

AGENDA
JOINT MEETING OF THE AMES HUMAN RELATIONS COMMISSION AND AMES
CITY COUNCIL, REGULAR MEETING OF THE AMES AREA
METROPOLITAN PLANNING ORGANIZATION (AAMPO)
TRANSPORTATION POLICY COMMITTEE, AND
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL*
SEPTEMBER 8, 2020

***DUE TO THE COVID-19 PANDEMIC, THIS CITY COUNCIL MEETING WILL BE CONDUCTED AS AN ELECTRONIC MEETING. IF YOU WISH TO PROVIDE INPUT ON ANY ITEM, YOU MAY DO SO AS A VIDEO PARTICIPANT BY GOING TO:**

<https://zoom.us/j/826593023>

OR BY TELEPHONE BY DIALING: US:1-312-626-6799 or toll-free: 1-888-475-4499
Zoom Meeting ID: 826 593 023

YOU MAY VIEW THE MEETING ONLINE AT THE FOLLOWING SITES:

<https://www.youtube.com/ameschannel12>

<https://www.cityofames.org/channel12>

or watch the meeting live on Mediacom Channel 12

NOTICE TO THE PUBLIC: The Mayor and City Council welcome comments from the public during discussion. If you wish to speak, please see the instructions listed above. 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.

CALL TO ORDER: 6:00 PM

JOINT MEETING OF THE AMES HUMAN RELATIONS COMMISSION
AND AMES CITY COUNCIL

1. Presentation of 2019 Annual Report

COMMISSION COMMENTS:

ADJOURNMENT:

REGULAR MEETING OF THE AMES AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO) TRANSPORTATION POLICY COMMITTEE**

****The Regular Meeting of the Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee will immediately follow the Joint Meeting of the Ames Human Relations Commission and Ames City Council.**

1. Review of Scored Project Ranking and Funding Summary for the 2045 Metropolitan Transportation Plan

POLICY COMMITTEE COMMENTS:

ADJOURNMENT:

REGULAR CITY COUNCIL MEETING***

*****The Regular City Council Meeting will immediately follow the meeting of the Ames Area Metropolitan Planning Organization Transportation Policy Committee.**

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meetings of August 18, 2020, and August 25, 2020
3. Motion approving Report of Change Orders for period August 16 - 31, 2020
4. Motion approving certification of Civil Service applicants
5. Motion authorizing Mayor to send Letter of Support for Main Street to pursue funding through a Main Street Challenge Grant for 412 Burnett and 330-5th Street
6. Motion approving 5-day (September 15 - September 20) Class C Liquor License - Gateway Hotel & Conference Center, 2100 Green Hills Drive
7. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales - Kum & Go #0217, 3111 S. Duff Avenue
 - b. Class C Liquor License with Catering Privilege and Sunday Sales - Hy-Vee #1 Clubroom, 3800 West Lincoln Way
 - c. Class B Liquor License with Outdoor Service and Sunday Sales - The Love Club, 4625 Reliable Street
 - d. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales - Southgate Expresse, 110 Airport Road
 - e. Class C Liquor License with Class B Native Wine Permit, Outdoor Service, and Sunday Sales - AJ's Ultra Lounge, 2401 Chamberlain Street
8. Motion approving Water Quality Grant Application through the State Revolving Fund sponsored project for refund of interest for use for future storm water improvements and designating Municipal Engineer Tracy (Warner) Peterson as the authorized representative

9. Resolution accepting the report of the Rapid Need Purchases for repairs to the 161 KV tie line for Electric Services
10. Resolution awarding contract for On-Call Architectural and Engineering Services to ASK Studio of Des Moines, Iowa, for a period of two years, with hourly rates between \$50-\$150 depending on the staff member, and annual renewal options for up to three additional years for Cy-Ride
11. Resolution awarding contract for 15kV 1/0 Stranded Aluminum for Electric Services to Wesco Distribution, of Des Moines, Iowa, in the amount of \$80,892.00 (inclusive of sales tax)
12. Resolution approving contract for Fiber Optic Cable Installation for the Solar Farm to Communication Innovators, of Pleasant Hill, Iowa, in the amount of \$52,900
13. Resolution awarding for Unit 8 Precipitator Roof Replacement to Henkel Construction Company, of Mason City, Iowa, in the amount of \$487,784 (inclusive of Iowa sales tax)
14. Resolution approving contract and bond for Unit 8 Crane Renovation
15. Resolution approving contract and bond for 2020/21 Seal Coat Program (Franklin Avenue)
16. Resolution approving contract and bond for 2020/21 Seal Coat Program (East 8th Street)
17. Resolution approving contract and bond for 2020/21 Right-of-Way Restoration (Standard Vegetation)
18. Resolution approving contract and bond for 2020/21 Right-of-Way Restoration (Native Vegetation)
19. Resolution approving contract and bond for 2018/19 Storm Water Facility Rehabilitation (Little Bluestem)
20. Resolution approving contract and bond for 2020/21 Traffic Signal Program (S. Duff & S. 5th Street)
21. Resolution approving contract and bond for 2019/20 Multi-Modal Roadway Improvements (13th Street & Clark Avenue)
22. Resolution approving contract and bond for Baker Subdivision Improvements
23. Resolution approving contract and bond for 2019/20 Multi-Modal Roadway Improvements (Mortensen Road, West of South Dakota Avenue)
24. Resolution approving Plat of Survey for Bishop Farms at 831 E. Riverside
25. Resolution approving Final Plat for Northridge Heights Subdivision, 19th Addition
26. Resolution approving partial completion of public improvements and reducing required security for Quarry Estates, 2nd Addition
27. Resolution approving partial completion of public improvements and reducing required security for Quarry Estates, 4th Addition

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 three minutes.

ADMINISTRATION:

28. Staff Report on Delinquent Utility Accounts related to COVID-19

PLANNING & HOUSING:

- 29. Staff Report regarding sidewalk construction for Bricktowne Development
- 30. Request of Verbio to annex to the City of Nevada:
 - a. Motion directing staff to prepare an amendment to the Annexation Moratorium Agreement to allow Verbio to annex to Nevada and extend the Agreement until 2030

PUBLIC WORKS:

- 31. Resolution approving private Water Main Agreement between Harvester Land Holdings, LC, and Dickson and Luann Jensen for uses on the seven existing lots

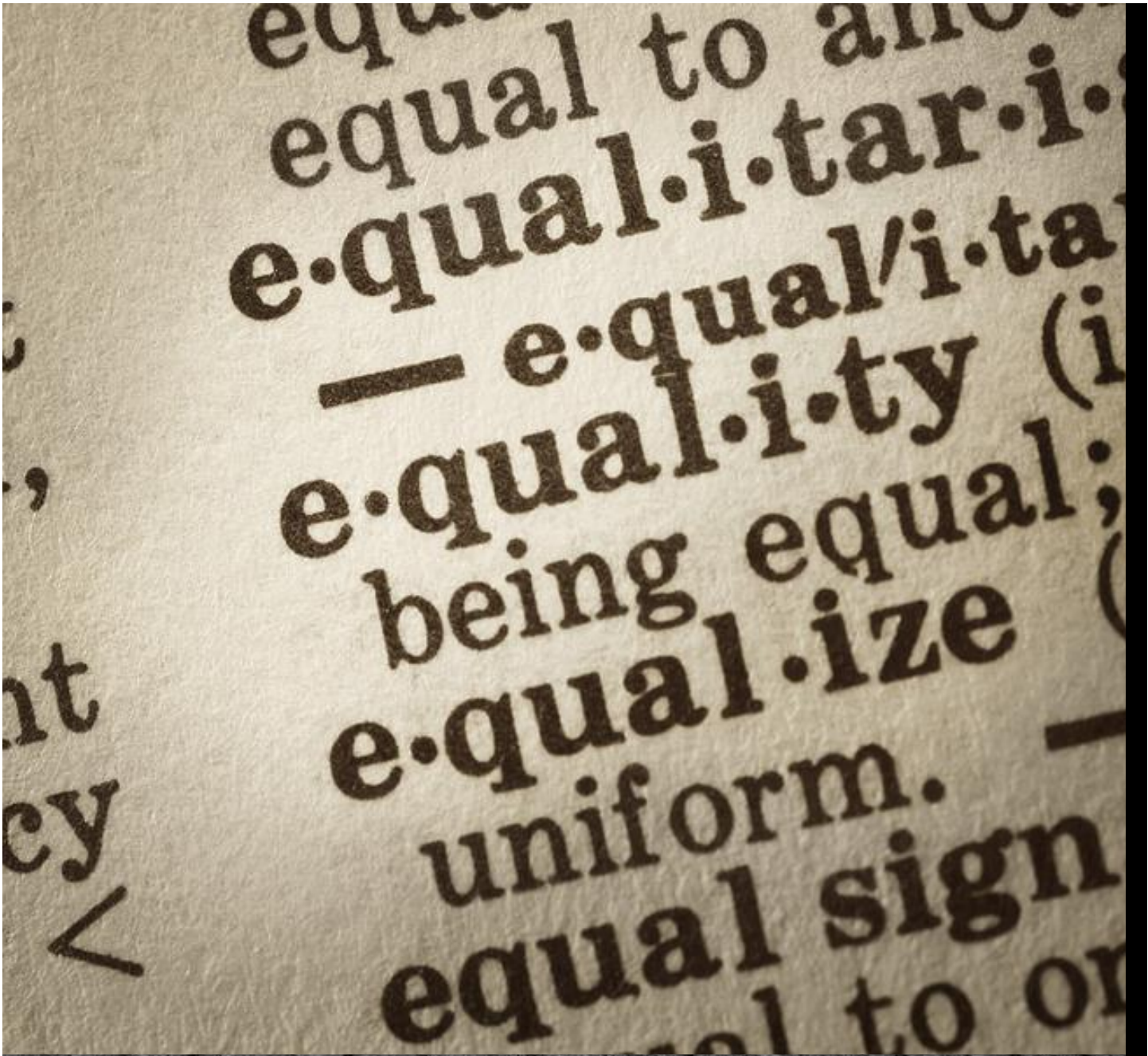
HEARINGS:

- 32. Hearing on the Domani property located at 2200 Oakwood Road:
 - a. Rezoning property generally located at 2200 Oakwood Road from Agricultural (A) to Planned Residence District (F-PRD):
 - i. First passage of ordinance
 - b. Major Site Development Plan for property generally located at 2200 Oakwood Road:
 - i. Resolution allowing for the construction of a single-family residential development comprised of 63 residential lots
 - c. Resolution approving Preliminary Plat for 2200 Oakwood Road
- 33. Hearing on 2017/18 Main Street Pavers (Clark to Burnett):
 - a. Resolution approving final plans and specifications and awarding contract to Pillar Inc., of Huxley, Iowa, in the amount of \$175,408.46

DISPOSITION OF COMMUNICATIONS TO COUNCIL:

COUNCIL COMMENTS:

ADJOURNMENT:



2019 ANNUAL REPORT

AMES HUMAN RELATIONS COMMISSION

2019 ANNUAL REPORT

AMES HUMAN RELATIONS COMMISSION

CITY OF AMES MUNICIPAL CODE, CHAPTER 14

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

At an August 2018 city council workshop, council members directed the AHRC to not adjudicate cases and instead refer all cases to the Iowa Civil Rights Commission. At this workshop, Council also discussed various methods of gathering additional information to inform an adjusted or revised ordinance and directed the AHRC to review data available (including the Campus Climate Survey, Municipal Equality Indexes) and other available data; interact with ISU, ACSD, and any others well-positioned to give input on diversity, inclusion and equity in the community in order to recommend action items and changes to the ordinance.

2019 COMMISSIONERS:

- Liming Pals
- Wayne Clinton
- Joel Hochstein (Chair)
- Jill Crosser
- Madesh Samanu
- Deb Schildroth (City staff)

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ACTIVITY HIGHLIGHTS:

JANUARY 2019:

- Approved to co-sponsor a poverty simulation in cooperation with **Inclusive Ames**.
- Discussed the success of its partnership with the 2018 **Symposium on Building Inclusive Organizations**. Wrote letter to City Council supporting funding request from Dan Culhane at the Chamber of Commerce for the 2019 Symposium.

FEBRUARY 2019:

- Reviewed and approved our annual report for submission to City Council.
- Update on planning for **2019 Symposium on Building Inclusive Organizations**.

MARCH 2019:

- Approved changes to the “**A Home for Everyone**” Award.

APRIL 2019:

- Discussed the March joint meeting with City Council.
- Discussed and approved additional changes to the “A Home for Everyone” Award.

MAY 2019:

- Scheduled and approved June retreat.
- Selected Joel Hochstein to serve as Chair.

JUNE 2019:

- Held special meeting (retreat) to discuss outreach plan for soliciting information from various groups throughout the community.
- Discussed **Source of Income Discrimination in Housing** as referred by the City Council.

JULY 2019:

- Authorized Chairperson Hochstein to draft a memo supporting the Council’s discussion of Source of Income Discrimination in Housing.
- Approved FY 19/20 budget.

AUGUST 2019:

- Chairperson Hochstein updated the commission on on-going planning for the 2019 Symposium on Building Inclusive Organizations.
- Discussed proposal by Inclusive Ames to collaborate on a program also sponsored by the Story County Democrats and Story County Republicans. AHRC discussed and ultimately did not co-sponsor the event at risk of having the Commission be involved in structured political activity.

SEPTEMBER 2019:

- No September meeting.

OCTOBER 2019:

- Worked with city staff to inquire about the possibility of conducting an electronic survey in lieu of focus groups.
- Approved **Humanitarian Award** application materials and referred city staff to post on AHRC website.
- Approved Commissioner Clinton to serve on behalf of the AHRC on the **Martin Luther King Jr. Celebration Planning Committee**.
- Approved Commissioner Crosser to serve on next year’s Symposium planning group and commissioners attended the **Building Inclusive Organizations Symposium**.

NOVEMBER 2019:

- Reviewed and approved questions for online survey being conducted through the City’s website.
- Approved and sent memo to Council outlining various suggestions to enhance the City’s commitment to diversity, equity, and inclusion for Council’s goal setting retreat.

DECEMBER 2019:

- Telephonic meeting conducted due to commissioner schedule conflicts.
- Selected **Janet Hopper** as the Humanitarian Award recipient.
- Approved language and nomination form for the “**A Home for Everyone**” award.

AMES CIVIL RIGHT COMPLAINTS TO THE IOWA CIVIL RIGHTS COMMISSION 2019:

Citizens are able to initiate complaints to the City via the City Manager’s Office or make them directly to the Iowa Civil Rights Commission (ICRC). As a matter of procedure, reports made to the City are sent to the ICRC for investigation and are tracked by the ICRC. Reports have been made to the Iowa Civil Rights Commission involving Ames of which the Ames Human Relations Commission is not notified. The Commission requested aggregate summaries of the Ames complaints made to the ICRC for the purpose of understanding the areas of complaints and concerns identified. Results of this request are provided below.

Figure 1. Areas of Discrimination Complaints

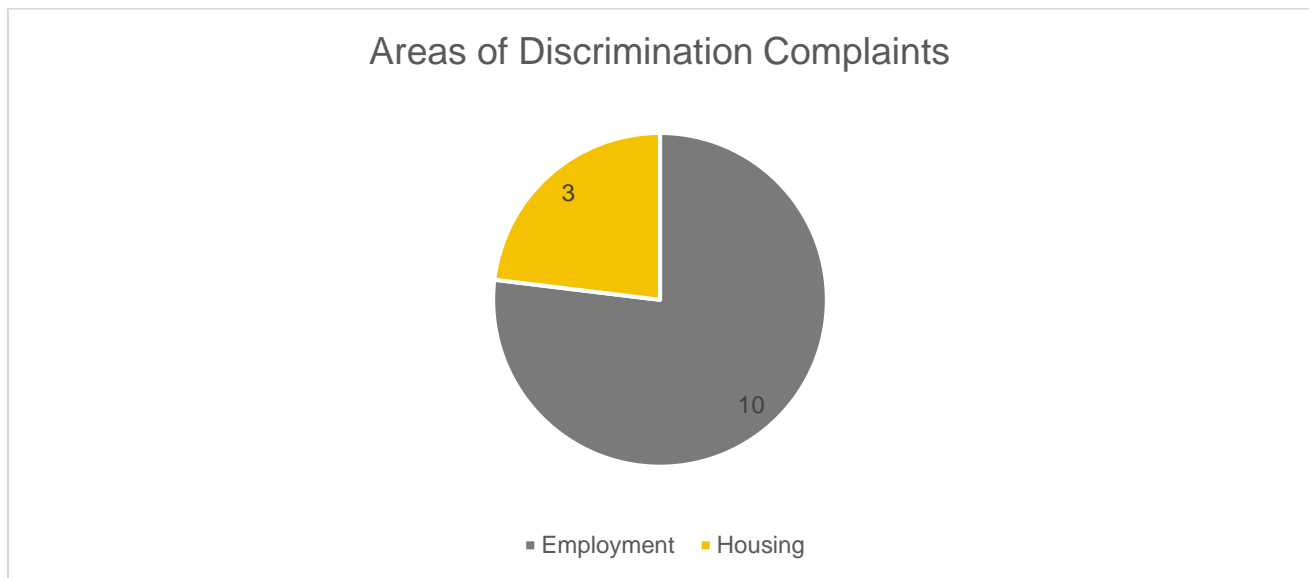


Figure 2. Basis for Complaint (Consolidated)

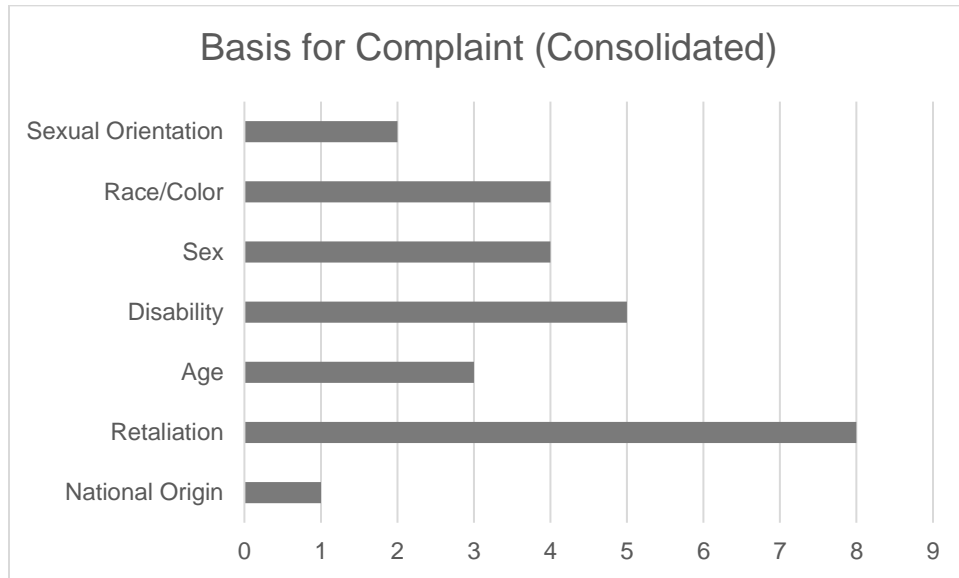
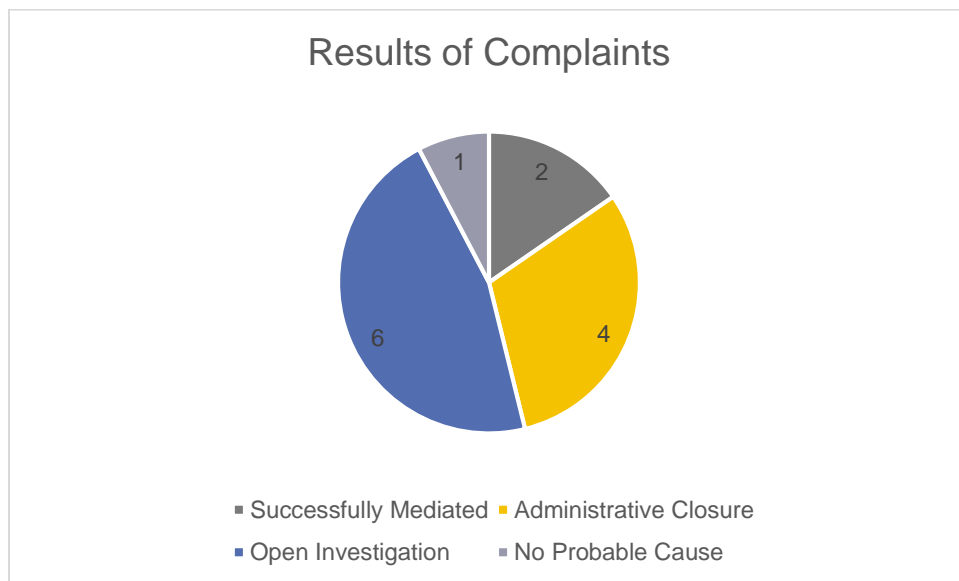


Figure 3. Results of Complaints



For comparison, in calendar year 2018, there were 31 complaints filed from Ames. Of these, 81% (25) were related to employment, while the remaining 19% (6) were related to housing, public accommodation or education. The bases or basis for the complaints was race/color (12 complaints), age (4 complaints), Sex (12 complaints), retaliation (2 complaints), disability (12 complaints), religion (2 complaints), “national origin” (2 complaints). Note that individuals may file complaints in more than one area simultaneously. Five (5) of these complaints received administrative closure, one (1) was deemed “no probable cause”, while nineteen (19) were under open investigation, two (2) issued a Right-to-Sue letter, and four (4) were satisfactorily adjusted at the time of the request.

Full 2019 Information shared by Iowa Civil Rights Commission

Area	Basis	Cause of Action	Result
Housing	Disability	Failure to accommodate, terms and conditions	Successfully mediated
Employment	National origin, age, sexual orientation, disability, retaliation	Harassment, undesirable assignment, constructive discharge	In investigation
Employment	Retaliation	Harassment, discharge	Administrative closure by EEOC
Employment	Race, sex, color, retaliation	Discharge, constructive discharge	Administrative closure
Employment	Sex, retaliation	Failure to train, undesirable assignment, other adverse actions	Open with EEOC
Housing	Race	Harassment	No probable cause
Employment	Race, color, disability	Discharge	Awaiting investigation
Employment	Sex, retaliation	Failure to promote, discharge, undesirable assignment, unequal pay	Administrative closure
Employment	Sex, age, retaliation	Harassment, reduction in hours	Successfully mediated
Employment	Race, retaliation	Terms and conditions of employment	Administrative closure by EEOC
Employment	Age, sexual orientation	Discipline, discharge	Awaiting investigation
Employment	Disability, retaliation	Discipline, failure to promote, failure to train, harassment, undesirable assignment	Awaiting investigation
Housing	Disability	Failure to accommodate, terms and conditions	In screening

AMES HUMAN RELATIONS COMMISSION 2017-19 STRATEGIC PLAN

Introduction:

Since establishment by City Ordinance in 1974 the Ames Human Relations Commission has been charged with the responsibility of investigating, reporting, and making recommendations to the City Council on civil rights and human relations issues. The establishing ordinance prohibits specified discriminatory practices. It is the duty of the Commission to put in place and oversee, consistent with the City Ordinance, a process by which complaints of such discrimination are received, investigated and resolved in a manner that enforces those prohibitions. Additionally, the Commission has a duty to produce research, investigations, reports and publications to promote goodwill among the diverse citizens of Ames. What follows is a broadly stated strategic plan to guide the Commission in meeting its responsibilities in 2017-2019.

Strategic Goal A – Watchdog

The Human Relations Commission will function as an alert and energetic watchdog. A watchdog is sensitive to approaching danger and barks a warning before harm happens. To that end, the Commission will undertake activities to discover conduct or circumstances that may lead to prohibited discrimination so that the community can be warned and assisted in preventing it. The Commission will develop and follow a protocol to handle discriminatory incidents in the Ames community.

Strategic Goal B – Information & Analysis

The Commission will study the existence, character, causes and extent of discriminatory practices in the community.

Objective	Strategies	Performance Measures
Maintain objective knowledge related to claims of discrimination.	Obtain reports from the Iowa Civil Rights Commission on claims of discrimination in relation to types and probable cause.	<ul style="list-style-type: none"> Annually review and trend reports.
	Monthly receive reports from the City on types of claims made locally in writing, or on the website.	<ul style="list-style-type: none"> Monthly agenda report of Discriminatory Claims to the City, and any concerns expressed on the Human Relations@cityofAmes.org.
	Formal and informal reports will be used to determine priority areas of focus.	<ul style="list-style-type: none"> Review reports and share with City Council and Community leaders annually and as needed.
City and Community employers will be knowledgeable regarding workplace discrimination and how to decrease the risk.	Partner with community employers and human resource specialists to identify concerns and opportunities for non-discriminatory workplace cultures.	<ul style="list-style-type: none"> Meet with Cyclone Society for Human Resource Management (CySHRM) to identify their concerns and opportunities to promote non-discriminatory cultures and practices. Summarize and share qualitative and quantitative findings with City Council relating to claims of discrimination.
Support accurate reporting of City activities related to inclusion and anti-discrimination practices.	Work with City to identify public reporting related to inclusion and anti-discriminatory practices.	<ul style="list-style-type: none"> Municipality Equality Index. Research potential rubrics for inclusion for City Services/Municipalities.
Identify opportunities for obtaining information related to community member perceptions and experiences in relation to housing, employment, public accommodation, race and ethnic minority, gender identify, religion, age, gender, sexual orientation, physical or mental disability, or familial status.	Reach out to community partners or populations to identify concerns or successes.	<ul style="list-style-type: none"> Bi-annually, collect and summarize findings to be used for future planning, i.e. Community Demographics, CyRide or City Surveys.

The Commission will be an active presence in providing community education and deterring discrimination.	The Commission will increase engagement and community interactions.	<ul style="list-style-type: none"> • Monitor and report contacts or participation in relation to social media and public engagement activities.
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Strategic Goal C – Public Awareness & Effective Communication

The Human Relations Commission will work to improve its profile and effectiveness in communicating with the general public as follows:

Objective	Strategies	Performance Measures
Raise public awareness of the Commission's work	Expand media outreach	<ul style="list-style-type: none"> • Provide an educational press release (on housing, employment, education/training, public accommodations or services, credit) to CitySide, the Ames Tribune, Iowa State Daily, and/or KHOI Radio station at least 4 x per year, ideally every 3 months. • Develop a protocol to communicate with the press following discriminatory incidents in the Ames community.
	Maintain an active presence in the Ames community	<ul style="list-style-type: none"> • Have at least one commissioner attend each of the events listed in the Commission's annual calendar, with visible identification (t-shirt, name-tag) • Co-sponsor community events with aligned organizations and individuals • Develop a list of, and work with, aligned organizations and individuals to provide links from their websites to the AHRC website.
	Keep the AHRC website current and easy to navigate	<ul style="list-style-type: none"> • Make a link to any AHRC educational pieces and resolutions, Iowa Civil Rights Commission documents, etc. from the website • Provide and update the annual calendar of events
	Use social media to communicate with the public	<ul style="list-style-type: none"> • Utilize the City of Ames Facebook page.
Improve access to AHRC publications and dissemination of information for all persons	Revise website and documents to provide accessibility to those persons with limited English proficiency	<p>On the website:</p> <ul style="list-style-type: none"> • Provide translated bolded/large print directions (in Spanish, Chinese, Arabic, and Korean) on (a) how to translate the web contents on the City

		<p>site; (b) how to file a complaint; (c) how to access interpretation for other City services.</p> <ul style="list-style-type: none"> • Provide link to Iowa Civil Rights Commission Complaint Form directions in Spanish <p>On AHRC documents:</p> <ul style="list-style-type: none"> • Provide translated bolded/large print directions (in Spanish, Chinese, Arabic, and Korean) on how to obtain interpretive services for assistance in understanding discrimination laws and filing complaints <p>Bi-annually, review Ames City (Cy-Ride) demographic data to determine if translation is needed for other languages</p>
Improve communication with transgender, gender-nonconforming, and gender-questioning persons within the Ames community	Revise City website and brochures to include gender neutral language	<ul style="list-style-type: none"> • Remove his/her language from AHRC-specific literature • Explore the possibility of removing such language from other City documents.
Raise public awareness of community organizations, activities, and individuals that exemplify inclusivity and a non-discriminatory approach	List these organizations, activities, and individuals on the AHRC website	Annually, award the Humanitarian Award and Fair Housing Award

Strategic Goal D – Management Excellence

The Human Relations Commission will strive to keep this strategic plan at the forefront of all its decisions and activities. In the spirit of that objective, the Human Relations Commission agenda will reflect the strategic plan by indicating a section for each strategic goal. All business of the commission should be placed under a subheading in the agenda for each meeting and if a business item is linked to more than one goal, each goal should be identified beside the business item [ie: Commission Response to White Nationalist Remark (SG-A, SG-C)]

The Human Relations Commission will strive to effectively spend the budgeted monies from the Ames City Council. Monies allocated for the Commission should only be used in ways what advance these strategic goals. During its annual report, the Commission should describe the ways in which its monies were used and in what ways its use advanced the goals described above.

City of Ames Human Relations Commission

Strategic Plan 2020-2022

Strategic Goal A – Advocacy

The Human Relations Commission (HRC) values a diverse, equitable, and inclusive community and will function as an advocacy group for the citizens of the City of Ames. The Commission will undertake activities to discover, conduct analysis on, and circumvent instances that may lead to prohibited discrimination so that the community can be warned and assisted in preventing it. Commission members will be active participants in the city and will develop and follow a protocol to handle discriminatory incidents in the Ames community and will report and make recommendations directly to the City Council to ensure all voices are heard.

Strategic Goal B – Information & Analysis

The Human Relations Commission will study the existence, character, causes and extent of discriminatory practices in the community while using resources to gain information and work with community partners, leaders, and report directly to the City Council.

OBJECTIVE 1: HRC will maintain objective knowledge related to claims of discrimination.

- HRC will work directly with the Iowa Civil Right Commission and will collaborate annually with a representative to better understand the complaint process.
- HRC will obtain and review reports from the Iowa Civil Rights Commission on claims of discrimination in relation to types and probable cause.
- HRC will obtain and review reports from the City on types of claims made locally in writing, or on the website and report of Discriminatory Claims to the City, and any concerns expressed on the Human Relations@cityofAmes.org.
- HRC will obtain and review formal and informal reports that will be used to determine priority areas of focus and will share with City Council and Community leaders annually and as needed.

OBJECTIVE 2: HRC will partner with City and Community members to learn about discrimination and how to decrease the risk.

- HRC will partner with community employers and human resource specialists to identify concerns and opportunities for non-discriminatory workplace cultures as needed.
- HRC will summarize and share qualitative and quantitative findings with City Council relating to claims of discrimination.
- HRC will work with the City to identify public reporting related to inclusion and anti discriminatory practices.

OBJECTIVE 3: HRC will identify opportunities for obtaining information related to community member perceptions and experiences in relation to housing, employment, public accommodation, race and

ethnic minority, gender identify, religion, age, gender, sexual orientation, physical or mental disability, or familial status.

- HRC will reach out to community partners or populations to identify concerns or successes in the areas mentioned above.
- HRC will collect and summarize findings to be used for future planning, i.e. Community Demographics, CyRide or City Surveys.

OBJECTIVE 4: HRC will be an active presence in providing community education and deterring discrimination.

- The Commission will increase engagement and community interactions.
- Monitor and report contacts or participation in relation to social media and public engagement activities.

Strategic Goal C – Public Awareness & Effective Communication

The Human Relations Commission strives to be a central location for the citizens of the City of Ames to advocate for, build awareness of, and communicate with. Commission members will connect with their community through public awareness and effective communication members.

Objective 1: HRC will work to improve effectiveness in communicating with the general public through media outlets

- HRC will increase engagement, community interactions and raise public awareness of the Commission's work by expanding media outreach.
- HRC will provide educational press releases on topics related to housing, employment, education/training, public accommodations or services, credit, and other topics to the city of Ames Facebook page, and other media outlets regularly.
- HRC will administer communication with the press following discriminatory incidents in the Ames community as determined by the commission.
- HRC will monitor and report contacts or participation in relation to social media and public engagement activities.

Objective 2: HRC will maintain an active presence in the Ames community

- HRC will be active in the community and have commissioners attend events listed in the Commission's annual calendar with visible identification (t-shirt, name-tag).
- HRC will co-sponsor community events with aligned organizations and individuals throughout the city.
- HRS will provide and update the annual calendar of events online.
- HRC will raise public awareness of community organizations, activities, and individuals that exemplify inclusivity and a nondiscriminatory approach. Members will be present at annual

awarding the Humanitarian award (January-Dr. Martin Luther King Jr. Day Holiday) and Fair Housing Award (April at City Council).

Objective 3: HRC will keep all documentation related to its mission current, easy to navigate, assessible, and with person first language

- HRC will create link to educational pieces and resolutions, Iowa Civil Rights Commission documents, etc. from the website to improve access to publications and dissemination of information for all persons.
- HRC will provide translated bolded/large print directions (in Spanish, Chinese, Arabic, and Korean) on (a) how to translate the web contents on the City site; (b) how to file a complaint; (c) how to access interpretation for other City services.
- HRC will provide translated bolded/large print directions (in Spanish, Chinese, Arabic, and Korean) on how to obtain interpretive services for assistance in understanding discrimination laws and filing complaints on all HRC Documents.
- HRC will provide a link to Iowa Civil Rights Commission Complaint Form directions in Spanish and Chinese. HRC will also provide information on how to obtain it in other languages and formats.
- HRC will improve communication with transgender, gender-nonconforming, and gender-questioning persons within the Ames community and will assist in the revision of all City website and brochures to include gender neutral language: Remove his/her language from AHRC-specific literature

Strategic Goal D – Management Excellence

The Human Relations Commission will ethically work towards this strategic plan for the betterment of our community in an ethical and fiscally responsible way.

Objective 1: HRC will strive to keep this strategic plan at the forefront of all its decisions and activities and within our areas of focus and expertise

- The HRC's monthly meeting agenda will reflect the strategic plan by indicating a section for each strategic goal and all the council's priorities will feed each section.
- HRC Commission Members will work with community partners who specialize in areas of expertise
- HRC Commission members will represent the HRC with respect, recognize and celebrate the strength of the City of Ames' greatest asset, the value of all people, via diversity and inclusion. They will be respectful of opinions, customs, and individual preferences to help build strong relationships.

Objective 2: HRC will manage the annual budget in a fiscally responsible manner

- HRC will strive to effectively spend the budgeted monies from the Ames City Council responsibly. Monies allocated for the Commission should only be used in ways that advance these strategic goals.
- HRC will describe the ways in which its monies were used and in what ways its use advanced the goals described above in the annual report.

To: AAMPO Transportation Policy Committee Members
Cc: John Joiner, AAMPO Administrator [Public Works Director]
From: Damion Pregitzer, Traffic Engineer [Vice Chair of MPO TTC]
Date: September 4, 2020
Subject: September 8, 2020, Policy Committee Meeting: Progress Update for the Ames Area MPO Metropolitan Transportation Plan “Forward 45”

BACKGROUND:

On July 14, 2020, the Ames Area MPO Policy Committee was given a presentation on the progress of the 2045 Metropolitan Transportation Plan (MTP). At that meeting, the MPO’s consultant, HDR, went through the public input process for the plan, the “universe of alternatives” list of potential projects, and the performance measures (scoring criteria) for the plan.

FUNDING SUMMARY AND DRAFT FISCAL CONSTRAINED PLAN:

On September 8, 2020, HDR will review the performance measures and resultant project scoring. (See Attached Presentation) The consultant will also provide a review of the funding summary to show the estimated budget for the next 25 years of transportation improvements (fiscal constraint). **The Policy Committee can give direction to HDR and staff for any desired changes to the prioritized projects. Otherwise, no other action by the Policy Committee is needed at this meeting.**

The funding is broken into multiple time frames; Committed Project (2021-2024), Short-Term (2025-2029), Mid-Term (2030-2037), and Long-Term (2038-2045). The costs for projects in each respective time frame are based on 2020 construction costs inflated by approximately 4% per year.

The fiscally constrained plan will prioritize projects that fall within the funding limits of each time frame based on need and highest possible benefit to the network. **Projects that are caused by new development (annexations, subdivisions, or other large developments) or projects in the fiscally constrained plan that are accelerated by impacts of development are expected to be 100% funded by the developer.** Those

projects that are known during the implementation of the 2045 MTP will be considered as “development-driven projects.”

Illustrative projects are projects that are identified by the plan as having benefits to the transportation system and are sometimes referred to as “unfunded needs” or “projects of opportunity.” The need for those projects likely falls outside the time frame (>2045) or outside the fiscal constraint (higher priority projects expend all available funds). These projects are expected to happen when need and funds from external sources become available to the jurisdictions.

NEXT STEPS:

September 22, 2020 - The Policy Committee will receive a presentation of the Draft 2045 Metropolitan Transportation Plan. Minor corrections or revisions will be discussed at that meeting. **The Policy Committee is not expected to take final action on the plan at this meeting.** The by-laws of the MPO requires that we begin a 30-day minimum comment period, which would end on October 22, 2020.

October 27, 2020 - The Policy Committee will be presented with the **Final 2045 MTP “Forward 45” for formal approval/adoption.** Staff does not expect to make a formal presentation on the Final plan unless there are substantive changes needed from the public comments received.

STAFF COMMENTS:

It should be noted that the Ames Plan 2040 (update to the Comprehensive Plan) is not likely to be finalized by the October 27, 2020 adoption of the 2045 MTP (Forward 45). **Therefore, any changes to the identified transportation priorities in the final draft of the Comprehensive Plan may later require an amendment to the MTP if there is a desire to use Federal Aid to fund those transportation projects.** The amendment process would include a minor update to the plan and a recalculation of the fiscal constraint. These changes to the MTP would require DOT and FHWA review and approval.

Ames Area MPO Policy Committee Presentation




09/08/20





Performance-Based Planning Approach



Performance Measures

Goal	Objectives	Performance Measure	Project Scoring Approach			
			+2	+1	0	-1
Accessible						
	Improve walk, bike, and transit system connections	Multi-modal connectivity ranking	Creates or improves connection between two or more modes	Creates or improves connections for non-motorized or transit modes	No impact on connectivity for non-motorized or transit modes	Non-motorized or transit connection is removed, or barrier to non-motorized or transit modes is created
	Improve bicycle and pedestrian access to CyRide routes					
	Provide appropriate arterial, collector, bicycle, pedestrian, and transit corridor spacing	System Connectivity Assessment	New Multimodal network connection where a gap of ½ mile or more existing before.	Provides a new connection between two existing facilities, or an extension of an existing facility	-	-
	Provide improved access to transit for transit dependent, disabled, and disadvantaged populations	Transit accessibility ranking	Improves transit accessibility in identified EJ area	-	Does not impact transit accessibility in identified EJ area	Removes or creates barriers to transit accessibility in identified EJ area
	Incorporate bicycle, pedestrian, and transit-friendly infrastructure in new developments	Multi-model corridor extensions	Extends a bike, pedestrian, or transit corridor closer to an identified future development growth area.	-	Does not extend a bike, pedestrian, or transit corridor closer to an identified future development growth area.	Reduces facility connectivity.
Safe						
	Reduce number and rate of crashes	Vehicular safety assessment	Has the potential to improve safety at top crash frequency or crash rate intersection	Has the potential to improve safety at any intersection	Does not impact safety at top crash frequency or crash rate intersection	Has the potential to negatively impact safety
	Reduce number and rate of serious injury and fatal crashes					
	Reduce the number of bicycle and pedestrian crashes	Non-motorized safety assessment	Has the potential to improve non-motorized safety at in corridors with observed non-motorized crash history	Has the potential to improve non-motorized safety in any corridor	Does not impact non-motorized safety at top crash frequency or crash rate intersection	Has the potential to negatively impact non-motorized safety
	Prioritize projects that improve the Ames Area Safe Routes to School Program	K-12 School connectivity assessment	Creates or improves connection to Safe Route to School network for two or more modes	Creates or improves connection to Safe Route to School network	No impact on connectivity to Safe Routes to School network	Removes or creates barrier to Safe Routes to School network
Sustainable						
	Reduce transportation impacts to natural resources	Environmental Screening	Is not located in an identified natural resource area	-	-	Is located in an identified natural resource area
	Limit transportation system emissions of greenhouse gases	VMT/VHT Projection	Provides a significant reduction in system-wide in VMT and VHT	Provides significant reduction system-wide in either VMT or VHT	Does not significantly impact system-wide VMT or VHT	Significantly increases system-wide VMT and VHT
	Make transportation infrastructure more secure, and resilient to natural and manmade events	Corridor Flood Risk	Project would reduce flooding risk for corridor.	-	Project would have no impact on flooding risk for corridor.	Project would increase flooding risk for corridor.
	Promote financially sustainable transportation system investments	Prioritize Investment in Existing Assets	Technology or management strategies on existing infrastructure	Minor system enhancements to existing infrastructure (e.g. turn lanes, protected bike lanes/side path)	Major system enhancements to existing infrastructure or new trails (e.g. roadway widening)	New transportation infrastructure (e.g. new corridor)

Performance Measures

Goal	Objectives	Performance Measure	Project Scoring Approach			
			+2	+1	0	-1
Efficient & Reliable						
	Identify context-sensitive strategies and projects that improve traffic flow in corridors with high levels of peak period congestion (LOS D or worse)	Traffic Level of Service	Improves LOS in corridor estimated to have LOS D or worse in 2045	Improves LOS	Does not impact LOS	Degrades LOS a letter grade or worse
	Maintain acceptable travel reliability on Interstate and principal arterial roadways	Passenger LOTTR	Has potential to improve reliability on an NHS corridor identified as having reliability issues	Has potential to improve reliability on an NHS corridor	Does not impact LOTTR	Worsens LOTTR on a NHS corridor
	Provide frequent transit service to high trip generation locations	Transit density screening	Improves transit frequency in identified high trip location	-	Does not impact transit frequency in identified high trip location	Worsens transit frequency in identified high trip location
	Increase the regional share of trips made by walking, biking, and transit	Walk/bike/transit mode shares	Major Increase to mode share for walking, biking, and/or transit	Slight Increase to mode share for walking, biking, and/or transit	Does not impact mode share for walking, biking, or transit	Reduces mode share for walking, biking, and/or transit
	Improve freight system reliability	Interstate TTTR	Has potential to improve freight reliability on Interstate corridor identified as having freight reliability issues	Has potential to improve freight reliability on Interstate corridor	No expected impact to freight reliability on Interstate corridor	Has potential to worsen freight reliability on Interstate corridor
	Identify technology solutions to enhance system operation	Technology Elements for System Management	Includes technology element that more effectively manages system operation	-	Does not include technology element	-
Placemaking						
	Increase the percentage of population and employment within close proximity to transit and/or walking and biking system.	Multi-modal Connectivity to Dense and Mixed-Use Nodes	Creates new, multi-modal connection between highest tier of dense / diverse land use.	Creates new, multi-modal connection between second highest tier of dense / diverse land use.	Does not create new, multi-modal connection to dense / diverse land use.	Removes multi-modal connection to dense / diverse land use.
	Provide transportation strategies and infrastructure that support current adopted plans	Project and Context Consistency	Project is proposed by other plan or would support neighborhood or district development goals.	-	Project is not included in other plans and is neutral in relation to neighborhood or district development goals.	Project is not included in other plans and would negatively impact neighborhood or district development goals.

Roadway Project Scoring Results

MTP ID	Project Description	Scoring Tier	Project Cost
16	13th St & Grand Ave - Left Turn Lanes (All Approaches)	High	\$3,000,000
19	Lincoln Way from Gilchrist St to Duff Ave - Road Diet from 4 Lanes to 3 Lanes	High	\$1,750,000
20	Lincoln Way from Duff Ave to South Skunk River - Road Diet from 4 Lanes to 3 Lanes	High	\$220,000
26	Y St from Lincoln Way to Mortensen Rd including Mortensen Rd Extension to Y St - Pave 3 Lanes	High	\$3,200,000
29	Grand Ave from S 16th Street to Airport Rd - New Road w/ Traffic Signal @ Airport Road	High	\$13,500,000
30	Duff Ave from S 16th Street to Airport Rd - Widen to 6 Lanes/Reconstruct Interchange to 4 lane Diverging Diamond Interchange	High	\$11,180,000
32	Duff Ave from Airport Rd to 265th St - Widen to 5 Lanes	High	\$16,020,000
40	16 th Street, Grand Avenue, and Dayton Avenue Traffic Signals	High	\$1,130,000
42	Hyde Ave from Bloomington Rd to 190th St - Traffic Calming	High	\$300,000
44	Grand Ave from Bloomington Rd to 180th St - Widen to 4 Lanes and intersection improvements	High	\$20,190,000
1	520th Ave & W 190th St - Roundabout	Medium	\$1,500,000
2	530th Ave/Grant Ave & W 190th St - Roundabout	Medium	\$2,000,000
3	520th Ave & Cameron School Rd - Roundabout	Medium	\$1,500,000
4	E Riverside Rd to from Grand Ave to N Dayton Ave - Widen to 3 Lanes	Medium	\$12,920,000
13	N Dakota from Ontario St to UPRR - Widen to 3 Lanes	Medium	\$840,000
14	13th St & Stange Road - N/S Left Turn Lanes	Medium	\$2,490,000
17	13th St from Dayton Ave to 570th Ave - Widen to 6 Lanes/Reconstruct Interchange to 4 lane Diverging Diamond Interchange	Medium	\$11,880,000
18	13th St from 570th Ave to 580th Ave - Widen to 4 Lanes	Medium	\$8,040,000
21	Duff Ave & UPRR Crossing - Grade Separation	Medium	\$22,000,000
22	Dayton Ave from 13th St to Lincoln Way - Widen to 5 Lanes	Medium	\$3,200,000
24	Lincoln Way & Cherry Ave - Traffic Signal & Turn Lanes	Medium	\$1,200,000
25	Lincoln Way & University Blvd - Intersection Diet/Protected Intersection	Medium	See Bicycle/Pedestrian Project CR 42
28	13th Street & Dayton Ave - Add turn lane(s)	Medium	\$2,000,000
31	Lincoln Way & Y Street - Traffic Signal & Turn Lanes	Medium	\$2,000,000
37	Airport Rd from Duff Ave to Sam's Club - Improve Roadway/Access	Medium	\$800,000

Roadway Project Scoring Results (continued)

MTP ID	Project Description	Scoring Tier	Project Cost
38	Grand Ave & 20th St - Left Turn Lanes	Medium	\$1,600,000
39	Dayton Ave & Riverside Rd - Add Left Turn Lanes	Medium	\$750,000
43	George Washington Carver from Weston Dr to 190th St - Widen to 3 Lanes	Medium	\$5,650,000
45	190th St from 520th Ave to Grand Ave - Widen to 3 Lanes / Grade Separation w UPRR	Medium	\$11,310,000
46	Dayton Ave from 13th St to Riverside Rd - Widen to 3 Lanes	Medium	\$9,870,000
47	Cameron School Rd from George Washington Carver to Grant Ave - Pave to 3 Lanes / Grade Separation w/ UPRR	Medium	\$6,330,000
49	Lincoln Way from Thackery Rd to Y Ave - Widen to 4 Lanes	Medium	\$5,800,000
50	Ontario St from Idaho Ave to Y Ave - Widen to 3 Lanes	Medium	\$3,780,000
52	Lincoln Way from Y Ave to X Ave - Widen to 4 Lane	Medium	\$8,070,000
53	South Dakota Avenue from Lincoln Way to Mortensen Road - Widen to 5 lanes	Medium	\$6,000,000
54	Lincoln Way from I-35 to 580th Ave - Widen to 3 Lanes	Medium	\$8,200,000
1a	520th Ave & W 190th St - Traffic Signal & Turn Lanes	Medium	\$1,400,000
2a	530th Ave/Grant Ave & W 190th St - Traffic Signal & Turn Lanes	Medium	\$1,400,000
3a	520th Ave & Cameron School Rd - Traffic Signal & Turn Lanes	Medium	\$1,150,000
5	E Riverside Rd from N Dayton Ave to 570th Ave - Add New 3-Lane Road & I-35 Overpass	Low	\$7,950,000
6	E Riverside Rd & I-35 - New Interchange (remove 190th St/I-35 Interchange)	Low	\$15,000,000
7	550th Ave from Ken Maril Rd to Airport Rd - Pave 2 Lanes	Low	\$5,530,000
9	Bloomington Rd from Hyde Ave to Hoover Ave - Widen to 4 Lanes	Low	\$3,210,000
10	580th St and UPRR Grade Separation	Low	\$2,830,000
12	550th Ave from 265th to Ken Maril Rd - Pave 2 Lanes	Low	\$5,600,000
27	Freel Dr from Lincoln Way to Dayton Ave - Add New Road	Low	\$4,500,000
33	265th St from Duff Ave to Skunk River - Pave to 3 Lanes	Low	\$5,500,000
34	265th St from Skunk River to I-35 - Pave to 2 Lanes	Low	\$2,800,000
35	265th St & I-35 - New Interchange	Low	\$15,000,000
36	265th from University Ave to Duff Ave & University Ave from 265th to Collaboration Pl - Pave to 3 Lanes	Low	\$9,660,000
48	Stange Rd Extension North to Cameron School Rd - Pave 3 Lanes	Low	\$2,700,000
51	Y Ave from Lincoln Way to Ontario St - Widen to 3 Lanes	Low	\$4,070,000

Bicycle and Pedestrian Project Scoring Results

MTP ID	Project Description	Overall Project	
		Priority	Project Cost
CR 14	Intersection of 20th / Grand - Crossing / Signal Improvements	High	\$180,000
CR 25	Intersection of Grand / 24th St- Improvements for crossing visibility and safety	High	\$100,000
CR 36	Intersection of Mortensen Rd / Seagrave Blvd- beacon/signal upgrade	High	\$230,000
CR 41	Intersection of Grand Ave / 13th St - improvements for crossing visibility and safety (on bikeway) Implement with project ON-6 and roadway project 16	High	\$180,000
CR 42	Intersection of Lincoln Way / University - Protected intersection. Roadway project 25	High	\$750,000
CR 43	Intersection of Lincoln Way / Hyland - improvements for crossing visibility and safety (bike and pedestrian)	High	\$130,000
CR 46	Intersection of Lincoln Way / Beach Ave	High	\$130,000
CR 47	Intersection of Beach Ave / S 4th	High	\$80,000
CR 50	Intersection of 24th St and Stange Rd / Improvements for crossing visibility and safety	High	\$500,000
CR 6	Intersection of Lincoln Way / Clark - Improve crossing visibility	High	\$130,000
CR 7	Intersection of Grand / 30th St - Crossing Visibility / Signal improvements	High	\$130,000
OFF 1	East 13th sidepath, Northwestern Ave to Duff Ave.	High	\$920,000
OFF 10	Lincoln Way sidepath, Grand Ave to Duff Ave. With roadway projects 19 and 20.	High	\$380,000
OFF 14	20th St sidepath, Ames High to Grand	High	\$560,000
OFF 15	20th sidepath, Grand Ave to Duff Ave	High	\$380,000
OFF 2	West Mortensen Side Path, fill in gap west of South Dakota	High	\$410,000
OFF 20	Grand Ave Side Path between 6th and 16th Street	High	\$650,000
OFF 27	South Dayton Side Path between S 16th St and Lincoln Way	High	\$930,000
OFF 29	Cherry Ave to Squaw Creek sidepath	High	\$490,000
OFF 3	24th St sidepath, Grand Ave to Duff Ave	High	\$250,000
OFF 31	Hyland-Hayward South Campus Trail Connection	High	\$1,850,000
OFF 48	trail to connect to Skunk River Trail (from east end of 6th)	High	\$550,000
OFF 50	S Duff Ave from E Lincoln Way to S 5th St - Shared-use path or protected bike lanes	High	\$290,000
OFF 55	Stange Rd shared use path gap	High	\$110,000
ON 15	Clark / Walnut bike boulevard, South 3rd to S 5th Street	High	\$30,000
ON 16	Welch On-Street Bike Treatment, Mortensen to Union Drive	High	\$90,000
ON 21	Bike boulevard north of Lincoln Way between North Dakota and Iowa State Campus	High	\$350,000
ON 22	Bike boulevard across Campus between Beach/Lincoln Way and Pammel/Stange	High	\$110,000
ON 29	Kellogg bike boulevard, S 3rd to 6th St	High	\$70,000
ON 30	Ash Ave bike boulevard, current bike lane end to Lincoln Way	High	\$80,000
ON 33	Cessna St Bike Boulevard	High	\$110,000
ON 44	Eisenhower Ave/Hayes Ave/Ridgewood Ave from Harrison Rd to 6th St - Bike Blvd	High	\$380,000
ON 47	Carroll Avenue bike boulevard, 13th St to 5th St, 5th St to Duff Ave	High	\$150,000

Bicycle and Pedestrian Project Scoring Results (continued)

MTP ID	Project Description	Overall Project Priority	Project Cost
CR 1	Intersection of University / Mortensen - Improve visibility / safety at Mortensen	Medium	\$180,000
CR 10	Intersection of US 30 / University North Ramp - Crossing Visibility / Signal improvements	Medium	\$130,000
CR 11	Intersection of Lincoln Way / Welch- Improvements for crossing visibility and safety	Medium	\$20,000
CR 12	Intersection of Hyland / Ontario - Improvements for crossing visibility and safety	Medium	\$180,000
CR 17	Stange at Bruner Dr Midblock - Improve crossing visibility / consider crossing signal	Medium	\$230,000
CR 18	Stange at Somerset - Midblock crossing improvements for visibility / consider crossing signal	Medium	\$130,000
CR 2	Intersection of University / S 16th St - Consider median crossing or pedestrian refuge	Medium	\$70,000
CR 20	Intersection of Lincoln Way / Lynn - - Improvements for crossing visibility and safety	Medium	\$10,000
CR 21	Intersection of Grand / Bloomington Rd - Crossing Visibility / Signal improvements	Medium	\$130,000
CR 22	Intersection of Lincoln Way / Ash- Improvements for crossing visibility and safety	Medium	\$10,000
CR 23	Intersection of Lincoln Way / Knoll - Improvements for crossing visibility and safety	Medium	\$10,000
CR 26	Beach / Mortensen crossing to provide safer crossing than University / Mortensen	Medium	\$230,000
CR 27	Lincoln Way / Stanton - Improvements for crossing visibility and safety	Medium	\$230,000
CR 28	Intersection of South Dakota Ave / Todd Dr- Improvements for crossing visibility and safety	Medium	\$230,000
CR 30	Intersection of Bloomington Rd / Eisenhower Ave- Improvements for crossing visibility and safety	Medium	\$110,000
CR 34	Intersection of Mortensen Rd / Welch Ave - ped signal	Medium	\$230,000
CR 35	Intersection of State Ave / Arbor St- beacon/signal upgrade	Medium	\$30,000
CR 37	Intersection of Wilmoth Ave / Lincoln Way- Improvements for crossing visibility and safety	Medium	\$230,000
CR 38	Bike/ped crossing to Ada Hayden from Hyde	Medium	\$40,000
CR 45	Intersection of University / S 4th St - protected intersection	Medium	\$500,000
CR 51	Intersection of Maxwell Ave and 13th St / Bike boulevard crossing improvement	Medium	\$240,000
CR 8	Intersection of Stange / 13th St - Improvements for trail crossing visibility	Medium	\$180,000
CR 9	Intersection of US 30 / University South Ramp - Crossing Visibility / Signal improvements	Medium	\$130,000
OFF 11	On-street facility on Cottonwood connecting Trail Connection	Medium	\$200,000
OFF 12	Worrell Creek Trail with US 30 Crossing (Identify Grade Separation)	Medium	\$2,730,000
OFF 16	Research Park / University Blvd Trail connection to Heart of Iowa trail (beyond MPO Boundary)	Medium	\$2,290,000
OFF 25	Riverside Rd Trail (Paved Shoulder is Alternative)	Medium	\$4,420,000
OFF 26	Dayton Trail or Improved Shoulders north of 13th Street	Medium	\$2,990,000
OFF 28	E 13th St Trail or Paved Shoulders for Bikes Extension past I-35	Medium	\$810,000
OFF 33	Squaw Creek Trail from Grand Avenue Extension to 4th Street	Medium	\$2,210,000

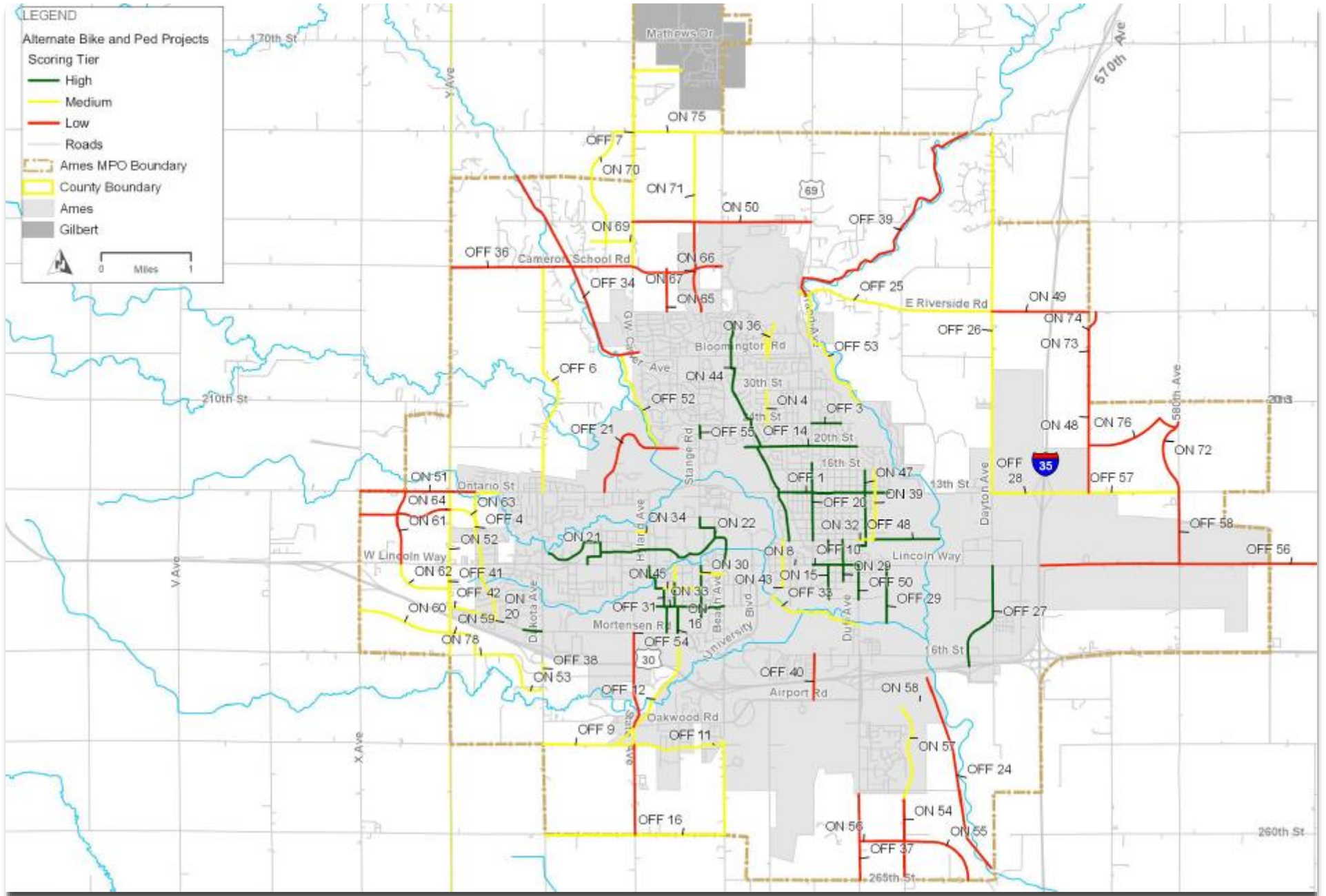
Bicycle and Pedestrian Project Scoring Results (continued)

MTP ID	Project Description	Overall Project Priority	Project Cost
OFF 38	South Dakota / R38 Northbound Bike Connection between 240th Street and Mortensen	Medium	\$100,000
OFF 4	Wilder-Ontario Side Path Connection	Medium	\$2,120,000
OFF 41	Sidepath with S 500th Avenue Improvement between Lincoln Way and Mortenson Extension	Medium	\$340,000
OFF 42	Sidepath along Mortensen Avenue Extension west to S 500th Avenue (Developer Funded Roadway Project *	Medium	\$1,140,000
OFF 52	Squaw Creek trail	Medium	\$2,330,000
OFF 53	Skunk River trail connection	Medium	\$2,990,000
OFF 57	East 13th - 570th to 580th	Medium	\$750,000
OFF 6	North Dakota Side Path	Medium	\$1,950,000
OFF 7	George Washington Carver Side path or bike lanes on shoulder to Gilbert	Medium	\$2,040,000
OFF 9	Zumwalt Station to Oakwood Trail	Medium	\$2,430,000
ON 20	Bike boulevard along Wilder, Mortensen to Lincoln Way, with intersections improvements	Medium	\$100,000
ON 32	6th St bike boulevard east of Duff	Medium	\$20,000
ON 34	Oakland St bike boulevard between Trail and Hyland Ave	Medium	\$20,000
ON 36	Hoover Ave from Bloomington to Ada Hayden	Medium	\$60,000
ON 39	Bike boulevard on Crawford from 6th St up to Municipal Cemetery.	Medium	\$30,000
ON 4	Hoover On-Street Bike Treatment, 30th St to 24th St	Medium	\$50,000
ON 41	Welch Ave ped mall (Lincoln to Hunt)	Medium	\$130,000
ON 43	Hazel St from 6th to S 4th - Bike Blvd	Medium	\$70,000
ON 45	Knapp St from path end (near Hayward Ave) to Ash St - bike blvd	Medium	\$60,000
ON 46	Gable/Sunset from Ash St to Beach - Bike blvd	Medium	\$40,000
ON 52	Arterial Widening	Medium	\$1,360,000
ON 53	Arterial Future	Medium	\$510,000
ON 56	Collector Future	Medium	\$100,000
ON 57	Arterial Future	Medium	\$820,000
ON 59	Collector Future	Medium	\$90,000
ON 60	Collector Future	Medium	\$210,000
ON 62	Collector Future	Medium	\$140,000
ON 63	Collector Future	Medium	\$80,000
ON 68	Collector Future	Medium	\$50,000
ON 69	Collector Future	Medium	\$90,000
ON 70	Collector Future	Medium	\$230,000

Bicycle and Pedestrian Project Scoring Results (continued)

MTP ID	Project Description	Overall Project Priority	Project Cost
ON 71	Collector Future	Medium	\$200,000
ON 74	Arterial Future	Medium	\$170,000
ON 75	Arterial Widening	Medium	\$910,000
ON 78	Arterial Widening	Medium	\$250,000
CR 31	Intersection of Airport Rd / S Loop Dr (location 1)- Improvements for crossing visibility and safety	Low	\$80,000
CR 32	Intersection of Airport Rd / S Loop Dr (location 2)- Crosswalks across Airport Rd	Low	\$80,000
CR 33	Intersection of Mortensen Rd / Wilder Blvd, Mortensen Rd / Miller Ave, Mortensen Rd / Poe Ave- Improvements for crossing visibility and safety	Low	\$240,000
CR 39	Intersection of Weston / George W Carver - add crosswalk/ other safety improvements	Low	\$70,000
CR 48	Grade Separation of RR at 580th	Low	See Roadway Project #10
CR 49	Skunk River Trail Grade Separated Crossing of 13th	Low	\$500,000
OFF 21	Recreational Trail Adjacent to Veenker Golf Course and Reactor Woods	Low	\$2,710,000
OFF 24	South Skunk River Trail extension to MPO Boundary	Low	\$4,540,000
OFF 34	Bloomington Road and Squaw Creek Trail connection to north MPO Boundary	Low	\$5,190,000
OFF 36	Cameron School Road sidepath to west MPO Boundary	Low	\$4,000,000
OFF 37	US 69 South Trail to MPO Boundary	Low	\$720,000
OFF 39	Skunk River Trail connection between soft-surfaced trails near Peterson Park to Ada Hayden Park. Co*	Low	\$6,540,000
OFF 40	Sidepath with Grand Avenue Roadway Extension between S 16th St and Airport Road	Low	\$1,020,000
OFF 54	State Ave from Mortenson to MPO boundary	Low	\$1,550,000
OFF 56	Lincoln Hwy east of Dayton	Low	\$4,170,000
OFF 58	580th Lincoln to 13th	Low	\$600,000
ON 48	Arterial Widening	Low	\$1,050,000
ON 49	Arterial Future	Low	\$810,000
ON 50	Arterial Widening	Low	\$1,490,000
ON 51	Arterial Widening	Low	\$960,000
ON 54	Arterial Widening	Low	\$640,000
ON 55	Collector Future	Low	\$190,000
ON 61	Collector Future	Low	\$160,000
ON 64	Collector Future	Low	\$200,000
ON 65	Collector Future	Low	\$100,000
ON 66	Collector Future	Low	\$200,000
ON 67	Collector Future	Low	\$200,000
ON 72	Arterial Future	Low	\$670,000
ON 73	Arterial Widening	Low	\$290,000
ON 76	Collector Future	Low	\$180,000
ON 77	Collector Future	Low	\$40,000

Bicycle /Pedestrian Scoring



Develop Anticipated Funding Levels

- Federal, State and Local Funding Sources
- Develop Time Periods:
 - Current TIP (2021-2024)
 - Short-Term (2025-2029)
 - Mid-Term (2030-2037)
 - Long-Term (2038-2045)
- Cost Breakdown Projections
 - System Preservation
 - System Improvement

Improvement Funding Summary

Roadway

Time Period/Years		Formula-Based Funds ¹	Discretionary Funds ²	Local Funds ³
TIP Years	2021-2024	\$2,713,000	\$18,284,000	\$19,318,000
Short-Term	2025-2029	\$3,912,000	\$4,303,000	\$8,503,380
Mid-Term	2030-2037	\$6,898,000	\$7,587,000	\$14,993,820
Long-Term	2038-2045	\$7,770,000	\$8,547,000	\$16,889,940
Total	2025-2045	\$18,580,000	\$20,437,000	\$40,387,140

1 - STBG funds not directed towards future preservation projects

2 - Estimated potential ICAAP (CMAQ) and NHPP funds

3 - Local funds not spent on system preservation, or improvement of local system / non-Federal aid streets

Bicycle & Pedestrian

Time Period/Years		Formula-Based Funds ¹	Discretionary Funds ²	Local Funds ³
TIP Years	2021-2024	\$96,000	\$0	\$0
Short-Term	2025-2029	\$534,000	\$0	\$5,511,590
Mid-Term	2030-2037	\$942,000	\$0	\$9,718,310
Long-Term	2038-2045	\$1,062,000	\$0	\$10,947,370
Total	2025-2045	\$2,538,000	\$0	\$26,177,270

1 - TAP and TAP-Flex funds not directed towards future preservation projects

2 - No bicycle / pedestrian discretionary funds assumed

3 - Local funds not spent on system preservation

Develop Constrained Plan

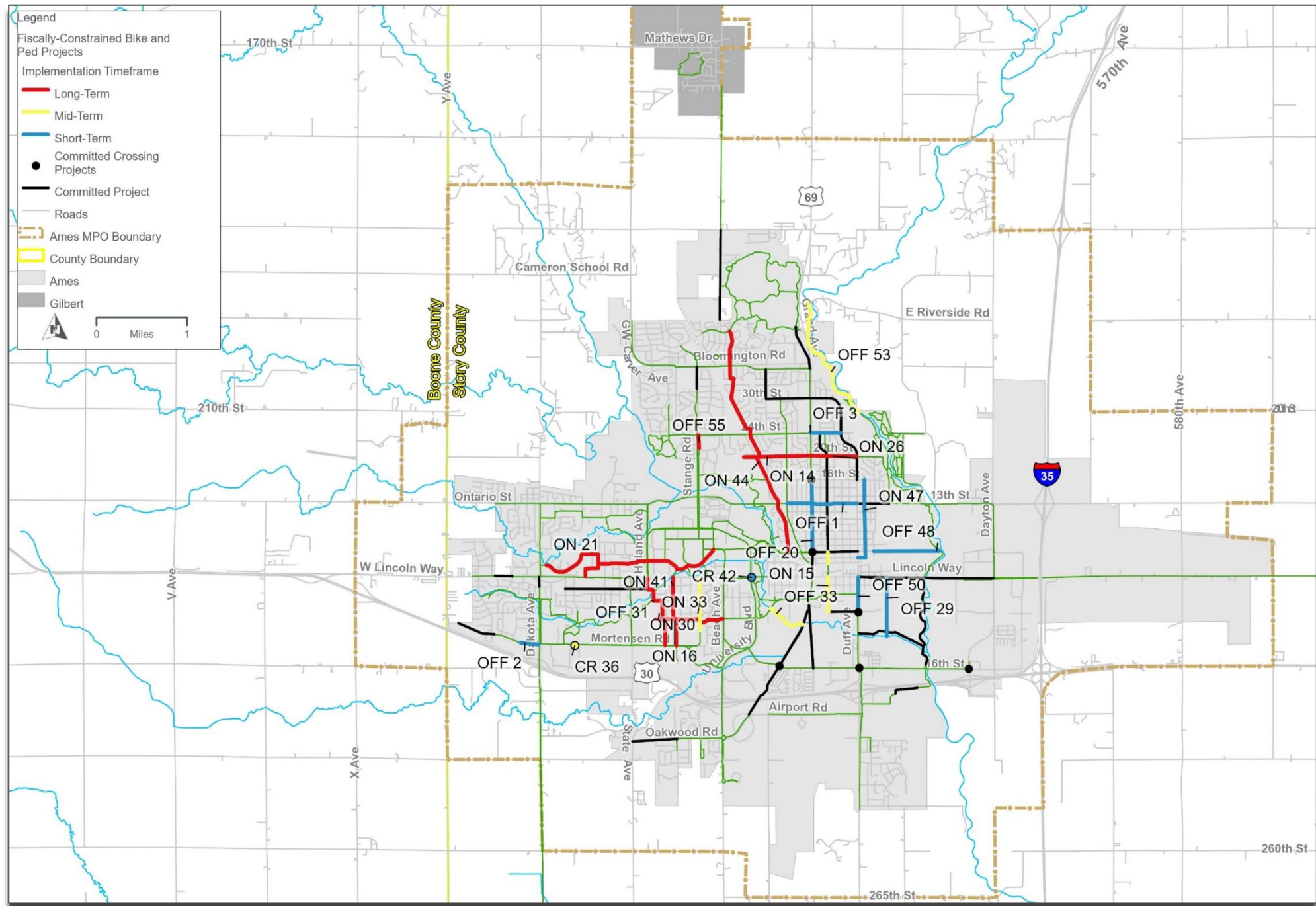
- Multiple Criteria Applied
 - Project Scoring
 - Current Issues / Future Issues
 - Anticipated Growth in Near Future
 - Project Timing Coordination
 - Project Costs
- Illustrative Plan Will Be Included
 - Priority Projects that are Not Fiscally-Constrained
 - Some Developer-Driven Projects

Draft Roadway Plan

Time Frame	Project ID	Project Description	Cost (2020 \$)	Cost (YOE \$)	Potential Federal Share	Potential Local Share*	Potential Non-Local Funding Sources	Potential Sponsor(s)
Short-Term (2025-2029)	40	16th Street, Grand Avenue, and Dayton Avenue Traffic Signals	\$1,130,000	\$1,440,000	\$724,752	\$715,248	ICAAP	City of Ames
	37	Airport Rd from Duff Ave to Sam's Club - Improve Roadway Access	\$800,000	\$1,020,000	\$513,366	\$506,634	STBG Swap	City of Ames
	16	13th St & Grand Ave - Left Turn Lanes (All Approaches)	\$3,000,000	\$3,820,000	\$1,922,606	\$1,897,394	STBG Swap	City of Ames
	2 OR 2A	Hyde Ave/Grant Ave & W 190th St	\$2,000,000	\$2,540,000	\$1,278,382	\$1,261,618	STBG Swap	Story County / City of Ames
	28	13th Street & Dayton Ave - Add turn lane(s)	\$2,000,000	\$2,540,000	\$1,278,382	\$1,261,618	STBG Swap	City of Ames
	24	Cherry - Lincolnway Intersection Improvements	\$1,200,000	\$1,530,000	\$770,049	\$759,951	STBG Swap	City of Ames
	38	Grand Ave & 20th St - Left Turn Lanes	\$1,600,000	\$2,040,000	\$1,026,732	\$1,013,268	STBG Swap	City of Ames
Time Frame Total			\$11,730,000	\$14,930,000	\$7,514,269	\$7,415,731		
Mid-Term (2030-2037)	30	Duff Ave from S 16th Street to Airport Rd - Widen to 6 Lanes/Reconstruct Interchange	\$10,000,000	\$15,910,000	\$8,007,503	\$7,902,497	STBG / NHPP / ICAAP	City of Ames / Iowa DOT
	19	Lincoln Way from Gilchrist St to Duff Ave - Road Diet from 4 Lanes to 3 Lanes	\$1,750,000	\$2,780,000	\$1,399,174	\$1,380,826	STBG Swap	City of Ames
	32a	Duff Ave from Airport Rd to Ken Maril - Widen to 5 Lanes	\$8,010,000	\$12,740,000	\$6,412,042	\$6,327,958	ICAAP	City of Ames
Time Frame Total			\$19,760,000	\$31,430,000	\$15,818,719	\$15,611,281		
Long-Term (2038-2045)	44a	Grand Ave from Bloomington Rd to 190th St - Widen to 5 Lanes	\$10,400,000	\$21,790,000	\$10,966,907	\$10,823,093	ICAAP / NHPP	City of Ames / Iowa DOT
	22	Dayton Ave from 13th St to Lincoln Way - Widen to 5 Lanes	\$3,200,000	\$6,700,000	\$3,372,110	\$3,327,890	STBG Swap	Story County / City of Ames
	14	13th St & Stange Road - N/S Left Turn Lanes	\$2,490,000	\$5,220,000	\$2,627,226	\$2,592,774	Local	City of Ames
Time Frame Total			\$16,090,000	\$33,710,000	\$16,966,243	\$16,743,757		
Grand Total			\$47,580,000	\$80,070,000	\$40,299,231	\$39,770,769		

* Note that some of these projects will be paid for by developer funds if development accelerates project need and time frame

Draft Bicycle/ Pedestrian



Draft Bicycle / Pedestrian Plan

Time Frame	Project ID	Project Description	Cost (2020 \$)	Cost (YOE \$)	Potential Federal Share	Potential Local Share*	Potential Funding Sources	Potential Sponsor(s)
Short-Term (2025-2029)	CR 42	Intersection of Lincoln Way / University - Protected intersection.	\$750,000	\$950,000	\$0	\$950,000	TAP / Local	City of Ames
	OFF 1	East 13th sidepath, Northwestern Ave to Duff Ave	\$560,000	\$710,000	\$87,330	\$622,670	TAP / Local	City of Ames
	OFF 2	West Mortensen Side Path, fill in gap west of South Dakota	\$410,000	\$520,000	\$63,960	\$456,040	TAP / Local	City of Ames
	OFF 3	24th St Sidepath Grand to Duff	\$250,000	\$320,000	\$39,360	\$280,640	TAP / Local	City of Ames
	OFF 20	Grand Ave Side Path between 6th and 16th Street	\$650,000	\$830,000	\$102,090	\$727,910	TAP / Local	City of Ames
	OFF 29	Cherry Street Connection to Squaw Creek	\$490,000	\$620,000	\$76,260	\$543,740	TAP / Local	City of Ames
	OFF 48	East 6th St to Skunk River Connection	\$550,000	\$700,000	\$86,100	\$613,900	TAP / Local	City of Ames
	OFF 50	South Duff Sidepath	\$290,000	\$370,000	\$45,510	\$324,490	TAP / Local	City of Ames
	ON 15	Clark / Walnut bike boulevard, South 3rd to S 5th Street	\$90,000	\$110,000	\$13,530	\$96,470	TAP / Local	City of Ames
ON 47	Carroll Ave Bike Boulevard	\$150,000	\$190,000	\$116,466	\$73,534	TAP / Local	City of Ames	
Time Frame Total			\$4,190,000	\$5,320,000	\$630,606	\$4,689,394		
Mid-Term (2030-2037)	OFF 53	Skunk River trail connection	\$2,990,000	\$4,760,000	\$585,480	\$4,174,520	TAP / Local	City of Ames
	OFF 33	Squaw Creek Trail from Grand Avenue Extension to 4th Street	\$2,200,000	\$3,500,000	\$430,500	\$3,069,500	TAP / Local	City of Ames
	ON 30	Ash Ave bike boulevard, current bike lane end to Lincoln Way	\$80,000	\$130,000	\$15,990	\$114,010	TAP / Local	City of Ames
	CR	Various Pedestrian Crossing Projects	\$1,700,000	\$2,700,000	\$0	\$2,700,000	TAP / Local	City of Ames
Time Frame Total			\$6,970,000	\$11,090,000	\$1,031,970	\$10,058,030		
Long-Term (2038-2045)	OFF 31	Hyland-Hayward South Campus Trail Connection	\$1,850,000	\$3,880,000	\$477,240	\$3,402,760	TAP / Local	City of Ames
	OFF 55	Stange Rd shared use path gap	\$110,000	\$230,000	\$28,290	\$201,710	TAP / Local	City of Ames / Iowa State
	ON 14	20th St Bike Route, Ames High to Grand	\$150,000	\$310,000	\$38,130	\$271,870	TAP / Local	City of Ames
	ON 16	Welch On-Street Bike Treatment, Mortensen to Union Drive	\$90,000	\$190,000	\$23,370	\$166,630	TAP / Local	City of Ames
	ON 21	Bike boulevard north of Lincoln Way between North Dakota and Iowa State Campus	\$350,000	\$730,000	\$89,790	\$640,210	TAP / Local	City of Ames / Iowa State
	ON 26	20th Street bike boulevard, Grand to Duff	\$70,000	\$150,000	\$18,450	\$131,550	TAP / Local	City of Ames
	ON 33	Cessna St Bike Boulevard	\$110,000	\$230,000	\$28,290	\$201,710	TAP / Local	City of Ames
	ON 41	Welch Ave ped mall (Lincoln to Hunt)	\$130,000	\$270,000	\$33,210	\$236,790	TAP / Local	City of Ames
	ON 44	Eisenhower Ave/Hayes Ave/Ridgewood Ave from Harrison Rd to 6th St - Bike Blvd	\$380,000	\$800,000	\$98,400	\$701,600	TAP / Local	City of Ames
CR	Various Pedestrian Crossing Projects	\$2,400,000	\$5,030,000	\$0	\$5,030,000	TAP / Local	City of Ames	
Time Frame Total			\$5,640,000	\$11,820,000	\$835,170	\$10,984,830		
Grand Total			\$16,800,000	\$28,230,000	\$2,497,746	\$25,732,254		

* Note that some of these projects will be paid for by developer funds if development accelerates project need and time frame

Draft Transit Plan

Time Frame	Project ID	Project Description	Cost (YOE \$)
Short-Term (2025-2029)	1	Vehicle Replacement/Expansion - 3 buses per year	\$9,200,000
	2	Building Improvements and Expansion	\$3,880,000
	8	Light Duty Vehicles	\$660,000
	9	Articulated Bus Expansion/Replacement	\$4,930,000
	10	Install Benches & Shelters	\$200,000
Total			\$18,870,000
Mid-Term (2030-2037)	1	Vehicle Replacement/Expansion - 3 buses per year	\$17,860,000
	2	Building Improvements and Expansion	\$7,540,000
	8	Light Duty Vehicles	\$1,280,000
	9	Articulated Bus Expansion/Replacement	\$9,570,000
	10	Install Benches & Shelters	\$380,000
Total			\$36,630,000
Long-Term (2038-2045)	1	Vehicle Replacement/Expansion - 3 buses per year	\$22,620,000
	2	Building Improvements and Expansion	\$9,550,000
	8	Light Duty Vehicles	\$1,620,000
	9	Articulated Bus Expansion/Replacement	\$12,130,000
	10	Install Benches & Shelters	\$480,000
Total			\$46,400,000
Grand Total			\$101,900,000

Note: All Projects are Rolling Stock and Facilities / Stations Improvements

Next Steps:

- Develop Draft Plan
- ***Present to Policy Committee (Sep 22)***
- Develop Final Plan
- ***Present to Policy Committee (Oct 27)***



Questions?



MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

AUGUST 18, 2020

CALL TO ORDER: Mayor John Haila called the Regular Meeting of the Ames City Council, which was being held electronically, to order at 6:00 p.m. with the following Council members present: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Rachel Junck, and David Martin. *Ex officio* Member Nicole Whitlock was also present.

Mayor Haila announced that it is impractical to hold an in-person Council meeting due to the Governor of Iowa declaring a public health emergency because of the COVID-19 pandemic. Therefore, this meeting is being held as an electronic meeting as allowed by Section 21.8 of the *Iowa Code*. The Mayor then provided how the public could participate in the meeting via internet or by phone.

PROCLAMATION DESIGNATING AMES AS A “BIRD-FRIENDLY COMMUNITY:” Mayor Haila proclaimed the City of Ames as a “Bird-Friendly Community.” He urged citizens to recognize the importance of birds in the community and to commit to learning and identifying how people can make a difference, even in their own backyards. Municipal Engineer Tracy Warner thanked everyone who had helped with the designation. Bird-Friendly Iowa Steering Community member Doug Harr explained that the Bird-Friendly Community was created back in 2015. Mr. Harr gave background information about the program. He stated he was pleased to recognize the City of Ames as the next City to officially be designated as a Bird-Friendly Community. In honor of the designation, were given a framed certificate, logo flag, and two signs that can be placed where the City wants to.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meetings of July 21, 2020, and August 12, 2020, and Regular Meeting of July 28, 2020
3. Motion approving Report of Change Orders for period July 16 - July 31, 2020
4. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Beer Permit with Class B Wine Permit and Sunday Sales - Hy-Vee Gas #5013, 4018 West Lincoln Way
 - b. Class C Liquor License with Sunday Sales - Inside Golf, 2801 Grand Avenue #1075
 - c. Class C Liquor License with Catering Privilege, Outdoor Service, and Sunday Sales - Iowa State Center, CY Stephens, CY Stephens - Iowa State University
 - d. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carry-out Beer), and Sunday Sales - KWIK Stop Liquor & Groceries, 125 6th Street
 - e. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carry-out Beer), and Sunday Sales - Kum & Go #1215, 456 Lincoln Way
5. Requests from Ames Main Street for Art Walk/Music Walk on October 8, 2020 (Rescheduled from June 4, 2020):

- a. Motion approving Blanket Vending License for Central Business District from 3:00 p.m. to 8:30 p.m.
 - b. Motion approving Blanket Temporary Obstruction Permit for Central Business District from 1:00 p.m. to 9:00 p.m.
 - c. RESOLUTION NO. 20-418 approving waiver of fee for Blanket Vending License
 - d. RESOLUTION NO. 20-419 approving closure of ten metered parking spaces in the Central Business District
 - e. RESOLUTION NO. 20-420 approving usage of electricity in Tom Evans Plaza and waiver of fee for cost of electricity
 - f. RESOLUTION NO. 20-421 approving closure of Kellogg Avenue, from Main Street to 5th Street, from 3:00 p.m. to 8:30 p.m.
 - g. RESOLUTION NO. 20-422 approving transfer of funds from Local Option Sales Tax Fund to Parking Fund in the amount of \$2.50
6. Requests from Ames Main Street for Downtown September Sidewalk Sales from September 10-13, 2020:
- a. Motion approving Blanket Vending License
 - b. Motion approving Blanket Temporary Obstruction Permit
 - c. RESOLUTION NO. 20-423 approving waiver of fee for Blanket Vending License
 - d. RESOLUTION NO. 20-424 approving suspension of parking regulations and enforcement for Downtown from 8:00 a.m. to 8:00 p.m. on Saturday, September 12, 2020
 - e. RESOLUTION NO. 20-425 approving transfer of funds from Local Option Sales Tax Fund to Parking Fund in the amount of \$1,370.25
7. Requests from Ames Main Street for Shop for Cause on November 7, 2020:
- a. Motion approving Blanket Temporary Obstruction Permit
 - b. Motion approving Blanket Vending License
 - c. RESOLUTION NO. 20-426 approving waiver of fee for Blanket Vending License
 - d. RESOLUTION NO. 20-427 approving suspension of parking regulations and enforcement for the Downtown from 8:00 a.m. to 8:00 p.m. on Saturday, November 7, 2020
 - e. RESOLUTION NO. 20-428 approving transfer of funds from Local Option Sales Tax Fund to Parking Fund in the amount of \$1,370.25
8. Requests from Ames Main Street for Small Business Saturday on November 28, 2020:
- a. Motion approving Blanket Vending License
 - b. Motion approving Blanket Temporary Obstruction Permit
 - c. RESOLUTION NO. 20-429 approving waiver of fee for Blanket Vending License
 - d. RESOLUTION NO. 20-430 approving suspension of parking regulations and enforcement for Downtown from 8:00 a.m. to 8:00 p.m. on Saturday, November 28, 2020
 - e. RESOLUTION NO. 20-431 approving transfer of funds from Local Option Sales Tax Fund to Parking Fund in the amount of \$1,370.25
9. Requests from Ames Main Street for Snow Magic from December 4 - 24, 2020:
- a. Motion approving Blanket Temporary Obstruction Permit
 - b. Motion approving Blanket Vending License
 - c. RESOLUTION NO. 20-432 approving waiver of fee for Blanket Vending License

- d. RESOLUTION NO. 20-433 approving closure of Kellogg from Main Street to 5th Street, including closure of 12 metered parking spaces, from 1:00 p.m. to 8:00 p.m. on December 4 for Santa's Train
 - e. RESOLUTION NO. 20-434 approving closure of four metered parking spaces within the Downtown from 1:00 p.m. to 8:00 p.m. on December 4 to facilitate pick-up and drop-off of passengers on horse-drawn carriage rides through Downtown
 - f. RESOLUTION NO. 20-435 approving waiver of parking meter fees for closed parking meters on Friday, December 4
 - g. RESOLUTION NO. 20-436 approving usage of electricity in Tom Evans Plaza and waiver of fees for electricity
10. RESOLUTION NO. 20-437 approving Memorandum of Understanding with Story County and authorizing application for grant funding under the 2020 Department of Justice Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant
 11. RESOLUTION NO. 20-438 approving extension of waiver of parking regulations for parking spaces at Ames Public Library to facilitate curbside pick-up
 12. RESOLUTION NO. 20-439 approving preliminary plans and specifications for 2017/18 Main Street Pavers (Clark to Burnett); setting September 2, 2020, as bid due date and September 8, 2020, as date of public hearing
 13. RESOLUTION NO. 20-440 awarding contract for Power Plant Maintenance Services to Anderson Process & Instrumentation Solutions, LLC, of Marshalltown, Iowa, for hourly rates and unit prices bid in an amount not to exceed \$125,000
 14. Seven snowplow trucks and accessories for Public Works:
 - a. RESOLUTION NO. 20-441 awarding contract to O'Halloran International of Altoona, Iowa, for purchase of seven International HV507 Chassis - six single axle, and 1 tandem axle in the amount of \$594,821
 - b. RESOLUTION NO. 20-442 awarding contract to Henderson Truck Equipment of Manchester, Iowa, to equip the six single axle truck chassis and 1 tandem axle chassis from O'Halloran International with dump body, snow removal equipment, and accessories in the amount of \$799,329
 - c. RESOLUTION NO. 20-443 awarding contract to O'Halloran International of Altoona, Iowa, to install the Optimus Vector system on the seven chassis for year-round use of B100 bio-diesel in the amount of \$93,996
 - d. Motion authorizing staff to pursue grants in the next 12 months to pay for the Optimus system; if unsuccessful a loan will be provided by Fleet Services to Public Works
 15. RESOLUTION NO. 20-444 approving contract and bond for Emma McCarthy Lee Park Pedestrian Bridge Replacement
 16. RESOLUTION NO. 20-445 approving contract and bond for 2019/20 Clear Water Diversion
 17. RESOLUTION NO. 20-446 approving contract and bond for 2020/21 US Hwy 69 Improvements (South Duff Avenue and US Highway 30 Eastbound Off-Ramp)
 18. Power Plant Steam Turbine No. 8 Parts Procurement:
 - a. RESOLUTION NO. 20-447 rescinding Resolution No. 20-374 awarding contract to Action Turbine Bid Repair and rescinding Resolution No. 20-406 approving contract and bond of Action Turbine Bid Repair due to bid being withdrawn
 - b. Motion directing staff to purchase the parts originally intended to be purchased from Action Turbine Repair Service from the next low bidders

19. RESOLUTION NO. 20-448 approving Change Order No. 3 with RW Excavating Solutions for the Low-Head Dam Improvements Project in the amount of \$59,483.99
20. WPC Digester Improvements Project - Phase 2:
 - a. RESOLUTION NO. 20-449 approving Change Order No. 4 with Shank Constructors Inc., in the amount of \$5,197
 - b. RESOLUTION NO. 20-450 accepting completion
21. RESOLUTION NO. 20-451 accepting completion of 2019/2020 Pavement Restoration Program (Slurry Seal)

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

PUBLIC FORUM: Mayor Haila opened Public Forum. No one requested to speak, so he closed Public Forum.

PRESENTATION ON THE DRAFT GREENHOUSE GAS INVENTORY AND ADDITIONAL STUDIES: Assistant City Manager Deb Schildroth introduced Ted Redmond, co-founder of paleBLUEDot LLC, and Michael Orange from Orange Environmental. Mr. Redmond and Mr. Orange are the consultants that the inter-departmental team had worked with. Ms. Schildroth pointed out that this project was a group effort. The group that helped provide the report was Merry Rankin, Water and Pollution Control, Electric Services, Planning and Housing, Resource Recovery, Public Works, Fleet Services, Parks and Recreation, and the City Manager's Office.

Mr. Redmond stated that he will do an abbreviated version of the presentation. He noted that they produced three reports. The primary report was the Community Greenhouse Gas (GHG) Inventory. They produced a number of tools beyond the report itself to help support the City's continuation of the GHG Inventory. Mr. Redmond explained they also provided two additional documents to the City to help the City with foundational information: a Climate Vulnerability Assessment and a Solar PV Potential Study. He briefly explained why GHG emissions matter and then went over the city-wide numbers from 2014 to 2018.

Mr. Orange thanked the staff for helping with this project. He reviewed a diagram for the City's energy flows, which are very complex in Ames. The five energy sources are renewal, coal, natural gas, refuse derived fuel, and electricity. When the City replaced coal with natural gas, it had a profound effect on emissions. Mr. Orange continued to go over the emission trends by sectors. He pointed out that in 2018 the total city-wide reduction went down by 222,218.

Mr. Redmond briefly reviewed the GHG Community Comparisons. He didn't recommend drawing a direct line between any two communities. The national average was 16.94 per-capita and the City of Ames is at 16.5 per-capita. A GHG Emissions Forecast was put together and the current national emission forecast is a 4.6-degree warming.

The Climate Vulnerability Assessment was presented by Mr. Redmond. He explained that Climate Change Vulnerability Assessment is "the degree to which a system is susceptible to, or unable to cope with, adverse effects of climate change, including climate variability and extremes." He went over

climate risks to the Ames' population. It was noted that the most vulnerable were children, older adults, individuals with disabilities, those in economic need, people of color, at-risk workers, food insecure individuals, and individuals without vehicle access. With all the information given, they were able to prioritize climate risks and hazards. For the City of Ames, the higher risks are extreme heat, flooding, air quality impacts. The moderate risks were drought, vector-borne diseases, and nutrition insecurity.

The last report presented was the city-wide solar PV potentials study. In determining city-wide potentials, the methodology that was used was inputting data from roof plan surveys and lidar data obtained from the U.S. Department of Homeland Security. From those data pools, they could then classify roofs based on orientation and tilt. Finally, they calculated solar PV energy generation based on the roof calculation with the assumption that the panels were 350-watt panels, estimated the installed capacity based on roof plane type, calculated system losses based on orientation and tilt. Mr. Redmond explained that they produced two scenarios for projecting into the future. The first scenario was based on the current city share of statewide install trends and the second scenario was increasing city share in terms of KW installed to match the Statewide install trends per-capita.

Council Member Betcher inquired about the city comparisons. She wanted to know if there was a difference in the numbers based on if the city is producing its own electricity or buying electricity off the grid. Mr. Redmond explained that the answer to that question would be "sometimes yes and sometimes no." He stated that if they compared operations to operations, the numbers would be all over the map; however, when it comes to community-wide emissions it can boil down to where the cities are using energy.

Council Member Martin wanted to know when it comes to characterizing the GHG emissions that come from the purchases of electricity from the grid, they found the breakdown of sources. Mr. Orange stated the information is published, and they were able to obtain the information from other providers.

Council Member Betcher questioned the potential impact of adding more solar. She noted that the City relies on the municipal electric plant to be burning RDF as one of the sustainable means of producing energy, and if the City increased its solar, whether there be a negative trade-off. Mr. Redmond mentioned that there are a lot of varying opinions to that question and would invite the Ames Energy Department to give its perspective, but from his perspective, the answer would be "no." He did want to point out that there may be some circumstances when some upgrades may need to be done with the grid.

Mayor Haila inquired if the manufacturing of solar panels, wind turbines, the life expectancy, and impact on the environment on disposal goes into the overall analysis or if they are looking at the efficacy of the different systems. Mr. Redmond stated the report looks at the efficacy of the system in general and some of the specifics will vary from manufacturer to manufacturer. The carbon footprint of a solar panel usually has a payoff within two years. The systems do have their own carbon footprint and most solar panels installed have a life expectancy of 20-30 years.

Mayor Haila questioned the findings for the city-wide emission and total city-wide operations and wanted to clarify what city-wide entailed. Mr. Redmond explained that the smallest circle on the slide

is the City of Ames operations excluding energy generation. That smaller circle is a subset of the next biggest circle for total city operations for the City of Ames, which now includes the energy generation. The total city operations circle is also a subset of the City-wide emissions, which is everything within the City of Ames. The percentage of city operations is 6.6% of the total city-wide emissions.

Mayor Haila asked for more information to help him understand the financial slide when dealing with agriculture, mortality, energy, etc. Mr. Redmond stated that all the information came from a national study that was done by the University of California Berkeley. The University had done a matrix comparing different communities and analyzing the data. There is a direct link between the increase in temperature and crime. Labor Productivity is both indoor and outdoor labor. Mayor Haila mentioned that he was surprised by the amount as within the city limits of Ames there is not a lot of Agriculture. Mr. Redmond stated that another way to look at it is to validate the end result. The end result is saying that the emissions have an impact on the future, and this is one way to quantify what that means. If you take that number and divide it by the City's number of emissions, you would end up with about \$55.00 per metric ton of carbon emission, also known as the social cost of carbon.

Council Member Gartin asked how Greenhouse Gas emissions measured. He noted that at some point the City is going to evaluate the measures it has taken to reduce GHG. Mr. Gartin mentioned that, if the City is going to go to different lengths to reduce the GHG, the City needs to make sure they understand the way in which the data is arrived at. Mr. Orange explained that all the data is readily accessible and verifiable. The electricity data regarding consumption comes from each of the providers and he trusts it to be reliable as well as the natural gas. Coal usage was provided by Iowa State University and City of Ames Electric. On-road transportation came from Iowa Department of Transportation in terms of vehicle miles traveled. A complex methodology has been used for decades and when translating from vehicle miles traveled to GHG emissions, Mr. Orange used national data as he was unable to find state specific data. Mr. Gartin commented that the City could create its own benchmark using its own data.

Council Member Martin wanted to know if the vehicle miles traveled is within the City of Ames or does it include the interstate and Hwy 30 that pass-through Ames. Mr. Orange explained that the vehicle miles traveled is done on a jurisdictional boundary for cities and counties, which mean those areas would be included.

Merry Rankin mentioned she didn't have anything to add. The process has been very thorough, and in order to move forward the City needs to know where it stands. She is excited to start looking at goal-setting going forward.

Assistant City Manager Deb Schildroth stated she has enjoyed the process and had learned a lot. She appreciated the work that Mr. Redmond, Mr. Orange, Ms. Rankin, the Department Heads, and staff have done, and is anxious to move forward.

Mayor Haila asked what the next steps would be for the Climate Action Plan

City Manager Steve Schainker stated this was a goal of the Council members for next year, and even with all the cuts due to COVID-19, the funding was left in for the consultant to help the City move

forward with a Climate Action Plan. The next step will be for the staff to put together a Request for Proposals (RFP).

Moved by Beatty-Hansen, seconded by Junck, to accept the report as presented.

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

STAFF REPORT ON FACTORS TO CONSIDER IF IMPLEMENTING A CITY-WIDE FACE COVERING MANDATE: Assistant City Manager Deb Schildroth explained that at the July 14, 2020, City Council Meeting, the Council directed staff to develop a process to determine the appropriate time to implement a city-wide face covering mandate. The process would include gathering information on the rate of positive COVID-19 cases and the community spread of the virus in Ames/Story County from local health sources including Mary Greeley Medical Center, McFarland Clinic, and Story County Public Health; monitoring guidance from the Iowa Department of Public Health, Story County Board of Health, and the CDC. Following the analysis of the information collected, the factors below would be considered to warrant a city-wide face covering mandate:

- The Intensive Care Unit at Mary Greeley Medical Center is at capacity
- The percentage of positive COVID-19 cases in Story County reach 10% (“red zone”) and continue rising
- ISU and schools move to an all-virtual learning and businesses reduce hours and/or close
- The Governor’s Proclamation is amended to mandate face coverings in the State of Iowa

Ms. Schildroth noted that the Governor’s current Proclamation encourages the use of face coverings. The Attorney General’s Office has issued an opinion stating that any local regulations requiring face coverings are preempted by the Governor’s proclamations; therefore, cities and counties do not have the authority to issue a face covering mandate since the Governor’s Proclamation is in place. In response to this, the City Council supported the Mayor sending a letter to the Governor requesting she empower cities with the authority to implement public health mandates, such as face coverings in public, when circumstances warrant doing so in our communities. To date, no such authority has been granted, but the City has continued moving forward with promoting the Cyclone Cares campaign and the four pillars of health. Council has also approved a measure requiring face coverings in City buildings and during some Parks and Recreation activities, which took effect July 27, 2020.

Ms. Schildroth mentioned that in the Staff Report there is a table outlining the actions taken by a variety of other communities. She noted that there had been a few updates since the Staff Report had been written and the updates include Dubuque, Mount Vernon, and Waterloo all adopting face covering requirements within their communities. Ms. Schildroth noted that Story County Public Health provided a letter to all city and county government officials about their recommendations on face coverings. Story County Board of Supervisors adopted a Resolution requesting the authority to mandate face coverings from Governor Reynolds.

Council Member Betcher asked what sort of action was taken in Mount Vernon and Dubuque. She pointed out that Waterloo had done a Resolution. Ms. Betcher commented that she would like to understand if other cities are doing Proclamations, Resolutions, or an Ordinance. Ms. Schildroth stated that Dubuque was done by an Ordinance and she was not sure of Mount Vernon. Council Member

Martin mentioned that Mount Vernon was done by Resolution, but it states that the Resolution is symbolic in nature and staff will not be able to enforce the Resolution. Mayor Haila explained that Waterloo is not in the Staff Report as it had just passed the other day.

Council Member Betcher asked what the difference would be in the weight of issuing a Resolution versus a Proclamation; City Attorney Lambert explained that the difference would be that a Resolution comes from the Council and a Proclamation would be done by the Mayor. He noted he has seen a few Resolutions that other cities have done that have included penalties, which Mr. Lambert wouldn't recommend doing. If going to include penalties, it should be done by Ordinance. Attorney Lambert mentioned that he has not changed his legal advice and recommends following the Attorney General's opinion.

Council Member Gartin explained that it is not just the Attorney General's office, but the majority of municipal attorneys in Iowa that have taken the same position. Mr. Lambert stated as far as he knows that would be correct.

Council Member Gartin questioned if the Council were to pass an Ordinance and the City doesn't have the authority, what effect the Ordinance would have. Attorney Lambert explained the City can enforce the Ordinance until its told by a court that they don't have the authority. Mr. Lambert mentioned that if the City had a reasonable belief that they were acting under the color of the law, that is a valid legal theory.

Council Member Gartin asked City Manager Steve Schainker if during his tenure, as the City Manager, the Council had ever disregarded the advice of the City Attorney. Mr. Schainker noted that he could not recall a time that had been done. The same question was asked to Attorney Lambert, who stated he could not recall a time either.

Mayor Haila explained that he had invited Mike Norton to the meeting. Mr. Norton explained that he is the General Council for ISU and had been serving on the President's fall planning committee and the task force related to fall planning. Also included in the meeting was Michael Newton. Mr. Newton is the Chief of Police for ISU and the Associate Vice-President for Public Safety. Mr. Newton serves as a liaison for the Senior Leadership group when its Emergency Operation Center is open. He is also on the fall planning committee and other communities that deal with COVID-19. Also included in the meeting was Ames Police Commander Geoff Huff.

Mayor Haila stated that all the Council and citizens are concerned about the spread of COVID-19. They were thrilled to have students come back to the community and applaud ISU for testing everyone who was coming to the University and doing everything they could to keep the ISU and Ames community safe. As students have returned there have been some concerns with some large gatherings that are happening off Campus. Mayor Haila noted that he and Mr. Schainker had a conversation with President Wintersteen at ISU to discuss how to strengthen the message of Cyclones Care. ISU has adopted mandatory face coverings on Campus. Mayor Haila stated they had a Zoom meeting on Monday with ISU to go over recent events and to see what else the Council can do to help. He explained that he was proud of the way that the County, the local community, ISU, and business communities have worked together to help keep doors open and keeping everyone safe. Mayor Haila

shared that he had called and spoke with the Mayors of Ankeny, Des Moines, Coralville, Urbandale, and Iowa City. He had called them to see what kind of responses those cities had received from their citizens after issuing a mask mandate. Mayor Haila explained that Coralville did have positive results to the adoption and Iowa City had also seen good compliance. He commented that the City of Des Moines purchased 10,000 masks and the Police Department or Fire Department approached citizens that were not wearing masks and gave them masks and discussed safety. Mayor Haila mentioned that ISU has stated that there will be no tailgating on Iowa State property. This doesn't mean that tailgating will go away; it just means it will not happen on Iowa State property.

Mike Norton stated they appreciate the partnership between the City and ISU. Mr. Norton explained that on Campus they started out with a policy that masks are expected, but feedback was received that language was not strong enough. Their biggest concern has always been enforcement, but have they progressed from the expectation of wearing a mask until now when it is required. The concerns about enforcement haven't gone away, but the impact of that change has been felt around Campus. They are working on educating the students and providing masks when students forget. He noted that they have had 100% compliance in the classrooms, and on Campus, there is a high-level of compliance, but not 100%. Mr. Norton mentioned that while he completely understands the enforcement challenges for the City, he does think even if it is largely symbolic, the symbolism will have an important effect on the community and the students. Mr. Norton explained that from ISU's perspective, whatever can be done to strengthen the possibility that masks will be worn in the Ames community would be important. Mayor Haila inquired as to what is required in the residence halls. Mr. Norton stated that masks are required everywhere except for in the student's own dwelling space. Mayor Haila wanted to know how compliance was working in the residence halls. Chief Newton explained that the PAs need to do some reminders, but for the large part, they are seeing compliance. The ISU officers are doing walk-throughs in the residence halls and have had to do a few gentle reminders. Chief Newton mentioned that law enforcement isn't equipped to or have the staffing to be the enforcement arm. It was noted that they are trying to get a good partnership with some of the rental building's landlords to talk about the capacity of some of the parties.

Commander Geoff Huff commented that they were a little disappointed with the way "801 Day" looked. What they saw this year was exactly the same as it was last year. Compliance with social distancing and masks was low. Commander Huff mentioned that around this time of year they like to do a lot of education. Their hope is to do a lot of education to hopefully avoid enforcement. He is concerned about how tailgating will be this year; since tailgating is not allowed on ISU property, it will happen somewhere else. Commander Huff pointed out that there is Nuisance Party Ordinance, and while it doesn't address masks or social distancing, it does address some of the other problems and does give the Police Department a tool to use. The Nuisance Party Ordinance was not helpful during "801 Day" as the entire block was engaged in a party, and it only moved the students from one spot to the next. Going forward it will be a tool to use, but he is not sure what is going to happen during football season.

Mayor Haila asked the Commander to speak about the situation with bars. Commander Huff stated that they have had a few reports about the bars not following the Governor's Proclamation, and one of the bars shut down voluntarily until August 23 in order to get more guidance from the state. It was noted that the Police Department has a great relationship with the bars in Ames and have good compliance.

The Alcoholic Beverages Division and the Department of Inspections and Appeals will be coming to town to do some spot-checking. Commander Huff explained they are using a similar strategy with reaching out to landlords. A lot of what took place on “801 Day” violated leases in some way. The Police Department will be working with the landlords to help them understand the process and have a way to reach out to their own tenants.

Council Member Betcher asked how many of the parties that were held were at student/parent-owned houses and not rentals. Commander Huff stated that the majority were rentals, but the Nuisance Party Ordinance has a three-step process. The first violation the people in charge of the party are cited, the second violation is a higher fine, and the third violation goes to the property owner or manager. There is the possibility if the property owner or manager is not willing to step up and help, they could eventually be cited; however, the Police Department is hoping they will not have to do that. It was pointed out that “801 Day” was a bit of an anomaly; he doesn’t believe the parties happen that much on normal weekends.

Mayor Haila asked if the Nuisance Ordinance could be modified to incorporate public health emergency situations. He also wanted to know what the financial impact would be on someone for violating the Ordinance. City Attorney Lambert commented that the Council could amend the Ordinance, but he is not sure if it would change anything as it would be the same as the Governor’s Proclamation. Currently, under the Governor’s Proclamation, it would be a simple misdemeanor. Commander Huff stated that the Nuisance Party Ordinance can be a municipal infraction or a simple misdemeanor. The Nuisance Party Ordinance covers a lot; examples given were underage drinking, public urination, garbage, parking violations, etc. A municipal infraction is \$100 for the first violation, \$250 for the second, and \$500 for the third. Mayor Haila wanted to know if the fees were set by *State Code* or if the Council could change the amounts. Attorney Lambert explained that there is a limit to the amount that can be charged per the *State Code*.

Mayor Haila inquired what some challenges would be that could have to be faced if enforcement was necessary and what would be achievable. Commander Huff commented that it will put the Police Department in a bad light sometimes, especially when there are 200 people at a party. He noted that being heavy-handed is not what people are looking for right now, and they would need to be careful on how to approach those situations. They will continue to rely on outreach and building relationships. Chief Newton explained that they need to set the right stage by being firm, but gentle, at the same time. He noted that if they can set the stage within the first 45 days, it will make a difference for the rest of the academic year. Chief Newton mentioned that peer pressure goes a long way to get a social movement going. What they are seeing in regards to compliance is students stating that “their friends are going and then I get there and don’t know what to do” and if they can work together to educate the community and get buy-in from the entire community, it will be helpful.

Mayor Haila asked *ex officio* Nicole Whitlock what the Student Government is doing. Ms. Whitlock stated that the Student Government had already sent a letter to the Governor requesting a mask mandate. The Student Government is fully recommending anything to do with a mask. Ms. Whitlock commented that it was worrisome to her personally with “801 Day” knowing she was going to be around a lot of those students on Campus. She commented that masks are not fully required when outdoors on Campus and she felt this was an issue. Mayor Haila asked if she had any suggestions on

how to help get students on-board with wearing masks. Ms. Whitlock stated that ISU has been handing out masks and if you show your student ID, you can get two masks. In classrooms masks have been worn. Making it more social or “cool” to wear masks would help. She stated that making students more comfortable wearing them and for those wearing one to not be judged would also help.

Council Member Junck mentioned she agreed with what *ex officio* Whitlock stated. What students do off Campus directly affects how they act on Campus. She pointed out that even if a student is wearing a mask on Campus, they could contract COVID-19 while off Campus. It is crucial that everyone in Ames should have a face covering. Ms. Junck stated that having a Resolution or an Ordinance from the City to strongly enforce face coverings would be helpful.

Council Member Gartin asked if public input would be taken tonight. Mayor Haila stated this was a Staff Report and he is not sure if he will open public input tonight as the Council already received several emails regarding this topic.

Council Member Junck commented that, in the Staff Report, it lists the factors that would be considered in triggering a city-wide face covering, and she wanted to know how those factors were decided upon. Assistant Manager Schildroth explained that the factors are examples and could be modified. The information was given during their weekly Executive Leadership Community partners meeting. Ms. Junck wanted to know if other cities were using similar factors or if it more anecdotal. Ms. Schildroth stated it was more anecdotal. It was noted that several communities are still closed to the public.

Council Member Corrieri stated that a lot of the key factors was to be pro-active. She noted that, while the information in the Staff Report was great, what needs to be decided is if the City of Ames wants to take a more proactive approach. Ms. Corrieri liked what Chief Newton said about setting the stage within the first 45 days; that is a great idea.

Mayor Haila noted that Story County also wrote a letter to the Governor requesting to have a face mandate and a lot of the big box stores have gone along the route of requiring masks. He mentioned that there have been a number of times he has been asked if the City of Ames was going to issue a mask mandate.

Council Member Betcher inquired about the factor that stated that “the percentage of positive COVID-19 cases in Story County reach 10% (red zone) and continue rising.” She wanted to know why 10% when 175 students have tested positive and suddenly the City added over 10,000 people. Ms. Betcher stated that it seemed odd to go by the percentage when the numbers keep going up. She pointed out that 175 cases within the first two weeks is a lot, but because of the influx of students returning, the percentage is still relatively low. Ms. Betcher wanted to know how accurate the percentage would be in recognizing a “hot-spot.” Ms. Schildroth commented that the 10% is the benchmark that the state has used. When the Staff Report was written the COVID-19 testing was just starting. She explained that factor could be changed based on the information that has now been received.

Council Member Betcher explained that she has been involved in discussions with the University’s Communities Council and the International City and County Management Association over the past

10-12 weeks. At State College, Pennsylvania the manager reported the next day their city staff was inundated with horrible phone calls, emails, and really horrible comments directed at staff. She would like to get the City Manager's opinion on the fallout from mandating masks with the Police Department or other staff who will have to deal with outraged citizens. City Manager Schainker stated he doesn't have the data, but he believed that the majority of the citizens of Ames would be supportive of a mask mandate. He noted that there is also a substantial number of citizens who believe it is their right to not wear a mask and those people will be more volatile in their responses, and the City will be chastised by those people. Ms. Schildroth stated that she spoke with the City Manager in Iowa City and they stated that a majority of the calls were from business and individuals asking for clarification and interpretation of what was expected. Mr. Schainker stated that once, it is passed, there will a lot of people calling to report people not wearing masks and demanding the City to enforce, but it will be impractical to do with a few people here and there.

Council Member Betcher wanted to clarify that the Ordinance that State College had passed had very strict regulations; there is a limit of ten people outside of bars, ten or fewer people in housing, and they limited public gatherings to 25 people. The first fine is \$350, and if a repeat offender, you can be removed from the city, but that seems a bit draconian.

Chief Newton commented that ISU has gotten more positives than negatives. They have gotten some calls about when people are not wearing face coverings, but they typically don't respond unless they are in the area. He noted that what they are finding is that citizens are unsure of when or when not, they should be wearing face coverings. This is where education is a huge piece for whatever is going to be done. Commander Huff explained that education is being discussed; but education is not the issue as everyone is aware of what is going on with COVID-19 and it is a disregard. He is concerned about putting their officers in a position for more confrontations. Commander Huff mentioned that those calls about citizens not wearing masks will be low priority. He believed that most citizens will do the right thing and wear a mask. Council Member Betcher stated that if people do not live within Ames for the entire year, they don't necessarily care what happens, but building a sense of community may make a difference.

Mayor Haila stated that he would not normally open public comment on a Staff Report, but he will open it tonight based on the feedback so far from the Council.

Jon Emory, 5422 Cervantes Drive, Ames, stated that the City of Ames does need a mandate and the City doesn't need to wait for the Governor. He recommended an Ordinance cover the entire City including Campustown. Mr. Emory mentioned it might be helpful to say that all businesses have to have a mask mandate, but not sure if that would help. He agreed that Ames needs to show some type of leadership.

Mayor Haila closed public comment.

Mayor Haila asked City Attorney Lambert what would happen if the Council requested to do an ordinance. Mr. Lambert stated they would need direction from the Council regarding what they want to put into the ordinance. He noted that they would need at least two City Council meetings; one to review the draft ordinance, and the other to pass the ordinance. Mayor Haila inquired if any public

notification was required to pass an ordinance. Attorney Lambert commented that a notice would be required, but would need to double check the length of time needed.

Council Member Gartin mentioned that normally when an ordinance is passed there is an amount of time before the Ordinance goes into effect. He inquired what the normal timeframe would be. Mayor Haila mentioned that once the Council has the third reading, the ordinance is adopted effective upon the publication in the newspaper. Attorney Lambert commented that it is usually the Friday after a Council meeting. Mr. Gartin asked if that same time frame would apply to an Ordinance that has penalties in it. Council Member Beatty-Hansen stated that the City would warn citizens and educate them first before a penalty would be applied. Council Member Gartin inquired if any of the other cities' ordinances apply to children. Mr. Lambert explained that the majority of the other cities have an exemption for children three years of age or younger. City Manager Schainker stated if the Council is thinking of doing an ordinance, they need to provide as much specificity as possible. He asked if the mask mandate would apply to backyard parties, citizens in their own yard, etc.

Mayor Haila asked the Council what they are looking to accomplish; is it ensuring that every person in the City is wearing a mask or is it to be applied to large parties or mass gatherings. Chief Newton stated that those would be two separate things. He believed, overall, anything they can do to get more people to fully embrace face coverings everywhere would be advantageous to the City. Council Member Betcher mentioned that the Council does have the recommended face coverings guidance from the Story County Board of Health and commented that this was a Resolution recommending face coverings. Council Member Martin mentioned that the initial draft was a Resolution to encourage municipalities to adopt a Resolution, but he doesn't think the Board put a lot of stock in the face covering mandate being a Resolution versus a mandate or an ordinance. Ms. Betcher commented that the Board put the language into the guidance letter that is in the packet that would be helpful for a Resolution.

Council Member Betcher stated that the ordinance process is lengthy, and if the Council wanted to move faster, they could also do a Mayors Proclamation or a resolution. She also inquired if an Ordinance could supersede an intermediate proclamation. Attorney Lambert explained that the Council could do a Mayor's Proclamation and then an ordinance later. If they are to give citizens more notification, an ordinance would give more time. Mr. Lambert mentioned that an Ordinance is normally three readings, but the Council could do all three readings in one night.

Mr. Lambert explained that he double-checked, and the City does not have a publication requirement for this type of Ordinance. A publication notice is required for budgeting, Zoning, or a Flood Plain Amendment. He noted that ordinances get passed all the time and they go into effect the Friday after the Council meeting. Attorney Lambert mentioned the Council could put an effective date into the ordinance if they want a later effective date.

Council Member Beatty-Hansen explained that an ordinance does take longer to draft and approve, but as soon as the Council says "hey staff, draft an ordinance" it will hit the media and have the same effect as a Mayor's Proclamation. Mayor Haila questioned if a mandate would it be hollow without any kind of penalty. If there was a mandate without any penalty, it would relieve a lot of issues with law enforcement and confrontation; the police would then be able to tell the citizens that there is an

ordinance and then give education. Mayor Haila wondered if a mask mandate void of any penalty would be seen as a joke to the community. Mayor Haila stated that in Iowa City they have not written any citations.

Mr. Schainker stated that if the Council wanted to add a penalty to an ordinance, he doesn't believe a \$10 penalty would be effective. Mr. Schainker wanted to know if the Police Department is supposed to go into all businesses (barbershops, grocery stores) and enforce if someone is not wearing a mask. Ms. Schildroth commented that the majority of the cities are written that way and quoted Dubuque's Ordinance stating "No business that is open to the public may provide service to a customer or allow a customer to enter the premises unless the customer is wearing a face covering as required by this Ordinance."

Council Member Corrieri stated she is very sympathetic to the burden a mandate would put on the Police Department and staff; however, the City of Ames is one of the few places in the country that does not have something like this in place. The penalties are not the goal, but a tool in the "toolbox" to help with enforcement if education is not working.

Moved by Corrieri, seconded by Betcher, to approve Option 4 that would adopt an ordinance mandating face coverings to be worn indoors in public places and outdoors when social distancing (at least 6 feet) cannot be achieved.

Council Member Gartin stated that a lot of time has been spent tonight discussing the substance of a mask mandate, but very little time discussing whether the Council has the authority to do so. He noted that the Counsel took an oath to support the Iowa Constitution and at a minimum they need to act within the scope of the authority that the municipal government has. Mr. Gartin explained that the City's Legal Council is saying that the Council should follow the position of the Attorney General. He felt that adopting an Ordinance would set a precedent and the City does not have the authority to do so. Mr. Gartin commented that the Council has already ignored the guidance of the CDC regarding pools and now by not even listening to the City Attorney.

Council Member Martin asked the City Attorney if the Council went against his advice, would he tell the Police Department that the Ordinance has no authority. Attorney Lambert stated he would advise the Departments on how to enforce the Ordinance. He will presume it is valid until told otherwise. Mr. Lambert explained that there is no clear answer regarding a mask mandate, and he is giving his advice based on his years as an attorney, looking at governmental issues, and reading the Attorney General's Opinion. Mr. Lambert believed the Attorney General is correct. He stated if the Ordinance is passed it is still his job to enforce it. Mr. Gartin inquired if Mr. Lambert had been in contact with the Story County Attorney's Office regarding their position. Mr. Lambert explained that Story County is in agreement that the Attorney General's Opinion is correct.

Council Member Corrieri stated that she does not take likely Attorney Lambert's opinion, but right now, she is willing to do something contrary to his opinion. She weighed the risks and believed the risk to the public health and to the local economy is driving what would be in the best interest of the City. Ms. Corrieri stated her number one priority is to address indoor public settings.

Council Member Gartin stated that the entire Council agreed to follow certain principles and one of those was the law, and sometimes that means setting aside strongly held positions. He is not sure how he would vote on the issue if Governor Reynolds allowed the Council to make that decision locally. He would like more input from Mary Greeley Medical Center. Mr. Gartin explained that in his six years on the Council he has never seen such an open disregard for the rule of law.

Mayor Haila commented that Mary Greeley did put out a notification last week. Council Member Corrieri stated that Mary Greeley's had released a statement that they would be requesting a face covering mandate.

Council Member Junck asked for a clarification if it would be for indoor face coverings only, but other elements would be in the draft Ordinance as well. Council Member Martin stated he wanted to clarify that the ordinance addresses indoor public settings and has penalties in it, but the current City Attorney's advice would be that there is no authority for assessing the sort of punishment for the draft ordinance that is on the table at the moment. Council Member Corrieri stated that the Council is going to have a vote whether there is an agreement among Council members to have a face covering mandate; no details have been discussed yet.

Council Member Corrieri withdrew the motion.

Moved by Corrieri, seconded by Junck, to draft an ordinance that would require face coverings within the City of Ames.

Council Member Martin asked Mr. Lambert if he understood the motion to be against his advice. Attorney Lambert confirmed that would be correct. City Manager Schainker stated that the Attorney can disagree, but the question should be if the City Attorney believes the Council would be passing an ordinance that is illegal. Mr. Lambert explained that he cannot say with certainty that it would be unlawful.

Roll Call Vote 4-2. Voting Aye: Corrieri, Beatty-Hansen, Betcher, Junck. Voting Nay: Gartin, Martin.

Mayor Haila asked what else would need to be included in the draft ordinance.

Council Member Junck stated that she liked the appendix that the Story County Board of Health had released regarding recommendations. Ms. Corrieri commented that it would be similar to the Dubuque Ordinance. Council Member Martin explained that a lot of the other cities' ordinances are similar, but the Waterloo ordinance doesn't have the same requirements for things in one's household as this Appendix. Council Member Betcher commented on public transportation and asked if the Council would have authority to add it to the ordinance or would that need to go to the Transit Board. Attorney Lambert advised that the Council has, through the *Municipal Code* delegated its authority to make operational decisions to the Transit Board; however, when passing a broad ordinance, it would apply to buses as well.

Moved by Junck, seconded by Corrieri, to include the recommendations in Appendix 1 in the draft Ordinance.

Council Member Martin stated that he has one concern as it requires face coverings within one's household if individuals who do not live in the household are present. He noted that is within someone's house and would be hard to enforce.

Council Member Junck, seconded by Corrieri, to amend the previous motion to remove the last three bullets in the first section and remove "or in a residence with persons who do not live in their household" in bullet one.

Council Member Martin asked if churches or houses of worship would be exempt from the ordinance and if the City would be going into churches to do enforcement. Mr. Lambert explained that would be up to the Council. Council Member Betcher stated that the Governor had already given specific guidance on churches.

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

Moved by Martin, seconded by Gartin, to further exclude houses of worship from the requirements of the draft ordinance.

Council Member Junck asked if this exemption was found in other cities examples. Mr. Lambert mentioned he did not recall it being addressed by other cities.

Council Member Gartin explained that if the motion doesn't pass it would be allowing the Police Department to go inside churches and cite the parishioners. Ms. Beatty-Hansen wanted to know why a place of worship was different from a business or any other public setting where there are a lot of people. Mr. Gartin explained that they have given special precedence and exemption to houses of religious worship. Mr. Lambert asked the Council to decide one way or the other, and when he is preparing the draft ordinance, he will review the Governor's Proclamations. Mr. Schainker stated that the whole ordinance would be in conflict as fitness centers have been released from the requirements by the Governor.

Vote on Motion: 3-3. Vote on Motion: Gartin, Martin, Betcher. Voting Nay: Beatty-Hansen, Junck, Corrieri.

Motion failed.

Council Member Corrieri stated that a penalty should be put in place, but doesn't want to be the one to set that amount. Mayor Haila mentioned that Dubuque has a \$10 penalty and Iowa City had a simple misdemeanor; citation should be last a last resort to maintain compliance. Mayor Haila inquired what a simple misdemeanor would mean. Attorney Lambert explained that the citizen could get 30 days in jail, get a fine, or both. The fine could be \$855, but the court would be the one to impose the penalty. Mr. Lambert stated the majority of the ordinances are municipal infractions or simple misdemeanors. Mr. Schainker asked what the cost would be for a municipal infraction. Commander Huff stated that it could be \$50 or \$100. Mr. Schainker recommended using the language from Iowa City's Ordinance.

Moved by Corrieri, seconded by Junck, to add language about the penalty being a municipal infraction. Vote on Motion: 6-0. Motion declared carried unanimously.

Mayor Haila asked the Council about the enforcement. Council Member Betcher stated that she assumed it would be up to the discretion of the Police Officer. City of Ames Police Officers prioritize how to handle a situation. Ms. Betcher stated what she had been hearing from other cities was that just the potential of enforcement has been helpful.

Council Member Martin stated he agrees with Mr. Gartin that, in order to support the ordinance, you would have to have a good faith belief that the authority does exist, and you might win in court.

The meeting recessed at 9:39 p.m. and reconvened at 9:47 p.m.

DISCUSSION OF CITY COUNCIL CONFERENCES IN FY 2020/21: Assistant City Manager Phillips explained that this item is described in the memo provided to the Council. Staff wanted to provide an opportunity for the Council to discuss and decide how they wanted to handle conferences. City staff has suspended travel for conferences and training, and is proceeding cautiously with expenditures until all the impacts are fully known. Mayor Haila pointed out that the Iowa League of Cities and the National League of Cities have both gone virtual.

Council Member Betcher stated she is in a tough position on this topic because as the Chair of the Universities Communities Council, the expectation is that she will attend and chair the meeting. Mayor Haila inquired if she had to be there in-person or is it virtual only.

Mayor Haila asked if this would be for traveling to a conference or the fees for attending a virtual meeting. Mr. Phillips stated that City staff will only attend training that is required to maintain licensure or other credentials.

City Manager Schainker stated that one of the Council's goals was to educate themselves about equity inclusion and diversity and felt these needed to be done no matter what.

Council Member Gartin asked what the cost would be for joining virtually opposed to a flight and hotel. Mr. Phillips explained that a conference attended in person would cost several thousand of dollars per attendee while the virtual conferences would range around \$150 per person. Mr. Gartin stated that given the expense of in-person training he would recommend limiting the Council to virtual conferences only and forgo traveling to conferences at this time. He felt that it is important to send a message to staff that the Council is in it with those who have had to make significant budget cuts.

Moved by Gartin, seconded Betcher, to have the City Council limit conference participation to virtual participation only.

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

HEARING ON PROPOSED CONVEYANCE OF A PORTION OF VACATED CITY RIGHT-OF-WAY ADJACENT TO THE SOUTH EDGE OF 2400 SE 16TH STREET (CONTINUED FROM JULY 28, 2020): The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

City Manager Schainker wanted to confirm that the easement had been received. Public Works Director John Joiner confirmed it was.

Moved by Corrieri, seconded by Betcher, to adopt RESOLUTION NO. 20-452 approving the conveyance of a portion of vacated City right-of-way adjacent to the south edge of 2400 SE 16th Street to Van Wall Equipment, Inc., in the amount of \$28,410.06.

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

HEARING ON UNIT 8 CRANE RENOVATION (CONTINUED FROM JULY 28, 2020): Mayor Haila opened the public hearing and closed it when no one came forward.

Moved by Betcher, seconded by Corrieri, adopting RESOLUTION NO. 20-453 approving the final plans and specifications and awarding a contract to Miner Corporation, dba MHC Systems, LLC, of Urbandale, Iowa, in the amount of \$273,439.10 (inclusive of Iowa sales tax).

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

HEARING ON INTEGRATED SITE PLAN (MAJOR SITE DEVELOPMENT PLAN AND PRELIMINARY PLAT) FOR 3619 STANGE ROAD: The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 20-454 approving, with conditions, the Integrated Site Plan for 3619 Stange Road.

Roll Call Vote: 5-0-1. Vote on Motion: Voting Aye: Betcher, Beatty-Hansen, Corrieri, Junck, Martin. Voting Nay: None. Abstaining due to Conflict of Interest: Gartin.

Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

STAFF REPORT ON REQUEST FROM DICKSON JENSEN FOR SIDEWALK WAIVER ADJACENT TO BRICKTOWNE DEVELOPMENT: Mayor Haila asked the Council if they had any questions for staff and when hearing none, he opened public comment.

Dickson Jensen, 4611 Mortensen Road, Ames, stated that he has been in the community for the past 50 years, developing and conducting business. He wanted to take a moment to state he couldn't believe the conversation earlier tonight. Mr. Jensen commented that the lawlessness and not respecting the City Attorney is why we are in the world today the way it is. He commented that the Council is going to make a decision on his sidewalk that doesn't mean anything, but the Council will do things that is against what the Governor, Attorney General, and City Attorney have recommended.

Mr. Jensen stated he has a ditch by Highway 69 that was not installed correctly. He commented that he had given the City the property right-of-way to put the sidewalk in, but the ditch was not designed correctly. He noted that the City is asking him for more land, which was not in the original Development Agreement, and he doesn't want to give the City any more land. In the Staff Report, it notes that there is supposed to be a bench on the sidewalk for people to sit on, but there is no ditch.

He noted that clearly the bench is in the middle of the ditch. This has been going on for the past three to four years. Mr. Jensen asked the Council for a waiver of the sidewalk requirement.

Council Member Betcher asked if this is a slightly different version than what was discussed with the Southdale residents at the church. Mr. Jensen stated that it was the same issue as it was never installed correctly. He explained that the Council will hear from those residents at another meeting as he was told the items could not be discussed at the same time. He stated that he couldn't get any more Building Permits from the City until the sidewalk is done.

Council Member Gartin asked Public Works Director John Joiner to talk about Mr. Jensen's concern with the ditch. Director Joiner explained that the segment from his southern driveway on Jade Street south towards the church property was built with the Highway 69 widening. City Engineering staff communicated with the developer's representative during the design of the project, and during its construction, about the ditch design and leaving a flat "bench" along the property frontage to allow for sidewalk installation. The Department of Transportation (DOT) issued a construction permit for the sidewalk and then subsequently approved the construction of the widening of Highway 69. In April 2020 the DOT rescinded the Construction Permit and stated that they needed to have a four-foot offset between the top of the backslope and the front of the walk, so the bench was not built to construct that offset plus a five-foot sidewalk, plus they typically have a one-foot gap between the back of the walk and the property line. Staff didn't design for the new four-foot requirement offset, and that is why staff has asked for an additional five feet from Mr. Jensen.

Council Member Gartin wanted to know if there was another way around the sidewalk issue without taking more property from Mr. Jensen. Director Joiner stated that the ditch is designed to convey the appropriate amount of overflow and there is also design in the south part of the apartments for detention facilities. There would be overflow from the detention facilities that would overflow into the ditch. The ditch is designed as a system. Mr. Joiner commented that the ditch would need to be redesigned and enclosed to accommodate the overflow. Mr. Gartin inquired how this could have been done differently knowing what everyone knows now. Mr. Joiner explained that without knowing of the requirement by the DOT for the four-foot offset, the plans were approved by the DOT without the four-foot offset. Mr. Gartin asked whose fault it was and asked if it was the DOT for changing the rules. Mr. Joiner commented that he does not want to place fault, only that the four feet was a requirement that staff was not told about. He explained that if the City had known about the requirement the design, would have been done differently and they probably would have enclosed the ditch. Director Joiner stated that the other way would have been to get the additional five feet from Mr. Jensen as the project was being built.

Council Member Gartin verified that Mr. Jensen is requesting Option 1 which would waive 500 feet of sidewalk at the south end of the site and defer the construction of the commercial frontage until development of that portion of the site. Mr. Jensen stated the ditch drawing has the space in there, but that wasn't done by the contractor. He doesn't believe it was the DOT's fault, but the contractors. There is now erosion in the ditch and the sidewalk will now be undercut and will crack quickly if installed. Mr. Jensen pointed out that the sidewalk would lead to the church on the south and a

cemetery on so the sidewalk would be leading nowhere.

Council Member Betcher asked if something is going to be coming from the church. Mr. Joiner stated he is unsure as they have been communicating with the Planning Department.

Mayor Haila stated that it is the assertion that the ditch was not built correctly and asked Director Joiner if that was an accurate statement. Mr. Joiner explained that the project engineer felt that the ditch substantially meets the plans and the project was closed out and approved by the DOT.

Council Member Gartin asked if they forgo some of the sidewalk on the east side does whether the City would be building additional bike infrastructure on the east side. Mr. Joiner explained that, with the project, they constructed a shared facility on the east side, which is separated from the roadway by bollards. With the new Comprehensive Plan if the southern area was to grow, Mr. Joiner believes they would connect it on the east side with a Shared Use Path. Council Member Gartin stated that is a good factor to think about when looking for accessibility. Council Member Beatty-Hansen mentioned they always regret it when they don't put in a sidewalk when they can, as it is hard to go back. Mr. Schainker inquired what the Complete Streets Plan called for. Director Joiner stated the Complete Streets Plan would advocate for the connectivity on both sides.

Council Member Betcher wanted to know why they are talking about this issue now when they will probably be seeing the southern half of the same question when the church brings forward its issue. The issue is a shared issue among Bricktowne, the church, and the neighbors across the street. Mr. Jensen stated the reason he was told was because the Planning and Housing Director Kelly Diekmann said they were two separate issues. Council Member Martin stated he is a Council Member and he has no idea what the issue about the church is and he is not sure how much they should discuss it.

Mayor Haila stated that the issue with sidewalks and requiring sidewalks on new developments is something the Council has committed to, and by leaving any sidewalk gaps, it makes problems for future Council members.

Council Member Gartin stated that they are just taking from Mr. Jensen and he would recommend going with Option 1 unless there is some merit to waiting a bit longer while staff negotiates with Mr. Jensen. He explained that, from a pragmatic perspective, it makes sense to move the sidewalk over five feet, but he is concerned about the erosion.

Mr. Schainker explained that what it comes down to is whether the Council wants a sidewalk or not. Mr. Gartin mentioned that maybe there is some give and take that could be done with Mr. Jensen.

Moved by Gartin to table this request and direct staff to: 1) report back to the Council on the engineering aspects of the viability on the sidewalk given the potential erosion issues; and 2) to explore options of negotiating with the developer to find a way to reach an agreement on the additional five-foot strip.

Motion failed due to lack of a second.

City Council Betcher asked for an explanation regarding the situation with the two different issues with the same section of sidewalk and ditch, and why they are showing up on two different agendas when it seems they are related and should be considered together. Planner Julie Gould stated she can't speak directly about the sidewalk design to the south as that was handled by another Planner in the Department. She noted that it is likely coming separately as she doesn't believe the church had even applied for its Certificate of Occupancy yet. This specific sidewalk in front of Bricktowne was specifically laid out in the Development Agreement who was responsible for it and how it was to go in. She believes that it is a bigger issue then just the sidewalk going onto the property.

Council Member Gartin asked what the cost would be to put in the necessary piping for underground. Mr. Joiner stated a rough estimate would be \$40,000 without knowing much about the layout of the site. Mr. Gartin stated why doesn't the Council just spend the money and get it done. Mr. Joiner stated that one potential complicating factor is that the retention ponds to the south of the buildings are designed to go into the ditch so they would have to ensure that the overflow would still be accommodated with enclosing the ditch.

Moved by Gartin, seconded by Betcher, to table this item to give Public Works an opportunity to get obtain an estimate for enclosing the ditch.

Council Member Betcher stated she has concerns about the stability of the ditch based on what she saw last year. She wondered if they were going to have two projects and the engineers for the church are going to come before the Council at a later time stating they can't put in a sidewalk.

Vote on Motion: 4-2. Voting Aye: Gartin, Betcher, Beatty-Hansen, Corrieri. Voting Nay: Junck, Martin.

ORDINANCE REVISING *MUNICIPAL CODE* SECTION 17.33 PERTAINING TO SELLING, GIVING, OR SUPPLYING TOBACCO, TOBACCO PRODUCTS, OR CIGARETTES TO PERSONS UNDER 18 YEARS OF AGE: Moved by Corrieri, seconded by Betcher, to pass on second reading an ordinance revising *Municipal Code* Section 17.33 pertaining to selling, giving, or supplying tobacco, tobacco products, or cigarettes to persons under 18 years of age.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL: City Manager Steve Schainker stated that the first item is Water and Pollution Control's Director John Dunn's response to Dan Craig's request to waive charges incurred for a broken/replaced water meter. It was explained that Mr. Craig is requesting a waiver of the \$325 fee for replacing a broken water meter as he believes it is not his fault and the City should pay for the replacement.

Moved by Corrieri, seconded by Junck, to deny the request to waive the fee.

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

The second item was a letter from Ames Main Street Farmers' Market requesting to lift the restrictions related to music, tables and chairs, and food consumption at the Ames Main Street Farmers' Market.

Moved by Corrieri, seconded by Martin, to allow Ames Main Street Farmers' Market to lift the restrictions related to music, tables and chairs, and food consumption.

Vote on Motion: 4-2. Voting Aye: Corrieri, Beatty-Hansen, Gartin, Martin. Voting Nay: Betcher, Junck. Motion declared carried unanimously.

The last item was an email from Linda DeSchane regarding her concerns with a potential manufactured home development south and west of Sunset Ridge. Mr. Schainker noted that there have not been any rezoning requests and advised the Council to accept the letter and note her opposition to the potential development. Council Member Martin explained that he did reply to Ms. DeSchane's email letting her know that there is nothing before Council about the area at this time. Mayor Haila recommended taking it under advisement at this time. The Council agreed.

COUNCIL COMMENTS: Council Member Betcher wanted to welcome back the students and wish that they cared about the City of Ames. She is not on Campus this semester, but hopes to see students wearing their masks.

Mayor Haila commented that the City has gone through a lot of stress this past week as the City is working to get electric service back to all the residents. He appreciates everything that staff has done.

Council Member Gartin stated that they have had the most amazing, patient citizens and the comments that he had received from people were that they were grateful. He wanted to thank everyone for their hard work.

CLOSED SESSION: Mayor Haila asked City Attorney Mark Lambert if there was a legal reason to go into Closed Session. Mr. Lambert replied in the affirmative, citing Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation.

Moved by Gartin, seconded by Martin, to go into Closed Session under Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation.

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

The Council entered Closed Session at 10:42 p.m. and reconvened in Regular Session at 11:49 p.m.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 11:49 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor

Diane R. Voss, City Clerk

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

AUGUST 25, 2020

CALL TO ORDER: Mayor John Haila called the Regular Meeting of the Ames City Council, which was being held electronically, to order at 6:00 p.m. with the following Council members present: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Rachel Junck, and David Martin. *Ex officio* Member Nicole Whitlock was also present.

Mayor Haila stated that it was impractical to hold an in-person Council meeting due to the Governor of Iowa declaring a public health emergency because of the COVID-19 pandemic. Therefore, this meeting was being held as an electronic meeting as allowed by Section 21.8 of the *Iowa Code*. The Mayor then provided how the public could participate in the meeting via internet or by phone.

The Mayor announced that the Council was working off an Amended Agenda. City staff had added a Resolution approving an Amendment to the Public Improvements Agreement for Kingsbury Subdivision, 4th Addition, to the Consent Agenda. Also added was a discussion regarding the suspension of City-sponsored Block Parties due to COVID-19 under the Administration portion of the Agenda.

CONSENT AGENDA: Mayor Haila stated that staff had requested to pull Item No. 7, Resolution approving extension of the Service Agreement with RFID Library Solutions for the automated materials handling system, Item No. 13, Resolution approving contract and bond for Unit 8 Crane Renovation, was also pulled due to staff not receiving the contract and bond.

Moved by Betcher, seconded by Beatty-Hansen, to approve the following items on the Consent Agenda.

1. Motion approving payment of claims
2. Motion approving Report of Change Orders for period August 1 - 15, 2020
3. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales - Cyclone Liquors, 626 Lincoln Way
 - b. Class B Liquor License with Catering, Outdoor Service and Sunday Sales - Hilton Garden Inn Ames, 1325 Dickinson Avenue
 - c. Class C Liquor License with Catering, Outdoor Service and Sunday Sales - Whiskey River, 132 - 134 Main Street
 - d. Class C Liquor License with Sunday Sales - El Maguey Mexican Restaurant Inc., 217 S. Duff Avenue
 - e. Class C Liquor License with Outdoor Service and Sunday Sales - Wallaby's Grille, 2733 Stange Road
 - f. Class C Liquor License with Catering, Class B Wine, Outdoor Service and Sunday Sales - +39 Restaurant, Market, & Cantina, 2640 Stange Road - pending dram shop
4. RESOLUTION NO. 20-455 for Iowa COVID-19 Local Government Relief Fund Claims and Designating Finance Director to request reimbursement under the Program

5. RESOLUTION NO. 20-456 approving FY 2020/21 Human Services Contract for Mid-Iowa Community Action, Inc., (MICA)
6. RESOLUTION NO. 20-457 endorsing submission of Transportation Safety Improvement Program Grant for the 2020/21 S. Dayton Avenue Improvements
7. RESOLUTION NO. 20-459 approving preliminary plans and specifications for Unit No. 8 Boiler Repair; setting October 14, 2020, as bid due date and October 27, 2020, as date of public hearing
8. R RESOLUTION NO. 20-460 approving preliminary plans and specifications for 2018/19 Shared Use Path System Expansion (Trail Connection South of Lincoln Way); setting September 15, 2020, as bid due date and September 22, 2020, as date of public hearing
9. RESOLUTION NO. 20-461 awarding contract for 2019/20 Multi-Modal Roadway Improvements (Mortensen Rd, west of South Dakota Ave) to Con-Struct, Inc., of Ames, Iowa, in the amount of \$65,495.95
10. Electric Meter Supply Contract:
 - a. RESOLUTION NO. 20-462 awarding a contract to Vision Metering of York, South Carolina, for the purchase of electric meters in Groups 1, 3, and 4 in accordance with unit price bid
 - b. RESOLUTION NO. 20-463 awarding a contract to Van Wert Company of Grundy Center, Iowa, for the purchase of electric meters in Groups 2, 5, and 6 in accordance with unit price bid
11. RESOLUTION NO. 20-464 approving contract and bond for Power Plant Maintenance Services Contract
12. RESOLUTION NO. 20-458 approving Amendment to Public Improvements Agreement for Kingsbury Subdivision, 4th Addition
13. RESOLUTION NO. 20-466 approving Plat of Survey for 702 Ridgewood Avenue
14. RESOLUTION NO. 20-467 accepting completion of 2018/19 Traffic Signal Program (U.S. Hwy. 30 westbound and South Dakota

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

PUBLIC FORUM: Mayor Haila opened Public Forum. No one requested to speak, so he closed Public Forum.

DISCUSSION WITH ASSET VOLUNTEERS REGARDING FY 2020/21 ASSET PRIORITIES: Assistant City Manager Deb Schildroth explained that the ASSET funding process for FY 2021/22 will be beginning soon. ASSET volunteers will conduct their agency visits to discuss services, gather information, and submit written report, which will be used for the agency hearings and work sessions. Ms. Schildroth explained that the priorities listed in the Report were the same as last year. She reminded the Council that last year the priorities underwent significant changes. The City's ASSET volunteers had recommended 1) prioritizing the sub-bullets and 2) adding more specificity to some of the priorities. It was anticipated that the Community Needs Assessment would have reached a state of completion by now where the top needs would've been identified and included in the Joint Funder's shared priorities so that the shared priorities could have been piloted

during the FY 2021/22 ASSET process. Unfortunately, the work on the Community Needs Assessment was put on hold in March due to the COVID-19 pandemic. This month, work has restarted with a different approach given the information and lessons learned during the first few months of the pandemic. The completion of the Assessment has now been delayed until early 2021.

ASSET Volunteer Jennifer Schill explained that it was helpful to have the priorities in order, which helped make it a lot easier to make decisions on what agencies would get some of the left-over funds or the bulk of the funding.

ASSET Volunteer Tim Lubinus mentioned that the feedback from the Council is very valuable to the volunteers. As a process, they want to keep in mind the priorities that need to be verified and the changes the Council made had helped the process.

Council Member Beatty-Hansen stated that disaster response is listed in Priority 1, but listed as the last bullet, and she wondered if that was the appropriate place or if it should be listed higher on the prioritized sub-bullets. Ms. Schildroth explained that what services are in the ASSET portion of the disaster response are primarily from RSVP (volunteer management for disaster services and recovery) and Salvation Army (staff who attend the disaster coalition and help plan and respond to disaster). Ms. Schildroth stated that she had been asked earlier if the sub-bullets were followed in the order that are listed under listed Priority 1. She explained that all the priorities are looked at in conjunction with what the agencies are requesting in their budget. Some agencies may request the same amount of money as they previously received, more money, or less money. The priorities help when looking at a service; it may raise up higher on the City's priorities list, but not United Way's or the County's, so the City may take the lead to make sure there is adequate funding. It was noted that if the Council wanted to move the disaster response up on the sub-bullets they could, but it doesn't change its importance based on where it is on the list.

Council Member Betcher commented that the ASSET team has done a great job with limited funds and interpreting the multiple joint funders priorities. She is continually impressed and thanked the ASSET team.

Mayor Haila asked if the ASSET team only looked at Priority 1 to begin with and tried to fill all those first before moving on to Priority 2 or 3. He explained that he was questioning this due to the fact that more mental health and other issues may come up due to COVID-19. Assistant Manager Schildroth mentioned that, with knowing the kind of year 2020 has been so far, other needs are going to arise as they begin to work through the budget. There will be two new agencies in the process: Primary Health Care (dental clinic) and Wings of Refuge (helping individuals recovering from human trafficking). She reassured the Council that ASSET tries to look at everything comprehensively and look at every funder in order to provide funding to the best of their ability. The other piece in all of this is outcomes, which has been discussed for a long time, and moving in that direction with the Clear Impact Score card and with the other reporting that Agencies do. They want to make sure they are meeting the needs of the community.

Moved by Gartin, seconded by Betcher, to approve the City of Ames ASSET Priorities for the FY 2021/22 Funding Cycle.

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

DISCUSSION OF DRAFT FACE-COVERING ORDINANCE: Mayor Haila explained that 15 days ago the City of Ames was hit by a city-wide storm. Shortly afterwards there was an amazing outpouring of people in the community working and helping one another. City staff had worked countless hours in order to have the power turned back on for the community. Mayor Haila stated that in a similar way the City has been fighting the effects of the COVID-19 virus. He noted that the County, local healthcare providers, school districts, local Mayors, and ISU have all worked extremely hard and cooperatively during both the city-wide storm and the pandemic. The Mayor explained that he has a heavy heart about this topic and the effect it can have on the community. The Council will attest to the fact that they have received around 200-300 emails on the topic of face coverings over the past couple of months. Mayor Haila said he wants to do the best for the community and believes each citizen is looking to do the same. He acknowledged that the decision that the Council makes tonight will not make everyone happy and encouraged citizens to work together to come up with a positive outcome.

Mayor Haila pointed out that the item being discussed is a Draft Ordinance; it is not the first reading. Public input will be allowed this evening. The Council will give direction to staff to either proceed with the Ordinance or make any recommended changes. He asked Attorney Lambert to point out what is and what is not possibly going to be required.

Attorney Lambert explained that he started out with adding a Preamble into the Ordinance, which is normally not done, but in this case, he thought it would be a good idea. The Preamble lays out the public health and legal argument in favor of cities passing this type of ordinance. The basic requirement is that children age three or older must wear a face covering that completely covers the person's nose and mouth under the following circumstances:

1. Outside whenever the person cannot stay at least six feet away from others
2. Inside any indoor setting or establishment where the public is invited in including, but not limited to: grocery, retail, hardware stores, gas stations, convenience stores, fitness centers, pharmacies, any other indoor public setting when with persons who do not live in the person's household, and other public settings that are not the person's place of residence.

Mr. Lambert pointed out that it was a draft ordinance; changes can be made. He then explained that a person is not required to wear a face covering at the following places or times: 1) While traveling in a personal vehicle alone or with household members, 2) while a person is in the person's household or the household's yard, or in another person's household, 3) while outside, where at least six feet of physical separation from others can be maintained, 4) while at a person's place of employment where at least six feet of physical separation from others can be maintained, 5) while exercising at moderate or high intensity, such as jogging or biking, while engaging in or practicing for sporting activities, 6) while seated inside or outside at a food establishment in the process of eating or drinking, 7) while seated inside or outside at a bar in the process of eating or drinking, 8)

while obtaining a service that would require temporary removal of the person's face covering, and 9) when federal or state law prohibits wearing a face covering or requires the removal of the face covering.

When reviewing other cities ordinances and looking at adding language, there will be some people who are exempt from wearing a face covering and those are: 1) persons younger than three years of age, 2) anyone who has a medical condition causing difficulty of breathing or is on oxygen or a ventilator, 3) anyone who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance, 4) anyone who has been advised by a medical or behavioral health professional not to wear face coverings, and 5) anyone actively engaged in a public safety role, including, but not limited to, law enforcement, firefighters, or emergency medical personnel, although a face covering should be worn, if possible.

A \$50.00 fine was added to the draft Ordinance. Attorney Lambert stated that the amount was sufficient enough to have citizens comply and is not excessive. The fine would be \$50.00 per incident and a note was added that compliance would be done first through education and encouragement, with a citation being a last resort. Mr. Lambert explained he also added a Sunset Clause as he doesn't believe this would be a permanent ordinance as hopefully the pandemic will end. He added that the Ordinance will expire and become null and void after May 31, 2021, unless the date in the clause is amended or the Ordinance is repealed sooner.

Council Member Martin mentioned that the Council has recognized that there are some legal issues with the way the current draft Ordinance had been written. Mr. Martin explained that the Council was previously advised that an ordinance such as this one might not pass "legal muster" given the current circumstances. Attorney Lambert stated that was correct and explained that the Iowa Attorney General issued an informal opinion that stated, "when the Governor has exercised her authority to declare a public health emergency, the Governor has all the authority." There is a section of the *Iowa Code* that states the Governor can delegate the authority, but at this time, that has not been done. Mr. Lambert mentioned that there are other legal opinions that there is a provision in the *Iowa Constitution* about "Home Rule" authority and that cities can legislate on any topic if it does not conflict with state law. Under that legal analysis, there are attorneys who believe cities have the authority to issue a mask mandate. Attorney Lambert stated that he is not advising the Council that it is unlawful to pass the ordinance. He is advising that the Attorney General's opinion is correct.

Council Member Martin asked what the Council could do to the Ordinance to be completely clear of any legal ramifications. Attorney Lambert stated that the Council could remove the penalty fee and affirmatively stated that there would be no penalty. If the Council passed the Ordinance with a statement that there is no penalty for violation of it, he does not see how a court could view the ordinance as conflicting with the Governor's authority.

Council Member Gartin asked if there were any other examples in the *City Code* that required something, but there is no penalty to encourage enforcement. Attorney Lambert commented that there were none that he could think of, and this one would be unique. Mr. Gartin asked what the

difference would be by passing a resolution that the Council strongly encourages masks versus a mandate that has no penalty and no enforcement. He asked if they would be functionally equivalent. Mr. Lambert commented that they would be functionally equivalent, but believed it sends a stronger message by having an ordinance. Attorney Lambert stated he is not advocating for taking out the penalty. Council Member Gartin asked if someone did not have a mask would there be any enforcement at all if there is no penalty. Mr. Lambert stated that would be fair to say as he doesn't believe the Police will be telling people they had to wear a mask, because without a penalty it is not really a mandate. Mr. Gartin asked if the City Attorney looked at any of the other cities that had a penalty to see what amount they were charging. Mr. Lambert explained that he looked at other cities in Iowa and it ranged from \$10 to a simple misdemeanor, but did not look at other states. Mr. Gartin stated he did some research and pulled up an article on the municipalities in California that have varying fines. Council Member Gartin explained that normally the level of the fine is based on the level of the offense to communicate the seriousness of the offense. Mr. Gartin worried about what it communicates to the public when there is no fine at all.

Council Member Betcher wanted to know if there were any ordinances that have steep fines, but were rarely, if ever, imposed on anyone. Mr. Lambert stated he believed there were a few. Ms. Betcher stated she is not sure if the amount of a fine is acting as a deterrent consistently in Ames. Her experience is that the City of Ames tends to educate before imposing any citation or fine. She is not sure if having any amount of fine is going to act as a deterrent when evidence in the past says otherwise. Ms. Betcher commented that if the Council's goal is to have consistent messaging and education opportunities then having a tool available to make changes would be helpful if the situation changes. She felt the ordinance made more sense as a means of establishing what they want to do, and to meet the Council's goals.

Council Member Junck noted that the Sunset Clause is set for May 31, 2021. She wanted to verify that the date could be changed to an earlier or later date. Mr. Lambert stated that was correct and the Council could recommend a different date tonight.

Mayor Haila opened public comment. Mayor Haila mentioned he would like to take an informal, unscientific poll to find out if the citizens who are online are in favor or opposed to the draft ordinance that was presented. Assistant City Manager Brian Phillips asked for those online who were in favor to raise their hands. There were 12 hands that were raised in favor of the draft ordinance and 37 hands raised who were opposed to the ordinance.

Cindy Paschen, 2117 Graeber Street, Ames, stated she was speaking as a surrogate for her husband, Dr. John Paschen, Chair of the Story County Board of Health. She explained that her husband has volunteered to serve on the Story County Board of Health for the past 20 years. Ms. Paschen commented that her husband's main statement as a Pediatrician and Chair of the Story County Board of Health is that masks do work. The evidence that was in the email to the Council was from a hair salon in Missouri, where two stylists wore their masks and developed COVID-19, but none of their clients turned up positive. The other instance was in Georgia at a sleep-over camp where masks were not required, and a lot of children and staff developed COVID-19. There was a thought early on that

children could not pass COVID-19 on to other people and that was found to not be true.

Drew Meyer, 3805 Calhoun Avenue, Ames, stated that he found it ironic that the leadership of Ames is considering further restrictions in the mist of the pandemic on the very day that Story County reported zero hospitalizations. He also found it ironic that there were not any trends or metrics being reviewed to make decisions. Mr. Meyer strongly encouraged the Council to consider religious exemptions from any further restrictions as they move forward with the pandemic. He was appalled at how quickly the house of worship exemption was dismissed at the last City Council meeting. He believed that houses of worship should be safe havens from the over-politicized and derisive culture. Mr. Meyer thanked the Council for their time and for serving on the Council during these difficult times.

LeeAnn Willson, 5326 Springbrook Drive, Ames, mentioned that she sent an email earlier to the Council that conveyed her concerns; she is in support of a mask ordinance. She hoped that the action of the City of Ames to adopt a mandate will get rid of the problem of the Governor not issuing a state-wide mandate.

David Gravlin, 3425 Taft Avenue, Ames, thanked the Council for the open process that they have followed for this issue. When talking about putting an ordinance in place and amending it later, he questioned why they can't wait to pass an ordinance later if it could be amended later. Mr. Gravlin wanted to know about education and why the City of Ames doesn't focus on education exclusively and convince citizens to wear a mask instead of spending a lot of time and legal effort on something that might not be needed. He wanted to remind citizens that this is not a critic on the effectiveness of masks, but more on the authority and enforcement of a mandate in the City of Ames. He explained that he sees the mandate as unnecessary and divisive in nature, even though he understands the intent is good.

Justin Maynes, 427-13th Street, Ames, explained that he believed the mask ordinance is unnecessary and a very divisive issue. He commented that the City of Ames would be inviting people who wouldn't normally be polarized by these issues to stand firm. Mr. Maynes wanted to have everyone enjoy their freedom and enjoy life. By making a mandate that affects how they operate every day is a strong restriction on the freedoms everyone enjoys. He is a business owner and commented that he would have a hard time telling his construction crew that they must wear a mask in 90-degree weather. He thanked the Council for their time and understands this is not an easy topic to discuss. He wanted to know if any of the Council members had questioned the Governor to find out why she has not put something in place. Mr. Maynes would like to see that all efforts have been exhausted to implore a mask mandate instead of taking it into the City's own hands and revolt against the Governor.

Joe McGovern, 531 Crystal Street, Ames, voiced his appreciation for all the work the Council had done regarding this topic. He really appreciated the community and being concerned with protecting one another and keeping each other safe. His concern with the current means by which the Council is going to enact such a desire into law is very dangerous. The decision is opposing the City's legal

counsel and the State's legal counsel. Mr. McGovern stated it is outside of the city's scope of authority within the context of the state democracy. He explained that ignoring the City's Legal counsel sets a very dangerous precedence as it will allow future decisions by the Council to reference this decision as a reason why they could ignore legal counsel. Mr. McGovern believed that the authority of the local government becomes void if they do not submit to state government. He noted that just because other municipalities in the state are abusing the limits of its power doesn't mean that the City of Ames has to as well. Mr. McGovern commented that he strongly opposes the mask mandate.

Ruth Hulstrom, 214 E. 16th Street, Ames, explained that she had some concerns about how the draft ordinance is written for children three and under. She has two small children and one is a five-year-old who she has trouble with keeping his mask on. She supports the idea of wearing masks under the right circumstances. Ms. Hulstrom is concerned about the age requirement and how it could potentially impact childcare providers who need to engage closely with young children. Some childcare centers do not wear masks as they need to have the face-to-face connection. She was also concerned about what the legal costs would be for the City and where the financing would come from. Ms. Hulstrom wanted to know from the City Attorney what the cost may be.

Chris Campbell, 2412 Eaton Avenue, Ames, mentioned he does not have a background in law so he will leave the legal issues to people who have that background. His background is in science and wanted to know if there was any scientific data that supports the idea that a mask ordinance would reduce the number of positive test cases. Mr. Campbell also wanted to know if there was any scientific data that support the idea that children are at risk of getting seriously ill or spreading the disease to other people. As someone who has a young child, it is not realistic to expect a three-year-old child to keep a mask on. When he mentions scientific evidence, he is referring to randomized control trials. He has heard a lot of anecdotes, but nothing scientific. Mr. Campbell commented that it is great that people are passionate about the issue and no one wants anyone to get sick, but passion isn't a good way to make public policy. He wanted to know what the goal was; if it was to reduce the number of people coming up with the virus, there should be scientific data before a mask mandate is introduced to the public.

Dan Burns, 4010 Brickman Avenue, Ames, explained that he had written an email to the Council, but wanted to make a few follow-up points. He noted that from a scientific standpoint if you were to look up the trials and studies, they should be limited to pre-2020 to avoid any politicized studies. Mr. Burns commented that the sub-N95 masks are about .3 microns and bioparticles are .125 microns; because of those numbers he stated it did not make any sense how anyone could limit the viral spread. He noted that there are some good videos online that demonstrate the inefficiency of masks. Mr. Burns mentioned that fundamentally it violates the right to an individual's body, and mandating masks will open the door to vaccine mandates. He explained he is not sure why the City of Ames needs to take such extreme measures when they are on the downslope of the virus.

Daniel Bell, 419-18th Street, Ames, pointed out that there was some ambiguity in the unscientific poll that was taken earlier. He requested to pose the question of "yes, in any form" versus "no, in any

form the next time.”

Tobias Gassman, 1605 Burnett Avenue, Ames, explained that he does like wearing a mask as he has family members that are high-risk, but doesn't think the City should mandate masks in churches and other religious institutions within the City. Mr. Gassman felt a mask mandate would open the City up to a bunch of legal issues down the road if someone was to sue.

Brigitte Gassman, 1605 Burnett Avenue, Ames, explained that we had spoken to one of her sons before her. One of the issues for her is the City going against state law and this will lead to lawlessness. When doing this, it is sending the message that, as a City, we are above the law of the state. She noted that her family wears masks due to medical issues, and her statement is not against wearing masks, but against the City Council deciding that the City is above state law. This action could lead to lawsuits. She asked who is going to pay for the legal services. Ms. Gassman mentioned if there is a \$50 fee, who is going to enforce the fine when it goes against state law.

Curtis Powers, 731-5th Street, Ames, said he appreciated the work of the Council. He stated his family social distances themselves and wears masks, but is against the draft ordinance as it is currently written. He mentioned he liked what he heard about what Des Moines is doing to educate their citizens and handing out masks where needed. Mr. Powers felt that exempting religious institutions and kids under age 12 would be helpful if moving forward with a mask mandate. He did like the discussion earlier about moving forward with the mask mandate, but removing the penalty. If removing the penalty would make the ordinance more solid legally, he would be more supportive. Mr. Powers would like to see all efforts being exhausted first before having a mandate. He did mention it may be a little more worrisome in the winter when people are moving to more inside events.

Brian Woerth, 3515 Emerald Drive, Ames, stated he wanted to promote moving forward with the process. He explained he is going against the assumption that the science of masks being protective and safe assuming that the City believes that masks can reduce the virus then moving forward with the process is an important step. The virus can decimate and hurt a community quickly, but if this process is going to take a few months to go through, this process needs to move faster. He is afraid that when the city is going to need a mask mandate it will not be ready. Mr. Woerth explained that at this point in time the Council should just take the next step and move on. He recommended developing a set of metrics that says that if the community is suffering “x” amount of bad because of the virus then the city needs to take steps to protect the community. He felt that if a metric could be built into the Ordinance it would be a great way to approach the pandemic. Mr. Woerth pointed out that as of August 31, 2020, there will be a Test Iowa site in Ames, which will help give Ames a better idea of what is going on.

Traci Jennings, 1606 S. Duff Avenue, Ames, explained that she owns the business at the address given. She believes this is a serious virus and is compassionate to those who have lost loved ones to the virus or have gotten sick. Ms. Jennings believed this is a reactive proposal due to the recent community buzz from the state and local media regarding ISU students returning to Campus. A

mandate requiring a mask infringes on the freedoms that she believes the United States of America bestows upon citizens. The public has a right to make their own choices, and if someone fears for their safety, they have a right to choose where they go, where they shop, and the people they surround themselves with. Ms. Jennings stated if you do not fear the virus you should be able to make other choices. She is worried about the ability to enforce the mask mandate as the police force would be tasked with such a matter. Ms. Jennings commented that due to her business, she visits with people from around the world, and she wondered how the City would educate visitors to the community about the mandate.

Nicole Barnes, 1315 Roosevelt Avenue, Ames, thanked the Council and commented that navigating through these challenging times is not easy; she appreciated how the Council is representing the City. She believes there are some ethical concerns from the last City Council meeting regarding the disregard of legal counsel. This was alarming to her as she believes the City is overstepping its authority. Ms. Barnes wanted to point out the disregard of protecting religious freedoms and houses of worship. If the mask mandate is moved forward, a religious exemption should be something to consider. She can't support the action, but does believe the effectiveness of masks is something that citizens should understand and make their own choice.

Vanessa Burnett, 2805 Northridge Parkway, Ames, stated she is a disaster management professional. She had spent nine years in the US Department of Homeland Security and has done some pandemic planning. Ms. Burnett is happy to see that the City is considering mandating masks, but is a little frustrated by some of the public comments. She noted it is a public health best practice to wear a mask. It has been well demonstrated to reduce the risk in other countries and other jurisdictions within the United States. There is good data that show that wearing masks could help the City of Ames stabilize the economy. Wearing masks helps citizens feel safer and protects the employees of a store and other places where people are out in public. She has heard the concerns from other citizens about the state versus local authority. Ms. Burnett pointed out that this country was built on federalism. The country has a lot of principles, but federalism allows local and state government to have power, and in this case she believes it is a good move for the City to exercise some of the power when the state is failing to implement public health practices that could save lives and the economy. Ms. Burnett mentioned that the science is well-established, and the CDC recommends wearing masks to minimize the spread. Ms. Burnett commented that most of the speakers tonight are not talking about the risks that masks mitigate. The virus kills and harms a lot of people and is highly infectious. She stated this is a public health emergency and the City of Ames needs to act like it. This is more about keeping people alive than it is freedoms. Ms. Burnett noted that people who do not wear masks impede her freedom to stay alive.

Charles Long, 620 Barr Drive, Ames, mentioned that he had been mulling over this topic for a few days and felt that what the City of Ames is doing is great. He had a couple concerns and is worried about the possible cost if the state decided to sue the City. Mr. Long mentioned that he had contracted the virus back in May and didn't have any symptoms. He works for Cy-Ride and they wear masks all the time. Due to previously having the virus, he now has acute asthma, which he never had before in his life. Mr. Long mentioned that people talk about the costs of their freedom,

but where is his freedom now that he always has to have an inhaler with him. He explained that the doctors are hoping he will get over the asthma, but since the virus is new, there is no way of telling. As a citizen, whether or not it is legal for the City, citizens should just wear a mask. Mr. Long explained that during this time people everywhere need to look out for each other.

Sehba Faheem, 1930 Long Road, Apt C, Ames, explained she feels very strongly about this topic. She understands this is a difficult decision to make, but is upset that this conversation is happening now. The conversation should have happened months ago and before 30,000 people came back to Ames for school. Ms. Faheem stated that right now, the City of Ames is a petri dish for the virus. She noted that 13% of students have already tested positive and testing is not even widespread among the students yet. There is no question that the students interact with other citizens of Ames as they go to businesses, restaurants, and libraries. She pointed out that this is not even just Ames as there are some students who commute to school from other cities. Ms. Faheem is in favor of having a mask mandate and stated that wearing a mask is not about yourself, but is about everyone else.

Luke McGrath, 2519 Chamberlain Street, #312, Ames, mentioned that he is a student at Iowa State University. He feels that everyone should be wearing a mask. The City can have a mandate, but it doesn't have to be permanent. The majority of the United States Government is in favor of wearing masks. When looking at the effectiveness of masks, he stated if you look at pictures of the Spanish flu in 1819, people were wearing masks. It is factual evidence that it may not mitigate the spread, but it does a lot more than doing nothing.

Council Member Corrieri explained while waiting to speak, she looked at Mary Greeley Medical Center's data. There are currently nine people in the hospital for COVID-19 and three of them are in the ICU.

Council Member Betcher stated she is not sure if everyone had seen the report from ISU, but in the first week of classes, there were another 130 students, staff, and faculty added to the already 175 people who had tested positive during move-in. Council Member Junck mentioned that the test rate this week on Campus was 13%.

Ms. Betcher also mentioned that Chris Campbell had asked about any studies that had been done on children and the transmission of the virus from children. She explained there was a JMA article published on July 30, 2020, which focused on the efficiency of transmission of COVID by small children. Ms. Betcher is not sure if the article focused on the severity of the impact on the small children.

Ex officio Member Nicole Whitlock wanted to mention that the N95 masks do block around 90% of the particles and even the cheaper masks will block more than nothing.

Mayor Haila closed public input.

Council Member Betcher stated that they received a lot of comments from emails and from earlier this evening about authority concerns. She knows that there have been some people who stated that the Council is not following the oaths they had taken, but in talking with the City legal counsel, the Preamble to the Ordinance is positive. The Preamble does state the authority by which they are asserting they can pass the ordinance, which is the “Home Rule” authority is granted to the City under the Iowa Constitution that the Council swore to uphold. Ms. Betcher mentioned they also swore to uphold the laws of the state, but in this case, the legal situation has not been settled. There has been no clear indication that what has been done is illegal and she felt the Council had the legal authority to issue a mask mandate.

Mayor Haila asked Attorney Lambert to address the questions about legal costs and where the City would come up with the money. Attorney Lambert stated he wanted to reiterate that the Attorney General’s Office has said that while the Governor’s Proclamation is effective that cities do not have the authority to issue mask mandates, he has advised the Council to follow the Attorney General’s statement. Mr. Lambert explained that he has also told the Council that it is unsettled law, and it is not clear. There is the argument that there is the “Home Rule” authority and he believes it is a valid argument, but it has not been ruled on by a Court. Attorney Lambert stated he could not clearly state that it is unlawful for the Council to pass the ordinance. Mr. Lambert mentioned regarding the cost that there is insurance coverage that provides coverage for the Council and other City officials. The vast majority of the cost for any litigation against the City would be covered by the insurance carrier. There would be a co-pay, but Attorney Lambert is not sure of the amount.

Attorney Lambert explained he wanted to address the concerns about children wearing masks and the Story County Board of Health had recommended that children two years of age and under should wear masks, and he thought that would be tough. He had changed the age to three, but the Council could change it to what they wanted. Mr. Lambert mentioned there was also the question of why pass the mask mandate now without the penalty. He noted that one advantage to passing the face covering Ordinance now is that any other changes the Council wanted to make would already be worked out and the only change that would need to be make is adding the penalty.

Mayor Haila stated that one of the questions was if issuing the ordinance was outside the authority of the Council. Attorney Lambert explained that he cannot say that it is outside of the scope of the City’s authority. Council Member Gartin asked for a brief explanation on the state’s power versus a municipal government’s power. Attorney Lambert stated, on the state level, local governments are entities of the state. Local authority is subservient to the state government. State government can set whatever rules they want; they can tell cities what they can and can’t do. In 1978, the *Iowa Constitution* was amended to establish a “Home Rule” authority for cities. The “Home Rule” authority says that cities may legislate, and may pass ordinances on any topic, except if they are prohibited from doing so by the state or if the local ordinance would conflict with a state law. Mr. Lambert mentioned that in this circumstance there is not a clear statement in the law that cities may not legislate on this matter. There is only an interpretation from the Attorney General.

Council Member Gartin wanted to know if the City wanted to get into a fight with the State over who

has the right to regulate the area; who would win. Attorney Lambert stated the State would win. Mr. Gartin explained that on August 6, 2020, Governor Reynolds stated, “We don’t believe during a public health emergency that the local governments have the authority to supersede what has been put in place at the statewide level by the Governor.” He pointed out that statement was in US News and World Report. Mr. Gartin stated that Governor Reynolds has made it very clear that she does not believe the City of Ames has that authority. He commented that Attorney Lambert had advised the Council against taking action, and that is also the opinion of the Story County Civil Attorney. Mr. Gartin pointed out that the majority of the attorneys in the area have taken the same position as the Attorney General. On July 14, 2020, the Council requested that Mayor to send a letter to Governor Reynolds asking for authority because the Council didn’t feel they had the authority. He is concerned that the Council believes they have the authority. Mr. Gartin commented that he is opposed to the Ordinance, but if things go as they did last week the Ordinance will still pass. Mr. Gartin stated he did his own count, but within the past week, he had 67 emails that were in favor of the mandate and 168 opposed to the mandate. He stated that the community has spoken and are opposed to the mandate.

Mayor Haila stated he wanted to follow-up on the letter that was sent to Governor Reynolds. He explained that the Governor has not responded, acknowledged, or said anything regarding the letter, which is a disappointment. Mayor Haila mentioned he had also reached out to Governor Reynolds’ staff by email asking to have a conversation with her in advance of last week’s meeting. What is disappointing is the Governor has given her opinion, but has not put it in writing.

Mayor Haila re-opened public comment.

Susie Petra, 2011 Duff Avenue, Ames, explained that she wanted to comment that the more cities participate with a mask mandate it will pressure the Governor to give local authority. She stated when talking about freedom, she wanted to remind people that initially people were not comfortable with wearing seatbelts, but everyone does it now.

Mayor Haila closed public comment.

Mayor Haila asked Assistant City Manager Brian Phillips if he was aware what the City’s co-pay would be. Mr. Phillips stated that the deductible for general liability claims is \$25,000, and there are some claims that will have higher deductible amounts under the Agreement with ICAAP. Mr. Phillips was not entirely sure in this instance if someone was challenging a citation that was issued if damages could be demanded for that. If that is not the case, he doesn’t believe the City would be responsible for anything except the deductible.

Council Member Betcher pointed out that when she looked over her notes about the number of emails the Council had received, it turns out that the numbers are not a landslide in either direction. There were 225 total in favor of a mask mandate and 211 against the mandate. She noted that the Council is hearing from both sides equally.

Also, Council Member Betcher stated one of the items in Section 1 of the draft ordinance mentions that mask-wearing in other public settings, and some private settings, is excluded (i.e. offices). She wanted to know how Attorney Lambert figured out what was a private versus a public setting. Mr. Lambert explained that drafting an ordinance like this one was not easy. He had spent a lot of time speaking with the other attorneys in his office about how to define that. A public setting is anywhere the public is invited in. If someone owned a business and worked in their office all day, and the public did not come in then that would not be a public setting. Ms. Betcher stated one citizen mentioned childcare providers and wanted to know if that would be considered a public setting. Attorney Lambert commented that he would argue that it would be, but they could specify that in the ordinance. Council Member Betcher noted they received a question via email regarding Section 2b, which mentioned the exclusion of a person's household or household yard or another person's household, but excludes the yard. She commented that the public would want to know why the neighbor's yard was not also excluded. Attorney Lambert mentioned if an exception was added to the ordinance for going into another person's yard, it was thought that it could be a major loophole for parties in yards without wearing face coverings.

Ex-officio Member Whitlock explained that she wanted to make a personal statement. She mentioned that her roommate is from Chicago, where there is a mask mandate, and she just moved in about a week ago. Her roommate was very scared because of everyone not wearing masks, it made her very uncomfortable, and she can't believe the City of Ames does not have a requirement.

Council Member Junck stated that Attorney Lambert's advice is that it is unsettled law and they do not know the legality of the issue at this time. Until then the City of Ames needs to take responsibility to protect its citizens. She noted since the Governor has neglected her responsibility to issue a mask mandate, delegate the authority, or respond to the City of Ames letter, she felt it is the Council's duty to take up the issue. They have seen the signs of how face coverings work to minimize the spread and she believes the scientific and medical community. Ms. Junck thinks the Council should keep the bulk of the ordinance, including the enforcement piece, to keep it as strong as possible. She would be in favor of making minor changes, but doesn't understand how passing an ordinance without any enforcement is any different than supporting the "Cyclones Care" campaign.

Council Member Beatty-Hansen explained that she is in the same boat as the science is clear and the medical community has weighed in. In terms of freedoms being infringed, she is sorry that people feel that way, but everyone's freedoms are infringed in many ways by living in a society with government. She mentioned there are a lot of laws that govern how people have to conduct themselves. Ms. Beatty-Hansen understands where the concerns are coming from, but for the public's health and safety, this is a time to take a stand. This is an untried area where they have the Attorney General's informal opinion, but they don't have a formal statement from the Government.

Council Member Gartin asked Attorney Lambert that if it came down to a "tug-of-war" between the Governor and the City of Ames, who would win. Attorney Lambert stated there is not a clear answer to that question as it depends on what form the "tug-o-war" takes. Mr. Gartin asked if the Governor

issued a Proclamation stating that cities are not allowed to issue individual mandates, what would the decision be. Mr. Lambert stated in that type of situation it would be unlawful for the City to have a mask mandate. Mr. Gartin explained that there is not a Proclamation, but a clear statement from the Governor stating that cities don't have the authority to issue mandates for face coverings. Mr. Gartin wanted to know why the City was going through this with an Ordinance versus a Proclamation. Attorney Lambert stated the Governor could clearly settle the dispute by putting something in a Proclamation, but she hasn't done that yet. Mayor Haila mentioned that many cities have asked the Governor to state something in a Proclamation.

Council Member Corrieri wanted to clarify that the state has not challenged any of the cities that have passed mandates. Mr. Lambert stated that there has not been any yet. Attorney Lambert stated that a challenge may come from private citizens too, who file a suit to challenge the Ordinance. Council Member Corrieri stated she is generally not supportive of an ordinance that doesn't have a mechanism for enforcement. She explained that it would render the ordinance useless if you don't have an enforcement tool. The City has clearly indicated that they would not have the Police Department walking up and down the streets looking for anyone without a mask, but having the mechanism in the toolbox is important to have. Ms. Corrieri stated it has been said by the others, but she felt it needed to be repeated that there is a consensus within the medical community that this is an important step to take to protect the public health and boost the economy. That has been the motivation behind why she would support the ordinance and will continue to do so.

Moved by Junck, seconded by Beatty-Hansen, to continue with the Ordinance as drafted.

Council Member Beatty-Hansen stated this is a hard one and there will be a lot of people that are not pleased. She appreciated everyone reaching out, and have read through each one, who respects everyone's opinion, but the Council is trying to do what is best for the community.

Council Member Gartin wanted to clarify that the ordinance included a \$50.00 fine. Mayor Haila stated the motion by Council Member Junck is as drafted. Council Member Martin wanted to clarify if the motion was to bring back the Ordinance that was presented tonight for a first reading or if there could be subsequent motions for edits. Mayor Haila stated the motion is as is right now; if changes need to be made the Council would need to do that first.

Council Member Betcher stated it is difficult for her to support the motion with the penalty included. She doesn't believe the penalty in the Ordinance is enough to change anyone's behavior. If removing the penalty means they would not be opening themselves up to legal arguments, then she can't support the draft as written. She would be open to supporting the Ordinance without the penalty clause.

Council Member Beatty-Hansen stated that what Council Member Gartin said earlier was correct that without the penalty it is just a Proclamation saying they recommend it; there needs to be something to attempt to enforce face coverings. Ms. Beatty-Hansen commented that education will be done first, and someone will only be charged a fine as a last resort.

Vote on Motion: 3-3. Voting Aye: Beatty-Hansen, Corrieri, Junck. Voting Nay: Betcher, Gartin, Martin.

Motion failed.

Moved by Betcher, seconded by Martin, approve the draft ordinance replacing the current language of Section 4 with a statement that there is no penalty to be drafted by the Legal Department.

Council Member Gartin stated that this is rather odd as it would be a mandate without a penalty. He stated that they can't deter anyone without a penalty.

Council Member Martin commented that he understands that sentiment and it weakens the Ordinance to not have any penalty, but on the other hand, he thinks a lot of people want to abide by what they understand the community norms to be. An ordinance that says that people are required to wear face covering will have more people than before responding to the Ordinance.

Mayor Haila mentioned that there were a couple comments from the public recommending exemption for places of worship and daycare centers. Council Member Corrieri explained that she doesn't consider daycares to be open to the public. She stated that random people can't walk into a daycare.

Council Member Corrieri proposed a friendly amendment to add that daycare's do not fall under public places.

Council Member Corrieri wanted to be clear that the Council is wanting to pass an ordinance that is going to take six weeks to pass and it is not enforceable. She commented that she is not sure what the Council is doing other than wasting a lot of people's time. Council Member Betcher stated she is assuming it will give the opportunity to offer more educational opportunities and to be able to add a penalty clause in the future should it be determined to be necessary. Council Member Junck stated that Attorney Lambert mentioned earlier that, if there was no enforcement penalty, there would be virtually no enforcement at all and that would include education. Council Member Beatty-Hansen confirmed that was stated earlier. *Ex officio* Whitlock stated she would also argue that adding some sort of enforcement including a fine would not preclude anyone from offering education. Ms. Junck asked *Ex officio* Whitlock, in her student opinion, would enforcement cause more students to comply or would it be the same for an ordinance without any enforcement. Ms. Whitlock commented that if there is not a fine, the students are not going to care as there is nothing to stop them from not wearing a mask. In her opinion the students would follow the Ordinance more if there was a penalty. Council Member Betcher stated that the students are already under the student conduct code according to the President's letter. The students behavior should not be falling to the Ames Police. Ms. Whitlock stated that the process at ISU is going to take a long time to get back to the student(s) responsible.

Vote on Motion: 4-2. Voting Aye: Betcher, Beatty-Hansen, Martin, Junck. Voting Nay: Corrieri, Gartin.

Motion declared carried.

Mayor Haila recessed at 8:39 p.m. and reconvened 8:46 p.m.

DISCUSSION OF APPEAL OF CHARGES FOR WATER METER REPLACEMENT: Water and Pollution Control Director John Dunn mentioned that he provided a thorough Staff Report and was available for any questions.

Council Member Gartin wanted to verify that this type of situation has come up before and that the staff position in the report is consistent with what has been done in prior years. Mr. Dunn explained that frozen meters happen a dozen times per year, depending on the weather, and the Staff Report is the same response that they follow.

Mayor Haila opened public comment and closed it after no one came forward.

Moved by Martin, seconded by Beatty-Hansen, to deny the appeal.
Vote on Motion: 6-0. Motion declared carried unanimously.

DISCUSSION OF SUSPENSION OF VENDING LICENSES DUE TO COVID-19: Assistant City Manager Brian Phillips explained that he was seeking direction from the City Council as to whether to continue the suspension of Vending Licenses (except those approved as part of organized special events). Mr. Phillips explained that staff is receiving requests from new vendors requesting to vend on City streets and sidewalks. There are a number of existing licensees that have found other locations on private property to vend, which is not regulated by the City's Vending Ordinance. He pointed out that one concern is that vending late at night around the bars tends to cause larger crowds to form and is a point of concern due to COVID-19. Staff is recommending that vending continues to be suspended on City streets and sidewalks (except those approved as part of an organized special event) through the end of the year.

Council Member Gartin stated they had talked before about an equal protection concept. He explained that someone can have a food cart on private property, but not on a public street that may be 10-feet away. He stated there should be some level of consistency. Mr. Gartin stated there is an economic impact as these are small businesses. He commented that he would be willing to remove the restriction and let vendors be on City property.

Council Member Martin doesn't see this as an equal protection situation. He understands there are some parallels between what people can do, but the Council can only regulate on City property.

Moved by Betcher, seconded by Beatty-Hansen, to approve Alternative 1, which states to continue the suspension of Vending Licenses through December 31, 2020, except those approved as part of a special event. Prior to that date, staff will re-evaluate conditions and present an update to the City Council.

Council Member Gartin asked what the Council is trying to accomplish with this motion except harming people's livelihoods. He stated the Council should either prohibit vending across the board or allow it across the board. City Manager Steve Schainker mentioned that they are not affecting people's livelihood as other vendors have made other arrangements, and are free to find a private-sector property on which to vend. Mr. Schainker pointed out that a lot of the vendors want to vend in Campustown and Welch Avenue, but that area is closed due to construction.

Vote on Motion: 4-2. Voting Aye: Betcher, Martin, Junck, Beatty-Hansen. Voting Nay: Gartin, Corrieri.

Motion declared carried.

DISCUSSION OF CITY-SPONSORED BLOCK PARTIES DUE TO COVID-19: Assistant City Manager Brian Phillips stated that in response to COVID-19, on May 12, the City Council approved cancellation of City-sponsored block parties through September 1. Staff is seeking direction from the City Council as to whether to continue the cancellation of City-sponsored block parties through the end of the calendar year. Several reservations have been made for the block party trailer for the first available weekend in September. Therefore, a decision must be made prior to that date to allow the block parties to proceed, or to cancel them for the remainder of the season. The review of the criteria indicates that the circumstances have not changed to warrant the resumption of block parties.

Council Member Gartin wanted to know what the difference is from neighborhood gatherings versus a ribbon-cutting for a new project. He noted that at the ribbon-cutting last weekend, there was ice cream, people were social distancing, and wearing masks, but there were more than ten people. Mr. Gartin explained he is trying to distinguish why to prohibit the City's trailer and what people can already do. Council Member Betcher stated that in her mind the difference is if you are using the Block Party Trailer there are multiple touch points in the trailer that will be used by other people, and staff will have to clean and disinfect the trailer. She pointed out that in a block party there is usually a compressed area within where the event is occurring, but at the park dedication ribbon cutting they were spread out all over the park. Ms. Betcher sees the difference as the ribbon-cutting had more space to spread out and there was no trailer material; while the other is compressed and using the same material for multiple parties.

Moved by Gartin, seconded by Corrieri, to approve Alternative 3, which states to allow for the City-sponsored block parties on City rights-of-way, along with the use of the Block Party Trailer.

Vote on Motion: 4-2. Voting Aye: Gartin, Martin, Corrieri, Beatty-Hansen. Voting Nay: Betcher, Junck. Motion declared carried.

REVISED CONTRACT FOR ECONOMIC DEVELOPMENT SERVICES BETWEEN THE CITY OF AMES AND THE AMES ECONOMIC DEVELOPMENT COMMISSION FOR FY 2020/21: City Manager Steve Schainker stated this contract deals with the personal services from the Ames Economic Development Commission (AEDC). The contract was delayed in being

approved as the Council asked the City Manager to craft new language that more accurately represented how the contract was being operationalized. In addition, the City Council requested that a new task be specified in the contract that requires the AEDC to encourage and support minority-owned businesses in the community. Mr. Schainker pointed out that in the updated contract, Article II B., paragraphs 2, 3, 14, and 15 are where changes had been made.

Mayor Haila opened public comment. It was then closed when no one came forward.

Moved by Betcher, seconded by Junck, adopting RESOLUTION NO. 20-468 approving the Revised Contract for the Economic Development Services between the City of Ames and the Ames Economic Development Commission for FY 2020/21.

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

ESSENTIAL CORPORATE PURPOSE GENERAL OBLIGATION AND REFUNDING BONDS, SERIES 2020A: Finance Director Duane Pitcher explained the City had accepted bids on bonds this morning. They were favorable with an interest rate under 1% on the combination of the bonds to fund the projects as shown in the Council Action Form, and also refunding of some of the older bonds that will project some savings. He believed the interest rate was .924%. Director Pitcher introduced Susanne Gerlach, PFM, who is the City's registered municipal financial advisor and asked her to give a summary of the sale.

Susanne Gerlach, PFM, told the Council that eight bids were received from over 46 different firms. The True Interest Cost (TIC) ranged from .924% to 1.06%. The winning bid came from Piper Sandler. She noted that the City of Ames is rated as Aa1, which is one step below the highest rating. There were three series of outstanding bonds that were refunded: 2010A, 2011B, and 2012. The goal for a cut refunding was a 3% savings and the City was able to save 6.7% (\$613,000) for taxpayers. She congratulated the City on a good sale.

Council Member Gartin asked over what period the savings would occur. Ms. Gerlach mentioned it would be between now and 2032.

Mr. Pitcher stated he wanted to give an idea on the impact of next year. For 2021/22 the City will have about \$266,000 less in debt service than anticipated.

Mayor Haila opened public comment and closed it when no one spoke up.

Moved by Martin, seconded by Junck, to adopt RESOLUTION NO. 20-469 accepting bids and authorizing the sale and issuance of Essential Corporate Purpose General Obligation and Refunding Bonds in an amount not to exceed \$20,105,000.

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

STAFF REPORT REGARDING STATUS OF URBAN REVITALIZATION AREAS: Planning and Housing Director Kelly Diekmann stated the City Council had requested a review of the established Urban Revitalization Areas (URA) and Programs in the Planning Division Workplan in order for the Council to determine if any adjustments were needed to meet their current goals. The focus of the report is three different issues; 1) Options related to existing URA's and Program objectives, 2) Options related to East University Impacted URA and Construction of new Greek housing, and 3) Error related to the property at 313 Lynn Avenue.

Within the past five years staff has started adding expiration dates to URAs. Staff is recommending repealing all completed projects and two other adjustments to areas that do not have an expiration date. Mr. Diekmann stated that they are recommending the repeal of the South Lincoln Neighborhood URA. Minimal redevelopment has occurred in this area and the structure of the criteria has not yielded the specific desired results in terms of design and character. This area is labeled in Plan 2040 as an area to be revisited for an updated sub-area plan and it would be appropriate to consider a new URA in the future. Additionally, it is also staff's recommendation that the Council modify the Downtown URA and request staff to develop eligibility criteria related to the recent addition of the Ames Main Street Historic District on the National Register of Historic Places. Based upon the requirements of increasing assessed value to benefit from tax abatement, adding criteria related to historic preservation may or may not be economically valuable to a property owner, but it would encourage preservation.

Council Member Gartin asked for more guidance from Director Diekmann on exactly what he is looking for, and what the pros and cons would be. Mr. Diekmann explained that staff's recommendations would be: 1) Repeal Roosevelt Program and URA, 2) Repeal South Lincoln Neighborhood URA, 3) Repeal 405 and 415 Hayward URA - Iowa House, 4) Repeal 517 Lincoln Way URA - Squeaky Clean, and 5) Update Downtown to include the Historic Preservation Criteria. Director Diekmann stated that the areas that have no expiration date are a technical issue and would be fine to go in and clean up. They would need to be clear to those areas that the area is no longer eligible for tax abatement. He noted that the 517 Lincoln Way URA - Squeaky Clean was done for that project and there was no real intent to keep incentivising activity on the property. Director Diekmann stated that the South Lincoln Neighborhood area would be a policy question as they want to support reinvestment, but doesn't think the program has been successful. He commented that he thought it would be easier to repeal it now and then replace it in the future if needed.

Mayor Haila opened public comment and closed it when there was none.

Moved by Gartin, seconded by Betcher, to direct staff pursue Items 1-5 on page 6 of the Staff Report. The items would be to: 1) Repeal Roosevelt Program and URA, 2) Repeal South Lincoln Neighborhood URA, 3) Repeal 405 and 415 Hayward URA - Iowa House, 4) Repeal 517 Lincoln Way URA - Squeaky Clean, and 5) Update Downtown to include the Historic Preservation Criteria. Vote on Motion: 6-0. Motion declared carried unanimously.

Mr. Diekmann explained the next issue is the East University Impacted URA. There is a zoning

standard where demolition of an existing or previously existing sorority or fraternity is prohibited without a determination by City Council that there is a hardship related to maintaining the building. There is an incentive program to give a tax abatement for building new fraternities and sororities on sites that were formally fraternities and sororities. Staff recommended going back to the original version of the URA, with additions being eligible for a tax abatement, and new construction would not be eligible. Mr. Diekmann explained another option would be to eliminate the East University Impacted URA altogether. He pointed out that staff is supportive of either option.

Mayor Haila inquired if any communication would be sent out to the fraternities and sororities that haven't taken advantage of the tax abatement. Director Diekmann stated that they would as it is a discreet audience and this area has been very active in the past.

Mayor Haila asked Director Diekmann to let the Council know what the options would be for the area. Director Diekmann stated that Option 1 would be to remove new construction as a new improvement, Option 2 would be to eliminate the East University URA altogether, and Option 3 is to determine that no changes are needed to meet the City Council's desired goals for the East University Impacted URA.

Council Member Betcher mentioned that staff is recommending removal of the URA and she wanted to know if this was because evidence is showing that the Greek residences are thriving now. Mr. Diekmann explained that in 2006, the City completed the University Sub-Area Assessment, and that is where the different overlays came in. During that time staff had wanted to make sure that reinvestment by the Greek system happened in the area. Director Diekmann pointed out during his time with the City, they have only seen interest in having fraternities and sororities located adjacent to Campus. If the idea was to stabilize the neighborhood, he believed the URA has accomplished that.

Moved by Betcher, seconded by Martin, to remove the Urban Revitalization Area from the East University Impacted Area.

Council Member Gartin mentioned that this area is complicated and he wanted to know what the downside would be. Mr. Diekmann stated the downside would be removing the benefit of tax abatement to do additions to the fraternities or sororities. The property would need to be improved and add taxable value. If able to retain 70% of the walls during the improvement, the building would be eligible for tax abatement. It was pointed out that any new construction would not get any tax incentive and any remodeling or additions would not get the incentive either. Mr. Gartin inquired why the Council would want to remove the URA and what would they be trying to accomplish. Mr. Diekmann explained when looking at the area objectively, you would start an Urban Revitalization Area program with certain goals. Hopefully, those goals are met and in the interest of saving tax dollars you would look toward ending the incentive. The question is then if it is worth ending the incentive or is it still worth doing individual tax abatement for the properties in the area. City Manager Steve Schinker inquired if there was an option that would be allowed for renovations, but not new construction. Mr. Diekmann stated that is what Option 1 would be. Mr. Schinker explained

that if the Council was not comfortable with any of the options provided by staff, they could ask to get feedback from the fraternities and sororities. Mr. Gartin explained what is tricky for him is trying to work through the idea without understanding what each fraternity or sorority has for a Capital Improvement Plan. Mr. Diekmann mentioned they could add an end date to the URA and give everyone notice that the URA is going to end.

Mayor Haila asked if the motion was to repeal the URA in its entirety would the Council be able to bring it back to make changes. Mr. Diekmann explained that if it is the intent to amend the URA he would prefer a different motion as the current motion is to repeal the URA in its entirety, and he doesn't want to get caught up in the process and then have to start over with a different hearing process. Council Member Betcher questioned if there was a Sunset Clause would it still be considered a repeal. Mr. Diekmann explained that it is not repealing, but amending the Plan to when it is no longer effective. He mentioned that the notice process may be the same, but he couldn't say for sure at that moment.

Council Member Martin explained he liked the idea of exploring an extension before elimination as it would give the Council time to hear back from the citizens. Mr. Schainker asked Mr. Diekmann if there was a rush to get this URA repealed or if there was time to get more input from the fraternities and sororities. City Manager Schainker recommended that the Council take the time to give the fraternities and sororities the recommended options and get their feedback. Council Member Betcher wanted to know if the notification could be done quickly as she doesn't want to continue to incentivize the demolition of Greek houses. Mr. Schainker mentioned possibly getting feedback and bringing the information back to the September 8, 2020, City Council meeting. Director Diekmann stated that would be an aggressive request to reach out in nine days and get the feedback needed. He mentioned that the Greek houses have participated in the past, but felt that a week and half was not enough notice. Mayor Haila inquired if the Council meeting on September 22 would be sufficient. Mr. Diekmann commented that would be a reasonable timeframe for staff to reach out to leadership to get their input.

Motion withdrawn by Council Member Betcher.

Moved by Betcher, seconded by Martin, to have staff get input from the fraternities and the sororities on the three options for the East University Impacted URA by the September 22, 2020, meeting. Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Gartin commented that the Greek houses have always struck him as an odd part of what they do as a city government. He was worried that the Greek houses have become accustomed to the incentive and they may have forgotten what it was like to not have the incentive. Mr. Gartin is supportive of bringing the URA to a close, but it may be a shock to the Greek houses that the incentive will be going away or changed. Mr. Schainker explained that it may not go away completely as there are options to continue the incentive, but with different policies. Council Member Gartin mentioned it would be helpful to have some information about the fiscal impact to the taxpayers that the program gives. Director Diekmann explained that staff would be able to

estimate that information based on the properties that have already received abatement, and work with the City Assessor's office to see what those figures would be.

Mr. Diekmann stated that City staff made an error a couple of years ago regarding the property at 313 Lynn Avenue. At the time the application was made, the applicant listed themselves as being located within the East University Impacted Area Overlay District, which is incorrect. The property is abutting the East University Impacted Area Overlay District, but located within the West University Impacted Overlay District. Director Diekmann explained staff had listed a couple of options for the Council to correct the error. The first option would be to amend the area to add 313 Lynn Avenue to the East University Impacted Urban Revitalization Area, and the second option is to notify the property owner that there was an error and they could no longer receive abatement. It was noted that the property owner is in its third year of a ten-year abatement schedule.

Council Member Gartin mentioned that Option 2 would be difficult as it seems harsh to pull the property from its tax abatement. He noted that if the property is similar to the others, it would be easiest to amend the boundary.

Moved by Betcher, seconded by Gartin, to amend the boundary to include 313 Lynn Avenue within the East University Impacted Urban Revitalization Area.

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

HEARING ON UNIT 8 PRECIPITATOR ROOF REPLACEMENT: The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Betcher, seconded by Beatty-Hansen, to accept the report of bids and delay the award of a contract.

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

HEARING ON POWER PLANT UNIT 8 TURBINE GENERATOR OVERHAUL: The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Corrieri, seconded by Betcher, to accept the report of bids and delay the award of a contract.

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

HEARING ON 2020/21 SEAL COAT PROGRAM - (FRANKLIN AVENUE): Mayor Haila opened the public hearing and closed it when no one came forward.

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 20-470 approving the final plans and specifications and awarding a contract to Manatt's Inc., of Ames, Iowa, in the amount of \$946,841.53.

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

HEARING ON 2020/21 SEAL COAT PROGRAM - (EAST 8TH STREET): Council Member Betcher explained that she wanted to let the Council know that this project is a great example of how staff was able to work with the citizens, who live along this very small street, to come to a resolution on some disagreement about what the project should be like. She felt it was a successful process and hopes this will fix a lot of the problems for the citizens who live along East 8th Street.

The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 20-471 approving the final plans and specifications and awarding a contract to All Star Concrete, of Ankeny, Iowa, in the amount of \$161,610.46.

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

HEARING ON 2020/21 RIGHT-OF-WAY RESTORATION (STANDARD VEGETATION): The Mayor opened the public hearing and closed it when no one came forward.

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 20-472 approving the final plans and specifications and awarding a contract to Country Landscapes, Inc., of Ames, Iowa, in the amount of \$96,175.65.

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

HEARING ON 2020/21 RIGHT-OF-WAY RESTORATION (NATIVE VEGETATION): The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 20-473 approving the final plans and specifications and awarding a contract to Country Landscapes, Inc., of Ames, Iowa, in the amount of \$45,426.25.

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

HEARING ON 2018/19 STORM WATER FACILITY REHABILITATION (LITTLE BLUESTEM): The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Betcher, seconded by Martin, to adopt RESOLUTION NO. 20-474 approving the final plans and specifications and awarding a contract to J & K Contracting, LLC, of Urbandale, Iowa, in the amount of \$133,233.

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

HEARING ON 2019/20 TRAFFIC SIGNAL PROGRAM (LINCOLN WAY & BEACH

AVENUE): Mayor Haila opened the public hearing and closed it when no one came forward.

Moved by Martin, seconded by Betcher, to reject all bids and direct staff to rebid the project.

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

HEARING ON 2020/21 TRAFFIC SIGNAL PROGRAM (S. DUFF & S. 5TH STREET): The Mayor opened public comment. It was closed when there was no one wishing to speak.

Moved by Martin, seconded by Corrieri, to adopt RESOLUTION NO. 20-475 approving the final plans and specifications and awarding a contract to Voltmer, Inc., of Decorah, Iowa, in the amount of \$208,696.51.

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

HEARING ON 2019/20 MULTI-MODAL ROADWAY IMPROVEMENTS (13TH & CLARK AVE): The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Gartin, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 20-476 approving the final plans and specifications and awarding a contract to Voltmer, Inc., of Decorah, Iowa, in the amount of \$109,589.30.

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

HEARING ON BAKER SUBDIVISION IMPROVEMENTS: Council Member Martin asked if the City was provisioning conduit as part of the infrastructure build for the purpose of providing fiber. Housing Coordinator Vanessa Baker-Latimer stated that when they submitted their 2019/23 Consolidated Plan; HUD now requires that high-speed Wi-Fi be a part of any new construction. Ms. Baker-Latimer explained that staff will be working with various Wi-Fi companies to get the service as part of the Subdivision development. Mr. Martin asked if that would mean conduit would be done when the City is trenching the area to put in electrical or just something that works. Ms. Baker-Latimer stated it has to be available to each household. Planning and Housing Director mentioned that the conduit for Wi-Fi is not listed in the plans and specifications, but staff will be working with providers to see who will be able to come out and coordinate with the construction timing to get the broadband internet installed while doing construction.

The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Betcher, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 20-465 approving the final plans and specifications and awarding a contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$1,317,872.65.

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

ORDINANCE REVISING MUNICIPAL CODE SECTION 17.33 PERTAINING TO SELLING, GIVING, OR SUPPLYING TOBACCO, TOBACCO PRODUCTS, OR CIGARETTES TO PERSONS UNDER 18 YEARS OF AGE: Moved by Martin, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4419 revising *Municipal Code* Section 17.33 pertaining to selling, giving, or supplying tobacco, tobacco products, or cigarettes to persons under 18 years of age.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Mayor Haila stated there were two items to be addressed. The first item was an informational memo from the Planning and Housing Department regarding a request to Amend the Ames Urban Fringe Plan map designation for approximately 4.3 acres located at 27107 Timber Road. Planning and Housing Director Kelly Diekmann explained that from time to time staff will get a request like this one, but in the past staff has not initiated this type of request, but it is up to the City Council if they want to put the request onto a future Agenda to discuss further.

Council Member Gartin inquired what the pros and cons would be for this request. City Manager Schainker explained that if the staff memo was not clear enough then the Council would need to put the item on a future agenda to discuss.

Moved by Betcher, seconded by Martin, to have the City Council not take any action.

Vote on Motion: 5-0-1. Voting Aye: Betcher, Junck, Corrieri, Martin, Beatty-Hansen. Voting Nay: None. Abstaining due to conflict of interest: Gartin.

The second item was a letter from Greg Northrup, President and CEO of Verbio North America requesting to annex a property located at 59219 Lincoln Highway to the City of Nevada. Mr. Schainker explained that this request involves two parts as it involves the City of Ames and the Annexation Agreement with Verbio that is going to expire this year and how it will affect Verbio. It was noted there is a time issue on the request and Mr. Schainker recommended the Council place the item on a future Agenda for discussion.

Moved by Betcher, seconded by Gartin, to place the request on a future agenda.

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

COUNCIL COMMENTS: Council Member Junck stated she wanted to clarify her “yes” vote earlier on the mask mandate discussion. She mentioned she was a little disappointed about how the discussion went. Ms. Junck explained that even though what was voted upon may be legal, it was not ethical, and it is frustrating to end up where they were before with an unenforceable expectation of mask-wearing. She voted “yes” because she thought that what was proposed was better than nothing, but in her opinion, the motion falls short of what the community and the residents need in the face of the public health crisis. Ms. Junck wanted to echo what was said during Public Forum, “people that don’t wear masks impede my freedom to stay alive,” it is important that they wear

masks with the expectation to protect others and not just themselves.

Ex Officio Whitlock wanted to echo what Council Member Junck said as she made a lot of good points.

Council Member Martin stated that tonight's discussion was tough and understands there are a lot of issues, as people analyze differently. He didn't believe it was a question of behaving unethically and is grateful for the community and to move forward.

Council Member Betcher stated that she would agree with what Council Member Martin said. She noted that tonight's vote was not easy. She appreciated all the input from citizens on both sides of the issues, and explained it is important for the Council to hear everything and understand where the constituents stand on important issues. Ms. Betcher mentioned that six members of the Council, including the Mayor, six members of Iowa State University staff, members of the Police Department, Facilities, Planning, and Management, and the Dean of Students Office are all going to be participating in the International Town and Gown Association sponsored "Race, Equity, and Leadership" training event with Leon Andrews in September. It will be a great opportunity for the Council to partner with Iowa State University.

Council Member Gartin stated that he had emailed the Council about a couple items. There is a vacant lot at 400 S. 4th Street that he believed it would be valuable to look at the location for a potential park to serve a neighborhood that is lacking that kind of space.

Moved by Gartin, seconded by Martin, to refer the vacant lot at 400 S. 4th Street to staff for consideration of a park.

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

Moved by Gartin, seconded by Beatty-Hansen, to recommend to staff to evaluate the risks of best practices of turning the water fountains on in the parks.

Mr. Gartin explained that he had provided the Council with a link from the CDC regarding recommendations in dealing with outdoor water fountains. He felt it would be a tremendous benefit to the public with very little risk. Council Member Betcher wanted to clarify that Mr. Gartin is just asking staff to put his request through analysis process and decide if they think it should be turned back on. Ms. Betcher stated that this request would be more in line with the Councils mandate to Parks and Recreation to assess their facilities and decide when it would be appropriate to open or not open. City Manager Schainker explained that if Mr. Gartin wanted to pull this particular item and present it to the Parks and Recreation Department it would be appropriate.

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

Council Member Gartin stated that there have been three properties that have been referred to staff that are in rough shape. He noted that there is a property in the 1200 block of Northwestern, a

property on Grand, and a property on the west side. Ms. Beatty-Hansen commented that there is also a property on the 1500 block of Maxwell.

Moved by Gartin, seconded by Corrieri, to get a status report on all the properties that have been referred due to poor maintenance.

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

Council Member Gartin explained that they had received a memo regarding the Parks and Recreation response to the Courts, and he is not happy with the response from the Parks and Recreation Department.

Moved by Gartin, seconded by Corrieri, to put the item on the next Agenda so the Council can have a discussion about whether they would waive all or part of the fees associated with the Courts using the City Auditorium for jury selection. He noted this would be an important opportunity to partner with another branch of government.

Assistant City Manager Deb Schildroth explained that it is the County's responsibility to provide the space for the courts, in this situation. The County was looking for an alternative location and then paying for it if there were fees. The Board of Supervisors received a memo from Scott Hansen, to consider the Gates Hall as an alternate location besides the City Auditorium. Ms. Schildroth commented that she spoke with Board Chair Linda Murken and the Board of Supervisors did vote in support of using Gates Hall. Mr. Gartin commented that was unfortunate news and he wished it would have come to the Council. He stated that these would be Ames citizens that would have been better served by having the jury selection done in Ames, but more importantly it was a missed opportunity to partner with the Courts in their hour of need.

Motion withdrawn by Council Member Gartin.

Moved by Corrieri, seconded by Betcher, to get a memo from staff on recommendations for potential additions or changes to the Property Maintenance Code that would provide staff with more tools for enforcement.

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

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 10:21 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor

Diane R. Voss, City Clerk



REPORT OF CONTRACT CHANGE ORDERS

Period:	<input type="checkbox"/>	1 st – 15 th
	<input checked="" type="checkbox"/>	16 th – End of Month
Month & Year:	August 2020	
For City Council Date:	September 8, 2020	

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)
Public Works	2007/08 Shared Used Path (Bloomington Rd to Ada Hayden)	4	\$385,000.00	Elder Corporation	\$21,169.25	\$-(1,500.00)	J. Joiner	MA
Fleet Services	Paint Striping Truck	1	\$144,015.00	EZ Liner	\$0.00	\$-(635.00)	J. Holmes	MA
Public Works	2014/15 Storm Water Facility Rehabilitation Program (Somerset Subdivision)	3	\$322,997.00	Con-Struct, Inc.	\$7,564.30	\$4,685.00	T. Warner	MA
Electric Services	Steam Turbine No. 8 Parts Procurement	2	\$144,960.47	MD&A Parts Division	\$4,608.69	\$(-963.00)	D. Kom	JN
Transit	CyRide 2020 Pavement Improvements	1	\$139,700.00	Jensen Builders	\$0.00	\$2,640.00	J. Rendall	MA
Water & Pollution Control	WTP Maintenance & Storage Building	1	\$152,800.00	Happe Commercial, LLC	\$0.00	\$1,026.00	J. Dunn	MA

Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact (Buyer)
Public Works	2019/20 Sanitary Sewer Rehabilitation (Munn Woods0	1	\$2,190,212.40	Visu-Sewer, Inc.	\$0.00	\$32,700.91	B. Phillips	MA
Water & Pollution Control	Engineering Services - North River Valley Park	3	\$102,499.00	River Restoration.org	\$25,151.00	\$11,700.00	J. Dunn	MA
			\$		\$	\$		
			\$		\$	\$		

**MINUTES OF THE REGULAR MEETING OF THE
AMES CIVIL SERVICE COMMISSION**

AMES, IOWA

AUGUST 27, 2020

The Regular Meeting of the Ames Civil Service Commission was called to order by Chairman Mike Crum at 8:26 a.m. on August 27, 2020. As it was impractical for the Commission members to attend in person, Chairman Mike Crum and Commission Member Harold Pike were brought in telephonically. Commission Member Kim Linduska was absent.

APPROVAL OF MINUTES OF JULY 23, 2020: Moved by Pike, seconded by Crum, to approve the Minutes of the July 23, 2020, Regular Civil Service Commission meeting.

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

CERTIFICATION OF ENTRY-LEVEL APPLICANTS: Moved by Crum, seconded by Pike, to certify the following individuals to the Ames City Council as Entry-Level Applicants:

Treatment Plant Maintenance Worker

Sublist: WPC

Matthew Williams Carryover from Exhausted List

Corey Tjaden 80

Shelby Perrin 80

Jacob Vulgamott 70

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

COMMENTS: The next Regular Meeting of the Ames Civil Service Commission is scheduled for September 24, 2020.

ADJOURNMENT: The meeting adjourned at 8:27 a.m.

Michael R. Crum, Chairman

Diane R. Voss, City Clerk

Diane Voss

From: John Hall <john@ameschamber.com>
Sent: Thursday, August 27, 2020 11:08 AM
To: Steve Schainker
Cc: Diane Voss
Subject: Ames Main Street Challenge Grant Application Letter of Support
Attachments: City Letter of Support_DRAFT.docx

[External Email]

Steve,

In the past, when Ames Main Street has made an application for the Challenge Grant to the Iowa Economic Development Authority, the City of Ames has used the attached document as their letter of support for the project. The project application requires a letter of support from the City, signed by the mayor, in order to be eligible to apply. It is my hope that this letter could be on the City Council Agenda for the Council Meeting on September 8th to allow the Mayor to sign, as the application is due on Friday, September 11th.

Please let me know if there are any questions or any additional documents needed for this.

Thank you,

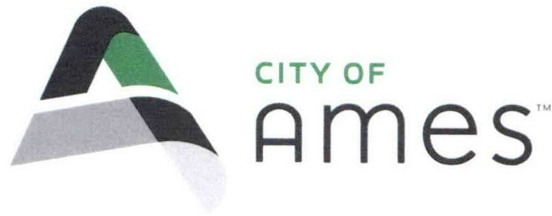
John

John Hall
Senior Director of Business Development
He | Him | His



515.232.2310 *main*
515.720.5305 *cell*

www.AmesChamber.com
www.AmesEDC.com



The City of Ames supports Ames Main Street application to the Iowa Economic Development Authority for a Main Street Challenge Grant for the properties located at 412 Burnett Ave and 330 5th Street in Ames, Iowa. This project will clear out the existing buildings allowing for use of the space once again, and will involve a full façade rework. The City of Ames has supported this project with three approved façade grants for the work.

We further state that the project at 412 Burnett Ave and 330 5th Street are subject to local City of Ames Building and Fire Code permitting and inspection requirements.

This project is not a contributing building to the National Register of Historic Places, and therefore, not required to comply with the Secretary of Interior's Standards for historic property rehabilitation.

Signature of Mayor _____

Date _____

Ames Main Street President _____

Date _____



MEMO

Item No. 7

To: Mayor John Haila and Ames City Council Members
From: Lieutenant Tom Shelton, Ames Police Department
Date: September 1, 2020
Subject: Beer Permits & Liquor License Renewal Reference City Council Agenda

The Council agenda for September 8, 2020 includes beer permits and liquor license renewals for:

- Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales - Kum & Go #0217, 3111 S. Duff
- Avenue Class C Liquor License with Catering Privilege and Sunday Sales - Hy-Vee #1 Clubroom, 3800 West Lincoln Way
- Class B Liquor License with Outdoor Service and Sunday Sales - The Love Club, 4625 Reliable Street
- Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales - Southgate Express, 110 Airport Road

A review of police records for the past 12 months found no liquor law violations for any of the above locations. The Ames Police Department recommends renewal of licenses for all the above businesses.

- Class C Liquor License with Class B Native Wine Permit, Outdoor Service, and Sunday Sales - AJ's Ultra Lounge, 2401 Chamberlain Street

A review of the police records for the past 12 months found 2 liquor law violations for the above business. One individual provided officers a fake ID and was cited and the second individual was given a warning and escorted off the property.

The Police Department will continue to monitor the above location by conducting regular foot patrols, bar checks and by educating the bar staff through trainings and quarterly meetings. The Ames Police Department recommends renewal of the license for the above business.

COUNCIL ACTION FORM

**SUBJECT: WATER QUALITY GRANT APPLICATION – STATE REVOLVING FUND
SPONSORED PROJECT**

BACKGROUND:

The City of Ames has an opportunity to make stormwater improvements in the Squaw Creek and S. Skunk River watersheds to stabilize stream banks and restore stream functions.

As part of the grant application, staff has identified two stream restoration projects: Squaw Creek (6th Street to 13th Street – through Brookside Park) and S. Skunk River (SE 16th Street to East Lincoln Way). The Squaw Creek segment will be first priority for the funds, however, if there is a delay in this project, the funds would be used in the South Skunk River project.

Conceptually, the project will involve streambank stabilization and revegetation that will restore the natural functions of the stream. Design will be in accordance with the Iowa River Restoration Toolbox for Stream Restoration, which employs bioengineered methods and best management practices (BMP). This will be a unique demonstration for others who develop residential and commercial property within the city on how to achieve successful stream restoration with natural methods and practices.

The grant opportunity is through the State Revolving Fund (SRF) as a Water Resource Restoration Sponsored Project, which was created to fund water quality protection projects. This program has been implemented through the Clean Water State Revolving Fund (CWSRF), a loan program for construction of water quality facilities and practices.

On a typical CWSRF loan, a utility borrows the principal for a project from the state and repays both the principal and applicable interest and fees. In contrast, on a CWSRF loan with a sponsored project, **the utility (City) borrows for a wastewater improvement project and through a rebate equal to the amount of the required interest payments on the loan, funding is provided for the water quality (storm water) project.** Thus, the utility's ratepayers do not pay any more than they would have for just the wastewater improvements.

In this case, a loan from the CWSRF was granted for two Sanitary Sewer projects, the 2018/19 Sanitary Sewer Rehabilitation Siphon project and 2019-20 Sanitary Rehabilitation Drainage Area 10 Improvements project, with a total principle amount of \$3,336,093. According to this state program the City would be eligible to receive an amount equal to the interest payments, or in this case \$336,609, towards a water quality project

The staff intends to apply for this amount to help finance the Squaw Creek and Skunk River bank stabilization projects. Through the SRF Sponsored Project funding, this water quality project will be at no cost to the City and can be used as a demonstration for area developers and other local agencies to consider for stream and channel restoration.

ALTERNATIVES:

1. Authorize application for a Clean Water SRF Water Resource Restoration Sponsored Project and designate Municipal Engineer Tracy (Warner) Peterson as the authorized representative to sign the grant application.
2. Direct staff to make modifications to the project.

CITY MANAGER'S RECOMMENDED ACTION:

By supporting submission of this grant application, the City of Ames can be recognized as an innovative community within Iowa that is willing to restore streams using innovative methods that address soil erosion and water quality concerns in the community and statewide. If funded, this project will be a unique demonstration application of bioengineered water quality improvements in an urban setting.

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

COUNCIL ACTION FORM

SUBJECT: RAPID NEEDS PURCHASE FOR 161 KV TIE LINE REPAIR

BACKGROUND:

On August 10, 2020, the City experienced widespread, destructive straight-line winds which blew across central Iowa. This derecho event damaged the three transmission interconnection points with the outside electrical grid. Thirteen transmission poles for the 161 KV line between Ames and northern Ankeny were broken from the storm, leaving the line out of service until replaced. To ensure reliable electrical service could be maintained to the City's electric customers, immediate repairs were needed to re-establish this line. The repair work involved replacement of poles and restringing the conductor.

City staff decided to implement rapid need purchases for the materials and installation labor for the transmission poles. Per the *Purchasing Policies & Procedures* a "rapid-need situation" occurs when materials and/or services could not have been predicted and must be procured in less than the normal allotted time in order to continue a service to the public".

The City's *Purchasing Policies & Procedures* state that "if the cost of purchases related to [an] emergency or rapid need is \$50,000 or more, the using department shall maintain records" of the expenditure. It further states that the using department "shall report the situation and related expenses to the City Manager for presentation to the City Council. The report shall be in a format as directed by the City Manager."

Following the authorization of this "Rapid Needs" purchase by the City Manager's Office, three purchase orders were issued:

1. DGR Engineering, Inc., was issued a purchase order in an amount not to exceed \$10,000 for engineering services related to specifying the replacement poles.
2. Stella-Jones Corporation, Tacoma, WA, was issued a purchase order in the amount of \$63,434.95 to for transmission poles (inclusive of sales tax).
3. Hooper Corporation, Milwaukee, WI, was issued a purchase order in the amount of \$160,500 for the installation of poles and necessary repairs (inclusive of sales tax). Additional labor was required after the full extent of the repair work was understood. A change order was issued and the full amount of the contract to Hooper Corporation is in the amount of \$294,250.

The total of these costs to repair the 161 KV tie line is \$367,684.95. This amount may be subject to minor adjustments as staff completes the review of billings. The necessary repairs are now complete, and the 161 KV tie line has been returned to service. The repair costs will be paid from the Electric Operations budget, and City staff will seek FEMA reimbursement for these expenses through the approved federal disaster declaration related to the storm.

ALTERNATIVES:

1. Approve the report of the rapid needs purchase for repairs to the 161 KV tie line.
2. Refer this item to staff for further information.

CITY MANAGER'S RECOMMENDED ACTION:

To restore reliable electric service to the City's customers in the quickest manner possible following the August 10 windstorm, the use of a rapid needs purchase was required. Repairs have been completed to critical electric infrastructure through this process and a report to the City Council is required.

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

COUNCIL ACTION FORM

SUBJECT: AWARD OF CYRIDE ON-CALL ARCHITECTURAL AND ENGINEERING SERVICES CONTRACT

BACKGROUND:

Areas in CyRide's facility are 40 years old and major components of the building are well beyond their useful life. CyRide has identified several major upcoming capital improvement projects that will require professional architectural and engineering services. Historically, CyRide has utilized an on-call firm to provide these services. CyRide is currently at the end of a five-year contract with ASK Studios of Des Moines, Iowa.

On June 22, 2020, CyRide released RFQ 2020-167 for On-Call Architectural and Engineering services to support CyRide construction projects. Responses were due by July 16, 2020. The RFQ was developed for up to a five-year period so continuity between multiple years and projects could be accomplished. The base contract is for two years, with annual renewal options for up to three additional years.

CyRide received a single proposal from ASK Studios of Des Moines, Iowa. CyRide contacted several of the firms that were sent the RFQ to inquire about why they did not respond to the RFQ. The common response from firms was that they did not believe they had the correct skill set to meet CyRide's needs, firms were concerned about the Federal Transit Administration required clauses, or other projects were already committed to so the firms chose not to respond.

Based on the proposal evaluation, ASK Studio was determined to be responsive to the RFQ. An hourly rate of \$50 - \$150 per hour (see attached rate sheet), depending upon which staff member is utilized on a specific project, was negotiated with the firm. This rate is comparable to past CyRide on-call architectural and engineering contracts and based on a federally required price analysis, the fees were determined to be fair and reasonable. Funding for these services will be provided through federal grants and local dollars programmed into the Capital Improvement Plan.

This contract was approved by the Transit Board of Trustees at their August 26, 2020 meeting.

ALTERNATIVES:

1. Approve the contract for On-Call Architectural and Engineering Services to ASK Studios, of Des Moines, Iowa, for a period of two years, with hourly rates between \$50-\$150 depending on the staff member, and annual renewal options for up to three additional years.
2. Reject the contract and direct staff to modify the project.

CITY MANAGER'S RECOMMENDED ACTION:

Due to this firm's strong technical experience and familiarity with CyRide's existing facilities, ASK Studios was determined to be a good fit for the various projects funded in the Capital Improvement Plan. Award of this contract will allow for continuity between projects over the next several fiscal years.

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



ARCHITECTS SCHIPPER KASTNER

ASK Studio 2020-21 Hourly Rates

	<u>Hourly Rate</u>
Principal _____	\$150.00
Staff Architect _____	\$85.00– 105.00
Intern Architect _____	\$75.00 – 85.00
Interior Designer _____	\$60.00 – 70.00
Draftsperson _____	\$50.00 – 60.00
Support Staff _____	\$55.00 – 60.00

COUNCIL ACTION FORM

SUBJECT: AWARD CONTRACT FOR 15kV 1/0 STRANDED ALUMINUM CABLE FOR ELECTRIC SERVICES DEPARTMENT

BACKGROUND:

This bid is for the purchase of 30,000 feet of 15kV 1/0 stranded aluminum cable to replenish inventory for the Electric Services Department. Cable of this type is kept on hand in order to ensure availability for the needs of the department. Typically, this cable is used to provide service for commercial and residential applications and is necessary to meet the anticipated needs of the Electric Services Department for new construction and maintenance projects.

On July 23, 2020, an Invitation to Bid (ITB) was issued to 59 vendors. The ITB was advertised on the Current Bid Opportunities section of the Purchasing webpage. On August 13, 2020, three bids were received as shown below:

BIDDER	TOTAL COST
WESCO Distribution, Des Moines, IA	\$80,892.00
RESCO, Ankeny, IA	\$82,400.70
Border States Industrial, Ames, IA	\$84,241.35

***Price inclusive of 6% State of Iowa Sales Taxes Plus 1% Local Tax**

Staff reviewed the bids and concluded that the apparent low bid in the amount of \$80,892.00 (inclusive of Iowa sales tax) submitted by WESCO Distribution, is acceptable.

ALTERNATIVES:

1. Award a contract to Wesco Distribution, Des Moines, IA., for the purchase of Electric Services aluminum cable in accordance with bid in the amount of \$80,892.00 (inclusive of Iowa sales tax).
2. Award the bid to one of the other companies.
3. Reject all bids and attempt to purchase aluminum cable on an as needed basis.

CITY MANAGER'S RECOMMENDED ACTION:

The Electric utility needs a supply of aluminum cable on hand to meet the needs of commercial and residential customers. The low bid for this cable is acceptable to Electric Services. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

COUNCIL ACTION FORM

SUBJECT: FIBER OPTIC CABLE INSTALLATION FOR THE SOLAR FARM

BACKGROUND:

This project will consist of the installation of a fiber optic cable for the purposes of providing data communication and transfer between a new solar farm site and the existing SCADA system for the City of Ames Electric Services Department. The solar farm site is located at 623 Airport Road. The point of connection to the SCADA system will be located at the Vet Med Substation at 1925 S. Riverside Drive.

On August 5, 2020, an invitation to bid (ITB) document was issued to 33 companies. The ITB was advertised on the Current Bid Opportunities section of the Purchasing webpage.

On August 26, 2020, four (4) bids were received as shown below. Bids were requested for services including contractor-provided cable and installation (base bid) and services for City-provided cable (Alternate bid).

Bidder	Base Bid	Deduct Alternate Bid
Communication Innovators, Pleasant Hill, IA	\$52,900.00	\$49,100.00
Kramer Service Group, Weyerhaeuser, WI	\$75,000.00	\$74,560.00
Roaming Networks Inc, Fort Worth, TX	\$120,895.00	N/A
Primoris Electric Inc, Inver Grove Heights, MN	\$170,075.00	\$167,575.00

Staff reviewed bids and concluded that the apparent low bid submitted by Communication Innovators, Pleasant Hill, Iowa, is acceptable.

Funding for this project will come from the payments collects through the sale of Power Packs for our new community solar farm. Current account balance is \$1,031,786.

ALTERNATIVES:

1. Award a contract to Communication Innovators, Pleasant Hill, Iowa, for the fiber optic cable installation at the City's new community solar farm for the base bid in the amount of \$52,900.
2. Award a contract to Communication Innovators, Pleasant Hill, Iowa, for the fiber optic cable installation at the City's new community solar farm for the Alternate bid in the amount of \$49,100.
3. Award the contract to one of the other three companies that submitted a bid.

4. Reject all bids and rebid the project.

MANAGER'S RECOMMENDED ACTION:

This project is critical in the operation of the Solar Farm. This competitively bid process will provide installation at the best price. Staff does not believe we can purchase the fiber optic cable any cheaper than the amount that is included in the base bid.

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

COUNCIL ACTION FORM

SUBJECT: **UNIT #8 – PRECIPITATOR ROOF REPLACEMENT**

BACKGROUND:

On June 23, 2020, City Council approved preliminary plans and specifications for the Unit #8 – Precipitator Roof Replacement. This project is for the replacement of Unit 8 Precipitator Roof. Degradation to the current roof has resulted in water leakage throughout the Power Plant during seasonal rainfalls and snowmelts.

Bid documents were issued to 23 firms and six plan rooms. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published on the websites of a contractor plan room service with statewide circulation.

On August 19, 2020, two bids were received as shown below:

Bidder	Sales and/or Use taxes included in Lump Sum	Lump Sum Bid
<i>Engineer's Estimate</i>	--	\$250,000
Henkel Construction Company Mason City, IA	\$5,346	\$487,784
Hansen Company, Inc. Johnston, IA	\$1,820	\$662,750

Staff reviewed the bids and concluded that the apparent low bid submitted by Henkel Construction Company, Mason City, IA, in the amount of \$487,784 (inclusive of Iowa sales tax) is acceptable.

The Engineer's estimate was based on previous projects that the Engineer had worked on that were similar in scope of manufacturing companies. One main difference between the previous projects and this project is the location and access to the roof at the Power Plant, which are quite limiting and require a lot of workarounds for demolition and installation. **The City previously solicited bids from roof contractors, but received no bids.** Their major concern was that potential bidders felt a portion of the project (replacing the roof decking) would need to be performed by a general contractor and they were also concerned about the location and access to the roof itself. **The City is now bidding the project for a second time and sent the bid to general contractors who would then subcontract a roofing company. We received only two bids** (Henkel and Hansen).

After speaking with Henkel, they reiterated that the re-roofing portion of the project was not out of the ordinary, but the limited access to the roof for demolition and

installation could be challenging, especially when trying to address protecting the interior portion of the plant from flooding and debris.

The approved FY 2019/20 budget has \$208,000 allocated for this project. The remaining \$279,784 will be transferred from the unused balance in the Power Plant Fire Protection CIP, currently at \$652,000.

ALTERNATIVES:

1. Award a contract to Henkel Construction Company, Mason City, IA, for the Unit #8 Precipitator Roof Replacement in the amount of \$487,784 (inclusive of Iowa sales tax).
2. Award a contract to another bidder.
3. Reject all bids and delay the Unit 8 Precipitator Roof Replacement project.

CITY MANAGER'S RECOMMENDED ACTION:

This work is necessary for the replacement of the existing roof, steel roof deck, and wall panels. Given that this is the second time we have bid this project and feedback that there is limited space for a contractor to accomplish the work, it is unlikely that rebidding the project for a third time will result in lower bids. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.



MEMO

To: Mayor and Members of the City Council

From: City Clerk's Office

Date: September 8, 2020

Subject: Contract and Bond Approval

There is/are no Council Action Form(s) for Item No(s). 14, 15, 16, 17, 18, 20, 21, 22, and 23. Council approval of the contract and bond for this/these project(s) is simply fulfilling a *State Code* requirement.

/alc

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY (BOUNDARY LINE ADJUSTMENT) FOR 831 E. RIVERSIDE ROAD-Bishop Farms

BACKGROUND:

The City's subdivision regulations are found in Chapter 23 of the Ames Municipal Code. These regulations include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The regulations also describe the process for combining existing platted lots or adjusting the boundary lines of existing tracts. These regulations also apply to divisions of land or boundary line adjustments in unincorporated Story County, except where the Urban Fringe Plan's 28E agreement has delegated authority to the County. In this situation the City has authority over the proposed Plat of Survey.

The subject properties contain farm fields and a portion of the Martin Marietta aggregate mine. Currently, the west tract contains mostly farm field and the mine scale house and front entrance (*Attachment A*). The east tract contains mostly mine operations and a small field. **The property owner, Bishop Farms, seeks to adjust to property line so that the scale house will share a tract with the mine operations to the east.** (The mine extends to the north on additional tracts of land all owned by Bishop Farms.) No improvements are proposed. The proposed Plat of Survey (*Attachment C*) will create a new Parcel R, to contain 135.58 acres (including E. Riverside Road). Both tracts include easements for E. Riverside Road at their south end.

On May 26th of this year, Council approved an amendment to the Ames Urban Fringe Plan Land Use Framework Map from Rural Transitional Residential to General Industrial for the portion of the west tract being added to the east tract (*Attachment B*). The Story County Board of Supervisors approved the change on July 14, 2020. The Boundary line adjustment is consistent with this AUFPP amendment as was originally contemplated at that time.

Approval of this Plat of Survey (*See Attachment C*) will allow the applicant to prepare the official Plat of Survey and submit it to the Planning and Housing Director for review. The Director will sign the Plat of Survey confirming that it fully conforms to all conditions of approval. The prepared Plat of Survey may then be signed by the Surveyor, who will submit it for recording in the office of the County Recorder.

ALTERNATIVES:

1. Adopt a resolution approving the proposed Plat of Survey.
2. Deny the proposed Plat of Survey if the City Council finds that the requirements for Plats of Survey, as described in Section 23.309, have not been satisfied.
3. Refer this item 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 Subdivision Code requirements for a Boundary Line Adjustment of existing parcels. As a boundary line adjustment, there is no trigger for public improvements. Development of the site will be within the purview of Story County.

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 831 E. RIVERSIDE ROAD**

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:

Property Owner: Bishop Farms

Existing Street Address: 831 E. Riverside Road

Assessor's Parcel #s: 05-24-300-105
 05-23-400-255

Legal Descriptions:

See *Attachment D*: Legal Descriptions of Proposed Parcels.

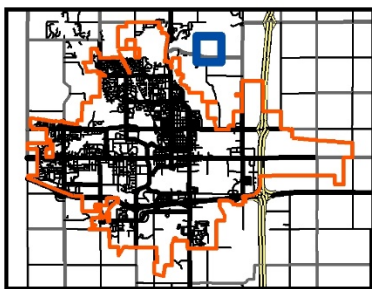
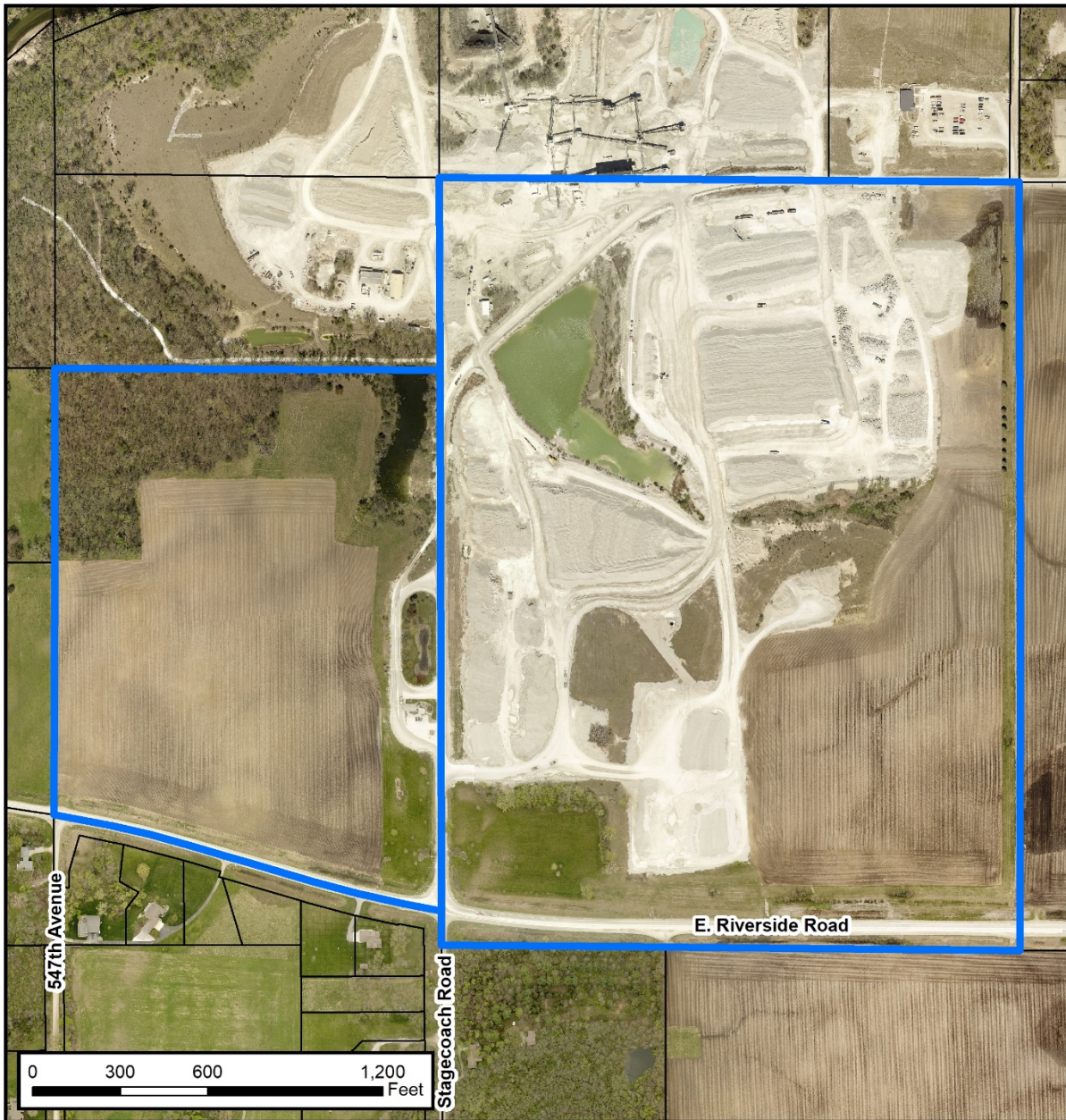
Public Improvements:

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. (no additional improvements required)

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

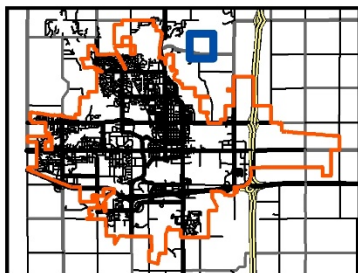
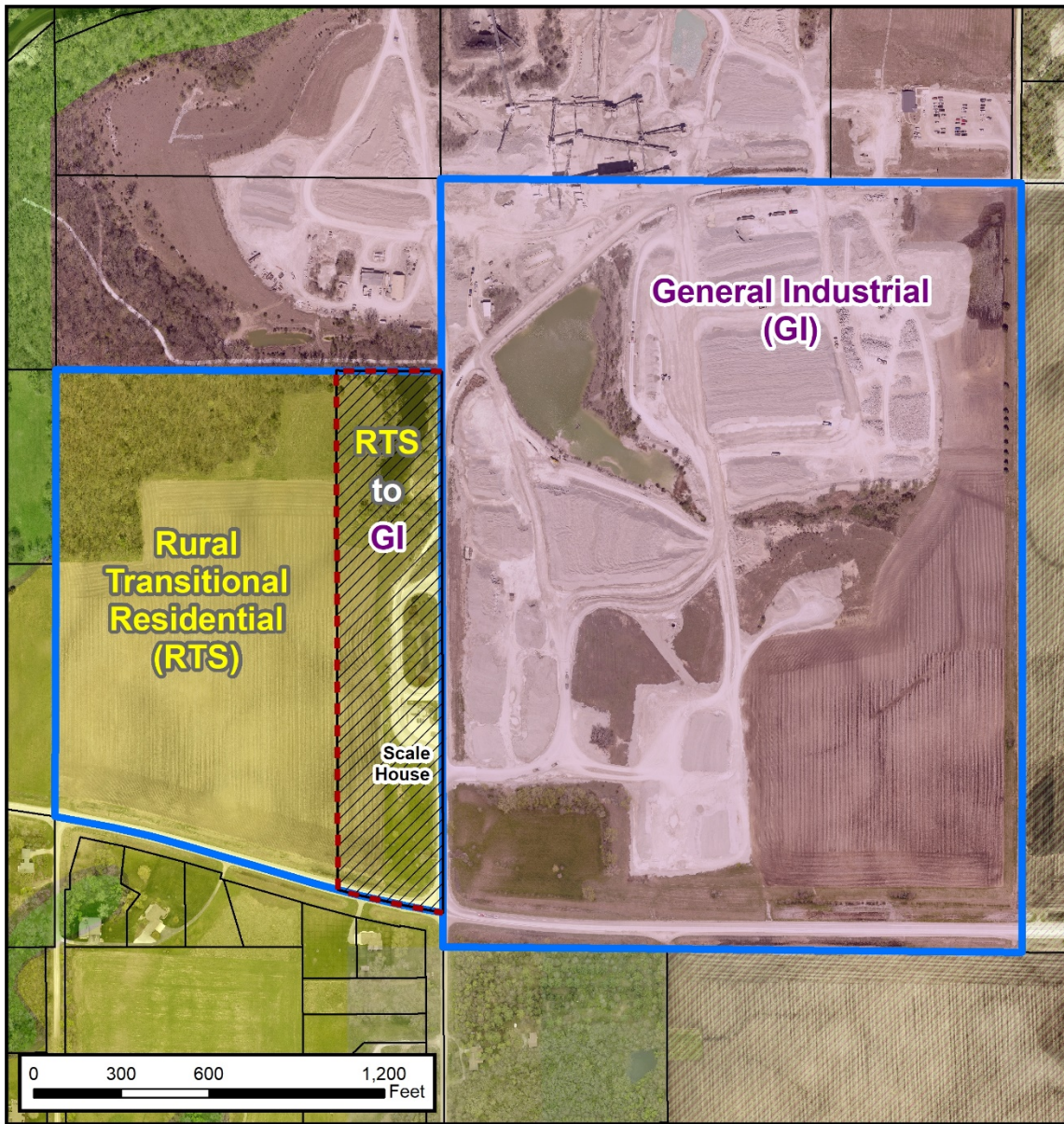


Current Conditions & Aerial for 831 E. Riverside Road




 Subject Property



Attachment B: AUPF Land Use Designation Change

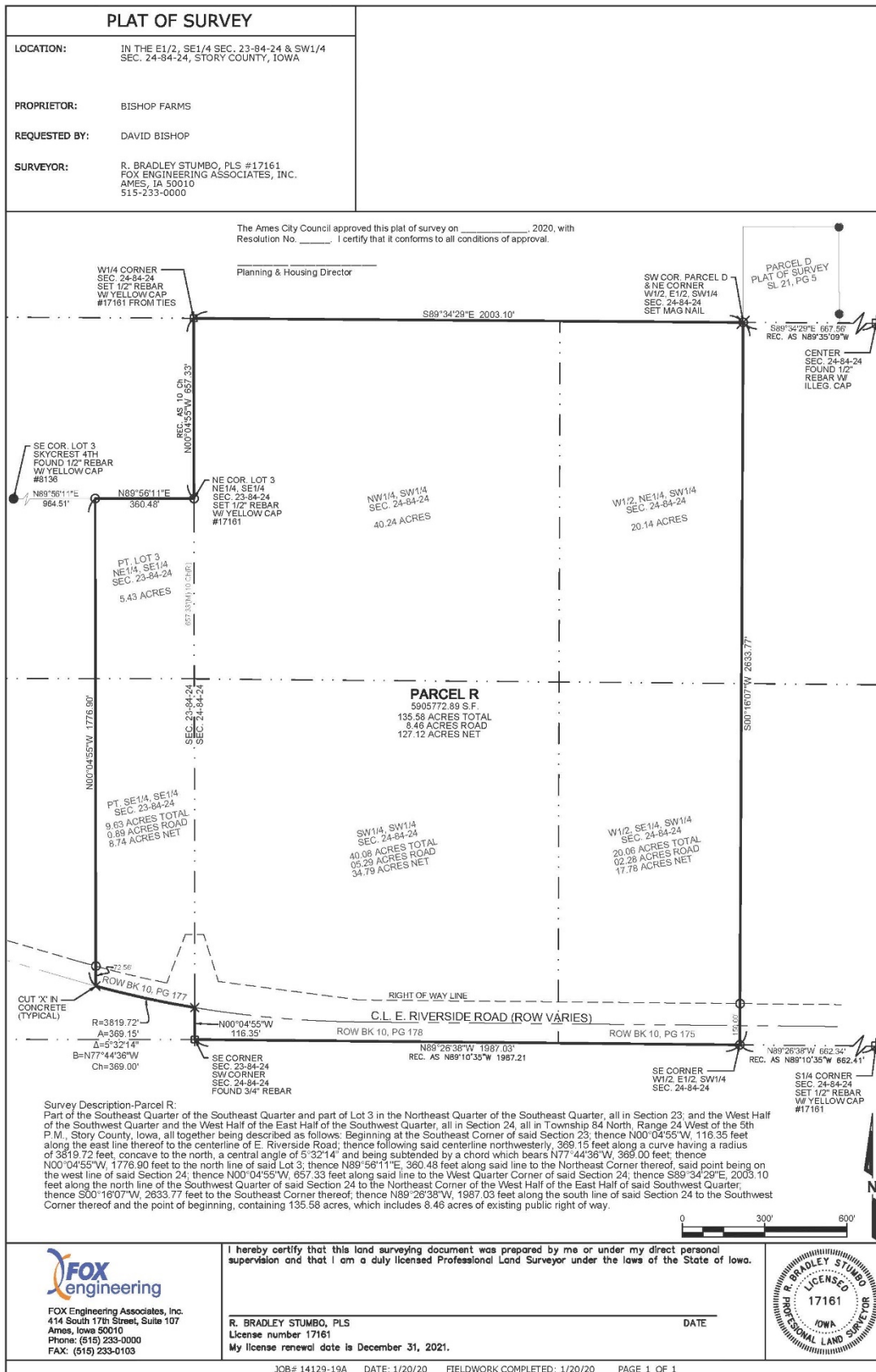


Land Use Designations for 831 E. Riverside Road

-  Existing Parcels
-  Proposed Parcel Boundary
-  Requested Land Use Designation Change



Attachment C: Proposed Plat of Survey



FOX
Engineering

FOX Engineering Associates, Inc.
414 South 17th Street, Suite 107
Ames, Iowa 50010
Phone: (515) 233-0000
FAX: (515) 233-0103

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

R. BRADLEY STUMBO, PLS
License number 17161
My license renewal date is December 31, 2021.

DATE



Attachment D: Legal Descriptions of Proposed Parcels

LEGAL DESCRIPTION – PARCEL ‘R’

Part of the Southeast Quarter of the Southeast Quarter and part of Lot 3 in the Northeast Quarter of the Southeast Quarter, all in Section 23; and the West Half of the Southwest Quarter and the West Half of the East Half of the Southwest Quarter, all in Section 24, all in Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, all together being described as follows:

Beginning at the Southeast Corner of said Section 23; thence $N00^{\circ}04'55''W$, 116.35 feet along the east line thereof to the centerline of E. Riverside Road; thence following said centerline northwesterly, 369.15 feet along a curve having a radius of 3819.72 feet, concave to the north, a central angle of $5^{\circ}32'14''$ and being subtended by a chord which bears $N77^{\circ}44'36''W$, 369.00 feet; thence $N00^{\circ}04'55''W$, 1776.90 feet to the north line of said Lot 3; thence $N89^{\circ}56'11''E$, 360.48 feet along said line to the Northeast Corner thereof, said point being on the west line of said Section 24; thence $N00^{\circ}04'55''W$, 657.33 feet along said line to the West Quarter Corner of said Section 24; thence $S89^{\circ}34'29''E$, 2003.10 feet along the north line of the Southwest Quarter of said Section 24 to the Northeast Corner of the West Half of the East Half of said Southwest Quarter; thence $S00^{\circ}16'07''W$, 2633.77 feet to the Southeast Corner thereof; thence $N89^{\circ}26'38''W$, 1987.03 feet along the south line of said Section 24 to the Southwest Corner thereof and the point of beginning, containing 135.58 acres, which includes 8.46 acres of existing public right of way.

ITEM #: 25
DATE: 09-08-20

COUNCIL ACTION FORM

REQUEST: NORTHRIDGE HEIGHTS SUBDIVISION, NINETEENTH ADDITION – MINOR FINAL PLAT

BACKGROUND:

The City’s subdivision regulations are included in Chapter 23 of the *Ames Municipal Code*. Once the applicant has completed the necessary requirements, including provision of required public improvements or provision of financial security for their completion, a “final plat application” may then be submitted for City Council approval. After City Council approval of the final plat, it must then be recorded with the County Recorder to become an officially recognized subdivision plat. The final plat must be found to conform to the ordinances of the City and any conditions placed upon the preliminary plat approval.

Fareway Stores Inc. has submitted a final subdivision plat for Northridge Heights Subdivision, Nineteenth Addition, which is a platting of an approved preliminary plat affecting the eastern portion of the site. **The Preliminary Plat was approved by the Council on August 18, 2020 as a part of an Integrated Site Plan that included a Major Site Development Plan.** The applicant proposes to split off a lot along Stange Road where a building for Burgie’s Coffee & Tea Co. will be constructed. An Integrated Site Plan allows for the subdivision of a site into individual lots with consideration of the site in its entirety for evaluating access, circulation, maintenance, and compliance with certain zoning development standards (setbacks, landscaping, parking, etc.) that would otherwise apply to individual lots. Approval of an Integrated Site Plan allows for more flexible application of most development standards through the approval of the Major Site Development Plan, although the overall site must meet all minimum standards.

The proposed final plat will have two commercial lots that will each contain a building; a Fareway Grocery Store and a Burgie’s Coffee & Tea Co. Both lots will front on Stange Road and no changes are proposed for vehicle access. The larger lot will be 3.66 acres and will contain the Fareway store and nearly all of the parking lot. The smaller lot will contain the Burgie’s and a small section of parking lot encompassing the drive-through lane. The Integrated Site Plan regulations require all parking, vehicular ways, and pedestrian paths be shared (*Note 1 under Integrated Site Plan Notes on Attachment 3*). The new, smaller lot will not have any parking. Specific development regulations in the CGS, Convenience General Service, Zoning District are also considered for the property in its entirety. The whole development has a landscaped area of 25.18%, just over the minimum of 25%. The lot containing Fareway, by itself, does not meet the minimum.

The Integrated Site Plan does require the development to observe minimum setbacks in CGS for shared property lines. Both buildings (existing and proposed), however, do comply with the minimum setbacks (20-foot front, 5-foot side, 10-foot rear).

The Subdivisions Code requires an agreement for the shared maintenance of the property. The applicant has submitted an Easement and Maintenance Agreement between the owners of Fareway and Burgie's assigning responsibility for improvements and repair along with maintenance and replacement.

ALTERNATIVES:

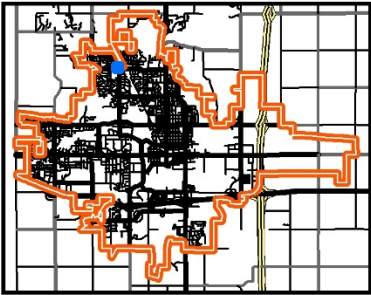
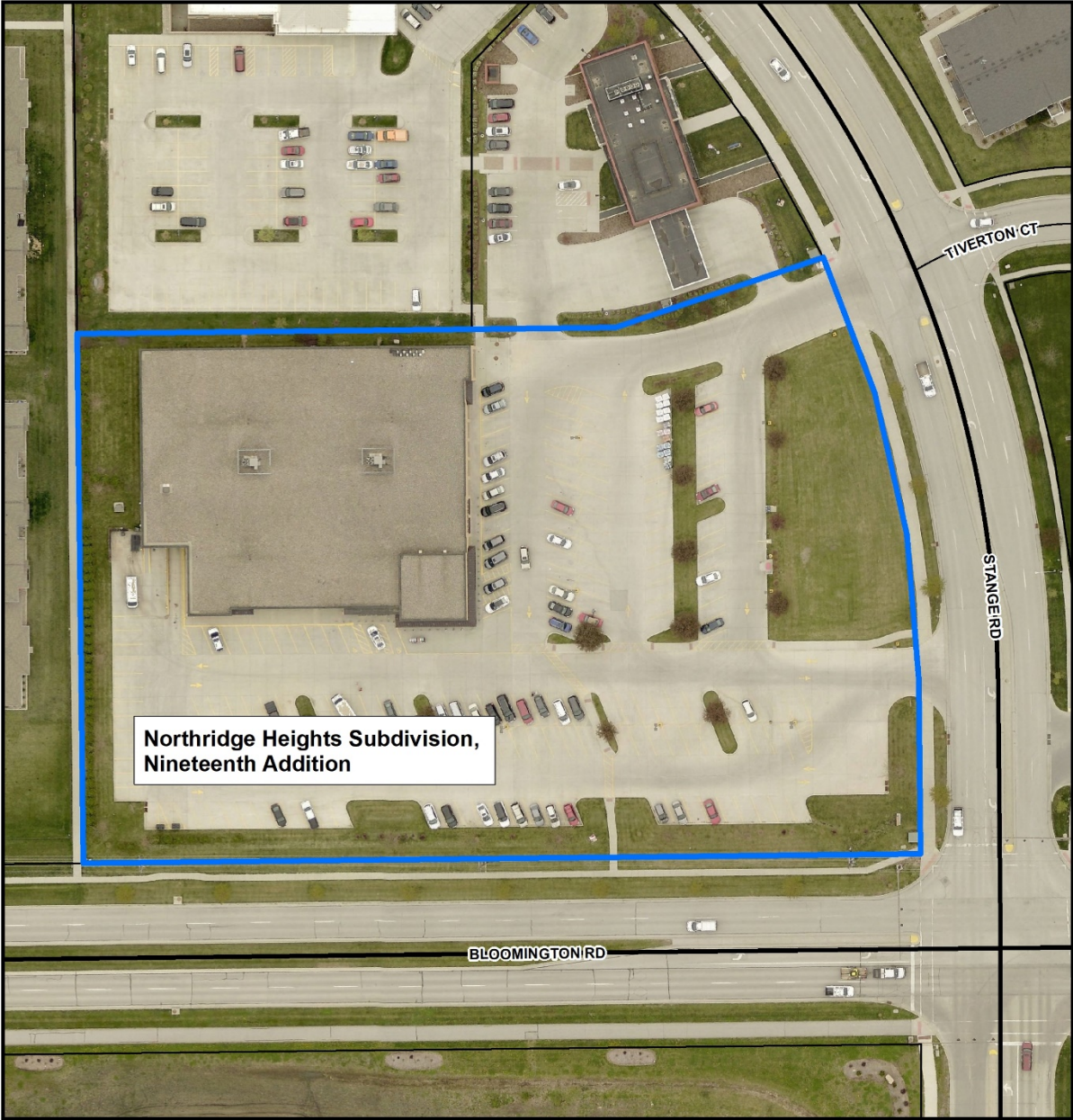
1. The City Council can approve the Final Plat of Northridge Heights Subdivision, Nineteenth Addition, based upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans with the following condition:
 - Correct the spelling of "Integrated" in the heading "Integrated Site Plan Notes."
2. The City Council can deny the Final Plat for Northridge Heights Subdivision, Nineteenth Addition if it finds that the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed.

CITY MANAGER'S RECOMMENDED ACTION:

City staff has evaluated the proposed final subdivision plat and determined that the proposal is consistent with the preliminary plat approved by City Council and that the plat conforms to the adopted ordinances and policies of the City as required by Code.

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

Attachment A: Location Map

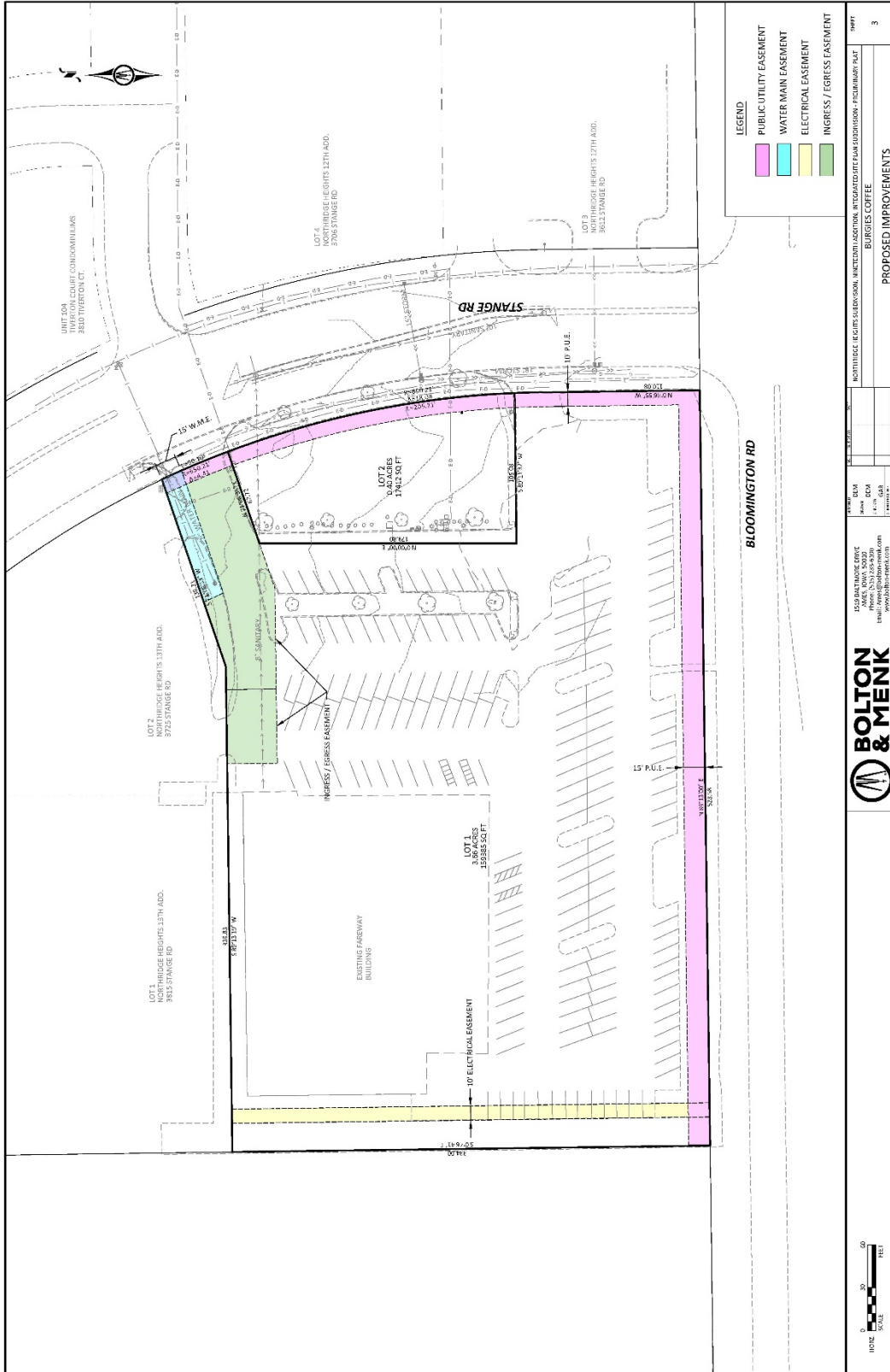


**Location Map
3619 Stange Road
Northridge Heights, 19th Add.**

0 50 100 200 Feet



Attachment B: Preliminary Plat (Amended)



Attachment D: Applicable Subdivision Law

The laws applicable to this Preliminary Plat Subdivision include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Code of Iowa Chapter 354, Section 8 requires that the governing body shall determine whether the subdivision conforms to its Land Use Policy Plan.

Ames Municipal Code Chapter 23, Subdivisions, Division I, outlines the general provisions for subdivisions within the City limits and within two miles of the City limits of Ames.

Ames Municipal Code Section 23.302(10):

(10) City Council Action on Final Plat for Major Subdivision:

- (a) All proposed subdivision plats shall be submitted to the City Council for review and approval. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.
- (b) Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans.
- (c) The City Council may:
 - (i) deny any subdivision where the reasonably anticipated impact of such subdivision will create such a burden on existing public improvements or such a need for new public improvements that the area of the City affected by such impact will be unable to conform to level of service standards set forth in the Land Use Policy Plan or other capital project or growth management plan of the City until such time that the City upgrades such public improvements in accordance with schedules set forth in such plans; or,
 - (ii) approve any subdivision subject to the condition that the Applicant contribute to so much of such upgrade of public improvements as the need for such upgrade is directly and proportionately attributable to such impact as determined at the sole discretion of the City. The terms, conditions and amortization schedule for such contribution may be incorporated within an Improvement Agreement as set forth in Section 23.304 of the Regulations.
- (d) Prior to granting approval of a major subdivision Final Plat, the City Council may permit the plat to be divided into two or more sections and may impose such conditions upon approval of each section as it deems necessary to assure orderly development of the subdivision.
- (e) Following such examination, and within 60 days of the Applicant's filing of the complete Application for Final Plat Approval of a Major Subdivision with the Department of Planning and Housing, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Major Subdivision. The City Council shall set forth its reasons for disapproving any Application or for conditioning its approval of any Application in its official records and shall provide a written copy of such reasons to the developer. The City Council shall pass a resolution accepting the Final Plat for any Application that it approves.
(Ord. No. 3524, 5-25-99)

23.704. REQUIREMENTS FOR INTEGRATED SITE PLAN SUBDIVISION.

(1) An Integrated Site Plan Subdivision must include a descriptive title for the subdivision, and a descriptive title for the associated Integrated Site Plan.

(a) The subdivision title must be clearly shown on the face of the plat as: “[Descriptive Title] Integrated Site Plan Subdivision”, and

(b) The site plan and associated documents must be clearly titled as: “[Descriptive Title] Integrated Site Plan”.

(2) The Integrated Site Plan Subdivision plat shall include all of the following declarations on the plat:

(a) “Circulation and Parking - Unless otherwise specified, all driveways, parking areas, roadways, fire lanes, sidewalks, plazas, courtyards, and other vehicular or pedestrian ways or spaces identified on the approved Integrated Site Plan associated with this Integrated Site Plan Subdivision are for the common use of the owners, tenants, customers and related operational interests associated with each lot contained within this subdivision.”

(b) “Maintenance Area. Unless otherwise specified, a maintenance area is provided within 10 feet of any building or structure identified on the approved Integrated Site Plan associated with this Integrated Site Plan Subdivision, even when said area extends onto other lots within this subdivision, provided that disturbance of improvements or landscaping shall be minimized and repaired/replaced if damaged.” “All development and use of the land described herein shall be in accordance with this subdivision and the associated [Descriptive Title] Integrated Site Plan, as they may be amended with the approval of the City of Ames, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof.”

(3) Setbacks. All buildings and structures contained in the Integrated Site Plan Subdivision are subject to the following setback provisions:

(a) Setbacks along the outer perimeter of the subdivision plat shall conform to the setbacks of the underlying zone.

(b) Setbacks are not required from interior property lines within the Integrated Site Plan Subdivision. However, property lines may not bisect buildings unless a firewall is located along said property line.

(4) Landscaping. The landscaping standards of the underlying zone apply to each lot within the subdivision, except as follows:

(a) Minimum area landscaping calculations may be based on the area of landscaping in the entire subdivision rather than the area of landscaping on individual lots within the subdivision subject to conformance with phasing provisions in Section 23.705.

(b) Required parking lot perimeter landscaping along interior property lines may (subject to conformance with phasing provisions in Section 23.705) be relocated to the other areas of the subdivision, provided that:

(i) the total amount of parking lot landscaping is not diminished from that which would be required if each lot were platted and developed independently; and

(ii) Any required landscape medians and islands are provided in all parking areas.

(5) Frontage Improvements. All Integrated Site Plan Subdivisions shall include street improvements specified in Section 23.403.

(6) All circulation and parking improvements defined on the face of the plat or on the associated Integrated Site Plan, as well as exterior lighting fixtures, landscaping, signage, fixtures and other improvements required by the provisions of the Integrated Site Plan, and/or which serve multiple lots within the subdivision, are to be included in or owned by an association or legal entity in which the owners of each lot or parcel in the divided property have a legal or beneficial interest.

(7) Maintenance of Improvements. All improvements required to comply with the minimum provisions of the Integrated Site Plan, including areas and features on individual lots that collectively contribute to total compliance with minimum standards for parking, circulation, pedestrian access, landscaping, as well as any improvements that are for the collective use of all property owners and/or tenants (such as signage, fixtures, dumpster enclosures, etc.), shall be maintained by an owners association or other legal entity, in which each property owner has a legal interest and obligation. Maintenance obligations shall be included in covenants and restrictions that are administered by the association or legal entity, and which run with the land. The City shall be furnished for review and approval the covenants and restrictions and the legal instruments creating the association or legal entity as part of the Integrated Site Plan Subdivision approval process.

(8) The property owners must execute written agreements which are recorded against the affected property, ensuring that all lots within the Integrated Site Plan Subdivision will continue to function as one site for any number of purposes, including but not limited to: lot access; interior circulation; common utilities; open space; landscaping and drainage; common facilities maintenance; and coordinated parking. Such approved Integrated Site Plan Subdivision and associated Integrated Site Plan is recorded in the county in which such land is located.



Item No. 26

Smart Choice

Public Works Department

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

September 8, 2020

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

RE: Quarry Estates Addition #2 Financial Security Reduction #3

Mayor and Council Members:

I hereby certify that certain sidewalk requirements required as a condition for approval of the final plat of **Quarry Estates Addition #2** has been completed in an acceptable manner by **various contractors**. 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 **\$17,709.47**. The outstanding work covered by this financial security includes stormwater management requirements and remaining sidewalk completion.

Sincerely,

A handwritten signature in blue ink that reads 'John C. Joiner'.

John C. Joiner, P.E.
Director

JJ/mr

cc: Finance, Planning & Housing, Subdivision file

Sunset Ridge 6th Addition

December 10, 2019

Page 2

Description	Unit	Quantity
Stormwater Management (5B)	LS	1
Sidewalk Pavement, 4"	SY	309.73



Smart Choice

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

September 8, 2020

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

RE: Quarry Estates Addition #4 Financial Security Reduction #1

Mayor and Council Members:

I hereby certify that the street lights, street base, curb and gutter and pedestrian ramp items required as a condition for approval of the final plat of **Quarry Estates #4 Addition** have been completed in an acceptable manner by **various contractors**. 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 **\$199,336.70**. The remaining work covered by this financial security includes sidewalks, street surface, street trees, stormwater management, seeding and turf restoration as shown in attachment.

Sincerely,

A handwritten signature in blue ink that reads 'John C. Joiner'.

John C. Joiner, P.E.
Director

JJ/nw

cc: Finance, Planning & Housing, Subdivision file

Staff Report

**UPDATE ON DELINQUENT UTILITY ACCOUNTS
RELATED TO COVID-19**

September 8, 2020

BACKGROUND:

At the June 23, 2020 meeting City staff briefed the City Council on the status of the delinquent utility accounts. While not required to do so, the City of Ames mirrored the action required of all privately owned utilities in Iowa to temporarily cease disconnecting any customer as a result of delinquent accounts. Therefore, the City has not issued a disconnect notice since mid-March. This moratorium was lifted on all private utilities as of May 27, 2020.

Therefore, at the June 23rd meeting, staff was seeking direction from the City Council as to whether or not to continue this voluntary moratorium. At that time over 2,700 customers had delinquent accounts totaling approximately \$400,000. Staff highlighted at this meeting the availability of certain programs that could provide financial assistance to help our customers pay off their outstanding utility bills. These programs included:

Low-Income Heating Assistance Program (LIHEAP): Low income customers needing financial assistance with their home heating bills can apply for the LIHEAP. This assistance will provide a one-time payment to the heating utility. Applications are available through MICA with a deadline of June 30, 2020. MICA reports that they have received additional funds through the CARES Act for utility assistance that allows for an additional benefit of up to \$1,000. Customer Service typically refers customers to the LIHEAP program, as needed. However, MICA's funds have to be distributed across 5 other counties.

City of Ames Renters and Homeowners Relief Programs: The City was notified by the U.S. Department of Housing and Urban Development (HUD) that it will receive a special Community Development Block Grant (CDBG) allocation in the amount of \$354,515 to be used to prevent, prepare for, and respond to COVID-19. This allocation was authorized through the CARES Act. These funds will be used in new programs directed at assisting renters and homeowners with rent, mortgages, and utilities. Initially, the funds could help pay for up to three months' utility bills to prevent a utility disconnection. HUD has recently increased the limit to six months. The City's Housing Division will directly administer the program and the Housing Coordinator has developed an application process using HUD income guidelines.

Other programs that customers may apply for are available through Emergency Residence Project, Good Neighbor, MICA, Salvation Army, Story County Community Services and Veterans Affairs, and various churches throughout the community. Some of these non-profit organizations have also received of federal funds through the CARES Act, therefore, have additional dollars available to address delinquent utility accounts. However, some of these agencies are serving regional areas so Ames thereby Ames customers are competing for these funds.

CURRENT STATUS:

The City staff had emphasized that it was not our desire to shut off any family's utilities, but rather to have them contact the Utility Customer Service Office to make payment arrangements for their outstanding bills or assist them in securing grant monies to bring their accounts current. Therefore, even though the City Council passed a motion at the June 23, 2020 meeting for the staff to resume the issuance of disconnect notice, the City Manager instructed the Finance Department not to reinstitute this process until the Housing Division had a program in place to accept applications for the new CDBG grant program. After hiring two temporary employees to administer this new grant program and training them, the program is being advertised and applications are being processed.

When the staff received news of this funding source it was apparent that no rules had yet been developed for the program. In order to not delay implementation, the staff was advised to move ahead with planning for the program in advance of rulemaking. Unfortunately, the staff was recently informed that a City that operates a municipal utility cannot distribute these funds to customers to be used to pay for utilities operated by the city administering the grant. We believe this is an unfair rule in that the funds can be used to pay a customer's outstanding bill to a privately owned utility. Therefore, we are pursuing a waiver from HUD that would allow the use of these for public utilities.

WHAT TO DO NEXT:

It appears that the amount of delinquent utility bills has grown to approximately \$750,000. There is no way to know how long it will take to hear back from HUD about our waiver. Therefore, it is staff's recommendation that the City Council continue to support the resumption of the disconnect process as approved in the previous motion on June 23, 2020. This action will take effect on September 9, 2020. If the Council delays this action, the LIHEAP rules will allow qualifying customers to delay utility payments until April 2021 thereby further increasing the magnitude of the outstanding bills.

The Housing staff will continue to solicit applications assuming that the CDBG funds will be made available for utility payments to the City of Ames. However, the

staff is recommending that utility disconnections not yet be made for those customers who have been determined to be eligible or applying for the CDBG program. If we lose our appeal to HUD, the City Council will then have to make a decision how to handle this hopefully small group of customers who would still benefit from a reasonable payment schedule.

Staff Report

**REQUEST FROM DICKSON JENSEN FOR SIDEWALK WAIVER ADJACENT
THE BRICKTOWNE DEVELOPMENT**

September 8, 2020

BACKGROUND:

City Council reviewed the request from Dickson Jensen on August 18th to waive sidewalks requirements or to have the City at its cost fill in drainage ditches which necessitates constructing a storm sewer system along his frontage. The original staff report with background on timelines and related attachments are included with this report. In response to the August 18th meeting, City Council tabled the request to review the cost of modifying the drainage ditch. Staff also has provided additional information in this report regarding the irregular nature of Mr. Jensen's request and the City's development standards.

DEVELOPER'S RESPONSIBILITIES:

The first issue at hand is the presence of a drainage ditch and its condition along the southern frontage of the Brick Towne project. The City's widening project of Highway 69 was coordinated with and approved by the Iowa DOT. The current configuration of the ditch meets SUDAS requirements and was accepted by both the City and IDOT in 2019. The City's agreement for Brick Towne did not include any specific improvement requirement for the frontage by the City. Despite this, City staff reached out to the developer's representatives to create a "bench" for the developer to more easily install a sidewalk per their approved Site Development Plan. This bench was approved by IDOT for construction of the sidewalk originally and the developer received a permit for sidewalk construction in September 2019. However, after the developer delayed the sidewalk construction during the fall of 2019, the IDOT indicated that they would no longer accept the sidewalk configuration as originally approved. This led to the developer insisting that the City was responsible for improving the right-of-way for the developer, despite no design deficiency of the ditch per engineering standards.

As discussed below in more detail, securing permits to complete work that was designed by an applicant's civil engineer is not a city responsibility and it is the property owner's responsibility to propose and construct improvements in compliance with City standards. As staff has indicated to Mr. Jensen over the past two years, we are asking for the developer to complete the project per the plans that were submitted by the developer and approved by the City. City staff does not have discretion to vary from adopted standards nor have the expectations changed since the approvals. Staff can accept minor changes consistent with the standards of the City, such as placing the sidewalk in an easement adjacent to the right-of-way. The City did not plan for or indicate

that the drainage ditch would be filled by the City at any time during the project review of Brick Towne and construction of HWY 69 widening. **The developer's request to fill the ditch now would have been a developer requirement not a City requirement if this had been suggested at the outset of the project.**

The City expects developers to make improvements necessary to complete infrastructure through its subdivision ordinance standards. The default expectation is to meet urban street frontage improvement requirements that include sidewalks/trails, curb and gutter, storm sewer, paving, water, and sanitary sewer at the developer's cost. However, in an effort to reduce costs for a developer, the City generally allows for rural street sections with drainage ditches to remain with a project when it meets a street design requirement and the developer makes accommodations to meet other requirements.

When this situation comes up, individual project developer's respond in a manner that works for their project and meets City standards. Examples of 12 recent projects that range from Menards choosing at their cost to fill a ditch to a developer providing a sidewalk easement in lieu of dedicating right-of-way are included in Exhibit A. The fact an applicant cannot complete a design they proposed to meet a standard does not create a reason or an excuse for the City to waive a standard, this would allow for applicants to continually design something they have no intention of completing and then ask for waiver at the end of a project.

COST TO ENCLOSE DRAINAGE DITCH ALONG HIGHWAY 69:

The City's Public Works Department reviewed the drainage conditions and road design of Highway 69 to evaluate costs for filling the drainage ditch as requested by City Council. Filling the ditch would require installing a piped storm sewer system and rebuilding a portion of Highway 69 (S. Duff) to modify the profile. **Public Works estimates approximately 1,000 feet of frontage would at an estimated cost of \$480,000 to meet the drainage needs of the area.** Exhibit B is a memo from Public Works describing the work in more detail.

Staff notes that because of the need to add a storm sewer for water conveyance if the ditch is enclosed, there would be no impact to the drainage in the area as it would be designed to carry the same capacity needed within the ditch to connect to the storm sewer culvert added at 3515 South Duff as part of the widening project that then connects to a drainage channel on the east side of Duff.

3505 SOUTH DUFF AVENUE (NEW PENTECOSTAL CHURCH)

The property to the south of Brick Towne is the New Pentecostal Church, which is in the process of completing an addition. City Council questioned impacts on drainage and sidewalks for this site as part of the Brick Towne discussion on the 18th. The church project included approval of plat of survey for a conveyance parcel, a three-year sidewalk deferral, and a minor site development plan in June 2017. This project was approved before final approval of Brick Towne and before plans and specifications for the HWY 69 widening were approved. The approved

plans for the church designed by the applicant's civil engineer include a sidewalk within the HWY 69 ditch area, similar to Brick Towne. Their driveway crosses the ditch to access Highway 69 with a culvert in place to convey water to the south.

The applicant is required to have completed the sidewalk by May 2020 and prior to receiving an occupancy permit for their addition. It is the primary outstanding requirement for the church to complete their addition and receive an occupancy permit.

The church has the same options as Brick Towne to fulfill their sidewalk construction requirements. They may construct the sidewalk per their approved plan in the ditch, if approved by IDOT or they could route the sidewalk in an easement in their front yard if it cannot be routed through the ditch. As discussed above, filling the ditch would likely not be viable without adding storm sewer and it would be the most expensive option for building a sidewalk. The sidewalk is required to transition to and match connection points with Brick Towne to the north, depending on the its final design.

STAFF COMMENTS:

The applicant requests two distinct waivers. The first is for a vacant commercial lot at the northern end of the development abutting Kum & Go. This sidewalk is required be installed this fall to meet the City's three-year deferral policy and to connect to the existing sidewalk installed by Kum & Go. The second is for the southern residential frontage that also requires completion of the sidewalk per the approved plans and the occupancy of apartment buildings in the Brick Towne project. Staff described four options in the original staff report that is attached.

Staff finds there is no basis for deferring the vacant commercial frontage as it is the same as many development situations across the City. Additionally, there is little chance the sidewalk would need to be torn up during construction as suggested by the developer because access will likely only come from the abutting Kum & Go property rather than an additional driveway from South Duff.

Staff does not find that waiving the southern frontage is warranted per the Chapter 23 requirements as a developer is responsible for implementing improvements and adjusting projects to comply with standards as part of the ordinary approval process.

Staff supports Option 3, which is to have the developer complete their sidewalk improvement requirements per City standards. The cost of constructing the sidewalk by the applicant is estimated at approximately \$10,000 for the southern frontage per correspondence with the applicant. All of the other options include additional cost and time to compete. Staff believes the applicant's most efficient means of meeting the requirements along the south frontage is to amend their site plan and place the sidewalk within five feet of current front yard within a sidewalk easement or additional ROW. There is not impact to the setback or front yard requirements by implementing this option.

Exhibit A-Recent Projects

S. 5th Street

Aldi Site-placed sidewalk on private property within easement to avoid ROW dedication and changes to setbacks.

SE. 16th Street

Menards- filled in ditch along SE 16th Street and constructed sidewalk in the ROW

El Azteca- placed sidewalk on private property within easement to avoid drainage ditch

Fairfield Inn- placed sidewalk on private property within easement to avoid drainage ditch

Hampton Inn- placed sidewalk on private property within easement to avoid drainage ditch

Townplace Suites- placed sidewalk on private property within easement to avoid drainage ditch

Kum -n- Go- placed sidewalk on private property within easement to avoid drainage ditch

Sherman Williams- placed sidewalk on private property within easement to avoid drainage ditch

G.W Carver

Scenic Valley- placed sidewalk on private property within easement to avoid drainage ditch

The Irons – graded ditch and installed shared use path within the ROW

Hyde Avenue /190th Street

Hayden's Crossing- placed sidewalk on private property within easement to avoid drainage ditch

Quarry Estates- placed sidewalk on private property within easement to avoid drainage ditch

Vintage Coop-regraded site and ditch, placed sidewalk outside of right-of-way, but constructed required crossing at intersection of 190th and Hyde within righ-of-way

Exhibit B



Caring People • Quality Programs • Exceptional Service

To: Mayor and City Council

From: Mark Gansen P.E., Civil Engineer II

Date: August 19, 2020

SUBJECT: S. Duff Avenue Ditch along Brick Towne Development

MEMO

BACKGROUND:

At its meeting on August 18, 2020 City Council directed staff to prepare a cost estimate for enclosing the portion of ditch along the south frontage of the Brick Towne Development. In short, enclosing that section of ditch is technically infeasible due to the elevations of the adjacent properties in relation to the ditch profile.

For a 1,000' stretch between Jewel Drive and Garden Road, the profile of S. Duff Avenue is completely flat. The south portion of Brick Towne is in the middle of this flat section of roadway. This stretch of S. Duff relies on a ditch for drainage.

The first step to enclosing the ditch would be to construct curb and gutter along S. Duff Ave. However, due to the existing roadway being flat, S. Duff Avenue would need to be completely reconstructed with an undulating profile which would allow for positive gutter drainage to intakes. The raw construction costs are estimated to be \$480,000 based on the bid prices of the S. Duff Widening project.

A deeper examination of the drainage in the area shows that a ditch to storm sewer conversion is not feasible due to the flat profile, and relatively shallow channels that accept the S. Duff stormwater. The Teagarden Middle Branch culvert under S. Duff is only 5.25' below the profile grade of the 1,000' flat stretch. Storm sewer needs to be run at a steeper grade than the existing ditch which would cause the top of the storm sewer pipe to be higher than the roadway surface along portions of the Brick Towne frontage. This causes issues with driveway access and does not allow for the collection of surface runoff from adjacent properties.

Exhibit C



Streetview of current conditions of Brick Towne South frontage.

Staff Report

**REQUEST FROM DICKSON JENSEN FOR SIDEWALK WAIVER ADJACENT
THE BRICKTOWNE DEVELOPMENT**

August 18, 2020

BACKGROUND:

The Bricktowne project was approved in 2017 and included a development agreement along with subsequent Final Plat and Planned Residence District (PRD) Major Site Development Plan approvals. (Attachment A: Location Map) The construction of Highway 69 improvements by the City and the installation of five-foot sidewalks by the developer are components of the development agreement and the project approvals. Based upon the City's Municipal Code standards and the associated agreements for the project, staff informed the property owner, Dickson Jensen, in July 2020 that staff would no longer issue building permits and grant apartment occupancy permits for the site due to the lack of construction of the required sidewalk.

In response to the City staff comments, Mr. Jensen requests that City Council waive the requirement for installation of the sidewalks for reasons related to conditions of the ditch in the right-of-way and that the sidewalk does not connect to other areas. The request describes a number of different requests related to the two individual segments of sidewalks, one segment is for the residential area at the south end of the site and one segment for the commercial area at the north end of the site. (Attachment B: Developer's Request)

Development of the site was first addressed with approval of a contract rezoning development agreement in November 2016 when the site was rezoned from Highway-Oriented Commercial to Residential High Density, subsequently modified to a PRD zoning district. As part of the rezoning process the City entered into an agreement outlining certain restrictions on use of the site, developer obligations for public improvements and additional regional stormwater improvements, and City of Ames obligations for Highway 69 improvements.

The agreement specifically calls out sidewalk improvements, including off-site improvements across the cemetery frontage, as the developer's responsibility based upon phasing of the project or as approved by City Council. (Attachment C-See Section III). The commercial frontage sidewalk is required within 12 months of completing the road. The agreement did not specify any specific conditions regarding the adjacent right-of-way following the completion of the road improvements. Section V. also notes that the plans were conceptual in nature and subsequent approvals would conform to City standards.

The Developer proceeded to seek Preliminary Plat and Site Development Plan approval for the site in July 2017. City Council approved the project plans consistent with City Subdivision standards of Chapter 23 for sidewalk installation and a Major Site Development Plan showing the planned improvements of front yard landscaping and sidewalk along Highway 69 as a developer improvement. The final plat was approved in November of 2017 and included the City's standard sidewalk deferral agreement (Attachment D) allowing for posting of financial security and up to a three-year deferral, including the ability for the City to withhold permits if the sidewalks are not completed.

The City started construction of the Highway 69 improvements in the summer of 2018. City engineering staff communicated with the developer's representative during the design of the project and during its construction about the ditch design and leaving a flat "bench" along the property's frontage to allow for sidewalk installation. The Iowa Department of Transportation and City of Ames accepted the highway improvements as complete in October 2019 and closed out the project at that time. Staff responded to complaints about slope stability in the spring of 2020. There is currently a bench that is rough graded in the right-of-way for the sidewalk.

The developer started development of the project at the south entrance to the project at Jade Street and received the first apartment building occupancy approval in January 2019, with the condition that front yard landscaping and sidewalk installation were still needed. (Attachment E-Site Plan) Subsequently, five additional buildings have received an occupancy permit and two other buildings are still under construction. A Kum & Go station was constructed at the north end of the site at the Crystal Street intersection with the required sidewalk in 2019.

The developer received a permit from DOT for the sidewalk in September 2019. The developer later received correspondence from DOT in April 2020 stating DOT wanted four feet of separation from the sidewalk to the top of the ditch backslope. The developer then indicated to City staff that he felt the ditch was unsafe and the developer would not install the sidewalk. Staff indicated the developer was responsible for any needed improvements to meet DOT requirements and the sidewalk was still required per the approved plans and agreements. Staff also indicated that an alternative location would be acceptable as a sidewalk easement or a dedication of five additional feet of right-of-way to meet all standards.

OPTIONS:

OPTION 1:

Waiver of 500 feet of sidewalk at south end of the site and defer the construction of the commercial frontage until development of that portion of the site. (Applicant's Request #1)

The developer takes issue with the timing and constructability of the sidewalk installation. The developer states that the sidewalk in front of 120 Jade Street is not constructible with the ditch in its current condition and it should be waived as a requirement due to this condition. The developer also prefers to wait to construct the commercial sidewalk until there is development on the site.

With this option the developer would not build most of the sidewalk that was originally required. City Council would have to grant the waiver of sidewalk construction per requirements of the Subdivision Code that it is impracticable to construct at this time and require financial security for its future construction or waive the improvement in its entirety.

OPTION 2:

Defer construction to coordinate with a future sidewalk in front of the cemetery (Applicant Request #2).

The developer indicates as a separate option that all sidewalks could be deferred until the City completes the intervening segment of sidewalk in front of the cemetery. In the original development agreement, the Developer was also responsible for constructing this segment as well. However, due to the lack of right-of-way after construction of Highway 69 the developer is not required to complete this segment as additional space is needed for the sidewalk to be installed. The City could choose to program a future sidewalk project to fill the gap or wait for future development on the site to trigger sidewalk improvements. There is no CIP project for this sidewalk gap at this time to coordinate with the developer's requirement.

With this option the Council would need to agree to an amendment to the agreement to outline what coordination is required and timing for performance by the Developer. This option does not seem to address the Developer's concern about the right-of-way condition and DOT's request for additional space. The Public Works Department has no intention to modify the ditch from its current design.

OPTION 3:

Require completion of the sidewalks by the developer per the original development agreement

Completion of sidewalks is a developer responsibility for all new subdivisions and developments within the City. The City established an expectation of completing

the sidewalk concurrent with development and within 12 months of completing the road project. Although the developer does not feel the ditch condition is satisfactory, the project was reviewed and accepted by the City and DOT as complete in October 2019. The developer is then responsible for completing the north commercial segment by October 2020. Additionally, the City agreed to allow for temporary deferral based upon the standard sidewalk agreement until occupancy of the apartment buildings or three years, whichever comes first. Eight apartment buildings have received final or temporary occupancy without completion of the sidewalk along Jade. The three-year deadline will be reached in November 2020.

Due to these agreements and City codes, the developer is responsible for completing the improvements regardless of right-of-way conditions. The City would accept the original sidewalk location or an adjusted location to accommodate the DOT's separation requirement. **To enforce this option, the City could withhold permits for non-compliance or even use the posted financial security to complete the improvements by the City at the developer's expense.**

OPTION 4:

Accept developer cash-in-lieu and land dedication

The City Council could accept a cash-in-lieu payment for the 500 feet of sidewalk near Jade to be completed at the time of a future city project for sidewalks in front of the cemetery. Additional space (approximately 5') is also needed to allow for the construction of the sidewalk and meet DOT guidance with dedication of an easement or right-of-way. This option would require the City to obtain an easement across the cemetery frontage and plan for an infill sidewalk to be constructed, or wait for future improvements at the cemetery to match up with the Bricktowne project. The developer has not indicated that they would support this option at this time.

Staff believes this option would require the payment and dedication of additional space in a relatively short time frame in order to allow the issuance of upcoming apartment building permits. Staff would need to prepare a formal estimate and complete agreements with the developer to accomplish this option.

STAFF COMMENTS

Staff has been in contact with the developer for at least a year and a half to have the south segment of sidewalk installed. The granting of occupancy permits has continually been based on the expectation of performance of constructing the sidewalk. Staff has indicated the developer can complete the sidewalk per their approved plans or modify the plan to place it in an easement or in additional right-of-way. Staff has tried to be flexible in terms of phasing and timing while maintaining compliance with City standards and agreements.

Upon notification to the developer in July that additional permits would not be granted, the applicant addressed City staff about their concerns about the ditch. **The City did not specify or commit to any specific ditch condition other than providing the bench as was discussed originally with the applicant. Neither the developer nor staff identified any specific standards that have not been met for the highway project and does not believe the City is responsible for additional right-of-way work. Minor sloughing of the slopes from this past winter has been corrected.**

Staff supports Option 3 as being consistent with standard City practices. Additional delay or waiver of the installation is not consistent with standard policies of the City. The developer is able to achieve the desired outcome with modifications to their plans or by implementing their own approved plans as is expected of all development. Completing the project would likely be at a lower cost by the applicant than by the City.

Construction of the commercial sidewalk segment should occur consistent with the City's standard requirements and the agreement, which is October 2020. The commercial sidewalk can easily be connected to the existing sidewalk segment in front of Kum & Go.

If the City Council is interested in a partial deferral, staff would support Option 4 where the City has control and responsibility for its implementation. Staff suggests that if this option is desirable that it would need to be agreed upon by the developer and executed with the City in relatively short amount of time, no later than September 22, 2020. If it is not agreed to by then, the project would then be held to the original development timeframes for competition of sidewalks this fall.



3117 S Duff Ave

5' Sidewalk to be installed by Developer.

120 Jade Street

Cemetery Frontage

5' Sidewalk to be installed by Developer per Agreement.



Attachment A Location & Sidewalk Exhibit

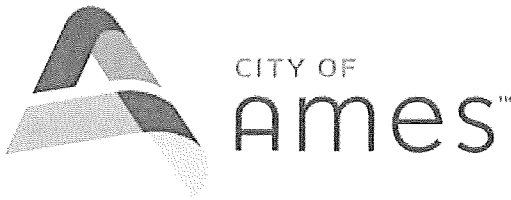
Attachment B: Developer's Request

Julie Gould

From: Kelly Diekmann
Sent: Monday, August 03, 2020 11:09 AM
To: Julie Gould
Cc: John Joiner; Damion Pregitzer
Subject: Brick Towne Waiver Requests

Kelly Diekmann
Planning and Housing Director

515.239.5400- main | 515.239.5181 direct | 515.239.5404 -fax
kdiekmann@city.ames.ia.us | City Hall, 515 Clark Avenue | Ames, IA 50010
www.CityofAmes.org | ~ Caring People ~ Quality Programs ~ Exceptional Service ~



From: Dickson Jensen <ddjensen2010@gmail.com>
Sent: Monday, August 3, 2020 10:08 AM
To: Kelly Diekmann <kelly.diekmann@cityofames.org>
Subject: Fwd: Sidewalk Options

[External Email]

Kelly,

Here is a copy of an email that I sent to you on April 22, 2020. Likewise, the developer agreement states, "The Developer will dedicate at most 60 feet for Highway 69 right-of-way and install a 5 foot sidewalk in the Highway 69 right of way on the land owned by Developer." This task is not possible with the reasons I explained in my April 22, 2020 email. I request that the City Council waive the requirement for the sidewalk in front of the south end of the Bricktowne development.

Likewise, I request that the City Council defer the placement of the sidewalk on the bare lot south of the new KUM & GO until construction is completed on a commercial project to be built on the bare lot. Construction on the bare lot will destroy the new sidewalk and therefore a new sidewalk will need to be constructed again after the new project is built. That extra cost seems to be an unneeded cost and only adds to higher construction cost for all.

My last request would be if the city is planning on putting a sidewalk across the Story Memorial Gardens cemetery, then I think the design and layout of my 2 sections of sidewalk should be installed at the same time as the cemetery sidewalks, which I would agree to at that time. The city is going to have to do design work to design the cemetery sidewalk and have to do some survey work to obtain land or easements, so I request that if that sidewalk is really going to be installed then my sidewalks make sense and I would work with the city to design my sidewalks at the same time so the sidewalks all align and look and function properly. This teamwork to have a "nice" sidewalk that makes sense on the west side of HWY 69 seems appropriate. The concept of just installing sidewalks to check a box on someone's desk is

not wise. Likewise, I request the city Council understand how poorly the work on the HWY 69 improvements were installed and I request they direct the City to fix the ditches to be safe, attractive and functional for the long years ahead in this area of town where over \$50,000,000 of property tax improvements are being built.

Thank you,

Dickson Jensen

----- Forwarded message -----

From: **Dickson Jensen** <ddjensen2010@gmail.com>

Date: Wed, Apr 22, 2020 at 2:27 PM

Subject: Re: Sidewalk Options

To: Kelly Diekmann <KDiekmann@city.ames.ia.us>

Cc: <JJoiner@cityamesiaus.onmicrosoft.com>

Kelly and John,

The sidewalk is a real safety and maintenance issue. Likewise, the sidewalk is really not necessary, the sidewalk goes nowhere and from nowhere. There is a very nice walkway on the east side of the road that people use. The DOT, according to Tony Gustafson, would prefer to not have the sidewalk because of safety and maintenance. The ditch was not built according to the drawings and the drawings did not contemplate a sidewalk in the ROW (county ditch profile). The construction of the ditch has slopes that are not accurately installed, utility placement issues, water flow issues and is crowded, there is no need to incorporate a sidewalk into the equation. The developer agreement that was signed many years ago (without knowing all the HWY 69 issues) needs to have the sidewalk requirement along HWY 69 removed, the requirement for a sidewalk through the cemetery is already removed so let's remove the rest of the sidewalk requirement for Bricktowne and New Life Church. I would think staff could make that change, they did for the cemetery portion I believe. If not, then we can go to council to explain the issues and let them decide on the maintenance and safety issues.

Thank you,

Dickson

Attachment C: Developer's Agreement

✓ DK
H
D
G
R

Instrument: 2016- 00011643
Date: Nov 21, 2016 09:42:44A
Rec Fee: 55.00 E-Com Fee: 1.00
Aud Fee: .00 Trans Tax: .00
Rec Management Fee: 1.00
Non-Standard Page Fee: .00
Filed for record in Story County, Iowa
Stacie L. Herridse, County Recorder

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

Prepared by: Judy K. Parks, Ames City Attorney, 515 Clark Ave., Ames, IA 50010; 515-239-5146

Return to: Ames City Clerk, Ames City Hall, P.O. Box 811, Ames, IA 50010

(env)

CONTRACT ZONING AGREEMENT BETWEEN DICKSON JENSEN AND LUANN JENSEN AND THE CITY OF AMES FOR THE BRICK TOWNE DEVELOPMENT AT 3115-3413 SOUTH DUFF AVENUE

THIS AGREEMENT, (this "Agreement") made and entered into this 14th day of November, 2016, by and between the City of Ames, Iowa (hereinafter called "City") and Dickson D. Jensen and Luann C. Jensen (hereinafter called "the Developer"), their successors, heirs, and assigns.

WITNESSETH THAT:

WHEREAS, the Developer is seeking to improve and develop an area located at 3115, 3119, 3301, 3325, 3409 and 3413 South Duff Avenue and legally described as set out on Exhibit 'A' and depicted in Exhibit 'B' (collectively, the "Site"), which will be called the Brick Towne Development; and

WHEREAS, the Developer has applied to the City for rezoning of the Site from the present designations as HOC (Highway Oriented Commercial) and A (Agricultural) to HOC (Highway Oriented Commercial) and RH (Residential High Density), consistent with the Land Use Policy Plan as depicted in the "Rezoning Plat" attached hereto and made a part of this Agreement as set forth in Exhibit 'B'; and

WHEREAS, the Developer has proposed a "Concept Plan" to guide the general layout, design, and intensity of future development attached hereto and made a part of this Agreement as set forth in Exhibit 'C.' The Parties understand and agree the Plan is conceptual in nature and may be modified as necessary, but the Development shall generally constitute workforce housing; and

WHEREAS, Developer and the City desire to enter into an agreement related to additional conditions for development of the Site which addresses storm water and off-site traffic impacts of the Site, and cost allocation for improvements related to those, in conjunction with granting the base zoning for the Site, as provided for under Iowa Code section 414.5.

NOW, THEREFORE, the parties hereto have agreed and do agree as follows:

**I.
INTENT AND PURPOSE**

- A. It is the intent of this Agreement to:
1. Induce the City to rezone the real property subject to development, and the Developer will not be bound by this agreement if the rezoning is not approved.
 2. Recognize that Developer is owner of the Site which is being rezoned;
 3. Provide for completion of storm water improvements for the land being rezoned as well as for additional land in the vicinity in a manner consistent with the Teagarden Drainage Study.
 4. Provide for off site street and bicycle improvements required for the development that is contemplated to occur on the Site, as well as provide for rehabilitation and widening of South Duff Avenue and signalization of the intersection of South Duff Avenue with Crystal Street.
 5. Allow for cost allocation of the storm water and off-site street traffic improvements between the parties.

**II.
STORM WATER MANAGEMENT IMPROVEMENTS AND COST**

The Developer is responsible for all storm water management for the Site.

It is also known that storm water flows from west of the Site into the Teagarden residential area east of South Duff Avenue. It would be desirable to the City to incorporate enhanced storm water management in this area.

In conjunction with the construction of its storm water improvements for the Site, the Developer agrees to build and provide additional storm water improvements in a capacity sufficient to provide adequate storm water management for the Teagarden area at a capacity of no more than 18 acre foot on the middle branch and one acre foot on the north branch, with discharge of these extended detention facilities to consider water quality improvements, airport and safety impacts, and existing capacity downstream infrastructures. The Developer will bear the cost for all of these improvements. The Developer will design the improvements subject to the City's specifications, Statewide Urban Design and Specifications (SUDAS), Iowa Stormwater Management Manual, Ames Municipal Code Chapter 5B, and City of Ames Supplemental Specifications, the Teagarden Drainage Study of August 2015, and will install them only after review and approval has been given by the City of Ames Public Works Department.

The storm water detention facilities and other improvements shall be completed prior to occupancy of any structure on the Site or by October 2018, whichever occurs first.

III. OFF-SITE TRANSPORTATION IMPROVEMENTS AND COST

The City is responsible for all off-site improvements except as noted.

South Duff Avenue (also known as U.S. Highway 69) in the vicinity of the Site is in need of widening to three lanes and signalization as off-site traffic improvements to meet the development needs of the Site.

The Developer will dedicate at most 60 feet for Highway 69 right-of-way and install a 5 foot sidewalk in the Highway 69 right of way on the land owned by Developer. Developer shall be responsible for the construction of a sidewalk along the frontage of Story Memorial Gardens cemetery, provided that the sidewalk may be placed in existing right of way and does not require Developer to secure an easement from the titleholder of the Story Memorial Gardens cemetery. Frontage improvements shall be completed commensurate with the phasing of residential development, or according to a timeframe directed by the City Council. The sidewalk in front of the commercial portion of the development shall be completed within 12 months of the City finishing the road.

The City shall be responsible, at its own cost, for all other transportation-related improvements outside of the development, including traffic signals and signs, street improvements, utility relocations, CyRide improvements for bus stops, additional or widened lanes, and other sidewalks and shared use paths.

Plans for the South Duff improvements are incomplete at this point, but all South Duff Avenue improvements are subject to approval by the Department of Transportation. Preliminary plans identify the widening principally along the west side of South Duff Avenue. However, in the event there is no reasonable alternative to widening to the west, and any of the improvements on the east cause the need for relocation of the Ames Electric transmission lines or poles, the City and the Developer shall share in the cost of their relocation with the City to be responsible for 75% of the cost and the Developer to be responsible for 25% of the cost. Notwithstanding the foregoing, the Developer's one-quarter share of the cost shall not exceed the sum of \$187,500.00.

IV. DESIGN

The request for rezoning was accompanied by a Concept Plan as set forth in Exhibit 'C' providing for the general layout, design, and intensity of future development. Developer agrees that the Site is limited to a maximum of 750 dwellings, and that up to 10 percent of built units may be three bedroom units.

The Developer understands that site access from South Duff Avenue may be restricted by the City or Department of Transportation and that shared access drives with the commercial and residential development will be required for development of the Site. Proposed site access is shown on Exhibit 'C' attached.

The Developer has stated an intent to make a desirable living environment with on-site amenities and features with development of the Site. The Developer agrees to incorporate recreational and lifestyle amenities commensurate with the phased development of the residential buildings of the Site. Additionally, the Developer shall incorporate architectural features into each building on the Site that helps to create identity as a residential community, enhance the building design, and provide architectural interest and relief elements to building massing. Additionally, the Developer shall incorporate a substantial amount of brick material with each building façade.

Landscaping is a unique feature to the site development. Native grasses, mounding and wetlands for water quality run throughout the development. The Developer intends to apply for a Master Plan for alternative screening as provided in Section 29.403(4)(g) of the Ames Municipal Code. The landscaping on the Site will be consistent with a prairie-style concept with fewer trees due to airport proximity and with smaller bushes replaced by native grasses around the Site. The parties agree that City Staff shall review proposed prairie-style landscaping as part of the review of the Site Plan and approval shall not be unreasonably withheld.

The parties understand and agree that the Developer shall record an avigational easement as shown in Exhibit D prior to the approval of the Site Plan.

V.

NON-INCLUSION OF OTHER IMPROVEMENT OBLIGATIONS

The parties acknowledge and agree that this Agreement is being executed in contemplation of a conceptual plan for development, without further review or approval of subsequent specific plans for development of the Site. The parties acknowledge and agree that it is not possible to anticipate all the infrastructure requirements that the Developer may be required to complete to properly develop the Site. Therefore, the parties agree that all work done by and on behalf of the Developer with respect to, but not limited to, sidewalks, building design, building construction and utilities, both on-site and off-site, shall be made in compliance with Iowa Code, SUDAS and all other federal, state and local laws and policies of general application except as otherwise expressly provided herein, whether or not such requirements are specifically stated in this Agreement.

VI.

GENERAL PROVISIONS

A. Modification. The parties agree that this Agreement may be modified, amended or supplemented only by written agreement of the parties.

B. Incorporation of Recitals and Exhibits. The recitals, together with any and all exhibits attached hereto, are confirmed by the parties as true and incorporated herein by

reference as if fully set forth verbatim. The recitals and exhibits are a substantive contractual part of this Agreement.

**VII.
COVENANTS RUN WITH THE LAND**

This Agreement shall run with the land and shall be binding upon the Developer, its successors, subsequent purchasers and assigns. Each party hereto agrees to cooperate with the other in executing a Memorandum of Agreement that may be recorded in place of this document.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective as of the date first above written.

<p>CITY OF AMES, IOWA</p> <p>By <u>Ann H. Campbell</u> Ann H. Campbell, Mayor</p> <p>Attest <u>Diane R. Voss</u> Diane R. Voss, City Clerk</p> <p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>On this <u>15</u> day of <u>November</u>, 2016, before me, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell and Diane R. Voss, to me personally known, 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 Resolution No. <u>16-606</u> adopted by the City Council on the <u>11</u> day of <u>October</u>, 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.</p> <p><u>Jill L. Ripperger</u> Notary Public in and for the State of Iowa</p>	<p><u>Dickson D. Jensen</u> DICKSON D. JENSEN</p> <p>STATE OF IOWA, COUNTY OF <u>Story</u>, ss:</p> <p>This instrument was acknowledged before me on <u>November 14</u>, 2016, by <u> </u>, Dickson D. Jensen.</p> <p><u>Luann C. Jensen</u> Notary Public in and for the State of Iowa</p> <p>9-18-18</p> <p>STATE OF IOWA, COUNTY OF <u>Story</u>, ss:</p> <p>This instrument was acknowledged before me on <u>November 14</u>, 2016, by <u> </u>, Luann C. Jensen.</p> <p><u> </u> Notary Public in and for the State of Iowa</p>
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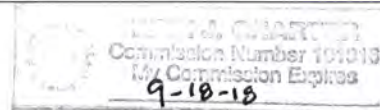
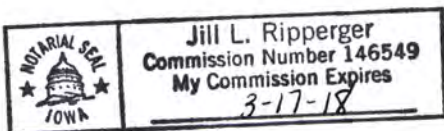


Exhibit A: Legal Description of Site

A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 23, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M. IN THE CITY OF AMES, STORY COUNTY, IOWA DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY OF DUFF AVENUE AND U.S. HIGHWAY #69 WHICH IS 50 FEET WEST AND 511.1 FEET SOUTH OF THE NE CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW ¼), THENCE CONTINUING SOUTH ALONG SAID RIGHT OF WAY 68 FEET, THENCE NORTH 89°50' W 118 FEET, THENCE NORTH 68 FEET, THENCE S 89°50' E 118 FEET TO THE POINT OF BEGINNING;

AND

BEGINNING AT A POINT 579.1 FEET SOUTH OF THE NE CORNER OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-THREE (23), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, THENCE SOUTH 125 FEET, THENCE WEST 300 FEET, THENCE NORTH 125 FEET, THENCE EAST 300 FEET TO THE POINT OF BEGINNING; LOCALLY KNOWN AS 3325 SOUTH DUFF AVENUE, AMES, IOWA;

AND

PARCEL "J" A PART OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, AS SHOWN ON THE "PLAT OF SURVEY" FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA, ON OCTOBER 6, 1998, AS INST. NO. 98-13885, SLIDE 2, PAGE 4, (SAID PARCEL "J" INCLUDES REAL ESTATE DESCRIBED AS PARCEL "L" A PART OF THE SW ¼ OF SEC. 14-T83N-R24W OF THE 5TH P.M., STORY COUNTY, IOWA, AS SHOWN ON THE "PLAT OF SURVEY" FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA, MARCH 28, 2000, AS INST. NO. 00-03130, SLIDE 62, PAGE 4), EXCEPT THE FOLLOWING DESCRIBED REAL ESTATE: PARCEL "M" A PART OF THE SW ¼ OF SEC. 14-T83N-R24W OF THE 5TH P.M., STORY COUNTY, IOWA, AS SHOWN ON THE "PLAT OF SURVEY" FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA, APRIL 27, 2000, AS INST. NO. 00-04315, SLIDE 66, PAGE 1;

AND

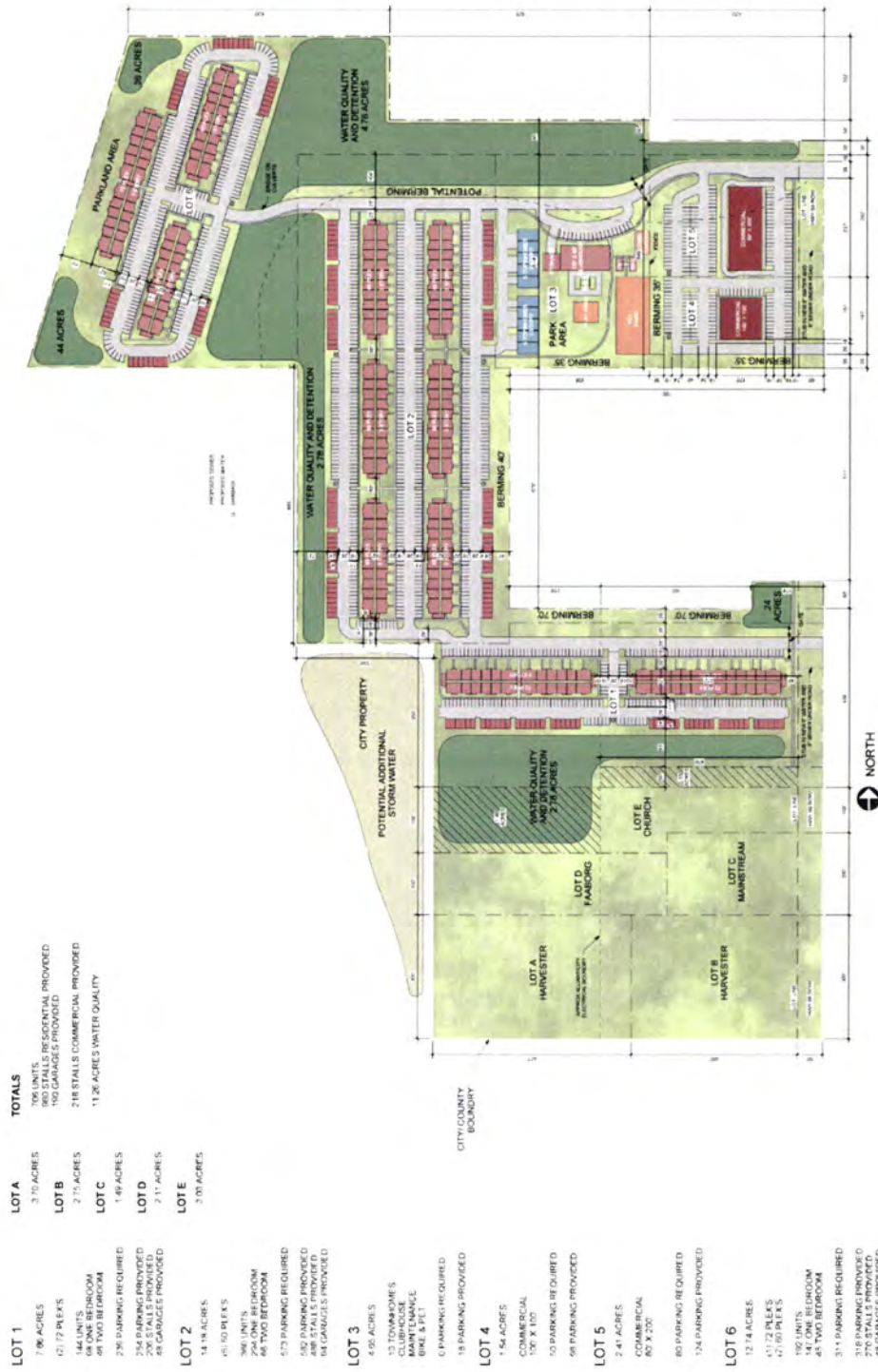
PARCELS "A" AND "B" A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-THREE (23), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, AS SHOWN ON THE "PLAT OF SURVEY" FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA, ON JUNE 7, 1995, AS INST. NO. 95-04494, BOOK 13, PAGE 70;

AND

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION FOURTEEN (14), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., IOWA, THENCE WEST ALONG THE

SOUTH LINE OF SAID SECTION FOURTEEN (14) TWO HUNDRED EIGHTY (280) FEET TO A POINT, THENCE NORTH PARALLEL WITH THE CENTER LINE OF SAID SECTION FOURTEEN (14), ONE HUNDRED (100) FEET, THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID SECTION FOURTEEN (14), TWO HUNDRED EIGHTY (280) FEET, THENCE SOUTH ALONG THE CENTER LINE OF SAID SECTION FOURTEEN (14) TO THE PLACE OF BEGINNING, SUBJECT TO HIGHWAY EASEMENTS OF RECORD.

Exhibit C: Concept Plan



LOT	ACRES	DETAILS
LOT 1	7.96 ACRES	76 UNITS 900 STALLS RESIDENTIAL PROVIDED 190 STALLS COMMERCIAL PROVIDED
LOT 2	14.18 ACRES	360 UNITS 294 ONE-BEDROOM 66 TWO-BEDROOM
LOT 3	4.95 ACRES	12 TOWNHOMES CLUBHOUSE POOL BIKE & PET
LOT 4	1.54 ACRES	COMMERCIAL 126 SQ FT
LOT 5	2.41 ACRES	COMMERCIAL 80' X 200'
LOT 6	12.74 ACRES	472 UNITS 45 TWO-BEDROOM

LOT	ACRES	DETAILS
LOT A	3.70 ACRES	180 STALLS RESIDENTIAL PROVIDED 190 STALLS COMMERCIAL PROVIDED
LOT B	2.75 ACRES	11.2K ACRES WATER QUALITY
LOT C	1.49 ACRES	276 PARKING PROVIDED 205 STALLS PROVIDED 48 GARAGES PROVIDED
LOT D	2.11 ACRES	276 PARKING PROVIDED 205 STALLS PROVIDED 48 GARAGES PROVIDED
LOT E	3.00 ACRES	

TOTALS	DETAILS
76 UNITS	
900 STALLS RESIDENTIAL PROVIDED	
190 STALLS COMMERCIAL PROVIDED	
218 STALLS COMMERCIAL PROVIDED	
11.2K ACRES WATER QUALITY	

BRICK TOWNE | Site Plan 19 | 2016.09.28
AT SOUTH DUFF

Attachment D: Example of Avigational Easement

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

Prepared by: Judy Parks, Ames City Attorney, 515 Clark Ave., Ames, IA 50010; 515-239-5146

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

AVIGATIONAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That for a good and valuable consideration, the receipt of which is hereby acknowledged, that Dickson D. and Luann C. Jensen do hereby grant a permanent Avigational Easement to the City of Ames, Iowa authorized by law to own and operate Ames Municipal Airport, for the use of "Navigable Airspace" as defined the Federal Aviation Act of 1956, over all of the following described real estate to wit:

A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 23, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M. IN THE CITY OF AMES, STORY COUNTY, IOWA DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY OF DUFF AVENUE AND U.S. HIGHWAY #69 WHICH IS 50 FEET WEST AND 511.1 FEET SOUTH OF THE NE CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW ¼), THENCE CONTINUING SOUTH ALONG SAID RIGHT OF WAY 68 FEET, THENCE NORTH 89°50' W 118 FEET, THENCE NORTH 68 FEET, THENCE S 89°50' E 118 FEET TO THE POINT OF BEGINNING;

AND

BEGINNING AT A POINT 579.1 FEET SOUTH OF THE NE CORNER OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-THREE (23), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, THENCE SOUTH 125 FEET, THENCE WEST 300 FEET, THENCE NORTH 125 FEET, THENCE EAST 300 FEET TO THE POINT OF BEGINNING; LOCALLY KNOWN AS 3325 SOUTH DUFF AVENUE, AMES, IOWA;

AND

PARCEL "J" A PART OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, AS SHOWN ON THE "PLAT OF SURVEY" FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA, ON OCTOBER 6, 1998, AS INST. NO. 98-13885, SLIDE 2, PAGE 4, (SAID PARCEL "J" INCLUDES REAL ESTATE DESCRIBED AS PARCEL "L" A PART OF THE SW ¼ OF SEC. 14-T83N-R24W OF THE 5TH P.M., STORY COUNTY, IOWA, AS SHOWN ON THE "PLAT OF SURVEY" FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA, MARCH 28, 2000, AS INST. NO. 00-03130, SLIDE 62, PAGE 4), EXCEPT THE FOLLOWING DESCRIBED REAL ESTATE: PARCEL "M" A PART OF THE SW ¼ OF SEC. 14-T83N-R24W OF THE 5TH P.M., STORY COUNTY, IOWA, AS SHOWN ON THE "PLAT OF SURVEY" FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA, APRIL 27, 2000, AS INST. NO. 00-04315, SLIDE 66, PAGE 1;

AND

PARCELS "A" AND "B" A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-THREE (23), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., AMES, STORY COUNTY,

IOWA, AS SHOWN ON THE "PLAT OF SURVEY" FILED IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA, ON JUNE 7, 1995, AS INST. NO. 95-04494, BOOK 13, PAGE 70;

AND

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION FOURTEEN (14), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M. , IOWA, THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION FOURTEEN (14) TWO HUNDRED EIGHTY (280) FEET TO A POINT, THENCE NORTH PARALLEL WITH THE CENTER LINE OF SAID SECTION FOURTEEN (14), ONE HUNDRED (100) FEET, THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID SECTION FOURTEEN (14), TWO HUNDRED EIGHTY (280) FEET, THENCE SOUTH ALONG THE CENTER LINE OF SAID SECTION FOURTEEN (14) TO THE PLACE OF BEGINNING, SUBJECT TO HIGHWAY EASEMENTS OF RECORD.

By virtue of this easement, the grantor, for and on behalf of themselves and all successors in interest to any and all of the real property above describe, waives as the City of Ames only, any and all claims for damage of any kind whatsoever incurred as a result of aircraft using the "Navigable Airspace" granted herein. This easement does not grant or convey any surface use rights, nor is it to be construed to grant any right to private persons or corporations.

"Navigable Airspace" means airspace above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act of 1958, Section 101 (240 U.S. Code 1301, and shall include airspace needed to ensure safety in take-off and landing of aircraft.

To have and to hold said easement forever.

IN WITNESS WHEREOF: The grantor has signed these presents this ____ day of _____, 20__.

Dickson D. Jensen

Luann C. Jensen

STATE OF IOWA }
STORY COUNTY } SS

Personally appeared before me, a notary public in and for the County and State aforesaid Dickson D. and Luann C. Jensen to me personally known to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the executor thereof.

Dated at _____, this ____ day of _____, 20__.
Executed _____, 2016

Notary Public in and for the State of Iowa

Attachment D: Sidewalk Agreement

Instrument #: 2017-11601
11/16/2017 09:20:14 AM Total Pages: 3
00 OTHER
Recording Fee: \$ 17.00
Stacie Herridge, Recorder, Story County Iowa



Return to:
Jensen Group
4611 Mortensen Rd., Ste. 106
Ames, IA 50014
Attn: Todd Petersen

DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER
Prepared by/Return to: Kathleen Law, 700 Walnut, Suite 1600, Des Moines, IA 50309; 515-283-3116

AGREEMENT FOR SIDEWALKS

The parties to this Agreement are Dickson D. Jensen and Luann C. Jensen, husband and wife, their successors and assigns, hereinafter referred to as "Owners", and the CITY OF AMES, IOWA, hereinafter referred to as "City".

WHEREAS, the Owners are in the process of platting a subdivision of real estate per Chapter 23 of the Municipal Code of Ames, Iowa, to be known as Bricktowne Ames Subdivision, Ames, Story County, Iowa; and

WHEREAS, the Owners are required to construct sidewalks in the right-of-way of all streets in the subdivision as part of the platting procedure of the City.

NOW, THEREFORE, in consideration of the premises, it is hereby understood and agreed that:

1. The Owners shall construct sidewalks as required by the City for said Subdivision, in accordance with plans and specifications on file with the City's engineers and by this reference made a part of this agreement. Owners may obtain building and zoning permits for lots within said final subdivision plat within 36 months following said subdivision plat approval, with the understanding that an "occupancy permit" under City ordinances shall be withheld with respect to any structure for

which said sidewalk has not been completed until the sidewalk is completed. Further, if the sidewalk is not completed as aforesaid for the segment of the street abutting the structure within 36 months of the approval of said final subdivision plat, the owner of said lot shall install the sidewalk as per City regulations regardless of whether a structure has been constructed on said lot. No building permit shall be issued after 36 months following final subdivision plat approval for a lot unless said sidewalk has been installed.

2. This Agreement shall be filed for record in the office of the Story County Recorder and all covenants, agreements, promises and representations herein stated shall be deemed to be covenants running with the land and shall endure and be binding on the parties hereto, their successors and assigns, for a period of twenty-one years from the date of the recording of these covenants, unless claims to continue any interest in the covenants are filed as provided by law.

DATED this 7 day of Nov., 2017.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

Dickson D. Jensen
Dickson D. Jensen

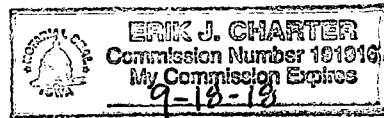
Luann C. Jensen
Luann C. Jensen

STATE OF IOWA, COUNTY OF STORY, SS.:

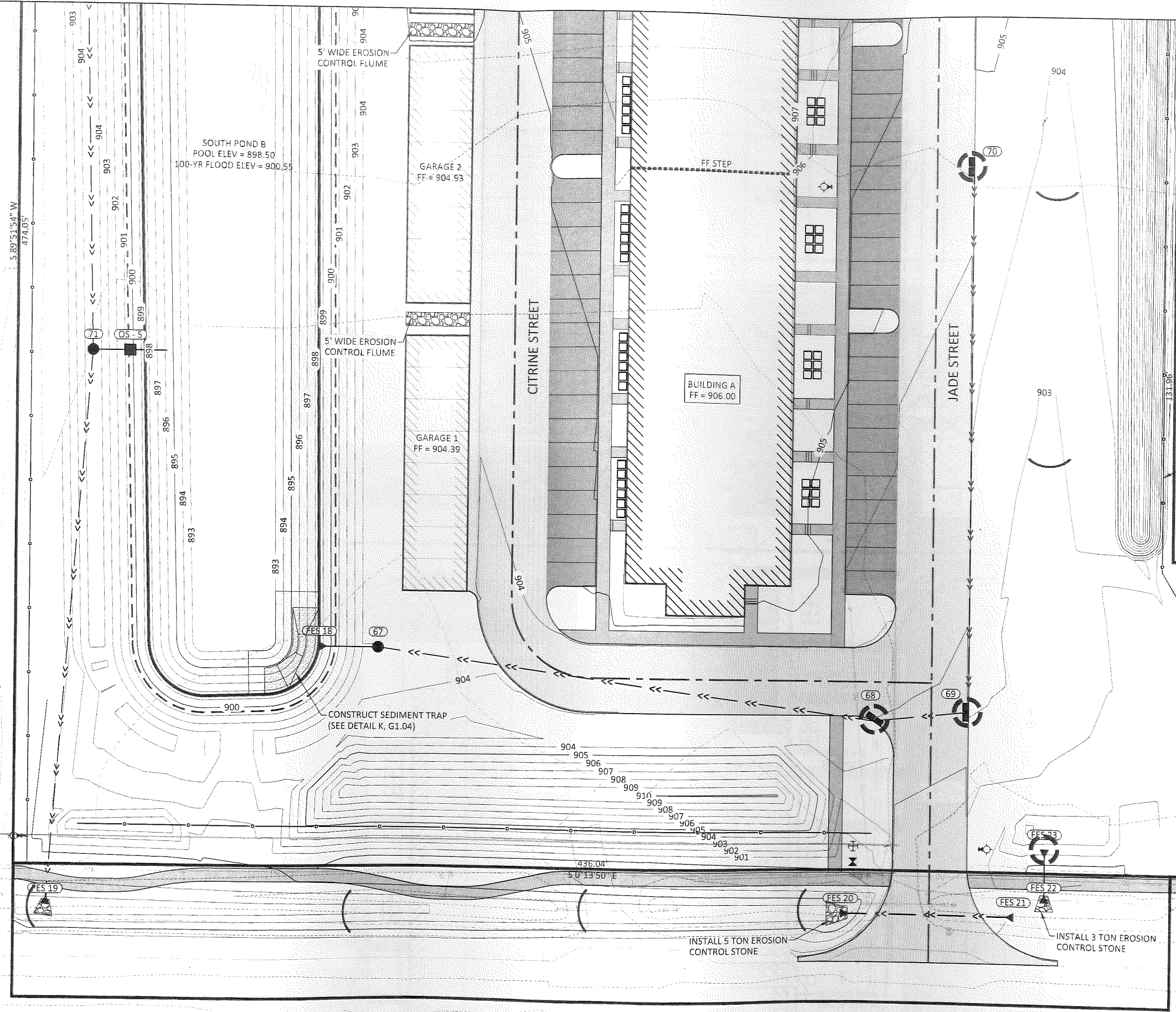
This record was acknowledged before me on November 7, 2017, by Dickson D. Jensen and Luann C. Jensen, husband and wife.

STAMP

Erik J. Charter
Notary Public in and for the State of Iowa



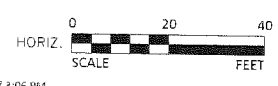
Attachment E- Site Plan



LEGEND:

- SILT FENCE
- SILT FENCE DITCH CHECK
- RIP RAP
- INLET PROTECTION DEVICE

Attachment E: Approved Site Plan with 120 Jade St Sidewalk



2730 FORD ST., P.O. BOX 668
 AMES, IOWA 50010
 Phone: (515) 233-6100
 Email: Ames@bolton-menk.com
 www.bolton-menk.com

REV.	ISSUED FOR	DATE	DESIGNED
C	FOR BID	8/14/2017	WFK
			DRAWN
			WFK
			CHECKED
			GAB

JENSEN GROUP	SHEET
BRICKTOWNE - SOUTH AMES	
EROSION CONTROL	C1.01

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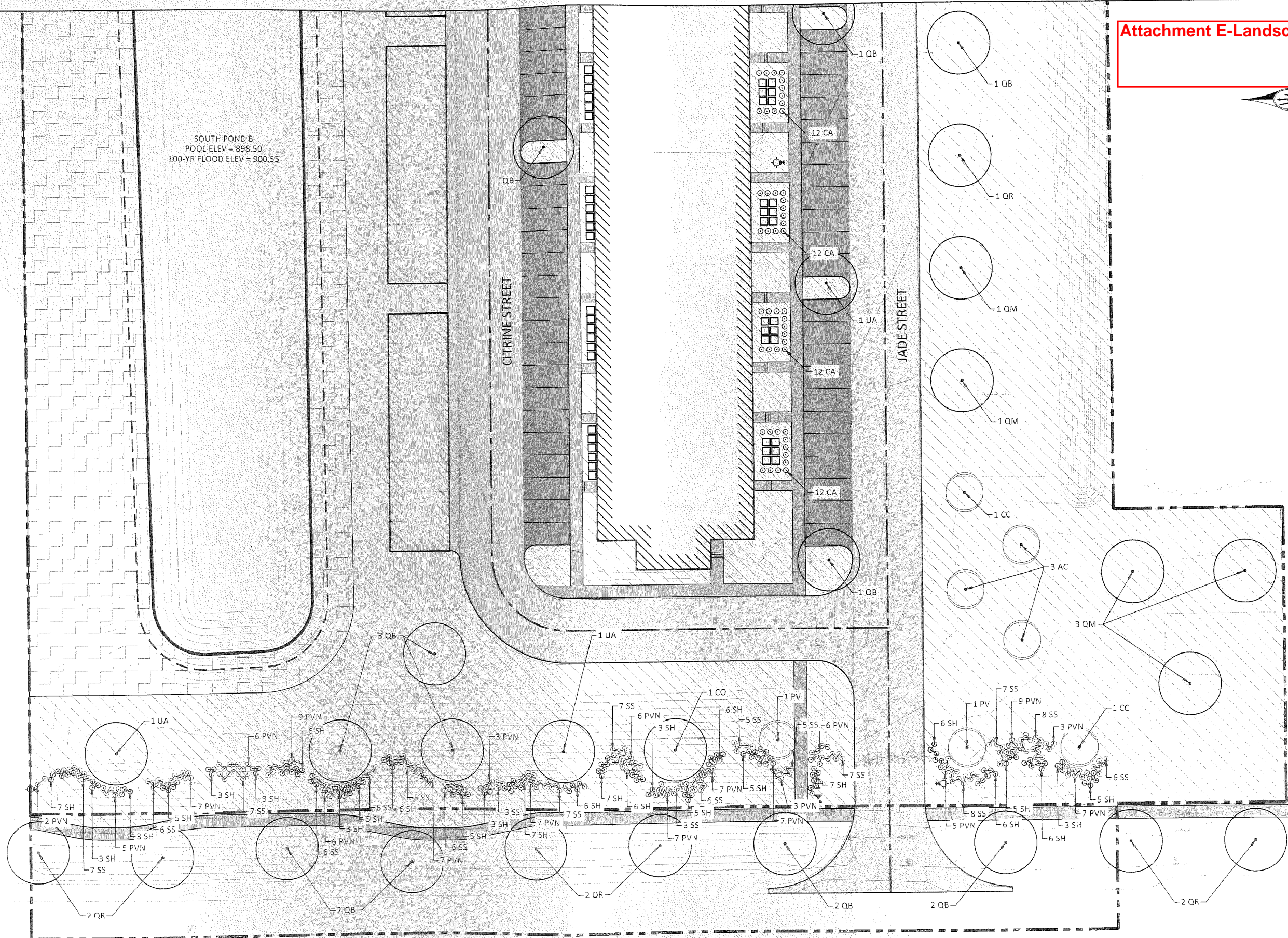
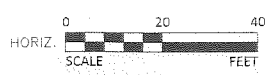


Exhibit E: Continued



2730 FORD ST., P.O. BOX 668
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 Phone: (515) 233-6100
 Email: Ames@bolton-menk.com
 www.bolton-menk.com

REV	ISSUED FOR	DATE	DESIGNED
0	FOR BID	8/4/2017	WFK
			WFK
			GAB

JENSEN GROUP	
BRICKTOWNE - SOUTH AMES	
LANDSCAPING PLAN	

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COUNCIL ACTION FORM

**SUBJECT: VERBIO AND CITY OF NEVADA REQUEST TO
AMEND ANNEXATION MORATORIUM AGREEMENT**

BACKGROUND:

On December 14, 2010, the City of Ames agreed to enter into an Annexation Moratorium Agreement with the City of Nevada. (Exhibit A) The two cities agreed for a period of 10 years that neither city would pursue annexation beyond 590th Street, meaning west of 590th would only be annexed by the City of Ames and east of 590th Street would only be annexed by Nevada. **This agreement has proven to be successful in eliminating the motivation for a rush by either party to annex up to the city limits of the other municipality as a defensive move to protect their growth future plans.**

At the August 25th meeting, the City Council directed that the request from Verbio and the City of Nevada be placed on a future agenda. In order to accommodate the request, our existing 28E agreement with Nevada will have to be modified to allow Nevada to annex the 100 acres west of 590th Street and north of the railroad tracks as requested by Verbio. In addition to the request to modify the Moratorium Agreement to allow 100 acres previously reserved for Ames annexation to be shifted to the City of Nevada, Nevada is offering to extend this modified agreement for an additional ten years. (Exhibit B and C).

As Verbio explains in their request they have a desire to build a rail facility for the transport of ethanol to work with their existing plant located at the corner of 590th/Lincoln Way (formerly known as the Dupont Plant). The site is located north of the Union Pacific rail line and could be annexed to either the City of Ames or Nevada, if not for the current agreement. Verbio indicates minimal city services would be needed to serve the site and the primary improvement would be a rail loop to service tanker cars.

ALTERNATIVES:

ALTERNATIVE #1 - Direct staff to prepare and amendment the Annexation Moratorium Agreement to allow Verbio to annex to Nevada and extend the agreement until 2030.

With this option staff would communicate to the City of Nevada that with their formal approval of an amendment to the 28E agreement the City of Ames would also agree to exempt the 100 acre site and extend the Annexation Moratorium Agreement for 10 years with the requested modification.

ALTERNATIVE #2 - Decline Verbio's request, but pursue an extension until 2030 of the Annexation Moratorium Agreement with no boundary modification.

Verbio would be free to apply for annexation to the City of Ames under this option. The property can be annexed to the City as it abuts Ames with annexation of the adjoining railroad right-of-way as allowed by Iowa Code. There are currently not utilities present to serve the site. The property owner would be responsible for ensuring adequate infrastructure would exist to serve their needs for the rail facility.

Under this alternative, Staff would still pursue an extension of the Annexation Moratorium Agreement for 10 additional years with the City of Nevada. The extension would benefit both cities making it clear what annexation expectations exist in this area to avoid disputes on future boundaries of the Cities.

ALTERNATIVE #3 - Decline Verbio's request and the City of Nevada request for an amendment to the agreement.

With this option City Council would take no action on the request and the current agreement would expire on December 15, 2020. Upon expiration, a property within two miles of Ames or Nevada could request annexation to either city. If there is a dispute about appropriateness of annexation the issue would be resolved by the state's City Development Board.

CITY MANAGER'S RECOMMENDED ACTION:

Although the 100 acre site could be annexed to Ames, it is not in a critical location related to other future residential or industrial development envisioned by the City. The City is focused on serving industrial development on the south side of the Union Pacific railroad line and the evaluation of East Growth Scenario for Plan 2040 did not contemplate that development would occur up 590th Street north of the railroad during the next 20 years. In addition, extending the agreement would benefit both cities making it clear what annexation expectations exist in this area to avoid disputes on future boundaries of the Cities. Finally, the stated use of the 100 acres for a rail yard will not reflect in a significant tax revenue loss to the City if it were allowed to be annexed into Nevada.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1.

City of Ames, Iowa, Resolution No. 10-562

City of Nevada, Iowa, Resolution No. 30 (2010/2011)

AGREEMENT FOR JOINT EXERCISE OF GOVERNMENTAL POWERS
AND TO ESTABLISH A DIVISION LINE BETWEEN
CORPORATE BOUNDARY LINES

WHEREAS, it is in the public interest of the CITY OF AMES (hereinafter referred to as AMES), and the CITY OF NEVADA (hereinafter referred to as NEVADA), to establish compatible land uses for land adjacent to and between their respective corporate boundary lines, and encourage compatible development, and coordinate public infrastructure in these areas, to the maximum extent possible; and

WHEREAS, it is in the public interest of the cities of Ames and Nevada, to establish an annexation Division Line (hereinafter referred to as Division Line), between their respective corporate boundary lines;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

SECTION 1. PURPOSE. Because of their close proximity leading to common corporate boundaries in the future, and their common desire to enhance the land use in the area adjacent to and between their respective corporate boundaries, it is in the public interest for Ames and Nevada to respectively pass resolutions to establish this AGREEMENT FOR JOINT EXERCISE OF GOVERNMENTAL POWERS AND TO ESTABLISH A DIVISION LINE BETWEEN CORPORATE BOUNDARY LINES (hereinafter referred to as AGREEMENT), to provide for communication and cooperation in developing each city's comprehensive plan in their respective territories adjacent to the Division Line, and to establish a Division Line more particularly identified in Section 2.

SECTION 2. DIVISION LINE. The aforementioned cities hereby agree upon the establishment of a Division Line, between the presently established corporate boundaries of the two Cities, which is legally describes as follows, all located in Story County, Iowa:

A line extending from the northern county line of Story County at the center line of 590th Avenue and extending south along the center line of 590th Avenue, and along the center line of 590th Avenue extended, to the southern county line of Story County.

A map of this description is attached as Exhibit A and made part of this agreement.

SECTION 3. ANNEXING MORATORIUM. In accordance with Iowa Code Chapter 368 (2009) and as defined therein, Ames and Nevada agree to an annexing moratorium as follows:

- A. Ames agrees not to annex voluntarily or involuntarily, or otherwise incorporate within its boundaries, all or any part of the territory located to the east of the Division Line.
- B. Nevada agrees not to annex voluntarily or involuntarily, or otherwise incorporate within its boundaries, all or any part of the territory located to the west of the Division Line.

SECTION 4. APPLICABILITY. This Agreement is applicable to all annexation proceedings, both voluntarily and involuntary, and pending annexations as well as any that may be commenced in the future, to the fullest extent allowed and as provided by Iowa Code Chapter 368 (2009). All such proceedings which have been initiated but not completed are hereby amended to conform to this agreement, and any portion of any petition for annexation, whether voluntary or involuntary, in conflict herewith is hereby terminated and withdrawn. Completion is hereby defined as being approved by the City Development Board and duly recorded prior to the date of the second City's approval and signature on this Agreement.

Both cities agree not to annex territory in violation of this Agreement. Each city, and their officials, agents and representatives acting in their official capacities, agree not to aid or support in any way, any person, party, agency, or governmental body who may oppose, enjoin, or obstruct the other in the pursuit of any annexation that conforms with this Agreement. Terminology used in this Agreement shall be defined in the same manner as it is defined and used in Iowa Code Chapter 368, unless specifically defined herein.

SECTION 5. JOINT COORDINATION AND COOPERATION. The Cities agree to coordinate long range planning and zoning of development along the Division Line. The Cities shall coordinate their comprehensive plans for the territory located within 600 feet of the Division Line to the end that the uses proposed by one City may be compatible with the uses proposed by the other city; corridors are developed for future streets that would bisect the annexation line with the proposed classification of those streets; proposed corridors for pedestrian and bicycle traffic are identified; and any other matters agreed to by the Cities. This is not intended to establish that one City has control over the other City's legislative powers; rather it is intended to establish that the two Cities will coordinate and cooperate with each other in their planning and legislative powers for the land along the Division Line to the extent deemed acceptable by the respective Cities.

Pursuant to Iowa Code Section 354.9(3), Ames and Nevada agree that the subdivision standards and review authority granted by state law to the cities for the two miles from their respective and overlapping limits shall be handled as follows:

Ames shall have extra territorial review and approval authority west of the above-described Division Line.

Nevada shall have extra territorial review and approval authority east of the above-described Division Line.

SECTION 6. PUBLIC IMPROVEMENTS. Within one-eighth mile of the Division Line, the design and location of collector streets and other major thoroughfares, and major pedestrian and bicycle systems, which are or should be constructed in a size larger than customary for local service to adjoining property owners; or which should be continuous between the two Cities for the convenience of the public and the welfare of their citizens, shall be coordinated with both Cities.

Wherever practical, new streets and other public improvements shall not be located on or along the Division Line. Where such situations cannot be avoided or already exist, construction, reconstruction, or expansion of such public improvements shall be subject to the approval of each City and shall be jointly planned.

SECTION 7. RIGHTS AND OBLIGATIONS. This Agreement creates rights and obligations only between these two parties as governmental entities, and is to be interpreted, applied, and enforced by these entities only. It is not intended and shall not be interpreted to create any rights, title, or interest in any other person, firm, corporation, or entity, whether or not resident or taxpayer of either City, and whether directly or as a third party beneficiary.

SECTION 8. STATUTORY AUTHORITY. This Agreement is entered into by Ames and Nevada pursuant to Iowa Code Section 368.4, and is joint exercise of governmental powers, pursuant to Iowa Code Chapter 28E. It does not create a separate legal entity; grants no power to purchase, own, or mortgage real or personal property; creates no governing board; and does not have an operating budget.

SECTION 9. EFFECTIVE DATE AND DURATION. The effective date of this Agreement shall be the later of approval dates of the two Cities. This Agreement shall be in full force and effect for a period of ten years after the aforementioned effective date, and thereafter as provided by any agreement to extend this Agreement. This Agreement may be amended at any time upon approval of both City Councils.

SECTION 10. SEPARABILITY. If any section, provision, or part of this Agreement shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Agreement as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

CITY OF AMES, IOWA

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

By: Diane Voss
Diane Voss, City Clerk

AMES CITY CLERK'S CERTIFICATION
RESOLUTION 10-562

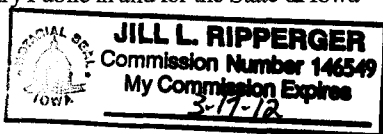
I, Diane Voss City Clerk of the City of Ames, Story County, Iowa, do hereby certify that the notice of the public hearing on the foregoing Agreement, was published at least once in the Ames Tribune & Boone News Republican a weekly newspaper having general circulation in Ames, Iowa, on the 15th day of Nov. 2010 respectively, which publication date was not less than four nor more than twenty days before the date of the hearing. Further, following the hearing which was held on the 14 day of Dec., 2010, the Resolution approving the Agreement was duly approved and accepted by the City Council of said City of Ames, by Resolution No. 10-562 on the 14 day of December, 2010.

Diane R. Voss
City Clerk

STATE OF IOWA, COUNTY OF STORY, ss:

On the 14 day of December, 2010, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell and Diane Voss, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of Ames, Iowa, a municipal corporation; that the seal affixed to the above and foregoing instrument is the corporate seal of said municipal corporation, and that said instrument was signed and contained in the Resolution adopted by the City Council of Ames, Iowa, on the 14 day of December, 2010, and the said Ann H. Campbell and Diane Voss acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of said municipal corporation, by it and by them voluntarily executed.

Jill L. Ripperger
Notary Public in and for the State of Iowa



CITY OF NEVADA, IOWA

By: Gerold E. Gull II
Mayor

Attest:

By: Teresa R. Peterson Smith
City Clerk

NEVADA CITY CLERK'S CERTIFICATION
RESOLUTION 30(2010/2011)

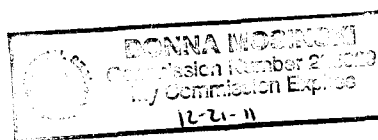
I, Teresa Peterson Smith City Clerk of the City of Nevada, Story County, Iowa, do hereby certify that the notice of the public hearing on the foregoing Agreement, was published at least once in the Nevada Journal a weekly newspaper having general circulation in Nevada, Iowa, on the 25th day of November, 2010, which publication date was not less than four nor more than twenty days before the date of the hearing. Further, following the hearing which was held on the 13th day of December, 2010, the Resolution approving the Agreement was duly approved and accepted by the City Council of said City of Nevada, by Resolution No. 30 on the 13th day of December, 2010.

Teresa R. Peterson Smith
City Clerk

STATE OF IOWA, COUNTY OF STORY, ss:

On the 14th day of December, 2010, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Gerold Gull II and Teresa R. Peterson Smith, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of Nevada, Iowa, a municipal corporation; that the seal affixed to the above and foregoing instrument is the corporate seal of said municipal corporation, and that said instrument was signed and contained in the Resolution adopted by the City Council of Nevada, Iowa, on the 13th day of December, 2010, and the said Gerold E. Gull II and Teresa R. Peterson Smith acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of said municipal corporation, by it and by them voluntarily executed.

Donna Mosinski
Notary Public in and for the State of Iowa



This Agreement was duly filed and recorded in the Office of the Secretary of State of the State of Iowa on this _____ day of _____, 2010.

Secretary of State

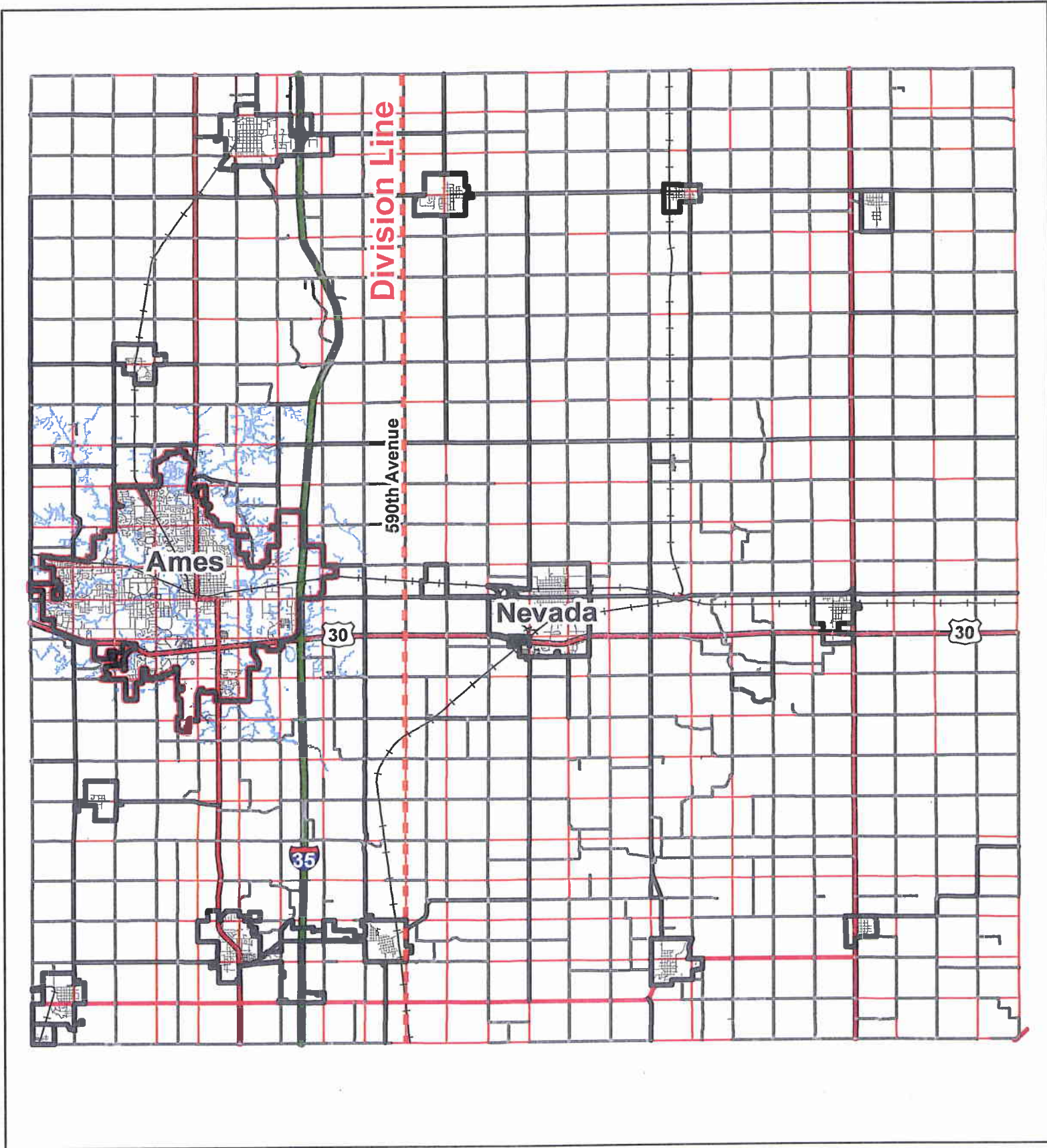


Exhibit A

Exhibit B



VERBIO North America Corporation,
17199 N Laurel Park Dr, Suite 320, Livonia, MI 48152, USA

Honorable Mayor John Haila
City of Ames
515 Clark Ave
Ames, IA 50010

Greg Northrup
President & CEO

Phone: 866 306 4777 x1300
Mobile: 616 204 1055
Greg.northrup@verbio.us
www.verbio.us

July 21, 2020

RE: [REDACTED] - Annexation Request

Dear Mayor Haila,

I am writing to confirm our request to allow the City of Nevada to annex property that by prior agreement of the two cities would have fallen under the jurisdiction of the City of Ames.

By way of background I am happy to report that our buildout and expansion of the facilities located at 59219 Lincoln Highway is progressing well, despite the uncertainties we face nationally. More importantly, we remain extremely pleased with our decision to purchase the former Dupont cellulosic ethanol plant and the strong support we have received from the City of Nevada. Being served by a single unit of local government will allow us to build upon the relationships we have established.

Following a detailed evaluation and engineering analysis, we are now planning to not only begin the production of renewable natural gas, but to aggressively pursue actions that will create a biorefinery by the end of 2022. This will allow us to produce ethanol, while maximizing the production interrelationship benefits resulting from the co-production of both fuels.

To accommodate our production objectives, we have entered into an agreement to purchase 103 acres of property owned by Evergreen Lane, Inc., which is located just northwest of our current site within the jurisdiction of Story County. Knowing of our ongoing plans, long-term requirements, and the beneficial collaboration we have experienced to date, we believe annexation of the property by the City of Nevada, would be in the best interest of both parties. Attachment #1 outlines our proposed buildout plans and contains two site graphics for your reference.

We respectfully seek the city's support of our request. Should you require any additional information please advise.

Sincerely,

cc: Mr. Steve Schainker, City Administrator
Mr. John Hall, Executive Director, NEDC

CITY MANAGER'S OFFICE

JUL 23 2020

CITY OF AMES, IOWA

Attachment #1

Build out plans for the proposed property annexation

Evergreen Lane, Inc Property

Parcel IDs:

10-04-400-110

10-04-200-200

10-04-200-110

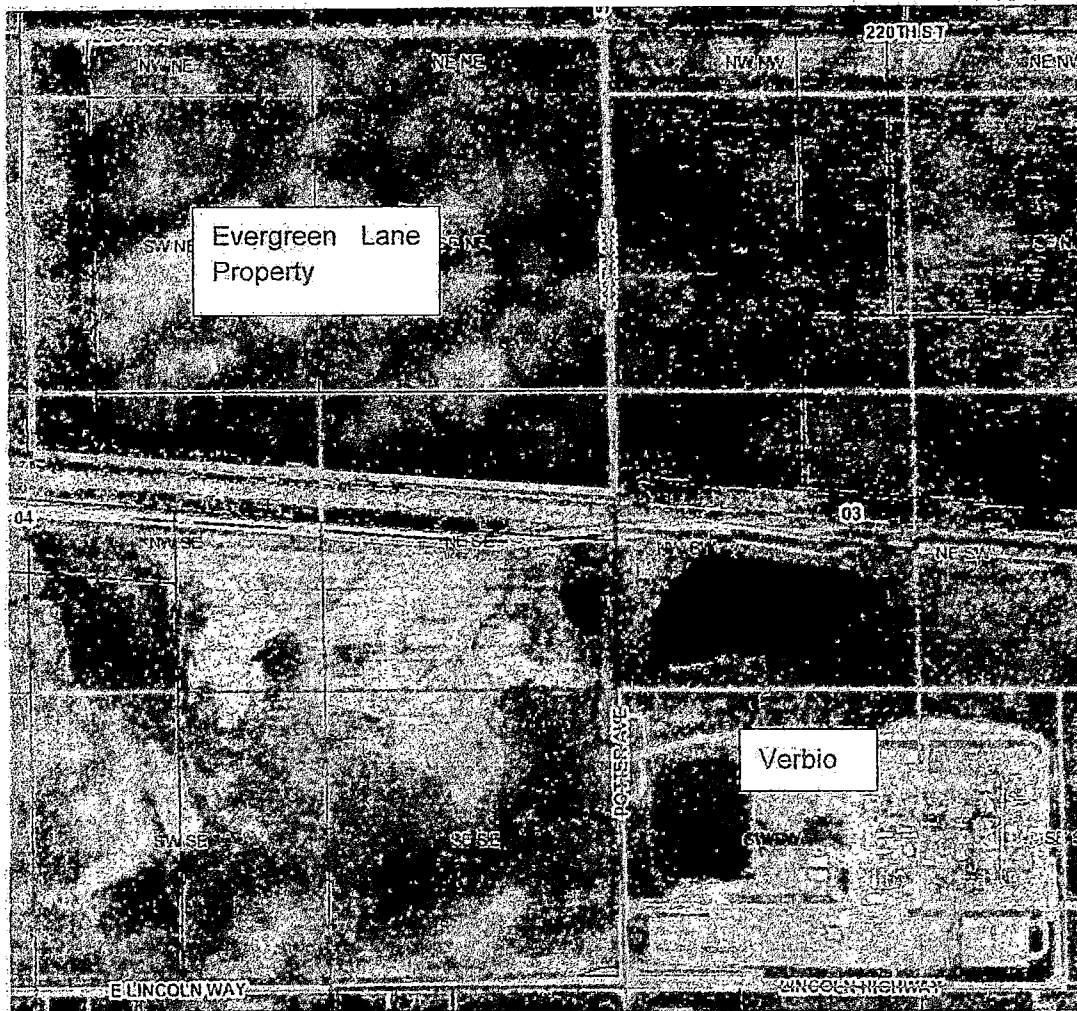
10-04-200-310

10-04-200-400

Planned and potential uses*:

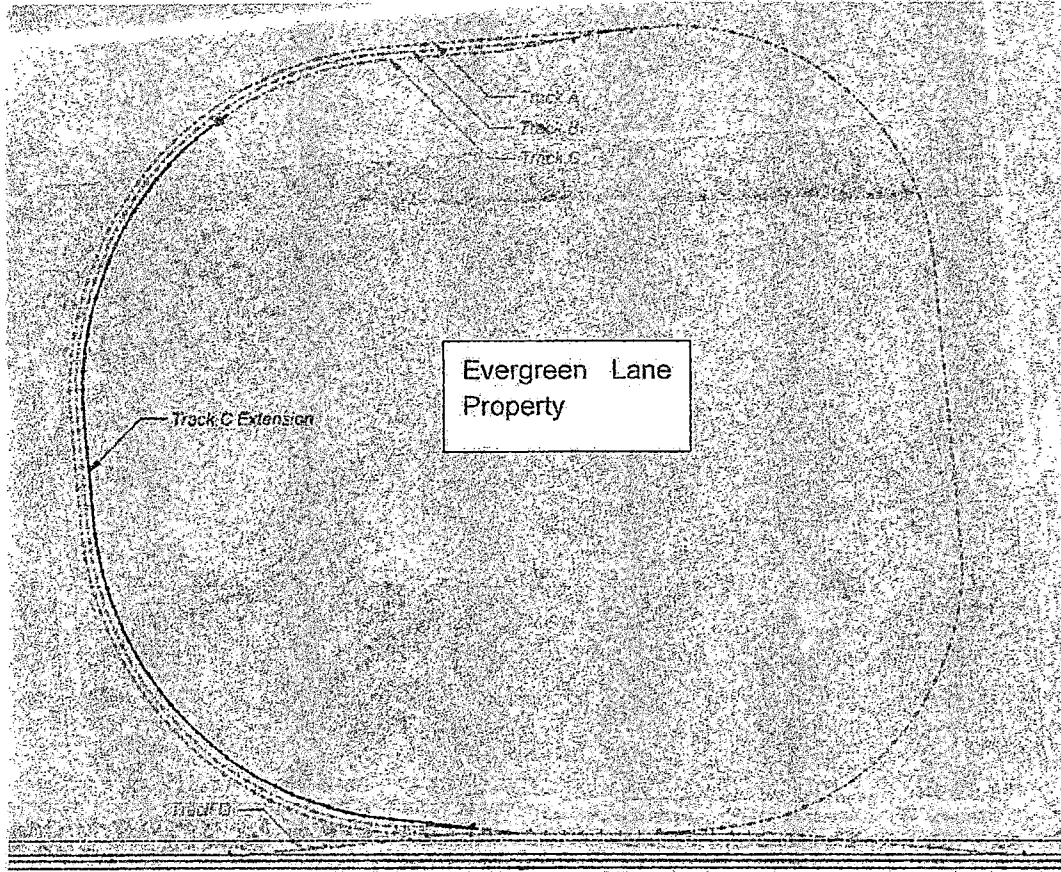
- Corn stover bale storage site
- Construction of an ethanol storage tank for railcar loading
- Construction of a fire water tank
- Erection and operation of wind turbines (2 at 3 MWs)
- Transport of ethanol to the storage tank from our facility
- Transport of bales to the production site
- Railcar loading track

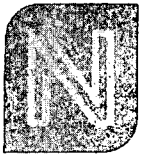
*Property will require rezoning from A-1, agricultural to general industrial.



The property is in the northwest ¼ of the above graphic. Our existing site is in southeast 1/8 of the graphic.

Rail trackage denoted by the green circle. Red denote Union Pacific trackage and required access.





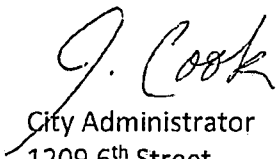
Mayor Haila and Ames City Council,

The City Council of Nevada supports the letter from Verbio in wanting to be served by the City of Nevada. We would like to continue to build on a positive and sustainable relationship with Verbio as they have created a unique market for our community. Verbio is an imperative part of our community and helps create more diversity amongst businesses. The City of Nevada would like to request a modification to the Ames/Nevada Moratorium plan to exclude said location below:

The East Three-Fourths of the Northwest Quarter of the Northeast Quarter (E3/4 NW1/4 NE1/4); Northeast Quarter of the Northeast Fractional Quarter (NE1/4 NE Frl. ¼); East Three-Fourths of the Southwest Quarter of the Northeast Quarter (E3/4 SW1/4 NE1/4); Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4); Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) North of the RR; Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) North of the RR., all in Section Four (4), Township Eighty-three (83) North, Range Twenty-three (23), West of the 5th P.M., Story County, Iowa. Said parcel to contract 103 acres, more or less.

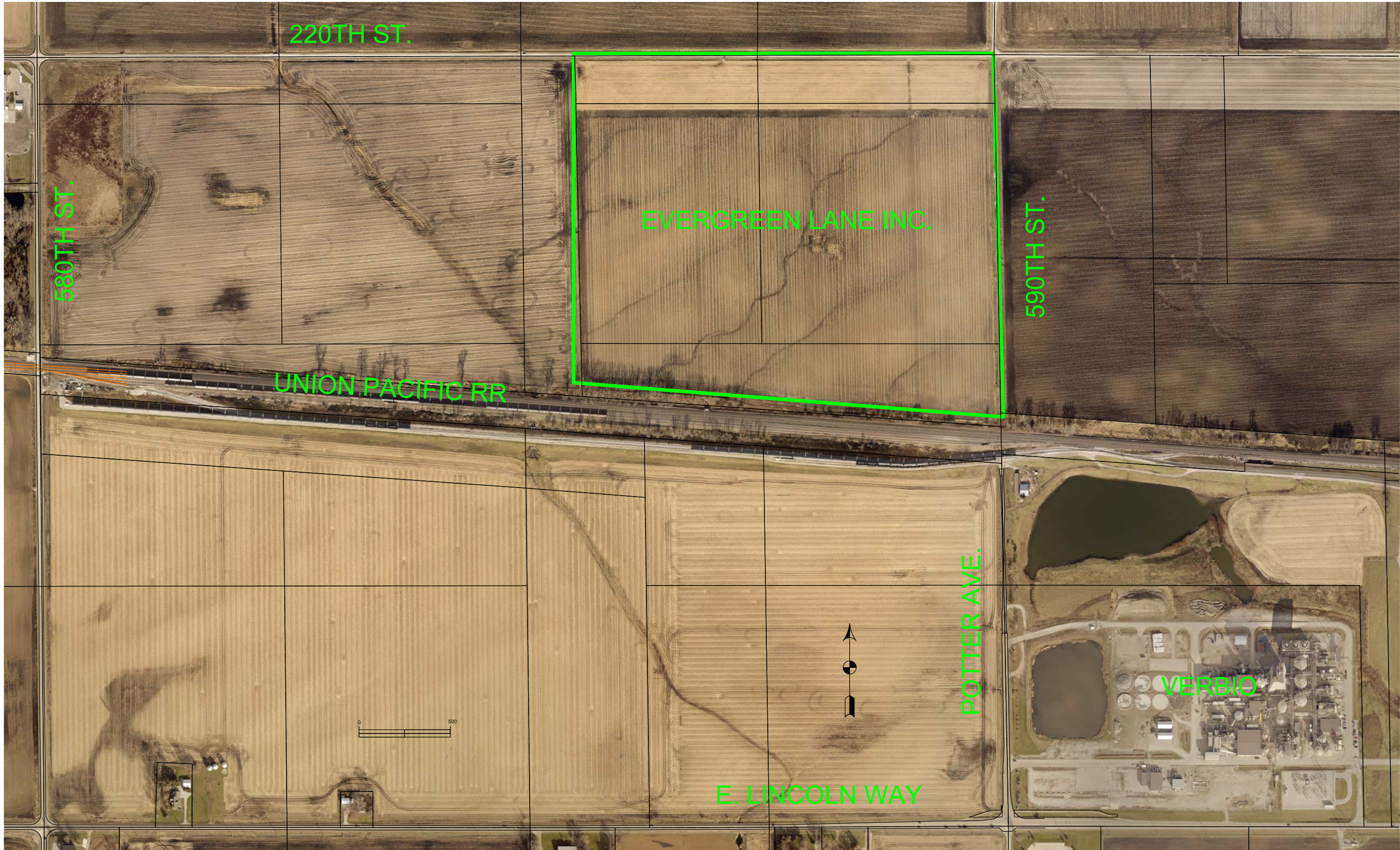
The City would also like to request an extension to the existing 28E agreement for an additional 10 years.

Respectfully,
Jordan Cook



City Administrator
1209 6th Street
Nevada, Iowa 50201
O: (515) 382. 5466 ext. 232

cc: Mayor Brett Barker
cc: Erin Clanton



COUNCIL ACTION FORM

SUBJECT: PRIVATE WATER MAIN AGREEMENT WITH HARVESTER LAND HOLDINGS LC AND DICKSON & LUANN JENSEN

BACKGROUND:

Beginning in the 1990's, the City granted permission to rural water districts to provide service to land within two miles of the City's corporate boundary with the understanding that the right to provide service to those properties would revert to the City as growth occurred. However, when such growth eventually occurred Xenia did not allow the City to provide water service to that land unless major "buy-out" payments were made to Xenia. This was true even when the land had been annexed into the City.

To address this issue and reserve the right to serve customers in areas adjacent to the City's corporate limits, the City Council adopted provisions in Chapter 28 - Division II of the Municipal Code that allows for the City to deliver water service to land outside the corporate limits but within two miles of the City. This right to serve is provided in Iowa Code Sec 357A.2, which provides that in responding to the rural water service request, the City may waive its right to serve or may reserve the right to provide service. **The City must then provide water service within three years if the right to serve is retained.**

Where current City infrastructure is not present, a temporary water main may be extended to such areas. That temporary main would then be replaced with a larger main as adjacent property is incorporated into the City. Under Section 28.202 of the Municipal Code, **the costs for temporary and future water infrastructure needed to serve such properties and any applicable permit/connection fees are the responsibility of the requesting property owner.** Additional provisions in Chapter 28 - Division II include requirements for metering, back-flow prevention, and rural water rate structure.

Harvester Land Holdings LC, and Dickson and Luann Jensen, the owners of seven (7) properties west of US 69 (South Duff Ave) and outside of City limits have requested permission to install a rural water connection off the City's public water main (see Attachment A). Each private residential water service will be metered individually and charged the City rural water rate fees. The intent of this rural water connection is to initially serve three (3) residences (two of which are under construction) and potentially additional future homes as those properties are developed.

City Council may recall that a request to amend the Urban Fringe Plan to Rural Residential for this same area was withdrawn by the applicant in June 2020. City Council received a memo from staff dated June 19th discussing options and that staff recommended the properties be annexed in accordance with future planning of Plan 2040, rather than support addition rural development. **It should be emphasized that**

approval of the requested rural water service is not indicative of any support for future subdivision and rural development beyond the use of each of existing seven lots while remaining in the County.

With multiple services, this rural water connection will function as a private water main, but it will not be constructed to City standards. Therefore, an agreement (see Attachment B) has been created to address the following:

1. Operation, repair, and maintenance of the private water main (Owner's responsibility).
2. Compliance with applicable laws and regulations (Owner's responsibility).
3. Water flows, water pressures, and fire protection (City not responsible nor liable).
4. Future annexations (Owner is responsible for installing new public main).

This agreement will protect the City from potential disputes over these issues and allow the City to discontinue or disconnect water service if the owner fails to comply with the terms of the agreement. Staff has received and reviewed construction plans for the private water main, but the construction of the private water main should not commence until this agreement has been approved by City Council.

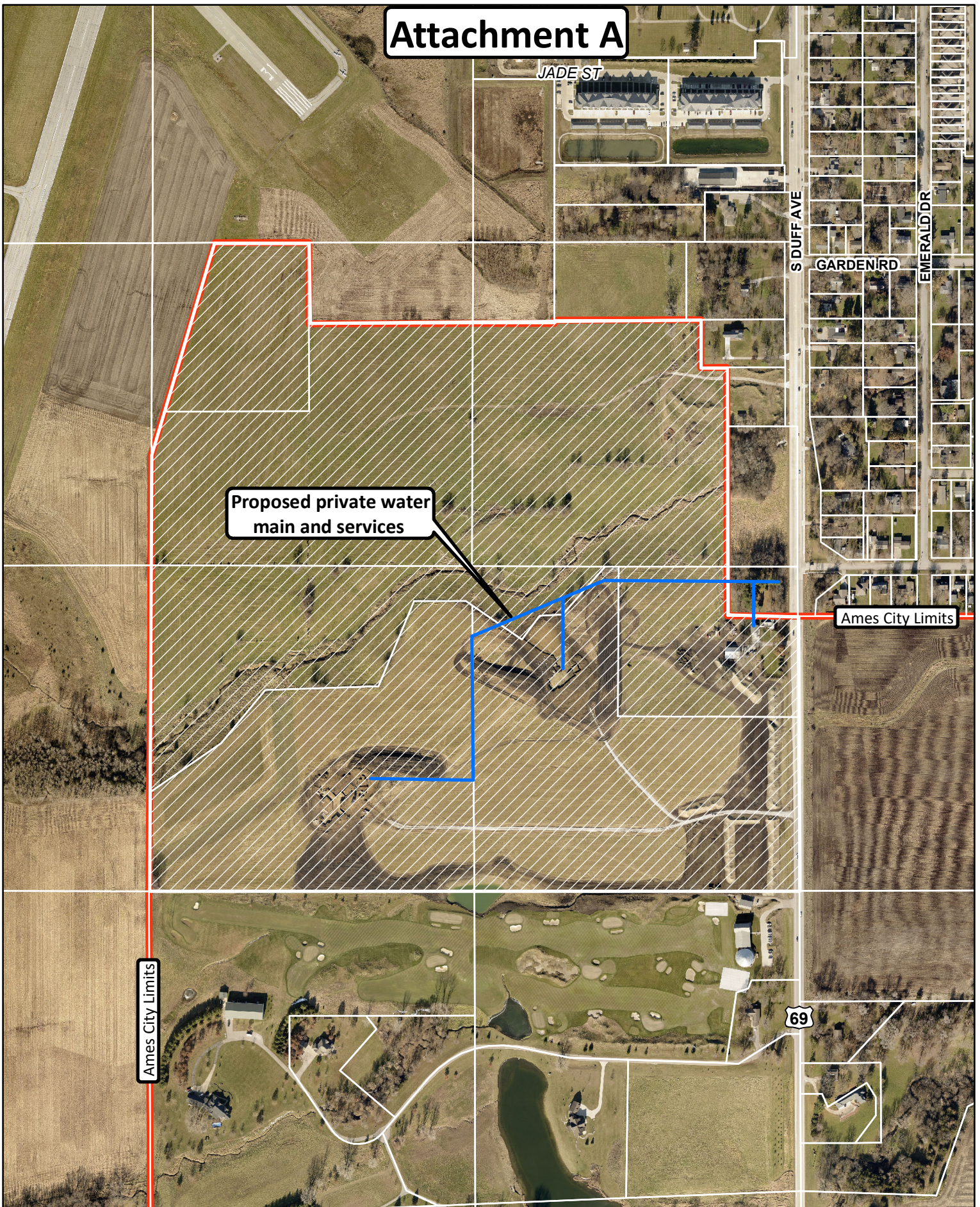
ALTERNATIVES:

1. Approve the private water main agreement with Harvester Land Holdings LC and Dickson and Luann Jensen for uses on the seven existing lots.
2. Direct staff to make modifications to the agreement and continue to allow construction of the rural water connection to commence.

CITY MANAGER'S RECOMMENDED ACTION:

By approving this agreement, construction of the rural water connection can move forward with a clear understanding of the Owner and City responsibilities associated with this private water main. Approval of the agreement does not indicate future support for additional rural subdivision or development beyond the use of the current seven lots identified by the applicant. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.**

Attachment A



Proposed private water main and services

Ames City Limits

Ames City Limits



Properties (7 total) owned by
Harvester Land Holdings LC and Dickson & Luann Jensen
intended to be served by a private water main



1 inch = 500 feet
Date: 6/26/2020

Prepared by/Return to: Kathleen Law, 700 Walnut, Suite 1600, Des Moines, IA 50309; 515-283-3116

PRIVATE WATER MAIN AGREEMENT

This Private Water Main Agreement (“Agreement”) is made effective as of August 31, 2020 by and between Dickson D. Jensen and Luann C. Jensen, husband and wife, and Harvester Land Holdings L.C. whose address is 4611 Mortensen Road, Suite 106, Ames, Iowa 50014 and their successors and assigns (collectively, “Owner”) and the City of Ames, Iowa, a municipal corporation (“City”) located at 515 Clark Ave, Ames, Iowa 50010.

RECITALS

- A. WHEREAS the Owner owns the real property located in Story County, Iowa, and described on the attached Exhibit A (“Property”); and,
- B. WHEREAS the Owner desires for the City to provide water service to the Property; and,
- C. WHEREAS the City agrees to allow Owner to access City water service to the Property under certain terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Owner and the City for themselves, and their successors and assigns, do mutually agree as follows:

1. The Owner, at the Owner’s sole cost and expense, shall cause a private water main (“Water Main”) to be constructed on the Property in the general location shown on the plans attached hereto as Exhibit B (“Plans”). This Water Main will serve the Property. The Water Main will begin at, and be connected to, the City’s public water main at the valve located west of the hydrant on the west side of South Duff Avenue (Highway 69) just south of the intersection of Ken Maril Road. The City agrees to provide water service to the Property according to the terms of this Agreement at the general water service rates established and charged by the City.

2. The Owner will be solely responsible for all necessary maintenance, repairs, operation, and replacement of the Water Main. The Owner shall comply with all applicable laws and regulations governing the Water Main.
3. Within six (6) months of the annexation (either voluntary or involuntary) of all or part of the Property into the City, the Owner shall cause the annexed part of the Property to be served by a public water main meeting the City's standards for water main at the time of the annexation at the Owner's sole expense and not at the expense of the City.
4. The Owner acknowledges and agrees that the City does not guarantee water pressures or flow rates within the Water Main. The Owner further acknowledges and agrees that the City does not guarantee, and will not be responsible for, inadequate water supply from the Water Main for fire protection service to the Property. The Owner acknowledges and agrees that any failure of the Owner to comply with the terms of this Agreement that continues more than thirty (30) days after written notice from the City of such failure may result in disconnection or discontinued water service by the City to all or part of the Water Main.
5. This Agreement and any document or instrument executed pursuant hereto may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
6. Any notice under this Agreement shall be in writing and be deemed given: (i) when personally delivered; (ii) three (3) days after deposit in the United States registered or certified mail, postage prepaid; or (iii) when sent by Federal Express or similar nationally recognized overnight courier service. For the purposes of notice, the addresses of the parties shall be as set forth on page one of this Agreement, provided that a party may change its address for notices by giving written notice of such change to the other party in accordance with this provision.
7. If the Owner, or its successors and assigns, obtain water services from a federally protected rural water provider, at any time, or if a federally protected rural water provider, *e.g. Xenia Rural Water District*, intends to provide water services to all or a portion of the Property, said Owner shall be responsible for payment of any amount that may become due and owing to any rural water provider as a result of the annexation of the Owner's Property which are related to, in whole or in part, a buyout of rights to serve the property with water. The City shall not be required to advance any funds or costs due and owing to a rural water provider on behalf of the Owner or any successors or assigns of the Owner. The Owner, and its successors and assigns, shall hold the City harmless and indemnify the City from any and all amounts required to pay a rural water provider service provider as a settlement for resolution of any claims, disputes objections, protest or litigation related to or arising out of the City providing water service to all or any part of each Owner's property, following annexation of the Property (or any portion thereof) to the City, or for any other reason related to a claim made by a federally protected rural water provider related to the Property, or any portion thereof.

8. In the performance of each provision of this Agreement, time shall be of the essence. Failure to promptly assert rights herein shall not, however, be a waiver of such rights or a waiver of any existing or subsequent default. This Agreement and the representations, warranties, and covenants of the parties shall apply to and bind the successors in interest and assigns of the parties. Words and phrases herein shall be construed as in the singular or plural number, and as masculine, feminine, or neuter gender according to the context. This Agreement, together with all the Exhibits attached hereto and incorporated by reference herein, constitutes the entire agreement of the parties hereto with respect to the subject matters hereof and supersedes any and all prior agreements, arrangements, and undertakings of the parties, hereto with respect to the subject matters hereof and shall not be amended except by a written instrument duly signed by the parties. This Agreement shall be construed and interpreted according to the laws of the State of Iowa, without reference to conflicts of law principles. If any provision of this Agreement shall be declared by a court of competent jurisdiction to be unenforceable or invalid, such provision shall be severed from this Agreement and the remaining portions hereof shall continue in full force and effect pursuant to their terms.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year set forth in the first paragraph of this Agreement.

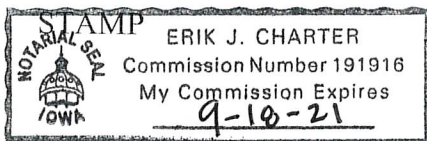
Dickson D. Jensen
Dickson D. Jensen

Luann C. Jensen
Luann C. Jensen

Harvester Land Holdings, L.C.

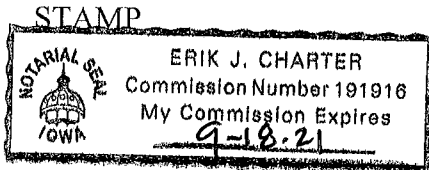
By: Dickson D. Jensen
Dickson D. Jensen, Manager

STATE OF IOWA, COUNTY OF Stony:
This record was acknowledged before me on August 31, 2020 by
Dickson D. Jensen and Luann C. Jensen, husband and wife.



[Signature]
Notary Public in and for said State

STATE OF IOWA, COUNTY OF Story :
This record was acknowledged before me on August 31, 2020 by
Dickson D. Jensen, as Manager of Harvester Land Holdings, L.C.



[Signature]
Notary Public in and for said State

Passed and approved on _____, 2020, by Resolution No. 20-_____
adopted by the City Council of the City of Ames, Iowa.

CITY OF AMES, IOWA

By:

John A. Haila, Mayor

Attest:

Diane R. Voss, City Clerk

STATE OF IOWA, COUNTY OF STORY, SS.:

This instrument was acknowledged before me on _____, 2020, by John A. Haila
and Diane R. Voss, as Mayor and City Clerk, respectively, of the City of Ames, Iowa.

NOTARY PUBLIC

EXHIBIT A

Legal Description of the Property

The North Half (N ½) of the Southwest Quarter (SW ¼) of Section Twenty-three (23), Township Eighty-three (83) North Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, except the North 603.5 Feet of the East 721.8 Feet of the Southwest Quarter (SW ¼) of said Section Twenty-three (23), and except the following described tract of land: Commencing at a point on the North line of the Southwest Quarter (SW ¼) of said Section Twenty-three (23), 776.2 Feet S 89°28' W of the NE Corner of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section Twenty-three (23), thence S 42°40' W 259.3 Feet, thence S 86°22' W 93.3 Feet, thence S 36°20' W 120.3 Feet, thence N 56°14' W 277.6 Feet, thence S 89°48' W 208.7 Feet, Thence S 22°36' W 376.0 Feet; thence S 87°34' W 459.1 Feet; thence S 39°47' W 281.3 Feet, thence S 55°01' W 353.6 Feet to the West line of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section Twenty-three (23), thence N 0°31' W 909.8 Feet, to the NW Corner of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section Twenty-three (23), thence N 89°28' E 1,860.5 Feet along the North line of said Southwest Quarter (SW ¼) of Section Twenty-three (23), to the place of beginning.

AND

Commencing at the Northeast (NE) Corner of the Southwest Quarter (SW ¼) of Section Twenty-three (23), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., Iowa, thence West Seven Hundred Twenty-one and Eight Tenths (721.8) Feet, thence South Six Hundred Three and Five Tenths (603.5) Feet, thence East Seven Hundred Twenty-one and Eight Tenths (721.8) Feet, thence North Six Hundred Three and Five Tenths (603.5) Feet to the point of beginning, subject to easements of record.

AND

Commencing at a point on the North line of the Southwest Quarter (SW¼) of Section Twenty-three (23), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, 776.2 feet S 89°28' W of the NE Corner of the NE ¼ of the SW ¼ of said Sec. 23; thence S 42°40' W 259.3 feet; thence S 86°22' W 93.3 feet; thence S 36°20' W 120.3 feet; thence N 56°14' W 277.6 feet; thence S 89°48' W 208.7 feet; thence S 22°36' W 376 feet; thence S 87°34' W 459.1 feet; thence S 39°47' W 281.3 feet; thence S 55°01' W 353.6 feet to the West line of the NW ¼ of the SW ¼ of said Sec. 23; thence N 0°31' W 909.8 feet to the NW Corner of said NW ¼ of the SW ¼ of said Sec. 23; thence N 89°28' E 1,860.5 feet along the North line of said SW ¼ of said Sec. 23 to the place of beginning, containing 16 acres.

AND

The Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-three (23), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, except the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and except the North 330 feet of the East 664.9 feet and except Beginning at the NW Corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 23-T83N-R24W of the 5th P.M.; Thence N 89°57'07" E 267.81 feet along the north line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence S 16°38'59" W 940.14 feet to the west line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence N 0°05'56" E 900.5 feet to the point of beginning.

AND

Commencing 286.9 feet West of the SE Corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-three (23), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, thence North 810.9 feet, thence West 106 feet, thence North 194.9 feet, thence West 594.25 feet; thence South 80 feet, thence West 330 feet, thence South 925.8 feet, thence East 1,033 feet to the point of beginning.

AND

The Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-three (23), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, except Beginning at the NW Corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 23-T83N-R24W of the 5th P.M.; Thence N 89°57'07" E 267.81 feet along the north line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence S 16°38'59" W 940.14 feet to the west line of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence N 0°05'56" E 900.5 feet to the point of beginning.

9565214

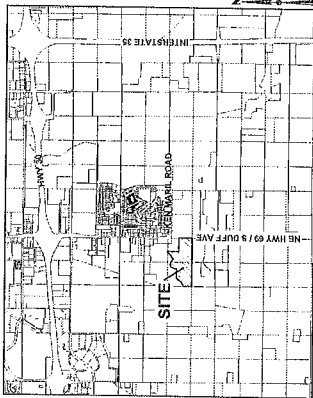
CONSTRUCTION PLANS FOR:

JENSEN FAMILY FARM

Exhibit B

STORY COUNTY, IOWA

VICINITY MAP
NOT TO SCALE



AMES, IOWA

NO.	DESCRIPTION
1	TITLE SHEET
2	DETAILS, QUANTITIES AND REFERENCE NOTES
3-6	WATER MAIN PLAN AND PROFILE

GENERAL LEGEND

PROPOSED	EXISTING
PROPERTY BOUNDARY	SANITARY MANHOLE
SECTION LINE	WATER VALVE BOX
CENTER LINE	FIRE HYDRANT
RIGHT OF WAY	WATER CURB STOP
BUILDING SETBACK	WELL
PERMANENT EASEMENT	STORM SEWER MANHOLE
TEMPORARY EASEMENT	STORM SEWER SINGLE INTAKE
TYPE SW-501 STORM INTAKE	STORM SEWER DOUBLE INTAKE
TYPE SW-502 STORM INTAKE	FLARED END SECTION
TYPE SW-503 STORM INTAKE	ROCKY/STONE TREE
TYPE SW-504 STORM INTAKE	CONCRETE TREE
TYPE SW-505 STORM INTAKE	CONCRETE MANHOLE
TYPE SW-506 STORM INTAKE	CONCRETE MANHOLE
TYPE SW-507 STORM INTAKE	ELECTRIC POWER POLE
TYPE SW-508 STORM INTAKE	GY ANCHOR
TYPE SW-509 STORM INTAKE	STREET LIGHT
TYPE SW-510 STORM INTAKE	POWER POLE W/ TRANSFORMER
TYPE SW-511 STORM INTAKE	UTILITY POLE W/ LIGHT
TYPE SW-512 STORM INTAKE	ELECTRIC BOX
TYPE SW-513 STORM INTAKE	ELECTRIC TRANSFORMER
TYPE SW-514 STORM INTAKE	ELECTRIC MANHOLE OR VAULT
TYPE SW-515 STORM INTAKE	TRAFFIC SIGN
TYPE SW-516 STORM INTAKE	TELEPHONE JUNCTION BOX
TYPE SW-517 STORM INTAKE	TELEPHONE MANHOLE/VAULT
TYPE SW-518 STORM INTAKE	TELEPHONE POLE
TYPE SW-519 STORM INTAKE	TELEPHONE POLE
TYPE SW-520 STORM INTAKE	GAS VALVE BOX
TYPE SW-521 STORM INTAKE	CABLE TV JUNCTION BOX
TYPE SW-522 STORM INTAKE	CABLE TV MANHOLE/VAULT
TYPE SW-523 STORM INTAKE	MAIL BOX
TYPE SW-524 STORM INTAKE	BENCHMARK
TYPE SW-525 STORM INTAKE	SOIL BORING
TYPE SW-526 STORM INTAKE	UNDERGROUND TV CABLE
TYPE SW-527 STORM INTAKE	GAS MAIN
TYPE SW-528 STORM INTAKE	BIER OFFICE
TYPE SW-529 STORM INTAKE	UNDERGROUND TELEPHONE
TYPE SW-530 STORM INTAKE	UNDERGROUND ELECTRIC
TYPE SW-531 STORM INTAKE	UNDERGROUND ELECTRIC
TYPE SW-532 STORM INTAKE	FIELD TILE
TYPE SW-533 STORM INTAKE	SANITARY SEWER WITH SIZE
TYPE SW-534 STORM INTAKE	STORM SEWER WITH SIZE
TYPE SW-535 STORM INTAKE	WATER MAIN WITH SIZE
TYPE SW-536 STORM INTAKE	WATER SERVICE
TYPE SW-537 STORM INTAKE	SWATCH (FULL DEPTH)
TYPE SW-538 STORM INTAKE	SILT FENCE
TYPE SW-539 STORM INTAKE	USE AS CONSTRUCTED
TYPE SW-540 STORM INTAKE	MINIMUM PROTECTION ELEVATION

INDEX OF SHEETS

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PROPOSED	EXISTING
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TYPE SW-538 STORM INTAKE	SILT FENCE
TYPE SW-539 STORM INTAKE	USE AS CONSTRUCTED
TYPE SW-540 STORM INTAKE	MINIMUM PROTECTION ELEVATION

OWNER

JENSEN, DICKSON D & LILIAN C
4611 MORRISON RD STE 198
AMES, IA 50014

ENGINEER

CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DRIVE, SUITE G
AMES, IOWA 50011
DANIEL J. CRONENBERG, P.E.
PH: (515) 368-4400
FX: (515) 368-4410

SURVEYOR

CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DRIVE, SUITE G
AMES, IOWA 50011
CONTACT: CHARLIE MCCLOTHLEN
PH: (515) 368-4400
FX: (515) 368-4410

SUBMITTAL DATES

FINAL SUBMITTAL: 09/07/2020
PRELIMINARY SUBMITTAL: 09/15/2020

UTILITY WARNING

THE UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY AND RECORDS OBTAINED BY THIS SURVEYOR. THE SURVEYOR HAS MADE A REASONABLE ATTEMPT TO LOCATE AND MARK ALL UTILITIES SHOWN. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THE LOCATION SHOWN. THE UTILITIES SHOWN ARE IN THE EXACT LOCATION SHOWN.

BENCHMARKS

1. BENCH MARK LOCATED AT NORTH CORNER OF AIRPORT ROAD 250 WEST OF NUT MAIN ENTRANCE
ELEVATION = 920.46



1-800-292-8989

www.iowacall.com



CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DR. SUITE G CRIMES, IOWA 50111
PH: (515) 368-4400 Fax: (515) 368-4410
PROJECT NO. 1810.578

THE PROJECT REQUIRES AN IOWA WATER PERMIT AS PER CITY OF AMES DESIGN PERMIT. CIVIL DESIGN ADVANTAGE WILL PROVIDE THE PERMITS AND THE UTILITY STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FOR THE CONTRACTORS TO OBTAIN. CIVIL DESIGN ADVANTAGE WILL BE RESPONSIBLE FOR OBTAINING THE PERMITS AND FEDERAL REQUIREMENTS.

ALL CONSTRUCTION MATERIALS, DUMPSTERS, DETACHED TRAILERS OR SWALES THESE ARE PROHIBITED ON PUBLIC STREETS OR WITHIN THE PUBLIC R.O.W.

THE 2020 EDITION OF THE SDAS STANDARD SPECIFICATIONS AND CURRENT CITY OF AMES SUPPLEMENTAL SPECIFICATIONS SHALL APPLY TO ALL WORK ON THIS PROJECT EXCEPT AS INDICATED HEREIN.

I HEREBY CERTIFY THAT THIS INSTRUMENT PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER IN THE STATE OF IOWA.
DATE: 06-15-2020
DANIEL J. CRONENBERG, P.E.
DANIEL J. CRONENBERG, P.E.
IOWA LICENSE NO. 1810.578
PHASED SHEETS COVERED BY THIS SHEET: SHEETS 1-B



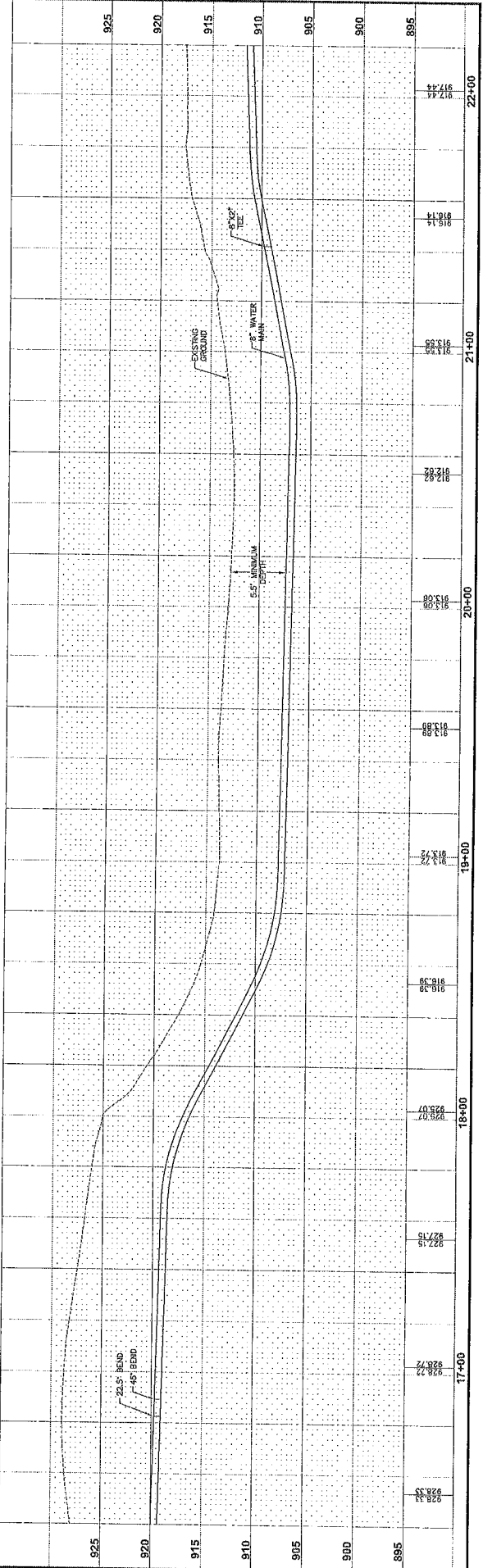
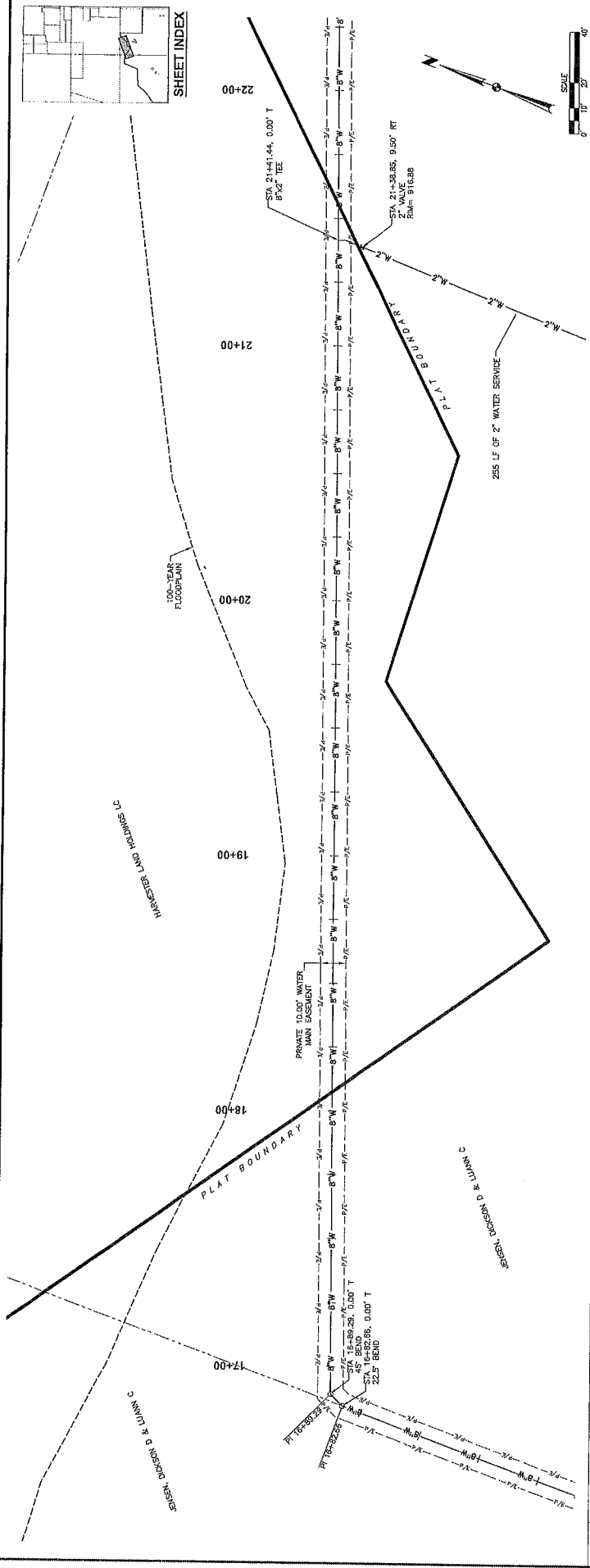
DATE	
REVISIONS	
FINAL SUBMITTAL	09/18/2020
FIRST SUBMITTAL	08/07/2020

3405 S.E. CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PHONE: (515) 369-4400 FAX: (515) 369-4410
 ENGINEER: EKO
 E.H. GH



CIVIL DESIGN ADVANTAGE
 STORY COUNTY, IOWA
JENSEN FAMILY FARM
WATERMAIN PLAN AND PROFILE

4 6
 1810.578



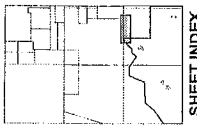
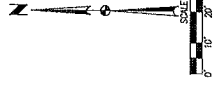
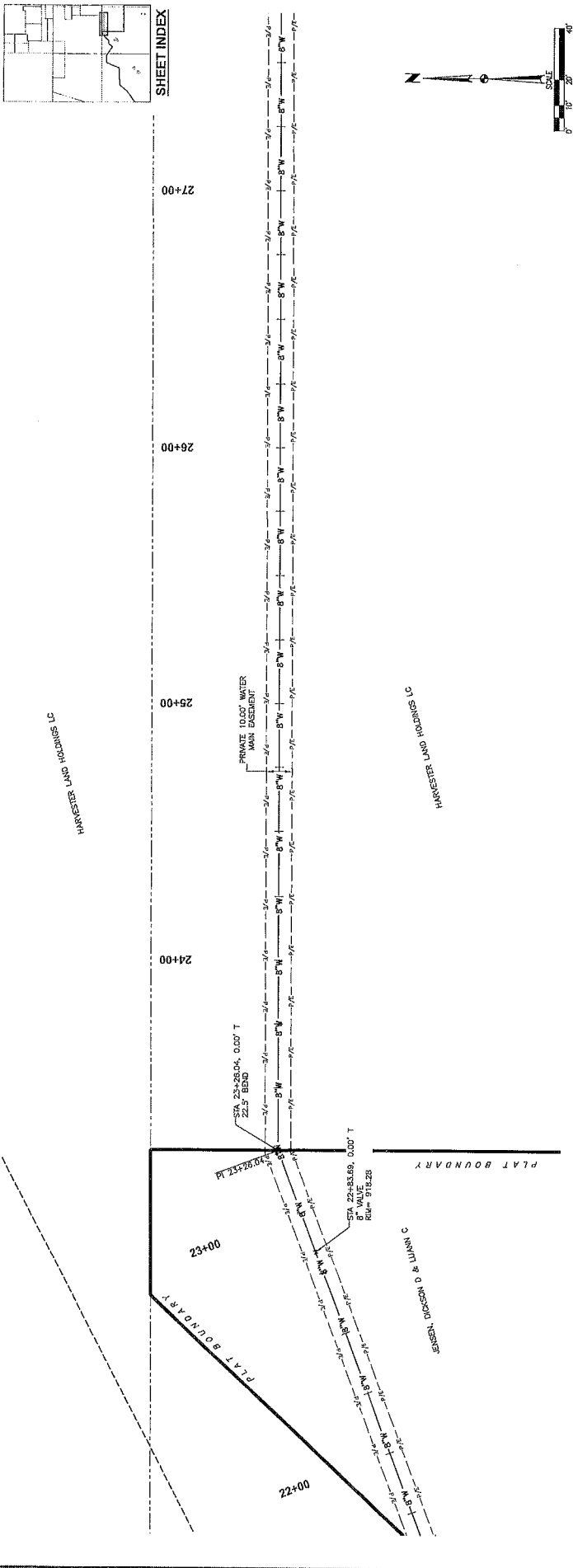
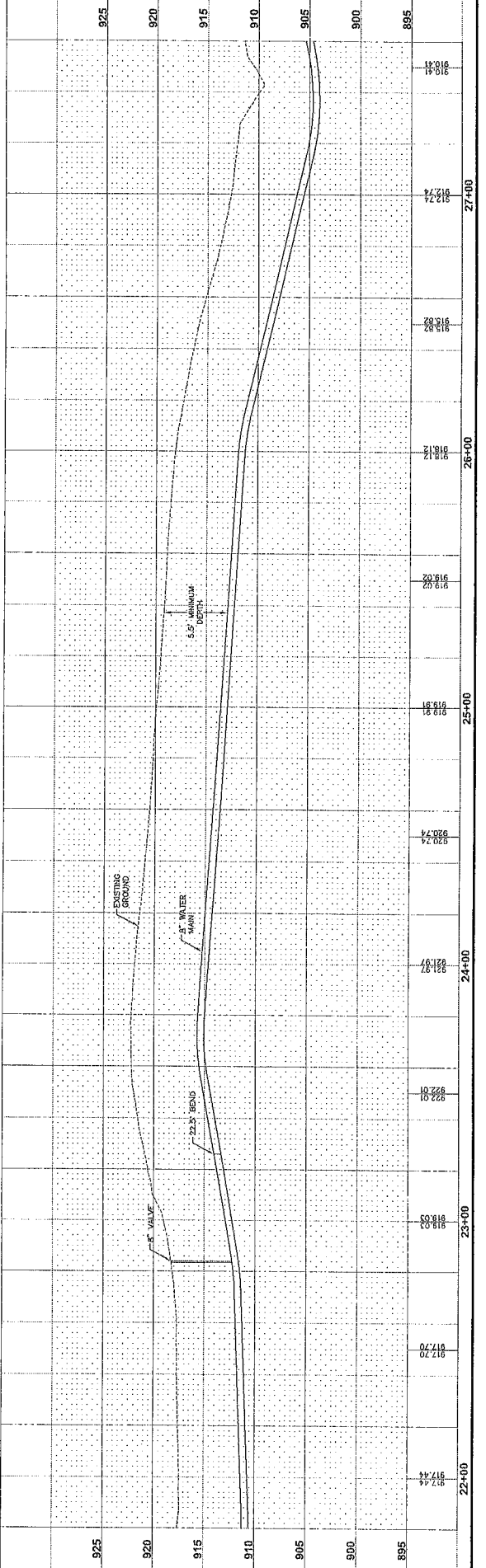
JENSEN FAMILY FARM
WATERMAIN PLAN AND PROFILE

STORY COUNTY, IOWA



3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410
ENGINEER: EKO

REVISIONS	DATE
FIRST SUBMITTAL	08/07/2020
SECOND SUBMITTAL	09/03/2020
DATE	



HARVESTER LAND HOLDINGS LC

HARVESTER LAND HOLDINGS LC

PLAT BOUNDARY

JENSEN-DICKSON-NICKERSON & JOHNSON C.

STA. 23+26.04, 0.00' T
22.5° BEND

STA. 25+26.89, 0.00' T
22.5° BEND

23+00

22+00

24+00

25+00

26+00

27+00

SHEET INDEX

DATE: 08/07/2020 10:58 AM
DRAWN BY: EKO
CHECKED BY: EKO
SCALE: AS SHOWN
PROJECT: JENSEN FAMILY FARM WATERMAIN PLAN AND PROFILE

COUNCIL ACTION FORM

REQUEST: REZONING FROM AGRICULTURAL (A) TO PLANNED RESIDENCE DISTRICT (F-PRD), A PRELIMINARY PLAT, AND A MAJOR SITE DEVELOPMENT PLAN FOR DOMANI AT 2200 OAKWOOD ROAD

BACKGROUND:

The property owner, Pinnacle Properties Ames, LLC, requests the rezoning of a parcel comprising 23.784 acres. The parcel is addressed as 2200 Oakwood Road. It also has frontage along street stubs for Suncrest Drive and Cottonwood Road (in two places). The site was annexed to the City in 2019 and is zoned Agricultural (A). **The applicant is requesting rezoning to Planned Residence District (F-PRD) with a Residential Low Density (RL) base zone to allow for a single-family residential development with mostly zero-lot-line homes.** (See Attachment A for Location and Existing Zoning Map and Attachment C for Proposed Zoning Map.) There will be 63 residential lots: 51 zero-lot-line lots and 12 custom-built sites at the south end. The proposed plan also includes a resident clubhouse with swimming pool, five common area outlots, and one subdivision sign outlot at the corner of Oakwood Road and Green Hills Drive.

The land for Domani is primarily used as a farm field, with a small amount as farmyard, adjacent to an old farmhouse on Oakwood Road. The City's Christofferson Park abuts the property along most of the development's eastern edge. The western edge is primarily bordered by single-family homes developed as part of the Suncrest Subdivision during 2002-2006. Several of the abutting properties along the western edge of the site have extended their rear yard use onto the subject property.

The proposed rezoning to a PRD allows for the developer to propose different housing types than allowed by standard zoning and request variations to base zone standards in support of the different housing types. PRDs are also intended to include open space and/or amenities not typical of a standard base zone development. The zero-lot-line homes are not typical of a standard base zone nor is the proposed reduction in lot size, thereby necessitating the PRD.

Of the 51 zero-lot-line homes, 27 will be smaller than 6,000 square feet, the minimum lot size for the comparative base zone of RL. Although smaller than typical detached single-family home lots, the lot sizes are larger than single-family attached minimum lot sizes that would be permissible under FS-RL zoning. The zero-lot-line homes will be placed at one side lot line, then be setback at least 10 feet on the opposite side to create a "courtyard," or private patio space for the homeowner. Homes abutting the external boundaries of the development will comply with standard setbacks requirements. Attachment "I" depicts the house layout plan for the courtyard homes of the subdivision. Although, house layouts and designs are not depicted for the custom home lots, the applicant requests setback variations as well for reduced front yards to 15 feet and side yards at zero feet. Staff has included conditioned that since no house

designs have been proposed that the individual homes are subject to Planning Director approval for reduced setbacks.

The Major Site Development Plan (MSDP) (Attachment G) for Domani contains the site layout, including placement of the non-residential buildings, pedestrian and vehicular circulation, parking, stormwater detention/retention, open space and amenities, and landscaping. The MSDP accompanying the PRD request will be the controlling plan for development of the site and its specific uses upon approval of the PRD. The Preliminary Plat controls for lot layout and public improvements.

The project includes common open space of approximately 32% (outlots and the clubhouse lot, excluding right-of-way and residential lots). Combined with the patio and usable yard areas of the homes, the overall open space is 41%. This exceeds the 40% open space standard of the PRD.

Due to the developer's concept of smaller lots with common area maintenance, the plan includes a proposed reduction in front and rear yard setbacks. Typical front yard setbacks would be 20 feet for a house and 25 feet for its garage in the FS-RL zoning district. The applicant proposes front yard setbacks of 20 feet or more for most homes and 8 feet for five lots at the south end of the development. The proposed clubhouse is approximately 10 feet from Green Hills Drive and 15 feet from Suncrest. Based upon past PRDs, setbacks along public streets within a new development may be reduced as proposed.

Side and rear setbacks at the development perimeter will be the same as those of the base zone, RL. This includes a minimum of 6 feet for a one-story home, 8 feet for a two-story home, and 20 feet for a rear yard. Much of the perimeter of the development is drainage outlots or street (along Christofferson Park) and a minority of lots are situated along the perimeter of the site abutting other developed property. Two lots on the west side of the development on Suncrest Drive have 8-foot setbacks, one lot on Cottonwood Road on the east side has an 8-foot setback, six lots at the north end have 20-foot rear setbacks, and one lot (Lot 35) has a setback of 20 feet affecting its easternmost corner.

Domani will extend and connect an existing street (Green Hills Drive) and three street stubs (Suncrest Drive and, in two places, Cottonwood Road). The development will create a new street stub at the south end, oriented for a future extension to Cedar Lane. An extension to the south was not required due to the location of an existing pond south of the site. The extended Green Hills Drive will border Christofferson Park and will provide pedestrian connections to the park from the west and south. **The Christofferson Park parking lot will be modified to accommodate the extended Green Hills Drive. Modifications to the Park were reviewed by Parks and Recreation staff and the Parks and Recreation Commission. A condition requires an agreement with the developer prior to final plat approval on completing these improvements at the developer's cost.**

Domani's extension of the street stubs for Cottonwood Road and Suncrest Drive will create pedestrian access from existing neighborhoods to move eastward through this site. In addition to pedestrian crossings at the street intersections, the applicant is providing mid-block connections across Green Hills Drive between Cottonwood Road

and Suncrest Drive and between Suncrest Drive and Oakwood Road. The applicant has also designed connections to Christofferson Park that currently can only be accessed off Oakwood Road.

The development of Domani will be broken into three phases (*See Attachment G – Site Plan – Phasing Plan*). The first phase will include the northern part of the property, plus several drainage outlots. It will also include a temporary sales trailer at the east side of the property, at the end of the current street stub for Cottonwood Road. This structure will serve as the sales office for the development until the clubhouse is constructed, which will then serve as the sales office. The second phase of development will complete the zero-lot-line homes and the final phase will be the 12 custom home lots. **The Clubhouse is required through a proposed condition to be under construction prior to development and construction of homes in the 2nd phase and completed prior to initiation construction of homes in the 3rd phase.**

The Domani site sits between developed stormwater systems to the west and east. Water flows from the west through the site to the east, primarily towards the Wessex Apartment development. The City has mandatory stormwater management design requirements to control water quality and quantity related to new development. The City's standards are part of Chapter 5B of the Municipal Code. **City staff, the applicant, and the applicant's engineer worked extensively to address regional drainage in relation to the site for drainage to Christofferson Park and the neighborhood to the west. The overall design includes conveyance of water from development to the west through to a detention pond on the east side of the site where it is then released to east. There is a separate detention pond in the north part of the development that diverts water to a storm sewer that goes north. This north pond design is beneficial to managing stormwater in the City's park. Off-site improvements with the park also benefit the connection of the system along the south side of the Wessex Apartment development.**

A drainage lot west of the subject property, south of homes along Cottonwood, has experienced problems with drainage in the past, based upon neighborhood input to the developer and previously to City staff. The City commissioned a study of the area in 2013 to review the performance of stormwater measures. The homes on the south side of Cottonwood Drive have been particularly affected by drainage problems. The drainage lot takes water from the nearby Ringgenberg neighborhood and conveys it east to the subject property where it connects to a field tile line. The applicant's engineer has analyzed the existing conditions and determined that the homes on the south side of Cottonwood Road are generally either at or below the modeled 100-year flood elevation of the current storm water conveyance measures on that lot. This system was designed and built with the prior subdivisions and does not meet current standards.

The proposed Domani stormwater plan creates a new conveyance channel in Outlot D to pass water through to the east and then further downstream and off site. The applicant's design facilitates water conveyance improvements through the Domani site and meets the Chapter 5B requirements to treat and detain water, as well as provide for protection of homes in relation to the water surface elevations of the storm water features. This is of particular concern for the lot abutting the site at 2218 Cottonwood Road where the current code will require 3 feet of protection between the home and the

new storm water feature. The applicant accomplishes this through the excavation of the channel and a berm along the common property line. The proposed stormwater design does not change the flood elevation of any other property that is upstream of the Domani property impacted by water flowing into and through the adjacent drainage lot as it is not directly connected to the Domani site due to diversionary berm on that lot. **Therefore, the proposed storm water management plan satisfies the Code requirements for addressing the impacts of the new development it does not, nor is it required to, eliminate the storm water issues that currently exist for some of the properties along Cottonwood.**

On-street parking will be provided throughout the neighborhood. **As part of the extension of Green Hills Drive, the developer is redesigning the parking lot for Christofferson Park to provide for greater safety. Enhanced on street parking bays are proposed near the clubhouse.** Each home will have a minimum of two required garage parking spaces. Homes with at least 20 feet of front yard setback can accommodate additional driveway parking. The proposed clubhouse is viewed as an accessory use and no off-street parking is recommend by staff for the use. The site is centrally located and walkable by the residents. There is on street parking adjacent to the site.

A complete analysis of the development with the F-PRD Development principles, supplemental development standards, and Major Site Development Plan criteria and other zoning standards is included in the Addendum and Attachments. *See Attachment D, Findings Regarding Planned Residence District (F-PRD) Development Principles; Attachment E, Findings Regarding Planned Residence District (F-PRD) Supplemental Development Standards; and Attachment F, Findings Regarding Major Site Development Plan Criteria.*

PLANNING & ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on August 19th and reviewed the proposed project and a presentation of the concept by the developer. The Commission discussed site drainage, design of the homes and mix of housing plans for one story, two-story, and basements, open space, and parking. The Commission also heard comments concerning open space and perimeter setbacks along the east edge of the development. The Commission voted 6-0-0 to recommend that the City Council approve the project for 2200 Oakwood Road subject to conditions recommended by staff. Conditions are included with the proposed Alternative #1 that are remaining for the project and reflective of the Planning and Zoning Commission's recommendation.

ALTERNATIVES:

1. Approve the following three requests for the property at 2200 Oakwood Road:
 - A. Rezoning of the properties from Agricultural (A) to Planned Residence District (F-PRD) with a base zone of Residential Low Density (RL).
 - B. Approval of the Preliminary Plat, subject to the following conditions:
 - i. Adjust trees where the sidewalk has shifted at the Cottonwood Road & Green Hills Drive intersection;

- ii. Add exterior setback lines for lots on Suncrest Drive (Lots 23 & 36), Cottonwood Road (Lot 1), Green Hills Drive (Lots 58-63), Green Hills Drive and Oakwood Road (Oakwood side of Lot 63), and Green Hills Drive (Lot 35 starting at the common lot line of Outlot C and Christofferson Park);
 - iii. Remove striping for the parallel spaces along the northbound (east) side of Green Hills Drive;
 - iv. Prior to final plat of each addition, provide a street tree, streetlight, and driveway plan to ensure adequate space exists for on street parking and trees;
 - v. Prior to final plat, enter into a development agreement with the City addressing improvements on City property and right-of-way, including timing, specifications, and developer's financial obligations.
- C. Approval of the Major Site Development Plan, subject to the following conditions:
- i. Include the 20-foot setback line, as measured from the shared property line with Christofferson Park, to Lot 35;
 - ii. Remove striping for the parallel spaces along the northbound (east) side of Green Hills Drive;
 - iii. Note that no additional access to the Park is permitted that is not shown on the plan;
 - iv. Staff approval of final lighting plans consistent with standards of Article IV for the Common Area and Clubhouse site;
 - v. The phasing plan allows for staff approval of temporary sales office in conjunction with the first phase of development;
 - vi. The clubhouse and pool are to begin construction as part of phase one and prior to the start of phase two. The clubhouse and pool must be completed prior to the construction of a home in the third phase, unless an extension is granted by the City Council.
 - vii. Add note that custom lots (Lots 46-57) are permitted to have a reduced setbacks subject to the Planning Director approval of home designs addressing façade architectural interest, massing ,and proportions with the following limitations: side yard of zero feet, rear yard of 10 feet, and front yards minimum of 15 feet measured to the building façade for all street frontages and 25 feet for garages. Full projections approved by the Planning Director are permitted for features such as decks, porches, etc. within the reduced front yards. All lots must comply with perimeter base zone setbacks.
2. Approve with modified conditions the request for Rezoning and approval of the Preliminary Plat and Major Site Development Plan for the property at 2200 Oakwood Road.
 3. Deny the request for Rezoning and approval of the Preliminary Plat and Major Site Development Plan for the properties at 2200 Oakwood Road, if the Council finds that the City's regulations and policies are not met.
 4. Defer action on this request and refer it back to City staff and/or the applicant for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

The proposed Planned Residence District (F-PRD) rezoning is consistent with Land Use Policy Plan (LUPP) as a specialized zoning tool for encouraging innovative and mixed housing types. The proposed density of development 5.21 units per acre does not exceed the low density residential minimum density standards of 7.26 units per acre. The proposal also exceeds the LUPP minimum density expectations of 3.75 dwelling units per acre for Village/Suburban designated areas.

The applicant has chosen the F-PRD process due to the proposed mix of housing types. The smaller lots enable the developer to provide a viable number of homes while providing for stormwater improvements that will benefit nearby properties, including Christofferson Park. The development connects existing street stubs, extends an existing street, and provides a new connection at the south end of the property. The new streets will benefit not just the new residents of Domani, but also the residents of nearby neighborhoods who will have improved access to the park.

In a F-PRD, the Major Site Development Plan (MSDP) establishes zoning requirements, including building height, maximum number of units, bedrooms and density, site layout, and landscape design. Due to minimum width of the lots and the reduced size, the placement of homes and driveway location are critical to the success for the project. The proposed plans provide for definition of the character of the zero-lot-line homes with an expectation for house placement. It allows for minor variations in house plan and aesthetics based upon buyer preference. The custom lots at the south end of the site will be individually designed and allow for reduced setbacks subject to Planning Director approval.

The alternative approach of the PRD differs from conventional development in allowing for additional detached single-family dwellings. The site could be developed under FS-RL with a combination of detached and attached housing using a similar street layout and potentially a greater density of development. However, the PRD design allows for all detached housing product and includes additional common area open space and amenities of a clubhouse, which meets the overall intent for the district and its design principles. The proposed layout introduces a slightly smaller lot size option to the housing market in Ames creating some additional diversity of choices which is viewed as beneficial to the City's housing goals.

With the conditions of approval, staff finds that the project meets the design principles of the F-PRD and complies with the standards of the MSDP. **Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to approve the request for Rezoning, Preliminary Plat, and Major Site Development Plan for Domani with the noted conditions.**

ADDENDUM

PROJECT DESCRIPTION:

The applicant is proposing a single-family development with 63 dwellings and amenity space of a clubhouse and pool for the residents. Fifty-one of the dwellings will be on zero-lot-line lots where one of the sides of the house abuts a side lot line. The applicant refers to these zero-lot-line homes as courtyard or patio homes due to the design featuring this private space for each home rather than a traditional yard. The remaining 12 lots will have custom-built homes. Of the 51 zero-lot-line dwellings, 27 will be on lots smaller than 6,000 square feet – the minimum in the base zoning district of RL. All lots exceed the minimum width requirement of 50 feet.

The development of Domani will be divided into three phases. The first phase will include the northern zero-lot-line home lots and most of the stormwater outlots along with a temporary sales trailer at the end of the Cottonwood Road street stub on the east side of the property. The second phase will finish the zero-lot-line lots and outlots. The third phase will be for the non-zero-lot-line homes.

The PRD standards for low density residential development require that the density not exceed 7.26 dwelling units per acre. The density for Domani will be 5.21 units per acre, calculated by excluding outlots and the clubhouse lot.

Building Design

The applicant intends to build the homes in a “modern farmhouse” style. Common architectural features include gable rooves, dormer windows, board and batten siding, and covered porches. There are several house plans for the courtyard homes while the large lots are intended for custom homes. The courtyard homes have multiple façade options with the design intent (*See Attachment J*). The zero-lot-line homes will abut one of the property lines and will have at least a 10-foot setback on the other side. The zero-lot-line side of the home will have no windows or only windows compliant with the Fire Code (such as glass block). The intent is to create a private space for one of the homes. These homes will occupy most of the lots, leaving little to no rear yard. The homes will be one story with an option for some lots to have a second floor or “half” story.

The temporary sales trailer will be a premanufactured modular trailer, which is anticipated to be in place for less than a year. Parking will be provided on a temporary basis to the trailer and removed during the second phase.

The Clubhouse is approximately 2,000-square-foot one-story building of a similar design to that of the homes.

Setbacks and Yards

The proposed new homes have reduced setbacks for front, side and rear yards. The proposed variations from base standards allows for all detached homes rather than creating attached single-family homes. Five lots along Cottonwood and Green Hills have a reduced front yard setback of eight feet. The applicant proposed this to allow for lots to be created where there are size constraints related to common area lots and the orientation of other lots. The clubhouse also includes reduced front yard setbacks of

approximately 10 feet and 15 feet. The other homes will meet a front setback of at least 20 feet. Typical requirements of FS-RL zoning are 20 feet to a facade and 25 feet to a garage for front loaded single-family homes. Rear loaded homes can be as close as a 10-foot setback within FS-RL zoning.

The proposed front yard setback reduction is atypical for projects with public streets. The proposed design features are more common with private streets. Although the PRD standards call out a limitation to reduction in setbacks along the perimeter of the development and public streets, the precedent with Ringgenberg was to allow reduced setbacks along the internal public streets. Staff believes that this approach allowing for reduced front yard setbacks along internal public streets is consistent with intent of the PRD to consider variations with diverse housing types. Reduction in front yard setbacks changes the look and feel of the streetscape with homes closer to the street and it does affect the functionality of space to some degree if there is not room for driveway parking and street tree maturity. There is no requirement for front yard trees on private property so there is no direct impact to private landscaping options. Staff supports the proposed reduction for five lots to a minimum of eight feet believing the overall impact to the streetscape will be minimal and that allowing for 20 feet on the remaining home lots is similar to FS-RL standards. The clubhouse with reduced setbacks will include front yard landscaping to enhance its appearance.

Side setbacks are zero on one side of each lot to facilitate the creation of the private patio spaces. A minimum of ten feet will exist on the opposite side. Rear setbacks abutting the common area lots will be zero in most circumstances. Note that lots along the perimeter of the development boundary will comply with PRD standards for setbacks to match that of the underlying zone.

The applicant proposes custom home design for a handful of homes with 52-foot lot widths and larger lots along the southern perimeter. The developer desires reduced setbacks to allow for custom homes with design features that approach the street and may provide additional architectural interest and creativity. Typically such an approach would require a pattern book or design detail to allow for custom homes to fit a design intent while being truly custom and individual to the builder. This is what has been done for the courtyard homes. However, no specific pattern book or layout design is proposed by the applicant for the custom lots. Therefore staff has included a condition that only allows for reduced setbacks if approved by the Planning Director and the designs meet the stated intent for the reduction. Staff would review architectural features and massing, not design style, to ensure that reduced setbacks are facilitating high quality design features and not just more efficient and bulky houses that could be typically placed in conformance with normal setback requirements. Alternatively, Council could request more clarity on the custom home design and layout prior to final plat approval.

Neighborhood Compatibility

Setbacks at the development perimeter will be the reflect those of the base zone, RL. Much of the perimeter of the development is drainage outlot or street (along Christofferson Park) and a minority of lots are affected. Two lots on the west side of the development on Suncrest Drive have 8-foot setbacks, one lot on Cottonwood Road on the east side has an 8-foot setback, six lots at the north end have 20-foot rear setbacks, and one lot (Lot 35) has a setback of 20 feet affecting its easternmost corner. In addition

to mirroring the setbacks of the base zone, RL, the setbacks on Suncrest Drive, Cottonwood Road, and the west side of Green Hills Drive match the setbacks of the neighboring zoning districts (RL, FS-RM, and A respectively).

Infrastructure

The site will be fully served by City infrastructure, except for electricity, which is provided by Alliant. Sanitary sewer and water extensions and easements are included as part of the development.

Access & Circulation

Vehicular access will come from the extension of Green Hills Drive and the completion of the existing street stub for Suncrest Drive and the two street stubs for Cottonwood Road. Both Suncrest Drive and Cottonwood Road will be extended to intersect with Green Hills Drive. Green Hills Drive will extend to the south, where it will turn westward creating a new street aimed at Cedar Lane. On-street parking will be available as all streets are residential streets. Due to small lot width incorporated into the design staff and the applicant have taken care to design driveway placements to maximize the amount of on street parking. A condition is included to verify these driveway locations with other streetscape components to ensure adequate space for parking, driveways, and street trees.

Sidewalks will be installed on both sides of all streets. In addition to pedestrian crossings at street intersections, midblock crossings will be placed between Cottonwood Road and Suncrest Drive and between Suncrest Drive and Oakwood Road. A sidewalk across Outlot C will extend from the midblock crossing between Cottonwood Road and Suncrest Drive to the park to the east. The sidewalk along Green Hills Drive will widen and enter the park, where an existing gravel path will be paved. Other paths in the park will remain as unpaved trails per Parks and Recreation Department standards. Access to the park is limited to only the locations identified on the Site Development Plan.

Parking

After researching parking for clubhouses in other development in Ames, staff concluded that the parking for a neighborhood clubhouse should be treated as an accessory use to the development much like a clubhouse in an apartment complex. The clubhouse is centrally located and walkable for the residents. No on-site parking is therefore proposed. The developer proposes providing five enhanced, public, on-street spaces adjacent to the clubhouse on Suncrest Drive. In addition to on-street parking on one side of each street, there will be public spaces on Green Hills Drive next to Christofferson Park.

The distance between the curbs has been widened on Suncrest Drive by the clubhouse to provide five striped spaces, including one handicap space. The distance between the curbs has been widened on Green Hills Drive to provide parking on the northbound (east) side of the street, where parking would otherwise be prohibited. Staff has included a condition to leave these unmarked as parallel parking spaces, this is consistent with typical residential parking specifications.

Parking for sales trailer is based on the size of the building, 720 square feet. The Zoning Ordinance requires one space per 300 square feet for office use. The applicant is

providing 3 spaces, one of which will be ADA compliant.

Each single-family home will have a minimum of a two-car garage. One home plan would allow for a three-car garage. Due to the request for reduced front yard setbacks for five lots, these homes will not have a driveway that is long enough for parking of vehicles without obstructing a public sidewalk. Obstructing a sidewalk is prohibited by the Ames Municipal Code. The sidewalk design currently is proposed to move sidewalk closer to the street to minimize the potential obstructions. The other lots will all have driveways of at least 20 feet to allow for parking of vehicle between the garage door and the sidewalk.

See Attachment G, Site Development Plan

Landscaping

The neighborhood will comply with the street tree requirements of Sec. 23.402. The street tree requirement is intended to have overstory trees planted approximately every 50 feet. There is also diversity of tree species requirement for street trees. The City Forester reviews and approves street tree plantings. Homes with reduced front yard setbacks will likely have smaller tree plantings due to the reduction in space. Final tree selections will be verified as part of a final plat of an addition. As noted earlier there is condition to coordinate final driveway designs with street tree plantings.

Landscaping, including shrubs and trees, will be installed around the clubhouse consistent with commercial front yard planting requirements. Due to the reduced setbacks there will be smaller ornamental trees rather than over-story trees that are typically required in front yard landscaping. Changes to the typical standards are permissible as part of the PRD review.

See Attachment G, Site Development Plan

Open Space

The open space improvements and amenities have been designed with the residents of the community in mind. As a “Life-Care” community, there are a variety of users and range of abilities/limitations to be considered. The open space and amenities are intended to provide both an active (i.e. walking, running) and passive (i.e. sitting, viewing, listening) experience. A minimum landscaped open space requirement of 40% is required for the F-PRD zone. The site includes 41% open space. The outlots and 7.579 acres or about 32% of the site, including right-of-way. The home lot area occupies 12.095 acres or about 51% of the site. The rest of the site, 4.09 acres or about 17% of the site, is right-of-way.

Neighborhood Signage

The developer is proposing two subdivision signs:

- One at the southwest corner of the intersection of Oakwood Road and Green Hills Drive
- One at the north side of Cottonwood Road on the east side of the development

The applicant has proposed the following standards:

- 6-foot high

- Reflected light for illumination
- White brick background
- Black lettering
- Square D in the middle of the sign cut into rusted metal

The clubhouse will a minor amount of wall signage identifying as the Domani Clubhouse along with directional signage.

APPLICABLE REGULATIONS

Land Use Policy Plan (LUPP) Related Goals and Objectives.

GOAL 4. It is the goal of Ames to create a greater sense of place and connectivity, physically and psychologically, in building a neighborhood and overall community identity and spirit. It is the further goal of the community to assure a healthier, safe, and attractive environment.

Objectives. In achieving an integrated community and more desirable environment, Ames seeks the following objectives.

4.A. Ames seeks to establish more integrated and compact living/activity areas (i.e. neighborhoods, villages) wherein daily living requirements and amenities are provided in a readily identifiable and accessible area. Greater emphasis is placed on the pedestrian and related activities.

GOAL 6. It is the goal of Ames to increase the supply of housing and to provide a wider range of housing choices.

Objectives. In increasing housing opportunities, Ames seeks the following objectives.

6.C. Ames seeks to establish higher densities in existing areas where residential intensification is designated with the further objective that there shall be use and appearance compatibility among existing and new development.

Future Land Use Map.

The Land Use Policy Plan Future Land Use Map designates the property as Village / Suburban Residential, the designation given upon annexation for land designated in the Ames Urban Fringe Plan (AUFPP) as Urban Residential.

See Attachment B, LUPP Future Land Use Map.

Proposed Zoning.

Ames Municipal Code Chapter 29, Section 15007, Zoning Text and Map Amendments, includes requirements for owners of land to submit a petition for amendment, a provision to allow the City Council to impose conditions on map amendments, provisions for notice to the public, and time limits for the processing of rezoning proposals.

The proposed zoning is Planned Residence District (F-PRD) which is permissible with any underlying LUPP Future Land Use Map designation for residential. *See Attachment C, Proposed Zoning Map.*

Ames Municipal Code Chapter 29, Section 1203, Planned Residence District, includes development principles, uses that are permitted, and supplemental development standards that apply to properties in this zone. See Attachment D, Findings Regarding F-PRD Development Principles, and Attachment E, Findings Regarding F-PRD Supplemental Development Standards.

Property developed according to the F-PRD requirements allows for innovative housing types and creates a development pattern that is more aesthetic in design and sensitive to the natural features of the site and to surrounding uses of land than would customarily result from the application of the requirements of other residential zoning districts. Development is to include a mix of housing types, integrated design, open space, site amenities, and landscaping that exceeds the requirements that exist in other residential zone development standards.

Planned Residence District (F-PRD) Development Principles.

Property that is zoned F-PRD must adhere to the development principles in Ames Municipal Code Section 29.1203(2). *See Attachment D, Findings Regarding F-PRD Development Principles.*

Planned Residence District (F-PRD) Supplemental Development Standards.

Property that is zoned F-PRD must also be developed according to the supplemental development standards in Ames Municipal Code Section 29.1203(5). *See Attachment E, Findings Regarding F-PRD Supplemental Development Standards.*

Major Site Development Plan Design Standards.

The F-PRD rezoning requires an accompanying major site development plan. This plan describes all aspects of the site. *See Attachment G, Site Development Plan.* Additional criteria and standards for review of all Major Site Development Plans are found in Ames Municipal Code Section 29.1502(4) (d). *See Attachment F, Findings Regarding Major Site Development Plan Design Standards.*

Development Agreement.

A development agreement is required between the developer and the City for work inside Christofferson Park and for work to be done in public rights-of-way.

Meetings/Public Notice.

The developer held a virtual neighborhood meeting early in the process of developing plans for the site. The developer indicated that concerns about the project included the lot layout and house design, drainage design, and location of common areas.

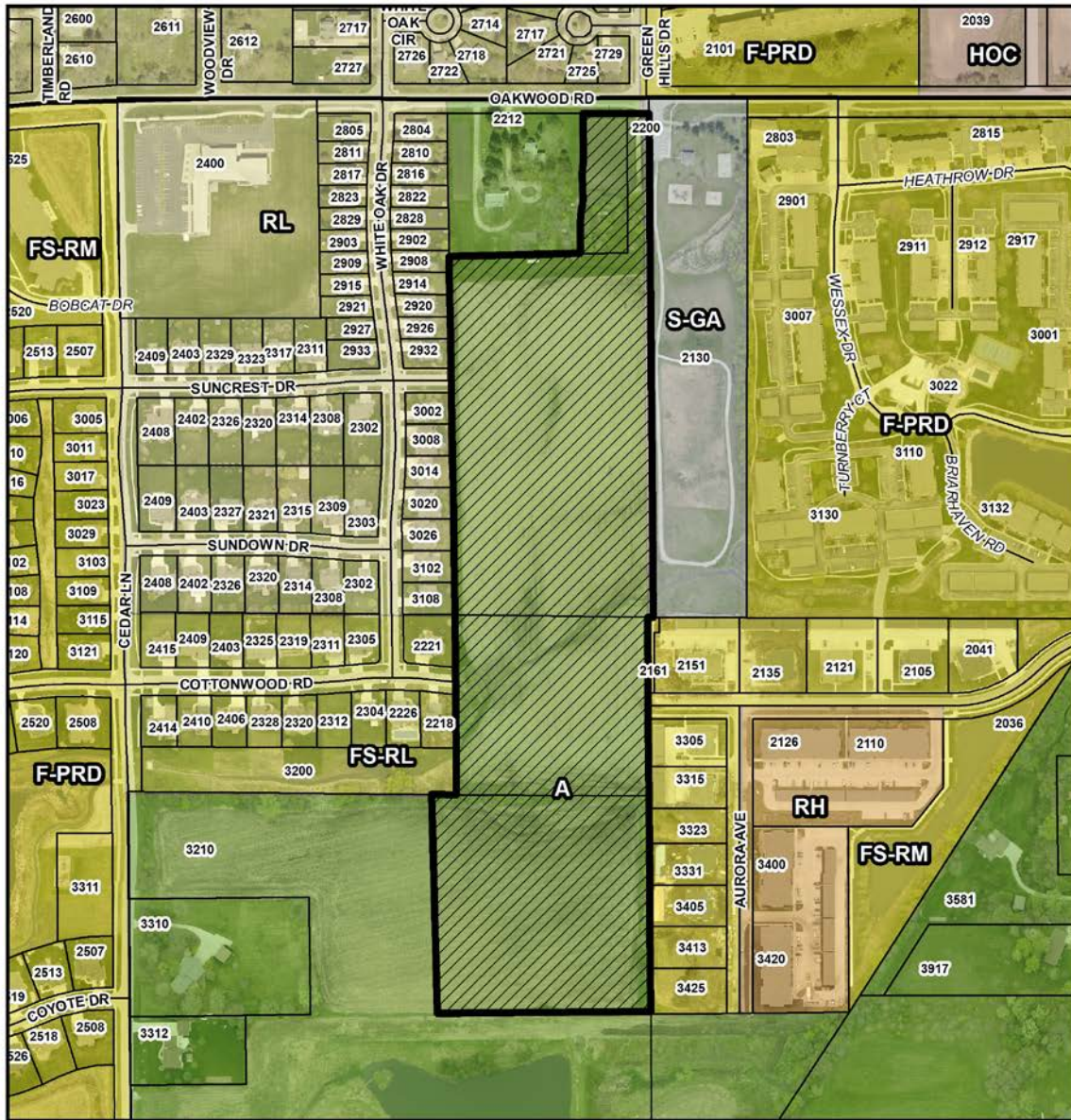
Public noticing requirements are included in Ames Municipal Code Chapter 29, Section 1500(2)(d). Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property. Staff has received no direct comments at this time.

Due to the proposed changes to the City's park, the project was reviewed by the City's Parks and Recreation Board in July of 2020. The Board recommend allowing for the proposed changes at the developer's expense. City Council will consider this

recommendation with the PRD review.

Attachment A

Aerial and Existing Zoning Map



Aerial & Zoning Map 2200 Oakwood Road - Domani Planned Residence District & Preliminary Plat

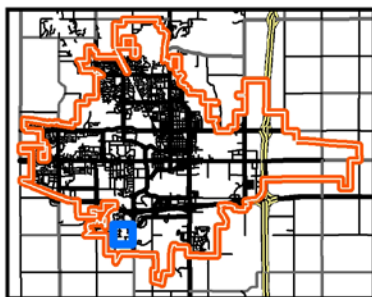
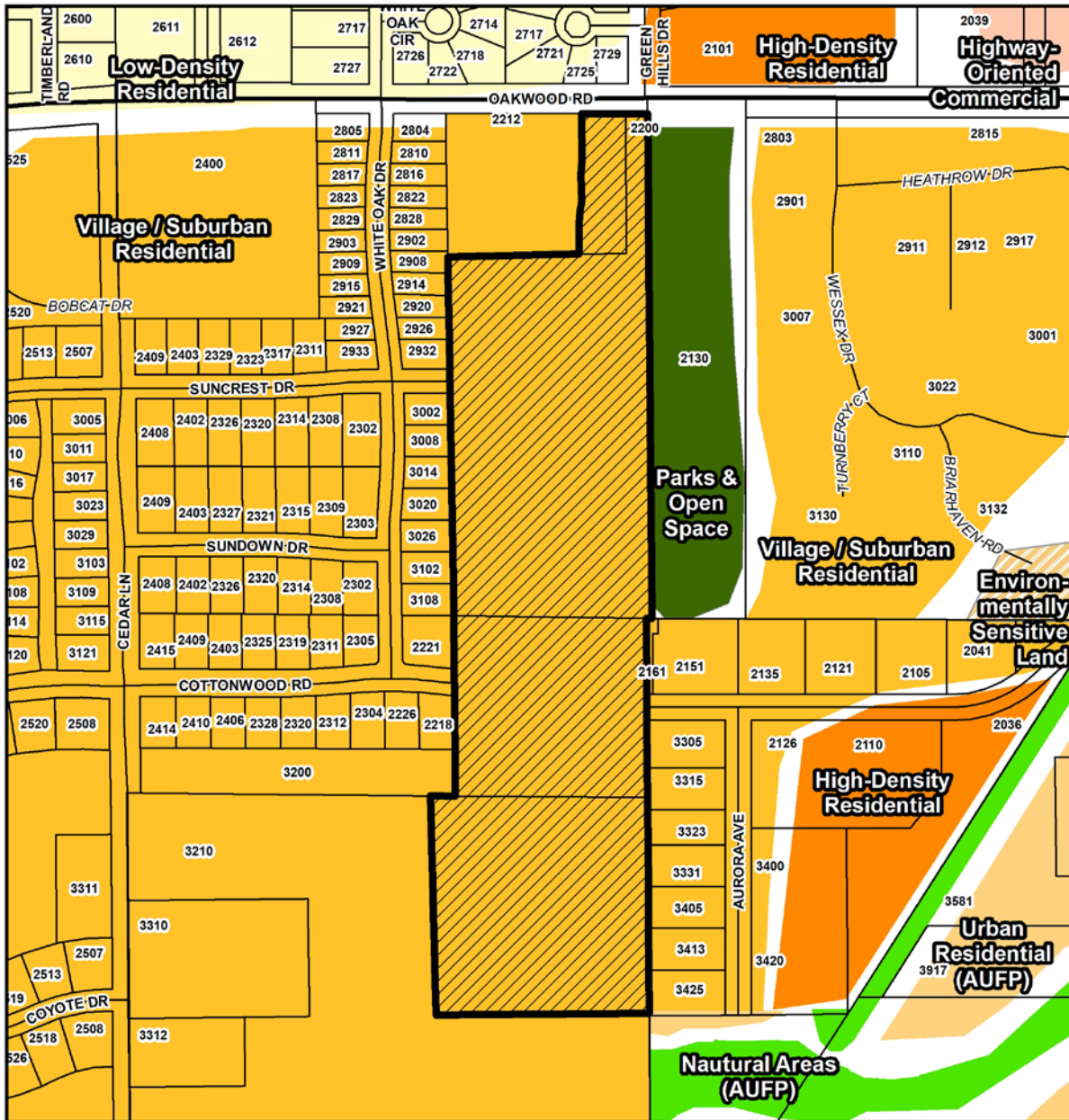
0 200 400 800
Feet



The existing zoning of the property is Agricultural (A).

Attachment B

Land Use Policy Plan Future Land Use Map & Ames Urban Fringe Plan



LUPP & AUFP Map
2200 Oakwood Road - Domani
Planned Residence District
& Preliminary Plat



Attachment C

Proposed Zoning Map



Proposed Zoning Map 2200 Oakwood Road - Domani Planned Residence District & Preliminary Plat

0 200 400 800
Feet



The proposed zoning for the subject property is Planned Residence District (F-PRD).

Attachment D

Findings Regarding Planned Residence District (F-PRD) Development Principles

Property that is zoned F-PRD shall be developed in accordance with the Zone Development Principles listed in Section 29.1203(2). Each principle is addressed below.

- 1. Provide for innovative and imaginative approaches to residential development that would not occur as a result of the underlying zoning regulations.***

Domani will have zero-lot-line placement of single-family houses on 51 of the 63 lots. The diminished setback on one side of the lot will be balanced with a large setback of at least 10 feet on the opposite side to create a wide side yard, described by the applicant as a “courtyard,” though the space will not be enclosed on all sides by building. Of the 51 zero-lot-line lots, 27 of them will be smaller than 6,000 square feet, the minimum for the base zoning district of RL.

The community will also have a clubhouse with a pool.

- 2. Result in a more efficient, aesthetic, desirable and economic use of land and other resources while maintaining density of use, as provided for in the Land Use Policy Plan and the underlying zoning.***

The Domani property was annexed to the City in 2019 when the LUPP designation Village / Suburban Residential was applied.

The proposed development provides for smaller lot sizes and compact development on a site that has a large area devoted to drainage. The drainage features have accounted for the recurring problems in the area and serve to adequately mitigate flooding. The development also provides for numerous pedestrian connections to the park from the south and the west.

The open space percentage for the development is 41%. The proposed density is 5.21 dwelling units per acre.

- 3. Promote innovative housing development that emphasizes efficient and affordable home ownership and occupancy.***

The Domani development is following an existing model of zero-lot-line homes. The homebuilder, Epcon, has several developments in Iowa, mostly in the Des Moines area, and numerous other developments around the country with the same home models.

The zero-lot-line homes will be primarily one story with small yards requiring little maintenance.

4. Provide for flexibility in the design, height, and placement of buildings that are compatible with and integrate with existing, developed neighborhoods and the natural environment.

The development will have two pieces: 51 zero-lot-line and 12 custom home sites. The zero-lot-line homes will be on a mix of lot sizes: 27 smaller than 6,000 square feet, the minimum for the base zoning, RL, and 24 larger. The zero-lot-line lot sizes are not uniform, but most will be under 60 feet in width. The lots for the custom-built homes are larger: five are less than 8,000 square feet and seven are greater than 20,000 square feet.

The development will abide by the PRD requirements that the perimeter setbacks comply with the base zoning, RL in this case. The setbacks will be 8 feet along the west perimeter on Suncrest Drive (side lot line), 8 feet along the east perimeter on Cottonwood Road (side lot line), 20 on west perimeter adjacent to 2212 Oakwood Road (rear lot line), and 20 feet on the east perimeter adjacent to Christofferson Park for Lot 35. The applicant has indicated that the zero-lot-line homes will be single-story.

The applicant intends for the architectural style of the zero-lot-line homes to be “modern farmhouse.”

5. Promote aesthetic building architecture, significant availability of open space, well designed and landscaped off-street parking facilities that meet or exceed the underlying zone development standards, more recreation facilities than would result from conventional development, and pedestrian and vehicular linkages within and adjacent to the property.

The applicant intends for the zero-lot-line homes to have a “modern farmhouse” aesthetic. The development will meet the minimum open space requirement of 40%; Domani has 41% open space overall. There will be no off-street parking lots.

Recreational facilities are to be found primarily in the community clubhouse, with accompanying swimming pool. Outlot C will have a pedestrian path connecting to Christofferson Park.

The new neighborhood will also connect the existing street grid, providing access to Christofferson Park for the neighborhoods to the west and southeast.

(See Attachment G, Site Development Plan)

6. Provide for the preservation of identified natural, geologic, historic and cultural resources, drainage ways, floodplains, water bodies, and other unique site features through the careful placement of buildings and site improvements.

The development will account for natural stormwater drainage at the southern portion of the site that flows across the lot from the west and onto Christofferson

Park to the east. The site will have five drainage / stormwater outlots containing three ponds to manage the water. The Public Works Department has reviewed the proposed design and is satisfied that it will not increase stormwater runoff onto adjacent properties, nor adversely affect drainage in nearby neighbors or the City park. The proposed design meets all quality, quantity, and protection requirements of the Chapter 5b.

7. ***Provide for a development design that can be more efficiently served by existing and proposed infrastructure, including: street, water, sewer, and storm water infrastructure, than would be otherwise required as a result of conventional development.***

The design of the neighborhood will connect existing street stubs (one for Suncrest Drive, two for Cottonwood Road) to complete the street grid via the spine of Green Hills Drive. Domani will have five street outlets, including the extension of Green Hills Drive to the south, which becomes Lunetta Drive when it turns to the west.

The stormwater infrastructure is designed to meet City standards.

All utilities will be able to be extended to serve Domani in an efficient manner.

Attachment E

Findings Regarding Planned Residence District (F-PRD) Supplemental Development Standards

Property that is zoned F-PRD shall be developed in accordance with the Zone Development Standards listed in Table 29.1203(5). Each standard is addressed below.

- 1. Area Requirement. A minimum of two (2) acres shall be required for all areas developed as F-PRD.**

The subject site includes 23.764 acres.

- 2. Density. Densities shall comply with the densities provided for in the Land Use Policy Plan and the underlying base zone regulations. In the case of more than one base zone designation, each area of the PRD project shall comply with the density limitation that is established for the base zone of that area. Density transfer from one area of a PRD project to another area of the same project with a lower base zone density is not permitted.**

Underlying Base Zone: Suburban Residential Floating Zone – Residential Low Density

Proposed Density: 5.21 Dwelling Units / Acre

Maximum Density: 7.26 Dwelling Units / Acre

- 3. Height Limitations. Structures proposed to be developed in areas zoned PRD shall be compatible with the predominant height of the structures in adjacent neighborhoods.**

The applicant has not stated that the maximum height will differ from the base district (RL) where the maximum is 40 feet or 3 stories, whichever is lower. This restriction mirrors or is more restrictive than the adjacent districts where the maximum height is:

- RL – mirrors PRD
- RL – same as base district in PRD
- A – mirrors PRD
- FS-RM – PRD is more restrictive
- S-GA – district assigned to government property (city, county, state): no limit given

- 4. Minimum Yard and Setback Requirements. There are no specified yard and setback requirements in areas zoned PRD, except that structures constructed adjacent to public right-of-way and adjacent to the exterior boundary of an area zoned PRD shall comply with setback standards of the underlying base zoning regulations, unless there are physical features on the site that would justify a different setback than provided for in the base zone.**

The exterior of Domani will have 8-foot setbacks for two lots at the western edge of the development on Suncrest Drive, 8-foot setbacks for one lot at the eastern edge of the development on Cottonwood Road, 20-foot setbacks for fix lots at the north end of Green Hills Drive abutting property to the west, and a 20-foot setback from Christofferson Park, affecting Lot 35.

Staff researched reduced setbacks in previous PRDs, including Ringgenberg Park where the base zoning district is RL and the setbacks were reduced to 20 feet along public streets. Domani proposes to have minimum front setbacks 8 feet to the public right-of-way for specified lots and for the clubhouse.

5. *Parking Requirements. Parking for uses permitted in areas zoned PRD shall comply with the parking standards in Section 29.406.*

The PRD requirements stipulate that parking must comply with the minimums listed in Sec. 29.406. Staff has determined that the private, community clubhouse is no different than the clubhouse for an apartment complex, which does not require parking in excess of that required for the individual apartment units. As such, there will be no off-street parking. The developer has agreed to widen the roadway and provide five, on-street, spaces adjacent to the clubhouse.

All homes will meet minimum parking requirements with at least a two-car garage. Homes with setbacks less than 20 feet will not have permissible driveway parking as extra parking for a household.

6. *Open Space Design Requirements. Open Space shall be designed as a significant and integrated feature of the entire area to be developed as a PRD project.*

The open space for Domani consists primarily of drainage and stormwater ponds. The development does, however, provide pedestrian connections to Christofferson Park.

7. *Open Space Area Requirement. The area devoted to open space in a PRD project shall meet the landscape and open space requirements as set forth in the base zone standards.*

A minimum open space requirement of 40% is required for the F-PRD zone, given its base zone of Residential Low Density (RL). The development will be 41% open.

8. *Open Space Improvements and Amenities.*

The open space improvements include improved access to Christofferson Park for Domani residents and the neighborhoods to the west. The primary Domani amenity is the clubhouse and swimming pool.

9. *Maintenance of Open Space and Site Amenities.*

All maintenance of Open Space and Site Amenities will be provided by the Domani Homeowners' Association.

Attachment F

Findings Regarding Major Site Development Plan Criteria

Additional criteria and standards for review of all Major Site Development Plans are found in Ames Municipal Code Section 29.1502(4)(d) and include the following requirements.

- 1. The design of the proposed development shall make adequate provisions for surface and subsurface drainage to limit the rate of increased runoff of surface water to adjacent and downstream property.***

The proposed expansion includes development of new stormwater detention facilities to meet the City's Municipal Code requirements to capture specified quantities of water and treat it for water quality before releasing it from the site. The treatment facilities are located on five outlots, spread throughout the development. The outlots contain three stormwater retention / detention ponds.

- 2. The design of the proposed development shall make adequate provision for connection to water, sanitary sewer, electrical, and other utility lines within the capacity limits of those utility lines.***

The provision and extension of utilities was reviewed and found adequate to support the anticipated load of the proposed development.

- 3. The design of the proposed development shall make adequate provision for fire protection through building placement, acceptable location of flammable materials, and other measures to ensure fire safety.***

The fire inspector has reviewed access and fire truck circulation and found that the needs of the fire department are met. Upon completion, the site will have four street connections and a stub for a fifth.

- 4. The design of the proposed development shall not increase the danger of erosion, flooding, landslide, or other endangerment to adjoining and surrounding property.***

The proposed development is not anticipated to create a danger. Stormwater facilities are located on five outlots containing three stormwater ponds.

- 5. Natural topographic and landscape features of the site shall be incorporated into the development design.***

There are no notable topographic features of the site. Most of the site is farm field and is mostly devoid of existing landscaping and trees.

- 6. The design of the interior vehicle and pedestrian circulation shall provide for convenient flow of vehicles and movement of pedestrians and shall prevent***

hazards to adjacent streets or property.

The proposed development connects all existing streets stubs currently terminating at the property line of the site. The street grid will be extended at the southern end with a new street stub to the west, towards Cedar Lane. Sidewalks are provided on both sides of all streets with crossings at street intersections. Two midblock pedestrian crossings across Green Hills Drive are located between Oakwood Road and Suncrest Drive and between Suncrest Drive and Cottonwood Road.

- 7. The design of outdoor parking areas, storage yards, trash and dumpster areas, and other exterior features shall be adequately landscaped or screened to minimize potential nuisance and impairment to the use of adjoining property.***

Landscaping will be provided around the clubhouse. The general development standards of the zoning ordinance have been met, including street trees in accordance with Sec. 23.402.

- 8. The proposed development shall limit entrances and exits upon adjacent streets in order to prevent congestion on adjacent and surrounding streets and in order to provide for safe and orderly vehicle movement.***

The development complies with development standards for connecting existing street stubs and providing for the projection of future streets to the southwest.

- 9. Exterior lighting shall relate to the scale and location of the development in order to maintain adequate security, while preventing a nuisance or hardship to adjacent property or streets.***

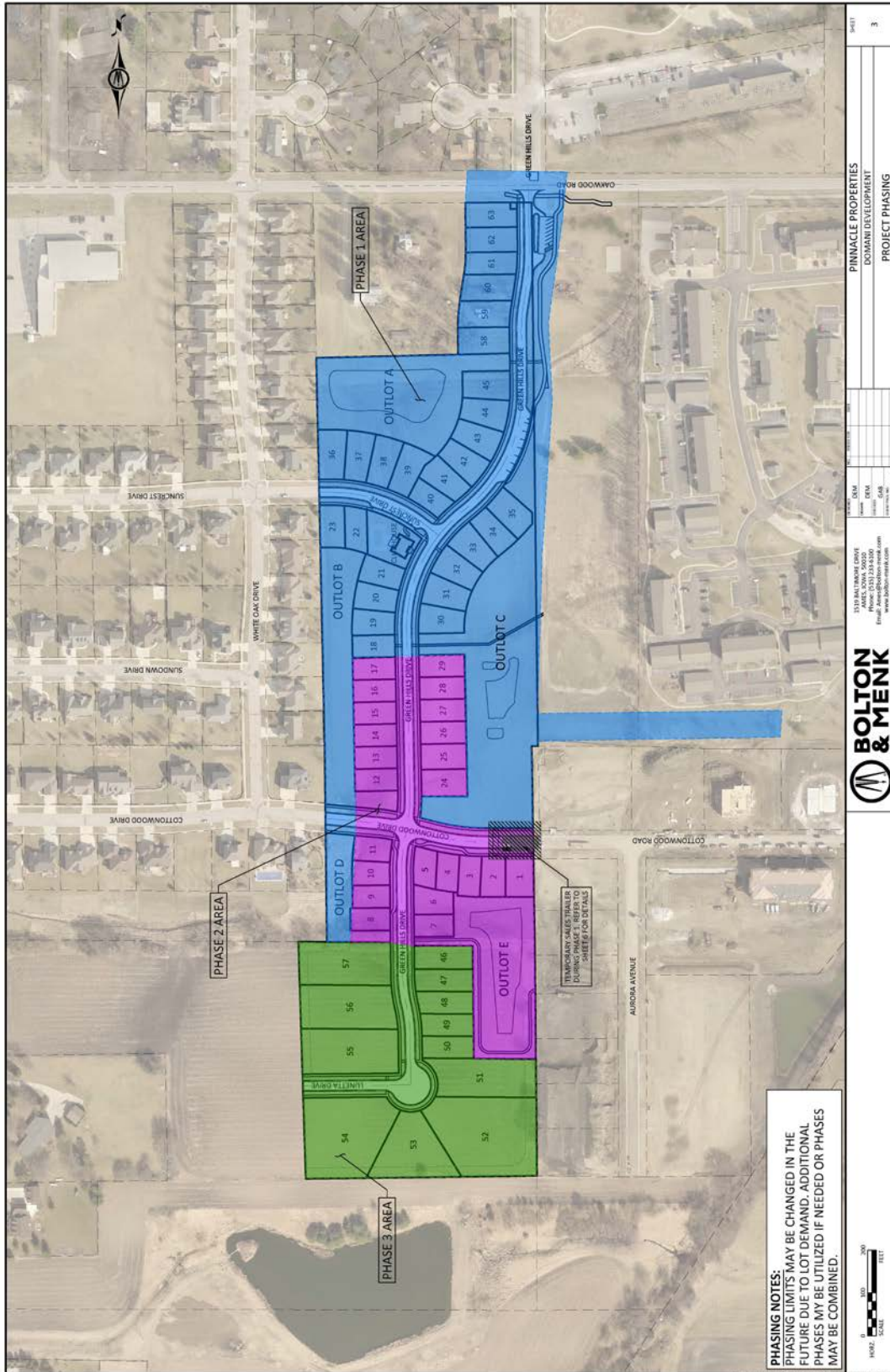
Lighting details will be provided at the time of building permit. The lighting plan will be required to meet the City's standards for "dark sky" protection.

- 10. The proposed development shall ensure that dust and other forms of air pollution, noise disturbances, odor, glare, and other nuisances will be limited to acceptable levels as prescribed in other applicable State and City regulations.***

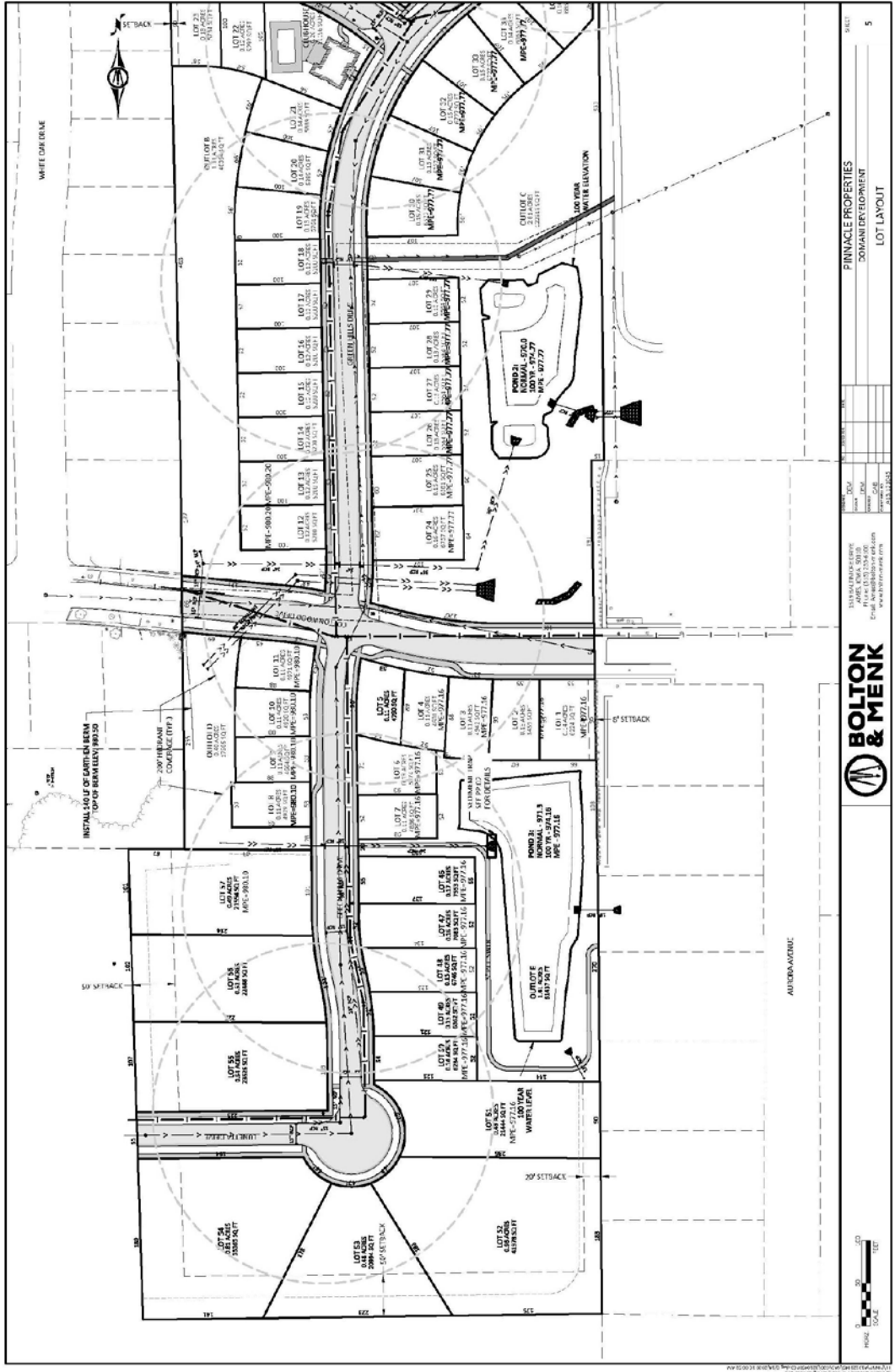
The proposed development is not expected to generate any nuisances as a residential development.

- 11. Site coverage, building scale, setbacks, and open spaces shall be in proportion with the development property and with existing and planned development and structures, in adjacent and surrounding property.***

The site layout and proposed buildings are of a scale compatible to the surrounding uses. The neighborhoods to the west are single-family, as will Domani. The residential areas to the east are of a higher density.

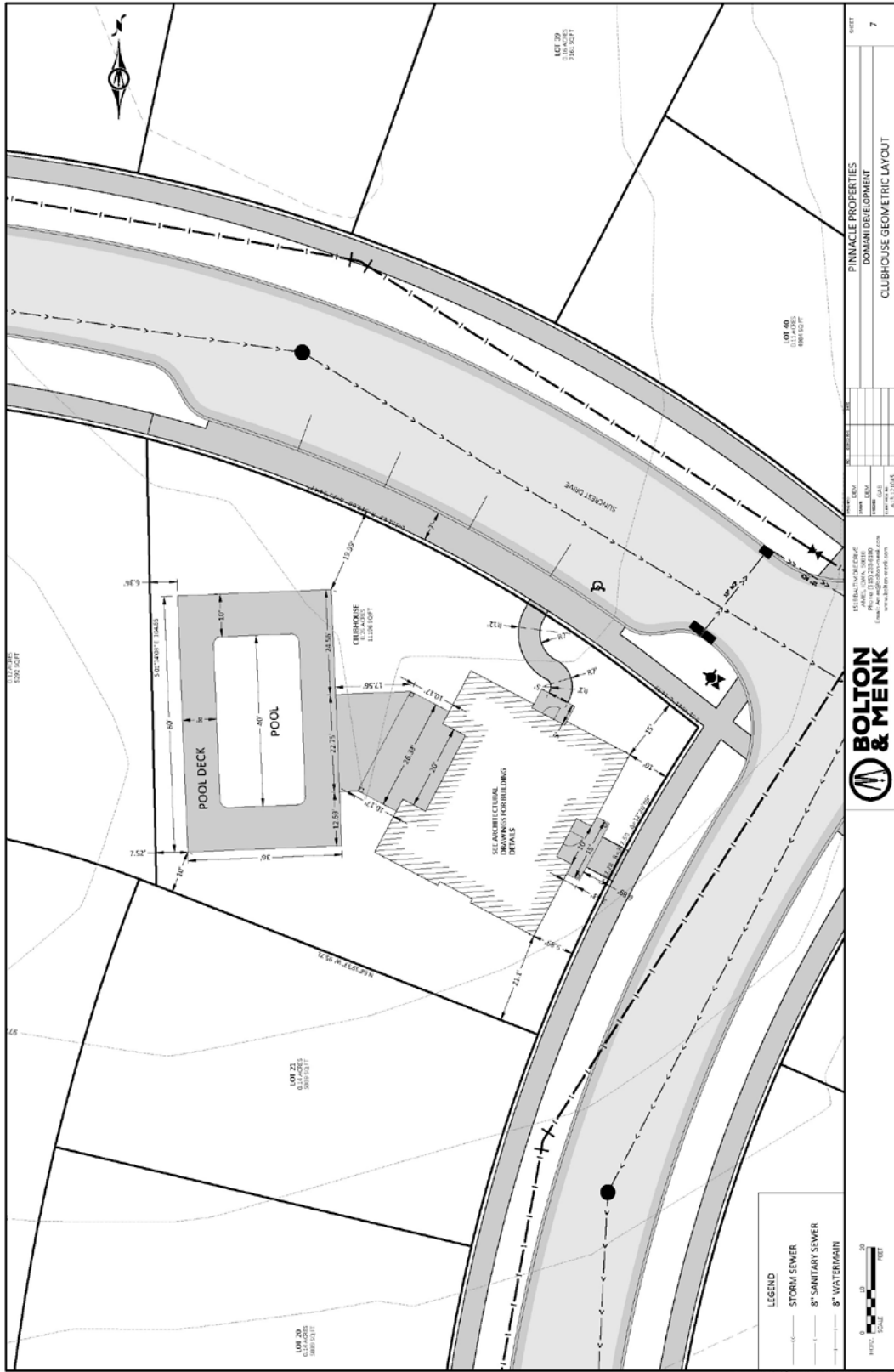


Phasing Plan



		BOLTON & MENK 10000 W. 10th Ave., Suite 100 Denver, CO 80202 Phone: (303) 755-1000 Fax: (303) 755-1001 www.boltonmenk.com	
PROJECT:	PINNACLE PROPERTIES	DATE:	11/11/2015
CLIENT:	DOMANI DEVELOPMENT	SCALE:	AS SHOWN
DESIGNER:		DATE:	11/11/2015
CHECKER:		DATE:	11/11/2015
APPROVED:		DATE:	11/11/2015
TITLE: LOT LAYOUT		SHEET: 5	

Site Plan - South



BOLTON & MENK

REGISTERED PROFESSIONAL ENGINEER
 STATE OF TEXAS, LICENSE NO. 36920
 (www.boltonandmenk.com)

DATE: 01/11/2017
 TIME: 10:00 AM
 PROJECT: PINNACLE PROPERTIES
 DOMAIN DEVELOPMENT
 CLUBHOUSE GEOMETRIC LAYOUT

DATE: 01/11/2017
 TIME: 10:00 AM
 PROJECT: PINNACLE PROPERTIES
 DOMAIN DEVELOPMENT
 CLUBHOUSE GEOMETRIC LAYOUT

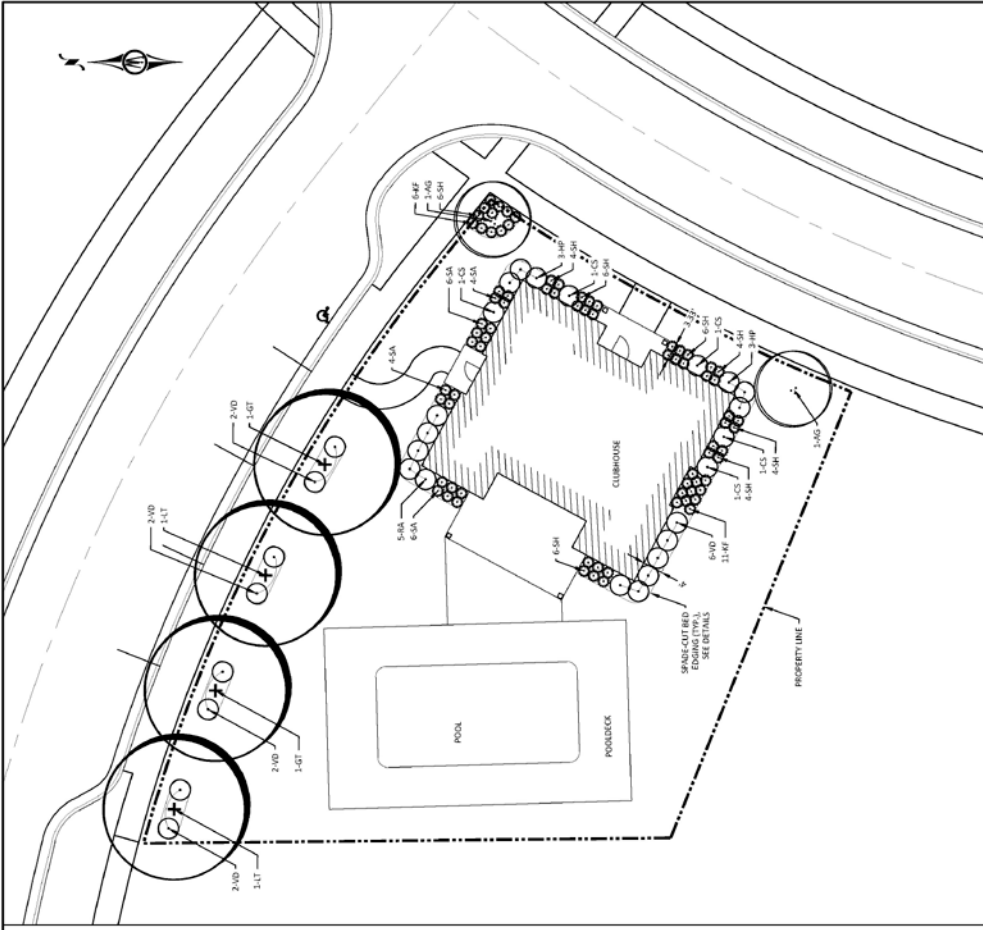
SHEET 7

LEGEND

- STORM SEWER
- 8" SANITARY SEWER
- 8" WATERMAIN

HATCH: 1" = 10'

Site Plan – Clubhouse



MASTER PLANT SCHEDULE

Qty. Sym	Scientific Name	Common Name	Unit	Size	Spacing	Mature Height / Characteristics
2	<i>Gleditsia triacanthos</i> f. <i>inermis</i> 'Skyline'	Skyline Honeylocust	EA	2' Cal.	see plan 40 FT.	
2	<i>Lilium</i> 'Emerald City'	Emerald City Tulip Tree	EA	2' Cal.	see plan 55 FT.	
2	<i>Amelanchier</i> x <i>grandiflora</i> 'Autumn Brilliance'	Autumn Brilliance Serviceberry	EA	1 1/2" Cal.	see plan 15 FT. Multi-stem	
5	<i>Deciduous Shrubs</i>					
14	<i>Arctostaphylos</i> 'Red Twig Dogwood'	Red Twig Dogwood	EA	48" Cont.	see plan	
14	<i>Yucca</i> 'Blue Chip'	Blue Chip Yucca	EA	48" Cont.	see plan	
6	<i>Hydrangea</i> 'Nikko Blue'	Nikko Blue Hydrangea	EA	48" Cont.	see plan	
5	<i>Rhododendron</i> x 'Winston's Angel'	Winston's Angel Rhododendron	EA	48" Cont.	see plan	
40	<i>Sporobolus heterolepis</i>	Prairie Dropseed	EA	18" Cont.	see plan	
20	<i>Scirpus autumnalis</i>	Autumn Moor Grass	EA	18" Cont.	see plan	
17	<i>Calamagrostis acutiflora</i> 'Karl Foerster'	Karl Foerster Feather Reed Grass	EA	18" Cont.	see plan	

LANDSCAPE REQUIREMENTS

FRONT YARD LANDSCAPE (238 LF & 4606 SF):
 REQUIRED: TREES (228 LF / 501 = 4.6, RND TO 5)
 PROVIDED: 4 OVERSTORY TREES & 2 ORNAMENTAL TREES (2:1 REPLACEMENT RATIO)
 REQUIRED: SHRUBS (4606 SF / 1000 = 4.6 * 8 = 36.8, RND TO 37)
 PROVIDED: 30 SHRUBS (7 SHRUB ACCOUNTED FOR BY 21 GRASSES AT 3:1 RATIO)
 REQUIRED: ORNAMENTAL GRASSES (4606 SF / 1000 = 4.6 * 12 = 55.3, RND TO 56)
 PROVIDED: 77 ORNAMENTAL GRASSES (21 GRASSES ACCOUNTING FOR 7 SHRUB AT 3:1 RATIO)

GENERAL NOTES: LANDSCAPE PLANTING

1. MASTER PLANT SCHEDULE, ALL TREE, SHRUB, AND ORNAMENTAL GRASSES ARE LISTED IN THE MASTER PLANT SCHEDULE. IF THERE IS A CONFLICT BETWEEN THE QUANTITIES SHOWN ON THE DRAWINGS AND THE QUANTITIES SHOWN IN THE PLANT SCHEDULE, THE PLANT QUANTITIES SHALL PREVAIL.
2. PLANTING LAYOUT: LEAVE ALL TREE LOCATIONS AND A TYPICAL SHRUB/ORNAMENTAL GRASS BED LAYOUT AND OBTAIN APPROVAL OF THE OWNER'S REPRESENTATIVE PRIOR TO PLANTING.
3. SHRUB/ORNAMENTAL GRASS GROUPINGS SHALL BE PLANTED AND MULCHED IN ONE CONTINUOUSLY MULCHED BED. ALL OVERSTORY TREES SHALL BE SPACED TO 30 FEET FROM TRUNK (P.D.A. WIND) IN ALL DIRECTIONS AND TO LENGTH OF 3' UNLESS OTHERWISE NOTED.
4. CONTRACTOR TO PROVIDE AMENDED SOIL MIX FOR INCORPORATION INTO BACKFILL OF ALL ORNAMENTAL GRASS, SHRUB AND TREE AREAS. THIS AMENDED SOIL MIX SHALL BE A 50% COMPOST AND 50% TOPSOIL MIXTURE. CONTRACTOR SHALL PROVIDE CERTIFICATION OF ANALYSIS FOR ALL ORNAMENTAL GRASSES, SHRUBS AND TREES. AMENDED SOIL MIX SHOULD INCORPORATE SOIL FROM THE SITE AS WELL AS AN ORGANIC COMPOST, BUT IT MAY ALSO USE EXISTING SOIL IF ORGANIC CONTENT MEETS THE MINIMUM REQUIREMENT. CONTRACTOR TO PROVIDE CERTIFICATION OF ORGANIC MATTER CONTENT OF EXISTING SOIL AND/OR COMPOST AND EXISTING SOIL BLEND PRIOR TO INCORPORATING MATERIAL AROUND ORNAMENTAL GRASSES, SHRUBS AND TREES.
5. PREPARING SPARK-CUT EDGE AND PLACING AMENDED SOIL AND SHREDDED HARDWOOD MULCH SHALL BE INCIDENTAL TO THE PLANTING BID ITEMS AND SHALL BE INSTALLED AS PER SPECIFICATIONS.
6. ALL AREAS NOT CALLED OUT AS PLANTING BEDS TO RECEIVE TYPE 1 PERMANENT LAWN MIX WITH HYDROMULCH COVER PER SUDAS SPECIFICATIONS, UNLESS OTHERWISE SPECIFIED.

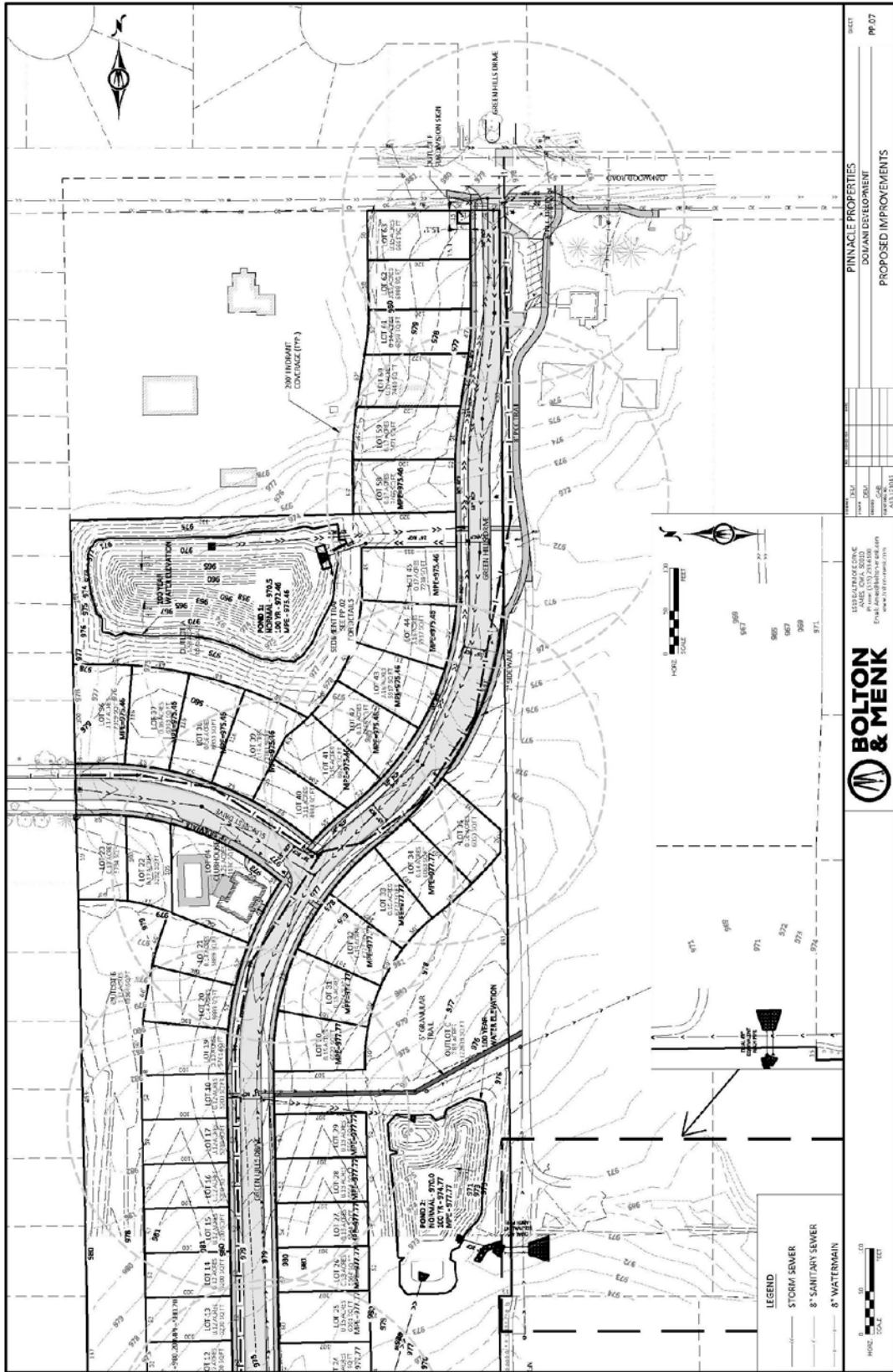
BOLTON & MENK

2525 BALDWIN DRIVE
 AMES, IOWA 50032
 Phone: 515-281-1100
 Email: Ames@boltonmenk.com
 www.boltonmenk.com

SHEET

PINNACLE PROPERTIES
 DOMANI DEVELOPMENT
 LANDSCAPING PLAN

9



Preliminary Plat Layout – North

SHEET
PP.07

PINNACLE PROPERTIES
 DOWANI DEVELOPMENT
 PROPOSED IMPROVEMENTS

DESIGNER: BOLTON & MENK
 PROJECT NO.: 15110001
 DATE: 08/11/2015

BOLTON & MENK
 ENGINEERS, ARCHITECTS, PLANNERS
 15110001

LEGEND
 STORM SEWER
 8" SANITARY SEWER
 8" WATERMAIN

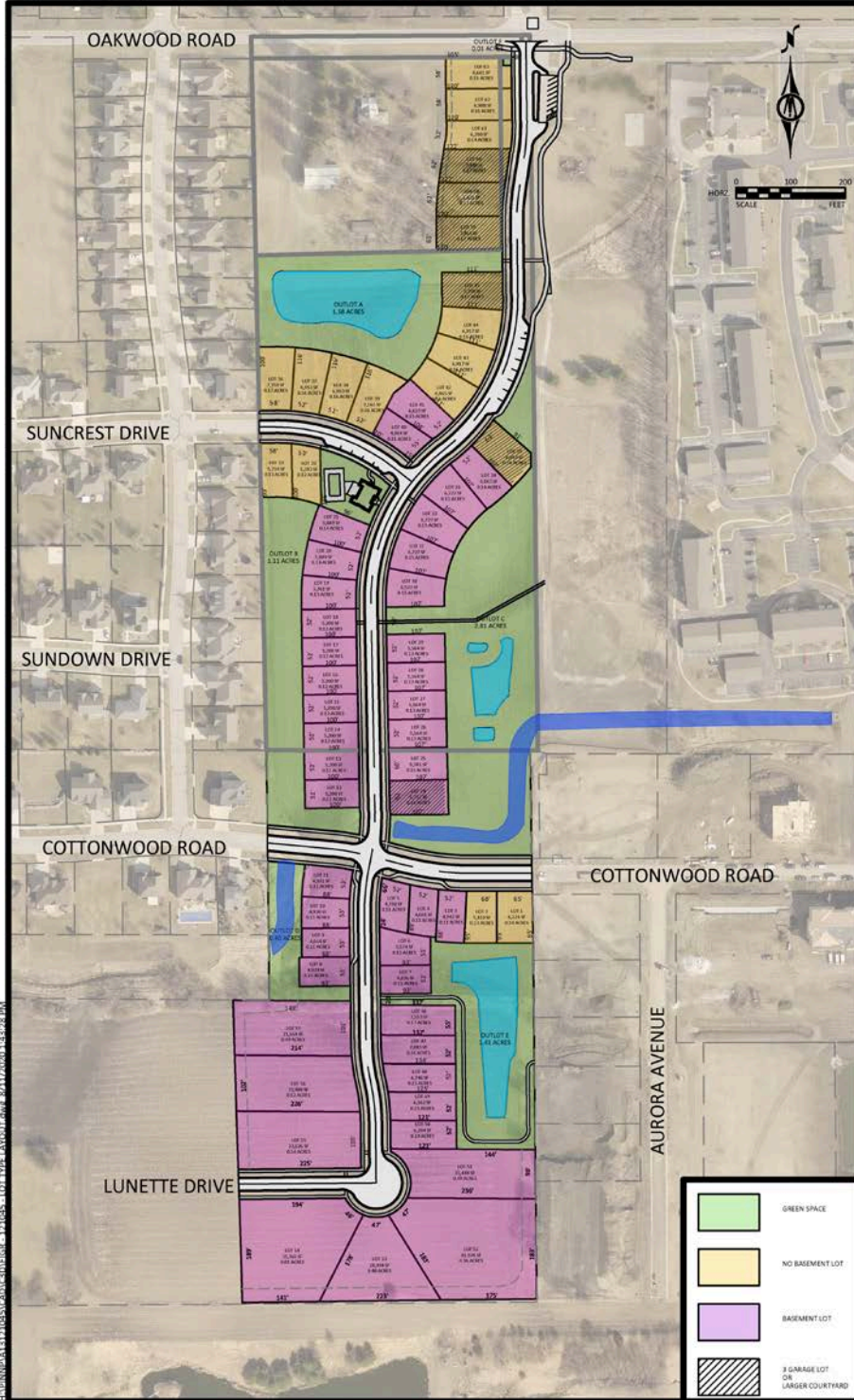
HORIZ. SCALE: 1" = 100'
 VERT. SCALE: 1" = 10'

Attachment I

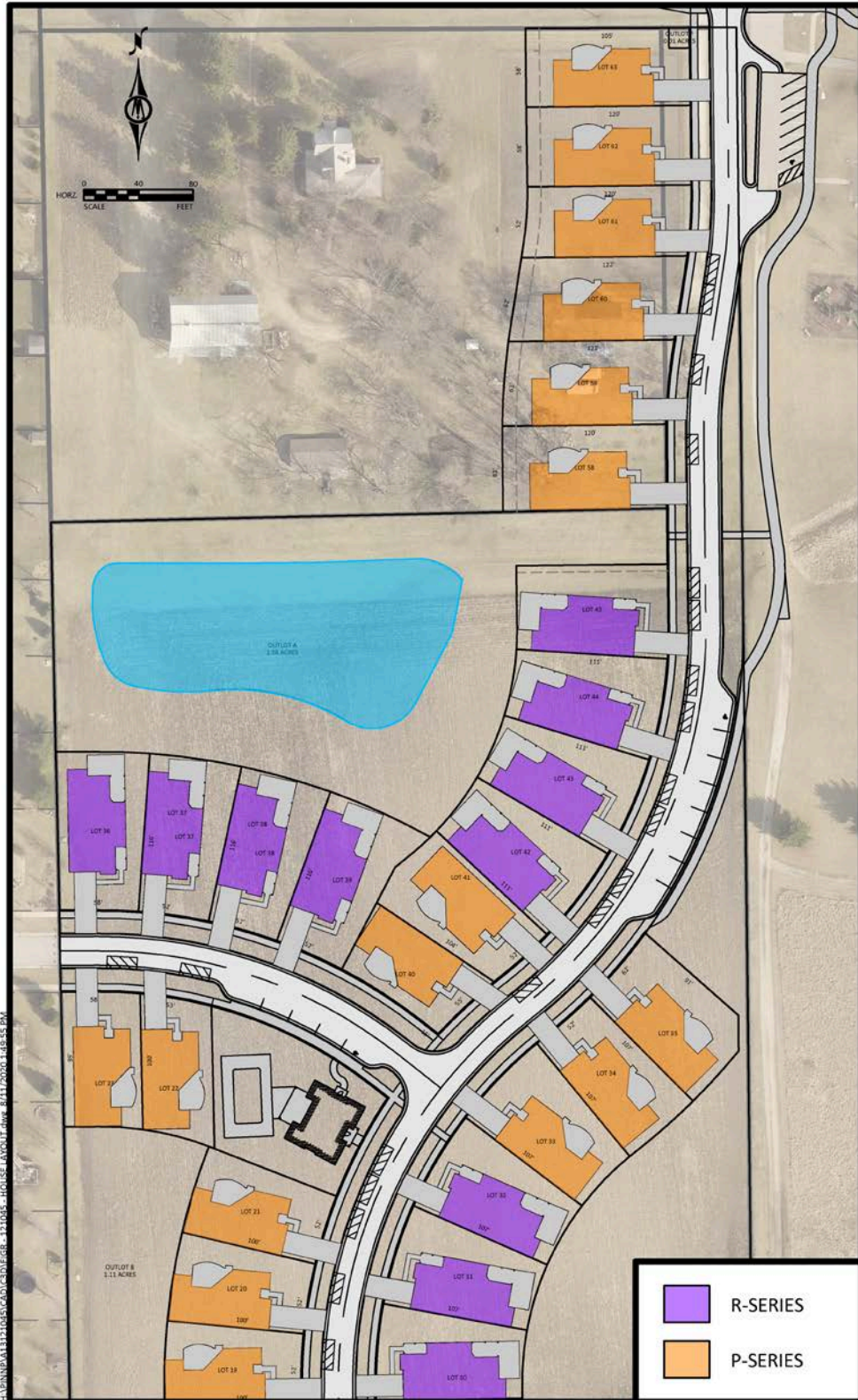
Home Placement on Lots

Domani Development
Pinnacle Properties

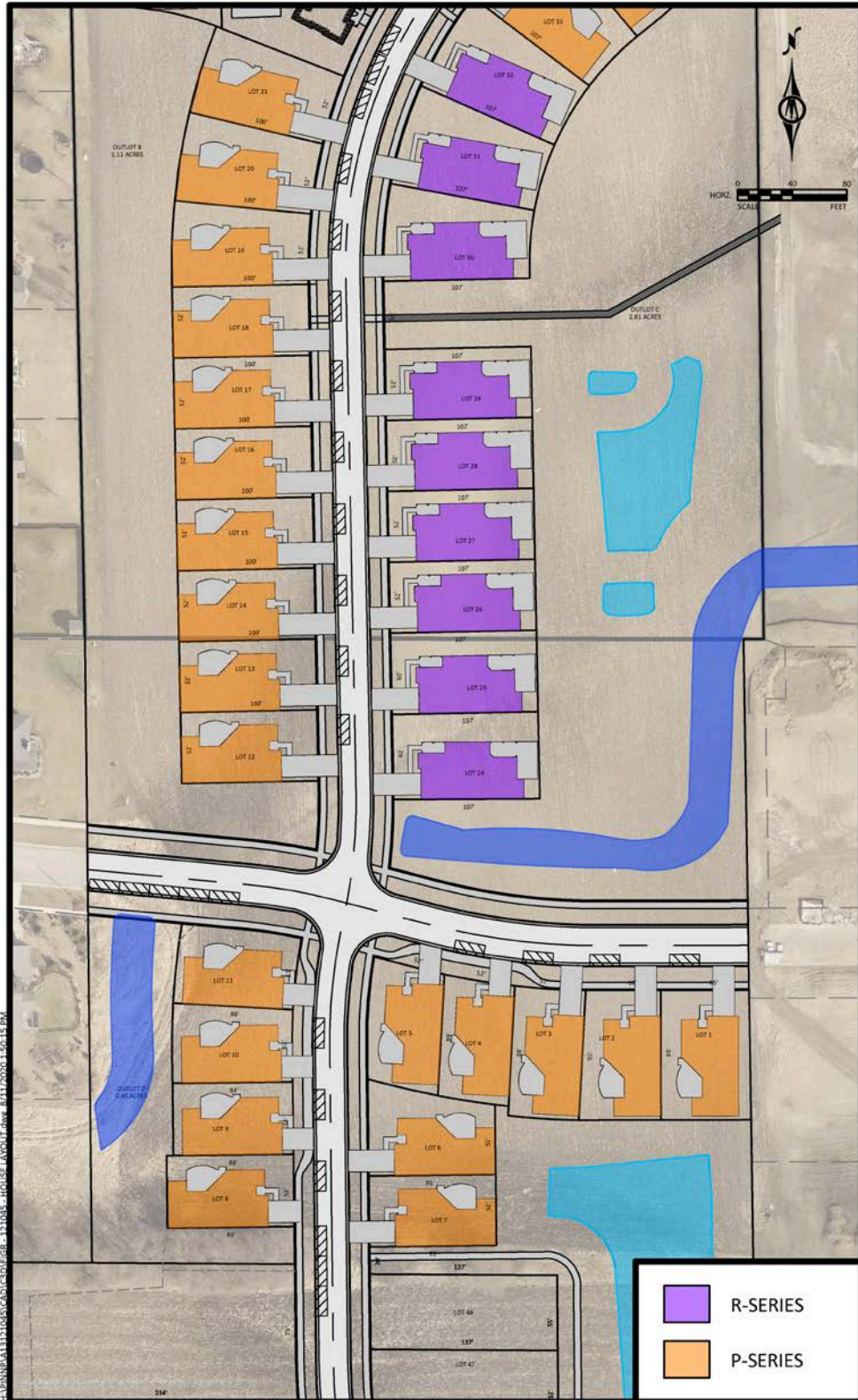
Lot Layout
August 2020

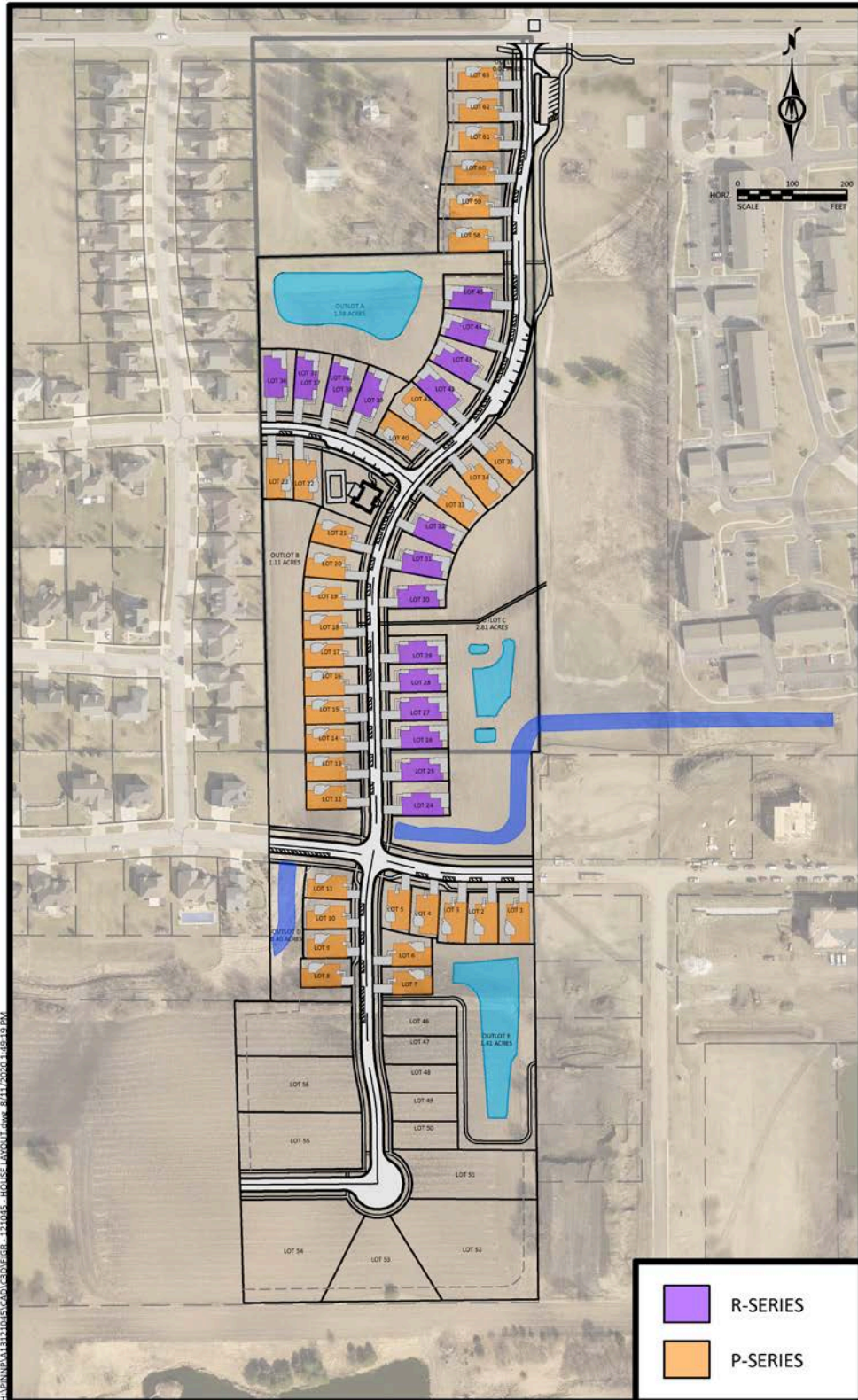
Housing Key



Home Placement - North



Home Placement - South



Home Placement – All

Attachment J

Model Homes – P Series







Attachment K
Additional Material Submitted by the Applicant

ITEM#: 33
DATE: 09-08-20

COUNCIL ACTION FORM

SUBJECT: 2017/2018 MAIN STREET PAVERS (CLARK – BURNETT)

BACKGROUND:

This project provides for the replacement of the pavers in the Main Street corridor. These pavers were installed with the Main Street Reconstruction project in 1999. At that time, the pavers were an aesthetic upgrade to traditional concrete sidewalks. Over time, the pavers have proven to be difficult to maintain. Uneven pavers appear every year, and Public Works Operations crews spend a considerable amount of time to level or replace pavers. Individual replacement pavers are now in short supply as the original pavers are not produced anymore. Winter ice control chemicals applied by adjacent businesses have led to accelerated deterioration of the pavers, especially on the southern side of Main Street where the building provides continuous shade in the winter and no sunlight reaches the sidewalk to aid in melting the snow and ice.

This is the first phase of the Main Street Pavers replacement program, which will remove and replace pavers along both sides of **Main Street between Clark Avenue and Burnett Avenue**. Staff has worked closely with Ames Main Street and the Public Art Commission to finalize details such as paver colors and patterns. Staff received direction from City Council at the July 28, 2020 Council meeting regarding these items and also regarding City Council's desire to deaccession and remove the wall at Tom Evans Plaza.

On September 2, 2020 bids were received as follows:

<i>Bidder</i>	<i>Base+Alt A Amount</i>	<i>Base+Alt B Amount</i>
<i>Engineer's estimate</i>	\$165,068.00	\$180,638.00
Pillar, Inc	\$169,571.46	\$175,408.46
Day Construction Services	\$173,399.58	\$178,484.90
Minturn, Inc	\$184,269.00	\$194,649.00

Staff has completed plans and specifications for this contract which include a Base Bid (removal of pavers, concrete repair, etc.), an Alternate Bid A (straight line paver pattern), and an Alternate Bid B (curved line paver pattern). **Based on the bids received, staff recommends the award of the Base Bid plus Alternate B, which aligns with the desire of Ames Main Street to match the existing colors and pattern along Main Street.**

The plans and specifications prepared do not include the removal of the Tom Evans wall and associated items. However, staff will evaluate the proposed costs to add these items by change order into the project once a successful bidder is under contract.

The table below indicates estimated expenses and funding sources:

Funding Source	Available Revenue	Estimated Expenses
2017/18 Main Street Pavers (Clark to Burnett)	\$171,000	
2018/19 Main Street Pavers (Burnett to Kellogg)	171,000	
2019/20 Main Street Pavers (Kellogg to Douglas)	190,000	
Return to Road Use Tax Fund for COVID-19 Shortfall	(165,697)	
2020/21 Main Street Pavers (Douglas to Duff)	88,000	
Public Art Commission Wall Demolition Support	1,500	
Removal of Wall and Replacement of Pavers at Tom Evans Plaza (est.)		\$ 24,445.00
2017/2018 Main Street Pavers (Clark to Burnett) Base Bid + Alt B		175,408.46
Engineering		\$ 5,000.00
	\$455,803	\$204,853.46

In response to the COVID-19 related shortfall in Road Use Tax revenues in FY 2019/20, \$165,697 in funds allocated to this project were returned to the fund balance (as shown in the table above). Depending on the bids received for future phases of the Paver Replacement project, additional revenues may need to be allocated in a future CIP to address funding for the overall Paver Replacement Program.

Staff has been in contact with adjacent businesses to discuss the project and associated access issues to minimize business impact during construction.

ALTERNATIVES:

1. a. Accept the report of bids for the 2017/2018 Main Street Pavers (Clark to Burnett) project.
- b. Approve the final plans and specifications for this project.
- c. Award the 2017/2018 Main Street Pavers (Clark to Burnett) project Base Bid plus Alternate B to Pillar, Inc of Huxley, IA in the amount of \$175,408.46
2. Award the contract to one of the other bidders.
3. Do not proceed with this project.

CITY MANAGER'S RECOMMENDED ACTION:

The pavers along Main Street are beginning to fail at an accelerated rate. Removal and replacement are necessary to ensure the sidewalks are safe for pedestrian usage and to enhance the visual aesthetic along the Main Street corridor. The replacement paver details have been coordinated with Ames Main Street, Public Art Commission, and the City Council. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.**