

**AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL*
AUGUST 18, 2020**

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

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

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

YOU MAY VIEW THE MEETING ONLINE AT THE FOLLOWING SITES:

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

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

or watch the meeting live on Mediacom Channel 12

NOTICE TO THE PUBLIC: The Mayor and City Council welcome comments from the public during discussion. If you wish to speak, please see the instructions listed above. The normal process on any particular agenda item is that the motion is placed on the floor, input is received from the audience, the Council is given an opportunity to comment on the issue or respond to the audience concerns, and the vote is taken. On ordinances, there is time provided for public input at the time of the first reading.

CALL TO ORDER: 6:00 p.m.

PROCLAMATION:

1. Proclamation designating Ames as a Bird-Friendly Community

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

2. Motion approving payment of claims
3. Motion approving Minutes of Special Meetings of July 21, 2020, and August 12, 2020, and Regular Meeting of July 28, 2020
4. Motion approving Report of Change Orders for period July 16 - July 31, 2020
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Beer Permit with Class B Wine Permit and Sunday Sales - Hy-Vee Gas #5013, 4018 West Lincoln Way
 - b. Class C Liquor License with Sunday Sales - Inside Golf, 2801 Grand Avenue #1075
 - c. Class C Liquor License with Catering Privilege, Outdoor Service, and Sunday Sales - Iowa State Center, CY Stephens, CY Stephens - Iowa State University

- d. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carry-out Beer), and Sunday Sales - KWIK Stop Liquor & Groceries, 125 6th Street
 - e. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carry-out Beer), and Sunday Sales - Kum & Go #1215, 456 Lincoln Way
6. Requests from Ames Main Street for Art Walk/Music Walk on October 8, 2020 (Rescheduled from June 4, 2020):
 - a. Motion approving Blanket Vending License for Central Business District from 3:00 p.m. to 8:30 p.m.
 - b. Motion approving Blanket Temporary Obstruction Permit for Central Business District from 1:00 p.m. to 9:00 p.m.
 - c. Resolution approving waiver of fee for Blanket Vending License
 - d. Resolution approving closure of ten metered parking spaces in the Central Business District
 - e. Resolution approving usage of electricity in Tom Evans Plaza and waiver of fee for cost of electricity
 - f. Resolution approving closure of Kellogg Avenue, from Main Street to 5th Street, from 3:00 p.m. to 8:30 p.m.
 - g. Resolution approving transfer of funds from Local Option Sales Tax Fund to Parking Fund in the amount of \$2.50
 7. Requests from Ames Main Street for Downtown September Sidewalk Sales from September 10-13, 2020:
 - a. Motion approving Blanket Vending License
 - b. Motion approving Blanket Temporary Obstruction Permit
 - c. Resolution approving waiver of fee for Blanket Vending License
 - d. Resolution approving suspension of parking regulations and enforcement for Downtown from 8:00 a.m. to 8:00 p.m. on Saturday, September 12, 2020
 - e. Resolution approving transfer of funds from Local Option Sales Tax Fund to Parking Fund in the amount of \$1,370.25
 8. Requests from Ames Main Street for Shop for Cause on November 7, 2020:
 - a. Motion approving Blanket Temporary Obstruction Permit
 - b. Motion approving Blanket Vending License
 - c. Resolution approving waiver of fee for Blanket Vending License
 - d. Resolution approving suspension of parking regulations and enforcement for the Downtown from 8:00 a.m. to 8:00 p.m. on Saturday, November 7, 2020
 - e. Resolution approving transfer of funds from Local Option Sales Tax Fund to Parking Fund in the amount of \$1,370.25
 9. Requests from Ames Main Street for Small Business Saturday on November 28, 2020:
 - a. Motion approving Blanket Vending License
 - b. Motion approving Blanket Temporary Obstruction Permit
 - c. Resolution approving waiver of fee for Blanket Vending License
 - d. Resolution approving suspension of parking regulations and enforcement for Downtown from 8:00 a.m. to 8:00 p.m. on Saturday, November 28, 2020
 - e. Resolution approving transfer of funds from Local Option Sales Tax Fund to Parking Fund in the amount of \$1,370.25
 10. Requests from Ames Main Street for Snow Magic from December 4 - 24, 2020:
 - a. Motion approving Blanket Temporary Obstruction Permit

- b. Motion approving Blanket Vending License
- c. Resolution approving waiver of fee for Blanket Vending License
- d. Resolution approving closure of Kellogg from Main Street to 5th Street, including closure of 12 metered parking spaces, from 1:00 p.m. to 8:00 p.m. on December 4 for Santa's Train
- e. Resolution approving closure of four metered parking spaces within the Downtown from 1:00 p.m. to 8:00 p.m. on December 4 to facilitate pick-up and drop-off of passengers on horse-drawn carriage rides through Downtown
- f. Resolution approving waiver of parking meter fees for closed parking meters on Friday, December 4
- g. Resolution approving usage of electricity in Tom Evans Plaza and waiver of fees for electricity
- 11. Resolution approving Memorandum of Understanding with Story County and authorizing application for grant funding under the 2020 Department of Justice Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant
- 12. Resolution approving extension of waiver of parking regulations for parking spaces at Ames Public Library to facilitate curbside pick-up
- 13. Resolution approving preliminary plans and specifications for 2017/18 Main Street Pavers (Clark to Burnett); setting September 2, 2020, as bid due date and September 8, 2020, as date of public hearing
- 14. Resolution awarding contract for Power Plant Maintenance Services to Anderson Process & Instrumentation Solutions, LLC, of Marshalltown, Iowa, for hourly rates and unit prices bid in an amount not to exceed \$125,000
- 15. Seven snowplow trucks and accessories for Public Works:
 - a. Resolution awarding contract to O'Halloran International of Altoona, Iowa, for purchase of seven International HV507 Chassis - six single axle, and 1 tandem axle in the amount of \$594,821
 - b. Resolution awarding contract to Henderson Truck Equipment of Manchester, Iowa, to equip the six single axle truck chassis and 1 tandem axle chassis from O'Halloran International with dump body, snow removal equipment, and accessories in the amount of \$799,329
 - c. Resolution awarding contract to O'Halloran International of Altoona, Iowa, to install the Optimus Vector system on the seven chassis for year-round use of B100 bio-diesel in the amount of \$93,996
 - d. Motion authorizing staff to pursue grants in the next 12 months to pay for the Optimus system; if unsuccessful a loan will be provided by Fleet Services to Public Works
- 16. Resolution approving contract and bond for Emma McCarthy Lee Park Pedestrian Bridge Replacement
- 17. Resolution approving contract and bond for 2019/20 Clear Water Diversion
- 18. Resolution approving contract and bond for 2020/21 US Hwy 69 Improvements (South Duff Avenue and US Highway 30 Eastbound Off-Ramp)
- 19. Power Plant Steam Turbine No. 8 Parts Procurement:
 - a. Resolution rescinding Resolution No. 20-374 awarding contract to Action Turbine Bid Repair and rescinding Resolution No. 20-406 approving contract and bond of Action Turbine Bid Repair due to bid being withdrawn
 - b. Motion directing staff to purchase the parts originally intended to be purchased from Action Turbine Repair Service from the next low bidders
- 20. Resolution approving Change Order No. 3 with RW Excavating Solutions for the Low-Head Dam

Improvements Project in the amount of \$59,483.99

21. WPC Digester Improvements Project - Phase 2:
 - a. Resolution approving Change Order No. 4 with Shank Constructors Inc., in the amount of \$5,197
 - b. Resolution accepting completion
22. Resolution accepting completion of 2019/2020 Pavement Restoration Program (Slurry Seal)

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

ADMINISTRATION:

23. Presentation of the Draft Greenhouse Gas Inventory and additional studies
24. Staff Report on Factors to Consider if implementing a City-wide face covering mandate
25. Discussion of City Council Conferences in FY 2020/21

HEARINGS:

26. Hearing on proposed conveyance of a portion of vacated City right-of-way adjacent to the south edge of 2400 SE 16th Street (Continued from July 28, 2020):
 - a. Resolution approving conveyance of a portion of vacated City right-of-way adjacent to the south edge of 2400 SE 16th Street to VanWall Equipment, Inc., in the amount of \$28,410.06
27. Hearing on Unit 8 Crane Renovation (Continued from July 28, 2020):
 - a. Resolution approving final plans and specifications and awarding contract to Miner Corporation, dba MHC Systems, LLC, of Urbandale, Iowa, in the amount of \$273,439.10 (inclusive of Iowa sales tax)
28. Hearing on Integrated Site Plan (Major Site Development Plan and Preliminary Plat) for 3619 Stange Road:
 - a. Resolution approving, with conditions, Integrated Site Plan for 3619 Stange Road

PLANNING & HOUSING:

29. Staff Report on request from Dickson Jensen for sidewalk waiver adjacent to Bricktowne Development

ORDINANCES:

30. Second passage of ordinance revising *Municipal Code* Section 17.33 pertaining to selling, giving, or supplying tobacco, tobacco products, or cigarettes to persons under 18 years of age

DISPOSITION OF COMMUNICATIONS TO COUNCIL:

COUNCIL COMMENTS:

CLOSED SESSION:

31. Motion to hold Closed Session as provided by Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation

ADJOURNMENT:

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JULY 21, 2020

The Special Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on the 21st day of July, 2020. The Mayor announced that it is impractical to hold an in-person Council meeting due to the Governor of Iowa declaring a public health emergency because of the COVID-19 pandemic. Therefore, this meeting is being held as an electronic meeting as allowed by Section 21.8 of the *Iowa Code*. Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Rachel Junck, and David Martin and *ex officio* Member Nicole Whitlock joined the electronic meeting. The Mayor described the options available to those who wanted to offer public input.

On behalf of the City of Ames, Mayor Haila extended deepest condolences to the family of Representative John Lewis and noted that flags were being flown at half-staff to honor him.

WORKSHOP REGARDING MULTI-FAMILY COMPONENT OF 321 STATE STREET DEVELOPMENT: Mayor Haila said Council discussion will ensure the project can move forward, though no final Council decision will be made this evening.

Ms. Baker-Latimer said that, in December 2017, Council directed staff to create a development concept for single-family homes in this area, which is now called Baker Subdivision and includes affordable multi-family housing on the site. In January the budget process time frame was laid out. She said staff met with the surrounding neighborhoods and Civil Design Advantage (CDA) to come up with six concept designs, which were shared with Council on February 25, 2020, and Concept F was selected. Ms. Baker-Latimer said single-family homes would be located on the north side and multi-family rental housing on the south side. She said Low-Income Housing Tax Credit (LIHTC) program details, Q&A's, and 2020 income guidelines are included in the Council packet information. Ms. Baker-Latimer said this meeting will include Council discussion and public input from members of the neighborhood regarding the south side to assist staff in drafting a Request for Proposals (RFP). Planning and Housing Director Diekmann said staff is recommending the RFP be broad in order to receive proposals with different options.

Council Member Martin said there has been interest from neighbors on a lease-to-buy concept and asked what impact that would have on housing type and density. Ms. Baker-Latimer said she visited two sites in Des Moines and one site in Bondurant that were rent-to-own programs with tax credits, and they are eligible projects under the Iowa Finance Authority (IFA) criteria. She said all sites had on-site management for maintenance. She said she is unsure how many units would need to be proposed for the project to be financially feasible. Mr. Diekmann said that within the three available acres about 12-18 single-family homes could be accommodated, and any other configuration is hard to speculate. Mr. Martin asked how that compares to the multi-family construction targets. Mr. Diekmann said with two to three stories 40 units could fit comfortably. Ms. Beatty-Hansen asked about duplex or triplex options. Mr. Diekmann said that would be hard for staff to project. Ms. Beatty-Hansen asked about the on-site manager. Ms. Baker-Latimer said the maintenance staff had office hours. Ms. Betcher asked about the definition of multi-family. Mr. Diekmann said multi-family is three or more units connected in a building. He said the Des Moines Greystones project has 26 four-bedroom homes.

Council Member Gartin said single-family homes or duplexes will most likely not achieve the desired density. He said it makes sense to consider an apartment-like building and create condominiums. Mr. Diekmann said he doesn't believe that to be precluded by rules, but he hasn't seen it before.

Council Member Martin asked if the RFP will include the possibility of lease-to-own properties or if that is something that needs done separately. Mr. Diekmann said Council would need to determine if it's willing to consider that type of proposal. Mr. Martin asked about the way a lease-to-own option works. Mr. Diekmann said there's a substantial amount of years the unit must be a rental. Ms. Betcher said the Des Moines Greystones project has a 15-year rental requirement before the unit is eligible for purchase.

Ms. Baker-Latimer said IFA's point system looks at the community and the housing need, so broad requirements would allow developers to submit options. Mr. Diekmann said developers want to know what the City wants in order to put their best proposal forward, yet more options will be submitted if more freedom is given. Mr. Gartin said he's worried that the option of lease-to-own has come up late in the process, and he doesn't want it to constrain the process.

Mayor Haila opened public forum.

Tony Ramey, 425 Hilltop Road, Ames, said Joanne Pfeiffer contacted him about the Des Moines Greystones project, which is the first project he has heard about with the lease-to-own option. He said he feels something similar would be good for the city and the neighborhood.

Debbie Ramey, 425 Hilltop Road, Ames, asked for clarification on the acronyms being used. Mr. Diekmann reviewed the acronyms being used and explained IFA is the state agency reviewing and awarding the LIHTC, which help lower the cost of producing lower income housing. He said it's a competitive program across the state with more requests than funding. Low density was defined as up to seven units per acre, medium density was defined as seven to 22 units per acre, and high density as up to 40 units per acre.

Sheila Riggs, 405 S. Wilmoth Avenue, Ames, thanked the Council for its service. She asked how Ames distributes housing to low-income families in different wards of Ames.

Jan Flora, 1902 George Allen Avenue, Ames, said he likes the direction of the discussion and appreciates the rent-to-own idea. He said accumulating equity from the beginning would contribute to stability for renters.

Marilyn Clem, 3306 Morningside Street, Ames, said she's not in favor of high rises in the area. She asked if anyone is willing to build the five houses planned on Wilmoth Avenue. She said she would like to see the neighborhood beautified and she doesn't believe a high rise complex would do that. She suggested row houses.

Michael Petersen, 3302 Morningside Street, Ames, asked the council members if they would vote in favor of more multi-family housing if they lived in the neighborhood.

Joanne Pfeiffer, 3308 Morningside Street, Ames, thanked Council for the conversation and for reading the letters that were submitted. Mayor Haila said he knows they have been received and will be taken seriously.

Ms. Baker-Latimer told Council that developers get funded by IFA, Iowa Economic Development, or Housing and Urban Development (HUD) to build subsidized housing where they already own land or where land is available. She said food, groceries, and transportation must be readily available in the area. Ms. Baker-Latimer said families receiving Section 8 assistance are spread out all over the community. Mr. Diekmann said this property was purchased with Community Development Block Grant (CDBG) funds to pursue affordable housing. Council Member Corrieri said the Analysis of Impediments to Fair Housing Choice has shown a need for affordable housing in Ames. Ms. Baker-Latimer concurred, and noted the challenges of cost and availability in Ames.

Ms. Baker-Latimer said CDA has been hired and the lot layout is complete. She said on July 28 staff hopes to bring plans and specifications to Council so construction can begin on the north side. Mayor Haila asked when she estimates they will break ground. Ms. Baker-Latimer said it's possible by the end of the year or the first of next year.

Mayor Haila closed public input.

Council Member Gartin asked when the units will shift to market value rental units. Ms. Baker-Latimer said it depends on the stipulation period. Mr. Diekmann said the rental project is expected to be affordable housing for 30 years. Mr. Diekmann said staff needs to know if Council wants to entertain options for standard rental property and lease-to-own property. He said Council can dictate that appearance from the street be as a smaller scale building.

Council Member Betcher said she believes the benefit to families is important along with the view from the street.

Council Member Gartin said Council is tasked with the responsibility of providing low-income housing. Mayor Haila asked if direction is not clarified, would a developer try to fit in as many units as possible. Mr. Diekmann said developers will ask immediately about the zoning, and in this instance the property will be rezoned to fit the property type. Mayor Haila asked if it's possible to not receive any proposals. Mr. Diekmann said he's unsure if there's enough viability for exclusively rent-to-own units.

Mr. Martin said there's a lot to like about the lease-to-own idea, and he doesn't want to take it off the table. He said he's not concerned that the buildings on the south side would be in anyone's sight line.

Ms. Junck said she's interested in seeing both options.

Ms. Beatty-Hansen said she would like to see both options.

Ms. Corrieri said she would like to keep it flexible, though she's skeptical that developers will come forward with rent-to-own options.

Ms. Betcher said she would like to look at rental only or a combination of rental and rent-to-own for the multi-family units. She said the way the property looks is important.

Mayor Haila asked if a two story limitation would allow the density goals. Mr. Diekmann said two and a half or three story buildings could make it easier to achieve density goals, but he wouldn't recommend more than three story buildings. He said it will not be a strict scoring system, rather more qualitative.

Moved by Gartin, seconded by Betcher, that the draft RFP set a limitation on the buildings to be no more than three stories. Mr. Diekmann noted Council will be very involved in all aspects of the buildings.

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

Mr. Gartin asked if the RFP could include an emphasis on aesthetics to ensure the structure is attractive. Mr. Diekmann concurred, and said more qualitative details can be included.

Moved by Gartin, seconded by Betcher, to direct staff to include aesthetic elements in the RFP. Ms. Betcher asked if the aesthetics would be compatible with single-family homes. Mr. Gartin said he is hoping for broad language on landscaping and architectural features.

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

Moved by Martin, seconded by Betcher, to express interest in both lease-to-own options and exclusively long-term rental options.

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

RESOLUTION APPROVING/MOTION DENYING MANDATING MASKS TO BE WORN IN CITY BUILDINGS: City Manager Steve Schainker discussed current policy. Council Member Martin asked if Council proceeds with requiring face coverings in City buildings how that would work with the shields that have been installed in different areas of City Hall. Ms. Schildroth said those behind the shield could be required to wear masks at all times, or when assisting customers. She said the areas most impacted would be Utility Customer Service, Community Center, and the Library, as those work stations are protected by barriers. She said barriers are available at other offices as well. Mr. Schainker said if face coverings are required and staff members behind the barrier are not wearing face coverings, it could create questions.

Ms. Betcher if employees are comfortable as it is or if employees would be more comfortable if everyone wore masks. Ms. Schildroth said discussions with employees have been going on, and if

anyone wants to wear face coverings more than what's required that is allowed. Mr. Schainker said masks must be worn when social distancing is not possible.

Ms. Beatty-Hansen asked about the process when someone has tested positive for COVID-19. Ms. Schildroth went through the process. Mayor Haila asked if City facilities are following Centers for Disease Control and Prevention (CDC) guidelines. Mr. Schainker concurred. Mayor Haila said any further requirements would go beyond CDC requirements. Mr. Schainker concurred. Mr. Schainker said masks must be worn in the hallways and in public areas by employees. Member Gartin asked if it's possible to make an estimate on the number of people coming into City Hall without a mask. Mr. Schainker said that's not possible to estimate, but there has been 100% compliance with either wearing a mask into City facilities or putting on a mask when asked. Mr. Gartin asked what would happen if someone came in and said they don't want to wear a mask. Mr. Schainker said they can't be cited or arrested, but they could be asked to leave and if they refuse to leave then the police can be called to remove the person for trespassing. He said it's similar to park rules. Mr. Gartin said there must be an alternative way someone could access City services in if they do not want to wear a mask.

CyRide Director Barb Neal said they have been "expecting" passengers to wear masks, and they have enough masks to offer riders. She said the Board is comfortable moving forward with the term "required" as long as riders don't have health concerns.

Ms. Betcher asked about ridership. Ms. Neal said at this time of year ridership is usually about 4,000 -5,000 riders per day and right now they are seeing about 1,200 rides per day. She said about 95% of riders are wearing masks. Ms. Neal said information coming from ISU says masks are required on CyRide buses. Ms. Neal said ISU has worked collaboratively with CyRide to get the word out on expecting masks.

Parks and Recreation Director Keith Abraham said customers are being expected to wear masks and there is varied compliance. He said when customers are participating in activities, less are wearing masks. He said classes are not being held in the aerobics room, rather the gym so more space is available between participants. Yoga classes and some youth classes are being held outside and participants are not wearing masks.

Ms. Betcher asked if the supply of masks will allow the City to continue offering them. Mr. Schainker concurred, and said when there are enough face shields on hand those will also be made available.

Assistant City Manager Deb Schildroth said they have access to Cyclones Care templates and the consistency in messaging has been helpful. Public Relations Officer Susan Gwiasda said there has been 100% agreement with the four basic pillars of healthy choices, which are depicted in symbols and easy to understand. She said broad support has been received. She said the City received high traffic on social media when sharing about Cyclones Care, and the next City Side will feature the

four pillars of healthy choices. She said ISU has open sourced all of the signage so it will be used at the mall, in schools, businesses, etc.

Mayor Haila wondered if, when there are barriers present, if employees would need a mask only when speaking to customers. Ms. Betcher said an email was received about observations on where masks are being worn in City Hall. Mayor Haila said when social distancing it doesn't seem necessary to wear a mask.

Mr. Gartin asked what a bus driver would be required to do if someone takes their mask off. Ms. Neal said the safety of the driver has to be considered, and it's not an enforceable requirement. She said she doesn't expect drivers to police people if riders take their mask off on the bus.

Moved by Betcher, seconded by Corrieri, to approve Alternative 1, requiring the wearing of face coverings in all City buildings; allowing staff to determine which Parks and Recreation activities participants are required to wear face coverings; directing staff to make face coverings available to customers in City buildings who don't have one; and requesting that the Transit Board mandate all riders wear face coverings on CyRide buses.

Mr. Gartin said he will be voting no because he is concerned about enforcement and encouraged by current compliance. Mr. Martin said he finds it difficult to understand the difference between expecting masks and requiring masks when there is 100% compliance. He also said the enforcement requirement doesn't sound much different when requiring masks, but he realizes the importance of organizations in Ames sending the same message and will support the motion. Ms. Betcher said her concern is consistency of messaging. Mayor Haila said staff is being sensitive to wearing masks when interacting with others.

Vote on Motion: 5-1. Aye: Beatty-Hansen, Betcher, Corrieri, Junck, and Martin. Naye: Gartin. Mr. Gartin asked Mr. Schainker to notify Council if he becomes aware of any services not available to those refusing to wear a mask.

DISPOSITIONS OF COMMUNICATIONS TO COUNCIL: Assistant City Manager Brian Phillips said a packet was recently received with five event applications from Ames Main Street. He said staff would like to know if they should be evaluated, and if so by what criteria (the May COVID-19 criteria or the regular criteria).

Moved by Martin, seconded by Betcher, for staff to review the applications and place them on a Council agenda for Council to review.

Ms. Betcher said she wants Council to have the ability to cancel events if needed. Mr. Phillips asked if staff should evaluate the events with the COVID-19 criteria or the regular criteria. Mr. Martin said both sets of criteria would be helpful.

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

Ms. Schildroth said the year-end report on the contract with United Way of Story County (UWSC) for capital projects has been received. Mr. Schainker said UWSC is returning about \$31,000 of the funds that were unused. Ms. Schildroth said a portion of those returned funds were used toward a request by Emergency Residence Project for sheltering.

COUNCIL COMMENTS:

Mr. Gartin said he sent an email to Council about a potential partnership with the schools and Parks and Recreation to make parks available for learning.

Moved by Gartin, seconded by Beatty-Hansen, for staff to reach out to all schools serving Ames children to see if they have any interest in using parks for learning.

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

Ms. Betcher said she participated in a webinar briefing for Capitol Hill for the next aid package. She was happy to highlight the Cyclones Care program.

Mayor Haila said Council directed a letter be sent to the Governor last week regarding cities being able to mandate mask wearing, and he has not received a response yet. Mr. Schainker said letters to bar managers were received well, and police officers assured them they will work together. He said a full report will be provided on Friday.

Mayor Haila said the Chamber of Commerce has an annual fly-in to Washington D.C. in the fall and this year it will be a virtual meeting during the first week of August to meet with Senator Ernst and Senator Grassley. He told Council members to email him if they have any concerns they wish to share.

Mayor Haila said he appreciates Story County Emergency Management staff, and weekly updates with mayors, public health officials, and communications staff continue. He said there are so many people committed to working together to slow the spread of the virus.

Mayor Haila said Thursday night will be the last of the NAACP conversations and will feature ISU President Wendy Wintersteen and him.

ADJOURNMENT: The meeting adjourned at 8:22 p.m.

Diane R. Voss, City Clerk

John A. Haila, Mayor

Erin Thompson, Recording Secretary

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JULY 28, 2020

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

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

RECOGNITION OF UNITARIAN UNIVERSALIST FELLOWSHIP OF AMES AS A SUNSMART CHAMPION FOR THE CONGREGATION'S EXTRAORDINARY SUPPORT OF THE SUNSMART COMMUNITY SOLAR PROJECT: Mayor Haila explained that he was presenting a certificate to the Unitarian Universalist Fellowship of Ames for being the first SunSmart champion. The Unitarian Universalist was being recognized for its commitment to renewable energy through the SunSmart Ames community solar project. Mayor Haila stated it was exciting to break ground on the Solar Farm project last Friday, and the City is expecting to start producing solar energy by the end of the year. The Unitarian Universalist's commitment to renewable energy is evidenced by the congregation's purchase of enough Power Packs to provide 100% of its electric usage. In addition to participating in SunSmart Ames, the Unitarian Universalist Fellowship of Ames had already installed solar panels at its facility in 2010 and was the first customer-owned system interconnected to the Ames Electric System. By signing the certificate, the Mayor was pleased to name the Unitarian Universalist Fellowship of Ames as the very first SunSmart champion.

Reverend Kent McKusick stated that he has been serving the Unitarian Universalist Fellowship of Ames for the past eight years, and it was clear to him that its commitment to sustainable and renewable energy had taken place well before he arrived. Reverend McKusick commented that when this project was offered as a possibility, it was rare to see the excitement go through the congregation as much as it did for this project. He noted that Larry Koehrsen was one of the leaders wanting to have solar usage. Mr. Koehrsen stated that the Unitarian Universalist Fellowship of Ames is an organization that has a strong identity with the natural world, and climate change, and wanting to make a difference. The Solar Farm project was right in the congregation's wheelhouse that provided an opportunity to do something more than just talk about climate change. Mr. Koehrsen mentioned that the congregation set a goal to purchase enough Power Packs to offset the entire electrical energy use in the building. They were able to get enough pledges to meet and exceed their goal. The Unitarian Universalist Fellowship of Ames was pleased to be a part of the SunSmart program along with being present for the groundbreaking of the new Solar Farm.

PROCLAMATION FOR "AMERICAN WIND WEEK," AUGUST 9 - 15, 2020: Mayor Haila proclaimed the week of August 9 - 15, 2020, as "American Wind Week." He encouraged all citizens

to learn more about the benefits of wind energy in the community, celebrate Iowa's leadership in renewable energy production, and the City of Ames' commitment to utilizing wind energy as a part of its energy portfolio. Mayor Haila stated that Electric Services Director, Don Kom was unavailable, but the Proclamation would be sent to him.

Mayor Haila stated that he wanted to acknowledge and give his deepest condolences to the family of Dan Flannery, in the passing of the beloved and skilled Swimming Coach for the Ames High School. He noted that Mr. Flannery's death was an incredible loss to the community.

Mayor Haila announced that the Council was working off an Amended Agenda. City staff added a Resolution approving the amended COVID-19 Leave Policy to the Consent Agenda.

CONSENT AGENDA: Council Member Betcher asked to pull Item No. 11, Resolution approving allocation of \$10,000 from Council Contingency to fund "Cyclones Care," (a collaborative public health education campaign) for further discussion.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meeting of July 9, 2020, and Regular Meeting of July 14, 2020
3. Motion approving certification of Civil Service applicants
4. Motion approving Report of Change Orders for period July 1 - July 15, 2020
5. Motion approving a new 12-month Class C Liquor License with Outdoor Service, and Sunday Sales - La Casa Maya, 631 Lincoln Way
6. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor License with Catering, Outdoor Service and Sunday Sales - Cyclone Experience Network, 1800 S. 4th St - Jack Trice Stadium
 - b. Class C Liquor License with Sunday Sales - La Fiesta Bar & Grill, 823-Wheeler Street, Ste 5
 - c. Class C Liquor License with Class B Wine Permit and Sunday Sales - Hy-Vee Market Grille, 640 Lincoln Way
 - d. Class E Liquor License with Class B Wine and Class C Beer (Carryout Beer) - Fareway Meat Market #189, 3720 Lincoln Way
 - e. Class C Liquor License with Outdoor Service, Catering Privilege, Class B Native Wine Permit, Outdoor Service, and Sunday Sales - The Mucky Duck Pub, 3100 S. Duff Avenue
 - f. Class C Liquor License with Sunday Sales - El Azteca - 2120 Isaac Newton Drive
 - g. Class C Liquor License with Sunday Sales - Es Tas Stanton, 216 Stanton Avenue
 - h. Special Class C Liquor License with Sunday Sales - New Hickory Holding Company, 1404 S. Duff Avenue - pending dram shop
7. RESOLUTION NO. 20-383 approving Quarterly Investment Report for the Period Ending June 30, 2020
8. RESOLUTION NO. 20-384 approving appointment of Kim Linduska to Civil Service Commission

9. RESOLUTION NO. 20-415 approving amended COVID-19 Leave Policy
10. RESOLUTION NO. 20-386 approving Cooperate Agreement between Ames Human Relations Commission and Iowa Civil Rights Commission regarding Intake and Investigation of Civil Rights Complaints
11. RESOLUTION NO. 20-387 approving bow hunting within the Park System, on City property, and at other eligible property as detailed in Urban Deer Management Ordinance and rules
12. RESOLUTION NO. 20-388 approving GIS Coordinator, Ben McConville's participation on the State of Iowa Type III All-Hazards Incident Management Team
13. RESOLUTION NO. 20-389 approving Amendment No. 2 to Professional Services Agreement with WHKS & Co., of Ames, Iowa, regarding Flood Mitigation - River Flooding project for an additional amount not to exceed \$105,200 (total contract not to exceed \$319,200 or 6% of the project estimated cost)
14. RESOLUTION NO. 20-390 approving Third Amendment to Agreement Between City of Ames and Habitat for Humanity of Central Iowa, Inc., for Purchase and New Construction of Property at 3305 Morningside Street
15. RESOLUTION NO. 20-391 approving preliminary plans and specifications for 2020/21 Seal Coat Street Pavement Improvements - E. 8th Street (Duff Ave - Carroll Ave); setting August 19, 2020, as bid due date and August 25, 2020, as date of public hearing
16. RESOLUTION NO. 20-392 approving preliminary plans and specifications for 2020/21 Seal Coat Street Pavement Improvements - Franklin Ave (Lincoln Way - Oakland Ave); setting August 19, 2020, as bid due date and August 25, 2020, as date of public hearing
17. RESOLUTION NO. 20-393 approving preliminary plans and specifications for 2020/21 Right-of-Way Restoration (Standard Vegetation); setting August 19, 2020, as bid due date and August 25, 2020, as date of public hearing
18. RESOLUTION NO. 20-394 approving preliminary plans and specifications for 2020/21 Right-of-Way Restoration (Native Vegetation); setting August 19, 2020, as bid due date and August 25, 2020, as date of public hearing
19. RESOLUTION NO. 20-395 approving preliminary plans and specifications for 2018/19 Storm Water Facility Rehabilitation (Little Bluestem); setting August 19, 2020, as bid due date and August 25, 2020, as date of public hearing
20. RESOLUTION NO. 20-396 approving preliminary plans and specifications for Baker Subdivision; setting August 19, 2020, as bid due date and August 25, 2020, as date of public hearing
21. RESOLUTION NO. 20-397 approving preliminary plans and specifications for 2019/20 Traffic Signal Program (Lincoln Way & Beach); setting August 19, 2020, as bid due date and August 25, 2020, as date of public hearing
22. RESOLUTION NO. 20- 398 approving preliminary plans and specifications for 2020/21 Traffic Signal Program (S. Duff & S. 5th Street); setting August 19, 2020, as bid due date and August 25, 2020, as date of public hearing
23. RESOLUTION NO. 20-399 approving preliminary plans and specifications for 2019/20 Multi-Modal Roadway Improvements (13th Street & Clark Avenue); setting August 19, 2020, as bid due date and August 25, 2020, as date of public hearing

24. RESOLUTION NO. 20-400 approving change to bid due date to August 12, 2020, and hearing date to August 25, 2020, for Unit 8 Turbine Generator Overhaul
25. RESOLUTION NO. 20-401 awarding Contract to Carrier Access Inc., of Clive, Iowa for Replacement of the Core Network Switches and Associated Infrastructure in the amount of \$119,070.35 for the Information Technology Division
26. RESOLUTION NO. 20-402 approving contract and bond for CyRide 2020 Interior Improvements Project
27. Steam Turbine No. 8 Parts Procurement for the Power Plant:
 - a. RESOLUTION NO. 20-403 approving contract and bond for Steam Turbine No. 8 Parts Procurement for the Power Plant with Argo Turboserve Corporation
 - b. RESOLUTION NO. 20-404 approving contract and bond for Steam Turbine No. 8 Parts Procurement for the Power Plant with Mechanical Dynamics & Analysis LLC (MD&A)
 - c. RESOLUTION NO. 20-405 approving contract and bond for Steam Turbine No. 8 Parts Procurement for the Power Plant with Alin Machining Company, Inc.
 - d. RESOLUTION NO. 20-406 approving contract for Steam Turbine No. 8 Parts Procurement for the Power Plant with Action Turbine Repair Services Inc., (ATRS)
28. RESOLUTION NO. 20-407 approving Change Order No. 1 to Peterson Contractors, Inc., of Reinbeck, Iowa, for the South Grand Avenue - South 5th Street Project in an amount not to exceed \$77,362.49
29. RESOLUTION NO. 20-408 approving Change Order No. 2 to Keller Excavating Inc., of Boone, Iowa, for the 2018/19 Water System Improvements project (Burnett Avenue and Murray Drive) in the amount not to exceed \$78,589
30. RESOLUTION NO. 20-409 accepting completion of 2017/18 Water System Improvement - Water Service Transfers (10th and 12th Streets)
31. RESOLUTION NO. 20-410 accepting completion of 2018/19 Asphalt Street Pavement Improvements (Florida, Reliable, Hutchison, Delaware)
32. RESOLUTION NO. 20-411 approving completion of 2017/18 Shared Use Path System Expansion (W. Lincoln Way)

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

ALLOCATION OF \$10,000 FROM COUNCIL CONTINGENCY TO FUND “CYCLONES CARE,” A COLLABORATIVE PUBLIC HEALTH EDUCATION CAMPAIGN: Council Member Betcher stated she pulled this item because there have been a couple of very positive additions to the “Cyclones Care” messaging, and she thought Public Relations Officer Susan Gwiasda could provide more information.

Ms. Gwiasda explained that the Story County Board of Supervisors had its regular meeting and decided they wanted to become a part of the campaign as a funding member and approved \$3,000 to be put towards the “Cyclones Care” message. In addition, Heartland Senior Services reached out and wanted to contribute at a lower level to the campaign. Ms. Gwiasda stated that they now have confirmed support from Iowa State University, the Ames Chamber of Commerce, Story County,

Heartland Senior Services, Mary Greeley Medical Center, and the League of Women Voters. It was pointed out that there were many organizations that are agreeing to be part of the communications plan to push the message out, but do not have the finances right now to contribute to the marketing campaign. Many organizations are willing to do what they can. Ms. Gwiasda stated it was great to see the collaborative spirit of the community.

Moved by Betcher, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 20-385 approving the allocation of \$10,000 from Council Contingency to fund “Cyclones Care,” a collaborative public health education campaign.

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

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

MOTION TO DIRECT STAFF TO PROCEED WITH ISSUING A REQUEST FOR PROPOSALS (RFP) ON 321 STATE STREET FOR MULTI-FAMILY DEVELOPMENT ON THE SOUTH PARCEL UTILIZING LOW-INCOME HOUSING TAX CREDITS (LIHTC):

Planning and Housing Director Kelly Diekmann explained that a Request for Proposals (RFP) had been prepared based on the feedback received from last week’s Workshop. The RFP is open to housing options that have rental components that are consistent with the Low-Income Housing Tax Credit (LIHTC) Program that is run by the Iowa Finance Authority (IFA). The proposal focuses on allowing a lease-to-own option or standard rentals. The main preferences that were put into the RFP were to see smaller scale building types with a restriction of three-stories in height. The scoring system is going to be a comparison of proposals and will be forwarded to City Council to find the best project that meets the interest of the City. The number one priority is to find a developer that is experienced with LIHTC and can put a competitive project together. Director Diekmann noted that, as a draft RFP, there will be a few small edits by staff to get it finalized by next week.

Council Member Betcher explained that there is a points category for market rate housing to be included in the project and she wondered if that had to be included in the proposal for the LIHTC or if the market rate housing is somewhere within the subdivision, and therefore, the LIHTC application would get points. Mr. Diekmann commented that it was his understanding that it would need to be on the property of the recipient of the LIHTC application, and under the control of the developer.

Mayor Haila referred to Attachment D (CDBG Special Terms and Conditions) where it mentioned that “agencies must be an incorporated non-profit in Iowa by proposal submittal,” and wanted to know if the developers have to be non-profit or is the non-profit referring to the City. Housing Coordinator Vanessa Baker-Latimer explained that the agencies claiming to be a non-profit have to show that they are. She mentioned she will change the wording in that section to be clearer.

Mayor Haila commented that the RFP noted that the developer had to figure out if they have

adequate storm water capacity in the pond. He thought the pond was designed to handle both properties across the street and this property. Mayor Haila inquired if the developers would be told how much storm water capacity they get to use, and if they go over, they have to figure out how much land to dedicate to a storm water pond on the property. This could reduce the amount of developable land. Director Diekmann explained that the reason that was put into the RFP was because staff has a very broad assumption about the development of the entire area for 321 State, but can't guarantee what the proposals will be. It was a "catch all" way to make sure to verify that the project is correct with assumptions.

Mayor Haila also mentioned that the proposal indicates that a geothermal system is going to be put in, and the developer is expected to connect to it. He wanted to know how this was going to be done. Director Diekmann stated when speaking with the Electric Services Department, it is the expectation that the system for the single-family home area could also serve this property. The way it was worded is the expectation that the developer would connect to the geothermal, but if there was a good reason why a developer couldn't connect, they would be expected to extend a natural gas line from the west side over to the site so heating and cooling could be done under conventional needs. Mayor Haila pointed out that in the RFP it stated that "the developer is responsible to connect to the district geothermal heating and cooling system at the north edge of the site along Tripp Street," and he wanted to make sure the wording is clear that if the developer didn't want to connect it would be the developer's prerogative. Mr. Diekmann explained that the understanding is that the developers will connect to the geothermal system. It would cost less for the developer to connect to the geothermal system. The developer would only need to take the electric to the edge of the street to the area. The Ames Electric Department will have already covered the capital costs. Ms. Baker-Latimer mentioned that they could put in additional language to clarify that the City is in the process of having the geothermal system put in as part of the development on the north and south side. This way the developers are aware that the City of Ames is installing the system.

Mayor Haila asked if it would be helpful under submittal requirements to add a note to reinforce that there will be no reimbursement for any expense as part of the RFP response or for final development plans and permits by the City. He noted that it may be beneficial to state the no reimbursement aspect in a couple places.

Mayor Haila opened public comment.

Tony Ramey, 425 Hilltop Road, Ames, wanted to comment about the email he sent to the Council earlier. He noted that he did get a reply from Council Member Martin. Mr. Ramey stated he was asking to include a proposal that is in line with what the neighborhood would like to see with triplex's that would be rent to own. Mr. Ramey stated that an additional sentence could be added to 1E; that mentions lease-to-own housing units. He stated that he sent the email and mentioned it because of the scoring criteria for LIHTC and thought that in the scoring criteria under 6.1.4 that provides an opportunity for home ownership would give 25 points. He believed that if a developer would take into consideration his recommendation, they would get more LIHTC points.

Moved by Corrieri, seconded by Betcher, to approve Alternative 1. To direct staff to proceed with issuing a Request for Proposal (RFP) to identify a partner developer to pursue the development of a multi-family housing component on the south parcel of the Baker Subdivision utilizing Low-Income Housing Tax Credits (LIHTC).

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

STAFF REPORT ON THE AMES URBAN FRINGE PLAN AMENDMENT AT 23959-580TH AVENUE (CAREMOLI): Planning and Housing Director Kelly Diekmann stated a similar request had come before the Council earlier this year from Papa's Towing Company, but the Council chose not to proceed with a request due to its timing in relation to the Ames 2040 Plan and an Ames Urban Fringe Plan (AUFPP) Amendment to a different use type. Director Diekmann explained that the site has a County A-2 zoning, which allows for agricultural business uses along with other agricultural activities. The property owner doesn't believe he can tenant the buildings for an agricultural use and would like to explore other options. The property was then sold, and the current owner, Larson Leasing, LC, is requesting an amendment to the AUFPP in support of a different mix of uses for the existing buildings that would include office, commercial, and warehouse space. Story County Planning had determined that a zoning district change would need to occur for the owner's desired use of the existing building with a mix of industrial and commercial activities; the preferred County zoning district would likely be a Commercial/Light Industrial. Mr. Diekmann explained that per the Ames Urban Fringe Plan, a rezoning of the site is not permissible under the current Industrial Reserve Designation.

Director Diekmann commented that there were two options to move forward. The first option would be to allow the applicant's needs to be met by allowing for a change in the AUFPP that would also allow Story County to rezone the site to Commercial/Light Industrial, and the property would stay within the County for its review and development. The other option is to change the designation to allow for the property to be annexed. Even though the property doesn't touch the City of Ames at this point, there are two intervening properties that the City already has consent to annex. The City could combine those two properties along with this property for a voluntary annexation. The primary difference would be the review territory would be within the City and a zoning district would need to be applied to the property. Director Diekmann mentioned that the new zoning district would be something that staff would be working on this winter as the utility project moves forward. It was pointed out that if the property is allowed to proceed through Story County's process, the City would require that the property would be annexed sometime in the future. He noted that the Iowa DOT planned to construct a new interchange in the vicinity of this site that will create a primary entrance from Highway 30 to the City's planned Prairie View Industrial Park location. This location is viewed as a critical entry into the City's planned industrial expansion area. Mr. Diekmann mentioned that, if the property was annexed into the City, water and sewer service would not be available for a long time, but the site is already developed and could continue to operate under its current utility system.

Director Diekmann displayed a location map and explained that no new buildings are being proposed on the site.

Council Member Gartin asked for Mr. Diekmann to point out which properties have consented to be annexed into the City. Mayor Haila asked if there were any requirements from the State in order to annex land to avoid jagged borders. Director Diekmann stated that when it is a voluntary annexation the State doesn't question it, but the State will question the boundaries when doing an 80/20 annexation.

Council Member Gartin asked if there were any properties that should be brought in as an 80/20 annexation. Director Diekmann explained that he didn't really look at the annexation choices once staff saw that annexation was possible. It was pointed out that there were about three to four properties on 580th that were rural development and would probably not be interested in coming into the City since there currently is not any access to utilities. Mr. Diekmann commented that he can look into the 80/20 annexation during the annexation process. Mr. Gartin noted that the City could reach out later to the properties to see if they would want to be annexed.

Council Member Betcher questioned if the Council went with Option 2, and developed the new industrial zone, what would the staff hours be and if the Work Plan needed to be re-prioritized. Director Diekmann explained that it would not affect the current Work Plan.

Mayor Haila inquired if the new interchange would have Highway 30 elevated and then have 580th go underneath an overpass. Mr. Diekmann mentioned that he is not that familiar with the Iowa DOT's plan.

Mayor Haila wanted to know if Mr. Diekmann was familiar with Story County's Commercial/Light Industrial Zoning and if Mr. Diekmann had any concerns about something being put in that was incompatible with the City's vision. Director Diekmann stated that will be something for staff to look into further during the application process. Mr. Diekmann noted he would be concerned about Story County's Conditional Use Permits, which allow racetracks and commercial campgrounds, but overall Story County's Commercial/Light Industrial Zoning is in-line with the City's zoning standards.

Mayor Haila asked when the Council gives staff direction, would it allow the application to move forward only. Director Diekmann stated that would be correct, and if the Council approved the application, the applicant would need to go to Story County to have the Board of Supervisors approve the application, and then the applicant would file a Fringe Plan Amendment with the City of Ames to kick off the review process and the public notice process.

Mayor Haila opened public input and closed it when no one came forward to speak.

Council Member Gartin mentioned that, in the long term, this property would be one that the Council would want under City control. He noted that Option 2 would be the best option, and he would be interested to hear what annexation options there would be. Mr. Gartin explained that this area is important, and the annexation needs to be done correctly.

Moved by Gartin, seconded by Beatty-Hansen, to approve Option 2, to allow the applicant to move forward with an application to amend the AUPF from Industrial Reserve to Planned Industrial (PI) and allow a concurrent voluntary annexation application.

Council Member Betcher asked if the property owner, Mr. Larson, had a preference to any of the options listed in the Staff Report. Mr. Diekmann stated that Option 1 would be the easiest, but Mr. Larson said he would be fine with Option 1 or Option 2. Director Diekmann noted that with the annexation, whether in Option 1 or 2, the timing can be controlled by the City either by a certain timeframe, by the City's request, or by a trigger in the covenant that states prior to any new buildings being added.

Council Member Martin stated he is not sure why the City would want to move quickly with the annexation rather than hold that option in reserve until the time is right. He was hesitant about Option 2 versus Option 1, and asked if there was a good reason to move forward immediately. Council Member Betcher explained that she is considering Option 2 due to the fact that it has the option of expanding the annexation area. Council Member Martin mentioned that he is understanding that Option 1 would add this property to the list of future annexation agreements that could be done when the time was right, where Option 2 would do everything all at once. Director Diekmann stated that was how staff was trying to make the two distinct. Mayor Haila noted that if the property is required to be annexed, the properties will need to be brought up to the City's Building Code requirements. It was noted that if any of the buildings were to be a business, they would have to bring the building up to Fire Code and add sprinklers; which will be hard to do with rural water. Mayor Haila just wanted to make the Council aware of what could factor into the project down the road for the property owner. Mr. Diekmann stated he knows the property owner has not thought of all that yet as there is still a lot to be learned. Council Member Betcher stated that it sounds like it would be more beneficial for the applicant to go with Option 1. It was noted that Option 1 would definitely be easier for the applicant. Director Diekmann noted that if there was a consensus for moving to the Planned Industrial (PI), staff can work on the annexation component concurrently with the PI designation. The Council is not approving the PI change tonight; staff would have to draft an annexation agreement and that is something that could be worked on.

Council Member Gartin stated that one of the big things for him is he doesn't want this property to be developed under the County regulations; the property should be developed to the City's standards. He noted this is a critical property even though there is not a lot there, but the addition of the corridor will make the area very beneficial to the community.

Mayor Haila inquired about the buildings that were already on the property and if they were going to be doing anything to the outside of the building or just getting renters into the building. Mr. Diekmann commented that some of the outside facade may change to add doors, but the vacant land in the back would not get touched.

Council Member Martin appreciated Mr. Gartin's point about wanting to share the rights of the development standard going forward, but he liked the idea of achieving this through covenants. He

wondered if there is consensus to move to Planned Industrial and approve Option 2. He asked if Mr. Diekmann would be able to come back to the Council and explain that maybe the best thing to do is not to do the annexation immediately due to some other factor. Mr. Martin explained he didn't want to make a decision that will lock the Council into something that can't be changed. Director Diekmann mentioned that there is still a lot to be learned about the annexation regarding timing for the City and for the applicant. Mr. Diekmann stated if the Council chose Option 2, the annexation would be done as soon as possible, but they would work through it while doing the Ames Urban Fringe Plan. He noted all the Council would be doing is telling the applicant how to apply.

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

STAFF REPORT REGARDING DOWNTOWN PAVER REPLACEMENT PROJECT:

Assistant City Manager Brian Phillips stated that Justin Clausen, Public Works Operations Manager, and Angie DeWaard, Public Arts Commission, are on the line as well to answer any questions. Mr. Phillips mentioned there are three questions that staff would like to get direction on from the City Council before moving forward with finalizing the plans and specifications for the project. He noted that two of the questions are straightforward after having discussions with Ames Main Street and that would be regarding the color and patterns of the pavers. In communication with Ames Main Street they are comfortable with staff's recommendations. Mr. Phillips stated that in order to replicate the current pattern, it may increase the cost of the project, but staff believes they can specify the curved pattern as well as right angle pattern and see what bids come in.

Mr. Phillips stated the big discussion is the wall and artwork at Tom Evans Plaza. Ames Main Street and the Public Art Commission (PAC) had a discussion with the artist and investigated options pertaining to the wall. It may be possible to renovate the wall at a cost a little higher than \$16,000, but it was the desire of Ames Main Street and PAC to decommission the wall and have it removed as part of the paver project. He noted that they need Council's opinion about the wall in order to finalize the plans and specifications.

Mayor Haila inquired as to why people would want the wall removed. Mr. Phillips explained that the communication from Ames Main Street indicated that the wall was in disrepair; many of the tiles are coming off the wall or are cracked. It would be difficult to match the colors of the existing tiles if they were to repair the wall. Assistant Manager Phillips explained that the comments from Ames Main Street were that the removal of the wall would open the space in Tom Evans Plaza for people to be able to see into the Plaza. Both Ames Main Street and the Public Art Commission recognize the opportunity for future artwork to be placed in the area. It was also unclear at the time PAC met how much it would cost to rehabilitate the wall, and the expectation was that it was going to be very expensive. PAC felt that given all the circumstances, it would be best to decommission the wall. Mayor Haila inquired if the \$16,000 would replace all the tiles or just some of them. Mr. Phillips noted that amount would be to just replace the damaged tiles. Mayor Haila commented that the colors may not match and look patchy.

Council Member Betcher commented that if the wall was to be taken down the City would lose the

electricity that is currently hidden within if the wall. The electric service being removed may be an issue for the Ames Farmers Market and other events Downtown. The Staff Report also mentioned the installation of expensive bollards or planters in the area. She wondered if the wall were to be taken down if it would be a permanent solution or would the area be considered to have temporary planters with some sort of electricity available. Mr. Phillips explained that if the wall were removed, they would need to spend at least \$500 to abandon the existing electrical back to a junction box. If electrical outlets are desired, then they would need to spend an additional \$2,000 to reconnect the service and put in a new box. Assistant City Manager Phillips commented that would be a question for the Council to decide if they would like to have electrical service available or not. Council Member Betcher asked if the Council wanted to put in new electrical would it need to be done when putting the pavers in or could it be done later. Justin Clausen explained it would be preferable to put in the electricity before the pavers go in. They would run conduit from the existing junction box to another island that is close to where the outlets are currently. The electricity could be put in later, but they would have to remove the pavers, and this could damage some of them; they would need to replace them if that were to happen.

Mr. Phillips noted that the bollards were recommended by staff in order to separate the driving area and the pedestrian area. There are some options regarding the bollards. Each bollard costs around \$1,000 and 11 bollards would need to be purchased. If cost was an issue, there are alternatives that could be done instead of the bollards. Mayor Haila wanted to know if the quote for the bollards was current as the ornamental bollards can be very expensive. Mr. Clausen explained that he had reached out to the supplier that originally supplied Ames Main Street with the current bollards and the quote is current. Council Member Betcher explained that the current bollards are looking rusty and Ames Main Street is not happy with what has happened to the bollards. Mr. Clausen explained that what is happening to the current bollards has to do with the age of the bollards and painting. The newer bollards are being done by powder-coating, which helps maintain the color for a longer period. Ms. Betcher asked, if they decided to take down the wall down, would the Council be locking themselves into something that Ames Main Street is not going to like. She noted she had a conversation with John Hall, Senior Director of Business Development with Ames Main Street, about different ideas for Ames Main Street. Mr. Phillips noted that there have not been any further conversations outside of the paver project with Ames Main Street.

Council Member Beatty-Hansen inquired if the \$16,000 cost to repair the wall was known to the Public Art Commission before they made their decision to recommend decommissioning it. She inquired if PAC had known about the cost of removing and replacing the wall, would its decision have been different. Mr. Phillips explained that PAC held their meeting knowing that the cost of the repair was going to be very high, but the exact amount was not known. The Council could ask PAC to review the request again with the cost amount added, but there would be some timing issues as they would like to start replacing the pavers this fall. Angie DeWaard, Public Arts Commission member, stated that there is a lot of maintenance that would be necessary, which was mentioned when the wall was first put up, and that had either been lost in time or just had not been doing the maintenance. She wanted to point out that if the wall was repaired, there would be ongoing maintenance issues going forward. Ms. DeWaard commented that when she was speaking with

Ames Main Street, it felt that they did not like the wall regardless if it would be repaired or not. Mayor Haila noted that with the ceramic tiles there would be a lot of maintenance especially with Iowa's colder winters. Council Member Beatty-Hansen asked if the artist had expressed his desire to have the wall decommissioned as well. Ms. DeWaard stated that the artist did have a conversation with Elizabeth Erbes, Ames Main Street, and after speaking with Ms. Erbes, the artist did comment that if the were to be removed it would open the area.

Mayor Haila stated that in the Staff Report it mentions that a curb would need to be installed to transition the existing street down to the paver elevation. He wanted to know if there were any safety concerns. Mr. Clausen stated that since there is a curb on the street side that is six inches higher than where the pavers sit, there needs to be a way to transition it down. His concern is to maintain ADA slopes as there are two crosswalks on either side of the wall. Any bollards would need to be placed in between the curb area. This would allow the City to have a more level Plaza area. They did not go into a detailed design, but something is needing to be done to help with the elevation.

Council Member Gartin mentioned that when RAGBRAI was held in Ames there were different concert venues along Main Street. He wondered if it would be wise to think about the level of electric service to make sure there are options to have concerts. Mr. Clausen explained that he did work with the Electric Department to get a rough idea about costs, but did not get into an in-depth conversation about different options.

Mayor Haila opened public comment. He closed public comment when no one asked to speak.

Moved by Gartin, seconded by Betcher, to deaccession "The Vanishing Rail Yard."
Roll Call Vote: 6-0. Motion declared carried unanimously.

Mr. Phillips stated that the Council would need to discuss what they would recommend for the electrical outlets, and once they have the final cost, they would take the final costs out of the paver replacement project. If the costs exceed what had been budgeted for the first phase they could take funds from future phases and then maybe allocate funds in future years. Mayor Haila inquired about the other components that need to be added to the project. Mr. Phillips explained that all the other components have to take place if the wall is removed, but the electric outlets are where there is some discretion. Mayor Haila clarified that by the approval of the Council, to demolish the wall, they have committed to \$20,000 cost for the project, and the question is if an additional \$3,000 would need to be spent on electrical service.

Moved by Betcher, seconded by Junck, to reinstall the electrical outlets and to explore expanding the electrical service at the location.
Roll Call Vote: 6-0. Motion declared carried unanimously.

Staff has prepared plans and specifications with two bid alternates: a straight paver pattern and a curving line paver pattern with the third accent color (replicating the existing pattern).

Moved by Betcher, seconded by Martin, to approve the colors as proposed in the Staff Report, which are Cabernet Red, Onyx Black, and Mineral Ice.

Council Member Martin asked to verify that all the pavers are going to be replaced and not just a few here and there. Mr. Clausen stated that was correct; all pavers will be replaced from Clark Avenue to Burnett Avenue during the first phase and will continue with future phases all the way to Duff Avenue.

Council Member Gartin stated he is less concerned about the color and more about the durability of the pavers. Mr. Clausen stated they are expecting top-notch pavers due to multiple reasons. One would be durability because of what is being experienced on the west end. There are some high-grade chlorides that are being used for de-icing material. Mr. Clausen is talking to individual businesses to make sure staff understands access issues and to educate the business owners as to what is being used on the pavers. He noted that a lot of the pavers are being eaten away on the bottom side due to drainage issues. There are weep holes that drain the water, snow, ice, and salt away, and those have gotten plugged over time. Part of the project will be to clean out the weep holes and have better draining and to educate businesses about salting the ground in the winter.

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

MOTION SUPPORTING JOINT PROJECT WITH IOWA STATE UNIVERSITY FOR IMPROVING PUBLIC ENGAGEMENT WITH COMMUNITY RESIDENTS: City Manager Steve Schainker stated that one of the City Council's goals is to "Use the best communication engagement techniques and modern technologies to engage the community by reaching people in geographic areas using multiple channels." Mr. Schainker explained that due to COVID-19 they have fallen behind on keeping up with the Council's goals. He mentioned that Ms. Betcher had introduced him to some faculty members at Iowa State University with the Department of Community and Regional Planning and the College of Design. It was determined that a class could be designed to take the lead on the analysis as early as the fall semester, and depending on the status of COVID-19, a second class could be added in the spring semester.

The benefits of working with an ISU class for the task is three-fold. First, it frees up City staff to work on other goals of the City Council that have been delayed due to the pandemic. Second, it assists ISU in providing students with a real-world project on which to work. Third, there are minimal out-of-pocket costs associated with working with the students as opposed to a very costly consulting contract with a private entity.

A Request for Assistance (RFA) was put together to help ISU with their syllabus and the City to help outline the expectations for the class and also for the Council Members to know what will be happening. The students are to identify techniques that could be used to assure that impacted residents in the community and residents who are not currently engaged in the decision-making process. They will be given the opportunity to provide input and feel they have been heard, not necessarily agreed with, before the Mayor and City Council make a final policy decision or initiate

a project that affects residents.

Integral to the success of this project would be identifying the individual groups (e.g., retirees, racial or ethnic groups, international families, university students, low-and-moderate-income residents, etc.) that exist within the larger community and recommending which of the techniques for City-Initiated Engagement and Resident-Inspired Engagement would be the most appropriate and which engagement techniques are most appropriate for what categories of issues.

Mr. Schainker explained that he normally wouldn't bring this item to the Council for approval, but due to the Council's goal, he wants to make sure the Council's needs are met. There is also a small budget amount requested. The project would be accomplished in two phases over the fall semester in 2020 and the spring semester in 2021. The COVID-19 pandemic makes these plans, and especially, Phase 2, necessarily tentative.

Moved by Beatty-Hansen, seconded by Junck, to approve the project reflected in the attached RFA, along with the minimal budget request.

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

ORDINANCE REVISING *MUNICIPAL CODE* SECTION 17.33 PERTAINING TO SELLING, GIVING, OR SUPPLYING TOBACCO, TOBACCO PRODUCTS, OR CIGARETTES TO PERSONS UNDER 18 YEARS OF AGE: The Mayor opened public comment. There was no one wishing to speak.

Moved by Beatty-Hansen, seconded by Betcher, to pass on first reading an ordinance revising *Municipal Code* Section 17.33 pertaining to selling, giving, or supplying tobacco, tobacco products, or cigarettes to persons under 18 years of age.

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

ORDINANCE VACATING A PORTION OF CITY RIGHT-OF-WAY ADJACENT TO THE SOUTH EDGE OF 2400 SE 16TH STREET: Moved by Corrieri, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4417 vacating a portion of City right-of-way adjacent to the south edge of 2400 SE 16th Street.

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

ORDINANCE REVISING THE PARKING REGULATIONS ON WESTBROOK DRIVE: Moved by Betcher, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4418 revising the parking regulations on Westbrook Drive.

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

HEARING ON PROPOSED CONVEYANCE OF A PORTION OF VACATED CITY RIGHT-OF-WAY ADJACENT TO THE SOUTH EDGE OF 2400 SE 16TH STREET: Mayor Haila opened the public hearing and requested to have the hearing continued to August 11, 2020.

Moved by Betcher, seconded by Junck, to continue the hearing on August 11, 2020, the conveyance of a portion of vacated City right-of-way adjacent to the south edge of 2400 SE 16th Street.
Vote on Motion: 6-0. Motion declared carried unanimously.

HEARING ON EMMA MCCARTHY LEE PARK PEDESTRIAN BRIDGE REHABILITATION: Council Member Martin stated that this bridge washed out in 2018. It has taken a long time to get the bridge repaired, and he wanted to know if the Council could have done anything to speed up the process to get the bridge repaired earlier. City Manager Steve Schainker stated there was nothing the Council could have done as they were trying to get federal funding based on the flood. The City was trying to get \$100,000 in federal funding for the project, but only got \$29,000. Mr. Schainker mentioned, in retrospect, if they had known there were going to only get \$29,000, they may have moved forward with the project without the federal funding. It was noted that once the money was received, they had to go through the approval of the DNR permits etc. Council Member Martin suggested that if a situation like this comes up again, maybe the Council could decide to not wait on the funding. City Manager Schainker stated he would caution the Council in taking that approach, but it would depend on how big the project is.

Council Member Gartin commented that he didn't appreciate how heavily this bridge was utilized, and what a connecting mechanism this is for many neighborhoods. He explained that the Council received a lot of feedback, and he is excited to get the bridge put back into place.

Council Member Martin mentioned he believes the bridge is a huge boost to the quality of life for the citizens of Ames.

The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Junck, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 20-412 approving the final plans and specifications and awarding a contract to Henkel Construction Co., of Ames, Iowa, in the amount of \$179,272.75.

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

HEARING ON 2019/20 CLEAR WATER DIVERSION: The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Betcher, seconded by Junck, to adopt RESOLUTION NO. 20-413 approving the final plans and specifications and awarding a contract to Keller Excavating Inc., of Boone, Iowa, in the amount of \$102,240.

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

HEARING ON 2020/21 US HIGHWAY 69 IMPROVEMENTS (SOUTH DUFF AVENUE AND US HIGHWAY 30 EASTBOUND OFF-RAMP): Mayor Haila opened the public hearing and

closed it when no one came forward.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 20-414 approving the final plans and specifications and awarding a contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$1,019,942.60.

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

HEARING ON UNIT 8 CRANE RENOVATION: Mayor Haila stated that it was his understanding from staff that more time was needed to review the bids.

The public hearing was opened by the Mayor. He asked for a motion to continue the hearing on the Unit 8 Crane Renovation until August 11, 2020.

Moved by Martin, seconded by Junck, to accept the report of bids only.

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

Moved by Martin, seconded by Betcher, to continue the hearing to August 11, 2020, on the Unit 8 Crane Renovation.

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

DISPOSITION OF COMMUNICATION TO COUNCIL: Mayor Haila indicated there were six items to be addressed. The first item was an email from Dan Craig regarding charges incurred due to a broken water meter. City Manager Steve Schainker suggested the Council ask for a memo from staff on the issue.

Moved by Gartin, seconded by Betcher, to request a memo from staff for more information on the email from Dan Craig regarding the charges he incurred due to a broken water meter.

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

Mayor Haila explained that Item 2 is a letter he received from Luis Rodriguez, Director, Engineering and Modeling Division, Federal Insurance and Mitigation Administration/FEMA, about the modified Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report. He noted he routinely gets these letters, and he was passing it on for information purposes only.

The third item was an email from Hector Arbuckle requesting to have a study done to determine if there are plots of public land suitable for “food forests.”

Moved by Beatty-Hansen, seconded Betcher, to delegate the request to staff to bring back when they have the community garden discussion.

Council Member Gartin commented that one concern for staff would be the maintenance of a “food forest;” there is a lot more commitment required. It would be valuable if there was a group that

would be a partner with the City to assist with some of the maintenance.

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

Item 4 was a request from Lisa Hovis, Ames Historic Preservation Commission, requesting \$2,600 for two new designed signs in Downtown Ames. The intent of the new signage is to promote the history and evolution of the Downtown architecture.

Council Member Betcher stated that she is in favor of the request, but not sure what the motion needs to be. She asked if they need to allocate funds from Council Contingency or asking Mr. Schainker to identify funds. Mayor Haila mentioned it would also be a policy discussion: Would Council want to accept requests during the year for items as this or should they be deferred to the normal budget cycle. Council Member Martin explained he would prefer to stack requests like this one against other interested Commissions etc., that could also use funds for projects. City Manager Schainker explained that the first decision the Council would need to make is whether to allocate the funds now or wait until the normal budget cycle. Mayor Haila noted if the Council were to approve funds tonight for the Historic Preservation Commissions it would be setting a precedent for other Commission to come forward. It was noted that everyone liked the idea of the project, but preferred to have the Commission wait to submit its request during the normal budget cycle.

Moved by Martin, seconded by Junck, to ask the Historic Preservation Commission to bring its request back at the appropriate time, which would be during the Town Budget Meeting. Council Member Martin withdrew his motion.

Moved by Martin, seconded by Junck, to encourage the Historic Preservation Commission and like entities to bring budget requests along these lines to the Council during the Town Budget Meeting. Vote on Motion: 6-0. Motion declared carried unanimously.

Mr. Schainker explained that Item 5 was a memo outlining the process that was used with bar owners to ensure their compliance with social distancing and other public health measures established by the Governor's Proclamation. He noted he was little distressed to read the article in the *Ames Tribune* today about social distancing in bars. Council Member Beatty-Hansen inquired if the letter was sent to bars only or all liquor license holders. City Attorney Lambert stated that any restaurant that included food was sent the letter, except for grocery stores. Council Member Beatty-Hansen commented that she was surprised about the article in the *Tribune* stating there is nothing they can do and wondered if the article was before the letter was sent out. Mr. Schainker stated no follow-up was needed as it was information only.

Mayor Haila mentioned that the last item was a letter from Chad Schneider, Attorney with Hastings, Gartin, & Boettger, LLP, requesting to change the zoning of the property located at 27107 Timber Road, Kelley, Iowa. City Manager Schainker recommended the Council request a memo from staff to clarify the issue.

Moved by Betcher, seconded by Martin, to get a memo from staff to clarify the issue for the Council. Vote on Motion: 5-0-1. Voting Aye: Betcher, Beatty-Hansen, Corrieri, Junck, Martin. Voting Nay. None. Abstaining due to conflict of interest: Gartin. Motion declared carried.

COUNCIL COMMENTS: Moved by Betcher, seconded by Beatty-Hansen, to ask the Mayor to re-engage with Leon Andrews with the National League of Cities, Base Equity and Leadership Team, as soon as possible, to begin discussions about assisting the City in determining what can be done to improve the diversity, equity, and inclusion efforts in regard to policies.

Council Member Martin asked if any contact had been made with Mr. Andrews within the past year. Mayor Haila mentioned that he had met with Mr. Andrews in February 2020, and he did contact Mr. Andrews about a month ago. Mayor Haila explained that he had indicated to Mr. Andrews that the City would be back in contact later in the summer.

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

Council Member Betcher stated she is honored to be representing the NAACP as one of their representatives at the National Conference. She is looking forward to seeing how the organization operates at the National level. Ms. Betcher let the Council know if any of them were interested in participating in Leon Andrews training sessions for the International Town & Gown Association in September, they should let her know so they can be part of the team cost. Ms. Betcher commented that she had already signed up as an individual and anyone else that signs up can do the two-day training for only \$50.00.

ADJOURNMENT: Moved by Betcher to adjourn the meeting at 8:11 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor

Diane R. Voss, City Clerk

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA
2020

AUGUST 12,

The Special Meeting of the Ames City Council was called to order by Mayor Pro-Tem Amber Corrieri at 4:03 p.m. on the 12th day of August, 2020. Ms. Corrieri announced that due to the Governor of Iowa declaring a public health emergency because of the COVID-19 pandemic, City Council meetings are being held electronically, as allowed by Section 21.8 of the *Iowa Code*. She explained how the public could participate in the meeting via internet or by phone. City Council members joining the meeting electronically were Gloria Betcher, Tim Gartin, Rachel Junck, and David Martin. Council Member Beatty-Hansen and *ex officio* Member Nicole Whitlock were absent.

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

1. RESOLUTION NO. 20-416 approving Official Statement for General Obligation Corporate Purpose Bonds, Series 2020A, setting the date of sale for August 25, 2020, and authorizing electronic bidding for the sale
2. RESOLUTION NO. 20-417 approving the bid due date change for Unit 8 Precipitator Roof Replacement and setting August 19, 2020, as the new bid due date

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: Mayor Pro-Tem Corrieri opened Public Forum. No one asked to speak, and Public Forum was closed.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Moved by Martin, seconded by Betcher, to move pending dispositions, if any, to the next Regular Meeting scheduled for August 18, 2020.

Vote on Motion: 5-0. Motion declared carried unanimously.

COUNCIL COMMENTS: Council Member Betcher thanked all City staff who are working hard to restore power to the community after yesterday's derecho. She commented that she couldn't be prouder of the City of Ames. Mayor Pro-Tem Corrieri echoed Ms. Betcher's comments and stated that they had done an amazing job.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 4:08 p.m.

Diane R. Voss, City Clerk

John A. Haila, Mayor



REPORT OF CONTRACT CHANGE ORDERS

Period:	<input type="checkbox"/>	1 st – 15 th
	<input checked="" type="checkbox"/>	16 th – End of Month
Month & Year:	July 2020	
For City Council Date:	August 18, 2020	

Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact (Buyer)
Electric Services	IUB Compliant of Service Territory Issue	5	\$24,900.00	Brown Winick Attorneys at Law	\$74,900.00	\$24,900.00	D Kom	JN
Public Works	2017-18 Water System Program Service Transfer (10 th & 12 th Street, Gray Ave. Cessena St.)	5	\$320,456.00	Ames Trenching & Excavating Inc.	\$132,023.67	\$4,852.59	T. Warner	MA
Public Works	2017-18 Water System Program Service Transfer (10th & 12th Street, Gray Ave. Cessena St.)	6	\$320,456.00	Ames Trenching & Excavating Inc.	\$136,876.26	\$(365.90)	J.Joiner	MA
Public Works	2018/19 Asphalt Street Pavement Improvements (Reliable, Florida, Delaware, Hutchinson)	2	\$1,002,621.40	Con-Struct, Inc.	\$6,594.00	\$(6,043.66)	J. Joiner	MA
Public Works	Engineering Services - East Industrial Area Utility Extension Project	4	\$254,270.00	Stanley Consultants Inc.	\$143,672.00	\$42,550.00	B. Phillips	MA
			\$		\$	\$		



MEMO

Item No. 5

To: Mayor John Haila and Ames City Council Members
From: Lieutenant Tom Shelton, Ames Police Department
Date: July 17, 2020
Subject: Beer Permits & Liquor License Renewal Reference City Council Agenda

The Council agenda for August 18, 2020 includes beer permits and liquor license renewals for:

- Class C Beer Permit with Class B Wine Permit and Sunday Sales - Hy-Vee Gas #5013, 4018 West Lincoln Way
- Class C Liquor License with Sunday Sales - Inside Golf, 2801 Grand Avenue #1075
- Class C Liquor License with Catering Privilege, Outdoor Service, and Sunday Sales - Iowa State Center, CY Stephens, CY Stephens - Iowa State University
- Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales - KWIK Stop Liquor & Groceries, 125 6th Street
- Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carry-out Beer), and Sunday Sales - Kum & Go #1215, 456 Lincoln Way

Thank you,

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

COUNCIL ACTION FORM

SUBJECT: REVISED AMES MAIN STREET REQUESTS FOR ART WALK

BACKGROUND:

On January 14, 2020, the City Council approved requests from Ames Main Street (AMS) to host its annual Art Walk. Art Walk showcases downtown businesses and community artists. The event was originally scheduled to take place on June 4, but did not take place at that time due to the COVID-19 pandemic.

AMS has rescheduled the event for October 8, 2020, from 5:00 p.m. to 8:00 p.m. In order to facilitate this event, AMS has requested approval for the following:

- Blanket Temporary Obstruction Permit for the Central Business District from 1:00 p.m. to 9:00 p.m.
- Blanket Vending License for the Central Business District from 3:00 p.m. to 8:30 p.m. and waiver of fee (\$50 loss to City Clerk's Office)
- Closure of 10 metered parking spaces in the Central Business District
- Use of City electrical outlets and waiver of fees
- Closure of Kellogg, from Main Street to Fifth Street from 3:00 p.m. to 8:30 p.m.

Although the original plan for Art Walk included a request to waive parking meter fees and enforcement in the entire Downtown, that aspect of the event is not being requested by AMS for this revised Art Walk. The limited meter closures indicated above are still being requested by AMS. The cost to close these ten parking meters results in an estimated loss of \$2.50 to the Parking Fund.

In February 2020, the City Council adopted a new policy regarding metered parking waivers:

Metered parking fees will not be waived for special events. Any event organizers intending to provide free parking or to close metered parking spaces must reimburse the City's Parking Fund for the lost revenue. The City Council may consider waivers to this policy on a case-by-case basis for parking spaces that are obstructed by the event area (not for area-wide free parking).

For FY 2020/21, the City Council allocated \$5,496 in the Local Option Sales Tax Fund to reimburse the Parking Fund for Downtown special events where free parking or parking closures are to take place. Therefore, for this event, the City Council is requested to authorize a transfer of \$2.50 from the Local Option Sales Tax Fund to the Parking Fund.

In May 2020, the City Council directed staff to evaluate special events against a set of COVID-19 precautions to determine whether it was appropriate for the event to take place. The evaluation is as follows:

Is the event allowed under the Governor’s emergency proclamations?

Section Three of the Governor’s proclamation issued July 24 (expiring at 11:59 p.m. August 23) indicates that a social or community gathering of more than ten people may be held, but only if the gathering organizer ensures six feet of physical distance between each group or individual attending alone and the gathering organizer implements reasonable measures under the circumstances of each gathering to ensure social distancing, increased hygiene practices, and other public health measures.

How many attendees are expected, and how densely crowded are they?

Organizers expect fewer vendors and participants compared to previous iterations of Art Walk. The estimates for a typical year range from 300-800 participants.

Do event organizers have a plan and equipment/supplies needed for increased hygiene?

Organizers have indicated that each business participating will be encouraged to require masks and provide hand sanitizer. **AMS representatives indicated that they are willing to explore requiring participating businesses to require masks for patrons if the City desired.**

Is there sufficient staffing by event organizers to maintain social distancing among participants?

Participating stores will be relied upon to enforce social distancing inside their own premises. AMS staff will be available to assist with any concerns should they arise.

Is there an increased risk that the event will require City staff to be in close contact with participants or organizers for an extended period of time?

City staff expects to have no involvement in the event.

ALTERNATIVES:

1. Approve the requests from AMS for Art Walk on October 8, 2020, including the waiver of fees and the transfer of \$2.50 from the Local Option Sales Tax Fund to the Parking Fund to reimburse lost parking meter revenue.
2. Approve the requests as described in Alternative #1, but require AMS to enforce the use of masks as a condition of event participation.
3. Deny the requests.

CITY MANAGER'S RECOMMENDED ACTION:

Art Walk is a popular annual event that adds vitality to the Downtown. The event organizers have experience in hosting this and many other similar events throughout the year. Organizers have prepared plans for ensuring the event complies with COVID-19 protocols, and expect smaller attendance numbers than in previous years.

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



For Office Use Only

SPECIAL EVENT APPLICATION

Applications received less than thirty (30) days before the event may not be processed by the City in time for the event and will automatically be denied. Each application is viewed as a new event regardless of previous occasions.

Event Name

Location/Address

Region (Select one or more)

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

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

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

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

ISU - Events Authorization Committee: (515) 294-1437

events@amesdowntown.org

director@amescampustown.com

eventauthorization@iastate.edu

TIMELINE

Setup Date Time M T W R F Sa Su

Event Starts Date Time M T W R F Sa Su

Detailed Description of Event Activities (written overview of event and what's going to happen)

Ames Main Street Art Walk is an annual event that showcases the art of local artists and local musicians. Art and music will be exhibited on sidewalks, with enough space for pedestrian to comfortably travel.

Event Ends Date Time M T W R F Sa Su

Teardown Complete Date Time M T W R F Sa Su

Event Category

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

Rain Date Rain Location

Yes No

Is this an annual event? If yes, how many years?

Documents Received

Date: _____

- Completed Application
- Fireworks Application (\$25 fee)
- Insurance Certificate
- Public Safety & Event Management Plan
- Site Plan/Route Map (\$25 fee) (Road Race)
- Vendor List (\$50 fee/each)
- Parking fees

Special Events Meeting

Date _____

Time _____

Room _____

Documents Sent:

- Alcohol License ABD _____
- Fireworks Permit
- Road Race Permit
- TOP
- Vending Permit
- Other _____

Departments Included

- City Manager: Brian Phillips and Tasheik Kerr
- CyRide: Jenny Bethurem or Rob Holm or Kevin Gries
- Electric: Mark Imhoff
- Fire: Jason Ziph or Rich Higgins
- Parks & Rec: Craig Kaufman or Joshua Thompson
- Public Works: Brad Becker or Dave Cole
- Police: Jason Tuttle or Geoff Huff
- Water: Heidi Petersen
- Risk Management: Bill Walton

CAA: Karen Chitty
 AMS: Jess Clyde or Sarah Dvorsky
 ISU: Events Authorization Committee

City Council Meeting

Date _____

Added to Agenda with CAF Approved Y N

Reminder Date _____

CONTACTS

Sponsor/Applicant Name

Address

City State Zip Code

Daytime Phone Cell Phone

E-mail

Alternate Contact Name

Daytime Phone Cell Phone

E-mail

ATTENDANCE

Anticipated Daily Attendance

Yes No

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:

ORGANIZATION STATUS/PROCEEDS

- For-Profit
- Bona Fide Tax Exempt
- Nonprofit

Yes No

Are patron admission, entry, or participant fees required? If yes, please describe and provide amounts:

Are vendor or other fees required? If yes, please provide amounts:

Percentage of net proceeds going towards fundraising %

Percentage of net proceeds going towards for-profit entity %

SECURITY

Ames Police Department 24 hour non-emergency phone number: 515-239-5133

Please complete the course at <https://www.crowdmanagers.com/training> for crowd management training.

Yes No

Have you hired a professional security company to develop and manage your event's security plan? If yes, please fill out the following information:

Security Organization

Address

City State Zip Phone

Email



June 24, 2020

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

Dear Mayor Haila and Members of the Ames City Council,

Ames Main Street is planning to hold the annual Ames Main Street Art Walk event on October 8, 2020, rescheduled from this summer.

Specific information about the event can be found on the included Special Event Application. We would also request a waiver of fees for the Blanket Vendor Permit, and electricity.

By bringing residents to Downtown Ames for attractions such as this, Ames Main Street is able to fulfill its mission as a Main Street Iowa community and create an economically vibrant downtown with unique living, dining, and entertainment experiences.

Thank you for your consideration of this request and continued support of Ames Main Street. We look forward to seeing you shopping in Downtown Ames!

Sincerely,

A handwritten signature in black ink, appearing to read 'Sonya Stoltze-Newstrom', with a large, decorative flourish at the end.

Sonya Stoltze-Newstrom
2020 Ames Main Street Board President

COUNCIL ACTION FORM

**SUBJECT: REQUESTS FROM AMES MAIN STREET FOR SEPTEMBER
SIDEWALK SALES**

BACKGROUND:

On January 14, 2020, the City Council approved requests from Ames Main Street (AMS) to host its annual Summer Sidewalk Sales. At this event, downtown businesses display merchandise on the sidewalks for pedestrians to browse. The event was originally scheduled to take place from July 23rd through July 26th, but did not occur at that time due to the COVID-19 pandemic.

AMS has re-branded this event as “September Sidewalk Sales” and has rescheduled it for September 10-13.

To facilitate this event, organizers are requesting suspension of parking regulations and enforcement for the Downtown from 8:00 a.m. to 8:00 p.m. on Saturday, September 12 (\$1,370.25 estimated loss to the Parking Fund). A waiver of fee for a blanket Vendor Permit (\$50 loss to the City Clerk’s Office) and a blanket Temporary Obstruction Permit have also been requested for Saturday, September 12.

In February 2020, the City Council adopted a new policy regarding metered parking waivers:

Metered parking fees will not be waived for special events. Any event organizers intending to provide free parking or to close metered parking spaces must reimburse the City’s Parking Fund for the lost revenue. The City Council may consider waivers to this policy on a case-by-case basis for parking spaces that are obstructed by the event area (not for area-wide free parking).

For FY 2020/21, the City Council allocated \$5,496 in the Local Option Sales Tax Fund to reimburse the Parking Fund for Downtown special events where free parking or parking closures are to take place. Therefore, for this event, the City Council is requested to authorize a transfer of \$1,370.25 from the Local Option Sales Tax Fund to the Parking Fund.

Because this event does not involve a gathering of crowds in a single area, City staff has not evaluated this event against the City Council’s adopted COVID-19 event criteria.

ALTERNATIVES:

1. Approve the requests for September Sidewalk Sales as requested by Ames Main Street, including the waiver of fees and transfer of funds from the Local Option Sales Tax Fund to the Parking Fund.
2. Deny the requests

CITY MANAGER'S RECOMMENDED ACTION:

The Summer Sidewalk Sales is a successful event for the Downtown. This event attracts people to the Downtown and promotes shopping locally.

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



Documents Received

Date: _____

- Completed Application
- Fireworks Application (\$25 fee)
- Insurance Certificate
- Public Safety & Event Management Plan
- Site Plan/Route Map (\$25 fee) (Road Race)
- Vendor List (\$50 fee/each)
- Parking fees

Special Events Meeting

Date _____

Time _____

Room _____

Documents Sent:

- Alcohol License ABD _____
- Fireworks Permit
- Road Race Permit
- TOP
- Vending Permit
- Other _____

Departments Included

- City Manager: Brian Phillips and Tasheik Kerr
- CyRide: Jenny Bethurem or Rob Holmor or Kevin Gri
- Electric: Mark Imhoff
- Fire: Jason Ziph or Rich Higgins
- Parks & Rec: Craig Kaufman or Joshua Thompson
- Public Works: Brad Becker or Dave Cole
- Police: Jason Tuttle or Geoff Huff
- Water: Heidi Petersen
- Risk Management: Bill Walton

- CAA: Karen Chitty
- AMS: Jess Clyde or Sarah Dvorsky
- ISU: Events Authorization Committee

City Council Meeting

Date _____

Added to Agenda with CAF Approved Y N

Reminder Date _____

SPECIAL EVENT APPLICATION

Applications received less than thirty (30) days before the event may not be processed by the City in time for the event and will automatically be denied. Each application is viewed as a new event regardless of previous occasions.

Event Name **Ames Main Street September Sidewalk Sales**

Location/Address **Ames Main Street**

Region (Select one or more)

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

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

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

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

ISU - Events Authorization Committee: (515) 294-1437

events@amesdowntown.org

director@amescampustown.com

eventauthorization@iastate.edu

TIMELINE

Setup Date _____ Time _____

- M T W R F Sa Su

Event Starts Date **9/10/2020** Time **8:00 AM**

- M T W R F Sa Su

Detailed Description of Event Activities (written overview of event and what's going to happen)

Ames Main Street September Sidewalk Sales is a semi-annual event during which businesses will offer sales, promotions, and discounts on the sidewalk immediately in front of their place of business. This is the rescheduled Summer Sidewalk Sales from July. Shoppers should also be drawn to the free parking!

Event Ends Date **9/13/2020** Time **8:00 PM**

- M T W R F Sa Su

Teardown Complete Date _____ Time _____

- M T W R F Sa Su

Event Category

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

Rain Date _____ Rain Location _____

Yes No

- Yes
- No

Is this an annual event? If yes, how many years? _____

CONTACTS

Sponsor/Applicant Name

Address

City State Zip Code

Daytime Phone Cell Phone

E-mail

Alternate Contact Name

Daytime Phone Cell Phone

E-mail

ATTENDANCE

Anticipated Daily Attendance

Yes No

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:

ORGANIZATION STATUS/PROCEEDS

- For-Profit
 Bona Fide Tax Exempt
 Nonprofit

Yes No

Are patron admission, entry, or participant fees required? If yes, please describe and provide amounts:

Are vendor or other fees required? If yes, please provide amounts:

Percentage of net proceeds going towards fundraising %

Percentage of net proceeds going towards for-profit entity %

SECURITY

Ames Police Department 24 hour non-emergency phone number: 515-239-5133

Please complete the course at <https://www.crowdmanagers.com/training> for crowd management training.

Yes No

Have you hired a professional security company to develop and manage your event's security plan? If yes, please fill out the following information:

Security Organization

Address

City State Zip Phone

Email



June 24, 2020

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

Dear Mayor Haila and Members of the Ames City Council,

Ames Main Street is planning to hold September Sidewalk Sales from September 10-13, 2020. This is the rescheduled event Summer Sidewalk Sales, which was canceled for July.

Specific information about the event can be found on the included Special Event Application. We would also request a waiver of fees for the Blanket Vendor Permit. In addition, we would also request a waiver of fees for free parking of city meters throughout Downtown on Saturday, September 12, 2020.

By bringing residents to Downtown Ames for attractions such as this, Ames Main Street is able to fulfill its mission as a Main Street Iowa community and create an economically vibrant downtown with unique living, dining, and entertainment experiences.

Thank you for your consideration of this request and continued support of Ames Main Street. We look forward to seeing you shopping in Downtown Ames!

Sincerely,

A handwritten signature in black ink, appearing to read 'Sonya Stoltze-Newstrom', with a large, decorative flourish at the end.

Sonya Stoltze-Newstrom
2020 Ames Main Street Board President

COUNCIL ACTION FORM

SUBJECT: REQUESTS FROM AMES MAIN STREET FOR SHOP FOR A CAUSE

BACKGROUND:

Ames Main Street (AMS) has submitted requests to facilitate Ames Main Street Shop for a Cause, to be held on November 7, 2020. At this event, downtown businesses can promote a non-profit of their choice through sales and other partnership efforts.

To facilitate this event, organizers are requesting suspension of parking regulations and enforcement for the Downtown from 8:00 a.m. to 8:00 p.m. on Saturday, November 7 (\$1,370.25 estimated loss to the Parking Fund). A waiver of fee for a blanket Vendor Permit (\$50 loss to the City Clerk's Office) and a blanket Temporary Obstruction Permit have also been requested.

In February 2020, the City Council adopted a new policy regarding metered parking waivers:

Metered parking fees will not be waived for special events. Any event organizers intending to provide free parking or to close metered parking spaces must reimburse the City's Parking Fund for the lost revenue. The City Council may consider waivers to this policy on a case-by-case basis for parking spaces that are obstructed by the event area (not for area-wide free parking).

For FY 2020/21, the City Council allocated \$5,496 in the Local Option Sales Tax Fund to reimburse the Parking Fund for Downtown special events where free parking or parking closures are to take place. Therefore, for this event, the City Council is requested to authorize a transfer of \$1,370.25 from the Local Option Sales Tax Fund to the Parking Fund.

Because this event does not involve a gathering of crowds in a single area, City staff has not evaluated this event against the City Council's adopted COVID-19 event criteria.

ALTERNATIVES:

1. Approve the requests for Shop for a Cause as requested by Ames Main Street, including the waiver of fees and transfer of funds from the Local Option Sales Tax Fund to the Parking Fund.
2. Deny the requests

CITY MANAGER'S RECOMMENDED ACTION:

Ames Main Street Shop for a Cause is a new event for the Downtown. This event aims to attract people to the Downtown, promote shopping locally, and support non-profit organizations through partnering businesses.

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



SPECIAL EVENT APPLICATION

Applications received less than thirty (30) days before the event may not be processed by the City in time for the event and will automatically be denied. Each application is viewed as a new event regardless of previous occasions.

Event Name
Location/Address

Region (Select one or more)

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

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

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

TIMELINE

Setup Date Time M T W R F Sa Su

Event Starts Date Time M T W R F Sa Su

Detailed Description of Event Activities (written overview of event and what's going to happen)

Ames Main Street Shop for a Cause is an event during which businesses can opt in to spread the word of a non-profit of their choice. They can do this by donating a percentage of their profits for the day, have a donation box and list of items the non-profit needs, have a workshop, or any other positive promotion! Shoppers should also be drawn to the free parking!

Event Ends Date Time M T W R F Sa Su

Teardown Complete Date Time M T W R F Sa Su

Event Category

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

Rain Date Rain Location

Yes No Is this an annual event? If yes, how many years?

For Office Use Only

Documents Received

Date: 12/9/19

- Completed Application
 - Fireworks Application (\$25 fee)
 - Insurance Certificate
 - Public Safety & Event Management Plan
 - Site Plan/Route Map (\$25 fee) (Road Race)
 - Vendor List (\$50 fee/each)
 - Parking fees
 - Letter to Council
- Special Events Meeting**

Date _____

Time _____

Room _____

Documents Sent:

- Alcohol License ABD _____
- Fireworks Permit
- Road Race Permit TOP _____
- Vending Permit Other _____

Departments Included

- City Manager: Brian Phillips and Tasheik Kerr
- CyRide: Jenny Bethurem or Rob Holm or Kevin Gries
- Electric: Mark Imhoff
- Fire: Jason Ziph or Rich Higgins
- Parks & Rec: Craig Kaufman or Joshua Thompson
- Public Works: Brad Becker or Dave Cole
- Police: Jason Tuttle or Geoff Huff
- Water: Heidi Petersen
- Risk Management: Bill Walton

CAA: Karen Chitty
 AMS: Jess Clyde or Sarah Dvorsky
 ISU: Events Authorization Committee

City Council Meeting

Date _____
 Added to Agenda with CAF Approved Y N

Reminder Date _____

CONTACTS

Sponsor/Applicant Name Sarah Dvorsky/Ames Main Street
Address 304 Main St.
City Ames State IA Zip Code 50010
Daytime Phone (515) 715-1854 Cell Phone (319) 930-2276
E-mail sarahd@ameschamber.com

Alternate Contact Name Drew Kamp
Daytime Phone (515) 817-6311 Cell Phone (402) 415-7207
E-mail drew@ameschamber.com

ATTENDANCE

Anticipated Daily Attendance 300-800

Yes No

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:

ORGANIZATION STATUS/PROCEEDS

- For-Profit
 Bona Fide Tax Exempt
 Nonprofit

Yes No

Are patron admission, entry, or participant fees required? If yes, please describe and provide amounts:

Are vendor or other fees required? If yes, please provide amounts:

Percentage of net proceeds going towards fundraising %

Percentage of net proceeds going towards for-profit entity %

SECURITY

Ames Police Department 24 hour non-emergency phone number: 515-239-5133

Please complete the course at <https://www.crowdmanagers.com/training> for crowd management training.

Yes No

Have you hired a professional security company to develop and manage your event's security plan? If yes, please fill out the following information:

Security Organization
Address
City State Zip Phone
Email



December 3, 2019

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

Dear Mayor Haila and Members of the Ames City Council,

Ames Main Street is planning to hold a new event, Shop for a Cause, on November 7, 2020

Specific information about the event can be found on the included Special Event Application. We would also request a waiver of fees for the Blanket Vendor Permit. In addition, we would also request a waiver of fees for free parking of city meters throughout Downtown on Saturday, November 7, 2020.

By bringing residents to Downtown Ames for attractions such as this, Ames Main Street is able to fulfill its mission as a Main Street Iowa community and create an economically vibrant downtown with unique living, dining, and entertainment experiences.

Thank you for your consideration of this request and continued support of Ames Main Street. We look forward to seeing you shopping in Downtown Ames!

Sincerely,

A handwritten signature in black ink, appearing to read 'Sonya Stoltze-Newstrom', with a decorative flourish at the end.

Sonya Stoltze-Newstrom
2020 Ames Main Street Board President

COUNCIL ACTION FORM

SUBJECT: REQUESTS FROM AMES MAIN STREET FOR SMALL BUSINESS SATURDAY

BACKGROUND:

Ames Main Street (AMS) has submitted requests to facilitate Small Business Saturday on November 28.

To facilitate this event, organizers are requesting suspension of parking regulations and enforcement for the Downtown from 8:00 a.m. to 8:00 p.m. on Saturday, November 28 (\$1,370.25 estimated loss to the Parking Fund). A waiver of fee for a blanket Vendor Permit (\$50 loss to the City Clerk's Office) and a blanket Temporary Obstruction Permit have also been requested.

In February 2020, the City Council adopted a new policy regarding metered parking waivers:

Metered parking fees will not be waived for special events. Any event organizers intending to provide free parking or to close metered parking spaces must reimburse the City's Parking Fund for the lost revenue. The City Council may consider waivers to this policy on a case-by-case basis for parking spaces that are obstructed by the event area (not for area-wide free parking).

For FY 2020/21, the City Council allocated \$5,496 in the Local Option Sales Tax Fund to reimburse the Parking Fund for Downtown special events where free parking or parking closures are to take place. Therefore, for this event, the City Council is requested to authorize a transfer of \$1,370.25 from the Local Option Sales Tax Fund to the Parking Fund.

Because this event does not involve a gathering of crowds in a single area, City staff has not evaluated this event against the City Council's adopted COVID-19 event criteria.

ALTERNATIVES:

1. Approve the requests for Small Business Saturday as requested by Ames Main Street, including the waiver of fees and transfer of funds from the Local Option Sales Tax Fund to the Parking Fund.
2. Deny the requests

CITY MANAGER'S RECOMMENDED ACTION:

Small Business Saturday is an annual event for the Downtown. This event aims to attract people to the Downtown, and promote shopping locally to kick off the holiday shopping season.

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



Documents Received

- Date: _____
- Completed Application
 - Fireworks Application (\$25 fee)
 - Insurance Certificate
 - Public Safety & Event Management Plan
 - Site Plan/Route Map (\$25 fee) (Road Race)
 - Vendor List (\$50 fee/each)
 - Parking fees

Special Events Meeting

- Date _____
- Time _____
- Room _____

Documents Sent:

- Alcohol License ABD _____
- Fireworks Permit
- Road Race Permit
- TOP
- Vending Permit
- Other _____

Departments Included

- City Manager: Brian Phillips and Tasheik Kerr
- CyRide: Jenny Bethurem or Rob Holm or Kevin Gri
- Electric: Mark Imhoff
- Fire: Jason Ziph or Rich Higgins
- Parks & Rec: Craig Kaufman or Joshua Thompson
- Public Works: Brad Becker or Dave Cole
- Police: Jason Tuttle or Geoff Huff
- Water: Heidi Petersen
- Risk Management: Bill Walton

- CAA: Karen Chitty
- AMS: Jess Clyde or Sarah Dvorsky
- ISU: Events Authorization Committee

City Council Meeting

- Date _____
- Added to Agenda with CAF Approved Y N

Reminder Date _____

SPECIAL EVENT APPLICATION

Applications received less than thirty (30) days before the event may not be processed by the City in time for the event and will automatically be denied. Each application is viewed as a new event regardless of previous occasions.

Event Name

Location/Address

Region (Select one or more)

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

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

Downtown - Main Street Cultural District: (515) 233-3472
 Campustown - Campustown Action Association: (515) 450-8771
 ISU - Events Authorization Committee: (515) 294-1437

events@amesdowntown.org
 director@amescampustown.com
 eventauthorization@iastate.edu

TIMELINE

Setup Date Time M T W R F Sa Su

Event Starts Date Time M T W R F Sa Su

Detailed Description of Event Activities (written overview of event and what's going to happen)

Small Business Saturday is an annual event during which businesses will offer sales, promotions, and discounts. Weather permitting, businesses may set up on the sidewalk immediately in front of their place of business. Shoppers should also be drawn to the free parking!

Event Ends Date Time M T W R F Sa Su

Teardown Complete Date Time M T W R F Sa Su

Event Category

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

Rain Date Rain Location

Yes No Is this an annual event? If yes, how many years?

CONTACTS

Sponsor/Applicant Name

Address

City State Zip Code

Daytime Phone Cell Phone

E-mail

Alternate Contact Name

Daytime Phone Cell Phone

E-mail

ATTENDANCE

Anticipated Daily Attendance

Yes No

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:

ORGANIZATION STATUS/PROCEEDS

- For-Profit
- Bona Fide Tax Exempt
- Nonprofit

Yes No

Are patron admission, entry, or participant fees required? If yes, please describe and provide amounts:

Are vendor or other fees required? If yes, please provide amounts:

Percentage of net proceeds going towards fundraising %

Percentage of net proceeds going towards for-profit entity %

SECURITY

Ames Police Department 24 hour non-emergency phone number: 515-239-5133

Please complete the course at <https://www.crowdmanagers.com/training> for crowd management training.

Yes No

Have you hired a professional security company to develop and manage your event's security plan? If yes, please fill out the following information:

Security Organization

Address

City State Zip Phone

Email



June 24, 2020

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

Dear Mayor Haila and Members of the Ames City Council,

Ames Main Street is planning to hold the annual Small Business Saturday on Saturday, November 28.

Specific information about the event can be found on the included Special Event Application. We would also request a waiver of fees for the Blanket Vendor Permit. In addition, we would also request a waiver of fees for free parking of city meters throughout Downtown on Saturday, November 28, 2020.

By bringing residents to Downtown Ames for attractions such as this, Ames Main Street is able to fulfill its mission as a Main Street Iowa community and create an economically vibrant downtown with unique living, dining, and entertainment experiences.

Thank you for your consideration of this request and continued support of Ames Main Street. We look forward to seeing you shopping in Downtown Ames!

Sincerely,

A handwritten signature in black ink, appearing to read 'Sonya Stoltze-Newstrom', with a decorative flourish at the end.

Sonya Stoltze-Newstrom
2020 Ames Main Street Board President

COUNCIL ACTION FORM

SUBJECT: AMES MAIN STREET REQUESTS FOR SNOW MAGIC

BACKGROUND:

Ames Main Street (AMS) plans to host its Snow Magic Celebration December 4th through December 24th. The event will kick off on December 4th with the tree lighting ceremony, open houses, and horse and carriage rides.

To facilitate this event, Ames Main Street has made the following requests for December 4th:

- Closure of Kellogg Avenue from Main Street to Fifth Street, including closure of 12 metered parking spaces, from 1:00 to 8:00 p.m. for Santa's Train
- Closure of 4 metered parking spaces within the Downtown from 1:00 to 8:00 p.m. on December 4th to facilitate the pick-up and drop-off of passengers on horse drawn carriage rides through the downtown
- Waiver of parking meter fees for closed parking meters (\$20 loss to the Parking Fund).
- Access to City electrical outlets at Tom Evans Plaza and waiver of fees (estimated \$10 loss to the Electric Fund)
- A blanket Temporary Obstruction Permit and a blanket Vending License for the Downtown from December 4th through December 24th to allow stores to display and sell merchandise and waiver of Vending License fee (\$50 loss to City Clerk's Office).

In February 2020, the City Council adopted a new policy regarding metered parking waivers:

Metered parking fees will not be waived for special events. Any event organizers intending to provide free parking or to close metered parking spaces must reimburse the City's Parking Fund for the lost revenue. The City Council may consider waivers to this policy on a case-by-case basis for parking spaces that are obstructed by the event area (not for area-wide free parking).

For FY 2020/21, the City Council allocated \$5,496 in the Local Option Sales Tax Fund to reimburse the Parking Fund for Downtown special events where free parking or

parking closures are to take place. Unfortunately, Snow Magic was not one of the events indicated by AMS to involve a closure of parking meters. Therefore, for this event, the City Council may either waive the \$20 in lost parking meter revenue or may require reimbursement for this loss from AMS or some other source.

In May 2020, the City Council directed staff to evaluate special events against a set of COVID-19 precautions to determine whether it was appropriate for the event to take place. The evaluation is as follows:

Is the event allowed under the Governor’s emergency proclamations?

Section Three of the Governor’s proclamation issued July 24 (expiring at 11:59 p.m. August 23) indicates that a social or community gathering of more than ten people may be held, but only if the gathering organizer ensures six feet of physical distance between each group or individual attending alone and the gathering organizer implements reasonable measures under the circumstances of each gathering to ensure social distancing, increased hygiene practices, and other public health measures.

How many attendees are expected, and how densely crowded are they?

Organizers expect fewer participants compared to previous iterations of Snow Magic. The estimate for a typical year is approximately 800 participants throughout the entire Downtown.

Do event organizers have a plan and equipment/supplies needed for increased hygiene?

Organizers have indicated that each business participating will be encouraged to require masks and provide hand sanitizer. Volunteers will sanitize Santa’s train and the carriage between rides.

Is there sufficient staffing by event organizers to maintain social distancing among participants?

Participating stores will be relied upon to enforce social distancing inside their own premises. AMS staff will be available to assist with any concerns should they arise.

Is there an increased risk that the event will require City staff to be in close contact with participants or organizers for an extended period of time?

City staff expects to have no involvement in the event.

ALTERNATIVES:

1. Approve the requests made by Ames Main Street as indicated above, including the requested waiver of fees.
2. Approve the requests as indicated above, but require reimbursement for the blanket Vending Permit (\$50), electricity use (\$10), and lost parking meter revenue (\$20)
3. Deny the requests.

CITY MANAGER'S RECOMMENDED ACTION:

Snow Magic provides an opportunity to draw residents and visitors to the Downtown and supports local businesses during the holiday shopping season. Organizers have prepared plans for ensuring the event complies with COVID-19 protocols, and expect smaller attendance numbers than in previous years.

It is therefore the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above



For Office Use Only

SPECIAL EVENT APPLICATION

Applications received less than thirty (30) days before the event may not be processed by the City in time for the event and will automatically be denied. Each application is viewed as a new event regardless of previous occasions.

Event Name

Location/Address

Region (Select one or more)

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

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

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

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

ISU - Events Authorization Committee: (515) 294-1437

events@amesdowntown.org

director@arnescampustown.com

eventauthorization@iastate.edu

TIMELINE

Setup Date Time M T W R F Sa Su

Event Starts Date Time M T W R F Sa Su

Detailed Description of Event Activities (written overview of event and what's going to happen)

Snow Magic is an annual event for the downtown businesses held December 4 – December 24. The Kick off will be held on December 8 from 5pm-8pm. There will be carriage rides around the downtown with stops in front of the Ames History Museum and the Depot. We will need to block off four parking stalls in front of the History Museum for the carriage rides. Additionally, we would like to close Kellogg from Main Street to 5th Street for Santa's Train from 3pm-9pm.

Event Ends Date Time M T W R F Sa Su

Teardown Complete Date Time M T W R F Sa Su

Event Category

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

Rain Date Rain Location

Yes No

Is this an annual event? If yes, how many years?

Documents Received

Date: _____

- Completed Application
- Fireworks Application (\$25 fee)
- Insurance Certificate
- Public Safety & Event Management Plan
- Site Plan/Route Map (\$25 fee) (Road Race)
- Vendor List (\$50 fee/each)
- Parking fees

Special Events Meeting

Date _____

Time _____

Room _____

Documents Sent:

- Alcohol License ABD _____
- Fireworks Permit
- Road Race Permit
- TOP
- Vending Permit
- Other _____

Departments Included

- City Manager: Brian Phillips and Tasheh Kerr
- CyRide: Jenny Bethurem or Rob Holm or Kevin Gries
- Electric: Mark Imhoff
- Fire: Jason Ziph or Rich Higgins
- Parks & Rec: Craig Kaufman or Joshua Thompson
- Public Works: Brad Becker or Dave Cole
- Police: Jason Tuttle or Geoff Huff
- Water: Heidi Petersen
- Risk Management: Bill Walton

CAA: Karen Chitty
 AMS: Jess Clyde or Sarah Dvorsky
 ISU: Events Authorization Committee

City Council Meeting

Date _____
 Added to Agenda with CAF Approved Y N

Reminder Date _____

CONTACTS

Sponsor/Applicant Name Ames Main Street/Sarah Dvorsky

Address 304 Main Street

City Ames **State** Iowa **Zip Code** 50010

Daytime Phone 515-232-2310 **Cell Phone** 319-930-2276

E-mail sarahd@ameschamber.com

Alternate Contact Name John Hall

Daytime Phone 515-232-2310 **Cell Phone** 515-720-5305

E-mail drew@ameschamber.com

ATTENDANCE

Anticipated Daily Attendance 800

Yes **No**

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:

ORGANIZATION STATUS/PROCEEDS

- For-Profit
 Bona Fide Tax Exempt
 Nonprofit

Yes **No**

Are patron admission, entry, or participant fees required? If yes, please describe and provide amounts:

Are vendor or other fees required? If yes, please provide amounts:

Percentage of net proceeds going towards fundraising %

Percentage of net proceeds going towards for-profit entity %

SECURITY

Ames Police Department 24 hour non-emergency phone number: 515-239-5133

Please complete the course at <https://www.crowdmanagers.com/training> for crowd management training.

Yes **No**

Have you hired a professional security company to develop and manage your event's security plan? If yes, please fill out the following information:

Security Organization

Address

City **State** **Zip** **Phone**

Email



June 24, 2020

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

Dear Mayor Haila and Members of the Ames City Council,

Ames Main Street is planning to hold the annual Snow Magic from December 4 through December 24 in Downtown Ames.

Specific information about the event can be found on the included Special Event Application. We would also request a waiver of fees for the Blanket Vendor Permit. In addition, we would also request a waiver of fees for four parking meters on Friday, December 4.

By bringing residents to Downtown Ames for attractions such as this, Ames Main Street is able to fulfill its mission as a Main Street Iowa community and create an economically vibrant downtown with unique living, dining, and entertainment experiences.

Thank you for your consideration of this request and continued support of Ames Main Street. We look forward to seeing you shopping in Downtown Ames!

Sincerely,

A handwritten signature in black ink, appearing to read 'Sonya Stoltze-Newstrom', with a decorative flourish at the end.

Sonya Stoltze-Newstrom
2020 Ames Main Street Board President

COUNCIL ACTION FORM

SUBJECT: 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

BACKGROUND:

On July 9, 2020, the Ames Police Department received notice that it is eligible for grant funds through the 2019 Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Applications are due August 19, 2020.

Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, as well as research and evaluation activities that will improve or enhance law enforcement programs related to criminal justice.

Because the Story County Sheriff provides jail services for the county, the grant conditions require that the Sheriff participate in the grant application for funding under this JAG program. **The Police Department proposes that the City enter into a Memorandum of Understanding with the Story County Sheriff for acquisition and use of the funds.**

Total funding potentially available to the Ames Police Department and the Story County Sheriff's Office through this grant offering is \$12,528.00. This year the two law enforcement agencies propose to use the funds in a project to purchase a variety of equipment including:

- Several new bicycles to support the bicycle officer program
- Supporting equipment, including lights and bags, for these new bikes and updates to several existing bikes
- Protective clothing for bicycle officers
- Specialized radio equipment, such as bluetooth enabled microphones.
- Soft stretchers and other emergency medical response equipment for police medical trauma kits.

The grant requires that the Mayor sign a certifications and assurances document indicating that the City will abide by the grant terms and conditions. The City Attorney's Office is reviewing that document and the associated terms to determine if there are any concerns.

There is no match required with this grant.

ALTERNATIVES:

1. Approve the Memorandum of Understanding with Story County to apply for grant funding under the 2020 Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and authorize application for that grant.
2. Do not approve the agreement with the Story County or the Edward Byrne Memorial Justice Assistance Grant (JAG) Program grant application.

CITY MANAGER'S RECOMMENDED ACTION:

JAG funds have been used productively during the past few years to purchase equipment and provide training. The program has proven to be a valuable source of funds for special purchases and programs.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving an agreement with Story County to develop and apply for a grant funding under the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and authorizing application for that grant.

COUNCIL ACTION FORM

SUBJECT: REQUEST FOR EXTENSION OF WAIVER OF PARKING REGULATIONS FOR CURBSIDE SERVICE AT THE AMES PUBLIC LIBRARY

BACKGROUND:

The Library initiated the first step in re-opening on May 19, 2020, by offering curbside pick-up service for books and other materials that had been held since the City building closure in March. Customers reserved a pick-up time and Library staff bagged and tagged the materials and placed them on a table outside for customers to pick up.

In order to safely facilitate the pick-up, the Library requested to reserve three parking spots (70.C, 71.C, and 72.C) on Douglas Avenue in front of the Library. Municipal Code Section 18.5(5) authorizes the City Manager to designate any parking spaces adjacent City buildings as “visitor” spaces. The request was granted, and signage was displayed designating the 3 spots for curbside pick-up from May 19 through July 1.

The Library re-opened the lobby area on July 1 and expanded the hours open to the public. The Library expects the need for curb-side pickup to continue through at least October 4. Because the total length of time these parking spaces would be unavailable for normal metered parking is expected to be several months, staff is requesting the City Council’s confirmation that the use of these spaces for curb-side pickup is acceptable.

The three parking spaces would be used for curbside pickup from July 1 through October 4 on the following days and times:

- 9:00 a.m. to 6:00 p.m. on Monday, Wednesday, Friday, and Saturday
- 9:00 a.m. to 9:00 p.m. on Tuesday and Thursday
- 1:00 p.m. to 5:00 p.m. Sunday

Staff estimates the closure of these spaces will result in a loss of \$310.50 to the Parking Fund.

ALTERNATIVES:

1. Approve the suspension of parking meter regulations for 3 designated spots on Douglas Avenue in front of the Library from July 1 to October 4, 2020 on the days and times outlined above.
2. Do not approve the request.

CITY MANAGER'S RECOMMENDED ACTION:

The Library continues receiving a favorable response from the public as it phases in its re-opening plans and maintain a safe, customer-friendly approach to providing services.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the extension of waiving parking meter fees for the time frame outlined above.

ITEM#: 13
DATE: 08-18-20

COUNCIL ACTION FORM

SUBJECT: 2017/18 MAIN STREET PAVERS PROJECT (CLARK – BURNETT)

BACKGROUND:

This project provides for the replacement of the pavers in the Main Street corridor. These pavers were installed with the Main Street Reconstruction project in 1999. At that time, the pavers were an aesthetic upgrade to traditional concrete sidewalks. Over time, the pavers have proven to be difficult to maintain. Uneven pavers appear every year, and Public Works Operations crews spend a considerable amount of time to level or replace pavers. Individual replacement pavers are now in short supply as the original pavers are not produced anymore. Winter ice control chemicals applied by adjacent businesses have led to accelerated deterioration of the pavers, especially on the southern side of Main Street where the building provides continuous shade in the winter and no sunlight reaches the sidewalk to aid in melting the snow and ice.

This is the first phase of the Main Street Pavers replacement program, which will remove and replace pavers along both sides of **Main Street between Clark Avenue and Burnett Avenue**. Staff has worked closely with Ames Main Street and the Public Art Commission to finalize details such as paver colors and patterns. Staff received direction from City Council at the July 28, 2020 Council meeting regarding these items and also regarding City Council's desire to deaccession and remove the wall at Tom Evans Plaza.

Staff has completed plans and specifications for this contract which include a Base Bid (removal of pavers, concrete repair, etc.), an Alternate Bid A (straight line paver pattern), and an Alternate Bid B (curved line paver pattern). **The project will be awarded as the Base bid plus Alternate A or Alternate B.** The total estimated cost for the Base Bid and Alternate Bid A is \$165,068. The total estimated cost for the Base Bid and Alternate Bid B is \$180,638. Engineering and contract administration are estimated to be \$5,000, bringing **overall project costs to \$170,068 and \$185,638**, respectively.

The plans and specifications prepared do not include the removal of the wall and associated items. However, staff will evaluate the proposed costs to add these items by change order into the project once a successful bidder is under contract.

The table below indicates estimated expenses and funding sources.

Funding Source	Available Revenue	Estimated Expenses
2017/18 Main Street Pavers (Clark to Burnett)	\$ 171,000	
2018/19 Main Street Pavers (Burnett to Kellogg)	171,000	
2019/20 Main Street Pavers (Kellogg to Douglas)	190,000	
Return to Road Use Tax balance for COVID-19 Shortfall	(165,697)	
2020/21 Main Street Pavers (Douglas to Duff)	88,000	
Public Art Commission Wall Demolition Support	1,500	
Removal of Wall and Replacement of Pavers at Tom Evans Plaza (est.)		\$ 24,445
2017/2018 Main Street Pavers (Clark to Burnett) Base Bid + Alt A		165,068
OR		OR
2017/2018 Main Street Pavers (Clark to Burnett) Base Bid + Alt B		180,638
Engineering		5,000
	\$455,803	\$194,513 to \$210,083

In response to a shortfall in Road Use Tax revenues in FY 2019/20, \$165,697 in funds allocated to this project were returned to the fund balance (as shown in the table above). Depending on the bids received for this first phase and future phases of the Paver Replacement project, additional revenues may need to be allocated in a future CIP to address a shortfall for the overall Paver Replacement Program.

Staff has been in contact with adjacent businesses to discuss the project and associated access issues to minimize business impact during construction.

ALTERNATIVES:

1. Approve the plans and specifications for the 2017/2018 Main Street Pavers (Clark to Burnett) project and establish September 2, 2020, as the date of letting and September 8, 2020, as the date for report of bids.
2. Do not approve this project.

MANAGER’S RECOMMENDED ACTION:

The pavers along Main Street are beginning to fail at an accelerated rate. Removal and replacement are necessary to ensure the sidewalks are safe for pedestrian usage and to enhance the visual aesthetic along the Main Street corridor. The replacement paver details have been coordinated with Ames Main Street, Public Art Commission, and the City Council. Delaying this project will result in increased maintenance costs for the existing pavers.

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

COUNCIL ACTION FORM

SUBJECT: POWER PLANT MAINTENANCE SERVICES CONTRACT

BACKGROUND:

On March 10, 2020, City Council approved preliminary plans and specifications for the Power Plant Maintenance Services Contract. The Electric Utility has two gas-fired, high-pressure steam generation units within the City's Power Plant, referred to as Units No. 7 and 8. These units require regular professional maintenance and repair. This consists of both emergency and planned repairs and service. Services include a variety of boiler maintenance and repairs, structural steel, pump and piping work, and other miscellaneous mechanical Power Plant work.

The repair of the equipment on these generation units requires professional trade crafts such as laborers, millwrights, and steam/pipe fitters.

This contract is to provide power plant maintenance services for the period following final City Council approval of contract and performance bond through June 30, 2021. The contract includes a provision that would allow the City to renew the contract for up to four additional one-year terms.

Bid documents were issued to thirty-six companies and three plan rooms. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published on the websites of a contractor plan room service with statewide circulation and the Iowa League of Cities.

On May 13, 2020, bids were received from six companies as shown on the attached bid summary. At the May 26, 2020, City Council meeting bids were reported.

The second attachment shows a cost evaluation of the two apparent lowest bidders. The evaluation is based on a sampling of personnel and associated travel/subsistence that the Power Plant requires for successful fulfillment of a typical work scenario performed on this service contract over a ten-day period.

Staff reviewed the bids and concluded, based on the time and material rates submitted, that the apparent low bid submitted by Anderson Process & Instrumentation Solutions, LLC., Marshalltown, IA, in the not-to-exceed amount of \$125,000 is the lowest bid and is acceptable.

As there are provisions that would allow the City to renew the contract up to four additional one-year terms, staff did consider future year cost increases. Unfortunately, it was not possible to get an accurate comparison because some of the bidders claimed

that future labor rates were subject to future union negotiations. Staff will know the new labor rates prior to renewing the contract each year. If the labor rates seem excessive, staff will not recommend renewal and instead will re-bid for the services.

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 FY2020/21 Power Plant operating budget for Electric Production includes \$125,000 for this contract. Invoices will be based on contract rates for time and materials for services actually received.

ALTERNATIVES:

1. Award a contract for the FY 2020/21 Power Plant Maintenance Services Contract to **Anderson Process & Instrumentation Solutions, LLC., Marshalltown, IA**, for hourly rates and unit prices bid, in an amount not-to-exceed \$125,000.

The contract includes a provision that would allow the City to renew the contract for up to four additional one-year terms at stated rates.

2. Award a contract to one of the other bidders.
3. Reject all bids and direct staff to purchase these services on an as-needed basis.

CITY MANAGER'S RECOMMENDED ACTION:

This work is necessary to ensure that a qualified professional firm will respond to both scheduled and emergency needs for Power Plant repair and maintenance and will also control costs by having established billing rates. Funds will be expended only as work is required and in accordance with approved invoices. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1.



2018-168 Power Plant Maintenance Services Contract Bid Summary

LABOR:

		Hourly Rate	Hourly Rate	Hourly Rate (DT)	Hourly Rate	Hourly Rate (OT)	Hourly Rate (DT)
BOILERMAKER							
Day	Journeyman						
	Foreman						
	General Foreman						
	Superintendent						
Night	Journeyman						
	Foreman						
	General Foreman						
	Superintendent						
BRICKLAYER							
Day	Journeyman						
	Foreman						
	General Foreman						
	Superintendent						
Night	Journeyman						
	Foreman						
	General Foreman						
	Superintendent						
LABORER							
Day	Journeyman						
	Foreman						
	General Foreman						
	Superintendent						
Night	Journeyman						
	Foreman						
	General Foreman						
	Superintendent						
MILLWRIGHT							
Day	Journeyman						
	Foreman						
	General Foreman						
	Superintendent						
Night	Journeyman						
	Foreman						
	General Foreman						
	Superintendent						
STEAMFITTER							
Day	Journeyman						
	Foreman						
	General Foreman						
	Superintendent						
Night	Journeyman						
	Foreman						
	General Foreman						
	Superintendent						

Description	Rate	Rate
-------------	------	------

Subsistence:

Supervisors	\$ _____ per day	\$ _____ per day
Craft	\$ _____ per day	\$ _____ per day

Travel & Mileage

Supervisor travel	\$ _____ per _____	\$ _____ per _____
Supervisor mileage	\$ _____ per _____	\$ _____ per _____
Craft travel		
Craft mileage		

Deliveries


Travel	\$ _____ per _____	\$ _____ per _____
Mileage	\$ _____ per _____	\$ _____ per _____

MISC.

Description	Rate	Rate
Safety supplies & equipment	Cost + _____ %	Cost + _____ %
Miscellaneous materials & consumables	Cost + _____ %	Cost + _____ %

Proposed Price Increase for Renewal Periods

Travel & Subsistence	_____ % per _____	_____ % per _____
Equipment & Tools	_____ % per _____	_____ % per _____

 2020-106 Power Plant Maintenance Services Contract Bid Summary														
LABOR:		TEI Construction Services, Inc. Duncan, SC			Plibrico Company, LLC, Omaha, NE			Capital City Boiler & Machine Works, Inc Des Moines, IA			Weitz Industrial, LLC Rapids, IA		Cedar	
LABORER		Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	
Day	Journeyman	\$43.64	\$65.34	\$65.34	\$45.98	\$61.06	\$76.14	\$75.00	\$100.00	\$135.00	\$51.38	\$68.49	\$85.59	
	Foreman	\$61.92	\$94.04	\$94.04	\$47.48	\$63.24	\$78.99	\$75.00	\$100.00	\$135.00	\$52.75	\$70.50	\$88.25	
	General	\$94.36	\$136.04	\$136.04	\$48.23	\$64.32	\$80.42	\$75.00	\$100.00	\$135.00	\$54.12	\$72.51	\$90.91	
	Superintendent	\$105.02	\$152.78	\$152.78	NA	NA	NA	\$75.00	\$100.00	\$135.00	\$71.07	\$92.66	\$117.49	
Night	Journeyman	\$43.64	\$65.34	\$65.34	\$45.98	\$61.06	\$76.14	\$75.00	\$100.00	\$135.00	\$51.38	\$68.49	\$85.59	
	Foreman	NA	NA	NA	\$47.48	\$63.24	\$78.99	\$75.00	\$100.00	\$135.00	\$52.75	\$70.50	\$88.25	
	General	NA	NA	NA	\$48.23	\$64.32	\$80.42	\$75.00	\$100.00	\$135.00	\$54.12	\$72.51	\$90.91	
	Superintendent	NA	NA	NA	NA	NA	NA	\$75.00	\$100.00	\$135.00	\$71.07	\$92.66	\$117.49	
NOTE:				See exception A for night shift						night shift - 6.5 hrs of work for 8 hrs of pay				
MILLWRIGHT		Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	
Day	Journeyman	\$57.35	\$86.87	\$86.87	\$65.57	\$86.05	\$106.52	\$85.00	\$110.00	\$145.00	\$60.30	\$79.74	\$99.17	
	Foreman	\$61.92	\$94.04	\$94.04	\$67.05	\$88.20	\$109.35	\$85.00	\$110.00	\$145.00	\$62.98	\$83.71	\$104.43	
	General	\$94.36	\$136.04	\$136.04	\$70.01	\$92.51	\$115.01	\$85.00	\$110.00	\$145.00	\$64.32	\$85.69	\$107.06	
	Superintendent	\$105.02	\$152.78	\$152.78	NA	NA	NA	\$85.00	\$110.00	\$145.00	\$91.86	\$117.66	\$146.94	
Night	Journeyman	\$57.35	\$86.87	\$86.87	\$65.57	\$86.05	\$106.52	\$85.00	\$110.00	\$145.00	\$63.28	\$84.17	\$105.05	
	Foreman	\$61.92	\$94.04	\$94.04	\$67.05	\$88.20	\$109.35	\$85.00	\$110.00	\$145.00	\$65.97	\$88.14	\$110.31	
	General	\$94.36	\$136.04	\$136.04	\$70.01	\$92.51	\$115.01	\$85.00	\$110.00	\$145.00	\$67.31	\$90.12	\$112.94	
	Superintendent	\$105.02	\$152.78	\$152.78	NA	NA	NA	\$85.00	\$110.00	\$145.00	\$94.85	\$122.09	\$152.81	
NOTE:				See Exception C for night shift										
STEAMFITTER		Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	
Day	Journeyman	\$57.35	\$86.87	\$86.87	\$76.95	\$109.41	\$141.83	\$85.00	\$110.00	\$145.00	\$75.16	\$99.89	\$124.73	
	Foreman	\$61.92	\$94.04	\$94.04	\$85.22	\$121.49	\$157.74	\$85.00	\$110.00	\$145.00	\$79.19	\$106.01	\$132.83	
	General	\$94.36	\$136.04	\$136.04	\$87.98	\$125.52	\$163.04	\$85.00	\$110.00	\$145.00	\$81.77	\$109.83	\$137.90	
	Superintendent	\$105.02	\$152.78	\$152.78	NA	NA	NA	\$85.00	\$110.00	\$145.00	\$96.74	\$126.44	\$159.89	
Night	Journeyman	\$57.35	\$86.87	\$86.87	\$85.21	\$121.47	\$157.71	\$85.00	\$110.00	\$145.00	\$80.16	\$107.48	\$134.80	
	Foreman	\$61.92	\$94.04	\$94.04	\$94.73	\$135.38	\$176.01	\$85.00	\$110.00	\$145.00	\$84.70	\$114.20	\$143.71	
	General	\$94.36	\$136.04	\$136.04	\$97.91	\$140.03	\$182.14	\$85.00	\$110.00	\$145.00	\$87.53	\$118.40	\$149.27	
	Superintendent	\$105.02	\$152.78	\$152.78	NA	NA	NA	\$85.00	\$110.00	\$145.00	\$103.61	\$136.65	\$173.46	
NOTE:														
PIPEFITTER		Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	
Day	Journeyman	\$57.35	\$86.87	\$86.87	\$76.95	\$109.41	\$141.83	\$85.00	\$110.00	\$145.00	\$75.16	\$99.89	\$124.73	
	Foreman	\$61.92	\$94.04	\$94.04	\$85.22	\$121.49	\$157.74	\$85.00	\$110.00	\$145.00	\$79.19	\$106.01	\$132.83	
	General	\$94.36	\$136.04	\$136.04	\$87.98	\$125.52	\$163.04	\$85.00	\$110.00	\$145.00	\$81.77	\$109.83	\$137.90	
	Superintendent	\$105.02	\$152.78	\$152.78	NA	NA	NA	\$85.00	\$110.00	\$145.00	\$96.74	\$126.44	\$159.89	
Night	Journeyman	\$57.35	\$86.87	\$86.87	\$85.21	\$121.47	\$157.71	\$85.00	\$110.00	\$145.00	\$80.16	\$107.48	\$134.80	
	Foreman	\$61.92	\$94.04	\$94.04	\$94.73	\$135.38	\$176.01	\$85.00	\$110.00	\$145.00	\$84.70	\$114.20	\$143.71	
	General	\$94.36	\$136.04	\$136.04	\$97.91	\$140.03	\$182.14	\$85.00	\$110.00	\$145.00	\$87.53	\$118.40	\$149.27	
	Superintendent	\$105.02	\$152.78	\$152.78	NA	NA	NA	\$85.00	\$110.00	\$145.00	\$103.61	\$136.65	\$173.46	
NOTE:														
TRAVEL & SUBSISTENCE														
Description		Rate			Rate			Rate			Rate			
Subsistence:														
Supervisors		\$140 (and GF) TEIC pays for 7 days per week			\$125.00			\$100.00			\$125.00			
Craft		\$120 (all others except laborers do not get any and TEIC pays for 7 days per week)			\$75.00			\$100.00			\$125.00			
Travel & Mileage														
Supervisor travel		see attached T&M labor rate sheet			JOURNEYMAN ST RATE			\$85.00			\$55.00			
Supervisor mileage		\$.56 per mile for 1 round trip each job, from home to Ames			\$.75 per mile			\$1.00 per mile			no mileage chg, truck cost will be billed per the attached and fuel usage will be billed at cost plus fee			
Craft travel		see attached T&M labor rate sheet			ONLY IF APPLICABLE AT CRAFT JOURNEYMAN RATE			\$75.00			\$45.00 per hour if over 90 miles away			
Craft mileage		\$.56 per mile for 1 round trip each job, from home to Ames (laborers do not receive any)			If local (within 50 miles) no travel or mileage, unless requested to haul equipment or tools in their personal vehicle			\$1.00 per mile			no mileage chg, truck cost will be billed per the attached and fuel usage will be billed at cost plus fee			
Deliveries														
Travel		RENTAL RATE + GAS RECEIPT			LABORER JOURNEYMAN RATE			\$75.00			\$69.00			
Mileage		\$1.50 per mile for 1 round trip per job (small tool trailer)			\$1.00 per mile			\$1.00			no chg, included in travel rate			
MISC.														
Description		Rate			Rate			Rate			Rate			
Safety supplies & equipment		COST + 10%			COST + 10%			COST + 1 5%			COST + 10%			
Miscellaneous materials & consumables		COST + 10%			COST + 10%			COST + 20%			COST + 10%			
Labor		NA			based on Craft contracts			5% RENEWAL PER YEAR			3% RENEWAL PER YEAR			
Travel & Subsistence		2% RENEWAL PER YEAR			0% RENEWAL PER YEAR			0% RENEWAL PER YEAR			0% RENEWAL PER YEAR			
Equipment & Tools		2% RENEWAL PER YEAR			0% RENEWAL PER YEAR			0% RENEWAL PER YEAR			0% RENEWAL PER YEAR			
Contracts with crafts valid until January 1, 2021 and June 1, 2021.														

API Solutions Marshalltown, IA			S.T. Cotter Turbine Services, Inc. Clearwater, MN		
Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)
\$42.00	\$55.00	\$69.00			
\$46.20	\$60.50	\$75.90			
Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)
\$75.00	\$110.00	\$140.00	\$87.64	\$115.28	\$142.93
\$80.00	\$115.00	\$145.00	\$91.18	\$120.54	\$149.90
			\$93.66	\$124.22	\$154.78
			\$178.25	\$267.38	\$356.50
\$78.50	\$115.00	\$147.00	\$88.35	\$116.33	\$144.32
\$84.00	\$121.00	\$152.00	\$91.89	\$121.59	\$151.29
			\$94.37	\$125.27	\$156.17
			\$178.25	\$267.38	\$356.50
Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)
\$75.00	\$110.00	\$140.00			
\$80.00	\$115.00	\$145.00			
\$78.50	\$115.00	\$147.00			
\$84.00	\$121.00	\$152.00			
Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)
\$75.00	\$110.00	\$140.00			
\$80.00	\$115.00	\$145.00			
\$78.50	\$115.00	\$147.00			
\$84.00	\$121.00	\$152.00			
Rate	Rate				
\$0.00	\$187.00				
\$0.00	\$170.00				
\$0 for 1 trip to site per day	\$178.20				
\$0.80 per mile 1/2 ton truck and additional rider	\$57.70				
\$0 for 1 trip to site per day	\$87.64				
\$1.00 per mile 3/4 ton truck and additional rider	\$57.70 per mile				
Rate per above (hourly)	\$87.64				
\$1.00 per mile pick-up truck and add \$1.00 per mile for trailer	\$3.55				
Rate	Rate				
COST + 5%	COST + 10%				
COST + 15%	COST + 10%				
3% RENEWAL PER YEAR	3% RENEWAL PER YEAR				
N/A	3% RENEWAL PER YEAR				
2% RENEWAL PER YEAR	3% RENEWAL PER YEAR				

Example Work Scenario for Power Plant Maintenance Services

Description	TEI Construction Services, Inc. Duncan, SC	API Solutions Marshalltown, IA
Labor:	\$48,273.20	\$47,620.00
Subsistence:	\$1,720.00	\$0.00
Travel:	\$4,059.20	\$252.00
Mileage:	\$1,650.00	\$1,625.00
Total:	\$55,702.40	\$49,497.00

The scenario was based on project to take about 2 weeks, 10 hr days, no weekend.
Includes 1 foreman, 2 millrights, 6 laborers

COUNCIL ACTION FORM

SUBJECT: PURCHASE OF PUBLIC WORKS SNOWPLOW DUMP TRUCKS AND ACCESSORIES – FLEET REPLACEMENT PROGRAM

BACKGROUND:

There are seven single-axle and five tandem axle snowplow dump trucks used by Public Works for street maintenance and snow removal operations. These trucks, which operate year-round, are essential to maintaining the City's streets, utilities, and public areas. Six single axle trucks, one tandem axle truck, and snow removal equipment are scheduled for replacement in FY 2020/21.

The seven new replacement trucks will be equipped with a stainless-steel dump body, pre-wet and brine system, wing plow, front plow mounting provision (the existing front plows will be re-used), hydraulic control system, GPS plow/spreader status & vehicle tracking system, and laser wing plow guide.

IMPROVED SNOW/ICE CONTROL CONFIGURATIONS PROPOSED:

Three of the trucks being replaced have underbody plows. Trucks equipped with underbody plows have demonstrated their value in removing hard-pack snow. Therefore, all seven of the new trucks in this bid are budgeted to be equipped with an underbody plow.

An improved configuration to the plows will be implemented. The wing plow will be mounted at the right rear corner of the truck instead of the front. This will allow the wing plow to move the snow from the underbody plow as well as the front plow, thus improving the efficiency of the plows.

Public Works staff also identified significant savings with these trucks. The sand/salt spreader will be a tailgate-mounted unit rather than the V-box spreader currently used by the City. A tailgate spreader costs one-third the price, needs only a fraction of the storage space in the offseason, and requires significantly less maintenance. The savings from the purchase of seven tailgate spreaders in lieu of the V-box is approximately \$91,000. Additionally, the savings in annual maintenance is estimated at \$9,500 for the seven spreaders. Over an expected 10-year life cycle this could save \$95,000 in maintenance costs.

CHASSIS BIDS:

Bids were solicited separately for the truck chassis and the necessary equipment to outfit each truck. This bid is for six medium-duty (single axle) and one heavy duty (tandem axle) trucks.

Chassis Vendors	Make and Model	Each Single Axle Chassis	Each Tandem Axle Chassis	Add'l Options (per chassis)
Truck Country Freightliner Cedar Rapids, Iowa	Freightliner 114SD	\$81,882	\$91,301	\$ 0.00
O'Halloran International (Bid #2) Altoona, Iowa	International HV507	\$83,296	\$93,897	\$164
Harrison Truck Center Altoona, Iowa	Freightliner 114SD	\$83,527	\$94,775	\$24
O'Halloran International (Bid #1) Altoona, Iowa	International HV507	\$83,663	\$92,950	\$164
Wausau Equipment Co. of New Berlin, Wisconsin	Freightliner 114SD	\$82,776	\$92,810	\$ 0.00

The low bid from Truck Country of Cedar Rapids, did not meet the submittal requirements, therefore it is not being considered. O'Halloran submitted separate bids with two different configurations of chassis; O'Halloran's Bid #2 is for a slightly shorter chassis, which is more desirable to City staff.

Desirable electronic programming options were identified by staff as part of the bid package. The options selected will cost \$164 for each O'Halloran chassis, and \$24 for each Harrison chassis. The four options selected for the chassis include: 1) Wipers go to slowest intermittent speed when parking brake is set, 2) Headlights come on when the wipers are turned on, 3) Pre-trip light inspection switch to automatically cycle through the light while the driver walks around the truck and inspects, and 4) Parking brake alarm system sounds the horn if the driver's door is opened and the parking brake is not set.

EQUIPMENT BIDS:

Bids were received from equipment vendors as follows:

Equipment Vendor	Equipment for each Single-Axle	Equipment for each Tandem-Axle	Selected Options
Henderson Truck Equipment Co. Manchester, Iowa	\$112,583	\$118,756	\$725/truck
Hiway Truck Equipment Co. Fort Dodge, Iowa	\$113,597	\$118,575	\$500/truck
Wausau Equipment Co; New Berlin, Wisconsin	\$118,340	\$125,889	\$782/truck

The equipment option is for the vendor to install the wiring harness for a wing plow laser guidance system.

COMBINATION OF CHASSIS AND EQUIPMENT BIDS:

Chassis Vendor with Equipment Vendor	2021 Chassis with selected options	7 Truck Chassis	Equipment with option	7 Complete Trucks Total Cost
O'Halloran International (Bid #2)* with Henderson Equipment Co.	International HV507	\$594,821	\$799,329	\$1,394,150
Harrison Truck Center with Henderson Equipment Co.	Freightliner 114SD	\$596,105	\$799,329	\$1,395,434
Harrison Truck Center with Hiway Truck Equipment	Freightliner 114SD	\$596,105	\$799,479	\$1,395,584
O'Halloran International (Bid #1) Hiway Truck Equipment, Ft Dodge	International HV507	\$597,076	\$803,657	\$1,400,733
Wausau Equipment Co. (providing both chassis & equipment)	Freightliner 114SD	\$589,466	\$835,929	\$1,425,395

Evaluation of the bids determined the lowest acceptable bid for the completely equipped trucks is from O'Halloran International of Altoona, IA for the chassis, with Henderson Equipment Co. of Manchester, IA to provide and install the snow equipment and accessories.

O'Halloran International for 7 chassis	\$ 594,821
Henderson Truck Equipment Co.	799,329
Total cost for the Fully Equipped Trucks	\$1,394,150

Funding is available for this purchase as follows:

Truck Escrow	\$ 886,886
Underbody Plow Escrow	\$ 18,010
Wing Plow Escrow	\$ 65,457
Spreader Escrow	\$ 154,800
Estimated Salvage of All Items	\$ 144,750
Operating Budget Support	\$ 70,000
Escrow to be Collected until Delivery	\$ 88,123
Total Funding Available	\$1,428,026

B100 BIODIESEL PILOT PROGRAM CONTINUATION

In August 2019, the City Council approved the B100 Pilot Project. In this project, the City agreed to equip five City snowplow dump trucks (like those in this bid) with a B100 fuel system. The equipment cost \$12,000 for each truck and was paid for by Ames-based

Renewable Energy Group (REG). REG also agreed to provide the City with a B100 storage tank and B100 fuel at a discounted rate, in exchange for the City testing the use and performance of the system.

These five trucks have successfully used B100 fuel since January 2020, burning over 4,000 gallons of B100 in that time. These trucks have lowered their combined carbon footprint by more than 160 tons since January. Data collected by City staff shows the fuel economy of the B100 to be the same as unblended diesel and B20 purchased from the DOT. The City's cost for B100 is approximately 5 cents per gallon less than diesel pricing the City receives from the DOT. The use of B100 will increase as winter weather demands greater use of these trucks for snow and ice removal.

The Public Works operators have indicated they have not experienced any reduction in power or performance with the B100 fuel and system. They also enjoy the convenience of filling the trucks on site at the City facility where the B100 tank is located.

Based upon this success, City staff has requested a quote to install the Optimus Fuel Management System on the seven new trucks being purchased. The lowest price for the Optimus Fuel System was from O'Halloran at \$13,428 for each chassis, or a total of \$93,996. Installation of this system on these trucks would expand the use of the B100 fuel to a total of 12 City trucks. REG is aware of the City's interest in expanding the use of this fuel system. REG would continue to supply the discounted B100 under the pricing arrangement reached in August 2019. Staff expects the quantity of B100 consumed would increase with wider use of this system, thereby reducing reliance on higher-carbon B20 and unblended diesel use.

Although the Optimus systems for the five trucks outfitted in 2019 were paid for by REG, funding for additional Optimus systems would be paid for by the City. Public Works staff is currently completing an application for grant funding to finance alternative fuel vehicles used for the construction of roads. If the grant is awarded, funding will be dispensed when the vehicles have been purchased.

Fleet Services reserve funds could be made available to use as a loan to pay for the Optimus Systems until alternate funding through grants or other sources is secured. Public Works would then repay the loan to Fleet Services over time if other sources do not become available.

O'Halloran has offered to defer payment for the Optimus installation for 12 months while grant applications are completed and funding can be identified.

ALTERNATIVES:

1. a) Award a contract to O'Halloran International of Altoona, IA for 7 International HV507 Chassis – 6 single axle, and 1 tandem axle as quoted, for the total price of \$594,821.
 - b) Award a contract to Henderson Truck Equipment of Manchester, IA to equip the 6 single axle truck chassis and 1 tandem axle chassis from O'Halloran International with dump body, snow removal equipment and accessories as quoted for a total of \$799,329.
 - c) Award the contract to O'Halloran International of Altoona, IA to install the Optimus Vector system on the 7 chassis for year-round use of B100 biodiesel for a total of \$93,996
 - d) Authorize staff to pursue grants in the next 12 months to pay for the Optimus system; if unsuccessful a loan will be provided by Fleet Services to Public Works.
2. Award contracts for truck chassis and associated equipment to a combination of other bidders.
 3. Reject all bids and ask staff to rebid.

CITY MANAGER'S RECOMMENDED ACTION:

Staff from Fleet Services and Public Works have evaluated these bids and agree that the bid for the 6 single axle truck chassis, and 1 tandem axle truck chassis from O'Halloran International of Altoona, IA, and equipped with dump body, snow removal equipment and accessories by Henderson Truck Equipment of Manchester, IA is the best value for the City and will provide exceptional service at the best cost. The installation of the Optimus system aligns with the City Council's value of environmental sustainability.

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



MEMO

To: Mayor and Members of the City Council

From: City Clerk's Office

Date: August 18, 2020

Subject: Contract and Bond Approval

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

/alc

COUNCIL ACTION FORM

**SUBJECT: RESCIND CONTRACT AWARD TO ACTION TURBINE
REPAIR SERVICE FOR POWER PLANT UNIT 8
STEAM TURBINE PARTS PROCUREMENT**

BACKGROUND:

On April 29, 2020, four responsive and one non-responsive bids were received for the parts procurement for the Power Plant Unit 8 Steam Turbine Parts Procurement. This procurement is for the purchase and delivery of turbine parts required to replenish inventory items and parts expected to be used during the overhaul of the Unit 8 turbine.

On July 14, 2020 Council awarded four contracts for the Unit 8 steam turbine parts procurement. Awards were made to the contractors based on which had the best price for each required part. One of the contracts was awarded to Action Turbine Repair Service in the amount of \$39,160.00. The contract and bond were approved at the July 28, 2020 meeting. **On July 30, 2020 the company withdrew its bid with no explanation other than it could not fulfill the contract requirements.**

Due to the withdrawal of Action Turbine Repair Service, staff determined the next low bidder for each of the items that were to be purchased from Action Turbine Repair Services. These items will be purchased by completing a change order with each of the other three vendors. Staff estimates that the total cost of the parts to be divided among the other vendors will be \$52,841.55. This is a net increase of \$13,681.55 compared to the original bid from Action Turbine Repair Service. The actual amounts to be paid to the other vendors may vary slightly depending on the final division of parts among the vendors.

ALTERNATIVES:

1. a. Rescind Resolution No. 20-374 for approving final plans, specifications and form of contract and awarding a contract for the construction of Power Plant Steam Turbine No. 8 Parts Procurement and Resolution No. 20-406 for approving Contract and Bond for Construction of Power Plant Unit 8 Steam Turbine Parts Procurement to Action Turbine Repair Service.
- b. Direct staff to purchase the parts originally intended to be purchased from Action Turbine Repair Service from the next low bidders. These purchases will be completed through change orders, which will be at the staff level of approval.
2. Direct staff to rebid the parts that will no longer be provided by Action Turbine Repair Services.

CITY MANAGER'S RECOMMENDED ACTION:

The parts originally intended to be provided by Action Turbine Repair Service are critical components for the Unit 8 turbine overhaul project. This vendor is no longer willing to provide these parts, and the parts can be obtained from other bidders at prices that are acceptable to City staff.

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

COUNCIL ACTION FORM

SUBJECT: NORTH RIVER VALLEY PARK LOW HEAD DAM IMPROVEMENTS

BACKGROUND:

The City of Ames constructed a low head dam on the South Skunk River in 1984 to create a pool of water in the primary recharge zone for the aquifer that feeds the City's Downtown Well Field, thereby providing a means to increase the capacity of these wells during periods of drought. While the City has never promoted recreation at the dam, it is evident that the low head dam attracts people who use the area for recreation. Low head dams can pose a serious drowning hazard due to the recirculation effect which occurs immediately downstream. Therefore, in 2013, the City initiated a project to replace the dam with features that create safe recreational opportunities while still allowing for aquifer recharge during drought.

An award of contract for construction was made to RW Excavating Solutions of Prairie City, Iowa, on April 10, 2018. The construction, which is currently underway, is anticipated to be complete by fall 2020. Change Order No. 1 was executed on March 7, 2019, for \$3,900 to create an upstream ledge that was previously believed to exist, but was not found during construction. Change Order No. 2 was executed on November 12, 2019, for \$40,663 to provide additional rock materials.

Change Order No. 3 in the amount of \$59,483.99 is requested to provide additional rock and grout materials. Since the shape of the channel was different than expected, more rock was needed than in the original bid. Additional grout was recommended by the consulting engineer to provide added stability for boulder structures.

The current project budget is as follows.

Project Budget	
FY 16/17 Actual	\$ 54,402
FY 17/18 Actual	88,751
FY 18/19 Actual	242,739
FY 19/20 Budget	689,292
<hr/>	
Total Project Budget	\$ 1,075,184

A total of \$392,901 of funding comes from a series of grants from the Iowa Department of Natural Resources. An additional \$5,000 has been provided by private donations.

As the summary below shows, the current year budget includes sufficient contingency to cover the proposed change order.

Current Year Budget (carryover from prior years)	\$ 497,320
Minus YTD Expenses	
Engineering	0
Construction	0
Minus Encumbrances	
Engineering	13,465
Construction	401,006
<hr/>	
Available Contingency before Change Order #3	\$ 82,849
<u>Change Order #3 (this request)</u>	59,484
Remaining Contingency after Change Order #3	\$ 23,365

ALTERNATIVES:

1. Approve Change Order No. 3 in the amount of \$59,483.99 to RW Excavating Solutions of Prairie City, Iowa, for additional rock and grout materials.
2. Do not approve Change Order No. 3 at this time.

CITY MANAGER’S RECOMMENDED ACTION:

As a result of the inherent danger of the City’s low head dam in North River Valley Park, staff has recommended a modification to the dam that will significantly reduce the downstream recirculation effect. Staff has worked diligently with stakeholders to provide an opportunity to not only increase the safety associated with the City’s low head dam, but also create a unique recreational facility not available elsewhere in the community. The contract for construction has been awarded and additional materials are needed to ensure a successful project completion.

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

COUNCIL ACTION FORM

SUBJECT: FINAL COMPLETION - WPCF DIGESTER IMPROVEMENT PHASE II PROJECT

BACKGROUND:

On October 9, 2018, the City Council awarded a construction contract to Shank Constructors Inc. of Minneapolis, Minnesota, in the amount of \$2,165,200 for improvement to the Digester Complex at the Water Pollution Control Facility (WPCF). As construction has progressed, items have been identified that need to be addressed and would result in a change to the contract. Three previous change have been authorized in accordance with the City's Purchasing Policies, for an increase of \$115,314.

An additional change order is now needed. Below is a breakdown of what is included in Change Order 4.

Manhole Exhaust Fan Replacement

City staff determined the manhole exhaust fan specified could present maintenance issues if mounted outside as originally intended. To mitigate maintenance concerns, the fan was mounted inside the manhole and protected from outside elements. This cost represents the exhaust fan model change and re-routing of electrical power. The total cost for this item is \$3,735.

Unsuitable Foundation Material Adjustment

The original contract included this line item to address excavation and backfill of unsuitable foundation material. Due to favorable existing foundation material, this line item was not used. The total cost for this item is (\$2,500).

Gas Safety Room Duct Modifications

The testing and balancing of the Gas Safety Room indicated that the largest deficiency in the system is the pressure drop across the motor operated damper. The extra pressure drop is causing the exhaust fan to not meet the required airflow. To mitigate this issue, the damper should be removed from the system and replaced with the necessary linear ductwork. This cost represents the necessary scaffolding, labor, and materials to complete this work. The total cost for this item is \$3,962.

The total cost for the change order is \$5,197. The cost for each of the items have been reviewed by City staff and the consulting engineers and determined to be reasonable. A copy of the change order is attached. What follows is a summary of all project change orders, cost of each change order, and the revised total contract amount.

Original Contract Amount		\$2,165,200
Change Order 1 Relocate 10" DG Piping CIP Concrete Spec. Addition Additional DG Pipe Fittings	8,267 6,920 7,876	\$23,063
Change Order 2 Replace (2) 90 Degree Elbows with Tees Replace Additional Piping	7,283 42,650	\$49,933
Change Order 3 Shift Gas Safety Room Door Replace Non-Classified Conduit Replace Deteriorated Piping – DG Piping Drainage Improvements – Culvert Add. MAU Opening Location Change DSP Conduit Replacement	2,213 17,842 7,918 8,909 1,497 3,939	\$42,318
Change Order 4 Manhole Exhaust Fans Foundation Material Adjustment Duct Modifications	3,735 (2,500) 3,962	\$5,197
Revised Contract Amount		\$2,285,711

In addition to the costs associated with these changes, the overall project schedule has been revised and working days have been added to account for the additional work. This change order adds: 0 days to the Milestone 1 completion date (June 17, 2019); 0 days to the Milestone 2 completion date (September 10, 2019); 0 days to the Substantial Completion date (December 31, 2019); and, 188 days to the Final Completion date (now September 1, 2020).

All work on Shank's contract has been completed, and the work is ready for final acceptance. A copy of the engineer's statement of completion is attached.

The revised project budget is shown below.

Engineering fees	515,700
Original Contract	2,165,200
Change Order #1	23,063
Change Order #2	49,933
Change Order #3	42,318
Change Order #4 (<i>This action</i>)	5,197
Total Project Cost	2,801,411

Other work that has been authorized under the same Capital Improvements Plan account number includes the following.

Jetco Electric	9,500
SCADA License Upgrade	
Shank Constructors	244,138
Digester Cover Repairs	

The available carryover of unspent funds from the FY 19/20 budget is \$594,218. All current year payments and remaining encumbrances total \$531,456, leaving a remaining balance of \$62,762 from the originally authorized project budget.

ALTERNATIVES:

1. a.) Approve Change Order #4 in the amount of \$5,197 to Shank Constructors Inc. of Minneapolis, Minnesota.
b.) Accept final completion of the WPCF Digester Improvements Phase II Project and authorize final payment in accordance with the contract to Shank Constructors Inc. of Minneapolis, Minnesota.
2. Take no action at this time.

MANAGER'S RECOMMENDED ACTION:

The changes to the contract have been reviewed by the consulting engineers and City staff to ensure the costs are reasonable and cost effective. Work associated with the Water Pollution Control Facility Digester Improvements Phase II Project has been completed in accordance with the plans and specifications. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.

COUNCIL ACTION FORM

SUBJECT: 2019/20 PAVEMENT RESTORATION PROGRAM (SLURRY SEAL)

BACKGROUND:

This is an annual program for preventative and proactive maintenance activities to repair and extend the lifespan of the City streets. This program allows for a wide variety of pavement maintenance techniques to preserve and enhance City street infrastructure. The techniques in this program are typically more specialized or larger in scope than can be performed with City street maintenance staff.

The Slurry Seal project leveled dips in joints and provided a new thin wearing surface for traffic. This work took place predominately on residential streets with the disruption to residents being typically no more than one day.

On December 17, 2019, City Council awarded the project to Fort Dodge Asphalt Company in the amount of \$240,787.76. One change order was administratively approved by staff. This balancing change order was a deduction in the amount of \$20,166.11. **Work was completed in the amount of \$220,621.65.**

There is \$250,000 of Road Use Tax funding allocated to this program annually in the Capital Improvements Plan. These funds have been accumulated and carried over in the current budget. **A number of smaller pavement improvement and patching projects have been funded through this program, leaving \$367,909.72 of available revenue to fund the project.**

Remaining revenue will be utilized for other pavement restoration priorities.

ALTERNATIVES:

1. Accept the 2019/20 Pavement Restoration Program (Slurry Seal) project as completed by Fort Dodge Asphalt Company of Fort Dodge, IA in the amount of \$220,621.65.
2. Direct staff to make changes to this project.

MANAGER'S RECOMMENDED ACTION:

This project has been completed on time within the approved budget. The repairs in this project have extended the lifespan of the City streets in the program and provided a better travelling experience for users of the corridors and for those living in the neighborhoods. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.**

Staff Report

**FACTORS TO CONSIDER IF IMPLEMENTING A CITYWIDE
FACE COVERING MANDATE**

August 18, 2020

BACKGROUND:

At the July 14, 2020 City Council Meeting, Council directed staff to develop a process to determine the appropriate time to implement a citywide face covering mandate. Such a process would include gathering information on the rate of positive COVID-19 cases and the community spread of the virus in Ames/Story County from local health sources including Mary Greeley Medical Center, McFarland Clinic, and Story County Public Health; monitoring guidance from the Iowa Department of Public Health, Story County Board of Health, and the CDC. Additionally, the CDC has developed five COVID-19 Pandemic Planning Scenarios that are designed to help inform public health officials in the areas of viral transmissibility, disease severity, and pre-symptomatic and asymptomatic contribution to disease transmission.

Following the analysis of the information collected, the factors listed below would be considered to warrant a city-wide face covering mandate:

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

In the Governor’s current Proclamation, face coverings are encouraged. The Attorney General’s Office has issued an opinion stating that any local regulations requiring face coverings are preempted by the Governor’s proclamations, therefore, cities and counties do not have the authority to issue a face covering mandate since the Governor’s proclamation is in place. In response to this, the City Council supported the Mayor sending a letter to the Governor requesting she empower cities with the authority to implement public health mandates such as face coverings in public, when circumstances warrant doing so in our communities. To date, no such authority has been granted, but the City has continued moving forward with promoting the Cyclones Care campaign and 4 pillars of health: wear a face covering, social distance, wash hands, and stay home when ill. Council has also approved a measure requiring face coverings in City buildings and during some Parks and Recreation activities which took effect July 27, 2020.

ACTIONS TAKEN IN OTHER COMMUNITIES

Communities around the state have issued orders and proclamations pertaining to face coverings and social distancing. Information was collected from 6 communities who have taken some type of action adhering to or mandating public health guidance. A summary of the responses is outlined as follows and copies of the documents are attached to this Staff Report:

City	Action Taken	Effective Date
Ankeny	Mayor's Proclamation desiring individuals to comply with recommended practices that reduce virus spread including social distancing and use of face coverings. Encourages businesses to explore similar measures.	July 27, 2020
Coralville	Mayor's Proclamation desiring individuals and businesses to comply with recommended practices that reduce virus spread including social distancing and use of face coverings.	July 14, 2020
Des Moines	Mayor's Proclamation strongly encourages use of face coverings by all persons (specifics noted in proclamation), creation of a program to procure and distribute face coverings, continues limitations on number of people at indoor gatherings on public property or public right of way, limitations on number of people at specified outdoor events and permit application with required public health measures.	July 31, 2020 Amendment
Urbandale	City Council Resolution encouraging the observance of public health practices like social distancing and use of face coverings and sanitation supplies.	July 29, 2020
Dubuque	City Council approved an ordinance mandating face coverings to be worn indoors in public places and outdoors when one cannot stay at least six (6) feet away from others.	August 10, 2020
Iowa City	Mayor's Order mandating face coverings to be worn indoors in public places and outdoors when unable to stay at least six (6) feet away from others, and when using public transit or private car service. Businesses open to the public must post signs about face covering requirement. Exemptions for wearing a face covering are provided.	July 21, 2020
Muscatine	Mayor's Proclamation for city-wide face covering mandate for every person when in any indoor or outdoor public setting; exemptions provided.	July 6, 2020

In addition to the actions described above, the Story County Board of Health is currently in the process of drafting a letter containing recommended guidance for local government officials.

It's equally important to take into consideration the challenges of enforcing any of the measures described in this report. In most communities, the desire or expectation will not be enforced. Both Iowa City and Muscatine indicate that either a misdemeanor or municipal infraction would be cited to anyone in violation of the order. Iowa City further states that citation shall be a last resort to obtain compliance.

OPTIONS:

Should Council wish to seek additional ways of alerting the public to the seriousness of COVID-19 and the importance of practicing methods to mitigate the spread of the virus such as wearing face coverings, social distancing, washing hands, and staying home when ill, the following are options to consider:

1. Adopt a proclamation that places the expectation on people and businesses to adhere to CDC public health practices that reduce the virus spread, specifically wearing face coverings and social distancing of at least 6 feet.
2. Adopt a resolution that places the expectation on people and businesses to adhere to CDC public health practices that reduce the virus spread, specifically wearing face coverings and social distancing of at least 6 feet.
3. Continue current efforts with Cyclones Care messaging and the 4 pillars of health, and the face covering requirement in City buildings.
4. Adopt an ordiance mandating face coverings to be worn indoors in public places and outdoors when social distancing (at least 6 feet) cannot be achieved.

MEMO

Legal Department

To: Mayor Haila, Ames City Council

From: Mark O. Lambert, City Attorney

Date: August 7, 2020

Subject: Alternative legal theory about face-covering mandates.

At the July 14, 2020 Ames City Council meeting, I provided you with a memo analyzing the legality of local face-coverings mandates. In that memo, I advised that the Council should follow the Iowa Attorney General's informal opinion that it was not lawful for local governments to implement local face-covering mandates while the Governor's emergency proclamation regarding COVID-19 is in effect.

There is an alternative legal theory being discussed among municipal attorneys in Iowa, and I wanted to let you know about that. Just to be clear, my advice is still the same – the City should follow the Iowa Attorney General's informal opinion.

In a nutshell, the alternative theory goes like this:

1. The Iowa Attorney General's office got it wrong.
2. The Governor's current proclamation does not specifically address Personal Protective Equipment (PPEs) such as face coverings, for persons out in public. The proclamation does not explicitly prohibit cities from adopting face-covering mandates.
3. Since the Governor's proclamation is silent on face coverings, there is no conflict with the proclamation if local governments implement face-covering ordinances or proclamations. Normal home-rule authority legal analysis applies, which is that the City has the authority to regulate on any issue as long as it doesn't conflict with state law.
4. A local face-covering mandate may be implemented by ordinance, or by an emergency proclamation of the Mayor, per Iowa Code section

372.14(2) (“The mayor may...govern the city by proclamation upon making a determination that a time of emergency or public danger exists.”).

This legal theory differs from the Attorney General’s office point of view, which essentially says that the Public Health and Emergency Management chapters of the Iowa Code give the Governor total authority over a public health emergency, and that local governments can act only if the Governor delegates authority to them, which she has not done.

As I noted in my previous memo, the law on this matter is uncharted territory. Reasonable attorneys can disagree. I cannot say with certainty that this alternative theory is incorrect. I still believe the Attorney General’s informal opinion is correct. No one will really know until a court rules on this.

So far, Iowa City, Muscatine, and Dubuque are the only cities that we’re aware of that have issued face-covering mandates, but other cities apparently are considering it. There is some thinking that because the Governor has not threatened legal action against those cities, there will be no legal challenge by the State against local governments who adopt such mandates. However, perhaps the State just hasn’t decided to take legal action yet, or maybe the State won’t take action with just three cities implementing face-covering requirements, but it might if half-a-dozen cities do so. On the other hand, it might be a difficult situation politically for the Governor to take legal action against the cities over this issue. Also, there’s always the possibility that a citizen could file a lawsuit challenging a local face-covering requirement. And of course, arguments about whether the local mandate is lawful are quite likely to be brought up by someone who is fighting a citation received for violating the local ordinance/order.

I just wanted you to be aware that this legal theory is being considered, and acted upon, by some municipalities. If the Council should choose to follow the lead of some other Iowa cities and mandate face coverings, that is a

reasonably defensible position. However, I repeat that my advice is to follow the Attorney General's informal opinion, and that I think the AG's informal opinion is correct.

#



Proclamation

WHEREAS, countries around the globe have experienced the COVID-19 Corona Virus pandemic with over 16 million confirmed cases and 648,966 deaths; and

WHEREAS, the United States has over 4.1 million cases and 145,892 deaths; and

WHEREAS, Iowa has over 42,357 cases and 829 deaths; and

WHEREAS, Polk and County has over 9,080 cases and 191 deaths; and

WHEREAS, the number of COVID-19 cases continue to increase in our nation, state and counties placing our residents at risk for serious illness or death; and

WHEREAS, the World Health Organization has determined that wearing face shields or cloth face masks has proven to be one of the most effective means to curb the spread of the COVID-19 virus among persons in public settings; and

WHEREAS, it is critically important to protect the residents, visitors, students and employees in the City of Ankeny from the spread of the COVID-19; and

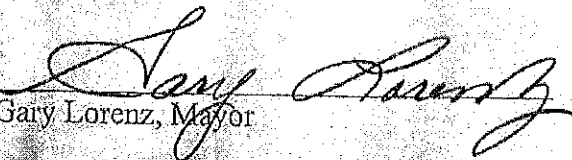
WHEREAS, the City of Ankeny desires that individuals in the City comply with recommended practices to reduce the virus spread including social distancing and the use of face shields or cloth face masks.


WHEREAS, the City of Ankeny encourages businesses throughout Ankeny to explore similar measures as a way to reduce the spread of COVID-19 and help keep businesses operational.

NOW, THEREFORE, I, GARY LORENZ, MAYOR OF THE CITY OF ANKENY, IOWA, DO HEREBY PROCLAIM:

That the City encourages everyone to social distance and wear face shields or cloth masks when they are in proximity of other persons both in public as well as private locations and that these practices continue until substantial progress in curbing the spread of the COVID-19 virus had been declared by public health officials.

DATED AND SIGNED THIS 27TH DAY OF JULY, 2020


Gary Lorenz, Mayor



**PROCLAMATION
CITY OF CORALVILLE
COVID-19 PREVENTION INITIATIVE**

WHEREAS, countries around the globe have experienced the COVID-19 Corona Virus pandemic with over 13.1 million confirmed cases and 573,000 deaths; and

WHEREAS, the United States has over 3.43 million cases and 138,000 deaths; and

WHEREAS, Iowa has over 35,836 cases and 757 deaths; and

WHEREAS, Johnson County has over 1,494 cases and 8 deaths; and

WHEREAS, the number of COVID-19 cases continue to increase in our nation, state and county placing our residents at risk for serious illness or death; and

WHEREAS, the World Health Organization has determined that wearing face shields or cloth face masks have proven to be one of the most effective means to curb the spread of the COVID-19 virus among persons in public settings; and


WHEREAS, it is critically important to protect the residents, visitors, students and employees in the City of Coralville from the spread of the COVID; and

WHEREAS, the City of Coralville and Mayor desire that individuals and businesses in the City comply with recommended practices to reduce the virus spread including social distancing and the use of face shields or cloth face masks.

*NOW, THEREFORE, be it resolved that I, John A. Lundell, Mayor of Coralville, proclaim the **COVID-19 Prevention Initiative** in Coralville and request that everyone social distance and wear face shields or cloth masks when they are in proximity of other persons both in public as well as private locations and that these practices continue indefinitely until substantial progress in curbing the spread of the COVID-19 virus had been declared by public health officials,*

Signed this 14th day of July, 2020

John A. Lundell, Mayor



PROCLAMATION AMENDMENT

WHEREAS, on March 15, 2020 and by amendments on March 17 and June 5, I determined that a state of emergency or public danger existed and directed restrictions on all gatherings on public property or public right-of-way; and

WHEREAS, COVID-19 continues to pose a serious and potentially deadly threat to the public and the public health as the Federal Center for Disease Control (“CDC”) guidance notes that large events and mass gatherings can contribute to the spread of COVID-19 in the United States by introduction of the virus to new communities; and

WHEREAS, the Governor of Iowa by Proclamation dated July 24 continues to strongly encourage all vulnerable Iowans to continue to limit their activities outside their home including participation in gatherings of any size and any purpose and she continues to encourage all Iowans to limit and to exercise particular care and caution with in-person interactions with vulnerable Iowans and the CDC has noted that events of any size should only be continued if they can be carried out with adherence to guidelines for protecting vulnerable populations, hand hygiene and social distancing; and

WHEREAS, new positive cases of the virus continue at an alarming rate in Polk County and in the City of Des Moines, putting the health care system and City residents in immediate danger with no end in sight to this alarming rate of infection; and,

WHEREAS, predictive modeling shows that Polk County could be heading toward another spike in COVID-19 cases and as certain large events and gatherings are now able to take place, the community must be prepared to respond to an increase in virus cases should it occur and the universal use of face coverings in our community may be the best way to keep businesses open, reduce the spread of the virus, and save lives; and,

WHEREAS, the Governor has determined that children must attend school in person except in very limited circumstances, and exposure of children to large groups of other children presents serious health risks to even larger groups of persons, both as to children, teachers and staff and to parents and those coming in contact with the children, teachers and staff; and,

WHEREAS, the CDC has determined that face coverings are a critical tool in the fight against COVID-19 that could reduce the spread of the virus, particularly when used universally within communities; and,

WHEREAS, the Governor Proclamation provides that businesses and gatherings ensure social distancing of employees, customers and attendees, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with the guidance of the Iowa department of Public Health (“IDPH”); and,

WHEREAS, the IDPH’s reopening guidance advises that members of the public consider the use of cloth face coverings—when social distancing is not possible—because wearing face coverings in public places where social distancing measures are difficult (like grocery stores and pharmacies) can help slow the spread of COVID-19; and,

WHEREAS, the Polk County Medical Coordination Center and multiple local physicians and medical associations have encouraged the idea of face coverings in public places, including physicians experienced in epidemiology and infectious diseases; and,

WHEREAS, the wearing of face coverings within the City of Des Moines is essential to reducing the risk of transmission of COVID-19, and necessary to protect the health, welfare and safety of residents and visitors and accelerate local recovery efforts; and,

WHEREAS, a requirement that persons wear face coverings is consistent with the Governor Proclamation and the guidance of the IDPH and the Polk County Health Department; and,

WHEREAS, the Governor Proclamation requirements and CDC recommendations are made in an attempt to reduce the spread of infection in communities affected by the virus; and

WHEREAS, Iowa Code Section 372.14(2) and the City of Des Moines Municipal Code Section 2-168 grant the Mayor powers in emergency circumstances when public danger exists to take extraordinary steps to protect the public health and safety.

NOW, THEREFORE, IN CONSIDERATION OF THE FORGOING AND OTHER VALID EMERGENT CONCERNS, I, T.M. FRANKLIN COWNIE, MAYOR OF THE CITY OF DES MOINES, PROCLAIM THE FOLLOWING:

I determine that the state of emergency or public danger determined to exist in my Proclamation of March 15, 2020, Proclamation Amendment of March 17, 2020 and proclamation Amendment of June 5, 2020 still exists and that the guidance referenced herein from the CDC is appropriate and instructional and that the Governor's prohibitions and requirements are legal and binding.

A. Face coverings. I therefore strongly and urgently encourage all persons in the City of Des Moines to wear a face covering such as a cloth mask, surgical mask, plastic shield or similar covering that covers their nose and mouth when in a public place in all of the following circumstances:

- 1) When outside one's residence or dwelling place and unable to stay at least six (6) feet away from other persons;
- 2) When inside any indoor public settings or place of public accommodations as defined in Chapter 62, including without limitation all retail stores, restaurants, bars, taverns and other accommodations;
- 3) When in any other public settings that are not one's residence or dwelling place with persons who do not live in the same residence or dwelling place;
- 4) When using public transportation or private car service (including taxis, ride-sharing or carpooling).

B. Gatherings. I therefore direct that the Proclamation prohibition on indoor gatherings of 10 people or more on public property or public right-of-way shall continue in full force and effect. I further direct that such Proclamation shall be further amended to prohibit an outdoor social, community, recreational, leisure or sporting gathering or event, including, but not limited to a parade, festival, convention, or fundraiser, of more than 250 people on public property or public right-of-way that has not previously been leased to a third party. In the event of such previously leased property, the prohibition shall be limited to the greater of 250 people or 25% of facility capacity. I further direct that such Proclamation shall be further amended to require that an outdoor social, community, recreational, leisure or sporting

gathering or event, including, but not limited to a parade, festival, convention, or fundraiser, of more than 10 and up to 250 people on public property or public right-of-way shall comply with the following requirements:

- 1) The gathering organizer or sponsor must limit the number of participants present in any outdoor venue with grandstands or other permanent seating to 50% of its normal operating capacity and limit the number of participants in other outdoor settings to a number that permits the social distancing required by paragraph 2.
- 2) The gathering organizer or sponsor must ensure at least six feet of physical distance between each group or individual attending alone.
- 3) The gathering organizer or sponsor shall implement reasonable measures under the circumstances of each gathering to ensure social distancing of gathering participants, increased hygiene practices, use of face coverings when social distancing isn't possible and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health and, for any food service, the Iowa Department of Inspections and Appeals.
- 4) Practices, game and competitions for recreational or sporting gatherings are not prohibited even where athletes may have contact within six feet, provided that the City Manager determines that the gathering organizer or sponsor of such activities and events implements reasonable measures under the circumstances of each gathering, including by way of example increased testing, face coverings, ensured reasonable social distancing, increased hygiene practices and other health measures for athletes and participants to reduce the risk of transmission of COVID-19 consistent with the most restrictive guidance issued by the Iowa Department of Public Health or the CDC.
- 5) The gathering organizer or sponsor shall comply with all other relevant provisions of the Governor Proclamation.
- 6) The gathering organizer or sponsor shall comply with all other reasonable and lawful permit requirements imposed by the City Manager to reduce the risk of transmission of COVID-19.

As part of the permit application to conduct a social, community, recreational, leisure or sport gathering or event of more than 10 and up to 250 people on public property or public right-of-way, the gathering organizer or sponsor must document its willingness, ability and capacity to comply with all the above requirements. If the City Manager reasonably determines that the gathering organizer or sponsor is unwilling, unable or otherwise incapable of complying with all the above requirements, the City Manager shall not issue a permit for the gathering or event and such gathering or event shall be prohibited. I further determine and direct the Police Chief to enforce such direction to avoid any such prohibited gatherings, whether formally or informally organized.

I further strongly urge—consistent with the recommendations of the Governor and CDC—that private gatherings of 10 or more people on private property shall comply with all applicable requirements of the Governor Proclamation.

C. Provision of Face Coverings. Given the evidence that demonstrates reduced risk of contracting COVID-19 by use of face coverings, I hereby direct the City Manager to investigate creating a program using his emergency procurement authority to procure and distribute face masks to members of the public not using face masks in the situations above described, utilizing city employees, volunteers, non-profits and other concerned individuals willing to disseminate such face coverings.

D.. General. This Amendment to the previously issued and amended Proclamation of emergency and public danger is part of an ongoing response of the City of Des Moines to protect public health and

safety and may be modified or superseded with more restrictive proclamations at any time as circumstances warrant and in all other respects and purposes, the prior amended Proclamation as hereby further amended continues in full force and effect.

With respect to the terms of Section (B) and this Section (D) herein, per Section 2-168(c) of the Municipal Code, the public is advised that the violation of a mayoral proclamation of emergency or of any subsidiary proclamation thereto evidencing the exercise of emergency powers or of any rule or order issued pursuant thereto by the Mayor or the City Manager or of any order issued pursuant thereto by any peace officer or of any directive issued by designated emergency services personnel pursuant thereto shall constitute a violation of that section and shall be punishable as a misdemeanor as provided by section 1-15 of the municipal code.

PROCLAIMED THIS 31st DAY OF JULY, 2020 BY THE AUTHORITY VESTED IN ME BY THE CODE OF IOWA AND THE CITY OF DES MOINES MUNICIPAL CODE:

T.M. FRANKLIN COWNIE
MAYOR
CITY OF DES MOINES

RESOLUTION 159-2020

RESOLUTION ENCOURAGING COVID-19 PUBLIC HEALTH PRACTICES IN URBANDALE

WHEREAS, countries around the globe have experienced the COVID-19 Coronavirus pandemic with over 15 million confirmed cases and 620,000 deaths; and

WHEREAS, the number of COVID-19 cases continue to increase in our nation, state and counties placing our residents at risk for serious illness or death; and

WHEREAS, consistent with recommendations of the Centers for Disease Control & Prevention, the Iowa Department of Public Health, Dallas County Health Department and Polk County Health Department, face coverings are an effective means to prevent the spread of COVID-19; and

WHEREAS, the City of Urbandale is taking steps to respond to the COVID-19 pandemic and is committed to protecting the health of residents, visitors, students and employees in the City of Urbandale from the spread of COVID-19; and

WHEREAS, the City of Urbandale encourages individuals in the City to comply with recommended public health practices to reduce the virus spread including social distancing and the use of face coverings.

WHEREAS, the City of Urbandale encourages businesses throughout Urbandale to explore similar measures as a way to reduce the spread of COVID-19 and help keep businesses operational.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANDALE, IOWA:

That the City encourages everyone to social distance and wear face coverings when they are in proximity of other persons and that these practices continue until substantial progress in curbing the spread of the COVID-19 virus has been declared by public health officials.

PASSED AND APPROVED this 28th day of July, 2020.

By: _____
Robert D. Andeweg, Mayor

ATTEST:

Nicole Lunders, City Clerk

ORDINANCE NO. _____-20

AMENDING CITY OF DUBUQUE CODE OF ORDINANCES TITLE 6 HEALTH, HOUSING, SANITATION AND ENVIRONMENT, CHAPTER 1 HEALTH AND SAFETY REGULATIONS, BY ADDING A NEW SECTION 2 FACE COVERING REQUIREMENT

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA:

Section 1. City of Dubuque Code of Ordinances Section 6-1 is amended by adding thereto the following new section:

6-1-2: FACE COVERING REQUIREMENT:

- A. Every person in the City of Dubuque three (3) years of age or older must wear a face covering that covers the person's nose and mouth as follows:
1. Outside whenever one cannot stay at least six (6) feet away from others;
 2. Inside any indoor public setting, for example, but not limited to:
 - a. Grocery stores.
 - b. Pharmacies.
 - c. Hardware stores.
 - d. Retail stores.
 - e. Any other indoor public setting when with persons who do not live in the person's household.
 3. When using public transportation or a private car service, including taxis, ride share, or carpooling.
- B. Places and times where a person is not required to wear a face covering:
1. While traveling in a personal vehicle alone or with household members.
 2. While a person is alone or in the presence of only household members.
 3. While outside, if keeping six (6) feet away from others is possible

4. While exercising at moderate or high intensity such as jogging or biking.
5. While seated at a food establishment in the process of eating or drinking.
6. While obtaining a service that would require temporary removal of the person's face covering.
7. When federal or state law prohibits wearing a face covering or requires the removal of the face covering.

C. The following persons are exempt from wearing a face covering:

1. Persons younger than (three) 3 years of age.
2. Anyone who has difficulty breathing or is on oxygen therapy or a ventilator.
3. Anyone who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
4. Anyone who has been told by a medical, legal, or behavioral health professional not to wear face coverings.
5. Anyone actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, although a face covering should be worn if possible.
6. A student participating in co-curricular activities when participating according to the Iowa High School Athletic Association rules for wearing face coverings.

D. A business that is open to the public must post signs at each entrance instructing customers of the legal obligation to wear a face covering as required by this Ordinance while inside the business.

E. No business that is open to the public may provide service to a customer or allow a customer to enter its premises unless the customer is wearing a face covering as required by this Ordinance.

F. Violations

1. For any violation of this chapter, an initial fine of ten dollars (\$10.00) if paid within thirty (30) calendar days of the date of the violation. If payment is not made within such thirty (30) calendar days, said fine shall be fifteen dollars (\$15.00).
2. Payment of the above fine by mail to the city treasurer shall be deemed paid as of the date of the postmark on the envelope thereof.

3. For purposes of this section, a fine shall become delinquent if not paid within thirty (30) calendar days from the date of issuance of the violation notice.
4. The City reserves the right to pursue delinquent violations through collections or the issuance of a municipal infraction pursuant to the City of Dubuque Code of Ordinances §1-4-2.

G. Appeal.

1. Within ten (10) days of a violation a person may file with the Police Department a written notice of appeal.
2. Upon appeal, a municipal infraction shall be issued pursuant to City of Dubuque Code of Ordinances §1-4-2.

Section 2. This Ordinance shall take effect upon publication.

Passed, approved and adopted this 6th day of August, 2020.

Roy D. Buol, Mayor

Attest:

Kevin S. Firnstahl, City Clerk

Iowa City

MAYOR'S ORDER

RE:

FACE COVERINGS

2020 SEP 21 11:11 AM
CITY OF IOWA CITY
CLERK

Whereas, as Mayor of the City of Iowa City I took an oath to uphold and defend the Constitution of the United States and the Constitution of the State of Iowa; and,

Whereas, Article III, Section 38A of the Iowa Constitution grants to municipalities the power to determine their local affairs and government not inconsistent with the laws of the general assembly; and,

Whereas, Chapter 364 of the Iowa Code reaffirms the constitutional grant of home rule authority to municipalities "to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the city or its residents, and improve the peace, safety, health, welfare and convenience of its residents"; and,

Whereas, a "city may exercise its general powers subject only to limitations expressly imposed by a state or city law," and the exercise of a city power "is not inconsistent with a state law unless it is irreconcilable with the state law." Iowa Code section 364.2(2) and (3); and,

Whereas, a city may set standards "more stringent than those imposed by state law, unless a state law provides otherwise." Iowa Code Section 364.3(a); City of Des Moines v. Gruen, 457 N.W.2d 340, 343 (Iowa 1990); Bryan v. City of Des Moines, 261 N.W.2d 685, 687 (Iowa 1978)

Whereas, Section 372.14(2) of the Iowa Code authorizes the Mayor "to govern the city by proclamation, upon making a determination that time of emergency or public danger exists"; and,

Whereas, pursuant to the powers vested in me as Mayor under Section 372.14(2) of the Iowa Code and Section 8-1-2 of the City Code of Iowa City, I issued a Proclamation of Civil Emergency on March 18, 2020 due to the dangers presented by the Novel Coronavirus 2019 (COVID-19) and declared my intention to take such extraordinary measures as are in my judgment necessary to maintain health, welfare and safety within the community; and,

Whereas, on March 17, 2020, the Governor of Iowa issued a Proclamation of Public Health Disaster Emergency after multiple cases of COVID-19 had been confirmed in Iowa and the Iowa Department of Public Health determined that community spread was occurring within the state; and,

Whereas, positive cases of the virus continue at an alarming rate in Johnson County and Iowa City, its largest municipality; and,

Whereas, August may bring the return to the City of thousands of students to attend the University of Iowa, which will further increase the risk of spread of the virus within our community; and,

Whereas, the Centers for Disease Control (CDC) has determined that face coverings are a critical tool in the fight against COVID-19 that could reduce the spread of the virus, particularly when used universally within communities; and,

Whereas, on July 17, 2020, the Director of the Johnson County Department of Public Health, in asking all area municipalities to adopt a face covering resolution, stated: "We ask that everyone recognize and understand that wearing a face covering in public is more than a simple gesture, it protects others,"; and further stated: "Much is unknown but one thing is evident, the virus is

here to stay and we must take action. While our path is uncertain and much is unknown, we do have the tools to reduce risk to ourselves and each other. We just have to use them. This action requires the collective actions of everyone.”; and,

Whereas, the Governor’s current proclamation requires that businesses and gatherings ensure social distancing of employees, customers and attendees, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with the guidance of the Iowa Department of Public Health (IDPH); and,

Whereas, the IDPH’s reopening guidance advises that members of the public consider the use of cloth face coverings when distancing is not possible because wearing face coverings in public places where social distancing measures are difficult (like grocery stores and pharmacies) can help slow the spread of COVID-19, and refers the public to the “local public health agency, the appropriate regulating agency or professional association” with questions about how to implement its guidance; and,

Whereas, a requirement that persons in Iowa City wear face coverings is essential to reducing the risk of transmission of COVID-19, and necessary to protect the health, welfare and safety of residents and visitors and accelerate local recovery efforts; and,

Whereas, a requirement that persons wear face coverings is consistent with the Governor’s proclamation and the guidance of the IDPH and the Johnson County Department of Public Health.

Pursuant to Article III, Section 38A of the Iowa Constitution, the powers vested in me as Mayor under Section 372.14(2) of the Iowa Code, Section 8-1-2 of the City Code of Iowa City, and the Mayor’s Proclamation of Civil Emergency signed March 18, 2020, I deem it advisable that when present within the City of Iowa City all persons wear face coverings as ordered below.

I hereby ORDER effective immediately:

Every person in the City of Iowa City must wear a face covering that covers their nose and mouth when in a public place as follows:

- In public, as opposed to being in one’s place of residence, when one cannot stay six (6) feet away from others
- Inside of any indoor public settings, for example, but not limited to:
 - Grocery stores
 - Pharmacies
 - Hardware stores
 - Retail stores
 - Other public settings that are not one’s place of residence and when with persons who do not live in the household
- Outside, if keeping six (6) feet away from others is not possible
- Using public transportation or private car service (including taxis, ride share, or carpooling)

No business that is open to the public may provide service to a customer or allow a customer to enter its premises, unless the customer is wearing a face covering as required by this order, and businesses that are open to the public must post signs at entrance(s) instructing customers of their legal obligation to wear a face covering while inside.

Those who are exempt from wearing a face covering:

- Persons younger than 2 years old due to the risk of suffocation

- Anyone who has trouble breathing, on oxygen therapy or ventilator
- Anyone who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance
- Anyone who has been told by a medical, legal, or behavioral health professional not to wear face coverings
- Anyone actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel.

Places and times where persons are exempt from wearing a face covering:

- While traveling in a personal vehicle alone or with household members
- While a person is alone or in the presence of only household members
- While exercising at moderate or high intensity e.g. jogging or biking
- While seated at a food establishment in the process of eating or drinking
- While obtaining a service that would require temporary removal of the persons face covering
- When federal or state law prohibits wearing a face covering or requires the removal of the face covering

Pursuant to City Code Section 8-1-2 a violation of this Order or any directive given pursuant hereto by any police officer shall be unlawful and punishable as a simple misdemeanor. Citation shall be a last resort to obtain compliance.

This Order shall expire on September 15, 2020 unless otherwise rescinded or extended.

Issued this 21st day of July 2020.

By: Bruce Teague
Bruce Teague
Mayor, City of Iowa City of Iowa City

Attest: Kellie K. Fruehling
Kellie K. Fruehling
City Clerk

2020 JUL 21 10:11 AM
CITY CLERK

Proclamation of the Mayor
Face Covering Mandate - City Wide

WHEREAS, The World Health Organization has declared the Novel Coronavirus 2019 (Covid-19) a pandemic; and

WHEREAS, The President of the United States and Governor of Iowa have declared National and State Emergency Proclamations; and

WHEREAS, Muscatine Mayor Diana Broderson in collaboration with Muscatine County and other Mayors of the Municipal Jurisdictions within Muscatine County made a Declaration of Disaster Emergency on 3-24-2020 in effect until cancelled or 9-23-2020; and

WHEREAS, The impact of the pandemic continues to meet the parameters of a civil emergency; and

WHEREAS, Covid-19 spreads mainly from person to person through respiratory droplets when infected people cough, sneeze, or talk; and

WHEREAS, Evidence based data demonstrates that wearing a cloth face covering reduces an infected person's chance of spreading the infection to others; and

WHEREAS, Reducing the spread of Covid-19 will allow the economic community to remain open to the public during the pandemic; and

WHEREAS, Many people in the City of Muscatine regularly wear face coverings when in public, requiring all people in the City of Muscatine to wear face coverings in public will help control and prevent the spread of Covid-19 in the City of Muscatine while at the same time allowing the economic community to continue providing service in the City;

NOW, THEREFORE, I, Diana L. Broderson, Mayor of the City of Muscatine, Iowa as a result of the above noted situation, and under the Constitution of the State of Iowa Article III, Section 38A, Iowa Code §372.14(2), Muscatine City Code 1-7-2, and other applicable authority do hereby order the following:

Section 1

Every person in the City of Muscatine must wear a face covering that covers their nose and mouth when in any indoor or outdoor public setting, including, but not limited to:

- Inside any building, including but not limited to, any business open to the public;
- Healthcare settings, including but not limited to a, hospital, medical clinic, laboratory; pharmacy, veterinary clinic, physician or dentist office, and blood bank;
- While in line waiting for or riding on public transit or any vehicle for hire;

Section 5

Members of the public are required by law to comply with this order and violations will be addressed through:

- Enforcement will be duly provided by the Muscatine Police Department and any other legal authority in the City of Muscatine;
- Violators will be guilty of a Municipal Infraction and punishable as provided in Section 1-3 of the City Code;

If this action and the order of another agency or official are in conflict, the more protective requirement will apply. This Order shall take effect on July 6, at 6 am. The sunset of this declaration will be six months from the date enacted unless sooner terminated or extended in writing.

Mayor Diana L. Broderson

City of Muscatine

Date

To: All City and County Government Officials
From: Story County Board of Health
Date: August 6, 2020
Subject: Face Covering Resolution

The Story County Board of Health is asking all municipalities across Story County to adopt a face covering resolution. Current research strongly suggests that requiring face covering use in public places could be among the most powerful tools to stop the community spread of COVID-19.

Recent research has shown that:

- The majority of infections may be attributable to pre-symptomatic and asymptomatic, or “silent” transmissionⁱ
- Face coverings, including non-medical or cloth face masks and face shields, have been effective in reducing transmission of coronavirus by reducing transmission of infected droplets from the mouth and nose that spread the virusⁱⁱ
- Consistent, widespread use of face coverings in public settings will dramatically lower community transmission of COVID-19ⁱⁱⁱ
- Public mandates for use of face coverings appear to be highly effective at increasing compliance and slowing or stopping the spread of COVID-19^{iv}

Many organizations or workplaces have already implemented policies requiring face coverings, but for these practices to work at a community level, EVERYONE needs to practice this measure. Areas where public health measures are not practiced are areas where the virus has a higher chance to infect others. If municipalities in Story County can encourage mitigation practices where health measures are not practiced, the risk of transmission will be greatly reduced.

As local officials, your obligation is to act in the best interest of your constituents; in this case, that means saving lives. While we are not aware of a similar study specific to Story County, a recent state-wide survey found that 72% of Iowans believe that everyone should wear a mask/facial covering when out in public to reduce the transmission of COVID-19^v. Across 24 relevant studies, most stakeholders found physical distancing and use of face masks and eye protection acceptable, feasible, and reassuring^{vi}.

With schools and colleges planning to convene this summer and fall, the approach of flu season, and current lack of a vaccine or post-infection immunity, the time to act is now. Adoption of face covering resolutions should be put in place immediately to keep transmission low, prevent our hospitals from being overwhelmed, and protect our most vulnerable community members. We also ask business leaders who offer products and services to the public to require their employees and customers to wear masks whether or not it is required by local law. This vital step will help protect workers and customers.

Such requirements will greatly increase the rate of individuals wearing face coverings. This should be done in conjunction with, not as a replacement for, other mitigation practices, such as hand hygiene, physical distancing, and staying home when ill. For more information, please review the COVID-19 Mitigation Guidance Within Story County- Recommendations From The Story County Board Of Health, available at: <http://www.storycountyiowa.gov/336/Board-of-Health>.

To aid in the development of a unified face covering resolution, recommended guidance has been provided (Appendix 1).

Sincerely,
Story County Board of Health

ⁱ The implications of silent transmission for the control of COVID-19 outbreaks. Seyed M. Moghadas, Meagan C. Fitzpatrick, Pratha Sah, Abhishek Pandey, Affan Shoukat, Burton H. Singer, Alison P. Galvani. *Proceedings of the National Academy of Sciences* Jul 2020, 117 (30) 17513-17515; DOI: 10.1073/pnas.2008373117

ⁱⁱ Konda A, Prakash A, Moss GA, Schmoldt M, Grant GD, Guha S. Aerosol Filtration Efficiency of Common Fabrics Used in Respiratory Cloth Masks [published correction appears in *ACS Nano*. 2020 Jun 18;:]. *ACS Nano*. 2020;14(5):6339-6347. doi:10.1021/acsnano.0c03252

ⁱⁱⁱ Physical distancing, face masks, and eye protection to prevent person-to-person transmission of SARS-CoV-2 and COVID-19: a systematic review and meta-analysis. Chu, Derek KChu, Derek K et al. *The Lancet*, Volume 395, Issue 10242, 1973 – 1987.

^{iv} Community Use Of Face Masks And COVID-19: Evidence From A Natural Experiment Of State Mandates In The US. Lyu, Wei and Wehby, George. *Health Affairs*, 9, No. 8 (2020): 1–7. doi: 10.1377/hlthaff.2020.00818

^v COVID-19 Wave 3 Re-Opening and Economic Recovery Summary Report. SPPG + Essman Research. *Business Record*, Jul 14, 2020. Available at: https://134eae71-4677-40e5-ac23-f71ac6d099e6.filesusr.com/ugd/1b1b6d_7bbd46cc7e2a4d149602bbc91bd65e6d.pdf

^{vi} Physical distancing, face masks, and eye protection to prevent person-to-person transmission of SARS-CoV-2 and COVID-19: a systematic review and meta-analysis. Chu, Derek KChu, Derek K et al. *The Lancet*, Volume 395, Issue 10242, 1973 – 1987.

Appendix 1: Recommended Face Covering Guidance

People must wear a face covering when:

- In public or in a residence with persons who do not live in their household and they cannot stay six (6) feet away from others
- Inside of any indoor public settings, for example, but not limited to:
 - Grocery, retail, and hardware stores
 - Gas stations
 - Bars and restaurants
 - Fitness centers
 - Pharmacies
 - Other public settings that are not one's place of residence
- Outside, if keeping six (6) feet away from others is not possible
- Using public transportation or private car service (including taxis, ride share, or carpooling)
- In one's household if individuals who do not live in the household are present
- In one's household if the household includes members with health risks and the community is experiencing high rates of positivity

Those who are exempt from wearing a face covering:

- Persons younger than 2 years old due to the risk of suffocation
- Anyone who has trouble breathing, or is on oxygen therapy or a ventilator
- Anyone who is unconscious, incapacitated, or otherwise unable to remove their face covering without assistance
- Anyone who has been told by a medical, legal, or behavioral health professional not to wear face coverings

Places and times where persons are exempt from wearing a face covering:

- While traveling in a vehicle alone or with household members who are not at increased risk
- While a person is alone or in the presence of only household members who are not at increased risk
- While exercising at moderate or high intensity e.g. jogging or biking
- While seated at a food establishment in the process of eating or drinking
- While obtaining a service that would require temporary removal of the person's face covering
- When federal or state law prohibits wearing a face covering or requires the removal of the face covering

Appropriate use of a face covering, including cloth face coverings and face shields, includes:

- A snug fit, but comfortable against the side of the face
- Completely covers the nose and mouth
- Is secured with ties or ear loops
- Allows for breathing without restriction
- Can be cleaned and disinfected or laundered and dried without damage or change to shape

For more information about cloth face coverings and appropriate use, visit:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>



CITY OF
Ames™

Caring People ♦ Quality Programs ♦ Exceptional Service

MEMO

Item No. 25

To: Mayor and City Council
From: Brian Phillips, Assistant City Manager
Date: August 18, 2020
Subject: FY 2020/21 City Council Travel and Conferences

In response to the potential for FY 2020/21 revenue shortfalls stemming from the COVID-19 pandemic, City staff has suspended travel for conferences and training. Excluded from this suspension are trainings that are required to maintain staff licensure or other credentials.

It is not yet clear exactly what the impact of the pandemic will be on FY 2020/21 revenues; however, City staff is proceeding cautiously with expenditures until the impacts can be fully known.

Some members of the City Council have expressed interest in attending a virtual National League of Cities conference this fall. **City staff recommends that prior to taking any action, the entire Council should discuss whether this fiscal year: 1) the Council should continue attending conferences, or 2) the Council should refrain from attending conferences as a cost-saving measure.**

The City Council's adopted FY 2020/21 Budget contains \$16,345 for conferences. FY 2019/20 and FY 2018/19 actual expenditures on conferences were \$23,532 and \$26,776, respectively. Training and in-state travel for meetings are accounted for separately from these amounts.

COUNCIL ACTION FORM

SUBJECT: VACATION AND CONVEYANCE OF RIGHT-OF-WAY ADJACENT 2400 AND 2500 SE 16TH STREET

BACKGROUND:

City staff has received a request from James Bergkamp Jr., representing Van Wall Equipment Inc., owner of 2400 and 2500 SE 16th Street, to vacate and purchase City right-of-way (ROW) adjacent those properties (see Attachment A). The reason for this request is to acquire additional land area to help facilitate the future development of these lots.

The requested ROW vacation area is 13,926.5 square feet (SF) in size and is adjacent to the south edge of 2400 SE 16th St (see Attachment B for a map). Apart from Van Wall, there are no other property owners abutting this ROW.

As stated in the request, Van Wall has agreed to purchase the ROW, if vacated, at the valuation determined by the City's standard formula. That valuation is \$28,410.06, which is based on 2020 land values for comparable vacant properties in the vicinity minus 10% for processing this as a Quit Claim Deed and 15% for retainage of the area as easements (see Attachment C).

If vacated, **this area would require a permanent easement for access and maintenance of the existing entryway lighting enhancements along US Highway 30.** In addition, local utilities were contacted and **Ames Electric indicated that an electric easement would also be needed over this area.** All other utilities responded that they do not have, nor plan to have, any of their infrastructure within this proposed ROW vacation area.

The City's Legal staff will be preparing easement documents. Ideally, the executed easement will be received from Van Wall prior to the third reading of vacation and public hearing approving conveyance on July 28, 2020. However, if the easement has not been received at that time, the vacation and conveyance hearing may still proceed because the City Clerk will withhold processing the conveyance until the executed easement is received from Van Wall.

ALTERNATIVES:

1. a. Set the date of public hearing as June 23, 2020 for the first reading to approve the vacation of the ROW area adjacent 2400 and 2500 SE 16th Street.
- b. Set the date of public hearing as July 28, 2020 to approve the conveyance of the vacated ROW to the owners of 2400 and 2500 SE 16th Street (Van Wall Equipment Inc.) for \$28,410.06 as determined by the adopted City Council policy.
2. Retain this land and deny the request to vacate the ROW area adjacent 2400 and 2500 SE 16th Street.

MANAGER'S RECOMMENDED ACTION:

Vacation and sale of this ROW area will facilitate the future development of the properties at 2400 and 2500 SE 16th Street. Furthermore, the ROW area is not large enough to be developed individually and provides access to only Van Wall's properties. Access to City lighting and electric facilities will be maintained with establishment of the new easement.

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

S P A C E A B O V E R E S E R V E D F O R O F F I C I A L U S E

Return document to: City Clerk, 515 Clark Avenue, Ames IA 50010

Document prepared by: Victoria A. Feilmeyer, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010 – 515-239-5146

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE RIGHT OF WAY LOCATED FROM AND ALONG 2400 AND 2500 SOUTHEAST 16TH STREET IN THE CITY OF AMES, IOWA.

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF AMES, IOWA:

Section 1. Findings. The City Council has authority, as described in Article III, Section 38A of the Constitution of the State of Iowa and in Iowa Code § 306.10 to vacate public rights of way. The Council has previously given notice of and conducted a public hearing as required by sections 306.11 and 306.12 of the Iowa Code, respectively. The City Council deems this ordinance appropriate, and necessary to protect, preserve and improve the rights, privileges, property, peace, safety, health, welfare, comfort and convenience of the City of Ames and its citizens, all as provided for in and permitted by § 364.1 of the Code of Iowa.

Section 2. Vacation. The portion of right of way (located generally on the southern boundary of and adjacent to 2400 and 2500 SE 16th Street) is hereby vacated where legally described as follows: [See attached Exhibit ‘A’].

Section 3. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, 2020.

Diane R. Voss, City Clerk

John A. Haila, Mayor

Exhibit 'A' – Legal Description (Vacated Right of Way)

The City of Ames public street right-of-way described and recorded in the Deed of Dedication, Instrument Number 3091, Book 121, Pages 651 – 653, dated May 22, 1973, except that portion conveyed to the State of Iowa and described in the Quit Claim Deed, Instrument Number 2016-00010429, dated October 19, 2016, all in Story County, Iowa.



CITY OF
Ames™

Caring People ♦ Quality Programs ♦ Exceptional Service

MEMO

Item No. 42

To: Mayor and City Council

Cc: Steven L. Schainker, City Manager
Tracy L. Warner, P.E.; Municipal Engineer

From: John Joiner, P.E.; Public Works Director

Date: July 24, 2020

Subject: 07-28-20 Hearing for ROW Conveyance adjacent to 2400 SE 16th St

On the July 28, 2020, City Council agenda is a hearing for proposed conveyance of a portion of vacated City right-of-way adjacent to the south edge of 2400 SE 16th Street. City Council has previously directed that this old right-of-way be vacated and conveyed to the property owner, Van Wall Equipment. However, an easement will be needed to access electrical utility facilities and the decorative light columns along US 30. This easement has been created by City legal staff but has not yet been signed by the property owner. **Therefore, the hearing should be continued to the August 11, 2020 City Council meeting to allow time for the property owner to execute and return the easement.**

COUNCIL ACTION FORM

SUBJECT: **UNIT #8 CRANE RENOVATION**

BACKGROUND:

On June 9, 2020, City Council approved preliminary plans and specifications for the Unit #8 Crane Renovation. This project is for materials, equipment, and labor necessary for the installation of equipment related to the renovation of the Unit #8 crane.

Bid documents were issued to 13 firms. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published on the websites of a contractor plan room service with statewide circulation. The bid was also sent to three plan rooms. On July 15, 2020, three bids were received as shown below:

Bidder	Sales and/or Use taxes included in Lump Sum	Lump Sum Bid
<i>Engineer's Estimate</i>	--	\$379,500
Miner Corporation dba MHC Systems, LLC, Urbandale, IA	\$17,486.00	\$269,876.00
Kistler Crane and Hoist, Omaha, NE	\$20,754.02	\$323,711.02
Konecranes, Inc., Cedar Rapids, IA	\$24,932.00	\$399,932.00

Staff reviewed the bids and concluded that the apparent low bid submitted by Miner Corporation dba MHC Systems, LLC, Urbandale, IA, in the amount of \$269,876 (inclusive of Iowa sales tax) is acceptable.

MHC Systems has included optional pricing for LED lighting upgrades for the Unit 8 crane. The Power Plant would like to include this option in the award pricing at an additional cost of \$3,330.00 (plus \$233.10 sales tax).

Since the need for this work was not learned until the budget was finalized, this project was not included in Electric Services' FY 2019/20 CIP. Funding for this project will come from savings in budgeted amounts for the Unit #7 Turbine Generator Overhaul CIP project, which has \$709,000 remaining. This is consistent with what staff informed City Council at the time the preliminary plans and specifications were approved.

On July 28, 2020, the City Council accepted the report of bids and continued the hearing so City staff could obtain information from references of the low bidder. The reference checking is now complete to City staff's satisfaction.

ALTERNATIVES:

1. Award a contract to Miner Corporation dba MHC Systems, LLC, Urbandale, IA, for the Unit #8 Crane Renovation in the amount of \$273,439.10 (inclusive of Iowa sales tax).
2. Award a contract to another bidder.
3. Reject all bids and delay the repair which could eventually render the crane unreliable and potentially create unsafe crane operation.

CITY MANAGER'S RECOMMENDED ACTION:

The crane is critical plant equipment used in completing major work on the turbine/generators. This work should be completed before work begins on the Unit #8 Turbine Generator.

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

COUNCIL ACTION FORM

REQUEST: INTEGRATED SITE PLAN SUBDIVISION FOR 3619 STANGE ROAD, INCLUDING THE NINETEENTH ADDITION TO NORTHRIDGE HEIGHTS SUBDIVISION PRELIMINARY PLAT AND MAJOR SITE DEVELOPMENT PLAN.

BACKGROUND:

Burgie's Coffee & Tea Co. and Fareway Grocery request approval of an Integrated Site Plan, which includes concurrent preliminary plat and Major Site Development Plan approval. The request is for a proposed development at 3619 Stange Road that will add a new building with a drive through to house a Burgie's Coffee & Tea Co. in front of the existing Fareway Grocery (Attachment A – Location Map). The proposed development includes constructing a new building for the coffee shop in a space that is currently grassy lawn on the east side of the Fareway lot. No changes are proposed to the Fareway. The subject site totals 4.06 gross acres. The proposed subdivision includes two lots. The combined site will maintain the existing access from Stange Road; there will continue to be no access from Bloomington Road.

The concurrent review of a Major Site Development Plan and Preliminary Plat is required as part of the Integrated Site Plan approval process. **An Integrated Site Plan allows for the subdivision of a site into individual lots with consideration of the site in its entirety for evaluating access, circulation, maintenance, and compliance with certain zoning development standards (setbacks, landscaping, parking, etc.) that would otherwise apply to individual lots.** Approval of an Integrated Site Plan allows for more flexible application of most development standards through the approval of the Major Site Development Plan, although the overall site must meet all minimum standards.

The site was originally platted in June of 2008 as Lot 2 of the Northridge Heights Subdivision Twelfth Addition. The original preliminary plat for Northridge Heights was approved in January of 2001 and subsequently amended. The land that abuts the site to the north and east is commercially developed and zoned Convenience General Service, CGS. The land to the west, containing the Grayhawk apartments, is zoned FS-RM, Floating Zone Suburban Residential Medium Density. The land to the south across Bloomington Road, containing Heartland Baptist Church, is zoned RS-RL, Floating Zone Suburban Residential Low Density. (See Attachment B for full Zoning Map.)

The preliminary plat (Attachment C) subdivides the existing Fareway Grocery property into two developable lots. The smaller lot primarily encompasses the grassy area adjacent to Stange Road, which is located east of the current store. The integrated site plan enables the two new lots to share the existing parking, the maximum building coverage requirement (45%), and the minimum landscaped area requirement (25%). The total building coverage proposed is 20.19%; the total landscaped area proposed is 25.18%. The proposed lots both have frontage on a public street. The proposed plat meets

minimum lot area and dimension requirements. No additional right-of-way dedication is proposed with the subdivision. A note on the plat indicates the entire site will have shared access and parking for both lots.

The proposed Major Site Development Plan (Attachment D) accounts for all building configurations, uses, and features of the site layout. The new building will have 1,703 square feet; the current Fareway is 34,000 square feet. An existing Well Fargo drive-up ATM is to be removed. Two United States Postal Services mailboxes are to be moved north by approximately 50 feet along the planned drive-through lane.

When the Fareway was approved in August of 2008, the minimum parking requirement for a grocery store was one space per 150 square feet. The parking requirement for Retail Sales and Services-General is now one space per 300 square feet. As a result of this citywide change, the current calculation for a grocery stores use requires 113 parking spaces. There are 184 parking spaces provided. The new development will reconfigure 14 spaces leaving a total of 172 parking spaces. This leaves 59 parking spaces available for Burgie's Coffee. Fast Food Restaurants are required to have 12 spaces per 1,000 square feet in the dining or waiting area. The new Burgie's Coffee will have 780 square feet in the waiting and dining area, requiring nine spaces. Both areas of the plat will have shared access and parking, though the spaces nearest the proposed Burgie's Coffee will be used for the new building. On-site bicycle parking is to be provided at the southeast corner of the new building.

The new Burgie's will have a drive-through window on the west side of the building with enough stacking space, as measured from the menu board to the north driveway entrance, for four cars. Three cars can fit between the menu board and the drive-up window (including the space at the drive-up window). Sec. 29.1303(2) of the Zoning Code requires that stacking lanes "must be designed to provide adequate on-site maneuvering, queueing and circulation area, so that stacking vehicles will neither impede traffic on abutting streets nor interfere with vehicle circulation." The drive-through configuration is the most significant issue for this site plan. Staff has required five stacking spaces, as measured from the menu board, for similar coffee shop drive-throughs for recent projects. To address this concern, the north entrance is being restriped to create a left turn-lane coming off Stange Road that will provide two additional stacking spaces before turning into the drive-through lane.

The CGS Zoning (Convenience General Store) in Sec. 29.810(4) has specific architectural standards. Building elevations are included (Attachment E). The building will be clad in light-colored brick on all sides. The Architectural Standards for CGS require that each façade facing a street, walkway or parking lot "shall be subdivided and proportioned by openings, such as windows, or doors, and/or projecting structures, such as arcades, arbors, or awnings, along no less than forty (40) percent of the length of the façade." The east wall, which faces Stange Road, and the south wall, which faces the parking lot and Bloomington Road, comply with this standard. The west wall, which faces the parking lot, did not comply at the time of the Planning and Zoning Commission review but has since been revised and the design approved by staff. The Planning and Zoning Commission recommendation thus contains a condition that has now been met.

The site requires front yard landscaping along Stange Road (location of the street frontage for development of the new Lot 2), including overstory trees, shrubs, and grasses. The proposed plan complies with the non-residential, front yard requirements of Sec. 29.403(1)(A)(i)(d).

Additional analysis of the development with the Major Site Development Plan criteria is included in the addendum.

PLANNING & ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on July 29th and voted 6-0-0 to recommend that the City Council approve the Integrated Site Plan for 3619 Stange Road. This action included a recommendation for the Major Site Development Plan with the following conditions:

- i. Prior to approval of the MSDP, modify the west façade to bring it into compliance with the architectural standards in Sec. 29.810(4)(d)(ii). *(Applicant has updated the plans to satisfy this condition)*
- ii. Show the location of the proposed electric meter on the outside of the building with corresponding adjustments to the nearby landscaping.
- iii. Compliance with the City's Outdoor Lighting Code.

The action also included recommendation of approval for the Preliminary Plat for Northridge Heights Subdivision, Nineteenth Addition.

ALTERNATIVES:

1. Approve the follow requests:
 - A. The Major Site Development Plan, subject to the following conditions:
 - i. Show the location of the proposed electric meter on the outside of the building with corresponding adjustments to the nearby landscaping, subject to staff approval.
 - ii. Compliance with the City's Outdoor Lighting Code subject to staff approval.
 - B. The Preliminary Plat for the Northridge Heights Subdivision, Nineteenth Addition, noting that prior to final plat all requirements of the integrated subdivision for agreements and easements are to be reviewed and approved by the City.
2. Approve the request for an Integrated Site Plan, which includes concurrent preliminary plat and Major Site Development Plan approval, for the properties at 3619 Stange Road, with modified conditions.
3. Deny the request for an Integrated Site Plan, which includes a concurrent Preliminary Plat and Major Site Development Plan, for the properties at 3619 Stange Road if the Council finds that the City's regulations and policies are not met.
4. Defer action on this request and refer it back to City staff and/or the applicant for

additional information.

CITY MANAGER’S RECOMMENDED ACTION:

The proposed Integrated Site Plan is a partial redevelopment of an existing site. The developer seeks to add a commercial use via gentle infill. The purpose of the Integrated Site Plan review is to determine the overall layout, function, and building design meet City standards as a collective site and not as individual lots. Key considerations for the proposal are the design and location of buildings along street frontages, appropriate landscaping and screening, drive-through capacity, access and circulation, and overall parking supply.

The proposed new use, a coffee shop, complements the existing grocery store and that of the nearby commercial and residential areas. Staff could not identify another coffee shop within a half-mile of the subject site. The site location will likely capture morning commuters traveling to Iowa State University, downtown, and most other parts of the city. With the conditions of approval, staff finds that the project meets the design principles of an Integrated Site Plan, subdivision standards, and the standards of the Major Site Development Plan.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to approve the request for an Integrated Site Plan, which includes concurrent Preliminary Plat and Major Site Development Plan, for the properties at 3619 Stange Road with the noted conditions.

ADDENDUM

PROJECT DESCRIPTION:

The project site is a parcel of land totaling 4.06 acres fronting on Bloomington and Stange Roads. Vehicle access is only from Stange Road. The proposed development will divide the existing lot into two lot: the larger lot containing the existing Fareway will be 3.66 acres; the smaller lot to contain Burgie's Coffee is 0.4 acres.

Parking. The parking for the development will all be on Lot 1 (Fareway). Shared access and parking agreements are required. A note has been added to the preliminary plat, as required, that states all parking areas, drives, sidewalks, fire lanes, etc. are for the common use of all lots within the subdivision. Adequate parking, as required by the Zoning Code, is provided.

Lot #	Building/ Suites	Proposed Use	Size of Use	Parking Ratio Requirement	Parking Spaces Required	Parking Spaces Provided
1	Fareway Grocery	Grocery Store	34,000 Sq. Ft.	1/300 Sq. Ft.	113	172
2	Burgie's Coffee & Tea Co.	Coffee Shop	1,703 Sq. Ft. (780 Sq. Ft. of dining & waiting area)	12/1,000 Sq. Ft. in dining or waiting area	9	

Landscaping. Convenience General Service zoned properties are required to adhere to the landscaping requirements in Sec. 29.403 and to provide a minimum of 25% open space. The benefit of the Integrated Site Plan is that this 25% can be applied across the entire development rather than on a per lot basis. The amount of open space provided meets the 25% requirement. This open space area is made of green space principally along the perimeter of the site.

Landscaping is required for Lot 2 and the adjacent parking on Lot 1. The landscaping for Fareway was compliant at the time of development and no alterations to that approved plan are required. The required number of trees is provided on Lot 2 along Stange Road. Existing trees are within the right-of-way for Stange Road. The required planting depth is shown. The landscaping calculations for shrubs and grasses match the amount as calculated by Staff. The new landscaping will have five overstory trees, 48 shrubs, and 72 grasses.

Overstory trees are required for new development. Existing trees in the parking lot median between the proposed building and Fareway are ornamental. The applicant has agreed to replace all four ornamental trees with four overstory trees in the same locations.

All sidewalks along public streets exists and will remain. Private sidewalks will be provided along buildings and connection will be provided to public walks.

Building Elevations. Building elevations are included in this report. (Attachment E – Building Elevations). The CGS zoning mandates architectural standards, including architectural theme, height, materials, façade treatment, roof design, and pedestrian

entrances.

The building is similar in scale (one story) and in material (brick) to other nearby buildings. The brick will be light color, with two complementary shades.

The new structure will have a drive-through on the west side. Vehicles will enter the queue for the window to the north.

The west façade facing the parking lot did not comply with the requirements in Sec. 29.810(4)(d)(ii) at the time of the Planning and Zoning Commission review. This regulation requires that the façade be “subdivided and proportioned by openings, such as windows or doors, and/or projecting structures, such as arcades, arbors, or awnings, along no less than forty (40) percent of the length of the façade.” The applicant has added an architectural element that staff has accepted.

The building elevations do indicate lighting will be located on the buildings. Fixture information was not provided. It should be noted that all lighting on buildings and in parking areas will need to comply with the City’s Outdoor Lighting Code.

Infrastructure. The site is fully served by City infrastructure. Electric Services will be supplied by the City of Ames electric service territory. Easements are shown on the Preliminary Plat/Site.

Storm Water Treatment. The site is subject to conformance with Municipal Code Chapter 5a and 5b requirements for storm water control and treatment. The Public Works Department has reviewed the submitted plans and has concluded that existing stormwater facilities can handle the increased runoff from the construction of the building.

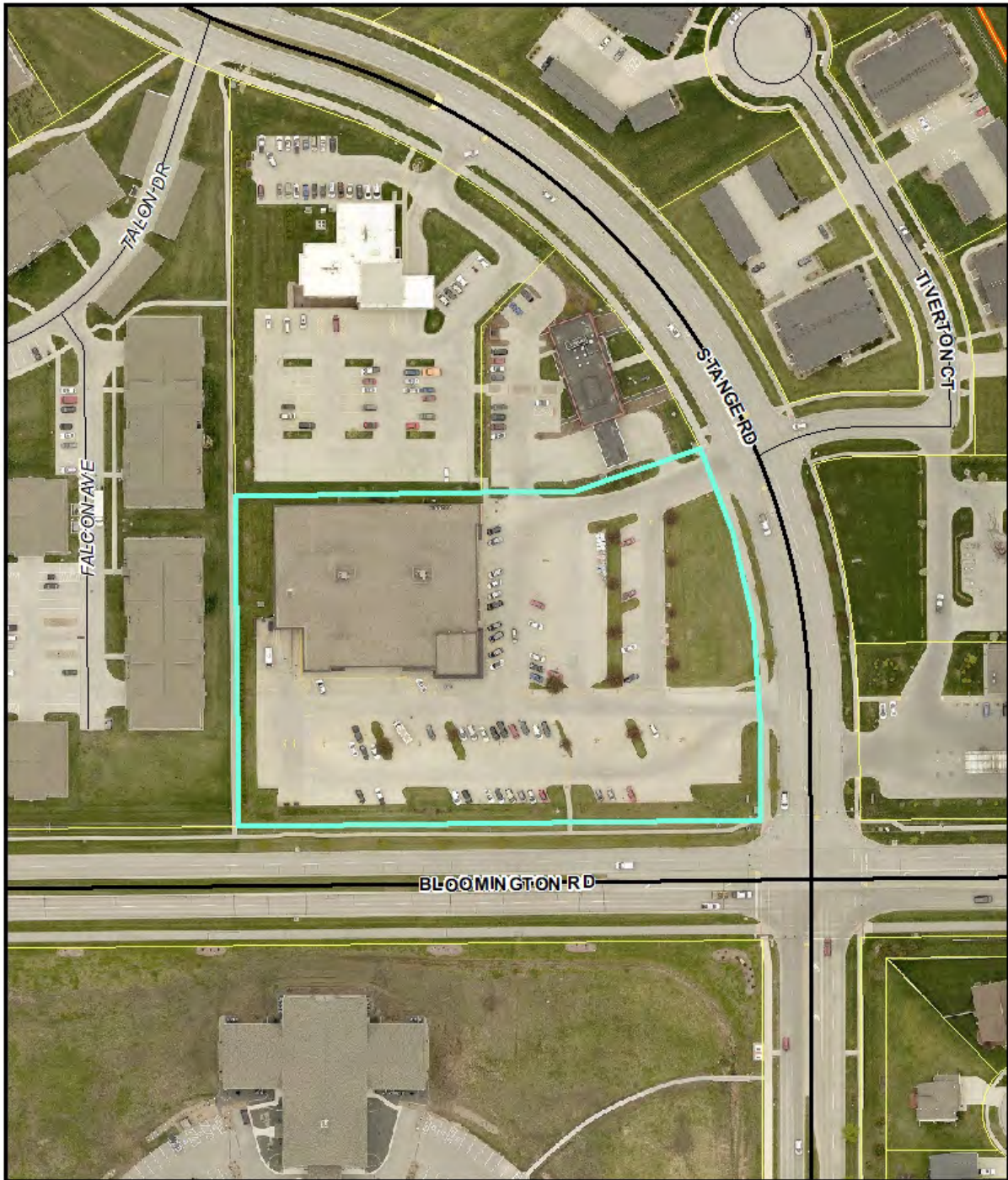
Access/Traffic. Vehicular access is currently provided to the site from Stange Road. The existing vehicular access points will remain in the same location and configuration. The northern entrance will be restriped to provide a left-turn lane for the parking and drive-through for Burgie’s. An existing ingress / egress easement, providing access to a Banker’s Trust branch, at the north entrance will remain.

Major Site Development Plan Criteria.

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. See Attachment F for a full review of the individual Development criteria for the Major Site Development Plan.*

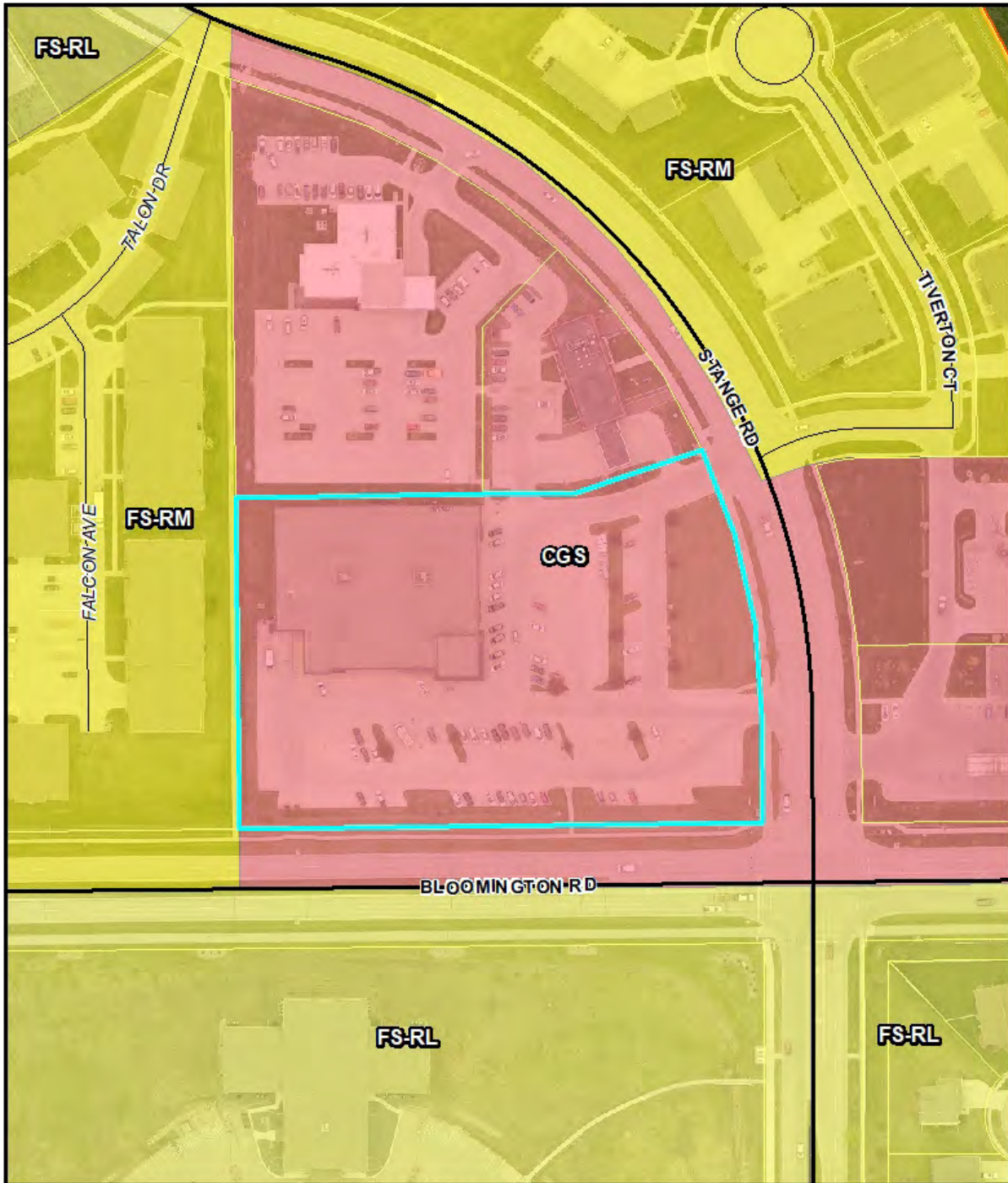
Public Notice. Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property. As of this writing, no comments have been received.

Attachment A
Location Map



**Integrated Site Plan
(Preliminary Plat & Major Site Development Plan)
3619 Stange Road**

Attachment B
Zoning Map



Integrated Site Plan
(Preliminary Plat & Major Site Development Plan)
3619 Stange Road

Attachment C Preliminary Plat

CITY OF AMES Northridge Heights Subdivision, Nineteenth Addition, Integrated Site Plan Subdivision - Preliminary Plat

BURGIES COFFEE

JUNE, 2020

- GENERAL NOTES:**
- ALL PRIVATE UTILITIES WILL BE LOCATED WITHIN PUBLIC UTILITY easements shown or located with utility companies. ALL PUBLIC UTILITIES WILL BE LOCATED WITHIN THE NORTH AND EAST SIDES OF ALL LOTS.
 - ALL CONSTRUCTION MATERIALS, METHODS, AND TECHNIQUES SHALL BE APPROVED BY THE CITY OF AMES.
 - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF AMES SUBDIVISION ORDINANCES.

GOVERNING SPECIFICATIONS

THE 2020 EDITION OF THE IOWA STANDARD SPECIFICATIONS FOR PUBLIC WORKS SHALL BE THE GOVERNING SPECIFICATIONS FOR THIS PROJECT. THE CITY OF AMES SHALL BE THE AUTHORITY FOR ANY AMENDMENTS TO THESE SPECIFICATIONS.

IOWA TRANSPORTATION TRANSMISSION TRANSMISSION SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION, SERIES 2020 AND A CURRENT SUPPLEMENT SHALL GOVERN ALL CONSTRUCTION AND MATERIALS INSTRUCTIONS UNLESS OTHERWISE SPECIFIED.

NOTED: 2020 AS ADOPTED BY IOWA DEPARTMENT OF TRANSPORTATION.

LOT DATA

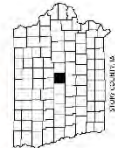
LOT	AREA(SF)	AREA(A/C)
1	153885	3.68
2	129412	0.49

EXISTING LEGEND

- CENTERSLINE
- PROPERTY / LOT LINE
- ROADWAY LINE
- ROAD RIGHT-OF-WAY LINE
- WATER SYSTEM
- SEWER MAIN
- SANITARY SEWER
- TELEPHONE
- OVERHEAD ELECTRIC LINE
- GAS LINE
- UNDERGROUND COMMUNICATIONS LINE
- OVERHEAD UTILITY LINE
- FENCE LINE
- CUTLIMENTS
- TOP OF TROP
- GRAVEL EDGE
- R/W HOUSE EDGE
- CONCRETE EDGE
- CURB & GUTTER



MAP OF THE CITY OF AMES NORTH COUNTY, IA



NOTE: EXISTING UTILITY INFORMATION ON THIS PLAN HAS BEEN PROVIDED BY THE CITY OF AMES. THE CITY OF AMES IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS INFORMATION. THE CITY OF AMES IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS INFORMATION. THE CITY OF AMES IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS INFORMATION.

OWNER
FARMWAY STRONG, LLC
3649 STANGE ROAD
AMES, IA 50010

DEVELOPER
BURGIES COFFEE
BURGIES COFFEE
AMES, IA 50010

PREPARED BY
BOLTON AND MENK
1519 BALTIMORE DRIVE
AMES, IA 50010

SUBMITTAL DATE
MAY 20, 2020

EXISTING LEGAL DESCRIPTION
LOT TWO, NORTHEDGE HEIGHTS SUBDIVISION, NINETEENTH ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA

PROPOSED LEGAL DESCRIPTION
LOT ONE, NORTHEDGE HEIGHTS SUBDIVISION, NINETEENTH ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA

ZONING
COMMERCIAL GENERAL SERVICE (CGS)

STORM WATER MANAGEMENT
ALL STORM WATER MANAGEMENT REQUIREMENTS ARE TO BE IN ACCORDANCE WITH THE CITY OF AMES STORM WATER MANAGEMENT SYSTEM IN NORTHEDGE HEIGHTS.

NOTES

- REGULATION AND PARKING - UNLESS OTHERWISE SPECIFIED, ALL DRIVEWAYS, PATIO AREAS, AND OTHER VEHICULAR OR PEDESTRIAN WAYS OR SPACES IDENTIFIED ON THE APPROVED INTEGRATED SITE PLAN ASSOCIATED WITH THIS SUBDIVISION SHALL BE CONSTRUCTED TO MEET THE OPERATIONAL INTERESTS ASSOCIATED WITH EACH LOT CONTAINED WITHIN THE SUBDIVISION.
- PROVIDE WITHIN THE AREA LINES OF EASEMENT SPECIFIED A MAINTENANCE AREA TO MAINTAIN THE AREA LINES OF EASEMENT WITHIN THE SUBDIVISION. PROVIDE WITHIN THE AREA LINES OF EASEMENT SPECIFIED A MAINTENANCE AREA TO MAINTAIN THE AREA LINES OF EASEMENT WITHIN THE SUBDIVISION. PROVIDE WITHIN THE AREA LINES OF EASEMENT SPECIFIED A MAINTENANCE AREA TO MAINTAIN THE AREA LINES OF EASEMENT WITHIN THE SUBDIVISION.

ALL DEVELOPMENT AND USE OF THE LAND DESCRIBED HEREIN SHALL BE IN ACCORDANCE WITH THE CITY OF AMES ZONING ORDINANCES AND THE CITY OF AMES SUBDIVISION ORDINANCES. ANY DEVELOPMENT AND USE OF THE LAND DESCRIBED HEREIN SHALL BE IN ACCORDANCE WITH THE CITY OF AMES ZONING ORDINANCES AND THE CITY OF AMES SUBDIVISION ORDINANCES.

REGISTERED PROFESSIONAL ENGINEER
BOLTON AND MENK
1519 BALTIMORE DRIVE
AMES, IA 50010
STATE OF IOWA
LICENSE NO. 15194

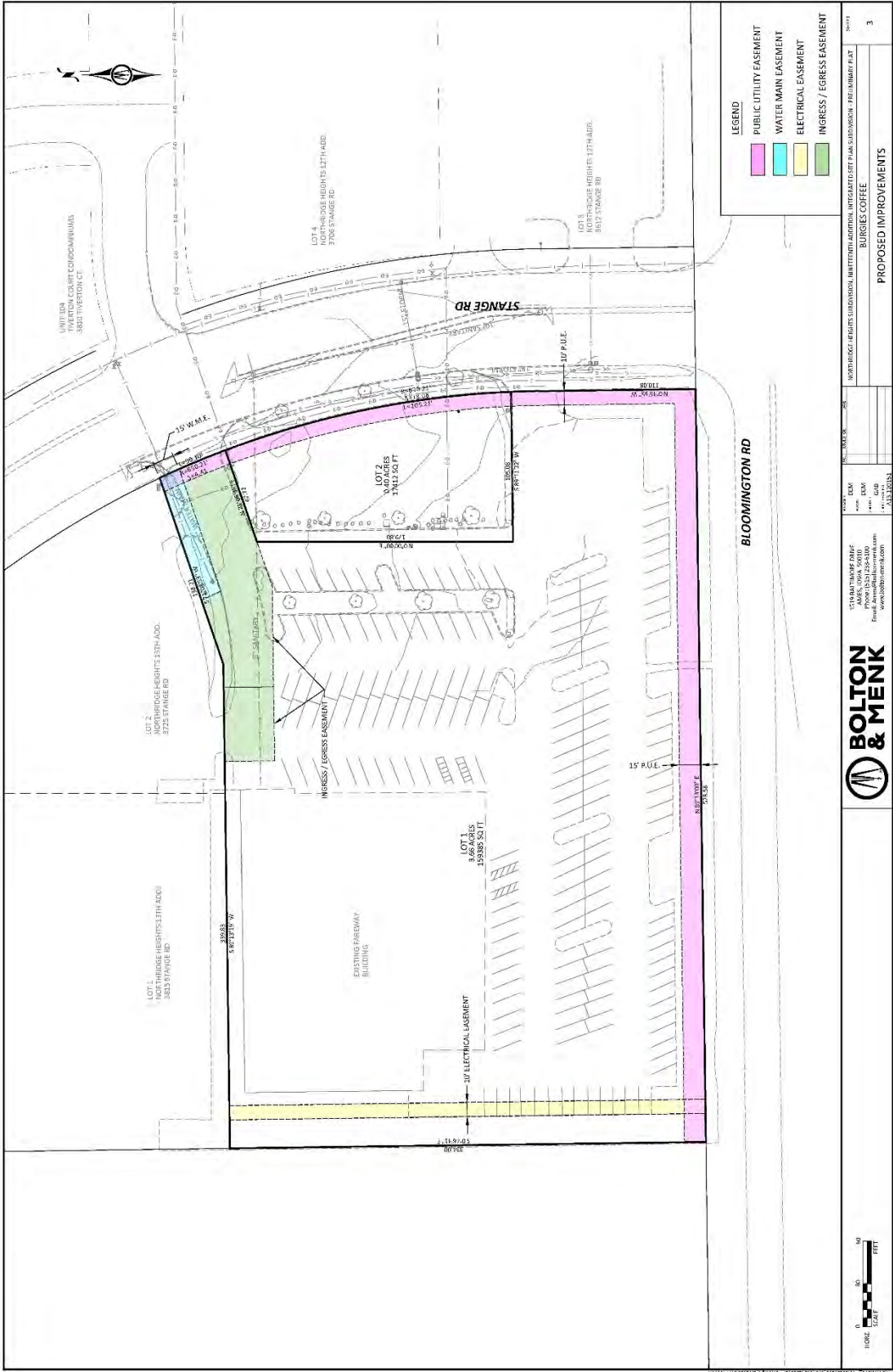
REGISTERED PROFESSIONAL SURVEYOR
BOLTON AND MENK
1519 BALTIMORE DRIVE
AMES, IA 50010
STATE OF IOWA
LICENSE NO. 15194

BOLTON & MENK

1519 BALTIMORE DRIVE
AMES, IA 50010
PHONE: 515-232-2000
WWW.BOLTONANDMENK.COM

TITLE SHEET

1



LEGEND

- PUBLIC UTILITY EASEMENT
- WATER MAIN EASEMENT
- ELECTRICAL EASEMENT
- INGRESS / EGRESS EASEMENT

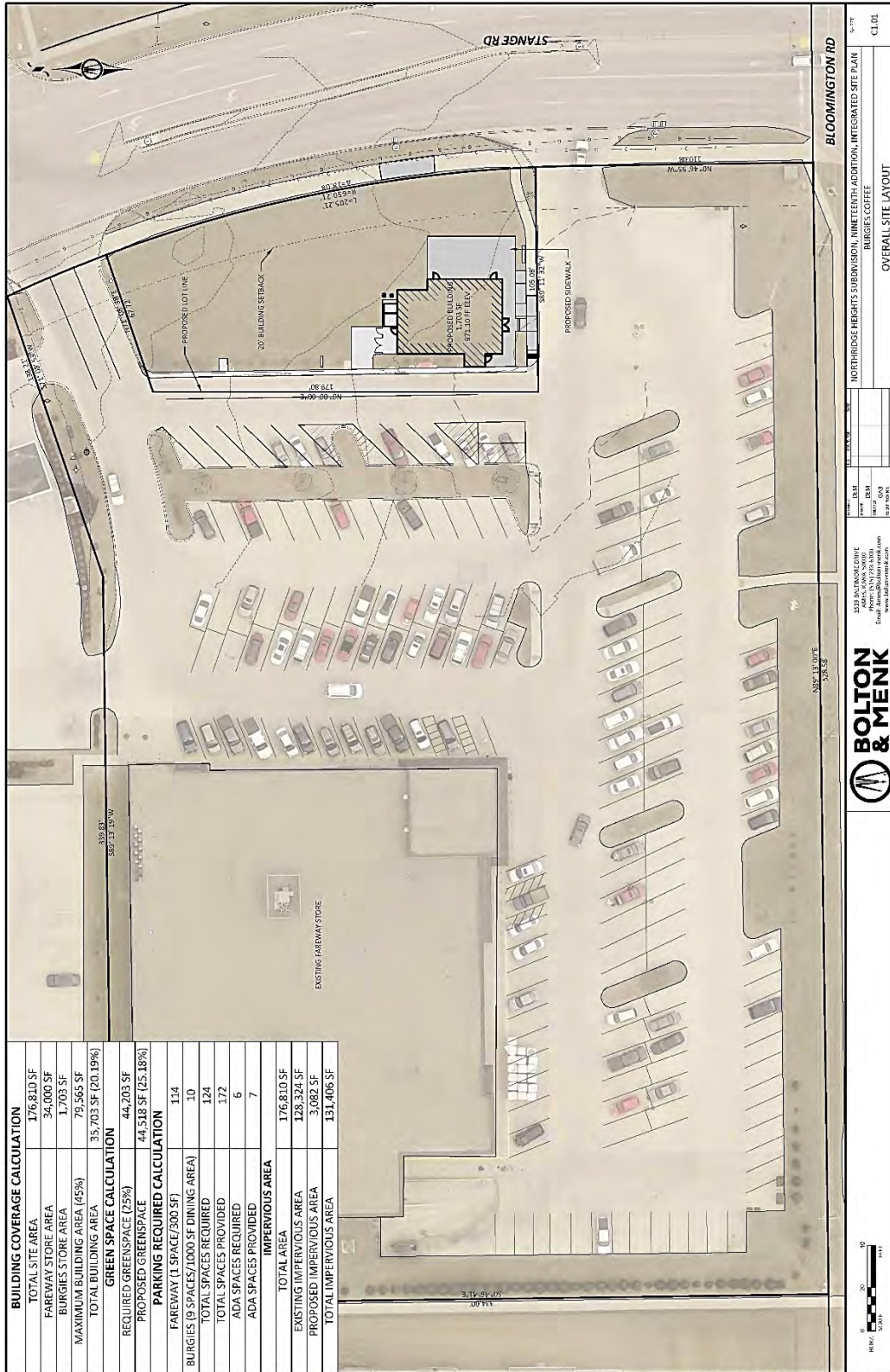
STANDARD HOME PLANS
AMES, IOWA, 50011
Email: Ames@standardhomeplans.com
www.standardhomeplans.com

PROPOSED IMPROVEMENTS

3

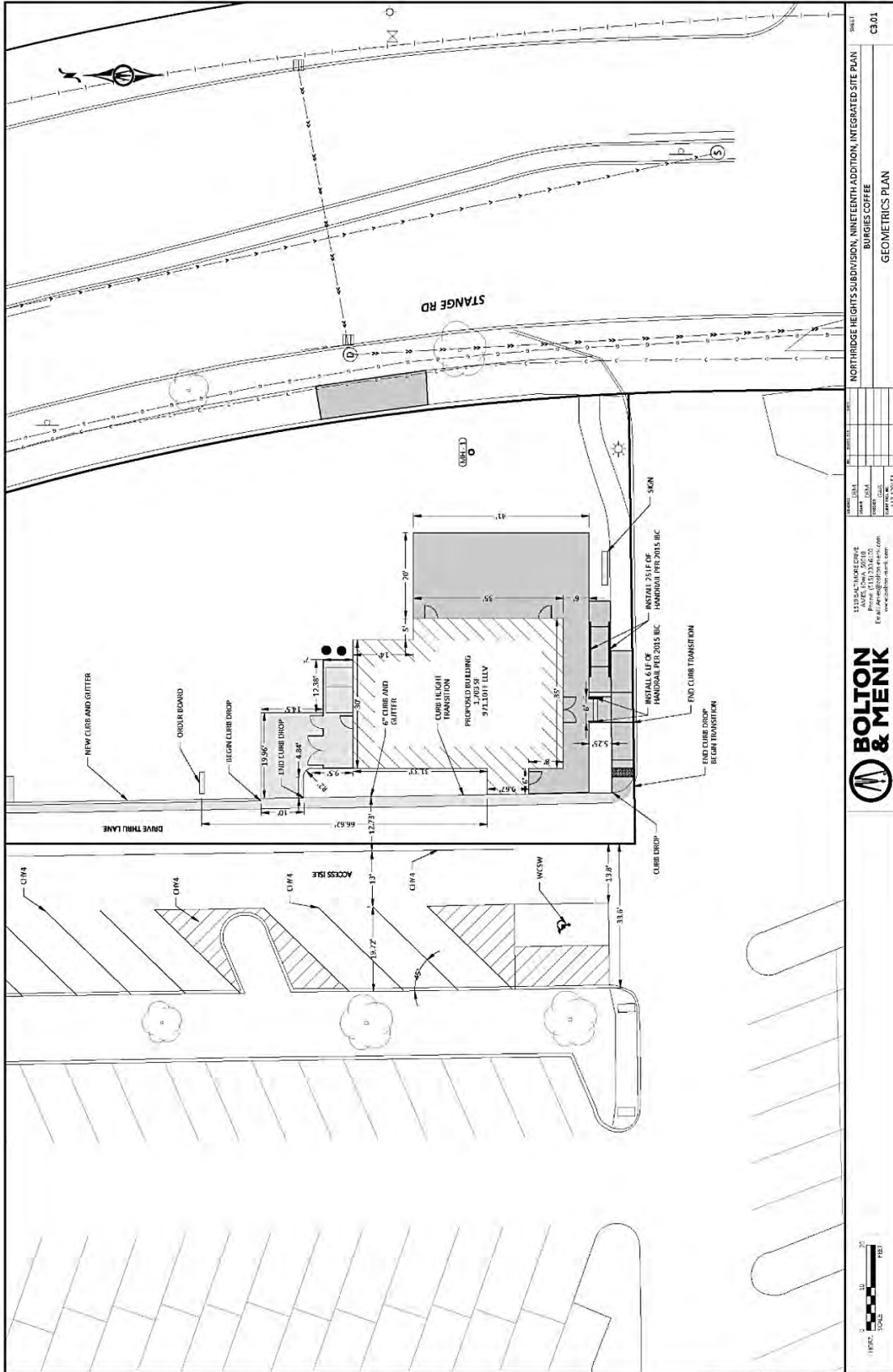
Attachment D

Major Site Plan



3333 BAYBROOK DRIVE
 FARMERS BRANCH, TX 75440
 Phone: (972) 208-8800
 Fax: (972) 208-8801
 www.boltonandmenk.com

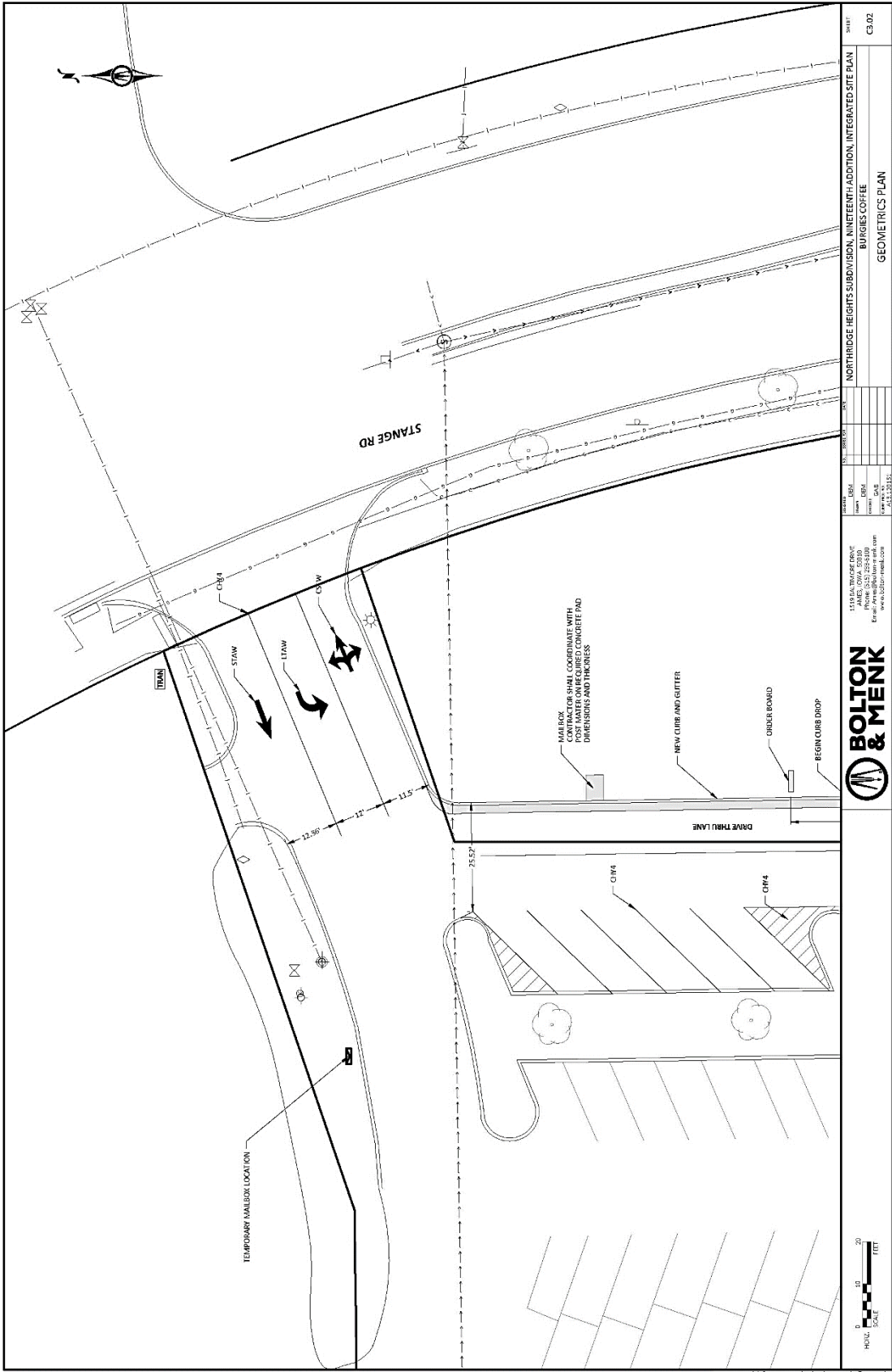
NORTHEDGE HEIGHTS SUBDIVISION, NINETEENTH ADDITION, INTEGRATED SITE PLAN
 BURGERS COFFEE
 OVERALL SITE LAYOUT
 C1.01



SHEET: **C3.01**
 NORTH RIDGE HEIGHTS SUBDIVISION, NINETEENTH ADDITION, INTEGRATED SITE PLAN
 BURGESS COFFEE
 GEOMETRICS PLAN

BOLTON & MENK
 1515 CALIFORNIA DRIVE
 P.O. BOX 11314
 FORT WORTH, TEXAS 76161
 WWW.BOLTONANDMENK.COM

SCALE: 1" = 20'
 0 10 20 FEET



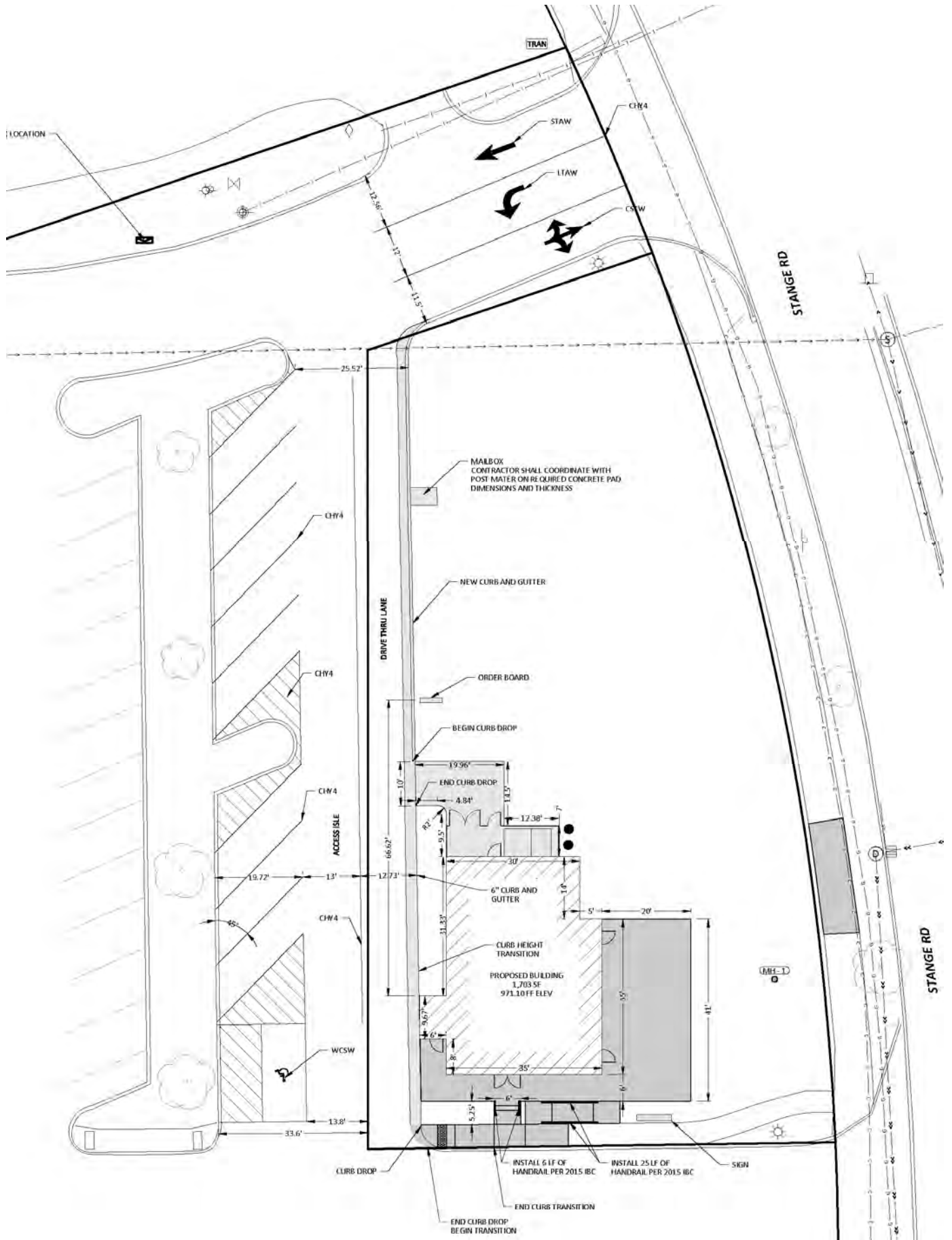
DATE	NO.	DESCRIPTION

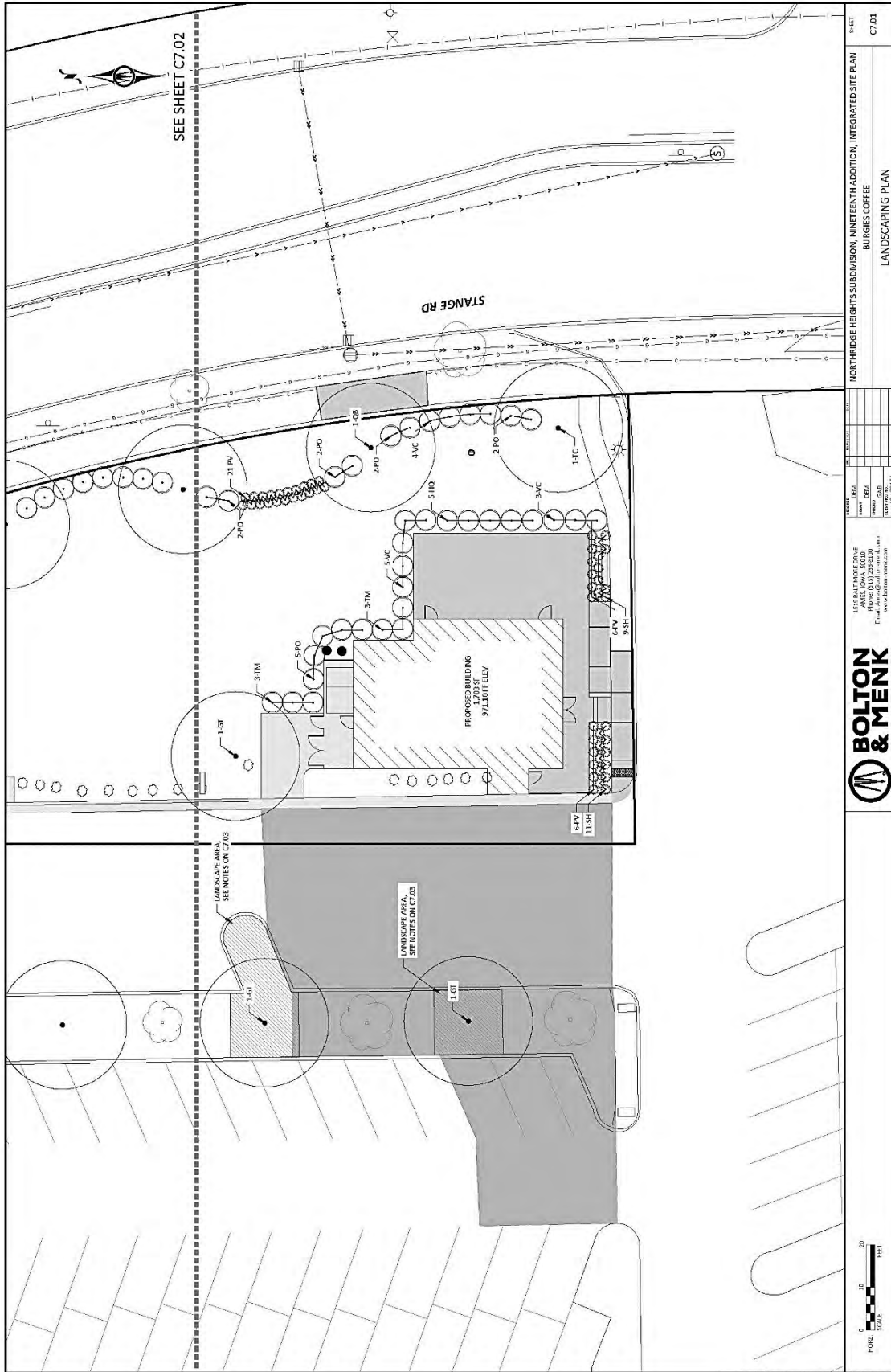
1545 N. STATE ST.
 JAMES, COVIA, CO 80010
 Phone: 303.438.8300
 Email: info@bolton-menk.com
 www.bolton-menk.com



NORTH RIDGE HEIGHTS SUBDIVISION, NINETEENTH ADDITION, INTEGRATED SITE PLAN
 BURGIES COFFEE
 GEOMETRICS PLAN

SHEET
 C3.02

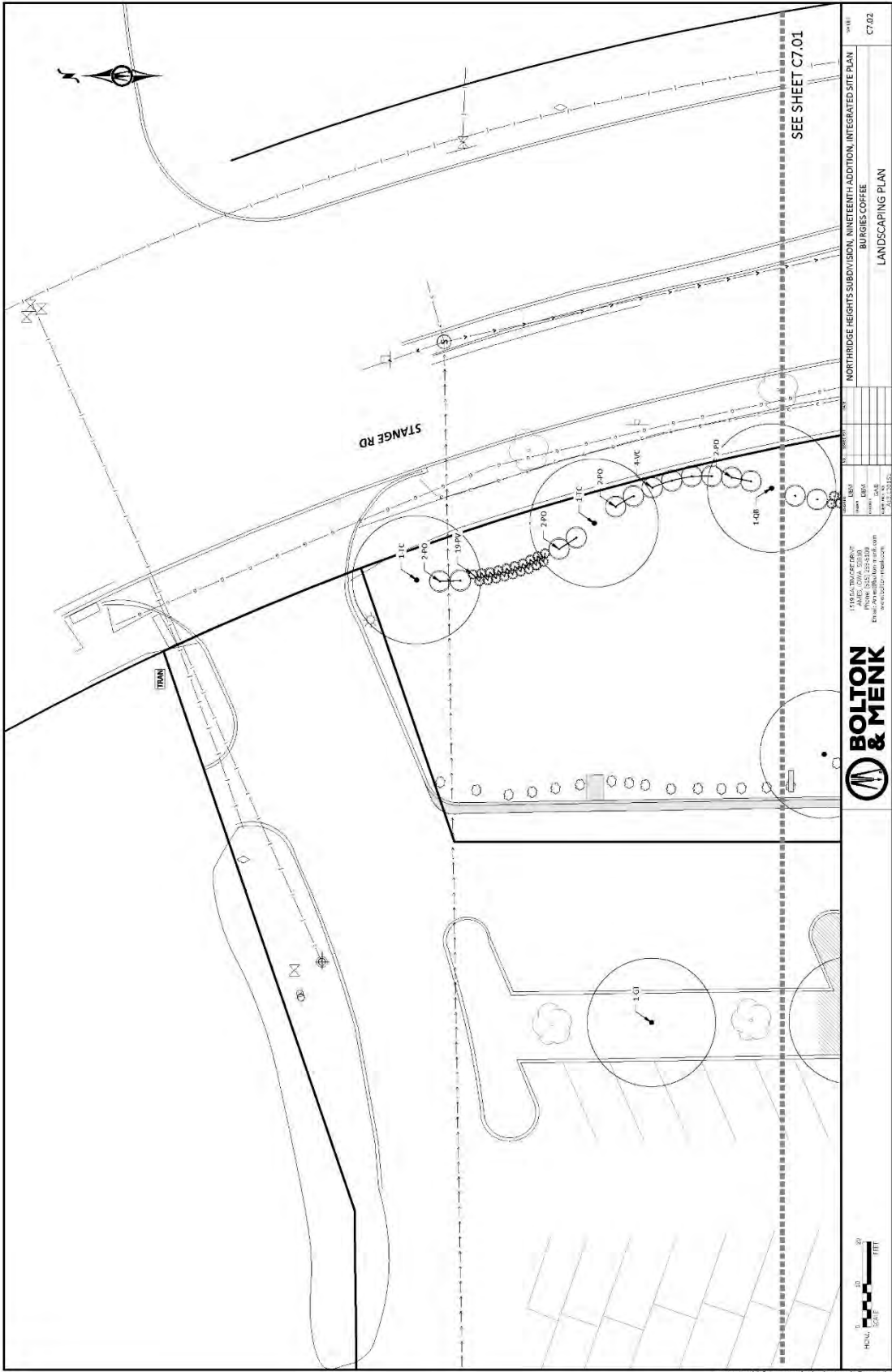




1278 BATHURST DRIVE
 Phone: (513) 232-5100
 Fax: (513) 232-5100
 www.boltonandmenk.com

NORTHBRIDGE HEIGHTS SUBDIVISION, NINETEENTH ADDITION, INTEGRATED SITE PLAN
 BURGESS COFFEY
 LANDSCAPING PLAN

SHEET
 C7.01



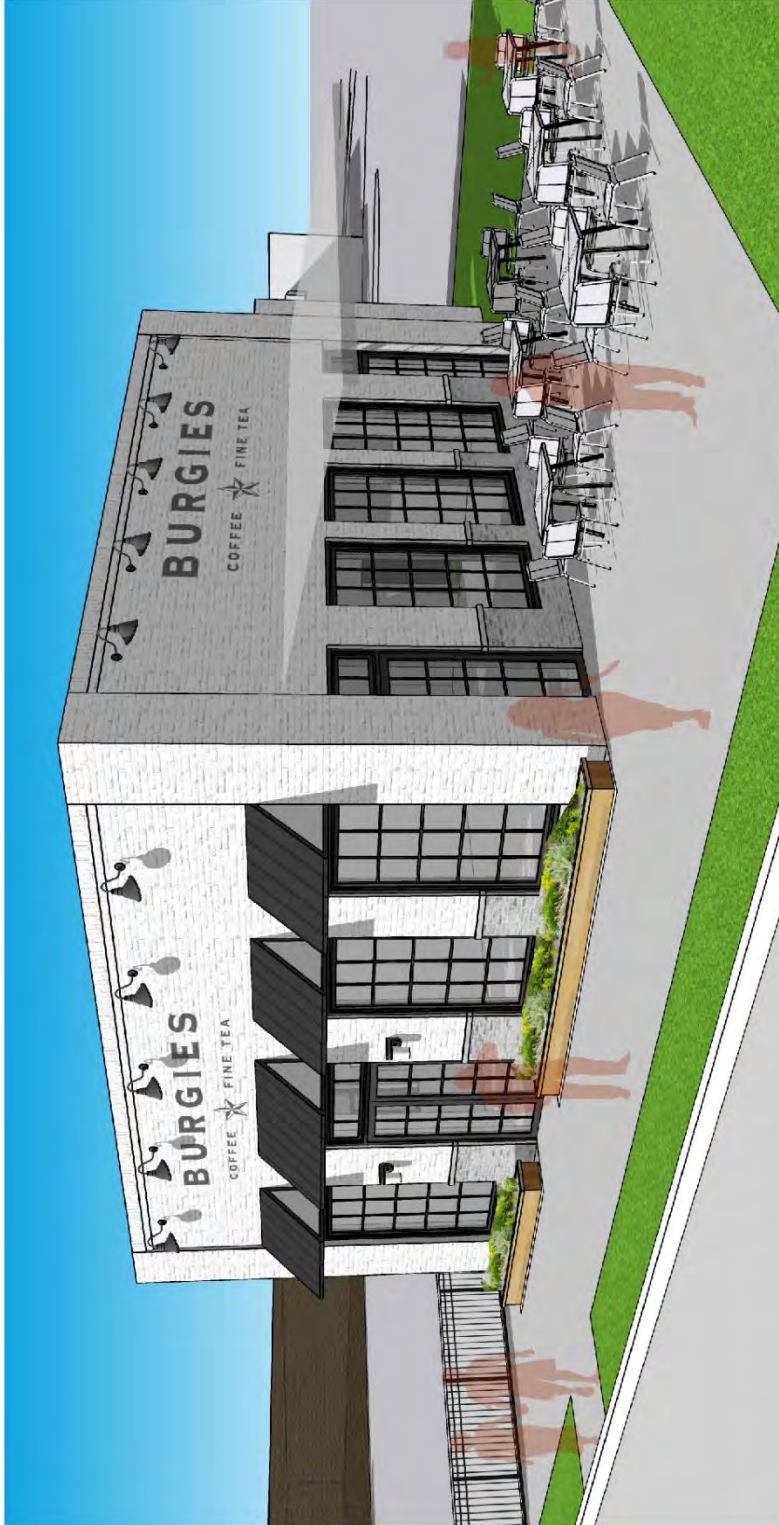
SEE SHEET C7.01

NORTH RIDGE HEIGHTS SUBDIVISION, NINETEENTH ADDITION, INTEGRATED SITE PLAN
 BURGIES COFFEE
 LANDSCAPING PLAN

BOLTON & MENK

11415 W. UNIVERSITY AVENUE, SUITE 100
 DENVER, CO 80231
 PHONE: 303.755.3300
 EMAIL: info@bolton-menk.com
 WWW.BOLTON-MENK.COM

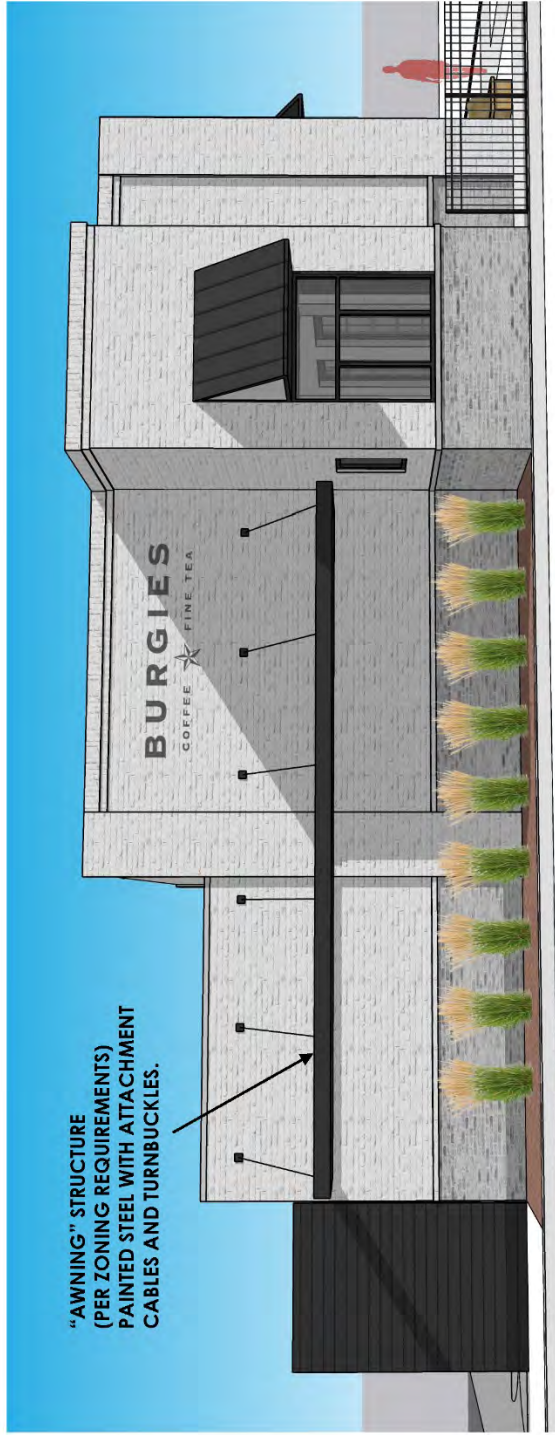
DATE	NOV 15 2011
PROJECT	NORTH RIDGE HEIGHTS SUBDIVISION, NINETEENTH ADDITION, INTEGRATED SITE PLAN
CLIENT	BURGIES COFFEE
DESIGNER	BOLTON & MENK
CHECKER	BOLTON & MENK
SCALE	AS SHOWN
SHEET NO.	C7.02



VIEW LOOKING NORTHWEST



VIEW LOOKING NORTHEAST



WEST FAÇADE (FACING FAREWAY)

Attachment F

Major Site Development Plan Criteria.

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 proposed development and is satisfied that the regional detention will be able to handle the increase in impervious coverage created by the new building and its accompanying patio.

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 existing utilities were reviewed and found adequate to support the anticipated load of the proposed development. There are no offsite upgrades needed to serve the site for any utility.

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 for access and circulation. The main access to the site is from Stange Road, a public street. The site also fronts on Bloomington Road.

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

It is not anticipated that this proposed development will be a danger due to its location on the site, the flatness of the parcel, and the distance from a floodplain.

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

The developer is working with the existing topography of the site, which is generally flat. The disturbed areas of the site, the new Lot 2, are required to come into compliance with current landscape requirements.

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

The proposed development will continue to take access from Stange Road using the existing vehicular entrances. North-bound automobiles will continue to turn left onto the property from the northern curb cut; south-bound automobiles will continue to turn right at either of the two entrances. The northern entrance will be restriped to create one outbound lane and two inbound lanes: one to go straight towards Fareway and the other to turn left towards Burgie's.

Angled parking is oriented so that vehicles entering from the northern entrance can turn left and go south into the parking spaces or the drive-through. All interior private sidewalks will continue to connect with the public sidewalk system that is already in place.

The Ames Traffic Division reviewed the project and the vehicle access and is satisfied with the configuration and the changes to the interior of the site. Of concern was the truck delivery to the Fareway Grocery, which accesses the property from the northern entrance. Trucks wend their way through the parking to the loading dock on the southwest side of the existing building. The applicant has addressed this concern by proposing to restripe the northern entrance with an incoming lane for heading west towards Fareway, an incoming lane for heading south towards Burgie's Coffee, and an outgoing lane for turning in either direction onto Stange Road.

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

The existing site parking areas will be retained. The new Burgie's Coffee building and its landscaping will provide significant greater screening of the parking lot than currently exists. A new ADA compliant parking space will be provided near the Burgie's entrance.

A new dumpster enclosure is on the north side of Burgie's.

The applicant is proposing 9 new trees, 48 new shrubs, and 72 new grasses for the landscaping.

- 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.***

All existing access into the development will remain at their existing locations. No new driveway entrances will be created.

- 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.***

All lighting will be required to comply with the City's Outdoor Lighting code, Section 29.411. Building lighting must also meet downlighting requirements.

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

The proposed development is not expected to generate any nuisances.

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

The proposed development complies with the site coverage requirements, which in CGS requires a minimum of 25% landscaped area. The site proposes 25.18% landscaped area.

The proposed layout of the development is consistent with surrounding commercial development. The surrounding commercial structures are all single-story. The maximum allowable building height is 30 feet; the proposed structure is 19 feet, 4 inches to the top of the parapet wall.

The development complies with all minimum setbacks.

The approval of an Integrated Site Plan allows some benefit by allowing some site development regulations to be applied across the entire site rather than on an individual lot basis allowing for a more condensed site compared to individual lot development.

Attachment G

Applicable Subdivision Law

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

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

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

Ames Municipal Code Section 23.302(3):

- (3) *Planning and Zoning Commission Review:*
- (a) *The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Department of Planning and Housing, and such other information as it deems necessary or desirable to consider.*
 - (b) *Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted Plans.*

Ames Municipal Code Section 23.302(4):

Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council. The Planning and Zoning Commission shall set forth its reasons for any recommendation to disapprove or to modify any Preliminary Plat in its report to the City Council and shall provide a written copy of such reasons to the developer.

23.700 SUBDIVISION FOR INTEGRATED SUBDIVISIONS

23.702. APPLICABILITY.

- (1) *The subject site shall consist of one or more legally created lots.*
- (2) *The property must be zoned commercial, industrial, medium density residential or high density residential.*
- (3) *Residential development under these provisions is limited to apartment dwellings only.*

(4) The subdivision must be associated with a Major Site Development Plan under Chapter 29.1502. Within this context, the Major Site Development Plan will be considered and referred to as an Integrated Site Plan.

REVIEW PROCEDURE.

An Integrated Site Plan Subdivision is subject to the same review process and decision criteria as Major Subdivision (Section 23.302); and an Integrated Site Plan is subject to the same review process and decision criteria as a Major Site Development Plan (Section 29.1502). Although the subdivision and site plans are separate documents, they are reviewed and processed simultaneously, and an Integrated Site Plan Subdivision incorporates by reference all documents of an approved Integrated Site Plan.

Staff Report

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

August 18, 2020

BACKGROUND:

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

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

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

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

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

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

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

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

OPTIONS:

OPTION 1:

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

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

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

OPTION 2:

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

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

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

OPTION 3:

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

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

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

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

OPTION 4:

Accept developer cash-in-lieu and land dedication

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

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

STAFF COMMENTS

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

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

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

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

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



3117 S Duff Ave

5' Sidewalk to be installed by Developer.

120 Jade Street

Cemetery Frontage

5' Sidewalk to be installed by Developer per Agreement.



Attachment A Location & Sidewalk Exhibit

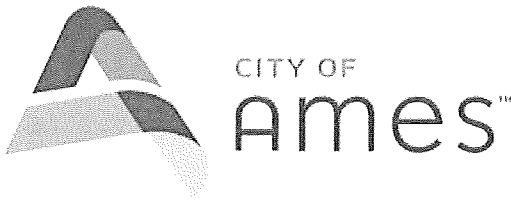
Attachment B: Developer's Request

Julie Gould

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

Kelly Diekmann
Planning and Housing Director

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



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

[External Email]

Kelly,

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

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

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

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

Thank you,

Dickson Jensen

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

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

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

Subject: Re: Sidewalk Options

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

Cc: <JJoiner@cityamesiaus.onmicrosoft.com>

Kelly and John,

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

Thank you,

Dickson

Attachment C: Developer's Agreement

✓ DK
H
D
G
R

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

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

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

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

(env)

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

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

WITNESSETH THAT:

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

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

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

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

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

**I.
INTENT AND PURPOSE**

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

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

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

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

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

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

III. OFF-SITE TRANSPORTATION IMPROVEMENTS AND COST

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

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

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

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

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

IV. DESIGN

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

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

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

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

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

V.

NON-INCLUSION OF OTHER IMPROVEMENT OBLIGATIONS

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

VI.

GENERAL PROVISIONS

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

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

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

**VII.
COVENANTS RUN WITH THE LAND**

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

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

<p>CITY OF AMES, IOWA</p> <p>By <u>Ann H. Campbell</u> Ann H. Campbell, Mayor</p> <p>Attest <u>Diane R. Voss</u> Diane R. Voss, City Clerk</p> <p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>On this <u>15</u> day of <u>November</u>, 2016, before me, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell and Diane R. Voss, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation by authority of its City Council, as contained in Resolution No. <u>16-606</u> adopted by the City Council on the <u>11</u> day of <u>October</u>, 2016, and that Ann H. Campbell and Diane R Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.</p> <p><u>Jill L. Ripperger</u> Notary Public in and for the State of Iowa</p>	<p><u>Dickson D. Jensen</u> DICKSON D. JENSEN</p> <p>STATE OF IOWA, COUNTY OF <u>Story</u>, ss:</p> <p>This instrument was acknowledged before me on <u>November 14</u>, 2016, by <u>Dickson D. Jensen</u>.</p> <p><u>[Signature]</u> Notary Public in and for the State of Iowa Commission Number 101010 9-18-18</p> <p><u>Luann C. Jensen</u> LUANN C. JENSEN</p> <p>STATE OF IOWA, COUNTY OF <u>Story</u>, ss:</p> <p>This instrument was acknowledged before me on <u>November 14</u>, 2016, by <u>Luann C. Jensen</u>.</p> <p><u>[Signature]</u> Notary Public in and for the State of Iowa</p>
---	--

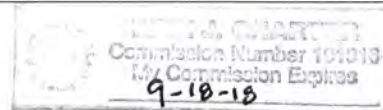
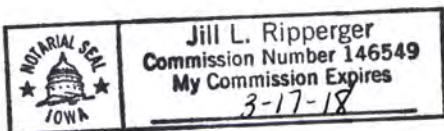


Exhibit A: Legal Description of Site

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

AND

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

AND

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

AND

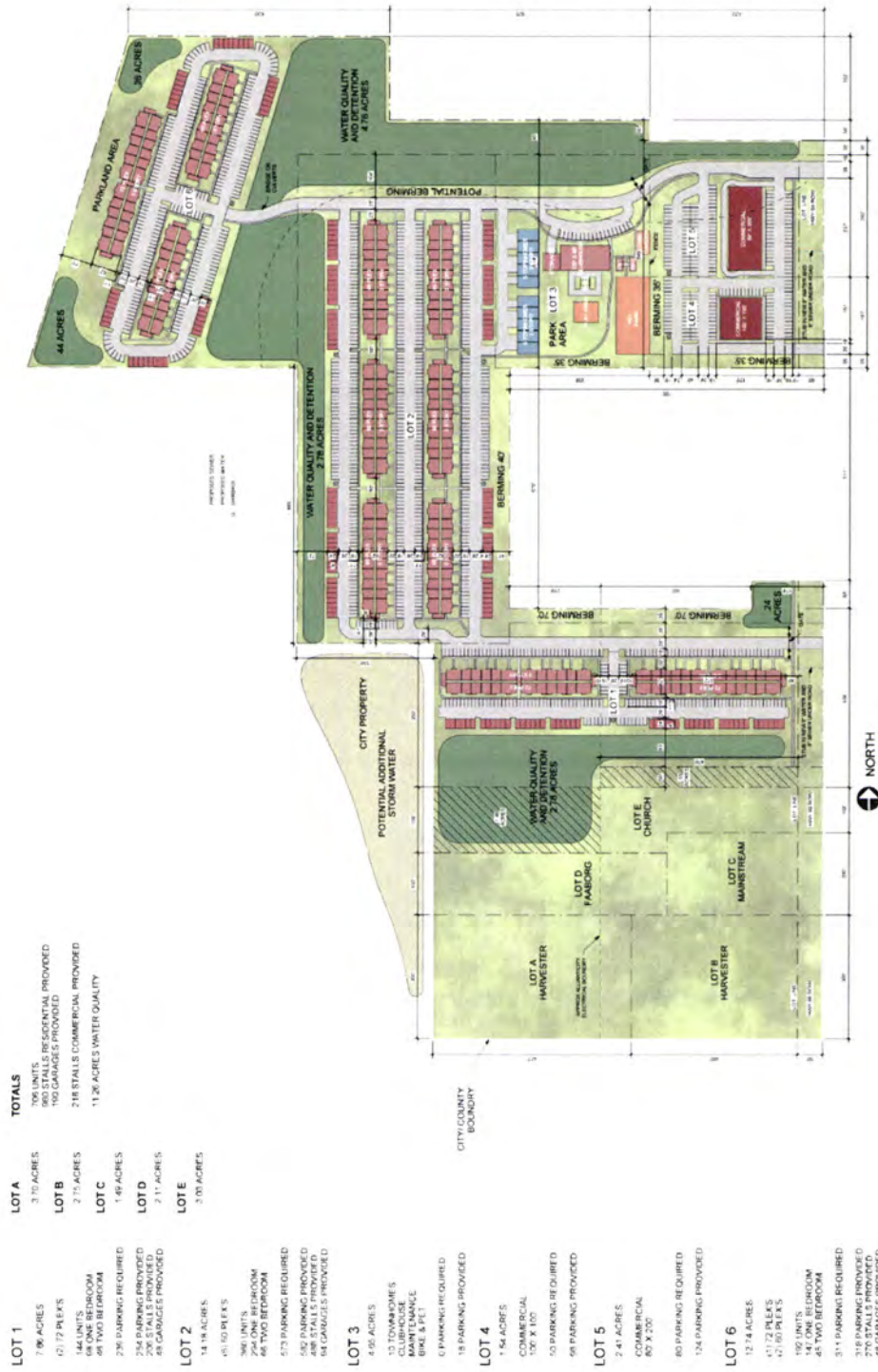
PARCELS "A" AND "B" A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-THREE (23), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, AS SHOWN ON THE "PLAT OF SURVEY" FILED IN THE OFFICE OF THE RECORDER OF STORY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

AND

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

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

Exhibit C: Concept Plan



LOT	ACRES	DETAILS
LOT 1	7.96 ACRES	176 UNITS 100 STALLS RESIDENTIAL PROVIDED 190 GARAGES PROVIDED
LOT B	2.75 ACRES	218 STALLS COMMERCIAL PROVIDED 11.26 ACRES WATER QUALITY
LOT C	1.49 ACRES	276 PARKING PROVIDED
LOT D	2.11 ACRES	254 PARKING PROVIDED 205 STALLS PROVIDED 48 GARAGES PROVIDED
LOT E	3.00 ACRES	
LOT 2	14.18 ACRES	451/50 PLEX'S 360 UNITS 294 ONE BEDROOM 66 TWO BEDROOM 573 PARKING PROVIDED 488 STALLS PROVIDED 64 GARAGES PROVIDED
LOT 3	4.95 ACRES	12 TOWNHOME'S CLUBHOUSE BPAK & P.E.T. 6 PARKING PROVIDED
LOT 4	1.54 ACRES	COMMERCIAL 52' X 100' 50 PARKING PROVIDED
LOT 5	2.41 ACRES	COMMERCIAL 80' X 200' 80 PARKING PROVIDED
LOT 6	12.74 ACRES	47' X 200 PLEX'S 47' X 150 PLEX'S 195 UNITS 150 PARKING PROVIDED 45 TWO BEDROOM 311 PARKING PROVIDED 318 PARKING PROVIDED 48 GARAGES PROVIDED

BRICK TOWNE | AT SOUTH DUFF
Site Plan 19 | 2016.09.28

Attachment D: Example of Avigational Easement

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

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

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

AVIGATIONAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

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

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

AND

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

AND

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

AND

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

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

AND

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

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

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

To have and to hold said easement forever.

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

Dickson D. Jensen

Luann C. Jensen

STATE OF IOWA }
STORY COUNTY } SS

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

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

Notary Public in and for the State of Iowa

Attachment D: Sidewalk Agreement

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



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

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

AGREEMENT FOR SIDEWALKS

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

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

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

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

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

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

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

DATED this 7 day of Nov., 2017.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

Dickson D. Jensen
Dickson D. Jensen

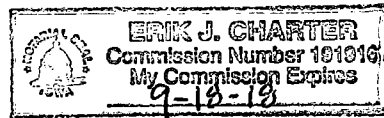
Luann C. Jensen
Luann C. Jensen

STATE OF IOWA, COUNTY OF STORY, SS.:

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

STAMP

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

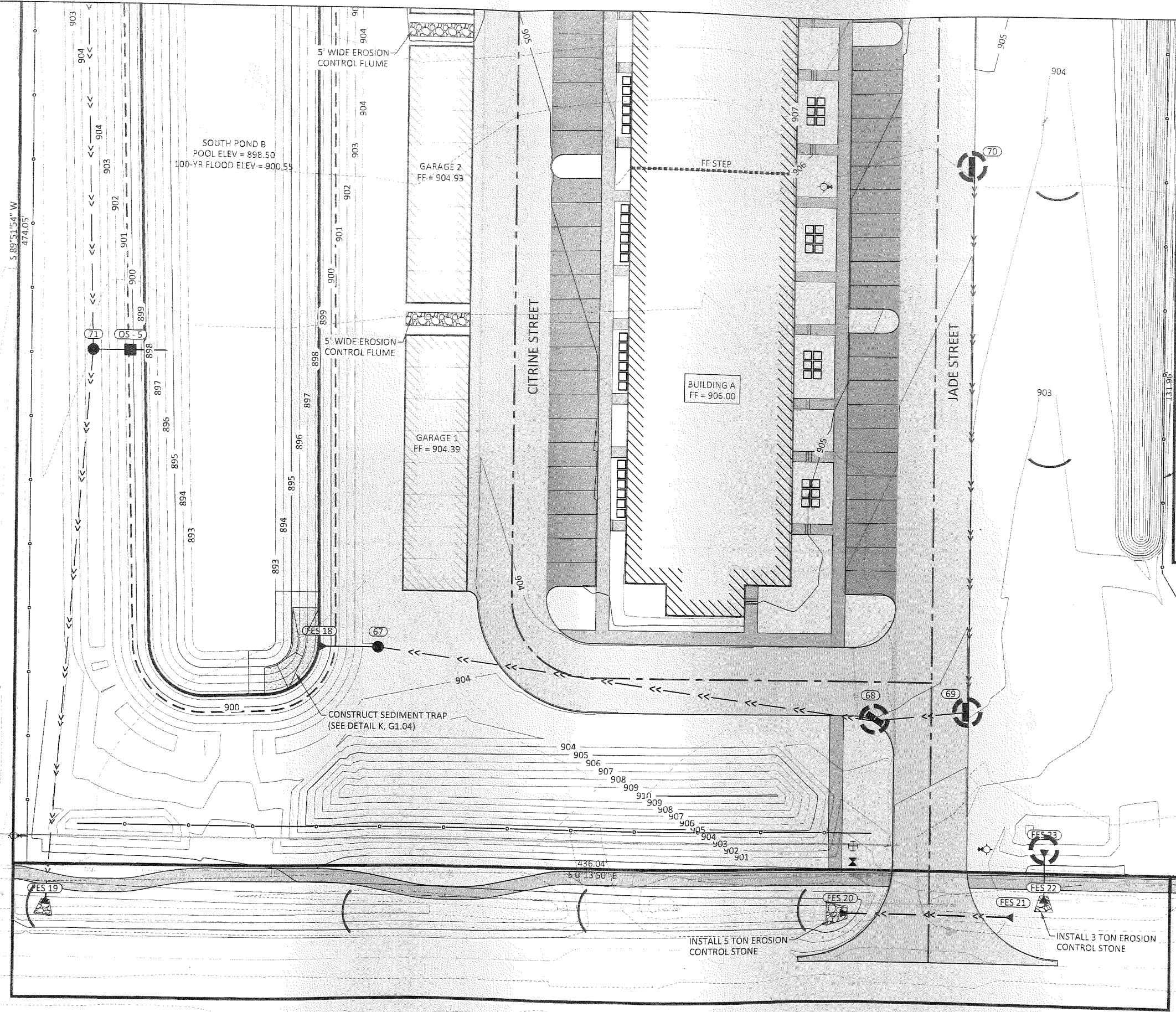


Attachment E- Site Plan

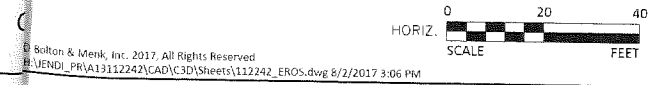


LEGEND:

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



Attachment E: Approved Site Plan with 120 Jade St Sidewalk



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

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

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

© Bolton & Menk, Inc. 2017. All Rights Reserved.
 H:\JENDI_P\VA13112242\CAD\C3D\Sheets\112242_EROS.dwg 8/2/2017 3:06 PM

