

**MINUTES OF THE SPECIAL MEETING OF THE  
AMES HOUSING GOVERNING BOARD, REGULAR MEETING OF THE  
AMES CONFERENCE BOARD, SPECIAL MEETING OF THE  
AMES AREA METROPOLITAN PLANNING ORGANIZATION POLICY COMMITTEE,  
AND REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

JANUARY 27, 2009

**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 5:30 p.m. on January 27, 2009, with the following members present: Doll, Goodman, Horness, Larson, Mahayni, Popken, and Rice.

**NATIONAL BACKGROUND CHECKS FOR SECTION 8 HOUSING PROGRAM**

**APPLICANTS:** Housing Coordinator Vanessa Baker-Latimer introduced the staff of the Housing Division present: Andrea Buchele, Lydia Briggs, Heather Cromie-Roche, and Joyce Brown.

Ms. Baker-Latimer advised that at the December 16, 2008, Ames Housing Governing Board meeting, the Board directed staff to explore revising the Administrative Plan to incorporate policies and procedures regarding implementing national background checks.

Ms. Baker-Latimer presented a number of facts pertaining to the Section 8 Housing Choice Voucher Program. She advised that the City applied to receive its first allocation of Certificates (Vouchers) in 1979 to assist with the rental housing needs of low-income residents in the community. Ms. Baker-Latimer presented a chart showing the number of Certificates/Vouchers received by the City from 1979 through the present. Currently, the City has been allocated a total of 229 Vouchers; however, the City does not always receive funding to honor all 229 Vouchers. Ms. Baker-Latimer emphasized that there are 235 other private and/or state HUD-funded units in Ames that are not governed or controlled by the City of Ames. She also pointed out that the City does not have to administer the Program; if the City would decide to relinquish its Vouchers, HUD would need to find another Housing Authority to administer the Program. The City would, however, forfeit its rights to determine how the Program would be administered. Ms. Baker-Latimer reminded the City Council that, in 2002, the City chose to contract with another Housing Authority for the day-to-day administration of the Program. Within four months, however, the City took the Program administration back due to differences in philosophy and how that was impacting Program applicants, participants, and property owners.

According to Ms. Baker-Latimer, there are 191 applicants on the waiting list as of January 2009; the anticipated waiting time is 18 - 20 months. Preference is given to families with dependent children, elderly, and disabled individuals. Miscellaneous data pertaining to the 191 applicants on the waiting list were presented by Ms. Baker-Latimer. The total number of applicant denials from January through December 2008 was 43. The reasons for denial were explained by Ms. Baker-Latimer.

Ms. Baker-Latimer gave data on the current participants as of January 2009: 39%: families with children, 15%: elderly, and 55%: disabled. She also advised that 72% of the current participants are white, 28% are African-American, 1% is Asian, and less than 1% is American Indian/Alaskan Native. Housing Coordinator Baker-Latimer reminded the Council that HUD requires the City to have a 95% lease-up rate or 95% of the budget must be spent. There have been 81 terminations from the Program from January 2004 through December 2008. The reasons therefor were given by Ms. Baker-Latimer, as follows: Lease Violations: 10; Failure to Report Income: 23; Drug-Related Activity within 12 months or less (not necessarily arrests): 8.5; Violent Criminal Activity: 11.5;

Misrepresented Information: 20; In Default of a Promissory Note of Fund to be Repaid to Community: 3, and Miscellaneous Violations: 5. (Note: One person committed both drug-related and violent/criminal offenses, which is indicated by the .5 in two categories.) Ms. Baker-Latimer defined “Drug-Related” and “Violent/Criminal Activity. Expounding on those statistics, she advised that for Drug-Related Activities, there were 607 violations (not necessarily arrests) and 2,144 that fell into the category of Violent Criminal Activity.

Also noted was the fact that there were 99 “Port-Ins” from January 2001 to December 2008. “Port-ins” are those who transfer from one jurisdiction to another. The largest number of “Port-ins” from within the state of Iowa came from Des Moines, and the largest number of out-of-state “Port-Ins” came from Illinois. Ms. Baker-Latimer advised that if the persons had never been on the Program, background checks are done; however, if they were on the Program in another jurisdiction, background checks are not done.

Following up on a previous request made by Council Member Doll, Ms. Baker-Latimer showed a chart listing Housing Authorities similar in size to Ames. She noted that none of the Iowa Authorities of similar size to Ames do national background checks. The only state of Iowa Housing Authority that does national background checks is Iowa City. It was also reported by Ms. Baker-Latimer that the current practice is to perform local and state of Iowa background checks for drug-related or violent criminal activity on new applicants.

Ames Police Chief Cychosz said that it was his understanding that the City Council was interested in the frequency with which types of incidents were occurring in the Ames community. He said that the Police Department queried out the reported crimes from 1998 to 2007 to give a point of comparison. Chief Cychosz emphasized that those were not necessarily arrests. Arrests would total approximately 800 for violent crimes and approximately 600 for drug-related crimes in that time period.

Council Member Rice asked if a participant would lose his or her Voucher if they were not convicted. Ms. Baker-Latimer stated that if the person is a participant, he or she would lose the Voucher if convicted of a crime. If the person is an applicant, City staff looks at a preponderance of evidence in making the decision to deny eligibility.

According to Ms. Baker-Latimer, adding national background checks for applicants or current participants would be time-consuming and have budget implications since administrative funds from HUD are not sufficient to cover the additional costs. It will also impact the performance and regulatory requirements of the City’s contractual agreement with HUD; the City must meet the 95% lease-up rate.

Ms. Baker-Latimer advised that the processing time to incorporate national background screenings for applicants would add approximately four to six weeks if fingerprint checks were required. In addition, assistance from the Ames Police Department for fingerprinting would be needed. The anticipated cost could be approximately \$3,193 for the first year. Regarding current participants, the processing time to incorporate national background screenings during annual re-exams would be the same as for applicants if fingerprint checks were required. According to Ms. Baker-Latimer, the paperwork side would involve extending the processing time for August re-exams (the largest annual review period) to four months due to the downtime for the initial screening paperwork to come back from the Division of Criminal Investigation. The anticipated cost could be approximately \$9,132 for the first year and approximately \$4,566/year ongoing. Ms. Baker-Latimer also pointed out that HUD requires that participants be provided with at least a 30-day notice of their

rent share prior to the beginning of the lease term. Therefore, waiting for background screenings would affect the City's performance ratings, which would then impact administrative fees and housing assistance payments.

It was pointed out by Ms. Baker-Latimer that the Housing staff consists of 1.5 members assigned to administer and implement the day-to-day Program activities. Housing Program customers would definitely be impacted if national background screening checks were to be incorporated into the Program because the Program is already heavily burdened with paperwork. Ms. Baker-Latimer said that if the Council directs staff to run national background checks, those guidelines would need to be incorporated into the Administration Plan and be brought back to the City Council for approval.

Council Member Larson asked if national background checks would encompass state and local checks. Chief Cychosz advised that, in theory, national checks should include both local and state databases; however, there is a small degree of error and there is also a time delay in the data being posted to other systems. In terms of local activity, he would encourage the Housing staff to run a local check; those are performed by the Ames Police Department in a very timely manner.

Present were Cari McPartland, 3607 Annear Street, Ames, Outreach Services Coordinator at the Richmond Center; Gayla Harken, 310 Tama, Boone, Director of the Story County Community Life Program; Erin Rewarts, 807 Second Street, Nevada, Assistant Director of Story County Community Services; and Deb Schildroth, 339 North Franklin, Ames, Director of Story County Community Services. Ms. McPartland spoke on behalf of those service providers who serve persons with disabilities in Story County. She said that many of their clients utilize the City's Section 8 Program, which allows handicapped and elderly persons to reside in their homes. These service providers strongly support ensuring that participants in the Housing Program do not pose danger to the public, however, the idea of implementing federal background checks that would include fingerprinting has many unintended potential problems associated with it. Some of the clients they represent have serious mental illness; many of them experience extreme paranoia and fear of persecution, and fingerprinting them could easily contribute to an exacerbation of symptoms and even hospitalizations. Ms. McPartland reported that another unintended consequence of implementing such a policy is increasing the stigma already attached to those who live with mental health issues, as those persons would be singled out and recorded. The above-listed service providers believe that the current process seems to be effective in adequately screening new participants, and they advocated that no further more-intrusive measures be taken.

Robert Knight, 3515 Jewel Drive, Ames, indicated that he is the Pastor of New Birth Baptist Church, where the current majority of its congregation is African-American. Mr. Knight said that the City has an obligation to protect all the people of Ames. He believes that the entire process being addressed at this meeting is based on fear. He pointed out that, after 9-11, numerous things were put into place to protect people, e.g., the process people had to go through to get on an airplane. The process became so burdensome that it stopped people from flying, but it didn't catch all the knives and other weapons. Mr. Knight said that it cannot be predicted when someone is going to commit a crime; background checks might have an effect on some, but not all. He asked the City Council what is going to be next when the background checks don't work and they don't prevent crime from coming to Ames. Mr. Knight asked if he would be the next one stopped and asked if he committed a crime just because he is an African-American. He said that people are being stopped because of the color of their skin, instead of the content of their character; that is not going to make people safe. Mr. Knight pointed out that Ames Police Officers are doing a great job, but there is still crime. He feels background checks are not going to stop it, and he implored the City Council to consider that. Mr. Knight said that this is affecting more than the few African-Americans that are listed on the stat

sheets. He asked if any of the City Council members had been fingerprinted, stating that he can't imagine how afraid those without all their faculties would be over that process. Mr. Knight told the City Council members that they are going to affect a lot of people with their decision tonight, and urged them to think long and hard because it may affect voting members of the community.

Council Member Mahayni stated that there is another dimension – that of stereotype. He advised that he and his family had been victims of stereotyping and described a particular incident involving his sons.

Moved by Rice, seconded by Doll, to direct staff to continue the current practice of local and state background checks for drug-related or violent criminal activity on new applicants applying for rental housing assistance.

Council Member Mahayni said that the City Council owed an apology to certain members of the community for the stereotyping that has taken place and the assumptions made by some people that there was a correlation between crime and the segment of the population who are involved in the Section 8 Program.

Council Member Doll pointed out that over the past ten years, an average of 469 violent crimes occurred. As a result, a total of four persons were removed from the Program; that leaves 465 crimes that would still happen.

Council Member Popken said that one of the concerns that was raised was equity of people who live in-state versus out-of-state; however, after evaluating the information provided, "the burden put on the applicants is worse than the cure."

Council Member Larson said that he was most influenced by the information shared tonight by the representatives of the human services agencies. He did not realize how requiring national screening could affect that segment of the population.

Council Member Goodman stated that he would not be voting in support of the motion. He said that he does not believe that there is an issue in regards to safety that connects directly to Section 8 Housing; that is not accurate, and any claims made otherwise are made without data and as a result of fear. He does not believe that Section 8 poses a risk to the Ames community, and he is proud that Ames is the kind of community to provide housing for those who need it. Mr. Goodman stated that he cannot support the motion because HUD requires background checks and those checks are now not equitable. He does not believe that those from outside Iowa should be treated differently than those from Iowa. Mr. Goodman acknowledged that there are important issues concerning fingerprinting, but perhaps that might not be required if it is going to harm the person. He again stated that the data presented tonight proves that there is no connection between Section 8 Housing and violence in the Ames community.

Vote on Motion: 7-1. Voting aye: Campbell, Doll, Horness, Larson, Mahayni, Popken, Rice. Voting nay: Goodman. Motion declared carried.

**ADJOURNMENT:** The Ames Housing Governing Board meeting adjourned at 6:25 p.m.

#### **REGULAR MEETING OF THE AMES CONFERENCE BOARD**

The regular meeting of the Ames Conference Board was called to order by Chairperson Ann Campbell at 6:30 p.m. on January 27, 2009. Present from the Ames City Council were Doll, Goodman, Larson,

Mahayni, Popken, and Rice. Story County Board of Supervisors present were Halliburton and Strohman. Representing the Ames School Board were Todey and Soddors. Gilbert School District and United School District were not represented.

**MINUTES OF THE FEBRUARY 26, 2008, CONFERENCE BOARD REGULAR MEETING:**

Moved by Mahayni, seconded by Todey, to approve the minutes of the regular meeting of February 26, 2008.

Vote on Motion: 3-0. Motion declared carried unanimously.

**REAPPOINTMENT BOARD OF REVIEW MEMBER:** Moved by Todey, seconded by Halliburton, to adopt RESOLUTION NO. 09-022 approving the reappointment of Thomas Jackson to the Board of Review.

Roll Call Vote: 3-0. Resolution declared carried unanimously, signed by the Chair, and hereby made a portion of these minutes.

**DISCUSSION OF ANNUAL ASSESSOR'S CITIZEN SURVEY:** City Assessor Greg Lynch noted that the minutes of the Mini Board meeting had been provided to the Conference Board members prior to this meeting. He stated that during the most-recent Mini Board meeting, discussion was held concerning the lack of response to the Annual Assessor's Citizen Survey. Mr. Lynch indicated that the City Assessor's Office has seen a large decrease in the number of walk-in customers due to information and forms being available on the Internet; therefore, there are fewer opportunities to interact directly with the customers and ask for their opinions of the service they had received. Mr. Lynch indicated that, in an attempt to glean more participation in the Assessor's Citizen Survey, he was recommending that the survey be posted on the Internet, have the survey available at the Assessor's Office, and to conduct the Survey biennially. Another possibility offered by Mr. Lynch was to have the Assessor's Survey be part of the City's Citizen Satisfaction Survey.

Mini Board Members Todey and Larson advised that the topic had been discussed by the Mini Board and its members endorsed the idea of an Internet-based Survey. City Assessor's staff members had been present at that meeting and offered their opinions as to the best way to get citizen input regarding the quality of service that they had received. Staff members felt that the best way to get that input was via the Internet. Mr. Larson commented that it would be a question of how statistically valid the Survey needs to be; however, if it is being used as a tool to help the Assessor's Office do a better job, it would be the best method.

Conference Board Member Rice indicated his preference for the Survey to be available at all times. He did not like the idea of it being biennial.

Moved by Popken, seconded by Todey, to direct staff to post the Citizen Survey on the Internet and have paper copies of the Survey available at the Ames City Assessor's Office.

Vote on Motion: 3-0.

**ASSESSOR'S BUDGET PROPOSALS:** City Assessor Greg Lynch gave the following highlights of the Budget Proposal.

1. Overall the assessed value of property in Ames increased 3.3% from 2007 to 2008.
2. Of that assessed value, the taxable value has increased 4.7% from 2007 to 2008.
3. Sales of new homes decreased significantly (75%) from 2007 to 2008. However, even though the overall sales volume of new homes declined, the average selling price increased by 15%.
4. Sales volume for existing homes declined 16.2%, and the average sales price per square foot

decreased negligibly (03%).

Mr. Lynch advised that \$56,200 had been budgeted this fiscal year to do a house-to-house inspection of residential properties. However, the software that was purchased has been more inflexible than anticipated, so it has taken longer to compute and enter the data. According to Mr. Lynch, there has been a new development in photography, called oblique imagery, that allows for a wide-angle four-sided three-dimensional view. This is an important time-saver because staff members can, while at their desks, measure the property and get detail off the pictures, before visiting the site. A proposal from Pictometry has been received in the amount of \$22,070 for oblique imagery. Mr. Lynch asked the Conference Board's approval to reallocate \$2,071 this fiscal year for a down payment, which would allow for the work to be completed by June or July. Mr. Lynch advised that when the demonstration was given on oblique imagery, many other City departments were involved. He had volunteered to pay the cost for the service this year, but hoped that when the other departments saw its worth, they would share the costs.

According to Mr. Lynch, the County entered into an agreement to lease a fiber optic line that will send data from the County Assessor's Office to the City Assessor's Office. The cost for the equipment to receive and send the signal is \$7,500 with ongoing maintenance of \$300/year (which is the same as the existing T1 line). Mr. Lynch requested that the Conference Board approve the reallocation of funds from the Comprehensive Review Appropriations from this year's budget for the needed equipment.

The Board Members' attention was directed to Attachment A of the Report. Mr. Lynch pointed out that there is a -0.4% change between the current and proposed budgets.

Council Member Goodman asked if there is a certain ending balance that is strived for every year. Chief Deputy Assessor Paul Overton said, with respect to the ending balance, expenditures were less than anticipated during the last fiscal year and those funds were carried over, resulting in a larger ending balance. He said that the City Assessor's Office strives to have 15 - 20% balance remaining.

Story County Supervisor Halliburton wished to clarify an item on Page 7 under "Health Insurance." In particular, she wanted it noted that health insurance is not part of the GIS Coordinator Flex Benefits. Ms. Halliburton said that they are not anticipating a ten percent (10%) increase in health insurance, and it has nothing to do with Flex Benefits. Mr. Lynch acknowledged that the ten percent (10%) increase was anticipated for health insurance for employees of the City of Ames.

Moved by Goodman, seconded by Todey, to approve the recommendations of the Assessor's report.  
Vote on Motion: 3-0. Motion declared carried unanimously.

Moved by Todey, seconded by Mahayni, to receive the proposed budget (adoption of budget will occur after the hearing is held).  
Vote on Motion: 3-0. Motion declared carried unanimously.

Moved by Doll, seconded by Todey, to set 6:30 p.m. on February 24, 2009, as the date of public hearing on the proposed FY 2009/10 City Assessor's budget.  
Vote on Motion: 3-0. Motion declared carried unanimously.

**ADJOURNMENT:** The Ames Conference Board meeting adjourned at 6:53 p.m.

**AMES AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO)**

## **TRANSPORTATION POLICY COMMITTEE MEETING**

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee met at 6:58 p.m. on the 27<sup>th</sup> day of January, 2009, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Ann Campbell presiding. Voting members present were Campbell, Doll, Goodman, Larson, Mahayni, Popken, and Rice, representing the City of Ames; Jane Halliburton, Story County Board of Supervisors, and Mike O'Brien, Boone County Board of Supervisors. Robert Anders of the Ames Transit Agency was absent. Mike Clayton, Iowa Department of Transportation, was also in attendance.

### **REVISIONS TO 2009 PASSENGER TRANSPORTATION DEVELOPMENT PLAN (PTDP):**

Public Works Director John Joiner pointed out that Congress has been working on the Stimulus Package, and in preparation for the release of those funds, the City is bringing forth transit projects at this meeting. He noted that the highway stimulus projects will be brought before the AAMPO Transportation Policy Committee next month.

Transit Director Sheri Kyras asked for approval of additional buses to be added to the current 2009 PTDP; that is the first step for consideration of funding under the Economic Stimulus Package. She explained the projects and text to be added to the PTDP:

1. Ten 40-foot Heavy-Duty Diesel/Hybrid Expansion Buses with Cameras
2. Three Light-Duty Low-Floor Buses
3. Three Light-Duty Low-Floor Buses upgrade (Funding was approved in 2008 when "low-floor" buses were not available. Additional funding to upgrade to "low-floor" buses is now being requested.)

Ms. Kyras explained that the addendum will be immediately submitted to the Iowa Department of Transportation. On Thursday, they will start considering the projects.

Moved by Goodman, seconded by Popken, to approve the new and revised projects and text revisions to the 2009 Passenger Transportation Development Plan.

Vote on Motion: 9-0. Motion declared carried unanimously.

**ADJOURNMENT:** The meeting adjourned at 7:04 p.m.

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

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:08 p.m. on January 27, 2009, 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 also present.

**CONSENT AGENDA:** Council Member Popken asked to pull Item No. 14, which pertained to the Southwest Ames Storm Water Management Improvements near Greenbriar Park.

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 January 13, 2009, and Special Meeting of January 20, 2009
3. Motion approving certification of civil service applicants
4. Motion accepting Report of Contract Change Orders for January 1-15, 2009
5. Motion approving renewal of the following beer permits and/or liquor licenses:

- a. Class C Liquor - Café Shi, 823 Wheeler Street, Ste. 5
  - b. Class A Liquor - American Legion Post #37, 225 Main Street
  - c. Class B Native Wine - Coe's Floral & Gifts, 2619 Northridge Parkway
6. Motion approving grant application to Department of Homeland Security Emergency Operations Center for funding to renovate and improve City's Emergency Operations Center
  7. RESOLUTION NO. 09-023 approving Quarterly Investment Report for period ending December 31, 2008
  8. RESOLUTION NO. 09-024 adopting proposed changes to Personnel Policies and Procedures Manual reinstating requirement for Fitness to Return to Work Certification form under Family and Medical Leave Policy
  9. RESOLUTION NO. 09-025 approving City of Ames' participation in 28E Agreement with Metropolitan Incident Command Radio Network
  10. RESOLUTION NO. 09-026 approving Qwest Communications three-year Internet Service Agreement for Power Plant Control Room
  11. RESOLUTION NO. 09-027 approving Public Road Crossing Improvement Agreement for reconstruction and widening of existing Bloomington Road at-grade public road crossing
  12. RESOLUTION NO. 09-028 approving revision to Purchasing Agreement with Habitat for Humanity of Central Iowa for property located at 608 Durrell Circle
  13. RESOLUTION NO. 09-029 approving purchase of one 2009 Ford flex-fueled Crown Victoria at a cost of \$22,510
  14. RESOLUTION NO. 09-031 accepting storm sewer easement with Iowa State University for 2006/07 Annual Residential Street Low-Point Drainage Improvements (Stanton Avenue and Chamberlain Street)
  15. RESOLUTION NO. 09-032 accepting final completion of Lincoln Way and Lynn Avenue Traffic Signal Project
  16. RESOLUTION NO. 09-033 accepting final completion of Lincoln Way and Welch Avenue Traffic Signal Project
  17. RESOLUTION NO. 09-034 accepting final completion of Water Pollution Control Facility Trickling Filter Building Heat Recovery Unit
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**SOUTHWEST AMES STORM WATER MANAGEMENT IMPROVEMENTS (NEAR GREENBRIAR PARK):** Council Member Popken asked for an explanation of this project from City Manager Schainker. Mr. Schainker explained that this project is the storm sewer disconnect to protect Greenbriar Park and the adjacent golf course. He pointed out that funding for this project is included in the first year of the proposed 2009-2014 Capital Improvements Plan. It is unusual that staff is asking for approval of preliminary plans and specifications before the funding is actually approved for the project; however, in anticipation of flooding after all the snow melts and in an effort to begin this project in the spring, it is on tonight's agenda. The contract is not due to be awarded until the Council meeting scheduled for February 24. Budget discussions will have concluded by that date, which would allow the Council to reject the bids if they so desire.

Council Member Larson asked if a design concept had been developed. Municipal Engineer Tracy Warner advised that plans and specifications have been developed; the project is basically a realignment of the existing channel and a bridge. Mr. Larson asked if the bridge that currently goes over Squaw Creek will continue to be used for the trail after the Grand Avenue Extension project is completed. Ms. Warner said that the horizontal separation will be reviewed to see if there would be less hydraulic impact on Squaw Creek to actually combine them into one structure or remain as two. According to Ms. Warner, a box culvert would have been more expensive. Council Member Larson expressed his continued dismay at the amount of funding for this project.

Moved by Popken, seconded by Rice, to adopt RESOLUTION NO. 09-030 approving preliminary plans and specifications for Southwest Ames Storm Water Management Improvements (near Greenbriar Park), setting February 18, 2009, as bid due date and February 24, 2009, as date of public hearing.

Roll Call Vote: 5-1. Voting aye: Doll, Goodman, Mahayni, Popken, Rice. Voting nay: Larson. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

**PUBLIC FORUM:** Susie Petra, 2011 Duff Avenue, Ames, asked the City Council not to let short-sightedness affect their decision on Carr Pool. She gave the definition of “group think,” and indicated that City Hall, the former Central Junior High building, was nearly demolished due to “group think.” Ms. Petra advised that there is a tremendous need in the community for Carr Pool. She believes that the new Aquatic Center will not meet the needs of everyone. The community’s age demographics were provided by Ms. Petra. She reminded the City Council that older adults in Ames have supported many facilities for younger people throughout the years. Ms. Petra also indicated that she has talked to Iowa State University architects about innovative ideas for Carr Pool, including a retractable roof. She asked the City Council to revise their thinking, throw out “group think,” and consider making Carr Pool a 12-month facility.

**DOLLAR DAYS:** Moved by Goodman, seconded by Larson, to approve the requests from Main Street Cultural District for suspension of parking regulations and enforcement for Dollar Days promotion on January 29-31, 2009.

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

**2009-2014 CAPITAL IMPROVEMENTS PLAN (CIP):** Mayor Campbell invited the public to provide input on the 2009-2014 CIP.

Erica Fuchs, 4014 Marigold Drive, Ames, urged the City Council to keep Carr Pool open instead of continuing with the Plan to spend \$50,000 in 2010 to demolish its basin. She noted there two projects included in the 2009-2014 CIP: a Downtown interactive fountain and a concrete bike park. Ms. Fuchs pointed out that, according to the CIP, the ideas for those two projects originated from City staff, whereas support for Carr Pool comes from the public. She asked that preference be given to the project supported by the public when it comes to recreational facilities. Ms. Fuchs noted that the interactive fountain and the bike park would cost taxpayers \$300,000 and \$175,000, respectively. She asked that the City Council seek input from the public, e.g., a City survey, before plans to demolish Carr Pool are continued. According to Ms. Fuchs, the City’s informational brochure on the aquatic center bond issue misinformed the public by calling Carr Pool “an 80-year-old facility,” when, in fact, the basin was reconstructed in 1977-78 and the bathhouse is newer than the basin. She also noted that the information distributed about the bond issue for a new aquatic center made no mention of Carr Pool. Ms. Fuchs shared several pictures of Carr Pool as it currently exists in an effort to show that the facility should not be demolished.

Neala Benson, 614 Hodge, Avenue, Ames, advised that she was representing the Ames Foundation. The Ames Foundation Board is aware that the City has allocated funding in FY 2010/11 for an interactive fountain to be located in the Downtown. Ms. Benson noted that the Foundation fully supports that project, but would like to see it expanded and be located on the City-owned property east of City Hall (in the parking lot between City Hall and First National Bank). Besides the fountain, the project could include a pavilion that could accommodate special events, e.g., City-administered farmers’ market, musical events, and green open space. Ms. Benson stated that, after extensive discussion at its December meeting, the Ames Foundation Board of Directors decided to ask the City Council to delay the fountain project until FY 2013/14, but identify \$20,000 in the FY 2009/10 budget for a conceptual design study and cost estimate for a downtown enhancement

project encompassing a pavilion. Once the design has been developed and cost estimates made, public input sessions could be held to gain insight on the proposed location and project elements. It was also noted that the project could be developed as a public/private partnership, and the Ames Foundation would commit to lead a fund-raising effort for the project to be located in the parking lot directly east of City Hall.

Council Member Popken asked Ms. Benson if the Ames Foundation would be willing to discuss ideas for the project with the Main Street Cultural District. Council Member Goodman elaborated that there had been a lot of push-back to make sure that the Downtown Catalyst Project would be located on Main Street. Ms. Benson indicated that they would like the interactive fountain project to be located site between City Hall and the First National Bank, but other ideas could be explored through the study.

Council Member Goodman asked if the funding for a study should be allocated from the CIP. City Manager Schainker indicated that if it were part of the interactive fountain project, it should be included in the CIP with a funding source identified.

Council Member Larson requested to know the status of possible construction of a parking ramp in the Downtown. Mr. Schainker pointed out that there is no funding earmarked for that purpose in the 2009-2014 CIP. The City Council had directed that an estimate be compiled by staff for the costs of a study regarding the need for a parking deck in the Downtown, and that is being worked on.

Jayne McGuire, Director of the Main Street Cultural District, advised that she was fairly new to the position and not real familiar with the Main Street Catalyst Project. She indicated that a parking deck is very important to the Main Street area; there is a real need for additional parking. Ms. McGuire pointed out that if the parking lot between the City Hall and First National Bank is taken out for other uses, it would exacerbate the Downtown parking problems. Ms. Goodman felt that the Downtown Catalyst Project has “morphed” into a parking deck. He likes the idea of putting an interactive fountain project in the parking lot east of City Hall, but the public must be brought on board with the concept.

Council Member Larson recommended that dollars be set aside in the CIP for a parking deck and/or a project including an interactive fountain. Council Member Rice agreed, stated that the Downtown has been made a priority of the City Council, and monies should be set aside for both projects, and possibly more. Council Member Mahayni pointed out that a destination project and a recreational venue in the Cultural District would make a great project.

**DEVELOPER’S AGREEMENT–AMES COMMUNITY INDUSTRIAL PARK:** City Manager Steve Schainker reminded the Council members that they had, on January 13, 2009, referred the proposed Developer’s Agreement with Dayton Park LLC back to staff. That action was taken due to certain Council members’ concerns with the proposed language, feeling that it gave an unfair advantage to Dayton Park developers over other developers who might want to benefit from the TIF incentives being offered by the City.

Mr. Schainker explained language revisions that he was now proposing regarding Paragraphs 13 and 16, which pertained to sale of land and the timeline for constructing buildings. He also reviewed his proposed revisions regarding Paragraphs 1 and 4 of the Restrictive Covenants, which is Exhibit B to the Agreement. City Manager Schainker stated that, if the above-described revisions are approved, the Developer’s Agreement, in its entirety, will be added to the City Council’s February 10 Agenda.

City Manager Schainker recommended that the Developer's Agreement be approved prior to the third reading of the ordinance creating the TIF District.

Moved by Popken, seconded by Rice, to approve the proposed revisions.

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

**ENERGY-EFFICIENCY REBATE PAYMENTS:** Electric Services Director Donald Kom recalled that the 2008/09 CIP contains \$600,000 in the Demand-Side Management Program ("Smart Energy") to encourage individuals and businesses to upgrade equipment, facilities, and homes to use electricity more efficiently. Mr. Kom advised that two commercial customers had recently participated in the Smart Energy programs and were eligible to receive significant incentive rebate checks for their efforts to reduce lighting, heating, and cooling costs. Those businesses were:

1. Lowe's Home Improvement, 120 Airport Board, which replaced 662 of its ceiling light fixtures with efficient fluorescent fixtures. It is estimated that the efficient fluorescent fixtures will save 254,870 kWh of energy annually and 46 KW of demand. This will save the customer approximately \$22,000/year. Future avoided cost (savings) for City of Ames Electric Services is \$71,487. The new lighting will reduce carbon dioxide emissions by 407,792 pounds (204 tons) annually. Lowe's rebate check will be \$39,720.
2. Ag Leader Technology, 2202 S. Riverside Drive, installed a ground-source heat pump (geothermal heating and cooling system), rather than a standard electric heating and cooling system. It is estimated that the geothermal system will save 80,155 kWh of energy and 100 KW of demand/summer. This will save the customer approximately \$8,000/annually. Future avoided cost savings for the City of Ames Electric Services is \$108,016. The new system will reduce carbon dioxide emissions by 121,184 pounds/annually. The installation qualifies Ag Leader for a rebate check in the amount of \$79,700.

Council Member Goodman asked to know the total investment made by the two companies. Mr. Kom said that he would provide that information to the City Council.

Moved by Mahayni, seconded by Rice, to adopt RESOLUTION NO. 09-036 authorizing energy-efficiency rebate payments to Lowe's Home Improvement in the amount of \$39,720 and Ag Leader Technology in the amount of \$79,700.

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

**U. S. 69 INTERSECTION IMPROVEMENTS TRAFFIC SIGNAL REPLACEMENT (13<sup>TH</sup> AND GRAND):** Moved by Mahayni, seconded by Popken, to adopt RESOLUTION NO. 09-037 accepting the transfer of land from Harold E. Pike and Julie A Pike, approving the Warranty Deed, and approving the Tenant Agreement for Harold Rake and Barbara Rake, in an amount totaling \$450; accepting the transfer of land from Iowa Seventh Day Adventist Association and approving the Warranty Deed, in an amount totaling \$600; and accepting the transfer of land from Kevin M. Bourke, approving the Warranty Deed, and approving the Tenant Agreement for Will Flynn and Rock Martin, in an amount totaling \$3,780, all pertaining to the U. S. 69 Intersection Improvements Traffic Signal Replacement (13<sup>th</sup> and Grand).

Council Member Goodman asked if it is the policy of the City to install a sidewalk, if one does not already exist, when they take over more right-of-way. Public Works Joiner indicated that the City is only receiving slivers of land off the corners of the properties.

Council Member Larson recalled that three property owners of the area in question had approached the City with offers to sell their properties in entirety and asked for the status of those requests. Director Joiner indicated that those offers were being evaluated, but were not part of this project.

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

**RESOURCE RECOVERY RECYCLABLES BUILDING AND STAGING AREA:** Moved by Mahayni, seconded by Rice, to adopt RESOLUTION NO. 09-038 authorizing staff to negotiate with owners for property acquisition of 116 Borne Avenue, 122 Borne Avenue, and 503 E. Lincoln Way for Resource Recovery Recyclables Building and Staging Area.

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

**PROFESSIONAL SERVICES AGREEMENT–NORTHWEST GROWTH PRIORITY AREA SANITARY SEWER STUDY:** Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-039 approving the Professional Services Agreement with Stanley Consultants, Inc., of Des Moines, Iowa, for the Northwest Growth Priority Area Sanitary Sewer Study in the amount of \$89,150.

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

**CURRENT SNOW REMOVAL PRACTICES:** Public Works Director John Joiner explained the general procedures followed by the City and gave the order of priority for snow removal operations. Shared-use recreational paths that are paved are maintained in the winter by staff of the Parks and Recreation Department.

Council Member Larson asked if there is responsibility on the part of homeowners to clear sidewalks after ice storms. Director Joiner indicated that homeowners are responsible for clearing sidewalks.

Council Member Rice indicated that Council members, as well as City staff, are receiving complaints about the City's snow removal efforts, especially on residential streets. He pointed out that those streets, particularly the ones in the Old Town area, are becoming narrower and narrower due to the street not being plowed curb to curb.

Mayor Campbell commented that she had received many compliments about the City's snow-removal efforts.

Council Member Rice asked if a policy change could be made to address some of these issues. Director Joiner stated that it was not a policy issue, but is dependent on staffing and equipment. It was noted that the City only has one snow blower, and the arterial streets and collector streets are first priority.

Transit Director Kyras advised that there are 413 bus stops in the City. They concentrate first on high ridership areas and stops where they know people with disabilities board; those equate to 188 stops. There are an additional 29 stops in the Campus area where efforts are concentrated, and ISU is very willing to help clear those.

Parks and Recreation Director Nancy Carroll pointed out that her staff works very closely with the Public Works Department concerning snow removal. Some recreation paths have snow piles on

them because there is literally no place else to pile it.

Ms. Carroll said that it is unknown whether the City needs more equipment. She suggested that the City, in an attempt to find some answers, send a team of staff members to the Twin Cities area to discuss possibilities with staff from that area since they have a lot of expertise in snow removal.

Council Member Goodman indicated that his frustration lies with property owners who do not attempt to clear their sidewalks. He also would like areas around bus stops cleared; otherwise, the riders are forced to wait in the street.

Moved by Goodman, seconded by Rice, to request staff to explore what other communities are doing to force property owners to make sidewalks passable in adverse conditions.

Director Joiner informed the City Council of the procedures taken when a complaint is received about a sidewalk not being cleared. Council Member Popken stated that the majority of property owners do a fine job in keeping their sidewalks clear; however, there are a few who never clear them. Council Member Goodman believes that the complaint process does not achieve the long-term results desired. He thinks that many of the sidewalks are dangerous.

Vote on Motion: 4-2. Voting aye: Goodman, Larson, Popken, Rice. Voting nay: Doll, Mahayni. Motion declared carried.

**HEARING ON VACATION OF ALLEY RIGHT-OF-WAY LOCATED SOUTH OF 3620 AND 3624 STORY STREET:** Mayor Campbell opened the public hearing. No one wished to speak, and the hearing was closed.

Moved by Mahayni, seconded by Larson, to pass on first reading an ordinance vacating the alley right-of-way located south of 3620 and 3624 Story Street.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Mahayni, seconded by Rice, to suspend the rules necessary for the passage of an ordinance.  
Roll Call Vote: 4-2. Voting aye: Doll, Larson, Mahayni, Rice. Voting nay: Goodman, Popken. Motion failed due to the lack of a super majority vote.

**HEARING ON SALE OF ALLEY RIGHT-OF-WAY LOCATED SOUTH OF 3620 AND 3624 STORY STREET:** Moved by Doll, seconded by Goodman, to table this item until the third reading of the ordinance vacating the alley right-of-way.

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

Moved by Mahayni, seconded by Rice, to reconsider the motion.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Mayor Campbell opened the public hearing.

Moved by Doll, seconded by Mahayni, to continue the hearing until the third passage of the ordinance vacating the alley right-of-way.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**HEARING ON ZONING TEXT AMENDMENT TO ALLOW REMOTE PARKING FOR USES IN PLANNED REGIONAL COMMERCIAL (PRC) ZONING DISTRICT:** Planning and Housing

Director Steve Osguthorpe explained the request. He noted that the Planning & Zoning Commission, at its meeting of January 7, 2008, unanimously recommended approval of the text amendment. Other changes proposed for Section 29.406(18) seek to clarify language and to reformat for easier understanding.

The public hearing was opened by Mayor Campbell.

Pat Burke, 6701 Westown Parkway, West Des Moines, representing North Grand Mall, said that by creating two outlots, it is hoped that they can bring in two additional restaurants. Mr. Burke requested suspension of the rules pertaining to ordinances so that engineering work could proceed.

The Mayor closed the hearing after no one else wished to speak.

Council Member Larson asked if this ordinance change has any impact any progress on the Streets of North Grand. Mr. Burke stated that it would not change the approved Adaptive Reuse Plan or plat. Mr. Osguthorpe said that it would be dependent on what the owners plan to do with the lots that are being created.

Moved by Mahayni, seconded by Goodman, to pass on first reading an ordinance making a zoning text amendment to allow remote parking for uses in the Planned Regional Commercial (PRC) Zoning District to seek remote parking in other PRC-zoned lots and to clarify and reformat the remainder of the paragraph.

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

Moved by Mahayni, seconded by Doll, to suspend the rules necessary for the passage of an ordinance.

Roll Call Vote: 5-1. Voting aye: Doll, Larson, Mahayni, Popken, Rice. Voting nay: Goodman. Motion declared carried.

Moved by Mahayni, seconded by Doll, to pass on second and third readings and adopt ORDINANCE NO. 3981 making a zoning text amendment to allow remote parking for uses in the Planned Regional Commercial (PRC) Zoning District to seek remote parking in other PRC-zoned lots and to clarify and reformat the remainder of the paragraph.

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

**ORDINANCE CREATING TAX-INCREMENT FINANCING DISTRICT ON SOUTH BELL AVENUE:** Moved by Doll, seconded by Mahayni, to pass on second reading an ordinance creating a Tax-Increment Financing District on South Bell Avenue.

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

**ORDINANCE MAKING ZONING TEXT AMENDMENT TO REMOVE REQUIREMENT FOR PLANNING & ZONING COMMISSION TO MAKE RECOMMENDATIONS TO ZONING BOARD OF ADJUSTMENT ON SPECIAL USE PERMIT APPLICATIONS:** Moved by Mahayni, seconded by Rice, to pass on second reading an ordinance making zoning text amendment to remove requirement for Planning & Zoning Commission to make recommendations to Zoning Board of Adjustment on Special Use Permit applications.

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

**ORDINANCE AMENDING SECTION 22.4(1) OF MUNICIPAL CODE DESCRIBING AUTHORITY OF CITY MANAGER WITH RESPECT TO TEMPORARY OBSTRUCTIONS:**

Moved by Mahayni, seconded by Doll, to pass on second reading an ordinance amending Section 22.4(1) of Municipal Code describing authority of City Manager with respect to temporary obstructions

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

**COMMENTS:** Moved by Larson, seconded by Goodman, to refer to staff the letter from Chuck Winkleblack dated January 23, 2009, regarding zoning certain land HOC and to request staff to report on the overlays in the area when it comes back to the Council.

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

Moved by Rice, seconded by Goodman, to direct staff to make contact with the Friends of Carr Pool on the covered-pool idea and the idea of keeping Carr Pool open.

Council Member Rice said that many of the thoughts that he has been hearing from the Friends group and others are very viable, particularly the covered pool, which would be separate from the Aquatic Center. He felt that it was very “un-Ames” to not meet with the group to discuss a private/public partnership.

Council Member Goodman pointed out that direction had already been given to staff regarding Carr Pool, and he would be more willing to discuss this if a decision had not already been made by the City Council.

Council Member Larson said that he is a proponent of private/public partnerships; however, he feels that it is not the City’s mission to necessarily design the program and recruit the private side of the partnership.

Council Member Goodman said that the Carr Pool request seems almost identical to the Dog Park and the Skate Park except that Carr Pool is preservation, not creation. Council Member Larson disagreed, stating that the private sector stepped up first on those projects.

Council Member Mahayni agreed with Council Member Larson that a solid proposal for a public/private partnership would need to be presented before he would be willing to change his mind. He has only heard what not to do, i.e., “Do not close Carr Pool.” Council Member Rice disagreed, stating that there had been many innovative ideas offered from the Friends group and others.

It was pointed out by Council Member Doll that the skate park and the dog park were new services.

Motion withdrawn by Rice.

City Manager Schainker pointed out that innovative ideas being presented by the Friends group and others are really design and engineering issues. If the City Council is serious about exploring those, services from outside sources with appropriate expertise will be needed. Council Member Rice indicated that it is not known what is needed until the City is willing to listen to the Friends group.

Moved by Mahayni to refer to staff the request by the Library Board for reallocation of funds.

Council Member Goodman indicated that the Council had agreed not to refer items to staff that were placed around the dais because the Council members had not had time to review the issue.

Motion died for lack of a second.

**ADJOURNMENT:** Moved by Doll, seconded by Goodman, to adjourn the meeting at 9:05 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor