

ITEM #: 9
DATE: 11-28-23
DEPT: ADMIN

COUNCIL ACTION FORM

SUBJECT: ENCROACHMENT PERMIT FOR MINI SPLIT HEAT PUMP OUTSIDE BUILDING AT 300 MAIN STREET

BACKGROUND:

The owner of the building at 300 Main Street, Bradford Williams LLC, is seeking approval for a mini split heat pump outside the building that is 47.25 inches high and 47.25" inches wide. An Encroachment Permit is necessary to allow this unit to be installed over the right-of-way. The equipment also includes a louvered screen surrounding it.

This request is unusual in that it is an encroachment at ground level and it is for a piece of equipment necessary for the heating and cooling of the building. Staff's understanding of the request is that the proposed heat pump will replace a failed boiler system and for this heat pump option it needs to be located on the side of the building rather than the rear of the building or on the roof.

The proposed location along Kellogg will place the equipment between two existing stairwell encroachments. Staff would normally not support encroachments at the ground level. However, it is this location between other permanent encroachments used for access to the building that allows staff to determine the encroachment is acceptable without being a hazard or impediment to use of the sidewalk by pedestrians. Additionally, staff would not encourage encroachments that are necessary for the use of building that cannot be removed if the City were to reconstruct the sidewalk or roadway. This equipment will be of a relatively permanent nature to heat and cool the building, but it will still be subject to the City's standard encroachment requirements that it can be removed or modified at the direction of the City, at the owners cost.

Chapter 22.3(3) of the *Ames Municipal Code* requires approval of the Encroachment Permit Agreement by the City Council before the Permit can be issued. By signing the Agreement, the applicant and the owner agree to hold harmless the City against any loss or liability as a result of the encroachment, to submit a certificate of liability insurance that protects the City of an accident, and to pay the fee for the Encroachment Permit. The applicant and owner also understand that this approval may be revoked at any time by the City Council. The fee for this permit was calculated at \$25, and the full amount has been received by the City Clerk's Office along with the certificate of liability insurance.

ALTERNATIVES:

1. Approve the request for an encroachment permit.
2. Deny the request for an encroachment permit.

CITY MANAGER'S RECOMMENDED ACTION:

The application meets the criteria for the approval of an Encroachment Permit, and the required fee and insurance have been received by the City Clerk's Office. It is, therefore, the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.

ATTACHMENT(S):

[Encroachment Permit Supporting Documents.pdf](#)