

**AGENDA**  
**REGULAR MEETING OF THE AMES CITY COUNCIL**  
**COUNCIL CHAMBERS - CITY HALL**  
**JANUARY 26, 2016**

**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:** 6:00 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 January 12, 2016, and Special Meeting of January 19, 2016
3. Motion approving Report of Contract Change Orders for January 1-15, 2015
4. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor & Outdoor Service – West Towne Pub, 4518 Mortensen Road, #101
  - b. Class C Liquor & Outdoor Service – Dublin Bay, 320 S. 16<sup>th</sup> Street
  - c. Special Class C Liquor – Shogun of Ames, 3704 Lincoln Way
  - d. Class B Beer & Outdoor Service – Torrent Brewing Company, 504 Burnett Avenue
  - e. Class B Beer & B Native Wine – Indian Delights Express, 120 Welch Avenue
5. Motion approving Class C Beer Permit for Casey's General Store #2560, 3020 South Duff Avenue
6. Resolution approving Addendum to Medication Therapy Management Services Agreement between the City and Outcomes Incorporated
7. Resolution approving preliminary plans and specifications for 2013/14 Shared Use Path System Expansion - Skunk River Trail Extension, Phase 2; setting February 16, 2016, as bid due date and February 23, 2016, as date of public hearing
8. Resolution approving preliminary plans and specifications for 2015/16 Asphalt Street Pavement Improvements and 2015/16 Water System Improvements; setting February 17, 2016, as bid due date and February 23, 2016, as date of public hearing
9. Resolution approving preliminary plans and specifications for 2015/16 Concrete Pavement Improvements Program #1 (Friley Road); setting February 17, 2016, as bid due date and February 23, 2016, as date of public hearing
10. Resolution approving preliminary plans and specifications for 2015/16 Water Systems Improvements Program #1 - Water Main Replacement (Country Club Boulevard); setting February 17, 2016, as bid due date and February 23, 2016, as date of public hearing
11. Resolution approving preliminary plans and specifications for 2015/16 Clear Water Diversion (Duff Avenue, East 9<sup>th</sup> Street, and McDonald Drive); setting February 17, 2016, as bid due date and February 23, 2016, as date of public hearing

12. Resolution approving preliminary plans and specifications for 2015/16 Arterial Street Pavement Improvements (13<sup>th</sup> Street from Furman Aquatic Center to Union Pacific Railroad); setting March 15, 2016, as bid due date and March 22, 2016, as date of public hearing
13. Resolution awarding contract to ARGO Turboserve Corporation of Lyndhurst, New Jersey, for purchase of parts for Unit 8 Turbine in the amount of \$64,367
14. Resolution accepting partial completion of public improvements and lessening security for Scenic Valley Subdivision, 1<sup>st</sup> Addition
15. Resolution accepting final completion of Vet Med Substation Capacitor Bank Foundation Installation
16. Resolution accepting final completion of 2014/15 Traffic Signal Program (13<sup>th</sup> Street and Stange Road)
17. Resolution accepting final completion of Water Pollution Control Facility Make-Up Air Unit and Heat Recovery Units Replacement Project
18. Resolution approving Plat of Survey for 2328 - 240<sup>th</sup> Street

**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.**

**ADMINISTRATION:**

19. 2016-2021 Capital Improvements Plan:
  - a. Receive public input
  - b. Motion directing staff to develop modified or alternative projects (Vote will be taken on February 9, 2016)
20. Resolution approving Agreement with Central Iowa Water Authority for water service transfer east of Interstate 35

**PLANNING & HOUSING:**

21. 803 Lincoln Way (Haynes Kenton Subdivision):
  - a. Resolution approving/motion denying request for waiver of subdivision requirement for access design standards
  - b. Resolution approving Final Plat
22. Staff Report on request for a Zoning Text Amendment for exemption to minimum Floor-to-Area Ratio in the Downtown Service Center Zone

**PUBLIC WORKS:**

23. Staff Report on request to apply for airplane display at Ames Municipal Airport

**ORDINANCES:**

24. Second passage of ordinance rezoning property at 1110 Delaware Avenue from Residential Low-Density (RL) to Residential High-Density (RH)
25. Second passage of ordinance rezoning property with Master Plan at 5440 and 5442 Grant Avenue from Agricultural (A) to Suburban Residential Low-Density (FS-RL)
26. Second passage of ordinance revising *Municipal Code* Section 29.408(2) pertaining to fences in setbacks (third reading and adopting requested)

27. Second passage of ordinance revising *Municipal Code* Section 29.408(5) pertaining to visibility triangle at intersections
28. Second passage of ordinance prohibiting the use of electronic smoking devices in public places

**COUNCIL COMMENTS:**

**ADJOURNMENT:**

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

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

**AMES, IOWA**

**JANUARY 12, 2016**

**REGULAR MEETING OF THE AMES CONFERENCE BOARD**

The regular meeting of the Ames Conference Board was called to order by Chairman Ann Campbell at 5:30 p.m. on January 12, 2016. Present from the Ames City Council were Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem. Story County Board of Supervisors present were Wayne Clinton and Rick Sanders. Representing the Ames School Board were Lewis Rosser and Bill Talbot. Gilbert Community School District and United School District were not represented.

**MINUTES OF JULY 28, 2015, MEETING OF THE CONFERENCE BOARD:** Moved by Sanders, seconded by Corrieri, to approve the minutes of the July 28, 2015, Meeting of the Ames Conference Board.

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

**ASSESSOR'S BUDGET PROPOSALS:** Ames City Assessor Greg Lynch highlighted information from the City Assessor's 2016/17 Annual Report.

It was noted by Mr. Lynch that two new appraisers, Don Wacker and Chris Malloy, were hired in December 2015. One position remains vacant, which is the Information Technology position.

Mr. Lynch also brought the Board's attention to Page 4 of the Report, which showed assessed and taxable values. According to Mr. Lynch, the 6.4% increase is the largest in the six years that he has been the Assessor. It means that there has been a lot of growth in the City.

The recommendation is for a 3% increase in staff salaries. Mr. Lynch publicly thanked his staff for their hard work in getting the assessment letters out. It was pointed out that in FY 2016/17, there will be 27 Pay Periods, instead of the normal 26 Periods. Supervisor Sanders noted that the percentage of change between the Proposed and Current Budget at 3.2% is a bit deceiving; it would be more like 1.7% without that 27<sup>th</sup> Pay Period. According to Mr. Lynch, there had been a significant increase in insurance costs.

Moved by Clinton, seconded by Rosser, to approve the recommendations of the Assessor's Report. Roll Call Vote: 3-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Sanders, to receive the proposed budget (adoption of the budget will occur after the hearing is held).

Roll Call Vote: 3-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Sanders, to set 5:30 p.m. on February 23, 2016, as the date of public hearing on the proposed FY 2016/17 City Assessor's budget.

Roll Call Vote: 3-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Rosser, seconded by Gartin, to adjourn the Ames Conference Board at 5:48 p.m.

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

## REGULAR MEETING OF THE AMES CITY COUNCIL

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 5:51 p.m. on February 12, 2016, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem. *Ex officio* Member Sam Schulte was also present.

Mayor Campbell announced that she was appointing Peter Orazem to serve as Mayor Pro-Tem for 2016.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of December 22, 2015
3. Motion approving Report of Contract Change Orders for December 16-31, 2015
4. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor & Outdoor Service – Oddfellows, 823 Wheeler Street
  - b. Class C Beer & B Native Wine – Casey’s General Store #2560, 3020 S. Duff Avenue
  - c. Special Class C Liquor – Vesuvius Wood-Fired Pizza, 1620 S. Kellogg Avenue
  - d. Class A Liquor – American Legion Post #37, 225 Main Street
  - e. Class C Liquor & Outdoor Service – Chipotle Mexican Grill, 435 S. Duff Avenue, #102
  - f. Class C Liquor – Café Beau, 2504 Lincoln Way
  - g. Class C Liquor - Hy-Vee Market Place, 3800 Lincoln Way
5. Motion approving 5-day (January 14-18) Class C Liquor License for Olde Main at CPMI Event Center, 2321 North Loop Drive
6. Motion approving 5-day (January 13-17) Special Class C Liquor License for Olde Main at Hansen Agriculture Student Learning Center, 2516 Mortensen Road
7. Motion approving 5-day (January 29-February 2) Class C Liquor License for Christiani’s Events at ISU Alumni Center, 420 Beach Avenue
8. Motion approving Class C Liquor License for 1 Night Stand, 124 Welch Avenue
9. Motion approving Encroachment Permit for sign at 220 Main Street
10. RESOLUTION NO. 16-001 approving and adopting Supplement No. 2016-1 to *Municipal Code*
11. RESOLUTION NO. 16-002 approving Quarterly Investment Report for period ending December 31, 2015
12. RESOLUTION NO. 16-003 approving appointment of Council Member Beatty-Hansen to Ames Convention & Visitors Bureau Board of Directors
13. RESOLUTION NO. 16-004 approving application for procurement card for Council Member Beatty-Hansen and setting transaction limit
14. Title VI Compliance:
  - a. RESOLUTION NO. 16-005 approving Title VI Non-Discrimination Agreement with Iowa Department of Transportation (DOT)
  - b. RESOLUTION NO. 16-006 approving Standard DOT Title VI Assurances
  - c. RESOLUTION NO. 16-007 approving revisions to Ames Title VI Compliance Plan
15. RESOLUTION NO. 16-008 approving request from HIRTA to draw down FY 2014/15 Transportation Funds
16. Public Art Commission:
  - a. RESOLUTION NO. 16-009 approving 2014/15 Budget carry-over request
  - b. RESOLUTION NO. 16-010 authorizing Animal Control artwork acquisition
  - c. RESOLUTION NO. 16-011 approving “Art in the Parks” Request for Proposals for Tom Evans Plaza
17. RESOLUTION NO. 16-012 approving plans and specifications for Ames/ISU Ice Arena Flooring Project; setting February 16, 2016, as bid due date and February 23, 2016, as date of public hearing

18. RESOLUTION NO. 16-013 correcting amount of contract to Henderson Products, Inc., of Manchester, Iowa, for Medium-Duty Truck Upfitting Bid
  19. RESOLUTION NO. 16-014 approving contract and bond for Ames/ISU Ice Arena - 2015 Evaporative Condenser Replacement
  20. RESOLUTION NO. 16-015 approving actual amount of contract for final acceptance of 2014/15 Traffic Signal Program (Lincoln Way and Union Drive)
  21. RESOLUTION NO. 16-016 approving Plat of Survey for 101, 105, 107, and 205 South Wilmoth Avenue
  22. RESOLUTION NO. 16-017 accepting partial completion of public improvements and lessening security for Northridge Heights, 16<sup>th</sup> Addition
  23. RESOLUTION NO. 16-018 accepting partial completion of public improvements and lessening security for Northridge Heights, 17<sup>th</sup> Addition
  24. RESOLUTION NO. 16-019 accepting partial completion of public improvements and lessening security for Scenic Valley, 1st Addition
  25. RESOLUTION NO. 16-020 accepting final completion of public improvements for Ames Middle School, Plat 3
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**PUBLIC FORUM:** Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, said that he would be speaking on what he believes is the “woeful” way in which the public is notified on matters concerning the industrial area east of I-35. Mr. Pfannkuch clarified that he was not putting the blame on City staff; he believes it is the Council who is responsible. He read an excerpt of the Minutes referencing the meeting on the Capital Improvements Plan, wherein it did not show any discussion occurring at that meeting on the extension of utilities east of I-35. Mr. Pfannkuch asked who was going to go out to the industrial area east of I-35. He wanted to know what strategy has been developed for the Industrial Park. He shared that he was opposed to large corporations that try to figure out a way to avoid taxes. It was stated by Mr. Pfannkuch that he did not elect the Ames Economic Development Commission (AEDC), but the Council members are elected by Ames residents. He noted that the AEDC has not had a very good track record of supporting the items that Ames residents support. Mr. Pfannkuch advised that he wants no public money spent on the industrial area east of I-35 until the Council airs the whole thing publicly so that all residents know what might be going on there and what they are supposed to do.

No one else came forward to speak, and Mayor Campbell closed Public Forum.

**LAND USE POLICY PLAN (LUPP) MINOR MAP AMENDMENT FOR 3535 S. 530<sup>TH</sup> AVENUE:** City Planner Ray Anderson gave a brief presentation explaining the request by Hunziker Development Company for an amendment to the LUPP Future Land Use Map. He noted that the City Council, on August 25, 2015, had directed that a Minor Amendment process be followed for the amendment.

Mr. Anderson reported that the subject property includes approximately 20 acres. It was recently approved for voluntary annexation. It is currently designated as Village/Suburban Residential, as is the case with newly annexed land. The land is located west of University Boulevard (S. 530<sup>th</sup> Avenue) and the ISU Research Park and south of the Wessex development. The Wessex apartments were developed as a medium-density Planned Unit Development of approximately 12 units/net acre. The existing uses abutting the site are either open areas or large-lot rural residential homes.

According to Mr. Anderson, the applicant requests a change in the land use designation of approximately 50% of gross site area of the property from Village/Suburban Residential to High-Density Residential in order to ultimately rezone the site to Residential High-Density Residential for

multi-family housing. The remainder of the site would be Village/Suburban Residential with the intent of the development to seek RS-RM zoning. Cottonwood Road would extend through the north end of the site and connect to University Boulevard. An additional public street circulating to the south would also be planned for the property at the time of development.

Mr. Anderson stated that the developer wishes to have the option to construct apartment buildings in a variety of sizes, ranging from eight- to 12-unit structures in the Village/Suburban Residential portion of the site to 36-unit structures in the High Density Residential portion. The 36-unit buildings could only occur within a PRD zoning district with a Major Site Plan approval or under the desired RH zoning. The developer originally applied for 100% of the site as Residential High Density. Since the Planning and Zoning Commission meeting in November, the developer has revised their request for High-Density Residential to approximately 50% of the site. The developer is modifying their initial request in order to bring it more in line with staff's recommendation to the Planning and Zoning Commission. Staff previously had recommended that the entire site not be designated High-Density Residential and that a medium-density transition area was needed to the west for future compatibility with low-density development anticipated to the west. Staff did not anticipate that future low-density development would be proposed to the east as it was situated near the ISU Research Park and would warrant consideration of a high level of use. It was noted that the Planning and Zoning Commission, at its meeting in November 2015 recommended, by a vote of 4-2, to deny the request for High Density on any part of this property.

Council Member Gartin asked how many jobs are projected in the Research Park. Director Diekmann stated that it is projected there will be 2,000 - 3,000 new jobs created; with the expansion of the Park over many years, it is projected to be around 5,000.

It was also asked if the roads in the area have the capability to handle the transportation demands due to the proposed housing development. Director Diekmann replied that University Boulevard is being improved. In the long term, signalization at the major intersections will be improved. Shared use paths and sidewalks have been or will be improved. It is not possible to forecast any expansion in CyRide routes at this time.

At the question of Council Member Betcher, Mr. Diekmann explained some of the components of the conversation that had occurred by the Planning and Zoning Commission that led to its ultimately recommending no R-H zoning. He noted that the Commission Action Form information was slightly different than what was provided to the Council. At the time of the Planning and Zoning Commission meeting, staff was still advocating for a medium-density designation.

Kim Townsend, 2609 Timberland Road, Ames, asked Planning representatives if the City planned to use eminent domain against the consortium who bought the Christofferson Farm. Director Diekmann stated that that had never been discussed. Ms. Townsend stated that if that is not the case, the City doesn't really have an adequate east-west thoroughfare to get to all the apartments that the developer is proposing. She presented a Power Point to illustrate the lack of style and fit that the proposed development would have at the location being planned by the developer. She gave examples of the "massive" Village Co-Op, which is right across the street from her home, and the Laverne Apartments, which is approximately 15 feet from the Ames Christian School. Another issue is the increased density on Oakwood/University intersection that would occur with the proposed development. Ms. Townsend told the Council that the current residential property owners do not want any more apartments in the area.

Lora Larrance, 3549 - 530<sup>th</sup> Street, Ames, advised that her family just purchased their home last spring from Hunziker. Although Hunzikers have stated that all the neighbors were contacted, she was never contacted by them. Also, they were told that the area would be developed with a similar type of development as what was there, which also is not the case. Her main concern is increased density. They also don't know who is going to own the complexes. She was also told that there will be no transition or buffer on the east/southeast side next to current homes, which is a large concern for her. In her opinion, this area would be better served by single-family homes because she believes that is what will be desired by those working across the street at the Research Park. Ms. Larrance noted that the report did state that a traffic analysis would be done later, but it is evident to her at this point that, due to the number of units, a second access will be needed. She pointed out the actions taken by the Planning and Zoning Commission and asked the Council to deny the request as well.

Daniel Fuchs, 3581 - 530<sup>th</sup> Avenue, Ames, noted that he had sent some of his concerns to some of the Council members. He shared additional concerns that he has. The concept is no different than what was presented at the Planning and Zoning Commission. Mr. Fuchs advised that a Commission member who is a professor of Community and Regional Planning at Iowa State University (ISU) stated at the Planning and Zoning Commission meeting that RH on the fringe is not a good development policy. Mr. Fuchs pointed out that Mr. Winkleblack had stated that all property owners on the east side are okay with the proposed development. However, he had asked the property owners on the east side, and there is not one who is in favor of the proposal. Mr. Fuchs also noted that the application had asked the developer to demonstrate why the designation should be changed and why the site cannot be reasonably developed under the current designation. He indicated that the developer did not justify the reasons other than they wanted to build bigger buildings. Mr. Fuchs pointed out that at a workshop held by the Council, it was stated by staff that the City can meet all the future housing demands without any more high-density zoning. According to Mr. Fuchs, that was resolved prior to the property in question being purchased by Hunziker. It was requested by Mr. Fuchs that the Council uphold the vision of the Planning and Zoning Commission. In his opinion, the only option would be to approve Option 2, which is to deny the proposed LUPP amendment.

Justin Dodge, Hunziker Development, 105 S. 16<sup>th</sup> Street, Ames, said that the developer had looked at the location in question and felt it was the perfect fit for apartments and condos for those working at the Research Park. The Research Park will be a major employment center for the City; although it appears to be on the fringe, it will be a hub of activity. The developer had amended its request to match what was being recommended by City staff. According to Mr. Dodge, it was stated at the Planning and Zoning Commission meeting that Hunziker Development might sell off a parcel of land. Mr. Dodge noted that, even if that happens, Hunzikers will still have control over the development. He asked for the Council's support of Option 1, which is to approve the requested amendment to the LUPP Future Land use Map.

Council Member Gartin pointed out that some of the residents who had spoken at this meeting had alleged that Hunziker Development had not reached out to them. He asked the developer to address that allegation. Chuck Winkleblack, 105 S. 16<sup>th</sup> Street, Ames, representing Hunziker Development Co., said that he did meet with Dan Fuchs. In fact, he believed that Mr. Fuchs and his wife had come to his office. According to Mr. Winkleblack, Ms. Larrance did not own the property at that time, so he did not meet with her. Mr. Winkleblack commented that Hunziker Development Co., has a good track record of meeting with residents when development in their area will be proposed; not necessarily to get their support, but to inform them of what they are proposing so that the current residents are not surprised.

Ms. Townsend again spoke, showing what they were told by Friedrich in 2005 would be built and what they actually got. She said she no longer trusts developers. Ms. Townsend said that neighborhood



residents spent years and years “negotiating” with Friedrich over what would be built and now they are at this point.

Council Member Betcher read an excerpt from the Council Action Form under the City Manager’s Recommendation, stating that “Developing this property with apartments would meet a near-term need for multi-family housing options, but must be done in a manner that supports single-family development to the [west] of this property and would not be viewed as a negative towards development of single-family homes in the future. Ms. Betcher concurred that, in 2014, staff indicated that there was no further need for RH-zoned property. Director Diekmann advised that at the Council’s meeting held last September, staff attempted to capture the real numbers for single-family and apartment units. It was stated that the City had capacity for approximately four years of RH development. He pointed out that there is not a lot of “workforce housing” being built.

Ms. Larrance told the Council that an email had been sent to representatives of the Research Park about its planned work force with its expansion and the need for housing. Its response indicated that the City’s numbers are substantially higher than what they were forecasting.

Council Member Gartin offered that there are a lot of things that make this development very attractive. This is going to impact the housing to the east, but not in a negative way.

Council Member Orazem wanted it noted that if this area is not going to be developed, all of the traffic is going to come south on University and have to go through the roundabout. He feels this will be a transportation issue. Council Betcher pointed out that this is what she is worried about because not all the people living in the proposed development will work at the Research Park and will have to exit the area. She noted that apartments are still allowed under FS-RM zoning, just not as many.

Ms. Beatty-Hansen said that she had concerns that the developer’s letter did state that it had the support of the neighborhood residents; however, that appears not to be the case. She cautioned that that is misleading. Ms. Beatty-Hansen said she does not see why the developer cannot use the current zoning to create a very nice development.

Moved by Gartin, seconded by Orazem, to adopt RESOLUTION NO. 16-021 approving an amendment to the Land Use Policy Plan Future Land use Map to change the land use designation of approximately 50% of the gross site area for the property located at 3535 S. 530<sup>th</sup> Avenue from Village/Suburban Residential to High-Density Residential.

Roll Call Vote: 4-2. Voting aye: Corrieri, Gartin, Nelson, Orazem. Voting nay: Beatty-Hansen, Betcher. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

**DEMOTION REQUEST FOR 138 GRAY AVENUE (ACACIA FRATERNITY):** City Planner Charlie Kuester informed the Council that Acacia Fraternity at 138 Gray Avenue is seeking approval to demolish its existing Greek house in order to construct a new fraternity. The current house was constructed in 1920 and has been a fraternity off and on since then. The zoning of the property is High Density Residential. In addition, it has the East University Impacted Area Overlay District, which requires City Council approval prior to demolition of any structure currently or formerly used by a Greek organization. The Acacia House currently accommodates 29 of its membership of 45 men. A larger number of its members wish to live in the House so the Corporate board of the Acacians seeks to demolish the structure and build another one to accommodate 42 members and improve the common and amenity space of the House. Mr. Kuester noted an error in the Council Action Form wherein it states “43 members;” it actually should state “42 members.”

Mr. Kuester explained what it would take to modernize the structure and add a floor. Remodeling and expansion (by adding another floor) of the existing structure would still not provide the capacity that the board desires. An expanded building would still not provide the amenity space (study areas, dining areas, project workspace, and storage areas). Additional parking to accommodate the new residents is not possible due to the orientation of the existing footprint of the building. A remodeled house would remain relatively energy-inefficient. A new structure would increase the capacity to 42 residents, provide study areas separate from sleeping areas, have a diningroom with a capacity of 50, allow an increase in parking spaces, and be more energy-efficient.

According to Mr. Kuester, staff is recommending that the fraternity get an approved site plan prior to any Demolition Permit being issued; that is not a requirement, however. The building is not registered on the Register of Historic Structures nor is there any indication that it would qualify for same.

Planner Kuester reported that the City has approved two Demolition Permits for Greek houses in the recent past; it has approved three total. Greek houses were re-built on two of the three sites.

Council Member Gartin said that there are not a lot of criteria or standards to assist the Council in making a decision on cases like this. He asked how an applicant proves that it will be deprived of a reasonable use of, or economic return on, the property. Director Diekmann pointed out the approach used by Delta Tau Delta to show the lack of a reasonable economic return.

*Ex officio* Member Sam Schulte believes that the Fraternity has met the finding of economic hardship. Director Diekmann explained the standard and said it was not about maximizing the use on the site.

Jeremy Davis, 711 Beach Avenue, Ames, representing Acacia Fraternity at 138 Gray Avenue introduced Mike Stott, principal architect chosen for this property; Don Jared, a member of the Chapter; and Ben Dirks, the current Chapter President. Mr. Davis gave a presentation explaining the Corporate Board of the Acacians, which is a not-for-profit corporation founded originally in 1909. He noted that the current Chapter House in its present state would likely not be able to sustain itself for the long-term (next to 50 75 years) viability of the undergraduate classes. With a 1920 building, energy efficiency is a concern, and those costs will continue to increase. Mr. Davis gave the advantages and the disadvantages of renovating and expanding the current structure. He also listed the advantages and disadvantages of tearing down the existing structure and replacing it with a new structure. The only disadvantage of building a new structure on the site was the higher construction cost. A feasibility study was conducted; the specific findings were given. Proposed interior and exterior design plans were shown.

Council Member Nelson asked about proposed contributors. Mr. Davis responded that 81% of Chapter alumni indicated a willingness to contribute towards a new structure, but only 50% would be willing to contribute towards renovation of the present building.

Ms. Betcher asked Mr. Davis if the Chapter Board had considered selling the property and purchasing another property. Mr. Davis stated that there are no properties in the Greek area currently available. They want to stay in the area of the City that is designated for Greek houses.

Council Member Betcher expressed her opinion that the reason that the Council is called into this process at all is because there is "something special" about the Greek area. She believes that the City Council should err on the side of caution. She does not see the financial hardship; the fraternity could continue to be used in its current capacity for right now. Ms. Betcher said that she does not see a reason for this Council to discuss this now if construction is eight to ten years down the road.

Moved by Gartin, seconded by Orazem, to adopt RESOLUTION NO. 16-022 approving the demolition request of the Greek residence at 138 Gray Avenue with the following conditions:

1. A Minor Site Development Plan is approved by the Director of Planning and Housing before a Demolition Permit is issued.
2. An application for a Building Permit consistent with the building elevations and floor plans submitted with the Minor Site Development Plan (as represented by Exhibit E) is submitted before a Demolition Permit is issued.
3. Approval of the demolition request is valid for the life of the Minor Site Development Plan Permit SDP-15-44 approval (for two years with a one year extension).
4. Proof of financing for the construction of the new structure submitted for review and acceptance by the Planning and Housing Director (e.g., a letter or loan document from a financial institution that is willing to make a loan on the construction of the project).

Roll Call Vote: 5-1. Voting aye: Beatty-Hansen, Corrieri, Gartin, Nelson, Orazem. Voting nay: Betcher. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

The meeting recessed at 8:06 p.m. and reconvened at 8:14 p.m.

**CONSULTING SERVICES CONTRACT FOR LINCOLN WAY CORRIDOR PLAN:** Director Diekmann recalled that the City Council had prioritized for the Planning Division the creation of a Lincoln Way Corridor Plan as an opportunity to study how the City can meet the potentially competing interests of select infill opportunities, maintaining core neighborhoods, mobility improvements, and streetscape enhancements. Council had directed staff to issue a Request for Proposals for a consultant to prepare a corridor plan for Lincoln Way.

The Council was told that the City had received a contract signed by the proposed consultant, Houseal Lavigne Associates of Chicago, Illinois. The Council's attention was brought to the Scope of Services contained in the contract. A summary was given of the key components of the contract by Mr. Diekmann.

Moved by Gartin, seconded by Orazem, to adopt RESOLUTION NO. 16-023 approving the Consulting Services Contract to Houseal Lavigne Associates of Chicago, Illinois, for the Lincoln Way Corridor Plan in the amount of \$86,140.

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

**LEASE AGREEMENTS WITH IOWA STATE UNIVERSITY FOR PARKS:** City Manager Steve Schainker told the Council that five of the park leases with Iowa State University expired on March 1, 2015; however, prior to that date, the City Council approved an amendment for each that extended the lease through January 31, 2016. The five parks involved are Brookside, Franklin, McDonald Woods, Stuart Smith, and Zumwalt Trail Railroad Park.

According to Mr. Schainker, staff met with Iowa State University representatives regarding renewing the leases for 50 years and both parties are in agreement. The lease agreements are generally the same; however, there are a few changes. One of those changes is that the lease term will go from 30 years to

50 years. The other minor changes were reviewed by Mr. Schainker.

Moved by Gartin, seconded by Nelson, to adopt the following:

1. RESOLUTION NO. 16-024 for Brookside Park
2. RESOLUTION NO. 16-025 for Franklin Park
3. RESOLUTION NO. 16-026 for McDonald Woods
4. RESOLUTION NO. 16-027 for Stuart Smith Park
5. RESOLUTION NO. 16-028 for Zumwalt Rail Road Park

which extends the Leases through January 31, 2066.

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

**HEARING ON AMENDMENT TO CAMPUSTOWN URBAN REVITALIZATION PLAN (Continued from 12/08/2015):** Director Diekmann provided a summary of what had occurred at the December 8, 2015, City Council meeting. The Council had requested additional information before making a decision on enacting an amendment to the Plan. Staff was directed to seek input from the Campustown Action Association (CAA) regarding the standards for Non-Formula Retail occupancy requirements and for staff to discuss with the City Assessor if tax abatement could be split for different assessment classifications on a single property. Mr. Diekmann advised that the CAA had provided a letter in support for the Non-Formula Retail percentage requirements and occupancy standards, as recommended by staff on December 8. Staff also visited with City Assessor Greg Lynch. Mr. Lynch believes that he is able to apply a property tax exemption to each individual classification on a property if Council were to approve an exemption for property and pass such a determination onto the Assessor, as required by statute. Mr. Diekmann emphasized that even with dual use classification on a property, it would still be important that an entire building be completed before the City Council determines if an individual use is qualifying real estate for tax abatement.

Mayor Campbell announced that this hearing had been continued to this date from the meeting of December 8, 2015, and as such, was still open.

Russell Broderick, Gilbane Development, 2311 Chamberlain, Ames, asked Council to also consider the project at 2311 Chamberlain when it considers the request for the 2320 Lincoln Way project. According to Mr. Broderick, on June 9, 2015, staff indicated to Gilbane that it would be able to apply for prior approval of the project at 2311 Chamberlain, which would allow the project to fall under the prior standards. On December 22, 2015, Gilbane filed its formal application and was told that the City Assessor said that the prior approval was invalid. Mr. Broderick asked that the new standards apply to those projects asking for abatement in 2017.

Council Member Gartin noted that the tax abatement appears to be contingent on the developer hitting certain targets for Non-Formula Retail usage. He asked if it would be possible to secure performance on the Non-Formula Retail on something other than tax abatement, e.g., Letter of Credit or Performance Bond; this would take the variable out for the lender. Mr. Broderick said he had not discussed it with the lender. He advised that the financing for this project has already been approved.

Ryan Jeffery, representing CAA, said that it is becoming increasingly important to members of the CAA that this section of the criteria have "some beef" to it.

At the inquiry of Council Member Betcher, Director Diekmann clarified that the alternatives in the current Council Action Form are the same as listed in the Council Action form on December 8, 2015.

Council Member Orazem reported that the purpose of tax abatement is to encourage people to take on the added costs of redevelopment in Campustown. To add the additional requirement that contracts be signed prior to occupancy jeopardizes abatement for the entire project. He suggested that the requirement be separated into two parts and apply part of the abatement to the residential space and part of it to the commercial space. The requirements would be the same, but would be prorated. Mr. Orazem said he does not understand why the requirement that there be tenancy would be a good thing because rents are going to go down if there is vacant retail space. If the idea of the abatement was to improve Campustown, part of the improvement would be to make it economically viable.

Council Member Betcher said that she is not sure that rents would go down. She thinks the desire is to maintain the character of Campustown, which would include those “mom and pop” type shops.

Mr. Orazem believes that, at the end of the day, there is still going to be more space for retail. If the rents are lower, it will allow for more Non-Formula Retail.

Council Member Nelson shared his opinion that if there is uncertainty in getting the abatement, developers are going to design their buildings in such a way as it will succeed without the tax abatement.

Council Member Gartin said that, to him, it is an issuance of reliance; to change the rules mid-stream is not fair to the developer.

Council Member Betcher said that she comes back to the question as to why the City offers the abatement. She believes that a purpose of abatement is to get what the community desires from the project; one of those items is to require Non-Formula Retail.

Moved by Orazem, seconded by Gartin, to direct staff to make different changes to the Urban Revitalization Plan criteria that would include bifurcating the commercial space from the residential space in the abatement.

Council Member Beatty-Hansen reiterated that that would take a lot of the “meat” out of the abatement. It would reduce the uniqueness of the Campustown area.

Vote on Motion: 3-3. Mayor Campbell voted nay to break the tie. Motion failed.

Mayor Campbell explained that she had voted nay because when the issue came back to Council for approval, it would require a Resolution; a Resolution requires four votes to be adopted, so it would ultimately fail.

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 16-029 to amend the Campustown Urban Revitalization Plan with the criteria included in Attachment A of the Council Action Form.

Council Member Beatty-Hansen reiterated that she believes this will present more opportunities for the “mom and pop” type stores. Council Member Orazem said he believes that it will get exactly the opposite. Council Member Gartin agreed with Mr. Orazem.

Roll Call Vote: 3-3. Voting aye: Beatty-Hansen, Betcher, Corrieri. Voting nay: Gartin, Nelson, Orazem. Motion failed.

Director Diekmann pointed out that there are other amendments besides the one that pertained to Non-Formula Retail.

Moved by Nelson, seconded by Gartin, to adopt RESOLUTION NO. 16-029 to approve Attachment A except for Column C (pertaining to Non-Formula Retail).

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

**HEARING ON REZONING PROPERTY AT 1110 DELAWARE AVENUE:** The public hearing was opened by Mayor Campbell. No one came forward to speak, and the hearing was closed.

Moved by Nelson, seconded by Corrieri, to pass on first reading an ordinance rezoning property at 1110 Delaware Avenue from Residential Low-Density (RL) to Residential High-Density (RH).

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

**HEARING ON REZONING PROPERTY WITH MASTER PLAN AT 5440 AND 5442 GRANT AVENUE:** The Mayor opened the public hearing. There was no one asking to speak, and the Mayor closed the hearing.

Justin Dodge, Hunziker Development, said that this was the second phase of Hayden's Crossing. There has been a tremendous amount of interest in the first phase.

Moved by Beatty-Hansen, seconded by Orazem, to pass on first reading an ordinance rezoning property with a Master Plan at 5440 and 5442 Grant Avenue from Agricultural (A) to Suburban Residential Low-Density (FS-RL).

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

Moved by Nelson, seconded by Orazem, to adopt RESOLUTION NO. 16-030 approving a Rezoning Agreement with conditions of Master Plan.

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

**HEARING ON WATER POLLUTION CONTROL DECANT LINE REPLACEMENT PROJECT:** The hearing was opened by the Mayor and closed after no one came forward to speak.

Moved by Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 16-030 approving final plans and specifications and awarding a contract to Weidner Construction, Inc., of Marshalltown, Iowa, in the amount of \$99,000.

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

**HEARING ON ADA HAYDEN HERITAGE PARK WATER SERVICE LINE PROJECT:** Mayor Campbell opened the public hearing. No one asked to speak, and the hearing was closed.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 16-031 approving final plans and specifications and awarding a contract to Ames Trenching & Excavating, Inc., of Ames, Iowa, in the amount of \$45,500.

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

**HEARING ON FURMAN AQUATIC CENTER POOL BASIN REPAINTING PROJECT:** The public hearing was opened by the Mayor. She closed same when no one wanted to speak on this subject.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 16-032 approving final plans and specifications and awarding contract to Western Specialty Contractors of Des Moines, Iowa, in the amount of \$93,700.

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

**HEARING ON ZONING TEXT AMENDMENT PERTAINING TO FENCES IN SETBACKS:** Mayor Campbell opened the public hearing. There was no one wishing to speak, and the hearing was closed.

Moved by Nelson, seconded by Corrieri, to pass on first reading an ordinance revising *Municipal Code* Section 29.408(2) pertaining to fences in setbacks.

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

**HEARING ON ZONING TEXT AMENDMENT PERTAINING TO THE VISIBILITY TRIANGLE AT INTERSECTIONS:** The Mayor opened the public hearing and closed same after no one came forward to speak.

Moved by Corrieri, seconded by Beatty-Hansen, to pass on first reading an ordinance revising *Municipal Code* Section 29.408(5) pertaining to visibility triangle at intersections.

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

**ORDINANCE PERTAINING TO E-CIGARETTES:** City Attorney Judy Parks explained a change to the Ordinance that had been made, which was to include the exemption for those stores that sell electronic smoking devices as their primary merchandise line. It will be subparagraph 4 under Section 1.

Council Member Nelson also noted a type under paragraph 3 (Definitions). It should state e-“pipe,” instead of e-“pip.” Assistant City Attorney Jessica Spoden said she would make that correction.

Speaking in favor of adopting an Ordinance banning the use of e-cigarettes in public spaces were William Crow, 2950 Monroe Drive, Ames, a member of the Mayor’s Youth Committee; Dr. Shane Hopkins, 3025 Bayberry Road, Ames, physician at Mary Greeley Medical Center; Nathan Davis, 1924 BelAir Drive, Ames, representing the Story County Policy and Prevention Board; Taylor Lynch, 2621 Knapp Street, Ames, a student at Iowa State University; Brian Vanderheyden, 1501 Illinois Avenue, Ames, representing Healthiest Ames; Randi Peters, 3127 Greenwood Road, Ames; Kiersten McGuire, 4912 Mortensen Road, Ames; and Spencer Cain, 232 S. Walnut Avenue, Ames, a member of the Iowa State Health Promotion

Moved by Corrieri, seconded by Gartin, to pass on first reading an ordinance prohibiting the use of electronic smoking devices in public places.

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

**ORDINANCE REVISING MUNICIPAL CODE SECTION 1.6 PERTAINING TO PENALTY FOR MISDEMEANORS:** Council Member Beatty-Hansen noted that the City had been out of compliance for over ten years, and she saw no reason to suspend the rules to pass the Ordinance at this meeting. Ms.

Spoden said that it would be helpful to the attorney who is representing the City to have it updated and be consistent with the State of Iowa.

Moved by Corrieri, seconded by Nelson, to pass on first reading an ordinance revising *Municipal Code* Section 1.6 pertaining to penalty for misdemeanors.

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

Moved by Corrieri, seconded by Betcher, to suspend the rules for the adoption of an ordinance.

Council Member Gartin offered that the public would not at all prejudiced by the suspension of rules for the adoption of an ordinance.

Roll Call Vote: 6-0. Voting aye: Betcher, Corrieri, Gartin, Nelson, Orazem. Motion declared carried unanimously.

Moved by Nelson, seconded by Betcher, to pass on second and third readings and adopt ORDINANCE NO. 4243 revising *Municipal Code* Section 1.6 pertaining to penalty for misdemeanors.

Roll Call Vote: 6-0. Ordinance declared adopted unanimously.

**ORDINANCE REVISING MUNICIPAL CODE SECTION 26.39(1)(EE) PERTAINING TO SPEED LIMIT ON STANGE ROAD:** Moved by Nelson, seconded by Corrieri, to pass on first reading an ordinance revising *Municipal Code* Section 26.39(1)(ee) pertaining to speed limit on Stange Road.

Moved by Nelson, seconded by Betcher, to suspend the rules for the adoption of an ordinance.

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

Moved by Corrieri, seconded by Betcher, to pass on second and third readings and adopt ORDINANCE NO. 4244 revising *Municipal Code* Section 26.39(1)(ee) pertaining to speed limit on Stange Road.

Roll Call Vote: 6-0. Ordinance declared adopted unanimously.

**ORDINANCE SETTING PARKING REGULATIONS FOR NEW AND/OR EXTENDED STREETS:** Moved by Betcher, seconded by Nelson, to pass on third reading and adopt ORDINANCE NO. 4242 setting parking regulations for new (Aberdeen Drive, Aldrin Avenue, Allerton Drive, Bellflower Drive, Brighton Circle, and Cartier Avenue) and/or extended streets (Coy Street, Dotson Drive).

Roll Call Vote: 6-0. Ordinance declared adopted unanimously.

**COUNCIL COMMENTS:** Moved by Corrieri, seconded by Orazem, to refer to staff the request from B & G Productions (Rod Bodholdt) dated January 8, 2016, for authorization to conduct commercial UAS (drone) activities within five nautical miles of the Ames Airport.

Vote on Motion: 5-1. Voting aye: Beatty-Hansen, Corrieri, Gartin, Nelson, Orazem. Voting nay: Betcher. Motion declared carried.

Moved by Corrieri, seconded by Betcher, to refer to staff the request from ACCESS for the City to authorize the sale of its building and that it be allowed to use the proceeds of the sale towards the purchase of one of the planned emergency housing locations in Ames.

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



Moved by Betcher, seconded by Gartin, to refer to staff the request of the Planning and Housing Department for the Council to initiate a text amendment for religious institutions in the DSC Zoning District.

It was clarified that this request was being made after staff received a letter stating that the United Church of Christ, 217-6th Street, desired to enclose a walkway entering into the Church as part of a long-term master plan for its facility. The Church already greatly exceeds the maximum allowed Floor-to-Area Ratio (FAR) and cannot expand its existing structure.

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

Moved by Betcher, seconded by Gartin, to ask staff to revise Section 29.1110(2) of the Demolition Ordinance to clarify the criteria that are available to the Council.

Council Member Gartin asked if Ms. Betcher if she wished to prioritize this item in the workload of the Planning staff. Ms. Betcher said she would leave that up to staff.

Vote on Motion: 5-1. Voting aye: Beatty-Hansen, Betcher, Corrieri, Gartin, Nelson. Voting nay: Orazem. Motion declared carried.

Moved by Betcher, seconded by Beatty-Hansen, to ask staff to investigate adding criteria that address historic resource value and environmental impact for Greek Houses under the Demolition Ordinance.

Council Member Orazem asked if energy efficiency would be considered part of the environmental impact. Ms. Betcher believes that it would.

Vote on Motion: 4-2. Voting aye: Beatty-Hansen, Betcher, Corrieri, Gartin. Voting nay: Nelson, Orazem. Motion declared carried.

Council Member Gartin expressed dismay over the comments made under Public Forum about the process by which the City has articulated its goals for the Industrial Area. Mr. Gartin believes that the process has always been very transparent. He would like to see a memo explaining what had been done.

**CLOSED SESSION:** Council Member Gartin asked City Attorney Judy Parks if there was a reason to go into Closed Session. Ms. Parks replied in the affirmative.

Moved by Beatty-Hansen, seconded by Gartin, to hold a Closed Session, as provided by Section 20.17(3), *Code of Iowa*, to discuss collective bargaining strategy; and, as provided by Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in litigation.

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

The meeting reconvened in Regular Session at 10:20 p.m.

**ADJOURNMENT:** Moved by Gartin to adjourn the meeting at 10:20 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

**MINUTES OF THE SPECIAL MEETING  
OF THE AMES CITY COUNCIL**

**AMES, IOWA**

**JANUARY 19, 2016**

The Ames City Council met in special session at 5:15 p.m. on the 19th day of January, 2016, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Pro-Tem Peter Orazem presiding and the following Council members present: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, and Tim Gartin. *Ex officio* Member Sam Schulte was also present. Council Member Chris Nelson arrived at 5:41 p.m. Mayor Ann Campbell was absent.

Mr. Orazem announced that the primary purpose of this meeting was to hear presentations by the Departments on the projects comprising the City's five-year Capital Improvements Plan (CIP). He stated that public input on the Capital Improvements Plan will be taken on January 26, 2016.

**WORKSHOP ON THE 2016-2021 CAPITAL IMPROVEMENTS PLAN (CIP):** City Manager Steve Schainker emphasized that the Plan outlines the City's funding strategy for major public improvement projects to be completed over the next five fiscal years (2016 - 2021). Projected expenditures in the Plan total \$188,226,802. The Council will make its final decisions at Budget Wrap-Up to be held on February 9, 2016.

The Plan total of \$188,226,802 is broken down into as follows:

Public Safety:	\$ 7,044,222
Electric Utility:	105,041,950
Transportation:	70,583,130
Community Betterment:	5,557,500

Fire Chief Shawn Bayouth explained and presented the budgets for the following projects.

**Public Safety - Fire.** Fire Station #2 Roof Replacement has been moved up a year because of additional and worsening leaks. Also at Fire Station #2, the addition 3/4 restroom has been delayed to 2017/18 as has the concrete replacement at Fire Station #1. A fixed emergency power generator for Fire Station #1 is a new project that is slated to occur in 2019/20.

Council Member Gartin asked when the construction of a fourth fire station would need to be added to a CIP. City Manager Schainker stated that that depends on the pattern of growth, which will be dictated by the City Council. A lot more discussion and analysis needs to occur; it is not felt that it will be an issue within the five years included in the proposed CIP. Council Member Orazem said he was more concerned about when the congestion of traffic and pedestrians will make it impractical to get emergency vehicles in and out of Fire Station 2, which is located on Welch Avenue. Mr. Schainker recalled that Iowa State University contributed funds towards the construction of that Fire Station; that is also a consideration. Fire Chief Bayouth noted that the congestion of traffic and pedestrians is already a problem for maneuvering the fire apparatus. The vehicles have to be backed in. Also, the response time is affected due to the traffic and pedestrian congestion.

Council Member Betcher asked if there had been any discussion of using impervious pavers when the parking lot for Fire Station 1 is repaved. Mr. Bayouth said that they are not yet in the planning/design stage; however, that is an excellent idea.

Referencing the Station #2 bathroom remodel being delayed, *ex officio* Member Schulte asked why that project was moved back. Chief Bayouth acknowledged that the current restroom is a disservice to female fire fighters; however, the leaking roof is causing additional problems and cost. It is the highest priority at this time.

John Joiner, Public Works Director, explained and presented the budgets for the following projects.

**Public Safety - Traffic.** Intersection improvement projects along U. S. Highway 69 within and just outside the City limits were described. These projects are targeted to alleviate congestion and reduce accidents. In 2016/17, \$1,180,000 will be spent on those projects. A program to provide safer pedestrian facilities and improve ADA accessibility at municipal facilities is scheduled in each of the five years between 2016/17 and 2020/21. A new project: Intelligent Transportation System Program, which calls for a wide range of transportation improvements that utilize technology, has funding allocated in all five years. Significant increases in traffic signal replacement costs were noted for the Traffic Signal Program. The recent adoption of the 2040 Long-Range Transportation Plan has called for the reprioritization of projects in the Traffic Engineering Studies program to better align with community goals. The scope of the Multi-Modal Roadway Improvements program also changed due to the 2040 Long-Range Transportation Plan.

Council Member Nelson arrived at 5:41 p.m.

Remaining in the CIP with no changes was the Regional Transportation Count Program. The Traffic Calming Program at various locations in the area of the College Creek/old Ames Middle School Neighborhood will see a cost change.

**Transportation - Streets Engineering.** The extension of Grand Avenue from Lincoln Way to South 16<sup>th</sup> Street is a transportation priority and has been moved up in the CIP. It will help alleviate the existing congestion and allow for easier access to businesses along U. S. Highway 69. Through traffic on the Grand Avenue Extension will also encounter less traffic congestion. The annual Asphalt Street Pavement Improvements program has been delayed. There has also been a site change due to the current condition that reflects faster-than-anticipated pavement failure on Northwood Drive, Thompson Drive, Trail Ridge Road/Circle, and Idaho Avenue. The Shared Use Path System Expansion will also see a delay due to splitting the Skunk River Trail into two fiscal years to enable an alignment to be planned and designed in one year with construction to follow the next year. This resulted in the Squaw Creek shared use path being delayed until 2020/21. The site also changed and now includes the addition of planning/land acquisition/engineering in 2018/19 for a Trail Connection south of Lincoln Way. Construction of that section is not included in the proposed CIP at this time. The Concrete Pavement Improvements program will have a cost change due to updated cost estimates for the projects. The Arterial Street Pavement Improvements program will see a site change and delay due to the addition of the 13<sup>th</sup> Street project in 2017/18, delaying E. Lincoln Way to 2020/21. The Downtown Street Pavement Improvements program will see a cost change due to updated cost estimates. The annual Seal Coat Street Pavement Improvements program will not change. The Right-of-Way

Restoration, CyRide Route Pavement Improvements, and Collector Street Pavement Improvements programs will see cost changes. The Cherry Avenue Extension project will be delayed to level General Obligation (G.O.) Bond expenditures. Land acquisition and engineering (in 2019/20) will be G. O. Bonds, rather than state and federal grants.

**Transportation - Street Maintenance.** The Bridge Rehabilitation Program will include the Dayton Avenue ridge over the Union Pacific Railroad approach pavement and end rails in 2016/17 at a cost of \$350,000. The Neighborhood Curb Replacement Program will occur as planned for sections of South 2<sup>nd</sup> Street and South 3<sup>rd</sup> Street. The Pavement Restoration program will be increased from \$75,000 to \$250,000 annually to help extend the longevity of the pavement system and supplement the current pavement restoration activities, utilizing the increase in Road Use Tax funding. Right-of-Way Appearance Enhancements will be delayed due to waiting for the Lincoln Way Corridor Plan to be completed and to coordinate with the Campustown Public Improvements project along Welch Avenue. The annual Shared Use Path Maintenance program will see cost changes due to updated estimates.

**Utilities - Water Distribution.** The Water System Improvements and Sanitary Sewer Rehabilitation programs will see increased costs. The Campustown Public Improvements program will be delayed due to the level of General Obligation Bond expenditures.

**Utilities - Sanitary Sewer System.** The annual Clear Water Diversion Program will continue with no changes. The Sanitary Sewer Rehabilitation Program will see a cost change of \$50,000/year as a result of updated project estimates being coordinated with pavement improvement projects and also reflecting the current bid environment.

**Utilities - Storm Water Control.** Flood Mitigation - River Flooding will see an increase in costs due to updated project estimates. The Storm Water Erosion Control Program will see a site change due to stabilization priorities changing. The annual Low-Point Drainage Improvements Program will see a site change due to moving Little Bluestem Court project from this Program to the Storm Water Facility Rehabilitation Program to more accurately reflect the work to be done at that location. The Storm Water Facility Rehabilitation program will be delayed due to increasing the priority for improvements to the Spring Valley Subdivision, 7<sup>th</sup> Addition, facility. Storm Water Quality Improvements is a new program and includes installation of bio-retention cells, vegetated swales, native landscape, and rain gardens, soil quality restoration and other approved best management practices at various locations in the community. The Storm Water System Analysis project will be delayed for staff to focus on more immediate storm water priorities.

**Utilities - Resource Recovery Plant (RRP).** A new project to provide a material handling system to separate light fraction material and dust will occur at the Resource Recovery Plant in 2016/17. Resource Recovery System Improvements to purchase new and replacement components at the Plant will see increased costs.

**Transportation - Airport.** Airport Improvement projects in the CIP begin in FY 2017/18 and represent the steps necessary to extend the main runway 01/19 from approximately 6,000 feet to 8,000 feet. The purpose is to accommodate future growth of the Airport by making it possible for larger aircraft to land in Ames year-round.

**Community Enrichment - Public Works.** Municipal Cemetery Improvements will include a water line replacement in 2016/17.

Donald Kom, Director of Electric Services, explained and presented the budgets for the following projects.

**Electric Administration.** There is \$1,000,000 programmed for Demand Side Management Energy Conservation Programs in each of the five years (2016/17 to 2020/21).

**Electric - Distribution & Transmission.** There will be no change to the 69kV Transmission Reconstruction (2016/17 through 2020/21), Top-O-Hollow Substation Expansion and Breaker Addition projects (2016/17 and 2017/18), Ontario Substation 69kV Breaker Addition, Feeder Relocate and Extension (Mortensen Road and State Avenue), or Dayton Avenue Substation Switchgear Upgrades (2017/18 and 2018/19). A new project to allow for the existing street light maintenance workers to retrofit LED lights during routine maintenance on HPS and HV lights in order to minimize retrofit labor costs has been added, with \$400,000 allocated for each year from 2016/17 to 2021/21. Cost changes will occur to the Mortensen road Substation 69kV Transformer Protection and Vet Med Substation Switchgear Upgrade projects.

**Electric - Power Plant.** The Relay/Control Replacement to replace electro-mechanical 13.8kV feeders and 4160kV bus differential relays in the Power Plant will continue at a cost of \$250,000 for 2016/17 and 2017/18. The New Electric Generation Capacity project will be delayed until 2019/20. Unit #7 Boiler Tube Repair is being delayed to 2016/17 in order to not conflict with the planned conversion of Unit #7 from coal to natural gas in FY 2015/16. Unit #8 Turbine Generator Overhaul is needed to replace worn parts and inspect the turbine and generator for repairs that may be needed to avoid catastrophic failure of equipment. It will occur in 2018/19 and 2019/20. The Power Plant fire Protection System project will occur in 2016/17 and 2017/18. The recommendations are for fire suppression systems for the coal conveying equipment, coal pulverizers, and related coal processing and conveyor equipment. No changes are contemplated for Unit #7 Turbine Generator Overhaul (2016/17 and 2019/20) or the Power Plant Roof Replacement (2017/18). A new project: Unit #8 Electrostatic Precipitator Lagging, Insulation, and Support System Replacement, will occur in 2017/18. The entire lagging insulation and support steel need to be replaced for the safe continued operation of the precipitator.

Also included in Electric Services' capital budget is a new program: Outdoor Storm Warning System. A new siren will be added; however, its location will be determined at the time of purchase (in 2017/18).

Christina Murphy, Assistant Director of Water and Pollution Control, explained and presented the budgets for the following projects.

**Water Treatment.** Increased costs will occur for the new 15 million gallon/day lime-softening facility on its new site. The cost estimates reflected in the CIP reflect actual bid prices for all major contracts (Contract No. 1 and Contract No. 2). Water Plant Facility Improvements (annual equipment repairs, major maintenance activities, replacement, and upgrades at the Plant and remote facilities, such as wells, elevated tanks, and booster pump stations) will change because the Plant is being replaced with a new Plant. The only maintenance and repairs to be performed

are those necessary to keep the existing facility operational until the new Plant comes online. The demolition of the old Water Treatment Plant will occur in phases. In 2019/20, the 3/4-million gallon reservoir, maintenance building, and cold storage buildings will be demolished. In 2020/21, the clarifiers, mix tanks, re-carbonation tanks, lime feed, CO2 feed, and pipe galleries will be demolished. The treatment building will be demolished in 2021/22. The total demolition cost will be \$3,520,000. The Lime Lagoon Expansion is a new project slated to occur in 2019/20.

**Water Production.** A significant cost change will occur to the Water Supply Expansion project, which will provide new and replacement source water capacity. A new project: Ada Hayden Water Quality Study, a two-year monitoring effort) will occur during the summers of 2017 and 2018 at an estimated cost of \$40,000/summer. The Well Field Standby Power project will be delayed one year (to 2018/19).

**Water Meter.** The Advanced Metering Infrastructure project, which is a multi-year project to convert the water meter reading system from the existing generator/remote technology to the current industry standard of Automated Meter Reading/Advanced Metering Infrastructure, will see a cost change. The cost to have a portion of the project completed by an outside contractor has been removed from the project. The cost to remove 1,000 meters/year is budgeted in the Water Meter Division's operating budget. The cost for an additional 1,600 replacements is included in the Water Meter project budget. It will be accomplished over seven to eight years depending on the Meter Division's workload from new construction in Ames.

**WPC Plant.** The Residuals Handling Improvements and Digester Improvements have been delayed one year (to 2016/17). Clarifier Maintenance will see a scope change. Facility Improvements at the Plant will be moved up to 2016/17. The scope has been updated following the completion of the Long-Range Facility Plan and projects have been prioritized to gradually increase the level of reinvestment recommended by the study. Co-Generation System Maintenance will see a cost change. WPC Electrical System Maintenance will include preventive maintenance on the main switchgear in 2016/17. There will be no change to the Structural Rehabilitation program. The Nutrient Reduction Modifications program will be delayed; however, the current NPDES Permit, even though expired, will remain in effect until a new one is issued (possibly in 2016). The Flow Equalization Expansion project to add an additional 6.0 million gallons, increasing the Plant's effective storage capacity, will be delayed two years due to delays in the issuance of a new NPDES Permit for the facility.

Transit Director Sheri Kyras explained and presented the budgets for the following projects.

**Transportation - Transit.** CyRide will replace/expand its bus fleet by five buses each year to meet ridership demand and replace vehicles that can no longer be operated in daily service. These buses will be funded with 80-85% federal funding, including the State of Iowa's Iowa Clean Air Attainment Program funds that are a distribution of federal dollars. Three 40-foot buses funded by federal grants will be delivered in FY 2016/17. CyRide also has a pending grant application for one additional 40-foot bus, which could be delivered in 2017/18. CyRide Building Expansion & Modernization will occur over a four-year period (2016/17 through 2019/20). Replacement of shop and office equipment has been programmed into the CIP in FY 2016/17 through 2020/21 with larger equipment (flood pumps) occurring in FY 2016/17 and 2017/18 and a forklift being replaced in 2017/18. Smaller shop and office equipment will be replaced in 2016/17. Bus Stop

Improvements are included at \$50,000/year from 2016/17 through 2020/21. CyRide Technology Improvements, including bus security cameras, a building security system, asset management/human resource software, and a radio system upgrade will occur throughout the five-year CIP period.

Keith Abraham, Director of Parks and Recreation, explained and presented the budgets for the following projects.

**Parks & Recreation.** Park System Improvements to address maintenance issues and improvements at various locations will occur in FY 2016/17 through 2020/21 at a cost of \$1,792,500. Playground Equipment Improvements will occur to replace equipment that was installed in the past 20 - 25 years. The Cost-Sharing Agreement with the Ames Community School District will expire on June 30, 2017. It is unlikely that the School District or City will have a new facility by that time, so the Agreement will need to be extended. Shared funding of capital expenses will occur through FY 2018/19. From 2016/17 to 2018/19, \$50,000 has been included in the CIP.

Council Member Gartin noted that a new municipal pool is not included in the 2016 - 2021 CIP. City Manager Schainker noted that there are many options still needing to be explored. There is not enough definitive information known at this time to include a new municipal pool even as a placeholder. At the request of Mr. Gartin, City Manager Schainker will include some pending projects, such as the need for the new indoor pool, additional fire station, and solar, in his budget letter.

A wetland overlook to view wildlife has been added to the Ada Hayden Heritage Park improvements in 2016/17. A new feature will be added to Furman Aquatic Center in 2017/18 and a shelter adjacent to the parking lot will be constructed in 2019/20. To enhance the services provided at Homewood Golf Course, cart paths will be installed in 2016/17, engineering/design for replacing the current clubhouse with a new building will occur in 2017/18, the current clubhouse will be replaced with a new building in 2018/19, engineering/design for replacing the bridge on Hole #9 (to accommodate carts) will occur in 2019/20, and the bridge on Hole #9 will be replaced in 2020/21. Funding in the amount of \$25,000 has been slated to bring the park system and facilities into compliance with the 2010 Americans with Disabilities Act Standards for Accessible Design beginning in 2016/17 and continuing through 2020/21. Items need to be replaced at the Ames/ISU Ice Arena beginning in 2017/18 and continuing through 2020/21. In 2018/19, the Ice Arena will need to convert to a new refrigerant.

Noting that the Ice Arena parking lot will need to be reconstructed in 2020/21, Council Member Betcher again recommended the use of impervious pavers.

In 2017/18, the Sunset Ridge Neighborhood park will be developed at a cost of \$80,000. A pedestrian bridge across Squaw Creek at Moore Memorial Park will be installed in 2019/20; engineering/design for the bridge will be done in 2018/19. The bridge/engineering and design is estimated to cost \$385,000. Rose Prairie Neighborhood Park will be developed in 2019/20 at a cost of approximately \$200,000.

Council Member Betcher asked if there were reserved handicapped van-accessible spaces at every park. Mr. Abraham said that some do; he will inventory those spaces and get that information back to the City Council.

City Manager Schainker distributed a new page to the CIP for a new project, an All-Inclusive Playground and Miracle League Field. This Playground/Field is a 100% accessible playground that is sensory rich catering to individuals with physical, cognitive, and sensory disabilities. It is installed on a rubberized surface. This is budgeted in 2016/17 at a cost of \$1,500,000 with anticipated donations equaling \$1,450,000. A possible location for this project is Lloyd Kurtz Park on Bloomington Road; however, neighborhood meetings will be held before finalizing a location. Mr. Abraham emphasized the need for a replacement strategy, which will be developed by the volunteer steering committee. Council Member Orazem pointed out that Ames hosts the Iowa Special Olympics and suggested that the Director of that group be contacted. Council Member Gartin suggested that the City's contribution be greater than \$50,000. Council Member Orazem said he believed the \$50,000 would be used as "seed money." He would like to see how the design comes in; the City could revisit its financial contribution in the future after it sees how the fundraising is going. Mr. Abraham noted that the City of Ankeny contributed \$40,000 towards its Miracle League Playground and Field. Mr. Orazem noted that an in-kind donation of the land on which to place the Park will also be part of the City's contribution. City Manager Schainker advised that he was recommending adding this project to the 2016/17 CIP.

**Extending Utilities Across Interstate 35.** City Manager Schainker briefed the Council on new information provided by the Ames Economic Development Commission (AEDC). The Mayor and City Council had received the letter from the AEDC as well. Mr. Schainker noted that the extension of water and sewer was included in this year's CIP (Page 51). The AEDC has requested that the Council include the costs to include water and sewer all the way to 590<sup>th</sup> in the CIP. Mr. Schainker offered that the project fits in with the Council's current goal to promote economic development and industrial growth.

Facilities/Fleet Services Director Corey Mellies explained and presented the budgets for the following projects.

**Facilities/Fleet Services.** There is \$50,000 budgeted each year from 2016/17 through 2020/21 for the City Hall Improvements program, which includes major maintenance or replacement of items for the building, Veterans Memorial, and parking lots on the west side of the building and across the street to the east. The project to replace the roof of the City Maintenance Facility on Edison Street will occur in 2016/17. Public Works and Fleet Services share that building.

City Manager Steve Schainker explained and presented the budgets for the following projects.

**Community Enrichment.** No changes proposed for the Downtown Facade Program, Campustown Facade Improvement Program, or Neighborhood Improvement Program.

Finance Director Duane Pitcher brought the Council's attention to the Project of Debt Capacity shown on Page VI of the Draft CIP. In FY 2016/17, the Projected Debt is \$66,310,000, which is down from \$70,497,990 in FY 2015/16. The Projected Debt for will also decrease for the next four years to be approximately \$62,764,101 in 2020/21.



**Conclusion.** City Manager Schainker noted that the CIP could change based on future Council decisions on pending issues. He reiterated that public input on the CIP will be accepted on January 26, 2016.

**ADJOURNMENT:** Moved by Corrieri to adjourn the meeting at 8:09 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor



## REPORT OF CONTRACT CHANGE ORDERS

Period:	<input checked="" type="checkbox"/>	1 <sup>st</sup> – 15 <sup>th</sup>
	<input type="checkbox"/>	16 <sup>th</sup> – End of Month
Month & Year:	January 2016	
For City Council Date:	January 26, 2016	

Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact (Buyer)
Electric Services	Power Plant Fuel Conversion - Bid No. 1 Turbine Control System	2	\$814,920.00	GE Energy Control Solutions, Inc.	\$244,731.00	\$34,000.00	B. Kindred	CB
Electric Services	Scaffolding for Precipitator Lagging Repair	3	\$10,672.00	Midwest Scaffold Service LLC	\$87,306.20	\$10,672.00	D. Kom	CB
Electric Services	Geotechnical Engineering Consulting Services - Lime and Ash Ponds	2	\$62,800.00	Wenck Associates, Inc	\$3,500.00	\$4,300.00	D. Kom	CB
Water & Pollution Control	Well Rehabilitation Project	1	\$59,212.00	Northway Corporation	\$0.00	\$949.40	C. Murphy	MA
Public Works	2014/15 CyRide Route Improvements Program (24 <sup>th</sup> St & Bloomington Rd)	1	\$1,650,000.01	Con-Struct, Inc.	\$0.00	\$12,384.23	J. Joiner	MA
Public Works	Grant Avenue (Hyde Avenue) Pavement Improvements	1	\$2,867,082.90	Manatt's Inc.	\$0.00	\$46,647.85	B. Kindred	MA



# MEMO

*Caring People  
Quality Programs  
Exceptional Service*

4a-e

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

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

**DATE:** December 20, 2015

**SUBJECT:** Beer Permits & Liquor License Renewal Reference City Council Agenda  
January 26, 2016

The Council agenda for January 26, 2016, includes beer permits and liquor license renewals for:

- Class C Liquor & Outdoor Service – West Towne Pub, 4518 Mortensen Rd #101
- Class C Liquor & Outdoor Service – Dublin Bay, 320 S 16<sup>th</sup> St
- Special Class C Liquor – Shogun of Ames, 3704 Lincoln Way
- Class B Beer & Outdoor Service – Torrent Brewing Company, 504 Burnett Ave
- Class B Beer & B Native Wine – Indian Delights Express, 120 Welch Ave

A routine check of police records for the past twelve months found no violations any of the listed licensees. The police department would recommend renewal of these licenses.

<b>Name of Applicant:</b> <u>Casey's Marketing Company</u>		
<b>Name of Business (DBA):</b> <u>Casey's General Store #2560</u>		
<b>Address of Premises:</b> <u>3020 S. Duff Ave.</u>		
<b>City</b> <u>Ames</u>	<b>County:</b> <u>Story</u>	<b>Zip:</b> <u>50010</u>
<b>Business</b>	<u>(515) 232-1148</u>	
<b>Mailing</b>	<u>PO BOX 3001</u>	
<b>City</b> <u>ANKENY</u>	<b>State</b> <u>IA</u>	<b>Zip:</b> <u>500218045</u>

**Contact Person**

<b>Name</b> Michelle Rogness, Store Operations	
<b>Phone:</b> (515) 446-6728	<b>Email</b> michelle.rogness@caseys.com

**Classification** Class C Beer Permit (BC)

**Term:** 12 months

**Effective Date:** 02/26/2016

**Expiration Date:** 01/26/2017

**Privileges:**

Class C Beer Permit (BC)

**Status of Business**

<b>BusinessType:</b> <u>Publicly Traded Corporation</u>
<b>Corporate ID Number:</b> <u>184278</u> <b>Federal Employer ID</b> <u>42 1435913</u>

**Ownership**

**Michael Richardson**

**First Name:** Michael      **Last Name:** Richardson  
**City:** Pleasant Hill      **State:** Iowa      **Zip:** 50327  
**Position:** President  
**% of Ownership:** 0.00%      **U.S. Citizen:** Yes

**42-0935283 Casey's General Stores, Inc.**

**First Name:** 42-0935283      **Last Name:** Casey's General Stores, Inc.  
**City:** Ankeny      **State:** Iowa      **Zip:** 500218045  
**Position:** owner  
**% of Ownership:** 100.00%      **U.S. Citizen:** Yes

**Robert C. Ford**

**First Name:** Robert C.      **Last Name:** Ford  
**City:** Dallas Center      **State:** Iowa      **Zip:** 50063  
**Position:** Vice President  
**% of Ownership:** 0.00%      **U.S. Citizen:** Yes

**Julia L. Jackowski**

**First Name:** Julia L.                      **Last Name:** Jackowski  
**City:** Urbandale                      **State:** Iowa                      **Zip:** 50322  
**Position:** Assistant Secretary  
**% of Ownership:** 0.00%                      **U.S. Citizen:** Yes

**James Pistillo**

**First Name:** James                      **Last Name:** Pistillo  
**City:** Urbandale                      **State:** Iowa                      **Zip:** 50323  
**Position:** Treasurer  
**% of Ownership:** 0.00%                      **U.S. Citizen:** Yes

**Insurance Company Information**

<b>Insurance Company:</b> <u>First Western Insurance</u>	
<b>Policy Effective Date:</b>	<b>Policy Expiration</b>
<b>Bond Effective</b>	<b>Dram Cancel Date:</b>
<b>Outdoor Service Effective</b>	<b>Outdoor Service Expiration</b>
<b>Temp Transfer Effective</b>	<b>Temp Transfer Expiration Date:</b>

**COUNCIL ACTION FORM**

**SUBJECT:** Addendum to Medication Therapy Management Services Agreement between the City of Ames and Outcomes Incorporated

**BACKGROUND:**

Outcomes is a pharmaceutical health care management organization, contracted through the City of Ames to help ensure that employees and members of our health plans are receiving and using the most appropriate medications. Outcomes provides incentive-based opportunities for pharmacies to implement best practice service and customer care. These incentive-based services include: Comprehensive Medication Review (CMR), patient education and monitoring, over the counter consultation, prescriber consultation, underuse claims, and documenting cases when a patient or prescriber are offered to switch to a lower-cost drug but decline the opportunity.

The current service agreement includes a service called underuse claims. Underuse claims are a two-touch service payable at a \$20 provider fee (only members who have missed a fill). Outcomes now offer a service that replaces underuse claims called, “adherence check-ins”. Adherence check-ins are a one-touch, \$10 service where a provider “checks in” with a member to address potential adherence concerns (members who have missed a fill and/or at risk to miss a fill). Check-ins is a proactive service which captures additional members, while at the same time being more convenient for the pharmacist.

**ALTERNATIVES:**

1. Accept the addendum to the current service agreement therefore replacing underuse claims with adherence check-ins service.
2. Do not accept the addendum to the current service agreement.

**MANAGER'S RECOMMENDED ACTION:**

It is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the service agreement changes with Outcomes starting February 1, 2016. The above stated changes benefit employees by offering a more effective and lower cost intervention. There is no extra cost to the City for this change.

**COUNCIL ACTION FORM**

**SUBJECT:** 2013/14 SHARED USE PATH SYSTEM EXPANSION (SKUNK RIVER TRAIL EXTENSION, PHASE 2 – E LINCOLN WAY TO SOUTH RIVER VALLEY PARK)

**BACKGROUND:**

This program provides for construction of shared use paths on street right-of-way, adjacent to streets and through greenbelts. The Transportation Plan identifies those paths that separate bicycle traffic from higher-speed automobile traffic. **The location for construction of a shared use path with this project is the Skunk River Trail Extension (East Lincoln Way to South River Valley Park).**

Staff has been working with Foth Infrastructure and Environment, LLC, of Johnston, Iowa, on this project. Foth and City staff has completed plans and specifications for this project with a total estimated construction cost of \$696,960. Engineering and construction administration costs are estimated at \$139,400, bringing total estimated costs for this project to \$836,360.

The Shared Use Path System Expansion is shown in the FY 2013/14 Capital Improvements Plan with funding of \$430,000 from Local Option Sales Tax and \$360,000 from MPO/TAP funds through the Ames Area Metropolitan Planning Organization. Project savings in the amount of \$175,000 will be utilized from the FY 2011/12 Shared Use Path System Expansion as necessary, bringing total available funding to a total of \$965,000.

This project is scheduled to have a February 16, 2016, letting, which will be conducted through the Iowa Department of Transportation (DOT). Construction is anticipated to begin as soon as weather allows in the spring of 2016 with project completion to follow in the fall of 2016.

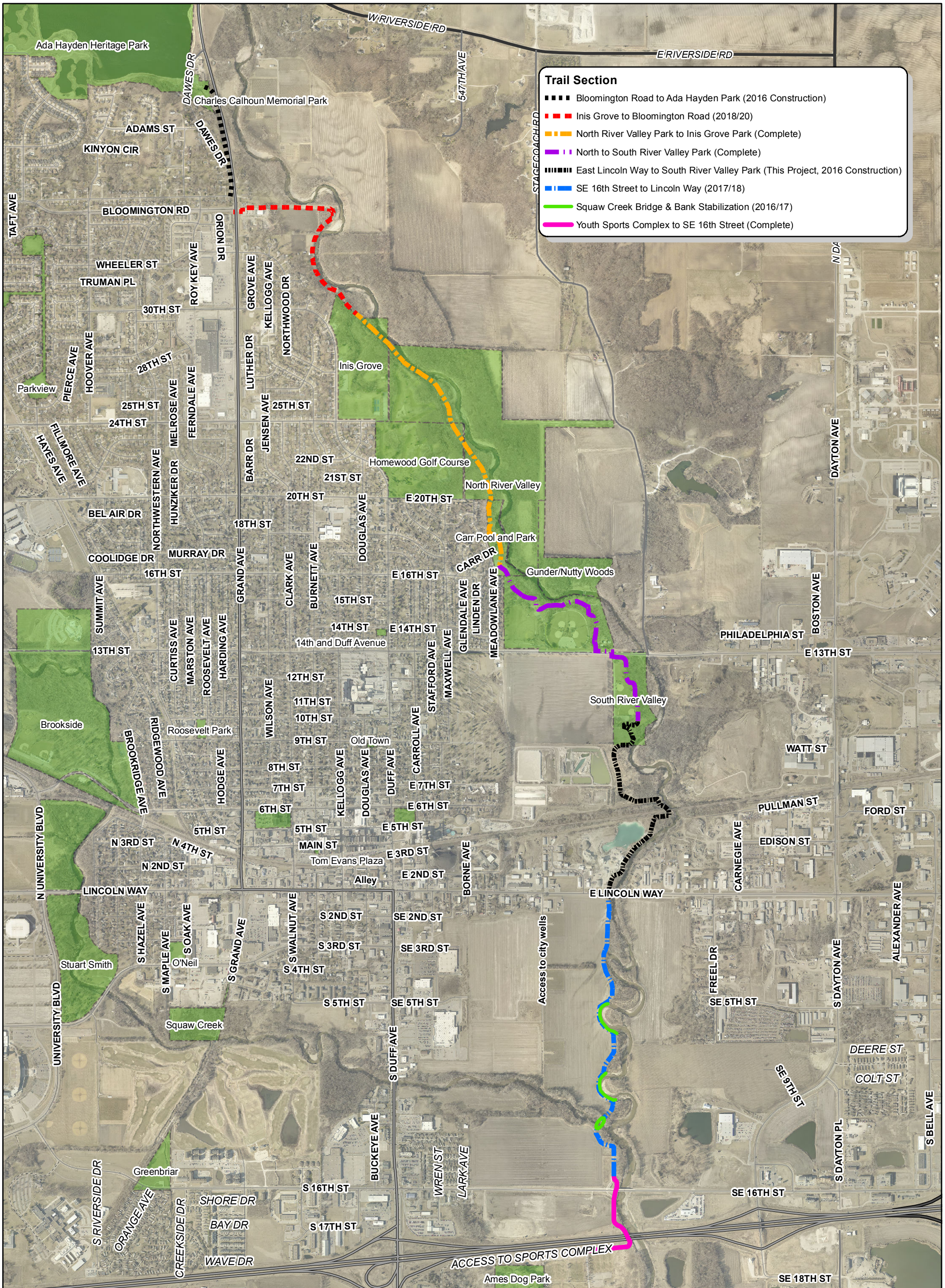
**ALTERNATIVES:**

1. Approve plans and specifications for the 2013/14 Shared Use Path System Expansion (Skunk River Trail Extension, Phase 2 – East Lincoln Way to South River Valley Park) and establish February 16, 2016, as the date of letting and February 23, 2016, as the date for report of bids.
2. Do not approve this project.

**MANAGER'S RECOMMENDED ACTION:**

Approval of the plans and specifications will continue to keep this project on the Iowa DOT's February 16, 2016 letting schedule. Delay or rejection of these plans and specifications could delay the start of this trail expansion project until at least fall 2016.

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



# Skunk River Trail Expansion



1 inch = 1,500 feet  
Date: 1/22/2016



**COUNCIL ACTION FORM**

**SUBJECT: 2015/16 ASPHALT STREET PAVEMENT IMPROVEMENTS (DOTSON DR, BAUGHMAN RD, BEEDLE DR, WELLONS DR, WELLONS CIR, JEFFREY LN, HARRIS ST, APLIN RD) & 2015/16 WATER SYSTEM IMPROVEMENTS (WELLONS DR, WELLONS CIR)**

**BACKGROUND:**

This is the annual program for reconstruction and resurfacing (rehabilitation) of asphalt streets that are typically located in residential neighborhoods. Streets within residential subdivisions have been installed using full-depth asphalt pavement since mid-1970. Full-depth replacement of these streets has become necessary due to structural pavement failure. Rehabilitation of existing asphalt streets is possible where the base asphalt layer is solid, but the surface course has failed. This program was created to support the City Council's goal of strengthening our local neighborhoods.

**The locations for reconstruction with this project are Dotson Drive (Baughman Road to 225 ft. south of Lincoln Way), Baughman Road, Beedle Drive (Aplin Road to Lincoln Way), Wellons Drive, Wellons Circle, Jeffrey Lane, Harris Street (Jeffrey Lane west to cul-de-sac), and Aplin Road (Beedle Drive to Wellons Drive).**

The Water System Improvements program provides for replacing water mains in areas that are experiencing rusty water problems. It also provides for installing larger distribution mains in areas that have a high concentration of 4" supply lines, transferring water services from 4" water mains in streets where larger water mains exist, and abandoning 4" water mains. Eliminating duplicate water mains, where possible, improves water flow and helps reduce rusty water. Installing larger distribution lines in areas that have a high concentration of 4" supply lines and less than desirable fire-fighting capacity (predominantly in the older areas of the community) provides larger supply quantities in relation to the current and proposed land uses, in accordance with the Land Use Policy Plan.

**The locations for water main replacement with this project are Wellons Drive and Wellons Circle, to coincide with the asphalt reconstruction work.**

Staff has completed plans and specifications for this contract with a base bid estimated construction cost of \$1,606,654.35. One add alternate bid is included to potentially add sub-drains to the project with an estimated construction cost of \$68,857.50. This makes the total base bid + add alternate bid estimated construction cost of \$1,675,511.85. Engineering and construction administration costs are estimated at \$251,327, bringing total estimated costs for this project to \$1,926,838.85.

The Asphalt Street Pavement Improvements are shown in the 2015/16 Capital Improvements Plan with \$1,850,000 in available funding and the Water System

Improvements are shown in the 2015/16 CIP with \$975,000 in funding. Remaining Water System Improvement funds will be utilized at other prioritized locations under separate bid package(s).

Staff held a project informational meeting with area property owners, residents and businesses to receive input on the project timing, staging and design. Comments were received and incorporated into the project design to minimize the duration that residents would be without access to their properties and that business access would be closed or temporarily relocated.

**ALTERNATIVES:**

1. Approve the plans and specifications for the 2015/16 Asphalt Street Pavement Improvements (Dotson Dr, Baughman Rd, Beedle Dr, Wellons Dr, Wellons Cir, Jeffrey Ln, Harris St, Aplin Rd) and the 2015/16 Water System Improvements (Wellons Dr, Wellons Cir) projects and establish February 17, 2016, as the date of letting and February 23, 2016, as the date for report of bids.
2. Do not approve this project.

**MANAGER'S RECOMMENDED ACTION:**

The combining of these two projects is intended to minimize the inconvenience to area residents by consolidating these projects into one construction season. In addition, this strategy should provide cost savings to the City by minimizing patching costs related to the water main work. By approving these plans and specifications, it will be possible to improve the reliability of the water system and to improve both water quality and street access for our citizens in this area.

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

**COUNCIL ACTION FORM**

**SUBJECT: 2015/16 CONCRETE PAVEMENT IMPROVEMENTS PROGRAM #1 (FRILEY RD)**

**BACKGROUND:**

This annual program is to remove and replace existing concrete street pavements that have deteriorated. Removal and replacement of concrete pavement provides enhanced rideability to residents and visitors. There are two project locations for the 2015/16 Capital Improvements Plan, Friley Road and North 2<sup>nd</sup> Street (North Riverside Drive to North Maple Avenue). **The location for this project is Friley Road (Gaskill Drive to Beach Avenue).** Project work will also relocate the existing overhead street lights, bury overhead electric cable underground, and protect the existing trees within the public right-of-way.

Staff has completed plans and specifications for this contract with a base bid (all work except the pavement) plus two alternate pavement bids. The alternate pavement bids are for an asphalt pavement or a concrete pavement, of which one of the alternatives must be chosen. The estimated costs for the base bid with each pavement alternate are summarized in the following table.

Alternate	Base Bid Est. Cost	Alternate Est. Cost	Base Bid + Alt. Est. Cost	Engineering	Total Est. Project Cost
<b><i>Asphalt Pvmnt</i></b>	\$231,632.50	\$151,246.50	\$382,879.00	\$76,575.80	\$459,454.80
<b><i>Concrete Pvmnt</i></b>	\$231,632.50	\$198,087.50	\$429,720.00	\$85,944.00	\$515,664.00

The Concrete Pavement Improvements are shown in the 2015/16 Capital Improvements Plan with available funding of \$1,200,000. Also under this program, North 2<sup>nd</sup> Street is currently being designed for letting later this spring with a total estimated cost for construction and engineering of \$629,000. **This leaves a remaining balance of \$571,000 to be utilized for this Friley Road project.** Any remaining funds will be utilized for other prioritized locations, under separate bid package(s).

Staff held a project informational meeting with area property owners, residents and interested persons to receive input on the project timing, staging and design. The comments received and incorporated into the project design were to complete the project in 2016, prior to the start of the Iowa State University football season. Overall the project has been designed to minimize the duration when residents would be without access to their properties.\

**ALTERNATIVES:**

1. Approve plans and specifications for the 2015/16 Concrete Pavement Improvements Program #1 (Friley Rd) and establish February 17, 2016, as the date of letting and February 23, 2016, as the date for report of bids.
2. Do not approve this project.

**MANAGER'S RECOMMENDED ACTION:**

By approving plans and specifications, it will be possible to replace a deteriorated street in this neighborhood while improving rideability and travel for residents in the area.

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

**COUNCIL ACTION FORM**

**SUBJECT: 2015/16 WATER SYSTEM IMPROVEMENTS PROGRAM #1 – WATER MAIN REPLACEMENT (COUNTRY CLUB BLVD)**

**BACKGROUND:**

The Water System Improvements program provides for replacing water mains in areas that are experiencing rusty water problems. It also provides for installing larger distribution mains in areas that have a high concentration of 4” supply lines, transferring water services from 4” water mains in streets where larger water mains exist, and abandoning 4” water mains. Eliminating duplicate water mains, where possible, improves water flow and helps reduce rusty water. Installing larger distribution lines in areas that have a high concentration of 4” supply lines and less than desirable fire-fighting capacity (predominantly in the older areas of the community) provides larger supply quantities in relation to the current and proposed land uses, in accordance with the Land Use Policy Plan.

**The location for water main replacement with this project is Country Club Boulevard (Pearson Avenue to Beach Avenue).**

Staff has completed plans and specifications for this contract with a total estimated construction cost of \$193,389. Engineering and construction administration costs are estimated at \$29,010, bringing total estimated costs for this project to \$222,399.

The Water System Improvements are shown in the 2015/16 Capital Improvements Plan with \$975,000 in funding. From this program, approximately \$250,000 will be utilized for the water main replacement on Wellons Drive that is planned with the 2015/16 Asphalt Street Pavement Improvements project. Remaining Water System Improvement funds will be utilized at other prioritized locations included in future bid packages.

**ALTERNATIVES:**

1. Approve the plans and specifications 2015/16 Water System Improvements Program #1 (Country Club Blvd) project and establish February 17, 2016, as the date of letting and February 23, 2016, as the date for report of bids.
2. Do not approve this project.

**MANAGER’S RECOMMENDED ACTION:**

By approving these plans and specifications, it will be possible to improve the reliability of the water system and to improve water quality for our citizens in this area.

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

**COUNCIL ACTION FORM**

**SUBJECT: 2015/16 CLEAR WATER DIVERSION PROGRAM**

**BACKGROUND:**

Clear water from footing drains causes overloading and backups in the sanitary sewer as well as increases in the volume of clean water that is treated at the sewage treatment facility. The Clear Water Diversion program involves diverting footing drain discharge from sanitary sewers to storm sewers. This diversion results in lower volumes of clean water needing treatment at the sewage treatment facility, thereby decreasing operating and maintenance costs of that facility. In addition, the program addresses locations where sump pump water discharges directly over the back of curb since no storm sewer exists in the area. In winter conditions, these sump pump discharges can cause ice build-up in the curb and gutter. The 2015/16 program addresses these types of situations.

The locations for the 2015/2016 Clear Water Diversion Program include: Duff Avenue (5<sup>th</sup> to 6<sup>th</sup>), East 9<sup>th</sup> Street (Duff to Carroll) and McDonald Drive (Lincoln Way to the North).

Staff has completed plans and specifications with estimated construction costs of \$72,351.50.

Funding for the project is summarized below:

	Available Revenue	Estimated Expenses
12/13 Clear Water Diversion	\$ 9,000.00	
13/14 Clear Water Diversion	\$ 25,000.00	
14/15 Clear Water Diversion	\$ 25,000.00	
15/16 Clear Water Diversion	\$ 25,000.00	\$ 72,351.50
Engineering and Administration		\$ 10,850.00
	<hr/>	<hr/>
	\$ 84,000.00	\$ 83,201.50

**ALTERNATIVES:**

1. Approve the 2015/2016 Clear Water Diversion Program by establishing February 17, 2016, as the date of letting and February 23, 2016, as the date for report of bids.
2. Reject the Project

**MANAGER'S RECOMMENDED ACTION:**

By approving the plans and specification and establishing February 17, 2016 as the date of letting and February 23, 2016 as the date for report of bids, it will be possible for construction to commence during 2016 and help to reduce clean water discharges to the sanitary sewer system.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the 2015/2016 Clear Water Diversion Program by establishing February 17, 2016, as the date of letting and February 23, 2016, as the date for report of bids.

**COUNCIL ACTION FORM**

**SUBJECT: 2015/16 ARTERIAL STREET PAVEMENT IMPROVEMENTS (13<sup>TH</sup> ST – FURMAN AQUATIC CENTER TO UNION PACIFIC RAILROAD)**

**BACKGROUND:**

This annual program utilizes current repair and reconstruction techniques to improve arterial streets with asphalt or concrete. These pavement improvements are needed to restore structural integrity, serviceability, and rideability. Targeted streets are reaching a point of accelerated deterioration. By improving these streets prior to excessive problems, the service life will be extended. **The location for this project is 13<sup>th</sup> Street from the Furman Aquatic Center access drive to the Union Pacific Railroad tracks.**

Staff has been working with Shive-Hattery, Inc. of West Des Moines, Iowa on this project. Shive-Hattery and City staff have completed plans and specifications for this contract with a total estimated construction cost of \$1,084,645. Engineering and construction administration costs are estimated at \$216,930, bringing total estimated costs for this project to \$1,301,575.

This Arterial Street Pavement Improvement is shown in the 2015/16 Capital Improvements Plan with funding in the amount of \$400,000 from General Obligation bonds and \$1,060,000 from MPO/STP funds through the Ames Area Metropolitan Planning Organization.

Staff held a project informational meeting with area property owners, residents and interested persons to receive input on the project timing, staging and design. The comments received and incorporated into the project design were to complete the project in 2016, minimize the time 13<sup>th</sup> Street would be closed to traffic, and adding a sidewalk on the north side of 13<sup>th</sup> Street from Crescent Street to the Furman Aquatic Center access drive for pedestrian connectivity. Work on the sidewalk/path and outside lanes will occur while maintaining head-to-head through traffic. Construction of the center lanes will occur with closure of this portion of 13<sup>th</sup> Street following Labor Day. This will coincide with the seasonal closure of Furman Aquatic Center. Bridge deck repair on Stange Road is being completed by Iowa State University in early summer 2016. The 6<sup>th</sup> Street bridge is anticipated to be open to traffic in August 2016.

This project is on schedule to have a March 15, 2016 letting, which will be conducted through the Iowa Department of Transportation (DOT).

### **ALTERNATIVES:**

1. Approve plans and specifications for the 2015/16 Arterial Street Pavement Improvements (13<sup>th</sup> St – Furman Aquatic Center to Union Pacific Railroad) and establish March 15, 2016, as the date of letting and March 22, 2016, as the date for report of bids.
2. Do not approve this project.

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

Approval of the plans and specifications will continue to keep this project on the Iowa DOT's March 15, 2016, letting schedule. Delay or rejection of these plans and specifications could delay the start of this arterial street improvement project until 2017.

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

**This project will impact access to the Furman Aquatics Center. To minimize this impact, 13th Street will remain open to two-way traffic during the 2016 summer months when the Furman Aquatic Center is open and operating.**



**COUNCIL ACTION FORM**

**SUBJECT:** PARTS FOR UNIT #8 ELECTRIC TURBINE

**BACKGROUND:**

This bid is for the purchase of turbine parts needed for routine maintenance and inventory replenishment for Unit 8 Turbine at the Power Plant. The majority of the parts on this bid have a long lead time and is being purchased now for planned maintenance. Maintenance delays will be reduced significantly by having these parts in stock at the Plant.

On December 9, 2015, a request for quotation (RFQ) was issued to fifteen companies. The RFQ was advertised on the Current Bid Opportunities section of the Purchasing webpage, and was also sent to one plan room.

On December 23, 2015, five bids were received as shown on the attached report.

After evaluation, staff determined that the bids submitted by Action Turbine Repair Service, Inc., Fajon Machining, Inc., Turbo Parts, LLC and Power Plant Services are non-responsive because they did not bid General Electric parts. General Electric is the OEM (original equipment manufacturer) and the bid document specified that "all parts listed must be OEM manufactured parts. No substitutions."

**Staff reviewed the remaining bid submitted by ARGO Turboserve Corporation, Lyndhurst, NJ in the amount of \$64,367 is acceptable.** This vendor is not licensed to collect sales taxes for the State of Iowa, so the City will pay applicable Iowa Sales Taxes directly to the State. **Council should note that this vendor is the OEM for General Electric parts.**

Funding is available in the approved FY2015/16 Electric Production operating budget to cover the cost for these parts.

**ALTERNATIVES:**

1. Award a contract to ARGO Turboserve Corporation, Lyndhurst, NJ, for the purchase of parts for the Unit 8 Turbine in the amount of \$64,367, with applicable sales taxes to be paid directly by the City to the State of Iowa.
2. Reject all bids and delay the purchase of turbine parts.

**MANAGER'S RECOMMENDED ACTION:**

The purchase of these turbine parts in advance of major maintenance work will reduce the risks of delays on planned turbine work.

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



**RFQ 2016-104 PARTS FOR UNIT #8 TURBINE BID SUMMARY**

		<b>BIDDER:</b>				<b>ARGO Turboserve Corporation Lyndhurst, NJ</b>		<b>Action Turbine Repair Service Inc. Summit, IL</b>		<b>Fajon Machining, Inc. Phoenix, AZ</b>		<b>Turbo Parts, LLC Clifton Park, NY</b>		<b>Power Plant Services Melrose Park, IL</b>	
<b>PART #</b>	<b>ITEM #</b>	<b>DESCRIPTION</b>	<b>QTY</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>	<b>UNIT</b>	<b>TOTAL</b>		
1	0926E719P0001	IMPELLER	1	\$21,410.00	\$21,410.00	Non-Responsive. Did not bid General Electric parts		Non-Responsive. Did not bid General Electric parts		Non-Responsive. Did not bid General Electric parts		Non-Responsive. Did not bid General Electric parts			
2	09478031P0004	SEAL RING	1	\$1,890.00	\$1,890.00										
3	09478226P0001	ACRON NUT	1	\$904.00	\$904.00										
4	0349C733P0001	WORM BEARING	1	\$4,098.00	\$4,098.00										
5	0634A856P0001	SEAL RING	1	\$850.00	\$850.00										
6	0328D438G0001	WORM & QUILL	1	\$21,145.00	\$21,145.00										
7	09439109P0001	SPRING	1	\$475.00	\$475.00										
8	09478188P0001	COUPLING GEAR SHAFT	1	\$6,030.00	\$6,030.00										
9	0348C630P0001	RING, THRUST	1	\$3,550.00	\$3,550.00										
10	09471066P0005	WORM BEARING	1	\$3,715.00	\$3,715.00										
Sales and/or Use tax on above materials (7%)					Not Licensed										
Non-taxable shipping charges					\$300.00										
<b>Overall:</b>					\$64,367.00										



**Public Works Department**  
515 Clark Avenue, Ames, Iowa 50010  
Phone 515-239-5160 ♦ Fax 515-239-5404

14

January 26, 2016

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

Ladies and Gentlemen:

I hereby certify that the sanitary sewer, storm sewer, subgrade preparation, curb & gutter and asphalt base installation, required as a condition for approval of the final plat of **Scenic Valley, 1<sup>st</sup> Addition** have been completed in an acceptable manner by **Ames Trenching and Excavating of Ames, IA and Manatts Inc. of Ames, IA**. The above-mentioned improvements have been inspected by the Engineering Division of the Public Works Department of the City of Ames, Iowa and found to meet City specifications and standards.

As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision be reduced to **\$83,344.00**. The remaining work covered by this financial security includes the installation of asphalt surface paving, pedestrian ramps and walks, final adjustment of utility features, and erosion control.

Sincerely,

John C. Joiner, P.E.  
Director

JJ/jc

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

Scenic Valley 1<sup>st</sup> Addition

January 12, 2016

Page 2

Description	Unit	Quantity
CLEARING AND GRUBBING	LS	1
EXCAVATION, CLASS 13	CY	93,000
SUBGRADE PREPARATION, 12"	SY	9,870
SANITARY SEWER GRAVITY MAIN, TRENCHED, PVC, 8"	EA	1737
SANITARY SEWER, TRENCHED, PVC, 12"	EA	1220
SANITARY SEWER SERVICE STUB, 4-INCH, PVC	EA	42
STORM SEWER, TRENCHED, RCP CLASS III, 15-INCH	LF	1879
STORM SEWER, TRENCHED, GASKETED RCP CLASS III, 15-INCH	LF	89
STORM SEWER, TRENCHED, RCP CLASS III, 18-INCH	LF	705
STORM SEWER, TRENCHED, RCP CLASS III, 24-INCH	LF	254
STORM SEWER, TRENCHED, RCP CLASS III, 30-INCH	LF	107
STORM SEWER, TRENCHED, RCP CLASS III, 42-INCH	LF	182
PIPE APRON, RCP, 15", CLASS III	EA	4
PIPE APRON, RCP, 18", CLASS III	EA	3
PIPE APRON, RCP, 24", CLASS III	EA	1
PIPE APRON, RCP, 30", CLASS III	EA	2
PIPE APRON, RCP, 42", CLASS III	EA	2
SUBDRAIN, PERFORATED, 4-INCH	LF	2550
FOOTING DRAIN COLLECTOR, 6-INCH	LF	552
FOOTING DRAIN CLEANOUT, 6-INCH	EA	3
SUBDRAIN CLEANOUT, 4"	EA	6
FOOTING DRAIN OUTLET AND CONNECTION, 6-INCH	EA	3
STORM SEWER SERVICE STUB, 1.5 INCH, PVC	EA	42
WATER MAIN, TRENCHED, 8-INCH	LF	3349
WATER MAIN, TRENCHLESS, 8-INCH	LF	128
8-INCH 11.25 DEGREE MJ BEND	EA	5
8-INCH 22.5 DEGREE MJ BEND	EA	1
8-INCH 45 DEGREE MJ BEND	EA	10
8-INCH x 8-INCH MJ CROSS	EA	1
8-INCH x 8-INCH MJ TEE	EA	2
WATER SERVICE STUB, CURB STOP & BOX, 1-INCH	EA	42
VALVE, MJ GATE, 8"	EA	13
FIRE HYDRANT ASSEMBLY (INCLUDES TEE, GATE VALVE, BOOT, 6"	EA	7
TEMPORARY BLOWOFF HYDRANT ASSEMBLY (INCLUDES 8"x6" MJ	EA	5
SANITARY MANHOLE, SW-301, 48"	EA	14
STORM MANHOLE, SW-301, 48"	EA	6
RISER INTAKE, 8-INCH	EA	7
INTAKE, SW-501	EA	8
INTAKE, SW-502, 60"	EA	2
INTAKE, SW-502, 72"	EA	1
INTAKE, SW-503	EA	7
INTAKE, SW-505	EA	4
INTAKE, SW-506	EA	3
INTAKE, SW-513	EA	1
CURB & GUTTER, 30-INCH	LF	5495
PAVEMENT, HMA, 8-INCH	SY	7118
SIDEWALK, PCC, 6"	SY	76
DETECTABLE WARNING	SF	136
SEEDING, TYPE 1 LAWN MIX	ACRE	40
RIP RAP, CLASS D	TON	500
SILT FENCE, INSTALL, MAINTAIN & REMOVE	LF	2000
STABILIZED CONSTRUCTION ENTRANCE	EA	1
INLET PROTECTION DEVICE, INSTALL, MAINTAIN & REMOVE	EA	25
EROSION CONTROL MULCHING, CONVENTIONAL	ACRE	40

**COUNCIL ACTION FORM**

**SUBJECT: VETERINARY MEDICINE (VET MED) SUBSTATION CAPACITOR BANK  
FOUNDATION INSTALLATION - CONTRACT COMPLETION**

**BACKGROUND**

The overall project is for the procurement and installation of two capacitor banks for the Vet Med Substation. This portion of the project is for the installation of a new concrete foundation in the Vet Med Substation to support the capacitor banks.

On July 10, 2012, City Council awarded a contract to Biermann's University Electric Co., Inc., Des Moines, IA, for the Vet Med Substation capacitor bank foundation installation in the amount of \$28,530.

In 2010/11, the CIP was adjusted to include \$350,000 for the Vet Med Substation Voltage Support project, which included \$75,000 for this concrete foundation work.

All of the requirements of the contract have been met by Biermann's University Electric Co., Inc., and the Engineer has provided a certificate of completion.

**ALTERNATIVES:**

- 1) Accept completion of the contract with Biermann's University Electric Co., Inc., Des Moines, IA, for the Vet Med Substation Capacitor Bank Foundation Installation at a total cost of \$28,530.
- 2) Delay acceptance of this contract.

**MANAGER'S RECOMMENDED ACTION:**

The contractor for the Vet Med Substation Capacitor Bank Foundation Installation has completed all of the work specified under the contract. The Engineer has issued a certificate of completion on the work.

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

ITEM# 16  
DATE: 1/26/16

### COUNCIL ACTION FORM

**SUBJECT: 2014/15 TRAFFIC SIGNAL PROGRAM (13<sup>TH</sup> STREET AND STANGE ROAD)**

#### **BACKGROUND:**

This project included installation of new traffic signal poles, cabinet, radar based vehicle/bike detection, Americans with Disabilities Act (ADA) vibrotactial pedestrian push buttons, ADA compliant pedestrian ramps, and required pavement markings.

On December 9, 2014, City Council awarded this contract to KWS, Inc., of Cedar Falls, Iowa, in the amount of \$266,072.75. Construction has now been completed in the amount of \$276,762.32. Additional sidewalk work was required in order to make field conditions meet ADA requirements. Therefore, a change order was approved in the amount of \$10,689.57. Engineering costs are estimated in the amount of \$16,200, bringing **total project costs to \$292,962.32.**

Project funding was approved with \$50,000 from the 2014/15 Traffic Signal Program, \$11,193 from the 2014/15 Sidewalk Safety Program, and \$221,080 from ISU financing, which totals \$282,273. Additionally, \$10,690 will come from the available balance of the Accessibility Enhancement Program, bringing **total available funding to \$292,963.**

#### **ALTERNATIVES:**

1. Accept the 2014/15 Traffic Signal Program (13<sup>th</sup> Street and Stange Road) as completed by KWS, Inc., of Cedar Falls, Iowa, in the amount of \$276,762.32.
2. Direct staff to pursue modifications to the project.

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

This project has now been completed in accordance with the awarded contract, with one change order totaling \$10,689.57 that was approved administratively. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.

## **COUNCIL ACTION FORM**

### **SUBJECT: WATER POLLUTION CONTROL MAKE-UP AIR UNIT AND HEAT RECOVERY UNITS REPLACEMENT**

#### **BACKGROUND:**

On April 28, 2015, Council awarded a contract to Mechanical Comfort of Ames, Iowa in the amount of \$297,141. This contract project included the replacement of four heating and ventilation units at the Water Pollution Control (WPC) Facility. This included the following units:

- Raw Water Pump Station (RWPS) grit alley make-up air unit
- Solids Contact Building heat recovery units (2)
- Digester Complex heat recovery unit

The make-up air unit serving the RWPS grit alley is used to provide ventilation and seasonal heating to the space. The grit alley can develop a hazardous atmosphere, and the make-up air unit ensures that WPC staff can safely access the space at all times. The Solids Contact and Digester heat recovery units provide the necessary heat in the winter months to maintain an appropriate temperature for the equipment.

A single change order was approved in the amount of \$205 for a differential pressure switch to be installed in the Digester Complex heat recovery unit. The change order brings the total project cost to \$297,346. All work has been completed on January 18, 2016 in accordance with the approved plans and specifications. A copy of the Engineer's Certification of Completion is attached.

#### **ALTERNATIVES:**

1. Approve completion and authorize final payment, in accordance with the contract, to Mechanical Comfort of Ames, Iowa for the replacement of the WPC Facility make-up air unit and heat recovery units.
2. Do not accept completion of the WPC Facility make-up air unit and heat recovery units replacement project at this time.

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

Work for the project has been completed in accordance with plans and specifications. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving completion and authorizing final payment to



Mechanical Comfort of Ames, Iowa for replacement of the WPC Facility make-up air unit and the heat recovery units.

**CERTIFICATE OF COMPLETION**

**Makeup Air Unit & Heat Recovery Unit Replacement  
Water Pollution Control Plant  
Ames, Iowa**

It is our understanding that the Contractor has fixed the items listed in our Site Observation Report dated 11-9-2015, to the complete satisfaction of Ames Water Pollution Control Plant personnel.

As Engineers for the project, it is our opinion the work performed is substantially complete and is in accordance with the plans and specifications.

VEENSTRA & KIMM, INC.

Accepted: CITY OF AMES, IOWA

By *Panyala N. Reddy*

By \_\_\_\_\_

Title Project Manager

Title \_\_\_\_\_

Date 1-18-2016

Date \_\_\_\_\_

**COUNCIL ACTION FORM**

**SUBJECT:** PLAT OF SURVEY FOR 2328 240<sup>th</sup> STREET IN BOONE COUNTY

**BACKGROUND:**

The City's subdivision regulations are part of Chapter 23 of the Ames Municipal Code. The Subdivision Code includes the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The City also uses the Subdivision Code as means of reviewing the status of conveyance parcels, which are non-conforming lots created through a private conveyance of land, to determine if the lot is indeed a buildable lot. A Plat of Survey is a single-step review within Section 23.308 for City Council approval of minor activities, such as boundary line adjustments and conformance determination of conveyance parcels.

**2328 240<sup>th</sup> Street is located within the Urban Fringe Area of Ames and within Boone County, approximately three quarters of a mile south of U.S. Highway 30 and three quarters of a mile west of the Boone/Story County line (see Attachment A, Location Map).** The property contains a home owned by Evans. The larger farmland to the west is owned by Swansons.

The Ames Urban Fringe Plan designates the future use of this property as Agriculture and Farm Service. For property in Story County with this land use designation, the City does not review subdivisions and plats of survey, under our 28-E Intergovernmental Agreement with Story County. However, there is no such agreement with Boone County; therefore City of Ames approval of a plat of survey is required to modify the property boundaries.

This particular plat of survey is for a proposed boundary line adjustment of two existing properties, as shown on Attachment A Location Map. **The owner of the smaller parcel is seeking to increase the parcel size to meet the minimum 10 net acre size necessary for an agriculture assessment. To do so requires the moving of the west property line 51 feet further west. The other parcel is the remainder of the quarter-quarter section and is not included in this plat of survey.** Usually, a boundary line adjustment would result in a plat drawing of two parcels. **In this instance, however, the remainder remains an agricultural parcel whose legal description would be the NW quarter of the NW quarter of Section 13-83-25, except for Parcel C.**

**As no additional parcels are being created, city subdivision standards do not require any additional infrastructure.** Waiving the infrastructure requirement for a subdivision is usually the basis for requiring the property owner to sign three agreements pertaining to future annexation, assessment, and subdivision. **Those agreements are not necessitated by a plat of survey, since in this case, the altering of agricultural land does not materially change the developable area of the property.** The proposed plat of survey is not inconsistent with the Ames Urban Fringe Plan that looks to maintain

agricultural areas on the perimeter of the City without scattered rural development that would inhibit future urbanization of the area.

Approval of this plat of survey will allow the applicant to prepare the official plat of survey, and the Planning and Housing Director to review and sign it confirming that it fully conforms to all conditions of approval. 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.

**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:**

Staff has determined that the proposed plat of survey satisfies all code requirements for a boundary line adjustment of existing lots and has made a preliminary decision of approval.

**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.**

**ADDENDUM**

**PLAT OF SURVEY FOR 2328 240<sup>th</sup> STREET**

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 23.310)
- Auditor's plat (per Code of Iowa Section 354.15)

The site is located at:

Owners: Shirley and Lawrence Evans/ Gaylord and Mary Ann Swanson

Existing Street Addresses: 2328 240<sup>th</sup> Street/unaddressed farm ground

Assessor's Parcel #: 088325132100002/088325132100001

Legal Description: Parcel C/ NW ¼ of NW ¼ of Section 13-83-25, except Parcel C and road rights-of-way.

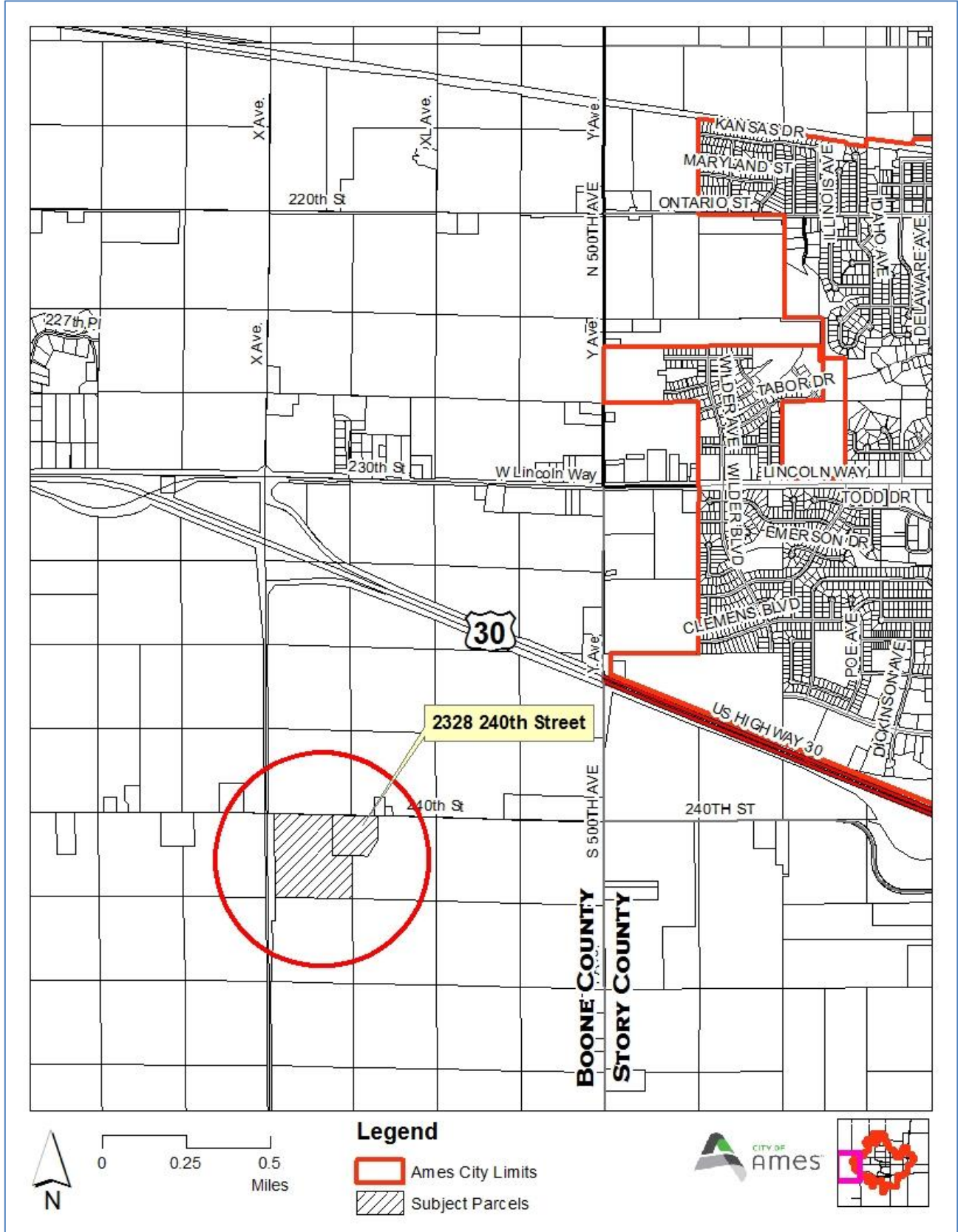
**Public Improvements:**

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

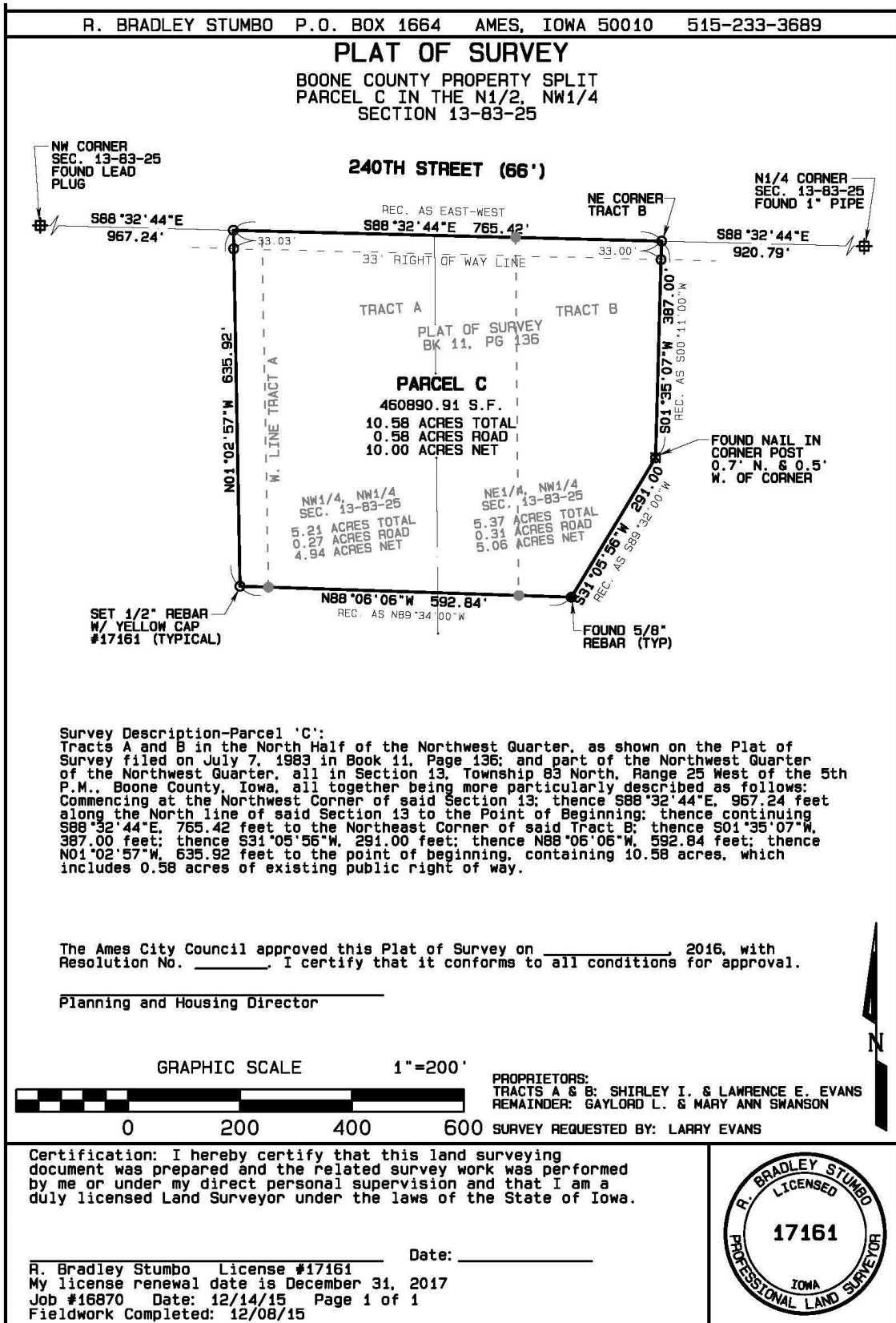
- Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- Delayed, subject to an improvement guarantee as described in Section 23.409.
- Not Applicable.

Note: 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



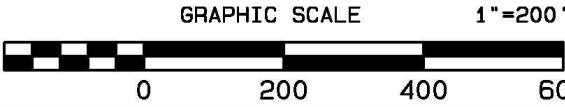
**ATTACHMENT B: PROPOSED PLAT OF SURVEY**



**Survey Description-Parcel 'C':**  
 Tracts A and B in the North Half of the Northwest Quarter, as shown on the Plat of Survey filed on July 7, 1983 in Book 11, Page 136; and part of the Northwest Quarter of the Northwest Quarter, all in Section 13, Township 83 North, Range 25 West of the 5th P.M., Boone County, Iowa, all together being more particularly described as follows: Commencing at the Northwest Corner of said Section 13; thence S88°32'44"E, 967.24 feet along the North line of said Section 13 to the Point of Beginning; thence continuing S88°32'44"E, 765.42 feet to the Northeast Corner of said Tract B; thence S01°35'07"W, 387.00 feet; thence S31°05'56"W, 291.00 feet; thence N88°06'06"W, 592.84 feet; thence N01°02'57"W, 635.92 feet to the point of beginning, containing 10.58 acres, which includes 0.58 acres of existing public right of way.

The Ames City Council approved this Plat of Survey on \_\_\_\_\_, 2016, with Resolution No. \_\_\_\_\_. I certify that it conforms to all conditions for approval.

\_\_\_\_\_  
 Planning and Housing Director



PROPRIETORS:  
 TRACTS A & B: SHIRLEY I. & LAWRENCE E. EVANS  
 REMAINDER: GAYLORD L. & MARY ANN SWANSON

SURVEY REQUESTED BY: LARRY EVANS

Certification: 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.

\_\_\_\_\_  
 R. Bradley Stumbo License #17161 Date: \_\_\_\_\_  
 My license renewal date is December 31, 2017  
 Job #16870 Date: 12/14/15 Page 1 of 1  
 Fieldwork Completed: 12/08/15



**COUNCIL ACTION FORM**

**SUBJECT:**           **WATER TERRITORY AGREEMENT WITH CENTRAL IOWA WATER ASSOCIATION**

**BACKGROUND:**

In January 2014 the City Council established as one of its goals to "Promote Economic Development." A specific objective under that goal was to negotiate with Central Iowa Rural Water Association (CIWA) to resolve the rural water service territory issue east of Interstate 35.

As the City Council knows, current federal law preserves the right of CIWA to provide water service to the property east of Interstate 35 in the area where the Council hopes to expand our City limits for industrial land use. **Federal law only requires a rural water entity to provide potable water, and not to a level that will assure proper fire protection to an industrial use that locates there. Therefore, it is extremely important that the City be able to provide water for both potable uses and fire protection to the industrial properties that will locate within the city limits as we expand to the east.**

Attached for the City Council's approval is a contract that allows for the buyout of approximately 1,200 acres of service territory from CIWA. A summary of the highlights of this agreement is provided below.

**Area Covered By This Agreement** (Exhibit I)

The area covered by this agreement is reflected on Exhibit I and represents approximately 1,200 acres of land, most of which is along East Lincoln Way, involving property that has yet to be annexed into the City. You will note that this area also includes a portion of the land along East 13th Street that was previously annexed into the City, and which is planned for regional commercial uses.

Throughout the proposed contract, this area is referred to as the Phase I - Future Urbanized Area. This reference was important to City staff to indicate that it is the City's intent to further enlarge our industrial area east of Interstate 35.

**Term of the Agreement** (Paragraph 11)

The agreement calls for a twenty year term. However, after ten years of the effective date, either party may unilaterally cancel the contract by providing a twenty-four month written notice to the other party.



**Continuing Members** (Paragraph 4)

CIWA felt very strongly that they wanted to retain their eight existing customers, and also felt a responsibility to add new customers within the Phase I - Future Urbanized Area upon request. These are referred to as “Continuing Members” in the agreement. City staff would have preferred that CIWA not expand its customer base in the Phase I - Future Urbanized Area in order to assure that the largest possible amount of land is made available for large industrial entities to develop within the City.

You will note that, as a compromise, CIWA will be able to add customers after the effective date of the agreement, but the amount of land that will be allocated to any new Continuing Member will be only one acre in size.

**Purchase Price** (Paragraph 9)

The agreement is structured so that a buyout is possible when an industrial customer chooses to develop on land within the Phase I - Future Urbanized Area. In order to assure predictability for industries who hope to develop in this area, the formula for determining the cost of buyout has been established in advance in this agreement.

For the first five years of the agreement, the cost of the buyout will be \$2,500 per acre. For the following five years of the agreement, the buyout cost will remain firm after it is adjusted for inflation based on the Consumer Price Index - All Urban Consumers, All Cities, All Items. If the agreement remains in effect after ten years, the buyout cost will be adjusted every five years in a similar manner.

**Release Of CIWA Service Territory To Continuing Members** (Paragraph 5)

If any Continuing Member within the Phase I - Future Urbanized Area requests water service from the City, the following three events must occur before the property will be released by CIWA to the City's water service territory:

- 1) Approval must be given by CIWA for the transfer
- 2) The appropriate purchase price must be paid to CIWA
- 3) A reasonable disconnection fee must be paid to CIWA

**Release Of CIWA Service Territory To Non-Continuing Members** (Paragraph 6)

Under the agreement, CIWA is required to release to the City the remainder of those properties not allocated to a Continuing Member. In those cases, the only event that must occur is for the appropriate purchase price to be paid to CIWA.

### **Requirements Of CIWA When Operating In The City's Right-of-Way** (Paragraph 8)

The staff had hoped that CIWA would agree to be subject to the provisions of the City's Right-of-Way ordinance. However, CIWA did not want to subject itself to this ordinance for fear that the requirements would add operating requirements in excess of what they are currently required to do when they work in Story County's rights-of-way.

In lieu of a blanket commitment to our ordinance, CIWA did agree to some of the major components of the ordinance. That should help reduce the possibility of damage to utility lines owned by the City and by other utilities in our rights-of-way. It should also make sure that City standards are met when certain types of construction are performed by CIWA, as well as eliminate the City's liability from claims arising out of CIWA's work or facilities being in the City rights-of-way. The agreement also grants this type of hold harmless promise to protect CIWA from claims arising out of the City's work or facilities in the rights-of-way that might adversely affect CIWA.

### **Sharing Of Water Consumption Information** (Paragraph 12)

It is possible under this arrangement that Continuing Members within the Phase I - Urbanized Area could be served water from CIWA and receive sanitary sewer service from the City. Because sanitary sewer service fees are traditionally based upon water consumption, it is critical that CIWA provide this information to the City so that sanitary sewer bills can be calculated. In response to this need, CIWA has agreed to provide water consumption information for any such Continuing Members to the City within 30 days after the end of each month.

### **Effective Date Of The Agreement** (Paragraphs 16 & 25)

It is important to note that this agreement will not become effective until:

- 1) The contract is approved by the United States Department of Agriculture and CIWA's financier, the National Bank for Co-operatives, and
- 2) The contract is recorded in the Office of the Story County Recorder

### **ALTERNATIVES:**

- 1) Approve the attached agreement with the Central Iowa Water Association.

This agreement already has been approved by CIWA's Board of Directors.

- 2) Refer the agreement back to City staff to negotiate different terms.

Because the CIWA Board of Directors has already approved the terms of this agreement, it is unlikely that they will agree to any modifications at this time.

3) Reject the proposed agreement.

This action will call into question how industrial development annexed into the City east of Interstate 35 will receive the appropriate level of water service to provide fire protection to the area.

**MANAGER'S RECOMMENDED ACTION:**

The City staff has been working diligently over the past year with the administrative staff of CIWA to develop a trusting relationship that has led us to finalize the attached agreement. Some might question if a better deal might have been negotiated for the City. However, given the current level of protection granted to rural water entities by the federal government, this agreement represents an acceptable resolution of this issue.

The resolution of the rural water issue paves the way for the City to next (1) modify the City's Fringe Area Plan to extend industrial land uses east of Interstate 35, (2) annex land along East Lincoln Way all the way to 590th Street, and (3) extend water and sewer lines into this area in accordance with the City Council goal to promote economic development. Therefore, it is the recommendation of the City Manager that the City Council support Alternative #1, thereby approving the attached agreement with CIWA.

## WATER SERVICE TERRITORY AGREEMENT

THIS AGREEMENT is made and entered into by and between the Iowa Regional Utilities Association d/b/a Central Iowa Water Association ("CIWA") and the City of Ames, Iowa ("Ames").

WHEREAS, Ames ceded its right to provide public water supply services to certain territory east of Interstate 35 and approved by resolutions granting CIWA's request to have the right to provide water service thereto (the "Ceded Territory"); and

WHEREAS, CIWA is a federally indebted rural water association under 7 U.S.C. §1926(b) and has the exclusive right to provide public water supply services to the Ceded Territory; and

WHEREAS, Ames has identified a part of the Ceded Territory for annexation into the City for purposes of urbanized development and Ames desires to exclusively control the urbanized development thereof, including the provision of public water supply services thereto; and

WHEREAS, said part of the Ceded Territory Ames has identified for annexation into the City for purposes of urbanized development is shown on Exhibit I and is hereafter referred to as Phase I - Future Urbanized Area and is legally described on Exhibit II; and

WHEREAS, the Parties desire to enter into this Agreement for the purpose of accomplishing a release and relinquishment by CIWA of its (CIWA's) right to provide public water supply services to the Phase I - Future Urbanized Area such that Ames becomes the public water supply provider to the Phase 1 - Future Urbanized Area; and

WHEREAS, Ames and CIWA desire to work collaboratively, respecting each other's rights and interests, to assure the orderly urbanized development of the Phase I - Future Urbanized Area by Ames.

**NOW THEREFORE**, in consideration of the above recitals and the mutual covenants contained herein and reliance on the same, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Incorporation of Recitals.** The foregoing Recitals are incorporated herein and made a part of this Agreement as if fully set forth verbatim. The

Recitals and Exhibits attached hereto are a substantive, contractual part of this Agreement.

2. **Definitions**. As used in this Agreement, terms herein shall have the following meanings:

(a) "Ames" means the City of Ames, Iowa, an Iowa municipal corporation located in Story County, Iowa, with its principal offices currently located at 515 Clark Avenue, Ames, Iowa 50010.

(b) "Ceded Territory" means the territory to which CIWA has the exclusive right to provide public water supply services.

(c) "CIWA" means Iowa Regional Utilities Association d/b/a Central Iowa Water Association, an Iowa non-profit corporation with its principal offices currently located at 1351 Iowa Speedway Drive, Newton, Iowa 50208.

(d) "Continuing Member" means a member of CIWA who received public water supply services within a part of the Phase I - Future Urbanized Area on the effective date of the Agreement or who, after the effective date of the Agreement, receives public water supply services from CIWA within the Phase I - Future Urbanized Area as provided in this Agreement.

(e) "Phase I - Future Urbanized Area" means the area Ames has identified for initial annexation and urbanized development as depicted and described on Exhibits I and II, which are attached hereto and by this reference made a part hereof.

(f) "Parties" means Ames and CIWA.

(g) "Property" means all land, or a portion of any parcel of land, within the Phase I - Future Urbanized Area.

(h) "Public Water Supply Service" means the act of supplying water to an end consumer in accordance with governmental regulations, regardless of the source, quality, or end use of such water.

(i) "Purchase Price" means the total amount to be paid to CIWA in return for CIWA's release and relinquishment of its exclusive right to provide public water supply services to that property in a part of the Phase I - Future Urbanized Area.

(j) "Release and Relinquishment Date" means the date CIWA releases and relinquishes all of CIWA's right, title, and interest to provide public water supply services to a part of the Phase I - Future Urbanized Area.

(k) "Water System" means the easements, fixtures, pumps, pipes, valves, other similar infrastructure and all other tangible and intangible personal property and rights and interests necessary to the operation of CIWA's public water supply system or Ames' public water supply system as the case may be.

3. Identification of the Service Territory Affected by this Agreement. For purposes of this Agreement, the property that is depicted and legally described on Exhibits I and II is the Phase I - Future Urbanized Area that is affected by this Agreement.

4. Continuing Members. For purposes of this Agreement, the parties agree that there are eight (8) properties with the allocated acreages within the Phase I - Future Urbanized Area, as depicted on Exhibit III as Properties 1, 2, 3, 4, 5, 6, 7, and 8 that are owned or occupied by Continuing Members as of the effective date of this Agreement. After the effective date of this Agreement, the owner of any property within the Phase I - Future Urbanized Area may request public water supply service from CIWA. If CIWA has not released and relinquished its (CIWA's) right to provide public water supply services to said property, CIWA may provide service to that requestor, who shall thereby become a Continuing Member of CIWA. In that event, and for the purposes of this Agreement, the amount of property allocated to that new Continuing Member shall be one acre in size, notwithstanding the actual amount of property served by the new CIWA connection.

5. Conditions Precedent for CIWA's Release and Relinquishment of Its Right to Provide Public Water Supply Services to Continuing Member Property in the Phase I - Future Urbanized Area. Should any Continuing Member of CIWA within the Phase I - Future Urbanized Area request that Ames provide public water supply service to his or her property, CIWA shall release and relinquish CIWA's right to provide public water supply services to said property upon satisfaction of the following three conditions:

(a) Approval is given by CIWA.

(b) Payment of the Purchase Price is made to CIWA as calculated in accordance with the provisions of Paragraph 9 herein.

(c) Payment for CIWA's reasonable expenses for disconnecting the Continuing Member from its system is made to CIWA.

6. Conditions Precedent for CIWA's Release and Relinquishment of Its Right to Provide Public Water Supply Services to Non-Continuing Member Property in the Phase I – Future Urbanized Area. CIWA shall release and relinquish its right to provide public water supply services to the other properties within the Phase I - Future Urbanized Area (i.e. all properties other than those that have been allocated to a Continuing Member in accordance with Paragraph 4) upon payment of the Purchase Price to CIWA for the property to which release and relinquishment of CIWA's right to provide public water supply services is sought as calculated in accordance with the provisions of Paragraph 9 herein.

7. Limitations.

This Agreement does not involve or affect:

- (a) any of CIWA's rights to provide public water supply services to Continuing Members or other CIWA members outside of the Phase I - Future Urbanized Area.
- (b) any of CIWA's rights, title, and interests in real estate (including easements) or its Water System located within the Phase I - Future Urbanized Area.
- (c) CIWA's right to own, construct, repair, replace, maintain and do all other things necessary to operate its Water System within the Phase I - Future Urbanized Area in such manner as CIWA, in accord with 7 U.S.C. § 1926(b) and in its sole discretion deems necessary [a] to provide public water supply services to its Continuing Members in the Phase I – Future Urbanized Area and [b] to provide public water supply services to its members outside of the Phase I – Future Urbanized Area.

8. Operational Matters. Notwithstanding the provisions of 7(a), (b) and (c) above and CIWA's rights under 7 USC §1926(b), any work performed by CIWA to construct, repair, replace, maintain and do all other things necessary to operate its Water System within the City's right of way in the Phase I - Future Urbanized Area shall be done in accordance with the following requirements:

- (a) All CIWA facility crossings of streets, driveways, shared use paths and sidewalks shall be bored. When the Parties mutually agree that boring is unfeasible, backfilling and area restoration (including paved surfaces and shoulders to like manner and condition) shall be performed by CIWA according to City specifications and standards. All other ditches, trenches, and other excavations shall be firmly filled and maintained, including seeding,

in such a manner as to present no hazard or obstacle to the use of the premise for other purposes.

(b) All crossings of existing City sewers, water mains, electric facilities, and other registered right-of-way users facilities shall be in accordance with the requirements of the City Public Works Department. The City shall have the right to construct, or grant the permit to construct, such facilities across or along CIWA facilities, in such a manner as to not interfere with CIWA facilities installed hereunder.

(c) Within sixty (60) days of making an installation of facilities in the City right-of-way, CIWA shall furnish the City with one (1) complete set of as-built drawings, preferably in an electronic format compatible with the City's mapping system.

(d) Except for emergency situations, CIWA shall give five (5) working days advance notice to the City when CIWA plans to place, construct, bury, or repair anything in the City right-of-way. Such notice shall include graphic material showing the location and extent of the proposed work along with projected beginning and ending dates for the work.

(e) CIWA shall participate with the City and with the other registered right-of-way users in an annual coordination meeting scheduled by the City's Public Works Department. The purposes of this meeting are to coordinate scheduling and installation of right-of-way user facilities in the City right-of-way and to minimize public inconvenience and costs.

(f) CIWA agrees to indemnify and save Ames harmless from any and all causes of action, suits at law or in equity, or losses, damages, claims, or demands, and from any and all liability and expense of whatsoever nature for, on account of or due to the acts or omissions of CIWA's officers, members, agents, representatives, contractors, employees or assigns arising out of or in connection with CIWA's work or facilities in Ames' right of way. Ames agrees to indemnify and save CIWA harmless from any and all causes of action, suits at law or in equity, or losses, damages, claims, or demands, and from any and all liability and expense of whatsoever nature for, on account of or due to the acts or omissions of Ames' officers, members, agents, representatives, contractors, employees or assigns arising out of or in connection with Ames' work or facilities in the Ames' right of way. Damages to property or facilities of the City or its permittees within Ames' right of way during construction, maintenance, or repair of CIWA facilities shall be promptly repaired or compensated for by CIWA. Damages to property or facilities of CIWA within



Ames' right of way during construction, maintenance, or repair of Ames facilities shall be promptly repaired or compensated for by Ames.

(g) In the event the City requests a relocation of CIWA facilities that are in Ames' right of way because of street construction or maintenance in the area, CIWA agrees to move or relocate said facilities to another suitable location, with the costs of relocation to be paid by CIWA. These relocation and related cost requirements are specifically limited to CIWA facilities that were originally constructed in public rights of way and is not intended to include CIWA facilities constructed in private rights of way that later become Ames' rights of way.

9. Purchase Price. For the first sixty (60) months following the effective date of the Agreement, the Purchase Price shall be \$2,500 per acre.

The Purchase Price will remain firm for the months 61 through 120 following the effective date of the Agreement after it is adjusted for inflation based on the difference in Consumer Price Index - All Urban Consumers, All Cities, All Items, as published by the Bureau of Labor Statistics, in month 60 compared to month 1.

If the Agreement is extended past ten (10) years from the effective date of the Agreement as provided for in Paragraph 11, the Purchase Price shall be adjusted every five years in a similar manner for the two remaining five-year periods, utilizing data to compare the change in the most recent 60 month period. The Purchase Price shall be rounded to the nearest dollar as shown in the example below.

The following example illustrates the computation of the Purchase Price for months 61 through 120.

CPI published in the 60th month from the effective date of the contract	240.501
Less CPI published in the month the agreement took effect	<u>229.815</u>
Equals index change	10.686
Divided by the CPI published in the month the agreement took effect	229.815
Equals	0.0411
Result multiplied by 100	4.11%

\$2,500 per acre X 1.0411 = \$2,603 per acre payment due for months 61 through 120 following the effective date of the Agreement

10. Release and Relinquishment Procedure. Within sixty (60) days of the accomplishment of the conditions precedent specified in Paragraph 5 or Paragraph 6, CIWA by way of a written confirmation to Ames shall release and relinquish all of CIWA's right, title, and interest to provide public water supply services to said property in the Phase I - Future Urbanized Area subject to the terms and provisions hereof. This written confirmation shall identify each property subject to release and relinquishment and the effective date of the release and relinquishment. Such identification shall include both a map and a legal description of the property affected thereby.

11. Term of Agreement. This Agreement shall be in effect for twenty (20) years from the effective date specified in Paragraph 25 below, except that each party reserves the right to unilaterally terminate and cancel this Agreement at any time after ten (10) years from the effective date, by providing written notice to the other party twenty-four (24) months in advance of such cancellation, whereupon the parties agree that this Agreement shall be deemed canceled, void, and of no further legal force and effect.

12. Sharing of Water Consumption Information. Ames will provide sanitary sewer service to the Phase I - Future Urbanized Area. The monthly charge by Ames for sanitary sewer service will be based on water usage. CIWA agrees to provide to Ames, no later than 30 days after the end of each month or other timeframe mutually agreeable to both parties, the monthly water consumption amounts for every metered connection where a Continuing Member receives sanitary sewer service from Ames within the Phase I - Future Urbanized Area.

13. CIWA Authority. CIWA warrants and represents that it has the legal right and authority (a) to provide public water supply service within the Phase I - Future Urbanized Area and (b) to release and relinquish its legal right and authority to provide public water supply service within the Phase I - Future Urbanized Area as described in this Agreement subject to any requirements and approvals necessary by law or regulation.

14. Section 1926(b). Except as otherwise provided for herein, CIWA retains any and all of its rights, privileges, and benefits possessed and not herein specifically released and relinquished by the terms and conditions of this Agreement, including, but not limited to the rights, privileges, and benefits under 7 U.S.C. §1926(b) for the Continuing Members identified in Paragraph 4.

Notwithstanding CIWA's general retention of rights under Section 1926(b), the parties agree that this shall not preclude Ames from approaching CIWA

Continuing Members within the Phase I - Future Urbanized Area to transfer to the Ames Water Service Territory.

15. Default/Remedies. In the event of default, the non-defaulting party shall give the defaulting party a written notice of such default, whereupon the defaulting party shall have ninety (90) days to cure any such default. Thereafter, the parties shall be entitled to utilize any and all remedies as are at law or in equity available to them (including specific performance or injunctive relief). The existence of an adequate remedy at law or in money damages shall not be a defense to an action for specific performance or injunction.

16. Approval of USDA and National Bank for Co-operatives. This Agreement is subject to the approval of the United States Department of Agriculture and the National Bank for Co-operatives and shall not be deemed effective until such approvals have been obtained. In the event either the United States Department of Agriculture or the National Bank for Co-operatives does not approve this Agreement, then same shall be deemed void and of no force and effect. CIWA agrees to diligently and expeditiously seek those approvals.

17. No Precedent. The terms of this Agreement shall not otherwise be considered binding precedent on any other CIWA service territory transfers in the area surrounding Ames.

18. Intended Beneficiaries. This Agreement is made solely for the benefit of the Parties and nothing herein shall be construed as creating any benefits, rights, remedies, or claims in favor of any other entity or person.

19. Amendments. No amendment, change, or modification of any of the terms, provisions, or conditions of this Agreement shall be effective unless made in writing and signed by both parties. It is acknowledged and agreed to by the parties that the USDA's and the National Bank for Co-operatives' approval of any amendment will be required before the amendment is effective.

20. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Iowa and in accordance with applicable federal law, including but not limited to 7 U.S.C. §1926(b).

21. Notices. All notices required by this Agreement shall be given by certified mail, return receipt requested, and shall be deemed given as of the date of such certified mailing.

22. Further Assurances. Both Parties shall take such actions and execute all documents necessary to effectuate the purposes of this Agreement.

23. Construction. The Parties agree that this Agreement was prepared by the combined efforts of the Parties and their attorneys and to that end the Agreement shall not be construed against any Party as the drafter of the Agreement.

24. Binding Effect. This Agreement is binding on all successors and assigns of CIWA and of the City.

25. Complete Agreement and Effective Date. This Agreement, including Exhibits, constitutes the entire, complete, and final agreement of the Parties with respect to the rights to provide public water supply services in the Phase I - Future Urbanized Area and supersedes all prior understandings, undertakings, negotiations, representations, statements, and agreements made by or on behalf of or between the Parties. It is further agreed that this Agreement shall not be effective until the fully executed original Agreement has been recorded in the Office of the Story County Recorder.

In witness whereof, the parties, acting under authority of their respective governing bodies, have caused this Agreement to be executed in five (5) counter parts, each of which shall be deemed to be an original.

The rest of this page is intentionally left blank.

**CITY OF AMES, IOWA:**

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

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

STATE OF IOWA    )  
                                  )ss:  
STORY COUNTY    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell and Diane R. Voss, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa, that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Ordinance Number \_\_\_\_\_ passed (the Resolution adopted) by the City Council, under Roll Call Number \_\_\_\_\_ of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2016, and that Ann H. Campbell and Diane R. Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

\_\_\_\_\_  
Iowa Notary Public

**IOWA REGIONAL UTILITIES ASSOCIATION,  
d/b/a CENTRAL IOWA WATER ASSOCIATION:**

By: Dan Brandt  
Dan Brandt, Vice President

By: Delwin Van Zante, Sec.  
Delwin Van Zante, Secretary

STATE OF IOWA    )  
                                  )ss:  
JASPER COUNTY    )

On this 12<sup>th</sup> day of January, 2016, before me the undersigned, a Notary Public in and for the aforesaid State and County, personally appeared Dan Brandt and Delwin Van Zante, to me personally known, who, being by me duly sworn, did say that such persons are, respectively, the Vice President and the Secretary of Iowa Regional Utilities Association, d/b/a Central Iowa Water Association, the aforesaid corporation executing the within and foregoing instrument, that no seal has been procured by said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and, that the aforesaid Dan Brandt and Delwin Van Zante, as said officers of such corporation, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by said officers voluntarily executed.



Gayla E. Hannagan  
Iowa Notary Public

THIS AGREEMENT IS APPROVED on behalf of the United States of America (USDA/RD) this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

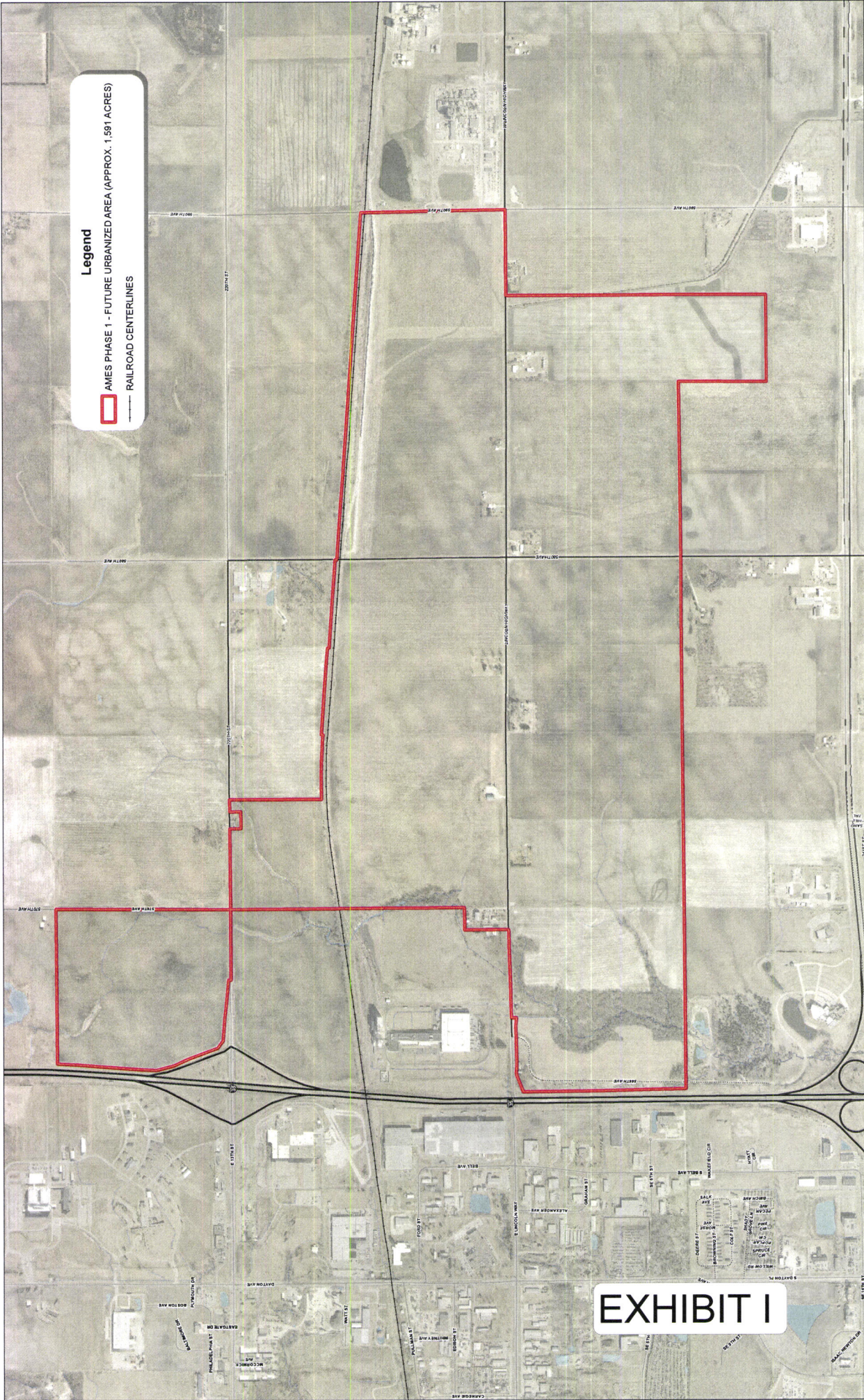
**UNITED STATES OF AMERICA:  
DEPARTMENT OF AGRICULTURE/RURAL DEVELOPMENT**

By: \_\_\_\_\_  
Area Director

THIS AGREEMENT IS APPROVED on behalf of National Bank for Co-operatives (Co-Bank) this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**NATIONAL BANK FOR CO-OPERATIVES:**

By: \_\_\_\_\_  
Julia McCusker, Vice President



**Legend**

AMES PHASE 1 - FUTURE URBANIZED AREA (APPROX. 1,591 ACRES)

RAILROAD CENTERLINES

1 inch = 600 feet  
Date: 9/4/2015

Geographic Information System (GIS) Product Disclaimer: City of Ames GIS maps do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership and 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 fully reviewed by the user for accuracy, timeliness or completeness. The user is responsible for determining accuracy, completeness, timeliness, and fitness for the appropriateness for use, it meets safety on the user.



Ames Phase 1 - Future Urbanized Growth Area

**EXHIBIT I**





## EXHIBIT II

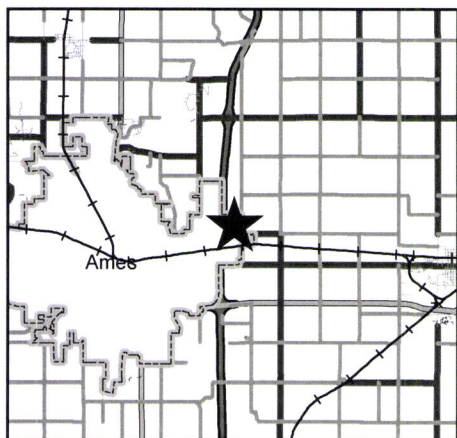
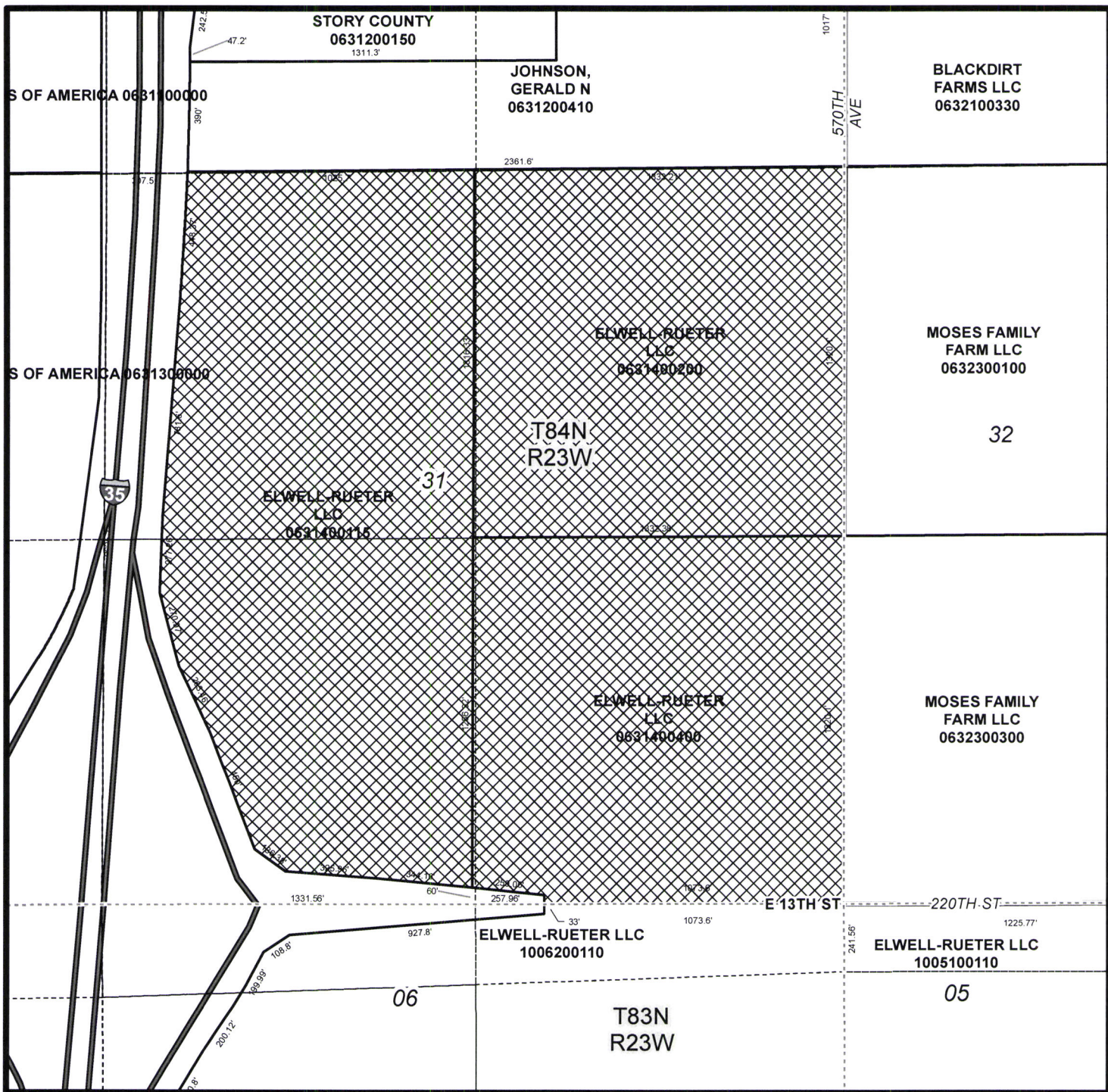
### TRANSFER BOUNDARY DESCRIPTION

An area of land consisting of two tracts containing approximately 1594 acres and generally described as:

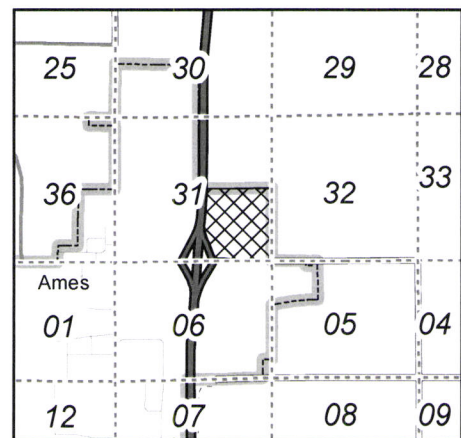
- 1) A portion of Section 31 of T84N R23W of MILFORD township in Story County in the State of Iowa and
- 2) Portions of Sections 4, 5, 7, 8 & 9 of T83N R23W in GRANT township in Story County in the State of Iowa.

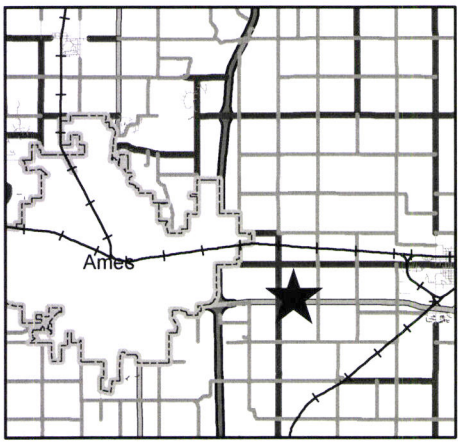
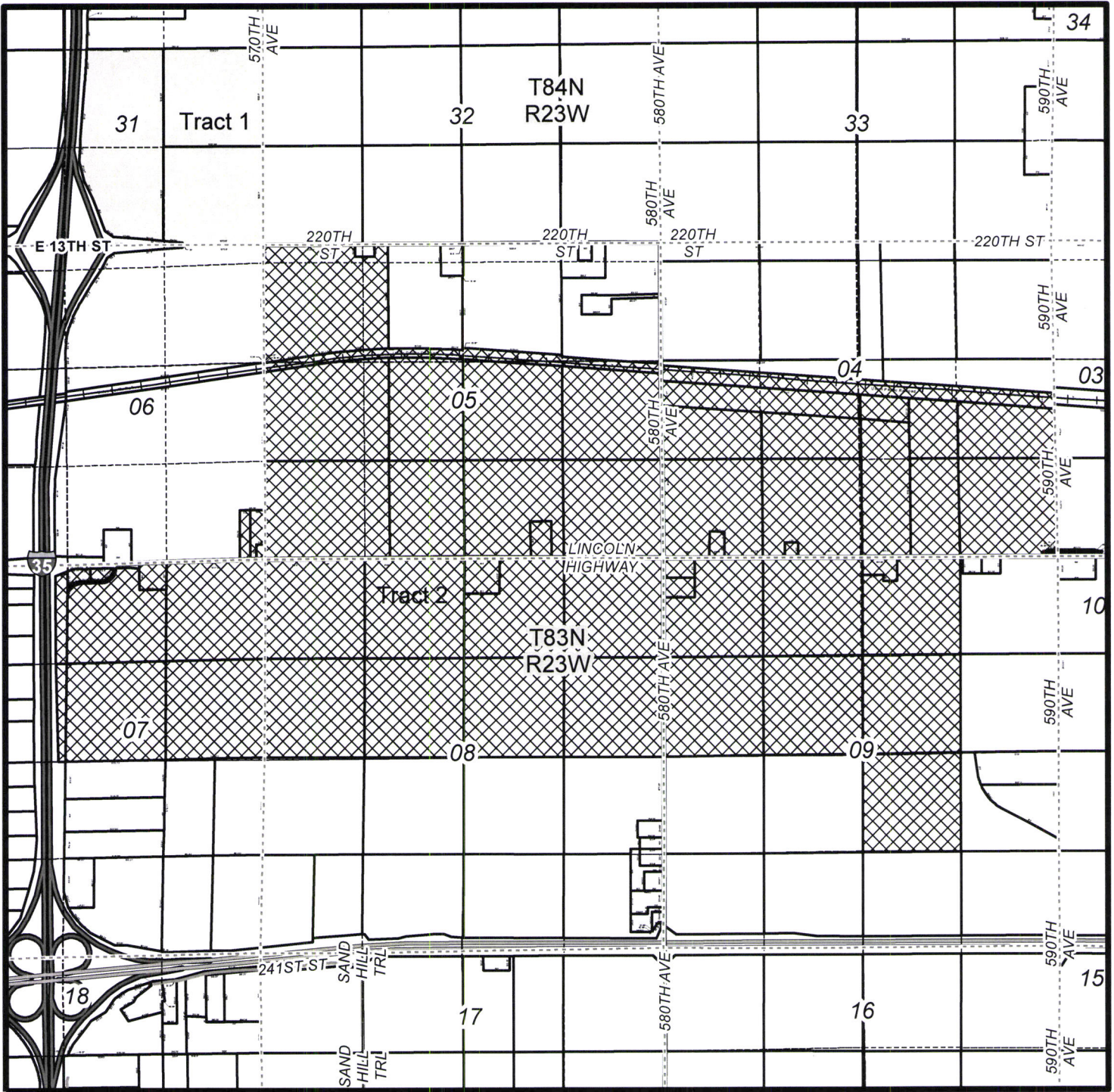
- 1) A tract of land encompassing approximately 140 acres. BEGINNING at the Southeast corner of Section 31 T84N R23W. THENCE Northerly along the Easterly line of said Section for a distance of 2640 feet more or less to the Northeast corner of the Southeast Quarter of Section 31 T84N R23W. THENCE Westerly along the Northerly line of the Southeast Quarter of Section 31 T84N R23W for a distance of 2360 feet more or less to the Easterly line of the Right-of-Way of US Interstate Highway 35. THENCE, Southerly and Easterly along the Easterly line of the Right-of-Way of US Interstate Highway 35 for a distance 3557 feet more or less. Thence Southerly for 33 feet more or less to the Southerly line of the Southeast Quarter of Section 31 T84N R23W. THENCE Easterly along said Section line for a distance of 1073 feet more or less to the POINT OF BEGINNING.
- 2) A tract of land encompassing approximately 1454 acres. BEGINNING at the SE corner of Section 4 T83N R23W thence Northerly along the Easterly line of said Section to the Northerly boundary of the real property conveyed to the CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY by Deed recorded in Story County Iowa. THENCE Westerly along said property line (Right-of-Way) for a distance 8960 feet more or less. THENCE leaving said ROW line Northerly along the Easterly line of the land conveyed to ELWELL-RUETER, LLC by Deed recorded September 6, 2011 in Book 2011, page 09157 in Story County Iowa for a distance of 1389 feet more or less. THENCE Westerly along North line of Section 05 T83N R23W for a distance of 180 feet more or less THENCE Southerly along the Easterly line of the real property conveyed by Deed to CROUSE, RODNEY K & LOIS C recorded August 24, 1983 in Book 207 on page 69 in Story County Iowa for distance of 166 feet more or less. THENCE, Westerly along the Southerly boundary of said real property for a distance of 258 feet. THENCE, Northerly along the Westerly boundary of said real property for a distance of 168 feet more or less, to exclude said property. THENCE Westerly along the Northerly line of Section 05 T83N R23W for distance of 1226 more or less to the Northwest corner of said section. THENCE Southerly along the Westerly line of Section 05 T83N R23W for a distance of 3540 feet. THENCE leaving said section line Westerly for a distance of 201 feet along the Northerly boundary of the real property conveyed to COUNTRY LANDSCAPES REAL EST LLC by Deed recorded on August 8, 1991 in Book 279, Page 79 in Story County, Iowa. THENCE Westerly along the Northerly boundary of the real property also conveyed to COUNTRY LANDSCAPES REAL EST LLC by Deed recorded on August 20, 1991 in Book 279, Page 82 in Story County, Iowa for a distance of 134 feet more or less. THENCE Southerly along the Westerly line of said real property for a distance of 667 feet more or less to the Northerly line of Section 07 T83N R23W. THENCE Westerly along the Northerly line of Section

07 T83N R23W for a distance of 2465 feet more or less to the Easterly Right-of-Way of US Interstate Highway 35. THENCE, Southerly along the Easterly Right-of-Way of US Interstate Highway 35 for a distance of 2016 feet more or less to the Southerly line of the Northwest Quarter of Section 07 T83N R23W. THENCE Easterly along the Southerly line of Northwest Quarter of Section 07 T83N R23W for a distance of 90 feet more or less to the Southwest corner of Northeast Quarter of Section 07 T83N R23W. THENCE Easterly along the Southerly line of the Northeast Quarter of Section 07 T83N R23W for a distance of 2660 feet more or less to the Southwest corner of the Northwest Quarter of Section 08 T83N R23W. THENCE Westerly along the Southerly line of the Northwest Quarter of Section 08 T83N R23W for a distance of 2660 feet more or less to the Southeast corner of the Northeast Quarter of Section 08 T83N R23W. THENCE Easterly along the Southerly line of the Northeast Quarter of Section 08 T83N R23W for a distance of 2680 feet more or less to the Southwest corner of the Northwest Quarter of Section 9 T83N R23W. THENCE Easterly along the Southerly line of the Northwest Quarter of Section 9 T83N R23W for a distance of 2656 feet, more or less, to the Southeast corner of the Northwest Quarter of Section 9 T83N R23W. THENCE Southerly along the Westerly line of the Northwest Quarter of the Southeast Quarter of Section 9 T83N R23W for a distance of 1317 feet more or less to the Southeast Corner of Northwest Quarter of the Southeast Quarter of Section 09 T83N R23W. THENCE Easterly along the Southerly line of the Northwest Quarter of the Southeast Quarter of Section 9 T83N R23W for a distance of 1313 feet more or less. THENCE Northerly along the Easterly line of the Northwest Quarter of the Southeast Quarter of Section 09 T83N R23W for distance of 1333 feet more or less. THENCE Northerly along the Easterly line of the Southwest Quarter of the Northeast Quarter of Section 09 T83N R23W for a distance of 1310 feet more or less to the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 09 T83N R23W. THENCE Northerly along the Easterly line of Northwest Quarter of the Northeast Quarter of Section 9 T83N R23W to the Southerly line of Section 04 T83N R23W. THENCE Easterly along the Southerly line of Section 4 T83N R23W for a distance of 1303 feet more or less to the POINT OF BEGINNING.

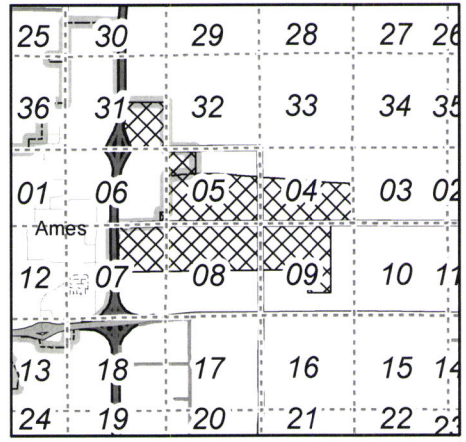
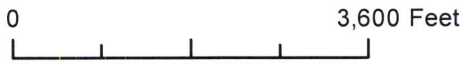


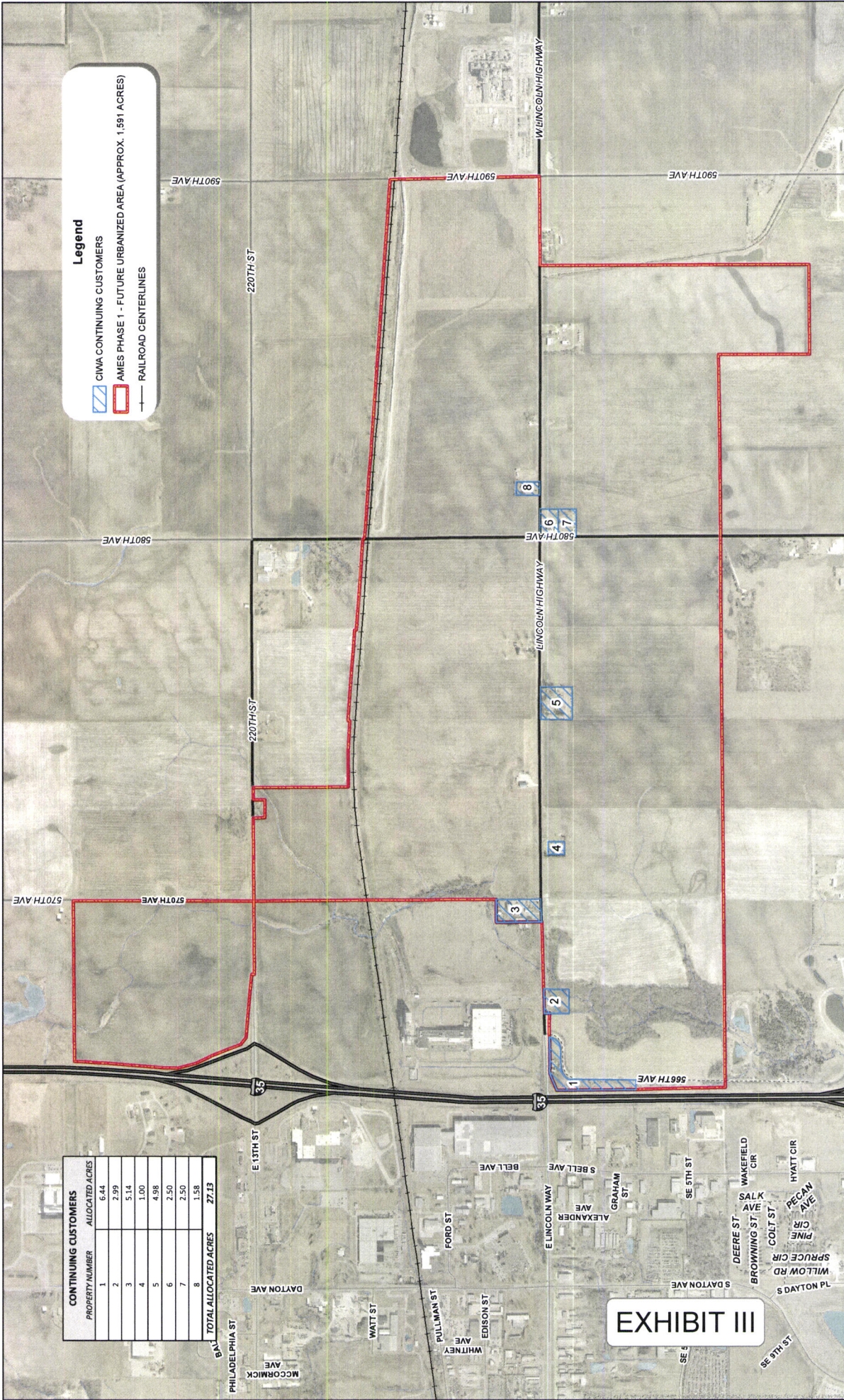
# TRACT 1





# TRACT 2





CONTINUING CUSTOMERS	PROPERTY NUMBER	ALLOCATED ACRES
	1	6.44
	2	2.99
	3	5.14
	4	1.00
	5	4.98
	6	2.50
	7	2.50
	8	1.58
<b>TOTAL</b>	<b>ALLOCATED ACRES</b>	<b>27.13</b>

**Legend**

- CIWA CONTINUING CUSTOMERS
- AMES PHASE 1 - FUTURE URBANIZED AREA (APPROX. 1,591 ACRES)
- RAILROAD CENTERLINES

**EXHIBIT III**

1 inch = 1,250 feet  
Date: 1/11/2016

Copyright Information: State (IOWA) Public Information Act. City of Ames, IOWA, does not warrant or make any representation regarding the accuracy, timeliness, or completeness of the data. All features are represented in this product as they are, without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, reliability and fitness for the appropriate use for use rests solely on the user.



Phase 1 - Future Urbanized Growth Area  
Central Iowa Water Association Continuing Customers



**COUNCIL ACTION FORM**

**SUBJECT:** MINOR SUBDIVISION FINAL PLAT AND WAIVER FOR HAYNES KENTON SUBDIVISION.

**BACKGROUND:**

Property owner Haynes Kenton LC, requests approval of a final plat for a minor subdivision of 3.34 acres of land located at 809 E Lincoln Way in east Ames (Attachment A). The proposed plat shows the division of a 3.34 acre property into two lots of 1.54 acres and 1.80 acres (Attachment B). The current property has a gas station and small distribution business on the west half of the property. These improvements were approved for construction in 1985. A large open grass area remains on the east half of the site. The proposed subdivision would divide the parcel between the occupied area of the lot on the west and the grass lot on the east.

A Minor Subdivision process allows for filing of a Final Plat without the need of a Preliminary Plat. This is permitted when the subdivision does not require installation of public infrastructure, with certain exceptions for sidewalks and shared use paths, and when there are less than three lots created by the plat. Approval of a Minor Subdivision Final Plat requires a finding that the proposed subdivision meets all of the design and improvement standards, city's ordinances, and adopted plans per the requirements of Chapter 23 Subdivision Code of the Ames Municipal Code. Applicable approval criteria are included in Attachment D.

The site has frontage along an improved public street and does not necessitate the construction of an additional public street to serve the subdivision. Utilities are in place to serve the proposed subdivision. Sidewalk installation is required in conjunction with the subdivision. The applicant plans to install the required 5-foot sidewalk along Lincoln Way and has placed security with the city for the cost of the sidewalk required, to be completed no later than January 2019. Easements for utilities are also shown on the Final Plat.

The zoning standards applied to review of the Minor Subdivision were based upon 1985 site plan approval for a gas station. While the site is not compliant with current improvement requirements, the proposed subdivision does not alter these conditions and can be approved in that it creates a conforming lot. Any changes to the site or additional improvements to the proposed lots are required to conform to the current zoning standards of the City.

**The applicant, Haynes Kenton LC is requesting a waiver to the street access standards found in the Subdivision Code under Chapter 23.403(9)(b).(See**

**Attachment C Letter, Attachment D Applicable Laws)** The City has established street standards for subdivisions that include a limitation on how lots have access to arterial streets. The purpose of the standard is to manage traffic flow on arterial streets by limiting the number of turning movements and conflict points along a roadway. The City's Subdivision Code identifies an interest in spacing of public street intersections at a minimum of 660 foot intervals when possible and to limit newly platted lots from having access to an arterial street. However, previously platted lots with existing driveways to an arterial street may have access to a public street if they re-subdivide.

Staff's interpretation of Section 29.403(9)(b) is that it restricts new lots from having access to arterial streets and that only existing access points can be accommodated with new lots. This means that a property owner would not be precluded from subdividing, but that new lots must use existing access points.

**The request for the waiver is based upon the existing conditions of the eastern Cenex driveway near the proposed lot line and the desire of the property owner to not encumber the property with a shared access easement.** There are two uncovered fuel pumps located approximately 50 feet back from the driveway near the east property line. The owner expressed concern to staff about how future traffic would circulate through the area and believes that separate driveways would be more beneficial to the creation of the new Lot 2 to the east and the existing Cenex site on proposed Lot 1. **Staff has reviewed the proposal to have a direct access from Lincoln Way to the proposed Lot 2 and has found that there is a limited area located at the far east end of the property that, if the waiver is granted, could meet SUDAS standards for spacing and design.** The access point would be a minimum of 170 feet away from Sondrol Avenue and the current Cenex driveway.

#### **ALTERNATIVES:**

1. The City Council can grant a waiver from the Subdivision Street standard of 23.403 (9)(b) with a condition that Lot 2 with only a one driveway access to Lincoln Way that meets SUDAS spacing requirements; accept the improvement agreement for installation of a five-foot sidewalk within three years; and approve the Final Plat of Haynes Kenton Subdivision, upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans.
2. The City Council can deny the request for a waiver and deny the final plat for Haynes Kenton Subdivision if the Council finds that the proposed subdivision does not comply with applicable ordinances, standards or plans.
3. The City Council can delay action the final plat request for Haynes Kenton Subdivision and refer the item back to staff and the property owner for further information.

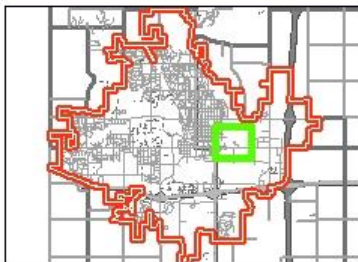
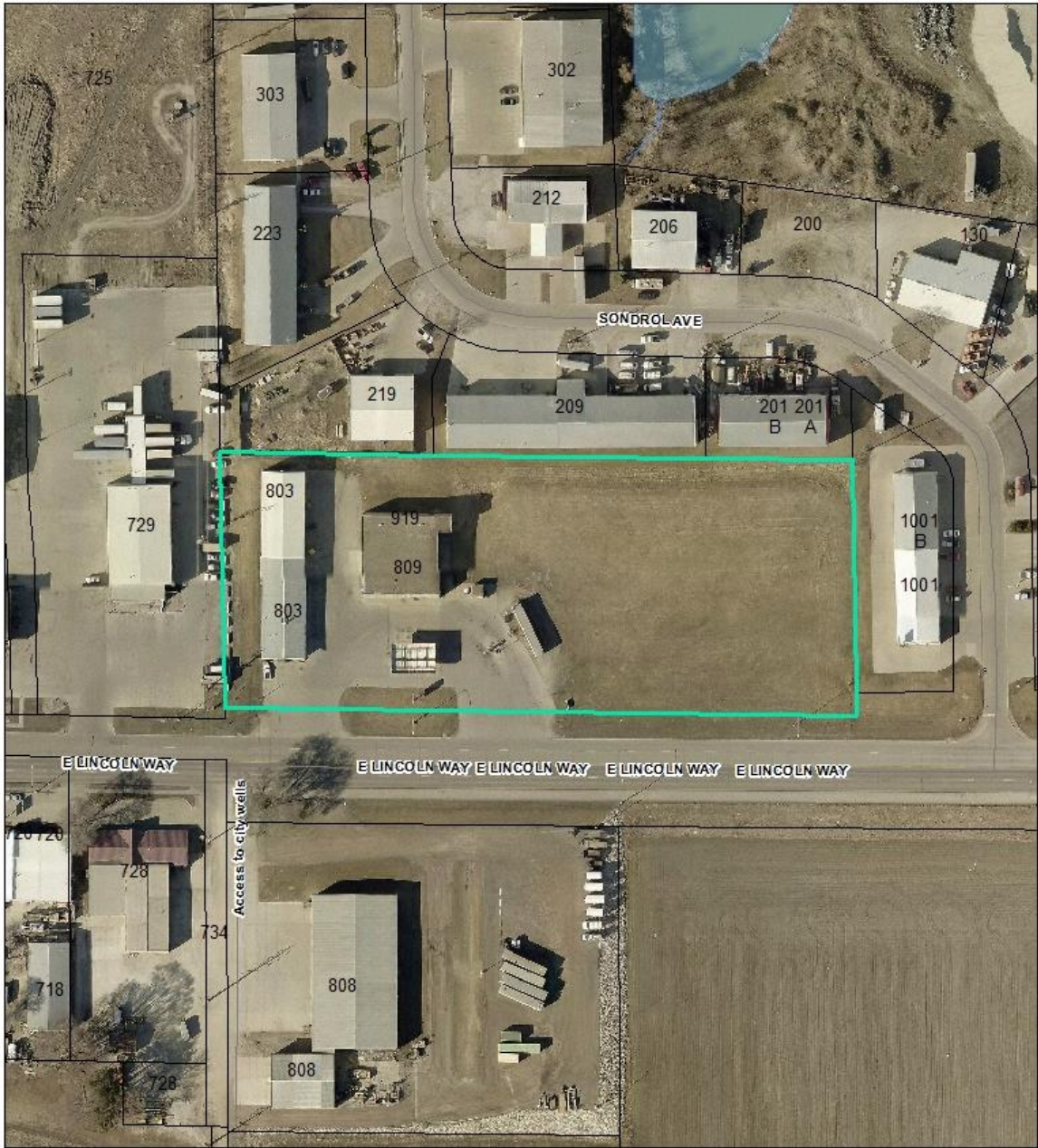
### **MANAGER'S RECOMMENDED ACTION:**

The proposed subdivision is desired by the property owner to split off unused area of the site for sale to another party for development a commercial project. With staff's reading of the arterial street access limitations, the proposed vacant lot (Lot 2) would be required to share access upon its development with the existing lot. In this instance the applicant has requested a waiver of the arterial street access limitation, but has agreed to abide by all other SUDAS standards in creating a future direct access to Lincoln Way. Based upon the conditions of access present in this area of Lincoln Way and the ability to meet minimum SUDAS requirements, staff finds the proposal for access to be acceptable. In regards to other subdivision and zoning standards each lot meets the standards under the Ames Municipal Code.

**Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, granting the waiver to the street access limitation to Lincoln Way, accepting the improvement agreement for sidewalks, and approving the Final Plat.**



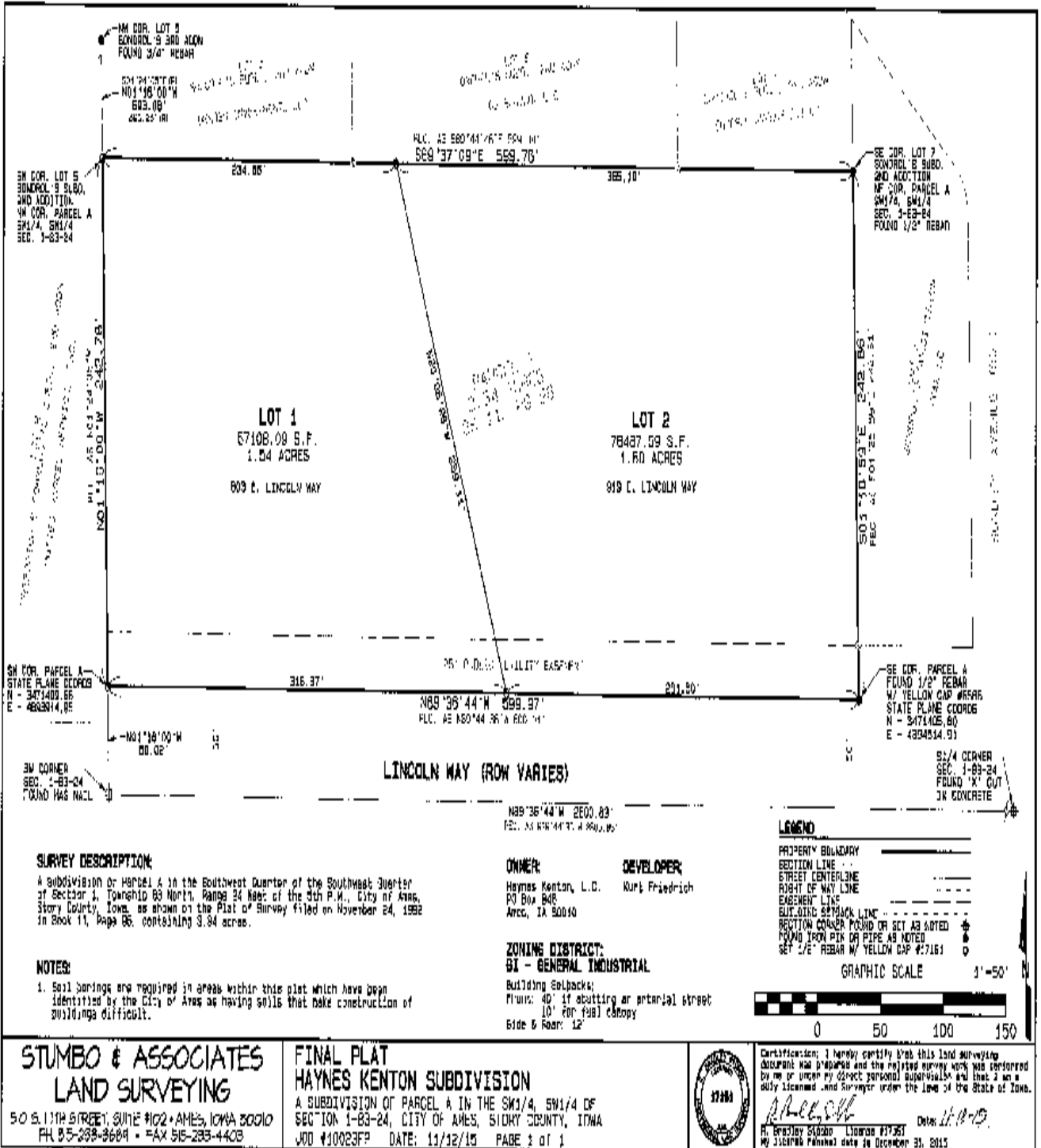
# Attachment A



**Haynes Kenton Subdivision**  
**809 East Lincoln Way**



# Attachment B



## Attachment C

[https://mail.notes.na.collabserv.com/data3/21517775/22471222.nsf/\(\\$...](https://mail.notes.na.collabserv.com/data3/21517775/22471222.nsf/($...)

**From:** "Kurt Friedrich Broker/Owner, CRS" <kfriedrich@friedrich-realty.com>  
**To:** Justin Moore <jrmoore@city.ames.ia.us>  
**Cc:** Brian Torresi <BrianTorresi@davisbrownlaw.com>

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**Date:** Tuesday, January 19, 2016 11:02AM  
**Subject:** Waiver request--Haynes Kenton Subdivision

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Planning Staff & City Council  
Attn: Justin Moore  
Re: Waiver request for 809 E Lincoln Way, Subdivision

Justin;  
In light of pre-existing conditions on the property, in order to complete the subdivision as planned, it is necessary to obtain a waiver related to subdivision access guidelines. As such, the Haynes-Kenton LLC (owner), formally requests approval of a waiver to Chapter 23.403 Section 9, item B, in conjunction with consideration of the Final Plat.

Thank you,

Kurt Friedrich  
Owner Representative

## **Attachment D Applicable Laws**

The laws applicable to this case file are as follows:

*Code of Iowa*, Chapter 354.8 states in part:

A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

*Ames Municipal Code* Section 23.303(3) states as follows:

(3) City Council Action on Final Plat for Minor Subdivision:

(a) All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with Section 354.8 of the Iowa Code, as amended or superseded. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.

(b) Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. If the City Council determines that the proposed subdivision will require the installation or upgrade of any public improvements to provide adequate facilities and services to any lot in the proposed subdivision or to maintain adequate facilities and services to any other lot, parcel or tract, the City Council shall deny the Application for Final Plat Approval of a Minor Subdivision and require the Applicant to file a Preliminary Plat for Major Subdivision.

#### Section 23.103- WAIVER/MODIFICATION.

(1) Where, in the case of a particular subdivision, it can be shown that strict compliance with the requirements of the Regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations because of unusual topography or other conditions, the City Council may modify or waive the requirements of the Regulations so that substantial justice may be done and the public interest secured provided, however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the Regulations. In no case shall any modification or waiver be more than necessary to eliminate the hardship or conform to the purpose of the Regulations. In so granting a modification or waiver, the City Council may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so modified or waived.

#### Section 23.403- STREETS

##### (9) Frontage and Access:

(a) Any subdivision shall have frontage on and access from an existing street meeting applicable right-of-way standards. To the extent possible, access from a public-way to subdivisions from an arterial street shall be separated by a minimum of 660 feet.

(b) Lots created by subdivision shall not have direct access to any arterial street, except in the case where an existing platted lot had direct access to an arterial street prior to the adoption of these regulations and the owner of such lot now seeks to resubdivide. A frontage road separated from an arterial street by a planting or grass strip and having access to the arterial street at suitable points may be used as a means to provide access to lots created by subdivision.

## Staff Report

**Request By United Church Of Christ to Initiate a Text Amendment to The Downtown Service Center (DSC) District Minimum Floor Area Ratio And Height Requirements**

January 26, 2016

**BACKGROUND:**

The City Council received a request on December 22nd for Council to consider initiating a Zoning Text Amendment, to allow religious institutions in the DSC (Downtown Service Center) zoning district to operate under an exception to the minimum floor area ratio and minimum height requirements in the DSC zoning regulations. After reviewing the memo provided by the staff regarding this issue, at the January 12<sup>th</sup> meeting the City Council asked that this item be placed on a future agenda.

The property owner, United Church of Christ located at 217 6<sup>th</sup> Street, desires to enclose a walkway entering into the church as part of a long term master plan for their facility. The United Church of Christ already greatly exceeds the maximum allowed Floor Area Ratio (FAR) and building coverage allowances of their underlying Neighborhood Commercial zoning and cannot expand their existing structure as desired. **Therefore, the United Church of Christ desires to rezone the property to DSC so as to not be restricted by a maximum floor area and coverage standard. However, if rezoned to DSC, United Church of Christ would then be non-compliant within the DSC zoning district as they would not achieve the minimum 1.0 floor area ratio standard and potentially the two-story minimum height requirement.**

Neighborhood Commercial and Downtown Service Center zoning were created as part of the 2000 Zoning Ordinance update. Prior to 2000, Downtown was zoned as General Commercial and the property upon which the church sits was Planned Commercial, two zoning districts that no longer exist. DSC standards were crafted with the purpose of promoting Downtown as an urban district that continued the feel and look of a traditional Main Street downtown area. Most of the historic buildings in Downtown are two stories and have an FAR that is greater than 1.0. These standards were written to ensure that new development would be of similar character as existing buildings and would not be underdeveloped with one-story buildings and substantial amounts of surface parking.

**OPTIONS:**

Downtown has some challenges to allowing for incremental changes with the FAR and Height standards, especially for properties that are not commercial uses, properties with nonconforming uses or structures, and for surface parking

lots. Staff believes that City Council could find merit to the request to either directly relieve religious institutions from meeting minimum floor area and height requirements or to create a permitting process for exceptions to the requirements. **Staff also believes that if there are any changes to the DSC zoning there should be corresponding changes to the Campustown Service Center zoning due to the same situational concerns and standards.**

1. Initiate a text amendment to the DSC development standards to exempt uses requiring a Special Use Permit (such as religious institutions, child care, breweries) from the minimum FAR and building height requirements.

This option would have limited applicability by generally applying to institutional and miscellaneous uses, but not to trade, office, or entertainment uses. **It would allow for a case-by-case review by the Zoning Board of Adjustment of how such a use would fit within its surroundings and meet the purpose and objectives of the zoning district.** Under this option, the focus of the Special Use Permit would not be specifically on the FAR and building height.

2. Initiate a text amendment to modify the exception process to include FAR and height.

This change would apply to all types of uses, not just religious institutions. There is an exception process already in place for height, but the standards are quite hard to meet. An exception process may establish more specific standards for deviating from minimum requirements than the Special Use Permit process. An exception would need approval from the Zoning Board of Adjustment.

3. Initiate a text amendment to clarify that a nonconforming building may be added onto without having to meet minimum FAR or height requirements.

This is a different take on the request that deals with the issue of nonconformity on a site rather than the standard itself. This change would apply to all types of uses, not just religious institutions. Currently a use can be expanded by up to 125% of the current use, but a structure cannot be enlarged if it does not meet zoning standards. This option would allow for incremental property changes and additions without having to fully meet the floor area and height requirements that would be expected of new developments, but it would function within the limited options of a non-conforming use and approvals through staff and the Zoning Board of Adjustment.

4. Initiate a text amendment that make exempts religious institutions from minimum FAR and height standards, without approval of special use permit or exception.

This option would directly exclude religious uses from the standards, but would not exclude them from needing a special use permit for review of their use in general. If Council does not believe FAR and height are relevant to non-commercial uses and case-by-case review was not needed, it would pick this option to streamline the review process.

5. Decline to initiate a text amendment and have the property owner seek a variance from the Zoning Board of Adjustment.

**STAFF COMMENTS:**

If Council initiates an amendment, staff would work to incorporate a change to both the DSC and CSC zoning to address the issue of additions at religious institutions the same since they are the only two zoning districts with minimum FAR and height standards. Recently, the Collegiate Methodist Church was in a similar situation and had to seek variances to do modifications to their property.

Staff does not believe a referral for a text amendment would need to be considered a major issue requiring prioritization by the Council, as it would not require extensive research or outreach. Staff believes most of the options have merit depending on one's perspective of meeting design interests and supporting the unique needs of religious institutions. **The primary issue for Council is whether initiating a text amendment should be limited in scope to a religious institution type of use or a broader solution that could be available for a variety of uses.**



## Staff Report

**REQUEST FOR AN AIRCRAFT DISPLAY AT THE AMES MUNICIPAL AIRCRAFT**

January 26, 2016

**BACKGROUND:**

Hunziker Development, who has been working with the Ames Foundation, approached the City of Ames with a proposal to apply to the United States Armed Forces (USAF) Static Display Program to receive a historical aircraft to be used as a piece of public art at the Ames Municipal Airport. Section 7 of the National Museum of the United States Air Force (NMUSAF) Static Display Loan Program explains eligibility, qualification requirements, and the application process for obtaining a static display. Hunziker Development contacted one of the armed forces (the Air Force) Static Display Administrators to get more detailed information on the costs and logistics for securing a display for Ames.

The USAF staff indicated that neither Hunziker Development nor the Ames Foundation are eligible agencies under this program and, therefore, cannot receive information regarding what type of aircraft would be involved or the cost of securing the aircraft. **Therefore, Hunziker Development is asking that the City of Ames request this information from the USAF on its behalf.**

**It is important to note that this initial step does not obligate the City to anything at this time.** It is simply to determine the order of magnitude costs for the aircraft, transportation to Ames, and the size/type of footing used to secure the aircraft. This step will also help determine what type of aircraft is available as there is not a published list, which is ultimately based upon availability as determined by the respective Armed Forces branch that owns the plane. Attached to this report are some photos showing examples of these types of static displays (attachment 1).

**Future Steps – Official Application:**

Assuming an aircraft is identified and it has been determined to be financially feasible according to the Ames Foundation's budget, the City Council will be asked to make official application for and take the long-term responsibility of the aircraft. The USAF states in its program policy that the following conditions apply to all loaned aircraft:

*“All historical property is made available on an ‘as-is-where-is’ basis. The borrower is responsible for all arrangements and in accordance with 10 USC § 2572, is required to pay all costs, charges, and expenses related incident to the loan of this property, including, but not limited to, the cost of preparation, demilitarization, hazardous material removal, disassembly, packing, crating,*

*handling, maintenance, repair, restoration, transportation, and all other actions incidental to the movement and set up of loaned property to the borrower's location. Further, each Borrower will bear continuing monetary responsibilities to perform routine maintenance to include (but not limited to) annual upkeep, periodic painting, repair of damage, day-to-day care and management of the Property, so as to provide an acceptable appearance and to not reflect negatively on the Lender; and to display and protect the Property in accordance with the instructions set forth in the Loan Agreement with Attachment 1 and 2.”* (the Loan Agreement and Attachments 1, 2 referred to are in the application packet and are not included in this Staff Report)

If this project has been determined to be financially feasible, as well as desirable by the City Council, we (as a municipal corporation) will be required to submit the following:

- (1) A letter on official letterhead containing the following:
  - (a) Specific type of aerospace vehicle desired, (F-4, T-33, etc.).
  - (b) A statement of the proposed use to be made of the aerospace vehicle and where it will be located.
  - (c) A statement acknowledging that all costs associated with the loan, demilitarization, hazardous material removal, movement, setup and maintenance of the display are the responsibility of the borrower.
- (2) Proof of incorporation from the State. Provide a copy of the Act of Legislation from the State incorporating the municipality, county, etc.
- (3) Photographs of the proposed site.

### **Ongoing Requirements:**

The USAF's program details the responsibilities and care requirements in the draft loan agreement. **Generally, the USAF makes it clear that the borrower of loaned aircraft agrees that 1) any loaned property must be restored and/or maintained to reflect favorable on the USAF, and 2) potential borrowers should recognize that in accepting an item for display, particularly an aerospace vehicle, they incur a significant maintenance responsibility including (but not limited to) annual upkeep, periodic painting, repair of damage, day-to-day care, clean up.** These responsibilities collectively impose a cost to the borrower that must be considered when the request is submitted. If a borrower is located in a harsh environment (i.e. salt air) and the request proposes exterior display, the conditions of the aerospace vehicle may be unduly affected thus necessitating diligent monitoring by the NMUSAF.

There is also an insurance requirement for the loan of USAF property, as stated; *“The Borrower shall arrange insurance coverage for the Property for an amount that equals the total full replacement value (FRV) for all items in the inventory report for as long as the Property remains in its possession. The Borrower further agrees to furnish the Lender proof of said insurance for each renewal period.”* City Staff will need to

determine if the insurance policy that already exist for the Airport will satisfy this requirement.

**OPTIONS:**

1. Direct City staff to submit an inquiry to the USAF regarding the costs and availability of a historical aircraft for display at the Ames Municipal Airport as an initial exploratory and informational effort only.

This option will not bind the City to any future action, but if a decision is made to move forward with the project, it will require the future approval by City Council prior to entering into an official Loan Agreement with the USAF.

2. Reject this request, and ask Hunziker Development to work with another eligible agency to submit this informational request.

Other agencies can be the sponsor to submit this information request from the USAF, such as; a) a servicemen's monument association, b) a post of the Veterans of Foreign Wars of the United States or of the American Legion or a unit of any other recognized war veterans association, c) a local or national unit of any war veterans' association of a foreign nation which is recognized by the national government of that nation (or by the government of one of the principal political subdivisions of that nation), or d) a post of the Sons of Veterans Reserve.

3. Reject this request, but ask the Ames Public Art Commission to work on soliciting an appropriate piece of art to serve as an entry into the Ames Municipal Airport/ Research Park.
4. Reject this request completely, thereby stating that an aircraft display is not desirable at the Ames Municipal Airport at this time.

**STAFF COMMENTS:**

Because little currently is known about this application process, the information request suggested by Hunziker Develop would help secure the relevant information regarding the costs and requirements associated with a static aircraft display. Considering this first step is only to secure more information, there is relatively low risk involved. At the same time, the City Council could inquire about the Public Arts Commission's interest in taking on this project and any ideas they might have about an entryway feature for the Ames Municipal Airport/ Research Park. Therefore, the City Council might want to give consideration to a modification of Options 1 and 3.

Attachment 1

