

**REGULAR MEETING OF THE AMES CITY COUNCIL AND
SPECIAL MEETING OF THE AMES HOUSING GOVERNING BOARD**

AMES, IOWA

DECEMBER 16, 2008

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 6:30 p.m. on December 16, 2008, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Doll, Goodman, Larson, Mahayni, Popken, and Rice. *Ex officio* Member Tracy was absent.

CONSULTATION WITH AFFECTED TAXING ENTITIES: City Manager Steve Schainker reported that, on December 9, 2008, the City Council had directed staff to proceed with the creation of an Urban Renewal Area for the South Bell project. One of the necessary steps to create an Urban Renewal Area, per Iowa Code 403.5(2), is to hold a consultation with the affected taxing entities if tax-increment financing is going to be included. City Manager Steve Schainker advised that the City of Ames has utilized tax-increment financing twice in the past, and both projects have been very successful. He noted that a consultation with the affected entities was not required for either of those projects; however, state law has changed since those were created.

In addition to the City of Ames, the affected taxing entities include Ames Community School District, Story County, and the Des Moines Area Community College. In attendance were Karen Shimp, Chief Financial Officer, and Board Members Dan Woodin and Mary Jurenka, representing the Ames Community School District; Jane Halliburton and Wayne Clinton, representing the Story County Board of Supervisors; and Douglas C. Williams, Vice-President of Business Services, representing Des Moines Area Community College.

Planner Charlie Kuester showed the location of the proposed industrial park, which comprises approximately 33.8 net acres. City Manager Schainker advised that a developer had approached the City with a request to enter into a partnership to create an industrial park on South Bell Avenue. It was noted that the Ames Economic Development (AEDC) had previously informed the City that there is not an adequate amount of land to accommodate smaller industries in Ames.

City Manager Schainker stated that it is anticipated that 3.5 acres will be developed per year, so complete build-out will take approximately ten years. Therefore, the TIF debt would be able to be paid off in ten years or sooner. He explained that the deferred taxes will impact all four of the affected taxing entities; however, once the TIF debt is paid-off, all will benefit from the property taxes paid by the industries. At the end of ten years, there is projected to be an increase of \$9 million in assessed valuation. Using the current tax rate, DMACC would receive approximately \$5,000/year; Ames School District: \$122,000/year, and Story County: approximately \$59,000 in increased tax revenue after build-out. At this time, there is a nominal amount being paid in property taxes on the land in question.

Mr. Williams advised that DMACC sees the potential extension of South Bell as an enhancement of its Ames facility, and he encouraged the City to move forward with the proposed project.

City Manager Schainker noted that the affected taxing entities have seven calendar days (no later than December 23, 2008) to make written recommendations for modifications to the proposed division of revenue. The City Council had previously named City Manager Steve Schainker to serve as the its representative, and he will be respond to any written recommendations for modifications at least seven days prior to the public hearing on the adoption of the Urban Renewal Plan.

Moved by Mahayni, seconded by Rice, to set January 13, 2009, at 7:00 p.m. as the date and time of the public hearing to consider the adoption of the Urban Renewal Plan.

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

SPECIAL MEETING OF THE AMES HOUSING GOVERNING BOARD

The Special Meeting of the Ames Housing Governing Board was called to order by Chairperson Campbell at 7:00 p.m. on December 16, 2008, with the following members present: Doll, Goodman, Horness, Larson, Mahayni, Popken, and Rice.

City of Ames Housing Coordinator Vanessa Baker-Latimer addressed the following four questions that were raised by the City Council at its December 9, 2008, meeting regarding the current policy for conducting background checks for Section 8 Housing participants.

Question 1: “Is the City’s current policy of conducting police checks only for criminal activity in the state of Iowa in keeping with the requirements of the Section 8 Housing Program?”

Ms. Baker-Latimer stated that the City’s procedure does meet the requirements; however, nothing in HUD regulations precludes the City from conducting searches in other states or nationwide.

Council Member Popken asked what types of criminal offenses would disqualify a participant or applicant from the Program. Ms. Baker-Latimer advised that the City of Ames searches for any drug-related or violent criminal activity for the past three years from the state of Iowa. City Attorney Marek clarified that only drug-related or violent criminal activity would preclude a person from qualifying.

Council Member Larson asked if persons from other states may apply for participation in the Ames Program. Ms. Baker-Latimer said that they may apply. She added that 89% of the applicants on the waiting list is from Iowa; 1% is from Florida, 8% is from Illinois, and less than 1% is from Mississippi, New Jersey, and Ohio. She stated that portability of vouchers is required by HUD; those persons have already met the eligibility requirements. Ms. Baker-Latimer explained portability: Persons may request to move to another Housing Authority. The new Housing Authority may: (1) absorb the person into the system and return the voucher to the originating jurisdiction or (2) charge the originating jurisdiction for administering the voucher.

Ms. Baker-Latimer advised that, in order to be eligible for the Ames Program, persons must be elderly (62 or over), disabled, or a family with dependent children. The City has 229 vouchers, with an 86% lease-up rate. HUD requires a 95% lease-up rate, so Ames is not in compliance at this time.

Question 2: “How are other cities/housing authorities handling the issue of police checks for participants – national or state checks?”

According to the HUD’s Kansas City Office, there are 70 Housing Authorities (HAs) in the state of Iowa. Ms. Baker-Latimer said that staff was able to contact 20 HAs, specifically those with the most vouchers. Iowa City was the only HA that specifically stated that it conducts national background checks. Fort Dodge conducts local and state checks. According to Ms. Baker-Latimer, Iowa City and Des Moines are the largest Housing Authorities in the state of Iowa; they offer both Section 8 and Public Housing assistance.

Question 3: “What is the projected cost to do national as well as state police background checks?”

Ms. Baker-Latimer advised that a national background search costs approximately \$45.25/adult (18 years of age and older) in the household. She clarified that it costs \$15 for the background check by fax and \$30.25 for a fingerprint check. The cost is reduced by \$3 if a request is sent by mail, rather than by fax; however, the time delay makes mailing impractical. Ms. Baker-Latimer gave an example of what the costs could be if national searches were done. She specified that the applicant may not be charged for the background check. She will check with HUD to see what types of funds may be used to pay for the background checks.

Question 4: "What are the advantages and disadvantages of doing national police background checks?"

It was noted by Ms. Baker-Latimer that the possibility of uncovering disqualifying criminal activity of applicants and participants that was committed outside the borders of Iowa would be the advantage. Background checks are run every 12 months on the current participants as part of their annual re-exam; however, the City currently runs only local criminal background checks. Disadvantages would include the processing costs and time. National background checks including fingerprints could take as long as six weeks. The Iowa Division of Criminal Investigation background checks take approximately three to four days, depending on the workload.

City Manager Schainker noted that there have been recent requests for information concerning Section 8 Housing recipients. He asked Attorney Marek to speak on the Iowa Public Records law. Mr. Marek stated that all City records are presumed to be open to the public unless they meet the Iowa Code definition of confidential records. Included in the list of confidential records are those that contain certain information relating to any form of housing assistance, such as financial history, medical history, and Social Security numbers. Mr. Marek also advised that records that contain residential addresses of applicants who have applied for or received restraining orders for themselves or other household members are also confidential by Iowa Code Section 22.7. He said that the City does not have information about applicants' pending restraining orders; restraining order files are sealed by the court. When the City receives a request for housing records, those persons whose records are sought are notified in order to determine whether their information is confidential. Mr. Marek further advised that, under the terms of the Iowa Public Records Act, a court may issue an injunction to prevent disclosure of a public record if to do so would not be in the public interest.

Council Member Goodman expressed his opinion that the City should change its policy to require national background checks. City Manager Schainker suggested that it be referred back to staff to make a report to the City Council on the steps necessary to change its policies. Ms. Baker-Latimer explained that she would need to determine costs. She would also need to prepare a change to the Administrative Plan, which would need to be approved by the Housing Governing Board.

Moved by Goodman, seconded by Popken, to direct staff to explore an expansion of its current procedure to require national background checks.

Joe Monahan, 715 Carroll Avenue, Ames, asked if the change to require national background checks would be retroactive. City Attorney Marek advised that the City would have the capability of making it retroactive; the cost and time of doing so could be an issue.

Mayor Campbell asked how much of the significant crime in Ames has been tied to Section 8 Housing participants. Ms. Baker-Latimer explained the numbers of people who have been terminated from the Program and the reasons therefor. From January to December 2008, four have

been terminated due to violent activity, three due to drug activity, one due to fraud, two for a lease violation, two due to having an unauthorized person in the housing unit, eight for failing to report income, and two for moving without giving a 30-day notice.

Ms. Baker-Latimer explained that there are rental-assistance programs in Ames other than the City's Section 8 Program. Specifically named were Stonehaven, Regency, Keystone, and Eastwood Apartments, which have their own contracts with HUD.

Council Member Mahayni asked Housing Coordinator Baker-Latimer if she detects a problem with Ames' Section 8 Program. Ms. Baker-Latimer advised that times are changing throughout the state of Iowa, and Ames is no exception. She recognized that there are those who struggle with housing affordability, and the Program allows those persons to have suitable housing. There are also those who attempt to take advantage of these types of programs, and that's why HUD has a "one strike and you're out" standard. According to Ms. Baker-Latimer, City staff always tries to do due diligence.

Mr. Mahayni expressed his concern that the victims are being blamed, which results in the Program being stigmatized.

Council Member Popken asked if it would be better to use an outside agency to run the background checks. Ms. Baker-Latimer advised that an Iowa DCI representative has recommended using the Federal Bureau of Investigation to run national checks due mainly to ensuring that the correct person is being screened. If an error in identity is made, it could set the City up for legal ramifications.

Council Member Doll asked staff to provide the City Council with the number of crimes committed City-wide that would be grounds for removing a participant from the Section 8 Program.

Council Members Goodman and Popken expressed their endorsement of the Section 8 Program and the necessity for it. Both concurred that requiring national background checks would lead to additional credibility for the Program.

Council Member Mahayni emphatically voiced his disagreement with the motion. He alluded again that doing so would further stigmatize Section 8 applicants/participants. Mr. Mahayni believes that if staff members felt there was a problem, they would bring it to the attention of the City Council and action would be taken, rather than the City Council reacting to a "Letter to the Editor" in the newspaper.

Vote on Motion: 4-3. Voting aye: Goodman, Horness, Larson, Popken. Voting nay: Doll, Mahayni, Rice. Motion declared carried.

REGULAR MEETING OF THE AMES CITY COUNCIL

The Regular Meeting of the Ames City Council resumed at 8:24 p.m.

Mayor Campbell announced that Item No. 27 regarding property acquisition for Recyclables/Staging Project for the Resource Recovery Plant had been pulled by staff.

CONSENT AGENDA: Council Member Rice asked to pull, for separate discussion, Item No.12, which pertained to a Facade Grant for Wheatsfield Grocery at 413 Northwestern Avenue.

Moved by Goodman, seconded by Rice, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of December 9, 2008
3. Motion setting Council Workshop for March 10, 2009
4. Motion approving renewal of the following liquor licenses, beer permits & wine permits:
 - a. Class C Liquor & Outdoor Service Privilege - Aunt Maude's, 543-547 Main Street
 - b. Class C Liquor - Tip Top Lounge, 201 East Lincoln Way
 - c. Class C Beer - Swift Stop #6, 125 6th Street
 - d. Class C Beer - Swift Stop #7, 2700 Lincoln Way
 - e. Class C Beer - Casey's General Store #2298, 2400 Lincoln Way
 - f. Class C Beer - Char's, 3100 South Duff Avenue
5. RESOLUTION NO. 08-515 approving COTA Spring 2009 Mini-Grants
6. RESOLUTION NO. 08-516 approving FMLA revisions and additions to Personnel Policies and Procedures Manual
7. RESOLUTION NO. 08-517 approving Engineering Services Contract for 2008/09 Airport Improvements (Rehabilitation of Runway 13/31)
8. RESOLUTION NO. 08-518 approving Transportation Agreement with Iowa Department of Transportation for Ames Southeast Entryway Project
9. RESOLUTION NO. 08-533 approving revision to Purchasing Agreement with Habitat for Humanity of Central Iowa for property located at 622-13th Street
10. RESOLUTION NO. 08-519 approving a Memorandum of Understanding with the Second Judicial District for Support of Continuity of Court Operations
11. RESOLUTION NO. 08-521 approving purchase of land at 1111 Top-O-Hollow Road in the amount of \$22,287 for planned substation expansion
12. RESOLUTION NO. 08-522 approving time extension on contract with Will Page to complete Ames Historic Preservation Plan
13. RESOLUTION NO. 08-523 approving contract and bond for Water System Improvements Project (Summit Avenue and Crescent Street)
14. RESOLUTION NO. 08-524 approving Change Order Nos. 1-4 for Combustion Turbine GT-1 Control System Upgrade
15. RESOLUTION NO. 08-525 accepting completion of 2007/08 Concrete Pavement Improvements (Green Hills Drive)
16. RESOLUTION NO. 08-526 accepting completion of 2007/08 Collector Street Rehabilitation (Beach Avenue)
17. RESOLUTION NO. 08-527 accepting completion of 2007/08 Sidewalk Safety Program
18. RESOLUTION NO. 08-528 accepting completion of 2008/09 CDBG Neighborhood Curb Replacement Program
19. RESOLUTION NO. 08-529 approving partial completion of public improvements and lessening amount of security required for Northridge Heights Subdivision, 12th Addition
20. RESOLUTION NO. 08-530 approving partial completion of off-site improvements and lessening amount of security required for Northridge Heights Subdivision, 12th Addition (Bloomington Road Widening)

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

FACADE GRANT FOR WHEATSFIELD GROCERY AT 413 NORTHWESTERN AVENUE:

Council Member Rice asked staff to comment on the drawings provided for Wheatfield. Planning & Housing Director Steve Osguthorpe explained that the Facade Grant process requires the applicant to provide drawings and plans for complete build-out. Several of the drawings show future concepts that might not occur. He advised that the northern facade is the only one that will be constructed at this time.

Moved by Popken, seconded by Mahayni, to adopt RESOLUTION NO. 08-520 approving a Facade Grant for 413 Northwestern Avenue (Wheatsfield Grocery).

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

PUBLIC FORUM: Clark Richardson and Mark Kline, representing ISU Dance Marathon, explained the event and how the community can participate. Mr. Richardson said that this is the 11th year for the Dance Marathon, which raises money and awareness for the University of Iowa Children’s Hospital through the Children’s Miracle network. The Dance Marathon will occur on January 24, 2009, in the Great Hall of the Memorial Union.

CLASS B LIQUOR LICENSE & OUTDOOR SERVICE PRIVILEGE FOR HILTON GARDEN INN: Moved by Doll, seconded by Popken, to approve a Class B Liquor License and Outdoor Service Privilege for Hilton Garden Inn Ames, 1325 Dickinson Avenue, pending issuance of Certificate of Occupancy.

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

CLASS E LIQUOR LICENSE FOR AJ’S MARKET: Moved by Goodman, seconded by Popken, to approve a new Class C Liquor License for AJ’s Market, 129 Welch Avenue, Ste. 101.

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

EXTERIOR MAINTENANCE CODE: Assistant City Manager Bob Kindred recalled that the plan for getting input from the public on the proposed Property Maintenance Code was approved by the City Council on December 9, 2008. He noted that the Council had passed a motion limiting the Property Maintenance Code to exterior items and directed staff to present the Council with a list of exactly which items would be included. Mr. Kindred corrected a statement that staff had made at that meeting concerning whether any follow-up meetings on this issue had been held. It was clarified that the Building Official had actually attended one follow-up meeting with the Rental Housing Advisory Committee, and the list of exterior items had been discussed. It was pointed out that the list of items recommended by the RHAC for inclusion was attached to the Council Action Form. According to Mr. Kindred, staff reviewed that list, and is now recommending that 23 items focusing on exterior issues only be considered. He also reminded the Council that the City is moving on a dual track, i.e., a Rental Housing Code and a Property Maintenance Code.

Discussion ensued about including building numbering on the list. Council Member Goodman expressed his opinion that it might not be necessary for the City to dictate what the building numbers look like unless they could be perceived as being degrading to the neighborhood. He thinks that might create arguments that are not necessary at this point. Council Member Rice explained that he perceived that requirement as being more of a public safety issue.

Moved by Rice, seconded by Mahayni, to include the items referenced as “Attachment 3” for consideration for owner-occupied residential units:

ATTACHMENT 3

Original RHAC Number	Code item description
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1	Building Numbering
4	Maintenance of Detached Garages, Sheds

7	Maintenance of Stairways, Decks, Porches, Balconies
9	Exterior Handrails and Guardrails
10	Exterior Stairs Maintenance, Rise, and
12	Roofs, Gutters, and Downspouts
13	Grading and landscaping
14	Structural Members
20	Tall Grass and Weed Control
26	Sidewalks and driveways
28	Exhaust Vents
29	Defacement of Property
30	Protective Treatment - Paint
31	Foundation Walls
32	Decorative Features
33	Overhang Extensions
34	Chimneys and Towers
35	Doors - Exterior
36	Basement Hatchways-Maintenance
38	Exterior Walls
40	Disposal of Garbage, and Waste
41	Outdoor Storage
77	Required Off-Street Parking: Hard Surface, Front Yard

Moved by Goodman, seconded by Popken, to amend the motion to include the items on the list without building numbering.

Vote on Amendment: 2-4. Voting aye: Goodman, Popken. Voting nay: Doll, Larson, Mahayni, Rice. Amendment failed.

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

IMPROVEMENTS TO ADA HAYDEN HERITAGE PARK LAKE AND WETLANDS: Director of Water and Pollution Control (WPC) John Dunn reminded the City Council members that they had directed staff to begin exploring improvements to the southern and central wetlands to mitigate phosphorous contamination of Ada Hayden Lake, which was also to consider the control of invasive species, such as carp. He stated that staff is proposing to initiate the following course of action in response to the Council's directive:

1. Targeted Public Education. Staff will mail information promoting environmental improvements that could be gained by using zero phosphorous fertilizer.

Mr. Dunn advised that this is estimated to cost \$2,000, which will come from the Water Conservation Education Program.

2. South Wetland Stormwater Investigation. Earlier monitoring by Dr. Downing revealed a periodic presence of caffeine in the water entering the south wetland complex. Staff from Public Works and WPC are initiating an investigation in an attempt to determine the source.

According to Mr. Dunn, testing for caffeine cannot be performed by the WPC Laboratory and

will be sent to an outside laboratory at a cost of approximately \$100/sample. Funding for this program is estimated at \$1,500 and will come from the Water Plant's Outside Professional Services budget specifically identified for work in Ada Hayden Park.

3. Carp Control. Staff has arranged a late December meeting with experts from Iowa State University and the Iowa Department of Natural Resources to explore possible options to limit carp migration from the lakes into the wetland complexes.

Mr. Dunn stated that there is no expense associated with the conceptual plan; however, depending on which option is identified as the most-appropriate solution, additional capital funds might be needed at a later time. Also, once some form of fish exclusion method is in place, the fish populations already in the wetlands will need to be removed at an estimated cost of \$3,500.

4. North Wetland Performance. Mr. Dunn noted that the Council's directive was limited to the southern and central wetland complexes, staff is proposing to investigate concerns that have been raised about the design and performance of the northern wetland complex. Staff plans to utilize the original design team from Bonestroo, Rosene, Anderlik, and Associates at a cost of approximately \$1,500, to compare the initial design concept to the final construction. Those funds will be allocated from the Water Plant's Outside Professional Services budget specifically identified for work in Ada Hayden Park. Mr. Dunn added that corrective actions, if any, will also require additional capital funds to be designated at a later time.

Moved by Popken, seconded by Goodman, to approve the staff plan to explore improvements in the Ada Hayden Heritage Park Lake and Wetlands.

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

HEARING ON STANGE ROAD SUBSTATION TO AMES PLANT (161/69-kV TRANSMISSION LINE CONSTRUCTION): Mayor Campbell opened the public hearing. No one asked to speak, and the Mayor closed the hearing.

Donald Kom, Director of Electric Services, described the project.

Moved by Mahayni, seconded by Doll, adopting RESOLUTION NO. 08-531 approving final plans and specifications and awarding contract to Hooper Corporation of Madison, Wisconsin, in the amount of \$3,485,486.96.

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

HEARING ON U. S. HWY. 69 INTERSECTION IMPROVEMENTS - 13TH STREET AND GRAND AVENUE TRAFFIC SIGNAL PROGRAM: The public hearing was opened by the Mayor and closed after no one requested to speak.

Moved by Rice, seconded by Doll, to adopt a RESOLUTION NO. 08-532 approving final plans and specifications and awarding contract to Voltmer, Inc., of Decorah, Iowa, in the amount of \$190,974.08.

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

ORDINANCE REZONING PROPERTY LOCATED AT 4098 EAST 13TH STREET: Moved by

Goodman, seconded by Popken, to pass on second reading an ordinance rezoning property located at 4098 East 13th Street (East Barilla site) from Planned Regional Commercial (PRC) to Planned Industrial (P-I).

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

ORDINANCE AMENDING DOWNTOWN URBAN REVITALIZATION PLAN: Moved by Goodman, seconded by Mahayni, to pass on third reading and adopt ORDINANCE NO. 3978 amending the Downtown Urban Revitalization Area.

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

ORDINANCE PROVIDING FOR OPERATION OF THE AMES MUNICIPAL CEMETERY: Moved by Goodman, seconded by Mahayni, to pass on third reading and adopt ORDINANCE NO. 3979 providing for operation of the Ames Municipal Cemetery as a Perpetual Care Cemetery, as specified by Iowa Code.

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

COMMENTS: Council Member Larson asked Chief Cychosz to provide a report on the results of the committee that he chaired as part of the Inclusive Community discussions pertaining specifically to diversity issues.

Council Member Rice, seconded by Goodman, to direct staff to provide a status report on the negotiations for transportation of coal.

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

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 9:12 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor