

**AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL
MARCH 7, 2017**

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

CALL TO ORDER: 6:00 p.m.

PROCLAMATION:

1. Proclamation for “Eco Fair Day,” March 25, 2017

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

2. Motion approving payment of claims
3. Motion approving Report of Contract Change Orders for February 16-28, 2017
4. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor & Outdoor Service – Coldwater Golf Links, 615 S. 16th Street
 - b. Class E Liquor, C Beer, & B Wine – Kum & Go #227, 2108 Isaac Newton Drive
 - c. Class E Liquor, C Beer, & B Wine – Kum & Go #113, 2801 E. 13th Street
 - d. Class A Liquor & Outdoor Service – Elks Lodge #1626, 522 Douglas Avenue (pending dram)
 - e. Class C Beer & B Native Wine – Swift Stop #4, 1118 S. Duff Avenue
 - f. Class C Beer & B Wine – Swift Stop #5, 3218 Orion Street
 - g. Special Class C Liquor – The Spice Thai Cuisine, 402 Main Street (pending dram)
 - h. Class E Liquor, C Beer, & B Wine – Sam’s Club #6568, 305 Airport Road
 - i. Class C Liquor – Sips/Paddy’s Irish Pub, 124 Welch Avenue
 - j. Class E Liquor, C Beer, & B Wine – Wal-Mart Store #749, 3105 Grand Avenue
 - k. Special Class C Liquor & B Wine – Southgate Expresse, 110 Airport Road
 - l. Class C Liquor – Los Altos Mexican Restaurant, 823 Wheeler Street, Ste. 5 (pending dram)
5. Motion approving new Class B Liquor License for Holiday Inn Ames, 2609 University Boulevard
6. Motion approving ownership change for Class E Liquor License for Walgreens #12108, 2719 Grand Avenue
7. Resolution approving appointments to City’s various boards and commissions
8. Resolution approving agreement with Willis of Greater Kansas, Inc., to provide property insurance brokerage services
9. Resolution approving Joint Use Parking Agreement for 1301 Buckeye Avenue
10. Resolution approving Agreement with Iowa Department of Transportation for 2017/18 South Duff Avenue Improvements

11. Request from Raising Readers for Step Into Storybooks on April 8:
 - a. Motion approving blanket Temporary Obstruction Permit for event activities on Douglas Avenue
 - b. Resolution approving closure of Douglas Avenue from 5th Street to 6th Street from 6:00 a.m. to 1:00 p.m.
 - c. Resolution approving waiver of parking meter fees for metered spaces on Douglas Avenue between 5th Street and 6th Street and on 5th Street between Douglas Avenue and Kellogg Avenue from 8:30 a.m. to 12:30 p.m.
12. Request from London Underground for LondonFest on April 22:
 - a. Motion approving temporary Outdoor Service Privilege for London Underground, 212 Main Street
 - b. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for closed area
 - c. Resolution approving closure of Main Street from Douglas Avenue to Kellogg Avenue and Douglas Avenue from Main Street to alley between Main Street and 5th Street from 6:00 a.m. April 22 to 2:00 a.m. April 23
 - d. Resolution approving closure of 50 on-street parking spaces within closed area
13. Request from London Underground for Firefly Country Night on July 14:
 - a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for closed area
 - b. Resolution approving closure of Main Street between Kellogg Avenue and Douglas Avenue from 6:00 a.m. to 11:59 p.m.
 - c. Resolution approving closure of 45 metered parking spaces within closed area
14. Resolution approving preliminary plans and specifications for 2015/16 West Lincoln Way Intersection Improvements (Franklin Avenue); setting April 5, 2017, as bid due date and April 11, 2017, as the date of public hearing
15. Resolution approving preliminary plans and specifications for 2016/17 River Valley Park Softball Infield Renovation; setting April 4, 2017, as bid due date and April 11, 2017, as date of public hearing
16. Resolution approving preliminary plans and specifications for CyRide Paving Renovations 2017 Project; setting April 5, 2017, as bid due date and April 11, 2017, as date of public hearing
17. Resolution awarding contract for 2016/17 CyRide Route Pavement Improvements (S. 3rd/4th Street) to Manatt's, Inc., of Ames, Iowa, in the amount of \$2,495,582.55
18. Resolution approving single-source procurement of automatic passenger counters, installation, and associated annual software licenses with DILAX Systems, Inc., of Saint-Lambert, QC, Canada, in the amount of \$59,035
19. Resolution approving contract and bond for Boiler Maintenance Services for Power Plant
20. Resolution approving balancing Change Order No. 2 for 2015/16 Bridge Rehabilitation Program (6th Street Bridge)
21. Resolution approving Change Order No. 15 for New Water Treatment Plant Project
22. Resolution approving Plat of Survey for 2700-2728 Lincoln Way, 115 South Sheldon Avenue, and 112 and 114 South Hyland Avenue

PUBLIC FORUM: This is a time set aside for comments from the public on topics of City business other than those listed on this agenda. Please understand that the Council will not take any action on your comments at this meeting due to requirements of the Open Meetings Law, but may do so at a future meeting. The Mayor and City Council welcome comments from the public; however, at no time is it appropriate to use profane, obscene, or slanderous language. The Mayor may limit each speaker to five minutes.

WATER & POLLUTION CONTROL:

23. North River Valley Low Head Dam Improvements Project:
 - a. Resolution committing \$150,000 from FY 2016/17 General Fund available balance
 - b. Resolution committing \$150,000 from Source Water Protection Plan CIP project

ADMINISTRATION:

24. Request from London Underground for Firefly Country Night on September 8:
 - a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for closed area
 - b. Resolution approving closure of Main Street between Kellogg Avenue and Douglas Avenue from 6:00 a.m. to 11:59 p.m.
 - c. Resolution approving closure of 45 metered parking spaces within closed area

HEARINGS:

25. Hearing on Amendments to Fiscal Year 2016/17 Budget:
 - a. Resolution amending budget for current Fiscal Year ending June 30, 2017
26. Hearing on 2017A General Obligation Corporate Purpose Loan Agreement:
 - a. Resolution entering into Loan Agreement in a principal amount not to exceed \$8,000,000
 - b. Resolution authorizing Debt Service Levy in the amount of \$755,575
27. Hearing on adoption of FY 2017/18 budget:
 - a. Resolution approving 2016/17 budget
28. Hearing on Voluntary Annexation of property located at 5508 Lincoln Way and 632 N. 500th Avenue (Trinitas) [Continued from February 28, 2017]:
 - a. Resolution approving Annexation
 - b. Resolution approving Development Agreement
29. Hearing on Zoning Text Amendment to clarify Mixed-Use Parking Standards for Downtown and Campustown:
 - a. First passage of ordinance
30. Hearing on Zoning Text Amendment relating to child care as a home occupation:
 - a. First passage of ordinance
31. Hearing on 2016/17 Asphalt Street Pavement Improvements and 2016/17 Water System Improvement Program #2 - Water Main Replacement:
 - a. Resolution approving final plans and specifications and awarding contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$1,767,446.74

ORDINANCES:

32. First passage of ordinance assigning recently approved annexed areas to Wards and Precincts
33. Second passage of ordinance modifying requirements for Sidewalk Cafes
34. Second passage of ordinance rezoning the following properties: 2901 Harrison Road from Suburban Residential Low Density (FS-RL) to Government/Airport (S-GA); 1002 6th Street from Government/Airport (S-GA) to Residential Low Density (RL); 820 Miller Avenue from Residential Low Density (RL) to Government/Airport (S-GA); 601 State Avenue from Residential Low Density (RL) to Government/Airport (S-GA); 925 Airport Road, from Highway-Oriented Commercial (HOC) to Government/Airport (S-GA); 1216 South Bell Avenue from General Industrial (GI) to Government/Airport (S-GA); and, 900 South 500th Avenue from Agricultural (A) to Government/Airport (S-GA)
35. Second passage of ordinance repealing Ordinance No. 3876 creating Student Affairs Commission

36. Third passage and adoption of ORDINANCE NO. 4291 making Clark Avenue “No Parking” at all times on both sides of street from Lincoln Way to Main Street

COUNCIL COMMENTS:

ADJOURNMENT:

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



REPORT OF CONTRACT CHANGE ORDERS

Period:	<input type="checkbox"/>	1 st – 15 th
	<input checked="" type="checkbox"/>	16 th – End of Month
Month & Year:	February 2017	
For City Council Date:	March 7, 2017	

Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact (Buyer)
Electric Services	Unit #7 Crane Repair	4	\$373,360.45	Kistler Crane and Hoist	\$16,782.13	\$3,991.64	D. Kom	CB
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		

*Caring People
Quality Programs
Exceptional Service*

4 a-1

TO: Mayor Ann Campbell and Ames City Council Members

FROM: Lieutenant Dan Walter – Ames Police Department

DATE: February 28th, 2017

SUBJECT: Beer Permits & Liquor License Renewal Reference City Council Agenda
March 7th, 2017

The Council agenda for March 7th, 2017, includes beer permits and liquor license renewals for:

- Class C Liquor & Outdoor Service - LC0032481 - Coldwater Golf Links, 615 S. 16th Street
- Class E Liquor, C Beer, & B Wine - LE0002121 - Kum & Go #227, 2108 Isaac Newton Drive
- Class E Liquor, C Beer, & B Wine - LE0002122 - Kum & Go #113, 2801 E. 13th Street
- Class A Liquor & Outdoor Service - LA0001072 - Elks Lodge #1626, 522 Douglas Avenue
- Class C Beer & B Native Wine - BC0023733 - Swift Stop #4, 1118 S. Duff Ave.
- Class C Beer & B Wine - BC0025354 - Swift Stop #5, 3218 Orion Street
- Special Class C Liquor - BW0092569 - The Spice Thai Cuisine, 402 Main Street
- Class E Liquor, C Beer, & B Wine - LE0000829 - Sam's Club #6568, 305 Airport Road
- Class C Liquor - LC0039218 - Sips/Paddy's Irish Pub, 124 Welch Avenue
- Class E Liquor, C Beer, & B Wine - LE0001441 - Wal-Mart Store #749, 3015 Grand Avenue
- Special Class C Liquor & B Wine - BW0094715 - Southgate Expresse, 110 Airport Road
- Class C Liquor - LC0042495 - Los Altos Mexican Restaurant, 823 Wheeler Street, Ste. 5

A routine check of police records for the past twelve months found no liquor law violations for the above listed business. The police department recommends renewal of licenses for the above business.

Applicant License Application ()

Name of Applicant: <u>Ames Hotel Investment, LLC</u>		
Name of Business (DBA): <u>Holiday Inn Ames</u>		
Address of Premises: <u>2609 University Blvd</u>		
City <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>
Business <u>(515) 268-8808</u>		
Mailing <u>11705 Airport Way</u>		
City <u>Broomfield</u>	State <u>CO</u>	Zip: <u>80021</u>

Contact Person

Name Barb Richards	
Phone: (303) 410-5050	Email brichards@ipcompanies.com

Classification Class B Liquor License (LB) (Hotel/Motel)

Term: 12 months

Effective Date: 04/01/2017

Expiration Date: 01/01/1900

Privileges:

Class B Liquor License (LB) (Hotel/Motel)

Sunday Sales

Status of Business

BusinessType: <u>Limited Liability Company</u>	
Corporate ID Number: <u>536460</u>	Federal Employer ID <u>320515548</u>

Ownership

Timothy O'Byrne

First Name: Timothy **Last Name:** O'Byrne
City: Lake Oswego **State:** Oregon **Zip:** 97034
Position: President
% of Ownership: 0.00% **U.S. Citizen:** Yes

Traci Kobold

First Name: Traci **Last Name:** Kobold
City: Broomfield **State:** Colorado **Zip:** 80020
Position: Secretary/ Treasurer
% of Ownership: 0.00% **U.S. Citizen:** Yes

Colin O'Byrne

First Name: Colin **Last Name:** O'Byrne
City: Denver **State:** Colorado **Zip:** 80209
Position: Vice President

% of Ownership: 0.00%

U.S. Citizen: Yes

Insurance Company Information

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

Name of Applicant: <u>Walgreen Co.</u>		
Name of Business (DBA): <u>Walgreens #12108</u>		
Address of Premises: <u>2719 Grand Ave</u>		
City <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>
Business <u>(515) 232-8284</u>		
Mailing <u>Liquor Renewals-300 Wilmot Rd, MS 3301</u>		
City <u>Deerfield</u>	State <u>IL</u>	Zip: <u>60015</u>

Contact Person

Name Toni Franklin
Phone: (847) 527-4402 Email tonifranklin@walgreens.com

Classification Class E Liquor License (LE)

Term:12 months

Effective Date: 05/27/2017

Expiration Date:

Privileges:

Class E Liquor License (LE)

Status of Business

BusinessType: <u>Publicly Traded Corporation</u>
Corporate ID Number: <u>51081</u> Federal Employer ID <u>36-1924025</u>

Ownership

Alexander Gourlay

First Name: Alexander **Last Name:** Gourlay
City: Glencoe **State:** Illinois **Zip:** 60014
Position: President
% of Ownership: 0.00% **U.S. Citizen:** Yes

Alan Nielsen

First Name: Alan **Last Name:** Nielsen
City: Crystal Lake **State:** Illinois **Zip:** 60014
Position: VP/CFO/Treasurer
% of Ownership: 0.00% **U.S. Citizen:** Yes

Amelia Legutki

First Name: Amelia **Last Name:** Legutki
City: Libertyville **State:** Illinois **Zip:** 60048
Position: Assistant Secretary
% of Ownership: 0.00% **U.S. Citizen:** Yes

Collin Smyser

First Name: Collin **Last Name:** Smyser
City: Chicago **State:** Illinois **Zip:** 60614
Position: Secretary
% of Ownership: 0.00% **U.S. Citizen:** Yes

Insurance Company Information

Insurance Company: <u>Safeco Insurance Co</u>	
Policy Effective Date: <u>05/27/2015</u>	Policy Expiration <u>01/01/1900</u>
Bond Effective <u>2</u>	Dram Cancel Date:
Outdoor Service Effective	Outdoor Service Expiration
Temp Transfer Effective	Temp Transfer Expiration Date:

TO: Members of the City Council

FROM: Ann H. Campbell, Mayor

DATE: March 3, 2017

SUBJECT: Appointments to City Boards and Commissions

Attached you will find a listing of the City's various boards/commissions that have upcoming vacancies and the individuals I have selected to fill them. I am requesting your approval of these appointments.

Thank you for your assistance and cooperation in this important process.

AHC/jlr

Attachment

**MAYOR'S APPOINTMENTS
TO CITY OF AMES BOARDS AND COMMISSIONS
2017**

(* Incumbents)

Board/Commission	Vacancies	Name
ASSET	1	Jennifer Schill
Building Board of Appeals	2	* David Carnes ? (Electrician)
Civil Service Commission	1	* Mike Crum
COTA	2	* Steve Sullivan Deanne Brill
EUORAB/Project Share	2	* Justin Dodge Scott Bauer
Historic Preservation Commission	2	Edith Hunter Barry Snell
Human Relations Commission	2	* Joel Hochstein Anneke Mundel (1-yr. term)
Library Board of Trustees	3	* Kyle Brieese * Joanne Marshall Roger Kluesner
Parks and Recreation Commission	3	* Allen Bierbaum Jeremy Bristow (1-yr. term) Sarah Cady
Partner Cities Association	1	* Judy Jones
Planning & Zoning Commission	2	* Carlton Basmajian * Matthew Converse
Property Maintenance Appeals Board	3	* Dee Ball * Gary Denner Dustin Mason
Project Share Committee	1	* Keliena Caldwell (MICA)

Board/Commission	Vacancies	Name
Public Art Commission	5	* Lisa Ailshie * Jess Calhoun * Kerry Dixon Cathy Carlyle Claire Kruesel
Transit Agency Board of Trustees	1	* John Haila
Zoning Board of Adjustment	1	* Amelia Schoeneman

COUNCIL ACTION FORM

SUBJECT: PROPERTY BROKERAGE AGREEMENT RENEWAL FOR FY 2017/18

BACKGROUND:

The City contracts with Willis of Illinois, Inc., to provide property insurance brokerage services for the City's property insurance program. This contract stems from a three-year agreement with Willis initiated in 2012. After the initial three-year term, both parties agreed to extend the agreement for each of the optional one-year extensions. The final extension concludes in April. The cost for brokerage services throughout the City's relationship with Willis has been \$45,000 per year.

The City is currently in search of a permanent Risk Manager to administer the City's property brokerage and insurance program. In the absence of a Risk Manager to analyze proposals from other companies, Willis has offered to extend the brokerage services agreement for an additional year at the current rate of \$45,000. Next year, the City will be in a better position to test the brokerage market.

Under Willis's guidance, the City's property program has been divided into a municipal property insurance program (underwritten by Chubb) and a power property program (underwritten by AEGIS). The City seeks Willis' advice on a regular basis regarding risk mitigation efforts, insurance coverage strategies, and in completing claim documentation in the event of losses.

It should be noted that Willis has transferred its brokerage servicing for the City's account from its Chicago office to its Kansas City area office. Therefore, although the current brokerage agreement is with Willis of Illinois, Inc., the renewal brokerage agreement will be with Willis of Greater Kansas, Inc.

ALTERNATIVES:

1. Approve an extension of the property brokerage agreement with Willis of Greater Kansas, Inc. in the amount of \$45,000 for a one-year period beginning April 28, 2017.
2. Do not approve an extension of the property brokerage agreement and seek proposals from other companies.

MANAGER'S RECOMMENDED ACTION:

The City utilizes the services of a property insurance broker to provide access to the property insurance market and to provide assistance in managing the property insurance portfolio. Without these services, a great deal of the administration of the City's property insurance program would revert to City staff. Willis has provided excellent service in brokering the City's property insurance policies.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving an extension of the property brokerage agreement with Willis of Greater Kansas, Inc. in the amount of \$45,000 for a one-year period beginning April 28, 2017.

COUNCIL ACTION FORM

SUBJECT: JOINT USE PARKING PLAN FOR 1301 BUCKEYE AVENUE

BACKGROUND:

Clampet Corner, LLC is the purchaser of land at 1301 Buckeye Avenue. Most recently this property was occupied by Aldi's Grocery Store. Clampet Corner, LLC requests approval of a Joint Use Parking Plan for the property located at 1301 Buckeye Avenue to accommodate a change of use to a restaurant without the construction of additional parking. (see Attachment C, Applicant Letter). The site, Lot 3 of Southwood Subdivision, 3rd Addition, is 3.09 acres, and is located west of the intersection of Buckeye Avenue and Chestnut Street (see Attachment A, Location Map). The site is part of a larger commercial development where Staples, the movie theater and former KMART are located.

The applicant has a right to shared parking with Lots 1 and 2 of the Southwest Subdivision, 3rd Addition based upon a Reciprocal Easement and Operation Agreement that was recorded in 1994 between then ALDI's grocery store and adjacent owners. Article 1. This agreement authorizes each party to use an access parking throughout the development. Easements Paragraph 1.01 states that:

"...a non-exclusive perpetual easement, to and from adjacent public and private roads and public and private road adjacent thereto, in and over all driveway, entranceways, roadways, walking areas, and parking areas as they may now or may hereinafter exist on the Grantor's Owner Parcel, for the purpose of pedestrian and vehicular ingress, egress, passage, delivery and parking.", is granted to the owners, their successors and assigns.

This easement document has an expiration date of 99 years. **However, the Reciprocal Easement document does not include reference to the City of Ames as part of the agreement and therefore the change of use requires approval by the City Council in order to rely upon the existing parking conditions to serve the new restaurant.**

When the commercial development of the Southwest Subdivision was originally approved in 1993 it was zone Planned Commercial (P-C). The former Aldi site was approved under P-C zoning in 1994. P-C was a unique commercial zoning district where development was approved by the City Council as part of a site plan review and allowed for flexibility in the design and layout of the site. A major change to the Zoning Ordinance in 2000 removed the P-C classification and replaced it with HOC, Highway

Oriented Commercial, however the plans approved previously under the P-C zoning are still valid and enforceable.

The site plan approval in 1994, Resolution 94-437, required a minimum parking ratio of 5.5/1000 for the retail gross floor area and a ratio of 6.7/1000 for the grocery store to be maintained at all time with no other specific reference to use. This parking ratio requirement was maintained when the movie theater site plan was approved in 1997, despite the lower parking rate of a movie theater at 1 space/ 5 seats. This changed the parking requirements for Lot 2 Southwood Subdivision, 3rd Addition and reduced the amount of retail parking required in comparison to the original approvals. Additionally, the original approval allowed for deferral of construction of part of the required parking until needed and requested by the City.

Building Size (1997)	Parking Required	# of Spaces Required	# of Spaces Provided
Theater (2189 seats)	1 Space/5 Seats	438	438
Retail (151,898 SF)	5 Spaces/ 1000 SF	759	759
Grocery Store (14,853 SF)	6.7 Spaces/1000 SF	100	108
Total:		1,297	1,305 approved*

*City Council approved deferred construction of 171 parking spaces until needed

Since 2000, there have been a number of reductions in parking requirements within the Zoning Ordinance, including a reduction for retail parking in 2012 that reduced parking requirements to 1 space/300 square feet. **If current standards are applied to this shopping center the amount of required parking spaces, exclusive of the theater and proposed restaurant, for the retail development is reduced by 254 spaces.** When factoring in the higher parking demand for a restaurant with the reduced retail demand there is an excess of 258 parking stalls in existence among the three sites that are subject to the Reciprocal Easement.

Building Size (Present Day)	Parking Required	# of Spaces Required	# of Spaces Provided
Theater (2189 seats)	1 Space/5 Seats	438	438
Retail (151,637 SF)	1 Space/300 SF	505	759
Restaurant (15,539 SF)	9 Spaces/1000 SF	140	108
Total:		1,047	1,305

Typically, approval of a Joint Use Parking Agreement would reduce the number of parking spaces required to be provided on a site and be for sites that have varying customer peak hours. However, the arrangement of uses and their peak hours of use would be similar for retail, theater and restaurant uses and it is necessary to rely upon the shared use of spaces and the surplus of required parking to accommodate a fully occupied development with the proposed restaurant.

If the requested Joint Use Parking Agreement is not approved, it is possible for the applicant to fit the additional stalls on their lot by implementing the approved 1994 plan and remove on-site landscaping to construct the required spaces that were previously deferred.

ALTERNATIVES:

1. The City Council can approve the joint use parking for 1301–1405 Buckeye Avenue based upon the existing Reciprocal Easement and subject to the condition that in the event adequate parking is not present that the property owner will construct the previously approved, but deferred parking at 1301 Buckeye.
2. The City Council can deny the Joint Use Parking Plan for 1301-1405 Buckeye Avenue
3. The City Council can refer this request to staff for further information.

CITY MANAGER’S RECOMMENDED ACTION:

The current site is underutilized due to the vacant stores in the area. Expecting that the existing retail space will again be reoccupied requires the City to assess the parking conditions based upon the previously approved plans and current minimum parking rates to allow for the change of use to add a restaurant to the site. **Staff concludes that the joint use parking for the site is realistic in being able to meet the peak parking demands for the approved mix of uses in this development. Based upon the current parking requirements there is an overall surplus between all of the lots in the development and the restaurant has reasonable access to shared spaces on the adjoining properties to serve the restaurant.**

Approving the shared parking will also allow for the existing landscaping to remain in place rather than replacing it with additional parking. Additionally, in the event there is a demonstrable need for more parking there is the ability to add the required parking to the restaurant site based upon the previously approved site development plan.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the joint use parking for 1301-1405 Buckeye Avenue.

ADDENDUM

Approval of a Joint Use Parking Plan. When acting upon an application for approval of a Joint Use Parking Plan, the City Council may approve the Plan if it finds that the criteria described in Section 29.406(17)(b) of the Zoning Ordinance are met by the application. These criteria, along with the applicant's and staff's responses, are provided below.

- 1. The analysis presents a realistic projection of parking demands likely to be generated.**

Staff's Analysis: Table 29.406(2) of the Zoning Ordinance requires a restaurant to provide 9 parking spaces for every 1000 square feet of floor area. It also requires parking to be calculated separately for other uses on that same site. Based on approved site plans and parking rations that were used the enough parking spaces exist for all the existing gross floor area of retail and restaurant and movie theater. If today's parking standards are applied to the retail area there is an excess of parking available for all the development. It seems reasonable that the minimum parking required by the ordinance will be needed.

- 2. Peak demand is sufficiently distinct so that the City Council is able to clearly identify a number of spaces for which there will rarely be overlap of parking demand.**

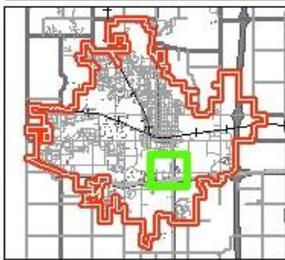
Staff's Analysis: Peak demand does not vary for retail, theater and restaurant uses because peak demand is typically Friday evenings and Saturday afternoons and early evenings. However, the parking requirement for retail uses has been reduced since this development was approved indicating that there is an overall surplus of parking that can be shared. There is an existing reciprocal easement document that allows for cross access and shared parking.

If the situation arises wither all of the available retail is leased up and more even more parking is need that the extra 258 stall then there is room on the restaurant site to add a small amount of additional parking and meet the parking requirements on their own lot.

- 3. Rights to the use of spaces are clearly identified so as to facilitate enforcement.**

Staff's Analysis: The Reciprocal Easement and Operation Agreement states that all lots have shared use of the drive aisles, sidewalks, and parking spaces. Since this document exists and applies to all owner's, successors and assignee's for a period of 99 years. Staff did not require any further documentation for agreements to be submitted. The duration of 99 years is a permanent agreement for shared parking that satisfies the Zoning Ordinance standards.

Attachment A Location Map



1301 Buckey Avenue

Attachment B Excerpt from Reciprocal Easement Document

ARTICLE I - EASEMENTS

Section 1.01. Ingress, Egress, Parking. (a)(i) Each Owner ("Grantor Owner") hereby grants and conveys to the other Owners ("Grantee Owner"), their successors and assigns (which assigns may be tenants of the Grantee Owner), their customers, employees, agents and invitees, as an easement appurtenant to each Grantee Owner's Parcel, a non-exclusive perpetual easement, to and from adjacent public and private roads and public and private roads adjacent thereto, in and over all driveways, entranceways, roadways, walking areas, and parking areas as they may now or may hereinafter exist on the Grantor Owner's Parcel, for the purpose of pedestrian and vehicular ingress, egress, passage, delivery and parking. The Owner of Dalan's Parcel shall have the right at any time and from time to time, to change the location of the Common Areas on Dalan's Parcel (exclusive of that portion of the driveway which is crosshatched on Exhibit "D", which may not be changed) and the right to construct kiosks, structures and other buildings thereon. The Owner of JRC's Parcel will not alter the location, quality or quantity, of parking, curb cuts or driveways located on JRC's Parcel as shown on the Site Plan without the prior written consent of the Owner of Dalan's Parcel, which consent shall not be unreasonably withheld. Nothing in this Paragraph herein will preclude the construction of buildings within the Building Envelopes. The Owner of Aldi's Parcel will not alter the location, quality or quantity, of parking, curb cuts or driveways located on Aldi's Parcel as shown on the Site Plan without the prior written consent of the Owner of Dalan's Parcel, which consent shall not be unreasonably withheld (nothing in this Paragraph herein will preclude the construction of buildings within the Building Envelopes).

Section 1.02. Utility Easement. (a) Each Owner (Grantor Owner) hereby grants to the other Owners (Grantee Owner), their successors and assigns (which assigns may be tenants of the Grantee Owners), their customers, employees, agents and invitees, as an easement appurtenant to the Grantee Owner's Parcel, a non-exclusive perpetual easement in, to, over, under and across the Common Areas of Grantor Owners Parcel for the (i) construction, installation, operation, transmission through, maintenance and repair, of the storm sewer lines located within the area legally described on Exhibit "E", attached hereto and made a part hereof and shown on Exhibit "E", attached hereto and made a part hereof and (ii) the transition through, maintenance and repair of other private utility lines located from time to time on the Grantor Owner's Parcel.

After all of the above stated utilities have been installed, the Owners agree to modify the legal description and plan showing the location of the respective easements (if necessary) pursuant to an as-built survey to correspond to the actual location of the utilities, if any of the utility lines were not constructed or installed in the actual easement. The above referenced utilities which benefit more than one (1) Parcel shall be maintained by the Owner who owns the Parcel upon which the common utility is located. The Owner(s) who use the common utility shall pay a pro rata share of the cost of such maintenance of the common utility. Each Owner's pro rata share shall be a fraction, the numerator of which is the square foot area of the Parcel owned by the using Owner and the denominator of which is the square foot area of the Parcels owned by all Owners who use the common

COUNCIL ACTION FORM

SUBJECT: 2017/18 SOUTH DUFF AVENUE IMPROVEMENTS (KITTY HAWK DRIVE / STATE FOREST NURSERY TO KEN MARIL ROAD)

BACKGROUND:

This project involves transportation improvements along S. Duff Avenue (US Highway 69) between the Iowa DNR State Forest Nursery and Ken Maril Road. These improvements will address existing safety issues in the corridor as well as meet the requirements associated with the Contract Rezoning Agreement with Bricke Town Development at 3115, 3119, 3301, 3325, 3409, and 3413 South Duff Avenue. As part of the agreement, the developer is responsible for stormwater management for the site (typical of development in accordance with Municipal Code Chapter 5B) as well as additional detention and conveyance as recommended in the Teagarden Drainage Improvement Report. The City is responsible for transportation improvements through Ken Maril Road. The Iowa DOT is contributing funds to rehabilitate the existing pavement of US Hwy 69 through the project corridor.

This project will include widening of S. Duff Avenue/US Hwy 69 to three lanes through Ken Maril Road, installation of a traffic signal at Crystal Street, and extension of a shared use path to Ken Maril Road (project OFF 17 in the Long Range Transportation Plan with an estimated cost of \$376,000).

This project is shown in the 2017-2022 Capital Improvements Plan with funding in the amount of \$276,000 from General Obligation bonds, \$300,000 from previously issued General Obligation bonds, and \$1,400,000 from various State Grants / Funds (\$400,000 USTEP, \$500,000 Traffic Safety, \$500,000 3R). It is anticipated that the project will have a City of Ames (local) January 2018 letting, with construction in 2018.

ALTERNATIVES:

1. Approve the Iowa DOT Cooperative Agreement for \$400,000 in USTEP funding for the 2017/18 South Duff Avenue Improvements (Kitty Hawk Drive / State Forest Nursery to Ken Maril Road).
2. Reject the Agreement.

MANAGER'S RECOMMENDED ACTION:

Approval of this agreement with the Iowa DOT must happen before moving forward with construction of this project in the 2018 construction season. Delay or rejection of this agreement could delay this street reconstruction project by at least one year and could require additional funding.

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

COUNCIL ACTION FORM

SUBJECT: REQUESTS FROM RAISING READERS IN STORY COUNTY FOR STEP INTO STORYBOOKS ON APRIL 8

BACKGROUND:

Raising Readers in Story County is proposing to host its annual Step Into Storybooks event at the Ames Public Library on Saturday, April 8. The event promotes reading and related activities for families with infants, toddlers, and preschoolers. Last year, over 2,500 people attended, and organizers anticipate 3,000 participants at the proposed event. The event will be held from 9:00 a.m. to noon. This year's theme is "Farm Tales and Tails." Portions of the event will take place inside the Library and the street in front of the Library will contain a petting zoo and farm equipment.

To facilitate the event, organizers have requested that free parking be made available for attendees in the vicinity of the Library on the following streets, from 8:30 a.m. to 12:30 p.m.:

- Douglas Avenue between Fifth Street and Sixth Street
- Fifth Street between Douglas Avenue and Kellogg Avenue

This request will result in a loss to the Parking Fund of \$38.40. Additionally, organizers request closure of Douglas Avenue from Fifth Street to Sixth Street, and a Temporary Obstruction Permit. Organizers will coordinate with Adams Funeral Home to maintain access in the event of a service that day.

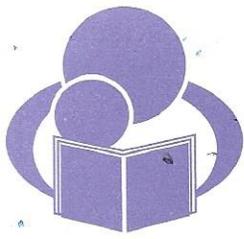
ALTERNATIVES:

1. Approve the requests as indicated above and do not require reimbursement for lost revenue to the Parking Fund.
2. Do not approve the request.

MANAGER'S RECOMMENDED ACTION:

Step Into Storybooks is a popular event that promotes reading at an early age, and aligns with the mission and programming offered by the Ames Public Library. The closure of parking spaces will allow some of the participants the opportunity to park close to the site of the activity.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the request and not requiring reimbursement for lost revenue to the Parking Fund.



Raising Readers

in Story County

February 23, 2017

Honorable Mayor Campbell and City Council
Ames City Hall
515 Clark Avenue
Ames, IA 50010

RE: Step Into Storybooks 2017

Dear Honorable Mayor Campbell and City Council,

The Step Into Storybooks (SIS) Planning Committee is planning to hold the ninth annual *Step Into Storybooks* on Saturday, April 8 from 9am to 12pm. Information about the event can be found on the Special Event Application we submitted, but we are requesting that the meter fees be waived for the parking meters on Douglas Ave between 5th and 6th Street and the parking meters on 5th Street between Douglas Ave and Kellogg Ave from 8:30am to 12:30pm on the 8th to allow for some our families visiting the event close parking space and to allow Douglas Avenue to be closed for a petting zoo and farm toys.

In 2016, over 2500 people attended this free family event at the Ames Public Library, which is organized by community members and organizations including Raising Readers in Story County, the Ames Rotary (Noon), the Ames Morning Rotary, Ames Community Preschool Center, the Ames Public Library, and the United Way of Story County.

Thank you for your consideration of these requests and continued support of early childhood literacy in Ames. We look forward to seeing you on April 8th.

Sincerely,

Kim Hanna
RRSC Executive Director



CITY OF

Ames

SPECIAL EVENT APPLICATION

SUMMARY OF EVENT

DESCRIPTION

Event Name Step Into Storybooks 2017

Description Every spring, Step Into Storybooks (SIS) is held for families in the Ames community (and surrounding towns). This free annual event provides fun literacy-rich experiences to inspire families to use reading and related activities at home with their babies, toddlers, and preschoolers. These early relationships and experiences influence children's brain development. Children who lack this nurturing fall short of their potential, enter school behind their peers, and are likely to fall further behind in successive years.

The 2017 SIS will be held inside and outside the Ames Public Library (515 Douglas Ave) from 9am to 12pm on Saturday, April 8. The planning committee is comprised of community and organizational members, including Raising Readers in Story County, Ames Community Preschool Center, the Ames Rotary Clubs, Northwood Preschool, the Ames Public Library, Farm Bureau, and United Way of Story County.

We request that for the duration of the event, Douglas Ave is closed between 5th and 6th Street for an outdoor petting zoo and that meters on 5th Street between Douglas and Kellogg be bagged for participants and meter fees waived for families attending starting at 8:30am and running until 12:30pm. 18 parking meters on Douglas and 30 parking meters for 5th Ave would be affected (total 48). In 2016, over 2500 people attended the library during the event. All children who attend receive a free children's book. The theme of this year's event is Farm Tales and Tails and the petting zoo animals include chickens, rabbits, a pig, and hopefully a pony and a calf. A tent would be rented from Celebrations and space would be left for emergency vehicles to get around on the east side of the street. We plan to have tractors out as well. We will not block access to Adams Funeral Home. Douglas Avenue is a CyRide route (Red #1).

- Event Category**
- Athletic/Recreation
 - Exhibits/Misc.
 - Festival/Celebration
 - Parade/Procession/March
 - Concert/Performance
 - Farmer/Outdoor Market
 - Other (please explain)

Anticipated Attendance Total 3,000 Per Day 1

DATE/TIME

Setup	Date <u>4/8/17</u>	Time <u>6:00 am</u>	Day of Week <u>Saturday</u>
Event Starts	Date <u>4/8/17</u>	Time <u>9:00 am</u>	Day of Week <u>Saturday</u>
Event Ends	Date <u>4/8/17</u>	Time <u>12:00 pm</u>	Day of Week <u>Saturday</u>
Teardown Complete	Date <u>4/8/17</u>	Time <u>1:00 pm</u>	Day of Week <u>Saturday</u>

Rain Date, if applicable N/A

Rain Location, if applicable N/A

LOCATION

Region

(Select one or more)

- Main Street Cultural District (Downtown)
- Campustown District
- Iowa State University Property
- City Parks
- Other (please explain)

Please note that events occurring in the Downtown, Campustown, in City parks, or on ISU property require prior approvals. A letter of support will be required from CAA if the event occurs in Campustown or from MSCD if the event occurs in Downtown. Please contact the appropriate office well in advance:

Downtown - Main Street Cultural District: (515) 233-3472

Campustown - Campustown Action Association: (515) 450-8771

Iowa State University - Events Authorization Committee: (515) 294-1437

events@amesdowntown.org

director@amescampustown.com

eventauthorization@iastate.edu

CONTACTS

Host Organization

Raising Readers in Story County (on behalf of all)

Local Contact (Required)

Must be present during event

Name: Kim Hanna

Address: 920 Carroll Ave

Telephone: (515) 520-8686

Cell phone: (515) 450-8771

Must be available by cell phone during event

Email: director@raising-readers.org

At least ten business days prior to the event, Organizer must submit Emergency Contact List, including names and numbers of all coordinators, volunteers, and location assigned to each.

Yes No

Is this an annual event? How many years have you been holding this event? 9

Is this event open to the public?

Is your event being held in conjunction with another event (e.g. *Farmers' Market, 4th of July, etc.*)?

If yes, please list



February 22, 2017

Mayor and City Council
City of Ames
515 Clark Ave
Ames, IA 50010

Dear Mayor Ann Campbell and City Council,

The Ames Main Street Cultural District supports the closure of the 500 block of Douglas for the *Step into Story Books* event organized by Raising Readers in Story County. We thank Raising Readers and the Ames Public Library for holding this family-friendly free event from 9am to noon on April 8 in the Main Street Cultural District.

Sincerely,

A handwritten signature in blue ink that reads "Paul Livingston".

Paul Livingston
2017 MSCD Board President

COUNCIL ACTION FORM

SUBJECT: REQUESTS FROM LONDON UNDERGROUND FOR LONDONFEST CELEBRATION

BACKGROUND:

London Underground has submitted a request to hold a 10-year anniversary celebration called LondonFest on Saturday, April 22, on the 200-block of Main Street. The event will consist of a fenced area in the street, in which various live music performances will be offered and food vendors will be present. Beer and wine will be offered for sale within the fenced area, which will be connected to London Underground. Additionally, a separate all-ages area will be placed on Douglas Avenue, with games and a Ferris Wheel. The event will take place from 11:00 a.m. until 10:00 p.m. Organizers anticipate approximately 1,000 attendees.

To facilitate this event, London Underground has requested the following for Saturday, April 22:

- Closure of Main Street from Douglas Avenue to Kellogg Avenue and Douglas Avenue from Main Street to the alley between Main Street and Fifth Street from 6:00 a.m. April 22 to 2:00 a.m. April 23.
- Closure of 50 on-street parking spaces within the closed area (loss of \$90 to the Parking Fund)
- A temporary obstruction permit for the closed area
- A blanket vending license for the closed area (\$50 payable to the City Clerk's Office)
- Outdoor service privilege for London Underground's existing Class C Liquor License

London Underground is hiring a private security firm to assist with the event. No one under 21 years of age will be allowed within the fenced area, and wristbands will be issued to attendees to assist with access control. Although the fenced area with alcohol will be physically connected to London Underground to take advantage of London Underground's existing Class C Liquor License, organizers have agreed to station a staff person at the entrance to ensure patrons do not take hard liquor or mixed drinks into the event area. Those types of beverages may only be consumed inside London Underground. The event area will be fenced in with a 6-foot high chain link fence provided by the Main Street Cultural District (MSCD).

The event organizers have coordinated with the MSCD, which has provided a letter of support for the event. Additionally, London Underground will go door-to-door with event information within the affected area.

Typically, events held on public streets have been undertaken by non-profit entities or community organizations (e.g. MSCD, CAA). However, there have been a handful of events approved by the City Council where the event was for the benefit of a for-profit entity. In 2010, Olde Main held an outdoor concert in the CBD lot south of Main Street in conjunction with the All-American Weekend activities organized by the Ames Convention and Visitor's Bureau. The City Council also approved the use of public parking spaces for an event held by the Ames Tribune in 2010. In 2009, the City Council approved a request from Café Diem to hold an outdoor concert on Main Street. Anniversary celebration events on public property have also been authorized for a variety of organizations, including KHOI Community Radio, Youth and Shelter Services, and Wheatsfield Cooperative, although it should be noted that each of these anniversary celebrations were for not-for-profit organizations.

ALTERNATIVES:

1. Approve the requests from London Underground as indicated above, stipulating that the alcoholic beverages to be dispensed and consumed on the street be limited to beer and wine, and require reimbursement for the lost parking meter revenue and the Vending License.
2. Direct City staff to work with the applicant to find an alternative location for this event.
3. Deny the requests.

MANAGER'S RECOMMENDED ACTION:

The City Council should consider two fundamental questions regarding this event: The first is whether appropriate precautions are being taken to make it safe. City staff has reviewed the proposed event and believes a variety of factors will assist in making it a safe endeavor. These include holding the event primarily during daylight hours, hiring a reputable private security firm to help manage the crowd, prohibiting persons under 21 years of age into the area where alcohol is served, issuing wristbands, dispensing beer and wine as the only alcoholic beverages (as opposed to distilled spirits), using a substantial fencing material to create the beer garden, and support of the recognized business association for the downtown area (MSCD).

In addition to the safety question, the City Council should also consider whether it is appropriate to use City property to host a for-profit event. It appears from a review of events held since 2009 that requests have been approved by the City Council to use City property for various purposes. Key to these events being recommended for

approval by City staff has been the endorsement of the recognized business association. These organizations (MSCD and CAA) have agreed in their contracts for funding with the City to assist in reviewing events proposed by others to be held in their respective areas.

In the past five years, a few for-profit events have been proposed by individuals with little to no track record of successfully hosting events. The respective business associations did not feel those events would be successful in advancing the goals of the district. After receiving an indication that neither staff nor the business association recommended approval of the events, organizers of these events did not pursue City Council approval. Based on the experiences in collaborating with MSCD and CAA to review events, City staff puts great weight on their recommendations to determine whether a proposed activity furthers the goals these associations have developed for their respective areas. These organizations are also critical in providing support to notify affected businesses.

Because this event has the support of the Main Street Cultural District, and assuming the City Council is supportive of hosting activities of this nature on City property, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the requests from London Underground as indicated above, stipulating that the alcoholic beverages to be dispensed and consumed on the street be limited to beer and wine, and requiring reimbursement for the lost parking meter revenue and the Vending License.

Applicant License Application (LC0034931)

Name of Applicant: <u>Jess Clyde</u>		
Name of Business (DBA): <u>London Underground</u>		
Address of Premises: <u>212 Main Street</u>		
City <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>
Business	<u>(515) 233-8500</u>	
Mailing	<u>PO Box 1663</u>	
City <u>Ames</u>	State <u>IA</u>	Zip: <u>50010</u>

Contact Person

Name <u>Jess Clyde</u>	
Phone: <u>(515) 460-1019</u>	Email <u>jaclyde77@gmail.com</u>

Classification Class C Liquor License (LC) (Commercial)

Term:12 months

Effective Date: 10/24/2016

Expiration Date: 10/23/2017

Privileges:

Class C Liquor License (LC) (Commercial)

Outdoor Service

Status of Business

BusinessType: <u>Sole Proprietorship</u>	
Corporate ID Number:	Federal Employer ID <u>Applied For</u>

Ownership

Jess Clyde

First Name: Jess

Last Name: Clyde

City: Ames

State: Iowa

Zip: 50010

Position: Owner / Operator

% of Ownership: 100.00%

U.S. Citizen: Yes

Insurance Company Information

Insurance Company: <u>Illinois Casualty Co</u>	
Policy Effective Date: <u>10/24/2016</u>	Policy Expiration <u>10/23/2017</u>
Bond Effective	Dram Cancel Date:
Outdoor Service Effective <u>04/21/2017</u>	Outdoor Service Expiration <u>04/23/2017</u>
Temp Transfer Effective	Temp Transfer Expiration Date:



CITY OF

Ames™

SPECIAL EVENT APPLICATION

SUMMARY OF EVENT

DESCRIPTION

Event Name LondonFest (London Underground 10 Year Anniversary)

Description London Underground would like to have an event called LondonFest to commemorate its 10 year anniversary and celebrate British culture on Saturday, April 22nd.. Similar to Oktoberfest, there will be several thematic elements to the festival including games, music, food, and a gated area where beer & wine will be served. The music, food and beer will be located in the 200 block of Main in front of the bar location and the games and all ages activities will be located on Douglas between 5th Street and Main. Several local musicians and bands will play with alcohol being served only in an enclosed beer garden under the London Underground liquor license. The space on Douglas will be all ages with a variety of games (such as life size Fooseball, Jenga), Quidditch lessons, a Ferris Wheel and merchandising.

Event Category	Athletic/Recreation	<input type="checkbox"/> Concert/Performance
	Exhibits/Misc.	<input type="checkbox"/> Farmer/Outdoor Market
	<input checked="" type="checkbox"/> Festival/Celebration	<input type="checkbox"/> Other (please explain)
	Parade/Procession/March	

Anticipated Attendance Total 1000 Per Day _____

DATE/TIME

Setup	Date <u>04/22/201</u>	Time <u>6:00 am</u>	Day of Week <u>Saturday</u>
Event Starts	Date <u>04/22/201</u>	Time <u>11:00 am</u>	Day of Week <u>Saturday</u>
Event Ends	Date <u>04/22/201</u>	Time <u>10:00 pm</u>	Day of Week <u>Saturday</u>
Teardown Complete	Date <u>04/23/201</u>	Time <u>2:00 am</u>	Day of Week <u>Saturday</u>

Rain Date, if applicable _____

Rain Location, if applicable _____

LOCATION

Region

(Select one or more)

- Main Street Cultural District (Downtown)
- Campustown District
- Iowa State University Property
- City Parks
- Other (please explain)

Please note that events occurring in the Downtown, Campustown, in City parks, or on ISU property require prior approvals. A letter of support will be required from CAA if the event occurs in Campustown or from MSCD if the event occurs in Downtown. Please contact the appropriate office well in advance:

Downtown - Main Street Cultural District: (515) 233-3472

events@amesdowntown.org

Campustown - Campustown Action Association: (515) 450-8771

director@amescampustown.com

Iowa State University - Events Authorization Committee: (515) 294-1437

eventauthorization@iastate.edu

CONTACTS

Host Organization

London Underground

Local Contact (Required)

Must be present during event

Name: Jess Clyde

Address: 212 Main Street

Telephone: (515) 233-8500

Cell phone: (515) 460-1019

Must be available by cell phone during event

Email: jaclyde77@gmail.com

At least ten business days prior to the event, Organizer must submit Emergency Contact List, including names and numbers of all coordinators, volunteers, and location assigned to each.

Yes No

Is this an annual event? How many years have you been holding this event? _____

Is this event open to the public?

Is your event being held in conjunction with another event (e.g. *Farmers' Market, 4th of July, etc.*)?

If yes, please list



February 22, 2017

Mayor and City Council
City of Ames
515 Clark Ave
Ames, IA 50010

Dear Mayor Ann Campbell and City Council,

The Ames Main Street Cultural District supports the closure of the 200 block of Main and the 400 block of Douglas on Saturday, April 22 for the "London Fest" a celebration of British Culture. The 200 block of Main will be used for a traditional street party with live music, food vendors, and a beer garden, while the 400 block of Douglas will feature family-oriented activities. Events of this nature help MSCD achieve its vision of making downtown Ames the primary destination of Central Iowa by creating an economically vibrant district with unique living, dining, and entertainment experience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Livingston".

Paul Livingston
2017 MSCD Board President

COUNCIL ACTION FORM

**SUBJECT: REQUESTS FOR “FIREFLY COUNTRY NIGHT” ON MAIN STREET
JULY 14**

BACKGROUND:

In the past several years, the Main Street Cultural District (MSCD) has held an annual Firefly Country Night on Main Street, which features country musicians performing on a stage placed in the 200 block of Main Street. This year, Jess Clyde of London Underground and Bill Malone of Café Diem have assumed responsibility for organizing the event. MSCD has endorsed the event, and will receive a portion of the proceeds from the organizers. **This report addresses the first of the two Firefly Country Night events the organizers plan this summer, which will take place Friday, July 14.**

To facilitate this event, organizers have made the following requests:

- Closure of Main Street between Kellogg Avenue and Douglas Avenue from 6:00 a.m. to 11:59 p.m on Friday, July 14
- Closure of 45 parking spaces within the closed area (\$81 loss to the Parking Fund)
- Temporary Obstruction Permit and blanket Vending License (\$50 license fee)

An alcohol service license will be presented to City Council for approval at a later date. This year is the first time this event will be held on a Friday night. Last year, the event was held on a Sunday night and was not as well-attended as hoped. Organizers anticipate approximately 1,500 people to attend this event. The organizers plan to use a reputable security firm for event security. Additionally, they will ensure that an adequate number of volunteers will be on hand to assist with crowd control and the rapid removal of barricades in the event that emergency vehicles need access to the area.

The event application indicates organizers will communicate event details to affected businesses by going door-to-door, placing signs in the event area prior to the event, and distributing details via email to businesses in the district.

Although a portion of this event’s proceeds will be donated to MSCD, it is staff’s view that since the MSCD is not directly organizing the event, it is being undertaken as a private business activity open to the public. Therefore, City staff recommends that the organizers be required to reimburse the City for lost parking meter revenue and the Vending License. These costs had been waived in the past when MSCD organized the event.

Typically, events held on public streets have been undertaken by non-profit entities or community organizations (e.g. MSCD, CAA). However, there have been a handful of events approved by the City Council where the event was for the benefit of a for-profit entity. In 2010, Olde Main held an outdoor concert in the CBD lot south of Main Street in conjunction with the All-American Weekend activities organized by the Ames Convention and Visitor's Bureau. The City Council also approved the use of public parking spaces for an event held by the Ames Tribune in 2010. In 2009, the City Council approved a request from Café Diem to hold an outdoor concert on Main Street. Anniversary celebration events on public property have also been authorized for a variety of organizations, including KHOI Community Radio, Youth and Shelter Services, and Wheatsfield Cooperative, although it should be noted that each of these anniversary celebrations were for not-for-profit organizations.

ALTERNATIVES:

1. Approve the requests as indicated above and require reimbursement for lost parking revenue and the Vending License.
2. Approve the requests as indicated above, but do not require reimbursement for lost parking revenue and the Vending License.
3. Do not approve the event.

MANAGER'S RECOMMENDED ACTION:

Firefly Country Night has been successfully held in previous years, and the organizers of this year's event have been directly involved with the planning and execution of the prior iterations of the event when it was produced by the Main Street Cultural District. Given this experience, the proposed plans, and the timeframe in which this event will be conducted, City staff believes appropriate steps are being taken to make this a safe endeavor.

In addition to safe execution, the City Council should consider whether it is appropriate to use City property to host what is primarily a for-profit event. It appears from a review of events held since 2009 that requests have been approved by the City Council to use City property for various purposes. Key to these events being recommended for approval by City staff has been the endorsement of the recognized business association. These organizations (MSCD and CAA) have agreed in their contracts for funding with the City to assist in reviewing events proposed by others to be held in their respective areas.

In the past five years, a few for-profit events have been proposed by individuals with little to no track record of successfully hosting events. The respective business associations did not feel those events would be successful in advancing the goals of the district. After receiving an indication that neither staff nor the business association recommended approval of the events, organizers of these events did not pursue City

Council approval. Based on the experiences in collaborating with MSCD and CAA to review events, City staff puts great weight on their recommendations to determine whether a proposed activity furthers the goals these associations have developed for their respective areas. These organizations are also critical in providing support to notify affected businesses.

Because this event has the support of the Main Street Cultural District, and assuming the City Council is supportive of hosting activities of this nature on City property, it is therefore the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the requests as indicated above and require reimbursement for lost parking revenue and the Vending License.

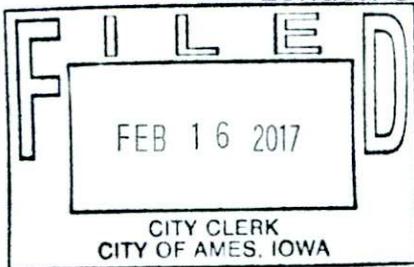


SUMMARY OF EVENT

DESCRIPTION

Event Name Firefly Country Nights

Description The Firefly Planning Committee would like to host a concert called Firefly Country Nights on Friday July 14th. Similar to past Firefly concerts, there will be several local and national country musicians, food, and a gated area where beer will be served. The music, food and beer will be located in the 200 block of Main Street in front of London Underground and Cafe Diem.



- Event Category**
- Athletic/Recreation
 - Concert/Performance
 - Exhibits/Misc.
 - Farmer/Outdoor Market
 - Festival/Celebration
 - Other (please explain)
 - Parade/Procession/March

Anticipated Attendance Total 1500 Per Day _____

DATE/TIME

Setup	Date <u>07/14/2017</u>	Time <u>6:00 am</u>	Day of Week <u>Friday</u>
Event Starts	Date <u>07/14/2017</u>	Time <u>4:00 pm</u>	Day of Week <u>Friday</u>
Event Ends	Date <u>07/14/2017</u>	Time <u>10:00 pm</u>	Day of Week <u>Friday</u>
Teardown Complete	Date <u>07/14/2017</u>	Time <u>11:59 pm</u>	Day of Week <u>Friday</u>

Rain Date, if applicable _____

Rain Location, if applicable _____

LOCATION

Region

(Select one or more)

- Main Street Cultural District (Downtown)
- Campustown District
- Iowa State University Property
- City Parks
- Other (please explain)

Please note that events occurring in the Downtown, Campustown, in City parks, or on ISU property require prior approvals. A letter of support will be required from CAA if the event occurs in Campustown or from MSCD if the event occurs in Downtown. Please contact the appropriate office well in advance:

-
Downtown - Main Street Cultural District: (515) 233-3472 events@amesdowntown.org
Campustown - Campustown Action Association: (515) 450-8771 director@amescampustown.com
Iowa State University - Events Authorization Committee: (515) 294-1437 eventauthorization@iastate.edu

CONTACTS

Host Organization

London Underground

Local Contact (Required)

Must be present during event

Name: Jess Clyde

Address: 212 Main Street

Telephone: (515) 233-8500

Cell phone: (515) 460-1019

Must be available by cell phone during event

Email: jaclyde77@gmail.com

At least ten business days prior to the event, Organizer must submit Emergency Contact List, including names and numbers of all coordinators, volunteers, and location assigned to each.

Yes No

- Is this an annual event? How many years have you been holding this event? 3
- Is this event open to the public?
- Is your event being held in conjunction with another event (e.g. *Farmers' Market, 4th of July, etc.*)?

If yes, please list



March 2, 2017

Mayor and City Council
City of Ames
515 Clark Ave
Ames, IA 50010

Dear Mayor Ann Campbell and City Council,

The Ames Main Street Cultural District supports the closure of the 200 block of Main for annual Firefly Country Nights on Thursday July 14, and Friday, September 8. Both of these concerts, while privately managed, organized, and promoted by Bill Malone, will be a fundraisers for the Main Street Cultural District. Events of this nature help MSCD achieve its vision of making downtown Ames the primary destination of Central Iowa by creating an economically vibrant district with unique living, dining, and entertainment experience.

Sincerely,

A handwritten signature in blue ink that reads "Paul Livingston".

Paul Livingston
2017 MSCD Board President

COUNCIL ACTION FORM

SUBJECT: 2015/16 WEST LINCOLN INTERSECTION IMPROVEMENTS (FRANKLIN AVENUE)

BACKGROUND:

This project is for constructing left-turn lanes and installing redesigned traffic signals at the Franklin Avenue/Lincoln Way intersection. A traffic impact report for the South Fork Subdivision justified these improvements. Since the project was first introduced in the 2014/15 Capital Improvements Plan (CIP), the project scope has been expanded to include widening Lincoln Way to a 5-lane section, east, over to the S. Wilmoth Avenue in response to a developer's agreement with the Aspen Heights housing development being constructed at 205 S. Wilmoth Avenue. In addition, this project also widens Lincoln Way to the west to Marshall Avenue, which will make Lincoln Way a continuous 5-lane section from S. Wilmoth Avenue to Dakota Avenue.

Project costs have been divided into three divisions to delineate the financial responsibilities of the parties involved; 1) The City of Ames, 2) the Developer of the South Fork Subdivision, and 3) the developer of the Aspen Heights project. Veenstra and Kimm, the City's consulting engineers, has completed plans and specifications for this contract where the revenues and expense for this project are estimated to be as follows:

<u>Revenues</u>		<u>Expenses</u>				
<u>Fund</u>	<u>Amount</u>	<u>Activity</u>	<u>West Expansion Division 1</u>	<u>Franklin Intersection Division 2</u>	<u>Aspen Heights Division 3</u>	<u>Subtotal</u>
Road Use Tax	\$160,000	Design	\$43,896	\$76,700	\$58,798	\$179,394
Developers	\$880,077	Land	\$11,080	\$147,231	\$62,122	\$220,433
Iowa DOT TSIP	\$500,000	Construction	\$328,909	\$1,057,250	\$449,095	\$1,835,254
G.O. Bonds	\$900,000	Administration	\$23,024	\$74,008	\$31,437	\$128,469
Total	\$2,440,077	Total	\$406,909	\$1,355,189	\$601,452	\$2,363,550

Contingency = \$76,527 ≈ 13% (City funded construction activities only, Developers pay their own overages)

ALTERNATIVES:

1. Approve the plans and specifications for the 2015/16 West Lincoln Intersection Improvements (Franklin Avenue) project and establish April 5, 2017, as the date of letting and April 11, 2017, as the date for report of bids.
2. Do not approve this project.

MANAGER'S RECOMMENDED ACTION:

By approving these plans and specifications, it will be possible to improve safety and operations along West Lincoln Way in response to developments in the area.

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

COUNCIL ACTION FORM

SUBJECT: RIVER VALLEY PARK SOFTBALL INFIELD RENOVATION PROJECT

BACKGROUND:

This project includes renovation of six softball infields in River Valley Park, four fields are located at 1015 E. 13th St. and two fields located at 1200 E. 13th St. Renovation includes removal of existing infield material and drainage, relocating irrigation lines, adding new drainage, and installing new infield material to specified depths. The fields were initially constructed in the late 1960's and were renovated in the late 1980's from soil infields to the current infield material. Drainage was installed during that time to remove ground water from the subgrade, which allows the fields to drain quicker. Since the fields are located in a flood plain, over the years they have flooded multiple times. After each flooding event, various maintenance practices are required to make the fields safe and playable including, but not limited to, cleaning up debris, removing silt from the playing surface, and replacing infield material. Multiple flood events have made the infield surfaces inconsistent and made draining the fields less efficient. The only way to overcome this situation is to renovate the infields.

The FY 2016/17 budget appropriated \$140,000 to renovate all six infields at River Valley Park. Bolton & Menk, Ames, Iowa, was hired to develop plans and specifications for the project. Project estimates generated by Bolton & Menk determined the cost for the project, including design, observation, and an eight percent contingency at \$140,013. Project details and costs are as follows:

Landscape Architect's Estimate:

Infield Renovation	\$109,850
Contingency (8%)	\$ 8,788
Bolton & Menk Design & Observation Assistance	<u>\$ 21,375</u>
Total Estimate:	\$140,013

The contractor may start renovating the four fields in North River Valley Park, 1015 E. 13th St, once play has concluded on August 27. As soon as fall softball is completed in mid October, the contractor will start renovation on the two fields in South River Valley Park, 1200 E. 13th St. The contractor has until November 11, 2017 to complete the project.

ALTERNATIVES:

1. Approve Plans and Specifications for the River Valley Softball Infield Renovation Project and set the bid due date for April 4, 2017, and April 11, 2017 as the date of hearing and award of the contract.
2. Do not approve the plans and specifications at this time, delaying the River Valley Softball Infield Renovation Project.

3. Refer back to staff.

MANAGER'S RECOMMENDED ACTION:

The softball fields have been a critical component of providing a quality softball program for many years that is why it is necessary for the renovation to take place. Over the last five years, many improvements have taken place to provide a great experience for users including replacing the fencing on all six fields, replacing the irrigation on all six fields, replacing the scoreboards, adding a shelter and playground in South River Valley, renovating the concession stand in North River Valley and replacing the lights in South River Valley. The infield renovation is the last step in providing a quality, safe experience for users.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving Plans and Specifications for the River Valley Park Softball Infield Renovation Project and set the bid due date for April 4, 2017, and April 11, 2017, as the date of hearing and award of the contract.

COUNCIL ACTION FORM

SUBJECT: CYRIDE PAVING RENOVATIONS 2017 PLANS AND SPECIFICATIONS

BACKGROUND:

CyRide has performed concrete driveway and parking lot improvement projects for the past several years to replace sections original to the building. The concrete pavement at the east entrance of the CyRide facility has deteriorated over time and is currently in need of replacement. CyRide bid the project last year, but the bids came in over budget. Since the project was bid late in the construction season, bids were rejected and improvements were deferred until this year.

CyRide staff has been working with an architectural and engineering consultant to refine last year's plans and specifications and prepare them for bid again this year. Current plans call for the demolition and replacement of approximately 5,000 square feet of existing pavement and curb, and the installation of a storm sewer drain. Installation of a pole-mounted light to improve lighting in the area has been included as an alternate.

Originally \$75,000 was budgeted for the project last fiscal year and \$75,000 was appropriated in the current fiscal year. The combined \$150,000 funding for this project has been reduced to \$99,565, as funds originally budgeted for this project were used to pay for increased Affordable Care Act compliance expenses incurred this year. Actual available funding for this project is reflected in the table below:

Funds Available	Dollars
FY16 Funds	\$ 50,435
FY17 Funds	\$ 49,130
Total Available	\$ 99,565

The Engineer's Estimate for the proposed scope of work is \$91,740. Architectural drawings and specifications are now on file in the Office of the City Clerk. The bid letting will be March 8, 2017, with bids due on April 5, 2017. Bid results will be reported to Council on April 11, 2017.

ALTERNATIVES:

1. Approve plans and specifications for the CyRide Paving Renovations 2017 Project, establish April 5, 2017 as the bid due date, and establish April 11, 2017, as the date to report bid results to Council.
2. Direct staff to continue to work with the architect to refine project plans.

MANAGER'S RECOMMENDED ACTION:

The paving renovations project is needed to preserve the investment in the bus storage facility. Local funding has been budgeted to complete the project.

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

COUNCIL ACTION FORM

SUBJECT: 2016/17 CYRIDE ROUTE PAVEMENT IMPROVEMENTS (S. 3RD / 4TH STREET)

BACKGROUND:

This annual program utilizes current repair and reconstruction techniques to make pavement improvements to streets that are or were bus routes. These streets were designed and built for light residential traffic. With these streets now designated as bus routes, accelerated deterioration of the street surface has occurred. Pavement improvements will restore street sections that will carry higher traffic volumes. Improving these streets will reduce maintenance needs for them. This reduction will allow for additional and earlier maintenance of other streets, which will prolong their useful life. **The location for this project is South 3rd Street from Grand Avenue to South Duff Avenue and South 4th Street from Squaw Creek to Grand Avenue.**

Staff held a project informational meeting with area property owners, residents and interested persons to receive input on the project timing, staging and design, including the addition of on-street bicycle facility improvements on S. 3rd Street. **Staff also met a number of times with Ames Bicycle Coalition representatives** to discuss the on-street bicycle improvements design. Additionally, input was received from CyRide representatives over their operations along the project corridor. The comments received were incorporated into the project design, which **includes utilizing a 3-lane vehicle configuration with standard bike lanes for the on-street bicycle facility.**

Since the project funding sources include Iowa Department of Transportation (IDOT) Surface Transportation Program (STP) funds, the project must follow IDOT letting requirements. On February 21, 2017, bids for the project were received by IDOT as follows:

<i>Bidder</i>	<i>Bid Amount</i>
Engineer's Estimate	\$2,247,020.00
Manatt's, Inc.	\$2,495,582.55

The higher bid costs are likely associated with the compressed construction window that was set to complete the majority of the work after Iowa State University finished spring semester and before the first Iowa State football game. The lack of potential competing bids is also likely a factor to the high bid cost.

The following table summarizes the 2016/17 CyRide Route Pavement Improvements program funding sources, funding distribution, and expense breakdown for this project location. In order to accommodate the budget shortfall, staff has identified unobligated funding from the 2016/17 Accessibility Enhancement Program (to enhance pedestrian and bicycle accessibility along the project corridor), the 2016/17 Sanitary Sewer Rehabilitation Program (to address sanitary sewer needs within the project area), the 2016/17 and 2017/18 Storm Sewer Improvement Program (to address storm sewer system needs within the project area), and unallocated G.O. Bond savings from prior projects.

Program Funding Summary	S. 3rd / 4th St.
2016/17 CyRide Route Pavement Improvements	
G.O. Bonds	\$ 525,000.00
STP Funds	\$ 1,292,000.00
Road Use Tax Funds	\$ 555,000.00
Unallocated Savings from Prior Projects	
G.O. Bonds	\$ 150,000.00
2016/17 Accessibility Enhancement Program	
Local Option Sales Tax	\$ 54,719.00
Road Use Tax Funds	\$ 20,911.00
2016/17 Shared Use Path Maintenance	
Local Option Sales Tax	\$ 75,000.00
2016/17 Sanitary Sewer Rehabilitation Program	
Sewer Utility Fund	\$ 140,000.00
2016/17 Storm Sewer Improvement Program	
Storm Sewer Utility Fund	\$ 100,000.00
2017/18 Storm Sewer Improvement Program	
Storm Sewer Utility Fund	\$ 85,000.00
Total Funding	\$ 2,997,630.00

Program Expense Summary	
Engineering & Contract Administration (estimated)	\$ 390,000.00
Construction Costs	\$ 2,495,582.55
Radar Detection Equipment	\$ 37,280.00
Total Expenses	\$ 2,922,862.55

ALTERNATIVES:

1. a. Approve the final plans and specifications for this project.
- b. Award the 2016/17 CyRide Route Pavement Improvements (S. 3rd / 4th Street) to Manatt's, Inc., of Ames, Iowa, in the amount of \$2,495,582.55.

2. Reject award and direct staff to modify the project for a future Iowa DOT bid letting.
3. Do not proceed with the project at this time.

MANAGER'S RECOMMENDED ACTION:

By awarding this project, it will be possible to proceed with improvements to one of the city's highly traveled arterial streets, thus prolonging the service life of this street for continued use by residents and visitors. **Delay or rejection of awarding this project could delay the start of this arterial street improvement project until 2018, which could lead to even higher prices if bid at a later date.**

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

It is important for the City Council to understand that this project will impact many residents and visitors who typically use this roadway. Since South 3rd Street (S Grand Avenue to S Duff Avenue) and South 4th Street (Squaw Creek to S Grand Avenue) is a major east-west arterial across the community, this reconstruction/rehabilitation project will have an impact on traffic flow.

COUNCIL ACTION FORM

SUBJECT: CYRIDE SINGLE SOURCE PROCUREMENT OF AUTOMATIC PASSENGER COUNTERS TO DILEX OF SAINT-LAMBERT, QC CANADA IN THE AMOUNT OF \$59,035

BACKGROUND:

Accurate counting of the number of passengers getting on and off a bus is an important data requirement for planning and statistical reporting at the local, state, and national level. Also, annual formula funding and grant awards are based on this data, so accurate counts are critical to the mission and success of CyRide.

Currently CyRide completes these counts manually with each driver pressing a button on a tally counter mounted near the driver as passengers get on a bus. This manual method can be less accurate, it is time consuming (thereby slowing down the boarding process for customers), and it distracts the bus driver from other important tasks. Therefore, CyRide has received approval by the Transit Board of Trustees at its February 28, 2017 meeting for a demonstration project to purchase and install Automatic Passenger Counters (APCs), which are an electronic method of completing this task on each bus. The annual cost of a software license would also be included in this purchase.

CyRide has researched available APC systems and found that there are three known APC manufacturers within the United States: DILAX, InfoDev and Iris. CyRide has tested two of the three systems and found the DILAX equipment to be the most reliable and accurate after installing both systems on CyRide buses and operating them in daily service. The equipment provided by the second firm, InfoDev, was proven to be unreliable on CyRide's system due to its heavy passenger loads, as well as has been found to have customer support issues at other transit systems. The Iris system was not tested, as its equipment is only available through distributors and requires the purchase of separate analysis software at a significant upcharge.

As a result, the purchase of Automatic Passenger Counters by CyRide is recommended as a single source procurement, since there is only one practical source of equipment. Additional information has been provided to the City of Ames Purchasing Division for consideration of this request and received approved for the single source purchase. A price analysis was also performed and found that the DILAX proposal was comparable to the other manufacturers used by CyRide to test this equipment.

Specifically, the equipment to be purchased and budget identified below would be secured if approved.

Itemized Costs	Dollars
4 Sets of Automatic Passenger Counter Hardware	\$ 14,076
Installation of new units	\$ 8,333
Annual Software License (4 new articulated + 4 existing units)	\$ 36,626
Total	\$ 59,035
Budget	
Federal Grant	\$ 34,614
Local	\$ 24,421
Total	\$ 59,035

This project completes the purchase of equipment planned as part of the articulated bus procurement, which was contained in the 2016-21 Capital Improvements Plan.

ALTERNATIVES:

1. Approve the single source procurement of automatic passenger counters, installation and associated annual software licenses with DILAX Systems, Inc. of Saint-Lambert, QC Canada in the amount of \$59,035.
2. Reject Alternative #1 and direct staff to modify the procurement to reflect City Council priorities.

MANAGER’S RECOMMENDED ACTION:

Alternative No. 1 will allow CyRide to move forward with needed passenger counting equipment and web based analysis software that can be used to enhance CyRide’s customer experience and improve its efficiency.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the single source procurement of automatic passenger counting equipment, installation, and associated annual software licenses to DILAX Systems, Inc. of Saint-Lambert, QC Canada in the amount of \$59,035.



CITY OF
Ames™

Caring People ♦ Quality Programs ♦ Exceptional Service

MEMO

To: Mayor and Members of the City Council

From: City Clerk's Office

Date: March 3, 2017

Subject: Contract and Bond Approval

There is no Council Action Form for Item No. 19. Council approval of the contract and bond for this/these project(s) is simply fulfilling a *State Code* requirement.

/jr

ITEM # 20
DATE: 03-07-17

COUNCIL ACTION FORM

SUBJECT: 6TH STREET BRIDGE OVER SQUAW CREEK

BACKGROUND:

On September 22, 105, City Council awarded this project to Peterson Contractors, Inc. of Reinbeck, Iowa in the amount of \$2,529,652.18. Change Order No. 1 was administratively approved by staff in the amount of \$38,568.58 and included additional required clearing and grubbing and additional work for splicing steel piling for the bridge substructure. Change Order No. 2 (**with this action**) is the balancing change order for the project in the amount of \$47,925.34. Major work items in this change order include additional protection for the stream banks under the new bridge, additional asphalt work to tie into the existing street at the west end of the project, and additional shared use path replacement on the project. This brings total **completed construction costs to \$2,616,146.10**. Engineering and contract administration costs are estimated at \$230,000, bringing **overall project costs to \$2,846,146.10**.

Funding for this project is programmed in the amount of \$1,000,000 from IDOT City Highway Bridge Funds, \$2,320,000 from General Obligation Bonds, and \$50,000 in Shared Use Path Maintenance funds, bringing total project funding to **\$3,370,000**.

It is important to note that the East Lincoln Way Bridge repair project is also programmed with the expectation that **\$300,000** of the \$2,320,000 in General Obligation Bonds noted above would be available. The East Lincoln Way Bridge planned improvements include minor maintenance activities incorporating joint repair and painting. Design work for the East Lincoln Way Bridge project is expected to begin in late March 2017.

ALTERNATIVES:

1. Approve Change Order No. 2, in the amount of \$47,925.34 for the 6th Street Bridge Project
2. Direct Staff to pursue changes to the project.

MANAGER'S RECOMMENDED ACTION:

The approval of Change Order No. 2 is a necessary step to continue with the project audit process through the IDOT. **Final acceptance of the project will be brought back to Council at a later date once the IDOT completes their audit of the project.**

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

COUNCIL ACTION FORM

SUBJECT: NEW WATER PLANT CHANGE ORDER NO. 15 – CONTRACT 2

BACKGROUND:

The new Water Treatment Plant project is budgeted to wrap up in the current fiscal year. Table 1 below shows the entire project budget, from 2008 through the mid-year budget amendments currently being considered by Council.

Table 1: Total Project Budget

	Water Fund	SRF Loan
All Prior Years	\$ 813,792	\$ 39,728,135
Current Year	706,002	29,667,686
Subtotal	\$ 1,519,794	\$ 69,395,821
Total		\$ 70,915,615

On October 14, 2014, City Council awarded a construction contract to Knutson Construction of Minneapolis, Minnesota, for the City's new drinking water treatment plant. This contract, along with all other project expenses, is summarized in Table 2.

Table 2: Total Project Costs To Date

Contract	Amount	Total
FOX Engineering		
Original Contract	\$ 8,240,000	
Change Orders 1-11	763,986	\$ 9,003,986
Contract 1: Pipeline – S.M. Hentges & Sons		
Original Contract	\$ 3,197,273	
Change Orders 1-4	54,566	\$ 3,251,839
Contract 2: Treatment Plant – Knutson Construction		
Original Contract	\$ 52,497,000	
Change Orders 1-14	865,651	\$ 53,362,651
All Other Expenses		\$ 3,163,437
(e.g., land acquisition, lime sludge disposal, environmental investigations, etc.)		
Subtotal		\$ 68,781,913
Contingency		\$ 2,133,702
Total		\$ 70,915,615

Fourteen previous change orders have been executed for Contract 2 with Knutson Construction (see the attached summary for a description of each). Additional items have been identified that need to be addressed and require a change to the contract. Knutson has provided a proposed change order for the work. Each item is described below.

- **Finished water sample system.** There needs to be a way to collect a sample of the treated water before it leaves the plant; a pump and sample lines need to be added to get water samples from the clearwell. **Total cost for the system is \$31,548.**
- **Change the flooring in the control room.** Staff requested to change the flooring from epoxy coated concrete to carpet tiles in the control room work area. **Total cost for the change is \$532.**
- **Cabinetry change.** Cabinets in the breakroom and first aid room needed to be modified to accommodate accessible appliances. **Total cost for the change is \$3,243.**

The net cost for this change order is \$35,323. It is the opinion of the consulting team that this is a fair and reasonable price for the requested changes.

The table below shows project contingency before and after approval of this change order.

Table 3: Contingency Balance

	Total
Available Contingency Before Change Order 15	\$ 2,133,702
Contract 2 Change Order 15 (this Council Action)	35,323
Remaining Project Contingency	\$ 2,098,379

There are still a number of additional changes needed for the project that will result in additional changes to Contract 2. The contractor and consultant are working to determine appropriate pricing for these changes. As these are completed, they will appear on future change orders.

ALTERNATIVES:

1. Approve Change Order No. 15 for Contract 2 with Knutson Construction in the amount of \$35,323.
2. Do not approve the change order at this time.

MANAGER'S RECOMMENDED ACTION:

The proposed changes are to improve reliability and function of the Water Plant. The consulting engineers, City staff, and Knutson Construction have worked together to come up with reasonable, cost effective recommendations. After approving Change Order No. 15, the remaining contingency available for the project will be \$2,098,379. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.

**New Water Treatment Plant
Summary of Change Orders to Construction Contracts**

Contract 1: S.M. Hentges & Sons (Pipeline)

Description	Net Change
Contract 1, Change Order #1 Raw water realignment, site work, communication structure	\$ 9,256.45
Contract 1, Change Order #2 Piping changes, bypass structure changes, hydrant valves	\$ 21,687.60
Contract 1, Change Order #3 Air relief hydrants, pedestrian ramp, thrust block removal and replacement	\$ 16,974.83
Contract 1, Change Order #4 Road stone, replace lime sludge line laterals, repaint hydrants	\$ 6,647.12
Total Approved Changes to Contract 1	\$54,566.00

Contract 2: Knutson Construction (Treatment Plant)

Description	Net Change
Contract 2, Change Order #1 Sanitary Sewer Realignment	\$ 127,023.00
Contract 2, Change Order #2 Second water service line; additional gate valve; change in pipe material; manhole waterproofing.	\$ 55,634.00
Contract 2, Change Order #3 Minor plumbing changes, tree removal, minor electrical change to elevator, process valve simplification	\$ 5,457.00
Contract 2, Change Order #4 Clearwell access hatches	\$ 6,192.00
Contract 2, Change Order #5 Debris removal, analyzers, access doors, lime pond gates, structural clarifications	\$ 21,790.00
Contract 2, Change Order #6 Electrical modifications, valve floor stand, tracer wire, loss of work time	\$ 22,624.00
Contract 2, Change order #7 Piping modifications to eliminate maintenance in a confined space	\$ 8,985.00
Contract 2, Change order #8 Flooring changes, plumbing modifications, concrete construction changes, valves, concrete pad	\$ 19,341.00

Contract 2, Change order #9 Miscellaneous construction modifications and process piping adjustments	\$ 3,659.00
Contract 2, Change order #10 Service water piping rerouting	\$ 6,027.00
Contract 2, Change order #11 Glass revisions	(\$ 2,360.00)
Contract 2, Change order #12 Natural gas pressure reducing valve and concrete pad	\$ 5,211.00
Contract 2, Change order #13 Lime pond work, water service lines, interior finish selections, hose bib modifications	\$ 21,136.00
Contract 2, Change order #14 Technology revisions, building modifications, equipment relocation, hardware revisions, code requirements	\$ 564,932.00
Contract 2, Change order #15 Finished water sample system, flooring, cabinet modifications	\$ 35,323
Total Approved Changes to Contract 2, including this request	\$900,974.00

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 2700, 2702, 2718, 2728 LINCOLN WAY, 112, 114 S. HYLAND AVENUE AND 115 S. SHELDON AVENUE

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 conveyance parcels in order to create a parcel for development purposes. A plat of survey is allowed by Section 23.309 as a boundary line adjustment for purpose of consolidating parcels.

This plat of survey is for a proposed consolidation of seven existing parcels for a combined total lot area of 1.81 acres. The developer will also acquire the vacated right-of-way along Sheldon (Parcel L) and incorporate the area as part of their proposed parcel. (Attachment A Location Map). The properties were previously the site of multi-family residential buildings and small commercial buildings. All existing structures have been demolished to allow for the construction of a new mixed-use and residential apartment development. The seven existing parcels were recently rezoned to the Campustown Service Center (CSC) zoning district. The properties are also within the recently recreated 2700 Block Urban Revitalization area and plan. The plat of survey is the final Council approval needed before staff can approve the Minor Site Development Plan for the site so that construction can begin on the project.

Boundary line adjustments do not trigger additional infrastructure improvements, unless partial infrastructure improvements existing and are required to be extend across a property frontage. The proposed parcels meet the requirements of having complete infrastructure along Lincoln Way, Sheldon, and Hyland as outlined in the Subdivision Code and does not trigger further extension of infrastructure. The development of the property will trigger additional infrastructure improvement requirements, which will be approved as part of the administrative site plan for the properties.

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

MANAGER'S RECOMMENDED ACTION:

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

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

ADDENDUM
PLAT OF SURVEY FOR 2700, 2702, 2718, 2728 LINCOLN WAY, 112, 114 S. HYLAND AVENUE AND 115 S. SHELDON AVENUE

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

- Conveyance parcel (per Section 23.307)
- Boundary line adjustment (per Section 23.309)
- Re-plat to correct error (per Section 23.310)
- Auditor's plat (per Code of Iowa Section 354.15)

The site is located at:

Owners: Ames Caddis, LLC

Existing Street Addresses: 2700, 2702, 2718, 2728 Lincoln Way, 112 and 114 S. Hyland Avenue, and 115 S. Sheldon Avenue, and Parcel

Assessor's Parcel #: 0909102030, 0909102080, 0909102090, 0909102020, 0909102040, 0909102050, 0909102070,

New Legal Description: PARCEL "M", LEE'S SUBDIVISION & PT. E1/2, NE1/4, NW1/4, NW1/4 SEC. 9-83-24, AMES, STORY COUNTY, IOWA

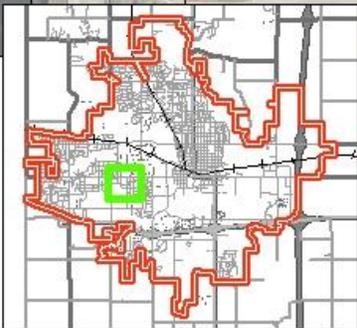
Public Improvements:

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

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

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

ATTACHMENT A: LOCATION MAP



Location Map
2700, 2702, 2718, 2728 Lincoln Way,
112 and 114 South Hyland Avenue, and
115 South sheldon Avenue

COUNCIL ACTION FORM

SUBJECT: NORTH RIVER VALLEY PARK LOW HEAD DAM IMPROVEMENTS

BACKGROUND:

The City of Ames constructed a low-head dam in 1984 in order to create a pool of water in the primary recharge zone for the City's Downtown Well Field, providing a means to increase the capacity of these wells during periods of drought. This dam replaced temporary sand dams constructed in the 1970s for the same purpose. While the City has never promoted recreation at the dam, it is evident that the low head dam attracts members of the public who use the area for recreation. Low head dams can pose a serious hazard due to the recirculation effect which occurs immediately downstream. This hazard is caused by the uniform hydraulics as the water flows over the top of the dam. Without something to break up the uniform hydraulics, a dangerous undertow can be created. Once caught in the uniform flow, it is easy for a water vessel to capsize and become caught in the recirculation.

A project to improve the safety of this piece of infrastructure that is critical to the overall management of the Ames drinking water supply was first proposed in 2008. The original concept was to place a small number of large boulders on the downstream apron of the dam to break up the dangerous recirculation effect. The design has undergone several changes since 2008 which expanded the project to provide additional aquatic and recreational benefits, but that also increased the cost of the project.

In April 2016, RiverRestoration.org was awarded a contract in the amount of \$102,499 to begin design on the project. Prior to the start of design, staff hosted a stakeholder input meeting where representatives from the Skunk River Paddlers, Iowa Department of Natural Resources, Prairie Rivers of Iowa, Parks & Recreation Commission, and an adjacent property owner were able to learn about the project and help develop a list of project goals beyond the first and foremost goal of improved safety.

River Restoration prepared three alternatives for the project. **Alternative A** is a project that addresses only the safety concern and is within the scope of current project funds available. **Alternative B** allows for additional in-channel improvements that create two separate flow paths to allow aquatic species passage in all flow levels and boat passage during certain flow levels in the South Skunk River. The idea behind this alternative was to reduce costs compared to Alternative C and potentially allow the bank improvements to be done at a later date but finish all the in channel improvements to meet some secondary project objectives in addition to safety. **Alternative C** is the full

completed vision for the project that includes both in-channel improvements and bank improvements. This alternative meets all the primary and secondary objectives of the project. A sketch of the Alternative C improvements is attached. The full estimated project costs are as follows:

Project Alternatives	Estimated Project Costs
Alternative A	\$347,500
Alternative B	\$537,500
Alternative C	\$844,500

Current funding for the project is as follows:

Low Head Dam Safety Grant (2009)	\$ 75,000
Low Head Dam Safety Grant (2016)	\$ 85,000
Low Head Dam Safety Grant (2017- expected March)	\$112,901
Water Utility Fund - FY 13/14 CIP	\$ 75,000
Parks System Improvements - FY 15/16 CIP	
Add Recreation Features	\$ 40,000
Local Options Sales Tax	\$ 60,000
In-Kind Donations	
Manatts of Ames (asphalt restoration) – possible	\$ 8,000
Martin Marietta (rock donation) - possible	\$ 32,000
Iowa Whitewater Coalition - confirmed	\$ 1,000
Hawkeye Fly Fishing Assoc. - confirmed	\$ 1,000
City of Ames Park & Recreation staff (tree removal, excavation hauling)	\$ 75,000
Total	\$564,901
Funding Shortfall	\$279,599

On November 16, 2016, staff hosted a public meeting on the project, presenting the three alternatives. Those in attendance showed tremendous support for Alternative C, knowing that funding the project could be challenging and could result in a delay as additional funds were raised. The following evening, staff met with the Parks and Recreation Commission who also indicated their preference, if the City was going to do a project, it should pursue Alternative C.

Staff has submitted multiple grant applications to both state and federal programs. Recently, staff were notified that the City will receive an additional \$112,901. This brings total grant funding secured to date for the project to \$288,901. Staff has already submitted another grant application with the Iowa DNR Water Trails Program and will find out the results of that grant in late April. Many of these grants look for 50/50 matching local funds. These matching funds can include both funds from the City of

Ames and any in-kind donations. One comment by a scorer on a recent unsuccessful grant application was that for a project of this magnitude, the contribution by the City is on the low side. The relatively low level of local funds compared to other projects seeking grant funding appears to be negatively impacting the City's scores in the grant application process, leading to less grant funding.

In order to best leverage grant funding, staff is recommending that \$150,000 of the FY 15/16 available balance in the General Fund be allocated to the North River Valley Park Low Head Dam Improvements Project.

Depending on the outcome of the pending grant application, additional local funds may be still necessary in order to allow the Alternative C option to proceed. Staff is recommending that up to \$150,000 in funds from the FY 15/16 Source Water Protection Plan CIP project also be reallocated to the Low Head Dam project.

The Source Water Protection Plan project was intended to develop a long-range plan to protect the quality of the groundwater source serving the Ames Water Treatment Plant. Because of a number of higher workload priorities, no substantive progress on the source water plan has been made to date, and with the start-up of the new water treatment plant looming, staff does not anticipate being able to devote staff resources towards source water protection efforts for at least two years. The Low Head Dam project is, at its core, intended to preserve infrastructure that is crucial to the utility's drought source water management efforts. As such, staff believes that reallocating funds from the Source Water Protection project to the Low Head Dam project would still contribute to the overall intent of protecting the City's source water, admittedly with a focus on quantity instead of quality.

Authorizing the above requested funds would allow the following timeline for the project:

Spring/Summer 2017	Finalize Design/Obtain permits
Fall/Winter 2017	Bidding and Construction

This project continues to be of high interest by several groups, including the Skunk River Paddlers, Hawkeye Fly Fishing Association (HFFA), Story County Conservation, Prairie Rivers of Iowa, Linda Manatt & Family, Iowa Department of Natural Resources, and other groups and interested citizens. City staff has continued to inform and engage in discussion with those interested in the project. City staff asked for letters of support for a grant application and within 48 hours had received 20 letters of support from various organizations and citizens.

ALTERNATIVES:

1. a. Approve a resolution to commit \$150,000 from the FY 16/17 General Fund available balance to the North River Valley Low Head Dam Improvements.

- b. Approve a resolution to commit \$150,000 from the Source Water Protection Plan CIP project to the North River Valley Low Head Dam Improvements project.

Approval of this additional funding will allow staff to begin final design work now on Alternative C, even while additional grant opportunities are explored. Any additional grant funding received will be used to reduce the amount of funds that will be transferred from the Source Water Protection Plan Project to help finance the dam improvement project.

2. Do not approve additional funds at this time for this project, and move ahead to construct Alternative B.

MANAGER'S RECOMMENDED ACTION:

Given the amount of funding that has been secured to date, it would be easy for the City Council to decide to pursue Alternative B. However, Alternative C offers an opportunity to not only increase the safety associated with the City's low-head dam, but also create a unique recreational facility at a quality worthy of this community. Staff is working diligently to help secure additional grant funding for the project. However, additional local funds must be identified at this time in order to improve the City's ability to secure additional grants funds and to fully fund the Alternative C cost estimate.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 and thereby commit \$150,000 from the FY 16/17 General Fund available balance to the North River Valley Low Head Dam Improvements project as well as redistributing \$150,000 from the Source Water Protection Plan project, if needed.

Attachment
Alternative C Rendering



COUNCIL ACTION FORM

**SUBJECT: REQUESTS FOR “FIREFLY COUNTRY NIGHT” ON MAIN STREET
SEPTEMBER 8**

BACKGROUND:

In the past several years, the Main Street Cultural District (MSCD) has held an annual Firefly Country Night on Main Street, which features country musicians performing on a stage placed in the 200 block of Main Street. This year, Jess Clyde of London Underground and Bill Malone of Café Diem have assumed responsibility for organizing the event. MSCD has endorsed the event, and will receive a portion of the proceeds from the organizers. **This report addresses the second of the two Firefly Country Night events the organizers plan this summer, which will take place Friday, September 8th.**

To facilitate this event, organizers have made the following requests:

- Closure of Main Street between Kellogg Avenue and Douglas Avenue from 6:00 a.m. to 11:59 p.m on Friday, September 8th
- Closure of 45 parking spaces within the closed area (\$81 loss to the Parking Fund)
- Temporary Obstruction Permit and blanket Vending License (\$50 license fee)

An alcohol service license will be presented to City Council for approval at a later date. This event is proposed to be held on the Friday prior to the Iowa State-Iowa football game. Organizers anticipate approximately 1,500 people to attend this event. City staff has met with the organizers to discuss concerns related to safety at this event. As staff indicated in a memo to the City Council dated February 24th, a substantial proportion of those cited and arrested during football game weekends for nuisance and alcohol violations are individuals who live outside Ames. Firefly Country Night tends to draw a crowd both from Ames and elsewhere, as the event talent is nationally known.

On typical Cy-Hawk game weekends, the Police Department has historically begun to see an uptick in call activity in other parts of Ames by Friday. In addition, Ames Police officers will be working mandatory overtime shifts on game day, which makes it difficult to secure additional officers for a special event held the day prior.

To mitigate these issues, organizers have proposed enhancing the event security and adjusting some of the environmental factors, including:

- Shifting the event time earlier so the headliner starts at 7:30 p.m. and the event is over by 9:00 p.m.

- Ending beer sales at 8:00 p.m.
- Limiting total attendance to 1,500
- Limiting pre-sale ticket sales to 1,000 and reserving 500 tickets for door sales to avoid turning away large numbers at the door who might become disgruntled
- Hiring a security firm more experienced with large events and increasing the number of security personnel from eight to fourteen
- Utilizing security teams who will patrol inside and outside the event area
- Setting price points that will cater to an older audience.

Staff should note that this event has been held successfully in the past, with only a few incidents requiring intervention by security or police.

Staff has learned that the event was proposed for this date because a national act had an opening. Moving the event to another date would not be possible. The organizers have indicated that their deadline to sign the headliner is approaching soon.

Given the increased calls for service anticipated that evening, City staff has concerns about the ability of police or other emergency services to quickly respond in the event they are needed at the concert site. These concerns were shared with event organizers and with the City Council on February 28. The City Council directed staff at that meeting to accept the event application.

Since that discussion, organizers have agreed to bolster their efforts with regard to peer security, which is important to identify trouble spots early on and intervene in a way that keeps attendees satisfied with the activities. Additionally, organizers will have their security professionals provide bike patrols of the alleys and other areas near the event that are out of plain sight. Finally, organizers will provide a cooling off area for any patron who may need to be calmed down before returning to the main event area.

The event application indicates organizers will communicate event details to affected businesses by going door-to-door, placing signs in the event area prior to the event, and distributing details via email to businesses in the district.

Although a portion of this event's proceeds will be donated to MSCD, it is staff's view that since the MSCD is not directly organizing the event, it is being undertaken as a private business activity open to the public. Therefore, City staff recommends that the organizers be required to reimburse the City for lost parking meter revenue and the Vending License. These costs had been waived in the past when MSCD organized the event.

Typically, events held on public streets have been undertaken by non-profit entities or community organizations (e.g. MSCD, CAA). However, there have been a handful of events approved by the City Council where the event was for the benefit of a for-profit entity. In 2010, Olde Main held an outdoor concert in the CBD lot south of Main Street in conjunction with the All-American Weekend activities organized by the Ames Convention and Visitor's Bureau. The City Council also approved the use of public

parking spaces for an event held by the Ames Tribune in 2010. In 2009, the City Council approved a request from Café Diem to hold an outdoor concert on Main Street. Anniversary celebration events on public property have also been authorized for a variety of organizations, including KHOI Community Radio, Youth and Shelter Services, and Wheatsfield Cooperative, although it should be noted that each of these anniversary celebrations were for not-for-profit organizations.

ALTERNATIVES:

1. Approve the requests as indicated above and require reimbursement for lost parking revenue and the Vending License.
2. Approve the requests as indicated above, but do not require reimbursement for lost parking revenue and the Vending License.
3. Do not approve the event.

MANAGER’S RECOMMENDED ACTION:

Firefly Country Night has been successfully held in previous years, and the organizers of this year’s event have been directly involved with the planning and execution of the prior iterations of the event when it was produced by the Main Street Cultural District. However, this particular event proposal is challenging due to the substantially larger numbers of people expected to be in the Ames area over the weekend the event is proposed to be held. This influx of people increases the calls for emergency services, which may make it more difficult for those services to arrive in a timely manner should a need arise.

Hosting a large concert during the Iowa State-Iowa football weekend brings unknown challenges, since it has not been done previously. Additionally, doing so may encourage other groups to propose similar events during football weekends or around other major activities. In the past, staff has worked with organizations to schedule their events around home football weekends to avoid over-burdening the City’s resources during those times.

Given the level of activity in Ames that evening, staff’s preference would be to minimize the potential for a large gathering to get out of control. The ideal method of accomplishing this is to not schedule such gatherings for that time in the first place. However, staff recognizes the City Council has stated an interest in having this event.

In addition to safe execution, the City Council should consider whether it is appropriate to use City property to host what is primarily a for-profit event. It appears from a review of events held since 2009 that requests have been approved by the City Council to use City property for various purposes. Key to these events being recommended for approval by City staff has been the endorsement of the recognized business

association. These organizations (MSCD and CAA) have agreed in their contracts for funding with the City to assist in reviewing events proposed by others to be held in their respective areas.

In the past five years, a few for-profit events have been proposed by individuals with little to no track record of successfully hosting events. The respective business associations did not feel those events would be successful in advancing the goals of the district. After receiving an indication that neither staff nor the business association recommended approval of the events, organizers of these events did not pursue City Council approval. Based on the experiences in collaborating with MSCD and CAA to review events, City staff puts great weight on their recommendations to determine whether a proposed activity furthers the goals these associations have developed for their respective areas. These organizations are also critical in providing support to notify affected businesses.

Assuming the City Council is comfortable with the potential risk associated with this event on this specific weekend and feels organizers are taking appropriate steps to conduct the event safely, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the requests as indicated above and requiring reimbursement for lost parking revenue and the Vending License.

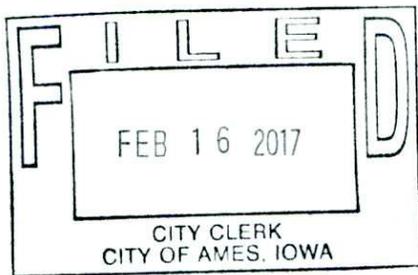


SUMMARY OF EVENT

DESCRIPTION

Event Name Firefly Country Nights

Description The Firefly Planning Committee would like to host a concert called Firefly Country Nights on Friday September 8th. Similar to past Firefly concerts, there will be several local and national country musicians, food, and a gated area where beer will be served. The music, food and beer will be located in the 200 block of Main Street in front of London Underground and Cafe Diem.



Event Category

<input type="checkbox"/> Athletic/Recreation	<input checked="" type="checkbox"/> Concert/Performance
<input type="checkbox"/> Exhibits/Misc.	<input type="checkbox"/> Farmer/Outdoor Market
<input checked="" type="checkbox"/> Festival/Celebration	<input type="checkbox"/> Other (please explain)
<input type="checkbox"/> Parade/Procession/March	

Anticipated Attendance Total 1500 Per Day _____

DATE/TIME

Setup	Date <u>09/08/2017</u>	Time <u>6:00 am</u>	Day of Week <u>Friday</u>
Event Starts	Date <u>09/08/2017</u>	Time <u>4:00 pm</u>	Day of Week <u>Friday</u>
Event Ends	Date <u>09/08/2017</u>	Time <u>10:00 pm</u>	Day of Week <u>Friday</u>
Teardown Complete	Date <u>09/08/2017</u>	Time <u>11:59 pm</u>	Day of Week <u>Friday</u>

Rain Date, if applicable _____

Rain Location, if applicable _____

LOCATION

Region

(Select one or more)

- Main Street Cultural District (Downtown)
- Campustown District
- Iowa State University Property
- City Parks
- Other (please explain)

Please note that events occurring in the Downtown, Campustown, in City parks, or on ISU property require prior approvals. A letter of support will be required from CAA if the event occurs in Campustown or from MSCD if the event occurs in Downtown. Please contact the appropriate office well in advance:

Downtown - Main Street Cultural District: (515) 233-3472

Campustown - Campustown Action Association: (515) 450-8771

Iowa State University - Events Authorization Committee: (515) 294-1437

events@amesdowntown.org

director@amescampustown.com

eventauthorization@iastate.edu

CONTACTS

Host Organization

London Underground

Local Contact (Required)

Must be present during event

Name: Jess Clyde

Address: 212 Main Street

Telephone: (515) 233-8500

Cell phone: (515) 460-1019

Must be available by cell phone during event

Email: jaclyde77@gmail.com

At least ten business days prior to the event, Organizer must submit Emergency Contact List, including names and numbers of all coordinators, volunteers, and location assigned to each.

Yes No

Is this an annual event? How many years have you been holding this event? 3

Is this event open to the public?

Is your event being held in conjunction with another event (e.g. *Farmers' Market, 4th of July*, etc.)?

If yes, please list



March 2, 2017

Mayor and City Council
City of Ames
515 Clark Ave
Ames, IA 50010

Dear Mayor Ann Campbell and City Council,

The Ames Main Street Cultural District supports the closure of the 200 block of Main for annual Firefly Country Nights on Thursday July 14, and Friday, September 8. Both of these concerts, while privately managed, organized, and promoted by Bill Malone, will be a fundraisers for the Main Street Cultural District. Events of this nature help MSCD achieve its vision of making downtown Ames the primary destination of Central Iowa by creating an economically vibrant district with unique living, dining, and entertainment experience.

Sincerely,

A handwritten signature in blue ink that reads "Paul Livingston".

Paul Livingston
2017 MSCD Board President



Contemporary Services Corporation



Friday, March 3rd, 2017

To whom it may concern:

I am writing this letter today in regards to the proposed September 8th Firefly Country Night event. In working with Bill Malone over the last few days/weeks, I understand the city's concerns and the goals regarding public safety surrounding the event.

In talking with Bill, and listening to his proposed timelines/plans for the event, I feel he has done his due diligence in hoping to contain/limit alcohol related issues throughout the duration of the event.

We have been fortunate enough to work this event last year, and in the Ames community since 2009 with VEISHEA Live. We have also been the primary provider for Iowa State University since 2011. With that, we have a long track record for being able to handle events, such as Firefly Country Night, in the Ames and Des Moines area for a number of years.

Bill and I have been working together, to create a staffing plan to ensure we have adequate staffing numbers to handle the expected crowd in, and outside, the performance area. We understand that this given weekend puts a strain on the city's public safety resources, and due to that, we have increased our overall numbers to ensure we have enough personnel to respond to issues as they arrive.

As with any client/event I work, I view it as a partnership with those that I am working with, to ensure a successful event. So, please don't hesitate to reach out should you have any questions/concerns regarding CSC's operation.

Thanks

Todd Long

CSC Branch Manager – Des Moines

Cell: 515.357.2502

Office: 515.564.8165

tlong@csc-usa.com

ITEM # 14
 DATE: 02-14-17

COUNCIL ACTION FORM

SUBJECT: PUBLIC HEARING AND NOTICE OF INTENT TO ISSUE \$8,000,000 ESSENTIAL CORPORATE PURPOSE GENERAL OBLIGATION BONDS, AND ASSOCIATED TAX LEVY FOR DEBT SERVICE

BACKGROUND:

The FY 2017/18 budget includes a number of General Obligation (G.O.) Bond-funded capital improvements. A public hearing is required to authorize issuance of bonds and the levy of property taxes for debt to be issued. **The dollar amounts and corresponding property tax levy for the planned G.O. bond issue are included as part of the FY 2017/18 budget.**

The G.O. Bonds and debt service levy for the FY 2017/18 budget were based on projects listed in the table below. Council authorization will be required at a later date to authorize the sale of the bonds. Bonds are expected to be issued shortly after the start of the new fiscal year.

Please note that in addition to the amount to fund the \$7,521,000 in G.O. Bond-funded capital projects, the not-to-exceed amount for the issuance includes a \$479,000 additional authorization to allow for issuance costs and the option to sell our bonds at a premium over the face value of bonds. This will allow the City to accept the optimum bid with face value of bonds greater than \$7,521,000 needed to accomplish our projects. **In any case, debt will not be issued in an amount where debt service exceeds the property tax levy included in the proposed budget.**

The Capital Improvements Plan’s 2017/18 G.O. Bond issue includes the following:

Grand Avenue Extension	4,000,000	
South Duff Improvements	276,000	
Arterial Street Improvements	620,000	
Collector Street Improvements	950,000	
Asphalt Street Improvements	850,000	
Downtown Street Improvements	250,000	
Accessibility Enhancement Program	125,000	
W Lincoln Way Intersection Improvements	450,000	
Subtotal Tax Supported Bonds	\$ 7,521,000	
Issuance Cost and Allowance for Premium		479,000
Grand Total – 2016/17 G.O. Issue		\$ 8,000,000

ALTERNATIVES:

1. Adopt a resolution setting March 7, 2017 as the date for a public hearing to authorize the issuance of Essential Corporate Purpose General Obligation Bonds in an amount not to exceed \$8,000,000. After the public hearing and approval of the bond

issuance, a property tax pre-levy resolution to pay principal and interest on the bonds is required.

2. Reject setting March 7, 2017 as the date of public hearing for issuance of Essential Corporate Purpose General Obligation Bonds, reduce the FY 2017/18 property tax levy, and delay the associated capital projects. Rejection of the Essential Corporate Purpose Bonds will prevent the City from completing the bond-funded projects reflected in the CIP.

MANAGER'S RECOMMENDED ACTION:

Prior to the issuance of debt, state law requires that a public hearing be held and that a pre-levy resolution be adopted for bonds not yet issued to be repaid from the property tax levy. This is a required step in order to accomplish the Council's approved capital improvements for the upcoming fiscal year.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby adopting a resolution setting March 7, 2017 as the date for a public hearing to authorize the issuance of Essential Corporate Purpose General Obligation Bonds and in an amount not to exceed \$8,000,000.

COUNCIL ACTION FORM

SUBJECT: TRINITAS ANNEXATION AND DEVELOPMENT AGREEMENT

BACKGROUND:

The City of Ames has received annexation petitions from two property owners representing 35.69 acres of land on the south side of Lincoln Highway. **The City Council accepted the applications on January 10th and directed staff to concurrently prepare a development agreement to address needed public infrastructure improvements for development of the area.**

The proposed annexation area is immediately west of the current Ames corporate limits and extends to the Boone County line of South 500th Avenue on the south side of Lincoln Way. A location map is found in Attachment A. The developer desires to have the land annexed in order to construct a student housing development of approximately 850 for-rent bedrooms. Once annexed, the developer would propose a Planned Residential Development (PRD) for site plan review of the desired of the project.

The Land Use Policy Plan (LUPP) includes the subject site within the “Southwest I Allowable Growth Area”. A map of the current LUPP designation and Ames Urban Fringe Plan is included as Attachment B and a map of the Southwest Growth Area and all allowable growth areas is included as Attachment C. Lands within the Urban Residential designation are intended for future annexation into the City with development of urban densities and design standards. Lands designated as Highway Oriented Commercial may be annexed into the City if it is within an Urban Service Area designation. If approved for annexation, the LUPP designation would be “Village/Suburban Residential”, allowing for a broad range of residential development types.

The Ames Planning and Zoning Commission held a public hearing on this proposed annexation on February 1, 2017. No individuals spoke regarding the proposed annexation. The Commission voted 4-1-1 to recommend that the City Council approve the request to annex 35.69 acres by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan. Some Commissioners expressed concerns about adding student rental housing, but the majority believed current City policy supported annexation.

DEVELOPMENT AGREEMENT:

In order to facilitate the installation of the needed infrastructure to meet development requirements and future needs, City staff and the developer have worked to prepare a development agreement to identify what specific infrastructure improvements must take

place and who should be responsible for paying for those projects. The agreement identifies water, sewer, and road improvements that will be completed within the site as well as off-site and frontage improvements. **To meet development requirements and to connect the property to existing City infrastructure, the following improvements were identified for both Lincoln Way and the S. 500th Avenue frontages of the site. Attachment D is a graphic illustrating the location of needed improvements.**

Lincoln Way Improvements include:

- Adding a lane on the south side to create a turn lane for access to the site
- Extending a shared use path along the south side of Lincoln Way to connect to Wilder Avenue
- Extending a 12-inch water main on the north side of Lincoln Way across the site frontage

S 500th Avenue Improvements:

- Paving a 31-foot Collector street with curb and gutter, along with associated improvements (street lights, storm sewer, etc.) for the frontage within the City as well as north of the site and extending to Lincoln Way. This may require drainage improvements to accommodate the roadway.
- Installation of a 16-inch water line for the length of the site's frontage along S 500th Avenue. (This is piece of larger planned trunk line extension)

The improvements described above would fully meet the City's development requirements and complete gaps in infrastructure needed to serve the site. The developer estimates the total costs for all of the described improvements to total approximately 1.29 million dollars. **Of the estimated 1.29 million dollar costs, the City's Public Works Department estimates approximately \$330,000 of those costs are related to traditional "oversizing" costs of larger diameter pipes and thicker and wider paving. Consistent with Council's direction from January, staff has not approached the development agreement negotiations assuming there would be any cost sharing, regardless of oversizing. The overall needs are driven by the developer's project and do not necessitate the City participating in any potential oversizing costs at this time.**

The draft development agreement requested by the applicant includes provision for most of the described improvements. The developer requests that the 740-foot segment of S 500th Avenue between their site and Lincoln Way (Campus Fortress LC frontage) not be improved to full City standards with development of the site at their cost. They propose that rather than being required to meet the City's specifications for these off-site improvements, they should be allowed to work with the County to address paving and drainage needs to their specifications.

Attachment E is a draft development agreement that is consistent with the Developer having all responsibilities for improvements in accordance with City standards, except for the segment of S. 500th Avenue that is along the Campus Fortress frontage where the street improvement specifications would be at the County's discretion.

In addition to describing improvement obligations, the agreement also specifies that the obligations in the agreement are not triggered unless the City approves the annexation, a future Planned Residential Development (PRD) rezoning with a site plan for individual rental homes and a text amendment to allow for attached dwelling houses with occupancy of up to 5 unrelated individual. These conditions precedent are to be accomplished within two years or the developer may choose to make the agreement null and void and potentially de-annex from the City. Implementation of the described improvements would occur along with the platting of the property for development.

It should be noted that the staff analysis of the project site also considered a sanitary sewer capacity evaluation and a traffic study in analyzing potential project impacts. The findings from these analysis identified no specific project impacts at this time.

ALTERNATIVES:

1. Approve the annexation and development agreement with all improvements being the responsibility of the developer. This obligation includes improving the entire length of S 500th Avenue from the south boundary of the property to Lincoln Way to City Collector Street specifications conditioned on the receipt of a signed development agreement reflecting these obligations within 7 days of the Council's approval or the annexation is not approved.

If the City Council selects this alternative, revisions to the draft development agreement will be needed to specify the City collector street standards for all of the S 500th Avenue improvements. The signed agreement must then be returned to the City Clerk for the resolution approving the annexation to be finalized or the resolution approving the annexation will be rescinded if it the signed agreement is not returned.

2. Approve the annexation and development agreement consistent with the current agreement included as Attachment E that specifies that improvements are the responsibility of the developer, but allow S 500th Avenue north of the site to be paved and improved to the requirements of Story County.
3. Approve the annexation, but defer the approval of the development agreement until that time in which the property is rezoned to allow the developer and the City to continue to work out the details of the development agreement.
4. Refer the item back to staff for additional information and continue consideration of the item to a later date.

5. Deny the annexation.

CITY MANAGER’S RECOMMENDED ACTION:

The proposed annexation includes 35.69 acres of land owned by the applicant who is requesting to be annexed as a 100% voluntary annexation. The proposed annexation allows for residential development in the Southwest Allowable Growth Area. The Southwest Allowable Growth Area has long been considered the next development area on the periphery of Ames. This area has a number of barriers that would preclude annexation and development in the short-term as water mains, sanitary sewer, and road extensions can be completed and connected to existing City facilities. However, the improvements are substantial and the annexation should only occur at this time if there is an agreement on the distribution of costs for these improvements that are required at the time of development.

The proposed development agreement assigns these obligations and the associated costs to the developer. The developer is seeking relief from the City collector street specifications for the segment of the S. 500th Avenue frontage that is adjacent to the Campus Fortress development and that will remain outside of the city limits. As an alternative, they have agreed to meet the County specifications for this segment of the frontage. Since this segment is not currently in the City, the City would not maintain the quality of the pavement as it would be a County obligation. However, both sides of this 740-foot frontage are already developed and there may not be an additional trigger for frontage improvements in the future unless requested by the City in the future as part of an annexation. Therefore, upgrading this segment of the roadway to City standards might not ever occur if the Campus Fortress owner do not request annexation in the future.

Therefore, it is the recommendation of the City Manager that the City Council support Alternative #1 which will approve the annexation conditioned on the City receiving a revised development agreement by the close of business on March 14, 2017 that reflects all of the improvements included in the attached agreement being the responsibility of the developer along with the obligation to improve the entire length of S. 500th Avenue from the south boundary of the property to Lincoln Way to City Collector Street specifications.

Addendum

Infrastructure

The City has assessed infrastructure needs for the area. Overall capacity was determined to be adequate for all infrastructure. Of note, the sanitary sewer evaluation concluded that development of the parcel with the intended student housing density could be accommodated along with the eventual single-family development of the Wiedemeier property to the south. However, no additional sanitary sewer capacity would be available for other development within the drainage basin without capacity improvements within Lincoln Way near Campustown.

A traffic study was also completed along with the annexation request. The preliminary findings identified no additional impacts in either the project building condition or the future 2040 cumulative development scenario as a result of development of the site. No project specific mitigation for off-site intersections were identified as part of the preliminary findings, other than the need for the lane widening along Lincoln Way that had already been identified.

Staff has assessed the proposed development and current conditions of infrastructure to identify needed improvement to meet City specifications. The improvements include developer frontage improvements as well as needed off-site improvements to connect the site to existing facilities. (Attachment D: Map Identifying Proposed Improvements).

- **Lincoln Way Improvements-**

- Lane Widening

- Add an additional lane from the western boundary of the site to the intersection of Wilder Boulevard. This will include construction of a 3-lane intersection with Lawrence Avenue (new street and the north entrance of the site) with a left and right turn lane out of the site. Also, a westbound turn lane into the site from Lincoln Way. The additional lane shall be built to City specifications for an arterial street. *(Note-The City has a planned pavement rehab project for the Lincoln Way within the CIP, it does not include lane widening. The CIP project may be delayed or modified to coordinate the developer lane widening obligations)*

- Shared Use Path

- Construction of an eight-foot wide shared use path on the south side of Lincoln Way that extends east to Wilder Avenue.

Water

On the north side of Lincoln Way, an existing public twelve-inch water main will be extended to the western extent of the site. A water connection will be made into the site at Lawrence Avenue.

- **S. 500th Avenue -**

Paving

S. 500th Avenue is identified as a future collector street that requires full street improvements of a 31-foot paved section with curb and gutter, storm sewer, and a sidewalk. The project site has approximately 718 linear feet of frontage along S 500th Avenue. There is an additional 740 linear feet of road (Campus Fortress LC Frontage) north of the site that completes the roadway connection to Lincoln Way. The 740-foot segment will remain outside of the City upon annexation as neither of the abutting properties will be annexed at this time. Notably, there is an outdated bridge in this 740-foot segment that would also need to be replaced along with road improvements.

Paved road access is necessary to fulfill improvement requirements of the subdivision ordinance. To fully meet City subdivision improvement and street standards, the full length of S. 500th Avenue would need to be paved to City standards. The City could approve a development that had paved access and it met County specifications for areas that are not annexed to the City.

Water

At this time there are no water utility improvements along S 500th Avenue. The Water Master Plan identifies a 16-inch trunk line for the future to provide water looping to serve the growth area. It is a future need and staff prefers to not install dry pipe with the development. **The developer will provided cash to be placed in escrow for the City's installation of a future water main along S 500th Avenue.**

Sanitary Sewer

Developer shall install sanitary sewer improvements which shall consist of the extension of sanitary sewer from the City's existing twelve-inch sanitary sewer south of Norris Avenue west to the point at which the west right-of-way of S 500th Avenue to serve the site and to provide for future development of sanitary sewer west of S 500th Avenue.

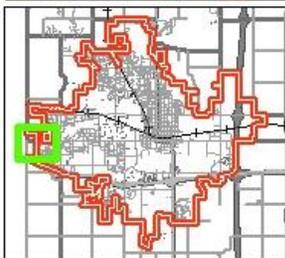
Storm Sewer/Drainage

The subject site is within a county tile drainage district. The improvement in the area must satisfy the District's requirements. Improvements to S 500th Avenue will need to include drainage improvements that are likely to include changes to the bridge along Campus Fortress Investments LC frontage and storm sewer in connection with street improvements along S 500th Avenue.

LAND USE POLICY PLAN

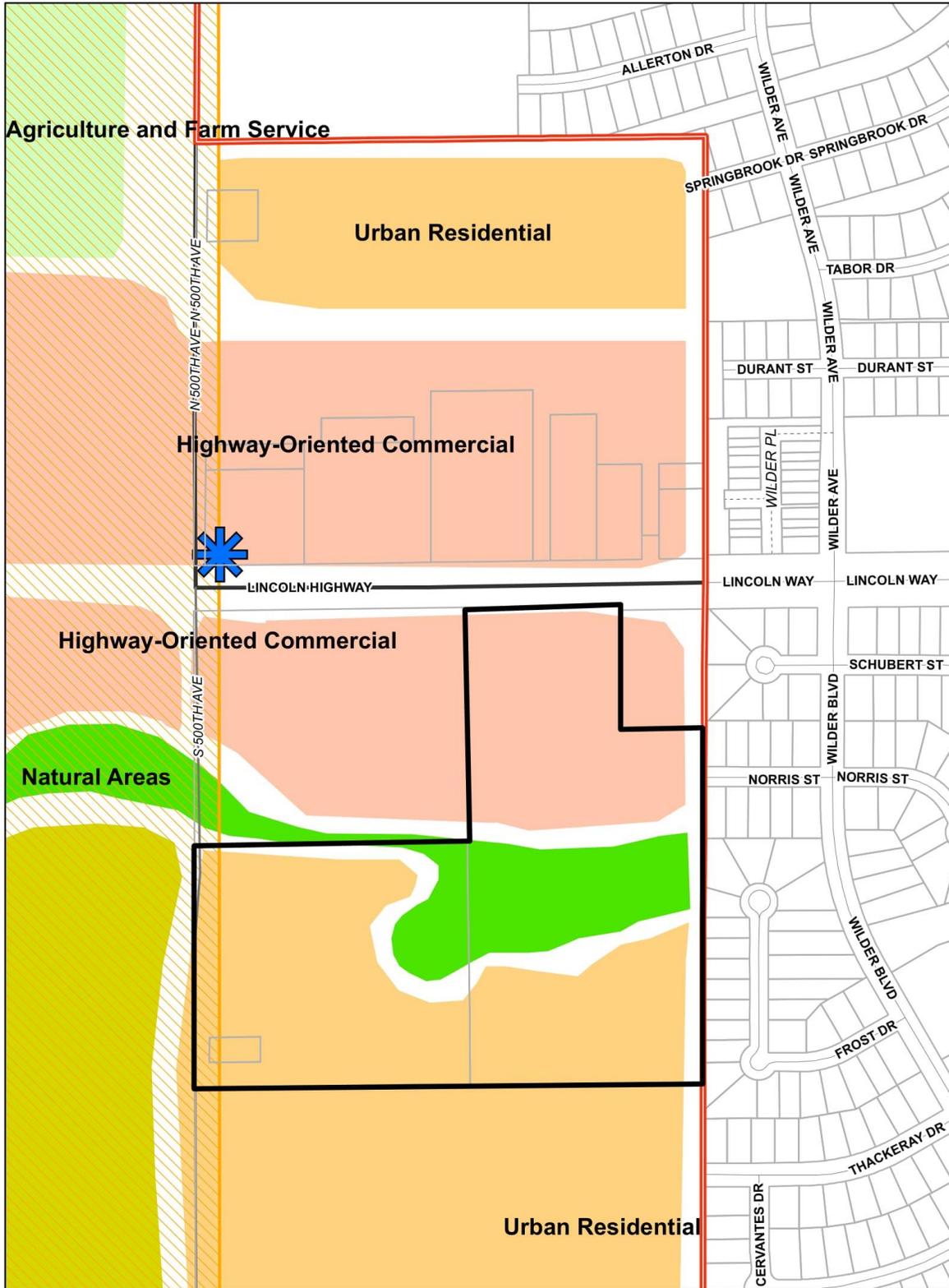
Annexation and development of the site is consistent with the City's general plans for growth due to the designation of the area as Southwest I Allowable Growth Area (Attachment C) and the recent Urban Fringe Plan Amendment designating the area for Urban Services. The Land Use Policy Plan designates Allowable Growth Areas, identifying "new areas for growth and to establish incentives for their development." The site includes a designation of commercial, natural areas, and residential within the Fringe Plan. Upon annexation, the site will be designated as Village/Suburban Residential. This designation supports future rezoning for residential development. The nearby Convenience Commercial Node would also support consideration of commercial along the Lincoln Way frontage of the site. There are known drainage management issues through the middle of the site reflected by the natural area designation and storm water management requirements on the Ames Municipal Code would apply at the time of development of the site.

ATTACHMENT A: PROPOSED ANNEXATION

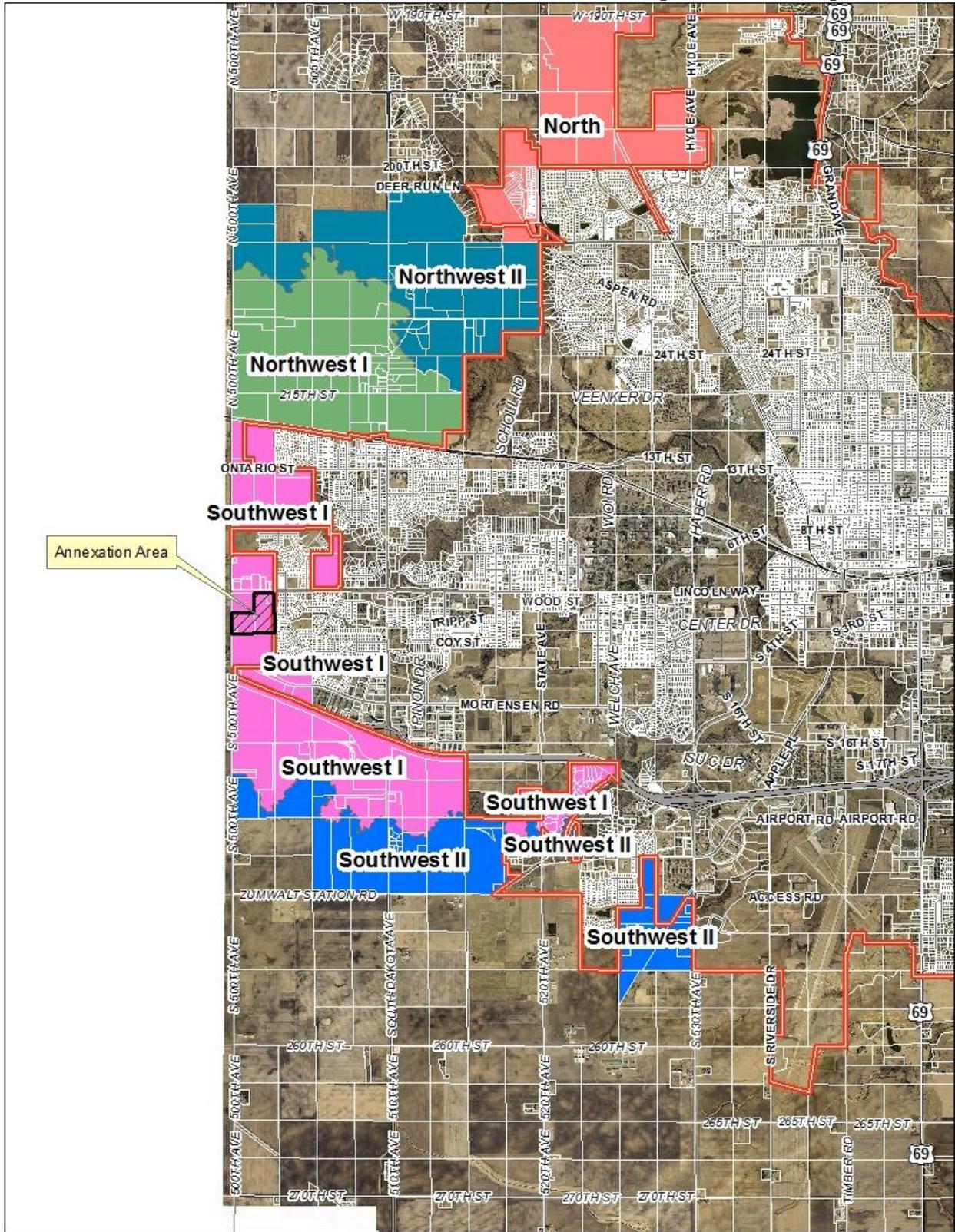


**Annexation Request
5508 Lincoln Highway and
632 S 500th Avenue**

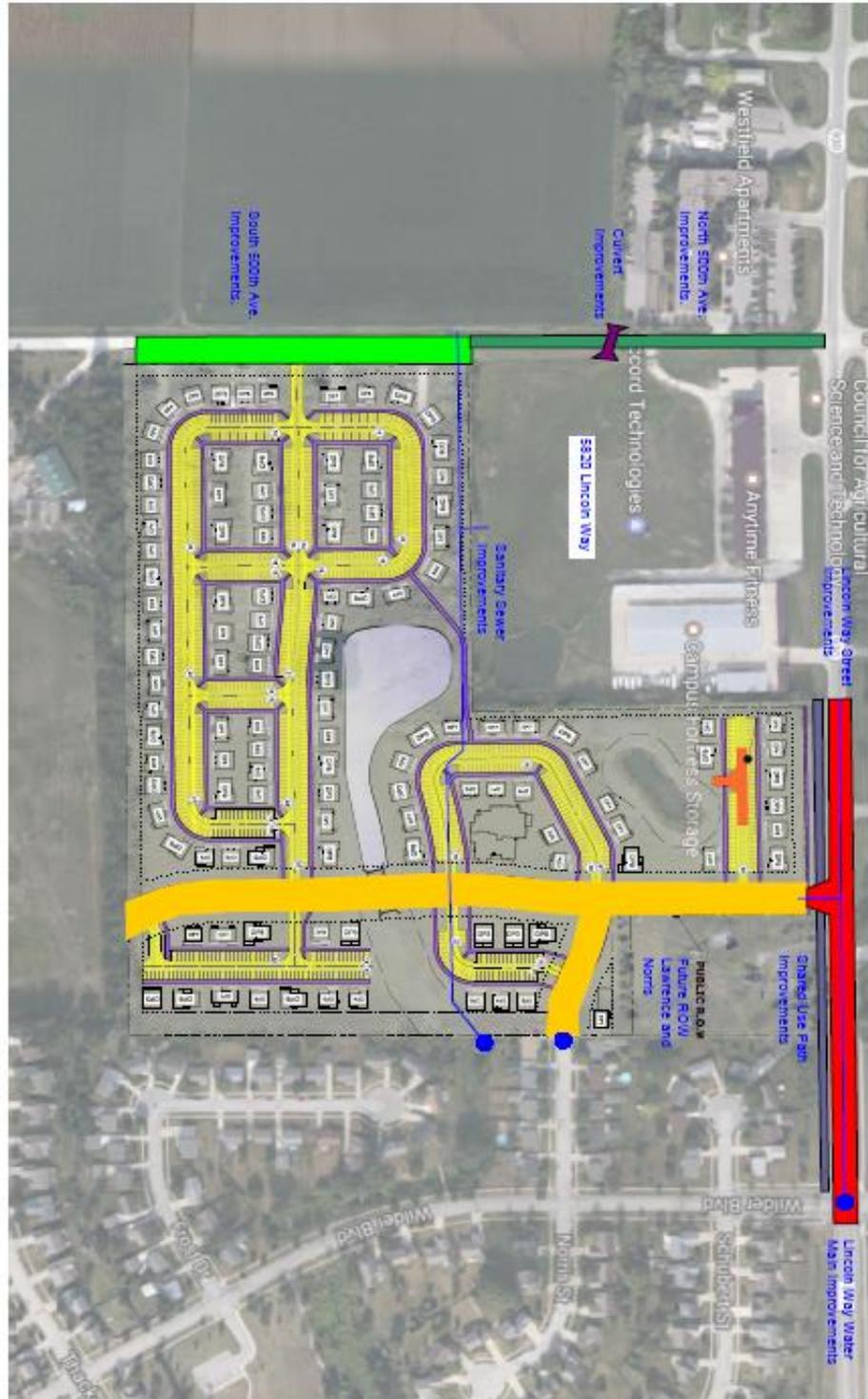
ATTACHMENT B: AMES FUTURE LAND USE MAP [AUF EXCERPT]



ATTACHMENT C: AMES ALLOWABLE GROWTH AREAS [LUPP EXCERPT]



ATTACHMENT D: PROPOSED IMPROVEMENTS



INSTRUMENT PREPARED BY:	Brian D. Torresi, 2605 Northridge Pkwy., Ste.101, Ames, IA 50010 (515) 288-2500
RETURN TO:	City of Ames, Iowa, Attn: City Clerk, 515 Clark Ave., Ames, IA 50010

PRE-ANNEXATION AGREEMENT - TRINITAS AMES

THIS PRE-ANNEXATION AGREEMENT – TRINITAS AMES (this “Agreement”), is made and entered into this ___ day of _____, 2017, by and between the City of Ames, Iowa (the “City”), George Belitsos (“Belitsos”), Peter Q. Wolfe (“Wolfe”), and John R. Crane (“Crane”) (Belitsos, Wolfe, Crane, and their successors and assigns, are hereinafter collectively referred to as the “Developer”). City and Developer are hereinafter collectively referred to as the “Parties” or individually as a “Party”. This Agreement shall be effective as of the date the last of the Parties hereto executes the same (the “Effective Date”).

RECITALS

WHEREAS, the Developer desires the improvement and development of the real properties in Story County, Iowa as legally described on the attached Exhibit A (collectively, the “Site”);

WHEREAS, Developer intends to apply to the City for the voluntary annexation and rezoning of the Site with the intent to seek subdivision platting of the Site in the future; and

WHEREAS, an agreement between Developer and the City with respect to public improvements is jointly sought by Developer and the City.

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

I.
INTENT AND PURPOSE

1. It is the intent of this Agreement to:
 - a. recognize that, as of the date hereof, Developer is the fee simple owner of the Site;
 - b. recognize that, as of the date hereof, the Site is located outside of the limits of the City but within the two-mile fringe area set forth in Iowa Code § 354.8;
 - c. acknowledge that Belitsos, Wolfe, and Crane have granted Trinitas Development LLC, or an affiliate thereof (“Trinitas”), the right to acquire the Site at a future date;
 - d. acknowledge that Developer desires that the Annexation (as defined below) occurs and that the Site is developed within the City if, but only if, the Conditions Precedent (as defined below) are satisfied;

- e. document, record, and give notice of a certain plan to make various infrastructure improvements as generally reflected in Exhibit B attached hereto (the “Infrastructure Plan”) and further described in Article V below and the public and private measures and undertakings essential to the implementation of the Infrastructure Plan;
- f. provide remedies to the City in the event Developer fails to fulfill its obligations hereunder; and
- g. provide remedies to Developer in the event the Conditions Precedent are not satisfied.

II. **CONDITIONS PRECEDENT**

1. The City and Developer agree that for the rights, duties and responsibilities of this Agreement to become effective as to either Party, all of the following must first occur (collectively, the “Conditions Precedent”):

- a. the voluntary annexation of the Site into the City must be accepted and the Site must become a part of the City as contemplated by law (the “Annexation”);
- b. the Site must be rezoned as “F-PRD” Planned Residence (“PRD”) with a Major Site Development Plan that substantially meets the Developer’s intent for construction of a project for rental of individual dwelling units that are not on individual lots.
- c. a text amendment to the Ames Municipal Code (the “Code”) must be passed by Council allowing for the definition of “Attached Dwelling House” described as follows: the attachment of one (1) or more “Dwelling Houses” as that term is defined in Section 29.201(59) of the Ames Municipal Code as a use within the “F-PRD” Planned Residence zoning classification; and
- d. Trinitas shall have acquired fee simple title to the Site.

2. The Parties hereby understand, acknowledge, and agree that if Annexation occurs and any of the other Conditions Precedent have not been fulfilled on or prior to the date that is two (2) years after the date of this Agreement, at the sole and absolute discretion of Developer, the Site shall be severed from the City pursuant to Iowa Code § 368.8. In the event Developer elects to sever the Site from the City, Developer shall provide written notice to the City, and the City Council of the City (the “Council”) shall pass the Resolution attached hereto and made a part hereof as Exhibit C. In the event of severance of the Site from the City, any and all of the terms of this Agreement shall be deemed null and void and of no force or effect whatsoever.

3. The Parties further understand that this agreement does not bind or require the City to establish a particular zoning or rezoning designation for this site, nor does it act as a waiver

or replacement for any statutory procedures in the rezoning or in any other approval process.

III.
CITY’S RIGHTS UPON ANNEXATION

1. The City shall not approve the Final Plat unless the Final Plat complies with Article IV below.

2. 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.

IV.
PLATTING PROCESS

Developer may, at a time of Developer’s choosing, undertake the official subdivision platting of the Site and shall do so pursuant to the procedures established by the statutes of the State of Iowa and the ordinances of the City. The Developer understands that a Final Plat must be approved by the City prior to initiating construction of buildings on the site. The City may establish specific requirements for Site improvements, as a condition for the approval of the Final Plat, and require a performance bond or other security for the completion of the improvements that are required to be performed by Developer in accordance with Article V below. The requirements of any improvements relative to the approval of any Final Plat may reiterate the provisions of this Agreement.

V.
IMPROVEMENTS

1. Streets and Street Improvements.

a. Developer shall dedicate and convey fee title for the rights-of-way of Lawrence Avenue and Norris Avenue (collectively, the “Future Right of Way”) as more specifically shown on the Infrastructure Plan to the City at no charge or cost to the City, which conveyance shall occur at the time the Final Plat is approved and filed of record. After the street improvements for the Future Right of Way have been completed consistent with the requirements of paragraph V(1)(c) below and certified and accepted by the Council pursuant to a Council resolution or other similar declaration.

b. Developer shall be responsible for constructing all planned improvements to

Lincoln Way beginning on the western end of the Site and extending to the intersection of Wilder Boulevard as generally shown in the Infrastructure Plan (the "Lincoln Way Street Improvements"), including the construction of a three (3) lane intersection on Lawrence Avenue at corner of Lincoln Way and Lawrence Avenue at the north entrance of the Site, which shall consist of one (1) lane into the Site, a left turn out of the Site, and a right turn out of the Site and any and all related improvements. The Lincoln Way Street Improvements shall be constructed in compliance with City ordinances and standards with regard to, among other things, width, depth, curbing, gutter, storm sewer pipe and structures, and street lights, and any other improvements associated with or related to the Lincoln Way Street Improvements, including, but not limited to, the Lincoln Way Water Main (as defined below) and Shared Use Path Improvements (as defined below).

- c. Developer shall be responsible for constructing the improvements to the Future Right of Way following its dedication that are necessary or required so that the Future Right of Way improvements comply with City ordinances and standards and comply with the preliminary plat and a public improvement plan that must be approved by the City Engineer.
 - d. Developer shall be responsible for constructing the paving and frontage improvements on S. 500th Avenue ("500th Avenue") directly adjacent to the Site as more specifically shown on the Infrastructure Plan (collectively, the "South 500th Avenue Improvements"). As a part of the South 500th Avenue Improvements, the frontage improvements shall be constructed in compliance with City ordinances and standards with regard to a 31-foot back to back width Collector Street for, among other things, width, depth, curbing, gutter, storm sewer pipe and structures, and street lights, and any other improvements associated with or related to the Street Improvements. The Developer may seek approval from the Municipal Engineer as part of the Final Plat an alternative street improvement in lieu of the 31-foot Collector street standard, but approval of the alternative improvements is subject to the discretion of the City.
 - e. Developer shall be responsible for paving 500th Avenue directly north of the Site until such point as 500th Avenue intersects with Lincoln Way as more specifically shown on the Infrastructure Plan (the "North 500th Avenue Improvements"). The North 500th Avenue Improvements shall comply with standards specified by Story County and Boone County.
2. Water Main Improvements.
- a. As a part of the Lincoln Way Street Improvements, a twelve (12) inch water main shall be installed as more specifically shown on the Infrastructure Plan across the frontage of Lincoln Way beginning at the western end of the Site and continuing until the point at which Lincoln Way intersects with Wilder Boulevard (the "Lincoln Way Water Main").

- b. The Developer shall provide cash in escrow to the City equal to the reasonably estimated costs for construction of a 16-inch water line along S. 500th Avenue. Upon payment of the cash in escrow the Developer shall have no further obligations for water improvements along S. 500th Avenue.
- c. The Final Plat shall show any water system improvements that will be constructed by Developer and located within the Site, and Developer shall grant to the City by executed instruments, without charge to the City, easements in a form mutually acceptable to the City and Developer, for maintenance of water system improvements; provided, however, that in no case shall the aforesaid easements be blanket in nature.

3. Sanitary Sewer Improvements.

- a. Developer shall install sanitary sewer improvements which shall consist of the extension of sanitary sewer (the “Sanitary Sewer Improvements”) from the City’s existing twelve (12) inch sanitary sewer south of Norris Avenue west to the point at which the west right-of-way of 500th Avenue begins as more specifically shown on Infrastructure Plan to serve the Site and to provide for future development of sanitary sewer west of 500th Avenue. As a part of the Sanitary Sewer Improvements, a sanitary sewer connection stub shall be provided to the real property commonly known as 5820 Lincoln Highway at the location generally shown in the Infrastructure Plan.
- b. Developer shall have the right to connect to the existing sanitary sewer located within Norris Avenue to serve the Site.
- c. The Final Plat shall show any sanitary sewer improvements that will be constructed by Developer and located within the Site, and Developer shall grant to the City by executed instruments, without charge to the City, easements in a form mutually acceptable to the City and Developer, for maintenance of such sanitary sewer improvements; provided, however, that in no case shall the aforesaid easements be blanket in nature.

4. Storm Sewers and Storm Water Management

- a. The Final Plat shall show any storm sewer improvements that will be constructed by Developer and located within the Site, and Developer shall grant to the City by executed instruments, without charge to the City, easements in a form mutually acceptable to the City and Developer, for maintenance of such storm sewer improvements; provided, however, that in no case shall the aforesaid easements be blanket in nature.
- b. As a part of North 500th Avenue Improvements, Developer shall install the stormwater improvements that may be necessary to comply with any applicable requirements of Boone County and/or Story County.

- c. As a part of the South 500th Avenue Improvements, storm sewer improvements shall be installed on the east side of 500th Avenue where 500th Avenue is directly adjacent to the Site.
- d. Developer shall be responsible for maintenance of the storm water management facilities and surface water flowage areas on the Site consistent with the requirements of Chapter 5b of the Ames Municipal Code. This requirement shall not be construed to include the City or require the City to be responsible for obligations associated with the current Drainage District responsibilities that apply to the site.

5. Sidewalks and Shared Use Paths

- a. As a part of the South 500th Avenue Improvements, a sidewalk shall be constructed along the eastern frontage of 500th Avenue directly adjacent to the Site.
- b. As a part of the Lincoln Way Street Improvements, a shared use path eight (8) feet in width shall be constructed along the Site's Lincoln Way frontage to connect to the western sidewalk at the intersection of Wilder Avenue (the "Shared Use Path Improvements"). The Shared Use Path shall be located within the Lincoln Way right-of-way unless an alternative location has been approved by the Municipal Engineer.

VI.
MODIFICATION OF AGREEMENT

The Parties agree that this Agreement may be modified, amended or supplemented by written agreement of the Parties.

VII.
SECURITY

Developer shall install, and dedicate to the City, as set forth herein, all public improvements required for approval of any or each plat of subdivision of the Site prior to approval of the Final Plat or execute an improvement agreement to guarantee the completion of all such required public improvements and provide to the City as security for the completion of that work, an "improvement guaranty" as stated in Section 23.409 of the Code.

VIII.
COVENANTS RUN WITH THE LAND

This Agreement shall run with the Site and shall be binding upon Developer, its successors 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.

IX.
INCORPORATION OF RECITALS AND EXHIBITS

The Recitals, together with any and all exhibits and/or other attachments hereto, are confirmed by the Parties as true and correct and incorporated herein by reference as if fully set forth verbatim. The Recitals, exhibits, and/or other attachments are a substantive, contractual part of this Agreement.

X.
MISCELLANEOUS

Time is of the essence in this Agreement. The failure to promptly assert any rights herein shall not, however, be a waiver of such rights or a waiver of any existing or subsequent default. To facilitate execution, this Agreement may be executed in as many counterparts as may be required and the Parties may execute facsimiles of this Agreement. It shall not be necessary that the signature on behalf of the Parties hereto appear on each counterpart. All counterparts shall collectively constitute a single Agreement.

XI.
JURY TRIAL WAIVER

THE PARTIES HERETO, AFTER CONSULTING OR HAVING HAD THE OPPORTUNITY TO CONSULT WITH COUNSEL, KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVE ANY RIGHT THEY MAY HAVE TO A TRIAL BY JURY IN ANY LITIGATION BASED ON OR ARISING OUT OF THIS AGREEMENT OR INSTRUMENT, OR ANY RELATED INSTRUMENT OR AGREEMENT, OR ANY OF THE TRANSACTIONS CONTEMPLATED HEREBY OR ANY COURSE OF CONDUCT, DEALING, STATEMENTS, WHETHER ORAL OR WRITTEN, OR ACTION OF ANY PARTY HERETO. NO PARTY SHALL SEEK TO CONSOLIDATE BY COUNTERCLAIM OR OTHERWISE, ANY SUCH ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED. THESE PROVISIONS SHALL NOT BE DEEMED TO HAVE BEEN MODIFIED IN ANY RESPECT OR RELINQUISHED BY ANY PARTY HERETO EXCEPT BY A WRITTEN INSTRUMENT EXECUTED BY ALL PARTIES.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be executed as of the Effective Date.

(SIGNATURE PAGE FOLLOWS)

**SIGNATURE PAGE OF
PRE-ANNEXATION AGREEMENT - TRINITAS AMES**

CITY OF AMES, IOWA

By: _____
Ann H. Campbell, Mayor

Attest by: _____
Diane R. Voss, City Clerk

STATE OF IOWA, COUNTY OF STORY, ss:

On this _____ day of _____, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Ann H. Campbell, Mayor, and Diane R. Voss, City Clerk, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary Public, State of Iowa
My commission expires _____

GEORGE BELITSOS

PETER Q. WOLFE

STATE OF IOWA, COUNTY OF STORY, ss:

This instrument was acknowledged before me on this _____ day of _____, 2017, by George Belitsos and Peter Q. Wolfe, a married couple.

Notary Public, State of Iowa
My commission expires _____

JOHN R. CRANE

STATE OF IOWA, COUNTY OF STORY, ss:

This instrument was acknowledged before me on this _____ day of _____, 2017, by John R. Crane, an unmarried person.

Notary Public, State of Iowa
My commission expires _____

EXHIBIT A
SITE - LEGAL DESCRIPTION

Parcel 1:

Lots 1 through 39 and A Street and B Street and the West 33.00 feet of said Northwest Quarter lying adjacent to the West line of said Lots 1-8, all in Seymour Heights Subdivision in the Northwest Quarter; all in Section 7. Township 83 North, Range 24 West of the 5th P.M., Story County. Iowa.

Parcel 2:

The West Half of the Northwest Quarter of Section 7, Township 83 North, Range 24 West of the 5th P.M., Story County. Iowa,

Except the South 40 Acres thereof, and

Except Seymour Heights Subdivision therein, and

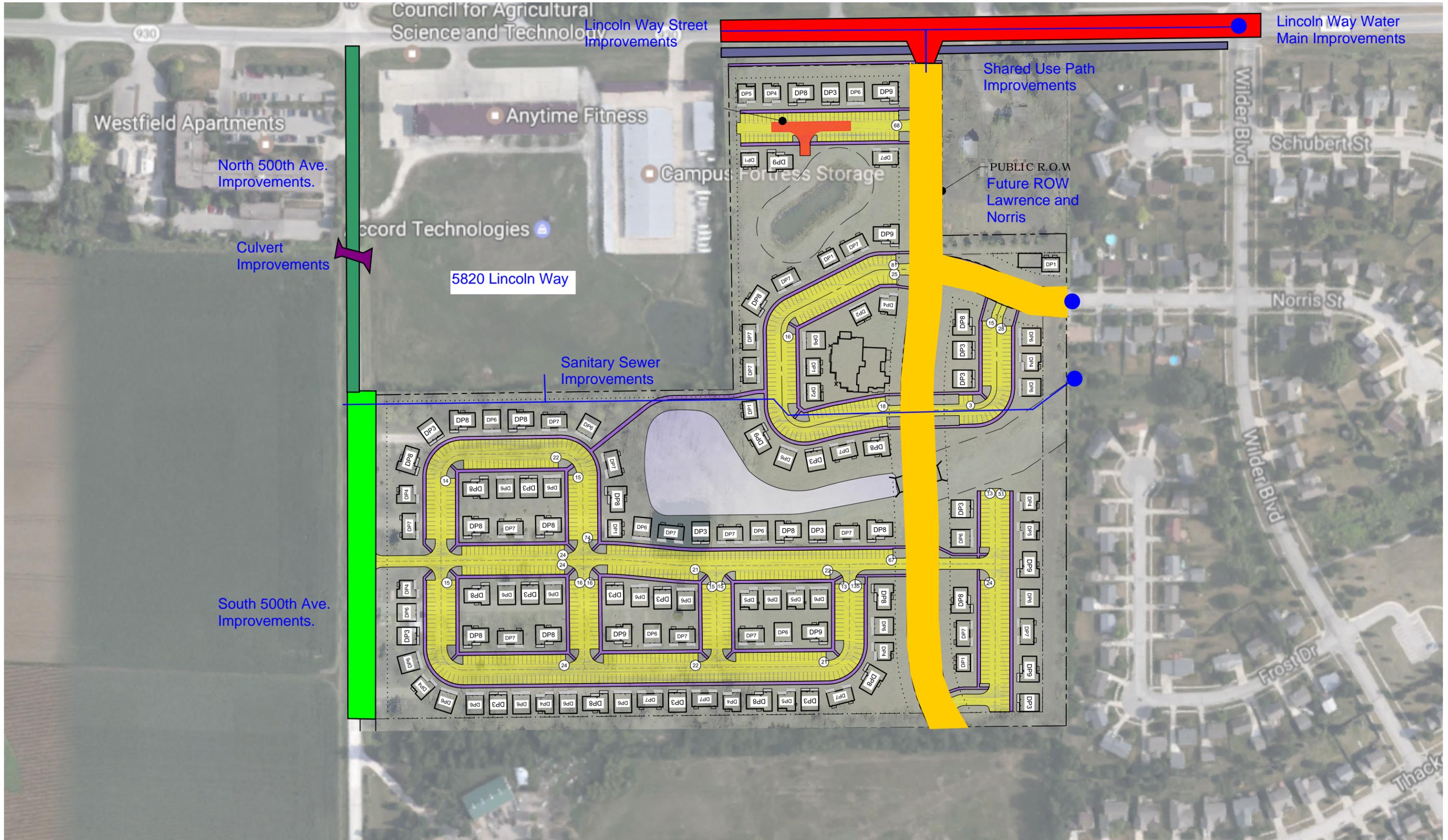
Except a tract of land described as follows: Beginning at the Northwest Corner of said Section 7; thence running East, 783 feet along the north line thereof; thence South, 747 feet; thence West, parallel with the North line of said Section 7, 791.65 feet to the West line of said Section 7; thence North. 747.05 feet along said West line to the point of beginning, and

Except a parcel described as follows: Commencing at the Northwest Corner of said Section 7; thence East, 1247 feet along the North line thereof; thence South 80 feet to the point of beginning; thence East 250 feet; thence S1*25W, 348.5 feet; thence West 250 feet; thence N1*25E, 348.5 feet to the point of beginning, and

Except all roadways and easements of record previously granted to the State of Iowa, Story County, Iowa, or others.

EXHIBIT B
INFRASTRUCTURE PLAN

EXHIBIT C
RESOLUTION



Council for Agricultural
Science and Technology
Lincoln Way Street
Improvements

Lincoln Way Water
Main Improvements

Shared Use Path
Improvements

Westfield Apartments
North 500th Ave.
Improvements.

Anytime Fitness

Campus Fortress Storage

PUBLIC R.O.W
Future ROW
Lawrence and
Norris

Record Technologies

5820 Lincoln Way

Culvert
Improvements

Sanitary Sewer
Improvements

South 500th Ave.
Improvements.

Wilder Blvd

Schubert St

Norris St

Wilder Blvd

Frost Dr

Thackeray St

COUNCIL ACTION FORM

SUBJECT: ZONING TEXT AMENDMENT TO REFORMAT THE MIXED USE PARKING STANDARDS FOR DOWNTOWN AND CAMPUSTOWN

BACKGROUND:

City staff has identified a needed clarification regarding Parking Standards for the “Mixed Use Development” parking requirements in Downtown and Campustown. The City has required parking with every residential use in these areas, but a change in formatting from 2010 appears to indicate no parking is required for a residential use within a mixed-use building. This change in formatting with no specified intent to change the meaning at the time has caused confusion recently amongst the development community on what standards are applicable.

The City has established parking rates within *Table 29.406(2) Minimum Off-Street Parking Requirements* for all uses with the City. An excerpt of the table is on the next page for reference to the standards. The parking requirements are based upon the type of use and its location within either the Campustown/Downtown (CSC/DSC) base zones or any of the other base zones. The CSC/DSC zoning districts have no required parking for most commercial and restaurant uses, in recognition of these two areas as older commercial districts with public parking and a pedestrian orientation, as having a lower need for on-site parking compared to newly developed areas of the City. However, both CSC and DSC require parking for household living units at a rate of 1 space per bedroom. **This standard has been in place since the new zoning ordinance was adopted in 2000 and all CSC/DSC development with apartment dwellings have provided parking at a rate of at least 1 space per apartment unit.**

Of concern to staff is the labeling of parking requirements for Downtown and Campustown for “Mixed Use Development”. A mixed use development is not a defined use type and has no specific parking standards. The City calculates parking for all sites based upon each principal use on a site, regardless of configuration of the site or building. However, the labeling of the table for CSC and DSC suggests that no parking for any use within a “mixed use development” is required, even for apartments. From tracking all the ordinance changes to the table, it appears that with Ord. #4030 creating CGS zoning standards and Ord. #4036 for changes to grocery store parking requirements created the formatting issued that now exists. **Staff believes this reference should be cleaned up to reflect the intent of the requirements to have no parking for commercial and to have parking for apartments, so as to avoid confusion for customers.**

Excerpts of Table 29.406 (2)

PRINCIPAL LAND USE	ALL ZONES EXCEPT DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES	DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES
APARTMENTS DWELLINGS	1.5 space/RU; for one-bedroom units 1 space/bedroom for units of 2 bedrooms or more 1.25 space/bedroom for units of 2 bedrooms or more in University Impacted (O-UIE and O-UIW) 1 space/residential unit for an Independent Senior Living Facility	1 space/RU
AUDITORIUMS, THEATERS, STADIUMS AND ARENAS	Greater of 1 space/5 seats or 10 spaces/1,000 sf, with a minimum of 20 spaces	Greater of 1 space/4 seats or 10 spaces/1,000 sf, with a minimum of 20 spaces
RETAIL SALES AND SERVICES-GENERAL	1 space/300 sf	NONE
SIT-DOWN RESTAURANT	9 spaces/1,000 sf	NONE
MIXED-USE DEVELOPMENT	Mixed-use development parking shall be determined as the sum of parking requirements of the individual use components	NONE*** <u>Mixed-use development parking shall be determined as the sum of parking requirements of the individual use components</u>

*****Proposed change is to copy the language used for all other zoning districts**

This table has been reformatted a number of times since its inception in 2000. There was an immediate amendment in 2000 to correct a mistake that actually required commercial parking to eliminate that references, residential was not changed. It was not until 2006 that the City created a distinct CSC zoning district and columns for CSC/ DSC were added to the table to distinguish them from other zones. The original 2006 (#3872) formatting with two columns left the rows empty within the DSC/CSC column where specific differences were not identified. It was in 2010 that the formatting of the column changed and the empty rows had the word "NONE". **At no time did the ordinances leading to these format changes specify that parking requirements were being altered in relationship to mixed use development.**

The Planning and Zoning Commission reviewed the text amendment at its January meeting. Two members of the public, Scott Renaud and Kurt Mackey, spoke against the proposed ordinance believing that parking is not required for apartment dwellings in Campustown and the current format of the Zoning Ordinance supports this idea. Much of the discussion revolved around the need to have parking with development in Campustown. **Ultimately, the Commission voted 4-1 to support staff's recommended clarification of the parking standards in Downtown and Campustown Service Center.** The Commission also made a motion (5-0) requesting the City Council initiate a study of parking in Downtown and Campustown to consider potential changes to the requirements.

ALTERNATIVES:

1. The City Council can adopt the proposed amendment to clarify the parking requirements for mixed use developments in the Downtown and Campustown Service Centers by adding language that clearly indicates, "mixed-use

development parking shall be determined as the sum of parking requirements of the individual use components”.

2. The City Council can recommend alternative language regarding parking requirements in the Campustown and Downtown Service Centers for mixed-use developments.
3. The City Council can decide to retain the existing language and not require any parking in the Campustown and Downtown Service Centers for mixed-use developments.

CITY MANAGER’S RECOMMENDED ACTION:

The proposed reformatting will help to clear up any confusion about parking requirements for mixed use developments and is consistent with the intent and practice of the City for the past 16 years. All the information gathered to date indicates the City Council never intentionally eliminated parking requirements in the Campustown or Downtown Service Centers. Consequently, the inclusion of the term “none” in Table 29.406(2) regarding parking standards in the Campustown and Downtown Service Centers was an error.

Therefore, it is the recommendation of the City Manager that the City Council adopted Alternative #1 to clarify mixed use parking requirements in the Campustown and Downtown Service Centers.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING TABLE 29.406(2) AND ENACTING A NEW TABLE 29.406(2) THEREOF, FOR THE PURPOSE OF REFORMATING THE MIXED USE PARKING STANDARDS FOR DOWNTOWN AND CAMPUSTOWN; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Table 29.406(2) and enacting a new Table 29.406(2) as follows:

**“Table 29.406(2)
Minimum Off-Street Parking Requirements**

PRINCIPAL LAND USE	ALL ZONES EXCEPT DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES	DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES
RESIDENTIAL DWELLINGS		
One and Two-Family and Single Family Attached (including Manufactured Homes outside RLP District)	2 spaces/Residential Unit (RU)	1 space/RU
Apartment Dwellings	1.5 space/RU; for one-bedroom units 1 space/bedroom for units of 2 bedrooms or more 1.25 space/bedroom for units of 2 bedrooms or more in University Impacted (O-UIE and OUIW) 1 space/residential unit for an Independent Senior Living Facility	1 space/RU
Dwelling House	1 space per bedroom	N/A
Family Home	2 spaces plus 1 space/2 full time staff members of the largest shift	NONE

Group Living		NONE
Nursing and convalescent homes	1 space/5 beds, plus 1 space/2 staff members of the largest shift	
College and University housing, fraternities and sororities	1 space/3 bed	
Mobile Home and Manufactured Home in Manufactured/Mobile Home Parks	2 spaces/Manufactured/Mobile Home Space plus 1 space for guest parking/4 Manufactured/Mobile Home Spaces	NONE
Short-Term Lodging Hotel/Motel, including ancillary uses	1 space/guest room; plus 6 spaces/1,000 sf of ballroom, meeting, bar and restaurant areas; plus 1 space/2 employees of the largest shift	1 space/guest room, plus 5 spaces/1,000 sf of ballroom, meeting, bar and restaurant areas; plus 1 space/2 employees of the largest shift
Boarding houses, rooming houses, and lodging houses	1 space/bed	0.5 space/bed
OFFICE		
Medical/Dental office	1 space/143 sf where there is no agreement for shared parking; 1 space/200 sf where there is an agreement for shared parking or for medical facilities that exceed 50,000 sf	NONE
Other office	1 space / 300 sf	NONE
TRADE AND WHOLESALE		
Wholesale Trade	1 space/500 sf	NONE
Printing	1 space/200 sf of retail area; plus 1 space/2 employees on largest shift; plus 1 space/company vehicle	NONE
Fuel Sale/Convenience Stores	1 space/200 sf; spaces at fuel pump islands may be counted towards this requirement	NONE
Retail Sales and Services-General	1 space/300 sf	NONE
Display store (furniture, appliances, carpets, etc.)	1 space/500 sf	NONE
Financial institution (freestanding or as ground level service area)	Ground level: 1 space/250 sf; other than ground level: 1 space/300 sf	NONE
Entertainment and Recreation Trade	14 spaces/1,000 sf	NONE
Sit-Down Restaurant	9 spaces/1,000 sf	NONE

Fast food restaurant	12 spaces/1,000 sf in dining or waiting area, or 1 space/2 employees if no seating	NONE
Recreation facility, health club	5 spaces/1,000 sf	NONE
Enclosed tennis, handball, racquetball or squash courts	4 spaces/court plus 1 space/200 sf for rest of building	NONE
Bowling Alley	5 spaces/lane. Bar, restaurant and other uses shall provide parking according to the requirement for that use	NONE
INSTITUTIONAL AND MISCELLANEOUS USES		
Auditoriums, theaters, stadiums and arenas	Greater of 1 space/5 seats or 10 spaces/1,000 sf, with a minimum of 20 spaces	Greater of 1 space/4 seats or 10 spaces/1,000 sf, with a minimum of 20 spaces
Places of Worship	When seating is provided in main auditorium: 1 space/4 seats, exclusive of Sunday School and other special areas. When seating is not provided in main auditorium: 1 space/60 sf of worship area	NONE
Private clubs, fraternal organizations, libraries, museums and community buildings	1 space/200 sf	NONE
Funeral Home/Mortuary	1 space/50 sf in slumber rooms, parlors and funeral service rooms	NONE
Vehicle Service Facilities Fuel Sales Only Service/Repair Facilities	3 spaces plus 1/employee 3 spaces plus 2 spaces/service bay	NONE
Car Wash	2 spaces plus 5 stacking spaces/washing bay	NONE
Motor vehicle sales and service	2 spaces plus 1 space/500 sf over 1,000 sf in the showroom, plus 2 spaces/service bay	NONE
Heliport or helicopter landing area	Greater of 1 space/employee or 2 spaces/1,000 sf of patron area, but not less than 10 spaces	NONE
Hospital/medical center	1 space/2 beds plus 1 space/2 staff members of the largest shift	NONE
Schools primarily serving children younger than age 16	Greater of 2 spaces/classroom or 1 space/4 seats in auditorium	NONE
High schools and universities	Greater of 1 space/2 students; or 10 spaces/classroom; or 1 space/4 seats in auditorium	4 spaces/classroom
Sports Practice Facility	2 spaces/1,000 sq ft of gross floor area	2 spaces/1,000 sq ft of gross floor area
INDUSTRIAL		

Industrial Service, Manufacturing and Production, Resource Production and Extraction	1 space/500 sf plus 1/space/company vehicle	NONE
Warehouse	One (1) parking space per 5,000 sq.ft.	NONE
MIXED-USE DEVELOPMENT	Mixed-use development parking shall be determined as the sum of parking requirements of the individual use components	Mixed-use development parking shall be determined as the sum of parking requirements of the individual use components

”

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

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

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

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

COUNCIL ACTION FORM

SUBJECT: **ZONING TEXT AMENDMENTS RELATING
TO CHILD CARE AS A HOME OCCUPATION**

BACKGROUND:

The City Council, at the request of staff, initiated a text amendment to Home Occupation regulations (Section 29.1304 of the Municipal Code) regarding the various types of home child care facilities. All child care facilities within Ames require either a Special Home Occupation Permit or Special Use Permit, depending on the type of business. The Zoning Board of Adjustment currently conducts a public hearing for each application as the approval authority.

The proposed amendments address two primary issues. The first issue is to align the definition of the child care facilities to the state licensing categories to assist in communicating permit requirements to applicants. The second issue is an effort to streamline the review process and make the smaller child care homes a Permitted Home Occupation approved by staff, rather than a Special Home Occupation. Larger child care facilities would still be subject to Zoning Board of Adjustment approval. The two amendments would help to clarify and streamline the process for establishing a home child care business.

Within the past year, a local advocate of child care providers asked for staff to review the approval process in Ames compared to state requirements. Ames's limit on the number of children does not coincide completely with state licensing regulations for home child care. The City regulations limit all home child care facilities to 11 children while state regulations have limits ranging from 5 to 16 children. The state limits vary based on a number of factors such as age of children; number, age, and education of providers; and hours of care. A full description of the state licensing categories is included as Attachment B.

The amendments are intended to allow two types of child care provider categories to be approved as Permitted Home Occupations by staff. These two types are:

- 1) Unlicensed child care facilities with a maximum capacity of 5 children that are not required to be registered with the state department of human services, and
- 2) Licensed child care facilities with a maximum capacity of 8 children that are registered with the state department of human services as a "Child Development Home A" or as a "Child Development Home C (1 Provider)."

The state department of human services recognizes two other types of home child care facilities, known as "Child Development Home B," and "Child Development Home C (2 Providers)." These allow for up to 12 and 16 children, respectively, provided there is an additional provider present. The state also regulates the minimum age of the provider

and sets specific limits for the number of children of particular ages in each facility. The amendments do not modify the approval process for these types of homes and they will continue to require approval as a Special Home Occupation.

One additional state category is “Licensed Center.” The City currently allows these in most residential zoning districts with a Special Use Permit and in commercial zoning districts with minor development site plan. These types of facilities are not home occupations because of the size and nature of the operations.

An additional change with the proposed ordinance removes the adult day care facility from the paragraph of home child care facilities and lists it out separately. This is done for clarity and has no impact on the regulations.

The existing ordinance and the proposed changes in bold and strike out are found in Attachment A.

Planning and Zoning Commission Recommendation:

At the meeting of January 18, 2017, the Planning and Zoning Commission recommended approval of the proposed amendments 5-0. The Commission discussed several aspects, including whether the State has ever changed the requirements or limitations on home day care providers and whether the city can pass regulations more stringent than the state. No one in the audience spoke in favor or in opposition.

ALTERNATIVES:

1. The City Council can adopt the proposed amendments regarding home child care facilities.
2. The City Council can decline to adopt the proposed amendments regarding home child care facilities.
3. The City Council can recommend alternative language for the proposed amendments home day care facilities to return at a later meeting.

CITY MANAGER’S RECOMMENDED ACTION:

These changes are intended to reduce the application process burden on the smaller home day care providers that regularly needed to seek approval from the Zoning Board of Adjustment. The Zoning Board of Adjustment has routinely approved these types of applications with little to no public comments or conditions on the projects. The City processes about two applications a year on average. The proposed amendment retains City authority to review and approve, or conditionally approve, an application if there are unique circumstances for providers. The Home Occupation permit is also cheaper for the applicant and saves City staff resources required for processing ZBA cases.

Therefore, it is the City Manager’s recommendation that the City Council act in accordance with Alternative #1.

ATTACHMENT A: EXISTING AND PROPOSED LANGUAGE

Sec. 29.1304. HOME OCCUPATIONS.

This Section is intended to protect residential areas from potential adverse impacts of activities defined as home occupations; to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementing of personal/family income; to restrict incompatible uses; to establish criteria and develop standards for the use of residential structures or dwelling units for home occupations. It is not the intent to eliminate certain businesses and occupations that may be compatible with residential areas.

(1) Permitted, Special and Prohibited Home Occupations.

(a) The following are Permitted Home Occupations:

- (i) Home sewing or tailoring;
- (ii) Studios for painting, sculpturing, ceramics or other similar arts;
- (iii) Writing or editing;
- (iv) Telephone answering, scheduling of appointments, and other office activities where there are limited visits to the home;
- (v) Production of crafts such as handiwork, model-making, weaving, lapidary, and cabinet-making for the purpose of selling the product;
- (vi) Tutoring and giving lessons, limited to 4 students at any one time;
- (vii) Catering, home-cooking and preserving for the purpose of selling the product;
- (viii) Computer programming, services provided over the Internet and other similar activities;
- (ix) Mail order businesses where products are shipped directly from the supplier to the customer; and
- (x) Offices for architects and engineers.
- (xi) Home child care providers designated by the state department of human services as either Non-Registered Home, Child Development Home "A", or Child Development Home "C" (1 Provider).**

(b) The following are Special Home Occupations:

- (i) **Home child care providers designated by the state department of human services as either Child Development Home "B", or Child Development Home "C" (2 Providers). Child care providers designated by the state department of human services as a "Licensed Center" are not eligible for approval as a Home Occupation.** ~~Family day care home for the care of six or fewer preschool children and for the care of five or fewer school age children. The care of school age children shall be limited to before and after school care for less than two hours at a time. Or in the alternative a day care home for the care of six or fewer adults;~~
- (ii) Home adult day care for the care of no more than six adults (not permanent residents).**
- (iii) Physicians and other licensed medical practitioners;
- (iv) Barbershops and beauty parlors;
- (v) Small repair shops (including small appliances, mower repair, blade sharpening and similar uses);
- (vi) Real estate and related services;
- (vi) Insurance agents;

- (viii) Bed-and-breakfast operations;
- (ix) Home professional offices, lawyers and members of similar professions, and
- (x) All other activities not included on either the permitted or prohibited list.

(c) The following are prohibited Home Occupations;

- (i) Animal hospitals;
- (ii) Dancing studios or exercise studios;
- (iii) Private clubs;
- (iv) Restaurants;
- (v) Stables and kennels;
- (vi) Repair or painting of motor vehicles, including motorcycles; and
- (vii) Firearm sales



Child Care Provider Portal

Home

Requirements for the Different Types of Child Care Providers in Iowa

	Non-Registered Home	Child Development Home A	Child Development Home B	Child Development Home C (2 Providers)	Child Development Home C (1 Provider)	Licensed Center
State Regulated	✔	✔	✔	✔	✔	✔
Maximum Capacity	5*	8*	12*	16*	8*	*Varies by licensing
Facility & Records Inspection	Once per fiscal year	Once per fiscal year	Once per fiscal year	Once per fiscal year	Once per fiscal year	Once per year, full review every 2 years
Minimum age of caregiver	18 yrs	18 yrs	20 yrs	21 yrs	21 yrs	Lead teacher 18 yrs
Iowa child abuse registry check	✔	✔	✔	✔	✔	✔
Iowa criminal records check	✔	✔	✔	✔	✔	✔
National criminal records check	✔	✔	✔	✔	✔	✔
Experience required			2 years or 1 year with a child related degree	5 years or 4 years with a child related degree	5 years or 4 years with a child related degree	A combination of experience and education
Minimum education required			High school or GED	High school or GED	High school or GED	Lead teacher high school or GED
Non-smoking environment	✔	✔	✔	✔	✔	✔

Fire extinguisher & smoke detectors						
2 direct exits						
Space requirements						
Quiet area for sick children						
Reference letters		Provide 3 letters of reference				

- ◆ A home provider's own preschool children ARE included in their legal capacity. Their school-age children are not unless they are being home-schooled.
- ◆ Child Development Home A: Limit of 6 preschool children with a maximum of 4 aged 24 months or younger. Of these no more than 3 can be 18 months of age or younger. They can also care for 2 school-agers for less than 2 hours at a time.
- ◆ Child Development Home B: Limit of 6 preschool children with a maximum of 4 children aged 24 months or younger. Of these no more than 3 can be 18 months of age or younger. They can care for 4 school-agers (which can be full-time when school is not in session.) 2 additional part-time preschool or school-age children can be in care for a total of no more than 180 hours per month. When there are more than 8 children are present for more than 2 hours, an assistant 14 years or older needs to be present.
- ◆ Child Development Home C (2 providers): Limit of 12 preschool children with a maximum of 4 aged 24 months or younger. They can care for 2 school-agers for less than 2 hours at a time. 2 additional part-time preschool or school-age children can be in care for a total of no more than 180 hours per month. Whenever there are more than 8 children or if 4 children 18 months of age or younger are present, the business co-provider needs to be present.
- ◆ Child Development Home C (1 provider): Limit of 8 children with a maximum of 4 aged 24 months or younger. Of these no more than 3 can be 18 months of age or younger.
- ◆ Center and preschool staff to children ratios: babies up to 23 months 1:4; 2 year olds 1:6; 3 year olds 1:8; 4 year olds 1:12; 5 year olds and older 1:15.
- ◆ Record checks are required for household members age 14 and older.
- ◆ Child abuse registry checks are required for household members age 14 and older.

If you have concerns about any child caregiver, contact your county Department of Human Services.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SUBSECTION 29.1304(1)(a)(xi) AND REPEALING SUBSECTION 29.1304(1)(b) AND ENACTING A NEW SUBSECTION 29.1304(1)(b) THEREOF, FOR THE PURPOSE OF ALLOWING HOME CHILD CARE AS A PERMITTED HOME OCCUPATION ; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Subsection 29.1304(1)(a)(xi) and repealing Subsection 29.1304(1)(b) and enacting a new Subsection 29.1304(1)(b) as follows:

“Sec. 29.1304. HOME OCCUPATIONS.

...

(1) Permitted, Special and Prohibited Home Occupations.

(a) The following are Permitted Home Occupations:

...

(xi) Home child care providers designated by the state department of human services as either Non-Registered Home, Child Development Home “A”, or Child Development Home “C” (1 Provider).

(b) The following are Special Home Occupations:

(i) Home child care providers designated by the state department of human services as either Child Development Home “B”, or Child Development Home “C” (2 Providers). Child care providers designated by the state department of human services as a “Licensed Center” are not eligible for approval as a Home Occupation.

(ii) Home adult day care for the care of no more than six adults (not permanent residents).

(iii) Physicians and other licensed medical practitioners;

(iv) Barbershops and beauty parlors;

(v) Small repair shops (including small appliances, mower repair, blade sharpening and similar uses);

(vi) Real estate and related services;

(vi) Insurance agents;

(viii) Bed-and-breakfast operations;

(ix) Home professional offices, lawyers and members of similar professions, and

(x) All other activities not included on either the permitted or prohibited list. ”

...

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

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

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

COUNCIL ACTION FORM

SUBJECT: 2016/17 ASPHALT STREET PAVEMENT IMPROVEMENTS (NORTHWOOD DRIVE, THOMPSON DRIVE, TRAIL RIDGE ROAD, TRAIL RIDGE CIRCLE, AND IDAHO AVE) & 2016/17 WATER SYSTEM IMPROVEMENTS PROGRAM #2 – WATER MAIN REPLACEMENT

BACKGROUND:

The Asphalt Street Pavement Improvements is the annual program for reconstruction and resurfacing (rehabilitation) of asphalt streets, typically located within residential neighborhoods. Streets within residential subdivisions have been installed using full-depth asphalt pavement since mid-1970. Full-depth replacement of these streets has become necessary due to structural pavement failure. Rehabilitation of existing asphalt streets is possible where the base asphalt layer is solid, but the surface course has failed.

The locations for this project include **Northwood Drive** (Duff Avenue to west of Thompson Drive), **Thompson Drive** (Kellogg Avenue to north circle), **Trail Ridge Road**, **Trail Ridge Circle**, and **Idaho Avenue** (Ontario Street to north circle). This pavement work will also be coordinated with water main replacement and service transfers on Northwood Drive, Trail Ridge Road, Trail Ridge Circle, and Westwood Drive. The programs have been combined into one project due to the shared locations of the work.

On March 1, 2017, bids for the project were received as follows:

<i>Bidder</i>	<i>Base Bid Amount</i>	<i>Add Alternate</i>
Engineer's estimate	\$1,844,023.00	\$53,360.00
Manatt's Inc.	\$1,715,631.41	\$51,815.33

The add alternate includes additional pavement reconstruction along Thompson Drive from Kellogg Avenue to Northwood Drive.

Expenses:

Upon consideration of the funding available for the project, staff is recommending the selection of the Base Bid along with the Add Alternate. The total amounts with the Add Alternate are as follows:

<i>Bidder</i>	<i>Total Bid Amount</i>
Engineer's estimate	\$1,897,383.00
Manatt's Inc.	\$1,767,446.74

Engineering and administration costs are estimated to be \$265,117 bringing the total estimated project costs to \$2,032,563.74.

Funding:

2016/17 Asphalt Street Pavement Improvements	\$1,250,000
2016/17 Water System Improvements	\$ 815,000
Previous Project Savings:	
Water System Improvements	\$ 25,947
Sanitary Sewer Rehabilitation	\$ 43,125
Total available funding	\$2,134,072

ALTERNATIVES:

1. a. Accept the report of bids for the 2016/17 Asphalt Street Pavement Improvements (Northwood Drive, Thompson Drive, Trail Ridge Road, Trail Ridge Circle, and Idaho Ave) & 2016/17 Water System Improvements Program #2 – Water Main Replacement
 - b. Approve the final plans and specifications for this project.
 - c. Award the 2016/17 Asphalt Street Pavement Improvements (Northwood Drive, Thompson Drive, Trail Ridge Road, Trail Ridge Circle, and Idaho Ave) & 2016/17 Water System Improvements Program #2 – Water Main Replacement to Manatt's Inc. of Ames, Iowa, in the amount of \$1,767,446.74.

2. a. Accept the report of bids for the 2016/17 Asphalt Street Pavement Improvements (Northwood Drive, Thompson Drive, Trail Ridge Road, Trail Ridge Circle, and Idaho Ave) & 2016/17 Water System Improvements Program #2 – Water Main Replacement
 - b. Reject award and direct staff to modify the project for a future bid letting.

3. Do not proceed with the project at this time.

MANAGER'S RECOMMENDED ACTION:

By awarding this project, it will be possible to improve the reliability of the water system and to improve both water quality and street quality for our citizens in these areas.

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

COUNCIL ACTION FORM

**REQUEST: **ASSIGNING WARDS AND PRECINCTS
FOLLOWING VARIOUS ANNEXATIONS****

BACKGROUND INFORMATION:

Following an annexation, the City needs to assign the newly annexed territory to the appropriate ward and precinct for local election purposes as required by *Code of Iowa*, Section 49.8. In most instances, the territory is assigned to the immediately adjacent ward and precinct. However, state law also allows newly annexed territory to be designated its own precinct provided that there are no fewer than fifty registered voters. None of the annexed territory yet contains that number of voters.

The current ward and precinct boundaries are found in Chapter 6 of the *Ames Municipal Code* and were adopted in 2011 following the 2010 decennial census. Since that adoption, seven territories have been added that need assigning to the appropriate wards and precincts. The attached ordinance assigns the following recent annexations to adjacent wards and precincts as described below.

1. Territory annexed by Resolution #13-585 on 12/30/13 (Quarry Estates, Hayden's Crossing on Hyde Avenue) is attached to Ward 2, Precinct 5;
2. Territory annexed by Resolution #13-589 on 12/30/13 (Scenic Valley on George Washington Carver Avenue) is attached to Ward 2, Precinct 5;
3. Territory annexed by Resolution #14-369 on 6/24/14 (ISU Research Park and S Riverside Drive) is attached to Ward 1, Precinct 1;
4. Territory annexed by Resolution #15-442 on 7/14/15 (Scenic Point on George Washington Carver Avenue) is attached to Ward 2, Precinct 5;
5. Territory annexed by Resolution #15-444, 7/14/15 (Village Park on 530th Avenue) is attached to Ward 3, Precinct 1;
6. Territory annexed by Resolution #15-752 on 12/22/15 (Crane Farm on 500th Avenue) is attached to Ward 3, Precinct 4;
7. Territory annexed by Resolution #16-219 on 4/26/16 (Birch Meadows on Ontario Street) is attached to Ward 3, Precinct 5.

A map is included in Attachment 1.

Please note that the assignments of three other territories still in the pipeline will be brought forward when the annexation is final (that is, when it is recorded with the Story County Recorder). These are the East Industrial on East Lincoln Highway (approval expected by the City Development Board on March 8 and filed in the County Recorder's office in April), Auburn Trail on Hyde Avenue (approval expected by the City Development Board on April 12 and filed in the County Recorder's office in May), and Trinitas on West Lincoln Highway (approval expected by the City Council in March and filed in the County Recorder's office later this month).

ALTERNATIVES:

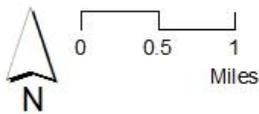
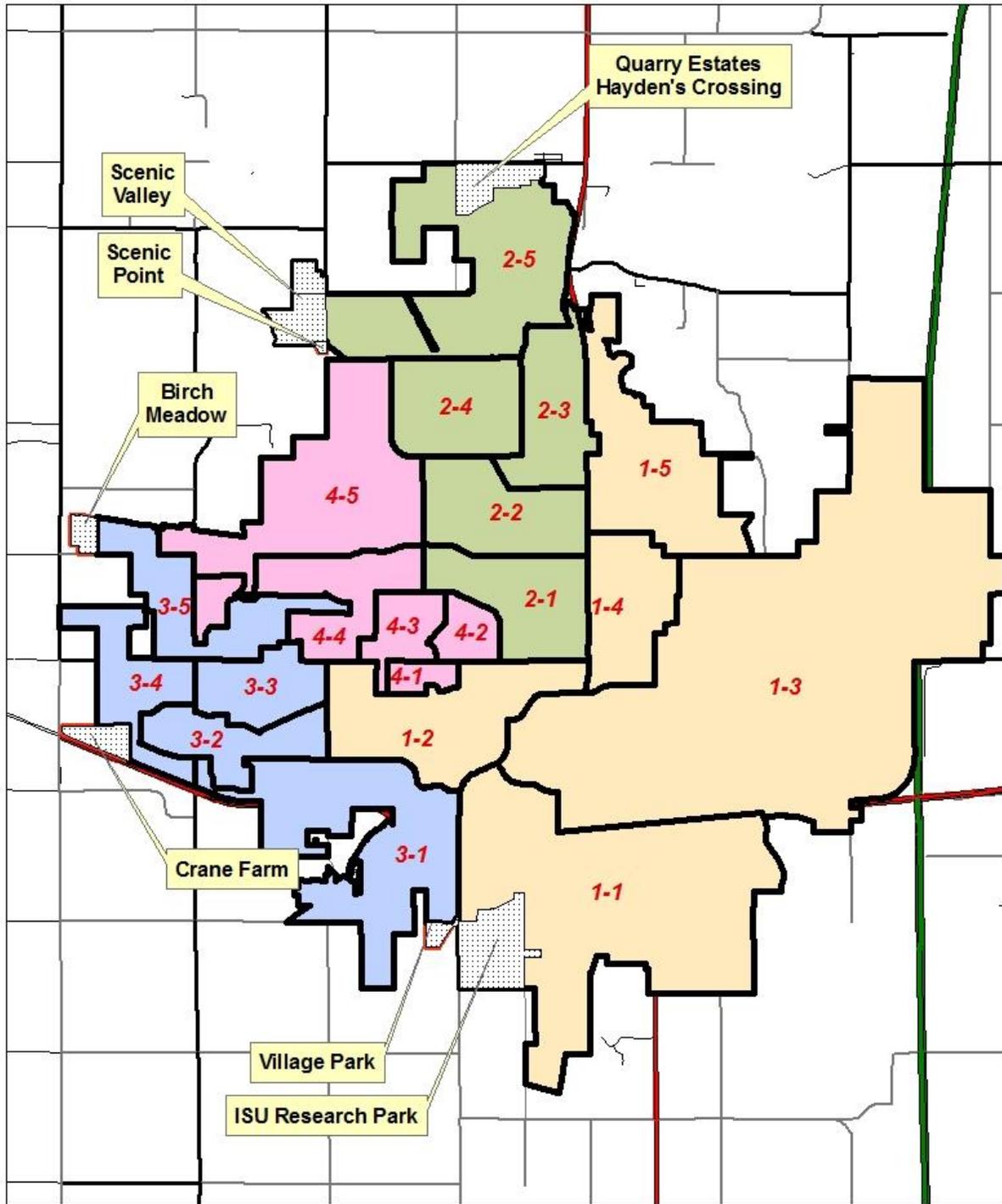
1. The City Council can approve the assignments of recently annexed territories to their appropriate ward and precinct.
2. The City Council can defer action on this request and refer it back to City staff with specific direction.

MANAGER'S RECOMMENDED ACTION:

Territories annexed by the City need, by ordinance, to be assigned to the appropriate ward and precinct. There is little to no discretion in the assignments since the wards and precincts have to be contiguous. While some recently annexed areas are experiencing quick population growth with residential construction underway, the City will only be able to rebalance the populations of precincts following the 2020 decennial census.

The City Council will note that denial is not a listed alternative. The *Code of Iowa* requires annexed territories to be assigned to a precinct or they may become their own precinct. In these instances, the populations of the newly annexed territories are not enough for a new precinct. **Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to approve the assignments of recently annexed territories to their appropriate ward and precinct.** If approved, the ordinance will be recorded and the County Commissioner of Elections will notify the residents of their new voting locations.

ATTACHMENT 1: CURRENT WARDS AND PRECINCTS WITH NEW TERRITORIES



ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 6.14 AND ENACTING A NEW SECTION 6.14 THEREOF, FOR THE PURPOSE OF UPDATING WARDS AND PRECINCTS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 6.14 and enacting a new Section 6.14 as follows:

“Sec. 6.14. ANNEXATIONS.

Pursuant to Section 49.8(2) Code of Iowa, territory annexed to the City of Ames is attached to established precincts that are contiguous to the annexed territory as follows:

- (1) Territory annexed by Resolution #13-585, 12/30/13 (Quarry Estates, Hayden’s Crossing on Hyde Avenue) is attached to Ward 2, Precinct 5;
- (2) Territory annexed by Resolution #13-589, 12/30/13 (Scenic Valley on George Washington Carver Avenue) is attached to Ward 2, Precinct 5;
- (3) Territory annexed by Resolution #14-369, 6/24/14 (ISU Research Park and S. Riverside Drive) is attached to Ward 1, Precinct 1;
- (4) Territory annexed by Resolution #15-442, 7/14/15 (Scenic Point on George Washington Carver Avenue) is attached to Ward 2, Precinct 5;
- (5) Territory annexed by Resolution #15-444, 7/14/15 (Village Park on 530th Ave) is attached to Ward 3, Precinct 1;
- (6) Territory annexed by Resolution #15-752, 12/22/15 (Crane Farm on 500th Avenue) is attached to Ward 3, Precinct 4;
- (7) Territory annexed by Resolution #16-219, 4/26/16 (Birch Meadows on Ontario Street) is attached to Ward 3, Precinct 5.”

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

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

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor