2013**

On June 11, 2013, City Council referred to Staff a letter from Chuck Winkleblack regarding access management on South Duff Avenue from South 5<sup>th</sup> Street to approximately Squaw Creek. The letter is asking that City Council direct Staff to conduct a study of the corridor, evaluating the consolidation of several access drives along both the east and west sides of the street into a single signalized intersection. The purpose of the proposed changes is to improve traffic safety and efficiency along Ames' highest volume roadway.

On June 17, 2013, Staff held a coordination meeting with Iowa DOT staff, property owners, and developers who would be affected by a consolidation of access points. An owner's map of those properties that were represented during the meeting has been attached to this report.

Discussions during the meeting covered many concerns related to the existing condition of traffic congestion and traffic safety along the corridor, as well as recognizing the opportunity for improvements now that several properties are ready to redevelop in the near future. **Generally, there was a consensus amongst the group that there is a need to apply access management techniques to improve traffic flow, but also to provide a clear and safe way for their customers to access the properties.** Concern was expressed by several of the business owners that customers in the past, based on traffic conditions, may have avoided this area of South Duff Avenue, in turn hurting the economic value of their respective businesses.

**The meeting concluded with an agreement that the next step in the process would be a traffic study of the corridor, which would include a traffic signal warrant analysis. It is crucial that the feasibility of a consolidated access point be determined as it will greatly affect the design and layout of many, if not all, of the redeveloped properties.**

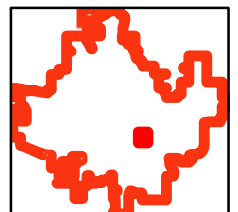
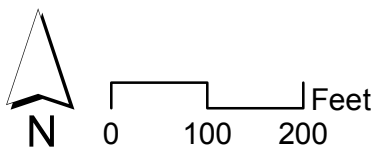
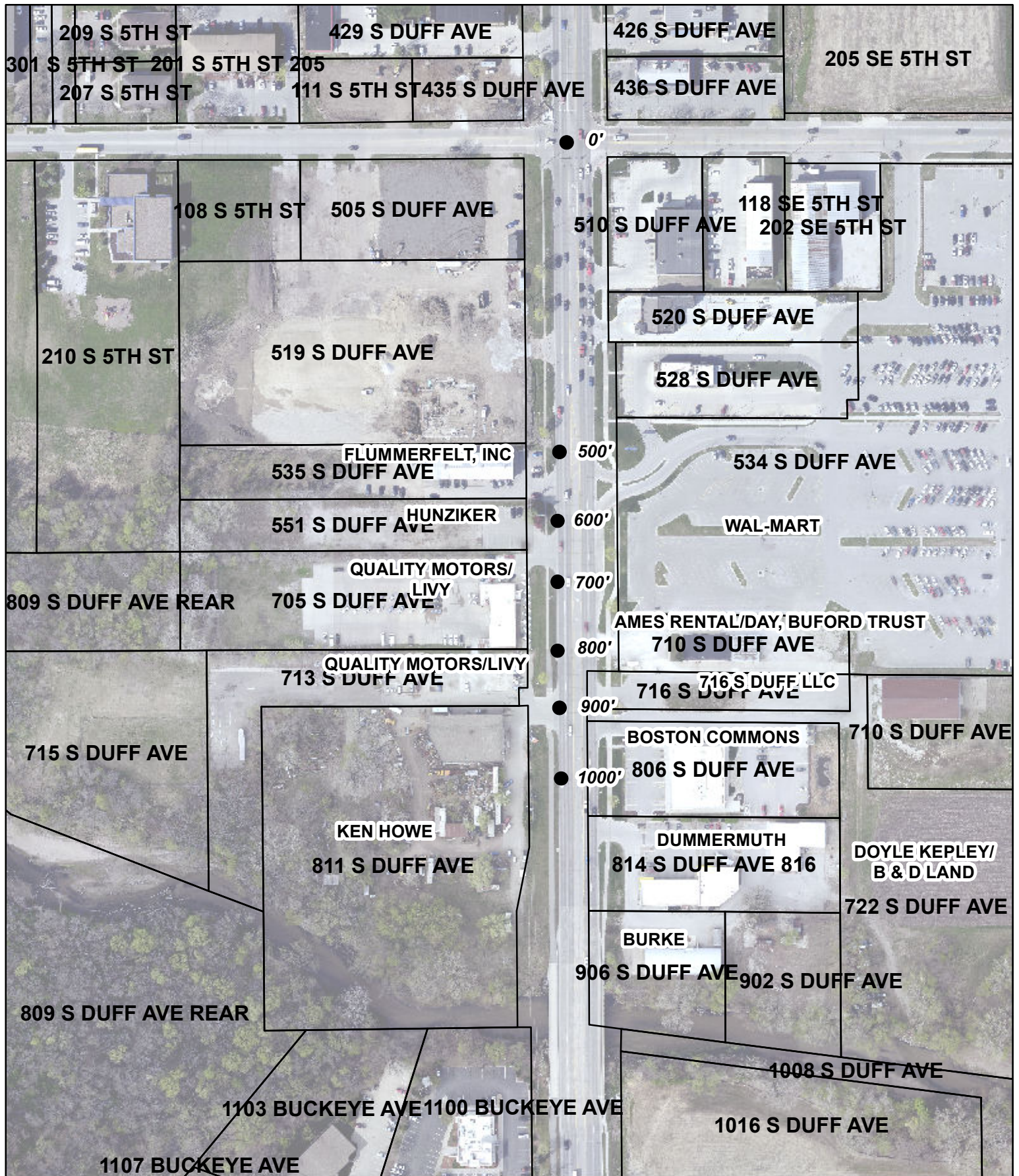
**STAFF COMMENTS:**

The South Duff Avenue commercial corridor for many years has experienced challenges related to access management and traffic safety. With several properties becoming vacant and/or are being considered for redevelopment, there is an opportunity to apply current best practices to reduce conflict points along South Duff Avenue.



**This project presents an opportunity to make a significant traffic improvement in the South Duff corridor that will have mutual benefit for the adjacent businesses and the greater Ames community alike. Therefore, it is recommended that City Council support this potential project by directing staff to conduct a traffic study to evaluate the feasibility of consolidating access drives into one signalized access. The study is estimated to take staff forty hours to complete.**

Attachments(2)





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