

AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL
DECEMBER 17, 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.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of December 10, 2013
3. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Beer - Casey's General Store #2298, 428 Lincoln Way
 - b. Class B Beer - Pizza Pit, 207 Welch Avenue Suite 201
 - c. Class C Liquor & Outdoor Service - Cazador, 3605 Lincoln Way
 - d. Class B Liquor - Quality Inn & Suites, 2601 E. 13th Street
4. Resolution approving and adopting Supplement No. 2014-1 to *Municipal Code*
5. Resolution approving appointment of Andrew Potter to fill vacancy on ASSET
6. Resolution approving appointment of Nathan Joens to fill Student Tenant vacancy on Property Maintenance Appeals Board
7. Resolution approving appointment of Beth Romer to fill vacancy on Public Art Commission
8. Resolution approving designation of City representatives to Central Iowa Regional Transportation Planning Alliance (CIRTPA)
9. Resolution approving preliminary plans and specifications for 2012/13 Traffic Signal Program (Lincoln Way and Hayward Avenue); setting January 22, 2014, as bid due date and January 28, 2014, as date of public hearing
10. Resolution approving preliminary plans and specifications for 2013/14 Traffic Signal Program (Grand Avenue and 20th Street); setting January 22, 2014, as bid due date and January 28, 2014, as date of public hearing
11. Resolution approving preliminary plans and specifications for 2013/14 Collector Street Pavement Improvements Program - Sheldon Avenue (Lincoln Way to Hyland); setting January 22, 2014, as bid due date and January 28, 2014, as date of public hearing
12. Resolution approving preliminary plans and specifications for Furnishing Control Panels for Haber Road Substation; setting January 15, 2014, as bid due date and January 28, 2014, as date of public hearing
13. Resolution awarding contract for purchase of six CyRide buses to Gillig Corporation of Hayward, California, in the amount of \$2,491,785
14. Resolution approving Plats of Survey for 2316, 2318, and 2330 Lincoln Way and 2335 Chamberlain Street (Gilbane Project)
15. Resolution accepting completion of 2009/10 Low-Point Drainage Improvements (Crystal Street)
16. Resolution accepting completion of 2011/12 Asphalt Pavement Improvements (Barr Drive and Indian Grass Court)

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:

17. Staff report on Mosquito Control Program
18. Staff report on request for purchase of land for community gardens
19. Staff report on request for children's memorial park

HEARINGS:

20. Hearing on vacation of open space easement and storm water flowage easement located at 3910 Maricopa Drive:
 - a. Resolution approving vacation of easements
 - b. Resolution approving Plat of Survey for 3910 Maricopa Drive
21. Hutchison Street Right-of-Way:
 - a. Hearing on vacating right-of-way:
 - i. Resolution approving the vacation of the right-of-way
 - b. Hearing on sale of right-of-way:
 - i. Resolution approving sale of North ½ to property owner of 1401 Georgia Avenue
 - ii. Resolution approving sale of South ½ to property owner of 1311 Georgia Avenue

PLANNING & HOUSING:

22. Motion authorizing Mayor to sign letter of support for sponsorship of the Brownfield/Grayfield Tax Credit Application for Sheldon Munn site
23. Resolution supporting application by Kingland Systems for Brownfield/Grayfield Tax Credit Application
24. Northern Growth:
 - a. Resolution approving Water Service Territory Agreement with Xenia Rural Water District
 - b. Resolution approving Pre-Annexation Agreements for Quarry Estates, two Hunziker developments, two Frame properties, and Athen property
 - c. Resolution approving annexation requests for Quarry Estates, Hunziker North, two Frame properties, and Athen property
25. Staff report on compliance with South Bell TIF Agreement

WATER & POLLUTION CONTROL:

26. Resolution approving Engineering Services Agreement with HDR for design of Lift Station Improvements

ORDINANCES:

27. First passage of ordinance to add definition of *flashing yellow arrow* to Municipal Code Section 26.18(2)(k)
28. Third passage and adoption of ORDINANCE NO. 4166 rezoning 3333 Stange Road with north portion of parcel from Agricultural (A) to Suburban Low-Density Residential (FS-RL) and south portion of parcel from Agricultural (A) to Suburban Medium-Density Residential (FS-RM)
29. Third passage and adoption of ORDINANCE NO. 4167 making zoning text amendment to allow clubhouses in Residential High-Density Zone

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.**

REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

DECEMBER 10, 2013

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:04 p.m. on the 10th day of December, 2013, in the City Council Chambers in City Hall, 515 Clark Avenue. City Council Members present were Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, Victoria Szopinski, and Tom Wacha. *Ex officio* Member Alexandria Harvey was also present.

RECOGNITION OF AMES HIGH SCHOOL (AHS) TEAM MEMBERS AND COACHES:

On behalf of the City of Ames, Mayor Campbell recognized the following AHS team members and coaches for their very successful fall season.

Football: Coach Bruce Vertanen and team representatives Teddy Evans, Alex Brammer, Joe Bappe, Clifford Kwaw-Mensah were present.

Swim: Coach Dan Flannery was unable to attend. Team representatives Hannah Newell, Sara Bentley, Jessica Misra, Sydney Sorenson, and Maggie James were present.

State Cheer Squad: Coach Sarah Buss and team representative Claire Espeset were present.

Girls' Cross Country: Coach Kirk Schmaltz and team representatives Zoe Pritchard, Claire Dupuis, and Katelyn Moore were present.

CONSENT AGENDA: Council Member Goodman asked to pull Item No. 3 (Minutes of November 26, 2013) for separate discussion. Council Member Larson requested to pull, for separate discussion, Item No. 6, which was the Federal Airport Improvements Plan.

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

1. Motion approving payment of claims
2. Motion approving Report of Contract Change Orders for November 16-30, 2013
3. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor & Outdoor Service – The Café, 2616 Northridge Parkway
 - b. Class C Liquor & Outdoor Service – Thumbs Bar, 2816 West Street
 - c. Class C Liquor – Tip Top Lounge, 201 East Lincoln Way
 - d. Class C Beer – Swift Stop #6, 125 6th Street
 - e. Class C Beer – Swift Stop #7, 2700 Lincoln Way
 - f. Class C Liquor & Outdoor Service – Aunt Maude's, 543-547 Main Street
4. RESOLUTION NO. 13-540 approving 2013/14 Funding Contract with Ames International Partner Cities Association (AIPCA)
5. RESOLUTION NO. 13-541 approving Primary Rate Interface Telephone Service Agreement with Century Link
6. RESOLUTION NO. 13-542 approving Line Volume Plan Agreement with Century Link
7. RESOLUTION NO. 13-543 approving Internet Service Agreement with Century Link
8. RESOLUTION NO. 13-544 approving Certificate of Consistency with City's 2009-2014 CDBG Consolidated Plan on behalf of Youth and Shelter Services, Inc.
9. RESOLUTION NO. 13-545 proposing vacation of open space easement and storm water flowage easement at 3910 Maricopa Drive and setting December 17, 2013, as date of public hearing

10. RESOLUTION NO. 13-546 awarding contract for three Police Interceptor Sedans to Ames Ford Lincoln of Ames, Iowa, in the total amount of \$74,589
11. RESOLUTION NO. 13-547 rejecting all bids for Coal Yard Wheel Loader and approving continued use of the existing Wheel Loader (2010 John Deere 624K) at the Power Plant's coal yard, resulting in a diminished or foregone buyback guarantee
12. RESOLUTION NO. 13-548 approving change order to Professional Engineering Services with CDA for Grant Avenue Paving and Utility Design Project in an amount not to exceed \$41,775
13. RESOLUTION NO. 13-549 approving Change Order No. 31 for the CyRide Bus Facility Expansion Project Construction
14. RESOLUTION NO. 13-550 accepting completion of Maintenance Facility Energy Efficiency Project - HVAC Improvements
15. RESOLUTION NO. 13-551 accepting completion of Unit 8 Generator Repairs/Re-Wedging Stator Project
16. RESOLUTION NO. 13-552 approving Plat of Survey for 2410-2428 Lincoln Way and 114 Welch Avenue and 107-111 Stanton Avenue (Kingland Property)
17. RESOLUTION NO. 13-553 approving Plat of Survey with easements for 505 South Duff Avenue
18. RESOLUTION NO. 13-554 approving Plat of Survey for 2712 and 2716 Aspen Road
Roll Call Vote: 6-0. Resolutions/Motions declared adopted/carried unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

FEDERAL FISCAL YEAR 2015 AIRPORT IMPROVEMENT PLAN: Council Member Larson

asked City Manager Steve Schainker to remind the Council and public what had been set aside in the Capital Improvements Budget for the Airport Terminal project; that is what the City is informing the Federal Aviation Administration (FAA) of by filing the Federal Airport Improvement Plan. Mr. Schainker explained that, in order for the City to be eligible for federal funding, the Terminal project has to be in its own CIP. He stated that, based on input from the public, there was a desire to have a new Terminal Building with adequate space to accommodate its users and additional users and a large hangar that would allow corporate aircraft to be accommodated. Mr. Schainker recalled that this project has been set up as a partnership, using the federal funding first. He noted that the City is eligible for \$150,000 in Entitlement Funding. Transportation Engineer Damion Pregitzer added that the City is guaranteed \$150,000. Entitlement Funding, federal funding, City funding, state grant funding, Iowa State University, and funding from the private sector will be utilized to pay for the improvements. According to City Manager Schainker, the project is in the CIP, but out in the future, as the City has a lot of work to do – get the concept and design; it will take next year to work on that. The funding from the private sector also needs to be solidified.

Mr. Pregitzer reported that the reason Ames is doing this step now is that other jurisdictions may not have committed to the local funding to the extent that the FAA wanted. If not, they are not eligible for funding. He stated his hope that the funds could be raised during the next couple years; it would mean a great improvement for the Airport.

City Manager Schainker noted that the project consists of more than just the Terminal Building; it is also the extension of the runway. The latter doesn't show up in the actual project in the five-year window, but there is planning currently occurring. Mr. Pregitzer stated his belief that the major project will score well nationally for the FAA funding.

Moved by Larson, seconded by Davis, to adopt RESOLUTION NO. 13-539 approving the Airport Improvements Plan required by the Federal Aviation Administration (Federal Fiscal Year 4015 Airport Improvements Plan).

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

MINUTES OF NOVEMBER 26, 2013: Council Member Goodman brought the Council's attention to Page 17. He pointed out that the Minutes should state that the motion was to increase the City's *COTA* (not *ASSET*) allocation by 2.5%.

Moved by Goodman, seconded by Davis, to amend the Minutes on Page 17 to read, "Moved by Goodman, seconded by Wacha, to increase the City's *COTA* allocation by 2.5%"

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

PUBLIC FORUM: Chris Anderson, 1207 Cherokee Street, Nevada, thanked the City Council for supporting the street closure at State and Mortensen for the Arthritis Foundation Jingle Bell Run. Mr. Anderson reported that the Run was held last Saturday in -3° weather. The weather caused a small decrease in participation; however, over \$10,000 was raised.

SOUTH DUFF ACCESS STUDY: Transportation Engineer Damion Pregitzer reminded the Council members that, on June 11, 2013, they had referred to staff a letter from Chuck Winkleblack regarding access management on South Duff Avenue from South 5th Street to approximately Squaw Creek. The letter asked the Council to direct staff to conduct a study of the South Duff Corridor, evaluating the consolidation of several access drives along both the east and west sides of the street into a single signalized intersection. The purpose of the proposed changes was to improve traffic safety and efficiency along Ames' highest-volume roadway. According to Mr. Pregitzer, staff had held a coordination meeting with the Iowa Department of Transportation (DOT) staff, property owners, and developers who would be affected by a consolidation of access points. The study was then presented to the City Council on July 9, 2013. At that meeting, the Council directed staff to conduct the access study and traffic signal warrant analysis.

Mr. Pregitzer summarized the findings and recommendations of the South Duff Access Study. It was reported by Mr. Pregitzer that the road segment in question has a significantly higher crash potential than what is expected of similar roadways. Comparing accident statistics for commercial arterials over the past ten years, the crash rate for the segment of the South Duff Corridor between South 5th Street and the Squaw Creek Bridge is 148% over the state average, and the injury crash rate for that quarter-mile segment is 155% over the state average. Mr. Pregitzer said that means that if a person has an accident in that segment of roadway, he/she is 1.5 times more likely to be injured than on other similar roadways in the state. Because of those statistics, there does appear that there is a significant safety concern. Due to those findings, the project also includes the installation of a raised median between the South 5th Street intersection and the new traffic signal location and from the new signal south to the Squaw Creek Bridge.

It was reported by Mr. Pregitzer that staff had discussed, on November 25, 2013, the preliminary findings of the Study with the Iowa DOT staff. The Iowa DOT staff had supported the findings of the warrant analysis and the proposed location of a new traffic signal at approximately 725 south of the South 5th Street intersection. According to Mr. Pregitzer, in addition to the installation of a traffic signal, the proposed project would include restoration of

street right-of-way in the area of the existing Wal-Mart drive as well as some minor reconfiguration of Wal-Mart's parking lot and drive aisles to accommodate the new traffic patterns. The Iowa DOT staff had advised that, without the median, safety would not be increased.

Mr. Pregitzer summarized the estimated project cost and funding strategy. The estimated cost of \$325,000 includes a new traffic signal (\$200,000) plus roadway and paving improvements (\$125,000). The project would be eligible for Iowa DOT grant funding from the Urban-State Traffic Engineering Program (U-STEP), which allows up to a maximum amount of \$400,000 for linear improvements. The grant funding requires a local match of 45%.

According to Mr. Pregitzer, affected property owners along South Duff Avenue (between South 5th Street and Squaw Creek) were invited to a follow-up meeting on December 3, 2013. Discussion at that meeting centered on topics of greatest concern, which included the following:

1. Negative financial impact on businesses/convenience factor (raised median)
2. Longer trips caused by a raised median (U-turns)
3. Willingness of property owners to provide cross-access easements
4. Special need for access of larger vehicles (semi-trucks, heavy equipment)

The sequential steps that would need to be taken if the Council were supportive of the proposed traffic signal and access management project were explained by Mr. Pregitzer. He emphasized that before providing direction to proceed, the appropriate solution to the traffic situation requires the installation of both a traffic signal and a raised median. The Council was informed that not all property/business owners were in support of construction of a raised median.

According to Mr. Pregitzer, staff believes that a fair approach to financing the project would be for the City to contribute up to \$50,000 towards the local match. Wal-Mart, Hunziker Development, and the Bundy Family Trust could be approached to be approached to contribute the remaining two-thirds (\$100,000). Mr. Pregitzer reviewed the sequential steps necessary if the City Council agrees to proceed with the improvements: [1] negotiate development agreements with the neighboring property owners that will secure \$100,000 in funding commitments, [2] identify the City's source of funding (\$50,000) for the project, [3] submit a grant application to the Iowa DOT for U-STEP funding; [4] secure cross-access easements to support the goal of the project; [5] select an engineering consultant to design the project, and [6] construct the project.

Mr. Pregitzer noted that staff recognizes that the raised median could impact businesses that currently have direct access onto South Duff; however, the median is necessary for the improvement of safety and for the efficient progression of traffic between the two intersections. He emphasized that the longer-term success of this project will involve an internal site circulation plan among properties to guide the design/layout of future development within the South Duff Corridor. According to Mr. Pregitzer, the opportunity now exists to apply current best traffic management practices to reduce conflict points along South Duff Avenue. The project is an opportunity to make a significant traffic improvement in the Corridor that will have mutual benefit for both the adjacent businesses and the greater Ames community. Mr. Pregitzer also noted that there are existing Iowa DOT access agreements for driveways at 519 South Duff and 534 South Duff that have similar conditions. The installation of a raised median there and/or full closure of those drives might be required. Those actions would be

driven by safety or traffic issues that occur from direct access to South Duff, as determined by the City or Iowa DOT.

Upon being questioned, Mr. Pregitzer answered that construction of a frontage road had been explored. However, the area is already very tight due to the flood plain in the area. The different parcels would have to meet zoning requirements, and if that much of the right-of-way would be taken out for a frontage road, some of the area would not be developable. Instead, access easements are being recommended to serve as frontage roads in order to maximize the amount of developable property in the area. Mr. Pregitzer emphasized that it would take a great deal of coordination by the property owners to make this project happen.

Council Member Davis asked if the extension of Grand Avenue would alleviate the traffic issues on South Duff. Mr. Pregitzer replied that, in the years following the extension of Grand, there would be a shift in traffic. However, it is anticipated that, even with extension of Grand Avenue, the traffic would reach the current level in fewer than 25 years.

Council Member Larson asked if the City were restricted from making improvements to South Duff since it is a U. S. Highway that is governed by the Iowa Department of Transportation. He said he was abit confused over whether the proposed project was geared toward the increased traffic that will occur as a result of development on the west side of the road or if it were geared towards the current or anticipated safety issue as a result of the development. Clarifying, he asked whether the intersection or the median was driving this proposed project. Mr. Pregitzer stated that the two can't be separated if the goal is operations and safety. He again noted that the Iowa DOT officials have determined that it would take both the signal and the median to arrive at the level of safety improvement needed. It was stated by Mr. Pregitzer that there is an average of ten wrong traffic movements per hour in front of Wal-Mart. Mr. Larson asked specifically what the City of Ames can or cannot do as it relates to what the City considers to be improvements on Highway 69 (South Duff). Mr. Pregitzer said that the Iowa DOT has to approve all highway improvements. He does not have an answer yet from the Iowa DOT as to what the City can do.

Council Member Szopinski asked if this could be a phased project, i.e., the signal would be installed first with the median installed at a later date if it was deemed that it was needed for safety reasons. Mr. Pregitzer stated that it would be possible; however, due to this segment of roadway having a significantly higher crash potential than what is expected of similar roadways, the median could be required by the Iowa DOT.

Harry Wolf, Managing Director of Buyers Realty, Inc., 3101 Ingersoll, Des Moines, stated that his company owns the Boston Commons Ames building, aka as the Verizon building. Mr. Wolf referenced the letter he had submitted to the Council on this date. He reported that his company had not been notified of the meetings hosted by City staff for some reason. It was noted by Mr. Wolf that his company concurs with the four concerns raised by other affected land owners: negative financial impact on businesses/convenience factor, longer trips caused by a raised median, willingness of property owners to provide cross-access easements, and special need for access of larger vehicles. Mr. Wolf said that it had been the experience of his company that properties are de-valued dramatically when medians are installed without frontage road connectivity at both ends of the median. If customers cannot easily access a site or have that perception, they will avoid the site, which leads to tenant dissatisfaction, vacancies, and property tax decline. Mr. Wolf asked whether a median is needed in order to construct the

signal. In the event that the City believes the median would be required, he presented five stipulations with which his company could possibly be supportive of that concept.

David Brenner, 1214 Marston Avenue, Ames, sees this as also being a flooding issue. He pointed out that during heavy rains, water already backs up to the crown of the roads. Mr. Brenner said the roads continue to be built higher and higher in this area, and he believes that if you added another six inches for the median, it would in turn raise the water level six inches. It was his suggestion that a way be found to widen and lower the roadway so that more water can pass over the road.

Jeff Bundy, representing the Bundy Family Trust, said that they would have a very difficult time getting tenants for their property located on the southeast corner of South Duff if a median were constructed. They currently are negotiating with a tenant for that property, which has stated that they will not be interested in the property if a median is constructed on South Duff. Mr. Bundy also stated that he had talked to representatives of Texas Roadhouse, who told him that they would not have come to that location if they knew that a median was going to be constructed. Mayor Campbell asked if the accident history on that stretch of road concerned him. Mr. Bundy said that it did, but he would like the City to look at other alternatives.

James Howe, 811 South Duff, Ames, owner of Howe's Welding and Metal Fabrication, stated that his company had been located at its current location for 28 years. At that time, his company was about the last company in town. Mr. Howe advised the Council that semi-trailers, excavators, cranes and other heavy equipment need to have access to his company. He does not want his customers to be forced to make a U-turn in order to access his business from the south or when leaving his business to the north. Mr. Howe expressed his concern over who would pay for the proposed changes. He also said that he was concerned about the probable elevation change likely to exist at the proposed stoplight. Mayor Campbell asked Mr. Howe, given the changes to South Duff, if his current location was still an appropriate one for his company. Mr. Howe said he had no other place to go at this time. If he knew 28 years ago what he knows now, he would not have located there.

Upon being questioned by Council Member Orazem, Mr. Pregitzer stated that staff is just asking for approval of the concept; the actual design work would come later.

Piper Wall, 912 Clark Avenue, Ames, identified herself as Jim Howe's spouse, and stated that she shares the concerns about the elevations and the cost of the proposed improvements. She said that they are not adverse to having the project explored, but would like to know more about what exactly would likely to be gained and definitely want to have the access issues worked out.

Mike Flummerfelt, 6717 George Washington Carver, Ames, stated that he owns Enterprise Rental Car, which is the property next to Texas Roadhouse. He believes that the concerns expressed are all legitimate. Mr. Flummerfelt feels that the property owners who would benefit from the median are those located directly across the intersection. He pointed out that there will be many properties that will need to have deliveries from large semi-trucks, which will prove especially difficult for all the properties on the west side. It is a legitimate concern that tenants would shy away from the properties that have limited access, and those property values would decrease. Mr. Flummerfelt asked if staff had considered what South Duff will look like when

the turning lanes fill up and it then becomes two lanes. He feels that is a very legitimate concern that needs to be addressed.

Chuck Winkleblack, 105 S. 16th Street, Ames, told the Council that the majority of people who attended the last meeting with staff agreed that this stretch of Ames is a disaster to get through. He believes that Ames can construct the improvements and try to make the situation better or it can compound the problems and make it worse by doing nothing. Installing a signal and timing it with the other signals would alleviate a lot of traffic issues. He agreed that this concept will take a great deal of coordination among the property owners. Mr. Winkleblack asked that the Council move the concept forward and allow City staff and property owners to attempt to address the access issues and see if they can come to a mutually acceptable solution. He also pointed out that this is a concept only; it is not the final product, and there is a lot more input that needs to be provided from all the affected property owners.

Council Member Szopinski asked for the Council to have more information from the Iowa DOT as to what could be allowed.

After being questioned by Council Member Szopinski, Mr. Winkleblack said he disagreed with Mr. Flummerfelt that his property values would go down. He pointed out that there was no evidence to support that statement.

Council Member Goodman asked if there were other alternatives. Mr. Pregitzer stated that he does not believe that significant gains could be realized if staff were asked to re-work the concept. He said that it is pretty well known what solutions would work for the type of traffic concerns that are occurring on South Duff.

Mayor Campbell pointed out that input had not been received from the general public who have to traverse South Duff on a regular basis.

Council Member Wacha offered his opinion that this is clearly a safety issue.

Moved by Wacha, seconded by Orazem, to direct staff to follow Steps 1 through 6, i.e.: [1] negotiate development agreements with the neighboring property owners that will secure \$100,000 in funding commitments, [2] identify the City's source of funding (\$50,000) for the project, [3] submit a grant application to the Iowa DOT for U-STEP funding; [4] secure cross-access easements to support the goal of the project; [5] select an engineering consultant to design the project, and [6] construct the project.

Council Member Goodman said he would like staff to have more discussion with the affected property owners, making sure that every property owner is notified and has a chance to participate in the discussion.

Council Member Larson noted that he could not support the motion until the City could explore more about what the Iowa DOT will allow. He said that part of his reason for suggesting that is that it might be impossible to get concurrence from all the affected property owners to work with each other. He would like to see Phase 1 be installation of the stop light and then not proceed to construction of a median if it can be avoided. It was his opinion that perhaps if no funding is asked for from the Iowa DOT, other alternatives might exist.

Council Member Davis acknowledged that there is a definite safety component that needs to be addressed, but he also wanted to make sure that all affected property owners are involved.

Traffic Engineer Pregitzer said he would like the Council to at least approve Steps 1 through 4 so that staff time and funding may be allocated to this project. The City would need to commit funding to the general concept. It will take time to negotiate with all the affected owners. City Manager Schainker suggested that Step 3 pertaining to submitting an application for a grant be replaced with directing staff to get more information from the Iowa DOT as to what options are available to the City.

Council Member Orazem pointed out that none of the possible improvements can occur if the property owners will not agree to cross-access easements.

Motion withdrawn.

Council Member Wacha advised that he supported the traffic signal with the median for safety reasons.

Moved by Wacha, seconded by Orazem, to direct City staff to proceed with plans to potentially construct a traffic signal and median in this area, which would include negotiating with the property owners to address their concerns about cross-access easements and talking with the Iowa DOT on what would be required for USTEP funding and/or to get their approval.

Council Member Larson asked if discussions with the Iowa DOT would ask specifically if the median is required. Mr. Pregitzer said that there would be many items included in the discussion with the Iowa DOT. All the design options would be considered.

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

Council Member Larson explained that the only reason he voted aye was because he saw a lot of flexibility in that motion.

HUTCHISON STREET RIGHT-OF-WAY: Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 13-555 setting the date of public hearing on the vacation of the Hutchison right-of-way.

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

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 13-556 setting the date of public hearing on the conveyance of the Hutchison right-of-way.

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

HEARING ON SPRING 2014 UNIT 8 BOILER REPAIRS: Donald Kom, Director of Electric Services, reported that the apparent low base bid had been submitted by ProEnergy Services, LLC, of Sedalia, Missouri. The bid submitted did not supply not-to-exceed time and material prices for any of the options listed. The options were engineered and specified so that various additional repairs could be carried out if the need is identified after the boiler is opened up.

Should any of the optional services be needed, staff will initiate change orders for the added work based upon ProEnergy's assessment of the needed time and materials. Their hourly rates are significantly lower than those of the other three bidders on this project, and staff feels assured that any optional work performed by ProEnergy will be at a lower cost than the other bidders.

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

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 13-557 approving final plans and specifications and awarding a contract to ProEnergy Services, LLC, of Sedalia, Missouri, in the amount of \$331,069.50, plus applicable sales taxes.

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

KINGLAND SYSTEMS: City Manager Steve Schainker reminded the Council members that they, at their November 26, 2013, meeting, had reviewed and recommended provisions regarding the TIF Agreement. Mr. Schainker outlined the modifications that had been made to the Agreement since Council's preliminary review.

The public hearing was opened by Mayor Campbell. Gabby Williams, 425 Welch Avenue, Ames, advised that the Government of the Student Body passed a Resolution to ask that the retail space be retained indefinitely. She noted that the Agreement now states the retail space be required on the ground floor for 20 years; that is a compromise that might be reasonable. However, she noted that the Agreement now only requires 75% of the ground floor to be retail for 20 years. Ms. Williams believes that the desires of the students is that there should be multiple store fronts on 100% of the ground floor. She asked that the City Council take into account what has been expressed from the students. The hearing was closed after no one else requested to speak.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 13-558 approving the Kingland Systems Tax-Increment Financing Agreement.

Council Member Goodman asked if it would be a "deal breaker" if the Agreement were modified to require 100% of the ground floor to be retail. Todd Rogness, President of Kingland Systems Corporation, stated that he appreciated involvement by the ISU students. They believe that the Agreement being presented to the Council at this meeting is a good compromise. He stated that Kingland really needs to have flexibility in the event that retail is not in demand at some point in the future. At the inquiry of Council Member Larson, City Manager Schainker explained how they came up with the proposed amount of required retail space as part of the compromise.

Council Member Szopinski reiterated her feelings that this is not enough return for what the population in the area was requesting. Council Member Orazem disagreed, pointing out that there will be more retail space for the first ten years and it is being guaranteed that there will not be any less retail than what currently exists for the next ten years.

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

The meeting recessed at 8:55 p.m. and reconvened at 9:03 p.m.

WESTWOOD VILLAGE: City Planner Jeff Benson recalled that, on October 22, 2013, a public hearing was held on an amended Major Site Development Plan for Westwood Village Planned Residence Development. At that meeting, the City Council postponed action on the proposed amendment and asked the developer, Haverkamp Properties, and neighborhood representatives to meet to see if an agreement could be reached on revisions to the proposed Plan. Since October 22, neighborhood residents have re-established the Edwards Neighborhood Association and appointed officers. On November 21, 2013, three representatives of that Neighborhood Association and three representatives of Haverkamp Properties met with a City staff member present, and that meeting resulted in proposed revisions to the Amended Plan.

Mr. Benson reported that the project is now being proposed as a total of 18 units and 54 bedrooms, rather than the former proposal of 24 units and 72 bedrooms. In addition, there are changes to the building location (farther north) and parking lot layout (consolidated to one location) to further protect existing trees. The changes from the existing approved Plan to the proposed revised Plan agreed upon with the Neighborhood representatives at the November 21, 2013, meeting were detailed by Planner Benson. He reported that staff had concluded that the revised Major Site Development Plan meets the Principles and Standards for a Planned Residential District development.

Douglas Provow, 3655 Story Street, Ames, stated that he opposed the 72-bed complex, worked with the Edwards School Neighborhood Association, met with Mr. Haverkamp, and worked to get the compromise that Mr. Haverkamp presented when he failed to accept the 25% expansion to the two-story building that he was originally authorized to build. Mr. Provow told the Council that he had lived in Ames for over 50 years. He said that his neighborhood had lost the battle against large apartment buildings 40 years ago when the City allowed the first one to be built in residential neighborhoods. According to Mr. Provow, there formerly were families with children in single-family homes, but not one child now lives on Story Street; students and single people occupy the apartments. This has led to the closing of Edwards School. Mr. Provow asked the Council to never again allow large apartment buildings to be interjected in single-family residential neighborhoods. Mr. Provow referenced the oak trees at issue. He said, although it appears that the issue had been resolved for now, one problem still remains in that future generations will never see another oak tree there because in the past 50 years, no one has allowed small oak trees to grow. Without small oaks, the grove will cease to exist.

Ken Platt, 3620 Woodland Street, Ames, asked the Council not to approve the proposal. There is a two-story building already approved. Mr. Platt advised that the Edwards Neighborhood Association, in meeting with Mr. Haverkamp, offered to allow the size of the two-story building to be enlarged; however, that was rejected by Mr. Haverkamp. He said that a three-story building does not blend in well with the residential neighborhood. It is felt that such a building will cause property values of adjacent properties to decline. Mr. Platt provided a summary of the meetings of the Neighborhood Association representatives with the owner of the property in question. He believed that the entire process was forced on his neighborhood. It was extremely rushed at a very busy time for the residents; there was not enough time to allow for

a reasonable compromise to be reached. According to Mr. Platt, the residents felt that they had to take the lesser of two evils.

Susan Ravenscroft, 455 Westwood, Ames, told the Council that the Neighborhood living near Westwood Village PRD were given an enormous task after the City Council told Brent Haverkamp to talk to the neighbors about his proposal for a 72-bed three-story building. She explained all the tasks that had been undertaken by the neighborhood residents since October 22, 2013: to reorganize their neighborhood association, elect officers, choose representatives to negotiate with the developer, and organize meetings. Ms. Ravenscroft reported that at the neighborhood meeting, the neighborhood representatives indicated very clearly that they would support expanding the 24-bed building to 30-beds and were totally in support of moving the building to the west to avoid harming any trees. The residents also indicated that they would oppose any three-story building. According to Ms. Ravenscroft, this is all about the benefits of Mr. Haverkamp's increased profits outweighing the negative impacts on the neighborhood: traffic, declining quality of life, increased noise, and increased litter. She also reported that one resident had been told by her realtor that a three-story building would cause the value of her home to decline. Ms. Ravenscroft expressed her dismay at the neighborhood being brought into the process so late. She said that Mr. Haverkamp had told the residents that he had already spent six months working with staff on the proposal. It was recalled by Ms. Ravenscroft that the 24-bedroom facility approved in 2006 was already a compromise. Because of the time demands placed on the neighborhood residents, Ms. Ravenscroft said that they needed to vote extremely quickly. That vote was done by a mix of phone calls and e-mails. Some people were contacted, others were not. There was trouble with the e-mail list. Ms. Ravenscroft alleged that there was a disorganized, hasty, and incomplete vote that was done on the basis that if the residents didn't vote for 54 beds, they would surely get 72. She said that Mr. Haverkamp told the negotiating team that he was confident of that outcome. According to Ms. Ravenscroft, the rushed deadlines that the neighborhood had to deal with were due to (1) Mr. Haverkamp, who has had permission to build a 24-bed facility for nearly eight years. If that was unsatisfactory to him, he should have come to the City much earlier and started negotiations. (2) the City. The residents were always behind because they were not brought into the process soon enough. Ms. Ravenscroft reported that the neighborhood raised the concept to City staff and to Mr. Haverkamp of working together to create a plan that would make the PRD fit into the neighborhood. With the proposal, the height and density conditions are violated. It was the request of Ms. Ravenscroft that the City Council deny the proposal.

Deb Carnine, 3654 Story Street, Ames, reported that she was one of the members of the negotiating team. She advised that the majority of neighbors in the hastily organized poll agreed to the 54-bed revision. According to Ms. Carnine, Mr. Haverkamp imposed a six-day deadline for returning the decision from the neighbors; that gave them no time to meet and no time to discuss it. They had no time to prepare a counter-offer or discuss any of the negotiating points. Ms. Carnine also stated her disagreement with a recent staff report that stated that the closing of Edwards School would remove concerns about the safety of children in the area. She pointed out that there will still be a playground, a McDonald's restaurant, a grocery store, and a pet shop. If all goes well, there will also be a park - all of which are frequent destinations for families of young children. It was reported by Ms. Carnine that she had called the police many times for loud drunken students in her yard or under her window at 2:30 or 3:00 in the morning. She said she only calls the police for a quarter of the time that those types of incidents occur. Her retaining wall has been vandalized. Ms. Carnine reported that she did vote for the 54-bed building; however, she wished she would have voted to keep the 30-bed two-story building.

There was not enough time to get all the information necessary to make a decision, and many of the residents felt that it was a bait-and-switch deal.

Kathy Schnable, 3629 Woodland Street, Ames, pointed out that buildings in a PRD are to blend in with the neighborhood. She is concerned about the height of the proposed building, and the proposed building is too dense for the neighborhood. Ms. Schnable noted that those residents voting in favor of the three-story building did so because they felt if they didn't, they would get a 72-bedroom building. She pointed out that the buildings in a PRD are supposed to blend in with the neighborhood, not only with the other buildings in the PRD. According to Ms. Schnable, the density in the Westwood PRD is already in excess of what should be allowed. Ms. Schnable emphasized that those who voted in favor of the three-story 54-bed building do not think it is a great project; however, they were afraid that if they didn't vote to appear the 54-bed building, they would get the 72-bedroom building. According to Mr. Schnable, the e-mail residents received stated that Mr. Haverkamp felt confident that he could get the 72-bed building.

Jo Baumann, 3615 Story Street, Ames, advised that she and her husband are opposed to the proposed apartment building due to the increased traffic and noise and how it will impact their quality of life and their property values. They are also opposed to the size of the building. Ms. Baumann believes that the apartment buildings do not fit into the residential neighborhood. According to Ms. Baumann, with the new building, there will be over 200 units in the small area in question. According to Ms. Baumann, the existing apartment buildings have drastically changed the neighborhood. She also noted that the discussions with Mr. Haverkamp were very rushed. Many of the residents who would have voted against the proposed plan were out-of-town. Ms. Baumann urged the Council not to approve the proposal.

Sharon Guber, 2931 Northwestern Avenue, Ames, reminded the Council that a plan for this property was approved in 2006. She explained the steps taken at that time and the compromise arrived at between the affected neighbors, City staff, and Mr. Haverkamp. The 2006 plan had been approved after considering the Land Use Policy Plan policies and goals, the wishes of the developer, and the wishes of the neighborhood. Ms. Guber pointed out that the plan has now changed to be a three-story building, which causes an increase in the number of residents. She stated that this is a concern not only in Ames, but all around the country because the requirements of the Zoning Code are based on the number of dwelling units; it is being based on density, instead of intensity. When the intensity is increased, it increases the impacts on the neighborhood. Ms. Guber urged the Council to direct that staff find out what other municipalities are looking at across the country. She would like the Zoning Code revised to be based upon intensity, not density. At this time, the development at issue is a change from something that was approved by the City Council, approved by the developer, and approved by the neighborhood. That plan had been approved in 2006, and people who bought property in the neighborhood, are contemplating purchasing property in the neighborhood, and those living in the neighborhood for some time considered that plan before they bought. Now the plan is changing dramatically in terms on the impact on the neighborhood.

Linda Feldman, 1111 Stafford Avenue, Ames, also spoke as to the process. It was her feeling that when the City Council members directed the developer to go back and talk to the neighborhood residents, they did not think that it would be so rushed. Ms. Feldman urged the City Council to vote no on the proposal.

Brent Haverkamp, 4720 Mortensen Road, Ames, stated that he had met with neighborhood residents on November 21, 2013. He said that after discussion and a variety of proposals presented by the neighborhood and him, he left proposing a 54-bed building (25% decrease) on the site in question. The President of the Neighborhood Association had called him the next week, and she said that the majority of the homeowners approved of the 54-bed project. Based on that, Mr. Haverkamp said he had the plan designed and submitted to the City staff. According to Mr. Haverkamp, the vote from neighborhood residents was 20 - 8 to approve the 54-bed building with two conditions: (1) that he commit to building no further developments on the site and (2) that he sell the vacant lot located at 306 Hickory to the neighbors (Greg and Karen Larson). At a subsequent meeting, Mr. Haverkamp had also advised the residents that he had no plans to build a multi-family development at the Edwards School site. He said that those commitments were also put in writing.

Council Member Larson asked to address the timing issue. He noted that the City Council had met on October 22, 2013, and requested that the developer meet with the residents; however, they didn't meet with the residents until November 21. Mr. Haverkamp said that he was also frustrated by that and had called City staff many times about getting a meeting scheduled. He had been told that the neighborhood was not ready to meet and was not yet ready to meet. The meeting finally occurred on November 21. Mr. Larson pointed out that that was almost a month, which seemed like an adequate time for the neighborhood to discuss the proposal. Ms. Baumann responded that the Edwards Neighborhood Association had disbanded prior to this issue and had to get reorganized. She stated that no one in the neighborhood knew that there was a limited amount of time to meet.

Council Member Orazem asked if there were any residents in favor of the 2006 plan. Planner Benson stated that it was offered as one of three options to the neighbors.

Council Member Wacha said he felt that both sides had to compromise. He felt they had done that as the neighborhood wanted a decrease in the number of beds. The developer was willing to decrease the number of beds by 25%. That was approved by the majority of those voting. Mr. Wacha pointed out that, with compromise, not everyone is happy.

Planner Jeff Benson reported that the Code requires action by the City Council within 60 days of the hearing. The hearing was held on October 22, 2013; therefore, the City Council must make a decision by December 21, 2013. He stated that he had conveyed that deadline to the neighborhood residents.

Council Member Szopinski pointed out that the message from the neighbors had been very cohesive about the process. She also pointed out that the traffic study meeting was held on the night of the Edwards School Carnival when many families would not have been able to attend.

Council Member Goodman expressed his opinion that the building in question does not look like a PRD; it doesn't fit in the neighborhood. He also pointed out that this neighborhood has had to go through this time and time again.

Council Member Larson asked what ultimately allows a change in the PRD. He said that he was disappointed that it took over a month for the developer and neighbors to meet. In regards to what had changed, Planning and Housing Director Diekmann said that housing needs in Ames

had changed. Mr. Diekmann pointed out that the Council could deny the amendment to the Plan; and if so, the 2006 Plan would stand.

Moved by Szopinski, seconded by Goodman, to deny the amendment to the Major Site Development Plan.

Council Member Goodman said that he did not feel it was totally unreasonable to allow some increase in the building if there is a guarantee that it will not happen again.

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

The meeting recessed at 10:11 p.m. and reconvened at 10:15 p.m.

INTERNATIONAL BUILDING CODES: Building Official Seana Perkins advised that updates to a number of nationally recognized Codes are adopted by the City of Ames on a three-year cycle. Those Codes provide the requirements, consistency, and guidance to the City's Inspection Division as it reviews and inspects projects in the City. The Codes needing updated at this time include the following:

- International Building Code
- International Residential Code
- International Existing Buildings Code
- International Mechanical Code
- International Fuel Gas Code
- Uniform Plumbing Code
- International Fire Code

Ms. Perkins related to the Council the steps in the Code adoption process. The Building Board of Appeals held a public hearing on September 9, 2013, to consider changes to the seven affected Codes as well as to the International Energy Conservation Code (IECC). At that time, the Board also recommended that the City Council adopt revisions to *Ames Municipal Code* Chapters 5 and 8.

It was noted by Ms. Perkins that the Inspections Division had received a letter from Brad Heemstra, representing the Ames Home Builders Association, asking that the City not adopt the 2012 IECC and remove that section from the International Residential Code (IRC). Inspections staff contacted other jurisdictions (Des Moines and Ankeny) that had moved forward with the 2012 Code adoption process. Both of those cities had chosen to exempt the 2012 IECC standards from the IRC and will follow the state of Iowa's lead with the 2012 IECC adoption process. *Ames Municipal Code* Chapter 5 is already following the state of Iowa for energy conservation. With that proposed change, another hearing of the Building Board of Appeals was held on October 7, 2013. The Board recommended at that meeting that the City Council approve a local amendment to the 2012 IRC to remove energy conservation; Ames' customers will continue to utilize the same requirements as are currently being utilized.

According to Ms. Perkins, Inspections staff also hosted a 2012 Code Adoption meeting on September 23, 2013 with all contractors who had done business with the Inspections Division

within the past year notified by e-mail. Eight local contractors attended. Presentations were given by Inspections staff followed by a discussion of the 2012 Codes.

In reviewing the 2012 International Fire Code (IFC), staff concluded that the City of Ames should make an additional revision to Chapter 8. The City originally had revised that Section to remove portions of IFC Chapter 11. However, those sections cannot be removed to ensure that the City of Ames will not be less restrictive than the state when it adopts the 2012 IFC. Ms. Perkins reported that the Board of Appeals met again on December 2, 2013, and moved to approve the amended version of Chapter 8 and to recommend its approval to the City Council.

Ms. Perkins brought the Council's attention to the list of the significant changes from the adopted 2009 Codes, which were included in the Council Action Form.

Council Member Goodman asked if the piece of the Code pertaining to energy conservation was predominantly geared towards electricity, natural gas, or material expectations. Plans Examiner Scott Ripperger said that it had to do with construction, i.e., R-Value of insulation, energy-efficient lighting, etc. Council Member Goodman also asked if this would be opportunities for the City's Demand-Side Management Program. City Manager Schainker stated that he would report back to the City Council on that.

It was also asked by Mr. Goodman if the adoption of these Codes would make it more difficult for people to retrofit/renovate older homes. Plans Examiner Ripperger replied that one of the Codes that is being recommended for adoption is the International Existing Building Code, which is a stand-alone code that deals only with existing building. That does give some leeway and latitude to not have to bring older buildings to all current codes.

Moved by Goodman, seconded by Szopinski, to set the date of public hearing for January 14, 2014, on the adoption of the proposed changes to Ames Municipal Code Chapters 5 and 8 and the 2012 editions of the International Building Code, International Residential Code, International Existing Building Code, International Mechanical Code, International Fuel Gas Code, Uniform Plumbing Code, and the International Fire Code, with local amendments.

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

FIRE ALARM SYSTEM RETROFITTING: Building Official Perkins explained that, during 2009, an extensive community involvement process had resulted in numerous changes to *Ames Municipal Code* Chapter 13 (Rental Housing Code). At that time, a new section that had been recommended by a citizen advisory committee was added that requires the installation by July 1, 2014, of an automatic fire alarm system in rental buildings with more than 16 units. The deadline of July 1, 2014, provided five years from the date that the revised Rental Housing Code was adopted to comply with the new provision. The Code also provided for two extensions that could potentially extend compliance to July 1, 2019, if approved by the Building Board of Appeals.

According to Ms. Perkins, Inspections staff reviewed property records and determined that 14 rental property owners and 35 properties would still be affected by the requirement. Staff then alerted the rental community to the requirement via an e-mail with an application form; however, to date, no applications requesting an extension have been received.

Ms. Perkins noted that the International Fire Code currently includes the fire alarm system retrofitting requirement plus applicable exceptions that are not included in the Ames Rental Housing Code, thereby creating a duplication of the requirement with inconsistent verbiage between the Codes. With the adoption of the IFC on a three-year cycle, the standards are updated regularly; however, the Rental Housing Code is not on the same review cycle. The fire alarm system retrofitting requirement is now in two locations: the Rental Housing Code and the IFC. The 2012 IFC sets the expectation that the Fire Code official may utilize certain standards to obtain compliance with the 2012 IFC. To prevent duplication of the fire alarm system retrofitting requirement, staff is recommending that the references in the Rental Housing Code Sections 13.403(1.c) and 13.802(5) be eliminated, and instead to rely on the International Fire Code, which provides for the Fire Chief to set an allowable timetable for compliance.

Ex officio Member Alexandria Harvey expressed her concern that students living off campus have safe housing similar to that of on-campus housing. She asked what the time frame would be to require automatic fire alarm systems in rental buildings with more than 16 units if it were taken out of the Rental Housing Code. Fire Chief Shawn Bayouth explained that the deadline would be extended past July 1, 2014.

Moved by Davis, seconded by Goodman, to direct staff to draft an ordinance eliminating Ames Municipal Code Sections 13.403(1.c) and 13.802(5) of the Rental Housing Code and to direct staff to rely on the existing language in the International Fire Code Section 1103.7.6.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Larson, seconded by Goodman, to direct staff, and in particular, the Fire Chief, to come back with a recommendation to Council on a time frame and what all is covered under the directive.
Vote on Motion: 6-0. Motion declared carried unanimously.

2013/14 FUNDING FOR VEISHEA, INC.: Management Analyst Brian Phillips reported that the City Council had financially supported VEISHEA Pancake Feed in the amount of \$8,000 in both FY 2011/12 and FY 2012/13. VEISHEA again applied for \$8,000 for its 2014 Pancake Feed. At the February 12, 2013, Budget Wrap-Up Meeting, the Council requested that staff meet with VEISHEA representatives to discuss its 2014 funding application. The Council's concerns centered on whether the City's \$8,000 was being used to subsidize other activities and whether the \$ fee/person was appropriate given the amount of the City's funding allocation. VEISHEA staff indicated their willingness to reduce the fee to \$3/person as a condition of receiving the \$8,000 in City funding. The Council did not approve a contract with VEISHEA at that time, but directed staff to gather more information about VEISHEA's budget and return to Council for further discussion.

Mr. Phillips outlined the information contained in the grant application as to the actual expenses of the 2013 Pancake Feed. He advised that, in further discussions with VEISHEA staff, they indicated that when it charged \$4/person, the City's funds were used to also support on-campus entertainment programs. In the most-recent discussions with VEISHEA representatives, they proposed keeping the per-person charge at \$4, which generates an additional \$2,200, and using \$2,500 of total Pancake Feed revenue to pay for an on-campus entertainment act. They also have indicated that if the per-person price were to be reduced to \$3, one of its on-campus entertainment programs would be canceled.

Mr. Phillips asked for Council direction as to whether it would accept VEISHEA's proposal to keep fees at \$4/person and use a portion of the City's funding for entertainment programming or if the Council feels its \$8,000 funding allocation should pay for the Pancake Feed only and the price charged should be \$3/person. Staff recommended that the price charged should be \$3/person since the goal is to encourage more participation and feels that VEISHEA has the opportunity to explore other funding sources between now and April.

Karl Kerns and Nick Morton, General Co-Chairs for VEISHEA 2014, were present. Mr. Kerns provided the history behind the Pancake Feed.

Council Member Davis expressed his feeling that if the City is subsidizing the non-alcoholic event, students should not be expected to pay more than what the pancakes cost.

Council Member Wacha noted that the City Council's goal is to get as many students to participate as possible.

Council Member Larson said that if the cost per person was set at \$3, he would recommend that the City only allocate \$6,000. He believed that there are other entities where funding could come from.

Council Member Szopinski pointed out that the motive of the event is to keep students on campus participating in events promoted by the University.

At the inquiry of Council Member Orazem, Mr. Kerns clarified that the entertainment was part of the Pancake Feed. Council Member Davis disagreed, stating that that was not the intention of the Pancake Feed when it was initiated.

Moved by Davis, seconded by Wacha, to direct staff to prepare a contract in the amount of \$8,000 for the VEISHEA Pancake Feed with a stipulation that VEISHEA charge no more than \$2/person.

Vote on Motion: 3-3. Voting aye: Davis, Larson, Wacha. Voting nay: Goodman, Orazem, Szopinski. Mayor Campbell voted aye to break the tie. Motion declared carried.

ASSET: Assistant City Manager Melissa Mundt reminded the Council that, at its meeting of November 26, 2013, it had asked staff for additional information to determine the funding limits for ASSET in the 2014/15 Budget. Ms. Mundt brought the Council's attention to the information provided with the Council Action Form, which showed the funding by service area over the last two fiscal years as well as the full requests for 2014/15 services. At that meeting, staff also indicated that it would provide information about service areas with constraints in helping clients. Ms. Mundt advised that those requests fall primarily in the City's highest priority areas that are included in ASSET Panel 2: Basic Needs and Panel 3: Children's Services. She noted that University Childcare had left a small amount of funding unspent. The Red Cross also did not draw down any of its funding. According to Ms. Mundt, when asked, the vast majority of service areas did not indicate issues with meeting needs in the community; however, there were some who stated concerns about having to turn away clients due to funding or facility constraints. All daycare providers had indicated constraints with providing service and had waiting lists for new clients in all age groups. Under Basic Needs, there were several services that indicated issues with turning away clients as well. However, most of them did not have accurate data to provide for 2012/13, except for Youth & Shelter Services. ACCESS and

the Salvation Army indicated that they had started more specific data collection, so they would be able to better report that information in 2013/14. Emergency Residence Project did not state if it could provide more accurate numbers or indicated if they were going to start tracking information to be able to provide data for 2013/14.

Ms. Mundt advised that the total amount being requested in ASSET funding for FY 2014/15 is \$1,275,268 or 17.5% over the current total contracted for FY 2013/14. She noted that there is no anticipated increase for FY 2014/15 in Local Option Sales Tax revenues that support ASSET programs.

Moved by Goodman, seconded by Szopinski, to increase the funding allocation for ASSET for 2014/15 by 14.9%.

Mayor Campbell noted that that amount would put the City's allocation way out of sync with the other funders. She pointed out that that had been the trend in past years.

Council Member Wacha said that an increase in that amount sets a precedent. He believes that amount of increase would not be sustainable; it would draw down the balance of the Local Option Sales Tax fund substantially.

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

Moved by Davis, seconded by Orazem, to increase the funding allocation for ASSET for 2014/15 by 3%.

Mr. Davis pointed out that Ms. Mundt had indicated that a number of agencies had not drawn down their allocated funding. He also did not want the City to be that far out of sync with the other funders.

Council Member Wacha said that he would be willing to support a 5% increase if there was not support for a 3% increase.

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

Moved by Goodman, seconded by Larson, to increase the funding allocation for ASSET for 2014/15 by 5%.

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

FLOOD MITIGATION STUDY: City Manager Schainker provided a summary of the Council action taken on November 26, 2013. He reviewed the elements of the staff's recommended three-part Flood Mitigation Plan. In reviewing the various options provided by the City's consultant, Mr. Schainker stated that he felt it was important for the City Council to declare its strategy for mitigating river flooding for the benefit of the public who had been following this issue as well as for the City staff whose responsibility it would be to implement the strategy. Based on that, the Council had been asked to make the declaration in the form of a resolution to support the three-part plan. However, at the November 26, 2013, Council meeting, with one

Council member absent, there were not four votes to support all parts of the proposed strategic plan, and the Resolution failed. Mr. Schainker informed the Council members that they were now being asked to consider a series of motions that would give staff direction on how to proceed. He indicated that the Council members would vote on each proposed direction separately.

Moved by Goodman, seconded by Wacha, to direct City staff to engage the Iowa DOT in discussions to accelerate the Highway 30 Bridge replacement.

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

Moved by Goodman, seconded by Wacha, to direct the Mayor and City staff to remain actively engaged in the Squaw Creek Watershed Management Authority and support efforts to pursue additional flood mitigation measures higher up in the watershed through that entity.

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

Moved by Goodman, seconded by Wacha, to direct staff to schedule a Council Workshop to discuss possible flood plain regulations.

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

Erv Klaas, 1405 Grand Avenue, Ames, spoke. He referenced the findings of the consultant contained in the Flood Mitigation Study and said that he had heard of *restoring* a channel, but not *reshaping* a channel. To him, *reshaping* physically changes the boundaries of the channel and does not have regard for the habitat or environment. He asked that the Council consider restoring the Squaw Creek Channel as it is in bad shape; there is bank erosion, trees falling in, and trash. Mr. Klaas reported that he had attended a meeting today of the River and Restoration Study Committee; that Committee sees waterways as amenities. Mr. Klaas recommended that the City partner with other entities to restore the Channel and then move farther down the stream and restore that portion. He noted that they use vegetation to shore-up the banks (natural restoration). Mr. Klaas explained a project currently occurring in Johnson County. The cost is much less for natural restoration than those proposed as engineering solutions. According to Mr. Klaas, there are sources of funding available.

Water and Pollution Control Director John Dunn explained that the Study had recommended strategies. He noted that rough conceptual estimates had been provided by the consultants, without specific details. All the funding allotted to the consultants had been expended.

Council Member Larson advised that he would like to hear what taxpayer pricing method, e.g., a rate structure, could be explored to be used for flood mitigation.

City Manager Schainker advised that more information was needed on the suggested solution being presented by Mr. Klaas. The scope of the proposal and the costs need to be known. Staff needs to know the amount of funding to be committed.

Moved by Goodman, seconded by Wacha, to direct staff to come back after talking with Erv Klaas or other experts and communicate with the City Council on this type of project and what it would mean.

Mr. Klaas presented more information that he had gleaned from the meeting that he attended today. He commented that there are enough experts in the area who could assist the City; the

City would not need to hire consultants. Ms. Klaas also pointed out that there is already a consultant hired for the Squaw Creek Watershed.

Council Member Orazem said that the City needs to start working on this in a finite time. The City could continue to study it into perpetuity; however, the City just funded a study. That Study came up with a cost-effective solution; that solution may need to be “tweaked a little bit” but it is not going to be millions off the \$5.9 million.

Council Member Larson pointed out that the City does not know what the project even is or how much it will cost.

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

Moved by Orazem, seconded by Wacha, to direct that staff place the restoring/reshaping of the Squaw Creek Channel project in the Capital Improvements Plan at \$5.9 million with funding shown as coming from FEMA and local.

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

Moved by Davis, seconded by , to direct staff to investigate other possibilities besides direct property taxes to finance flood mitigation issues.

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

ORDINANCE REZONING 3333 STANGE ROAD: Moved by Davis, seconded by Wacha, to pass on second reading an ordinance rezoning 3333 Stange Road with the north portion of parcel from Agricultural (A) to Suburban Low-Density Residential (FS-RL) and south portion of parcel from Agricultural (A) to Suburban Medium-Density Residential (FS-RM).
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE ALLOWING CLUBHOUSES IN RESIDENTIAL HIGH-DENSITY ZONE:
Moved by Davis, seconded by Wacha, to pass on second reading an ordinance making zoning text amendment to allow clubhouses in Residential High-Density Zone.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE CREATING CAMPUSTOWN TAX INCREMENT FINANCING DISTRICT:
Moved by Davis, seconded by Wacha, to adopt ORDINANCE NO. 4164 creating the Campustown Tax Increment Financing District.
Roll Call Vote: 5-1. Voting aye: Davis, Goodman, Larson, Orazem, Wacha. Voting nay: Szopinski. Ordinance declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE PERTAINING TO STEP-BACK STANDARD IN CAMPUSTOWN SERVICE CENTER: Moved by Davis, seconded by Goodman, to adopt ORDINANCE NO. 4165 exempting from the Campustown Service Center Zoning District the step-back standard for commercial buildings of three stories or fewer.
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

COUNCIL COMMENTS: Moved by Orazem, seconded by Davis, to refer to staff the letter from Charles Kellogg dated December 2, 2013, offering to sell property at 619 - 13th Street to the City.

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

ADJOURNMENT: Moved by Davis to adjourn the meeting at 11:53 p.m.

Diane Voss, City Clerk

Ann H. Campbell, Mayor

3 a-d

TO: Mayor Ann Campbell and Ames City Council Members

FROM: Commander Jason Tuttle- Ames Police Department

DATE: December 13, 2013

SUBJECT: Beer Permits & Liquor License Renewal Reference City Council Agenda
December 17, 2013

The Council agenda for December 17, 2013, includes beer permits and liquor license renewals for:

- Class C Beer - Casey's General Store #2298, 428 Lincoln Way
- Class B Beer - Pizza Pit, 207 Welch Avenue Suite 201
- Class C Liquor & Outdoor Service - Cazador, 3605 Lincoln Way
- Class B Liquor - Quality Inn & Suites, 2601 E. 13th Street

A review of the Ames Police Department's records found no violations for Casey's General Store #2298, Pizza Pit, Cazador or Quality Inn & Suites during the past twelve months.

RESOLUTION NO. _____

**RESOLUTION APPROVING AND ADOPTING
SUPPLEMENT NO. 2014-1 TO THE AMES MUNICIPAL CODE**

BE IT RESOLVED, by the City Council for the City of Ames, Iowa, that in accordance with the provisions of Section 380.8 Code of Iowa, a compilation of ordinances and amendments enacted subsequent to the adoption of the Ames Municipal Code shall be and the same is hereby approved and adopted, under date of January 1, 2014, as Supplement No. 2014-1 to the Ames Municipal Code.

Adopted this _____ day of _____, 201_.

Ann H. Campbell, Mayor

Attest:

Diane R. Voss, City Clerk

TO: Members of the City Council

FROM: Ann H. Campbell, Mayor

DATE: December 13, 2013

SUBJECT: Appointment to Fill Vacancy on the Analysis of Social Services Evaluation Team (ASSET)

Amber Corrieri, member of ASSET, has submitted her resignation from the Team. She resigned her position after being elected to serve on the Ames City Council.

Since Amber's term of office on ASSET does not expire until April 1, 2016, an appointment needs to be made to fill this vacancy. Therefore, I request that the City Council approve the appointment of Andrew Potter to fill the unexpired term of office on ASSET.

AHC/jlr



CITY OF
Ames™

Caring People ♦ Quality Programs ♦ Exceptional Service

MEMO

TO: Members of the City Council

FROM: Ann H. Campbell, Mayor

DATE: December 13, 2013

SUBJECT: Appointment to Fill Vacancy on the Property Maintenance Appeals Board

Jill Smith, member of the Property Maintenance Appeals Board, will be graduating from Iowa State University at the end of this semester. She recently submitted her resignation from the Board; therefore, it will be necessary to appoint an individual to fill the vacancy.

This particular position is to be filled by a student tenant. Nathan Joens has indicated his interest in filling the term of office, which will expire April 1, 2016.

Therefore, I recommend that the City Council approve the appointment of Nathan Joens to the Property Maintenance Appeals Board.

AHC/jlr



MEMO

TO: Members of the City Council

FROM: Ann H. Campbell, Mayor

DATE: December 13, 2013

SUBJECT: Appointment to Fill Vacancy on Public Art Commission

Firth Whitehouse, member of the Public Art Commission, has submitted her resignation from the Commission. Since Firth's term of office does not expire until April 1, 2014, an appointment needs to be made to fill this vacancy.

Therefore, I request that the City Council approve the appointment of Beth Romer to fill the unexpired term of office on the Public Art Commission. Beth will have the opportunity to seek reappointment.

AHC/jlr

COUNCIL ACTION FORM

SUBJECT: DESIGNATION OF CIRTPA REPRESENTATIVES

BACKGROUND:

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

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

TPC Representative: Damion Pregitzer, Traffic Engineer
TPC Alternate Representative: Tracy Warner, Municipal Engineer
TTC Representative: Damion Pregitzer, Traffic Engineer
TTC Alternate Representative: Tracy Warner, Municipal Engineer

ALTERNATIVES:

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

MANAGER'S RECOMMENDED ACTION:

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

COUNCIL ACTION FORM

SUBJECT: 2012/13 TRAFFIC SIGNAL PROGRAM (LINCOLN WAY & HAYWARD AVENUE)

BACKGROUND:

The Traffic Signal Program is the annual program that provides for replacing older traffic signals by constructing new traffic signals in the City. This program will result in improved visibility, reliability, and signal aesthetics.

Although recent advances in technology have extended the normal, useful life for traffic signal installations well past the previously expected 25 years, some of the older generation traffic signals still in use exceed their functional age. Components at those installations (including conduits, wiring, signal heads, and poles) need to be completely replaced. In addition, this program provides for the necessary upgrades to the traffic signal system as technology continues to change. In recent years, the traffic signal replacements have included radar detection systems instead of the typical in-pavement loop detection system that frequently was the point of vehicle detection failure. Another advantage of the radar detection system is that it also detects bicycles

Staff has completed plans and specifications with estimated construction costs of \$189,000 for the replacement of the traffic signal at Lincoln Way and Hayward. Engineering and construction administration are estimated in the amount of \$13,000, which brings total project cost to **\$202,000**. This project received \$111,500 from an Iowa Department of Transportation (DOT) Traffic Safety Improvement Program grant. The Capital Improvements Plan also provides \$175,000 from the Road Use Tax Fund, which will be reduced to \$90,500 to reflect the Iowa DOT grant.

ALTERNATIVES:

1. Approve the plans and specifications for the 2012/13 Traffic Signal Program (Lincoln Way & Hayward Avenue) by establishing January 22, 2014, as the date of letting and January 28, 2014, as the date for report of bids.
2. Reject the project.

MANAGER'S RECOMMENDED ACTION:

Approval of the plans and specifications will initiate the letting process and should allow for the project to be completed by August 1, 2014, which is prior to the beginning of the 2014 fall semester at Iowa State University.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the plans and specifications for the 2012/13 Traffic Signal Program (Lincoln Way & Hayward Avenue) by establishing January 22, 2014, as the date of letting and January 28, 2014, as the date for report of bids.

COUNCIL ACTION FORM

SUBJECT: 2013/14 TRAFFIC SIGNAL PROGRAM (GRAND AVE. & 20TH ST.)

BACKGROUND:

The Traffic Signal Program is the annual program that provides for replacing older traffic signals by constructing new traffic signals in the City. This program will result in improved visibility, reliability, and signal aesthetics.

Although recent advances in technology have extended the normal, useful life for traffic signal installations well past the previously expected 25 years, some of the older generation traffic signals still in use exceed their functional age. Components at those installations (including conduits, wiring, signal heads, and poles) need to be completely replaced. In addition, this program provides for the necessary upgrades to the traffic signal system as technology continues to change. In recent years, the traffic signal replacements have included radar detection systems instead of the typical in-pavement loop detection system that frequently was the point of vehicle detection failure. Another advantage of the radar detection system is that it also detects bicycles.

Staff has completed plans and specifications with estimated construction costs of \$172,000 for the replacement of the traffic signal at 20th Street and Grand Avenue. Engineering and construction administration are estimated in the amount of \$12,000, which brings total project cost to **\$184,000**. The Capital Improvements Plan includes \$200,000 from the Road Use Tax Fund for this project.

ALTERNATIVES:

1. Approve the plans and specifications for the 2013/14 Traffic Signal Program (Grand Avenue & 20th Street) by establishing January 22, 2014, as the date of letting and January 28, 2014, as the date for report of bids.
2. Reject the project.

MANAGER'S RECOMMENDED ACTION:

Approval of the plans and specifications will initiate the letting process and should allow for the project to be completed by August 1, 2014.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the plans and specifications for the 2013/14 Traffic Signal Program (Grand Avenue & 20th Street) by establishing January 22, 2014, as the date of letting and January 28, 2014, as the date for report of bids.

COUNCIL ACTION FORM

SUBJECT: 2013/14 COLLECTOR STREET PAVEMENT IMPROVEMENTS – SHELDON AVENUE (LINCOLN WAY TO HYLAND)

BACKGROUND:

This annual program is for reconstruction or rehabilitation of arterial streets to restore structural integrity, serviceability, and rideability. Locations are chosen in accordance with the most current street condition inventory. The 2013/14 program location was Sheldon Avenue (Lincoln Way to Hyland).

This includes the removal of the existing pavement and replacement with new concrete pavement, storm sewer improvements, sanitary sewer repairs, installation of ADA compliant pedestrian facilities, and the re-alignment of the intersection of Sheldon Avenue and Design I Road (Iowa State University). Construction is scheduled to be completed through an Iowa Department of Transportation (DOT) contract during late spring/summer of 2014.

City staff and the design consultant, Stanley Consultants, held a project informational meeting including area residents and Iowa State University (ISU), as well as a separate meeting with ISU to discuss this project in more detail. Coordination with ISU (including their various departments) was key to developing a construction schedule that will minimize the impacts to ISU and their various activities.

Plans and specifications for this project have been completed by Stanley Consultants with a construction estimate of \$1,174,701.75. Costs for engineering and construction administration are estimated to be \$235,000, bringing the total estimated costs for this project to **\$1,409,701.75**.

Because project funding includes Iowa DOT Surface Transportation Program (STP/MPO) funds, the contract must follow Iowa DOT schedules and be let by the Iowa DOT on January 22, 2014. Funding for this project was programmed in the amount of \$1,060,000 from the STP/MPO funds, \$420,000 from General Obligation Bonds (G.O. Bonds), \$48,000 from Sanitary Sewer Funds, and \$38,500 from the Sidewalk Safety Program, bringing total program funding to **\$1,566,500**.

ALTERNATIVES:

1. Approve plans and specifications for the 2013/14 Collector Street Pavement Improvements – Sheldon Avenue (Lincoln Way to Hyland), by establishing January 22, 2014, as the date of letting by the Iowa DOT and January 28, 2014, as the date for report of bids.

2. Reject the project.

MANAGER'S RECOMMENDED ACTION:

By approving plans and specifications and setting the letting date, it will be possible to move forward with the rehabilitation of Sheldon Avenue during the 2014 construction season based on combined scheduling with ISU. In order to complete this project by fall semester move in, ISU Residence Hall officials requested that this project be initiated during the spring semester.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving plans and specifications for the 2013/14 Collector Street Pavement Improvements – Sheldon Avenue (Lincoln Way to Hyland), by establishing January 22, 2014, as the date of letting by the Iowa DOT and January 28, 2014, as the date for report of bids.

COUNCIL ACTION FORM

SUBJECT: PRELIMINARY PLANS AND SPECIFICATIONS FOR CONTROL PANELS—HABER ROAD SUBSTATION

BACKGROUND:

This portion of the “Ames Plant Switchyard Relay & Controls Upgrade” project is for the purchase of control panels and related accessories for the Haber Road Substation. Upgrading these control panels will replace obsolete electro-mechanical devices with microprocessor based relaying and controls that will provide better coordination, communication, and reliability between equipment on the electric system. The Engineer’s estimate of the cost of these control panels is \$125,000. To date the project budget has the following items encumbered:

\$1,700,000.00	Amount Budgeted for Project
\$122,700.00	Encumbered Engineering for Ames Plant Switchyard (Approved by City Council on April 24, 2012.)
\$39,500.00	Contract Change Order to Engineering for Ames Plant Switchyard (Approved by Bob Kindred on October 8, 2013)
\$56,377.25	Actual cost for SF6 circuit breakers. (Awarded on July 13, 2013)
\$122,868.40*	Actual cost for electrical materials. (Awarded by City Council on July 23, 2013) *This amount includes applicable sales taxes to be paid directly by Ames to the State of Iowa.
\$198,469.55	Actual cost for Ames Plant Substation control panels. (Awarded by City Council on September 10, 2013)
\$372,460.40	Actual cost for materials installation phase for the Ames Plant Switchyard Project (Awarded by City Council on September 24, 2013)
\$7,809.00	Contract Change Order No. 1 to materials installation phase for the Ames Plant Switchyard Project (Approved by Don Kom on December 5, 2013)
<u>\$920,184.60</u>	Total committed to Date
\$125,000.00	Estimated cost for Control Panels for Haber Road Substation – this item (pending Council approval of plans and specifications for this agenda item)
\$654,815.40	Amount available to complete project (Relay and Controls equipment and installation at the Dayton and Stange substations.)

The approved FY2013/14 CIP for Electric Services includes \$1,700,000 for engineering, materials and construction of this project with Iowa State University contributing an estimated \$319,600 to the cost.

ALTERNATIVES:

1. Approve the plans and specifications for the Furnishing Control Panels for Haber Road Substation and set January 15, 2014, as the bid due date and January 28, 2014, as the date of hearing and award of contract.
2. Do not approve the plans and specifications at this time.

MANAGER'S RECOMMENDED ACTION:

This equipment will improve our existing relaying and controls by coordinating and communicating better with other new equipment installations on the electric system which will help Electric Services to continue providing safe, reliable, service to the customers in the City. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

COUNCIL ACTION FORM

SUBJECT: CYRIDE PURCHASE OF SIX BUSES FROM GILLIG CORP. OF HAYWARD, CALIFORNIA FOR \$2,491,785

BACKGROUND:

CyRide has secured federal discretionary grants for the purchase of six buses at a federal funding share of 83%. A national bus bid, prepared by the Minnesota Department of Transportation (MDOT), is also available through December 31, 2013 for purchase of these vehicles. The Gillig Corporation is an approved vendor under the MDOT bid and has quoted CyRide a per bus price of \$415,297.50, for a total cost for six buses at \$2,491,785. This price is available through December 31, 2013 and will increase after this date. A majority of CyRide's current buses were manufactured by Gillig Corporation and the purchase of additional buses from this manufacturer will allow CyRide to operate a more standardized fleet, increasing safety through driver vehicle familiarity and lower parts inventory expenditures.

The 17% local share for these vehicles is \$423,603 and is included in CyRide's capital budget. Currently, CyRide has a local capital fund balance of \$920,854. Three of these buses are included in the current Capital Improvement Plan and the last three included in the 2015-2019 plan. **If awarded, these vehicles would be scheduled for delivery, and payment made, during the summer of 2015.**

The Transit Board of Trustees approved purchase of these vehicles at their December 6, 2013 meeting.

ALTERNATIVES:

1. Approve a contract with Gillig Corporation of Hayward, California for \$2,491,785 for the purchase of six 40' buses.
2. Do not approve a contract for the purchase of buses.

MANAGER'S RECOMMENDED ACTION:

CyRide has sufficient local funding to complete this purchase. Also, this bus purchase will add six additional new buses to the fleet, at the lowest possible cost, allowing for the agency to keep pace with its ridership growth and resulting increased bus need. These new buses will also assist in keeping the average fleet age as low as possible.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving a contract with Gillig Corporation for \$2,491,785.

COUNCIL ACTION FORM

SUBJECT: TWO PLATS OF SURVEY FOR 2316, 2318 & 2330 LINCOLN WAY & 2335 CHAMBERLAIN STREET

BACKGROUND:

Application for proposed plats of survey have been submitted for:

- Conveyance parcel (per Section 23.307)
- Boundary line adjustment (per Section 23.309)
- Re-plat to correct error (per Section 23.311)
- Auditor's plat (per Code of Iowa Section 354.15)

The site is located at:

Owner: Ames National Corporation

Street Address: 2316-2330 Lincoln Way & 2335 Chamberlain Street

Assessor's Parcel #: 09-09-200-020, 09-09-200-030, 09-09-200-040

Legal Description: Lots 2 and 5 of Parkers Addition, Parcels "J" & "K" Parker's Addition Lot 2 (See Plats for detailed legal descriptions).

These plats of survey consolidate seven parcels into two parcels for construction of a seven- story mixed use retail and apartment building. Copies of the proposed plats of survey are attached for Council consideration.

Pursuant to Section 23.308(4)(c), a preliminary decision of approval for the proposed plats or survey has been rendered by the Planning & Housing Department that the proposed lots meet zoning standards, e.g. lot area, width, depth and access.

The preliminary decision of approval requires all public improvements associated with and required for the proposed plats of survey be:

- Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- Delayed, subject to an improvement guarantee as described in Section 23.409.
- Not Applicable.

Under Section 23.308(5), the Council renders a final decision of approval if the Council agrees with the Planning & Housing Director's preliminary decision.

ALTERNATIVES:

1. The City Council can adopt the resolutions approving the proposed plats of survey.
2. The City Council can deny the proposed plats of survey if the City Council finds that the requirements for plats of survey as described in Section 23.308 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

MANAGER'S RECOMMENDED ACTION:

The Planning & Housing Department has determined that the proposed plats of survey satisfy all code requirements and has rendered a preliminary decision to approve the proposed plats of survey.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolutions approving the proposed plats of survey.

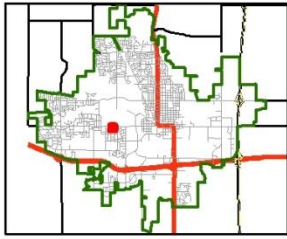
Approval of the resolution will allow the applicant to prepare the official plats of survey, and the Planning & Housing Director to review and sign the plats of survey. Once signed by the Planning & Housing Director, the prepared plats of survey may then be signed by the surveyor, making them the official plats of survey, which may then be recorded in the office of the County Recorder.

It should be noted that the official plats of survey are not recognized as binding plats of survey for permitting purposes until copies of the signed and recorded plats of survey are filed with the Ames City Clerk's office. Digital images in Adobe PDF format have already been submitted to the Planning & Housing Department.

ATTACHMENT A

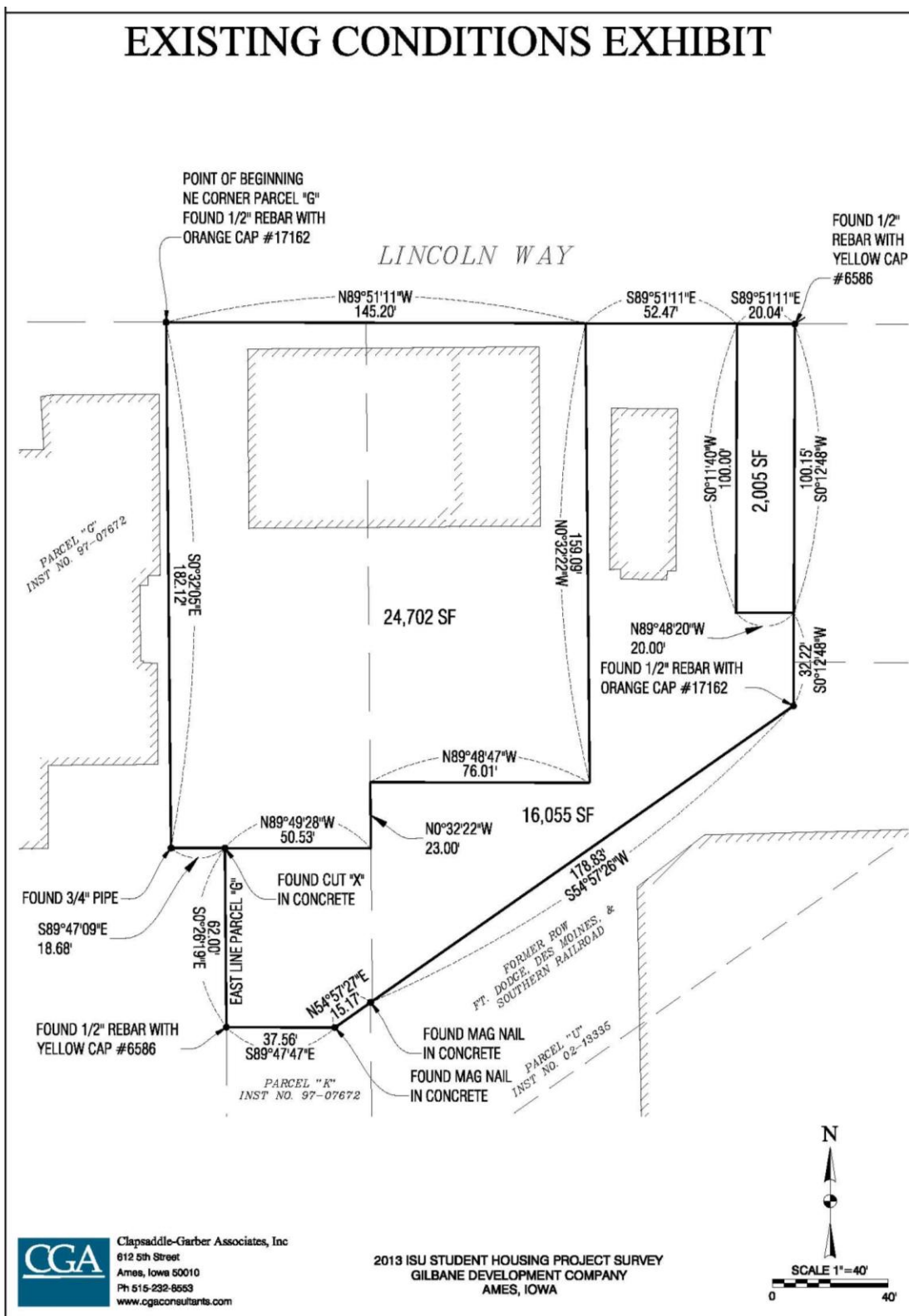


LOCATION MAP
2300 Block Lincoln Way



ATTACHMENT B

EXISTING CONDITIONS EXHIBIT



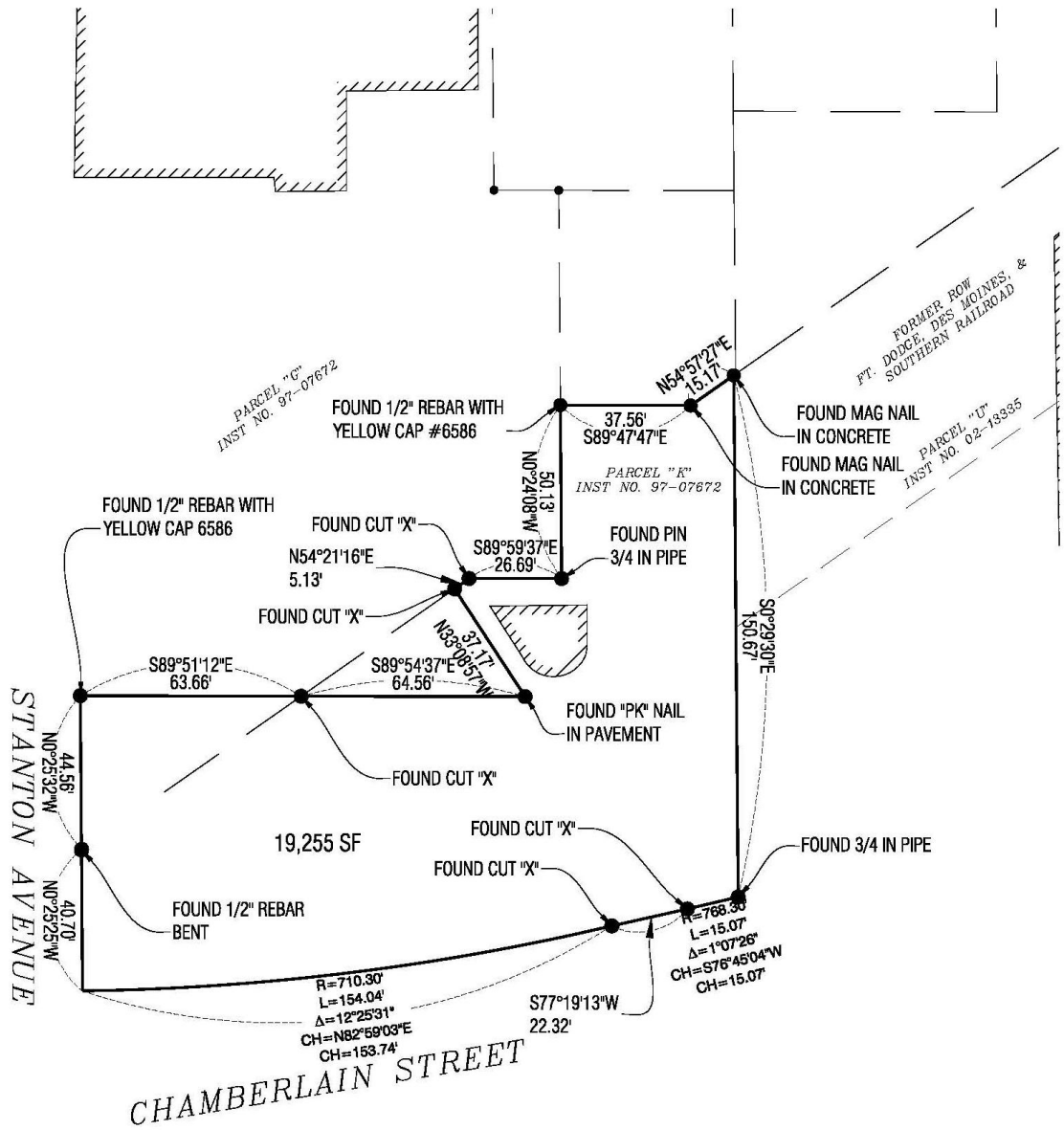
CGA Clapsaddle-Garber Associates, Inc
612 5th Street
Ames, Iowa 50010
Ph 515-232-6593
www.cgaconsultants.com

2013 ISU STUDENT HOUSING PROJECT SURVEY
GILBANE DEVELOPMENT COMPANY
AMES, IOWA

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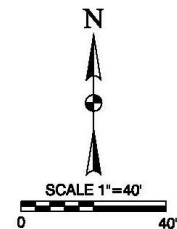
ATTACHMENT B

EXISTING CONDITIONS EXHIBIT



CGA Clapsaddle-Garber Associates, Inc
 612 5th Street
 Ames, Iowa 50010
 Ph 515-232-8553
 www.cgaconsultants.com

2013 ISU STUDENT HOUSING PROJECT SURVEY
 GILBANE DEVELOPMENT COMPANY
 AMES, IOWA

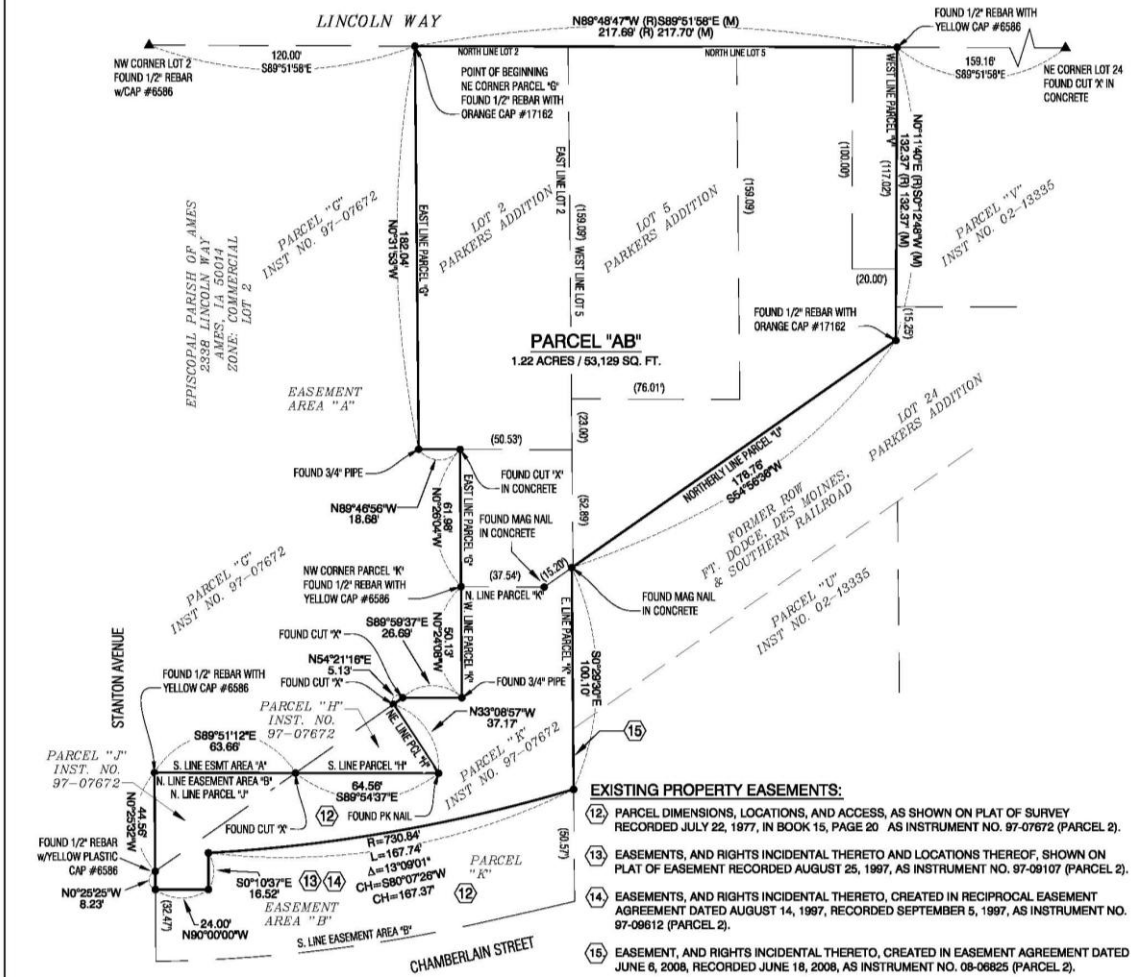


J:\5477\dwg\Survey\5477-Existing Conditions Exhibit South.dwg - PDR/PAT - 12-12-13 - 3:54pm - nm288

ATTACHMENT C – PROPOSED PLATS OF SURVEY

PREPARED BY - CLAPSADDLE-GARBER ASSOCIATES, INC. 16 EAST MAIN STREET, P.O. BOX 754, MARSHALLTOWN, IOWA 50158 - PHONE 641-752-6701

PLAT OF SURVEY



DESCRIPTION PARCEL "AB"
 PARCEL "AB" LOCATED IN LOTS 2 AND 5 IN PARKERS ADDITION TO AMES, STORY COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF PARCEL "G" IN SAID LOT 2, PARKERS ADDITION; THENCE, N89°51'58"W 217.70' ALONG THE NORTH LINE OF SAID LOT 2 AND SAID LOT 5 TO THE NORTHWEST CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL "V" AND RECORDED IN INSTRUMENT NO. 02-13335 IN THE OFFICE OF THE RECORDER, STORY COUNTY, IOWA; THENCE, S0°12'48"W 132.37' ALONG THE WEST LINE OF SAID PARCEL "V" TO THE NORTHERLY LINE OF A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL "U" AND RECORDED IN INSTRUMENT NO. 02-13335 IN THE OFFICE OF THE RECORDER, STORY COUNTY, IOWA; THENCE, S54°58'36"W 178.76' ALONG SAID NORTHERLY LINE TO THE NORTHEAST CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL "K" AND RECORDED IN INSTRUMENT NO. 97-07672 IN THE OFFICE OF THE RECORDER, STORY COUNTY, IOWA; THENCE, S0°29'30"E 100.10' ALONG THE EAST LINE OF SAID PARCEL "K"; THENCE, S0°10'37"E 167.74' ALONG THE ARC OF A 730.84' RADIUS CURVE, CONCAVE NORTHWESTERLY, HAVING A CHORD BEARING OF S80°07'26"W AND A CHORD DISTANCE OF 167.37'; THENCE, S0°10'37"E 16.52'; THENCE, N0°00'00"W 24.00' TO THE WEST LINE OF SAID PARCEL "K"; THENCE, N0°25'28"W 8.23' ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL "J" AND RECORDED IN INSTRUMENT NO. 97-07672 IN THE OFFICE OF THE RECORDER, STORY COUNTY, IOWA; THENCE, N0°25'32"W 44.56' ALONG THE WEST LINE OF SAID PARCEL "J"; THENCE, S89°51'12"E 63.66' ALONG THE NORTH LINE OF SAID PARCEL "J" TO THE SOUTHWEST CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL "H" AND RECORDED IN INSTRUMENT NO. 97-07672 IN THE OFFICE OF THE RECORDER, STORY COUNTY, IOWA; THENCE, S89°54'37"E 64.56' ALONG THE SOUTH LINE OF SAID PARCEL "H" TO THE SOUTHEAST CORNER OF SAID PARCEL "H"; THENCE, N33°08'57"W 37.17' ALONG THE NORTHEASTERLY LINE OF SAID PARCEL "H"; THENCE, N54°21'16"E 5.13' ALONG THE NORTHWESTERLY LINE OF SAID PARCEL "K"; THENCE, S89°59'37"E 26.69' ALONG SAID NORTHWESTERLY LINE; THENCE, N0°24'08"W 50.13' ALONG THE WEST LINE OF SAID PARCEL "K" TO THE NORTHWEST CORNER OF SAID LOT "K"; THENCE, N0°28'04"W 61.96' ALONG THE EAST LINE OF SAID PARCEL "G"; THENCE, N89°48'56"W 18.68' ALONG SAID EAST LINE; THENCE, N0°31'53"W 182.04' ALONG SAID EAST LINE TO THE POINT OF BEGINNING. PARCEL "AB" CONTAINS 1.22 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

OWNER OF RECORD: AMES NATIONAL CORPORATION
 SURVEY REQUESTED BY: GILBANE DEVELOPMENT COMPANY
 FIELD WORK COMPLETED: 5-16-2013

NOTE:
 ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS.

LEGEND:

- ▲ GOVERNMENT CORNER MONUMENT FOUND
- ▲ GOVERNMENT CORNER MONUMENT SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- PARCEL OR LOT CORNER MONUMENT FOUND
- SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- () RECORDED AS

SCALE 1"=50'

2013 ISU STUDENT HOUSING PROJECT SURVEY
 GILBANE DEVELOPMENT COMPANY
 AMES, IOWA

Travis R. Stewart, PLS
 Iowa License Number 17162
 My License Renewal Date is December 31, 2013
 Pages or sheets covered by this seal: THIS SHEET

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, PLS _____ date
 Iowa License Number 17162
 My License Renewal Date is December 31, 2013
 Pages or sheets covered by this seal: THIS SHEET

Clapsaddle-Garber Associates, Inc.
 16 East Main Street
 Marshalltown, Iowa 50158
 Ph: 641-752-6701
 www.cgasurveyors.com

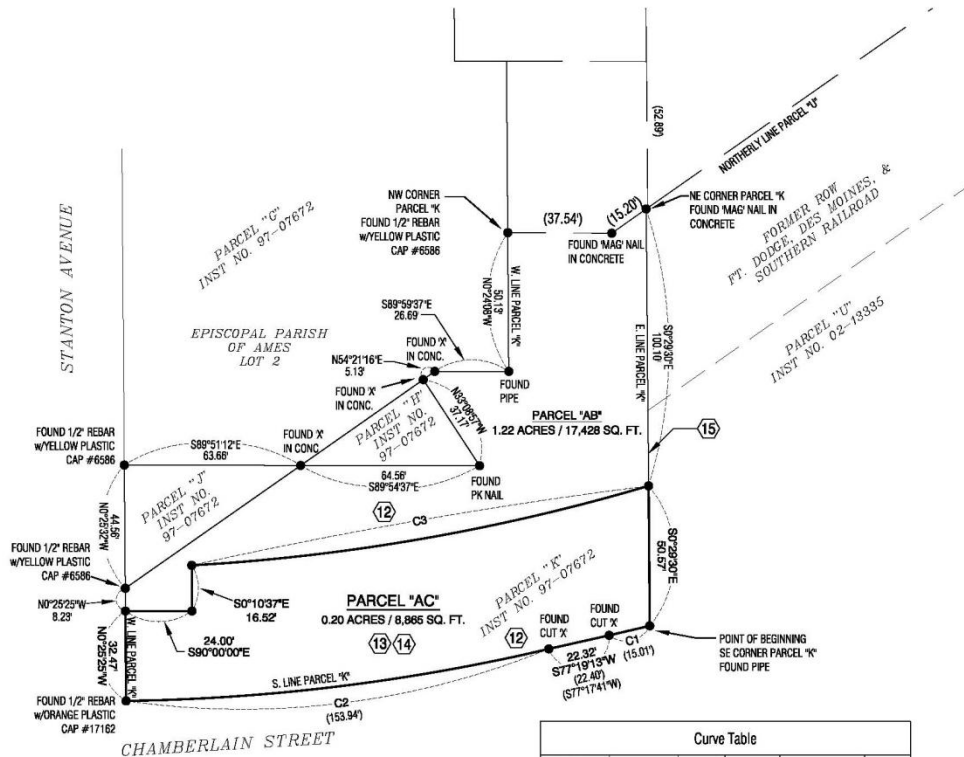
DRAWN	WLB	SHEET NO.	1
DATE	10-15-13	PROJECT NO.	5477.05

1:5477(05)05(05)017 - PLAT PARCEL AB.dwg - 10/15/13 - 3:16pm - mhb

ATTACHMENT C – PROPOSED PLATS OF SURVEY

PREPARED BY - CLAPSADDLE-GARBER ASSOCIATES, INC. 16 EAST MAIN STREET, P.O. BOX 754, MARSHALLTOWN, IOWA 50158 - PHONE 641-752-6701

PLAT OF SURVEY



EXISTING PROPERTY EASEMENTS:

- (12) PARCEL DIMENSIONS, LOCATIONS, AND ACCESS, AS SHOWN ON PLAT OF SURVEY RECORDED JULY 22, 1977, IN BOOK 15, PAGE 20 AS INSTRUMENT NO. 97-07672 (PARCEL 2).
- (13) EASEMENTS, AND RIGHTS INCIDENTAL THERETO AND LOCATIONS THEREOF, SHOWN ON PLAT OF EASEMENT RECORDED AUGUST 25, 1997, AS INSTRUMENT NO. 97-09107 (PARCEL 2).
- (14) EASEMENTS, AND RIGHTS INCIDENTAL THERETO, CREATED IN RECIPROCAL EASEMENT AGREEMENT DATED AUGUST 14, 1997, RECORDED SEPTEMBER 5, 1997, AS INSTRUMENT NO. 97-09612 (PARCEL 2).
- (15) EASEMENT, AND RIGHTS INCIDENTAL THERETO, CREATED IN EASEMENT AGREEMENT DATED JUNE 6, 2008, RECORDED JUNE 18, 2008, AS INSTRUMENT NO. 08-06825 (PARCEL 2).

Curve Table					
CURVE DATA	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	15.07'	768.30'	1°07'28"	S76°46'04"W	15.07'
C2	154.04'	710.30'	12°25'31"	S82°59'03"W	153.74'
C3	167.74'	730.84'	13°09'01"	N80°07'26"E	167.37'

DESCRIPTION PARCEL "AC"

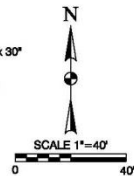
PARCEL "AC" LOCATED IN PARCEL "K", A PORTION OF LOT 2, PARKER'S ADDITION TO AMES, STORY COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER SAID PARCEL "K"; THENCE, SOUTHWESTERLY 15.07' ALONG THE SOUTH LINE OF SAID PARCEL "K" AND THE ARC OF A 768.30' RADIUS CURVE, CONCAVE SOUTHEASTERLY, HAVING A CHORD BEARING OF S76°46'04"W AND A CHORD DISTANCE OF 15.07'; THENCE, S77°19'13"W 22.32' ALONG SAID SOUTH LINE; THENCE, SOUTHWESTERLY 154.04' ALONG SAID SOUTH LINE AND THE ARC OF A 710.30' RADIUS CURVE, CONCAVE NORTH-WESTERLY, HAVING A CHORD BEARING OF S82°59'03"W AND A CHORD DISTANCE OF 153.74'; THENCE, N0°25'25"W 32.47' ALONG THE WEST LINE OF SAID PARCEL "K"; THENCE, S90°00'00"E 24.00'; THENCE, N0°10'37"W 16.52'; THENCE, NORTHEASTERLY 167.74' ALONG THE ARC OF A 730.84' RADIUS CURVE, CONCAVE NORTH-WESTERLY, HAVING A CHORD BEARING OF N80°07'26"E AND A CHORD DISTANCE OF 167.37' TO THE EAST LINE OF SAID PARCEL "K"; THENCE, S0°29'30"E 50.57' ALONG SAID EAST LINE TO THE POINT OF BEGINNING. PARCEL "AC" CONTAINS 0.20 ACRES OR 8,865 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

OWNER OF RECORD: AMES NATIONAL CORPORATION
 SURVEY REQUESTED BY: GILBANE DEVELOPMENT COMPANY
 FIELD WORK COMPLETED: 5-16-2013

NOTE:
 ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS.

LEGEND:

- ▲ GOVERNMENT CORNER MONUMENT FOUND
- ▲ GOVERNMENT CORNER MONUMENT SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- PARCEL OR LOT CORNER MONUMENT FOUND
- SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- () RECORDED AS



2013 ISU STUDENT HOUSING PROJECT SURVEY
 IN PARCELS "J" AND "K", A PART OF LOT 2 PARKER'S ADDITION TO AMES
 STORY COUNTY, IOWA



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, PLS _____ date
 Iowa License Number 17162
 My License Renewal Date is December 31, 2013
 Pages or sheets covered by this seal: THIS SHEET



Clapsaddle-Garber Associates, Inc.
 16 East Main Street
 Marshalltown, Iowa 50158
 Ph 641-752-6701
 www.cgsa-ia.com

DRAWN	WLB	SHEET NO.	1
DATE	12-6-2013	PROJECT NO.	5477.05

J:\047\map\Survey\0471 - PLAT PARCEL AC.dwg P:\LDR - 12-13-13 3:10pm ncs26

COUNCIL ACTION FORM

SUBJECT: 2009/2010 LOW POINT DRAINAGE IMPROVEMENTS (CRYSTAL STREET)

BACKGROUND:

This annual program is for drainage improvements to decrease flooding at low points. Low point drainage improvements are typically not always 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 project location identified in the 2009/10 Capital Improvements Plan was the drainage area to the east of Crystal Street. The project consisted of clearing overgrown vegetation, installation of subsurface drain tile, removal of excess silt from the drainage channel, and improvements to plantings.

On February 12, 2013, City Council awarded this project to Con-Struct, Inc. of Ames, Iowa, in the amount of \$61,335. A balancing change order, in the amount of \$2,103.15, was administratively approved by staff in accordance with Purchasing Policies and Procedures. This change order reflects actual quantities installed in the field. Construction was completed in the amount of \$63,438.15. Engineering and contract administration costs totaled \$32,660, bringing overall project costs to **\$96,098**.

The 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 2009/10 Low Point Drainage Improvements (Crystal Street) as completed by Con-Struct, Inc., of Ames, Iowa, in the amount of \$63,438.15.
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, thereby accepting the 2009/2010 Low Point Drainage Improvements (Crystal Street) as completed by Con-Struct, Inc., of Ames, Iowa, in the amount of \$63,438.15.

COUNCIL ACTION FORM

**SUBJECT: 2011/12 ASPHALT PAVEMENT IMPROVEMENT PROGRAM –
(BARR DRIVE AND INDIAN GRASS COURT)**

BACKGROUND:

This is the annual program for reconstruction of full-depth asphalt streets, typically located within residential neighborhoods. Streets within residential subdivisions have been installed using full-depth asphalt pavement since mid-1970s. Full-depth replacement of these streets has become necessary due to structural pavement failure. This program supports the City Council's goal of strengthening our neighborhoods.

The 2011/12 program consisted of roadway reconstruction with seven-inch asphalt paving, repair of damaged curb and gutter, and storm sewer intake replacement. The program was packaged into four separate contracts in order to better coordinate construction activities in the respective areas, which included: **Indian Grass Court and Barr Drive (this project)**; South Oak Avenue (combined with 2011/12 Low Point Drainage Improvements); Ironwood Court (combined with 2010/11 Low Point Drainage Improvements); and Abraham Drive and Todd Circle.

The locations for this specific project were Barr Drive and Indian Grass Court. On April 24, 2012, City Council awarded the project to Manatts, Inc. of Ames, Iowa, in the amount of \$485,118.18. Two change orders were administratively approved by staff in accordance with Purchasing Policies and Procedures. The first change order, in the amount of \$2,860, added in restoration of sanitary services following work on the sanitary sewer system. The final change order was the balancing change order for this project and was a deduction of \$31,890.05. This change order reflected the actual quantities installed in the field. Construction was completed in the amount of \$456,088.13

The overall program is shown in the 2011/12 Capital Improvements Plans with financing established in the amount of \$2,576,000 from General Obligation Bonds.

The 2011/12 Asphalt Pavement Improvement Program includes expenses as follows:

Barr Drive/Indian Grass Court (Actual)	\$ 456,088.13
Abraham Drive/Todd Circle (Actual)	\$ 214,993.40
Ironwood Court (Estimated)	\$ 650,000.00
South Oak Avenue (As Bid)	\$ 511,021.70
Engineering/Administration (Estimated)	<u>\$ 336,000.00</u>
Total	\$2,168,103.23

Any remaining funds will be utilized for contingencies and additional projects.

ALTERNATIVES:

- 1 Accept the 2011/12 Asphalt Pavement Improvement Program (Barr Drive and Indian Grass Court) as completed by Manatts, Inc. of Ames, Iowa, in the amount of \$456,088.13.
2. Direct staff to pursue modifications to the project.

MANAGER'S RECOMMENDED ACTION:

The project has now been completed in accordance with 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 thereby the 2011/12 Asphalt Pavement Improvement Program (Barr Drive and Indian Grass Court) as completed by Manatts, Inc. of Ames, Iowa, in the amount of \$456,088.13.

COUNCIL ACTION FORM

SUBJECT: **MOSQUITO CONTROL PROGRAM**

BACKGROUND:

The City Council referred to staff a correspondence sent by Iowa State Agronomy Professor Matthew Liebman that expressed his concerns regarding the City's mosquito control program. His two points of concern were the time of day that the City begins mosquito fogging and the chemical being used.

According to former City Sanitarian, Kevin Anderson, the City of Ames has had a mosquito control program for over forty years. The City established this program in order to control mosquito populations since they are a carrier of several diseases including the West Nile Virus. Since its inception, the City has worked with the Iowa State University Entomology Department to ensure the program was effective in controlling mosquitoes, yet safe to the environment and the residents of Ames. The current program is focused on disease prevention to hopefully avoid entering a disease response mode.

PROGRAM DETAIL:

The City's current mosquito control program is designed to implement the use of pesticides only when mosquito population numbers determine it will be most effective. The ISU Entomology Department distributes and monitors mosquito traps in strategic areas of the City. Once the data is collected, the Entomology Department then recommends implementing control procedures. Historically, our application program begins the third week of June and lasts until Labor Day weekend in September. However, due to a very dry summer in 2012, the City did not fog.

The City relies on the following two methods to control mosquitoes:

1) **Larvicide**

This method is used to neutralize larvae found in pooling water. The larvicide is in the form of a solid dry briquette which is placed where standing water remains. Examples of application sites are storm drains, catch basins, settling basins and other low lying areas. We use a target-specific larvicide (Altosid) which is engineered to target mosquito larvae (specifically those known to carry the West Nile Virus) only and will not affect fish, waterfowl, mammals or other insects.

2) Fogging

This method targets adult mosquitoes in our most frequently used park spaces. The insecticide used is called Mosquitomist One (Chlorpyrifos). It is distributed through an ultra low volume fogger-type sprayer mounted in the rear of a pickup truck at the rate of 2/3 of an ounce per acre. The mist is designed to be suspended in air so that an adult mosquito flying into it would be controlled.

These applications are performed by staff who are licensed pesticide applicators through the Iowa Department of Agriculture Pesticide Bureau. **Mosquito control is only done on City owned property.**

INSECTICIDE IMPACT:

One of the concerns expressed in Mr. Liebman's e-mail is the use of the insecticide Mosquitomist One and its potential impact on humans, animals and the environment. **According to the ISU Entomology Department, Mosquitomist One has the least residual effect but optimum efficacy as any product currently on the market.**

According to the Material Safety Data Sheet (MSDS) for Mosquitomist One, the health hazard data, which is written for the applicator, is as follows:

Toxicity: Single dose oral toxicity is moderate. Amounts ingested incidental to industrial handling are not likely to cause injury. Contains a petroleum distillate. Vomiting may cause aspiration pneumonia.

Eye: Mildly irritating to the eye.

Skin Contact: Moderately irritating to the skin. Prolonged or repeated exposure may cause skin irritation. Repeated contact may cause drying or flaking of skin.

Teratogenicity: Chlorpyrifos did not cause birth defects in laboratory animals.

Carcinogenicity: Chlorpyrifos did not cause cancer in long-term animal studies.

Systemic & Other Effects: Excessive exposure may produce organophosphate type cholinesterase inhibition. Signs and symptoms of excessive exposure to active ingredient may be headache, dizziness, incoordination, muscle twitching, tremors, nausea, abdominal cramps, diarrhea, sweating, pinpoint pupils, blurred vision, salivation, tearing, tightness in chest, excessive urination, convulsions. Repeated excessive exposures to high concentrations of solvent may cause liver and kidney injury and effects on blood cells.

Although Chlorpyrifos has been banned for household use, the Environmental Protection Agency (EPA) has registered it for use in mosquito control. ***The EPA has determined it will not cause unreasonable risk to human health or the environment.***

APPLICATION SCHEDULE (fogging & larviciding):

Studies conducted by the ISU Entomology Department have determined that the optimum time to begin fogging is at dusk. This time was discovered to be the height of mosquito activity, but low activity of non-target insects.

The following parks are fogged 8:00 – 10:00 pm., weather permitting (no rain or winds over 10 miles per hour):

Mondays: Country Gables Park, Ames Dog Park, and Hunziker Youth sports Complex

Tuesdays: Homewood Golf Course, Inis Grove Park, Brookside Park, and River Valley Park

Wednesdays: Bandshell Park, Moore Memorial Park, Emma McCarthy Lee Park, and Daley Park

In the event of inclement weather or for special requests, fogging would be scheduled for Fridays at 6:00 – 8:00 am or 8:00 – 10:00 pm.

SURROUNDING COMMUNITIES WITH MOSQUITO CONTROL PROGRAMS:

City of Des Moines: Fog city-wide throughout the summer, dependent on counts in mosquito traps, city divided into 8 zones, weekday evenings after 8:00 pm.

City of West Des Moines: Fog (Mosquitomist One) city-wide, averages twice per month, uses mosquito traps, Tuesday & Wednesday evenings after 7:00 pm. They also use a ground spray called Mosquito, Fly, and Gnat Kontrol 30-30 with a twenty day residual.

City of Clive: Fog (Anvil 2 + 2) city-wide, weekly, uses mosquito traps, half the city on Wednesday nights, the other half on Thursday nights. No earlier than 10:30 pm in city parks.

City of Clear Lake: Fog (Kontrol 4-4) city-wide, weekday evenings after 7:30 pm and some Saturday mornings, 4:00-7:00 am, uses mosquito traps.

City of Urbandale: Fog (Kontrol 4-4) city-wide, weekday evenings after 10:00 pm, uses mosquito traps

BUDGET:

The FY 14/15 budget for the mosquito control program is \$10,103 (staffing - \$3,044; equipment - \$5,059; equipment calibration - \$500; and chemicals - \$1,500)

ALTERNATIVES:

- 1) Continue the mosquito control program as it is currently performed and initiate a public education campaign to inform residents.
- 2) Continue the mosquito control program using larvicide applications and fogging; however, conduct all fogging after 10:30 pm and initiate a public education campaign to inform residents.
- 3) Alter the mosquito control program to apply only larvicides.
- 4) Alter the mosquito control program to only fog.
- 5) Eliminate the mosquito control program.
- 6) Delay a decision regarding the mosquito control program and request additional information from the staff.
- 7) Refer to Parks & Recreation Commission to gather citizen feedback and make a recommendation to City Council.

MANAGER'S RECOMMENDED ACTION:

For many years, the City of Ames has conducted a well-informed mosquito control program by partnering with the ISU Entomology Department and using mosquito trap counts to initiate the fogging. The City parks are heavily used and comments have been received in support and in opposition of the mosquito control program. Certainly, the safety and well-being of our citizens should be a paramount factor in making a decision regarding this program. Having a preventative program helps reduce the risk of disease (e.g., West Nile Virus) and increase the comfort of those using our parks. Furthermore, the EPA has sanctioned the use of the chemical that is currently being used in the fogging operations. **Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 and continue the mosquito control program as it is currently performed and initiate a public education campaign to inform residents.**

Staff Report

COMMUNITY GARDENS

December 17, 2013

BACKGROUND:

The City Council referred to staff a correspondence from David Hoffman requesting the City acquire property between Mesa Verde Place and Garfield for a community garden. (see attached map).

The policy questions before the City Council are:

- Should the City expand its financial commitment to provide community gardens?
- If so, what level of service should be provided?
- And, where should the gardens be located?

In 1998, City land was converted to community garden plots at the Squaw Creek Park which is located on South Maple, south of the IDOT headquarters. There currently are 39 garden plots (10 by 40 feet) available for rent for \$20 per year. Services provided include spring and fall tilling, water, and mulch. Fencing is provided on one side of each row of plots. The number of plots rented for the last five years are listed below:

YEAR	AVAILABLE	RENTED
2013	39	39
2012	39	39
2011	37	25
2010	37	37
2009	37	34

As indicated from the information provided above, all of the plots have not always been rented over a five year period. However, over the past two years the Parks and Recreation Department staff has received more requests than plots available. Therefore, there appears to be a demand for additional community garden space.

The Council should be aware that there are also other community gardens available in the City. These sites include: Food at First (Trinity Christian Reformed Church), Eastwood Community Garden, Beloit Garden, 13th Street Garden "The Farm", Iowa State University Village Garden, Iowa State University Organic Farm, School Gardens (High School, Middle School, Mitchell & Sawyer), and Mustard Seed Community Farm.

If the Council would like to expand this service, Staff believes that rather than purchase more land to create gardens throughout the community, existing park land can accommodate this need. Staff has identified the following four neighborhood park locations in the quadrants of the City where potential garden plots could be placed: Patio Homes West, Christofferson Park, Carr Park, Lloyd Kurtz Park. These sites would be in addition to the current community garden site on South Maple.

The estimated costs to develop a portion of these neighborhood parks for community gardens are as follows:

Site	# of Plots	Water on site	Estimated Cost*	Parking
Carr Park	12	Yes	\$1,500	Yes
Christofferson Park	15	Yes	\$1,200	Yes
Lloyd Kurtz Park	10	Yes	\$700	On street
Patio Homes Park	8	Yes	\$850	On street

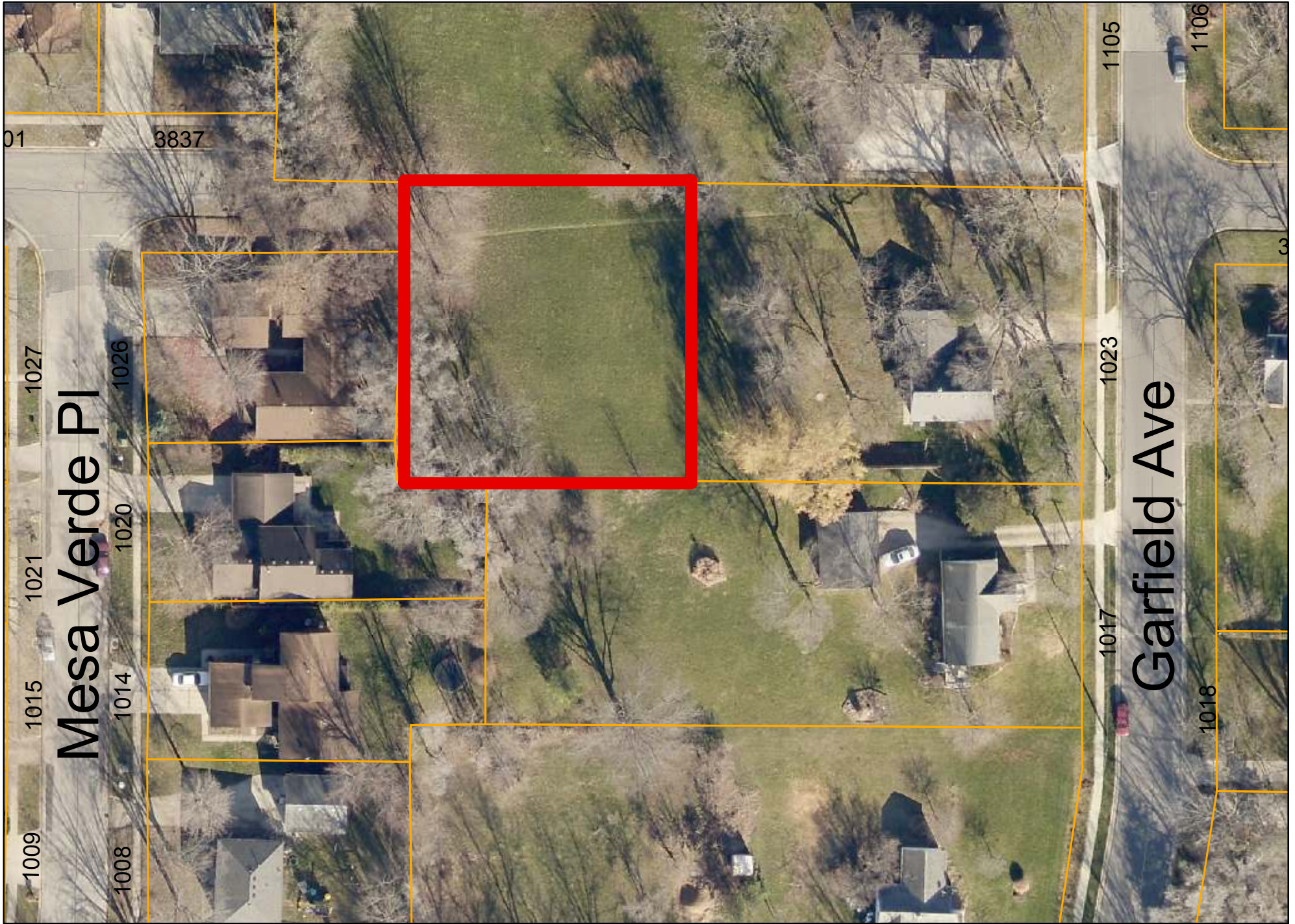
*Cost includes installing water source.

Community gardens can be established with open garden space, a fenced in garden space, or individualized raised plots. The staff's preference is to continue the current garden arrangement utilizing open garden space.

STAFF COMMENTS:

In the last two years the Parks and Recreation Department has received a number of requests for garden plots in addition to those currently offered at the Squaw Creek Park. Because of the costs associated with the purchase of land and the installation of infrastructure (water source, walking path), it appears that the preferred approach to providing additional community garden plots, if the Council wishes to do so, is to locate these gardens in existing parks. If the City Council wants to increase this service as described above, then a motion directing the staff to include the necessary funding in the FY 2014-15 operating budget would be in order.

These garden spaces will then be phased in according to the community interest for a particular site.



1023 Garfield Ave
Proposed property for purchase highlighted in red.



1 inch = 54 feet
Date: 12/12/2013

Staff Report

RECOMMENDATION TO ESTABLISH A CHILDREN'S MEMORIAL PARK

December 17, 2013

BACKGROUND:

The City Council referred a request from Angie DeWaard to consider constructing a Children's Memorial Park. Her idea is for a quiet place to reflect and find hope for parents and families who grieve the loss of a child along with being able to purchase a tree, brick, stone, or bench in their child's memory. Ms. DeWaard suggested that the memorial area could be a new park or created within an existing park.

The Parks and Recreation Commission discussed this concept at its CIP workshop on December 5, 2013. The Commission expressed support for the development of a children's memorial area within Moore Memorial Park. This park has a natural area with a pond suitable for this use and memorials have already been placed in this location. By placing the children's memorial area in this existing park, minimal funds will be needed (e.g., staff time, advertising) to make this request a reality. It should be understood that there are other parks within the system that have memorial benches and trees. This practice will continue even when Moore Parks becomes the official children's memorial area.

The Parks and Recreation Department currently has a Commemorative Tree Program established and has included park bench memorials. This program will be expanded to include other memorials such as bricks, stones, and plaques.

STAFF COMMENTS:

Staff believes formally dedicating a place within the park system for parents and families to grieve the loss of a child would be a wonderful addition to our park system. Because the Moore Memorial Park pond is currently being renovated, this is an opportune time to establish a children's memorial area at this location. It should be noted that this project will be funded mainly through donations. Therefore, staff intends to move ahead to formalize this area as a children's memorial area.

COUNCIL ACTION FORM

SUBJECT: OPEN SPACE EASEMENT AND STORM WATER FLOWAGE EASEMENT VACATION – 3910 MARICOPA DRIVE

BACKGROUND:

Staff received a request from the property owner at 3910 Maricopa Drive to vacate the existing open space easement and the storm water flowage easement as shown on Attachment A.

The owner of 3910 Maricopa Drive is in the process of developing this property. The open space easement is not a requirement for the Fountainview Subdivision, and it is unclear why the original developer placed such an easement over the entire outlot. The entire outlot is not needed to accommodate the previously installed stormwater management functions. The stormwater flowage easement will be redefined with a new plat of survey that has been submitted and is in the approval process (shown in Attachment B).

ALTERNATIVES:

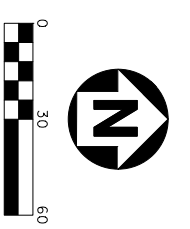
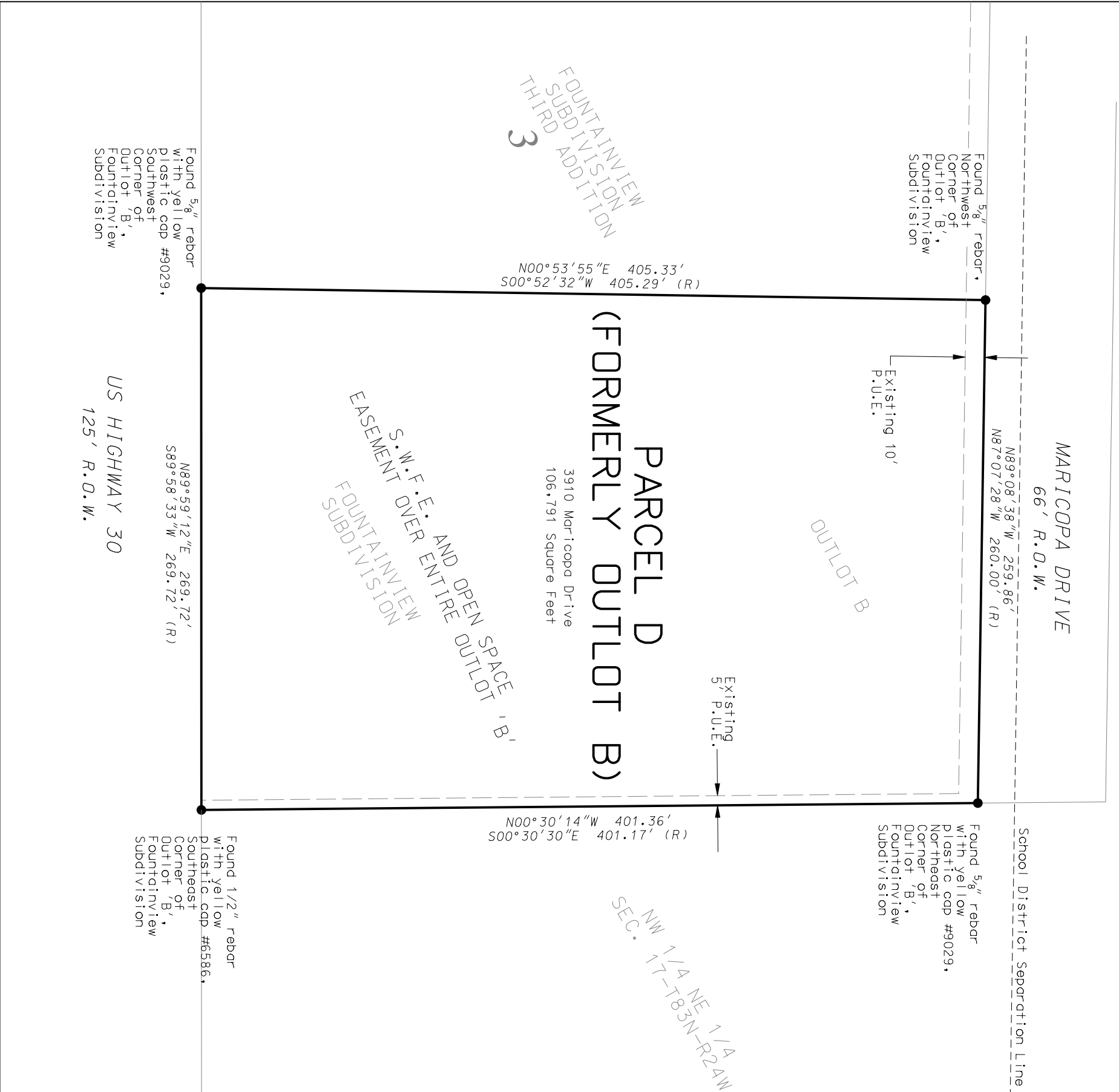
1. Set the date of public hearing as December 17, 2013, to approve the vacation of the open space easement and redefine the stormwater flowage easement at 3910 Maricopa Drive.
2. Do not to approve this vacation and maintain the existing easements.

MANAGER'S RECOMMENDED ACTION:

By vacating the open space easement and redefining the stormwater flowage easement, the City's interests will be preserved while allowing this property owner to develop the property.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting the date of public hearing as December 17, 2013, to approve the vacation of the open space easement and redefining the stormwater flowage easement at 3910 Maricopa Drive.

EXISTING CONDITIONS



LEGEND

- Found Monument as noted..... ●
- Set 5/8" rebar with yellow plastic cap #17535..... □
- Set 1/2" rebar with yellow plastic cap #17535..... ○
- Public Utility Easement..... P.U.E.
- Surface Water Flowage Easement..... S.W.F.E.
- Storm Sewer Easement..... S.S.E.
- Pedestrian Easement..... PED.
- Sanitary Sewer Easement..... S.S.E.
- Water Main Easement..... W.E.
- Record Dimension..... (R)

NOTES

1. The East Line of Lot 3 of Fountainview Subdivision Third Addition bears N00°53'55"E as shown on the Final Plat filed 09/05/2012, Instrument No. 2012-00010364 in the Office of the Story County Recorder.
2. Easements as shown. No new easements created with this plat.
3. This survey meets or exceeds Iowa Code 355.8 (15).

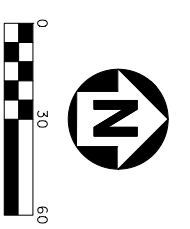
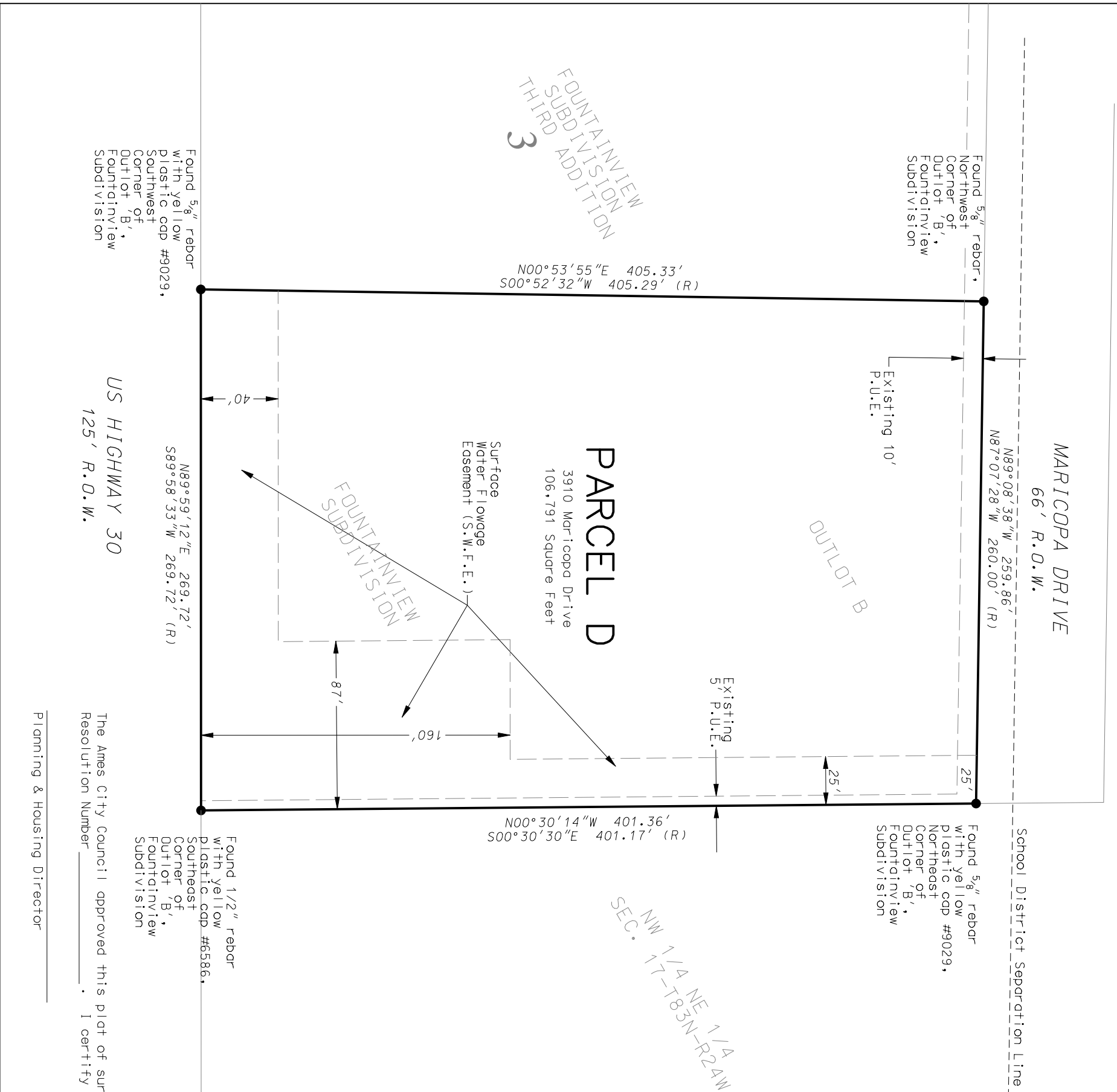
LEGAL DESCRIPTION - PARCEL 'D':

All of Outlot B of Fountainview Subdivision to the City of Ames, Story County, Iowa as shown on the "Plat of Survey" filed in the Office of the Recorder of Story County, Iowa, on _____, 2013 and recorded as Instrument _____, Page _____, Slide _____.

Proprietor:
 Fountainview Property Owners Association
 2400 Aspen Road
 Ames, IA 50010-4038

Requested By:
 The Ridge at Fountainview
 4611 Mortensen Road, Suite 106
 Ames, IA 50014

PLAT OF SURVEY



LEGEND

- Found Monument as noted.....●
- Set 5/8" rebar with yellow plastic cap #17535.....□
- Set 1/2" rebar with yellow plastic cap #17535.....○
- Public Utility Easement.....P.U.E.
- Surface Water Flowage Easement.....S.W.F.E.
- Storm Sewer Easement.....S.T.S.E.
- Pedestrian Easement.....PED.
- Sanitary Sewer Easement.....S.A.N.S.E.
- Water Main Easement.....W.E.
- Record Dimension.....(R)

NOTES

1. The East Line of Lot 3 of Fountainview Subdivision Third Addition bears N00°53'55"E as shown on the Final Plat filed 09/05/2012, Instrument No. 2012-00010364 in the Office of the Story County Recorder.
2. Easements as shown. No new easements created with this plat.
3. This survey meets or exceeds Iowa Code 355.8 (15).

LEGAL DESCRIPTION - PARCEL 'D':

All of Outlot B of Fountainview Subdivision to the City of Ames, Story County, Iowa as shown on the "Plat of Survey" filed in the Office of the Recorder of Story County, Iowa, on _____, 2013 and recorded as Instrument _____, Page _____, Slide _____.

Proprietor:
Fountainview Property Owners Association
2400 Aspen Road
Ames, IA 50010-4038

Requested By:
The Ridge at Fountainview
4611 Mortensen Road, Suite 106
Ames, IA 50014

The Ames City Council approved this plat of survey on _____, 2013, with Resolution Number _____, I certify that it conforms to all conditions of approval.

Planning & Housing Director _____

EUGENE R. DREYER
17535

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Eugene R. Dreyer, P.L.S. _____ Date
License Number 17535
My license renewal date is December 31, 2014
Sheets covered by this seal: 1 of 1

PLAT OF SURVEY
AMES, IA

BOLTON & MENK, INC.
Consulting Engineers & Surveyors

MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN
BAXTER, MN ROCHESTER, MN AMES, IA SPENCER, IA

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 3910 MARICOPA DRIVE

BACKGROUND:

Application for a proposed plat of survey has been submitted for:

- Conveyance parcel (per Section 23.307)
- Boundary line adjustment (per Section 23.309)
- Re-plat to correct error (per Section 23.311)
- Auditor's plat (per Code of Iowa Section 354.15)

The site is located at:

Owner: Fountainview Property Owners Association
Street Address: 3910 Maricopa Drive
Assessor's Parcel #: 0917110000
Legal Description: Outlot B of Fountainview Subdivision to the City of Ames.

This plat of survey converts the existing platted outlot, which is unbuildable, into a platted parcel to allow the construction of three 8-unit apartments. The property lines are not changed for the site, just its status as an outlot within the subdivision. Under a separate action, the City Council will be asked to vacate an open space easement and a storm water flowage easement to facilitate multi-family development on this same site. The storm water flowage easement will be redefined with the approval of approval of a minor site plan. A copy of the proposed plat of survey is attached for Council consideration. (See Attachment B, Proposed Plat of Survey)

Pursuant to Section 23.308(4)(c), a preliminary decision of approval for the proposed plat or survey has been rendered by the Planning & Housing Department that the proposed lots meet zoning standards, e.g. lot area, width, depth and access.

The preliminary decision of approval requires all public improvements associated with and required for the proposed plat of survey be:

- Installed prior to creation and recordation of the official plat of survey and

- prior to issuance of zoning or building permits.
- Delayed, subject to an improvement guarantee as described in Section 23.409.
- Not Applicable.

Under Section 23.308(5), the Council renders a final decision of approval if the Council agrees with the Planning & Housing Director's preliminary decision.

ALTERNATIVES:

1. The City Council can adopt the resolution approving the proposed plat of survey.
2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.308 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

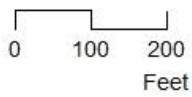
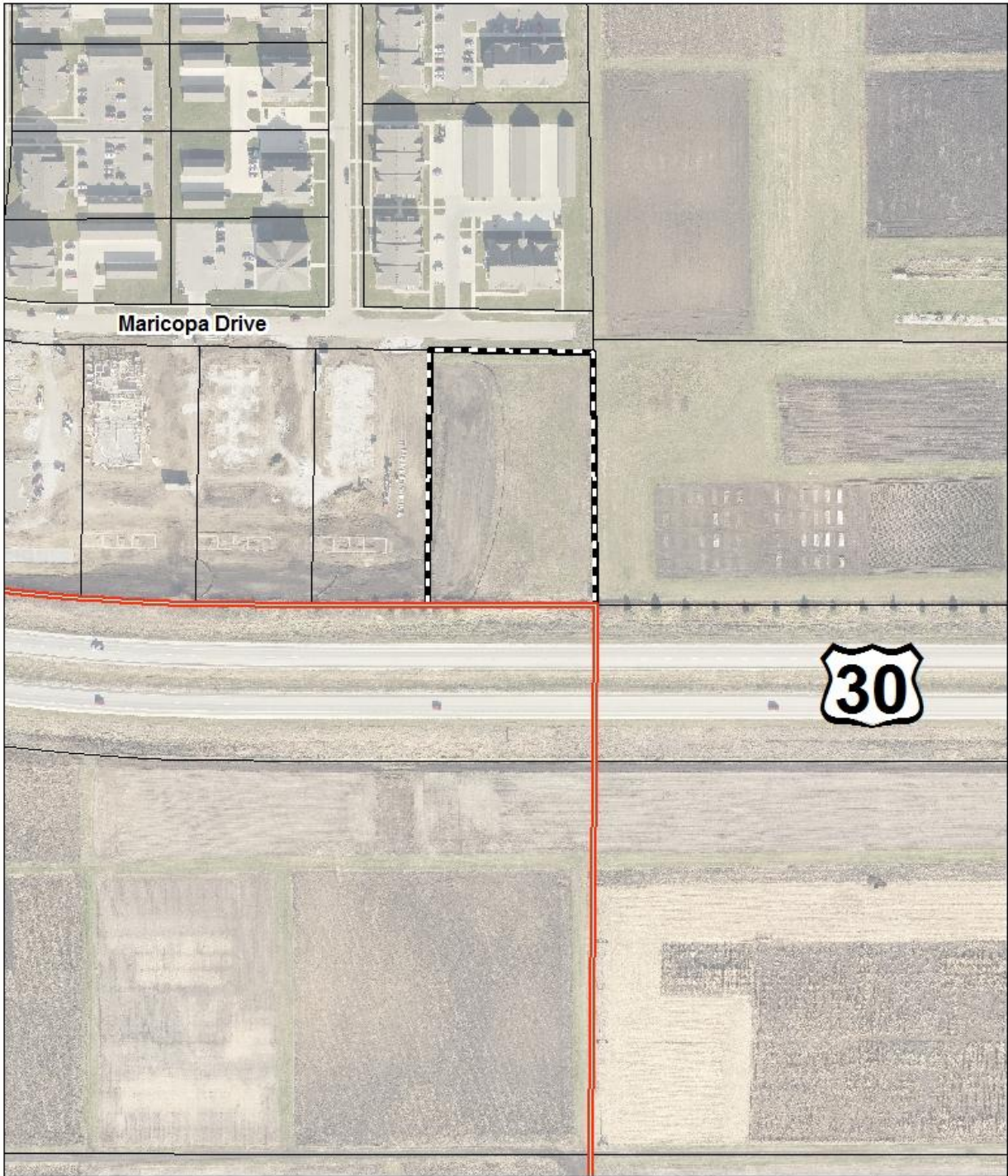
The Planning & Housing Department has determined that the proposed plat of survey satisfies all code requirements and has rendered a preliminary decision to approve the proposed plat of survey. At the time of original approval of the Fountains Subdivision there was no condition of approval and agreement required preserving this outlot as open space. The drainage issues will be accommodated at the time of development and a blanket easement across the property is unnecessary. Approval of the plat of survey will allow for the construction of three 8-unit apartments which staff is currently reviewing.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed plat of survey.



Approval of the resolution will allow the applicant to prepare the official plat of survey, and the Planning & Housing Director to review and sign the plat of survey confirming that it fully conforms to all conditions of approval. Once signed by the Planning & Housing Director, the prepared plat of survey may then be signed by the surveyor, making it the official plat of survey, which may then be recorded in the office of the County Recorder.

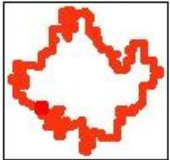
It should be noted that the official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

**ATTACHMENT A
LOCATION MAP**



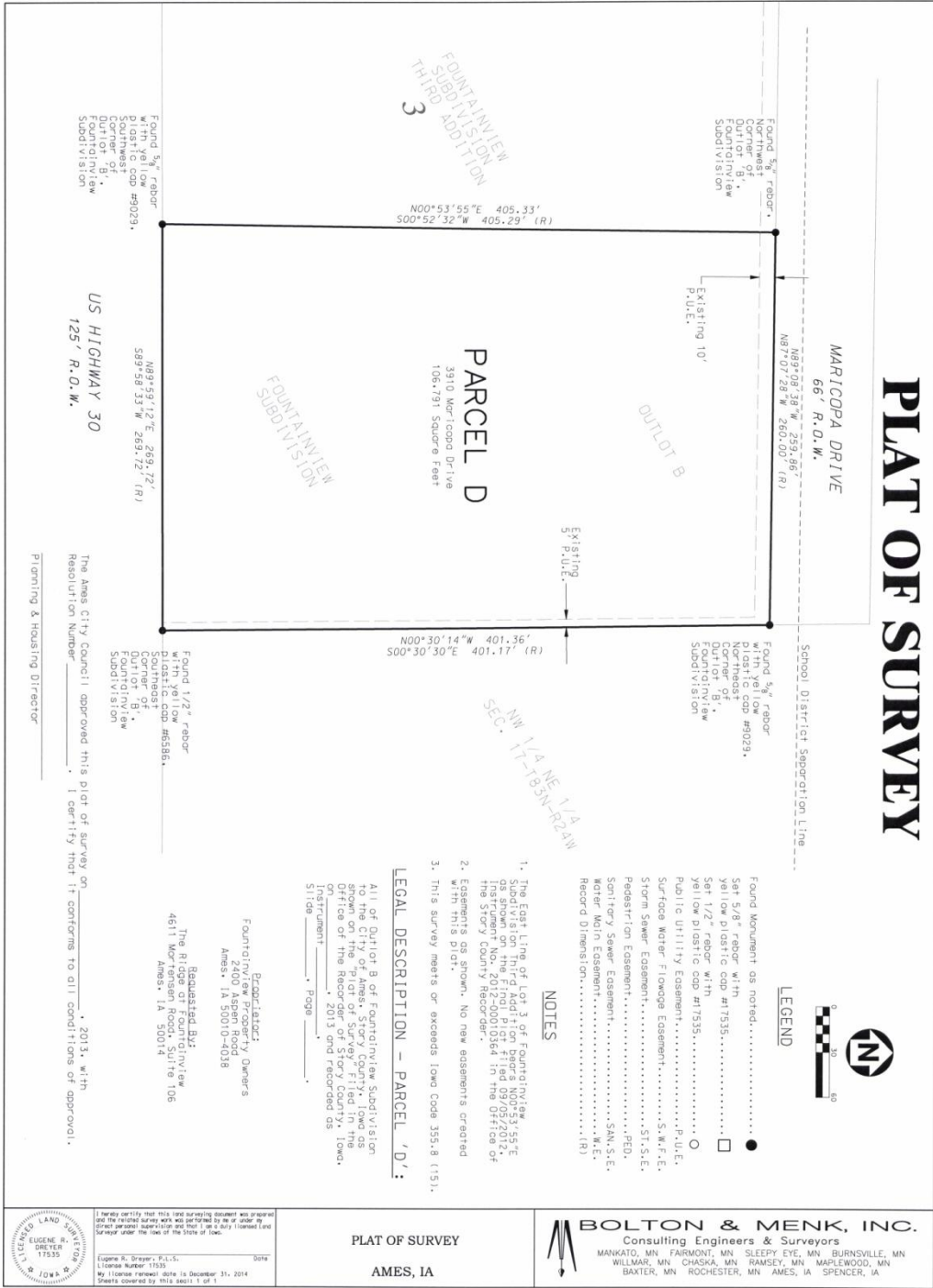
Legend

-  Ames City Boundary
-  Outlot B



ATTACHMENT B PROPOSED PLAT OF SURVEY

Prepared by: Eugene R. Dreyer, Bolton & Menk, 2730 Ford Street/PO Box 668, Ames, IA 50010 Phone: 515-291-4065



COUNCIL ACTION FORM

SUBJECT: VACATION AND CONVEYANCE OF HUTCHISON RIGHT-OF-WAY TO 1311 GEORGIA AVENUE AND 1401 GEORGIA AVENUE

BACKGROUND:

On September 24, 2013, staff presented a report to Council regarding the encroachment of buildings into the existing Hutchison Street right-of-way by the property owners at 1311 and 1401 Georgia Avenue, as shown in Attachment A.

Council directed staff to proceed with conveying the property in question to the abutting property owners at no cost due to the longevity of the encroachments that predate annexation into the City. The property owners have agreed to accept the adjacent halves of the existing right-of-way; the south half to 1311 Georgia Avenue and the north half to 1401 Georgia Avenue, excluding the west 10' to maintain the existing electric easement along the west side of the subdivision. The property owners have also agreed to cover the recording fees associated with the official conveyance documents.

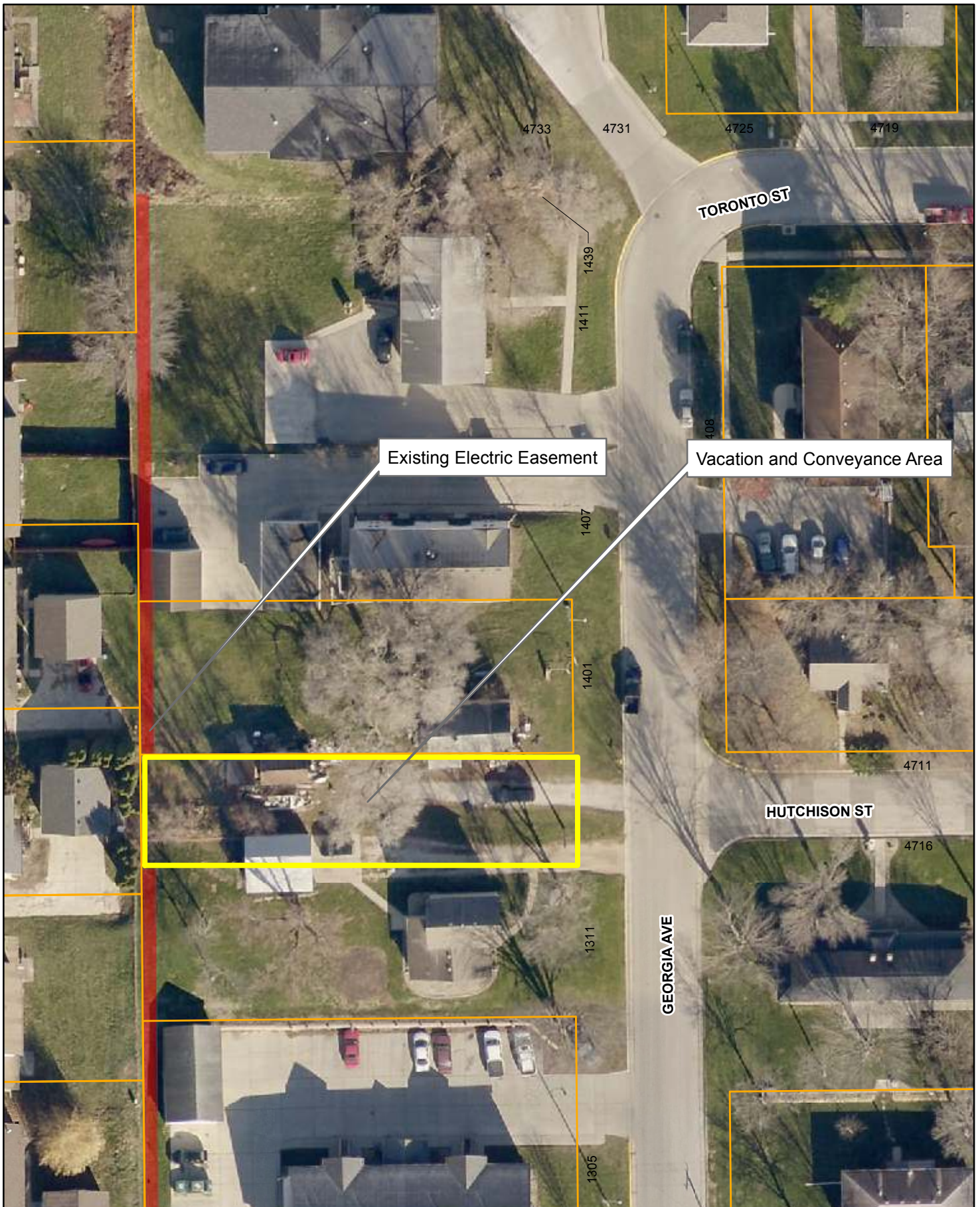
ALTERNATIVES:

1. Set the date of public hearing as December 17, 2013, to approve the vacation and conveyance of the Hutchison Street right-of-way adjacent to 1311 Georgia Avenue and 1401 Georgia Avenue, excluding the west 10' to maintain the existing electric easement along the west side of the subdivision.
2. Reconsider conveyance of the existing right-of-way.

MANAGER'S RECOMMENDED ACTION:

Conveyance of the existing right-of-way to the property owners will allow the existing structures to remain in place and no other actions by the property owners.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting the date of public hearing as December 17, 2013 to approve the vacation and conveyance of the Hutchison Street right-of-way adjacent to 1311 Georgia Avenue and 1401 Georgia Avenue, excluding the west 10' to maintain the existing electric easement along the west side of the subdivision.



Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other features contained in the data. All features represented in this product should be field verified. This Product is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the User.



Attachment A
Hutchison Vacation and Conveyance



Scale: 1 in = 50 ft

Date: 12/4/2013

ITEM # 22
DATE: 12-17-13

COUNCIL ACTION FORM

**SUBJECT: REQUEST FOR LETTER OF SUPPORT FOR SHELDON MUNN
SITE FOR A BROWNFIELD/GRAYFIELD TAX CREDIT
APPLICATION**

BACKGROUND:

The Sheldon Munn is a significant historical building within the Main Street Cultural District at the corner of Kellogg and Main Street. The property owner has an interest in rehabilitating the property consistent with its historic character as a mixed-use building and has met with City staff to investigate feasibility of the project. As part of the project assessment, it has been noted by the property owner, that the building includes a number of obstacles to its reuse, see attached letter, related to the potential removal costs of hazardous building materials.

The Iowa Economic Development Authority (IEDA) has a Brownfield/Grayfield Tax Credit program to provide financial assistance for the removal of environmental contamination to further goals of removing development impediments. The Sheldon Munn's owners desire to seek IEDA grant funding to assist in the preservation and rehabilitation of the building. **To this end they are requesting the City's support of their application. The Brownfield Tax Credit program does not require financial participation by a local government and there is no additional administration requirement for the City if the property owners are awarded the tax credits.**

ALTERNATIVES:

1. The City Council can authorize the Mayor to sign a letter of support for sponsorship of the Brownfield Tax Credit application.
2. The City Council can deny the request to sponsor the Brownfield Tax Credit application.

MANAGER'S RECOMMENDED ACTION:

Based upon the City's interest in the supporting reinvestment in the downtown and desire for historic preservation and rehabilitation of Sheldon Munn, it is the recommendation of the City Manager that the City Council adopt Alternative #1. This action will authorize the Mayor to provide a letter of support of an application for Brownfield Tax Credits.



December 12, 2013

Ames City Council
Ames Public Works Department
Ames City Hall
515 Clark Avenue
Ames, IA 50010

Re: Pursuit of Brownfield Tax Credits for Sheldon Munn

We request the assistance of the City with pursuance of Brownfield Tax Credits for the above referenced building. During our development of plans and details for the restoration, we performed a walkthrough of the building where many items that commonly contain asbestos, such as 9 inch floor tile, frayed pipe insulation and built up roofing mastic, were identified. During additional tours of the building with contractors and staff from the environmental engineer, many areas were pointed out as questionable for containing asbestos. Complete testing for asbestos containing materials was requested before contractors would be allowed to perform work on site. These tests, which will be necessary prior to beginning of the construction process, have yet to be approved during our planning process.

In addition, due to the age of the facility being approximately 100 years, it is highly likely to contain lead based paints in many areas. This also is considered a hazardous material and will have to be mitigated prior to beginning of construction.

Since these hazardous materials presumably exist within the areas of the project where work will be performed, we believe that this project is eligible for the Brownfield Tax Credit program through the Iowa Economic Development Authority (IEDA). We have been in contact with members of the IEDA concerning these issues, and they have informed us that what they need is a statement of support from a local City official claiming that there is perceived contamination of the site per the Iowa Code definition. Based on our visual walkthrough, and the comments gathered from the environmental engineer, we perceive that these contaminants do exist.

We request that a letter be sent to us claiming your notion of perceived contaminants are located within the Sheldon Munn Hotel. Please find attached a quotation for professional testing services where the environmental engineer claims they will have to test at least 550 samples of existing materials to properly prepare an environmental assessment of the building. Also find attached a copy of the Iowa Code definitions for Brownfield and Grayfield sites within the State of Iowa. This should provide clear information to base your perceptions.

Please address this letter to my attention, and I will forward it to the appropriate parties. Thank you for your quick attention to this matter.

Sincerely,

John D. Lott, AIA, LEED AP BD+C

Benjamin Design Collaborative
401 Clark Avenue, Suite 200 ■ Ames, Iowa 50010 ■ 515-232-0888 ■ Fax 515-232-0882

ITEM # 23
DATE: 12-17-13

COUNCIL ACTION FORM

SUBJECT: RESOLUTION SUPPORTING AN APPLICATION BY KINGLAND SYSTEMS FOR A BROWNFIELD/GRAYFIELD TAX CREDIT APPLICATION

BACKGROUND:

Kingland Systems intends to redevelop their property along the 2400 block of Lincoln Way and has identified that the site contains environmental contamination. The Iowa Economic Development Authority (IEDA) has a Brownfield/Grayfield Tax Credit program to provide financial assistance for the redevelopment of sites and removal of environmental contamination. Kingland Systems intends to prepare an application seeking these state tax credits. One of the application requirements is a resolution of support for the application from the local government. **The Brownfield Tax Credit program does not require financial participation by a sponsoring local government and there is no additional administration requirement for the City if Kingland Systems is awarded the tax credits.**

ALTERNATIVES:

1. The City Council can authorize the Mayor to sign the resolution for sponsorship of the Brownfield Tax Credit application.
2. The City Council can deny the request to sponsor the Brownfield Tax Credit application.

MANAGER'S RECOMMENDED ACTION:

Based upon the City's interest in the redevelopment of the site and the property owner's findings of environmental contaminants, it is the recommendation of the City Manager that the City Council adopt Alternative #1. This action will authorize the Mayor to sign the resolution for use by Kingland Systems in the application for Brownfield Tax Credits.

RESOLUTION _____

A RESOLUTION BY THE CITY OF AMES, IOWA, APPROVING SPONSORSHIP OF THE
IOWA ECONOMIC DEVELOPMENT AUTHORITY BROWNFIELD/GRAYFIELD TAX
CREDIT PROGRAM FOR
KINGLAND SYSTEMS CORPORATION/KINGLAND CAMPUS PROPERTIES

WHEREAS, Kingland Systems Corporation has requested City sponsorship of an application to the Iowa Economic Development Authority for a Brownfield/Grayfield Tax Credit for the redevelopment site it owns east of Welch Avenue on Lincoln Way, for the purpose of improving the efficient use of the property; and

WHEREAS, Iowa Code Section 15.291 defines a brownfield site as an abandoned, idled, or underutilized industrial or commercial facility where expansion or redevelopment is complicated by real or perceived environmental contamination and a brownfield site includes property contiguous with the property on which the facility is located but does not include property which has been placed, or is proposed for placement, on the national priorities list established pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act; and

WHEREAS, studies by Terracon, Inc., have found environmental contamination that complicates redevelopment; and

WHEREAS, it is in the best interests of the City to sponsor this application and encourage redevelopment of underutilized properties that are complicated by real or perceived environmental contamination.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AMES, IOWA, THAT:

1. The requested application sponsorship described above is hereby approved and accepted and shall be filed with the county recorder, if appropriate.

PASSED AND ADOPTED this 10th day of December, 2013.

Ann H. Campbell, Mayor

Attest: _____
Diane Voss, City Clerk



PlanScape Partners

Innovative solutions, lasting relationships.

December 5, 2013

Mr. Kelly Diekmann
Director of Planning and Housing
City of Ames
515 Clark Ave.
Ames, IA 50010

RE: Brownfield Tax Credits Sponsorship Resolution – Kingland Redevelopment Project, Ames, IA

Dear Kelly:

Environmental analysis of the existing buildings on the Kingland redevelopment site has found the existence of hazardous materials, including lead-based paint and asbestos. The existence of these materials, and the characteristics of the buildings and their use make the project eligible for the Brownfield tax credit program through the Iowa Economic Development Authority (IEDA). The program has been well used by redevelopers in numerous communities. In fact, in the most recent round of funding awards, many applications went unfunded due to the popularity of the program and the inadequacy of the funds available.

The only responsibility of a community in which a project is located is sponsorship of the application to IEDA. All the responsibilities for preparation and submittal of the application, agreements with IEDA, reporting and eventual use of the tax credits are those of the developer. It is proposed that the application will be submitted now to IEDA with the sponsorship resolution of the City, but awards of the tax credits won't be conferred until an anticipated Autumn, 2014, award date. Only the eligible costs incurred by the project after the award date can be counted for the tax credit.

We respectfully request approval of the sponsorship resolution by the City Council. We have attached a copy of the sponsorship resolution in the format recommended by IEDA, and a draft of the application that will be submitted.

Thank you.

Sincerely,

PLANSCAPE PARTNERS

Ronald L. Fiscus

333 N. Washington Ave.
Suite 337
Minneapolis, MN 55401
phone 612.349.9898

2351 S. Lake View Dr.
Suite A8
Clear Lake, IA 50428
phone 641.357.6344

fax 612.349.9897
www.planscapepartners.com

Staff Report

South Bell Avenue Development Agreement and Compliance

December 17, 2013

BACKGROUND

The City of Ames and Dayton Park, LLC entered into a development agreement on February 4, 2009 in order to establish an urban renewal area and tax increment finance (TIF) district for the construction of the Ames Community Development Park 4th Addition. This development created 14 lots for industrial development and completed the connection of S. Bell Avenue between E. Lincoln Way and SE 16th Street (see location map on Attachment 1).

The agreement, among other things, requires the developer to construct a series of speculative buildings. The first building was required within 18 months after the completion of the public improvements. Subsequent speculative buildings are required to be constructed within twelve months of the occupancy of each prior building until the ten small lots are developed or the City's debt is paid off (see paragraph 9 of the agreement in Attachment 2).

The first speculative building was completed at 615 S. Bell Avenue and occupied by Solum on July 23, 2012. Therefore, **the second speculative building was to be completed and available by July 23, 2013. While a site plan and building permit have been approved for the next speculative building at 2812 Hyatt Circle, the building is not finished.**

The agreement also required the developer to grant to the City, a first lien mortgage in the amount of \$350,000 encumbering not less than 6.36 acres of the subdivision (see paragraph 10 in Attachment 1). This mortgage was to ensure the completion of the required speculative buildings. **This mortgage was never granted and the City is holding no financial security to ensure the developer performs.**

As a tax-increment financing district, the City constructed the infrastructure, streets, sanitary sewer, and water mains upfront with the goal of paying those costs with the increased property tax revenue from the increased land and improvement values. The financing plan included assumptions about the timing and value of buildings as well as the taxable value for vacant land during the build out of the project. However, state administrative rules changed during the creation of this project to allow the undeveloped lots in industrial subdivisions to be taxed at agricultural rates rather than at industrial rates. Thus, the City does not receive any increased incremental property tax revenue from the vacant industrial land until it is developed. This has caused a reduction of \$21,000 per year in revenue to help repay the TIF debt. Currently the developers pay total property taxes of only about \$22 to \$108 per undeveloped lot annually even though they receive the additional value of the TIF funded infrastructure. Once developed, of

course, the City's property tax levy is placed on the taxable valuation of the property consistent with original projections.

The current principal balance of outstanding bonds for the project is \$830,596, annual debt service payments are approximately \$120,000 per year through 2021. With the property improvements currently in place, the TIF district is expected to generate approximately \$32,000 per year in incremental revenue for debt service. It is common for TIF districts to carry a deficit balance in early years, with the deficit being quickly made up as the district develops and generates excess TIF revenue. This was the City's experience with the past two TIF districts. **With the South Bell District, the combination of slow development and taxation of undeveloped land as agricultural property rather than as commercial has resulted in lower than expected revenue.**

Options:

The Council can direct staff to prepare an amendment to the development agreement that would cover some or all of the following issues:

Timeframe To Complete Speculative Building Completion

- a. Grant a onetime extension for the 2nd speculative building to be completed by June 1, 2014.

Once this building is sold or leased, the developer would need to complete the subsequent speculative buildings in accordance with the current terms of the agreement.

Financial Security

- a. Allow Dayton Park, LLC to submit a letter of credit in the amount of \$350,000 rather than a first lien mortgage encumbering no less than 6.36 acres with a minimum value of \$350,000.

The letter of credit is a more liquid form of security, allowing the City to draw the funds without first foreclosing on a mortgage.

Or

- b. Continue to require Dayton, LLC to provide a first lien mortgage encumbering no less than 6.36 acres with a minimum value of \$350,000.

If the owner is reluctant or fails to provide this mortgage in a prescribed time frame, a lien could be placed on the property in the amount of \$350,000. The City would then be in a position to foreclose on the mortgage or seek satisfaction of the lien in order to service the debt.

Vacant Land Assessment

- a. Make no changes to the existing agreement, thereby allowing the vacant lots to continue to be assessed at agricultural values.

Or

- b. In consideration of the lost potential tax revenue for debt service, require Dayton Park, LLC to waive the right to have the land assessed as agricultural land and allow it to be assessed as industrial land. The assessor could assess the land as vacant industrial, which would generate substantially more tax revenue, with the consent of the property owner.

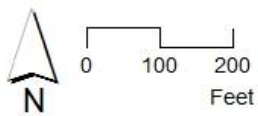
Staff Comments:

There are two instances where the developer is out of compliance with the terms of the development agreement. The first is the timing of the completion of the second speculative building to provide for economic development opportunities and taxable value for repayment of debt. This partnership was intended to make industrial land available for development and speculative buildings available for occupancy. This arrangement proved fruitful with the occupation of the first speculative building by Solum, an out-of-state business that created 25 jobs in 2012. However, the developer has not made a second speculative building available within the 12 months required following the occupation of the first building.

The second is that the developer has not submitted the required financial security to the City. Without the financial security in place, enforcement of the terms of the development agreement is more onerous for the City. While a mortgage seemed the safest security in 2009 when the development agreement was written, City staff believes an alternative security of a letter of credit would better protect the interests of the City.

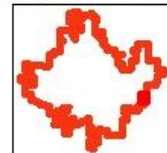
The City staff is seeking direction from the City Council regarding how to address these compliance issues. In discussions with the developer, he would 1) request an extension to the timeframe to complete the second speculative building, 2) be open to providing a letter of credit in lieu of mortgage, and 3) is opposed to any change to the taxable value of vacant land.

AMES COMMUNITY DEVELOPMENT PARK 4TH ADDITION



Legend

-  Ames City Boundary
-  Ames Community Development Park 4th Addition



**ATTACHMENT 2
DEVELOPMENT AGREEMENT EXCERPTS**

Paragraph 9:

9. SECOND SPECULATIVE BUILDING AND SUBSEQUENT SPECULATIVE BUILDINGS. Not later than twelve (12) months after the construction and occupancy of the First Speculative Building, or not later than twelve (12) months after the First Speculative Building is no longer speculative in nature, whichever occurs first (the "**Second Speculative Building Completion Date**"), the Developer shall complete the construction of a second building (the "**Second Speculative Building**") having an assessed taxable value, exclusive of land, of not less than \$350,000, and having not less than 10,000 square feet of floor area. Thereafter, not later than twelve (12) months after the construction and occupancy of the Second Speculative Building, or not later than twelve (12) months after the Second Speculative Building is no longer speculative in nature, additional buildings (the "**Subsequent Speculative Buildings**"), each of which shall have an assessed taxable value, exclusive of land, of not less than \$350,000, and shall not have less than 10,000 square feet in floor area, shall be constructed by the Developer so that there is at all times, a Subsequent Speculative Building available for occupancy or under construction. Subsequent Speculative Buildings shall be constructed by the Developer: (i) not later than twelve (12) months after the construction and occupancy of the Second Speculative Building, (ii) not later than twelve (12) months after the construction and occupancy of any Subsequent Speculative Building, or (iii) not later than twelve (12) months after the Second Speculative Building or any Subsequent Speculative Building is no longer speculative in nature, whichever occurs first (the "**Subsequent Speculative Building Completion Date**"). This requirement shall continue until all lots within the Subdivision, except lots greater than 1.5 acres in size, contain either the First Speculative Building, the Second Speculative Building, or Subsequent Speculative Buildings, or until the debt issued by the City to pay for the Public Improvements is paid in full, whichever occurs first. The Second Speculative Building and Subsequent

Paragraph 10:

10. SECURITY. As security to the City for the completed construction of the aforesaid First Speculative Building, the Second Speculative Building or the Subsequent Speculative Buildings, the Developer hereby promises to pay the sum of \$350,000.00 to the City on the First Speculative Building Completion Date, the Second Speculative Building Completion Date or any Subsequent Speculative Building Completion Date, as the case may be, if said buildings are not then completed by said dates and, to effectuate this Paragraph 10, the Developer shall execute and deliver to the City a first lien mortgage in the amount of \$350,000.00 that shall encumber a portion of the Subdivision. Said portion shall be identified and determined at the time the final plat and other platting documents for the Subdivision are approved by the City and shall encumber only that portion of the Subdivision identified therein and only as to the amount specified herein; however, said portion shall encumber not less than 6.36 acres of land within the Subdivision. Said mortgage shall be delivered to the City within thirty (30) days after the recording of the final plat and other documents necessary to subdivide the real property of which the Subdivision is comprised.

COUNCIL ACTION FORM

SUBJECT: DESIGN SERVICES FOR LIFT STATION IMPROVEMENTS

BACKGROUND:

The Highway 30 lift station, which is located near the intersection of South Dayton Avenue and U.S. Highway 30, and the Orchard Drive lift station, which is located in Brookside Park near Orchard Drive, have reached the end of their service lives and are in need of replacement or rehabilitation. On September 25, 2013, staff issued a request for proposals for engineering services to design the necessary improvements to these facilities and provide assistance during the bid and construction phase of the project.

Staff utilized a “two envelope” selection process in selecting an engineering firm, where each firm’s qualifications and proposed scope of work are submitted in one envelope and their proposed fee are submitted in a second envelope. The process allows staff to review the submitted proposals and identify the firm whose qualifications and proposed scope of work are most appropriate before considering fees. Then, after identifying the preferred firm, staff opens the proposed fee envelopes to confirm that the selected firm is proposing a fee that is in line with what other firms would propose for a similar scope of work. In all cases, the final scope of work and fee is negotiated with the firm identified as having submitted the most appropriate submittal.

On October 25, 2013, staff received seven proposals. A thorough review of each firm’s qualifications was performed and HDR Engineering was identified as the most qualified firm. Following the proposal firm review process, fee proposals were opened. All firms submitting proposals are listed below in the order they were ranked based on qualifications.

Firm	Initial Proposed Fee
HDR Engineering	\$ 78,855.00
Bolton & Menk	Lump Sum 58,000.00 Hourly 65,000.00
Kirkham Michael	99,310.00
Veenstra & Kimm, Inc.	99,080.00
MSA Professional Services	97,762.50
Stanley Consultants	137,760.00
HBK Engineering	19,860.00

Staff has negotiated the final scope of work with HDR Engineering to perform all necessary design, bid phase assistance and construction phase engineering services

required to complete the project as originally intended. Additional scope items not included in the original scope of work, but which are required to complete the project, were added to HDR's scope of work. These additional scope items include special inspections required by the International Building Code, research of existing utility easements and identification of any new easements required for the Highway 30 lift station, and providing assistance to staff to acquire funding for the project through the State Revolving Fund (SRF) loan program. The final negotiated fee is based on an hourly rate not to exceed \$96,055 without prior approval by the City.

In reviewing the proposals, staff noted that HBK Engineering's proposed scope of work included a significantly lower number of hours to complete the design, bid phase assistance and construction phase services compared to all the other firms. **Had HBK Engineering been identified as the most appropriate firm for this project, staff would have needed to negotiate a substantial increase in HBK Engineering's proposed scope of work, with a corresponding increase in their fee.**

The current CIP includes \$125,000 for engineering services for this project with a total project budget of \$1,040,000.

ALTERNATIVES:

1. Award a contract for design, bid and construction phase engineering services to HDR Engineering with compensation based on an hourly rate not to exceed \$96,055 without prior approval.
2. Do not award a contract at this time and do not move forward with the Lift Station Improvements Project.

MANAGER'S RECOMMENDED ACTION:

The Highway 30 and Orchard Drive lift stations have reached the end of their useful lives and are in need of rehabilitation or replacement. Existing equipment has begun to fail and safety and code issues with the current facilities needs to be addressed. Improvements to these lift stations are also necessary to ensure that the reliability of the wastewater conveyance system is maintained and service to customers is uninterrupted.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving a contract for engineering services with HDR Engineering, with principle offices in Omaha, Nebraska, for an amount not to exceed \$96,055.

COUNCIL ACTION FORM

SUBJECT: AMES MUNICIPAL CODE DEFINITION OF FLASHING YELLOW ARROW

BACKGROUND:

The Federal Highway Administration has adopted the flashing yellow arrow as a national standard for permissive left-turn operations. Several such signals have already been installed in Ames as well as elsewhere in Iowa. Others will be installed by the Iowa Department of Transportation and local jurisdictions throughout Iowa as agencies upgrade their traffic signals or make improvements at intersections.

The Municipal Code definitions for traffic signal control that regulate how a vehicle and pedestrian are to operate at a signalized intersection are shown under Section 26.18(2). Recently, it was found that our local codes do not provide a specific definition for the flashing yellow arrow. Therefore, in order to correct this omission, an ordinance has been drafted that will amend the section to add the following:

... **“(k) A "flashing yellow arrow" light means vehicular traffic may proceed with caution through the intersection unless otherwise specifically prohibited. Vehicular traffic shall yield the right-of-way to other vehicular and pedestrian traffic lawfully within the intersection.”**

ALTERNATIVES:

1. Approve first passage of the ordinance to add the definition of the Flashing Yellow Arrow to Municipal Code section 26.18(2)(k).
2. Reject the proposed ordinance.

MANAGER’S RECOMMENDED ACTION:

The flashing yellow left-turn arrow signal is a new traffic management tool aimed at keeping traffic moving, increasing safety, and reducing fuel consumption. It replaces the circular green signal used in the traditional left-turn signal configuration to indicate the need for left-turning vehicles to yield to oncoming traffic and pedestrians. The flashing yellow left-turn arrow is intended to help prevent crashes, reduce traffic delays, and provide more traffic management flexibility.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving first passage of the ordinance to add the definition of the Flashing Yellow Arrow to Municipal Code section 26.18(2)(k).

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SUBSECTION 26.18 (2)(k) THEREOF, FOR THE PURPOSE OF DEFINING A FLASHING YELLOW ARROW LIGHT; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Subsection 26.18(2)(k) as follows:

Sec. 26.18. OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES.

(2)

...

“(k) A "flashing yellow arrow" light means vehicular traffic may proceed with caution through the intersection unless otherwise specifically prohibited. Vehicular traffic shall yield the right of way to other vehicular and pedestrian traffic lawfully within the intersection.”

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

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

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

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor