

**\*AMENDED\***  
**AGENDA**  
**REGULAR MEETING OF THE AMES CITY COUNCIL**  
**COUNCIL CHAMBERS - CITY HALL**  
**APRIL 11, 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.

**PROCLAMATIONS & PRESENTATIONS:**

1. Proclamation for "Making Democracy Work Day and Judie Hoffman Honoree Day," April 22, 2017
2. Proclamation for "National Public Safety Telecommunicators Week," April 9-15, 2017
3. Proclamation for "Fair Housing Month," April 2017
4. Presentation of "A Home for Everyone Award" by Ames Human Relations Commission

**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.

5. Motion approving payment of claims
6. Motion approving Minutes of Special Meeting of March 21, 2017, and Regular Meeting of March 28, 2017
7. Motion approving Report of Contract Change Orders for March 16-31, 2017
8. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor – Dangerous Curves, 111 5<sup>th</sup> Street
  - b. Class C Liquor & Outdoor Service – Brick City Grill, 2704 Stange Road
  - c. Class C Liquor & Outdoor Service – Cyclone Experience Network, Hilton Coliseum
9. Motion approving new Special Class C Liquor License & Class B Native Wine Permit for Smokin Oak Wood-fired Pizza, 2420 Lincoln Way (pending final inspection)
10. Motion approving temporary Outdoor Service Privilege (April - Oct. 31) for Café Beau, 2504 Lincoln Way
11. Motion approving temporary Outdoor Service Privilege for Tip Top Lounge, 201 E. Lincoln Way, for the following dates:
  - a. May 18-19, 2017
  - b. June 1-2, 2017
  - c. June 15-16, 2017
  - d. June 29-30, 2017
  - e. July 13-14, 2017
  - f. July 27-28, 2017
  - g. August 10-11, 2017
  - h. August 24-25, 2017
12. Resolution approving appointment of Andrew Mott to Building Board of Appeals

13. Resolution authorizing temporary increase in staffing level in Police Department for sworn personnel
14. Resolution approving Forfeiture Funds Agreement with Story County Attorney's Office
15. Resolution approving Fiscal Agency Memorandum of Agreement with Ames Foundation in support of police outreach, officer safety, and training enhancements
16. Resolution proposing sale of 1201 Dayton Avenue by Mary Greeley Medical Center to Manatt's, Inc., and setting date of public hearing for April 25, 2017
17. Resolution approving 2017/18 Ames Annual Outdoor Sculpture Exhibition selections
18. Resolution approving closure of portion of Hayward Avenue, between Mortensen Road and Storm Street, from 8:00 a.m. to 4:00 p.m. for NCAA Cross Country Regional on Friday, November 10, 2017
19. Requests from ISU Homecoming Central Committee for ISU Homecoming Parade on Sunday, October 22:
  - a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for event activities
  - b. Resolution approving closure of portions of Pearle Avenue, Fifth Street, Main Street, Clark Avenue, Burnett Avenue, Kellogg Avenue, and Douglas Avenue from 12:00 p.m. and 4:00 p.m.
  - c. Resolution approving closure of parking on portions of Pearle Avenue, Fifth Street, Main Street, Clark Avenue, Burnett Avenue, Kellogg Avenue, Douglas Avenue, Depot Lot TT, City Hall Parking Lot M, and City Hall Parking Lot MM from 12:00 p.m. to 4:00 p.m.
  - d. Resolution approving waiver of fee for usage of electricity
  - e. Resolution approving waiver of fee for Vending License
20. Resolution approving preliminary plans and specifications for Water Pollution Control Facility Structural Rehabilitation Project; setting May 10, 2017, as bid due date and May 23, 2017, as date of public hearing
21. Resolution approving preliminary plans and specifications for Water Pollution Control Primary Clarifier Painting Project; setting May 10, 2017, as bid due date and May 23, 2017, as date of public hearing
22. Resolution approving preliminary plans and specifications for Scaffolding and Related Services and Supplies for Power Plant; setting May 11, 2017, as bid due date and May 23, 2017, as date of public hearing
23. Resolution approving preliminary plans and specifications for Specialized Wet Dry Vacuum, Hydro Blast, and Related Cleaning Services for Power Plant; setting May 11, 2017, as bid due date and May 23, 2017, as date of public hearing
24. Resolution approving single-source procurement of CyRide bus shelters from Columbia Equipment Company, Inc., of Freeport, New York, in the amount of \$112,013
25. Resolution awarding contract for 2017/18 Concrete Crushing to Reilly Construction Co., Inc., of Ossian, Iowa, in the amount of \$51,000
26. Resolution awarding contract for purchase of 750 KCMIL Cable to WESCO Distribution of Des Moines, Iowa, in the amount of \$81,919.20 (inclusive of Iowa sales tax), subject to metals adjustment at time of order
27. Resolution approving renewal of contract for 2017/18 Custodial Services at City Hall/Community Center
28. Resolution approving renewal of contract for 2017/18 Custodial Services at Public Library
29. Resolution approving renewal of contract for 2017/18 Hauling and Related Services from Resource Recovery Plant to Boone County Landfill
30. Resolution approving renewal of contract with RESCO for purchase of Electric Services transformers

31. Resolution approving contract and bond for 2016/17 U.S. Highway 69 Improvements Program (South Duff Avenue Safety & Access Project)
32. Resolution approving contract and bond for 2015/16 & 2016/17 Seal Coat Street Pavement Improvements
33. Resolution approving contract and bond for 2015/16 Sanitary Sewer Rehabilitation (Sanitary Sewer Lining)
34. Resolution approving contract and bond for 2015/16 Low-Point Drainage Improvement Program (Westwood Drive)
35. Resolution approving contract and bond for Ames Municipal Cemetery Service Line Replacement
36. Resolution approving Change Order No. 1 for Power Plant Control System Support Services
37. Resolution approving Change Order No. 1 for Valve Maintenance and Related Services and Supplies for Power Plant
38. Resolution approving Plat of Survey for 1100 Adams Street and 3805 and 3815 Calhoun Avenue
39. Aspen Park Subdivision, Third Addition:
  - \***Additional Item:** Resolution proposing vacation of Access Easement and setting date of public hearing for April 25, 2017
  - b. Resolution approving Final Plat

**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.

**HEARINGS:**

40. Hearing on zoning text amendment relating to solar energy systems in General Industrial zoned areas:
  - a. First passage of ordinance
41. Hearing on Amendment to Major Site Development Plan for Aspen Heights Development (3306 and 3326 Lincoln Way and 117, 127, and 137 S. Wilmoth Avenue):
  - a. Resolution approving Amendment to include sign program for residential signs to meet a condition of original site plan approval
42. Hearing on 2015/16 West Lincoln Way Intersection Improvements (Franklin Avenue):
  - a. Motion accepting report of bids and delaying award of contract
43. Hearing on North/South River Valley Parks Softball Infield Renovation:
  - a. Resolution approving final plans and specifications and awarding contract to Iowa Cubs Sports Turf Management of Des Moines, Iowa, in the amount of \$108,900
44. Hearing on CyRide Paving Renovations 2017 Project:
  - a. Resolution approving final plans and specifications and awarding contract to JAS Construction, LLC, of Altoona, Iowa, in the amount of \$62,891

**PLANNING & HOUSING:**

45. Staff Report regarding Lincoln Corridor Plan
46. Staff Report regarding Landscape Standards
47. Staff Report regarding text amendment for definition of pre-existing two-family homes

**ORDINANCES:**

48. Second passage of ordinance setting parking regulations and establishing speed limit for Collaboration Place in ISU Research Park
49. Second passage of ordinance setting parking regulations and establishing speed limit for Plaza Loop in ISU Research Park
50. Second passage of ordinance pertaining to Signs under Chapter 21.122(1)c and Chapter 21.125(6)
51. Third passage and adoption of ORDINANCE NO. 4297 assigning recently approved annexed areas to Wards and Precincts

**COUNCIL COMMENTS:**

**ADJOURNMENT:**

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



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

**AMES, IOWA**

**MARCH 21, 2017**

The Ames City Council met in special session at 6:00 p.m. on the 21st day of March, 2017, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council members present: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem. *Ex officio* Member Sam Schulte was also present.

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

1. RESOLUTION NO. 17-128 approving Remote Parking Agreement for 114 S. Duff Avenue
2. RESOLUTION NO. 17-129 approving Change Order No. 16 in the amount of \$130,298 with Knutson Construction for New Water Treatment Plant Contract 2

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

**ORDINANCE CLARIFYING MIXED-USE PARKING STANDARDS FOR DOWNTOWN AND CAMPUSTOWN:** Moved by Corrieri, seconded by Betcher, to pass on second reading an ordinance to clarify Mixed-Use Parking Standards for Downtown and Campustown.

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

**ORDINANCE RELATING TO CHILD CARE AS A HOME OCCUPATION:** Moved by Betcher, seconded by Corrieri, to pass on second reading an ordinance relating to child care as a home occupation.

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

**WORKSHOP ON HIGH-SPEED INTERNET SERVICE IN AMES:** City Manager Steve Schainker stated that the City Council had directed City staff to talk to some of the Internet providers in Ames. The providers that the City is aware of had been invited. Mr. Schainker noted that Colo doesn't serve customers in the city limits of Ames, but might if Ames expands to the north. He stated that each provider would be given up to 15 minutes to present their future plans for high-speed Internet services that are or might be provided to residents of the City of Ames.

**Presentation of plans by internet service providers to serve the community.**

1. Mediacom. Representatives present were Lee Grassley, Beau Hicks, and Tim Adrean.

Beau Hicks, Western Iowa Director of Operations, was introduced by Mr. Grassley. Mr. Grassley noted that Mr. Hicks is an Ames resident.

Mr. Hicks stated that Mediacom is the 5<sup>th</sup> largest Internet provider in the United States. It currently serves 22 states; however, its largest footprint is in the State of Iowa. According to Mr. Hicks, Mediacom will be making a \$1 billion capital investment over the next three years. Those dollars are being invested by its owners; there are no public dollars included. As part of the investment, Mediacom plans to extend its high-capacity broadband network to commercial properties in the Greater Ames area. Mediacom has 4,355 coax commercial customers in the Greater Ames area. Another 335 locations are connected via Mediacom Business fiber network. Mr. Hicks also commented that there are 40 employees in the Ames office.

Mr. Hicks explained services available for residential customers in Ames. The improved service is available to every customer where 1 Gb is available. As far as extending its service, Mediacom continues to look at areas where there is a need and desire for service.

Regarding commercial properties, Mr. Hicks said that Mediacom is targeting unserved and under-served business locations (Open Road Initiative). They want to build advanced broadband facilities to the doorstep of commercial properties. The benefit would be to eliminate the construction cost and time frame previously taken on by the business. The Right of Entry form was explained by Mr. Hicks.

Pertaining to Downtown Ames, Mr. Hicks advised that Mediacom Business has identified a significant cluster of under-served businesses. Mediacom's project scope is to wire those areas for high-capacity broadband with speeds up to 1Gig and beyond. Buildings will be "lit" for immediate serviceability for data, voice, and video solutions, without the cost of construction. This will be available for residential customers in the Downtown area as well.

A list of Mediacom's business partners within the City was shown.

Mr. Hicks explained Mediacom's Product Portfolio. He asked to be informed by the City and contractors when new areas are planned, so that they can see if their services would be desired. Mediacom would then do a cost analysis. He said that there are patches of properties in Ames that are not currently served by Internet.

Council Member Orazem asked Mr. Hicks if there is something in Ames that makes it expensive for Mediacom to expand in Ames. Mr. Hicks answered that when Mediacom wasn't contacted to get in early when the development was being created, it makes it much more costly; that means that Mediacom has to go to boring, instead of trenching, which costs much more. Mediacom has worked with residents when there is a need and a desire for their services and worked out a plan to service the area.

Council Member Betcher commented that many of those 4,355 coax customers and residents live in older neighborhoods. In her personal case, she had learned that her cable was put in in 1986. Ms. Betcher asked what Mediacom's plans are for fixing those areas and getting rid of the ancient infrastructure. Mr. Hicks advised that Mediacom is currently attempting to find out where the leaks are; they are using leakage meters to find those areas. He commented again that Mediacom has pockets within Ames that aren't being serviced.

2. Century Link. Representatives present were Ross Wendell, Regional Operations Manager; Nancy Devinay-McNekey, Marketing Manager; James (last name unknown), Engineering; and Michael Sadler, Public Policy Manager.

Mr. Wendell stated that \$68 million has been invested in Iowa to expand and improve their broadband services. They have placed over 300 fiber miles in the past two years and continue to invest in state-of-the art technology to provide higher speeds to Ames and across the country in its copper network. The demand for increased speeds and services is growing. Mr. Wendell stated that there is a never-ending challenge to meet those needs.

Council Member Betcher asked what kind of investment is being made in older neighborhoods

to allow the higher speeds. Mr. Wendell said that Century Link is installing more and more miles of fiber network in residential networks and increasing speeds to its customers.

Council Member Orazem asked to know the overall market shares of each of the providers in Ames.

Mr. Wendell said that CenturyLink has many of the same issues as Mediacom in not being included on the ground floor. He noted that they would also like to be informed about new developments.

The Mayor asked how many areas of Ames are not served by CenturyLink. Mr. Wendell said that there are pockets.

At the inquiry of Council Member Gartin, Mr. Wendell explained how all the lines needs to be run in the right-of-way. He said rights-of-way usage is becoming an issue for cities across the country. According to Mr. Wendell, it gets down to the needs and time frame of the area. They have to build for a specific need to make it work.

3. Colo Telephone Company. Representatives present were Larry Springer, General Manager and CEO, and Allan Armbrecht, Board President, were present.

Mr. Springer said that they are a small local telephone company. It has been providing telephone services to the Colo area since 1906. A network to provide Internet service was constructed between 2005 - 2008; that was updated in 2012. Their services are provided to customers located northwest of Ames up North Dayton Avenue and across to 190th. They must have a business plan that will support them going to that area. Mr. Springer noted that they are also serving some customers near Nevada around the DuPont and Lincoln Way Energy plants. They have now invested to build fiber network that will provide higher speed Internet to some of their customers. After being questioned by Council Member Nelson, Mr. Springer answered that Colo has not received any federal funding to expand Internet in rural areas. Mr. Nelson noted that Internet services are non-regulated by the Iowa Utilities Board.

City Manager Schainker reiterated that the Internet industry is not regulated by the State of Iowa; it is not locally regulated either. It is a decision by the individual companies whether or not it can justify installing the infrastructure in a certain area.

4. ICS Advanced Technologies. No representatives were present.

#### Questions by the Public.

Gary Botine said that he is a resident of Ames; however, he was present on behalf of the Main Street Cultural District. He asked to know the cost to the average business owner. For a lot of the small businesses, cost is a major factor. According to Mr. Hicks, Business Solution would average around \$99.95/month plus fees (taxes, franchise fee) for its Basic Business Service. That fee would increase if the business would want higher-speed fiber network services.

Chris Conmy, 4206 Harrison Road, Ames, referenced outages he had experienced last year that seemed to be related to redundancy. He said he had been told that this had resulted from fiber line

issues along Interstate 35. Mr. Wendell said that CenturyLink had installed a dual redundant track to alleviate the issues that Mr. Conmy had experienced; however there will still be areas where there is just one single track. If the issue is along that track, service will be interrupted.

Adam Rash, 2743 Harrison Road, Ames, spoke as the President of the Northridge Heights Homeowners' Association, advising that his neighborhood had experienced inconsistencies in Internet service options in the neighborhood. He expressed the frustrations expressed by residents that all parts of Northridge Heights do not have similar access. They want the same options that are available to their neighbors. Estimates between \$33,000 from CenturyLink and \$60,000 from Mediacom had been received to provide services to the 10<sup>th</sup> Addition of Northridge Heights.

Mr. Hicks said he had not heard of the \$60,000 cost estimate being given by Mediacom; that should have gone by his desk as well as Mr. Aldean's desk. Mr. Hicks said that they do not have coax accessibility to their homes and the residents are paying for services that they do not have, he needs to be made aware of that. Mr. Hicks advised that he would like to sit down with Mr. Rash, see what the costs will be, and what they need to get back from it based on its Return on Investment number. Mr. Wendell (CenturyLink) said that he would also like to sit down with the Neighborhood. He thinks the quote given by CenturyLink was based on different numbers.

Justin Dodge, 2013 Greenbriar Circle, Ames, speaking personally and on behalf of Hunziker & Associates, said that he communicates regularly with the local representative of Mediacom on new developments in Ames. Mediacom is made aware of where infrastructure is and will be installed. Mr. Dodge also shared that he is frustrated with the service he is personally receiving from CenturyLink. He was told by a representative of CenturyLink that they would get fiber installed in their neighborhood when an apartment building was built in the neighborhood, which will never happen. Mr. Dodge stated that he had also learned from Mediacom representatives that it would service the area if the residents pay the expenses of installing the infrastructure. Mr. Wendell replied that he would look into that area.

Daniel Adams, 3032 Harrison Road, Ames, which is in Northridge Heights, said that he has worked in the technology field for 27 years. He said he constantly hears from Mediacom's customers how disheartened they are about their service and that he was yet to talk to someone who actually gets the service that they had been promised. Mr. Adams wanted to know what Mediacom's plans are to increase its reliability. Mr. Hicks said that every system will go down from time to time. He reiterated that Mediacom is investing \$1 billion to increase its reliability. Mr. Hicks advised that Mediacom constantly tracks outages and responds day and night. He noted that technology constantly changes, and Mediacom is doing its best to keep up with it. Mr. Hicks said he would be happy to meet with anyone who is interested in learning more about their services. Mr. Adams commented that he has CenturyLink service. He said that he has had the same speed Internet (7 megabyte DSL) since he moved into his home ten years ago and he has been told by technicians in the field that the speeds will never include. Mr. Adams said that CenturyLink's business model needs to be updated. He doesn't believe that it includes improvement in services to its customers. Mr. Adams asked what CenturyLink is doing to improve its Business Model. Mr. Wendell said that CenturyLink is always looking to maximize its copper investment that is in the ground and shortening its copper loop. He noted that CenturyLink is not doing that in Ames right now, however. Mr. Wendell recommended that Mr. Adams put his name on a list to be contacted regarding his desire for potential fiber overbuild. Mr. Adams said he had put his name on many lists; however, had received no follow-up from anyone. Addressing the City Council, Mr. Adams suggested that the problem is that there is not enough

competition in Ames. He said he felt strongly that Ames needs to follow the model of Cedar Falls. Fiber has been installed all over the City of Cedar Falls and the services are offered at a very reasonable price.

Council Member Beatty-Hansen shared that she had been emailed a question from a resident of Ames. She passed on things that the sender felt objectionable from Internet Service Providers (ISP), some of which were DNS hacking, altering customer tracking (inserting information from ISP), and inspecting the contents of customer communications. The sender also noted that he supported net neutrality. The Mayor stated that the email could be shared with the providers.

Council Member Betcher shared that, to her, customer service should be a prime concern. She expressed that she was disheartened that the focus of the providers seemed to be on getting new customers, rather than providing better customer service to its existing customers.

Council Member Orazem summarized that the problem seemed to be how to aggregate potential for additional demand. He asked if there is a mechanism that that information could be aggregated and shared with providers. Mr. Orazem questioned if that was something that the City could house on its Website so that the service providers could recognize if there was a critical mass to justify services by a provider. He noted that Cedar Falls subsidizes the providing of Internet service with property taxes, and he is personally not in favor of Ames following that model. Mr. Wendell said that he would be happy to work with the City on that to see where the demand is for services. Mr. Grassley said it would be helpful to have such a mechanism that would alert Mediacom as well.

The meeting recessed at 7:30 p.m. and reconvened at 7:43 p.m.

**WORKSHOP ON PUBLIC PARKING AND PUBLIC GATHERING SPACE FOR THE WELCH/CHAMBERLAIN/HAYWARD INTERIOR SPACE IN CAMPUSTOWN:** Mayor Campbell noted that a goal set by the City Council was to develop a sub-area plan, including public and private uses, for the area from Duff to Grand and Lincoln Way to Sixth Street [e.g., commercial (retail, entertainment, and offices), parking, housing, public spaces]. The second part of that, which is where the Council is at this time, is to plan for public parking and public gathering space for the Welch/Chamberlain/Hayward interior space in Campustown. The first task under that was to hold a workshop with property owners, Student Government, the Campustown Action Association (CAA), ISU, and other stakeholders to share intentions for projects that could affect that space.

Planning and Housing Director Kelly Diekmann showed a map depicting the property owners within the area bounded by Lincoln Way on the north, Welch Avenue on the east, Chamberlain Street on the south, and Hayward Avenue on the west. The dimensions of the City parcel (right-of-way) were given; it is just under a half acre in size. He noted that includes Parking Lot X. Mr. Diekmann indicated that a critical element is the location of the City Electric Services transformer, which serves the entire block. There is also some private parking and the City has 25 public parking stalls in the Lot. Business owners also use the area for garbage collection, pick-up and delivery, loading, and unloading.

Discussion with stakeholders on intentions for projects that could affect the space. Mayor Campbell asked if there was anyone wishing to comment.

Luke Jensen, 2519 Chamberlain, Ames, said that he was representing Chamberlain, LLC, and Campus Plaza, LLC., located in the southwest quadrant. Mr. Jensen stated that both of their sites had been redeveloped in 2004 and 2017, respectively. In addition, 122 Hayward will hopefully be open in August

2017.

One of the ideas that has been contemplated is using the interior space as a community gathering space. Mr. Jensen shared sketches of one conceptual idea: a raised open air plaza. Mr. Jensen believes that this would actually become an amenity to the business owners. Maintaining access to the parking lot is very important to the affected business owners. He noted the importance of the Floating Access Easement allowed through the right-of-way. The conceptual idea was described by Mr. Jensen.

Justin Dodge, 105 S. 16<sup>th</sup> Street, Ames, said that he is representing EM Hunziker and Dayton Park LLC.. Mr. Dodge said that they do not have any current plans for their two properties.

Ryan Jeffrey, 234 Partridge Circle, Ames, said that his property is located at 116 Welch. He commented that he has been wanting a community gathering space in Campustown for some time. Mr. Jeffrey shared that the elevated platform being suggested by Luke Jensen seemed like a nice compromise; it is off-street and has access to Welch Avenue.

Ann Taylor, Dogtown University, 217 Welch Avenue, Ames, said that the concept needs to start with the owners of the properties within the subject area. She believes that the City needs to invest in Campustown in a big way, not piecemeal. Ms. Taylor said that she had not seen that happen in at least the 30 years that she has been in Ames. The “wish list” needs to be grand. There needs to be more interaction from the different demographics in Ames.

Council Member Orazem asked if there a way to build this soon while not disrupting the structure of the current properties or the current functions of the affected businesses. Ms. Taylor replied that she was not an engineer, but just recognizes that it needs to be done in a grand way so people realize that Campustown is not just for students. Ms. Taylor said there will be push-back from losing some of the parking spaces, but she believes people will adapt. There is parking available; people just need to be directed to it via signage.

Council Member Corrieri asked Ms. Taylor what the CAA wants to happen next. Ms. Taylor said that she truly believes that this has to start with the property owners. If the property owners do not want to do this, there probably is no way to move forward. Ms. Taylor replied that the CAA is supportive of it, but can't initiate it.

Council Member Orazem noted that there are requirements as to how much parking must be provided for different uses. He asked Director Diekmann if there is a mechanism that could make the parking be more flexible or altered so areas that are known to have excess residential parking could be used for commercial parking. Mr. Diekmann indicated that the parking requirements are based on the type of use that the property is intended; that is set by ordinance. The City does not have current data on the private parking spaces to see if they are being utilized.

Council Member Betcher asked if the CAA would be interested in creating a public gathering space in another location, i.e., the parking lot in the 2300 Block of Chamberlain or is it only interested in Parking Lot X. Ms. Taylor said that the CAA had not discussed that. She noted that there appears to be excess parking at 119 Stanton; a lot of those spaces do not get used every day.

Mr. Jeffrey commented that he felt the next step was to have a discussion with property owners. He felt it might be helpful if the City were to hire an architect lead to facilitate the meetings with a discussion group, similar to the method used when discussions occurred on the Facade Grant Program.

Mr. Jensen recognized that there is currently surplus parking in the apartment building that Jensen Builders owns. They have seen that trend in other apartment buildings as well. He is unsure if that is going to continue, but it appears to be consistent. Upon being asked by Mayor Campbell why that is occurring, Mr. Jensen replied that there seems to be more of a culture of pedestrian-oriented living and less dependence on cars; CyRide also contributes to that.

Council Member Nelson asked if there was a current Urban Revitalization Area created for the block in question, and if so, could that be used to help with redevelopment. Director Diekmann stated that there was, but an Urban Revitalization Area would not be that tool; the City would have to go into an Urban Renewal project.

Council Member Orazem noted the unattractiveness of Parking Lot X.

Cole Staudt, Student Government President, agreed with Council Member Orazem, stating that he views Parking Lot X as a true eyesore. He lives about a block and one-half from it. The driving factor, in his opinion, is that there is a lack of public space within Campustown. He believes that it will take investment by the City to make the area around Welch a welcoming place. Mr. Staudt thinks that the City needs to take the first step.

Cory Kehlri said that he is representing Copy Works, said that realistically, there are factors that are not favorable to the reuse of Parking Lot X, e.g., the slope, a lot of bars are in the area, and a lot of mess ends up in that parking lot. Customers do use that lot, and if that parking is lost, it would hurt Copy Works. He is supportive of creating a public gathering space, having more green space, cleaning up the area; he is just concerned about how it is going to work with the needs of the businesses adjacent to the Parking Lot.

Sam Schulte also indicated his support for a public gathering space to be created in Campustown. He likes the idea of putting it in Parking Lot X. Mr. Schulte is not in favor of trying to put the gathering space on Chamberlain. He doesn't believe a lot of people walk by there. Parking Lot X is in the heart of Campustown.

Cathy Brown, representing Iowa State University, said that the ISU representatives are basically at this meeting to listen. She noted that there had been many conversations about Campustown. When asked about usage of the Intermodal for parking, she feels many more details are needed. The space would be used for socialization; that needs to be studied; it needs to incorporate safety.

Council Member Orazem said he felt that the City has yet to provide something that gives back even a portion of the value that the students bring to Ames.

Council Member Betcher raised a concern about the raised platform being used a large amenity deck. She is concerned about safety and noise. Ms. Betcher does not want the neighborhood to lose its voice; sound travels.

Council Member Gartin asked if there was a logical next step.

Nitin Gadia, 214 Main Street, Apartment 1, Ames, said he feels that nothing is more important to the Ames community than this project. The area in question is the most active in Ames, and the specific location is at the center of that area. Mr. Gadia noted that Parking Lot X is public property. He

understands that adjacent property owners have certain rights to use the property, but it is not their property. According to Mr. Gadia, there are a couple owners who are opposed to this project. He has contacted most of the property owners, and two-thirds of those area in favor of creating a public gathering space. Mr. Gadia shared his belief that parking is not a capacity issue, it is a management issue. He commented that there are other communities that have a far worse problem than Campustown.

Mayor Campbell said the discussion sparked ideas about the creation of a public gathering space in Campustown. She welcomed further ideas to be shared with the Mayor and City Council.

**COUNCIL COMMENTS:** Moved by Orazem, seconded by Corrieri, to request a memo from staff regarding the feasibility of setting up a mechanism o collect and aggregate information on neighborhoods that are having high-speed Internet issues and be ale to aggregate that information and provide it to the ISPs in an effort to try to start resolving some of those issues.

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

**ADJOURNMENT:** Moved by Corrieri to adjourn the meeting at 8:55 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor



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

**AMES, IOWA**

**MARCH 28, 2017**

**MEETING OF THE AMES AREA METROPOLITAN PLANNING ORGANIZATION  
TRANSPORTATION POLICY COMMITTEE**

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee meeting was called to order by Ames Mayor and voting member Ann Campbell at 6:00 p.m. on the 28th day of March, 2017, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Other voting members present were: Bronwyn Beatty-Hansen, City of Ames; Gloria Betcher, City of Ames; Tim Gartin, City of Ames; Chris Nelson, City of Ames; and Peter Orazem, City of Ames. Amber Corrieri, City of Ames, was brought into the meeting telephonically. AAMPO Administrator John Joiner, City of Ames Transportation Planner Tony Filippini, and City of Ames Transit Director Sheri Kyras were also present. Voting members Bill Zinnel, Boone County Supervisor; Lauris Olson, Story County Supervisor; and Jonathan Popp, Gilbert Mayor.

**DRAFT FY 2018 TRANSPORTATION PLANNING WORK PROGRAM (TPWP):** Tony Filippini brought the members' attention to the Draft FY 2018 TPWP (July 2017 to June 2018). He advised that the document serves as the Contract with the State of Iowa of Transportation Plan activities and also as a public information program. He stated that the Program includes several work elements to ensure an integrated transportation system. Those work elements consist of six main tasks: Administration and Support, Transportation Improvement Program, Comprehensive Planning, Transit Planning, Special Studies, and Long-Range Transportation Planning. The TPWP for FY 2018 focuses on four planning priorities: development of performance measures in the transportation planning process, furthering partnership with local organizations, development of FY 2019-2022 Transportation Improvement Program, and maintenance of Transportation Plan.

If approved by the AAMPO, the document will be forwarded by April 1, 2017, to state and federal partners for their review.

Council Member Orazem noted that the TPWP did not seem to discuss commuting. He advised that 30% of the workforce commute to Ames from other communities, and approximately 16% of Ames residents commute to other communities. Mr. Orazem asked when the AAMPO will start talking about mechanisms that make it easier to commute into and out of Ames, e.g., Park and Rides. John Joiner advised that next year, the process to update the Long-Range Transportation Plan will begin; that is when they will be gathering information from surveys and the public to see if commuting is raised.

Moved by Orazem, seconded by Staudt, to approve the Draft FY 2018 Transportation Planning Work Program and set May 23, 2017, as the date of public hearing.

Vote on Motion: 8-0. Motion declared carried unanimously.

**ANNUAL SELF-CERTIFICATION FOR FY 2017:** John Joiner advised that this is an item of annual business certifying that all the rules are being followed. According to Mr. Joiner, there has been a review by the Federal Transit Administration and Federal Highway Administration, and they found the AAMPO to be in compliance.

Moved by Gartin, seconded by Betcher, to approve the Annual Self-Certification for FY 2018.

Vote on Motion: 8-0. Motion declared carried unanimously.

**DESIGNATION OF MPO REPRESENTATIVES TO CENTRAL IOWA REGIONAL TRANSPORTATION PLANNING ALLIANCE FOR AMES AREA MPO:** Moved by Betcher , seconded by Gartin, to adopt RESOLUTION NO. 17-130 appointing the following to serve as representatives of the AAMPO on the Central Iowa Regional Transportation Planning Alliance committees:

1. TPC Representative: Tony Filippini, Transportation Planner
2. TPC Alternate Representative: Damion Pregitzer, Traffic Engineer
3. TAC Representative: Tony Filippini, Transportation Planner
4. TAC Alternate Representative: Damion Pregitzer, Traffic Engineer

Vote on Motion: 8-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Betcher, seconded by Beatty-Hansen, to adjourn the AAMPO Transportation Policy Committee meeting at 6:13 p.m.

Vote on Motion: 8-0. Motion declared carried unanimously.

### **REGULAR MEETING OF THE AMES CITY COUNCIL**

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 6:17 p.m. on March 28, 2017, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Bronwyn Beatty-Hansen, Gloria Betcher, Tim Gartin, Chris Nelson, and Peter Orazem. Council Member Amber Corrieri was brought into the meeting telephonically. *Ex officio* Member Sam Schulte was also present.

**SPECIAL RECOGNITION OF BOYS & GIRLS CLUB OF STORY COUNTY:** Mayor Campbell announced that Maliek Dut had been named the Boys & Girls Club of Story County Youth of the Year in recognition of his leadership, service, and character. The Mayor also recognized Emma Clark as the Boys & Girls Club of Story County Junior Youth of the Year for her extraordinary achievement and service as a Club member. Both honorees explained some of the contributions they had made to the Club. Police Chief Cychosz, accompanied by other uniformed officers, gave the endorsement of the Ames Police Department of the Boys & Girls Club of Story County for the benefits it brings to the youth of the community. Erika Peterson, Chief Executive Officer of the Boys & Girls Club of Story County, noted that any child age six to 18 is welcome to attend the Boys & Girls Club. She invited the public to attend the Open House at the Boys & Girls Club on March 31 from 11 AM to 1 PM.

**PROCLAMATION FOR “GOOD NEIGHBOR EMERGENCY ASSISTANCE MONTH:”** April 2017 was proclaimed as “Good Neighbor Emergency Assistance Month” by Mayor Campbell. Board Members Steve Hanlin, Donna Bergman, Shirley Malady, Leonard Larson, Chris Anderson, and Mike Fritz, Director of Good Neighbor Emergency Assistance, Inc., accepted the Proclamation. Mr. Fritz noted that this April marks Good Neighbor’s 20<sup>th</sup> Anniversary. He invited the public to attend a celebration to be held on April 29, 2017, at City Church, 2400 Oakwood Road.

**CONSENT AGENDA:** Mayor Campbell announced that the City Council would be working from an Amended Agenda. She stated that Item No. 7 and Item No. 11 had been amended to reflect the addition of a new B Wine Permit for Ames Sleep Inn & Suites, 1310 Dickinson Avenue; and including a B Wine Permit for the ownership change for Southgate Expresse, 110 Airport Road, respectively. The Mayor also noted that staff had pulled Item No. 30, the Final Plat for LDY Subdivision.

Council Member Gartin requested to pull Item No. 15, New and Revised Fees for Rental Housing Regulation for separate discussion.

Moved by Orazem, seconded by Betcher, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meetings of February 28, 2017 and March 7, 2017
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for March 1-15, 2017
5. Motion approving new Class B Liquor License & B Wine Permit for Ames Sleep Inn & Suites, 1310 Dickinson Avenue
6. Motion approving temporary Outdoor Service Privilege (April 29 and 30) for Sips and Paddy's Irish Pub, 126 Welch Avenue
7. Motion approving 5-day (April 22-26) Class C Liquor License for the Gateway Hotel at Reiman Gardens, 1407 University Blvd.
8. Motion approving 5-day (April 22-26) Class C Liquor License for Christiani's Events at the Alumni Center, 420 Beach Avenue
9. Motion approving ownership change for Special Class C Liquor License & B Wine Permit for Southgate Expresse, 110 Airport Road (pending receipt of background check)
10. Motion approving new Class B Beer License for Pizza Pit Extreme, 207 Welch Avenue
11. Motion approving new Class C Liquor License & Outdoor Service for Provisions Lot F, 2400 N. Loop Drive (pending final inspection)
12. RESOLUTION NO. 17-131 approving and adopting Supplement No. 2017-2 to *Municipal Code*
13. RESOLUTION NO. 17-133 approving amendment to Iowa Homeland Security and Emergency Management Grant Agreement for time extension pertaining to Squaw Creek Water Main Protection Project, Phase 2 (HMGP-DR-1998-0033-01)
14. Airport hangar lease renewals:
  - a. RESOLUTION NO. 17-134 approving five-year lease with Ames Viking Aviation
  - b. RESOLUTION NO. 17-135 approving five-year lease with Craig Sommerfeld
  - c. RESOLUTION NO. 17-136 approving five-year lease with Kenneth Augustine
15. RESOLUTION NO. 17-137 approving Campustown Facade Grants for 2408 and 2410 Chamberlain Street
16. RESOLUTION NO. 17-138 awarding contract to Minturn, Inc., of Brooklyn, Iowa, for South Kellogg Avenue Vault and U.S. Bank West Manhole Lid Replacements in the amount of \$59,350
17. RESOLUTION NO. 17-139 awarding contract for purchase of two Police Patrol Units to Stiver's Ford Lincoln of Waukee, Iowa, in the amount of \$56,693.56
18. Requests from Ames Chamber of Commerce for Ames Main Street Farmers' Market on Saturdays from May 6 to October 28, 2017
  - a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for Central Business District
  - b. RESOLUTION NO. 17-140 approving closure of 300 and 400 blocks of Main Street and Burnett Avenue from Main Street to U.S. Bank drive-through from 5:00 a.m. to 1:30 p.m.
  - c. RESOLUTION NO. 17-141 approving waiver of fee for blanket Vending License
  - d. RESOLUTION NO. 17-142 approving suspension of parking regulations in CBD Lots X and Y
  - e. RESOLUTION NO. 17-143 approving request to waive parking meter fees in 300 and 400 blocks of Main Street and portion of Burnett Avenue and electric usage fees
19. RESOLUTION NO. 17-144 approving preliminary plans and specifications for 2016/17 Cemetery Lane Improvements; setting April 19, 2017, as bid due date and April 25, 2017, as date of public hearing
20. RESOLUTION NO. 17-145 approving preliminary plans and specifications for Water Plant Five-Year Well Rehabilitation Project; setting April 25, 2017, as bid due date and May 9, 2017, as date of public hearing
21. RESOLUTION NO. 17-146 approving contract and bond for 2016/17 Water System Improvements

Program #2 - Water Main Replacement

22. RESOLUTION NO. 17-147 approving contract and bond for 2016/17 CyRide Route Pavement Improvements (S. 3rd/4th Street)
  23. RESOLUTION NO. 17-148 approving Change Order for 2015/16 Clear Water Diversion program
  24. RESOLUTION NO. 17-149 accepting completion of WPC Administration Building HVAC Replacement Project
  25. RESOLUTION NO. 17-150 accepting completion of Natural Gas Conversion Equipment, including Burners, Igniters, Scanners, Thermal Analysis, and Computer Modeling for Power Plant
  26. RESOLUTION NO. 17-151 approving Plat of Survey for 301 and 305 South 4<sup>th</sup> Street
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**NEW AND REVISED FEES FOR RENTAL HOUSING REGULATION:** Council Member Gartin asked Fire Chief Shawn Bayouth to explain the process for creating the structure for the rental fees. Chief Bayouth advised that the total revenue needs for the program are calculated by dividing the current year's adjusted budget by the current number of registered rental units. The rental registration fees are billed to landlords annually. He said that, as far as he was aware, that structure had been in place for at least a decade. The method was established as an attempt for the City to closely match the actual cost of administration of the rental program to the user fees charged. Chief Bayouth advised that the fees charged do not totally offset the costs.

Mr. Gartin also inquired if staff had made any effort to reach out to landlords to get their feedback on the proposed structure. City Manager Schainker commented that the Council needed to look at the rationale on how the fees are calculated to see if it agrees; if not, they can direct staff to take another approach. Council Member Gartin noted that he had received an email from a property manager expressing concerns about this item. Mr. Gartin said his tendency was to defer to the staff on the structure; however, he was more interested in the process to ensure that it is done in a very transparent manner and that the City receives input from those who are impacted by the decision. Mr. Gartin said that he will forward the email to Chief Bayouth. City Manager Steve Schainker stated that the fees increase and decrease based on the City's costs.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 17-132 adopting New and Revised Fees for Rental Housing Regulation.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**PUBLIC FORUM:** Public Forum was opened. No one came forward to speak, and the Mayor closed Public Forum.

**2016/17 U.S. 69 INTERSECTION IMPROVEMENT (SOUTH DUFF SAFETY SIGNAL/MEDIAN):** Traffic Engineer Damion Pregitzer stated that the City had now received the necessary signatures on the Cross-Access Easement and Cost-Sharing Agreement. He also stated that Walmart had insisted on having a signed Escrow Easement to document how the funding will be drawn down for Hunziker and Walmart's shares. The Escrow Agreement had been signed by all applicable parties as well.

Council Member Betcher asked if the Cost-Sharing Agreement had been written to cover any potential increases in the project cost. Mr. Pregitzer replied that the project designer (CGA) had recommended a contingency level lower than what has been agreed upon in the current document. The City was not comfortable with that amount. The signed Agreement anticipates a 20% contingency. City Manager

Schainker cautioned that anything over the 20% would not be covered; the City would be obligated to pay that amount.

Jim Howe, 912 Clark, Ames, stated that he is the owner of Howe's Welding & Metal Fabrication located at 811 South Duff. He noted that approximately three and one-half years ago when this project first started, they were told that there would be Cross-Access Easements among all property owners on the east and west sides before the project would proceed. The Easement on the east side just got done within the past couple weeks, but the Cross-Access Easement among the properties on the west side did not occur. Mr. Howe noted that there is now a six-foot retaining wall between his property and the Hunziker property, which makes it almost impossible to have any sort of access to the light. He believes his business is the only one that will not have access to the light.

Mr. Howe expressed his concerns about semis accessing his business, especially those larger than the standard 53-foot semis. He advised that the timing of the stoplights is very important. According to Mr. Howe, his biggest concern is getting long, over-sized semis in and out of his property. It was stated by Mr. Howe that, on four occasions over the past 30 years, semis have gotten hung up on the driveway, and they have had to have cranes and forklifts to get them off; that causes huge traffic jams for at least four hours. He believes that going north is going to be taxing at best. If he can't get trucks in and out of his business, it will cause him to go out-of-business. They get 80-foot wind turbines in, and he doesn't see how they are ever going to make the turn. Mr. Howe noted that there will be right-turn-only out of his property, which means that the trucks will have to go down South Duff - probably all the way to the former K-Mart lot - to turn around and get going back north on Duff. He emphasized that he has to be able to get long over-sized semis in and out of his property. Mr. Howe said that he has customers willing to bring their semis down and he has video cameras set up on his property if anyone wants to come to his business to see what he is talking about.

Council Member Betcher asked Mr. Howe how many trucks enter Howe Welding on average. Mr. Howe answered that, during some weeks there will be three 53-footers; some weeks, there will be five. The problem will be when they have stretch semis that have wind turbine parts.

Mayor Campbell pointed out that Mr. Howe's business is located in what is now a commercial zone, not industrial. She asked Mr. Howe if he had given any consideration about relocating in the industrial zone. He advised that when he bought the property, it was the only industrial/commercial location on Duff that allowed the access they needed. Mr. Howe said that the building was custom built to be a 100-year building with many amenities specific to his business.

At the request of Council Member Gartin, Traffic Engineer Pregitzer stated that the low-rise median was designed for any kind of legal delivery of the largest truck allowed without an Oversize Permit from the Iowa Department of Transportation (IDOT). If there is a truck larger than that, special arrangements will have to be made for anything that will require special permitting from the IDOT, notification to the City has to be made, and there has to be special arrangements made.

Piper Wall, 912 Clark Avenue, Ames, pointed out that every restaurant in Ames includes work from Howe's metal fab shop. The snow plows, grocery stores, and many buildings at Iowa State University have been worked on by her husband (Jim Howe).

Bill Talbot, Newbrough Law Firm, 612 Kellogg Avenue, Ames, said that he appreciated the work done by Council; however, he disagreed with what the Council was trying to do with this project. At the question of Council Member Gartin, Mr. Talbot said that he had many clients on South Duff; however, in particular, he was representing the Bundy Family at this meeting. Mr. Talbot noted the process for this project had been that someone had requested a stop light on South Duff, the Traffic Engineer did

a study, Council reviewed the study, the Traffic Engineer said to do it, the City had found a way to fund it, and “they were all in.”

In the opinion of Mr. Talbot, traffic engineering “is not mathematics; it is art.” One point of reference that he made was that Interstate 35 changes every two years because the Traffic Engineers have been wrong and had not yet gotten it right. He also referenced the roundabout at Airport Road and University, stating that if the Traffic Engineer had gotten it right, that’s what would have been done to start with. Mr. Talbot reiterated that traffic engineering is not mathematics or science; it’s art. He asked Council to take a practical approach to what the City is trying to do with this project. Mr. Talbot stated his belief that, in Ames, there are always going to be traffic problems. He feels that the best way to alleviate the traffic trouble is to install more lanes, which will be the Grand Avenue project. According to Mr. Talbot, installing a stop light 660 feet from another stop light is not going to alleviate traffic problems. Mr. Talbot indicated that the City’s Traffic Engineer will attest to the fact that stop lights are to be placed a minimum of one-half-mile apart. Numbers from the City’s own Traffic Study will not prove true in practical application. He referenced the ten-year study from South 5<sup>th</sup> to Squaw Creek, noting that there had been 103 collisions and indicating what type of accidents had occurred in an attempt to indicate that a stop light and a median will not greatly reduce that number. According to Mr. Talbot, it is possible that 23 or 2.3/year might not occur; however, he believes that there will be more rear-end collisions. He also believes that medians and stop lights will push vehicles into private parking lots, pointing out specifically that accidents in private parking lots are not included in the Police Department’s reported statistics. Mr. Talbot stated that he did not believe that the Council will accomplish any of the goals it thinks it will accomplish with the median and the stoplight. Personally speaking as a motorcyclist, he does not want the median because there is no escape route; all that can happen is for the motorcyclist to hit the median and get hurt.

Council Member Gartin said that they all understand that there are concerns with the traffic safety along South Duff; there are 26,000 cars/day in that area. He asked Mr. Pregitzer to explain how South Duff is today versus how it will be with this project. Mr. Pregitzer replied that, regarding the level of service, the travel time delay will be 24% better with the improvements. He also said that he would try to address whether this is a safety project or not a safety project. Mr. Pregitzer advised that he had applied the IDOT standard (benefit/cost) from the Highway Safety Manual, which is a document that is a collaboration of every traffic institute across the nation. He applied what is the national standard on how the City evaluates safety improvements. There is not such a thing as a perfect traffic improvement; there is always give and take. The general concept is that they are trying to remove conflict points. The median reduces the amount of choices; therefore, it reduces the potential for accidents. Medians limit options so drivers don’t have to worry about traffic coming at the driver.

Council Member Gartin said he is concerned about the efforts that people will take to go around the median section. Mr. Pregitzer stated that research shows that people will have to readjust how to access the place they want to get to; that ceases after people become accustomed to the street. He believes that there will be some of that on “opening day” or during the first or second week.

Chuck Winkleblack, 105 S. 16<sup>th</sup> Street, Ames, stated that the first time he wrote to Council regarding traffic on South Duff was 2011. This has been a long time in coming. All the agreements are now in place, and he urged approval of this project by the City Council.

Council Member Gartin noted that at least two extensive public workshops had been held when the public was invited to provide their input. In addition, anyone who disagreed with the quality of the traffic study could have conducted their own study to rebut that; he sees no reason to doubt the study.

Moved by Gartin, seconded by Orazem, to adopt the following pertaining to the 2016/17 U. S. 69 Intersection Improvement (South Duff Safety Signal/Median):

- a. RESOLUTION NO. 17-153 approving the Cost-Sharing and Escrow Agreements with Hunziker and Walmart for the construction phase
- b. RESOLUTION NO. 17-154 approving the Cross-Access Easement on Walmart's property
- c. RESOLUTION NO. 17-155 awarding a contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$1,150,026.

Council Member Beatty-Hansen said she keeps going back to the 2014 workshop when there was a definite emphasis to secure cross-access easements on both the east and west sides. At this time, there is a Cross-Access Easement on only the east side, which leaves Mr. Howe's property as the only one that doesn't have access to the stop light. She said she felt strongly that she had to advocate for the "little guy" on this.

Mr. Orazem noted that Mr. Howe's business has also changed; they didn't have 80-foot wind turbine blades. It was Mr. Orazem's contention that it might be inconvenient, but it can be resolved.

Council Member Betcher recalled that she had earlier voted in favor of the project with the stipulation that there be Cross-Easements on both sides of Duff. Mr. Howe's property is the only business affected by that at this time; however, there is the potential for another one at the former Enterprise Car Rental location.

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

**MIRACLE LEAGUE FIELD AND INCLUSIVE PLAYGROUND NAMING RIGHTS:** Parks and Recreation Director Keith Abraham recalled that in 2016, the Parks and Recreation Commission had recommended and the City Council had approved a Parks and Recreation Naming Policy. The Policy included naming rights opportunities for major donations. Mr. Abraham advised that the Miracle Field and Inclusive Playground Steering Committee is working on its fund-raising campaign of approximately \$1.5 million, which includes naming rights. The Committee would like to set minimum dollar amounts for naming rights for the Miracle League Field and the Inclusive Playground. The proposed minimum amounts are \$150,000 for the field and \$200,000 for the playground, and were developed by professional fund-raisers who are committee members. According to the Steering Committee Chairperson, those minimum amounts may go up depending on the cost estimates obtained during the design process. The Committee is looking for the minimum amount the Commission and City Council will approve for naming rights so when fund-raising starts, it already knows the Commission and City Council have given approval to the dollar amounts. Once the Committee secures donors, an application with the proposed name will be submitted and brought before the Commission and City Council for approval.

Council Member Betcher asked if the current Policy contains term limits. Director Abraham stated that term limits have been discussed, but nothing has been approved. Ms. Betcher asked specifically if the naming rights were for 20 years, would that lock the City in to ensure that the Field/Playground would not be removed for at least that amount of time. She pointed out that the Field surface might have to be redone in ten years or so. Resurfacing the Field will be costly, and Ms. Betcher questioned if the City would be forced to make those improvements. Mr. Abraham noted that the Legal Department would have to be consulted on that question.

Moved by Betcher, seconded by Beatty-Hansen, to approve Alternative #1: approve the Parks and Recreation Commission recommendation pertaining to a minimum donation of \$150,000 for Miracle

League Field naming rights and a minimum donation of \$200,000 for the Inclusive Playground naming rights.

Vote on Motion: 5-0-1. Voting aye: Beatty-Hansen, Betcher, Gartin, Nelson, Orazem. Voting nay: None. Abstaining due to a conflict of interest: Corrieri. Motion declared carried.

**HEARING ON 2015/16 SANITARY SEWER REHABILITATION (SANITARY SEWER LINING):** Mayor Campbell opened the public hearing. There was no one who wished to speak, and the hearing was closed.

Moved by Beatty-Hansen, seconded by Gartin, to adopt RESOLUTION NO. 17-156 approving final plans and specifications and awarding a contract to Hydro-Kleen, LLC, of Des Moines, Iowa, in the amount of \$2,048,362.10.

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

**HEARING ON AMES MUNICIPAL CEMETERY WATER SERVICE LINE REPLACEMENT:** The public hearing was opened by the Mayor. No one came forward to speak, and the Mayor closed the hearing.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 17-157 approving final plans and specifications and awarding a contract to Jet Drain Services, LLC, of Ames, Iowa, in the amount of \$64,308.50.

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

**HEARING ON 2017/18 PAVEMENT RESTORATION PROGRAM - CONTRACT 1: CONCRETE JOINT REPAIR PROGRAM:** The Mayor opened the public hearing and closed same after no one requested to speak.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 17-158 approving final plans and specifications and awarding contract to Henriksen Contracting, LLC, of Grimes, Iowa, in the amount of \$46,493.50.

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

**HEARING ON 2017/18 PAVEMENT RESTORATION PROGRAM - CONTRACT 2: SLURRY SEAL PROGRAM:** Mayor Campbell opened the public hearing. The public hearing was closed when there was no one who asked to speak.

Motion by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 17-159 approving final plans and specifications and awarding a contract to Fort Dodge Asphalt Company of Fort Dodge, Iowa, in the amount of \$122,474.14.

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

**HEARING ON 2015/16 & 2016/17 SEAL COAT STREET PAVEMENT IMPROVEMENTS:** The public hearing was opened by the Mayor. She closed same after no one came forward to speak.

Motion by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 17-160 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of



\$1,341,472.79.

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

**HEARING ON 2015/16 LOW-POINT DRAINAGE IMPROVEMENTS PROGRAM (WESTWOOD DRIVE):** Mayor Campbell opened the public hearing. No one requested to speak, and the hearing was closed.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 17-152 approving final plans and specifications and awarding a contract to Neuvirth Construction, Inc., of Blair, Nebraska, in the amount of \$86,650.26.

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

**ORDINANCE SETTING PARKING REGULATIONS AND ESTABLISHING SPEED LIMIT FOR COLLABORATION PLACE IN ISU RESEARCH PARK:** Moved by Nelson, seconded by Gartin, to pass on first reading an ordinance setting parking regulations and establishing speed limit for Collaboration Place in ISU Research Park.

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

**ORDINANCE SETTING PARKING REGULATIONS AND ESTABLISHING SPEED LIMIT FOR PLAZA LOOP IN ISU RESEARCH PARK:** Moved by Gartin, seconded by Betcher, to pass on first reading an ordinance setting parking regulations and establishing speed limit for Collaboration Place in ISU Research Park.

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

**ORDINANCE PERTAINING TO SIGNS UNDER CHAPTER 21.122(1)c AND CHAPTER 21.125(6):** Moved by Gartin, seconded by Orazem, to pass on first reading an ordinance pertaining to Signs under Chapter 12.122(1)c and Chapter 21.125(6).

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

**ORDINANCE ASSIGNING RECENTLY APPROVED ANNEXED AREAS TO WARDS AND PRECINCTS:** Moved by Betcher, seconded by Beatty-Hansen, to pass on second reading an ordinance assigning recently approved annexed areas to Wards and Precincts.

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

**ORDINANCE MODIFYING REQUIREMENTS FOR SIDEWALK CAFES:** Moved by Beatty-Hansen, seconded by Gartin, to pass on third reading and adopting ORDINANCE NO. 4292 modifying requirements for Sidewalk Cafes.

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

**ORDINANCE REZONING MULTIPLE PROPERTIES:** Moved by Nelson, seconded by Gartin, to pass on third reading an adopt ORDINANCE NO. 4293 rezoning the following properties: 2901 Harrison Road from Suburban Residential Low Density (FS-RL) to Government/Airport (S-GA); 1002 6<sup>th</sup> 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 500<sup>th</sup> Avenue from Agricultural (A) to Government/Airport (S-GA).

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

**ORDINANCE REPEALING ORDINANCE NO. 3876 CREATING THE STUDENT AFFAIRS COMMISSION:** Moved by Betcher, seconded by Gartin, to adopt ORDINANCE NO. 4294 repealing Ordinance No. 3876 creating Student Affairs Commission.

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

**ORDINANCE TO CLARIFY MIXED-USE PARKING STANDARDS FOR DOWNTOWN AND CAMPUSTOWN:** Moved by Beatty-Hansen, seconded by Gartin, to pass on third reading and adopt ORDINANCE NO. 4295 to clarify Mixed-Use Parking Standards for Downtown and Campustown.

Scott Renaud, FOX Engineering, requested to speak. Mayor Campbell noted that public comment is accepted on first reading. She asked him if there was a need for an exception to that on this item. Mr. Renaud explained that he had wanted to talk on this issue for a long time. He had been told that this item was going to be on February 21, then he was told it would be on February 28, and it ended up being on the March 7 Agenda. Unfortunately, he missed that meeting. Mr. Renaud pointed out that the Ordinance in question is to fix an error in formatting that had been in place for 11 years. He didn't see the urgency in it being replaced at this time. In fact, after the Council's workshop on February 21, Mr. Renaud said he was not certain that this was the right thing to do anyway. It appears to him that there are two situations for parking in Campustown; this one deals with the one that the City does not have a problem with and the one that it does have a problem with is not being discussed. In Mr. Renaud's opinion, there is a short-term parking situation that deals primarily with the commercial component of Campustown and a long-term parking situation that deals with residential. This Ordinance requires one space/unit, not per bedroom. Used as read, there is no parking required for residential. What that says to him is that the Council is guiding the development of that block and basically saying that if you can't do residential, then there will be only commercial parcels. If the Council wants to redevelop this area, residential needs to be a component of that; if not, the Council is really restricting things. He also believes that this ordinance would be a "killer" for residential development in the Downtown. Mr. Renaud recommended that the Ordinance not be changed.

Planning and Housing Director Kelly Diekmann replied that the real question about this really applies to the Downtown. This has caused confusion for the City's customers and staff decided it was necessary to clarify the requirements. Mr. Diekmann said that staff's research had shown that this formatting change occurred when there was a change in the grocery store parking requirement. It did not appear to be the intent by the City to delete the parking requirements.

Council Member Beatty-Hansen commented that she was a proponent of looking at parking standards; however, she stated her belief that it is not good practice to let inadvertent inconsistencies remain.

Council Member Gartin asked if this new Ordinance would be causing harm in any way. Mr. Diekmann said that he had applied the standards consistently to all new redevelopment in Campustown since he has been the Director. However, the way the ordinance is now written is causing confusion to customers to know what they are planning for in Campustown and Downtown.

Mr. Gartin commented that, in Mr. Renaud's opinion, the Ordinance in question will have negative consequences. He wanted Director Diekmann to assure the Council members that if they move forward with the Ordinance change as proposed, it won't cause damage for development in Downtown Ames.

Mr. Diekmann replied that this would be beneficial to the City's customers because it will allow expectations to be known before the project begins.

Council Member Orazem said, for him, it was making sure that the standard is applied uniformly. People have been complying with the standard; it is a fairness issue. In his opinion, what the City needs to look at further is if the standard is the right one, and Council should revisit this.

Mr. Renaud stated that he had learned a lot from the Council's workshop. One of the things that he had heard was that "a lot of people are playing games" with the long-term parking standard. That diminishes the opportunities for the long-term to be shifted to short-term; ultimately, some projects don't move forward.

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

**ORDINANCE RELATING TO CHILD CARE AS A HOME OCCUPATION:** Moved by Beatty-Hansen, seconded by Gartin, to pass on third reading and adopt ORDINANCE NO. 4296 relating to child care as a home occupation.

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

**COUNCIL COMMENTS:** *Ex officio* Member Sam Schulte referenced the recent Council workshop discussion on a public meeting space at Welch/Chamberlain/Hayward and said he felt the newly formed Campus and Community Commission would be a good forum for continuing discussion about the plaza concept (what and where). According to Mr. Schulte, City Manager Schainker felt that the Campus and Community Commission should be given a specific charge. After talking with Council Member Betcher, Mr. Schulte felt the Commission could focus on the actual plaza concept and the City could conduct the discussions with the stakeholders. The Mayor noted that she had not yet made any appointments to the Commission. Council Member Betcher said she would wait to bring this up at the appropriate time. Mayor Campbell advised that she had written to those agencies who need to recommend a representative.

Council Member Corrieri stated that she had attended the Ames School District Facilities Committee meeting a few weeks ago when the topic of how the School District could move forward with a pool was discussed. At that meeting, the Board received clarification from the attorney for the School District that the School District is permitted to contribute funds for construction of a facility that is not located on School property. Ms. Corrieri said that she had also attended a recent Regular School Board meeting, and there was interest expressed by the Board to re-engage in conversations with the City.

Moved by Corrieri, seconded by Orazem, to direct the City Manager to work with the School Superintendent to discuss how the School might become a partner in the Healthy Life Center (in preparation for the Feasibility Study).

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

**ADJOURNMENT:** Moved by Nelson to adjourn the meeting at 8:00 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor



## REPORT OF CONTRACT CHANGE ORDERS

<b>Period:</b>	<input type="checkbox"/>	1 <sup>st</sup> – 15 <sup>th</sup>
	<input checked="" type="checkbox"/>	16 <sup>th</sup> – End of Month
<b>Month &amp; Year:</b>	March 2017	
<b>For City Council Date:</b>	April 11, 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	#71 Boiler Feed Pump Rebuild	3	\$4,815.00	Flowserve Corporation	\$215,278.43	\$7,490.00	D. Kom	CB
Water & Pollution Control	Well Rehabilitation Project	3	\$75,923.00	Northway Corporation	\$7,589.00	\$1,625.00	J. Dunn	MA
Transit	CyRide - Interceptor Pit Upgrades 2016	1	\$229,915.00	Woodruff Construction, LLC	\$0.00	\$780.00	R. Leners	MA
Transit	CyRide - Interceptor Pit Upgrades 2016	2	\$229,915.00	Woodruff Construction, LLC	\$780.00	\$2,825.00	R. Leners	MA
Transit	CyRide - Interceptor Pit Upgrades 2016	3	\$229,915.00	Woodruff Construction, LLC	\$3,605.00	\$17,909.00	R. Leners	MA
Electric Services	GT1 Return to Service Project - Bid No. 1: Gas Generator	1	\$949,950.00	Wood Group Pratt & Whitney	\$0.00	\$30,800.00	B. Kindred	CB

Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact (Buyer)
Public Works	A & E Services for Airport Terminal Building Design	4	\$4,000,000.00	Bolton & Menk, Inc.	\$26,700.00	\$6,263.71	B Kindred	MA
			\$		\$	\$		
			\$		\$	\$		

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**8a-c**

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

**FROM:** Lieutenant Dan Walter – Ames Police Department

**DATE:** April 4th, 2017

**SUBJECT:** Beer Permits & Liquor License Renewal Reference City Council Agenda  
April 11th, 2017

The Council agenda for April 11th, 2017, includes beer permits and liquor license renewals for:

- Class C Liquor - LC0033819- Dangerous Curves, 111 5th Street
- Class C Liquor & Outdoor Service - LC0039983 - Brick City Grill, 2704 Stange Road
- Class C Liquor & Outdoor Service - LC0037732 - Cyclone Experience Network, Hilton Coliseum

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 all of the above business.

**Applicant License Application ( )**

<b>Name of Applicant:</b> <u>Campustown Hospitality Group.</u>		
<b>Name of Business (DBA):</b> <u>Smokin Oak Wood-fired Pizza</u>		
<b>Address of Premises:</b> <u>2420 Lincoln Way</u>		
<b>City</b> <u>Ames</u>	<b>County:</b> <u>Story</u>	<b>Zip:</b> <u>50014</u>
<b>Business</b> <u>(641) 355-1000</u>		
<b>Mailing</b> <u>1401 6th Avenue South</u>		
<b>City</b> <u>Clear Lake</u>	<b>State</b> <u>IA</u>	<b>Zip:</b> <u>50428</u>

**Contact Person**

<b>Name</b> <u>Jeff Gorball</u>			
<b>Phone:</b> <u>(641) 355-1005</u>	<b>Email</b>	<u>CHG@kingland.com</u>	

**Classification** Special Class C Liquor License (BW) (Beer/Wine)

**Term:** 12 months

**Effective Date:** 05/01/2017

**Expiration Date:** 01/01/1900

**Privileges:**

Class B Native Wine Permit

Special Class C Liquor License (BW) (Beer/Wine)

Sunday Sales

**Status of Business**

<b>BusinessType:</b> <u>Limited Liability Company</u>
<b>Corporate ID Number:</b> <u>489DLC-534034</u> <b>Federal Employer ID</b> <u>30 0958262</u>

**Ownership**
**David Kingland**

**First Name:** David

**Last Name:** Kingland

**City:** Bonita Springs

**State:** Florida

**Zip:** 50428

**Position:** CEO

**% of Ownership:** 79.00%

**U.S. Citizen:** Yes

**Insurance Company Information**

<b>Insurance Company:</b> <u>Selective Insurance Company of America</u>	
<b>Policy Effective Date:</b>	<b>Policy Expiration</b>
<b>Bond Effective</b>	<b>Dram Cancel Date:</b>
<b>Outdoor Service Effective</b>	<b>Outdoor Service Expiration</b>
<b>Temp Transfer Effective Date</b>	<b>Temp Transfer Expiration Date:</b>





<b>Name of Applicant:</b> <u>Gianello, Inc.</u>		
<b>Name of Business (DBA):</b> <u>Cafe Beau</u>		
<b>Address of Premises:</b> <u>2504 Lincolnway</u>		
<b>City</b> <u>Ames</u>	<b>County:</b> <u>Story</u>	<b>Zip:</b> <u>50014</u>
<b>Business</b> <u>(515) 292-7429</u>		
<b>Mailing</b> <u>4414 Timber Ridge dr</u>		
<b>City</b> <u>Ames</u>	<b>State</b> <u>IA</u>	<b>Zip:</b> <u>50014</u>

**Contact Person**

<b>Name</b> <u>Kellie Gianello</u>
<b>Phone:</b> <u>(515) 292-4200</u> <b>Email</b> <u>claudio@cafebeaudelaire.com</u>

**Classification** Class C Liquor License (LC) (Commercial)

**Term:** 12 months

**Effective Date:** 01/26/2017

**Expiration Date:** 01/25/2018

**Privileges:**

Class C Liquor License (LC) (Commercial)

Outdoor Service

**Status of Business**

<b>BusinessType:</b> <u>Privately Held Corporation</u>
<b>Corporate ID Number:</b> <u>149447</u> <b>Federal Employer ID</b> <u>42-1368298</u>

**Ownership**

**Claudio Gianello**

**First Name:** Claudio      **Last Name:** Gianello  
**City:** Ames      **State:** Iowa      **Zip:** 50014  
**Position:** Owner  
**% of Ownership:** 60.00%      **U.S. Citizen:** No

**Kellie Gianello**

**First Name:** Kellie      **Last Name:** Gianello  
**City:** Ames      **State:** Iowa      **Zip:** 50014  
**Position:** Owner  
**% of Ownership:** 40.00%      **U.S. Citizen:** Yes

**Insurance Company Information**

<b>Insurance Company:</b> <u>Illinois Casualty Co</u>
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**Policy Effective Date:**

**Policy Expiration**

**Bond Effective**

**Dram Cancel Date:**

**Outdoor Service Effective**

**Outdoor Service Expiration**

**Temp Transfer Effective**

**Temp Transfer Expiration Date:**



# MEMO

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11

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

**FROM:** Heidi Petersen – Deputy City Clerk

**DATE:** April 6, 2017

**SUBJECT:** Tip Top Lounge Outdoor Service Privilege Licenses, 201 E. Lincoln Way

The owner of the Tip Top Lounge, Andrew White, has applied for eight Outdoor Service Privilege Licenses for events on the following dates:

May 18-19, 2017  
June 1-2, 2017  
June 15-16, 2017  
June 29-30, 2017  
July 13-14, 2017  
July 27-28, 2017  
August 10-11, 2017  
August 24-25, 2017

Outdoor Service Privilege License applications through the Iowa Alcoholic Beverages Division do not show the specific date requested for the Outdoor Service Privilege; therefore, each of the applications look identical to each other. This memo is in lieu of the application typically sent to you for liquor licenses.

**TO:** Members of the City Council

**FROM:** Ann H. Campbell, Mayor

**DATE:** April 7, 2017

**SUBJECT:** Appointment to Building Board of Appeals

As you know, the Council recently approved appointments to the City's various boards and commissions. At that time, a vacancy on the Building Board of Appeals went unfilled due to there being no applications received for that particular position (licensed journeyman, master electrician, or electrical contractor).

Since that time, an application was filed by Andrew Mott (master electrician) indicating his interest in serving on the Board. Therefore, I request that the City Council approve the appointment of Andrew Mott to fill the term of office on the Building Board of Appeals.

**REVISED COUNCIL ACTION FORM**  
**4/10/17**

**SUBJECT: TEMPORARY INCREASE IN AUTHORIZED POLICE STAFFING LEVEL**

**BACKGROUND:**

City Council approval is sought to temporarily increase the City's authorized complement of police officers. This action will facilitate the hiring and training of an officer to fill the newly approved position included in the adopted 2017/18 Budget.

Replacing a police officer is a time intensive process. Officers are required by law to successfully complete the 16-week residential training program at the Iowa Law Enforcement Academy. This training may not occur until the officer has actually been hired by a police department. In addition, the officer needs to complete a 14-week field training experience with our department. The extended time period between hiring a new officer and their ability to operate independently in the field is an important limiting factor in the City's ability to maintain a full complement of officers responding to citizen calls.

In recognition of this dilemma, in July 2010 staff proposed an avenue whereby a new officer could be hired as soon as a retirement date, resignation date or other vacancy was known. This would allow new officers to enter the training sequence as soon as possible. To accomplish that, the City Council approved an approach whereby the authorized staffing level for sworn personnel would be temporarily increased. This process would be followed in the future whenever circumstances warranted.

During the annual budgeting process, \$42,000 is set aside in the Crime Prevention and Police Services section of the *adjusted year's budget* in case early hiring early is needed. That funding, which is utilized infrequently, is typically covered through carryover from unspent payroll funds in the previous year. That funding is available in the 16/17 adjusted budget.

Based on Council action during approval of the 2017/18 budget, a new police officer position was authorized beginning July 1, 2017. The current Civil Service hiring list includes a qualified officer candidate who is in the final stages of background review. It is proposed that this candidate be hired in late May, rather than in July, to facilitate early involvement in the training process.

To authorize this action, the City Council is asked to increase the authorized number of police officer positions to ~~55~~ 56 effective on May 15 rather than on July 1 as shown in the approved 2017/18 budget.

**ALTERNATIVES:**

1. Authorize an increase in the Police staffing level for sworn personnel from 54 to 55 ~~55~~ to ~~56~~ effective May 15, 2017.
2. Do not authorize a temporary increase in the staffing level in the Police Department.

**CITY MANAGER'S RECOMMENDED ACTION:**

A fully trained and staffed Police Department is clearly desirable and a direct benefit to our citizens. Since training requirements for new hires make it difficult to maintain full staffing levels, this temporary FTE increase will allow the department to get this newly hired officer into the Academy earlier. Funding is available in the 2016/17 adjusted budget.

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

**COUNCIL ACTION FORM**

**SUBJECT: FORFEITURE AGREEMENT WITH STORY COUNTY ATTORNEY'S OFFICE**

**BACKGROUND:**

Chapter 809 of the Iowa Code provides a process for law enforcement and prosecutors to return property seized as evidence or otherwise associated with a criminal case. The law also allows prosecutors to seek forfeiture of property under specific circumstances. This law most commonly applies to cases involving illegal drugs and the profits from the sale of those drugs. Illegal drugs, for instance, cannot generally be returned to someone, so they must be destroyed. Property used in criminal acts, such as vehicles or computers, may be seized as evidence in these cases. Once the criminal case is completed, the prosecutor may return to the courts to request a forfeiture order for these properties. If cash or property is approved for forfeiture by the courts, the resources are distributed to agencies involved in the case according to a written agreement.

Ames has operated for many years under a forfeiture agreement centered around the Central Iowa Drug Task Force (CIDTF). Recent review of that agreement suggests that it may be prudent to have a second intergovernmental agreement specifically addressing forfeitures not involving the CIDTF. This most often occurs when patrol officers encounter contraband or illegal drugs as an extension of a traffic stop or noise complaint.

Iowa law also defines how forfeiture funds may be used by agencies. The City of Ames follows these guidelines closely with all forfeited funds. Funds are accounted for separately, all expenditures are documented, and all expenditures are authorized by the City Manager's Office.

The attached agreement outlines the arrangement between the Story County Attorney's Office and the City of Ames. This includes the required distribution to the State of Iowa.

**ALTERNATIVES:**

1. Approve the forfeiture agreement as proposed.
2. Approve the forfeiture agreement with modifications.
3. Do not approve the attached forfeiture agreement.

**CITY MANAGER'S RECOMMENDED ACTION:**

The proposed forfeiture agreement allows the prosecutor to seek forfeiture of property in cases where that property may be associated with criminal activity. Forfeited funds are managed by the City to cover Drug Task Force expenses and occasional purchases of small equipment or training that were not anticipated during the normal budget process. Forfeited funds are kept in special accounts under the supervision of the City's Finance Department, and all purchases are made in a manner consistent with City purchasing policies.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the attached agreement.



**FORFEITURE FUNDS  
AGREEMENT**

In recognition of the fact that both law enforcement and prosecution participate in the seizure and forfeiture of property under Chapter 809 of the Iowa Code, the Story County Attorney's Office and the Ames Police Department, by the undersigned, enter into this agreement concerning the distribution of proceeds from forfeitures in Story County.

Effective with the signing of this Agreement, the proceeds from any forfeited property which is forfeited through the Story County Attorney and the Ames Police Department, and returned to this jurisdiction by the Iowa Department of Justice, shall be apportioned 10% of the gross amount to the Iowa Department of Justice, pursuant to Iowa Code 809A.17, the remaining amount shall be apportioned 20% of the net amount to the Story County Attorney's Office (in addition to fees and costs associated with the action) and the remaining 80% to the Ames Police Department to be used as specified by the Code of Iowa. If the forfeiture was handled in Federal Court, the adopting Federal Agency receives 10% of the gross amount unless other arrangements were made.

This Agreement includes cash and the proceeds from the sale of tangible property, but excludes vehicles and other in kind property, which will be used "as is" by the Iowa Division of Criminal Investigation.

The Ames Police Department shall, upon receipt of forfeited monies or proceeds from the sale of property, immediately issue a check in the amount of 20% of the remaining net amount, made payable to the Story County Attorney's Office Forfeiture Account.

This Agreement shall be in force until renegotiated or terminated upon thirty (30) days' prior written notice by either party. In the event of renegotiation or termination, proceeds of forfeiture for which the procedures have already begun at the time of renegotiation or termination shall be distributed according to the terms of this Agreement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Story County Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ames Police Department

**COUNCIL ACTION FORM**

**SUBJECT: FISCAL AGENCY AGREEMENT WITH AMES FOUNDATION IN SUPPORT OF POLICE OUTREACH, OFFICER SAFETY, AND TRAINING ENHANCEMENTS**

**BACKGROUND:**

Community donors have made a contribution to the Ames Foundation in support of the Ames Police Department, with the intention that these funds be used to enhance officer safety. It is proposed that the City enter into a fiscal agency agreement with the Foundation in order to utilize these donations.

Planned enhancements may come through the purchase of equipment, community outreach, or training activities. Specific examples include ballistic shields or other bullet resistant equipment for the officers or the vehicles they use, outreach supplies and events designed to strengthen relationships between the police and community, and specialized training that may make the officers safer as they fulfill the responsibilities of their positions.

Purchases associated with these activities will be conducted under the City's purchasing policies. Therefore, the department will be able to budget for expenditure of these funds through the normal budget process or by specification of the availability of these donation funds if not already approved in the budget process. The City Manager's Office and Finance Department oversee the purchasing process and must approve any unbudgeted items or budget amendments associated with these expenses.

The City will receive reimbursement from the Ames Foundation for purchases that align with the three purposes noted earlier. Thus, the City purchasing process becomes the controlling procedure for any request to utilize these funds.

The attached agreement outlines the arrangement between the Ames Foundation and the City. This includes the three purpose areas that constitute appropriate use of the funds, the reimbursable nature of expenditures, and the administrative costs of the Ames Foundation.

**ALTERNATIVES:**

1. Approve the attached fiscal agency agreement with the Ames Foundation.
2. Direct that changes be made to the attached agreement.
3. Do not approve the agreement with the Ames Foundation.

**CITY MANAGER'S RECOMMENDED ACTION:**

These donated funds will allow enhancement of community outreach and contribute toward a safer, more effective Police Department. Funds will be under the control of the independent Ames Foundation, and all purchases will be made in a manner consistent with established City purchasing policies.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the attached fiscal agency agreement.

**MEMORANDUM OF AGREEMENT BETWEEN THE AMES FOUNDATION AND THE CITY OF AMES  
FOR ACTING AS THE FISCAL AGENT FOR THE AMES POLICE DEPARTMENT COMMUNITY  
OUTREACH / OFFICER SAFETY AND TRAINING ENHANCEMENTS**

This agreement between The Ames Foundation (The Foundation) and The City of Ames (The City), shall provide for the basis of a FISCAL AGENCY AGREEMENT between The Foundation and The City as The Foundation acts as fiscal agent for donations received for use by the Ames Police Department. It is anticipated that this fiscal agency will be in effect from April of 2017, until December 31, 2019. Either party may request of the other party, that the partnership be continued beyond this end date.

1. The Ames Foundation shall serve as the fiscal agent for donations received in a community-wide effort to assist the Ames Police Department in enhancing its community outreach/officer safety and training efforts. The Foundation shall establish a separate account for the holding of any funds donated for the above stated purpose, called the Ames Police Department Fund.
2. The Foundation will formally acknowledge all gifts of \$250 or more, and send appropriate correspondence to the donors.
3. The Executive Committee of the Foundation will oversee the account, and be authorized to make expenditures from the account. In general, these will be reimbursements to the City of Ames for purchases of goods or services.
4. The Foundation will make deposits of funds into the account, as approved by the Foundation Board of Directors, as donations are received.
5. This agreement may be amended with the mutual consent of both The Foundation and The City of Ames.
6. The Ames Police Chief or designee shall be authorized to approve expenditures from the Ames Police Department Fund in accordance with a plan approved by the City Council.
7. The Ames Police Department Fund will not receive interest earnings in accordance with the established policies of The Ames Foundation.
8. The Foundation will receive a one-time fee of 2 % of every gift received.
9. To the fullest extent permitted by law, the City of Ames will defend, pay on behalf of, indemnify which and hold harmless The Ames Foundation, its officers, directors and any volunteers working on The Foundation's behalf, against any and all claims, demands, suits or loss (including all costs) and for any damages claimed, asserted or recovered from The Ames Foundation arising out of or connected to this agreement. This includes any losses due to bodily injury, death and /or property damage, or any other act or failure to act, by The Ames Foundation which arises out of or is in any way connected with this agreement.
10. The Ames Foundation's sole role is to serve as a fiscal agent for the Ames Police Department Fund under this agreement.

This agreement is entered into this \_\_\_\_\_ day of April, 2017

For The Ames Foundation

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date \_\_\_\_\_

For the City of Ames

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date \_\_\_\_\_



# MEMO

## Legal Department

**To:** Mayor Campbell and Members of the City Council

**From:** Victoria A. Feilmeyer, Assistant City Attorney

**Date:** April 6, 2017

**Subject:** Sale of 1201 Dayton Avenue by Mary Greeley Medical Center

Mary Greeley Medical Center has entered into a purchase agreement for the sale of real property located within the City of Ames to Manatt's Inc., locally known as 1201 Dayton Avenue, and legally described as "Lot 2, Mary Greeley Subdivision, Ames, Story County, Iowa." The legal titleholder to the property is **The City of Ames, Iowa d/b/a Mary Greeley Medical Center, A City Hospital.**

Under the terms of the purchase agreement, the Seller is required to provide Manatt's Inc., with marketable title. Buyer's attorney has examined the abstract as provided in the purchase agreement and requires that the City Council approve the proposed sale and execute a deed to Manatt's Inc., to convey marketable title as provided by Iowa Code 364.7.

Prior sales of property with the identical titleholder have not been brought before Council for approval due to the authority contained in Iowa Code sections 347.14(3) and 392.6, which collectively grant to the hospital Board of Trustees power to sell hospital property upon a concurring vote of a majority of all members of the board of hospital trustees.

On January 23, 2017, the Board of Trustees passed Resolution 17-01 proposing the sale of the property to Manatt's Inc., and later approved the sale with Resolution 17-03 on February 27, 2017. Copies of both Resolutions of the Board of Trustees are attached.

In order to satisfy the request of Manatt's title examiner, we request that council set forth the proposal in a resolution and publish notice of a date, time and place of a public hearing on the proposal and approve the proposal at its subsequent meeting on April 25, 2017.

Request to Complete Form Documents Incident to Residential Real Estate Transaction

Buyer and Seller request that Broker(s) select and complete documents as authorized by Iowa law or by Iowa Supreme Court Ruling, such as purchase agreements, groundwater hazard and declaration of value incident to a residential real estate transaction.

Sellers' Signatures: Gary Botone, Date: dotloop verified 02/28/17 5:26PM CST

Buyers' Signatures: Duane Haasebrack, Date: dotloop verified 12/16/16 2:54PM CST

Buyer: Manatt's INC.

Seller: Mary Greeley Medical Center

Property Address: 1201 Dayton Avenue, Ames, IA 50010

Legal Description: MARY GREELEY SD LOT:2 AMES See attached plat

City: Ames County: Story County State: IA Zip Code: 50010

Buyer hereby agrees to buy, and Seller agrees to sell, the property on the following terms and conditions:

Date of Offer: Date: 12/12/2016 Time: 2:00pm Offer Expires On: Date: 12/30/2016 Time: 2:00pm

Purchase Price \$75,000

Terms The purchase price is payable as follows:

- Checkboxes for payment terms: Cash, New Loan, Contingent upon closing, Contingent upon buyer's closing, Seller Financing/Contract, Other.

Earnest Money \$1000 With Offer Within 3 Business Days of Acceptance.

Evidenced By: Personal Check, Cashier's Check, Cash. To be Held by: Listing Broker, Selling Broker. Other Remarks:

Earnest Money to be deposited in trust account upon acceptance of this agreement by all parties.

Financing Contingency Yes No

This Agreement is contingent upon Buyer securing the following financing:

- Assume Existing Loan, New Loan (Type of Loan, Amount, Years, Maximum Points), Sellers to credit buyers, Property must appraise, Preliminary Approval.

Other Terms:

HOME WARRANTY: Included with this sale YES No Paid for by SELLER or BUYER Warranty Co. Plan, at a cost not to exceed \$

Sellers: Gary Botone, 02/28/17 5:26PM CST

Buyers: Duane Haasebrack, 12/16/16 2:54PM CST

1. BUYERS agree to pay all customary loan costs unless otherwise agreed upon in writing. BUYERS agree upon acceptance of this offer to immediately make application for such mortgage with a lender and to make their best effort to obtain a mortgage commitment as above provided. If BUYERS have not obtained a written commitment with **appraisal or loan denial** by N/A, SELLERS may rescind this Agreement by giving written notice to the BUYERS stating that if a mortgage commitment has not been obtained within five (5) business days of receipt of such notice then this Agreement shall be null and void and the earnest money shall be returned to the BUYERS. If SELLERS do not choose to give such written notice, then this Agreement shall remain valid until the BUYERS have obtained mortgage commitment or denial. In addition to the proceeds of aforementioned mortgage the BUYERS shall pay the balance of purchase price in cash at the time of closing with adjustment for closing costs to be added or deducted from this amount. SELLERS acknowledge and agree that the property will be taken off the market until SELLERS receive notice of a mortgage commitment or denial from BUYERS, unless otherwise agreed in writing by both parties.

**IF LOAN COMMITMENT IS NOT OBTAINED, THE EARNEST MONEY SHALL BE REFUNDED TO THE BUYERS.**

**2. POSSESSION AND CLOSING:**


Closing and Possession is to be given on 03/01/2017 or as agreed. Adjustment of interest, rents, prepaid fuel and all charges attributed to the SELLERS' possession are to be made on this date. Closing shall occur upon delivery of an instrument of title. Possession shall be given upon signing of closing documents. This transaction shall be considered closed upon filing of documents and receipt of all funds. If for any reason possession or closing are not on the above date, the parties shall make a separate written agreement. If no separate written agreement has been made, either party with the ability to close may rescind this agreement by giving written notice to the other party stating closing must occur within five (5) business days of receipt of such notice or this agreement shall be null and void. If neither party chooses to give such notice then this agreement shall remain valid until closing.


3. **TRUST PAYMENTS:** All funds deposited as part payments shall be held by Broker in trust pending acceptance of this offer, and examination of the abstract and delivery of deed or formal contract. Buyer authorizes the company financing this purchase to pay all funds to Broker for the benefit of Seller and Seller authorizes Agent to accept and manage payments and disbursements. At time of settlement, funds of the purchase price may be used to pay taxes, other liens, and closing costs to comply with the above requirements, to be handled under supervision of Broker, and subject to approval of Buyer on title questions which may be needed to produce marketable title. If Buyer is refunded any Earnest Money, any expenses incurred on Buyer's behalf shall be deducted and paid to creditors.

If agreed to by the broker, any interest on trust account shall be forwarded to the Iowa Association of REALTORS® Foundation, a charitable non-profit entity, or as directed and mutually agreed in writing by both Buyer and Seller.

4. **INSURANCE:** Within 10 days from acceptance of this offer, BUYERS agree to make application for homeowner's insurance, if required. If BUYERS are unable to procure homeowner's insurance, the BUYERS may rescind this Agreement by giving written notice to the SELLERS stating the agreement is null and void. SELLERS shall bear the risk of loss or damage to the property prior to closing or possession, whichever occurs first. SELLERS agree to maintain existing insurance and BUYERS may purchase additional insurance. In the event of substantial damage or destruction prior to closing, this Agreement shall be null and void, if Buyer desires. Buyer, however, shall have the right to complete the closing and receive insurance proceeds regardless of the extent of the damage plus a credit towards the purchase price equal to the amount of the Seller's deductible on such policy. The property shall be deemed substantially damaged or destroyed if it cannot be restored to its present condition on or before closing date.

5. **SPECIAL ASSESSMENTS:** The SELLERS shall pay in full all special assessments that are certified as liens on the public record at closing. Any preliminary or deficiency assessment, which cannot be discharged by payment, shall be paid through an escrow account with sufficient funds to pay such liens when payable with any unused funds returned to the SELLERS'. SELLERS shall pay all charges for solid waste removal, sewage, and assessments of maintenance that are attributable to SELLERS possession.

Sellers  02/28/17 5:26PM CST

Buyers  12/16/16 2:54PM CST

6. **TAXES:**

- A. The SELLERS shall pay all real estate taxes that are liens for prior years and all those that are due and payable in the fiscal year in which possession is given.
- B. The SELLERS shall pay their prorated share, based upon date of possession, of real estate taxes for the fiscal year in which possession is given due and payable in the subsequent fiscal year. The BUYERS shall be given a credit for such proration at closing based upon the last known actual real estate taxes payable according to public record. However, if such taxes are not based upon the full assessment of the present property improvements or the tax classification as of the date of possession, such perorations shall be based on the current millage and the assessed values as shown by the Assessor's Records on the date of possession. **In the event of such partial assessment, it shall be the duty of the SELLERS to so notify the BUYERS and BROKER.**

7. **DUTIES OF PARTIES:**

- A. The BROKER, its agents, employees, and associates make no representations or warranties as to the physical or mechanical condition of the property, its size, future value, or income potential.
- B. SELLERS and BUYERS acknowledge that the SELLERS of real property have a legal duty to disclose material defects of which SELLERS have actual knowledge and which a reasonable inspection by the BUYERS would not reveal.

8. **REMEDIES OF THE PARTIES:** If the SELLERS fail to fulfill this Agreement, they will pay the BROKER the commission in full. The BUYERS shall have the right to have all payments returned, and/or to proceed by any action at law or in equity, and the SELLERS agree to pay costs and reasonable attorney fees, and a receiver may be appointed. If the BUYERS fail to fulfill this Agreement, SELLERS may forfeit the same as provided in Chapter 656 of the Code of Iowa, and all payments made herein shall be forfeited, or the SELLERS may proceed by an action at law or in equity. The BUYERS agree to pay costs and reasonable attorney fees, including the BROKER'S commission and any other expense incurred by the SELLERS. For purpose of collecting the BROKER'S commission from either the SELLERS or the BUYERS, BROKER shall be deemed an intended third party beneficiary to this Agreement and may bring an action of law against either the SELLERS or BUYERS for the collection thereof which will include all costs and expenses incurred and reasonable attorney's fees.


9. **MEDIATION:** In the event of a dispute, Buyer and Seller agree to consider mediation as an alternative to initiating legal action. The mediation will be conducted in accordance with the rules and procedures of a mutually agreed mediation service. Even when utilizing mediation, parties may still seek legal remedies.


10. **INCLUDED PROPERTY:** Included with the property shall be all fixtures that integrally belong to, or specifically adapted to or are a part of the real estate, whether attached or detached, such as: attached wall to wall carpeting, built-in appliances, ceiling fans, light fixtures (including light bulbs), water softeners (except rentals), smoke alarms, shutters, shades, rods, blinds, vertical blinds, awnings, storm windows, storm doors, screens, television antennas, air conditioning equipment (except window type), door chimes, automatic garage door openers, garage door remotes, electrical service cables, mailboxes, sump pumps, attached mirrors, fencing, attached shelving, gates, LP tank (if owned), bushes, trees, shrubs and plants. Also included shall be the following:

The following items shall not be included: \_\_\_\_\_

**Any personal property and debris not included in the sale of the property must be removed at the expense of the SELLERS prior to day of possession.**

11. **FUNDS:** It is agreed that at time of closing, funds of the purchase price received from BUYERS and/or BUYERS' lender, may be used to apply to the purchase price, to pay taxes and other liens, same to be handled under supervision of the BROKER and subject to approval of BUYERS' attorney on title questions needed to produce marketable title. SELLERS hereby appoint the BROKER to receive such funds and make such payments and disbursements.

Sellers  02/28/17  
5:26PM CST

Buyers  12/16/16  
2:54PM CST



12. **CONDITION OF PROPERTY:** Federal law (known as Title X) requires notification of potentially dangerous levels of lead-based paint in properties built prior to 1978 (See Lead-Based Paint Disclosure). If applicable, the SELLER will provide BUYERS copies of any records or prior test results pertaining to lead-based paint. SELLERS shall have water, gas and electrical utilities on for BUYERS’ inspections through the date of possession. The property as of the date of this Agreement including buildings, grounds, and all improvements will be preserved by the SELLERS in its present condition until possession, ordinary wear and tear expected. The BUYERS shall be permitted to make an inspection of the property prior to possession or closing, whichever is sooner, in order to determine that there has been no change in the condition of the property. SELLERS represent that as of the date of possession the heating, air conditioning, plumbing, electrical and other mechanical fixtures and equipment, if any, are performing the function for which they were intended, unless otherwise specified. BUYER’s choice below in no way affects any improvements to the property that may be required by BUYER’s lender.

A. The BUYERS may choose one of the following alternatives relative to the condition and quality of the property.



1. Within \_\_\_\_\_ business days (M-F) after the final acceptance date BUYERS may, at their sole expense, have the property inspected by a qualified person or persons of Buyer’s choice to determine if there are any major structural, mechanical, radon gas, fungal, roof, plumbing, electrical, siding, or lead-based paint deficiencies. These inspections are not construed as inspections to bring an older home into compliance with current local building codes nor are they to be used for the purposes of obtaining any replacement or upgrade to any functional water heater or HVAC system. These inspections are intended to discover any major deficiencies existing on the property. Major deficiency is a material defect existing on the property, which if not corrected by the Sellers prior to closing, would have a significant negative impact on the fair market value of the property or pose an unreasonable risk to the safety of persons on the property. BUYER agrees minor repairs and routine maintenance items are not a part of this contingency. BUYER to indemnify SELLER for any damage resulting from the environmental investigation. **Within this same period**, BUYER may notify SELLER in writing of any such deficiency. Failure to do so shall be deemed a waiver of BUYER’S inspection and repair rights and BUYER agrees to accept the property in its present condition. In the event of any claim or request by BUYER as a result of inspections, SELLER shall within three (3) business days of notification notify the BUYER in writing of what steps, if any, the SELLER will take to correct any deficiencies before closing. The BUYER shall then within three (3) business days in writing notify the SELLER that (1) such steps are acceptable, in which case this Agreement, as so modified, shall be binding upon all parties; or (2) shall negotiate in good faith a modification of the agreement; or (3) that such steps are not acceptable, in which case this Agreement shall be null and void, and any earnest money shall be returned to BUYER.



2. BUYER accepts, or SELLER has offered, this property in “AS-IS” condition and no repairs or corrections will be made by the SELLER. However, BUYER reserves the right to conduct an inspection of the property within \_\_\_\_\_ business days after the final Acceptance Date. Buyer understands the Seller shall not be obligated to repair, replace or modify any item identified in the Buyer’s Inspection Report and the transaction shall proceed to closing despite the contents of any inspection report.

3. SELLER has offered Property in its “As-is” condition and BUYER accepts Property in its “As-is” condition. No inspection will be completed. Even if an inspection is conducted, SELLER shall not be obligated to replace/repair any item(s) and is not bound to release any Earnest Money or void contract.

**B. New Construction:** If the improvements on the subject property are under construction or are to be constructed, this Agreement shall be subject to approval of plans and specification by the parties within \_\_\_\_\_ days of final acceptance of this Agreement. New construction shall have the warranties implied by law, specifically made by suppliers of materials/appliances, or specifically tendered by the contractor. The Broker and its agents make no warranties as to the quality of construction or materials.

**C. Ground Water Hazard Statement** will be filed at closing for the SELLERS regarding the following items: (1) wells; (2) solid waste; (3) hazardous waste; (4) underground storage tanks (5) private burial grounds located on the property.

Sellers    
02/28/17  
5:26PM CST

Buyers    
12/16/16  
2:54PM CST

13. **PEST INSPECTION.** If the subject property contains at least one and not more than a four family residential dwelling (matches 558A.1 (4) definition), **SELLERS**, at their sole expense, shall have the property inspected for any wood destroying insects by a licensed Pest Inspector prior to closing. If active wood destroying insect infestation or damage due to prior or active infestation is discovered, **SELLERS** shall have the options of either A) declaring this Agreement void and return the earnest money to the **BUYERS** within five (5) days after receipt of the inspection report, provided however, Buyers may accept the property in its existing condition without such treatment or repairs or B) have the property treated by a licensed pest exterminator and if damage has been discovered to the property, have the damage repaired to the **BUYERS'** satisfaction prior to closing. If repairs are not made to the **BUYERS'** satisfaction, upon receipt of written notice by the **BUYER** this Agreement shall be null and void and any Earnest Money shall be returned to the **BUYER**. This provision shall not apply to fences, trees, shrubs or outbuildings other than garages.
14. **NON PUBLIC WATER WELLS AND SEWAGE, COMMERCIAL WASTE AND EXCRETE DISPOSAL INSPECTIONS:** The **SELLERS** shall obtain satisfactory inspection reports on these two systems from the State & County Board of Health and present them to the **BUYERS** prior to closing of the sales transaction if such is required by the State & County Board of Health. Cost of inspections, if any and cost of repairs required by County Board of Health to be paid by **SELLERS**.
15. **RENTAL PROPERTY:** If this property is currently used as rental property, this Agreement is contingent upon **SELLERS** providing **BUYERS** a letter of compliance with all applicable rental codes and ordinances, if applicable, unless otherwise provided herein. **BUYERS** shall take the property, subject to the rights of existing tenants. **SELLERS**, shall within the time specified in Paragraph 12A, deliver to **BUYERS** copies of all leases, rental agreements, outstanding notices sent to tenants and current income and expenses statements. **SELLERS** shall make no changes in leases and tenancies, and shall enter into no new leases or rental agreements during the pendency of this transaction, without **BUYERS'** prior written request. **SELLERS** shall surrender to **BUYERS** all security deposits of tenants if required by law and will prorate all rentals received.
16. **SURVEY:** The **BUYERS** may, no later than 10 days prior to closing, have the property surveyed at their expense. If the survey, certified by a Registered Land Surveyor, shows any encroachment on said property or if any improvements located on the subject property encroach on land of others, such encroachments shall be treated as a title defect.
17. **ABSTRACT AND TITLE:** **SELLERS** within five (5) business days of acceptance shall provide, at Seller's expense, an abstract of title. Said abstract shall be continued to and including the date of acceptance of this Agreement. Continued abstract shall be delivered to an attorney selected by the Buyer or Buyer's lender for a title opinion. Seller shall, in the alternative if requested by Buyer or Buyer's lender, provide at Seller's expense a written lien search continued to and including the date of acceptance of this Agreement. Such lien search shall be delivered to a title insurer. Seller agrees to make every reasonable effort to promptly perfect title in accordance with such opinion or title policy so that upon conveyance, title shall be deemed marketable in compliance with this Agreement and the laws of the State of Iowa, and if applicable, the title policy. If closing is delayed due to Sellers' inability to provide marketable title, this Agreement shall continue in force and effect until either party rescinds the Agreement after giving 10 days written notice to the other party and the **BROKER**. The **SELLERS** shall not be entitled to rescind unless they have made a reasonable effort to procure marketable title.
18. **COURT APPROVAL:** If the property is an asset of any estate, trust or conservatorship, this Agreement is contingent upon Court approval unless declared unnecessary by **BUYERS'** attorney. If necessary, the appropriate fiduciary shall promptly obtain court approval and Court Officer's Deed shall make conveyance.
19. **GENERAL PROVISIONS:** In the performance of each part of this Agreement, **Time Shall Be Of the Essence**. This Agreement shall be binding on and inure the benefit of the heirs, executors, administrators, assigns and successors in interest of the respective parties. This Agreement shall survive this closing. Paragraph headings are for the convenience of reference and shall not limit nor affect the meaning of this Agreement.

Sellers 

<i>JB</i> 02/28/17 5:26PM CST	
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Buyers 

<i>DH</i> 12/16/16 2:54PM CST	
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**20. OTHER PROVISIONS:** \_\_\_\_\_

**21. AGENCY DISCLOSURE:**

Buyer and Seller confirm that written disclosures of agency representation were provided to them, they understand who is representing them, and the disclosures were provided prior to signing this Offer For Real Estate.

**Buyer's Brokerage** \_\_\_\_\_ **Seller's Brokerage** \_\_\_\_\_  
**Dual Agent/Brokerage** Hunziker & Associates

**22. SURVIVAL:** The warranties, representations, covenants, agreements, duties and remedies contained herein shall survive the execution and delivery of this agreement, the closing of the transactions contemplated herein and the recording of any contract or deed conveying title.

**23. CALCULATING TIME PERIODS:** All references to days shall be construed as business days unless otherwise noted. A day shall begin at 12:00 a.m. and end at 11:59 p.m. In computing any time period prescribed or allowed herein, the day of the act or event from which the time period runs is not included and the last day of the time period is included unless that last day is a state or federal holiday, in which event the last day shall be the next business day.

**24. ACCEPTANCE**

a. I/We hereby accept the above offer at \_\_\_\_\_ A.M. /P.M. \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.


b. This offer rejected by \_\_\_\_\_ SELLER, Time \_\_\_\_\_ Date \_\_\_\_\_


If accepted by the SELLERS on a later date and such acceptance if ratified in written form by BUYERS, then this Agreement will be valid and binding. Copies of all such notices shall also be sent to the Listing Agent and Selling Agent, or their Brokers.

NOTICE: Any notice required under this agreement shall be deemed delivered when it is received or provided either by hand delivery, facsimile, electronic communications or certified mail. Person designated for receipt or to give any notice shall Seller(s) and Buyer(s) at the addresses set forth below or their Broker or Agent. Electronic or facsimile transmissions sent to the other party or to the appropriate Broker, followed by electronic or faxed acknowledgement of receipt, shall constitute delivery of signed document. In the event this form is received by electronic transmission and/or email, the parties hereto acknowledge that they have not changed or altered the content of this form template. The parties agree to confirm such delivery by mailing or personally delivering a signed copy of the original document to the appropriate Broker/Agent.

Seller(s)/Buyer(s) Acceptance. Seller/Buyer hereby acknowledges having read this Agreement in its entirety, including the Standard Terms, and having received a copy of this Agreement.

**Addendum(s) Attached** 1 \_\_\_\_\_ (#)

<b>Seller's Signature</b>	<b>Date</b>
	<small>dotloop verified 02/28/17 5:26PM CST ZN6P-41XZ-XPFM-12QM</small>
Printed Name <u>Gary Botine</u>	
Address <u>1111 Duff Ave. Ames, IA 50010</u>	
Phone <u>515-239-2114</u>	

<b>Buyer's Signature</b>	<b>Date</b>
	<small>dotloop verified 12/16/16 2:54PM CST RETP-UXW6-HIHD-03HR</small>
Printed Name <u>Duane Hassebock</u>	
Address <u>2120 E. 13th Street</u>	
Phone <u>(515) 233-2005</u>	

<b>Seller's Signature</b>	<b>Date</b>
Printed Name _____	
Address _____	
Phone _____	

<b>Buyer's Signature</b>	<b>Date</b>
Printed Name _____	
Address _____	
Phone _____	

**Listing Brokerage:**  
Hunziker & Associates  
**Brokerage #** \_\_\_\_\_ **Agent #** B3279600  
Chuck Winkleblack 515-290-7007  
 Agent \_\_\_\_\_ Cell Phone \_\_\_\_\_

**Selling Brokerage:**  
Hunziker & Associates  
**Brokerage #** \_\_\_\_\_ **Agent #** B3279600  
Chuck Winkleblack 515-290-7007  
 Agent \_\_\_\_\_ Cell Phone \_\_\_\_\_

Proof Of Publication In  
THE AMES TRIBUNE

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STATE OF IOWA, STORY COUNTY, ss.

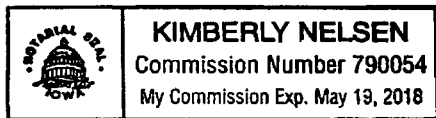
I, Scott Anderson, on oath depose and say that I am Publisher of **THE AMES TRIBUNE**, a daily newspaper, published at Ames, Story County, Iowa; that the annexed printed

**MARY GREELEY MEDICAL CENTER**

Resolution No. 17-01

was published in said newspaper 1 time(s) on February 14, 2017 the last of said publication was on February 14, 2017

*Scott Anderson*



*Kimberly Nelsen*

Notary Public  
sworn to before me and subscribed in my presence by Scott Anderson  
this February 14, 2017

AMT: \$14.14  
AD #: 927890  
ACCT: 34342

#927890  
Resolution No. 17-01  
Resolution Proposing Sale of  
the Land Located at  
1201 Dayton Avenue, Ames, Iowa

Be it Resolved: That it is hereby proposed that Mary Greeley Medical Center enter into a sale with Manatt's, Incorporated for the land located at 1201 Dayton Avenue, Ames, Iowa, more particularly described as follows:

Lot 2, Mary Greeley Subdivision of Ames, Story County, Iowa  
A public hearing on the proposed sale as aforesaid shall be held as required by law to coincide with the Mary Greeley Medical Center Board of Trustees meeting on February 27, 2017, which shall begin at 5:00 p.m. in the Administrative Conference Room, 1111 Duff Ave-

**Resolution No. 17-03**

**Resolution Approving Sale of 1201 Dayton Avenue Property  
Ames, Iowa**

Be It Resolved: That on the 23<sup>rd</sup> day of January, 2017, the Board of Trustees approved Resolution 17-01 proposing the sale of the land located at 1201 Dayton Avenue, Ames, Iowa, setting the public hearing thereon and authorizing the publication of notice.

That on this date, the 27<sup>th</sup> day of February, 2017, a public hearing was held to receive public comment and to consider the proposal to sell the said premises under the terms of a proposed purchase agreement.


That it is hereby approved that Mary Greeley Medical Center enter into an agreement with Manatts, Incorporated, for sale of the land located at 1201 Dayton Avenue, Ames, Iowa for \$75,000.

**Lot 2, Mary Greeley Subdivision of Ames, Story County, Iowa**

Approved this 27<sup>th</sup> day of February, 2017.

  
\_\_\_\_\_  
Chair, Board of Trustees

Attest: )

  
\_\_\_\_\_  
Secretary, Board of Trustees

STATE OF IOWA, STORY COUNTY, SS:

This record was acknowledged before me on this 27<sup>th</sup> day of February, 2017, by Sarah Buck and Kenneth McCuskey, the Chairperson and the Secretary, respectively, of the Board of Trustees of Mary Greeley Medical Center, a hospital of the City of Ames, Iowa.

Michele Gillespie  
Notary Public in and for the State of Iowa

My commission expires 12/23/17





## AMES ANNUAL OUTDOOR SCULPTURE EXHIBITION

The City's Public Art Commission, established in 1990, is committed to the creation of a visual and aesthetic environment that integrates art into the lives of Ames citizens. The **Ames Annual Outdoor Sculpture Exhibition (AAOSE)**, the longest running program for the Public Art Commission, will hold with its 21<sup>st</sup> annual downtown exhibition in 2017. A related program is the **Neighborhood Sculpture Program**, which permanently selects and places sculptures from the Annual Outdoor Sculpture Exhibition in and around Ames at no cost to interested neighborhoods.

### The 2017/18 Ames Annual Outdoor Sculpture Exhibition (AAOSE)

This year 47 entries were submitted by 22 artists from seven states. The entries were evaluated by a jury of Ames residents, composed of a mixture of artists and business owners in Ames. The jury previewed entry materials, met, and then made their recommendation. The jurors selected seven sculptures as their top choices to be displayed in the Main Street Cultural District over the upcoming year.

Here is the list of selections made for the 2017-18 Ames Annual Outdoor Sculpture Exhibition. These include sculptures originally recommended as alternates, but which have replaced other selections that were sold or eliminated for safety reasons. Rotation and installation of the exhibit will take place in early May after consultation with businesses and organizations near the likely sites and further analysis by City staff. Each artist will be paid a \$1,000 honorarium, and a Best-in-Show award will be made to a winner determined by the public at a fall, city-wide arts event. Funding for this program is included in the Commission's annual budget appropriation from Council.

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**Balance** by Steve Olzewski

Bronze, wood, steel

108" x 22" x 103"

App. 200 pounds. No stated price.



**Dance Diagram** by Kristin Garnant

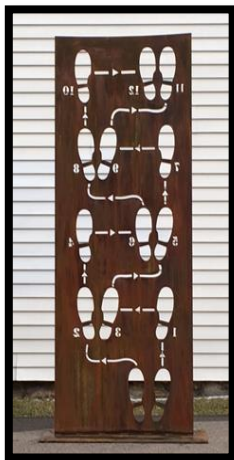
Steel

84" x 40" x 12"

125+ lbs.

2016

\$8,600



**In Bloom** by Sean Heldt

Painted steel

84" x 70" x 18"

150 lbs.

2017

\$2,500





**Improbable Balance** by Joe Malesky

Steel & concrete

72" x 28" x 5"

400 lbs.

2016

\$3,400



**Into the Maelstrom** by Craig Snyder

Brushed steel

132" x 48" x 48"

350 lbs.

2014

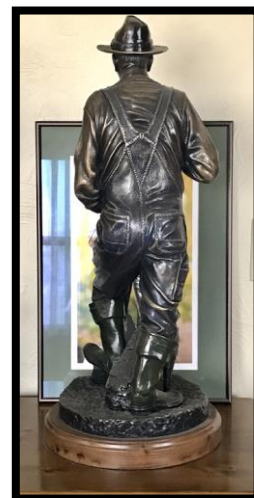
\$6,000



**Letting Go** by Judd Nelson  
Heavy plate steel, welded  
36" x 36" x 66"  
300 lbs.  
2016  
\$7,200



**Farmer** by Lawrence Starck  
Bronze – mounted on flagstone base  
40" x 20" x 18"  
120 lbs.  
2012  
\$20,000





**COUNCIL ACTION FORM**

**SUBJECT: APPROVAL OF STREET CLOSURE FOR NCAA CROSS COUNTRY EVENT**

**BACKGROUND:**

On Friday, November 10<sup>th</sup>, ISU will host the 2017 NCAA Cross Country Regional. The event will take place at the Iowa State cross country course located along Mortensen Road between Hayward and State Avenues. ISU previously hosted this event in 2013.

The Iowa State Athletic Department is requesting the closure of Hayward Avenue between Mortensen Road and Storm Street between 8:00 a.m. and 4:00 p.m. on the day of the race. This closure is necessary to provide team vehicle parking and bus drop off and pick up. City barricades are requested, which will be staffed by Iowa State personnel.

Two houses are located along the west side of Hayward on this block. However, ISU staff will not close the street farther north than the Knapp-Storms Dining Complex driveway, which should allow access to these houses from the north, and allow ISU Dining employees access to the Knapp-Storms facility. City staff will place detour signage directing motorists around the closed area.

CyRide staff has reviewed this request and can re-route buses around this closure.

**ALTERNATIVES:**

1. Approve the closure of Hayward Avenue between Mortensen Road and Storm Street from 8:00 a.m. to 4:00 p.m. on November 10<sup>th</sup> as requested.
2. Do not approve the closure.

**CITY MANAGER'S RECOMMENDED ACTION:**

Providing this road closure will allow for safe loading and unloading of team buses for this event. Iowa State has agreed to provide sufficient volunteers to staff the barricades for the duration of the event.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the closure of Hayward Avenue between Mortensen Road and Storm Street from 8:00 a.m. to 4:00 p.m. on November 10<sup>th</sup> as requested.



Department of Intercollegiate Athletics  
Jacobson Athletic Building  
Ames, IA 50011-1140  
515 294-5527  
FAX 515.294.2789

To: Emily Burton and Brian Phillips  
From: Brian Honnold  
Subject: NCAA Cross Country Regional Street Closure  
Date: March 22, 2017

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In preparation for the 2017 NCAA Cross Country Regional hosted by Iowa State University, we are looking to close down Hayward Avenue from Mortensen Road heading north to Storm Street. By doing this, we will be able to safely provide a bus drop off and pick up for participating teams (there will be roughly 32 teams in attendance), as well as a place for participating team vehicles to park. If possible, we would ask that the City provide barricades and Iowa State University would staff the barricades on the day of the event.

The event takes place on Friday, November 10th, 2017, with the first race starting at Noon. We would like to close the street down approximately 8am the morning of Friday, November 10. We would then open it back up around 4pm, or as soon as the team buses started clearing out of the area.

Our hope is that this would provide a safe environment for all the pedestrian traffic walking on that road, as well as allow team parking to be a bit more efficient. If you have any questions or concerns, please feel free to contact me via cell phone (515-201-4324) or email ([bhonnold@iastate.edu](mailto:bhonnold@iastate.edu)).

**COUNCIL ACTION FORM**

**SUBJECT: ISU HOMECOMING CENTRAL COMMITTEE REQUESTS FOR ISU HOMECOMING PARADE**

**BACKGROUND:**

From October 22-28, the Homecoming Central Committee at Iowa State University is again planning to host its annual Homecoming activities. This includes the hosting of a downtown Homecoming parade as a kickoff to the activities, to be held on Sunday, October 22. This is the second year the parade will be held downtown.

The Homecoming parade will take place beginning at 2:00 p.m. on October 22. To ensure the parade is manageable, the number of entries will be capped at between 70 and 80. Last year's parade was capped at 70 entries. Entries will be staged in City Hall Lot M, on Pearle Avenue, and on Main Street west of Clark Avenue.

The parade route will be similar to the route used for the 4<sup>th</sup> of July, but in reverse. To facilitate this event, closure of the following streets and parking lots is requested from noon to 4:00 p.m. on October 22:

- City Hall Parking Lot MM
- City Hall Parking Lot M
- Depot Lot TT
- Pearle Avenue
- Fifth Street from Grand Avenue to Douglas Avenue
- Main Street/Northwestern Avenue from 5<sup>th</sup> Street to Douglas Avenue
- Clark Avenue, Burnett Avenue, Kellogg Avenue, and Douglas Avenue from Main Street to Fifth Street

Organizers have requested a Temporary Obstruction Permit and the closure of parking spaces along the route from noon to 4:00 p.m. on Sunday. Because the parade is on a Sunday, no parking meter revenue will be lost. This year organizers plan to have a variety of food trucks on the closed north-south streets, so a blanket Vending License and waiver of fee (\$50) are also requested.

CyRide will detour two transit routes from the parade area. The Police Department will provide a vehicle and Public Works will arrange for a street sweeper to clean the streets at the conclusion of the parade. The Main Street Cultural District has provided a letter in support of the parade.

It is anticipated that requests for other ISU Homecoming activities taking place during this week will be presented to the City Council at a later date.

**ALTERNATIVES:**

1. Approve the requests from the Homecoming Central Committee for the ISU Homecoming Parade on Sunday, October 22, including street and parking closures, a Temporary Obstruction Permit, use of City electricity, blanket Vending License, and a waiver of fees as requested by event organizers above.
2. Deny the requests.

**MANAGER'S RECOMMENDED ACTION:**

The first attempt at a downtown Homecoming Parade last year was executed successfully. City staff feels the organizers took appropriate steps to plan and implement the event in a safe, well thought-out manner. The proposed parade this fall appears to be manageable, and staff has discussed minor logistical modifications to make the event even more successful. This event has the support of the Main Street Cultural District.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the requests from the Homecoming Central Committee for the ISU Homecoming Parade on Sunday, October 22, including street and parking closures, a Temporary Obstruction Permit, use of City electricity, blanket Vending License, and a waiver of fees as requested by event organizers above.



CITY OF

Ames

# SPECIAL EVENT APPLICATION

## SUMMARY OF EVENT

### DESCRIPTION

Event Name ISU Homecoming Parade

Description

Comitnuing the recently reinstated Homecoming parade to include the Ames community to kick off homecoming week on Sunday, October 22nd.

Event Category

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

Anticipated Attendance

Total 2,200 Per Day \_\_\_\_\_

### DATE/TIME

Setup	Date <u>10/22/17</u>	Time <u>10:00 AM</u>	Day of Week <u>Sunday</u>
Event Starts	Date <u>10/22/17</u>	Time <u>2:00 PM</u>	Day of Week <u>Sunday</u>
Event Ends	Date <u>10/22/17</u>	Time <u>3:00 PM</u>	Day of Week <u>Sunday</u>
Teardown Complete	Date <u>10/22/17</u>	Time <u>6:00 PM</u>	Day of Week <u>Sunday</u>

Rain Date, if applicable NA

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 director@amescampustown  
 Campustown - Campustown Action Association: (515) 450-8771 .com  
 Iowa State University - Events Authorization Committee: (515) 281-1422 eventauthorization@iastate.edu

CONTACTS

Host Organization ISU Homecoming Central Committee

Local Contact (Required) Name: Riley Noble  
*Must be present during event*

Address: 420 Beach Avenue, Ames 50011

Telephone: ( ) \_\_\_\_\_

Cell phone: (515) 724-2134  
*Must be available by cell phone during event*

Email: hccparade@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

Is this an annual event? How many years have you been holding this event? 1

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



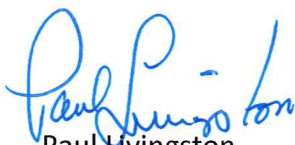
*Main Street*  
CULTURAL DISTRICT  
Ames, Iowa

March 20, 2017

To whom it may concern,

The Main Street Cultural District fully supports the use of Main Street, in downtown Ames, for the Iowa State University Homecoming Parade on Sunday, October 22. We welcome this partnership with Iowa State University to make the community a better place for everyone. We are excited to join students, athletes, parents, faculty and staff, and community members in cheering on ISU Cyclone Football team. We also welcome the opportunity to show the community what great businesses our downtown has to offer.

Sincerely,



Paul Livingston  
2017 MSCD Board President



April 3rd, 2017

Honorable Mayor Campbell and City Council

Ames City Hall

515 Clark Avenue

Ames, IA 50010

RE: 2017 ISU Homecoming Parade

Dear Honorable Mayor Campbell and City Council,

Iowa State University is planning to continue the Homecoming Parade this year on Sunday, October 22 at 2:00 pm. Further information can be found on the recently submitted Special Events Application. We would like to request a waiver of the electric fee, as well as a waiver of the vending license fee so we can allow various food trucks to sell food near the parade route.

Thank you for your consideration, and we hope to see you at the parade.

Sincerely,

Courtney Durham

Assistant Director for Constituent Engagement

ISU Alumni Association

**COUNCIL ACTION FORM**

**SUBJECT: WATER POLLUTION CONTROL FACILITY STRUCTURAL REHABILITATION PROJECT**

**BACKGROUND:**

A comprehensive evaluation of the structural condition of the Water Pollution Control Facility (WPCF) buildings and structures was performed in 2012 by HDR Engineering. Based on that assessment, the facility is generally in overall good condition. However, the facility is more than 27 years old and is showing signs of age-related deterioration. As a part of the condition assessment, a schedule for structural rehabilitation was developed. The drivers for the schedule are the estimated remaining useful life in each structure and coordination with future improvements to the facility.

Because of the “piece work” nature of the structural rehabilitation project, the City previously entered into a Master Agreement with HDR Engineering, allowing design services to proceed a portion at a time. HDR Engineering has been awarded a contract amount of \$97,700 for engineering services associated with Task Order 1 of the Master Agreement, which includes services to address the following items included in the FY 15/16 and FY 16/17 Capital Improvements Plans:

- FY 15/16      Repair of the precast and cast-in-place concrete deterioration (all but trickling filters) (\$250,000); repair of the solids contact box slabs and sidewalks (\$333,000); address settlement at the Raw Water Pump Station (\$37,000); repair perimeter curbs at the base of the digesters (\$166,000). Total authorized funding: \$786,000.
  
- FY 16/17      Joint repairs at the sludge pumping building (\$46,000); clean and seal precast and cast-in-place concrete (\$262,000). Total authorized CIP funding: \$308,000.

The joint repairs at the sludge pumping building (FY 16/17) will be pushed back and bundled with the joint repairs listed in the FY 18/19 CIP. The overall CIP budget for tasks identified in Task Order 1 is a total of \$1,048,000, which includes \$119,000 for engineering and \$929,000 for construction. HDR Engineering has estimated the total construction cost to be \$430,000, which includes 20% contingency. This cost is significantly under the CIP’s estimated construction budget.

Design work for Task Order 1 is now complete and the work is ready to bid.

**ALTERNATIVES:**

1. Grant preliminary approval of the plans and specifications and issue a Notice to Bidders, setting May 10, 2017 as the bid due date and May 23, 2017 as the date for public hearing and award.
2. Do not approve the preliminary plans and specifications and a notice to bidders at this time.

**CITY MANAGER'S RECOMMENDED ACTION:**

In order to preserve the significant infrastructure investment at the Water Pollution Control Facility, periodic structural rehabilitation of buildings and structures is necessary. Because on the value and significance of the structures identified in this project, it is essential that rehabilitation be done prior to a structural failure.

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

**COUNCIL ACTION FORM**

**SUBJECT: WATER POLLUTION CONTROL FACILITY PRIMARY CLARIFIER  
RE-COATING PROJECT**

**BACKGROUND:**

The City's Water Pollution Control Facility (WPCF) has eight clarifiers, four primary and four intermediate/final, that separate solids from the water in the wastewater treatment process. The paint systems on the metal equipment and concrete walls and floor of the primary clarifiers are failing, thus causing corrosion.

All eight clarifiers were originally coated in 1989 during construction of the WPCF. Two clarifiers, one primary and one intermediate/final, were repainted each year from 2007-2010.

The coatings associated with the primary clarifiers have been failing over the years due to poor adhesion. To protect the concrete and steel from further deterioration, the coatings must be removed and re-applied to the structure. Staff has worked with coating consultants to select a coating system that will provide the desired protection for years to come.

Based on the most recent construction estimate, the current CIP budget does not appear adequate to re-coat all four primary clarifiers. Therefore, this project will include a **base bid** of two primary clarifiers and an **alternate** of two additional primary clarifiers. The award will be based on the base bid, with the ability to include the add alternate based on bid competitiveness and the available budget. If the budget allows four clarifiers to be re-coated, the award will be based on the sum of the base bid and alternate.

The total estimated construction project cost is \$377,000, which includes the base bid of re-coating **two** primary clarifiers. The plans and specifications were developed internally, so there are no engineering fees. The FY 2016/17 budget includes \$534,000 for this clarifier repainting.

**ALTERNATIVES:**

1. Grant preliminary approval of the plans and specifications and issue a Notice to Bidders, setting May 10, 2017, as the bid due date and May 23, 2017, as the date of public hearing and award.
2. Do not move forward with this project at this time.

**MANAGER'S RECOMMENDED ACTION:**

The paint systems on these clarifiers are failing, and it is in the City's best interest to remove the existing paint systems and apply new paint to ensure the long-term integrity of the WPCF equipment. Bid specifications will allow the City to repaint two of the primary clarifiers, with the option of repainting all four clarifiers as a bid alternate.

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

**COUNCIL ACTION FORM**

**SUBJECT: ELECTRIC SERVICES SCAFFOLDING AND RELATED SERVICES AND SUPPLY CONTRACT**

**BACKGROUND:**

This contract is for a contractor to provide and install scaffolding, bracing and fall protection as needed at the City's Power Plant. **Even though the City currently has an annual renewable contract in place with All American Scaffold for these services, staff recommends that the existing contract not be renewed.** Staff believes more competitive bids could be secured through rebidding these services at this time.

The benefits of having an annual renewable contract for these services include the following:

- 1) Consistency of work and quality from a single contractor.
- 2) Reduction in the City's exposure to market forces regarding prices and availability for labor, travel, and supplies in preparation for a scheduled outage.
- 3) Rapid contractor mobilization to start emergency repairs, thus reducing generation downtime.
- 4) Saved City staff time obtaining quotes, evaluating bids and preparing specifications and other procurement documentation.

The approved FY2017/18 Power Plant operating budget includes \$75,000 for this contract. Invoices will be based on contract rates for time and materials for services actually received.

**ALTERNATIVES:**

1. Approve preliminary plans and specifications for the Scaffolding and Related Services and Supplies for Power Plant, and set May 11, 2017 as the due date for bids and May 23, 2017 as the date of public hearing and award of contract.
2. Direct staff to renew the contract with the existing contractor.
3. Purchase scaffolding services on an as-needed basis.

**MANAGER'S RECOMMENDED ACTION:**

Emergency and routine scaffolding services are needed at the Power Plant. Rebidding these services now will hopefully secure more competitive bids for these services. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as stated above.

**COUNCIL ACTION FORM**

**SUBJECT: POWER PLANT SPECIALIZED WET DRY VACUUM, HYDRO BLAST AND RELATED CLEANING SERVICES CONTRACT**

**BACKGROUND:**

The Power Plant's two gas-fired, high-pressure steam generation units are referred to as Units No. 7 and 8. These units require regular professional maintenance and repair. This consists of emergency service, as well as regularly scheduled planned repairs and services during scheduled outages. The cleaning and special preparation of the boiler surfaces on these generation units requires professional tradecrafts and maintenance experts. Both units operate under environmental conditions with high heat and high pressure, resulting in slag and other industrial debris coating the boiler and other plant equipment surfaces. Prior to repair and maintenance work, it is necessary to have the surfaces professionally cleaned using high-pressure water jets and vacuums.

In order to clean the surfaces, outside contractors are used who can provide mobile high pressure generator trucks with hoses and lances to cut through and wash away the industrial debris coatings. These same firms have the industrial vacuum trucks that can accumulate and contain this industrial debris for proper disposal. The goal of this contract is to meet these requirements in the most economical manner.

The City currently has an annual renewable contract in place with Bodine Services of Clinton, LLC for these services. **Staff recommends that the existing contract not be renewed, but that these services be rebid with a goal to obtain more competitive bids.**

Staff recommends that these services continue to be outsourced on an annual renewable contract basis. The benefits of having a contract for these services in place include the following:

- 1) Consistency of work and quality from a single contractor.
- 2) Reduction in the City's exposure to market forces regarding prices and availability for labor, travel, and supplies in preparation for a scheduled outage.
- 3) Rapid contractor mobilization to start emergency repairs, thus reducing generation downtime.
- 4) Saved City staff time obtaining quotes, evaluating bids and preparing specifications and other procurement documentation.

The approved FY2017/18 Power Plant operating budget includes \$85,000 for miscellaneous services to be performed under this contract. Invoices will be based on contract rates for time and materials for services actually received.



**ALTERNATIVES:**

1. Approve preliminary plans and specifications for the Specialized Wet Dry Vacuum, Hydro Blast, and Related Cleaning Services contract, and set May 11, 2017 as the due date for bids and May 23, 2017 as the date of public hearing and award of contract.
2. Direct staff to renew the contract with the existing contractor.
3. Purchase these services on an as-needed basis.

**MANAGER'S RECOMMENDED ACTION:**

This work is necessary to ensure that a qualified professional firm will respond to both scheduled and emergency needs for these specialized cleaning services, and will also control costs by having established billing rates. Rebidding these services at this time will hopefully secure more competitive bids.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as stated above.

**COUNCIL ACTION FORM**

**SUBJECT: CYRIDE SINGLE SOURCE PROCUREMENT OF BUS SHELTERS**

**BACKGROUND:**

CyRide has forty-one bus shelters comprised of two styles – an older style constructed in the 1980s, and a newer style CyRide began using in 2012 (pictures to the right). This new style is a custom-designed shelter that was developed through a collaborative effort between CyRide and ISU.

CyRide's 2017/18 and 2018/19 shelter program cites locations for five new shelters listed below that would be funded with an 80% local match from a federal program.

- Large, new shelter at S. 4<sup>th</sup> & Hazel (Stop #1008)
- Large, new shelter to replace an older shelter at Walnut Ave & S. 5<sup>th</sup> (Stop #1003)
- Large, new shelter at University Blvd./Airport Rd. (Stop #1404)
- Large, new shelter to replace an older, smaller shelter at Storm and Welch (Stop #1297)
- Large, new shelter to replace an older shelter at Lincoln Way/Beedle (Stop #1202)



These shelters are custom made by Columbia Equipment Company, so a single source bid is needed for their purchase. Purchasing Division staff has reviewed the single source bid request and have approved this type of purchase for the shelters. Likewise, the Federal Transit Administration allows sole source procurements for products that can only be purchased from one source.

The 1980s shelters that are replaced and in good condition will not be discarded. They will be relocated to new bus stops that do not currently have shelters so that CyRide's bus shelter program can be expanded. Better bus stop amenities were one of the highest customer requests in the System Redesign survey recently completed.

The estimated cost of these new shelters is \$21,457 per shelter. In addition, an additional shelter wall will be ordered to replace one damaged by a car accident on Lincoln Way near HyVee at a cost of \$4,728. The total cost for five shelters and the replacement wall is \$112,013.

The 2016-2021 Capital Improvements Plan includes funding in each year of the five-year plan for shelter projects. Therefore, funding is included in the CIP and the adopted budget for this procurement. Additionally, CyRide has over a \$600,000 balance in the federal program to fund the federal share of this shelter project.

The Transit Board of Trustees approved this single source procurement for shelters at its March 28, 2017 meeting.

**ALTERNATIVES:**

1. Approve a single source procurement to Columbia Equipment Company, Inc. of Freeport, NY in the amount of \$112,013 for the purchase of five bus shelters and a replacement wall.
2. Do not approve the single source bid and direct staff to purchase stock bus shelters.

**MANAGER'S RECOMMENDED ACTION:**

Purchase of these shelters and parts will improve riders' comfort in using CyRide services and will maintain a consistent transit system image throughout the community.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving a single source procurement to Columbia Equipment Company for five shelters and replacement parts.

**COUNCIL ACTION FORM**

**SUBJECT: FISCAL YEAR 2017/18 CONCRETE CRUSHING CONTRACT**

**BACKGROUND:**

This contract is for crushing concrete for the 2017/18 fiscal year. Salvaged and stockpiled concrete from various street projects will be crushed into various sizes to be reused for other projects. The estimated total cost is based on 8,000 tons.

The following bids were received on February 21, 2017:

<b><u>BIDDER</u></b>	<b><u>TOTAL ESTIMATED COST</u></b>
Reilly Construction Co. Inc., Ossian IA	\$51,000
Bushman Excavating Inc., Fairfax, IA	53,000
Maxim Trucking & Crushing, Pella, IA	62,000

**ALTERNATIVES:**

1. Award the contract for the 2017/18 concrete crushing to Reilly Construction Co., Inc. Ossian, IA, in the amount of \$51,000.
1. Reject all bids and attempt to obtain the required services on an as-needed basis.

**CITY MANAGER'S RECOMMENDED ACTION:**

The approved 2017/18 Public Works operating budget includes \$50,000 for concrete crushing. The estimated cost of this contract, based on a quantity of 8,000 tons, is \$51,000. If usage exceeds the budgeted amount, the operating budget will be amended using savings from the curb and gutter program.

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

**COUNCIL ACTION FORM**

**SUBJECT: PURCHASE OF 750 KCMIL CABLE FOR ELECTRIC SERVICES**

**BACKGROUND:**

This bid is for the purchase of 6,000 feet of 750 KCMIL cable to replenish inventory for Electric Services. This cable is kept on hand in order to insure availability. Typically, this cable is used to provide service for commercial and residential applications. It is also necessary to meet the anticipated needs of Electric Services for new construction and maintenance.

On March 28, 2017, an invitation to bid (ITB) document was issued to fifty-four companies. The ITB was advertised on the Current Bid Opportunities section of the Purchasing webpage, and was sent to two plan rooms.

On April 4, 2017, three bids were received as shown below:

<b>BIDDER</b>	<b>BID PRICE</b>
<b>WESCO Distribution Des Moines, IA</b>	<b>\$81,919.20</b>
RESCO Ankeny, IA	\$95,060.94
Kriz Davis Co. Ames, IA	\$95,073.78

Staff has reviewed the bids and concluded that the apparent low bid in the amount of \$81,919.20 (inclusive of Iowa sales tax) submitted by WESCO Distribution, Des Moines, IA, is acceptable.

**The City Council should note that due to the metal content of this product, all three bidders attached a metal escalation/de-escalation clause due to the volatile market for metal, which may adjust the price on the day the cable is ordered. While this is not an ideal situation for the City, this adaptation is necessary in order to assure efficient operation of the electric utility.**

**ALTERNATIVES:**

1. Award a contract to WESCO Distribution, Des Moines, IA, for the purchase of 750 KCMIL cable, in the amount of \$81,919.20 (inclusive of Iowa sales tax), subject to a metals adjustment at time of order.

2. Reject all bids and attempt to purchase 750 KCMIL cable on an as needed basis.

**MANAGER'S RECOMMENDED ACTION:**

It is important to purchase cable at the lowest possible cost with minimal risk to the City. It is also imperative to have this cable available to meet customer needs.

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

**COUNCIL ACTION FORM**

**SUBJECT: CONTRACT EXTENSION FOR CITY HALL CUSTODIAL SERVICES**

**BACKGROUND:**

On June 11, 2013, the City Council awarded a contract to Klean Rite to provide custodial services for the City Hall and Community Center for the period from July 1, 2013 through June 30, 2014. This contract also included four optional renewal periods.

The period from July 1, 2017, through June 30, 2018, is the fourth and final optional renewal period. Klean Rite indicated that there would be a 0.75% price increase for this renewal period. Extension periods are contingent upon approval of funding by Council.

The approved operating budget for these services in FY 2017/18 was set at \$92,921. The following budgeted amounts will cover the base and hourly bid costs for this renewal:

\$72,400	Facilities Budget
\$11,065	Gym & Community Center Budget
\$ 5,000	Auditorium Budget
<u>\$ 4,456</u>	Wellness Budget
<b>\$92,921</b>	<b>Total Budgeted Funding</b>

**ALTERNATIVES:**

1. Award the contract renewal option for the FY 2017/18 custodial services for the City Hall and Community Center to Klean Rite in the amount of \$58,376.72 per year plus \$20.50 per hour for emergency callback and additional work as authorized.
2. Reject renewal award and direct staff to re-bid custodial services.

**MANAGER'S RECOMMENDATION:**

Klean Rite is the current provider of custodial services in City Hall and the Community Center and has provided these services for the past several years. Based on the previous bids, Klean Rite provides these services at a relatively low overall cost. They have also worked closely with staff to continually improve the quality of services received.

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

**COUNCIL ACTION FORM**

**SUBJECT: CUSTODIAL SERVICES CONTRACT EXTENSION AT AMES PUBLIC LIBRARY**

**BACKGROUND:**

On August 12, 2014 Council awarded a contract to PCI to provide custodial services for the Ames Public Library for the period of July 1, 2014 through June 30, 2015. This contract also included four optional renewal periods.

The first renewal was approved for the period of July 1, 2015, through June 30, 2016. In October 2015, Council cancelled the contract with PCI due to non-performance issues. **The remainder of FY 2015/16 was awarded to Nationwide Office Care of Clive, IA, which was the second lowest bidder in response to the initial Request for Proposals.**

The period from July 1, 2017, through June 30, 2018, is the third of four optional renewal periods. Nationwide Office Care indicated that there would be a price increase to \$16.38/hour for this renewal period. Library staff estimate that 4,746 hours of cleaning will be required during this period, making the contract total \$77,739.48. The approved budget for FY 2017/18 includes funding for these custodial services.

**ALTERNATIVES:**

1. Award the contract renewal option for the FY 2017/18 custodial services for Ames Public Library to Nationwide Office Care in the amount of \$77,739.48.
2. Reject renewal award and direct staff to re-bid custodial services.

**MANAGER'S RECOMMENDATION:**

Nationwide Office Care has provided custodial services at the Library since November 2015. The firm provides these services at a relatively low overall cost, and its representatives work closely with Library staff to ensure high quality results and to accommodate the timing of Library activities and public events.

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



**COUNCIL ACTION FORM**

**SUBJECT: RESOURCE RECOVERY PLANT CONTRACT EXTENSION FOR  
HAULING AND RELATED SERVICES TO BOONE COUNTY LANDFILL**

**BACKGROUND:**

On April 22, 2014 Council awarded a contract to Waste Management of Ames for hauling and related services for the Resource Recovery Plant during the 2015 fiscal year. This bid had four optional extension periods through June 30, 2019. Extension periods are contingent upon approval of funding by Council. The period from July 1, 2017, through June 30, 2018, will be the third optional extension period. The approved FY 2018 budget includes \$262,500 for this work.

This contract includes furnishing container services and hauling materials from the Resource Recovery Plant to the Boone County Landfill. Materials hauled under this contract are those that cannot be processed into fuel by the Resource Recovery Plant.

Under this contract, containers are provided and materials are hauled from the Resource Recovery Plant to the Boone County Landfill. The contract is based on a per-mile per-ton bid amount and a round trip distance to the Boone County Landfill of 36 miles. There is a provision in the contract to allow longer hauls, up to 120 miles round trip, as well as a provision to cancel the contract if this type of service is no longer needed because of a change in disposal procedures.

The base bid price of \$.3941 per mile per ton is adjustable for each extension period based on 10% of the bid amount based on fuel costs, and on the diesel fuel price index as determined by the IDOT on the March 1 preceding the renewal.

The original base bid price of \$.3941 per mile per ton translated to \$14.19 per ton for a round trip to the Boone County Landfill. Under the contract adjustment clause, the contract price will decrease to \$.3755 per mile per ton for FY 2018, decreasing the cost for a round trip to the Boone County Landfill to \$13.52 per ton.

Total cost of this contact is dependent on tonnage hauled. The budget amount will haul approximately 19,415 tons. If tonnage exceeds this amount, the budget will be amended at the appropriate time.

**ALTERNATIVES:**

1. Approve the renewal option for FY 2018 for hauling and related services for the Resource Recovery Plant to Waste Management of Ames in the amount of \$.3755 per mile per ton.
2. Reject the renewal option and re-bid for hauling and related services for the Resource Recovery Plant.

**CITY MANAGER'S RECOMMENDED ACTION:**

Landfill hauling and related services are an important part of our Resource Recovery Plant's operations, and the bidding process has identified the lowest evaluated price.

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

**COUNCIL ACTION FORM**

**SUBJECT: CONTRACT RENEWAL – ELECTRIC SERVICES TRANSFORMERS**

**BACKGROUND:**

This contract is for the purchase of transformers necessary to meet the anticipated needs of the Electric Services Department. These transformers are kept on hand in order to ensure availability which will enable staff to replace failed transformers quickly.

Typically, these transformers are used to provide service for commercial and residential applications. It is also necessary to meet the anticipated needs of the Electric Services Department for new service and maintenance activities. Transformers would be purchased by the City as requested on a quarterly basis. This provides the City with inventory management flexibility and also helps to reduce the need for extensive storage space.

On February 23, 2016, City Council awarded a contract to RESCO, Ankeny, IA, for the purchase of these transformers in accordance with unit prices bid. This contract included the option for the City to renew in one-year increments for up to four additional years. Staff recommends renewing the agreement for the period of April 1, 2017 through March 31, 2018. Council should note that this contract renewal with RESCO includes unit price increases on all the transformers on the contract as demonstrated on the attached price summary. The average price increase based on previous usage is 2.52% or \$7,639. **This is the first renewal out of four maximum.** Electric Services staff reviewed the increases and found them to be acceptable based on steel market conditions.

The transformers are purchased from an Electric Department inventory asset account and charged to the appropriate operations accounts as the transformers are put into use. **Council should note that no contract amount is being authorized at this time, since payments will be based on unit prices and quantities ordered.**

**ALTERNATIVES:**

1. Approve the contract renewal with RESCO, Ankeny, Iowa, for the purchase of Electric Services transformers in accordance with unit prices.

Transformers will be purchased quarterly. Payments will be based on unit prices and actual quantities ordered, plus applicable sales taxes.

2. Reject renewal extension and attempt to purchase electric transformers periodically at unpredictable prices.

**CITY MANAGER'S RECOMMENDED ACTION:**

It is important to purchase transformers at the lowest possible cost with minimal risk to the City. It is also imperative to have these transformers available to meet customer needs.

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

City of Ames, Iowa Year 1 Transformer Blanket for 4/1/2016 through 3/31/2017  
 Renewal options for the next 4 years 5% maximum increase each year

Type KVA	Est Qty	Sell Price 4/31/16 thru 3/31/17	Sell Price Renewal 4/1/17 to 3/31/18	Sell Price Renewal 4/1/18 to 3/31/19	NL	LL
<b>Group I Padmount Transformers</b>						
<b>Division 1 Single Phase Padmount 120/240 Volts</b>						
25	5	\$1,259.94	\$1,293.88		66	207
37.5	10	\$1,477.06	\$1,516.33		80	315
50	10	\$1,513.76	\$1,554.09		102	442
75	2	\$1,901.02	\$1,948.98		143	582
100	2	\$2,463.27	\$2,525.52		180	643
<b>Division 2 Three Phase Padmount Transformer 120/208 Volts</b>						
112.5	0	\$5,535.17	\$5,680.62		231	1009
150	3	\$5,674.82	\$5,824.49		318	1339
225	0	\$6,682.98	\$6,859.19		379	1864
300	3	\$8,179.41	\$8,394.90		474	2116
500	3	\$10,041.79	\$10,306.13		634	3891
750	1	\$14,586.14	\$14,969.39		843	5211
1000	1	\$15,535.71	\$15,927.56		1056	7918
<b>Division 3 Three Phase Padmount Transformer 480Y/277 Volts, Loop Feed Switches</b>						
300	2	\$7,469.93	\$7,666.33		487	2387
500	2	\$10,141.69	\$10,408.17		645	4311
750	2	\$12,027.52	\$12,343.88		915	4993
1000	1	\$15,322.12	\$15,724.49		1104	5915
1500	1	\$19,182.33	\$19,635.90		1630	8225
<b>Division 4 Three Phase Padmount Transformer 277/480 Volts, Standard 55°C Rise</b>						
2500	1	\$28,611.20	\$29,287.18		2485	12310
<b>Group II Overhead Transformers</b>						
<b>Division 1 Single Phase Polemount 120/240 Volts</b>						
5	0	\$517.42	\$531.29		21	58
10	0	\$592.21	\$608.21		30	106
15	2	\$635.25	\$652.31		39	160
25	6	\$818.65	\$841.03		62	209
37.5	1	\$967.21	\$992.83		78	330
50	5	\$1,024.59	\$1,052.31		110	442
75	2	\$1,557.38	\$1,598.98		153	576
100	1	\$2,222.34	\$2,281.03		168	651
<b>Division 2 Single Phase Polemount Transformer 277/480 Volts</b>						
15	1	\$628.07	\$645.13		42	153
25	1	\$812.50	\$833.85		60	220
37.5	1	\$1,017.42	\$1,045.13		84	284
50	1	\$1,020.49	\$1,048.21		104	420
75	1	\$1,620.90	\$1,663.59		134	559
100	1	\$2,091.19	\$2,146.66		170	639



CITY OF  
Ames™

*Caring People ♦ Quality Programs ♦ Exceptional Service*

# MEMO

**To:** Mayor and Members of the City Council

**From:** City Clerk's Office

**Date:** April 7, 2017

**Subject:** Contract and Bond Approval

There are no Council Action Forms for Item Nos. 31 through 35. Council approval of the contract and bond for these projects is simply fulfilling a *State Code* requirement.

/jr

**COUNCIL ACTION FORM**

**SUBJECT: POWER PLANT SEGA CONTROL SYSTEM SUPPORT SERVICES –  
CHANGE ORDER 1**

**BACKGROUND:**

On September 30, 2016, staff issued a purchase order to Segra, Inc. in the not-to-exceed amount of \$40,400. The scope of work was to procure the services of a senior field control specialist for Power Plant control system operation, maintenance, and troubleshooting.

It was necessary to procure these services because, under the Natural Gas Conversion project, the Power Plant had converted most of its auxiliary systems from PLC logic to the plant's Distributed Control System (DCS) logic. This new logic needs to be tuned so that the systems can perform correctly and reliably.

Staff has determined that these control system support services will be needed longer than originally anticipated because three major systems, Sootblowing, Bottom Ash pulling, and the RDF feeding system, still must be tuned.

**This change order will add an additional \$60,600 to the purchase order, bringing the total not-to-exceed amount to \$101,000.** Funds for the purchase of this service are available from the approved FY 2016/17 Unit 8 Boiler Maintenance account, which includes \$60,000 that is available to fund this change order.

**ALTERNATIVES:**

1. Approve contract Change Order No. 1 to Segra, Inc., Stilwell, KS, in the amount of \$60,600 for a total not-to-exceed amount of \$101,000, for Control System Support Services.
2. Reject contract Change Order No. 1, which would severely delay making the Power Plant auxiliary systems efficient and reliable.

**CITY MANAGER'S RECOMMENDED ACTION:**

These services are critical for the Power Plant. All three auxiliary systems are required when combusting RDF in the boiler. The current state of the systems is not reliable and causes longer downtime when trouble shooting problems.

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

**COUNCIL ACTION FORM**

**SUBJECT:**     **POWER PLANT VALVE MAINTENANCE SERVICES CONTRACT –  
CHANGE ORDER NO. 1**

**BACKGROUND:**

The Electric Utility's two high-pressure steam generation units in the City's Power Plant are referred to as Units No. 7 and 8. These units require regular professional maintenance and repair. This consists of emergency service, as well as regularly scheduled planned repairs and services during scheduled outages. Services include a large variety of boiler and pressure vessel maintenance and repairs, structural steel, pump and piping work, and other miscellaneous mechanical Power Plant work.

Due to these operational conditions, numerous valves are used to operate the Power Plant. These include isolation, control, check, relief and safety valves. These valves must be professionally repaired, tested, installed, replaced and maintained. Specially trained personnel perform this work.

On April 12, 2016, Council approved the contract renewal with Dowco Valve Co, Inc., Hastings, MN, for the Valve Maintenance, Related Services and Supplies Contract for Power Plant for the one-year period from July 1, 2016, through June 30, 2017 in the amount not to exceed \$90,000.

**The proposed change order would be Change Order No. 1.** This change order will add an additional \$75,000 to the current contract for FY2016/17. This will bring the total contract amount to \$165,000.

Power Plant staff has found an excess number of these valves needing significant repairs or replacement after performing field inspections. The number is well beyond the amount of valves originally anticipated needing repairs when this contract was renewed.

The approved FY 2016/17 Power Plant operating budget includes \$90,000 for this contract. Invoices paid will be based on contract rates for time and materials for services actually received. **Additional funding to cover this change order is available from FY 2016/17 Power Plant operating budget in the RDF Bin account.**

**ALTERNATIVES:**

1. Approve contract Change Order No. 1 with Dowco Valve Co, Inc., Hastings, MN, for the Valve Maintenance, Related Services and Supplies Contract for Power Plant Valve in the not-to-exceed amount of \$75,000. This will bring the total FY2016/17 contract value to a not-to-exceed amount of \$165,000.



2. Do not approve the change order.

**MANAGER'S RECOMMENDED ACTION:**

Proactive inspection of existing valves identified valves that originally seemed appropriate for rebuilding, but which now need to be replaced. In addition, the number of valves needing additional maintenance has increases. This change order will allow staff to proactively address these valves before they fail, rather than suffer an extended plant outage after they fail.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as stated above.

**COUNCIL ACTION FORM**

**SUBJECT: PLAT OF SURVEY FOR 1100 ADAMS STREET, 3805 CALHOUN AVENUE AND 3815 CALHOUN 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 adjusting the boundary lines of existing tracts. Section 23.308 allows the use of a plat of survey for a boundary line adjustment.

**This plat of survey is for a proposed boundary line adjustment of three existing parcels.** These parcels comprise Windsor Oaks senior living at 1100 Adams Street and two single-family homes addressed as 3805 and 3815 Calhoun Avenue. The owner of 3805 Calhoun Avenue seeks to incorporate a portion of the Windsor Oaks land to create a larger lot and Windsor Oaks seeks to reduce their lawn maintenance costs.

Windsor Oaks is a Planned Unit Development with Planned Residential District zoning. Staff reviewed the proposed lot line adjustment and found no significant effects on the major site development plan of the PRD for setbacks, landscaping, access, etc. Several easements have been obtained as part of this plat of survey.

Although the City's subdivision code allows this boundary line adjustment to be completed by a plat of survey, the County Auditor's office asks that the City Council affirm that the requirements of the subdivision code are being waived to allow this to be done by a plat of survey. The County believes this third split of Lot 1 of Windsor Oaks subdivision requires, by Code of Iowa, a subdivision plat unless the jurisdiction waives that requirement. If the City Council approves this plat of survey, the waiver will be incorporated into the resolution of approval. The surveyor, acting on behalf of Windsor Oaks, has requested the waiver, which can be found in Attachment D.

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

**ALTERNATIVES:**

1. The City Council can approve the proposed plat of survey consistent with the boundary line adjustment standards of Chapter 23 and waive subdivision requirements.

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.

**ASSISTANT MANAGER'S RECOMMENDED ACTION:**

Staff has determined that the proposed plat of survey for a boundary line adjustment does not trigger City infrastructure requirements as defined within the Subdivision Code. With the boundary line adjustment, the Windsor Oaks site development plan will have a minor amendment to reflect the change in boundaries of the site, but the PRD zoning district boundary will be unaffected. The proposed boundary line adjustment is explicitly allowed by the Ames subdivision regulations (Section 23.308(2)) to be done through a plat of survey, although the County Auditor requests a formal waiver of the subdivision standards.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1 to approve the plat of survey and waive subdivision requirements.

**It should be noted that the City Manager's spouse is employed as executive director of Windsor Oaks Independent Senior Living. To avoid any appearance of a conflict of interest, the City Manager has recused himself from all staff review, consideration and recommendations regarding this action.**

**ADDENDUM  
PLAT OF SURVEY FOR 1712 E LINCOLN WAY**

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: 1100 Adams Street, 3805 and 3815 Calhoun Avenue

Owner 1 (New Parcel E)     Ames Senior Living, 1100 Adams Street,  
05-27-275-066

Owner 2 (New Parcel G):     Andrew Peter and Tanya Jean Meyer, 3805 Calhoun Avenue  
05-27-275-050

Owner 3 (New Parcel F):     Joshua J Magie and Amanda J. Kirk, 3815 Calhoun Avenue  
05-27-275-040

**New Legal Descriptions:**

**Survey Description-Parcel 'E':**

Part of Parcel C in Lot 1 of Windsor Oaks Subdivision in the City of Ames, Story County, Iowa, said part being more particularly described as follows: Beginning at the Northeast Corner of said Lot 1; thence S01°13'36"E, 340.76 feet along the East line thereof; thence departing said line S04°32'01"W, 28.22 feet; thence S14°34'55"W, 24.88 feet; thence S21°44'54"W, 41.08 feet; thence S17°56'03"W, 42.07 feet; thence S04°47'00"W, 20.23 feet to the South line of said Parcel C; thence S88°43'42"W, 110.42 feet; thence S88°44'53"W, 268.57 feet; thence S01°15'05"E, 164.37 feet; thence S88°45'33"W, 215.39 feet to the Southwest Corner of said Parcel C; thence N00°41'47"W, 259.80 feet; thence N88°47'11"E, 223.18 feet; thence N01°14'48"W, 404.09 feet to the Northwest Corner of said Parcel C; thence N89°59'31"E, 410.53 feet to the point of beginning, containing 5.89 acres.

**Survey Description-Parcel 'F':**

Part of Parcel C in Lot 1 of Windsor Oaks Subdivision and part of the East 200 feet of Lot 15 in Hunter's Subdivision, all in the City of Ames, Story County, Iowa, and all together being described as follows: Commencing at the Northeast Corner of said Parcel C; thence S01°13'36"E, 340.76 feet along the East line thereof to the point of beginning; thence departing said line N88°43'50"E, 153.12 feet to the west line of Calhoun Avenue and a point on a curve; thence southerly, 90.63 feet along said curve concave to the east having a radius of 958.77 feet, a central angle of 5°24'58" and being subtended by a chord which bears S06°32'43"W, 90.60 feet; thence departing said line S88°42'25"W, 166.51 feet; thence N21°44'54"E, 41.08 feet; thence N14°34'55"E, 24.88 feet; thence N04°32'01"E, 28.22 feet to the point of beginning, containing 0.32 acres.

**Survey Description-Parcel 'G':**

Part of Parcel C in Lot 1 of Windsor Oaks Subdivision and part of the East 200 feet of Lot 15 in Hunter's Subdivision, all in the City of Ames, Story County, Iowa, and all together being described as follows: Beginning at the Southeast Corner of said Parcel C; thence S88°44'27"W, 164.15 feet along the south line thereof to a corner of said Parcel C; thence N01°16'04"W, 129.54 feet to a corner of said Parcel C; thence S88°43'42"W, 11.50 feet along the south line thereof; thence departing said line N04°47'00"E, 20.23 feet; thence N17°56'03"E, 42.07 feet; thence N88°42'25"E, 166.51 feet to the west line of Calhoun Avenue and a point on a curve; thence southerly, 90.26 feet along said curve concave to the east having a radius of 958.77 feet, a central angle of 5°23'38" and being subtended by a chord which bears S01°08'24"W, 90.23 feet; thence S88°42'53"W, 3.10 feet to a corner of said Parcel C; thence S01°18'09"E, 99.34 feet along the east line thereof to the point of beginning, containing 0.73 acres.

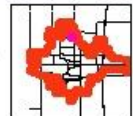
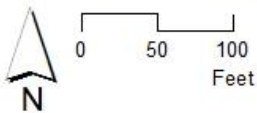
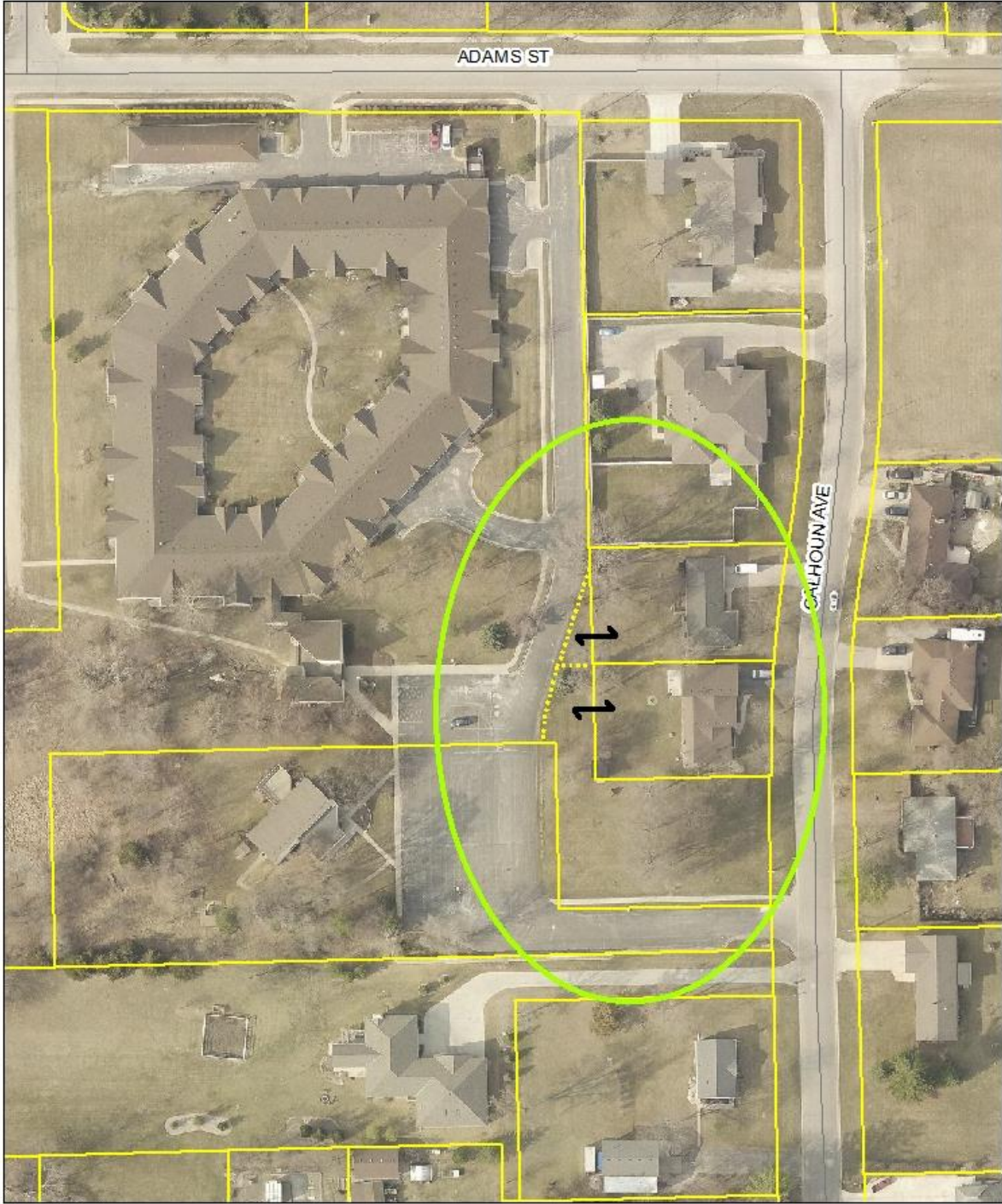
**Public Improvements:**

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

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

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

# ATTACHMENT A: LOCATION MAP

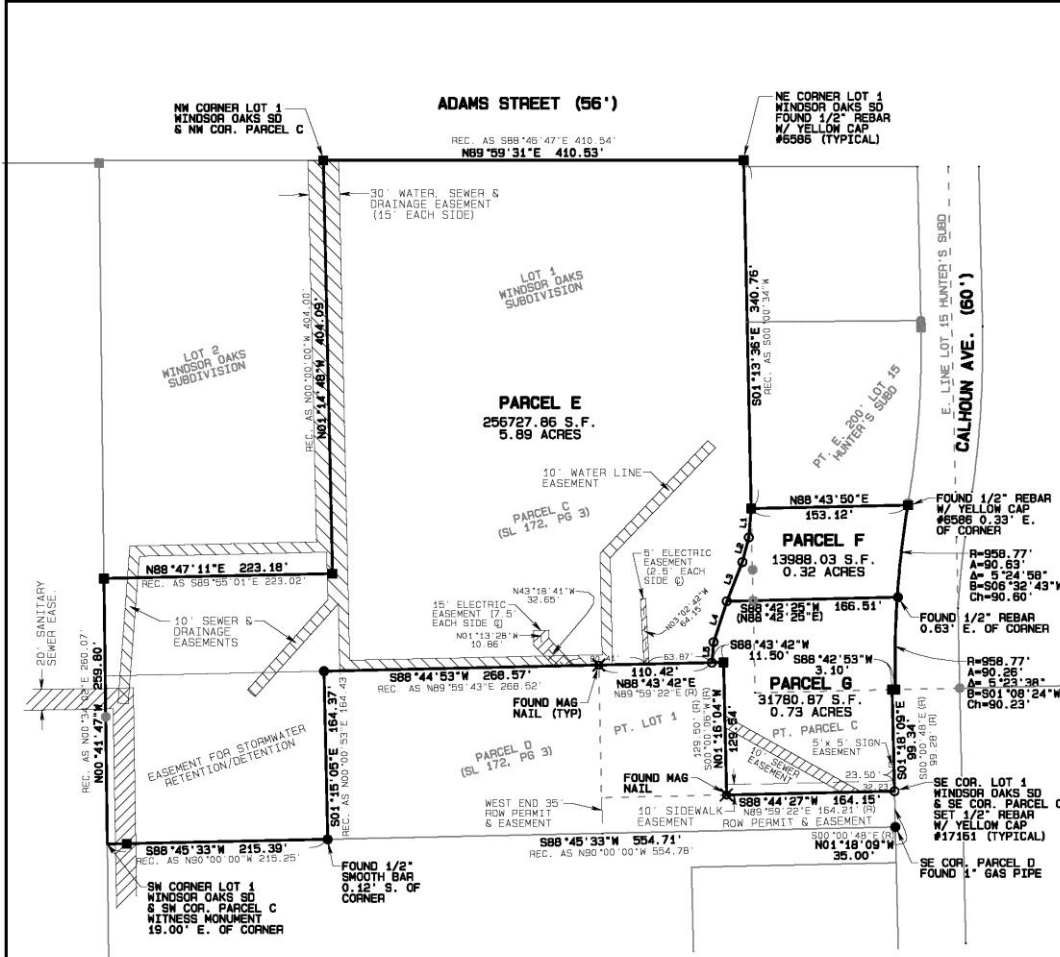






# ATTACHMENT C: PLAT OF SURVEY

PLAT OF SURVEY	
LOCATION:	PARCEL C IN LOT 1, WINDSOR OAKS SUBDIVISION, AND PART OF THE EAST 200' OF LOT 15, HUNTER'S SUBDIVISION, ALL IN THE CITY OF AMES, STORY COUNTY, IOWA
PROPRIETORS:	PARCEL C, AMES SENIOR LIVING PT. LOT 15, JOSHUA J. MAGIE & AMANDA J. KIRK PT. LOT 15, ANDREW PETER & TANYA JEAN MEYER
REQUESTED BY:	BILL MCCALL, AMES SENIOR LIVING
SURVEYOR:	R. BRADLEY STUMBO, PLS #17161 STUMBO & ASSOCIATES LAND SURVEYING P.O. BOX 1664 AMES, IA 50010 515-233-3689



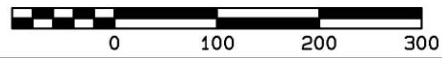
NOTE: THIS PLAT INCORPORATES, AND IS AMENDED FOR, PARCEL C IN LOT 1 OF WINDSOR OAKS SUBD. AND TWO TRACTS IN THE EAST 200' OF LOT 15 OF HUNTER'S SUBD., ALL IN THE CITY OF AMES, IOWA. NEW DEEDS MUST BE FILED FOR THE NEW PARCELS.

LINE	BEARING	DISTANCE	BEARING
L1	S04°32'01"W	28.22'	N04°32'01"E
L2	S14°34'55"W	24.88'	N14°34'55"E
L3	S21°44'54"W	41.08'	N21°44'54"E
L4	S17°56'03"W	42.07'	N17°56'03"E
L5	S04°47'00"W	20.23'	N04°47'00"E

The Ames City Council approved this Plat of Survey on 2017, with Resolution No. I certify that it conforms to all conditions for approval.

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

GRAPHIC SCALE 1"=100'



**STUMBO & ASSOCIATES  
LAND SURVEYING**  
510 S. 17TH STREET, SUITE #102  
AMES, IOWA 50010  
PH. 515-233-3684 • FAX 515-233-4403

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

R. Bradley Stumbo License #17161 Date: \_\_\_\_\_  
My license renewal date is December 31, 2017  
Job #15251PS Date: 3/28/17 Fieldwork Completed: 2/13/17 Page 1 of 2





Survey Description-Parcel 'E':

Part of Parcel C in Lot 1 of Windsor Oaks Subdivision in the City of Ames, Story County, Iowa, said part being more particularly described as follows: Beginning at the Northeast Corner of said Lot 1; thence S01°13'36"E, 340.76 feet along the East line thereof; thence departing said line S04°32'01"W, 28.22 feet; thence S14°34'55"W, 24.88 feet; thence S21°44'54"W, 41.08 feet; thence S17°56'03"W, 42.07 feet; thence S04°47'00"W, 20.23 feet to the South line of said Parcel C; thence S88°43'42"W, 110.42 feet; thence S88°44'53"W, 268.57 feet; thence S01°15'05"E, 164.37 feet; thence S88°45'33"W, 215.39 feet to the Southwest Corner of said Parcel C; thence N00°41'47"W, 259.80 feet; thence N88°47'11"E, 223.18 feet; thence N01°14'48"W, 404.09 feet to the Northwest Corner of said Parcel C; thence N89°59'31"E, 410.53 feet to the point of beginning, containing 5.89 acres.

Survey Description-Parcel 'F':

Part of Parcel C in Lot 1 of Windsor Oaks Subdivision and part of the East 200 feet of Lot 15 in Hunter's Subdivision, all in the City of Ames, Story County, Iowa, and all together being described as follows: Commencing at the Northeast Corner of said Parcel C; thence S01°13'36"E, 340.76 feet along the East line thereof to the point of beginning; thence departing said line N88°43'50"E, 153.12 feet to the west line of Calhoun Avenue and a point on a curve; thence southerly, 90.63 feet along said curve concave to the east having a radius of 958.77 feet, a central angle of 5°24'58" and being subtended by a chord which bears S06°32'43"W, 90.60 feet; thence departing said line S88°42'25"W, 166.51 feet; thence N21°44'54"E, 41.08 feet; thence N14°34'55"E, 24.88 feet; thence N04°32'01"E, 28.22 feet to the point of beginning, containing 0.32 acres.

Survey Description-Parcel 'G':

Part of Parcel C in Lot 1 of Windsor Oaks Subdivision and part of the East 200 feet of Lot 15 in Hunter's Subdivision, all in the City of Ames, Story County, Iowa, and all together being described as follows: Beginning at the Southeast Corner of said Parcel C; thence S88°44'27"W, 164.15 feet along the south line thereof to a corner of said Parcel C; thence N01°16'04"W, 129.54 feet to a corner of said Parcel C; thence S88°43'42"W, 11.50 feet along the south line thereof; thence departing said line N04°47'00"E, 20.23 feet; thence N17°56'03"E, 42.07 feet; thence N88°42'25"E, 166.51 feet to the west line of Calhoun Avenue and a point on a curve; thence southerly, 90.26 feet along said curve concave to the east having a radius of 958.77 feet, a central angle of 5°23'38" and being subtended by a chord which bears S01°08'24"W, 90.23 feet; thence S88°42'53"W, 3.10 feet to a corner of said Parcel C; thence S01°18'09"E, 99.34 feet along the east line thereof to the point of beginning, containing 0.73 acres.

Survey Description-Sign Easement:

Beginning at a point on the east line of Parcel G which is 23.50 feet north of the Southeast Corner thereof; thence S88°41'51"W, 5.00 feet; thence N01°18'09"W, 5.00 feet; thence N88°41'51"E, 5.00 feet to the east line of Parcel G; thence S01°18'09"E, 5.00 feet along said line to the point of beginning.

Survey Description-10' Sewer Easement:

Beginning at a point on the south line of Parcel G which is 32.23 feet west of the Southeast Corner thereof, thence S88°44'27"W, 19.75 feet along said line; thence N60°50'07"W, 130.10 feet to the west line of said Parcel G; thence N01°16'04"W, 11.60 feet along said line; thence S60°50'07"E, 153.00 feet to the point of beginning.

Survey Description-10' Sidewalk Easement:

The south 10.00 feet of Parcel G, being part of Parcel C in Lot 1 of Windsor Oaks Subdivision and part of the East 200 feet of Lot 15 in Hunter's Subdivision, all in the City of Ames, Story County, Iowa.

Survey Description-5' Electric Easement:

A strip 5.00 feet in width in Parcel E, being situated 2.50 feet in each side of the following centerline: Commencing at the Southeast Corner of said Parcel E; thence S88°43'42"W, 63.87 feet along the south line thereof to the point of beginning; thence N03°02'42"W, 64.15 feet, and there terminating.

Survey Description-15' Electric Easement:

A strip 15.00 feet in width in Parcel E, being situated 7.50 feet on each side of the following centerline: Commencing at the Southeast Corner of said Parcel E; thence following the south line thereof S88°43'42"W, 110.42 feet; thence S88°44'53"W, 33.85 feet to the point of beginning; thence N43°18'41"W, 32.65 feet; thence N01°13'28"W, 10.86 feet, and there terminating.

## ATTACHMENT D: WAIVER REQUEST



March 28, 2017

Honorable Mayor and Council Members,

I am writing on behalf of Ames Senior Living (Windsor Oaks), Joshua and Amanda Magie and Andrew and Tanya Meyer, owners of the properties surveyed and depicted on the plat being presented for approval, to request that the city waive its subdivision regulations for this Plat of Survey.

During the course of preliminary review by the Developmental Review Committee, the county auditor's office commented that they considered this three-lot boundary line adjustment to be a subdivision instead. Their reasoning was that this constituted the third split of the original Lot 1, Windsor oaks Subdivision. Prior to commencing work on this survey, Ames planning staff had granted approval to perform this survey as a boundary line adjustment.

The rationale for not applying subdivision standards to this survey is that there are no new conveyance parcels being created. We are beginning and ending with three tax parcels, just configured differently.

Thanks you for your consideration.

Brad Stumbo, PLS

**COUNCIL ACTION FORM**

**SUBJECT:** VACATION OF AN ACCESS EASEMENT BETWEEN THE CITY OF AMES AND SCOTT E. RANDALL AND JANE S. RANDALL ON THE WEST 20 FEET OF OUTLOT B, ASPEN BUSINESS PARK SUBDIVISION, FIRST ADDITION.

**BACKGROUND:**

In 1994 the property owner of Outlot B, Aspen Business Park Subdivision granted an access easement to the City along the entire length of Outot B, to allow the City to maintain a billboard if the property owner failed to do so. This site in now proposed for development. The lot layout and proposed development for Aspen Business Park Subdivision, Third Addition no longer requires an easement of such size. The property owner will have access to the billboard from the proposed Lot 2, Aspen Business Park Subdivision, Third Addition.

**ALTERNATIVES:**

1. Set the date of public hearing as April 25, 2017, to approve the vacation of the accesses easement on the west 20 feet of Outlot B, Aspen Business Park Subdivision, First Addition.
2. Choose not pursue the vacation of the accesses easement on the west 20 feet of Outlot B, Aspen Business Park Subdivision, First Addition.

**MANAGER'S RECOMMENDED ACTION:**

Vacation of the existing access easement will allow the proposed development to occur without encroachment into the easement. The City does not have a need to continue this access easement as billboard maintenance is not the responsibility of the City.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting the date of public hearing as April 25, 2017, to approve the vacation of the accesses easement on the west 20 feet of Outlot B, Aspen Business Park Subdivision, First Addition.

**COUNCIL ACTION FORM**

**SUBJECT: MAJOR FINAL PLAT FOR ASPEN BUSINESS PARK SUBDIVISION  
THIRD ADDITION**

**BACKGROUND:**

Tailwind 1854 Madison, LLC, representing the owners of 516 S. 17<sup>th</sup> Street, is requesting approval of a major final plat for Aspen Business Park Subdivision 3<sup>rd</sup> Addition. The Aspen Business Park Subdivision 3<sup>rd</sup> Addition lies north of Highway 30 and south of S. 16<sup>th</sup> Street (see Attachment A – *Location Map*).

A preliminary plat for the Aspen Business Park Subdivision 3<sup>rd</sup> Addition was approved in August of 2016. The approved preliminary plat consisted of four buildable lots, one outlot for storm water management, and extension of S. 17<sup>th</sup> Street through the subdivision. The preliminary plat was found to conform to both RH zoning standards and the terms of the contract rezoning agreement.

The proposed final plat establishes two buildable lots, one outlot for storm water management, and extension of S. 17<sup>th</sup> Street through the Aspen Business Park Subdivision 3<sup>rd</sup> Addition. The proposed subdivision includes a reservation of right-of-way along the west property line and the creation of utility easements. Although the number of lots has been reduced, the proposed final plat is in substantial conformance with the preliminary plat and can be approved as a minor amendment per the criteria of Section 23.306. Development of the proposed two lots is intended for multiple-family development consisting of ten apartment buildings split between the two lots and a clubhouse. The outlot will be used for stormwater management.

There is an existing City access easement along the west property line that will need to be vacated prior to development of the site. A separate hearing for the vacation of the easement will be scheduled subsequent to the final plat approval.

Public improvements, including streets, sidewalks, sanitary sewer, water, storm sewer system, street lights, trails, sub-drains and seeding for storm water detention basins, are required as part of this major subdivision. New sewer and water connections will be installed. A public improvement agreement in the amount of \$595,633.94 has been submitted with a letter of credit. The developer has also signed a sidewalk and street tree deferral agreement for the installation of sidewalks.

Public Works staff has reviewed a submitted Storm Water Management Plan for this subdivision and has determined that the development will comply with all applicable stormwater requirements.

The proposed plat conforms to requirements of the contract rezoning agreement for the extension of S. 17<sup>th</sup> Street and the reservation of area for future right-of-way within the southwest corner of the site to allow for the future extension of South Grand Avenue. A deed restriction accompanies the plat for the right-of-way reservation area.

**ALTERNATIVES:**

1. The City Council can approve the Final Plat of Aspen Business Park Subdivision 3<sup>rd</sup> Addition based upon the staff's findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, plans and previously approved Development Agreement.
2. The City Council can deny the Final Plat for Aspen Business Park Subdivision 3<sup>rd</sup> Addition, if it finds that the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed.
3. The City Council can refer this request back to staff or the applicant for additional information.

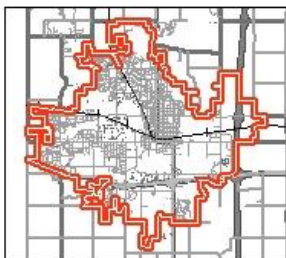
**CITY MANAGER'S RECOMMENDED ACTION:**

Staff has evaluated the proposed final subdivision plat and determined that the proposal is consistent with the preliminary plat and that the final plat conforms to the adopted ordinances and policies of the City as required by Chapter 23 of the Municipal Code. The proposed changes in lots are consistent with a minor amendment. The final plat is also consistent with the requirements of the contract rezoning agreement.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the final plat for Aspen Business Park Subdivision 3<sup>rd</sup> Addition.

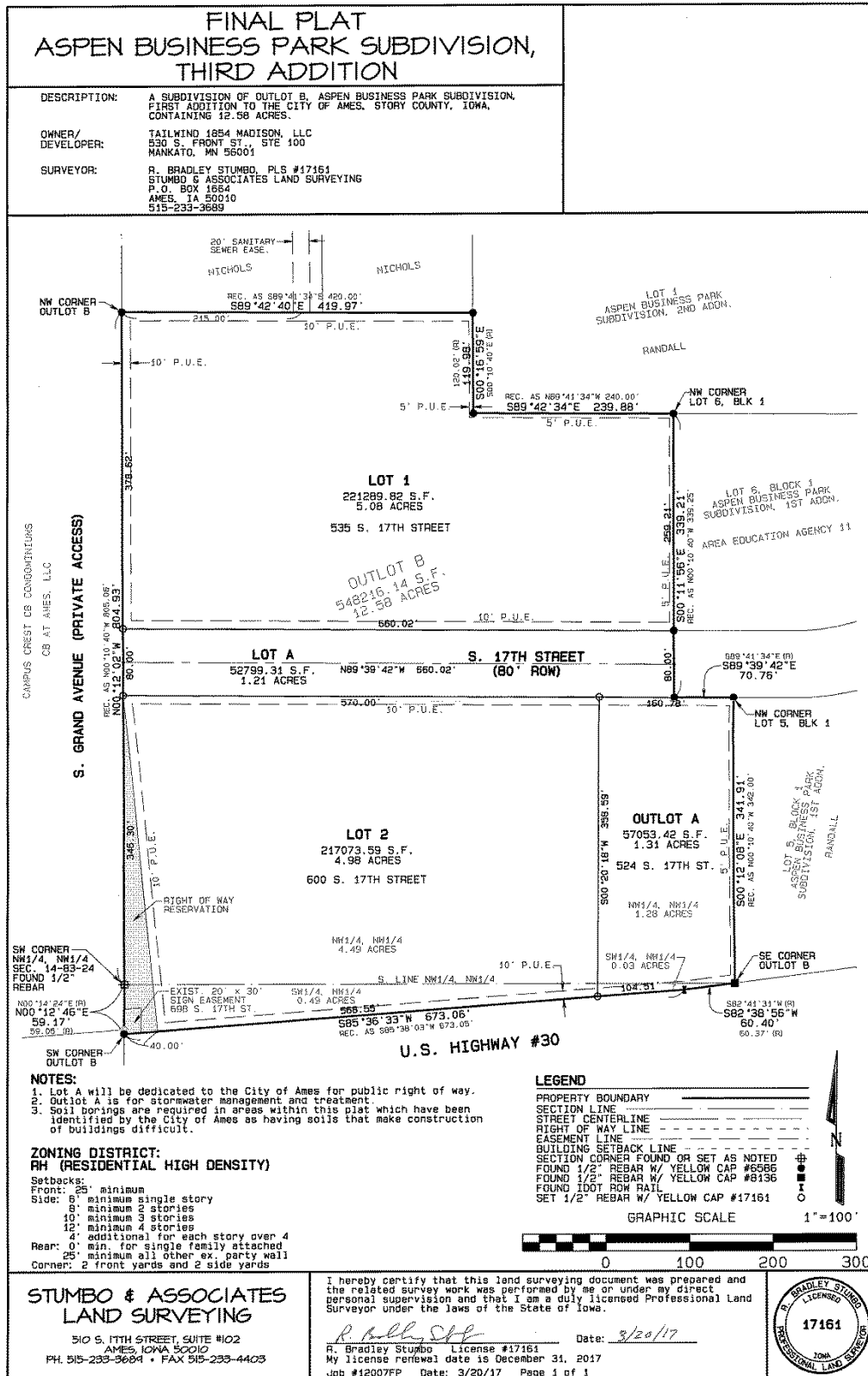


# Attachment A-Location Map



**Location Map  
519 S 17th Street**

# Attachment B- Aspen Business Park Subdivision 3<sup>rd</sup> Addition



**COUNCIL ACTION FORM**

**SUBJECT: ZONING TEXT AMENDMENT RELATING TO HEIGHT OF SOLAR ENERGY SYSTEMS**

**BACKGROUND:**

In 2009 the City Council adopted an ordinance allowing and regulating solar energy systems (SES), and in 2015 the standards for SES were updated. The zoning ordinance considers SES as accessory to the principal use of a lot, and allows for these systems to be placed on roof tops or on the ground with accessory support structures. Typically, the systems must comply with zoning standards, such as height, setbacks and yard areas, as well as with the SES specific standards in Section 29.1309.

City Council authorized Scott Renaud of FOX Engineering, representing Iowa State Ready-mix, to proceed with a text amendment to allow free-standing systems in industrial areas to extend up to 20 feet in height. Currently, Section 29.1309 (3)(c) limits overall height at 6 feet for panels located in the rear or side yard and 4 feet within a front yard. There is an allowance for ground mount systems over parking areas to be up to 20 feet in height. The current standards also prohibit front yard placement of panels except with the approval of a special use permit.

**The proposed amendment increases the maximum height of free-standing solar energy systems to 20 feet in the front, side, and rear yards outside of the required setbacks for land zoned General Industrial, exempts the systems from certain size limitations in relation to principal buildings (Attachment A), and clarifies that all standards apply regardless of visibility from a street.**

The applicant also seeks an amendment allowing greater coverage of a lot by solar panels. Currently, Section 29.1309 (3)(d)(ii) limits the area of free-standing solar panels to be no larger than the footprint of the principal buildings. This is a common restriction on accessory structures.

**The proposed amendment retains the lot coverage limitations for most zoning districts, but removes that lot coverage limit for General Industrial, subject to yard and setback limits.** Any development would still be responsible for meeting minimum landscaping (15 percent of the lot area) and any parking lot and mechanical unit landscaping.

The proposed changes primarily relate to two planning and zoning issues. The first is the size and design of the structures and their compatibility with the surroundings. Staff has determined that the increased size of systems in General Industrial zones would not lead to any compatibility issues compared to what may already be built on a property in such a zoning district. The base zone requirements of landscape percentage would still apply to the SES.



The second issue is whether to promote or incent the use of land with accessory solar structures on the ground versus roof top installed systems. In some instances, ground mount systems may be easier and cheaper to install than roof mounted systems. The tradeoff is the use of land on a site that may otherwise be put to another productive use. For industrial areas, many sites are large enough to allow for business expansion compared to commercial and residential areas. The City places the greatest priority on creating employment opportunities with efficient use of land for economic needs in industrial areas. This is of a greatest priority in areas where we desire a high concentration of employment, such as the Research Park. In these areas it would be beneficial to efficiently use land with roof top solar installations rather than ground mounted free standing facilities. However, this issue of efficiency has less relevance for General Industrial areas that may have many types of uses that need a lot of land or space to operate a business, but are not employee intensive compared to office uses. This is the situation for the applicant, which has a lot of land for the ready-mix plant, but not a lot of building area.

**The proposed amendments would only apply to the General Industrial zoned areas and would not apply to Planned Industrial or Research Park Innovation District.** A mark-up copy of the proposed changes can be found in *Attachment A*.

**Planning and Zoning Commission Recommendation:**

At its March 15, 2017 meeting, the Planning and Zoning Commission voted 4-0 to recommend approval of the proposed ordinance changes. The Commission was interested to learn whether the changes were adequate for other users and what the size of such systems would be. There was a reference to the ISU solar installation by CyRide that is approximately 10-12 feet in height. Mr. Renaud spoke about the issue, noting that wind load requirements would likely limit panel heights to no more than 20 feet.

**ALTERNATIVES:**

1. The City Council can adopt the proposed amendments regarding solar energy systems.
2. The City Council can decline to adopt the proposed amendments regarding solar energy systems.
3. The City Council can direct staff to develop alternative language for the proposed amendments regarding solar energy systems.

**CITY MANAGER'S RECOMMENDED ACTION:**

The proposed change is limited to General Industrial zoned areas and requires consistency with the base zone development standards. The proposed changes help to promote the installation of new solar energy systems without undermining compatibility with the surroundings. The new free standing SES allowance is not meant to diminish any required landscaping associated with site development.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the proposed amendments.

## ATTACHMENT A: PROPOSED AMENDMENTS

### PROPOSED NEW SECTION 29.1309 (3)

#### (3) Freestanding Solar Energy Systems:

##### (a) Setbacks

(i) Front. Solar Energy Systems shall not be located within any required front setback. They may be located in a front yard (beyond the required front setback line) subject to approval of a Solar Energy System Special Use Permit by the Zoning Board of Adjustment, except as noted in (d), below.

(a) Front yard, as used in this section, is the space between the principal building on the lot and the front lot line. See definition and graphic in Section 29.406(7)(e).

(ii) Side and Rear. Six (6) feet from all property lines and other structures.

(iii) Corner and Through Lots. The definition and requirements for a front yard in Section 29.406(7)(e) shall prevail when the subject lot is not an interior lot.

(iv) Easements, Utilities, Rights of Way. No portion of any solar energy system shall extend into any easement, right of way or public way, regardless of above stated exceptions and regulations for setback and yard requirements.

(b) Location. Systems shall be located on the same lot as the building being served. Where there is no principal building, the system is not allowed.

(c) Height in Zoning Districts other than General Industrial: Six (6) feet in height maximum in side and rear yards. Four (4) feet in height maximum in front yards. ~~There is an exception for systems in non-residential zoning districts, a SES may be twenty (20) feet in height and subject to setbacks if placed over a parking area. Otherwise, height and setback limits are the same as in residential zoning districts.~~ The height shall be measured from the grade at system base to the highest peak, including the highest position of any adjustable system.

(d) Height in General Industrial zones: Twenty (20) feet in height maximum in front yard provided the front setback of the zoning district is met. Twenty (20) feet in height maximum in side and rear yards provided the required side and rear setbacks (Section 3(a)2, above) are met. The height shall be measured from the grade at system base to the highest peak, including the highest position of any adjustable system.

(e) Height in Non-Residential zones if placed over a parking area: Twenty (20) feet in height provided the required setbacks of the zoning district are met.

(f) Freestanding System Size:

(i) Residential Properties. Systems shall not exceed one-tenth (1/10) the footprint of the principal building served or one hundred (100) square feet, whichever is greater.

(ii) Non-Residential Properties. Systems shall not exceed the footprint of the principal building served.- Within the General Industrial zones, the footprint of the SES may exceed the footprint of the principal building subject to meeting all other development standards.

(iii) Lot Coverage. Freestanding systems shall be included in the maximum lot ~~Coverage coverage or minimum landscaped area calculations~~ except that up to 40 square feet is allowed regardless of total lot coverage.

(iv) Measurement of the system shall be based upon the area of the solar receiving panel, regardless of the adjustment angle of the panel.

~~(v) A freestanding system, or portion thereof, not visible from abutting street rights of way at any time of the year is exempt from maximum size and coverage calculations.~~

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.1309(3) AND ENACTING A NEW SECTION 29.1309(3) THEREOF, FOR THE PURPOSE OF HEIGHT OF SOLAR ENERGY SYSTEMS ; 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 Section 29.1309(3) and enacting a new Section 29.1309(3) as follows:

“**Sec. 29.1309 SOLAR ENERGY SYSTEMS (SES).**

• • •

**(3) Freestanding Solar Energy Systems:**

**(a) Setbacks**

- (i)** Front. Solar Energy Systems shall not be located within any required front setback.

They may be located in a front yard (beyond the required front setback line) subject to approval of a Solar Energy System Special Use Permit by the Zoning Board of Adjustment, except as noted in (d), below.

**(a)** Front yard, as used in this section, is the space between the principal building on the lot and the front lot line. See definition and graphic in Section 29.406(7)(e).

- (ii)** Side and Rear. Six (6) feet from all property lines and other structures.

**(iii)** Corner and Through Lots. The definition and requirements for a front yard in Section 29.406(7)(e) shall prevail when the subject lot is not an interior lot.

**(iv)** Easements, Utilities, Rights of Way. No portion of any solar energy system shall extend into any easement, right of way or public way, regardless of above stated exceptions and regulations for setback and yard requirements.

- (b)** Location. Systems shall be located on the same lot as the building being served.

Where there is no principal building, the system is not allowed.

**(c)** Height in Zoning Districts other than General Industrial: Six (6) feet in height maximum in side and rear yards. Four (4) feet in height maximum in front yards. The height shall be measured from the grade at system base to the highest peak, including the highest position of any adjustable system.

**(d)** Height in General Industrial zones: Twenty (20) feet in height maximum in front yard provided the front setback of the zoning district is met. Twenty (20) feet in height maximum in side and rear yards provided the required side and rear setbacks (Section 3(a)(ii), above) are met. The height shall be measured from the grade at system base to the highest peak, including the highest position of any adjustable system.

**(e)** Height in Non-Residential zones if placed over a parking area: Twenty (20) feet in height provided the required setbacks of the zoning district are met.

(f) Freestanding System Size:

(i) Residential Properties. Systems shall not exceed one-tenth (1/10) the footprint of the principal building served or one hundred (100) square feet, whichever is greater.

(ii) Non-Residential Properties. Systems shall not exceed the footprint of the principal building served. Within the General Industrial zone: the footprint of systems may exceed the footprint of the principal building subject to meeting all other development standards.

(iii) Lot Coverage. Freestanding systems shall be included in the maximum lot coverage except that up to 40 square feet is allowed regardless of total lot coverage.

(iv) Measurement of the system shall be based upon the area of the solar receiving panel, regardless of the adjustment angle of the panel.”

...

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: MAJOR SITE DEVELOPMENT PLAN SIGNAGE AMENDMENT FOR  
3306 AND 3326 LINCOLN WAY AND FOR 117, 127, AND 137 SOUTH  
WILMOTH AVENUE**

**BACKGROUND:**

Breckenridge Group Ames Iowa, LLC requests approval of a Major Site Development Plan amendment for the Aspen Heights Development located at 3306 and 3326 Lincoln Way and at 117, 127 and 137 S. Wilmoth Avenue. (Attachment A, Location Map) The approved development contains a total of 8.91 acres and is currently zoned Residential High Density (*See Attachment A, Location and Current Zoning Map.*) In order to meet a condition of the original April 2016 site plan approval, the applicant is requesting approval of an amendment to the Major Site Development Plan to include a sign program for residential signs.

The Major Site Plan was approved with five buildings: one mixed use building fronting on Lincoln Way, a residential clubhouse at the corner of Lincoln Way and S. Wilmoth Avenue, and three apartment buildings located to the middle of the site and accessed from S. Wilmoth Avenue. Parking is being provided around each building. The total number of apartment units is 122 units totaling 422 bedrooms with approximately 2/3 of the units configured as 4 bedroom units, 1/4 as 3 bedroom units, and the remaining number as 2 bedroom units. (Attachment C Excerpt of Plan Documents)

The mixed-use building along Lincoln Way includes approximately 15,000 square feet of commercial square footage on the ground floor and 20 apartment units above for a total of 64 bedrooms. The three apartment buildings are located in the middle of the property. Building B is located along Wilmoth Avenue and includes 36 units with 126 bedrooms. Building C is centrally located apartment building and has 30 units and 106 bedrooms. Building D is the western apartment building and has 36 units and 126 bedrooms. Additionally, there is the one-story, 7,000 square foot clubhouse building with leasing offices and recreation space located at the corner of Wilmoth and Lincoln Way.

There is access into the development from Lincoln Way for the commercial mixed-use building with a driveway situated across from Colorado Avenue. This location was dictated by spacing requirements from the City's Traffic Engineer. Access from Wilmoth Avenue occurs near the clubhouse and also south of the apartment buildings across from Lettie Street. No access is provided from the dead-end section of Hilltop Avenue. Pedestrian access is provided to Wilmoth on the south side of the apartments, through to the clubhouse, and via the walkway along the commercial building. The apartment buildings are interconnected with an internal walkway system.

**The original approval included a condition within both the Major Site Plan and the Urban Revitalization Plan that the applicant receive approval of a sign program as a separate Major Site Development Plan application prior to permitting and installation of any signs.** This requirement was a unique condition to address how a multi-use site would include signage in a manner consistent with Sign Code allowances for residential and commercial uses without express standards for a multi-use RH zoned site. At this time the applicant has submitted a sign program of the residential signage for the property. A commercial sign program will still be required prior to permitting and installation of any future commercial signage.

**The proposed residential sign program includes entry way signage, wall signage for the clubhouse, and residential apartment directional and information signage for the site.** None of the signage exceeds the current residential sign allowances of the Sign Code and is in line with the previously approved general design aesthetic of the project. The signage is compliant with the Sign Code requirements for size and lighting standards. The allocation of signage square footage allows for adequate allowances for the remaining needs of commercial signage. Details about the specific residential sign program is included in the addendum.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

At their meeting on March 15, 2017, the Planning and Zoning Commission reviewed the proposed site development plan amendment and approved the proposed residential sign program by a vote of 4-0. No community comment was presented during the meeting.

**ALTERNATIVES:**

1. The City Council can approve the Major Site Development Plan Amendment for the site to include the attached sign program for residential signage.
2. The City Council can approve the Major Site Development Plan Amendment for the proposed site with conditions.
3. The City Council can refer the matter back to staff or the applicant for further information.

**CITY MANAGER'S RECOMMENDED ACTION:**

The Major Site Development Plan review is to determine conformance with development standards and for the appropriate arrangement and design of the use of the site. The Major Site Development Plan was approved in compliance with the development standards. It included a condition to ensure that the placement and design of signage would also be consistent with the Site Plan criteria. The proposed design and size of signs meets Sign Code requirements and is appropriately situated for the site design.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the Major Site Development Plan Amendment to include the attached sign program for residential signage.



## ADDENDUM

### Project Description:

The residential sign program submitted by the applicant to meet the conditions of the major site plan includes entryway signage for the residential development, a wall sign for the clubhouse, and direction and informational signage for both the parking lot areas and the building entrances.

There are two residential signs proposed for the property. A monument style entry way sign is proposed at the corner of Lincoln Way and S. Wilmoth Avenue to identify the overall residential development. The sign is 6 feet in height and will not exceed 20 square feet of sign area as required by the residential sign code allowances. The sign is a non-illuminated aluminum sign frame with routed/laser cut painted acrylic letters and logo. A wall sign for the clubhouse is proposed to be an aluminum pan sign with flush mounted painted acrylic letters. The sign is proposed at 34" high by 84" long to meet the maximum 20 square feet of sign area permitted for a residential sign.

Informational and directions signs are also proposed for the site for identifying the building addresses and unit entries, hours of operation for the clubhouse, and resident and guest information for buildings and parking areas. These sign are not considered business signs as they don't include any logos or reference to the development, they are strictly informational to the site. All signage proposed meets the requirements of the Sign Code for any typical residential development. No variances are being requested for the residential signage for the property.

Staff notes that the applicant has not addressed any signage for the commercial spaces on the property for entry way or business signage. A separate application for amendment will be required to be approved by the Commission and Council before any commercial signage is permitted and installed on the site. The developer was concerned about progressing with the residential signage in advance of knowing how the future commercial space may be tenanted.

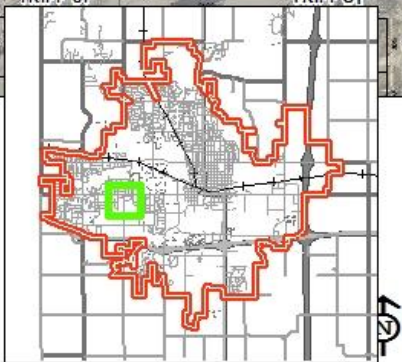
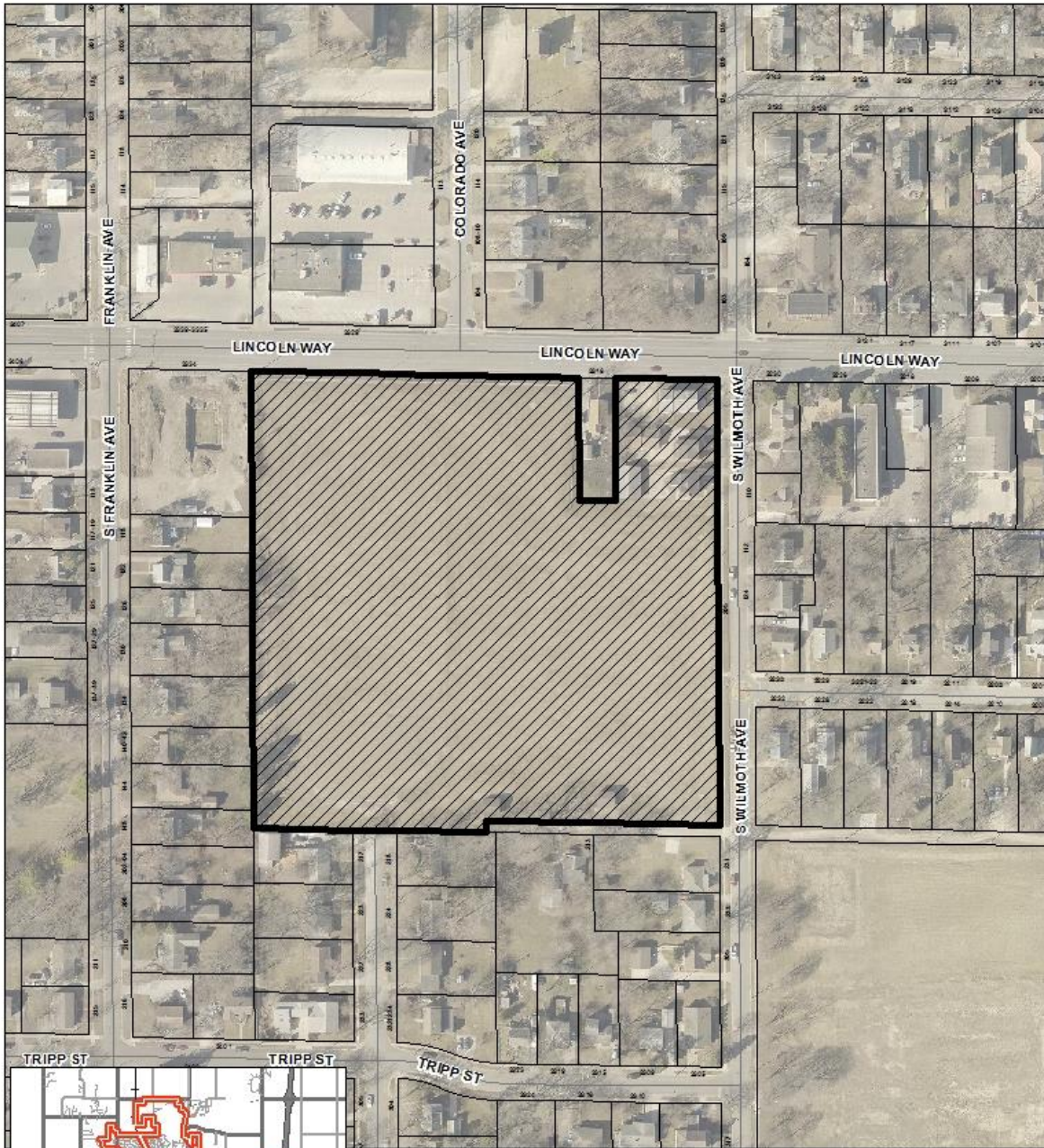
**Major Site Development Plan Criteria.** Additional criteria and standards, beyond those of the RH Zone, apply to the review of all Major Site Development Plans. The standards are found in Ames *Municipal Code* Section 29.1502(4)(d) and include the following requirements. *When acting upon an application for a Major Site Development Plan approval, the Planning and Zoning Commission and the City Council shall rely upon generally accepted site planning criteria and design standards. These criteria and standards are necessary to fulfill the intent of the Zoning Ordinance, the Land Use Policy Plan, and are the minimum necessary to safeguard the public health, safety, aesthetics, and general welfare.*

Staff feels the only concern for signage related to the site plan would be the impact the proposed signage could have on surrounding properties due to either location or lighting. Being the signs propped in the application are not shown to be illuminated and the placement of the proposed signs does not have an impact on any of the surrounding

property owners, staff feels the criteria used to determine compliance for the original Major Site Plan have not be affected. Attachment C includes the original Development criteria approved for the Major Site Development Plan as was approved for the overall site.

**Public Notice.** Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property. As of this writing, no comments have been received.

# Attachment A- Location Map



**Location Map**  
**3306 and 3326 Lincoln Way,**  
**117, 127, 137 S. Wilmoth Avenue**

**Attachment B- Proposed Residential Sign Program**

See Attached Separate PDF

**Attachment C**  
**Major Site Development Plan Criteria**  
(As Previously Approved for the Project).

**29.1502 (4)d. When acting upon an application for a Major Site Development Plan approval, the Planning and Zoning Commission and the City Council shall rely upon generally accepted site planning criteria and design standards. These criteria and standards are necessary to fulfill the intent of the Zoning Ordinance, the Land Use Policy Plan, and are the minimum necessary to safeguard the public health, safety, aesthetics, and general welfare. These criteria and standards include:**

- 1. The design of the proposed development shall make adequate provisions for surface and subsurface drainage to limit the rate of increased runoff of surface water to adjacent and downstream property.**

The Public Works Department has reviewed the storm water management plan and finds that the proposed development can meet the required storm water quantity and quality measures by use of proposed on-site detention options.

- 2. The design of the proposed development shall make adequate provision for connection to water, sanitary sewer, electrical, and other utility lines within the capacity limits of those utility lines.**

The City is in the process of finalizing its assessment of the sanitary sewer capacity and project improvements for the west Ames area and its flow through the main in Lincoln Way. The City must make a determination of project conformance to the infrastructure capacity prior to approval of the site development plan and issuance of a building permit. Presuming City Council's commitment to improve the sanitary sewer facilities, this project can be found to conform to the City's standards. All other utilities are available to serve the site and their planned locations are shown on the civil plans.

- 3. The design of the proposed development shall make adequate provision for fire protection through building placement, acceptable location of flammable materials, and other measures to ensure fire safety.**

The fire inspector has reviewed access and fire truck circulation and found that the needs of the fire department are met. The main access points into the site from both Lincoln Way and Wilmoth are indicated as gated accessed. The Fire Department has noted their acceptance of the gates as long as security access device is provided to allow fire department access. The parking lot design provided on the site allows the turnaround space needed for fire access.

- 4. The design of the proposed development shall not increase the danger of erosion, flooding, landslide, or other endangerment to adjoining and surrounding property.**

The proposed development is not located in a floodplain nor on or near steep slopes. It is not anticipated that this proposed development will be a danger due to its location on the site and conditions of the site.

**5. *Natural topographic and landscape features of the site shall be incorporated into the development design.***

Currently the vacant property is fairly flat with no natural topographic or landscape features that could be incorporated into the development. A grading plan has been submitted which identifies the changes being made to the site to accommodate the proposed development.

**6. *The design of the interior vehicle and pedestrian circulation shall provide for convenient flow of vehicles and movement of pedestrians and shall prevent hazards to adjacent streets or property.***

Access is provided from Lincoln Way to the north into the development and from Wilmoth Avenue to the east. The on-site sidewalks will connect with the existing sidewalk along Lincoln Way as well as to the sidewalks along Wilmoth Avenue. The gated entrances to the residential parking are not anticipated to cause access issues for waiting vehicles due to automatic electronic opening devices used by residents.

**7. *The design of outdoor parking areas, storage yards, trash and dumpster areas, and other exterior features shall be adequately landscaped or screened to minimize potential nuisance and impairment to the use of adjoining property.***

The design exceeds the minimum buffer requirements of an L3 with a combination of trees and shrubs and a 6-foot fence with a 10 foot area along the west property lines and north property lines. The facilities are located in excess of 30 feet from the south property line and 25 feet from the east property line. The dumpster locations are as close as ten feet from the property lines. The developer believes they facilities are sized to allow for once or twice a week pick up which minimizes potential for impairment of use of adjoining property.

**8. *The proposed development shall limit entrances and exits upon adjacent streets in order to prevent congestion on adjacent and surrounding streets and in order to provide for safe and orderly vehicle movement.***

The north driveway is required to have the developer complete a turn lane extension for safe access to the site. The improvement will be coordinated with a City intersection project at Franklin. The improvements will be completed in the summer of 2017.

**9. *Exterior lighting shall relate to the scale and location of the development in***

***order to maintain adequate security, while preventing a nuisance or hardship to adjacent property or streets.***

With the pole heights of 25 and 20 feet and use of wall packs for sidewalk lighting the plans meets the interest of appropriate scale and location of lighting. The lighting plan demonstrates minimal light trespass with lighting levels projected at 0.5 foot candles or less along the property lines.

***10. The proposed development shall ensure that dust and other forms of air pollution, noise disturbances, odor, glare, and other nuisances will be limited to acceptable levels as prescribed in other applicable State and City regulations.***

The proposed residential use is not expected to generate nuisances as it meets city design requirements and will operate in a manner consistent with other similar uses throughout the city.

***11. Site coverage, building scale, setbacks, and open spaces shall be in proportion with the development property and with existing and planned development and structures, in adjacent and surrounding property.***

A major consideration in the layout of the site was to have commercial along Lincoln Way and to have as much separation of the apartment buildings from adjacent properties. The development has satisfied these interests with the mixed use building location and the centralized location of the apartments, the closet abutting home to apartment building is estimated at 140 feet. The open spaces in the plan are designed to allow for separation of uses from the adjacent properties and for screening. The areas are large enough to ensure the landscaping will be able to mature and achieve the goal of softening the appearance of the site and to provide screening. Common open space for residents is proposed within internal courtyards that are not likely to have an adverse effect on the surroundings. Additionally, the limit of 3 stories for the buildings makes them compatible with their surroundings which are a mix of one and two-story structures in the immediate vicinity and larger structures to the west and east along Lincoln Way.

Staff has proposed conditions to address the building scale and appearance of the Wilmoth Building B in attempt to provide more interest to its front façade due to its length and prominent location at the front yard setback. Additional conditions are recommended to address minor details in the landscape plan, fence requirements, and uses of the commercial building with the intent of maintaining window transparency along Lincoln Way. Overall the proposed plan meets this criterion through the location of buildings and the use of architectural treatments with high quality building materials to create visual interest that supports the building scale and relationship to its surroundings.



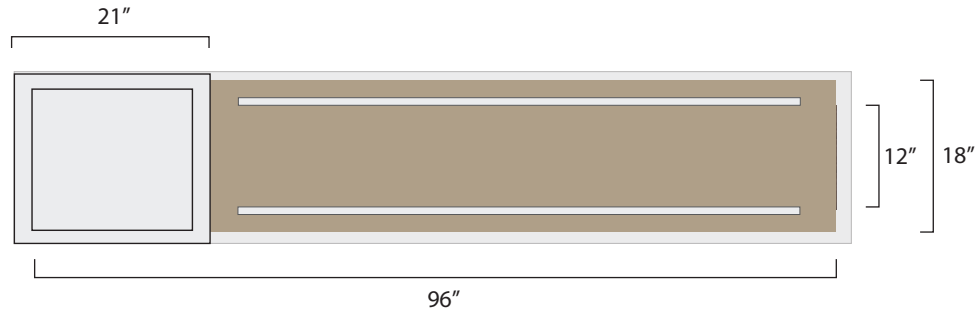




PROPERTY ENTRY SIGNAGE

**A**

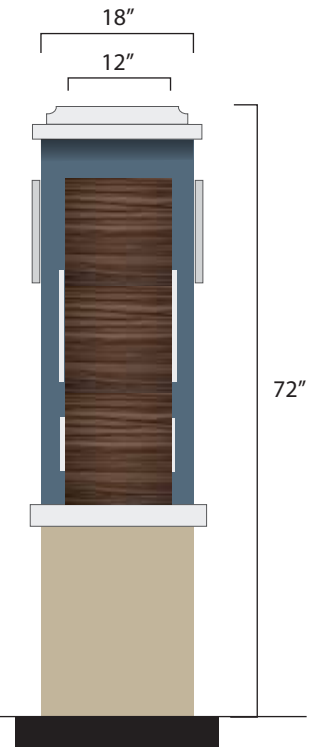
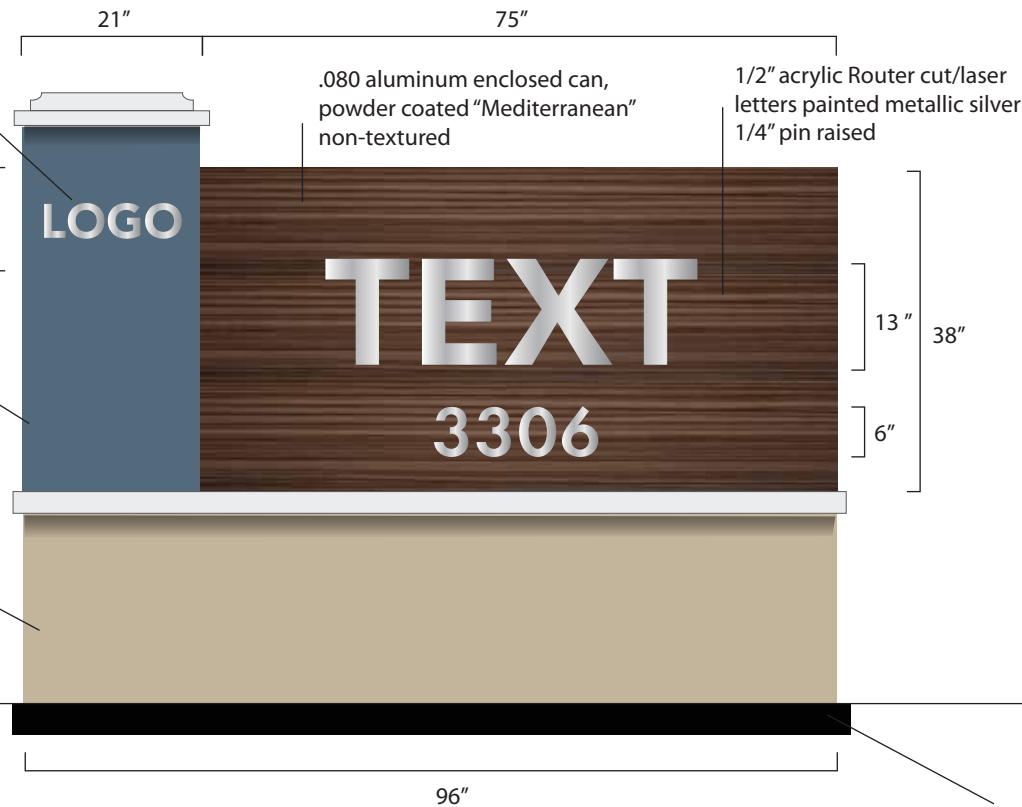
19.8 SQUARE FEET



1/2" acrylic Router cut/laser leaf painted metallic silver  
 1/4" pin raised

Light Dantex finish  
 .080 Aluminum enclosed can painted SW6515 Leisure Blue

Light Dantex finish  
 .080 Aluminum enclosed can painted SWTBD



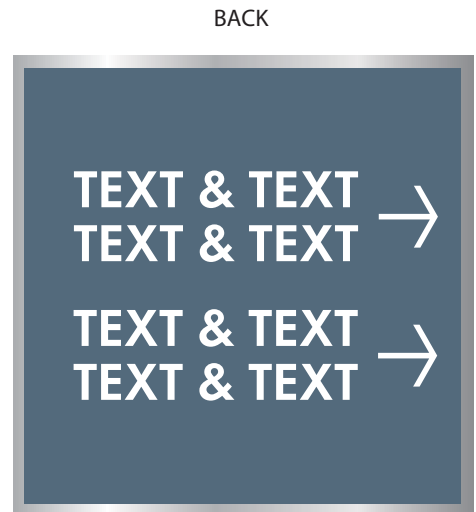
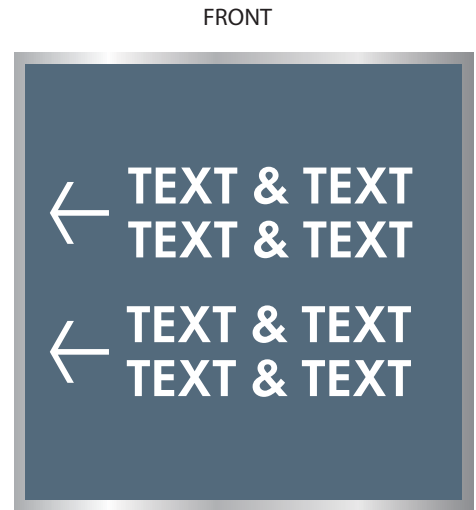
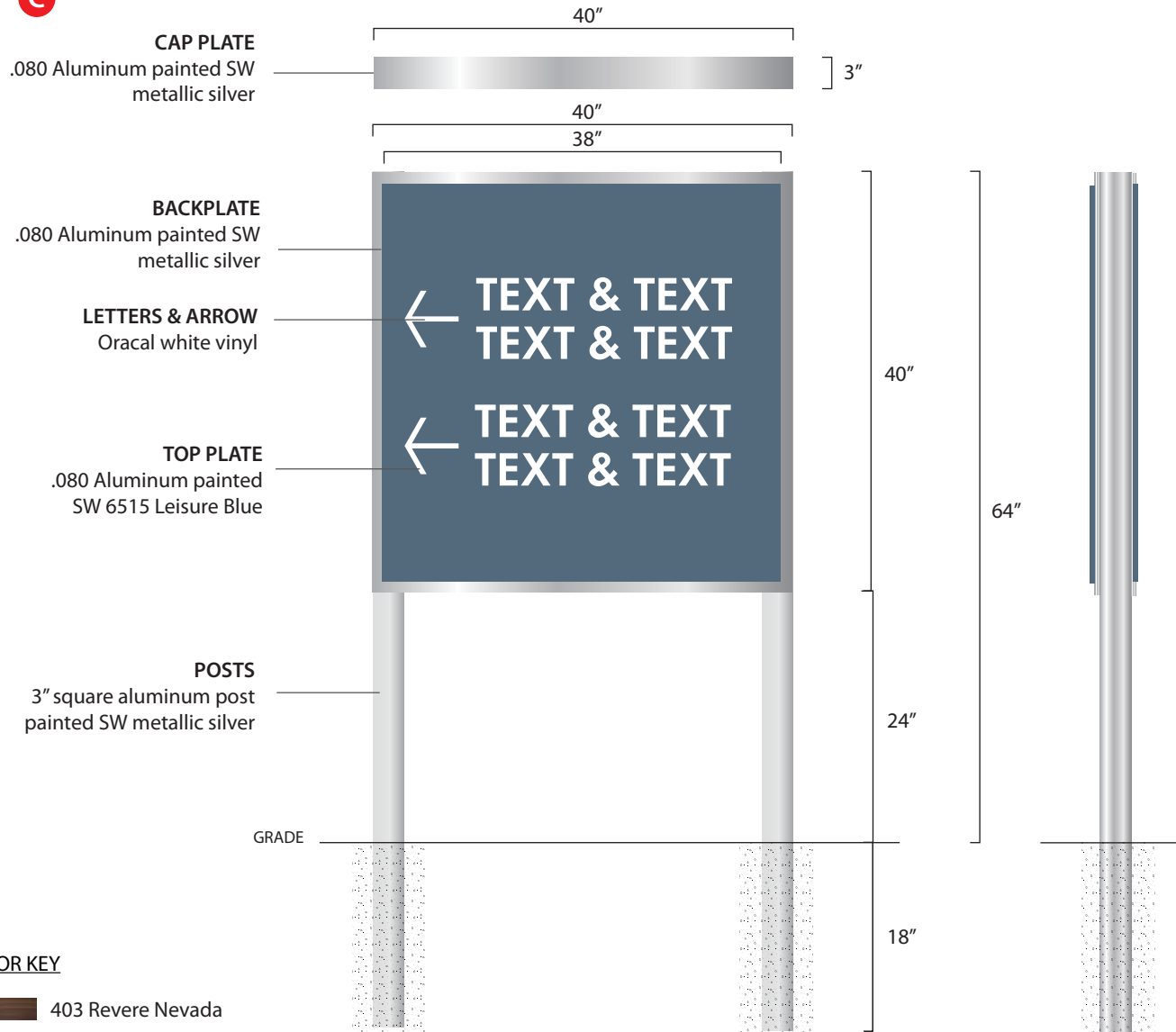
GRADE

Concrete pad by others

COLOR KEY

- 403 Revere Nevada
- SW6515 Leisure Blue
- MP Metallic Silver
- SW6076 Turkish Coffee
- Oracal White Vinyl

PROPERTY ENTRY SIGNAGE



- COLOR KEY**
- 403 Revere Nevada
  - SW6515 Leisure Blue
  - MP Metallic Silver
  - SW6076 Turkish Coffee
  - Oracal White Vinyl

**Installation:**

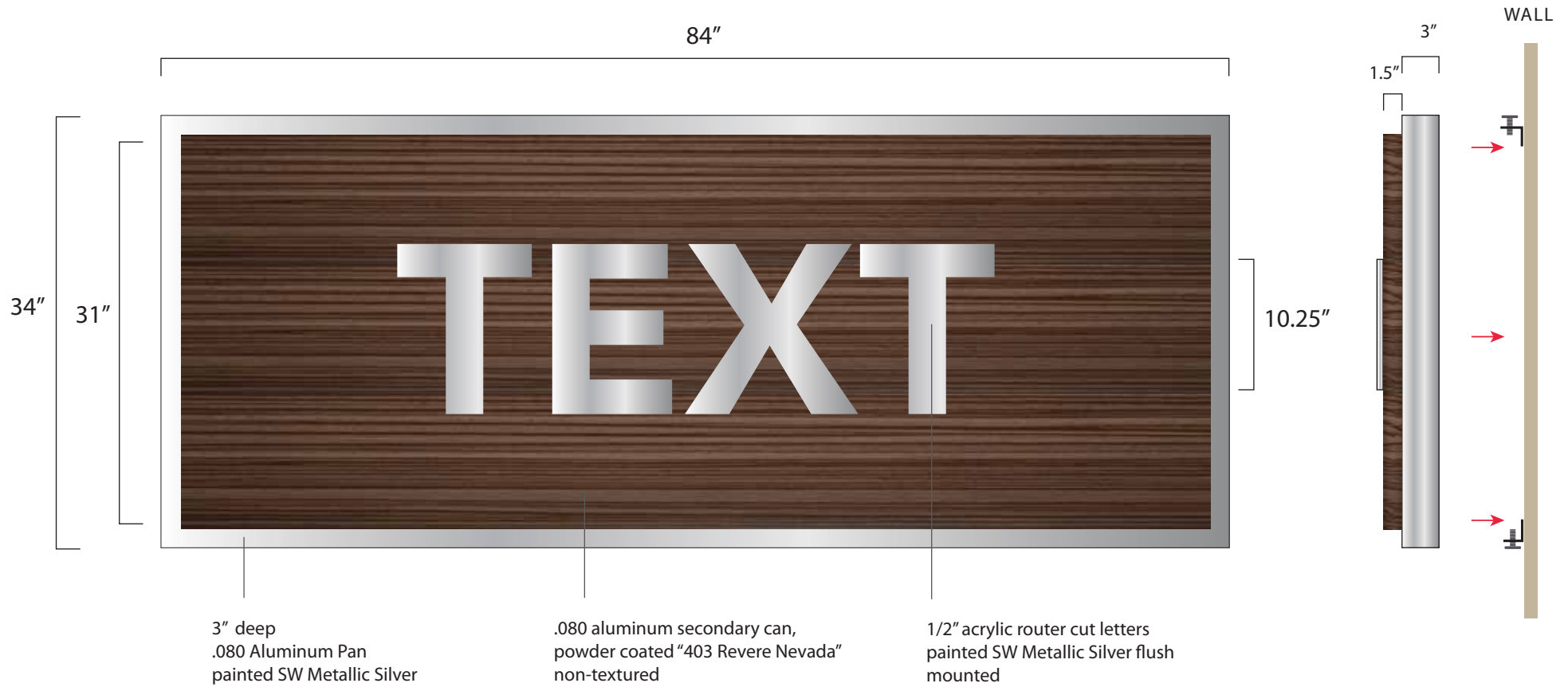
Set 18" in ground with quickrete



LEASING CENTER & CLUBHOUSE - EXTERIOR

**B**

19.8 SQUARE FEET



COLOR KEY

- 403 Revere Nevada
- SW6515 Leisure Blue
- MP Metallic Silver
- SW6076 Turkish Coffee
- Oracal White Vinyl

**INSTALL**  
 clip mount to wall

LEASING CENTER & CLUBHOUSE - EXTERIOR

WALL

23.75"

**NUMBERS**

1/2" acrylic painted Turkish Coffee







8"

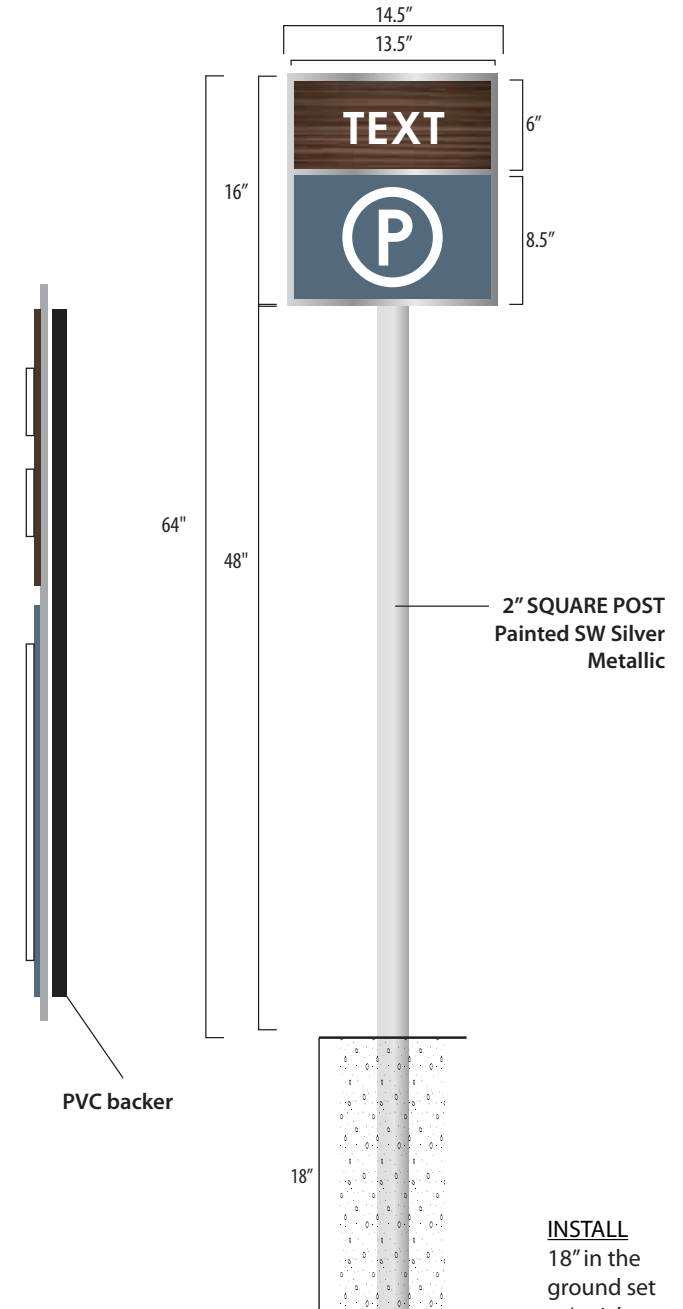
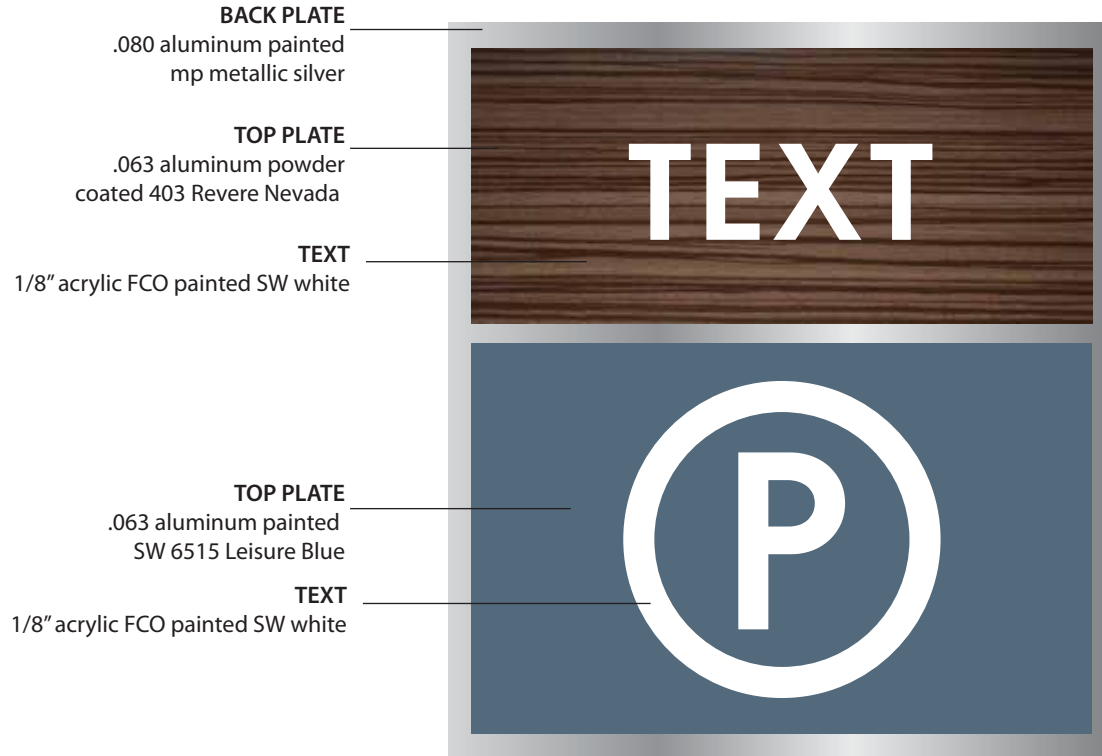


**INSTALL**  
pin raised 1/4" off  
of wall

COLOR KEY

-  403 Revere Nevada
-  SW6515 Leisure Blue
-  MP Metallic Silver
-  SW6076 Turkish Coffee
-  Oracal White Vinyl

LEASING CENTER & CLUBHOUSE - EXTERIOR



**INSTALL**  
18" in the  
ground set  
w/quickrete

COLOR KEY

- 403 Revere Nevada
- SW White
- SW6515 Leisure Blue
- MP Metallic Silver
- SW6076 Turkish Coffee
- Oracal White Vinyl

LEASING CENTER & CLUBHOUSE - EXTERIOR

D

18"

WALL

**TEXT/LOGO**  
1/8" acrylic painted metallic silver

**TOP PLATE**  
.063 aluminum powder coated 403 Revere Nevada

**TEXT**  
white vinyl

**HOURS PLATE w/ TAMPER RESISTANT SCREWS**  
1/8" clear acrylic or Rowmark 342-101 back-painted SW 6515, reversed etched and paint filled sw white

**BACK PLATE**  
.080 aluminum painted silver

**TOP PLATE**  
.063 aluminum painted SW 6515 Leisure Blue

HOURS OF  
OPERATION

DAY :                      TIMES:  
DAY :                      TIMES:  
DAY :                      TIMES:

IN CASE OF EMERGENCY CALL:  
PHONE NUMBER

8"

23"

13.5"

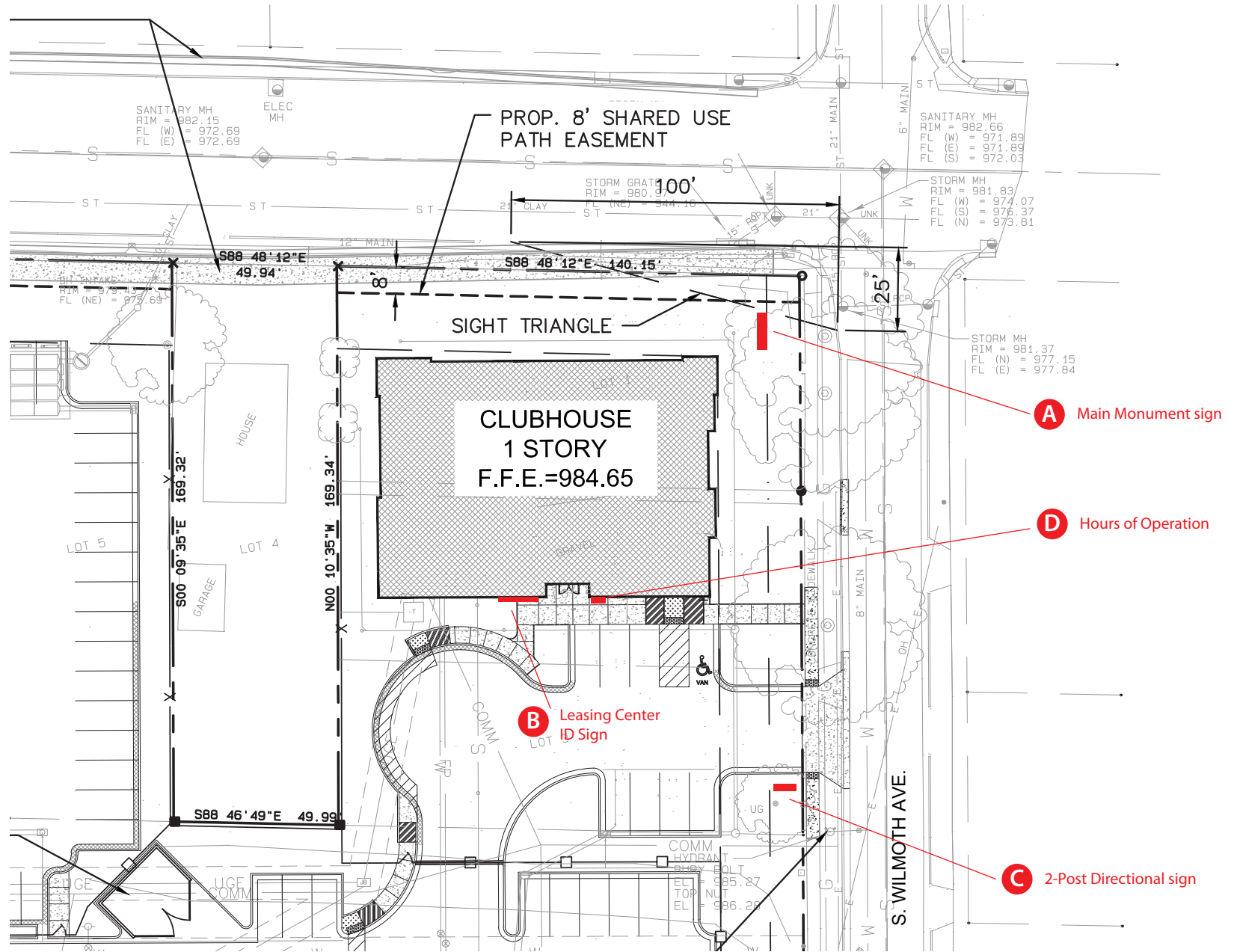
17"

**INSTALL**  
clip mount to wall

**COLOR KEY**

- 403 Revere Nevada
- SW6515 Leisure Blue
- MP Metallic Silver
- SW6076 Turkish Coffee
- Oracal White Vinyl







**BUILDING SIGNAGE - A, B, C, & D**

**QTY - 2**



**1" PAN BACKER**  
 .080 aluminum  
 painted  
 metallic silver

**BLOCK**  
 oracal brown vinyl  
 651-080

**TEXT**  
 white vinyl

**BLOCK**  
 digital  
 Leisure Blue vinyl

**TEXT**  
 white vinyl

**BLOCK**  
 digital Leisure  
 Blue vinyl

**COLOR KEY**

- 403 Revere Nevada
- SW6515 Leisure Blue
- MP Metallic Silver
- SW6076 Turkish Coffee
- Oracal White Vinyl

**INSTALL**  
 clip mount to wall

BUILDING SIGNAGE - A, B, C, & D

QTY - 2








QTY - 2

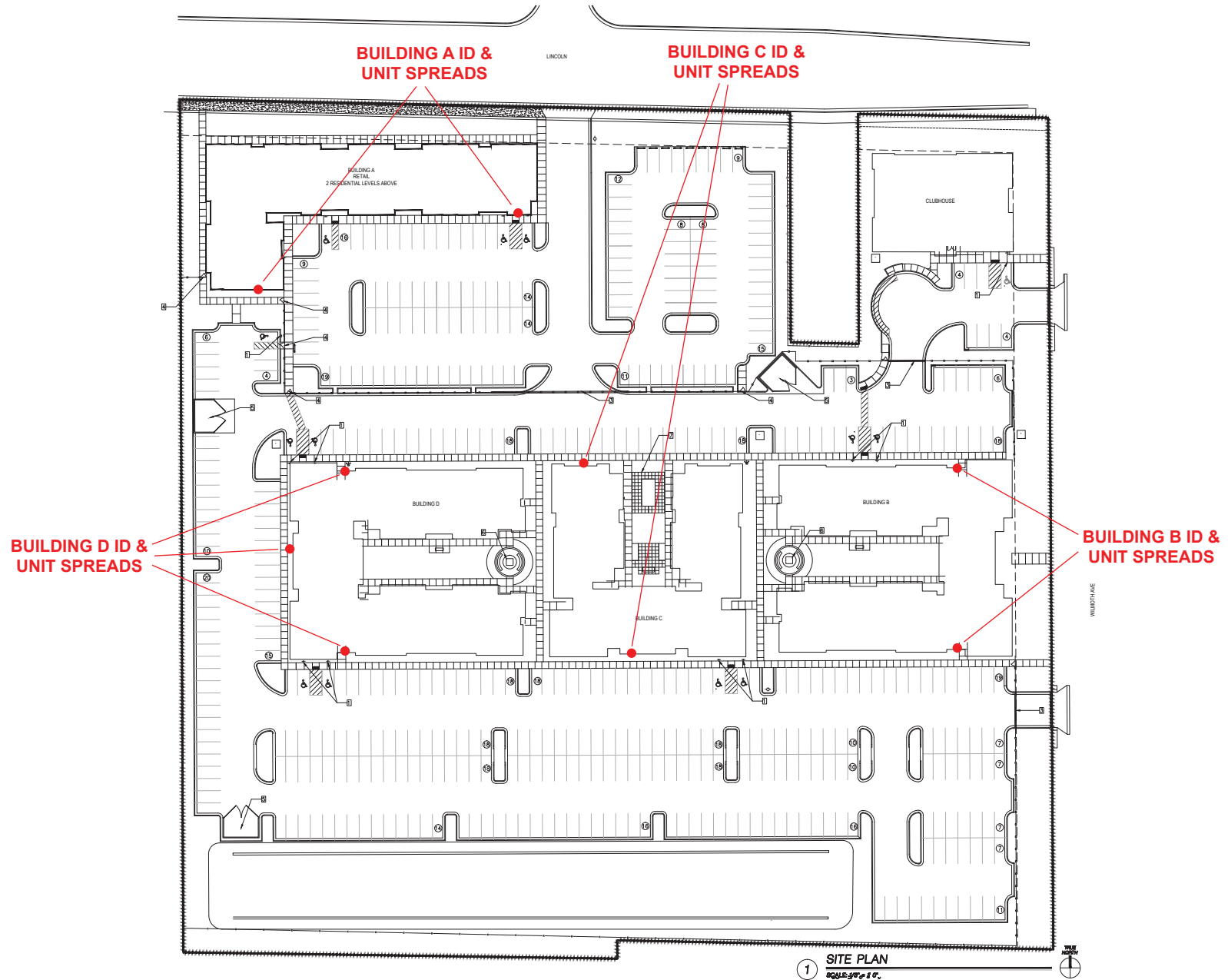


QTY - 3



COLOR KEY

-  403 Revere Nevada
-  SW6515 Leisure Blue
-  MP Metallic Silver
-  SW6076 Turkish Coffee
-  Oracal White Vinyl

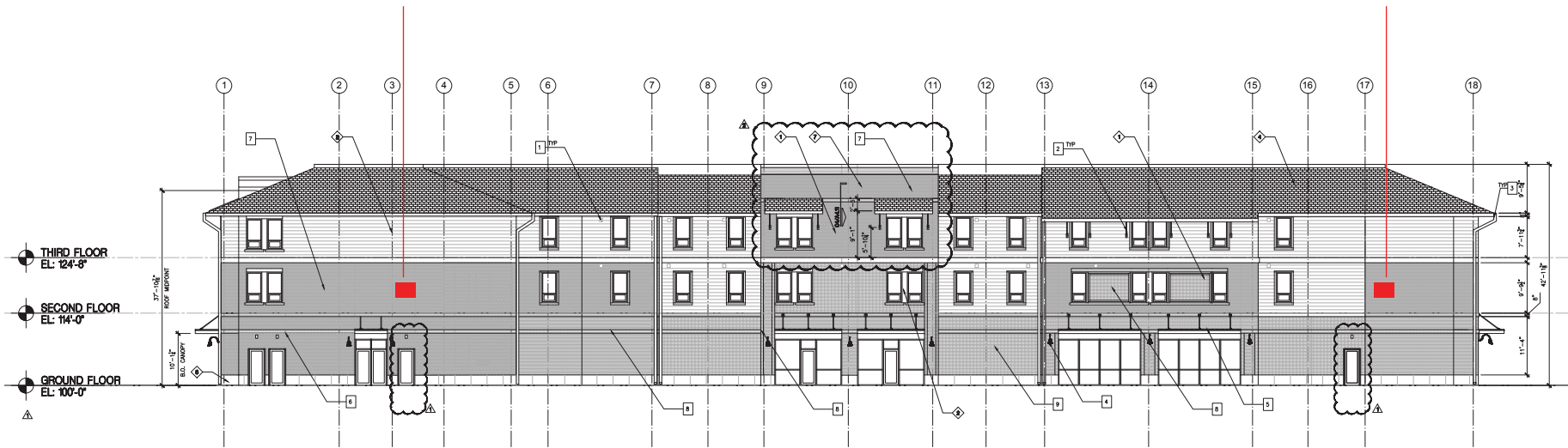


ASPEN HEIGHTS AMES  
 AMES, IOWA

SHEET: A101

**BUILDING A ID & UNIT SPREAD**

**BUILDING A ID & UNIT SPREAD**



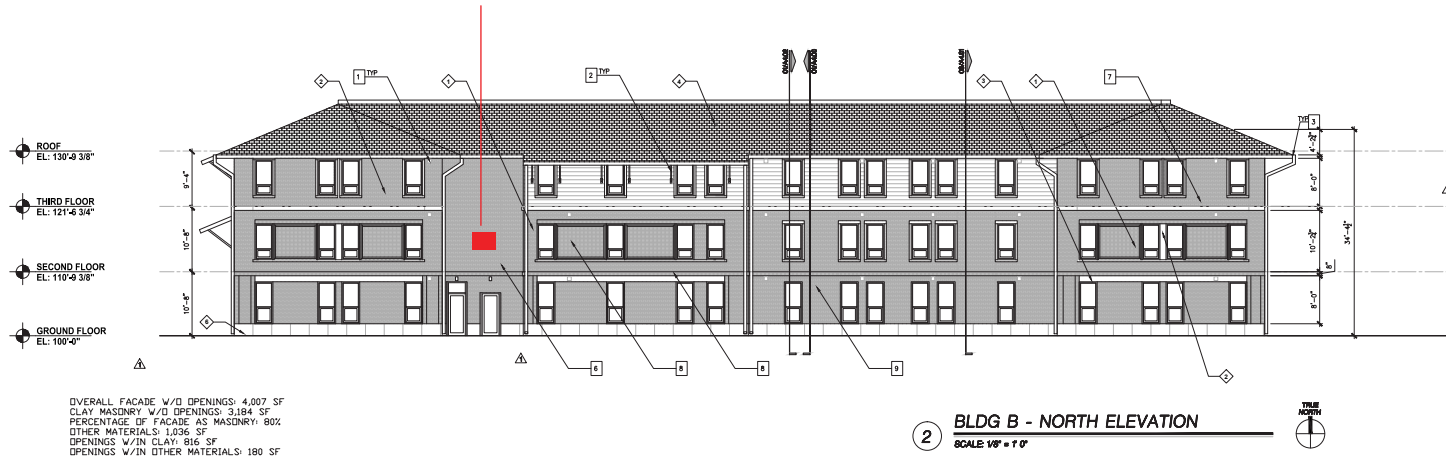
OVERALL FACADE W/O OPENINGS: 6,301 SF  
 CLAY MASONRY W/O OPENINGS: 5,253 SF  
 PERCENTAGE OF FACADE AS MASONRY: 83%  
 OTHER MATERIALS: 1,048 SF  
 OPENINGS WIN CLAY: 1,039 SF  
 OPENINGS WIN OTHER MATERIALS: 396 SF

**1 BLDG A - SOUTH ELEVATION**  
 SCALE 1/8" = 1'-0"

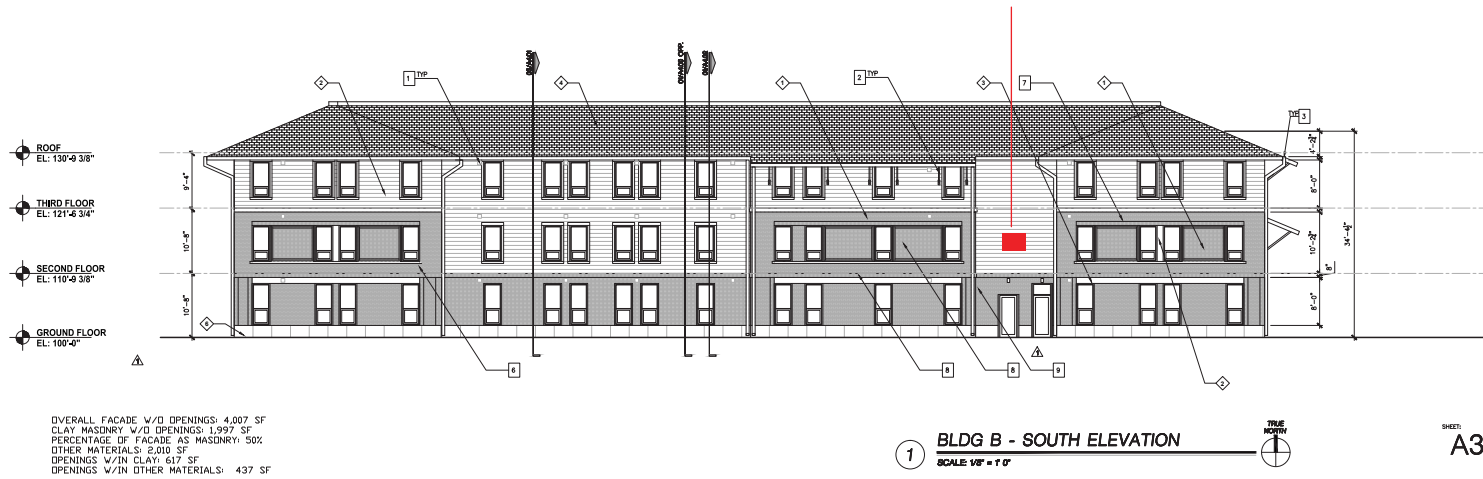


SHEET **A3.01**

**BUILDING B ID & UNIT SPREAD**

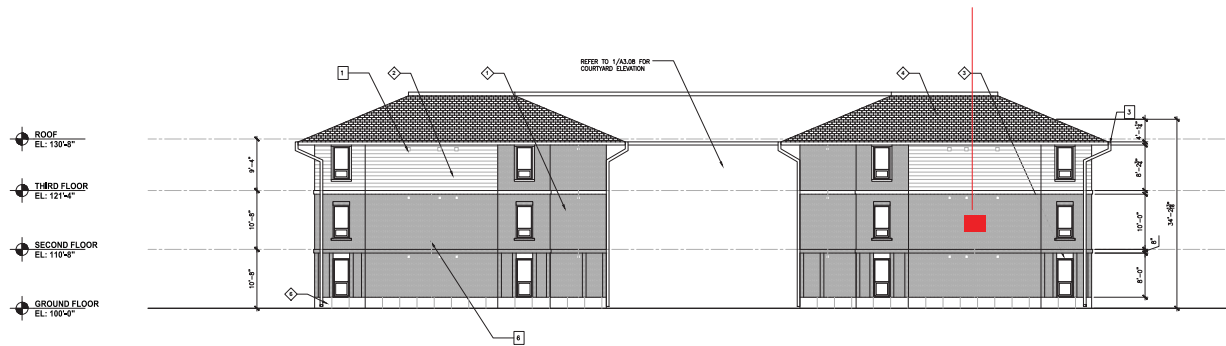


**BUILDING B ID & UNIT SPREAD**



SHEET: **A3.03**

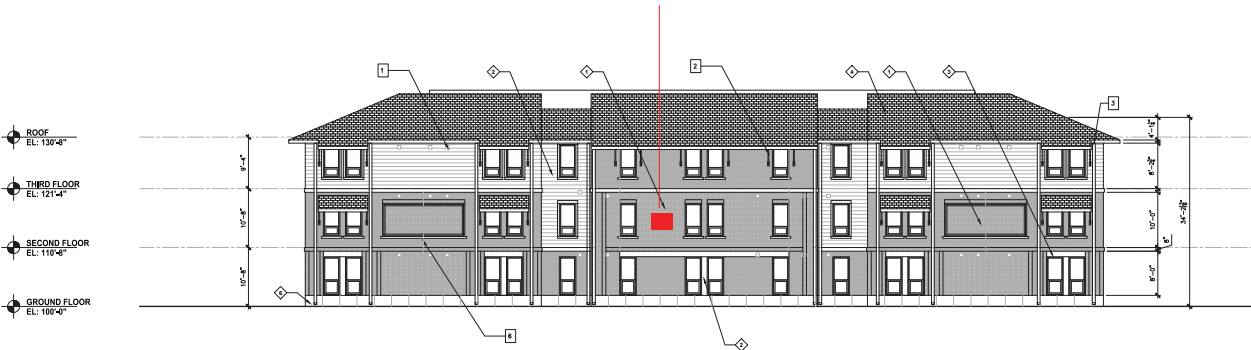
**BUILDING C ID & UNIT SPREAD**



OVERALL FACADE W/O OPENINGS: 2,680 SF  
CLAY MASONRY W/O OPENINGS: 2,144 SF  
PERCENTAGE OF FACADE AS MASONRY: 80%  
OTHER MATERIALS: 658 SF  
OPENINGS WIN CLAY: 158 SF  
OPENINGS WIN OTHER MATERIALS: 38 SF

**2 BLDG C - NORTH ELEVATION**  
SCALE 1/8" = 1'-0"

**BUILDING C ID & UNIT SPREAD**



OVERALL FACADE W/O OPENINGS: 3,648 SF  
CLAY MASONRY W/O OPENINGS: 2,905 SF  
PERCENTAGE OF FACADE AS MASONRY: 80%  
OTHER MATERIALS: 753 SF  
OPENINGS WIN CLAY: 458 SF  
OPENINGS WIN OTHER MATERIALS: 180 SF

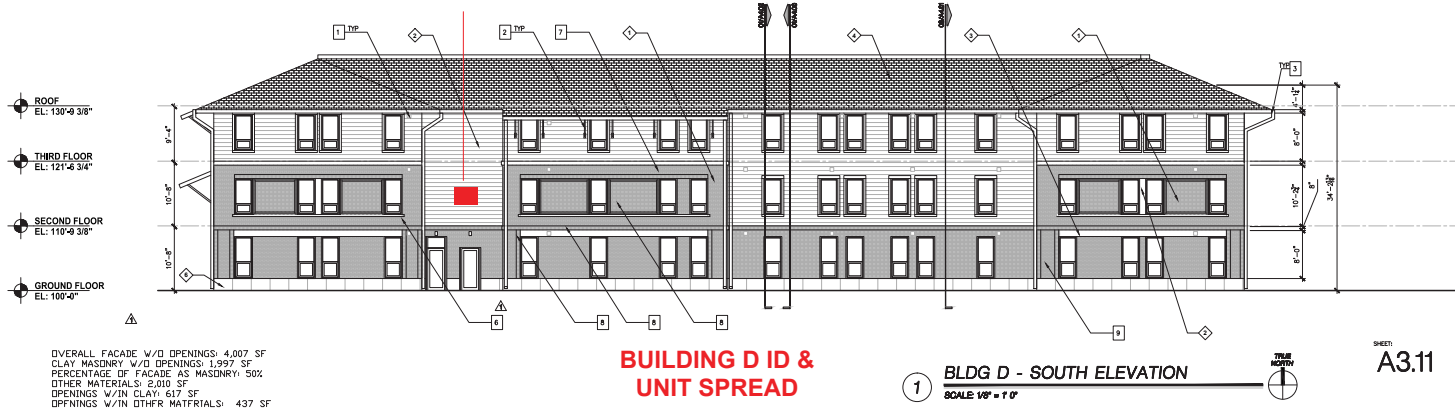
**1 BLDG C - SOUTH ELEVATION**  
SCALE 1/8" = 1'-0"

SHEET **A3.07**

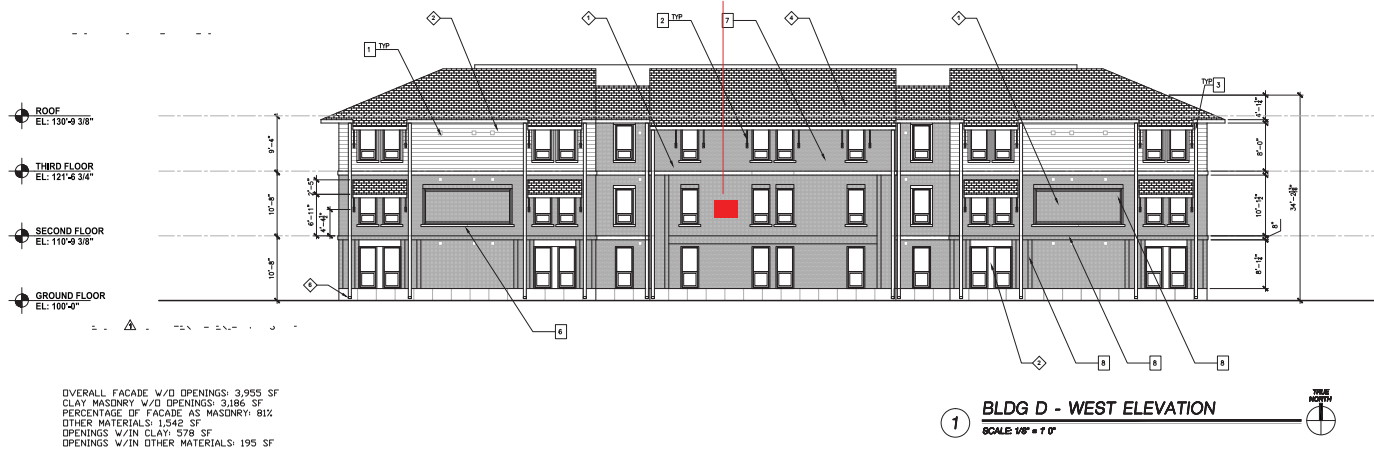
**BUILDING D ID & UNIT SPREAD**



**BUILDING D ID & UNIT SPREAD**



**BUILDING D ID & UNIT SPREAD**



SHEET: A3.11

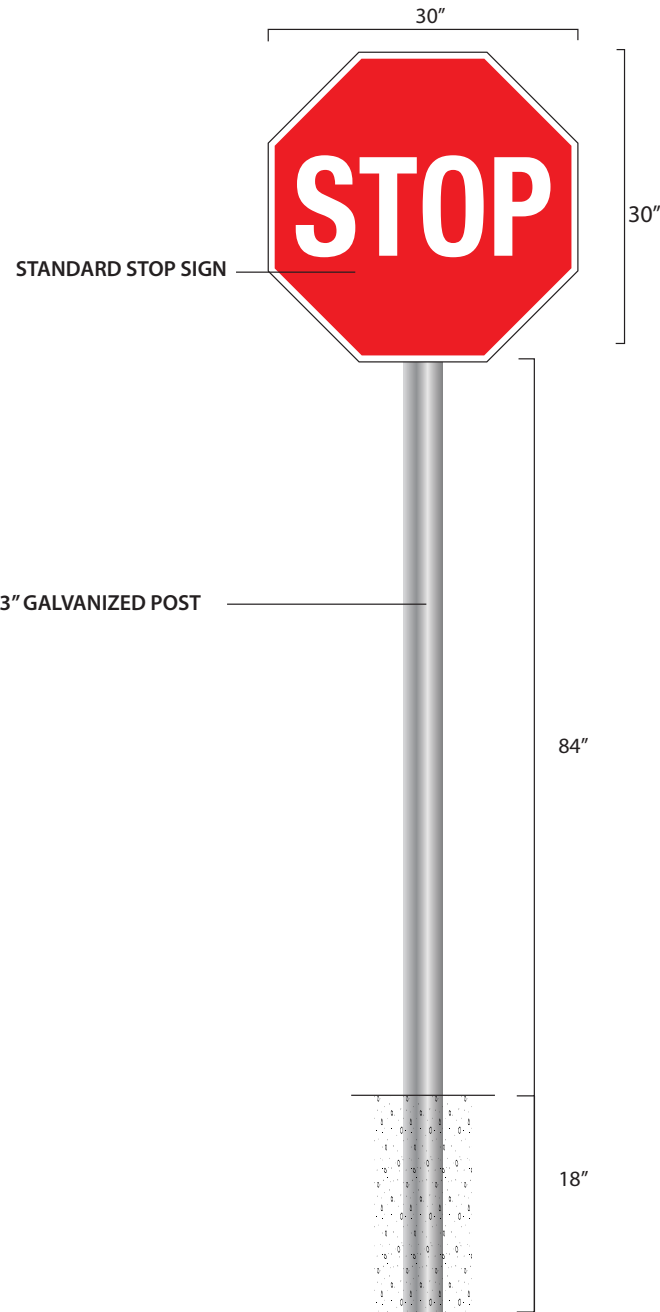
SHEET: A3.12

GATE SIGNAGE





TRAFFIC SIGNAGE

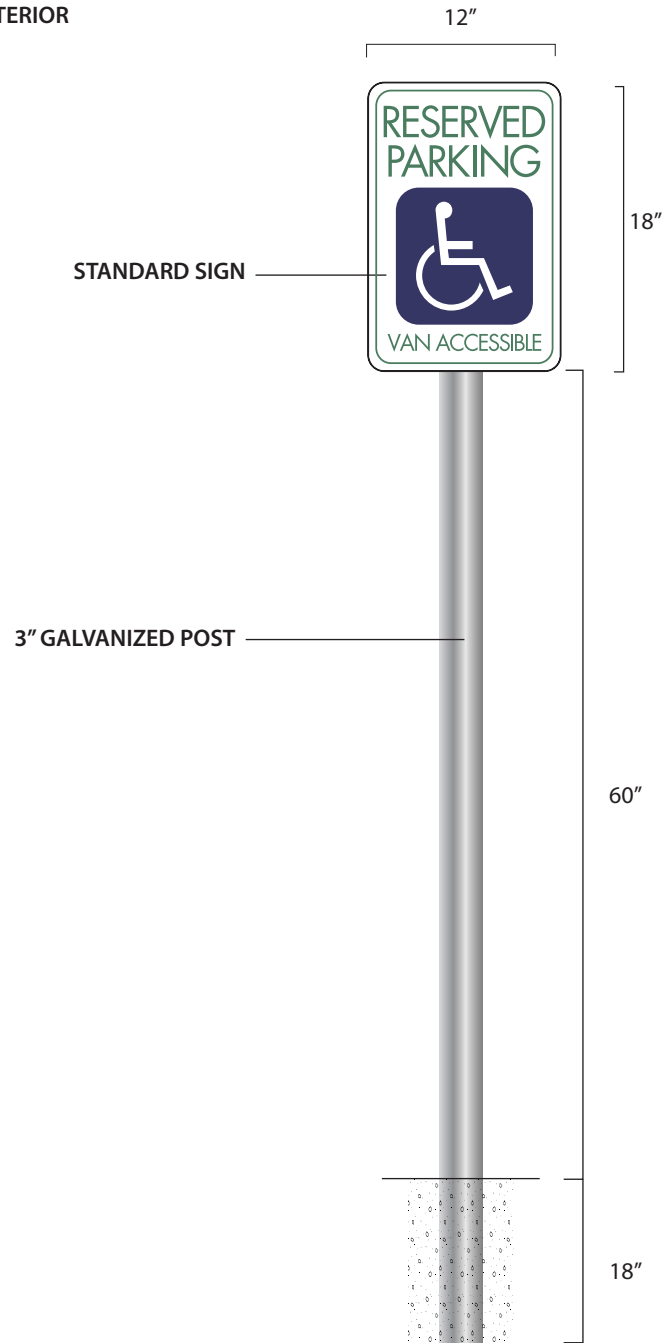


**INSTALL**  
18" in the  
ground set  
w/quickrete

COLOR KEY

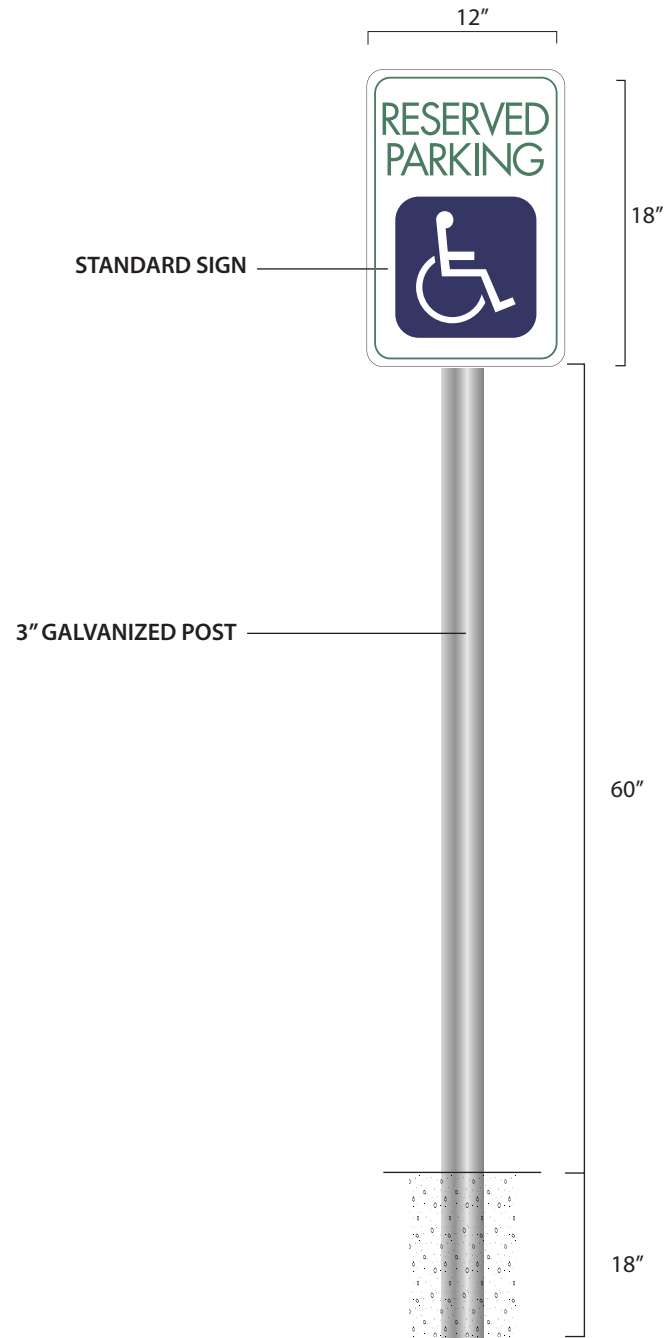
- SW Safety Red
- Oracal White Vinyl

QTY 1 - LEASING CENTER & CLUBHOUSE - EXTERIOR  
QTY 3 - TRAFFIC SIGNAGE



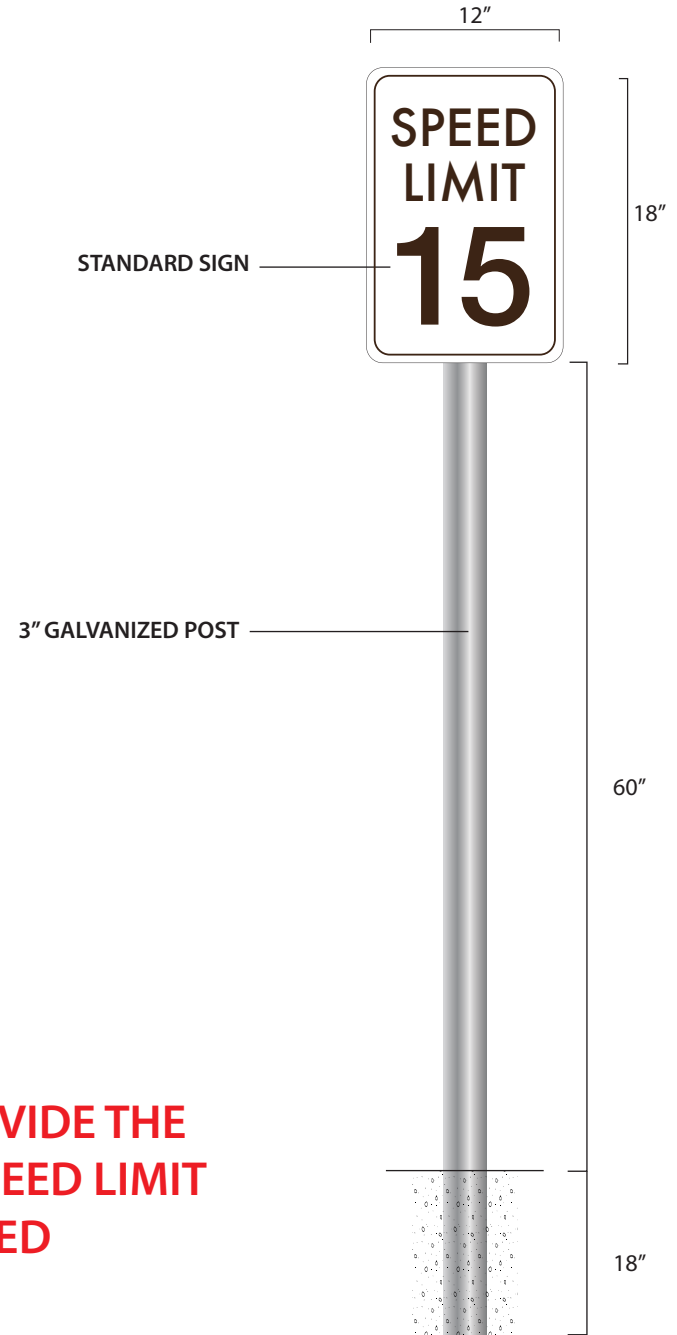
**INSTALL**  
18" in the  
ground set  
w/quickrete

TRAFFIC SIGNAGE



**INSTALL**  
18" in the  
ground set  
w/quickrete

TRAFFIC SIGNAGE



**PLEASE PROVIDE THE  
REQUIRED SPEED LIMIT  
NEEDED**

**INSTALL**  
18" in the  
ground set  
w/quickrete



**SURVEYOR'S DESCRIPTION**

SURVEY DESCRIPTION—PARCEL 'P':  
 PARCEL M IN LOTS 5-13, BLOCK 1 IN GARDEN SUBDIVISION AND PART OF THE NORTHWEST QUARTER OF THE  
 NORTHEAST QUARTER OF THE NORTHEAST QUARTER, AS SHOWN ON THE PLAT OF SURVEY FILED ON MAY 22,  
 2014 IN SLIDE 483, PAGE 4, AND LOTS 1-3, BLOCK 1 IN SAID GARDEN SUBDIVISION, ALL IN SECTION 8, TOWNSHIP  
 83 NORTH, RANGE 24 WEST OF THE 5th P.M., CITY OF AMES, STORY COUNTY, IOWA, AND ALL BEING MORE  
 PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE  
 S00°20'56"E, 612.09 FEET ALONG THE WEST LINE OF S. WILMOTH AVENUE TO A POINT ON THE NORTH LINE OF  
 THE SOUTH 16.00 FEET OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST  
 QUARTER; THENCE N88°47'18"W, 321.06 FEET ALONG SAID LINE; THENCE S00°20'56"E, 13.62 FEET TO THE NORTH  
 LINE OF FRIEDRICH'S 15th ADDITION TO AMES, IOWA; THENCE N89°12'56"W, 319.80 FEET ALONG SAID LINE TO THE  
 SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER;  
 THENCE N00°15'32"W, 137.68 FEET ALONG THE WEST LINE THEREOF TO THE NORTHEAST CORNER OF LOT 1 IN C.  
 G. LEE'S SUBDIVISION; THENCE N00°13'19"W, 490.21 FEET TO THE NORTHWEST CORNER OF SAID LOT 13; THENCE  
 S88°48'12"E, 449.51 FEET ALONG THE NORTH LINE OF SAID LOTS 5-13 TO THE NORTHEAST CORNER OF SAID LOT  
 5; THENCE S00°09'35"E, 169.32 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE S88°46'49"E, 49.99  
 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE N00°10'35"W, 169.34 FEET TO THE NORTHWEST  
 CORNER OF SAID LOT 1; THENCE S88°48'12"E, 140.15 FEET TO THE POINT OF BEGINNING, CONTAINING 8.91 ACRES.

**NOTE:**

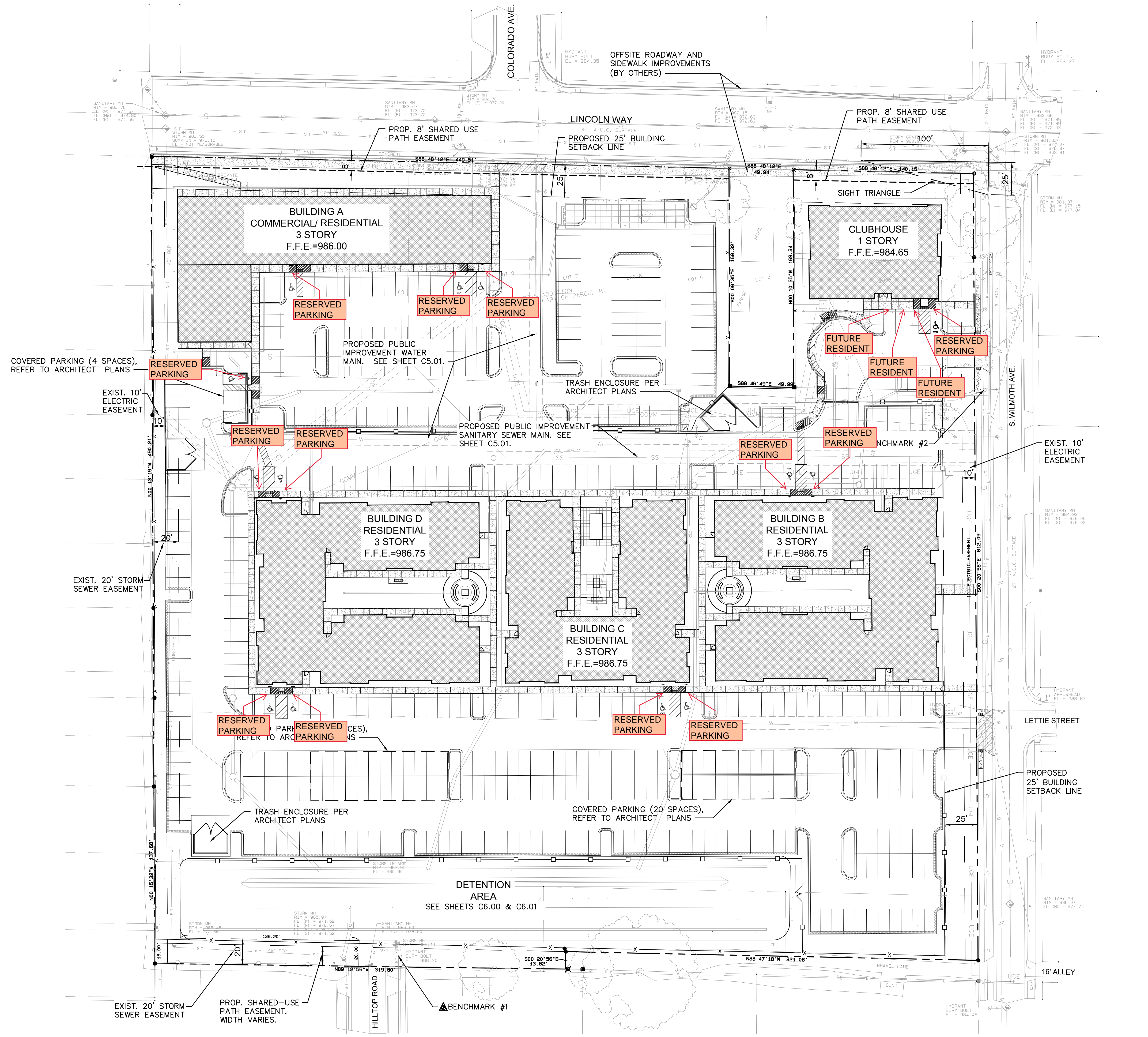
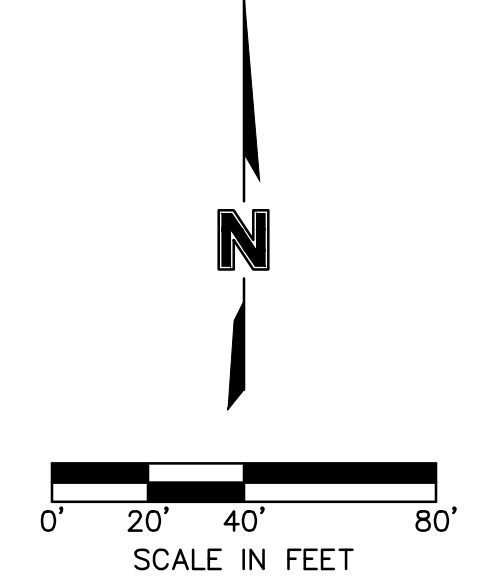
ALL CONSTRUCTION MATERIALS, DUMPSTERS, DETACHED TRAILERS, OR SIMILAR ITEMS ARE PROHIBITED ON PUBLIC  
 STREETS OR WITHIN THE PUBLIC RIGHT-OF-WAY.

**SURVEY LEGEND**

- WATER LINE
- ELECTRIC LINE
- SANITARY SEWER
- GAS LINE
- TELEPHONE LINE
- TV CABLE
- STORM SEWER
- EXIST. 'X' IN CONCRETE
- EXIST. FIRE HYDRANT
- EXIST. POWER POLE
- EXIST. LIGHT POLE
- EXIST. GUY ANCHOR
- EXIST. SPOT ELEVATION
- EXIST. GAS METER
- EXIST. WATER VALVE OR CURB BOX
- EXIST. BEEHIVE INTAKE
- EXIST. ELECTRIC BOX
- EXIST. UTILITY POLE
- EXIST. TELEPHONE PEDESTAL
- EXIST. 24" STORM INTAKE
- EXIST. IRRIGATION CONTROL
- EXIST. SIGN POST
- EXIST. GROUND LIGHTING
- EXIST. PK OR MAG NAIL FOUND OR SET AS NOTED
- EXIST. 24" STORM INTAKE
- EXIST. ELECTRIC METER
- EXIST. BOLLARD
- PROPERTY BOUNDARY
- SECTION LINE
- STREET CENTERLINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
- SECTION CORNER FOUND OR SET AS NOTED
- FOUND IRON PIN OR PIPE AS NOTED
- SET 1/2" REBAR W/ YELLOW CAP #17161

**LEGEND**

- PROPERTY LINE
- EX. UTILITY EASEMENT
- PROP. SETBACK LINE
- PROP. WATER LINE
- PROP. SANITARY SEWER LINE
- PROP. 6' HIGH IRON FENCE
- PROP. 6' HIGH BOARD FENCE
- SIDEWALK RAMP - SLOPES @ 8.33% MAX.
- INSTALL MODERATE DUTY ASPHALT PAVEMENT  
 ALT. #1 INSTALL MODERATE DUTY CONCRETE PAVEMENT  
 (SEE DETAIL SHEET C8.00)
- INSTALL LIGHT DUTY ASPHALT PAVEMENT  
 ALT. #1 INSTALL LIGHT DUTY CONCRETE PAVEMENT  
 (SEE DETAIL SHEET C8.00)
- INSTALL CONCRETE PAVEMENT  
 (SEE DETAIL SHEET C8.00)
- CONSTRUCT CONCRETE SIDEWALK FLUSH  
 WITH PAVEMENT (SEE DETAIL SHEET C8.00)
- CONSTRUCT CONCRETE SIDEWALK  
 (SEE DETAIL SHEET C8.00)
- SUDAS TYPE A CONCRETE DRIVEWAY



- BENCHMARKS:**
- #1. EXIST. FIRE HYDRANT BURY BOLT LOCATED AT THE NORTH END OF HILLTOP ROAD. ELEV. = 988.20
  - #2. EXIST. FIRE HYDRANT BURY BOLT LOCATED APPROX. 200' SOUTH OF LINCOLN WAY AND ON WEST SIDE OF WILMOTH AVE. ELEV. = 985.27

**OWNER/DEVELOPER:**  
 BRECKENRIDGE GROUP AMES IOWA, LLC  
 ATTN: T.C. SELMAN  
 1301 S. CAPITAL TEXAS HWY  
 AUSTIN, TX 78746

**ENGINEER:**  
 OLSSON ASSOCIATES  
 CONTACT: JEREMY SHEPHERD  
 7157 VISTA DRIVE  
 DES MOINES, IA 50266  
 TELEPHONE: (515) 331-6517

**UTILITY PROVIDERS**

GAS: ALLIANT ENERGY (319-286-1315)  
 ELECTRIC: CITY OF AMES ELECTRIC SERVICES (515-239-5189)  
 SEWER/WATER: CITY OF AMES (515-239-5162)  
 TRAFFIC: CITY OF AMES (515-239-5535)  
 PHONE/COMMS: CENTURYLINK (303-664-8090)  
 WINDSTREAM/MCLEOD (800-289-1901)  
 MEDIA: IOWA STATE UNIVERSITY (515-294-2716)  
 MEDIA/COM (515-233-2318)  
 UNITE PRIVATE NETWORKS (515-321-3336)





**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 was expanded to include widening Lincoln Way to a 5-lane section eastward to South Wilmoth Avenue. This was done in response to the City’s development agreement with the Aspen Heights housing development being constructed at 205 S. Wilmoth Avenue. In addition, this project also will widen Lincoln Way westward to Marshall Avenue, which will make Lincoln Way a continuous 5-lane section from S. Wilmoth Avenue to Dakota Avenue.

On March 22, 2017, bids for the project were received as follows:

Bidder	Bid Amount
Engineer’s Estimate	\$1,835,254
Con-Struct, Inc.	\$1,797,793

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. After receiving bids, the revised revenues and expenses for this project are estimated to be as follows:

<u>Revenues</u>		<u>Expenses</u>				
Fund	Amount	Activity	West Expansion Division 1	Franklin Intersection Division 2	Aspen Heights Division 3	Subtotal
Road Use Tax	\$160,000	Design	\$43,896	\$76,700	\$58,798	\$179,394
Developer	\$842,876	Land	\$11,080	\$170,108	\$62,122	\$243,310
Iowa DOT TSIP	\$500,000	Construction	\$301,059	\$1,104,475	\$392,259	\$1,797,793
G.O. Bonds	\$900,000	Administration	\$21,075	\$77,314	\$27,459	\$125,848
<b>Total</b>	<b>\$2,402,876</b>	<b>Total</b>	<b>\$377,110</b>	<b>\$1,428,597</b>	<b>\$540,638</b>	<b>\$2,346,345</b>

Contingency = \$56,531 ≈ 9% (City funded construction activities only, Developers pay their own overages)

It should be noted that the financial table above reflects accepted land offers from all effected property owners except for those properties owned by Tomco, LLC., represented by Rick Thompson. Mr. Thompson’s properties are located at 3335 Lincoln Way (the Uni Mart) and 3406 Lincoln Way (the Phillips 66). The combined fair-market appraised value (as determined by a third-party professional land appraisal company) for needed portions of the Tomco properties is \$63,272. Mr. Thompson has counter

offered to sell this land to the City for \$134,627, which is 213% over the appraised value. In an effort to achieve an amiable agreement, the current official written offer from the City is \$90,181, which is based upon an estimated mid-point cost of the fair-market value plus a rough estimate for legal and other processing fees that would come with a potential condemnation proceeding. As of April, 6, 2017, the City has also placed a verbal offering at the high-end of that estimate, which is approximately \$102,000 (reflected in table above). To date, Mr. Thompson has rejected all of these offers, mainly citing his displeasure with the recent approval of the South Duff project with Wal-Mart.

**ALTERNATIVES:**

1. For the 2015/16 West Lincoln Intersection Improvements (Franklin Avenue) project:
  - a. Accept the report of bids.
  - b. Approve the final plans and specifications.
  - c. **Delay award until the City has signed purchase agreements with all affected property owners.**
  
2. Reject bids and do not proceed with the project at this time.

**CITY MANAGER'S RECOMMENDED ACTION:**

While the bids should be reported at this meeting, it is appropriate to delay an award of project bid until the land acquisition issues are resolved with Mr. Thompson. This will also allow staff time to analyze alternatives and report back to City Council at a future date.

The developers South Fork Subdivision and Aspen Heights have expectations that this project will be completed in 2017. Therefore, staff's goal is to find a solution in time to complete the project this year. Otherwise, staff will need to work with IDOT to extend the \$500,000 in safety grant money identified for this project while the final two parcels of land are acquired.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as noted 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 in North River Valley Park at 1015 E. 13<sup>th</sup> Street, and two fields are located in South River Valley Park at 1200 E. 13<sup>th</sup> Street. 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. This renovation project will include removal of existing infield material and drainage, relocating irrigation lines, adding new drainage, and installing new infield material to specified depths.

Bolton & Menk, Ames, Iowa, was hired to develop plans and specifications for this project. Project estimates generated by Bolton & Menk determined the cost for the project, including design, observation, and an eight percent contingency, to be \$140,013. On March 7, 2017, the City Council issued a notice of bidders. Bids were opened on April 4, 2017, and are summarized below:

<b>River Valley Park Softball Infield Renovation Bids</b>	
<b>Bidder</b>	<b>Bid Amount</b>
Iowa Cubs Sports Turf Management, Des Moines, IA	\$108,900
Iowa Athletic Field Construction, Webster City, IA	\$167,000

The FY 2016/17 budget appropriated \$140,000 to renovate all six infields at River Valley Park. Updated project details and costs are shown below:

Infield Renovation	\$ 108,900
Bolton & Menk Design & Observation Assistance	<u>\$ 21,375</u>
<b>Total Cost:</b>	<b>\$130,275</b>

City staff and the architect have reviewed the bids, budget and qualifications, have checked references for similar projects completed by Iowa Cubs Sports Turf Management, and recommend awarding the River Valley Park Softball Field Renovation Project to them. The contractor is proposing to start the project September 5, 2017 and complete the work by November 11, 2017.

**ALTERNATIVES:**

1. Award the contract for the River Valley Softball Infield Renovation Project to Iowa Cubs Sports Turf Management of Des Moines, Iowa in the amount of \$108,900.
2. Do not award the River Valley Softball Infield Renovation Project to Iowa Cubs



Sports Turf Management of Des Moines, Iowa.

3. Accept the report of bids and do not award a contract at this time.
4. Reject all bids and direct staff to rebid the project.

**MANAGER'S RECOMMENDED ACTION:**

The softball fields have been a critical component of providing a quality softball program for many years, and 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. These include 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 softball users.

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

**COUNCIL ACTION FORM**

**SUBJECT: CYRIDE PAVING RENOVATIONS 2017 PROJECT**

**BACKGROUND:**

The CyRide Paving Renovations 2017 Project was released for bids on March 8, 2017. Bid plans and specifications call for the replacement of approximately 5,000 square feet of deteriorated concrete and curb. A new storm sewer drain will also be installed. Installation of a new pole mounted LED light to improve lighting in the area was also included as a bid alternate. Bids were due on April 5, 2017.

Four bids for the project were received from area companies. JAS Construction LLC, of Altoona, IA submitted the low base bid of \$58,491. The project budget is \$99,565. With the favorable bid amount, CyRide will be able to accept the new LED light and pole alternate, which was bid at \$4,400. The total contract amount for bid and alternate is \$62,891.

Local funding will be used for the project as shown in the 2016/17 Capital Improvements Plan. A total of \$50,435 was budgeted for the project in the last fiscal year, and \$49,130 is included in the current fiscal year's budget. The two fiscal years are being consolidated for a total budget of \$99,565.

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

The Ames Transit Agency Board of Trustees will consider the report of bid and award of contract on April 25, 2017. Award of contract by the City Council will be contingent upon approval by the Transit Board.

**ALTERNATIVES:**

1. Approve the final plans and specifications for the CyRide Paving Renovations 2017 Project. Award the construction contract to JAS Construction LLC of Altoona, IA for the base bid amount of \$58,491 and Alternate in the amount of \$4,400 for a total contract amount of \$62,891. Award of contract will be contingent upon approval by the Ames Transit Agency Board of Trustees.
2. Direct staff to modify the project to reflect City Council priorities.

**CITY MANAGER'S RECOMMENDED ACTION:**

Awarding this bid will allow CyRide to move forward expeditiously with a needed facility improvement project. Sufficient funds to finance this improvement are included in the approved budget.

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

Staff Report

**LINCOLN WAY CORRIDOR DRAFT PLAN**

April 11, 2017

The City's consulting firm on this project, Houseal and Lavigne (H&L), will provide a presentation of the Corridor Plan at the City Council's April 11<sup>th</sup> meeting. At the conclusion of the presentation, City Council will be asked to provide direction on how to proceed with finalizing the plan and how to approach implementation priorities. City staff will then return with the final plan and implementation steps for approval by the Council.

The Lincoln Way Corridor Plan was previously made available to the City Council during the week of March 20<sup>th</sup>. It is also available online through the Planning Division's website under ["What's New."](#) Background materials from the past 14 months are also available at the same link.

The original objectives for the Lincoln Way Corridor Plan were to create identity along Lincoln Way as a place and not just a thoroughfare, to support enhancements for multi-modal transportation, and to identify opportunities to revitalize properties with land uses that are contextual and that support Corridor identity and placemaking. To meet these objectives, the consultants have prepared a complete draft plan that looks at the corridor in two ways – as the entire corridor through the Framework Plan, and as more detailed Focus Areas.

The Framework Plan identifies the overall principles for the corridor by looking at the various "districts" within the corridor for land use, mobility and community character. The Framework Plan looks at development potential through redevelopment areas, bike, pedestrian, and vehicular improvements, and opportunity for streetscape improvements to increase the overall aesthetics and character of the corridor. The Framework Plan is intended to guide overall strategies that improve the corridor and connect it together.

The Focus Areas address five different local areas along the corridor. The Focus Areas allow for more in-depth review of contextual redevelopment options, rather than broad and general interests in redevelopment and intensification along the corridor. The Focus Area concepts also could be applied to other areas along the Corridor that are of a similar nature. The five Focus Areas identified in the plan area as follows:

1. Downtown Gateway (Clark Avenue to Duff Avenue)
2. Lincoln Way and Grand Avenue (Oak Avenue to Grand Avenue)
3. Oak to Riverside Neighborhood
4. Campustown Transition (Sheldon Avenue to Campus Drive)
5. Westside Mixed Use (West Hy-Vee Area, Beedle Drive to Colorado Avenue)

Staff believes that some clear priorities emerged from the planning process, and that the objectives identified in the recommendations are appropriate for the focus areas. Priorities along the corridor varied from improving access management and mobility to promoting additional infill development to the west and for significant redevelopment adjacent to Downtown. Due to development and community interest, staff believes the greatest priority for identifying a vision and expected redevelopment is the Downtown Gateway area centered upon Kellogg Avenue. The likely lowest priority for redevelopment is the Grand/Lincoln Way area due to availability of land and lack of priorities for reuse compared to other areas in the corridor.

**The draft plan relies heavily upon the visualizations of the Focus Areas to communicate the intent for the areas. To assist in Council's review of the draft plan and to provide context to the visualizations and Focus Area, staff has identified general policy questions or issues that are associated with the proposed changes. Additionally, staff has outlined some basic next steps needed for implementation of the policies that support the vision of each Focus Area.**

## **1. Westside Retail Focus Area:**

### Policy Issues:

- Moderate intensification of residential uses (2-4 stories)
- Adjacent neighborhood concerns about intensification
- Allowance for Mixed-Use development (3 stories)
- Maintain small business opportunities vs. redevelopment for commercial options
- Vacation of Beedle Avenue/Frontage Road for redevelopment with apartments.
- Redevelopment of single family homes fronting the north side of Lincoln Way between Colorado and Wilmoth for multi-family residential or mixed use development

### Implementation Steps:

- LUPP amendments to change from the Single-Family Residential land use designations along west and east ends of the Focus Area
- Rezoning to allow for attached residential, small apartment, or mixed use unit types
- Mobility and streetscape enhancements

## **2. Campustown Transition Focus Area:**

### Policy Issues:

- Moderate increase in density near Campus and Wood Street without apartments
- Limit access onto Lincoln Way by removing driveways with redevelopment
- Commercial redevelopment at Lincoln Way and Hyland
- Preservation of residential frontage on Wood Street

Implementation Steps:

- New zoning districts and building types:
  - Courtyard housing
  - Attached homes (townhome)
  - Neighborhood Commercial
- Limiting curb cuts and enhancing streetscape

**3. Oak Riverside Focus Area:**

Policy Issues:

- Adjacent neighborhood concerns about intensification, changes to existing homes
- Best means to support core neighborhood vitality
  - Property conditions
  - New housing opportunities
  - Balance of ownership and rental properties
- Changes to Lincoln Way configuration for pedestrian crossings and enhanced pedestrian and bike facilities
  - “Road Diet” to narrow from four to three lanes

Implementation Steps:

- Allow for accessory dwelling unit with single-family dwellings to encourage small scale redevelopment with single family homes
- Rezone to allow small apartments between Maple and Oak Avenue
- Add road diet configuration to the CIP for Lincoln Way

**4. Grand and Lincoln Way Focus Area:**

Policy Issues:

- Maintain commercial service uses that exist today or allow for residential redevelopment with commercial uses
- If redeveloped, promote unique “flex” or “live-work” type housing and commercial use opportunities
- DOT property is a critical site for the entire area
- Consider land use transition at Oak Avenue at the time of redevelopment
- Changes to Lincoln Way configuration for pedestrian crossings and enhanced pedestrian and bike facilities
  - “Road Diet” to narrow from four to three lanes with the exception of the Grand Avenue intersection

Implementation Steps:

- Work with DOT on any future sale of property to meet goal for this area
- Rezoning from the Highway Oriented Commercial (HOC) Zone to allow for residential use types and “live-work” use opportunities
- Creation of development standards for a “flex” or “live-work” use type
- Add road diet configuration to the CIP for Lincoln Way

## **5. Downtown Gateway Focus Area:**

### Policy Issues:

- Encourage/require specific uses to accent downtown:
  - Boutique hotel
  - Entertainment/events
  - Office space
- As part of an entertainment/event use, determine need for a public parking structure in this area, potential support for downtown parking needs
- Priority to retain commercial in the area and not just accommodate housing
- Promote residential use as either mixed-use or for some stand-alone apartment building, with all apartments intended to typically be 1 to 2 bedrooms
- Zoning and design requirements as transition area from pedestrian orientation to vehicle orientation
- Martin House is a designated historic landmark
- Plan for right of way changes:
  - Wider sidewalks
  - Bike facilities
  - Lane configuration (Road Diet)
  - Potential for jurisdiction change from Highway 69 and IDOT to City

### Implementation Issues:

- Rezoning from Highway Oriented Commercial (HOC) Zone to allow for residential use opportunities
- Mobility and streetscape enhancements
- If transfer of jurisdiction on Lincoln Way, consider changes to Lincoln Way configuration for pedestrian crossings and enhanced pedestrian and bike facilities
- Additional ROW dedication for street and sidewalk enhancements
- Plan for public facilities or explore opportunities for development partnership
- Relocation of utilities or vacation of rights-of-way to support redevelopment

### Planning and Zoning Commission:

The Planning and Zoning Commission reviewed the draft plan at their meetings on March 28<sup>th</sup> and April 5<sup>th</sup>. The Commission discussed implications of the Plan on changes to specific properties, timing of changes, and how the plan would be implemented. The Commission noted their overall support of the plan with their comments focused mainly around two of the focus areas, the Downtown Gateway focus area and the Oak-Riverside focus area.

For the Downtown Gateway, Commission members felt that the mix of uses was key to the overall redevelopment of the area with a focus on the need to have the design of the buildings be a visual extension of the Downtown. This was clarified with the following points of emphasis:

- redevelopment needed to have buildings up to the street
- parking would be necessary to support commercial uses
- parking should be to the side or behind buildings

- design guidelines are needed for the overall look and feel of the area regardless of the individual uses within the buildings

They also noted a desire to push for mixed-use opportunities as a way to encompass residential into the area, but felt a limited amount of standalone residential might be an option if location and design were appropriate to the overall goals for the area.

The Oak-Riverside neighborhood has been the most involved neighborhood during the past year of plan development. Residents of this neighborhood have been very clear about the value they place on the existing mix and types of single-family homes in the area. The draft plan shows the most limited versions of intensification of all the areas, but introduces an option for a second unit or accessory living unit to be part of redeveloped properties. Initial options considered creating attached single-family housing and versions of courtyard housing to provide for additional density.

The Commission questioned the need to show the south side of Lincoln way as a redevelopment area due to its similarity to existing conditions and lack of alley access to facilitate any significant change. Some members of the Commission noted concern for the road diet due to peak traffic levels in the area. Other members felt the road diet was an opportunity to support pedestrian and bike facility improvements. One representative from the Oak-Riverside neighborhood spoke regarding his concerns for maintaining the historic homes in the neighborhood, his concern for traffic with a proposed road diet, and that the plan was inappropriate in that it leads to demolition of homes that could be rehabilitated as contributing homes to the neighborhood quality. He was specifically concerned about any changes on the south that required construction of a new alley to facilitate redevelopment.

#### **Other Public Comments:**

Additional comments were received from residents via email with comments addressing concerns for bus facilities, adding housing choices for increased density to Colorado and Wilmoth, preservation of the Martin House, expansion of the Westside Retail area beyond Dakota further to the west, and concerns for traffic at the Wilmoth and Franklin intersections with the new development currently under construction and anticipated redevelopment areas.

#### **Next Steps:**

At this meeting the City Council is asked to provide feedback to staff on the Draft Corridor Plan to enable completion of the final plan. Council does not need to provide feedback on every issue or detail of the focus areas if there are no concerns with the visualizations shown in the Corridor Plan.

Based upon City Council's feedback on the draft plan, a final plan will be prepared for Council acceptance. City Council will then have two options on how to proceed once the final plan is complete.



### **Option 1 –**

Accept the final plan as complete, but do not require that the Plan be a formal amendment to the Land Use Policy Plan. The Plan would then act as an **advisory policy document** for implementation strategies that could include individual LUPP amendments, rezoning actions, or street improvements with the Capital Improvements Program.

Due to the significant amount of changes described in the plan, it cannot all be implemented at one time. With the final plan, staff will provide a more detailed implementation program for prioritization by the City Council. Staff believes the number one priority will be to work with the Downtown Gateway Focus area for specific use, rezoning, and design interests. However, staff also believes that if the document is accepted as the generally preferred policy for the Corridor, it should facilitate changes that may be desired by individual property owners to advance the concepts of the Plan. This approach would allow for individuals to directly propose LUPP Amendments and Rezoning for properties when they are consistent with the Plan without revisiting initiation and referral questions with the Council in advance of the applications. Individual requests would then go through the public hearing process and review to determine consistency with the City overall policies and standards.

This option provides for tackling the issue of implementation and priorities in a manner that accelerates implementation for the preferred areas, such as the Downtown Gateway, but would lag in other areas of the Corridor since the City would address the Corridor Plan recommendations sequentially. The option of allowing individual applications for changes consistent with the Plan is meant to help facilitate some near term projects that might be of interest while the City focuses on its highest priorities.

### **Option 2 –**

The Lincoln Way Corridor Plan is a far reaching policy document that in some ways alters the vision and policies of the current LUPP. As the first implementation step, the City Council could choose to proceed with the Corridor Plan as a **major amendment to the LUPP** and make changes to the LUPP to make it consistent with the Corridor Plan in its entirety. Once this was accomplished, additional steps for implementation would begin for zoning changes or design work for individual areas. Individual proposals for changes would not advance until the City completes its LUPP Amendment process.

This option would provide the most comprehensive and complete implementation of the Plan all at one time. However, it would take additional time to complete and does not set priorities for one area over another until the LUPP Amendments are complete. Furthermore, with the expectation that the City will rewrite its LUPP over the next couple of years, it may not be worthwhile to invest time heavily in significant changes to the LUPP at this time.

Staff Report

**LANDSCAPE STANDARDS TEXT AMENDMENT UPDATE**

April 11, 2017

At the November 15, 2016 City Council meeting the Council directed staff to redirect efforts from creating a "points based system" ordinance to a more traditional, standards based approach for updating the City's landscape standards. The proposed revisions are a comprehensive rewrite of the standards found within the Zoning Ordinance as Chapter 29 Article 4 Development Standards (29.403). In addition to Article 4, there are related landscape standards that apply to specific base zoning districts and overlays that will be modified in relation to the Article 4 changes as necessary.

The City's current landscaping standards, in essence, are based upon the concept of screening rather than quality aesthetics and visual interest. The current standards provide two options for screening with shrubs and trees and include requirements for perimeter parking lot landscaping, internal parking lot landscaping, and apartment building front foundation landscaping. Additionally, parking lots require tree islands or medians based upon the configuration of the parking lots and number of aisles. Most commercial and industrial base zoning districts also require a minimal amount of landscaped area (15%-20%) on a site, for which any type of landscaping will count towards meeting this requirement (e.g., parking lots, front yards, detention areas). The findings from the past year of research and analysis are that our current standards are similar to how many cities approach landscaping requirements with a focus on screening and some parking lot landscaping requirements, but that the City's planting requirements do not generally succeed in providing for high quality landscaping. As a result, staff and the development community believe changes to the standards could be beneficial to all interests.

Staff has prepared a set of draft standards for the City Council's review as Attachment D. Attachment D reflects the Planning and Zoning Commission's recommendation and is formatted to reflect a draft ordinance for public review. If City Council directs staff to proceed with the draft standards, a final draft ordinance will be prepared and formatted for inclusion within the Zoning Ordinance.

In addition to the draft ordinance, staff has prepared a matrix of standards and categorized landscape issues to assist in the evaluation of why certain standards are proposed to be changed (Attachment B). The matrix consists of five categories representing the main areas of the updates – Screening, Plant Vitality, Visual Interest & Aesthetics, Sustainability, and Designer Flexibility.

The overall approach to the new standards is an emphasis on yard landscaping for buildings and parking lots, increased parking lot tree shading and landscaping, plant variety, allowances for stormwater treatment measures, and flexibility in administration by staff.

The complete package of proposed changes *deemphasizes* screening of parking lots in an effort to promote flexibility and visual interest. **Current screening requirements that are frequently employed within the City would be eliminated for commercial and industrial sites to focus on front yard and interior parking lot requirements.** Residential sites would maintain their requirements for screening, but the overall planting standards for these sites would be adjusted to add site landscaping requirements and modify the front yard planting standards.

### Work Group

In the time since the City Council gave direction in November, staff conducted two outreach meetings with the landscape ordinance workgroup in January and March. At the January workgroup meeting staff presented a list of proposed standards to the workgroup that focused on landscaping of front yards and parking lots for commercial areas. The standards included eliminating side and rear yard requirements in favor of 10% parking lot area landscaping, large tree plantings for parking lots, and a decorative shrub and grass requirement for front yard areas between buildings and streets. Staff also discussed the widening of the minimum front yard planter to 10 feet from 5 feet and how to address parking lot configuration issues. The proposed standards allow the Planning Director to waive up to 10% of required parking to add landscaping to a site. Staff worked to further refine the standards from the work group meeting for the first Planning & Zoning Commission review on February 1<sup>st</sup>.

The Planning & Zoning Commission reviewed commercial requirements on February 1<sup>st</sup> and then discussed residential options at three following meetings. After reviewing the standards with the Planning & Zoning Commission in February, developers expressed concern on residential sites over potential increases in landscaping required for the site overall and specifically within the front yards. Justin Dodge of the Hunziker Companies represented their interests in the landscaping standards updates and had concerns about increased requirements and costs overall for residential planting requirements. Additionally, they felt it was important to step into the changes and be open to reviewing the new requirements after a year to see how they work out.

The Planning & Zoning Commission requested that staff meet with the work group representatives again to further discuss residential standards. Staff met with the work group on March 1<sup>st</sup> to receive feedback and worked to develop new front yard planting regulations targeted specifically at residential sites. At the March 15<sup>th</sup> Planning & Zoning Commission meeting, staff presented a new set of residential standards along with a draft landscape ordinance for Section 29.403 of the Municipal Code. At its April 5<sup>th</sup> meeting, the Planning & Zoning Commission voted 6-0 to recommend approval of the proposed commercial parking lot and front yard standards and residential standards

presented in March. More complete discussion of the Commission's discussion is included within the review of the residential standards.

### **Proposed Standards**

The proposed draft ordinance divides the requirements into a complete list of commercial site standards and residential site standards, due to differences in how some of the standards would be applied. Additionally, there are general requirements for plantings, inspections, etc. that apply to all types of sites.

### **Commercial**

Current commercial site landscape standards primarily deal with parking lot screening and internal parking lot landscaping for 20 or more interior parking spaces. Parking lot screening requirements vary based on neighboring zones and distance of the parking lot from the street.

The proposed package of commercial parking lot and site landscaping changes affects all elements of a site. The proposed changes are based on the premise that front yard landscaping is a priority for all sites and that, with a redefined 10% parking lot area landscaping requirement, many of the objectives of the landscape standards update can be achieved. Development flexibility is granted through the configuration of landscape areas, elimination of required perimeter plantings, and substitution plantings for shrubs. The landscape plantings are enhanced by new requirements for a minimum 10-foot front yard landscaping area (not just for parking areas), emphasis on planting of large overstory shade trees, allowances for storm water treatment in landscaped areas, and minimum soil quality standards. The parking lot landscaping requirements will also require more trees to be planted within a parking lot, rather than just along the perimeter, and eliminate practices of parking lot configurations that reduced landscape requirements. The proposed planting ratios in commercial front yards are 8 shrubs per 1000 square feet of required landscape area and 12 grasses per 1000 square feet of required landscape area. This applies all across the frontage of a commercial site within the front yard area. The planting requirements are approximately 25% more than the current L1 screening standard adjacent to parking lots, and are a completely new standard for yards in front of buildings. The tree spacing is the same as today, but requires larger trees.

**Staff has prepared a table as Attachment A to provide a comparative assessment of landscaping for a prototypical 80-space parking lot site that does not require medians.** The comparative table helps to describe the current basic requirements and the proposed front yard and 10% of parking lot area standards. Staff settled on this example as a representative scenario of how commercial development would be significantly impacted by the proposed changes. Staff reached this conclusion after reviewing a number of recent site development plan approvals, such as the North Grand Avenue Super Wal-Mart, 3505 and 3515 Lincoln Way Mixed Use, and industrial sites along east Lincoln Way and South Bell.

An 80 space parking lot could serve a 24,000 square foot office/retail building or a 9,000 square foot sit-down restaurant. Such a development would likely be a medium sized project that requires 1 to 3 acres of land. Staff believes that larger parking lots that have required 15-foot medians (e.g. Super Wal-Mart) will be substantially the same in their design layout with the new standards. Smaller sites will vary greatly because of dimensional differences of each lot and how the reductions in side and rear landscaping, along with the increase in other landscaping, will affect a site. However, smaller sized parking lots will have internal tree requirements that do not currently exist.

Sustainability for parking lots was one of the primary purposes of the update. This factor was identified in the process principally for addressing heat island effect, storm water runoff, and at a secondary level plant health and maintenance needs. The primary standards addressing sustainability are the 10% of parking lot area and the requirement for planting large canopy trees. Staff has also adjusted the tree planting requirement of a minimum dimension of 7 feet to help encourage trees reaching their full maturity at a quicker rate. A parking lot overhang allowance of 18 inches is proposed to allow for a reduced parking stall depth when the abutting landscape planter is a minimum of 7 feet in width. Staff has also included the option for 10% of required parking to be waived to meet landscape requirements in parking lots.

Finally, screening is addressed in very few instances in this proposal. One of the main comments from the work group was whether there was a need to require shrubbery based screening along all property lines where there is parking. Most screening requirements are gone in the draft proposal. Screening is addressed through allowing the use of berms/small walls in front yards as well as providing appropriate screening between commercial and residential zones if it is needed. Staff will need to exercise more discretion in site plan review for when screening may be important, rather than require it with all projects. Staff also has some discretion to make adjustments to plantings requirements due to unique conditions, such as overhead power conflicts and topographic conditions. It is recognized that discretion at the staff level could become problematic in ensuring consistency over time. Other options for flexibility would be to allow ZBA minor exceptions for defined circumstances.

## **Residential**

The priorities for residential landscaping include parking lot sustainability, parking lot screening, visual interest, softening of building mass and height, and livability with on-site open space or amenity areas. The proposed residential landscape changes incorporate the same standards for parking lot landscaping as are proposed for commercial sites, but provide a separate set of standards for front yard landscaping.

The City's current standards for multi-family residential property are focused on apartment foundation plantings and parking lot screening. Apartments are permitted uses within the RH, RM, and FS-RM zoning districts. The standards are applied to group living or sorority and fraternity buildings as well. Apartments built as part of mixed use commercial development have been treated as commercial sites, rather than residential sites (e.g. Campustown, Lincoln Way Mixed Use).

The proposed residential standards require trees across the entire site at one tree per 50 linear feet (LF) and create two separate front yard standards. The first front yard component involves a calculation of 12 shrubs for every 50 linear feet along the parking lot front yard. The second front yard planting component is similar to a building foundation planting requirement. The planting standard is a ratio of 9 shrubs per 50 linear feet of total street frontage, exempting parking area frontage.

One difference between this standard and the current foundation plantings is that it does not emphasize plantings up against the buildings. Plantings near the building will still be permitted and would also be allowed to include rock mulch when within 5 feet of the building. Grasses are allowed to be substituted with shrubs at a 3 to 1 planting ratio. The required plantings are still allowed to be placed in various configurations and clusters throughout the yard area while being discouraged from being a uniform row of shrubs or grasses.

Staff has also calculated real project comparisons of the planting quantities from current requirements to the proposed plantings in *Attachment C*. Four of these sites are “RH” Residential High Density sites and two are “RM” Residential Medium Density sites. The sites vary in size from multiple acres to slightly less than half an acre. Each site was looked at using the site layout as approved with regard to general site layout and did not presume the plan would be done differently with new standards. The table illustrates the difference in planting densities of shrubs and trees along with listed site size and developed density.

Additional on-site landscaping was considered as a separate landscaping requirement beyond front yards and parking lot landscaping for residential sites. The Commission considered adding a base zone minimum landscape percentage to RH or to consider adding a usable open space requirement. After a lengthy discussion of the effects of the new parking lot standards on adding internal landscaping, trade-offs of requiring more green space and planting materials compared to building space, and comments on increased costs from the development community, the Commission ultimately chose not to recommend additional new standards for overall site based landscaping beyond the new parking lot and front yard requirements.

### **Industrial Buffer**

A unique issue to the General Industrial interface with residential is the L4 buffer requirement. This is a developer concern for a handful of properties along Bell Avenue. Current requirements for a high wall screen (L4 Standard) call for an 8-foot high masonry wall with trees every 50 linear feet within a 10-foot planter when a GI zone borders a residential zone. Developers would prefer an option to widen the buffer and use berms and landscaping in lieu of a masonry wall. This could be accomplished in consideration of how a site is developed and the proximity of active areas to the abutting residential. Generally, the closer the uses are to the residential site, the more restrictive the screening design would need to be. The further away uses are located

from one another, the more flexibility in screening options would be allowed. A wall may still be needed if the uses are located close together near property lines, but a combination of other screening methods may be appropriate at a great distance, such as with larger rear or side yards or when an outlot exists between the uses.

### **General Requirements**

One element that has been carried over from the points based system research is the need to have higher quality soil as part of landscape planters to support plant vitality. The proposed standards include language that requires 5% organic content as a landscaping standard. The organic content in soil is the chief ingredient in helping to ensure plants thrive in a timely and healthy manner. Proof of organic content or use of top soil will be required from an applicant prior to building occupancy.

Staff has also included new general standards that address tree spacing to ensure the required larger trees have space to thrive on a site. This includes spacing of between 10 and 15 feet from buildings and a minimum of 3 feet from paving. The L3 planter requirement is essentially the same with new language to promote a fence or the use of high shrubs, especially abutting single-family homes. One common problem on infill sites is that a site may be raised for development and the perimeter planter is not level, which results in a very poor environment for plantings to meet their screening purpose. The landscape standards now indicate that a planter area must be level to ensure that fences and plants remain upright after installation.

### **Next Steps:**

Staff is seeking direction from the City Council on acceptance of the new standards before proceeding to finalize an ordinance and publish notice of a public hearing. With City Council's direction to proceed, staff would work to have the first reading of the ordinance for new landscape standards on the May 24<sup>th</sup> City Council agenda.

## Attachment A- Commercial Parking Lot Summary

### Commercial Prototype Parking Summary

80 parking space lot (200x140) 28,000 sq. ft., site size 1 to 3 acres

Requirement	Current	New
Landscape Area % of Parking Lot	10% of total parking, exclude loading areas	10% of total, including loading areas
Parking lot 15-foot median	if 3 double loaded aisles	same, adjusted area allowances
Islands w/trees**	1/20 (interior only)	1 per 200 sq. ft. of the 10% required landscape area
Perimeter trees**	1 per 50 LF	None, parking trees may be planted on perimeter
Perimeter shrubs (L2 5-foot wide)	1 per 4 feet	none
Front Yard trees**	1 per 50 LF of parking	1 per 50 LF of entire site
Front Yard shrubs (L1 at 10 feet)	approx. 9/1,000	8/1,000*
Front Yard ornamental grasses	none	12/1,000*
Est. Canopy Coverage for parking lot shading (mature avg. 30 ft diameter)	5%-14%	25%
Est. Landscape Area (Req. Parking and Front)	10-12%	15-17%
<b>Total Landscaping Front and Parking Area</b>	<u>Total Trees: 12</u> Front 4, Parking 8 <u>Shrub Total: 88</u> front 18, side 70	<u>Total Trees: 18</u> Front 4, Parking 14 <u>Total Shrubs: 16</u> <u>Total Grasses: 24</u>

*Front means the area between both parking and building, minimum of 10 feet planter area proposed, whereas L2 at 5 ft or L1 at 10 ft parking only is allowed now*

*\*New ratios and Developer may substitute plantings of shrubs and grasses.*

*\*\* Current requirements do not specify tree size, large canopy vs. ornamental. New requirements focus on large canopy trees for shading*



**Attachment B**  
**Comparative Evaluation of Landscape Changes**

<b><u>Parking Lot and Front Yard Landscaping</u></b>	<b><u>Screening</u></b>	<b><u>Landscape Planting Vitality</u></b>	<b><u>Visual Interest &amp; Aesthetics</u></b>	<b><u>Sustainability</u></b>	<b><u>Designer Flexibility</u></b>
Front yard planters changed to be at least 10 feet in depth, Planning Director may reduce to 7 feet in certain circumstances, such as meeting required parking ( <i>previously as low as 5 feet for parking, none required in front of buildings</i> )		<b>X</b>	<b>X</b>		<b>X</b>
10% of parking lot area and loading area required to include landscaping			<b>X</b>	<b>X</b>	
Perimeter side and rear landscaping changed to <i>no required</i> screening between commercial and industrial properties with a 3-foot setback ( <i>Prior L2 standard of 5 feet and shrubs planted 4 feet on center with trees</i> )					<b>X</b>
Parking lot landscaping area of 10% does not include required front yard landscaping , only islands, side or rear planters, or medians count towards the 10%			<b>X</b>		<b>X</b>
The required parking lot landscaping must include 1 tree per 200 square feet of required landscape area. Tree plantings must continue to be dispersed across the parking lot area. ( <i>prior requirement of 1/20 stalls interior plus perimeter trees 1/50 LF</i> )		<b>X</b>	<b>X</b>	<b>X</b>	
New plant diversity requirement with no more than 50% of one type		<b>X</b>	<b>X</b>		<b>X</b>
Discretion for Planning Director to approve alternative designs for unique site conditions.			<b>X</b>		<b>X</b>
Allow vehicle overhang of 18-inches into enlarged 7-foot planter areas ( <i>effectively making paved parking stall 17.5 feet rather than 19 feet</i> )		<b>X</b>		<b>X</b>	<b>X</b>

<b><u>Parking Lot and Front Yard Landscaping</u></b>	<b><u>Screening</u></b>	<b><u>Landscape Planting Vitality</u></b>	<b><u>Visual Interest &amp; Aesthetics</u></b>	<b><u>Sustainability</u></b>	<b><u>Designer Flexibility</u></b>
Tree planting require large canopy trees, unless reduction for stormwater treatment features.			<b>X</b>	<b>X</b>	
All trees must be planted in areas no less than 7 feet in any one direction, interior islands minimum of 150 sq. ft. <i>(previously 5 feet on sides, 9x16 for islands)</i>			<b>X</b>	<b>X</b>	
Parking lot landscaped median of 15 feet required when there are 3 double loaded parking aisles changed to allow alternative configuration of the 15-foot landscape median by substituting an equal area formatted as oversized landscape islands, e.g the square footage of median landscaping may be dispersed within the parking lot in the pattern of parking spaces minimum sized islands of 400 sq. ft.			<b>X</b>	<b>X</b>	<b>X</b>
Landscaped 15-foot medians changed to be equal to the average length of double loaded stalls. Require 30% of the landscaped median to be decorative or ornamental plantings rather than just ground cover (turf). Trees still required at 1 per 50 linear feet, in addition to other required tree planters.		<b>X</b>	<b>X</b>	<b>X</b>	
If treating stormwater in parking lot, required parking lot landscaping can be reduced by 20%. At least 30% of stormwater must be treated within or abutting the parking lot as part of a bio-swale, rain garden, etc. <i>Detention ponds would likely not meet this on their own.</i>			<b>X</b>	<b>X</b>	<b>X</b>
Planter areas less than 5 feet in width with turf do not count as required landscaping in base zone requirements.		<b>X</b>	<b>X</b>	<b>X</b>	

<b><u>Parking Lot and Front Yard Landscaping</u></b>	<b><u>Screening</u></b>	<b><u>Landscape Planting Vitality</u></b>	<b><u>Visual Interest &amp; Aesthetics</u></b>	<b><u>Sustainability</u></b>	<b><u>Designer Flexibility</u></b>
Allowing shrubs or grasses to be planted in parking lot landscaping if not able to fit within the front yard.			X		X
Transitional screening between residential and commercial properties requiring a high screen or 6-foot fence rather than shrubs.	X				
Front yard landscaping planting ratios will only be calculated on the first 30 feet of the depth of the yard, regardless of actual setback of building or parking further than 30 feet. 'Yard' is the area from the property line to the edge of paving or façade.			X		X
Front yard landscape ratios will be calculated on a 1 per 50 lineal foot standard for trees and a 8 per 1000 square foot standard for shrubs and a 12 per 1000 square foot standard grasses. Allow for substitutions of shrubs and grasses.		X	X		X
Front yard landscaping required between buildings and the street and parking lots and the street. Landscaping can include front foundation plantings along commercial and industrial properties and wrap corners of site if constrained.	X	X	X		
Modify all planting requirements for the front yards and allow for grass, shrubs, clustering, etc. Include substitution options.			X		X
Berms with trees planted on them can count as a substitution for the standard landscape ratios.	X		X		X
Landscaping required in areas underneath overhead utilities will allow substitution of understory trees and replacement landscaping.					X
Planning Director discretion to require additional plantings for screening of a site when adjacent to residential use or other sensitive commercial user.	X	X	X		

<b><u>Parking Lot and Front Yard Landscaping</u></b>	<b><u>Screening</u></b>	<b><u>Landscape Planting Vitality</u></b>	<b><u>Visual Interest &amp; Aesthetics</u></b>	<b><u>Sustainability</u></b>	<b><u>Designer Flexibility</u></b>
Soil quality requirements of 5% organic content and conditioning within required planter areas.		<b>X</b>	<b>X</b>	<b>X</b>	
Allow Planning Director to waive up to 10% of required parking within parking lots that exceed 30 spaces to increase landscape area.				<b>X</b>	<b>X</b>
Require a minimum of a 3-foot setback of parking and maneuvering areas from side and rear lot lines. None require along alleys.					<b>X</b>
Apartment front yard landscaping increase for shrubs to 9 per 50 LF from 6 per 60 LF			<b>X</b>		<b>X</b>
Maintaining the perimeter L3 high shrub fence requirement for residential.	<b>X</b>				
Requiring Highway frontage tree plantings for apartments.	<b>X</b>		<b>X</b>		
Require Improvements to planters and parking areas with non-conformities.		<b>X</b>	<b>X</b>		
Allow major site plans and special use permits to permit alternative landscape plans for a site.			<b>X</b>		<b>X</b>
Planning & Housing Director may reduce or modify plantings for unique conditions or outlots.					<b>X</b>
Modify the L4 general industrial buffer requirement to allow incorporation of berms and vegetation based on use separation.					<b>X</b>

## **Attachment C- Residential Landscape Standard**

Summary of current residential standards:

1. Parking lot minimum planting area along sides and rear: 5-foot "L3" High Screen Buffer (6 Feet in height) with a tree every 50 feet.
2. No parking between the building and the street
3. Parking lot front yard screening minimum of L1 or L2 buffer for street side of parking, requires low shrubs and trees.
4. Parking lot interior landscaping follows commercial requirements that are dependent upon configuration of two double loaded aisles, or more, to require tree islands. Without double loaded interior spaces, no internal trees required.
5. Building foundation plantings required for every 60 feet of frontage, 50% of building façade must be screened by the plantings, includes evergreen and deciduous trees with multiple options for tree plantings for every 60 feet of frontage.

In addition to these universal standards, the FS-RM zoning district requires a 10% usable open space area within the development in addition to the high screen, perimeter parking screen and foundation screening requirements. The 10% usable open space has been accommodated on-site or off-site in a common area. Notably, the University Impact Overlays require 150% of additional landscaping beyond base requirements.

**Comparison Table (next page)**

### Approved Site Plans Comparison Table

<u>Address</u>	<u>Site Size</u> <small>1 acre=43,560 sq ft</small>	<u>Number of Units</u>	<u>**Current Required Base Vegetation total of parking and front yards</u>	<u>*** Proposed New Standards</u>
<b>135 Campus Drive (RH-UIO-West)</b>	19,774 Square Feet	9 Units/24 bedrooms (20 du/ac)	7 Trees, 61 Shrubs	9 trees, 66 shrubs
<b>1407 South Grand Ave (RH) "The Grove"</b>	573,685 Square Feet	217 Units/560 bedrooms (16.5 du/ac)	97 trees/ 474 Shrubs	119 Trees, 530 Shrubs
<b>4130 Lincoln Swing (RH)</b>	164,657 Square Feet	85 Units/260 bedrooms (20du/ac)	25 trees/ 143 Shrubs	48 trees, 163 shrubs
<b>3920 Maricopa Drive (RH)</b>	74,573 Square Feet	48 Units/60 bedrooms (28du/ac)	9 Trees/ 91 Shrubs	16 trees, 95 Shrubs
<b>2105 Cottonwood (FS-RM)</b>	33,798 Square Feet	12 Units/20 bedrooms (15.5du/ac)	7 trees/ 31 Shrubs  ****7 trees/ 43 Shrubs (*L3)	9 trees, 37 shrubs
<b>Mortenson Heights (FS-RM)</b>	384,399 Square Feet	180 Units/345 bedrooms (20.4 du/ac)	34 Trees/ 120 Shrubs  ****91 Trees/ 325 Shrubs(*L3)	94 Trees, 123 Shrubs

\*\* The developed sites may contain additional landscaping that exceeds the current minimum standards and are not necessarily accounted for in this table  
 \*L3 screening was not required at 2105 Cottonwood & Mortensen Heights due to garages and location of parking. 2105 Cottonwood & Mortensen Heights approved under major site development plans.  
 \*\*\* Proposed standard tree planting totals assume L3 planting areas and parking lot landscape areas can be combined together.  
 \*\*\*\* 2105 Cotton & Mortensen Heights approved under Major Site Development Plan with additional landscaping.

## CHAPTER 29 ARTICLE 403

### 29.403 Landscaping Standards

#### **Purpose:**

The purpose of this section is to protect and promote the public health, safety and general welfare by requiring landscaping in relation to development of property in such a manner to ameliorate effects of wind, heat, and glare; to act as a valuable component of natural drainage systems, to improve storm water runoff quality, to help clean and refresh air by returning oxygen to the atmosphere, to conserve and stabilize property values through screening of incompatible uses and activities, and to promote a healthy and aesthetically interesting natural environment as part of the City to create an attractive and desirable community for the City's many visitors, residents, and employees.

#### **Non-Residential Landscaping Standards**

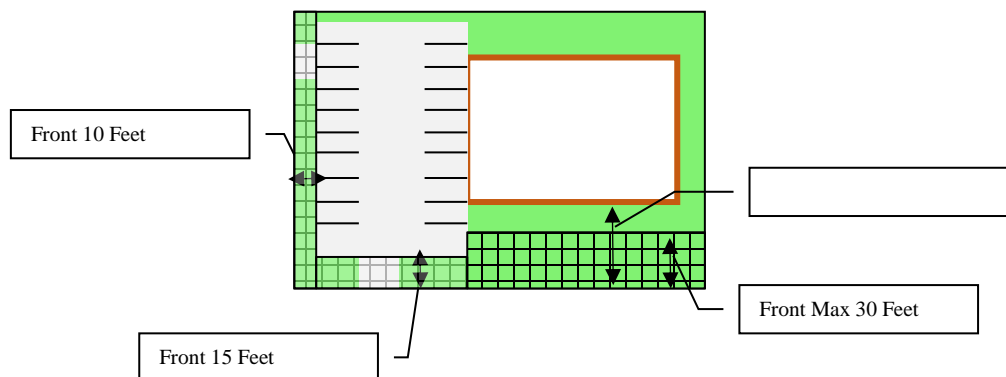
Non-residential landscaping standards are designed to be applied on commercial, industrial or other non-residential sites. The minimum areas required to be landscaped are listed in the Zone Development Standards Tables for Base Zones. In the case of Special Purpose Districts and Overlay Zones, landscaping, screening and buffer standards are set forth in the applicable Article. Required landscaping and screening of Article IV must meet the levels referenced in each applicable Zone Development Standards Table, supplemental standards, and general development standards of Chapter 29.

#### **A. Front Yard Landscaping**

Front yard landscaping standards are designed to provide decorative and well thought out landscaping between streets and parking lots and between streets and non-residential buildings. These landscape standards are a combination of low level decorative plantings and significant trees arranged in various styles that complement and enhance the general site. The front yard, for the purposes of calculating front yard landscaping, is defined as the area between the building and any abutting street and the area between the street and a parking area.

##### 1. Front Yard Planting Requirements

- a. The landscaped front yard for parking lots shall be a minimum of 10 feet in depth from the property line to the first edge of paving unless the base zone specifies a greater setback. The Planning Director may approve a reduction in the front yard planter area depth to 7 feet in certain circumstances in order that a site may achieve dimensional requirements of parking stalls for required parking. When a reduction is approved, the minimum landscaped area shall be calculated by the original 10 foot requirement. The maximum depth of landscaped front yard for the purpose of calculating landscaping is 30 feet.
- b. The minimum landscaped front yard in relation to buildings shall conform to the requirements of the base zone. The maximum depth of landscaped front yard for the purpose of calculating landscaping is 30 feet.



- c. The front yard landscaped area requires minimum base plantings of 1 overstory tree per 50 lineal feet of street frontage and for the plantings of a combination of 8 shrubs and 12 decorative grasses per 1,000 square feet of required front yard area. The front yard area is calculated across the entire frontage of a site regardless of interruptions, such as walkways, encroachments, or driveways.

In some circumstances where screening of residential properties are a priority for the front yard, the planting requirements may be increased for either a denser planting of materials or to require larger planting materials of an L3 nature to provide a taller and denser screen of site activities and parking.

Alternatively, substitution planting choices may be approved by the Planning Director as outlined below. Additionally, if overhead utilities are in place, the Planning Director may approve for overstory trees to be substituted with alternative locations for planting of trees or for the planting of smaller trees. The property owner may propose substitute planting plans for the trees and shrubs as follows.

## 2. Alternative Front Yard Plantings

In order to promote design interest and diversity, a property owner may propose substitution of landscaping to enhance the front yard area. Substitutions that promote sustainability, color and texture are desirable. Arrangement of plantings and use of substitution landscaping that diminish any necessary parking lot screening effects will not be approved.

- a. Front yard plantings must contain a minimum of four (4) overstory trees within each front yard of a site before allowing for substitutions. For sites that exceed 200 linear feet of frontage, ornamental trees may be substituted at a rate of 2 for every 1 overstory tree for every required tree after the first four trees. No more than 50% of the total trees planted to meet 1 per 50 linear foot standard shall be ornamental. For example, a 300 foot frontage would require either 6 overstory trees or as few as 4 overstory trees with 4 ornamental trees. A 500 foot frontage would require 10 overstory trees or as few as 7 overstory trees with 6 ornamental trees.
  - i. Evergreen trees may be used in place of ornamental trees. No more than 30% of the total trees shall be evergreen trees unless specifically required to assist in screening of a site.
- b. Storm Water Treatment Features  
When a site includes a landscaped based stormwater treatment feature of a bio-cell, rain garden, or bio-swale, an alternative configuration of ground cover and shrubs and grasses can be approved when the design provides for storm water quality treatment and includes plantings with visual interest within and along the feature.





c. Shrub/Grass Substitutions

- i. Front yard shrub or ornamental grass plantings may be substituted by up to 5% of the total plantings with flower species of similar size or coverage.
- ii. Large landscaped undulations or berms may be incorporated into the landscape design with an allowance for a 35% reduction in required plantings of shrubs and grasses.
- iii. Additional Ornamental grasses may be substituted for shrubs at a 3 grass to 1 ratio. No more than 75% of required front yard decorative plantings may be ornamental grasses.
- iv. Decorative landscape planters with decorative ground covers, flower beds, or similar plantings with interesting color and textures may be substituted at a rate of 40 square feet for 4 shrubs or 6 grasses.

c. Design and Configuration

- i. Required front yard landscaping is encouraged to take on a variety of configurations including clustering, layered rows, alternating patterns or other designs. Front yard plantings are to be arranged in manner that is well dispersed throughout the yard area, may be clustered for interest, and needed parking lot screening. Although clustering and creating areas of interest is encouraged, some landscaping shall be dispersed throughout a yard and not all materials may be shifted or concentrated to one area of the yard.
  - ii. *Plantings may be provided in any areas between the building or parking lot and the street when the landscaping is primarily arranged to be publicly visible from the street or upon immediate entry to a site.*
  - iii. In circumstances where there is a constraint on plantings due to space, the Planning Director may authorize front yard landscaping to be placed in areas near side property lines, wrapped around buildings, or placed within parking lot islands closest to the front yard.
- d. Front yards shall be maintained with landscaping however, walkways, plazas, ornamental features, are permitted within the front yard, but they do not allow for a reduction in the calculated front yard landscaping.
- e. Diversity requirements  
Required front yard landscaping must contain no more than 50% of one type per plant family. A minimum of 4 types of plants per required plant family are required in a yard area. A plant family is defined for the purposes of diversity requirements as a shrub, ornamental grass, tree or groundcover.

**B. Landscaping Requirements for Surface Parking and Loading Areas.**

Parking lot landscaping standards are designed to provide an aesthetically pleasing parking lot design combined with the support and encouragement of sustainability through increased shading from trees and allowing for stormwater treatment design within parking lots.

1. Surface Parking Lot Landscaped Area

- a. Parking lots must contain landscaped area equal to 10% of the total gross parking lot and loading areas. The total gross area of a parking lot is defined as the gross area of the paved surface measured from the back of the curb.
  - b. Overstory shade trees must be planted at a rate of 1 tree for every 200 square feet of required landscape area. Trees must be dispersed across the entire parking lot area and not over concentrated to any one area of the parking lot.
2. All shade trees must be planted in landscape planters/islands no less than 150 square feet in area.
  - a. Perimeter planters abutting a parking lot that are 5 feet in depth or greater may count towards the 10% area requirements. Note that to meet the dispersal requirement a site may need to exceed 10% landscaped area in and abutting a site.
3. Perimeter parking tree planter areas must be at least 7 feet in depth in any one direction may satisfy the tree planting requirement. If parking lot landscaping is placed in perimeter parking areas the landscaping must be located within 10 feet of the edge of paving to count towards the required 10% area.
  - a. Front yard landscaping shall not count toward parking lot landscaping. Evergreen trees are not permitted as a required parking lot landscape tree.
  - b. The Planning Director may waive up to 10% of required parking stalls within parking lots that exceed 30 spaces to increase landscape area.
  - c. The Planning Director may approve a reduction of up to three required parking stalls to accommodate a vehicular cross-access route to adjoining properties.
2. Perimeter Parking Lot Landscaping and Bufferyards
  - a. Side and rear perimeter bufferyard landscaping is required for screening of the parking lot and use of a site when it abuts a dissimilar use or zoning.
    1. When abutting a residential site high screen standard shall be applied (add cross reference). In some circumstances the base zone may require additional width or a greater level of buffering.
    2. During Site Development Plan review the City may require additional bufferyard plantings when a commercial zoned or industrially zoned lot is used for a dissimilar use.
  - b. When a perimeter buffer is not required, parking areas must be setback a minimum of three from all side and rear property lines.
  - c. Perimeter planter areas are required to be landscaped. Planter areas less than five feet in width shall not include turf grass.
  - d. In single aisle double loaded parking lots with 3 or less required trees, the trees may all be placed on the perimeter.
3. Parking Lot Medians

In addition to the 10% landscaped area requirement, a landscaped median is required for every 3 continuous double loaded parking drive aisles.

  - a. A required median must be a minimum of 15 feet wide with a minimum length equal to the average drive aisle length of the double loaded aisles.

- b. A landscaped median must include 1 overstory shade tree for every 50 linear feet of median. The trees must be located within an area that is a minimum of 7 feet in any one direction and totals 150 sq. ft. of area with impervious surfaces.
  - c. Landscaped medians must include a minimum of 30% of the area of the median landscaped with ornamental or decorative landscaping that does not include turf.
  - d. The median may include a walkway when it does not encroach upon the placement of trees.
  - e. Landscape medians may be configured into oversized landscape islands with a minimum size of 400 square feet for each island and a total area of all oversized islands that equal the required area of the median. The oversized islands must be located within the parking lot and may not be configured along perimeter of a parking lot.
2. Stormwater Treatment Credit in Parking Lots  
If treating stormwater within a parking lot landscaped area, the required parking lot landscaping in this ordinance may be substituted by up to 20%. To be eligible for this reduction, the storm water treatment features must treat at least 30% of total site storm water volume needed to meet storm water quality standards of Chapter 5b. The storm water measures must be within or abutting the parking lot as part of a bio-swale, rain garden or other bio-retention treatment process. Detention ponds are excluded from this consideration.
3. Parking Overhang Allowance  
In circumstances where a reduced parking stall depth is desired an 18 inch overhang allowance may be granted to allow for a parking stall depth of no less than 17.5 feet (17 foot stall plus 6 inch curb) when the abutting planer area is a minimum of 7 feet in width. An overhang allowance is not permitted for compact parking spaces. (Note this will be added to the parking section)
3. Loading Areas  
As part of the parking lot requirements, a loading area shall require landscaping equal to 10% of the loading area. The required landscape area shall be provided adjacent to or in the impervious space where the loading area is located. A loading area is defined as an impervious area used for maneuvering vehicles but not considered parking or drive aisle. Loading areas are typically areas used principally for the loading or unloading of trucks.
4. Detention Ponds  
Detention ponds must be unfenced and contain decorative landscaping elements such as tiered retaining walls, decorative rock features and plantings to be eligible to be counted toward base zone landscape percentage. On 'wet' detention ponds the area of water may not count towards the base zone landscape percentage.

## **Landscaping Requirements for Apartment Dwellings.**

### **A. Front Yard**

Front yard landscaping standards are designed to provide decorative and well thought out landscaping between streets and parking lots and between streets and non-residential buildings. These landscape standards are a combination of low level decorative plantings and significant trees arranged in various styles that complement and enhance the general site. The front yard, for the purposes of calculating front yard landscaping, is defined as the area between the building and any abutting street and the area between the street and a parking area.

1. Front Yard Planting Requirements

- a. The minimum landscaped front yard setback for buildings shall conform to the requirements of the base zone for principal buildings.
- b. Parking in residential areas may not be between the building and the street. The landscaped front yard for parking lots shall be a minimum depth equal to the building setback of the zone measured from the property line to the first edge of paving. The maximum depth of landscaped front yard for the purpose of calculating landscaping is 30 feet.
- c. The minimum front yard landscaped area requires base plantings of 1 overstory tree per 50 linear feet of street frontage. Up to 50% of required trees may be substituted at the following ratios:
  - Two (2) ornamental (understory) trees, or
  - Two (2) evergreen trees, or
  - One (1) ornamental (understory) tree and one (1) evergreen tree
- d. Front yards between the street and parking lot require a planting density that provide for a moderate level of screening with 12 shrubs per 50 linear feet of street frontage associated with parking areas. A pro rata share of plantings may be substituted with ornamental grasses at a 3 to 1 ratio of grasses to shrubs it provides for visual interest and the desired level of screening. No more than 75% of required front yard decorative plantings may be ornamental grasses.
- e. Front yards between buildings and streets and areas elsewhere in the front yard require the planting of shrubs at a rate of 9 shrubs with a mix of deciduous and evergreen for every 50 linear feet.

Up to 35% of required shrubs can be substituted with ornamental grass. A mix of shrub types is required between evergreen and deciduous. The majority of the building facade length should have plantings within 15 feet of the building. Uniform spacing along the foundation with a single row of plantings is discouraged, grouping and designated planter areas are preferred for the building front yard landscaping.

The Planning Director may approve an alternative front yard planting scheme in place of shrubs that includes larger shrub species and understory trees in lieu of low growing shrubs. The Planning Director may also approve decorative planter beds in lieu of some of the required shrub plantings.

- f. If overhead utilities are in place the Planning Director may approve for overstory trees to be substituted with alternative locations for planting of trees or for the planting of smaller trees.
- g. Required front yard trees may be placed within the public right-of-way if there is a City standard parking area along the street frontage and there are no street trees are located along the frontage of the site and no overhead utilities are in place. The Planning Director in consultation with the Streets and Maintenance Manager, or designee, must approve the proposed tree species as appropriate to the City's street tree standards and its placement.
- h. Large landscaped undulations or berms may be incorporated into the landscape design with an allowance for a 35% reduction in required plantings of shrubs and grasses.
- i. When a site includes a landscaped based stormwater treatment feature of a bio-cell, rain garden, or bio-swale, an alternative configuration of ground cover and shrubs and grasses can be approved when the design provides for storm water quality treatment and includes plantings with visual interest within and along the feature.

2. Design and Configuration

Required front yard landscaping are encourage to take on a variety of configurations including clustering, layered rows, alternating patterns or other designs. However, some landscaping shall be dispersed throughout a yard and not all materials may be shifted or concentrated to one area of the yard. In circumstances where there is a constraint on plantings due to space, the front yard landscaping may be placed in areas near side property lines, wrapped around buildings, or placed within parking lot islands closest to the front yard if additional space for required plantings is necessary.

2. Diversity requirements

Required front yard landscaping must contain no more than 50% of one type per plant family. A minimum of 4 types of plants per required plant family are required in a yard area. A plant family is defined for the purposes of diversity requirements as a shrub, ornamental grass, tree or groundcover.

**B. Landscaping Requirements For Surface Parking Lots.**

Parking lot landscaping standards are designed to provide an aesthetically pleasing parking lot design combined with the support and encouragement of sustainability through increased shading from trees and allowing for stormwater treatment design within parking lots. Increased parking lot separation is required along the boundaries of properties with one and two-family homes.

1. Surface Parking Lot Landscaped Area

- a. Parking lots must contain landscaped area equal to 10% of the total gross parking lot and loading areas. The total gross area of a parking lot is defined as the gross area of the paved surface measured from the back of the curb.
- b. Overstory shade trees must be planted at a rate of 1 tree for every 200 square feet of required landscape area. Trees must be dispersed across the entire parking lot area and not over concentrated to any one area of the parking lot.
  - i. All shade trees must be planted in landscape planters/islands no less than 150 square feet in area.
- c. Perimeter planters abutting a parking lot that are 5 feet in depth or greater may count towards the 10% area requirements. Note that to meet the dispersal requirement a site may need to exceed 10% landscaped area in and abutting a site.
  - i. Perimeter parking tree planter areas must be at least 7 feet in depth in any one direction may satisfy the tree planting requirement.
  - ii. If parking lot landscaping is placed in perimeter parking areas the landscaping must be located within 10 feet of the edge of paving to count towards the required 10% area.
- d. Front yard landscaping shall not count toward parking lot landscaping. Evergreen trees are not permitted as a required parking lot landscape tree.

2. Perimeter Parking Lot Landscaping and Bufferyards

High Screen Side and rear perimeter bufferyard landscaping is required for screening of the parking lot and use of a site. A minimum of a five foot planter area is required along parking the side and rear property lines when abutting a one or two-family home, the parking lot buffer width shall be increased to 10 feet if relying upon landscape buffering. The buffer planter must be relatively flat to ensure fences and planter materials grow or stand upright and achieve the intended high screen. See general requirements below.

### 3. Parking Lot Medians

- a. In addition to the 10% landscaped area requirement, a landscaped median is required for every 3 continuous double loaded parking drive aisles.
- b. A required median must be a minimum of 15 feet wide with a minimum length equal to the average drive aisle length of the double loaded aisles.
  - a. A landscaped median must include 1 overstory shade tree for every 50 linear feet of median. The trees must be located within an area that is a minimum of 7 feet in any one direction and totals 150 sq. ft. of area with impervious surfaces.
  - b. Landscaped medians must include a minimum of 30% of the area of the median landscaped with ornamental or decorative landscaping that does not include turf.
  - c. The median may include a walkway when it does not encroach upon the placement of trees.
  - d. Landscape medians may be configured into oversized landscape islands with a minimum size of 400 square feet for each island and a total area of all oversized islands that equal the required area of the median. The oversized islands must be located within the parking lot and may not be configured along perimeter of a parking lot.

### 3. Stormwater Treatment Credit in Parking Lots

If treating stormwater within a parking lot landscaped area, the required parking lot landscaping in this ordinance may be substituted by up to 20%. To be eligible for this reduction, the storm water treatment features must treat at least 30% of total site storm water volume needed to meet storm water quality standards of Chapter 5b. The storm water measures must within or abutting the parking lot as part of a bio-swale, rain garden or other bio-retention treatment process. Detention ponds are excluded from this consideration.

### 4. Parking Overhang Allowance

In circumstances where a reduced parking stall depth is desired an 18 inch overhang allowance may be granted to allow for a parking stall depth of no less than 17.5 feet (17 foot stall plus 6 inch curb) when the abutting planter is 7 feet in width. An overhang allowance is not permitted for compact parking spaces.

### 5. Dwelling House, Two-Family, and Single-Family Attached Housing

When a site includes four or more parking stalls configured in manner to create individual parking stalls outside of garage spaces or driveways to four or more garage spaces, the impervious area used for parking and maneuvering shall meet landscape buffering setbacks and plantings requirements of L3 and front yard plantings for parking.

### 6. Side and Rear Yard Parking Lot High Screen.

*-See General Requirements-*

## **B. Residential Site Landscaping Standards in all other non-required landscape areas.**

- a. When an apartment development consists of multiple buildings, landscaping with trees, grasses, flowers, or shrubs shall be planted in open areas and along foundations or near primary entrances.
- b. Parking lots located adjacent to outlots of a subdivision may qualify for reduced landscape screening based upon the spacing and use of the adjacent outlot and the properties abutting the opposite property line of the outlot. Use of lower growing shrubs or substitution of other equivalent materials may be permitted by approval of the Planning Director.
- c. **Decorative Highway Landscaping.** On residential sites abutting Highway 30 or Interstate 35 a landscape buffer consisting of evergreen plantings of 1 evergreen tree per 30 lineal feet of highway frontage must be provided. Plantings are not required to be placed on center. Up to 20% of the required evergreen trees may be substituted with deciduous overstory trees.

## **General Requirements All Sites**

The following standards are required on all residential and non-residential sites.

1. Any required plant materials shall be rounded up to the next whole number when there is calculated fraction of a plant.
2. Soil Quality Standards. Soil located in required planting areas must be conditioned and tilled in the top 6 inches with at least a 5% organic compound makeup. Certification of the soil conditioning must be provided by a contractor, licensed engineer or landscape specialist.
3. Minimum planting standards.
  - a. Shrubs and Grasses. In all front yards where required, all shrub and grass minimum planting size must be no less than 18 inches in height above the soil. (Based on Type 2 container size for 3 foot growth) Any materials planted for the purpose of achieving screening shall be a variety that is a minimum 75% of the height of screened facility with the ability to mature to a full screening of 6 inches above the facility within three years.
  - b. Buffer Yard High Screen. In all required buffer yards, high screen shrubs must be planted at a minimum of size of 3' feet in height above the average grade of the planter or the top of the curb in a depressed planter.
  - c. Trees. In all required tree planters, all trees must be planted with a minimum 1.5" caliper tree. Any evergreen tree must be a minimum height of 6 feet at the time of planting.
  - d. Ornamental grass shall be of a species that in every growing season has a height that exceeds 24 inches. Grasses that are typically less than 24 inches in height and are intended for groundcover are categorized as decorative grasses.
4. Tree Spacing and Placement

Trees must be planted with recognition of the space needs for eventual growth and maturity. Small to medium trees may be planted no closer than 10 feet to a building. Larger trees require a minimum spacing of 15 feet from a building. Trees are to be located within and along parking lots in a manner that does not include parking lot lights within 15 feet of the a tree. Medium and large trees can be planted as close as 20 feet from another similarly sized tree on the same site. Large and medium sized trees must be planted a minimum distance of 3 feet from edge of paving.
6. L3, High Screen Dissimilar Use Transition and Parking Screen.
  - (i) Generally. The L3 landscape standard uses screening to provide physical and visual separation between uses or development. It is generally used in those instances where visual separation and a buffer of use is desirable.
  - (ii) Required Landscape Elements. The L3 standard requires high shrubs spaced at a maximum distance of 6 feet on center to form a screen 6 feet high. In addition, one Landscape Tree is required per 50 lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A 6-foot high wooden fence with the fence posts on the interior side unless the fence is finished on both sides may be substituted for some or all of the high shrubs. When a 6-foot high wooden fence is installed, high or low shrubs shall be planted at the rate of one shrub per 10 lineal feet and one Landscape Tree is required per 50 lineal feet or as appropriate to provide canopy over the landscape area. A 6-foot-high masonry wall may be substituted for the high shrubs spaced 6 feet on center, but the trees and ground cover plants are still required.



7. L4, High Wall Screen between Industrial and Residential Areas.

(i) Generally. The L4 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting uses in areas where there is little space for separation.

(ii) Required Landscape Elements. The L4 standard requires an 8-foot-high masonry (but not non-decorative concrete block) wall along the interior side of the landscape area. One Landscape Tree is required per 50 lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area. In addition, 3 high shrubs or 6 low shrubs are required per 30 lineal feet of wall. Ground cover plants must fully cover the remainder of the landscaped area.

(iii) Alternative Compliance. The L4 standard can be met alternatively for sites that provide a minimum of 30 feet of separation from the property line to the use of the site by providing a berm with a minimum height of 4 feet with evergreen shrubs placed on the slope of the berm with an aesthetically pleasing density and evergreen trees planted within 10 feet of the berm.

**L1 Standard- Eliminated**

**L2 Standard- Eliminated**

8. Alternative Design Approvals

i. Major Site Development Plan.

A landscape plan prepared by a certified Landscape Architect with alternative design and plantings may be approved under the requirements of a major site development plan after review and approval by the City Council when found to address the purposes of the ordinance and provides for a unique or high quality landscape environment that exceeds the quality of the base standards.

ii. The Planning Director may approve an alternative landscaping plan for unique conditions related to site constraints and topography that achieve necessary screening and aesthetic purposes of the landscape standards. The Planning Director may not approve reductions in landscaping based solely upon existence of existing vegetation on an adjacent site.

9. Required Landscaped Area Conditions

Required landscaped areas and buffer yards must have suitable soil conditions and depth exclusive of retaining walls, fill or other inorganic materials to permit the growth and maturity of the plant.

Staff Report  
**ZONING TEXT AMENDMENTS FOR DEFINITIONS OF  
“PRE-EXISTING” AND “TWO-FAMILY DWELLING, IF PRE-EXISTING”**  
April 11, 2017

**BACKGROUND:**

As part of the adopted “Planning and Housing Department Work Plan Priorities,” the **City Council directed that staff prepare a text amendment to add definition to the meaning of “Two-Family Dwelling, Permitted, Y, if pre-existing” and determine how to address previous single-family conversion homes that are non-conforming.** For consistency, it is also necessary to define the term “pre-existing,” since it applies to two-family dwellings, single-family attached dwellings, and apartment dwellings, as found in Table 29.703(2), Urban Core Residential Medium Density (UCRM) Zone Uses of the *Municipal Code*.

Planning and Rental Inspection staff are frequently asked questions about a single-family rental property that may have previously been a two-family dwelling, and whether it could be converted or reestablished as a two-family dwelling. Most commonly this is a question at the time of purchase of a home by a potential investor, or at the time of listing of the home by a realtor. Often the records for these properties are scarce, which makes it difficult to provide consistent interpretations.

Interpreting current Zoning Ordinance language that relies upon the phrase, “Yes, if pre-existing” for two-family homes is confusing, since we are now 17 years past the time when the ordinance was adopted and it is difficult to determine how the intent for the wording of “pre-existing” was intended to be applied. Under the current language, a two-family home, if determined to be pre-existing physically in 2000, may stop being rented for any length of time and could be reestablished as two rental units. Staff believes that in most neighborhoods reestablishing a duplex would be a surprise to a neighborhood and would affect the availability of homes that could provide for home ownership versus rental investment potential.

**The proposed amendment narrows the meaning of the phrase to clarify the intent of the standard for pre-existing as similar to a traditional non-conforming use that is only permitted if it has been continuously used as a two-family home, and that if the use has ceased, it is not eligible to be reestablished despite its use in 2000. The amendment addresses former single-family conversions, defining them consistent with the previous 1999 standards as not a two-family home. The proposed amendment preserves the intent of allowing established two-family homes as permitted uses if they are continually used as a two family home, but ensures that their reuse is consistent with current expectations and that unexpected two-family uses do not appear within established neighborhoods.**

**Zoning Regulations in 1999.** Prior to the adoption of the current Zoning Ordinance (Chapter 29) in 2000, there were a number of different residential zoning districts that had various standards for one and two-family homes. Each district had limitations on construction of new two-family homes or on the conversion of one-family homes to two-family homes. Many of these areas were rezoned to RL or to UCRM as part of the 2000 rezoning.

One of the most prevalent zoning districts for single-family homes was R1-6 (Low-Density Zoning District). This district treated two-family dwellings as a permitted use if constructed or under construction prior to November 1, 1983, and **if originally designed and built pursuant to a zoning and building permit as a two-family dwelling, and not a single-family dwelling converted to a two-family dwelling as evidenced by the plans on file with the Chief Building Official.**

Two-family dwellings also were a permitted use in “R-2” (Low-Density Residential) districts, which were established to accommodate single and two family dwellings within new subdivisions. Even there, however, no permit could be issued to convert a single-family structure to a two family use within existing areas, except by means of a Special Use Permit issued by the Zoning Board of Adjustment.

In 1985, the City Council adopted zoning regulations to allow for the **retroactive conversion of single-family dwellings that had been used for an additional rental unit.** This was done in response to numerous buildings and parts of buildings that were rented as dwelling units which were built, remodeled, converted and occupied at various times, over many years, without proper City permits in violation of various Codes and Ordinances, including zoning regulations. Approximately 370 properties were subject to the retroactive conversion permit process in the 1980’s.

The retroactive conversion permit process laid out a process for making a unit legally nonconforming and to receive letter of compliance for rental of the units. Many of those dwellings were in non-conformance with zoning regulations pertaining to lot area, setbacks, lot frontage, or building height. They were made lawful under the zoning regulations of Chapter 29 if the owner of the premises obtained a retroactive conversion permit, pursuant to Section 13.39 (Retroactive Conversion Permits) of the *Municipal Code*. **However, it was clear in the zoning ordinance that these uses were in fact non-conforming and could not be reestablished if destroyed or discontinued.** Such provisions stated that: *“If any such nonconforming use of a structure or land and structure in combination ceases for any reason for a period of one (1) year, any subsequent use of such structure shall conform to the district regulations for the district in which such structure is located. When vested nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall terminate the authorization for the nonconforming use of the land.”*

**Proposed Definitions for “Two-Family Dwelling Pre-existing” and “Pre-existing”**

The following proposed definitions for “Two-Family Dwelling Pre-existing”, and “Pre-existing” address uses that existed prior to adoption of certain zoning districts from 2000, but did not fit within the “Use Categories” for the particular new districts.

The pre-existing term classified uses as a permitted use on existing sites even if a new site could not have such a use. This was then distinguished from a traditional nonconforming use by the phrase “if pre-existing.”

### **Option 1- Proposed Definitions of Pre-existing**

#### **A. Two-Family Dwelling Pre-existing:**

*A two-family dwelling designed and built pursuant to a zoning and building permit as a two-family dwelling as evidenced by approved building/zoning permits on file with the Chief Building Official. However, a home subject to a retroactive conversion permit does not meet the definition of being a two-family dwelling.*

The proposed definition recognizes that any property lawfully constructed as a two-family dwelling or converted to a two-family dwelling with a building permit or by special use permit would meet this definition. However, it specifically excludes retroactive conversions, which traditionally did not enjoy the benefit of being classified as a permitted use.

Additionally, standards would be added to reflect that if a two-family dwelling ceases to be used as two dwelling units for more than one year, it cannot be reestablished as a two-family unit. This prohibition would assist in ensuring properties that may in 2000 have been used as two units but ceased to be such by choice of the property owner could not now become a new two-family dwelling. Discontinuance would mean occupancy of the structure as a single dwelling unit, expirations of Letter of Compliance for use of the property as a two-family rental property, or physical alterations to the structure that make the structure a single-family dwelling.

#### **B. Pre-existing**

The term pre-existing is a term used for other uses in the Zoning Ordinance, such as social service providers, apartments and single-family attached. This is most commonly an issue in R-L, UCRM, RM and some commercial zoning districts due to the significant changes in zoning standards in 2000. *Pre-existing* would be defined as follows:

*A legally established use that was a permitted use existing on a site at the time of adoption of Ordinance No. 3557, Enacting a New Chapter 29 (Zoning), in the year 2000. However, if the use was to cease for more than one year, it could not be reestablished.*

This definition clarifies at what point in time a use must have existed and that it must be continuously used to have the benefits of being pre-existing rather than nonconforming.

#### **Option 2- Remove the term “pre-existing”**

The term pre-existing has additional benefits for property owners compared to the application of traditional nonconforming use standards that exist in Article 3 of the

Zoning Ordinance. Typically, a nonconforming use cannot be reestablished once it has been discontinued, and there are limits on the changes or expansion of the use. The phrase pre-existing has excluded such uses from the limits of Article 3. As an alternative to defining the term pre-existing, the term could be deleted from the Zoning Ordinance in its entirety (for all uses) and the City could apply its nonconforming use standards.

**Planning and Zoning Commission Recommendation:**

The Planning and Zoning Commission reviewed this text amendment at their meeting on February 15, 2017, and voted 4-0 to support the adoption of proposed definitions for “Two-Family Dwelling Pre-existing, and for “Pre-existing.”

**Staff Comments:**

If City Council determines that the proposed Option 1A and 1B definitions for “Two-Family Dwelling Pre-existing,” and “Pre-existing” appropriately address concerns identified in the administration of zoning regulations for such uses, direction should be provided to staff for preparation of a draft ordinance to make those changes. Staff would then publish notice for a public hearing on the amendment for May 9, 2017. Staff could also incorporate any changes directed by City Council prior to publishing the public hearing notice for a draft ordinance.

If the City Council prefers Option 2, staff will then prepare a text amendment that removes the phrase “pre-existing” from the use table of all base zones. Staff would also modify Article 3 as necessary to account for clarifying when a two-family dwelling or conversion has been discontinued and cannot be reestablished. Staff would then provide for notice for public hearing on the proposed changes as a draft ordinance.