

**AGENDA**  
**REGULAR MEETING OF THE AMES CITY COUNCIL**  
**COUNCIL CHAMBERS - CITY HALL**  
**OCTOBER 22, 2013**

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

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

**PRESENTATION:**

1. Presentation of "Project of the Year Award" from the American Public Works Association for the Main Street and Kellogg Project

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

2. Motion approving payment of claims
3. Motion approving Minutes of Regular Meeting of October 8, 2013
4. Motion approving Report of Contract Change Orders for October 1-15, 2013
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Liquor – Cave Events Room, 122 Welch Avenue
  - b. Class C Beer & B Wine – Southgate Expresse, 110 Airport Road
  - c. Class B Native Wine – Kitchen, Bath & Home, 201 Main Street
  - d. Class C Liquor - London Underground, 212 Main Street
6. Resolution approving appointment of members to Central Iowa Regional Housing Authority (CIRHA) Board of Commissioners
7. Resolution approving Human Relations Commission Contract with Iowa Civil Rights Commission
8. Resolution approving preliminary plans and specifications for Spring 2014 Boiler Repairs; setting November 27, 2013, as bid due date and December 10, 2013, as date of public hearing
9. Resolution awarding contract for 2013/14 Winter & Summer Tree Trimming for Public Works to LawnPro, LLC, of Colo, Iowa, in the amount of \$75,000
10. Resolution awarding contract for Automated Materials Handling System to RFID Library Solutions of Minneapolis, Minnesota, in the amount of \$290,014
11. Resolution awarding contract for purchase of Unit No. 7 Steam Coil Air Heaters to Advanced Coil Technology, LLC, of Owatonna, Minnesota, in the amount of \$58,500 (plus applicable sales taxes to be paid by City to State of Iowa)
12. Resolution approving contract and bond for Replacement Superheater Attemperator
13. Resolution approving Change Order No. 1 with Scott Peterson Construction, Inc., of Tyler, Minnesota, in the amount of \$38,250 for work on window sashes for Library Renovation project
14. Resolution approving Change Order No. 2 with Terracon of Des Moines, Iowa, in the amount of \$14,400 for additional asbestos testing, analysis, and abatement monitoring for Library Renovation project
15. Resolution accepting final completion of 2012/13 Low-Point Drainage Improvements (Oliver Circle)

**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:**

16. Motion approving outdoor service area extension on November 8 for Wallaby's, 3720 Lincoln Way
17. Motion approving Class C Liquor License for Hy-Vee #1 Clubroom, 3800 West Lincoln Way
18. Motion approving Class C Liquor, B Wine, and Outdoor Service for +39 Restaurant & Cantina, 2640 Stange Road, pending receipt of Certificate of Occupancy
19. Motion approving 5-Day Special Class C Liquor License for Olde Main Brewing at ISU Alumni Center, 420 Beach Avenue
20. Motion approving sign encroachment permit for Jerry Carney & Sons, 340 South Dayton Avenue
21. ISU Homecoming requests on November 8, 2013:
  - a. Resolution approving closure of portions of Ash Avenue, Gray Avenue, Lynn Avenue, Pearson Avenue, and Sunset Drive between 6:30 p.m. and 11:00 p.m.
  - b. Motion approving temporary obstruction permit for area inside street closures
  - c. Motion approving Fireworks Permit for ground effects fireworks shoot on Central Campus at midnight on November 9

**HEARINGS:**

22. Hearing on amendment to the Planned Residence District Plan for Westwood Village for properties located at 145 Marshall Avenue and 306 Hickory Drive:
  - a. Resolution approving/motion denying amendment to the Plan
23. Hearing on Zoning Text Amendment to change Campustown building height set-back:
  - a. Motion to continue hearing to November 12, 2013

**PLANNING & HOUSING:**

24. Campustown Urban Renewal Plan:
  - a. Staff presentation of Draft Urban Renewal Plan
  - b. Resolution setting date of public hearing for November 12, 2013, on designation of Campustown Urban Renewal Area and on Plan and project; referring Draft Urban Renewal Plan to Planning and Zoning Commission; and, appointing Ames Planning and Housing Director as the representative in connection with consultation process

**ADMINISTRATION:**

25. Xenia Rural Water update

**ELECTRIC:**

26. Resolution approving Change Order No. 1 to Asplundh Tree Expert Co. in the amount of \$100,000 for FY 2013/14 Electric Distribution Line Clearance Program

**ORDINANCES:**

27. First passage of ordinance repealing Chapter 14 of the *Municipal Code* and enacting new Chapter 14 to be consistent with Iowa Civil Rights Act
28. Second passage of ordinance establishing 921 - 9<sup>th</sup> Street as an Urban Revitalization Area

**COUNCIL COMMENTS:**

**ADJOURNMENT:**

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

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

AMES, IOWA

OCTOBER 8, 2013

Mayor Ann Campbell called the Regular Meeting of the Ames City Council to order at 7:00 p.m. with Council Members Jeremy Davis, Matthew Goodman, Peter Orazem, and Victoria Szopinski present. Council Member Tom Wacha was brought into the meeting telephonically. Council Member Jami Larson was absent. *Ex officio* Council Member Alexandria Harvey arrived at 7:13 p.m.

**PROCLAMATION FOR NATIONAL TEEN DRIVER SAFETY WEEK:** Mayor Campbell proclaimed October 18 - 26, 2013, as National Teen Driver Safety Week. Accepting the Proclamation were Spence Evans, Principal of Ames High School, and Tri-Presidents of the Student Council Miranda Maher, Sam Roberts, and Carl Meese, AHS students. Mr. Evans explained the events that will be held at Ames High School to promote safe driving. Community participation is encouraged by logging on to CelebrateMyDrive.com. According to Mr. Evans, if Ames High is one of the 90 schools with the most persons logging on to that site, it will receive \$25,000.

**PROCLAMATION FOR CHARACTER COUNTS! WEEK:** October 20 - 26, 2013, was proclaimed as CHARACTER COUNTS! Week by Mayor Campbell. Mary Jo Mattila and Police Chief Chuck Cychosz were present to accept the Proclamation. Ms. Mattila advised that this was the 16<sup>th</sup> year Ames has been proclaiming a CHARACTER COUNTS! Week.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meetings of September 17, 2013, and October 3, 2013, and Regular Meeting of September 24, 2013
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for September 16-30, 2013
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Special Class C Liquor – Le’s Restaurant, 113 Colorado Avenue
  - b. Class C Beer & B Wine – Aldi, Inc., #48, 1301 Buckeye Avenue
  - c. Class E Liquor, C Beer, & B Wine – Target Store T-1170, 320 South Duff Avenue
  - d. Class C Liquor - La Fuente Mexican Restaurant, 217 South Duff Avenue
6. 2013 Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG):
  - a. Motion accepting Grant
  - b. RESOLUTION NO. 13-462 approving Agreement
7. RESOLUTION NO. 13-463 approving Funding Agreement with Iowa Department of Transportation for 2013/14 Collector Program - Sheldon Avenue (Lincoln Way - Hyland Avenue)
8. RESOLUTION NO. 13-464 approving Lender Agreement for Financial Participation in connection with Community Development Block Grant Homebuyer Assistance Housing Program with Vision Bank
9. RESOLUTION NO. 13-465 approving preliminary plans and specifications for WPC Blower Replacement Project, setting November 6, 2013, as bid due date and November 12, 2013, as date of public hearing
10. RESOLUTION NO. 13-466 awarding contract for Replacement Superheater Attenuator to Babcock & Wilcox Generation Group of Barberton, Ohio, in the amount of \$163,406.35 (inclusive of Iowa sales tax)
11. RESOLUTION NO. 13-467 waiving purchasing policy requirements and awarding contract to General Electric International, Inc., of Omaha, Nebraska, for technical direction for Unit 8

- Repairs/Re-Wedging Stator in an amount not to exceed \$73,920 (for time and materials)
12. RESOLUTION NO. 13-468 approving contract and bond for 2013/14 Asphalt/Seal Coat Street Rehabilitation and 2013/14 Water System Improvements - Water Main Replacement (Tripp Street, South Franklin Avenue, Village Drive)
  13. RESOLUTION NO. 13-469 approving contract and bond for 2013/14 Water System Improvements - Water Main Replacement (Sheldon Avenue)
  14. RESOLUTION NO. 13-470 approving contract and bond for Sunset Ridge Subdivision, 5<sup>th</sup> Addition - HMA Paving Project
  15. RESOLUTION NO. 13-471 approving contract and bond for Ames Plant Substations Improvements
  16. RESOLUTION NO. 13-479 approving contract and bond for Unit 8 Generator Repairs/Re-Wedging Stator Project
  17. RESOLUTION NO. 13-472 accepting completion of Unit 8 Steam Turbine Parts
  18. RESOLUTION NO. 13-473 releasing security for sidewalk installation from Jordan Motors and accepting cash security for sidewalk installation from Lithia Motors
  19. RESOLUTION NO. 13-474 approving Major Final Plat for Bella Woods Subdivision  
Roll Call Vote: 5-0. Resolutions/Motions declared adopted/carried unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**PUBLIC FORUM:** No one spoke during this time.

**OWNERSHIP CHANGE FOR DEANO'S:** Moved by Goodman, seconded by Davis, to approve a Corporation Ownership Change for Deano's, 119 Main Street.  
Vote on Motion: 5-0. Motion declared carried unanimously.

**REMOTE PARKING EASEMENT FOR 605/615 EAST LINCOLN WAY:** Planning and Housing Director Kelly Diekmann advised that this is the third request made by the property owner for an extension of time for the construction of a new paved parking lot with 13 spaces at 615 East Lincoln Way. It was initially to be completed by July 1, 2012. Since that time, two extensions of time for the construction of the new paved lot had been granted. The property owner was now requesting a further extension of the deadline to November 15, 2013, due to the weather, challenging issues related to other paving work on the site, and the possibility of adding a warehouse to the site. The required paving was a condition placed on approval of the Remote Parking Agreement.

Council Member Orazem asked what would happen if the Council were to deny the request for another extension. City Attorney Judy Parks advised that the City could file a zoning violation on the property owner. She said it would be in the form of a Municipal Infraction, which is punishable by a fine of \$500 for every day that the violation continues.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 13-475 approving an additional time extension to November 15, 2013, to complete improvements related to the Remote Parking Easement at 605/615 East Lincoln Way.

Council Member Davis stated that the paving was in progress. He noted that the current extension expired on August 15, 2013; however, staff did not bring it back to the Council until this meeting.

Kurt Friedrich, 100 Sixth Street, Ames, representing the property owner, told the Council that it had been a very difficult year to schedule concrete as there are so many projects occurring. He

pointed out that the City itself has multiple projects going on simultaneously. Mr. Friedrich alleged that they are doing their absolute best to get the project done. The parking lot in front of its main building has been completed at a cost of \$50,000, and they are currently progressing with the remote parking area.

Council Member Orazem advised that he would be rather reluctantly voting to approve this extension; however, he warned that he would not vote to approve any further extensions.

Moved by Orazem, seconded by Davis, to amend the motion to state that there would be no further extensions granted and enforcement would begin on November 16, 2013.

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

Vote on Motion, as Amended: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON URBAN REVITALIZATION PLAN FOR 921-9TH STREET (FORMER ROOSEVELT SCHOOL):** Director Diekmann noted that the City Council had determined that the proposed Urban Revitalization Area (URA) meets the established criteria, and a Major Site Development Plan had been approved by the City Council as an Adaptive Reuse of the former school building.

Mayor Campbell opened the public hearing.

No one wished to speak, and the hearing was closed.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 13-476 approving the Urban Revitalization Plan.

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

Moved by Davis, seconded by Goodman, to pass on first reading an ordinance establishing 921-9th Street as an Urban Revitalization Area.

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

**HEARING ON 2012/13 FLOOD RESPONSE AND MITIGATION PROJECT (NORTHRIDGE PARKWAY SUBDIVISION) AND 2009/10 STORM WATER FACILITY REHABILITATION PROGRAM (MOORE MEMORIAL PARK):** The public hearing was opened by Mayor Campbell. The hearing was closed after no one came forward to speak.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 13-479 approving final plans and specifications and awarding a contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$606,665.

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

**ENGINEERING SERVICES CONTRACT FOR 2013/14 AND 2015/16 BRIDGE REHABILITATION PROGRAM (6<sup>TH</sup> STREET BRIDGE):** Public Works Director John Joiner advised that the engineering phases of this project would span three years to complete preliminary design, final design, and construction administration and inspection. Two engineering firms had submitted proposals for the work and were evaluated according to certain criteria. Staff had

negotiated a contract with the highest-ranked firm, WHKS; that firm had also submitted the lowest proposed cost. Mr. Joiner stated that staff had recommended that this project also include engineering services for replacement of approximately 400 feet of 6<sup>th</sup> Street between the bridge and the Brookside Park entrance. The Capital Improvements Plan (CIP) that will be presented to the City Council in January 2014 will include the street reconstruction project.

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 13-478 awarding an Engineering Services Contract for 2013/14 and 2015/16 Bridge Rehabilitation Program (6<sup>th</sup> Street Bridge) to WHKS & Company of Ames, Iowa, in an amount not to exceed \$161,800.

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

**MASTER PLAN DETERMINATION FOR PARCEL BETWEEN G. W. CARVER AVENUE AND STANGE ROAD:** Planning and Housing Director Diekmann reported that Heartland Baptist Church owns a 38-acre parcel bounded by Stange Road, Bloomington Road, and George Washington Carver Avenue. The property was purchased with the intent of developing a new church on a majority of the site. Scenic Development wants to purchase a ten-acre portion of that land from Heartland Baptist Church to develop a continuum of care facility comprised of senior housing, assisted living, and a skilled care unit. They are also seeking a rezoning to FS-RM (Medium-Density Suburban) to allow the development of the senior living and care uses as a Special Use Permit. Heartland Baptist Church wants to retain the Agriculture zoning on the balance of the land. The *Municipal Code* requires that, prior to submitting an application for a Floating Zone Suburban Low-Density or Medium-Density rezoning, the Council will decide whether it wishes to have a Master Plan prepared to accompany the rezoning application.

Mr. Diekmann told the Council that a Master Plan is intended to provide a broad view of the development concept by describing the intended uses, building types, access points, and protected areas. He brought the Council's attention to Section 29.1507.3(b) of the *Municipal Code* by which the City Council may require a Master Plan as part of a rezoning application. In addition to the rezoning, the applicant will also need to go through a Preliminary Plat and Special Use Permit review to develop the intended project. According to Mr. Diekmann, staff believes that the applicant fits the fourth criterion relating to the need for careful consideration of the layout and design as it affects health, safety, and general welfare.

Moved by Davis, seconded by Orazem, to require a Master Plan with the FS-RM rezoning application for the southern portion of the Heartland Baptist Church site.

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

**ORDINANCE TO REVISE SECTION 29.401(5) PERTAINING TO MORE THAN ONE STRUCTURE ON SAME LOT:** Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4161 revising Section 29.401(5) to eliminate provision [c] pertaining to more than one single-family or two-family structures on same lot (continued from August 27, 2013).

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

**COUNCIL COMMENTS:** Moved by Orazem, seconded by Davis, to refer to staff the letter from Dan Sears, Operations Manager of New Century FS, requesting a waiver of subdivision requirements for property located on the corner of 250<sup>th</sup> Street and X Avenue in Boone County. Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Szopinski, seconded by Goodman, to refer to staff the e-mail from Madeline Becker, to add to the requests that had already been referred to staff, asking that street lights be installed along Mortensen to light the bike path, especially from Dotson Drive to Welch Avenue.  
Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Goodman, seconded by Orazem, to refer to staff the letter from Jim Howe, Howe's Welding, requesting that the City explore the possibility of requirements that would limit the flood impacts on adjacent property owners when redevelopment occurs along South Duff Avenue.  
Vote on Motion: 5-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 7:32 p.m.

---

Diane R. Voss, City Clerk

---

Ann H. Campbell, Mayor



# REPORT OF CONTRACT CHANGE ORDERS

Period:	<input checked="" type="checkbox"/>	1 <sup>st</sup> – 15 <sup>th</sup>
	<input type="checkbox"/>	16 <sup>th</sup> – end of month
Month and year:	October 2013	
For City Council date:	October 22, 2013	

Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact Person/Buyer
Electric Services	Unit 8 Steam Turbine Parts	5	\$526,086.90	ARGO Turboserve Corp	\$50,563.92	\$(-27,850.12)	B. Kindred	CB
Fleet & Facilities	Dispatch Furniture	2	\$40,293.25	Ergoflex Systems Inc	\$21,857.50	\$(-64.50)	P. Hinderaker	LM
Ames Public Library	Renovation & Expansion	6	\$12,543,350.00	A&P/Samuels	\$57,305.00	\$31,871.00	M. Mundt	MA
Fleet & Facilities	Ames Police Department & City Hall Renovation	3R	\$770,000.00	Harold Pike Construction	\$12,415.00	\$10,233.00	P. Hinderaker	MA
Fleet & Facilities	Ames Police Department & City Hall Renovation	4	\$770,000.00	Harold Pike Construction	\$22,648.00	\$13,409.00	B. Kindred	MA
Public Works	2012/13 Asphalt/Seal Coat Reconstruction & 2012/13 Water Main Replacement	1	\$957,521.70	Manatt's, Inc.	\$0	\$1,200.00	J. Joiner	MA



Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact Person/Buyer
Electric Services	Engineering for Ames Plant Area Substations Improvements	2	\$322,700.00	Dewild Grant Reckert & Associates Company	\$10,000.00	\$39,500.00	B. Kindred	CB
Public Works	2010/11 Airport Improvements (West Apron Rehabilitation)	2	\$1,256,500.65	Godbersen-Smith Construction	\$243.10	\$20,972.50	J. Joiner	MA
Ames Public Library	Ames Public Library Renovation & Expansion Abatement Work	5	\$49,659.00	Abatement Specialties, LLC	\$35,228.00	\$ 3,200.00	L. Carey	MA



# MEMO

*Caring People  
Quality Programs  
Exceptional Service*

---

**5 a-d**

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

**FROM:** Lieutenant Jeff Brinkley – Ames Police Department

**DATE:** October 9, 2013

**SUBJECT:** Beer Permits & Liquor License Renewal Reference City Council Agenda  
October 22, 2013

The Council agenda for October 22, 2013, includes beer permits and liquor license renewals for:

- Class C Liquor – Cave Events Room, 122 Welch Ave
- Class C Beer & B Wine – Southgate Expresse, 110 Airport Rd
- Class B Native Wine – Kitchen, Bath & Home, 201 Main St
- Class C Liquor – London Underground, 212 Main St

A routine check of police records found no violations for Southgate Expresse; Kitchen, Bath & Home, or London Underground.

During the past twelve months, our department arrested one person at The Cave for public intoxication.

The Police Department would recommend renewal of all four licenses.

**COUNCIL ACTION FORM**

**SUBJECT: APPOINTMENTS TO CENTRAL IOWA REGIONAL HOUSING  
AUTHORITY (CIRHA) BOARD OF COMMISSIONERS**

**BACKGROUND:**

Back in March 2011, the City Council approved a 28-E intergovernmental agreement with Central Iowa Regional Housing Authority (CIRHA) to operate and administer the City's Section 8 Housing Choice Voucher Program within the Ames jurisdiction. As part of the 28-E agreement, the City Council authorized the Mayor to appoint a member and an alternate to represent the City on CIRHA's Board of Commissioners.

Judy Parks, Assistant City Attorney at that time, was appointed as the primary representative; and Doug Garnett, Human Resources Officer, was designated as the alternate. Although Housing Coordinator Vanessa Baker-Latimer was ineligible to serve in this role in 2011, she is now eligible to do so. Appointing her as the primary representative on CIRHA's Board of Commissioners for Ames/Story County would now be appropriate. Staff is currently working to identify a person to serve as the alternate.

**ALTERNATIVES:**

1. The City Council can approve the appointment of Housing Coordinator Vanessa Baker-Latimer as the primary Board Member Representative to the CIRHA Board of Commissioners for Ames/Story County.
2. The City Council can choose to retain Judy Parks as the Ames/Story County representative to the CIRHA Board of Commissioners.

**MANAGER'S RECOMMENDED ACTION:**

Given that Judy Parks has now been appointed City Attorney and has departmental managerial duties in addition to legal ones, and that Doug Garnett is no longer employed with the City, it is appropriate to designate two new individuals to the Board.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby appointing Vanessa Baker-Latimer, Housing Coordinator, as the primary Board Member representative to the CIRHA Board of Commissioners for Ames/Story County.

**COUNCIL ACTION FORM**

**SUBJECT: COOPERATIVE AGREEMENT BETWEEN AMES HUMAN RELATIONS COMMISSION AND IOWA CIVIL RIGHTS COMMISSION**

**BACKGROUND:**

At its August meeting, the Ames Human Relations Commission (AHRC) recommended that the City enter into a cooperative agreement with the Iowa Civil Rights Commission (ICRC). **The agreement provides formalized assistance to the AHRC in resolving discrimination complaints and in dealing with backlogs that might occur for the AHRC's investigators or hearing officers. The agreement also provides a small monetary compensation to the AHRC for work performed under the agreement, such as reimbursement per claim for acting as an intake location and per case managed by AHRC.**

Without the agreement, there is no compensation for work that is currently being performed by AHRC. The State of Iowa allocated \$45,000 for 2013/2014 to compensate local commissions throughout the State for their assistance in processing claims. The deadline to file the agreement was October 1<sup>st</sup>, 2013, however, since this is a new agreement, ICRC has agreed to extend the deadline to assist AHRC until the end of October.

**ALTERNATIVES:**

1. Approve the resolution for a cooperative agreement between the AHRC and ICRC.
2. Do not approve the resolution for a cooperative agreement between AHRC and ICRC.

**MANAGER'S RECOMMENDED ACTION:**

This agreement will formalize the work between AHRC and ICRC, which has been in place for many years. It will also provide a small amount of compensation for the time that the City of Ames spends conducting business on behalf of the ICRC.

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

**COOPERATIVE AGREEMENT**  
**Between Ames Human Relations Commission**  
**&**  
**IOWA CIVIL RIGHTS COMMISSION**

1. **Definitions:** As used in this Cooperative Agreement the following terms are defined as follows:
  - a) “ICRC” means the Iowa Civil Rights Commission.
  - b) “Fiscal year 2014” runs from July 1, 2013 to June 30, 2014.
2. **Authority:** In order to effectuate the purposes of the “Iowa Civil Rights Act,” (ICRA) the ICRC now enters into a Cooperative Agreement with the Ames Human Relations Commission, hereinafter “Ames Human Relations Commission”. Iowa Code §216.19.
3. **Purpose:** Our purpose is to assist local agencies in resolving discrimination complaints and to reduce case backlogs without compromising quality or the integrity of the system. We have designed criteria to ensure an efficient, effective, and coordinated effort between the ICRC and local agencies.
4. **Scope:** Under this Cooperative Agreement, ICRC contracts with the Ames Human Relations Commission for the satisfactory intake and resolution of complaints whose allegations fall within the prohibitions of Iowa Code §§216.6, 216.7, 216.8, 216.8A, 216.9, 216.10 and 216.11.
5. **Period:** This Cooperative Agreement will run during Fiscal Year 2014. There is no commitment on the part of ICRC to contract with the Ames Human Relations Commission for the resolution of complaints after June 30, 2014.
6. **Total Amount:** The total amount ICRC can be required to spend, as aggregate compensation to all contracting local commissions for work performed under this agreement for Fiscal Year 14 is \$45,000 maximum. If insufficient funds exist for payment of all cases tendered for payment by the contracting Local Commissions, payment shall be allocated on a first-come first-served basis, according to the date of submission of the intakes or resolutions.
7. **Payment Date:** ICRC agrees to provide payment on a quarterly basis based upon satisfaction of the conditions established in this agreement. Payment will be provided for work performed and accepted under this Agreement by the ICRC. Payment will be provided only for cases that are determined by the ICRC to be jurisdictional under the ICRA and assuming the complaints are timely received by the ICRC. In the case of payment for intake services, ICRC accepts the work when ICRC opens the case file corresponding to the intake. Payment is conditioned upon execution of this contract which must be accomplished and returned to the ICRC no later than October 1, 2013. Agreements presented after that date will be rejected by the ICRC absent prior written approval for late submission by the Director of the ICRC.
8. **Payment Schedule\*\*\*:**
  - (a) **Intakes** – See chart below for breakdown of reimbursement rates based on the timing of receipt of the complaint for housing and non-housing referrals to the ICRC. For purposes of the contract, intake is defined

as receipt by the ICRC of a completed, signed, jurisdictional complaint in any area covered by the ICRA, including housing, that are forwarded to the ICRC for processing and investigation. No payment will be made for non-housing intakes that are more than 60 days old or housing intakes that are more than 30 days old on the date received by the ICRC.

**(b) Resolutions – See chart below for rate of payment based on time received.** For purposes of the contract, resolution includes case closures resulting in Satisfactory Adjustments, Administrative Closures for reasons *other than* failure to cooperate or unable to locate, No Probable Cause Orders, Probable Cause Orders or closures after Public Hearings. In the case of administrative closures for failure to cooperate or failure to locate complainant, no reimbursement will be provided. Further, this clause does not apply to resolutions submitted by the local agency to the EEOC or HUD for contract credit or payment by the federal agencies in which case, the ICRC will provide no payment. Settlement agreements for cross filed EEOC cases **cannot include** a no rehire clause and **must** indicate in the agreement itself that the agreement was signed voluntarily. These are EEOC requirements that will not be waived by the EEOC and cannot be waived by the ICRC. Any agreements with language that includes the impermissible language will be rejected by the ICRC (and EEOC) and no payment will be made until the settlement agreements are revised accordingly.

9. **Maintenance of Effort:** Iowa Code §216.19(2) provides that a local government required to maintain a human rights agency shall structure and adequately fund the local human/civil rights agency in order to effect cooperative undertakings with ICRC and to aid in effectuating the purposes of the “Iowa Civil Rights Act.”

10. **Reports:** The local agency agrees to submit quarterly reports to ICRC listing each intake and resolution submitted for contract credit or payment under this Agreement. Quarterly Reports are due, as applicable, on **October 1, 2013** (for July 1 – September 30, 2013 activity); **January 3, 2014** (October 1 – December 31, 2013); **April 1, 2014** (for January 1 - March 31, 2014 activity), and **July 1, 2014** (for April 1 - June 30, 2014 activity). Payments under this contract will be made after the Quarterly Reports are completed and submitted to the ICRC. Failure to provide Quarterly reports within 30 days of due date will result in forfeiture of funds for the quarter for which the quarterly report is not timely filed. As a condition of final payment, the local commission must submit, and ICRC must have received, all cases no later than July 15, 2014. Cases submitted after July 15, 2014 will not be paid.

11. **Training.** ICRC and the local agency will cooperate in planning, sponsoring, and conducting necessary complaint processing training for staff and commissioners.

12. This contract recognizes the 300-day filing period for initial complaints, which is set out in Iowa Code Ch. 216 begins the day the complaint is received *by the ICRC*, not the day received by the local. Therefore, local commissions are responsible for ensuring that cases are received by the ICRC within 300 days of the

date of the last incident of discrimination. The local agency agrees that complaints that are not received by the ICRC within the 300 day time limit are not jurisdictional on their face and no payment will be made in that case. To be considered received by the ICRC, the complaint must be physically received by the ICRC either through mail, fax, personal delivery or electronically, by 4:30 pm, Monday through Friday.

Complaints received after 4:30 pm will be considered filed on the next business day.

13. **Closures.** Closure submissions must include the following closing documents from the local commission: Copies of closures notices sent to all parties by the local commission, copy of the local commission's findings/decision. **All closure documents including settlement agreements and withdrawals must include local and state case numbers, and when cross filed with EEOC, federal case numbers.**

Payment may be denied if closure papers or settlement agreements do not include case numbers, or if any case number is incorrect. ICRC may be required to obtain a full copy of the case file maintained by the local commission. The copies should be provided to ICRC at no cost and within two weeks of request.

If required by your local protocol, ordinance or practice, separate signature lines have been provided for your Mayor and Commission Chair.

\_\_\_\_\_  
Chairperson, Ames Human Relations Commission

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
Director, Iowa Civil Rights Commission, Beth Townsend

\_\_\_\_\_  
**Date**

\*\*\*The following summarizes the payment schedules.

<b>Intake:</b> (See definition for Intake below)	Complaint sent to ICRC for processing and investigation within 7 days (housing) or 30 days (non-housing) of initial filing date with local agency.	\$500 for housing cases; \$250 for non-housing cases
	Complaint sent to ICRC for processing and investigation greater than 7 days but less than 30 days (housing); 30 days but less than 60 days (non-housing) of initial filing date with local agency.	\$250 for housing cases; \$150 for non-housing cases
	Complaint sent to ICRC for processing and investigation greater than 30 days (housing) or 60 days (non-housing) of initial filing date with local agency.	\$0
<b>Resolutions for Non-housing Cases:</b> (See definition for Resolutions below)	Complaint Resolutions sent to ICRC for closure processing within 180 days of initial filing date with local agency.	\$325
	Complaint Resolutions sent to ICRC for closure processing greater than 180 days but less than 600 days of initial filing date with local agency.	\$200
	Complaint Resolutions sent to ICRC for closure processing greater than 600 days of initial filing date with local agency.	\$0

For the purpose of this contract the definition for the terms of payments are as follows:

**“INTAKE”**

A completed and signed complaint that meets the jurisdictional requirements of ICRA and forwarded to the ICRC for initial processing and investigation.

**“RESOLUTIONS”**

Case closures resulting in an administrative closure (except for failure to cooperate or locate Complainant); conciliated and settled cases; satisfactory adjustments; No Probable Cause Orders; Probable Cause Orders; and closures after Public Hearing.



**COUNCIL ACTION FORM**

**SUBJECT: SPRING 2014 POWER PLANT BOILER REPAIRS**

**BACKGROUND:**

This project is for labor and materials for replacement of the primary superheater attemperator, disassembly/reassembly of the boiler ash grates, replacement of the boiler water seal box/trough and box/trough seal plates, ash grate shafts and bearings, ash hopper refractory, undergrate air metal bellows expansion joint, and designated undergrate air ductwork. Purchase of the attemperator itself was approved by Council on Oct. 8, 2013.

When the attemperator was inspected last year, the liner was found loose and the boiler manufacturer recommended replacement. If the liner breaks it would flow downstream and cause significant tube or turbine damage. The boiler bottom is subject to extreme operating conditions due to the RDF and the wet bottom ash environment. Repair and rebuilding these areas is required to keep the boiler operating and burning refuse derived fuel.

The engineer's estimate for this project (labor and materials other than the attemperator) is \$461,000. Funding is available in the approved FY2013/14 Electric Production operating budget, which contains \$475,000 in the Unit #8 Boiler Maintenance account.

Upon City Council approval and receipt of favorable bids, the work would begin during the 2014 spring outage, which is scheduled to start on or about April 1, 2014.

**ALTERNATIVES:**

1. Approve the preliminary plans and specifications for the Spring 2014 Boiler Repairs and set November 27, 2013, as the bid due date and December 10, 2013, as the date of public hearing and award of contract.
2. Delay the boiler work and risk turbine damage and unreliable and potentially unsafe boiler operation.

**MANAGER'S RECOMMENDED ACTION:**

This budgeted boiler work is needed to continue Unit #8 operation without unnecessary risk of serious equipment damage. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

**COUNCIL ACTION FORM**

**SUBJECT: WINTER & SUMMER TREE TRIMMING ALONG RIGHTS OF WAY**

**BACKGROUND:**

Public Works staff requires various tree trimming and stump grinding along streets and other public rights-of-way during the winter and summer seasons. The 2013/14 budget includes \$82,660 to contract for this work.

The following bids were received on September 26, 2013:

<b><u>Bidder</u></b>	<b>2013/14 WINTER &amp; SUMMER TREE TRIMMING</b>	
	<b><u>Bid Amount – Winter</u></b>	<b><u>Bid Amount - Summer</u></b>
LawnPro L.L.C., Colo IA	\$ 37.50/Crew Hour	\$ 39.50/Crew Hour
Dan's Custom Landscapes, Ames IA	\$110.00/Crew Hour	\$150.00/Crew Hour
Greener Lawns Tree Service, Hannibal MO	\$165.15/Crew Hour	\$165.15/Crew Hour

As shown in the bid results, the contract will be by the hour and will be continually monitored by staff to stay within budget. The estimated amount needed for the winter tree trimming contract is \$40,000, and the summer tree trimming contract is estimated at \$35,000. These needs require a contract totaling \$75,000, which will leave \$7,660 for other miscellaneous work.

**ALTERNATIVES:**

1. Approve a Winter & Summer Tree Trimming contract for FY 2013/14 with LawnPro L.L.C., Colo, IA, in the amount of \$75,000.
2. Approve a Winter & Summer Tree Trimming contract for FY 2013/14 with one of the other two contractors.
3. Reject all bids and attempt to purchase tree trimming on an as-need basis.

**MANAGER'S RECOMMENDED ACTION:**

This tree trimming is important to keep the City's streets and right-of-ways safe. The low bid was very competitive, and adequate funding is included in the budget for this service.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the award of contract for the 2013/14 Winter and Summer Tree Trimming to LawnPro L.L.C., Colo, IA, in the amount of \$75,000.

**COUNCIL ACTION FORM**

**SUBJECT: LIBRARY AUTOMATED MATERIALS HANDLING SYSTEM**

**BACKGROUND:**

An Automated Materials Handling System (AMHS) has been included in the vision for renovated and expanded Library since planning for the project began. An AMHS provides a means by which returned library materials are automatically checked in and sorted into bins in preparation for shelving by staff. The system operates in conjunction with the radio frequency identification (RFID) inventory management approach that the Library implemented in fiscal years 2011/12 and 2012/13. It greatly reduces the amount of labor required for materials check-in and accurate sorting. It will allow members of staff to be assigned to the many new tasks that will be necessary for efficient operation of the Library that is significantly larger with public service areas on two floors.

Requests for Proposals were sent to 24 potential vendors and three responses were received. The evaluation committee assessed how well the vendors demonstrated understanding of the project and considered their qualifications, experience, references and cost. Each proposal was scored under a point matrix shown on the attached evaluation criteria form.

The evaluation team was led by the Library's Circulation Supervisor, Tracy Briseño. Other participants included representatives from Library Information Services, Network Services, Building Maintenance, and the Director. Final scoring of the proposals was computed by a City Purchasing Agent and appears below.

**Request for Proposal No. 2014-017 - Automated Materials Handling System**

Evaluator	RFID Library Solutions	Tech Logic	SirsiDynix
1	82.34	48.34	47.99
2	53.66	47.36	46.31
3	60.20	49.30	52.10
4	78.33	41.66	38.45
5	59.00	48.97	49.67
<b>Pricing Score</b>	66.00	54.75	75.00
<b>TOTALS:</b>	<b>399.53</b>	<b>290.38</b>	<b>309.52</b>
<b>Base Bid*</b>	<b>\$305,499</b>	<b>\$369,582</b>	<b>\$269,937</b>

*\*Base bids included pricing for AMH sorter, 11 bins, the software, the freight to the library, on-site installation and training as well as five years of maintenance. **These items were consistent from proposal to proposal, but not what was ultimately selected.***

As shown in the chart, the AMHS marketed by RFID Library Solutions achieved the highest score of the three proposals. The team was pleased that the evaluators relative rankings were consistent, even when the pricing score was not included, indicating that RFID Library Solutions not only had a competitive price, but demonstrated greatest understanding of the Library's needs.

**The negotiated contract with RFID Library Solutions is slightly different from the base bid, as the Request for Proposal provided cost options for various components to allow the Library to get the best system for the new facility.**

<b>Base Bid</b>	<b>\$305,499</b>
<i>Less Maintenance fees*</i>	<i>- 60,000</i>
<b>Add bin induction module*</b>	<b>+ 16,500</b>
<b>Add six return bins</b>	<b>+ 24,000</b>
<b>Add one oversized bin and sorter bin</b>	<b>+ 4,015</b>
<b>Total</b>	<b>\$290,014</b>

*\* Maintenance fees of \$15,000 for the new system are included in the proposed 2014-2015 operating budget and are not included in the contract. The bin induction module for \$16,500 allows staff to wheel bins from front returns to the system and machine for induction. RFID Library Solutions was the only company to provide this labor saving option.*

Library staff has met with a representative of RFID Library Solutions to discuss the project and work out the details of a contract for an AMHS that can be installed prior to the re-opening of the Library. **Upon the recommendation of the evaluation team, the Library Board of Trustees voted unanimously on October 10, 2013, to select RFID Library Solutions as the vendor of choice for the Automated Materials Handling System in the Library and adopted a resolution recommending that City Council award the contract.**

Funds for the project were included in the Capital Improvement Plan (CIP) when it was presented in 2011. In 2012, the Library Board was able to budget for the AMHS in the Library Renovation and Expansion Project and the dollars be removed from the CIP. **The Library project budget contained \$260,000 for automated materials handling, the additional \$30,014 will come from project contingency budget of \$1,107,227.**

**ALTERNATIVES:**

1. Award the contract for the purchase of an automated materials handling system to RFID Library Solutions of Maple Grove, MN, in the amount of \$290,014 using Library Renovation and Expansion Project funds.
2. Do not award the contract.

**MANAGER'S RECOMMENDED ACTION:**

An automated materials handling system for the Library is essential for the success of the operations of the renewed Library facility and will help provide efficiencies to staff to create the best possible customer experience.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the award of a contract for the purchase of an automated materials handling system to RFID Library Solutions of Maple Grove, MN, in the amount of \$290,014 using Library Renovation and Expansion Project funds.

**EVALUATION MATRIX FORM: RFP NO. 2014-017**  
**(Ames Public Library Automated Materials Handling System)**

**VENDOR:** \_\_\_\_\_

**EVALUATED BY:** \_\_\_\_\_

1	<b>Responsiveness to proposal requirements:</b> <ul style="list-style-type: none"> <li>• Does the proposal comply with the submittal requirements?</li> </ul>	Acceptable <input type="checkbox"/>					OR	Not Acceptable <input type="checkbox"/>		
		(-) Score (+)						Points Scored	Weighting Factor	Weighted Total Score
<b>Evaluation Criteria</b>		1	2	3	4	5				
2	<b>Understanding of the Project</b>									
	• Ability to perform tasks specified in this RFP including:									
	• Patrons do not have to place items in the drop in any special way or one at a time									
	• Continuous automatic check in 24/7 regardless of staff presence									
	• System can prioritize patron inducted materials over staff inducted materials									
	• Machine induction option by bin and tote									
	• System reduces staff labor output									
	• Intuitive patron and staff interface									
	• System shall be configurable to accept all items									
	• System is capable of being expanded									
	• Architectural rendering that addresses specified requirements of the RFP									
	• Solution design elegance									
	• Compatibility with SirsiDynix Horizon									
	• Compatibility with Microsoft Windows 7, 8, 2008, 2008 R2, 2012, and touch screen									
	• Ease of use and learning for patrons and staff									
	• Interoperability with other vendors									
	• Error messaging									
	• Onscreen and verbal (if capable) prompts									
	• Ability to provide reports as needed									
	• Ability to sort by item type or status (ie. "on hold," "lost," "in transit")									
• Ability to provide an interactive interface for staff to "see" and "fix" errors from a remote location										
• Quality of Service (installation, training, warranty, maintenance contract) as compared to competitors and references either provided or discovered.							x	35	÷ 5	

**EVALUATION MATRIX FORM: RFP NO. 2014-017 (Continued)**

Evaluation Criteria		Score					Points Scored	Weighting Factor	Weighted Total Score
		(-) 1	2	3	4	(+) 5			
3	<b>Vendor Qualifications</b> <ul style="list-style-type: none"> <li>• Technological expertise</li> <li>• Experience of similar projects</li> <li>• Financial stability, longevity, &amp; strength of vendor</li> <li>• Training &amp; support offered by the vendor</li> </ul>						x	25	÷ 5
4	<b>Experience/References</b> <ul style="list-style-type: none"> <li>• Description of services for similar projects</li> <li>• Quality and relevance of references and contact information</li> </ul>						x	25	÷ 5
5	<b>Cost</b> <ul style="list-style-type: none"> <li>• Overall cost of Bidder's proposal and estimated total cost of ownership.</li> </ul>	(Purchasing will score Cost)					x	15	÷ 5
<b>MATRIX TOTALS</b>									

**The ratings are as follows:**

- 1 = Does not meet requirements
- 2 = Does not meet requirements (below average, very weak)
- 3 = Meets requirements (meets requirements as outlined in the technical requirements section)
- 4 = Meets requirements (above average)
- 5 = Meets requirements (exceeds expectations)

**Scoring Cost:** The lowest proposed cost will receive 5 points. To score the next lowest proposed cost, divide the lowest proposed cost by the second lowest proposed cost. This will give a percentage that will be multiplied by the weighting factor. The third lowest proposal will be scored in the same manner.

Each member of the evaluation team prepares an evaluation matrix for each proposal by checking the score that reflects his/her evaluation of the vendor's capability regarding each criterion (1 is the worst score and 5 is the best score).

The formula to calculate the weighted total score for each criterion is as follows: points scored x weighting factor divided by the highest number of points possible = weighted total score. The weighted total scores are then added together to determine the matrix total.

Vendor-by-vendor, the matrix totals are added together and then divided by the number of matrices to determine the vendor's overall average score.

**COUNCIL ACTION FORM**

**SUBJECT: POWER PLANT UNIT #7 STEAM COIL AIR HEATER**

**BACKGROUND:**

Steam coil air heaters are used to heat the incoming combustion air at the City's Power Plant. This bid is for the purchase of a complete steam coil assembly that will directly replace an existing air heater on the Unit #7 boiler.

On August 26, 2013, an invitation to bid document was issued to fourteen firms. The invitation was advertised on the Current Bid Opportunities section of the Purchasing webpage, and was also sent to two plan rooms.

On September 12, 2013, three bids were received as shown on the attached report.

**The bid document contained three options based on type of material for which vendors could provide bids.** Option 1 required stainless steel tubes and copper fins. Option 2 required copper tubes and either copper or aluminum fins. Option 3 required carbon steel tubes and aluminum fins. This allowed staff to compare quality of product material and cost.

**Staff has reviewed the bids and concluded that the apparent low bid for Option 1 submitted by Advanced Coil Technology, LLC, Owatonna, MN, in the amount of \$58,500 is the best alternative. Staff is recommending the higher priced Option 1 because it is made of stainless steel and is corrosion resistant, and will therefore last longer and exhibit superior heat transfer. It is believed that these benefits outweigh the minimal savings if we were to select the copper or carbon steel options.**

Funding is available in the approved FY2013/14 Electric Production operating budget, which contains \$63,000 for this project. The City will pay applicable Iowa sales taxes directly to the State.

**ALTERNATIVES:**

1. Award a contract to Advanced Coil Technology, LLC, Owatonna, MN, for the purchase of Unit 7# Steam Coil Air Heaters in the amount of \$58,500, with applicable sales taxes to be paid directly by the City to the State of Iowa.
2. Award a contract to the lowest bidder for either the copper or carbon steel options.
3. Reject all bids and delay the purchase of Unit 7 steam coil air heaters.



**MANAGER'S RECOMMENDED ACTION:**

The purchase of this assembly is critical because the original boiler design requires heated air to improve combustion. Staff believes that best long-term value to the City will be to utilize the stainless steel option. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.



**INVITATION TO BID 2014-039  
UNIT 7 STEAM COIL AIR HEATER BID SUMMARY**

**Option 1: Stainless Steel Tubes and Copper Fins as Specified**

BIDDER	BID PRICE* (LESS APPLICABLE SALES TAX)	OVERALL BID PRICE**
Advanced Coil Technology, LLC Owatonna, MN	\$58,500.00	<b>\$62,532.00</b>
Surefin Coils, LLC Fort Mill, SC	\$84,360.00	\$90,265.20
Pingel Exchanger Service, Inc. Pevely, MO	\$85,344.00	\$91,220.08

**Option 2: Copper Tubes and Copper or Aluminum Ribbon Fins**

Surefin Coils, LLC Fort Mill, SC	\$55,696.00	\$59,594.72
Pingel Exchanger Service, Inc. Pevely, MO	\$64,296.00	\$68,698.72
Advanced Coil Technology, LLC Owatonna, MN	No Bid	

**Option 3: 12 Gauge Carbon Steel Tubes and Aluminum Ribbon Fins**

Advanced Coil Technology, LLC Owatonna, MN	\$33,700.00	\$35,996.00
Pingel Exchanger Service, Inc. Pevely, MO	\$75,872.00	\$81,085.04
Surefin Coils, LLC Fort Mill, SC	No 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.



# MEMO

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

**From:** City Clerk's Office

**Date:** October 18, 2013

**Subject:** Contract and Bond Approval

There is no Council Action Form for Item No. 12. Council approval of the contract and bond for this project is simply fulfilling a *State Code* requirement.

/jr

**COUNCIL ACTION FORM**

**SUBJECT: CHANGE ORDER NO. 1 – SCOTT PETERSEN CONSTRUCTION**

**BACKGROUND:**

On August 13, 2013, Scott Petersen Construction, Inc. was awarded a contract for restoration of the original wood windows in the 1904 and 1940 sections of Ames Public Library. The contractor has stripped the exterior paint and primed all of the accessible lower level windows and recently started restoration of the interior sashes. At the end of September, Mr. Petersen reported that approximately two-thirds of the wood window sashes have “excessive varnish/shellac/tobacco residue build-up, which visibly resembles ‘alligator’ texture and accumulated ‘pilling or dripping’ on the interior wood surface.” The surface film is not conducive to sanding. Mr. Petersen highly recommended complete stripping of the interior finish down to bare wood on the affected window sashes.

Mr. Petersen met with the Library’s architect and construction advisor to review this situation and re-examine the bid specifications. The specifications for surface preparation of interior surfaces are found in Section 090190, 3.2(A). As stated in Addendum I, they instruct the contractor to “remove surface films that will prevent proper adhesion” and “remove loose, blistered, or otherwise defective finish; smooth edge with sandpaper.” Nowhere do the specifications call for complete stripping, a process that would undoubtedly call for more work than “smoothing edges with sandpaper.”

Mr. Petersen explained that there is separation between layers of shellac and varnish that were applied without proper cleaning over many years. Simply “removing surface films” is nearly impossible because sanding causes the layers to gum up. He believes that the City will not be happy with the end result unless the affected sashes are stripped to bare wood.

The Library Board considered this matter during a special meeting on October 10, 2013. The Board agreed that this proposal represents a change to the scope of the contract. The Board also noted that it desires the wood windows to have a uniform appearance; it is not interested in any result that is less aesthetically pleasing than that which could have been achieved with complete window replacement. **Therefore, a resolution was adopted requesting that the City Council approve Change Order No. 1 for Scott Petersen Construction, Inc. to allow for complete stripping of the interior wood finish on 57 large window sashes and 31 small window sashes at a cost of \$38,250. This change would bring the total contract cost to \$164,110. The budget for the wood window restoration was set at \$125,860. The additional cost for Change Order No. 1 will come from project contingency of \$1,107,227.**

**ALTERNATIVES:**

1. Approve Change Order No. 1 approval of Change Order No. 1 for Scott Petersen Construction, Inc. in the amount of \$38,250 to allow for complete stripping of the interior wood finish on 57 large window sashes and 31 small window sashes at Ames Public Library.
2. Reject the Library Board's recommendation; deny Change Order No. 1.

**MANAGER'S RECOMMENDED ACTION:**

The Library's restoration contractor, architect, construction advisor, and Board of Trustees have concluded that that a "sand and finish" approach will not provide proper or aesthetically pleasing restoration to all of the original wood windows. Since the decision was made to preserve them, it would not make sense to embark on the project and end up with a poor result.

While the original bid documents for the Wood Window Restoration Project should perhaps have been more specific, it is agreed that they do not call for stripping all stain and varnish. Staff believes it is conceivable that any contractor who bid on this project could potentially be requesting this change order. It is worth noting that the total cost of Scott Petersen Construction's contract, including Change Order No. 1, will be more than \$51,000 below the second-lowest bid that was received.

Therefore, it is the recommendation of the City Manager that the City Council approve Change Order No. 1 with Scott Petersen Construction, Inc. in the amount of \$38,250 to allow for complete stripping of the interior wood finish on 57 large window sashes and 31 small window sashes at Ames Public Library.

**COUNCIL ACTION FORM**

**SUBJECT: LIBRARY ABATEMENT PROJECT CHANGE ORDER NO. 2 TO TERRACON CONSULTANTS, INC.**

**BACKGROUND:**

As part of the Library's renovation and expansion project, asbestos and lead based paint are being abated. Terracon Consultants, Inc. is continuing to perform monitoring services related to the abatement work under a contract approved by the Library Board in August 2012. Terracon's original contract was based on an estimated lump sum fee of \$41,221 for 20 days of on-site monitoring and clearance services, with the provision that final charges would be based on actual services provided. Additional asbestos-containing materials were found once work began, and Change Order No. 1 was issued to Terracon for further monitoring in the amount of \$15,470 in December 2012.

The firm has now reached its current contract limit of \$56,691 and is therefore requesting Change Order No. 2 to cover additional required services. The list below includes changes that have been identified to date by Terracon and included in the scope of the contract with Abatement Specialties:

- Removal of ductwork in Founder's Suite (January)
- Additional asbestos tile removal and removal of mastic on countertops in former Technical Services area (January)
- Removal of the north stair ceiling coffer (March)
- Removal of floor tile, mastic, additional ceiling and wall plaster and repair of 50 locations and 3 doorways (June)
- Elimination of lead-based paint abatement on windows in the 1904/1940 building (June)
- Miscellaneous asbestos abatement for electrical conduit penetrations in the west end of the 1940 building (August)
- Ceiling & wall asbestos abatement in the old mechanical room (August)
- **Disposal of glass from steel windows (new)**
- **Asbestos abatement of plaster in the mezzanine for ductwork penetrations (new)**

Terracon's Project Industrial Hygienist identified the costs for Change Order No. 2 as follows:

	Quantity	Rate		Cost
Technician IV/Environmental Specialist	72	\$70.00	/hour	\$5,040.00
Clerical	2.25	\$53.00	/hour	\$119.25
Technician III	8.75	\$65.00	/hour	\$568.75
Technician II	42	\$55.00	/hour	\$2,310.00
Project Industrial Hygienist	51	\$103.00	/hour	\$5,253.00
Certified Industrial Hygienist	4	\$125.00	/hour	\$500.00
Mileage	431	\$0.68	/mile	\$293.08
Meals	10			\$98.72
Lab Fees and Lead wipe supplies				\$218.00
			<b>Total:</b>	<b>\$14,400.80</b>

Approval of Change Order No. 2 will bring the total cost of Terracon's professional services contract to \$71,091. **Funds for the additional services are available in the Renovation and Expansion Project contingency budget of \$1,107,227.**

**The Library Board of Trustees reviewed this request during a special meeting on October 10, 2013, and resolved unanimously to recommend that the City Council approve Change Order No. 2 with Terracon Consultants, Inc., to cover additional on-site monitoring and clearance services at a fee of \$14,400.**

**ALTERNATIVES:**

1. Approve Change Order No. 2 with Terracon Consultants, Inc. in the amount of \$14,400 for additional days of asbestos sampling, analysis, abatement monitoring, and reporting services for Ames Public Library.
2. Reject the Library Board's recommendation.

**MANAGER'S RECOMMENDED ACTION:**

State and federal regulations require abatement of asbestos-containing materials and lead-based waste. As the Library's consultant, Terracon has to submit reports to confirm that the hazardous substances are removed and disposed of properly by Abatement Specialties. The Library's renovation and expansion project cannot continue without these required monitoring and testing services.

Therefore, it is the recommendation of the City Manager that the City Council approve Change Order No. 2 with Terracon Consultants, Inc. in the amount of \$14,400 for additional days of asbestos sampling, analysis, abatement monitoring, and reporting services for Ames Public Library.

**COUNCIL ACTION FORM**

**SUBJECT: 2012-13 LOW POINT DRAINAGE IMPROVEMENTS (OLIVER CIRCLE)**

**BACKGROUND:**

This annual program is for drainage improvements to decrease localized flooding at low points within the community. Low point drainage improvements are typically not focused on residential street locations, but rather on those locations most in need of the improvements as affected by standing water, flooding, and insufficient pipe capacity. The program identifies core locations for improvements each year. In addition, improvements are made at miscellaneous locations identified throughout the year. During heavy rain, some areas become flooded, and damage to private property occasionally occurs.

The 2012/13 project location identified in the Capital Improvements Plan was the drainage area to the northeast of Oliver Circle. The project consisted of installation of new storm sewer, minor grading, and installation of an outflow dissipation material to slow the water velocity at the outlet.

On March 26, 2013, City Council awarded the project to J & K Contracting, LLC of Ames, Iowa, in the amount of \$75,495.58. A balancing change order for this project was administratively approved by staff in accordance with Purchasing Policies and Procedures. This change order was a deduction of \$3,439.44 to reflect actual quantities installed in the field. Construction was completed in the amount of \$72,056.14. Engineering and contract administration costs totaled \$10,808, bringing overall project costs to \$82,864.

This project was financed in an amount of \$125,000 from Storm Sewer Utility Funds. Remaining funds will be used for additional storm sewer and drainage projects in the future.

**ALTERNATIVES:**

1. Accept the 2012/2013 Low Point Drainage Improvements (Oliver Circle) as completed by J & K Contracting, LLC of Ames, Iowa, in the amount of \$72,056.14.
2. Direct staff to pursue modifications to the project.

**MANAGER'S RECOMMENDED ACTION:**

This project was completed in accordance with the approved plans and specifications and is within the approved budget. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.



License Application ( LC0022381 )

16

**Applicant**

Name of Applicant:	<u>Clydes Of Ames, Inc.</u>		
Name of Business (DBA):	<u>Wallaby's Grille</u>		
Address of Premises:	<u>3720 West Lincolnway</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50014000</u>	
Business Phone:	<u>(515) 292-1167</u>		
Mailing Address:	<u>3720 West Lincolnway</u>		
City: <u>Ames</u>	State: <u>IA</u>	Zip: <u>50014</u>	

**Contact Person**

Name:	<u>Rick Carmer</u>		
Phone:	<u>(515) 292-8131</u>	Email Address:	<u>mwallyb@aol.com</u>

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

Term: 12 months

Effective Date: 11/8/13

Expiration Date: 11/8/13

Privileges:

Class C Liquor License (LC) (Commercial)  
Outdoor Service

**Status of Business**

BusinessType:	<u>Privately Held Corporation</u>		
Corporate ID Number:	<u>120648</u>	Federal Employer ID #	<u>42-1318419</u>

**Ownership**

**Don O'Brien**

First Name: Don

Last Name: O'Brien

City: Huxley

State: Iowa

Zip: 50124

Position Owner

% of Ownership 30.00 %

U.S. Citizen

**Rick Carmer**

First Name: Rick

Last Name: Carmer

City: Ames

State: Iowa

Zip: 50014

Position Owner

% of Ownership 70.00 %

U.S. Citizen

**Insurance Company Information**

**Insurance Company:** Allied Insurance

**Policy Effective Date:**

**Policy Expiration Date:**

**Bond Effective Continuously:**

**Dram Cancel Date:**

**Outdoor Service Effective Date:**

**Outdoor Service Expiration Date:**

**Temp Transfer Effective Date:**

**Temp Transfer Expiration Date:**

License Application ( )

17

**Applicant**

Name of Applicant:	<u>Hy-Vee, Inc.</u>		
Name of Business (DBA):	<u>Hy-Vee #1 Clubroom</u>		
Address of Premises:	<u>3800 West Lincoln Way</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50014</u>	
Business Phone:	<u>(515) 292-5580</u>		
Mailing Address:	<u>5820 Westown Pkwy</u>		
City: <u>West Des Moines</u>	State: <u>IA</u>	Zip: <u>50266</u>	

**Contact Person**

Name:	<u>Jennie Woods</u>		
Phone:	<u>(515) 267-2874</u>	Email Address:	<u>jimwoods@hy-vee.com</u>

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

Term: 12 months

Effective Date: 10/09/2013

Expiration Date: 10/08/2014

Privileges:

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

**Status of Business**

BusinessType:	<u>Privately Held Corporation</u>		
Corporate ID Number:	<u>19862</u>	Federal Employer ID #	<u>42-0325638</u>

**Ownership**

**Jeffrey Pierce**First Name: JeffreyLast Name: PierceCity: West Des MoinesState: IowaZip: 50265Position Ass't Treasurer, Financial% of Ownership 0.00 %

U.S. Citizen

**Michael Skokan**First Name: MichaelLast Name: SkokanCity: WaukeeState: IowaZip: 50263Position CFO, Treasurer% of Ownership 0.00 %

U.S. Citizen

**Randy Edeker**First Name: RandyLast Name: EdekerCity: UrbandaleState: IowaZip: 50322Position CEO, President% of Ownership 0.00 %

U.S. Citizen

**Stephen Meyer**First Name: StephenLast Name: MeyerCity: Des MoinesState: IowaZip: 50309Position Executive VP, Secretary% of Ownership 0.00 %

U.S. Citizen

***Insurance Company Information***Insurance Company: DAKOTA FIRE INSURANCE COMPANYPolicy Effective Date: 10/09/2013Policy Expiration Date: 10/09/2014

Bond Effective Continuously:

Dram Cancel Date:

Outdoor Service Effective Date:

Outdoor Service Expiration Date:

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

License Application ( )

18

**Applicant**

Name of Applicant:	<u>+39 LLC</u>		
Name of Business (DBA):	<u>+39 Restaurant, Market, &amp; Cantina</u>		
Address of Premises:	<u>2640 Stange Road</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>	
Business Phone:	<u>(515) 292-0039</u>		
Mailing Address:	<u>2640 Stange Road</u>		
City: <u>Ames</u>	State: <u>IA</u>	Zip: <u>50010</u>	

**Contact Person**

Name:	<u>Michael Gorman</u>		
Phone:	<u>(515) 450-3780</u>	Email Address:	<u>m.gorman@plus39restaurants.com</u>

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

Term: 12 months

Effective Date: 10/01/2013

Expiration Date: 9/30/2014

Privileges:

- Catering Privilege
- Class B Wine Permit
- Class C Liquor License (LC) (Commercial)
- Outdoor Service
- Sunday Sales

**Status of Business**

BusinessType:	<u>Limited Liability Company</u>		
Corporate ID Number:	<u>448341</u>	Federal Employer ID #	<u>46-1702400</u>

**Ownership**

**Alessandro Andreoni**

First Name: Alessandro

Last Name: Andreoni

City: Ames

State: Iowa

Zip: 50010

Position Owner

% of Ownership 20.00 %

U.S. Citizen

**Andrea Caremoli**

First Name: Andrea

Last Name: Caremoli

City: Key Biscayne

State: Florida

Zip: 33149

Position Owner

% of Ownership 35.00 %

U.S. Citizen

**Brian Gorman**

First Name: Brian

Last Name: Gorman

City: Ames

State: Iowa

Zip: 50010

Position Owner

% of Ownership 10.00 %

U.S. Citizen

**Elisbetta Barison**

First Name: Elisbetta

Last Name: Barison

City: Ames

State: Iowa

Zip: 50010

Position Owner

% of Ownership 20.00 %

U.S. Citizen

**Michael Gorman**

First Name: Michael

Last Name: Gorman

City: Ames

State: Iowa

Zip: 50010

Position Owner

% of Ownership 10.00 %

U.S. Citizen

**Insurance Company Information**

Insurance Company: Travelers Casualty Insurance Company of America

Policy Effective Date: 10/01/2013

Policy Expiration Date: 10/01/2014

Bond Effective Continuously:

Dram Cancel Date:

Outdoor Service Effective Date:

Outdoor Service Expiration Date:

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

License Application ( )

19

**Applicant**

Name of Applicant:	<u>LJPS Inc</u>		
Name of Business (DBA):	<u>Olde Main Brewing Company</u>		
Address of Premises:	<u>420 Beach Ave.</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50011</u>	
Business Phone:	<u>(515) 232-0553</u>		
Mailing Address:	<u>PO Box 1928</u>		
City: <u>Ames</u>	State: <u>IA</u>	Zip: <u>50010</u>	

**Contact Person**

Name:	<u>Matt Sinnwell</u>		
Phone:	<u>(505) 400-5981</u>	Email Address:	<u>mattombc@gmail.com</u>

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

Term: 5 days

Effective Date: 10/22/2013

Expiration Date: 10/26/2013

Privileges:

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

**Status of Business**

BusinessType:	<u>Privately Held Corporation</u>		
Corporate ID Number:	<u>286196</u>	Federal Employer ID #	<u>77-0613629</u>

**Ownership**

**Daniel Griffen**

**First Name:** Daniel

**Last Name:** Griffen

**City:** Potomac

**State:** Maryland

**Zip:** 24854

**Position** Owner

**% of Ownership** 25.00 %

**U.S. Citizen**

**Scott Griffen**

**First Name:** Scott

**Last Name:** Griffen

**City:** Ames

**State:** Iowa

**Zip:** 50010

**Position** Owner

**% of Ownership** 50.00 %

**U.S. Citizen**

**Susan Griffen**

**First Name:** Susan

**Last Name:** Griffen

**City:** Potomac

**State:** Maryland

**Zip:** 24854

**Position** 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:**



ITEM# 20  
DATE: 10-22-13

**COUNCIL ACTION FORM**

**SUBJECT: ENCROACHMENT PERMIT FOR SIGN AT 340 SOUTH DAYTON**

**BACKGROUND:**

The owner of the property at 340 South Dayton Avenue, MTD, LC (DBA Jerry Carney & Sons, Inc.), has requested an encroachment permit to allow a sign to encroach approximately 4 feet into the City right-of-way.

The City's Traffic Engineer reviewed the proposed sign location and determined that it meets current clear zone requirements and therefore does not represent a roadside hazard.

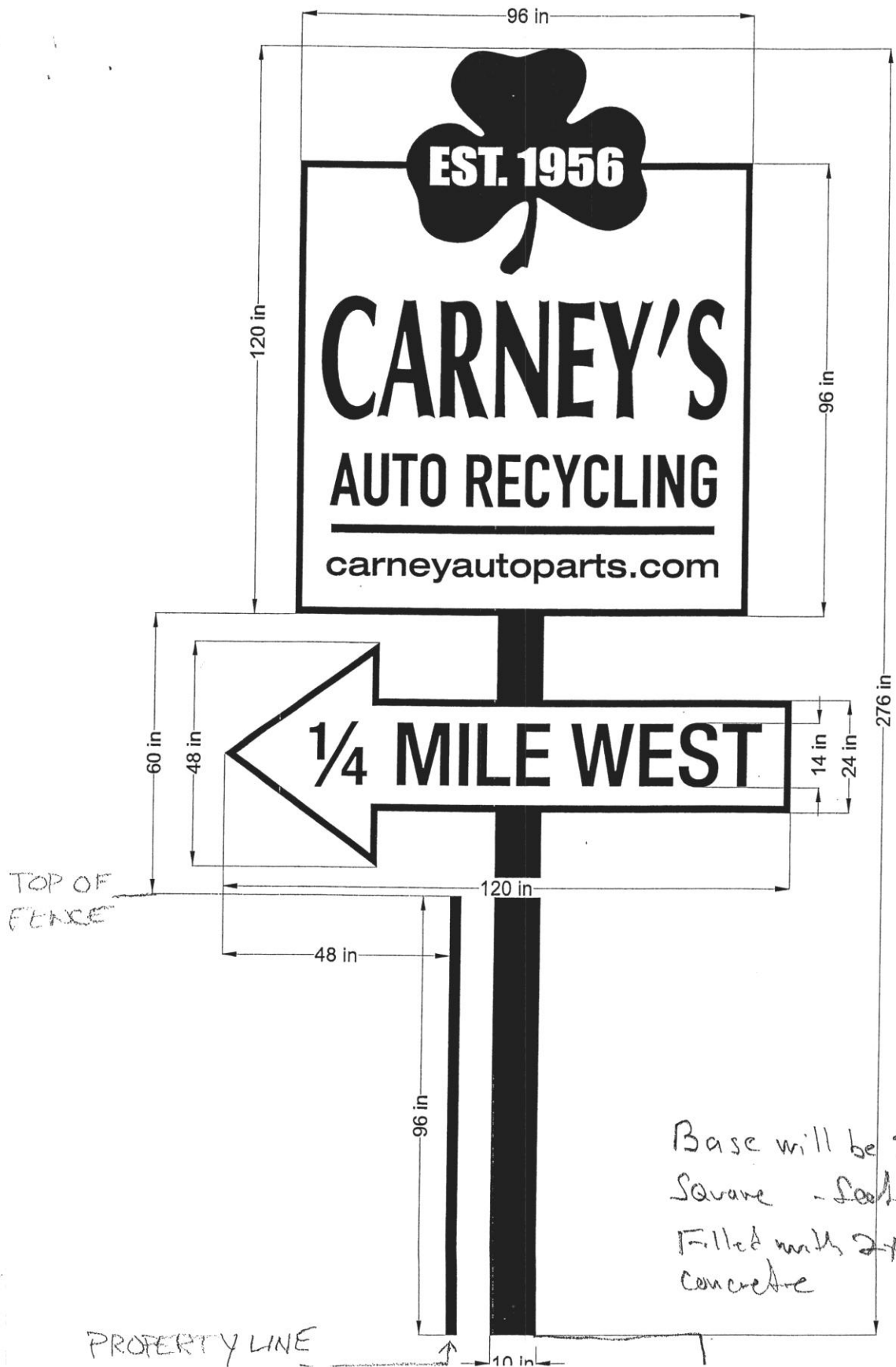
The requirements of Section 22.3 of the *Municipal Code* have been met with the submittal of a hold-harmless agreement signed by the property owner, and a certificate of liability insurance coverage which protects the City in case of an accident. The fee for this permit was calculated at \$70, and the full amount has been received by the City Clerk's Office.

**ALTERNATIVES:**

1. Approve the encroachment request.
2. Deny the request.

**MANAGER'S RECOMMENDED ACTION:**

It is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby granting the encroachment permit for the sign.

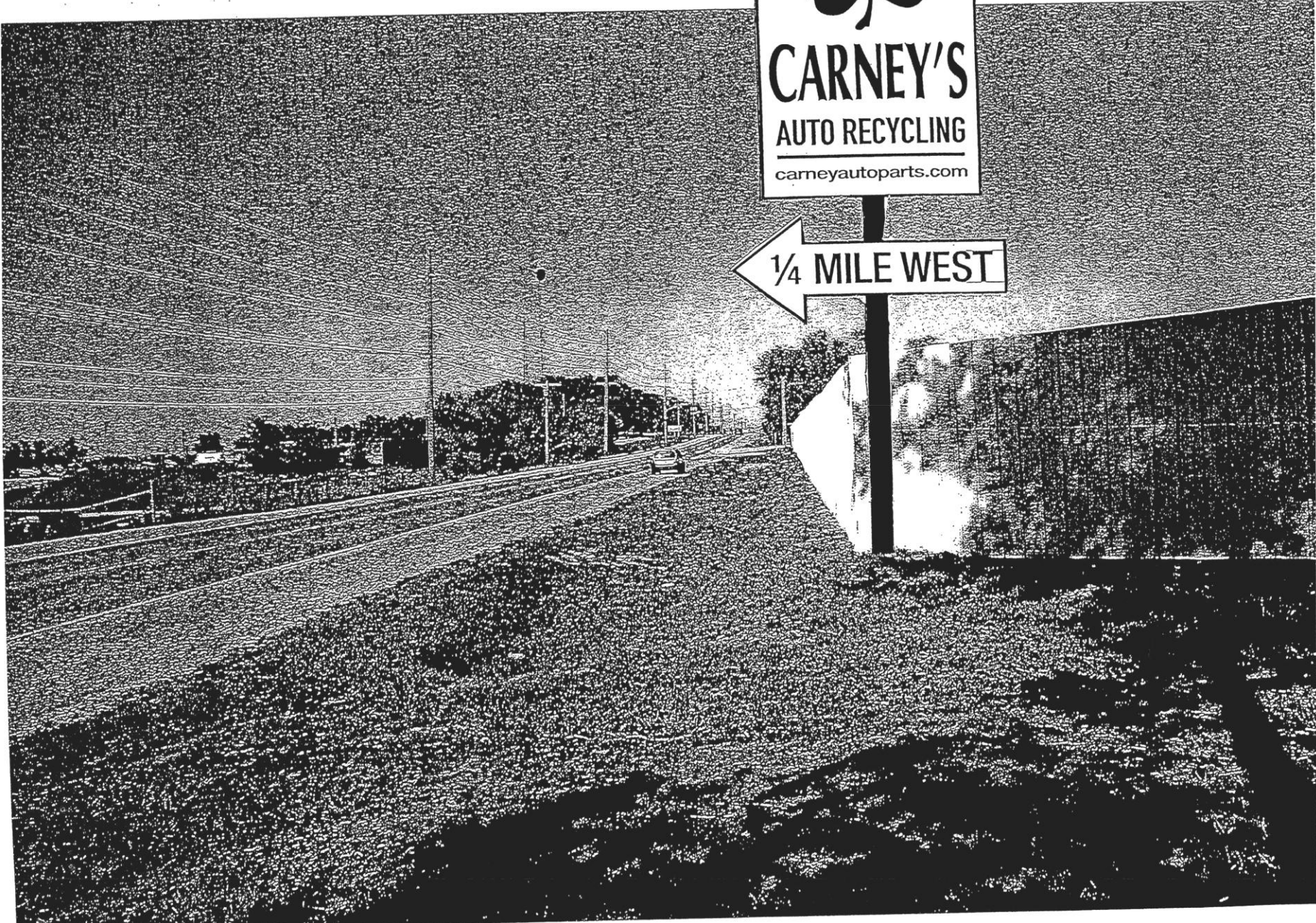


EST. 1956

**CARNEY'S**  
AUTO RECYCLING

[carneyautoparts.com](http://carneyautoparts.com)

← 1/4 MILE WEST



**COUNCIL ACTION FORM**

**SUBJECT: ISU STUDENT ALUMNI LEADERSHIP COUNCIL REQUESTS FOR HOMECOMING EVENTS**

**BACKGROUND:**

On Friday, November 8, 2013, the Student Alumni Leadership Council at Iowa State University is again planning ExCYtement in the Streets in connection with Homecoming Weekend at Iowa State. The event is scheduled to begin at approximately 8:00 p.m. and continue until 10:00 p.m. Music and tours of the lawn displays built to celebrate Homecoming will be the featured entertainment for attendees. The event is an opportunity for the general public to view the Homecoming lawn displays and watch performances associated with the displays.

To facilitate this event, organizers are asking the City Council to approve the following requests:

1. Closure of Sunset Drive, from Ash to just west of the intersection with Beach Avenue
2. Closure of Ash Avenue from Gable Lane to Knapp Street (Knapp and Gable will remain open)
3. Closure of Gray Avenue from its intersection with Gable to Greeley Street
4. Closure of Pearson Avenue between Greeley and Sunset
5. Temporary Obstruction Permit to cover the above areas as well as the triangular shaped median at the intersection of Pearson and Sunset, which will be used for judging displays
6. Fireworks permit for ground effects fireworks display on Central Campus to begin at midnight (12:00 a.m.) on Saturday, November 9

**Streets will be closed by approximately 6:30 p.m. and will be reopened by 11:00 p.m. On-street parking will also be prohibited on these streets from 7:00 p.m. on Thursday, November 7, to 11:00 p.m. on Friday, November 8.**

Public Works staff will provide the barricades necessary for the street closures along with "No Parking" signs. Organizers will be responsible for staffing the barricades as long as they are in place. Organizers have been asked to work with residents in accessing the area, particularly during the early evening setup hours.

**ALTERNATIVES:**

1. The City Council can approve the requests from the Student Alumni Leadership Council for street closures and parking prohibitions on portions of Ash, Gray, Pearson and Sunset as outlined above, on November 8, 2013, to facilitate the celebration of Homecoming at Iowa State, as well as the Fireworks Permit for midnight on November 9, 2013.
2. The City Council can deny this request.

**MANAGER'S RECOMMENDED ACTION:**

ExCYtement in the Streets is enjoyed by hundreds of members of the community each year. This event will provide our citizens with another opportunity to enjoy the lawn displays and some of the activities associated with Homecoming at Iowa State University. It is a time for interaction between long-time residents and students at Iowa State.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the requests from the Student Alumni Leadership Council associated with the celebration of Homecoming at Iowa State.



October 10, 2013

Mayor and Ames City Council Members:

The Iowa State University Alumni Association and the Student Alumni Leadership Council (SALC) are preparing to celebrate the 101st anniversary of Homecoming at Iowa State, Oct. 28 – Nov.9 on the ISU campus and in the Ames community. The 2013 Homecoming celebration will include a wide variety of events for students, alumni, and members of the community. Some of them include:

- **Friday, Nov. 8 Pep Rally & Homecoming Celebration, ISU Alumni Center, 5-9 p.m., free**  
The ISU Homecoming pep rally will be held on grounds of the ISU Alumni Center, 420 Beach Ave., adjacent to the Iowa State Center parking lot. The pep rally program featuring Cyclone football coach Paul Rhoads, members of the football and basketball teams, and the finals of the annual Yell-Like-Hell competition, will begin at 7 p.m.
- **Friday, Nov. 8 ExCYtement in the Streets, Greek Community, 8 p.m., free**  
Following the Pep Rally & Homecoming Celebration, Iowa Staters are encouraged to head into the nearby Greek Community to view Homecoming lawn displays. The self-guided “still parade” is a Homecoming classic.
- **Friday, Nov. 8 Pancake Feed, central campus, 10 p.m.-midnight, \$3**  
Join us on central campus for all-you-care-to-eat pancakes.
- **Friday, Nov. 8, Fireworks and Mass Campaniling, central campus, midnight-1 a.m., free**  
A breathtaking fireworks display will follow Iowa Staters creating their own fireworks under the landmark Campanile.
- **Saturday, Nov. 9, Cyclone Central Homecoming Tailgate, ISU Alumni Center, 3 hours prior to kickoff, free**  
As always, the ISU Alumni Association will be hosting a pregame football tailgate at the ISU Alumni Center to celebrate Homecoming. Admission is free, though fans wanting catered meals from Hickory Park Restaurant must register and pay in advance at [www.isualum.org/cyclonecentral](http://www.isualum.org/cyclonecentral).
- **Saturday, Nov. 9, Cyclone Football vs. TCU, Jack Trice Stadium, kickoff time TBD, ticket info/cost TBD**  
The Iowa State football team will face Baylor in its annual Homecoming football game.

The full schedule of events can be found at [www.isualum.org/homecoming2013](http://www.isualum.org/homecoming2013).

The Student Alumni Leadership Council is requesting the City of Ames approve the related street closures, permits, and fireworks display as a part of the Homecoming celebration. We look forward to the event and the community and campus connections it provides. We are excited to celebrate Homecoming 2013: The Tradition Continues!

Sincerely,

Melanie Anderson and Carly Taylor  
ISU Homecoming 2013 General Co-Chairs



**To:** Mayor and Ames City Council Members  
**From:** Steven L. Schainker, City Manager  
**Date:** October 18, 2013  
**Subject:** Agenda Item 23 on October 22, 2013 City Council Agenda

Item 23 on the October 22, 2013 Council Meeting Agenda involves a hearing on the proposed zoning amendment to change the Campustown building step-back requirement. You will recall that this change was requested by the Kingland Systems representatives to facilitate their proposed redevelopment project.

The City staff and the Kingland team have been working diligently to complete our assigned tasks in order to adhere to the desired schedule to begin the project by the first of the year. Based on previous feedback from the Council, the developer was to provide elevations and other related information prior to the Council initiating a Zoning Code amendment. Initially, it was anticipated that this information would be available for City Council review and, therefore, a public hearing was set for the October 22 Council meeting.

Kingland representatives have been working very hard to satisfy the desires of their major tenant and respond to suggestions from the City staff. As a result, the proposed site plan, elevations, and other associated information will not be ready for Council review until the next regular Council meeting. **Therefore, the Council is being asked to open the hearing for Item 23 and continue it until November 12<sup>th</sup>.**

**COUNCIL ACTION FORM**

**SUBJECT: PROPOSED CAMPUSTOWN URBAN RENEWAL AREA AND TAX INCREMENT FINANCING DISTRICT**

**BACKGROUND:**

At the August 27, 2013 City Council meeting, the City Manager was directed to initiate steps to provide tax increment “rebate” financing to support the redevelopment of properties in Campustown in and adjacent to the 2400 Block of Lincoln Way. **This incentive will provide a rebate to the developer of 100% of eligible incremental property taxes for a period of ten years or an amount not to exceed \$2,064,530, whichever comes first.**

The request for a tax increment financing (TIF) district was made by Kingland Systems, which proposes to develop new street level retail space, new offices for its expanding business, and additional office space for lease to other entities. The proposed tax increment district comprises 1.42 acres of land zoned Campustown Service Center (CSC). A map of the proposed urban renewal area is attached.

**URBAN RENEWAL AREA:**

Code of Iowa Chapter 403 allows cities to establish tax increment financing districts through the creation of an urban renewal area. The creation of an urban renewal area requires the adoption of an Urban Renewal Plan. **A draft Plan will be provided on Monday, October 21 so that Council comments can be received prior to its approval. At this time, the City Council is being asked to set the date for the public hearing on the proposed Urban Renewal Plan to facilitate Kingland’s redevelopment project.**

**The City Council is also being asked to refer the Urban Renewal Plan to the Planning and Zoning Commission for a recommendation.** The Commission’s role is to make a recommendation as to whether the Plan conforms to the intent and purposes of the Land Use Policy Plan.

The City will also hold a consultation with the taxing entities that would be affected by the establishment of Tax Increment Financing District. These entities are the Ames Community School District Board of Education, Des Moines Area Community College Board of Directors, and the Story County Board of Supervisors. **The City Council is also being asked to appoint the Director of Planning and Housing to represent the City at this consultation meeting, which is not part of a City Council meeting.**

Upon receipt of the Commission’s recommendation and following the consultation, the City Council will hold a public hearing to gather public input on the Urban Renewal Plan. After following these procedures, the Council will be in a position to approve a resolution



adopting the Urban Renewal Plan, approve a resolution establishing the Urban Renewal Area, and approve an ordinance creating a Tax Increment Financing District. The necessary steps are outlined and a time line is established below. **The City Council is also being asked to direct staff to initiate these steps.**

### **November 6**

Planning and Zoning Commission reviews the Urban Renewal Plan, hears any public input and makes recommendation to the City Council regarding the conformance of the Urban Renewal Plan to the City's Land Use Policy Plan.

Prior to this date, notice of the public hearing on the Urban Renewal Plan is published. The Plan is also mailed to the affected taxing entities inviting them to a consultation meeting. The taxing entities may appoint a representative to attend and make recommendations for modifications to the Plan. The City Council's appointed representative will respond to those recommendations no later than November 5.

### **November 12**

The City Council conducts a public hearing on the Urban Renewal Plan and then may approve:

- Resolution adopting the Urban Renewal Plan
- Resolution establishing the Urban Renewal Area
- First reading of an ordinance creating a Tax Increment Financing District
- December 10 as the date for the public hearing on the Tax Increment Financing Development Agreement providing the rebate to the developer.

At this meeting the City Council also will review the basic terms for this Development Agreement as well as the specific redevelopment plan for the Kingland project including floor plans, architectural elevations, site plans and renderings of the project's appearance.

**At this November 12 meeting, the City Council may request that the developer make modifications to the basic terms of the proposed TIF Development Agreement and to the specific redevelopment plan.**

An important issue to the developers is the modification to the step-back requirement. In accordance with the revised schedule, the Council also will be asked to consider passage of this zoning text amendment on first reading.

### **November 26**

The City Council may approve the second reading of ordinances creating the Tax Increment Financing District and amending the zoning code.

### **December 10**

The City Council will conduct the public hearing on the Tax Increment Financing Development Agreement and may approve:

- Third reading of an ordinance creating a Tax Increment Financing District

- Tax Increment Financing Development Agreement providing the rebate to the developer
- Third reading of an ordinance modifying the building height step-back requirement

At this meeting the City Council may also approve a Plat of Survey consolidating the properties for the Kingland redevelopment project.

Following publication of the ordinance amending the zoning code, Kingland Systems will submit the Minor Site Development Plan for staff review and subsequently the application for a building permit. These do not require City Council action.

### **URBAN RENEWAL PLAN:**

The proposed Urban Renewal Plan includes the necessary components described by the Code of Iowa. It describes the project and its objectives and includes a summary of the process of its preparation and adoption. The Plan identifies those components of the Land Use Policy Plan that are supported by the proposed Urban Renewal Area.

The Plan also contains a summary of the City's current debt obligations, the City's limits on issuing debt, and an estimate of the amount of tax increment financed debt that would be incurred due to this project.

**It should be noted that the Urban Renewal Plan does not include a specific site plan and building elevations for the Kingland redevelopment project, nor will it include this type of information when submitted for approval. Rather, this information will be included as part of the TIF Development Agreement.**

### **ALTERNATIVES:**

1. The City Council can adopt a resolution approving the following steps:
  - a. setting November 12 as the date of the public hearing on the Urban Renewal Plan, and
  - b. forwarding the draft Urban Renewal Plan to the Planning and Zoning Commission for a recommendation, and
  - c. appointing the Director of Planning and Housing as the representative who will respond to any recommendations made by the other affected taxing entities following the consultation.

This alternative is necessary if the City Council wishes to use tax increment financing as requested by Kingland Systems for their redevelopment project in Campustown.

2. The City Council can decide to provide a tax increment rebate financing total in an amount less than the \$2,064,530 requested by Kingland Systems.

3. The City Council can choose not to approve the above steps for the Urban Renewal Plan. This is the option if the City Council does not wish to use tax increment financing for the Kingland redevelopment project in Campustown.

**MANAGER'S RECOMMENDED ACTION:**

Following the City Council action on August 27 to initiate the process for Tax Increment Financing as an incentive for Campustown revitalization, City staff has been working with Kingland Systems and its design team on the specific redevelopment plan. The Kingland Systems team has been very responsive to the City staff's requests for information and design suggestions. That specific redevelopment plan, including conceptual plans for the site and the building will be presented to the City Council for comment at the public hearing on the Urban Renewal Plan on November 12, although it is not part of the Urban Renewal Plan. The specific redevelopment plan, reflecting City Council input, will be presented for approval on December 10 as part of the agreement for Tax Increment Financing.

**At this time the City Council is not being asked to give approval to the Kingland Plan or to Tax Increment Financing. On November 12 the City Council will review the plan for Kingland's project and provide input. At that time, City Council will decide if the City is ready to proceed with the project or if further work and discussion is needed. In order to move forward toward that decision, the City Council should direct staff to proceed with the statutory steps described above that are necessary to establish the Tax Increment Financing District.**

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting a resolution approving the following steps:

- a. setting November 12 as the date of the public hearing on the draft Urban Renewal Plan, and
- b. forwarding the draft Urban Renewal Plan to the Planning and Zoning Commission for a recommendation, and
- c. appointing the Director of Planning and Housing as the representative who will respond to any recommendations made by the other affected taxing entities following the consultation.

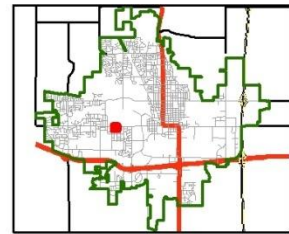
Under this alternative, on November 12 City Council will conduct a public hearing and review the specific redevelopment plan for the Kingland project and then make final decisions on the project on December 10.

# Campustown Urban Renewal Area



## Campustown Urban Renewal Area

0 55 110 220 Feet



## Staff Report

## XENIA RURAL WATER DISTRICT UPDATE

October 22, 2013

Xenia Rural Water District's service territories to the north and south of Ames have presented a significant challenge for the City's growth in these areas. Accordingly, the City Council has directed staff to work with Xenia, area developers, and other affected parties to overcome that hurdle. This report summarizes progress made since the previous Council update on August 13.

WATER SERVICE TERRITORY IN THE NORTHERN GROWTH AREA

- As of October 17, the local developers for the Quarry Estates and Hunziker lands along Grant and G.W. Carver Avenues have reached an agreement with Xenia on terms for transferring those lands to City water territory. The terms of those contracts are now being confirmed through the parties' attorneys. Both sides report that these agreements will clear the way for Xenia to relinquish the respective territories on Ames' north side. Xenia staff report that they will take these agreements to their Board for approval, and then to the USDA and Assured Guaranty for their approvals.
- City staff is working actively with Xenia to negotiate an agreement confirming transfer of the developers' lands to become City water territory. Xenia's attorneys are drafting an agreement, which Xenia staff hopes to transmit to City staff by the week of October 28. City staff will review the draft with both internal and outside legal counsel. After negotiations are completed, the City Council and the Xenia Board will be asked to give their approval. Key negotiating priorities for City staff include the following:
  1. The water service territories for which land owners and Xenia have signed agreements will be transferred to the City of Ames at no cost to the City.
  2. Payments by developers/customers for other lands in the Northern Growth Area will not exceed those negotiated between Xenia and Quarry Estates/Hunziker.
  3. A sunset date will be negotiated, after which Xenia will no longer be paid for additional customers' territory transfers.
  4. The agreement will apply to territory covered by the 1996 City-Xenia agreement within the Northern Growth Area only, and will not be a precedent for any future territory transfers between the City and Xenia.

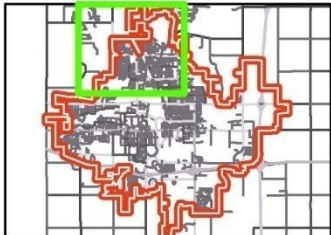
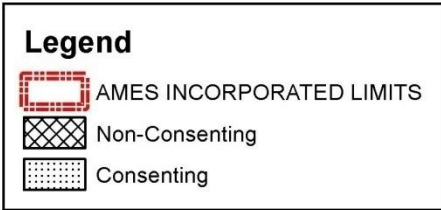
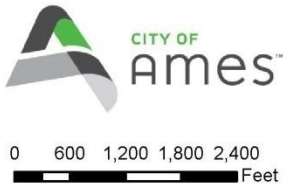
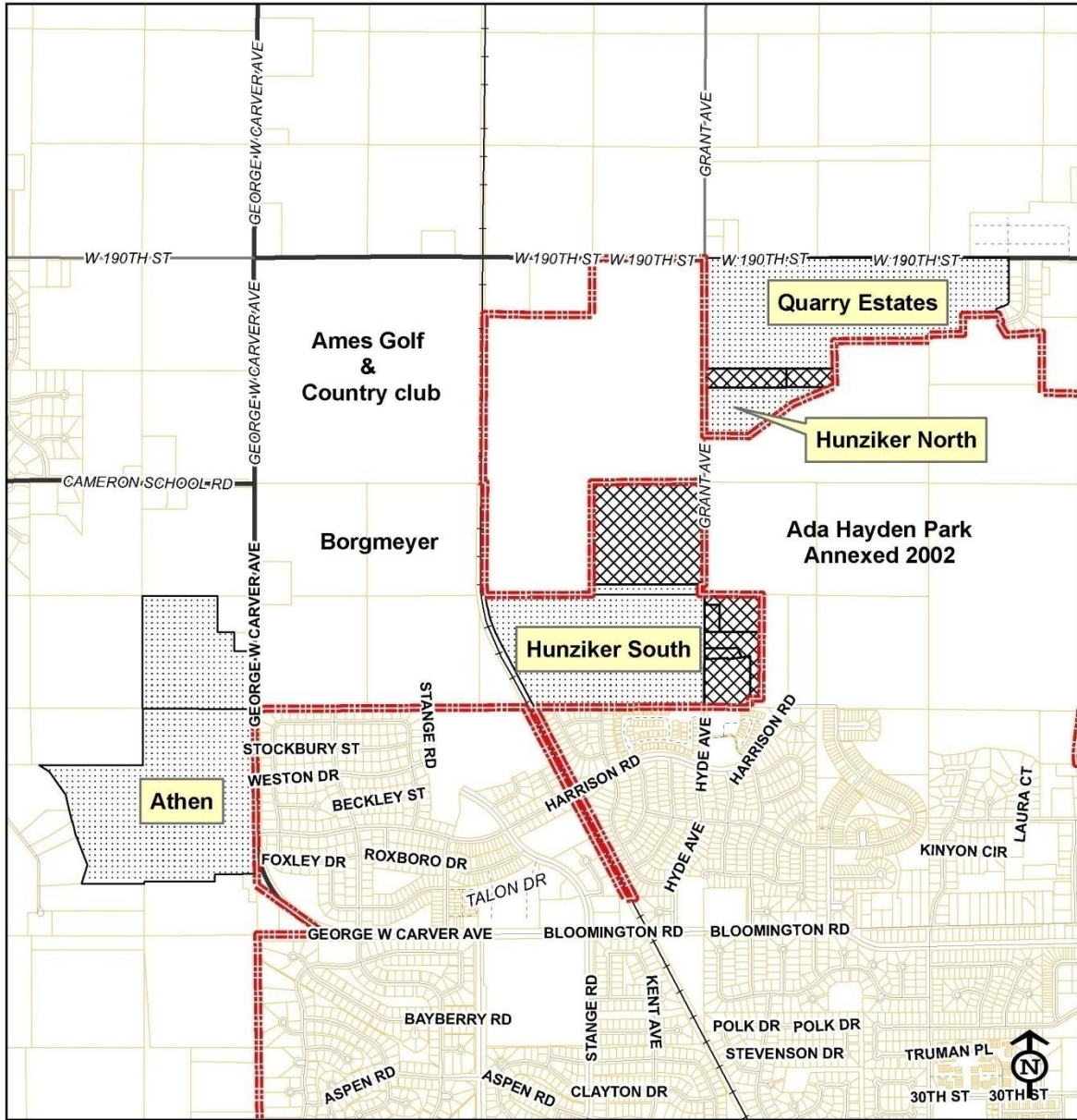
Staff has asked Xenia to specify the terms under which Xenia's existing customers along Grant Avenue could hook onto City water at some future time; and that Ada Hayden Park be transferred to City service territory at no cost.

- Staff and the Quarry Estates and Hunziker developers met on October 15 to coordinate interactions with Xenia, as well as to work on needed changes to the pre-annexation agreements for their two properties and the Athen property. Staff is drafting update annexation agreements, after which a follow-up meeting will be held. Chuck Winkleblack is sending the Council a request to modify the Athen agreement to eliminate the RM zoning limitations, since the senior living facility will no longer be a part of that development. The land will now all be developed for single family homes.
- On September 27 staff met with Brian Sansgaard, the current owner of Rose Prairie, to help him understand the development opportunities and obligations of his property. Staff also brought him up to speed on the Xenia negotiations and possible timing for construction of Grant Avenue. Since that time, staff has learned that Mr. Sansgaard is also working with Xenia to negotiate the same terms being negotiated for Quarry Estates and the Hunziker parcels.
- Staff also arranged meetings with two owners of large land parcels east of G.W. Carver that could be included in the sewer connection district that will serve Grant Avenue.
  - A meeting with the Ames Golf and Country Club (AGCC) was held on October 17. The AGCC recently entered into a development contract with Bella Homes to develop single family homes and town homes on the westernmost portion of their property. Their goal, in accord with the current Fringe Area Plan, is to develop that property as Rural Transitional Residential, which could allow residential development outside of the City limits. However, the Land Use Policy Plan's Northern Growth Area, which was amended to include all land west of Quarry Estates, south of 190<sup>th</sup> Street and east of G.W. Carver, also includes their land. That policy map would imply development within the City limits. Staff is working to resolve this inconsistency and hopes to have additional information Tuesday night.
  - Staff has scheduled a meeting with Robert and Margaret Borgmeyer on October 31 to educate them on development that will be occurring in this area, and to discuss the potential extension of City utility services to or through their property, as well as potential annexation of their land.
- Staff will also arrange one more meeting with the Grant Avenue neighbors early in November to update them regarding the Xenia arrangements, to coordinate easements needed for the utility and road construction up Grant Avenue, and to extend one final opportunity for them to consider voluntary annexation.

A map showing the properties seeking annexation and the other properties within the Northern Growth Area is shown below.



# Proposed Annexation Areas



## WATER SERVICE TERRITORY TO THE SOUTH & WEST OF AMES

- With regards to **Xenia service territory to the south and west of Ames**, City and Xenia staff met on October 17 to coordinate establishment of a clear boundary for Xenia territory within the City's two-mile fringe. Xenia staff is checking its records to verify staff's understanding of this boundary. Staff will next work to put together a map that can be approved by both entities to confirm this boundary. Staff will then be able to fulfill a Council request to superimpose the City's Urban Fringe Plan over a Xenia service territory map.
- ISU Research Park Phase III status – On October 8 staff met with representatives of the Research Park to begin coordination of the overall steps needed to facilitate the Phase III expansion. Included among the issues discussed was water service territory. The Research Park desires to have City water service, and understands its responsibility as the Park developers to make any needed arrangements with Xenia for territory transfer. They indicated that they would be contacting Xenia to initiate that discussion.

### SUMMARY

Progress is being made in each area associated with City expansion into Xenia Rural Water District territory to the north. Next steps include the following:

1. Approval of Xenia-developer agreements by the developers, the Xenia Board and the USDA.
2. Finalize the City-developer annexation agreements.
3. Finalize the Xenia-City agreement.

When these steps are completed, staff will place the agreements with Xenia and with the developers on a Council agenda for action. After approval of those agreements, Council will then be in position to approve the next two steps, which are:

4. Approval of the Quarry Estates, Athen and Hunziker annexations.
5. Going out for bids for the water and sanitary sewer extensions up Grant Avenue. If this step is taken by early spring, these improvements can be installed by autumn 2014.

The paving of Grant Avenue will be included in the Recommended 2014/15 Budget and Capital Improvements Plan. Assuming that project is approved by the Council in March, bids can be taken and work initiated by that fall, with roadway completion by 2015.



## FINAL NOTE

In working to facilitate City growth into surrounding areas over the past several months, staff has devoted the majority of its time to dealing with Xenia rural water issues to the north and south. After that effort is concluded, staff will turn its focus to the City's need to facilitate industrial growth to the east by negotiating with the Central Iowa Water Association (CIWA).

**COUNCIL ACTION FORM**

**SUBJECT: CHANGE ORDER – ELECTRIC DISTRIBUTION LINE CLEARANCE PROGRAM**

**BACKGROUND:**

In recent years the City has expended approximately \$271,000 per year for a tree trimming contract to reduce tree caused electric outages across the City. Unfortunately, due to a typographical error, on June 6, 2013 the Council was asked to award a contract to Asplundh Tree Expert Co., Fairfax, Iowa for hourly rates and unit prices bid in an amount not-to-exceed \$171,000 per the bid. The correct amount should have been \$271,000.

**The proposed change order will correct this error by adding an additional \$100,000 to the current contract for FY2013/14. This would bring the total contract amount to \$271,000. The City Council should understand that this higher total was included in the approved operating budget for FY2013/14 and is in keeping with prior years' funding levels. This change order is needed in order to prevent funds from being exhausted prior to the year's tree-trimming work being completed.**

**ALTERNATIVES:**

- 1) Approve Contract Change Order No. 1 to Asplundh Tree Expert Co., in the amount of \$100,000. This will bring the total FY2013/14 Electric Distribution Line Clearance Program contract to the not-to-exceed amount of \$271,000, which is consistent with the approved budget.
- 2) Reject Contract Change Order No. 1. This would negatively affect the tree trimming service level for FY 13/14.

**MANAGER'S RECOMMENDED ACTION:**

This change order is needed to ensure that on-going tree trimming service is provided through the fiscal year. This work helps mitigate the number of customer interruptions resulting from extreme weather events. Alternative No. 1 maintains a fixed price contract for performance of the required tree trimming services at the best price, obtained via the competitive sealed bid process.

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

OLD CAF  
34  
27

STAFF REPORT

**CHAPTER 14 REVISIONS AS RECOMMENDED BY THE  
AMES HUMAN RELATIONS COMMISSION**

September 10, 2013

**BACKGROUND:**

At the July 2, 2013, Ames Human Relations Commission (AHRC) meeting, the Commission was approached by oneiowa, an organization which supports full equality for lesbian, gay, bisexual and transgender lowans. Matthew Skuya, Deputy Director of oneiowa, noted that Chapter 14 -Human Relations of the Ames Municipal Code was not consistent with the Iowa Civil Rights Act as it did not list gender identity as a category for discrimination. This area of the Iowa Civil Rights Act was amended in 2007. The City has not undertaken any changes to Chapter 14 since 1996.

Staff to AHRC requested that Chapter 14 received a complete review to ensure that no other areas of the Code were inconsistent with the Iowa Civil Rights Act as well as other State and Federal laws. AHRC recommended that City staff bring back changes to Chapter 14 of the Ames Municipal Code to reflect the State of Iowa Code as soon as possible.

In addition to the changes noted regarding gender identity, the City Attorney's Office also noted that the City Code was missing several sections that were adopted into the Iowa Civil Rights Act, which included a section on wage discrimination (Draft Sec. 14.8) adopted in 2009, a section on Additional Housing Exceptions (Draft Sec. 14.13A.) adopted in 2007, a section on Exceptions for Retirement Plans, Abortion Coverage, Life, Disability, and Health Benefits (Draft Sec. 14.14) adopted in 2006, and a section on Promotion or Transfer (Draft Sec. 14.5) adopted in 1996. Several other lesser housekeeping changes were made to the Chapter, including changing the wording in Sec. 14.5(1) to read Affirmative Action Officer, instead of director. In Sec. 14.5(8) changing the wording to read Mayor and City Council, instead of City Council. In Sec. 14.10 deleting "Chapter 534" because it was repealed from the Iowa Code in 2012. Lastly, as noted above, in Sec. 14.12, adding "sexual orientation" and "gender identity" is subsection 1.a. as it was adopted into the Civil Rights Act in 2007.

At the August 22, 2013, AHRC meeting, the Commission voted unanimously to forward the amendments to Chapter 14 to the City Council for consideration and approval.

**STAFF COMMENTS:**

The City has typically tried to mirror the Iowa Civil Rights Act under Chapter 14 - Human Relations. The updates as recommended by the AHRC would bring Chapter 14 back in line with the Iowa Civil Rights Act and assist the AHRC in addressing discrimination in the community by expanding their ability to address discrimination based on gender identity. Additionally, it will allow AHRC to investigate claims of discriminatory practices related to wages, promotion or transfer in the area of employment.

Staff is requesting on behalf of AHRC for the City Council to follow the AHRC's recommendation and add these provisions to its Human Relations chapter by directing the City Attorney's Office to prepare the necessary ordinance changes to Chapter 14 - Human Relations to reflect the Iowa Civil Rights Act, including the noted housekeeping items.

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 14 AND ENACTING A NEW CHAPTER 14 THEREOF TO BE CONSISTENT WITH THE IOWA CIVIL RIGHTS ACT; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT AND ESTABLISHING AN EFFECTIVE DATE.**

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Chapter 14 as follows:

**“CHAPTER 14 - HUMAN RELATIONS**

**Sec. 14.1. PURPOSE OF CHAPTER.**

The purpose of this chapter is to implement the provision of the Iowa Civil Rights Act and to further provide for the general welfare of persons in the City of Ames, Iowa, by prohibiting certain discriminatory practices, and to establish a commission for the investigation of complaints of discrimination; and, to undertake projects of education to prevent discrimination; and, to establish procedures for the conciliation of such complaints; and to enforce the provisions hereof.

*[State Law Ref. Iowa Code Sec. 216.1] (Ord. 3123, 3-26-91; Ord. 3377, 3-5-96)*

**Sec. 14.2. DEFINITIONS.**

When used in this chapter, unless the context otherwise requires:

(1) "Commission" means the Ames Human Relations Commission created by this chapter.  
(2) "Commissioner" means a member of the commission.  
(3) "Court" means the district court in and for any judicial district of the state of Iowa or any judge of the court if the court is not in session at that time.

(4) "Covered Multifamily Dwelling" means any of the following:

(a) A building consisting of four or more dwelling units if the building has one or more elevators.

(b) The ground floor units of a building consisting of four or more units.

(5) "Disability" means the physical or mental condition of a person which constitutes a substantial handicap, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of "disability" under the provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases.

*[State Law ref. Iowa Code Sec. 216.2]*

(6) "Employee" means any person employed by an employer.

(7) "Employer" means the state of Iowa or any political subdivision, board, commission, department, institution, or school district thereof, and every other person employing employees within the state.

(8) "Employment agency" means any person undertaking to procure employees or opportunities to work for any other person or any person holding itself to be equipped to do so.

(9) "Familial status" means one or more individuals under the age of eighteen domiciled with one of the following:

- (a) A parent or another person having legal custody of the individual or individuals.
- (b) The designee of the parent or the other person having custody of the individual or individuals, with the written permission of the parent or other person.
- (c) A person who is pregnant or is in the process of securing legal custody of the individual or individuals.

"Familial status" also means a person who is pregnant or who is in the process of securing legal custody of an individual who has not attained the age of eighteen years.

(10) "Gender Identity" means a gender-related identity of a person regardless of the person's assigned sex at birth.

(11) "Labor organization" means any organization which exists for the purpose in whole or in part of collective bargaining, of dealing with employers concerning grievances, terms, or conditions of employment, or of other mutual aid or protection in connection with employment.

(12) "Person" means one or more individuals, partnerships, associations, corporations, legal representatives, trustees, receivers, and the state of Iowa and all political subdivisions and agencies thereof.

(13) "Public accommodation" means each and every place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods for a fee or charge to nonmembers of any organization or association utilizing the place, establishment or facility, provided that any place, establishment, or facility that caters or offers services, facilities, or goods to the nonmembers gratuitously shall be deemed a public accommodation if the accommodation received governmental support or subsidy. Public accommodation shall not mean any bona fide private club or other place, establishment, or facility which is by its nature distinctly private, except when such distinctly private place, establishment or facility caters or offers services, facilities, or goods to the nonmembers for fee or charge or gratuitously, it shall be deemed a public accommodation during such period.

"Public accommodation" includes each state and local government unit or tax-supported district of whatever kind, nature, or class that offers services, facilities, benefits, grants or goods to the public, gratuitously or otherwise. This paragraph shall not be construed by negative implication or otherwise to restrict any part or portion of the pre-existing definition of the term "public accommodation".

*(Ord. No. 2912, 12-18-84)*

(14) "Unfair practice" or "discriminatory practice" means those practices specified as unfair or discriminatory in this chapter.

*(Ord. 3123, 3-26-91)*

(15) "Sexual Orientation" means actual or perceived heterosexuality, homosexuality, or bisexuality. "Sexual orientation" does not include participation in acts which are prohibited by law.

*(Ord. 3128, 5-28-91; Ord. 3377, 3-5-96)*

#### **Sec. 14.3. COMMISSION APPOINTED-STAFF-HEARING OFFICERS.**

(1) **Commission Appointed.** The Ames Human Relations Commission shall consist of five (5) members appointed by the Mayor with the approval of the City Council. Appointments shall take into consideration the various racial, religious, cultural and social groups and geographical areas within the City of Ames in so far as may be practicable. The term of office shall be three (3) years, and shall begin April 1 of the fiscal year of appointment, except that the Mayor may prescribe a shorter term for any appointment or reappointment in order to stagger terms. Four (4) of the members shall serve 3-year terms, and one (1) of the members shall serve a special 1-year term. Vacancies shall be filled for any unexpired term in the same manner as original appointments. Any member or all members of the Commission may be removed from office at any time by the Mayor with the approval of the City Council, for good cause. No member who has served two (2) full consecutive terms is eligible for reappointment. The Commission shall elect one of their members to be chairperson, and develop their own rules of procedure, not inconsistent with this chapter.

*(Ord. No. 3820, 3-08-05; Ord. No. 3943, 2-19-08; Ord. No. 4129, 11-13-12)*

(2) **Staff Function, Investigation and Conciliation Officers.** With the advice of the Human Relations Commission and with the approval of the City Council, the Mayor shall appoint up to seven (7) persons as Investigation and Conciliation Officers who shall serve as unpaid staff to the Commission. Their term of office,

method of appointment, method for filling vacancies and limitations on eligibility for reappointment shall be the same as prescribed for Commission members.

*(Ord. No. 3943, 2-19-08)*

(3) **Hearing Officers.** With the advice of the Ames Human Relations Commission and with the approval of the City Council, the Mayor shall appoint a group of persons educated in the law from among whom a hearing officer shall be drawn by lot when needed to make a "determination of probable cause" as required in this chapter, or when deemed advisable by the Commission, to conduct a hearing as provided for herein. There shall be no limit to the number of persons who may be added to said panel, but the number shall not be allowed, by declinations to serve or otherwise, to fall below three. Their term of office, method of appointment, method for filling vacancies and limitations on eligibility for reappointment shall be the same as prescribed for Commission members.

*[State Law Ref. Iowa Code Sec. 216.3] (Ord. 3377, 3-5-96; Ord. No. 3943, 2-19-08)*

#### **Sec. 14.4. COMPENSATION AND EXPENSES.**

The members of the Commission, the Investigation and Conciliation Officers and the persons on the hearing officer panel shall serve without salary, wages or other compensation provided that they may receive reimbursement for actual and necessary expenses incurred as allowed by the City Council pursuant to such procedures and policies for the reimbursement of expenses as shall be established by the City of Ames from time to time.

*[State Law Ref. Iowa Code Sec. 216.4] (Ord. 3377, 3-5-96)*

#### **Sec. 14.5. POWERS AND DUTIES.**

The Commission shall have the following powers and duties:

(1) Prescribe the duties of the Affirmative Action Officer under this chapter. The Officer shall be a person appointed by the Ames City Manager and shall serve as the affirmative action officer for the City of Ames.

(2) To receive, investigate, mediate, and finally determine the merits of complaints alleging unfair or discriminatory practices.

(3) To investigate and study the existence, character, causes, and extent of discrimination in public accommodations, employment, apprenticeship programs, on-the-job training programs, vocational schools, credit practices, and housing in this city and to attempt the elimination of such discrimination by education and conciliation.

(4) To seek a temporary injunction against a respondent when it appears that a complainant may suffer irreparable injury as a result of an alleged violation of this chapter. A temporary injunction may only be issued ex parte, if the complaint filed with the commission alleges discrimination in housing. In all other cases a temporary injunction may be issued only after the respondent has been notified and afforded the opportunity to be heard.

(5) To hold hearings upon any complaint made against a person, an employer, an employment agency, or a labor organization, or the employees or members thereof, to subpoena witnesses and compel their attendance at such hearings, to administer oaths and take the testimony of any person under oath, and to compel such person, employer, employment agency, or labor organization, or employees or members thereof to produce for examination any books and papers relating to any matter involved in such complaint. The Commission shall issue subpoenas for witnesses in the same manner and for the same purposes on behalf of the respondent upon request. Such hearings may be held by the commission, by any commissioner, or by any hearing examiner appointed by the commission. If a witness either fails or refuses to obey a subpoena issued by the commission, the commission may petition the district court having jurisdiction for issuance of a subpoena and the court shall in a proper case issue the subpoena. Refusal to obey such subpoena shall be subject to punishment for contempt.

(6) To issue such publications and reports of investigations and research as in the judgment of the commission shall tend to promote good will among the various racial, religious, and ethnic groups of the state and which shall tend to minimize or eliminate discrimination in public accommodations, employment, apprenticeship

and on-the-job training programs, vocational schools, or housing because of race, creed, color, sex, national origin, religion, ancestry, disability, sexual orientation or gender identity.

*(Ord. 3128, 5-28-91)*

(7) To prepare and transmit to the Mayor and City Council from time to time, but not less often than once each year, reports describing its proceedings, investigations, hearings conducted and the outcome thereof, decisions rendered, and the other work performed by the commission.

(8) To make recommendations to the Mayor and City Council for such further legislation concerning discrimination because of race, creed, color, sex, national origin, religion, ancestry, disability, sexual orientation or gender identity as it may deem necessary and desirable.

*(Ord. 3128, 5-28-91)*

(9) To cooperate, within the limits of any appropriations made for its operations, with other agencies or organizations, both public and private, whose purposes are consistent with those of this chapter, and on the planning and conducting of programs designed to eliminate racial, religious, cultural, and intergroup tensions.

(10) To adopt, publish, amend, and rescind regulations consistent with and necessary for the enforcement of this chapter.

(11) To receive, administer, dispense and account for any funds that may be voluntarily contributed to the commission and any grants that may be awarded the commission for furthering the purposes of this chapter with the approval of the City Council.

(12) To refer a complaint to the Iowa Civil Rights Commission under commission rules.

(13) To issue subpoenas and order discovery as provided by this section in aid of investigations and hearings of alleged unfair or discriminatory housing, real property, or other prohibited practices. The subpoenas and discovery may be ordered to the same extent and are subject to the same limitations as subpoenas and discovery in a civil action in district court.

(14) To utilize volunteers to aid in the conduct of the commission's business including case processing functions such as intake, screening, investigation, and mediation.

*[State Law Ref. Iowa Code Sec. 216.5] (Ord. 3377, 3-5-96)*

#### **Sec. 14.6. UNFAIR EMPLOYMENT PRACTICES.**

(1) It shall be an unfair or discriminatory practice for any:

(a) Person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, national origin, religion, disability, sexual orientation **or gender identity** of such applicant or employee, unless based upon the nature of the occupation. If a disabled person is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

(b) Labor organizations or the employees, agents or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership or any member in the privileges, rights, or benefits of such membership because of the age, race, creed, color, sex, national origin, religion, disability, sexual orientation or gender identity of such applicant or member.

(c) Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, national origin, religion, disability, sexual orientation or gender identity are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation. If a disabled person is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

An employer, employment agency, or their employees, servants or agents may offer employment or advertise for employment to only the disabled, when other applicants have available to them, other employment compatible with their ability which would not be available to the disabled because of their handicap. Any such



employment or offer of employment shall not discriminate among the disabled on the basis of race, color, creed, sex, national origin, sexual orientation or gender identity.

(Ord. 3128, 5-28-91)

(d) Person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human immunodeficiency virus or to affect the terms, conditions, or privileges of employment or terminate the employment of any employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents, or members and an employee or prospective employee concerning employment, pay, or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus, is prohibited. The prohibitions of this paragraph do not apply if the state epidemiologist determines and the director of public health declares through the utilization of guidelines established by the center for disease control of the United States department of health and human services, that a person with a condition related to acquired immune deficiency syndrome poses a significant risk of transmission of the human immunodeficiency virus to other persons in a specific occupation.

(2) Employment policies relating to pregnancy and childbirth shall be governed by the following:

(a) A written or unwritten employment policy or practice which excludes from employment applicants or employees because of the employees pregnancy is a prima facie violation of this chapter.

(b) Disabilities caused or contributed to by the employee's pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to the employee's pregnancy or giving birth, on the same terms and conditions as they are applied to other temporary disabilities.

(c) Disabilities caused or contributed to by legal abortion and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any temporary disability or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to legal abortion on the same terms and conditions as they are applied to other temporary disabilities. The employer may elect to exclude health insurance coverage for abortion from a plan provided by the employer, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

(d) An employer shall not terminate the employment of a person disabled by pregnancy because of the employee's pregnancy.

(e) Where a leave is not available or a sufficient leave is not available under any health or temporary disability insurance or sick leave plan available in connection with employment, the employer of the pregnant employee shall not refuse to grant to the employee who is disabled by the pregnancy a leave of absence if the leave of absence is for the period that the employee is disabled because of the employee's pregnancy, childbirth, or related medical conditions, or for eight weeks, whichever is less. However, the employee must provide timely notice of the period of leave requested and the employer must approve any change in the period requested before the change is effective. Before granting the leave of absence, the employer may require that the employee's disability resulting from pregnancy be verified by medical certification stating that the employee is not able to reasonably perform the duties of employment.

(3) This section shall not prohibit discrimination on the basis of age if the person subject to the discrimination is under the age of eighteen years, unless that person is considered by law to be an adult.

(4) Notwithstanding the provisions of this section, a city, state or federal program designed to benefit a specific age classification which serves a bona fide public purpose shall be permissible.

(5) This section shall not apply to age discrimination in bona fide apprenticeship employment programs if the employee is over forty-five years of age.

(6) This section shall not apply to:

(a) Any employer who regularly employs less than four individuals. For purposes of this subsection, individuals who are members of the employer's family shall not be counted as employees.

(b) The employment of individuals for work within the home of the employer if the employer or family members reside therein during such employment.

(c) The employment of individuals to render personal service to the person of the employer or members of the employer's family.

(d) Any bona fide religious institution or its educational facility, association, corporation or society with respect to any qualifications for employment based on religion, sexual orientation or gender identity when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or an administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification.

*[State Law Ref. Iowa Code Sec. 216.6] (Ord. 3128, 5-28-91; Ord. 3377, 3-5-96)*

#### **Sec 14.7. UNFAIR PRACTICES-ACCOMMODATIONS OR SERVICES.**

(1) It shall be an unfair or discriminatory practice for any owner, lessee, sublessee, proprietor, manager, or superintendent of any public accommodation or any agent or employee thereof:

(a) To refuse or deny to any person because of race, creed, color, sex, national origin, religion, disability, sexual orientation or gender identity the accommodations, advantages, facilities, services, or privileges thereof, or otherwise to discriminate against any person because of race, creed, color, sex, national origin, religion, disability, sexual orientation or gender identity in the furnishing of such accommodations, advantages, facilities, services, or privileges.

(b) To directly or indirectly advertise or in any other manner indicate or publicize that the patronage of persons of any particular race, creed, color, sex, national origin, religion, disability, sexual orientation or gender identity is unwelcome, objectionable, not acceptable, or not solicited.

*(Ord. 3128, 5-28-91)*

(2) This section shall not apply to:

(a) Any bona fide religious institution with respect to any qualifications the institution may impose based on religion when such qualifications are related to a bona fide religious purpose.

(b) The rental or leasing to transient individuals of less than six rooms within a single housing accommodation by the occupant or owner of such housing accommodation if the occupant or owner or members of the owner's family reside therein.

*[State Law Ref. Iowa Code Sec. 216.7] (Ord. 3377, 3-5-96)*

#### **Sec 14.8 ADDITIONAL UNFAIR OR DISCRIMINATORY PRACTICE — WAGE DISCRIMINATION IN EMPLOYMENT.**

(1) (a) The general assembly finds that the practice of discriminating against any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees does all of the following:

1. Unjustly discriminates against the person receiving the lesser rate.
2. Leads to low employee morale, high turnover, and frequent labor unrest.
3. Discourages employees paid at lesser wage rates from training for higher level jobs.
4. Curtails employment opportunities, decreases employees' mobility, and increases labor costs.
5. Impairs purchasing power and threatens the maintenance of an adequate standard of living by such employees and their families.

6. Prevents optimum utilization of the state's available labor resources.  
7. Threatens the well-being of citizens of this state and adversely affects the general welfare.

(b) The general assembly declares that it is the policy of this state to correct and, as rapidly as possible, to eliminate, discriminatory wage practices based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, and disability.

(2) (a) It shall be an unfair or discriminatory practice for any employer or agent of any employer to discriminate against any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees who are employed within the same establishment for equal work on jobs, the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions. An employer or agent of an employer who is paying wages to an employee at a rate less than the rate paid to other employees in violation of this section shall not remedy the violation by reducing the wage rate of any employee.

(b) For purposes of this subsection, an unfair or discriminatory practice occurs when a discriminatory pay decision or other practice is adopted, when an individual becomes subject to a discriminatory pay decision or other practice, or when an individual is affected by application of a discriminatory pay decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

(3) It shall be an affirmative defense to a claim arising under this section if any of the following applies:

(a) Payment of wages is made pursuant to a seniority system.  
(b) Payment of wages is made pursuant to a merit system.  
(c) Payment of wages is made pursuant to a system which measures earnings by quantity or quality of production.

(d) Pay differential is based on any other factor other than the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee.

(4) This section shall not apply to any employer who regularly employs less than four individuals. For purposes of this subsection, individuals who are members of the employer's family shall not be counted.

[State Law Ref. Iowa Code Sec. 216.6A]

#### **Sec. 14.9. UNFAIR OR DISCRIMINATORY PRACTICES - HOUSING.**

It shall be an unfair or discriminatory practice for any person, owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will:

(1) To refuse to sell, rent, lease, assign or sublease any real property or housing accommodation or part, portion or interest therein, to any person because of the race, color, creed, sex, religion, national origin, disability, familial status, sexual orientation or gender identity of such person.

(Ord. 3128, 5-28-91; Ord. 3377, 3-5-96)

(2) To discriminate against any person because of the person's race, color, creed, sex, religion, national origin, disability, familial status, sexual orientation or gender identity in the terms, conditions or privileges of the sale, rental, lease assignment or sublease of any real property or housing accommodation or any part, portion or interest in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.

(Ord. 3128, 5-28-91; Ord. 3377, 3-5-96)

For purposes of this section, "person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

(Ord. 3377, 3-5-96)

(3) To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion or interest thereof, by persons of any particular race, color, creed, sex, religion, national origin, disability, familial status, sexual orientation or gender identity is unwelcome, objectionable, not acceptable or not solicited.

*(Ord. 3128, 5-28-91)*

(4) To discriminate against the lessee or purchaser of any real property or housing accommodation or part, portion or interest of the real property or housing accommodation, or against any prospective lessee or purchaser of the property or accommodation, because of the race, color, creed, religion, sex, disability, age, national origin, sexual orientation or gender identity of persons who may from time to time be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives or in any similar capacity.

*(Ord. 3128, 5-28-91)*

*[State Law Ref. Iowa Code Sec. 216.8] (Ord. No. 3123, 3-26-91; Ord. 3377, 3-5-96)*

**Sec. 14.9A. ADDITIONAL UNFAIR OR DISCRIMINATORY PRACTICES - HOUSING.**

(1) A person shall not induce or attempt to induce another person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, creed, sex, religion, national origin, disability, familial status, sexual orientation or gender identity.

(2) A person shall not represent to a person of a particular race, color, creed, sex, religion, national origin, disability, familial status, sexual orientation or gender identity that a dwelling is not available for inspection, sale or rental when the dwelling is available for inspection, sale, or rental.

(3) (a) A person shall not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to a buyer or renter because of a disability of any of the following persons:

1. That buyer or renter.
2. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.
3. A person associated with that buyer or renter.

(b) A person shall not discriminate against another person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of any of the following persons:

1. That person.
2. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.
3. A person associated with that person.

(c) For the purposes of this subsection only, discrimination includes any of the following circumstances:

1. A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford the person full enjoyment of the premises.

In the case of a rental, a landlord may, where reasonable to do so, condition permission for a modification on the renter's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations are necessary to afford the person equal opportunity to use and enjoy a dwelling.

3. In connection with the design and construction of covered multifamily dwellings for first occupancy after January 1, 1992, a failure to design and construct those dwellings in a manner that meets the following requirements:

- a. The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons.

b. All doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs.

c. All premises within the dwellings contain the following features of adaptive design:

1. An accessible route into and through the dwelling.  
2. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.

3. Reinforcements in bathroom walls to allow later installation of grab bars.

4. Usable kitchens and bathrooms so that a person in a wheelchair can maneuver about the space.

d. Compliance with the appropriate requirements of the American national standard for buildings and facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A 117.1", satisfies the requirements of paragraph (c), subparagraph "3", subparagraph subdivision "c". Investigation of compliance with ANSI A 117.1 may be assisted by any experts that the investigators can gain the assistance of. The City of Ames Inspection Division shall assist investigations when directed to do so by the city manager.

e. Nothing in this subsection requires that a dwelling be made available to a person whose tenancy would constitute a direct threat to the health or safety of other persons or whose tenancy would result in substantial physical damage to the property of others.

(4) (a) A person whose business includes engaging in residential real estate related transactions shall not discriminate against a person in making a residential real estate related transaction available or in terms or conditions of a residential real estate related transaction because of race, color, creed, sex, religion, national origin, disability, familial status, sexual orientation or gender identity.

(b) For the purpose of this subsection, "residential real estate related transaction" means any of the following:

1. To make or purchase loans or provide other financial assistance to purchase, construct, improve, repair, or maintain a dwelling, or to secure residential real estate.

2. To sell, broker, or appraise residential real estate.

(5) A person shall not deny another person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in terms or conditions of access, membership, or participation in such organization because of race, color, creed, sex, religion, national origin, disability, familial status, sexual orientation or gender identity.

*[State Law Ref. Iowa Code Sec. 216.8A] (Ord. 3377, 3-5-96)*

#### **Sec. 14.10. UNFAIR OR DISCRIMINATORY PRACTICES - EDUCATION.**

It shall be an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, national origin, religion, disability, sexual orientation or gender identity in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

(1) Exclusion of a person or persons from participation in, denial of the benefits of, or subject to discrimination in any academic, extracurricular, research, occupational training or other program or activity except athletic programs;

(2) Denial of comparable opportunity in intramural and interscholastic athletic programs;

(3) Discrimination among persons in employment and the conditions of employment;

(4) On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.

For the purpose of this section 'educational institution' includes any preschool, elementary, secondary, or merged area school, area education agency, or postsecondary college or university and their governing boards. This

section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms or living facilities for the different sexes so long as comparable facilities are provided. Nothing in this section shall be construed as prohibiting (1) any bona fide religious institution from imposing qualifications based on religion when such qualifications are related to a bona fide religious purpose or (2) any institution from admitting students of only one sex.

*[State Law Ref. Iowa Code Sec. 216.9] (Ord. No. 2966, Sec. 1, 1-27-87, Ord. 3128, 5-28-91; Ord. 3377, 3-5-96)*

#### **Sec. 14.11. UNFAIR CREDIT PRACTICES.**

It shall be an unfair or discriminatory practice for any:

(1) Creditor to refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, physical disability, familial status, sexual orientation or gender identity.

(2) Person authorized or licensed to do business in this state pursuant to Chapter 524, 533, 536, or 536A, Code of Iowa, to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to persons of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, physical disability, familial status, sexual orientation or gender identity.

(3) Creditor to refuse to offer credit life or health and accident insurance because of color, creed, national origin, race, religion, marital status, age, physical disability, sex, familial status, sexual orientation or gender identity. Refusal by a creditor to offer credit life or health and accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by title XIII, Subtitle 1.

The provisions of this section shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of this chapter.

*[State Law Ref. Iowa Code Sec. 216.10] (Ord. 3123, 3-26-91; Ord. 3377, 3-5-96)*

#### **Sec. 14.12. AIDING OR ABETTING.**

It shall be an unfair or discriminatory practice for:

(1) Any person to intentionally aid, abet, compel, or coerce another person to engage in any of the practices declared unfair or discriminatory by this chapter.

(2) Any person to discriminate or retaliate against another person in any of the rights protected against discrimination by this chapter because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified, or assisted in any proceeding under this chapter.

*(Ord. 3128, 5-28-91)*

*[State Law Ref. Iowa Code Sec. 216.11] (Ord. 3377, 3-5-96)*

#### **Sec. 14.12A. INTERFERENCE, COERCION, OR INTIMIDATION.**

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 14.8, 14.8A, or 14.15A.

*[State Law Ref. Iowa Code Sec. 216.11A] (Ord. 3377, 3-5-96)*

#### **Sec. 14.13. EXCEPTIONS.**

The provisions of section 14.8 and 14.8A shall not apply to:

(1) Any bona fide religious institution with respect to any qualifications it may impose based on religion, sexual orientation, or gender identity, when such qualifications are related to a bona fide religious purpose, unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of race, color, or national origin.

(2) The rental or leasing of a dwelling in a building which contains housing accommodations for not more than two families living independently of each other, if the owner resides in one of such housing accommodations.

(3) The rental or leasing of less than four rooms within a single dwelling by the occupant or owner of the dwelling, if the occupant or owner resides therein.

(4) Discrimination on the basis of familial status involving dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal program that the commission determines to be consistent with determinations made by the United States secretary of housing and urban development, and housing for older persons.

As used in this subsection, "housing for older persons" means housing communities consisting of dwellings intended for either of the following:

(a) For eighty percent occupancy by at least one person fifty-five years of age or older per unit, and providing significant facilities and services specifically designed to meet the physical or social needs of the persons and the housing facility must publish and adhere to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

(b) For and occupied solely by persons sixty-two years of age or older.

(5) The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than four families living independently of each other, if the owner resides in one of the housing accommodations for which the owner qualifies for the homestead tax credit under section 425.1, Code of Iowa.

The exceptions to the requirements of sections 14.8 and 14.8A provided for dwellings specified in subsections 2, 3, and 5 do not apply to advertising related to those dwellings.

(6) Discrimination on the basis of sex involving the rental, leasing, or subleasing of a dwelling within which residents of both sexes would be forced to share a common living area.

*[State Law Ref. Iowa Code Sec. 216.12] (Ord. 3377, 3-5-96)*

#### **Sec. 14.13A. ADDITIONAL HOUSING EXCEPTION.**

Sections 14.8 and 14.8A do not prohibit a person engaged in the business of furnishing appraisals of real estate from taking into consideration factors other than race, color, creed, sex, religion, national origin, disability, familial status, sexual orientation or gender identity in appraising real estate.

*[State Law Ref. Iowa Code Sec. 216.12A] (Ord. 3377, 3-5-96)*

#### **Sec. 14.14. EXCEPTIONS FOR RETIREMENT PLANS, ABORTION COVERAGE, LIFE, DISABILITY, AND HEALTH BENEFITS.**

The provisions of this chapter relating to discrimination because of age do not apply to a retirement plan or benefit system of an employer unless the plan or system is a mere subterfuge adopted for the purpose of evading this chapter.

(1) However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of seventy because of that person's age. This paragraph does not prohibit the following:

(a) The involuntary retirement of a person who has attained the age of sixty-five and has for the two prior years been employed in a bona fide executive or high policymaking position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan of the employer which equals twenty-seven thousand dollars. This retirement benefit test may be adjusted according to the regulations prescribed by the United States secretary of labor pursuant to Pub. L. No. 95-256, section 3.

(b) The involuntary retirement of a person covered by a collective bargaining agreement which was entered into by a labor organization and was in effect on September 1, 1977. This exemption does not apply after the termination of that agreement or January 1, 1980, whichever first occurs.

(2) A health insurance program provided by an employer may exclude coverage of abortion, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

(3) An employee welfare plan may provide life, disability or health insurance benefits which vary by age based on actuarial differences if the employer contributes equally for all the participating employees or may provide for employer contributions differing by age if the benefits for all the participating employees do not vary by age.

*[State Law Ref. Iowa Code Sec. 216.13]*

**Sec. 14.15. PROMOTION OR TRANSFER.**

After a person with a disability is employed, the employer shall not be required under this chapter to promote or transfer the person to another job or occupation, unless, prior to the transfer, the person with the disability, by training or experience, is qualified for the job or occupation. Any collective bargaining agreement between an employer and labor organization shall contain this section as part of the agreement.

*[State Law Ref. Iowa Code Sec. 216.14]*

...

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

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

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

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

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