

**MINUTES OF THE REGULAR MEETING OF THE
AMES CONFERENCE BOARD AND
REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

JANUARY 26, 2010

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 26, 2010. Present from the Ames City Council were Davis, Goodman, Larson, Mahayni, Orazem, and Wacha. Story County Board of Supervisors present were Clinton and Strohman. Representing the Ames School Board were Todey and Talbot. Gilbert School District and United School District were not represented.

MINUTES OF THE FEBRUARY 24, 2009, CONFERENCE BOARD REGULAR MEETING:

Moved by Todey, seconded by Goodman, to approve the minutes of the regular meeting of February 24, 2009.

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

APPOINTMENT OF BOARD OF REVIEW MEMBER: Moved by Mahayni, seconded by Todey, to adopt RESOLUTION NO. 10-020 approving the appointment of Cindy Jorgensen to fill a vacancy on 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.

ASSESSOR'S BUDGET PROPOSALS: City Assessor Greg Lynch reported that the overall taxable value for the City of Ames increased four and one-half percent. Two different budgets were presented. The difference between the two was the proposed funding change to the MAPS/GIS Program.

Mr. Lynch addressed four main components of the Assessor's Budget Proposal:

1. Appointment of a New Deputy Position. This would be a title given to an employee of the City Assessor's Office who has completed all the requirements of a Deputy Assessor. It would not change the job classification or salary of that employee. Mr. Lynch noted that 20% of the assessing jurisdictions in the state of Iowa that have ten or fewer employees have multiple Deputies.
2. Proposed move from the County Information Technologies (I.T.) Department to the City I.T. Department. Mr. Lynch believes that the City Assessor's Office would be more productive and also allow its staff to better balance their professional and personal lives if they were able to work from home during the busiest times of the year. The City IT Department has indicated that it could accommodate this request; however, the County IT Department is not comfortable providing remote access. Mr. Lynch noted that the City Assessor's Office does not currently pay the County IT Department for its services.
3. Abstract and Reconciliation Software. The current software is no longer supported by the vendor, and a new program needs to be purchased. The County and City Assessors' Offices and the Auditor's Real Estate Division have chosen a software program called "Incode." The City Assessor's portion of the cost for that software is \$43,748 with an annual maintenance fee of \$8,687.

4. Change the funding arrangement for the GIS mapping services. After analysis, it was construed that 20% of the GIS Coordinator's time is spent on City tasks. Therefore, the City Assessor is asking that his budget only be charged a 20% appropriation for FY 2010/11; the other 80% would be picked up by the County. Mr. Lynch reiterated that this split was based on a listing of activities performed by the County GIS Coordinator.

City Assessor Lynch explained the first Budget Proposal that had been presented to the Mini Board. With the changes proposed by Mr. Lynch outlined above, the percent of change between the proposed and the current budget would be a 5.3% increase, which includes the allocation to Tyler Technology for the new software program. Mr. Lynch noted that the percentage of change would be a 9.6% increase if the current split for GIS services were continued (second Budget Proposal).

Chairperson Campbell asked Mr. Lynch when he first notified the County about the proposed change in the MAP/GIS Program. Mr. Lynch advised that he brought it up at last year's Mini Board meeting, and at that time, the Mini Board directed him to explore such a change. Additionally, on November 15, 2009, at a meeting of the MAPS/GIS Committee, the only budget proposal discussed was the one in which he was requesting a shift in the funding for the Coordinator's time.

Mr. Talbot, representing the Ames Community School District, asked why a 3% wage increase was being proposed during a time when revenues are down. Mr. Lynch replied that the City Assessor's Office mirrors what the City of Ames proposes for its employees. It is his understanding that the City's proposal will be 2% cost of merit increase and 1% merit increase. Mr. Larson noted that the City of Ames is just beginning its budget process; the operating budget has not been approved yet. Mr. Lynch acknowledged that if the City's final salary proposal was lower than that, the City Assessor's office would lower its wage increase as well.

Supervisor Clinton, a representative on the Mini Board, advised that it had become apparent that the County and City Assessors have different philosophies on how things fit together, especially pertaining to the GIS mapping services. Mr. Clinton said the MAPS/GIS Program provides an integral service to all residents of Story County. In the opinion of Mr. Clinton, a higher percentage of those using the MAPS/GIS services reside in the City of Ames, rather than in other areas of the County.

According to Mr. Clinton, the proposed change to the 50/50 funding split (between the City Assessor and the County) is a timing issue for the County. Mr. Clinton advised that the topic of the fairness of the 50/50 between the City and County for GIS services was first raised by Council Member Larson last January at a Mini Board meeting, and Mr. Lynch, at that time, indicated that he would look into it. However, according to Supervisor Clinton, the first time that the County was notified that Mr. Lynch was going to propose a change in the funding split was in November 2009. Mr. Clinton stated that a shift in the funding at this time is not being looked upon favorably by Story County due to budgetary concerns. He said that the County is not in a financial position at this time to pick up an additional \$35,000.

Per Mr. Clinton, another factor to be considered is the value of the City and County's continued cooperation as the GIS capabilities are expanded. The County would like to have time to look at the various departments that receive services from the GIS Coordinator, and perhaps it will be recommended that those departments include payment for those services in their budgets.

Mr. Clinton said the County's position at this time is for the funding to remain the same for the upcoming fiscal year (50/50 split), and the promotional share of the duties to the various entities be reviewed in the future.

Mr. Larson, the City Council's representative on the Mini Board, stated that he understood, from the Mini Board's meeting, that the County was supportive of the 80/20 split. Mr. Clinton noted that the County does not necessarily object to the concept; however, due to the County's financial position, cannot support the shift in funding at this time.

Mr. Todey, Ames School District's representative on the Mini Board, concurred with Mr. Larson's recollection. He shared that the Mini Board initially approved a budget proposal that recommended a funding shift to 80/20. However, due to Mr. Clinton's concerns raised at the Mini Board meeting, the Board recommended that a second budget proposal be prepared, which would show the funding split for the MAPS/GIS Project remaining at a 50/50 split.

Supervisor Clinton said that his primary reason for requesting two versions of the budget - one with the 80/20 split and the other showing the funding split remaining the same - was to provide the same information to the Conference Board as was given to the Mini Board. He believes that the funding shift is of such a magnitude that it needed to be fully understood by the full Conference Board, rather than just brought up by the three Mini Board representatives.

Council Member Larson noted that the Conference Board is being asked to make decisions on the City Assessor's budget before the City or the County have finalized their budgets.

Noting a comment on Page 9 of the City Assessor's 2010-2011 Annual Report, Council Member Goodman questioned whether the City's GIS Coordinator would eventually provide services to the City Assessor's Office. He also asked if there had been discussion about combining the GIS Coordinator positions into one office. Supervisor Clinton advised that that had not been discussed at the Mini Board meeting.

Addressing the issue of naming a second Deputy Assessor, Mr. Clinton advised that this topic had not been placed on the Mini Board Agenda. He acknowledged that Brenda Swaim has completed all requirements to make her eligible to be appointed as a Deputy Assessor.

Mr. Clinton asked that an e-mail message that he had sent to Mr. Lynch on January 14, 2010, be entered into the record, to wit: "Greg, I also wish you would have mention[ed] this at our Mini Board meeting. I do have a few questions. In County government where an elected official has a deputy, his or her salary is at a percentage of the elected official salary. While you mention that no salary increase is proposed at this time, I would assume that she would expect some additional compensation at some point. Since Ames and Story County each have one deputy, this appears to be an adequate number based on the current number of employees in each office and the size of your jurisdiction. The Code Section 441.10 states that immediately after the appointment of the assessor, and at other times as the conference board directs, one or more deputy assessors may be appointed by the assessor. I reference this because Code Section 441.16 subsection 2 states when the conference board meets to approve the budget the board shall authorize: 1. The number of deputies, field personnel, and other personnel of the assessor's office. 2. The salaries and compensation of members of the board of review, the assessor, chief deputy, other deputies, field personnel, and other personnel, and determine the time and manner of payment. If this change is approved, will Paul be designated as chief deputy? I am pleased

that Brenda has completed the requirements necessary to be certified as a deputy assessor. This would make her more marketable should she have interest in an open deputy position in another county. Wayne Clinton”.

Mr. Clinton stated that he assumed if there are two Deputy positions, one should be named as Chief Deputy. It is his understanding that the Deputy Assessor’s salary should be based on 80% of the City Assessor, and he was concerned about the salary of a second Deputy although Mr. Lynch has stated it would not increase. Also, according to Mr. Clinton, there is a staff person in the County who is certified to be a Deputy; however, does not have the title. City Assessor Lynch noted that the Chief Deputy is appointed by the City Assessor, and he had already named Paul Overton as the Chief Deputy. Mr. Lynch reiterated that there would be no change in the job duties or salary for Brenda Swaim, whom he is recommending be named a Deputy Assessor. Mr. Lynch advised that there are no provisions in the *Iowa Code* requiring the Deputy Assessor to be paid at 80% of the Assessor’s salary. He also clarified that Brenda Swaim has completed all requirements and is eligible to be appointed as an Assessor, which automatically makes her eligible as a Deputy.

Supervisor Clinton noted that \$33,000 has been requested to employ three interns to assist in the entering of data. He is concerned that the same amount has been requested in the past four or five years, but much less was expended. It appeared that the amount not expended has been carried over and there was about \$75,000 now in that line item. It was the recommendation of Mr. Clinton that the \$33,000 not be automatically carried over. Mr. Lynch verified that all of the monies had not been expended because the activities proposed to be performed by interns were not yet needed; however, it is anticipated that those services will be needed in the next fiscal year.

Council Member Wacha asked if the City’s IT Department has the capability to take on the additional work of the City Assessor’s Office. Mr. Lynch advised that the City will charge \$1,116.74/computer. The City’s IT Department understands that if the City Assessor’s budget is approved as proposed, the City Assessor’s Office will be migrating to their services.

Noting the lack of feedback on the services being performed by the City Assessor, Council Member Goodman asked if the Mini Board had discussed the 3.1% recommended increase in the City Assessor’s salary. He advised that he would not approve any salary increase other than the cost of living in the future without any feedback on the level of service. City Assessor Lynch advised that feedback was not received this year; however, assessment jurisdictions are tracked by the Iowa Department of Revenue. He said that, over the past ten years, the City of Ames has been rated No. 1 throughout the state for residential.

If there is a change in the 50/50 split, Mr. Clinton noted that the 28E Agreement would need to be amended. He explained that, currently, the City and County have equal weighted votes in terms of the 28E Agreement

Moved by Goodman, seconded by Todey, to approve the recommendations of the Assessor’s report, as they pertain to the second Deputy Assessor position, IT, and the Abstract and Reconciliation Software.

Mr. Clinton stated that he would be agreeable to the creation of a second Deputy Assessor position in the City as long as there is no salary change either now or in the future.

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

Moved by Clinton, seconded by Todey, to retain the 50/50 split as it pertains to the GIS/Map project with the stipulation that all details of a potential change in the split be resolved by the end of the year.

Mr. Larson indicated that he was not aware that the County had requested another Conference Board meeting. He emphatically stated that the Conference Board should not wait until November 2010 to resolve the funding issue over the MAPS/GIS Project.

Moved by Larson, seconded by Todey, to amend the motion to require that the Conference Board meet in three months to discuss a detailed analysis of the funding split for the MAPS/GIS Project.

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

Vote on Motion, as Amended: 3-0. Motion declared carried unanimously.

Moved by Mahayni, seconded by Todey, to receive the proposed budget that leaves the funding for the MAPS/GIS Project split 50/50 between the City and County (adoption of budget will occur after the hearing is held).

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

Moved by Todey, seconded by Clinton, to set 6:30 p.m. on February 23, 2010, as the date of public hearing on the proposed FY 2010/11 City Assessor's budget.

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

ADJOURNMENT: The Ames Conference Board meeting adjourned at 7:44 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 7:52 p.m. on January 26, 2010, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Davis, Goodman, Larson, Mahayni, Orazem, and Wacha. *Ex officio* Member Keppy was also present.

Mayor Campbell noted that a number of persons had submitted cards indicating that they wanted to speak on Carr's Pool. She advised that anyone who wished to provide public input on the Pool's operating subsidy should speak during Public Forum.

HOUSEHOLD HAZARDOUS MATERIALS COLLECTION PROGRAM UPDATE: John Pohlman, Resource Recovery Plant Superintendent, stated that the Ames Plant is a satellite depository for household hazardous materials on behalf of Metro Waste Management. He introduced Kyle Fischer, Mobile Coordinator for Metro Waste Management.

Mr. Fischer advised that this is the 13th collection season for household hazardous waste in Ames and Story County through the Ames Resource Recovery Plant. He also advised that Metro Waste Management has started the collection of hazardous waste from small businesses; there is a fee for those services. According to Mr. Fischer, throughout the past year, 11,000 pounds of hazardous waste has been collected from Ames and Story County; over the past 12 years, it equates to 120,000 pounds. Mr. Fischer said that the most common items accepted are oil-based paints and stains, flammable liquids, corrosive cleaners, poisons, garden chemicals, and

fertilizers. He added that they also accept fluorescent lights, other items that contains mercury, and sharps.

According to Mr. Fischer, the State Pharmaceutical Board has set up drop-off points for drugs in pharmacies. Metro Waste cannot accommodate the collection of pharmaceuticals; however, various pharmacies will allow you to bring those in and they will dispose of them.

CONSENT AGENDA: Council Member Wacha requested to pull Item No. 6 on the Consent Agenda, which was the Investment Report for Quarter Ending December 31, 2010.

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

1. Motion approving payment of claims
2. Motion approving minutes of Special Meetings of January 8, 9, 16, and 19, 2010, and Regular Meeting of January 12, 2010
3. Motion approving Report of Contract Change Orders for January 1-15, 2010
4. Motion approving renewal of the following beer permits, wine permits and liquor licenses:
 - a. Special Class C Liquor - New Shogun, 3704 Lincoln Way
 - b. Class C Liquor & Outdoor Service Privilege - West Towne Pub, 4518 Mortensen Road, #101
 - c. Class C Liquor & Outdoor Service Privilege - Dublin Bay, 320 S. 16th Street
 - d. Special Class C Liquor - Black Market Pizza, 2610 Northridge Parkway, #107
5. RESOLUTION NO. 10-022 amending Chapter 3 of Personnel Policies to include Genetic Information Nondiscrimination Act of 2008 (GINA) modifications
6. RESOLUTION NO. 10-023 approving Engineering Services Agreement with Barr Engineering, Inc., of Minneapolis, Minnesota, in an amount not to exceed \$50,705.00 for Design of Water Pollution Control Plant SCADA Upgrade - Phase II
7. Airport Improvements:
 - a. RESOLUTION NO. 10-024 approving matching funds for rehabilitation of Taxiway A-1, Taxiway A-1 Drainage Improvements, and Runway 01 Precision Approach Path Indicator
 - b. RESOLUTION NO. 10-025 approving Engineering Services Agreement with HWS Consulting, Inc., of Ames, Iowa, in an amount not to exceed \$125,913.00 for 2009/10 Airport Improvements
8. RESOLUTION NO. 10-026 approving Change Order No. 3 for CyRide Facility Upgrades, Maintenance, and Washbays
9. RESOLUTION NO. 10-027 accepting final completion of Neighborhood Infrastructure Improvements Program (Curb Replacement - South Russell Avenue)
10. RESOLUTION NO. 10-028 accepting final completion of Ames Community Development Park Subdivision, 4th Addition (South Bell Avenue)

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

INVESTMENT REPORT FOR QUARTER ENDING DECEMBER 31, 2009: At the requests of Council Members Wacha and Orazem, City Treasurer Roger Wisecup defined past-through securities and federal agency discounts/securities. Mr. Wisecup also answered questions from Council Member Larson concerning Certificates of Deposits.

Mr. Wisecup said that staff is recommending that the City maintain its investment strategy, extending some investments' maturities to the 12 months and longer range.

Moved by Orazem, seconded by Larson, to adopt RESOLUTION NO. 10-021 approving the Investment Report for Quarter Ending December 31, 2009.

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

PUBLIC FORUM: Mayor Campbell welcomed the public to speak on any issue not on the Agenda.

Ruth DeBoer, 1505 Meadowlane, Ames, asked the City Council to save Carr Pool. She advised that the “older population” needs a place for deep-water aerobics and to swim.

Audrey Marley, 1502 Meadowlane, Ames, said that adult residents of Ames need a place to swim where they don’t disrupt the young people. She feels it would be much more economical to use Carr Pool, rather than destroy it.

Janet Gray, 1416 Maxwell Avenue, Ames, advised that she uses Carr Pool every summer day, weather-permitting, from 11-1. She urged the City to keep the Pool open for the “older people.” Ms. Gray said that she did vote for the new pool because it was needed too.

Kay Wall, 1004 Kellogg Avenue, Ames, pointed out that towns one-tenth the size of Ames can support an outdoor pool; surely Ames can support several outdoor pools. Ms. Wall said that other City recreational opportunities are subsidized. Swimming is unique because it can be life-saving; however, it is also life-extending. According to Ms. Wall, a “green” city does not waste its assets to pay for demolition costs and burden a landfill site with it.

Toni Woodman, 57105 Sand Hill Lane, Ames, speaking from an aqua-aerobics instructor point of view, requested that Carr Pool be reconstructed to be a 12-month warm-water pool for swimming and aerobics. She told of the scheduling difficulties encountered in holding warm-water aerobics classes at the High School Pool and the pools at Iowa State University.

Susie Petra, 2011 Duff Avenue, Ames, stated that Ames’ largest expanding demographic is in the age group 55 - 79 years. Physicians most frequently recommend warm-water, non-weight-bearing exercise for that age group. Ms. Petra said that it is entirely possible to re-purpose Carr Pool to have a glass-covered retractable roof, use solar and geo-thermal technology, and employ a new technology of non-chlorinated water to be used year-round. According to Ms. Petra, there is a substantial unmet need for a warm-water pool; it is sensible and cost-effective to renovate Carr Pool. She asked that the City Administration to begin collaboration with citizens and the Friends of Carr Pool to discuss the possibilities.

Holly Fuchs, 806 Brookridge Avenue, Ames, encouraged the City Council to find the funding to keep Carr Pool open and not demolish it in 2011.

Roy Cakerice, 2911 Duff Avenue, Ames, said that he had been working to keep Carr Pool open for two and one-half years. He listed statistics provided by the City’s Recreation Supervisor as to the amount of subsidy provided to recreation programs. Mr. Cakerice specifically noted that Carr Pool is subsidized at a rate of 2.7%. According to Mr. Cakerice, the Friends of Carr Pool is requesting that Carr Pool be allowed to remain open at least half-time during the summer of 2010. He has a petition with 2,600 signatures from people who want to save the Pool. Mr. Cakerice believes that the City will need Carr Pool for back-up because the Furman Aquatic Center is going to be very crowded.

Sue Ravenscroft, 455 Westwood, Ames, would like to see Ames be a leader by being the first community in Iowa to have a swimming pool with a retractable roof. She believes the roof itself will be a draw for people. Mr. Ravenscroft noted that the ice arena was subsidized in the amount of \$50,000, even though it is supposed to be an enterprise fund.

Council Member Wachua pointed out that Carr Pool is not scheduled to be demolished until 2011. He sees that time frame as an opportunity for the citizens group to prepare and plan for the possible saving of Carr Pool, e.g., a private group taking ownership or leasing. Another thing that time frame will allow is for Furman Aquatic Center to open; there might be room for water aerobics at that venue. Mr. Wachua reported that, according to the Resident Satisfaction Survey, 75% of the respondents were opposed to using taxpayer dollars to subsidize Carr Pool. He sees that there are a lot of people who want Carr Pool to remain open, but not a lot of people who want to pay for it. Mr. Cakerice spoke again, stating that he had been asking since 2007 to have a dialogue with the City Council on Carr Pool.

Holly Fuchs, 806 Brookridge Avenue, Ames, expressed her dismay in learning that the Union Pacific Railroad has rejected the City's proposal for joint funding of the repairs to the abandoned railroad bridge near 6th Street. Ms. Fuchs encouraged the City to accept the donation of the bridge and find an additional \$30,000 to repair it so that it can be safely crossed.

Venkatesh Seshappan, 4540 Hemingway Drive, Ames, stated that he has lived in Ames for five years. He said that he does not believe the City does a good job in clearing snow in the major thoroughfares. Mr. Seshappan said he is also disappointed that the City schedules major road construction around the University when classes are in session, instead of from March 15 to August 15.

Holly Fuchs, 806 Brookridge Avenue, Ames, asked the City Council to increase funding for fixing potholes in the streets.

ENCROACHMENT PERMIT FOR LEGEND'S AMERICAN GRILL: Moved by Goodman, seconded by Mahayni, to approve an Encroachment Permit for placement of sign at Legend's American Grill, 119 Stanton Avenue.

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

SIDEWALKS ON SUMMIT AVENUE: Council Member Orazem asked to know how areas are prioritized regarding sidewalk construction, and specifically, if it included proximity to schools as one of the criteria.

Tracy Warner, Municipal Engineer, stated that, in 2004 the City asked for input on the potential for a city-wide program to proactively address the installation of sidewalks in areas currently without pedestrian or shared-use facilities. At that time, City Council affirmed the policy for new developments requiring sidewalks on both sides of a street in residential and commercial areas and on one side in industrial areas. After receiving considerable public input, the Council ultimately decided not to move forward with a proactive, community-wide installation program for the missing gap areas, except for along arterial streets that are also "safe routes to school." Ms. Warner noted that Summit Avenue/Crescent Street/Ridgewood Avenue are not arterials.

City Manager Steve Schainker advised that when the City receives a request for installation of sidewalks, the City Council typically gauges the impact on and support of the affected

neighborhood. The installation of sidewalks may be completed by the property owner at the owner's expense or by the City under a city-administered contract. Should the City contract for construction of the walks, the costs may be specially assessed to benefited property owners upon completion of the work.

Council Member Larson noted that there are portions of Ridgewood Avenue, a street that leads to the High School, that do not have sidewalks on either side. He would like the City Council to explore ways to get a sidewalk installed in the neighborhood.

Mark Goodale, 1423 Summit, Ames, requested that the City install sidewalk in the Summit Avenue/Crescent Street/Ridgewood Avenue neighborhood. He referenced a lawsuit involving CalTran (California Department of Transportation), where a large monetary settlement was awarded through the United States Supreme Court because equal access was not provided. Mr. Goodale contended that the City is sitting on a huge liability issue if a child is hit by a vehicle because there is no sidewalk for pedestrians.

Another area of concern for Mr. Goodale was that a police shift change occurs daily at 3 PM, which is when school is dismissed. Mr. Goodale believes that the police need to be on the street ticketing young speeders as they leave the High School. Alluding to the fact that there are no sidewalks, he also noted that the City had built a huge new aquatic center with no way for young children to walk safely there.

Council Member Larson asked Mr. Goodale if he would be willing to pay for the installation of sidewalks in his neighborhood. Mr. Goodale stated that was up to the City Council. He also advocated for grant programs and community betterment programs to assist with the payment for sidewalk construction. Mark Goodale passionately requested that the City install sidewalk in the Summit Avenue/Crescent Street/Ridgewood Avenue neighborhood.

Council Member Orazem suggested that sidewalks be installed on one side of the Ridgewood/Summit triangle. Council Member Wacha concurred and recommended that stop signs be placed.

Samantha Goodale, 3508 S. Duff, Ames, said that when she was in school, she had to walk to school on streets without sidewalks. The main problems are the west side of Ridgewood and around the Ridgewood/Summit triangle. She also noted areas of Crescent where there are no sidewalks on either side.

Council Members Mahayni and Goodman also recalled the past discussion in 2004 on the creation of a sidewalk program. Mr. Goodman suggested that staff analyze the area in question to find out what would make it safer. He would like the City to have a cooperative program where it provides some funding to help neighborhoods create reasonable means of safe access.

Moved by Goodman, seconded by Orazem, to direct staff to look at the area in question and provide cost estimates on what would allow for safe pedestrian transportation to the High School and to the new aquatic center.

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

In the opinion of Council Member Larson, the issue is bigger than just the Summit Avenue neighborhood.

The meeting recessed at 9:12 p.m. and reconvened at 9:17 p.m.

DEVELOPMENT IN CONVENIENCE COMMERCIAL NODE (CVCN): Steve Osguthorpe, Planning & Housing Director, showed the location of four Convenience Commercial Nodes on the Land Use Policy Plan Map. Mr. Osguthorpe advised that Chuck Winkleblack and Bart Clark had requested changes to the Convenience Commercial Node zoning regulations as they relate to canopies, maximum number of pump stations, signage, and making convenience stores and gas stations permitted uses, rather than special uses.

The history behind the creation of the CVCN was provided by Mr. Osguthorpe. He listed the applicable Sections of the *Municipal Code* and policies governing development in CVCNs. According to Director Osguthorpe, the intent of a CVCN is to serve nearby residents and protect nearby neighborhoods.

Mr. Osguthorpe advised that one of the first things that Council needs to determine is how a canopy should be defined. He read the *Code* definition of “structure” and “building” and said that, under the current definition, a canopy would be considered a building.

The Council’s attention was brought to the Inventory of Gasoline Pumps at Convenience Stores in the City as of September 2009, which had been provided at the request of a Council member and placed around the dais.

Mr. Osguthorpe named the specific *Municipal Code* sections that pertained to size restrictions and the number of signs to be permitted. City Manager Schainker advised that the restrictions pointed out by Director Osguthorpe were put in place to protect neighborhoods by providing a buffer between a commercial establishment and residential neighborhoods.

Council Member Mahayni recalled that the design guidelines being enforced by the staff came out of a process that involved many groups, including developers.

Mr. Osguthorpe said that, since adoption of the CVCN district, three projects had been approved under existing standards, including Fareway, the car wash, and a medical center (currently under construction). Each of these projects was built under current standards and without variances.

Doug Beech, legal counsel for Casey’s General Stores, One Convenience Boulevard, Ankeny, advised that Casey’s had been working on building a new store in Ames since November 2008. Mr. Beech listed the various ways that Casey’s had compromised from its original proposal in its attempts to comply with the City’s regulations. He said that they must have an investment that makes a return for shareholders.

Mr. Beech clarified requests being made by Casey’s for the construction of a convenience store at Stange and Bloomington Roads:

1. They would like to have six gas pumping stations; their plan calls for five.
2. They would like to have a 67-square-foot sign on the building with the name of the store on it. Current regulations only allow a 32-square-foot sign, which is out of proportion with the building.

3. They have asked for a clarification on the definition of a canopy; they do not believe a canopy is a building. They would like to have gas station canopies exempted from CVCN design standards. According to Mr. Beech, Casey's has 1,510 stores, and none of them has a pitched roof canopy.
4. They prefer that car washes and convenience stores be exempted from the requirements for a Special Use Permit.

Council Member Mahayni said that he believed that the two issues are scale and how the building integrates in the community. The purpose is to have the business sized to serve the neighborhood. Mr. Mahayni thinks that the scale being proposed fits better in the Highway-Oriented Commercial zone. Mr. Beech again pointed out the multiple ways that Casey's had already compromised from their normal building specifications in an effort to fit into the neighborhood. Council Member Mahayni pointed out that the Council is being asked to change the requirements for all CVCNs in the community even though they are talking about one site.

Dr. Wendy White, 3702 Ashton Drive, Ames, said that she is very concerned about the proposed building in her neighborhood. She built her home in the area when it was zoned "Residential" and has had to adapt to commercial uses being a part of her neighborhood. She believes the purpose of a CVCN is to serve only the residents of one area.

Dan Nutini, 3614 Farnham Drive, Ames, indicated that he supported the construction of a Casey's store on the site in question. He noted the many concessions that Casey's has already made in its attempts to meet the City's requirements. Mr. Nutini cited his concerns about the kind of establishment that might come in if Casey's is not allowed to construct a store in his neighborhood.

Holly Fuchs, 806 Brookridge Avenue, Ames, urged the Council not to change the text in the Zoning Ordinance. She believes its purpose is to allow for development to be unobtrusive in a neighborhood setting.

Bart Clark, 3706 Stange Road, Ames, identified himself as the owner of the car wash and the lot on which he hopes Casey's will build. He provided his reasoning behind the requests for text amendments. Mr. Clark noted that the applicant initially went before the Zoning Board of Adjustment, asking for a change in regulations to be applied only to a specific site, but was told they couldn't do that. Pertaining to the signage requirements, Mr. Clark reported that there are signs at the car wash that are not back-lit, there's no direct lighting on them, and their name is not on them. A criterion used in other communities is if you can not see the sign from the sidewalk and there is no direct backlighting to it, it is exempt from the signage requirement; that is Mr. Clark's request.

Chuck Winkleblack, 105 S. 16th Street, Ames, pointed out that there were no data or rationale behind the number of gas pumps to be allowed; it was totally arbitrary. He pointed out that much has been made of the scale of the stores; however, the concern is really not the stores, it's the arterial streets. Mr. Winkleblack pointed out that he has been attempting to get a convenience store constructed in this area for 11 years. Mr. Winkleblack reported that he had checked to see if there had ever been a complaint against a convenience store from its adjacent residents, and there had not been. He believes that a Special Use Permit is not necessary to protect people; the

majority of the adjacent residents want the convenience store. Regarding gas pumps, it is Mr. Winkleblack's belief that customers are not usually even aware how many gas pumps there are at the store.

Council Member Orazem asked if eliminating the four requested requirements would streamline the process. Mr. Winkleblack answered affirmatively.

Thomas Weber, 430 Lynn Avenue, Ames, advised he was a member of the Zoning Board of Adjustment when Casey's requests for variances were heard. He noted that the Board tries very hard to accommodate the applicant, but sometimes the length of discussion tests the endurance of the applicant.

Council Member Wacha asked if Casey's was aware that they could meet the *Code* requirements by constructing a flat roof of varying heights rather than a pitched roof. Staff Planner Jeff Benson said that they are aware, but he believes they don't want to change the structure.

In Council Member Larson's opinion, the two issues are aesthetics and the number of pump stations. He pointed out that Ward 2, which is the most-populated ward in Ames, has only six (6) pumps out of the total 68 pumps.

Director Osguthorpe advised that the *Code* states that a wall sign is restricted to no larger than 16 square feet or 32 square feet if it is facing an arterial street. The number of signs on buildings is also limited to two per tenant space. Mr. Osguthorpe suggested that this requirement be revisited, specifically in that the *Code* does not provide for incidental-type signs. He asked for direction as to how to deal with incidental signs.

Council Member Larson stated that Wendy White is the only resident of the area who is opposed to Casey's being allowed to build the store it wants at Bloomington and Stange. Dr. Wendy White spoke, again pointing out that when she purchased her home, the area was zoned for residential development. She does not believe that she is the lone voice and referenced comments posted today on the [Ames Tribune's](#) blog indicating that people cannot count on the Ames City Council to protect them.

Council Member Larson said the problem is that the guidelines are so tight that there is no room for flexibility; that traps the City Council to change the text for all CVCNs to accommodate one specific request. He would like a discussion to be held with developers and staff on bringing back Planned Commercial zoning.

Director Osguthorpe explained the requirements for a Special Use Permit to be issued before a convenience store may be located in a CVCN.

City Manager Schainker pointed out that it was in keeping with the Council's recently completed goal-setting session to hear from developers about the issues that they are facing. He stressed that the Council was going to have to decide how flexible the laws could be while still protecting neighborhoods. Director Osguthorpe said that, depending on the amount of flexibility the Council desires, there are different types of tools that could be used to address many of the issues.

Mayor Campbell reiterated that the changes now being requested pertain to: (a) the elimination of the requirements for a Special Use Permit for car washes and convenience stores, (b) exempting gas station canopies from CVCN design standards, (c) allowing increased building signage, and (d) increasing the number of gas pumping stations. She pointed out that the changes would apply to all Convenience Commercial Nodes, not just to Casey's.

Council Member Goodman asked if there were any ways that the site in question could be treated uniquely. City Attorney Doug Marek advised that the *Code* is clear that an overlay may be created, but its purpose must be to put in place stricter regulations, not lessen the requirements.

Director Osguthorpe recommended that staff be directed to come back to the Council on optional ways to address the four issues in question.

Moved by Larson, seconded by Davis, to direct staff to draft an ordinance that would be specific to the CVCN in question and would (a) eliminate the requirements for a Special Use Permit for car washes and convenience stores, (b) exempt gas station canopies from CVCN design standards, (c) allow increased building signage and incidental signage to no more than 70 square feet, and (d) increase the number of gas pumping stations from eight to a maximum of ten.

Council Member Mahayni expressed his disapproval of the motion. He said that it took a lot of work to create the guidelines that are currently in place. Council Member Goodman said that the requested changes are negligible to the naked eye in this area; however, his concern is that someday a church or a governmental entity will request to rezone to CVCN, and the impact of the guidelines will be much greater. He believes that this is a unique circumstance.

Council Member Orazem noted that it was inherent that a convenience store would be located in the Convenience Commercial Node. He also believes that Casey's knows how many gas pumps are needed to make an adequate return on its investment. Regulations should not set the operations up to fail. Mr. Orazem doesn't see the requested changes being detrimental to the neighborhood.

Vote on Motion: 5-1. Voting aye: Davis, Goodman, Larson, Orazem, Wacha. Voting nay: Mahayni. Motion declared carried.

The meeting recessed at 11:07 p.m. and reconvened at 11:12 p.m.

2010-2015 CAPITAL IMPROVEMENTS PLAN (CIP): Mayor Campbell invited the public to provide input on the 2010-2015 CIP.

Holly Fuchs, 806 Brookridge Avenue, Ames, asked that the number of bus stop shelters be increased. She also informed the Council that she had almost been killed at Hyland and West when a car went through the intersection at approximately 40 miles per hour, and she suggested flashing red lights to warn people of the upcoming stop. Ms. Fuchs emphatically supported the reconstruction of Brookside Park Tennis Courts, not just resurfacing. She also would like to see maintenance of tennis courts increased. Ms. Fuchs indicated that she did not support using any funds for an Interactive Fountain.

Ms. Fuchs made the following suggestions of programs to cut:

1. Asphalt golf cart paths at Homewood Golf Course
2. Relocation of Parks & Recreation administrative offices
3. Adding onto the Park Maintenance Facility
4. Replacement of the boilers at the High School Pool

Council Member Larson again raised the issue of sidewalk construction, which he would like to revisit. City Manager Schainker said that staff first should provide an analysis in an effort to know the magnitude of this issue before any funding is recommended. Due to the lateness of the hour, Council Member Larson said he didn't want to get into a lengthy discussion at this meeting.

DISTRIBUTIVE CONTROL SYSTEM (DCS) UPGRADE AT POWER PLANT: Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 10-029 approving a contract for Distributive Control System (DCS) Upgrade at Power Plant to Sega, Inc., of Stilwell, Kansas, in the amount of \$887,851.76.

Council Member Larson cited his concerns that the Engineer's Estimate came in at \$732,000, and the contract being proposed in the amount of \$887,000 is in excess of \$150,000 over the Engineer's Estimate. He pointed out that the budget for this project totals \$485,000. Mr. Larson also noted that the award is being recommended to go to the sole bidder who also happens to be an engineering firm that the City has employed to perform work at the Power Plant. He asked if this was a project that has to be done right away or if it could be re-bid. Electric Services Director Donald Kom explained that this project had already gone out for bids twice. He provided the history behind the project. According to Mr. Kom, it is not imminent that the project be done immediately. If the City Council does not approve the contract award tonight, Mr. Kom asked that staff be directed to re-bid the project. He does believe that the same three bidders will bid the project and reminded the Council that the other two bids were unresponsive. Council Member Larson said that he is frustrated by the frequency of receiving unresponsive bids or only one bid, especially in the Electric Department. He believes there has to be a way to solicit more bids and better bids. In his opinion, part of the role of the engineers making the cost estimate should be to help find bidders. City Manager Schainker said that staff needed to reinforce that with the engineering firms it employs.

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

Moved by Goodman, seconded by Larson, to direct staff to provide feedback to the City Council on the reoccurring issue with bids: number of bidders, Engineer's Estimates not matching up with the budget.

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

LAND USE POLICY PLAN MAP AMENDMENT FOR 729 EAST LINCOLN WAY AND OTHER PROPERTIES WITHIN VICINITY: Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-030 approving an amendment to the LUPP Future Land Use Map

to change the land use designation of the following properties from Highway-Oriented Commercial to General Industrial:

729 East Lincoln Way

707 East 2nd Street

605 East 2nd Street

605 East 2nd Street Rear

525 East 2nd Street

210 Borne Avenue

314 Borne Avenue

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

LAND USE POLICY PLAN MAP AMENDMENT FOR 130 SOUTH SHELDON AVENUE AND OTHER PROPERTIES WITHIN VICINITY: Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-031 approving the request of the applicant and including the additional church properties and two commercial properties identified by City staff for a Future Land Use Map amendment from High Density Residential to Downtown Service Center.

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

2010-11 ANNUAL ACTION PLAN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS: In deference to the hour, Housing Coordinator Vanessa Baker-Latimer invited the members of the Council to the public hearings that will be held on the recommended projects. She distributed copies of the Power Point slides in lieu of presenting it.

Ms. Baker-Latimer advised that staff is proposing that the City continue with the programs currently in place; they have been the most effective in impacting the low- to moderate-income component for CDBG and meeting the requirements for the Housing and Urban Development (HUD). Those programs are to continue the: (1) Rent Affordability Program, (2) Neighborhood Sustainability Program, and (3) Public Facilities Improvements Program.

Moved by Goodman, seconded by Wacha, to direct staff to pursue the staff's recommended 2010-11 Annual Action Plan Project(s) in connection with the City's CDBG Program Agreement and setting May 11, 2010, as the date of public hearing.

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

HEARING ON CYRIDE BUILDING WEST WALL SIDING REPLACEMENT PROJECT::

Mayor Campbell opened the public hearing. No one wished to speak, and the hearing was closed.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-033 approving final plans and specifications and awarding a contract to AZCON, Inc., of Grimes, Iowa, in the amount of \$68,900.00.

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

HEARING ON BLOOMINGTON ROAD ELEVATED TANK REPAINTING PROJECT: The public hearing was opened by the Mayor. She closed same after no one came forward to speak.

Moved by Mahayni, seconded by Goodman, to accept the report of bids and delay award of contract.

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

ORDINANCE DEFINING PRIOR OFFENSES: Council Member Goodman asked if there were data to support the opinion that this ordinance will deter crime. City Attorney Marek indicated there were. He added that, from the City's perspective, problems have arisen with criminal prosecutions when prior offenses have occurred in a different municipality or when they have been charged under the *Iowa Code*. The new section would clearly state that prior judgments from other jurisdictions will be considered prior offenses and would justify charging the new offense in Ames as a subsequent offense.

Moved by Goodman, seconded by Wacha, to pass on first reading an ordinance defining prior offenses.

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

ORDINANCE REVISING SNOW ROUTE DESIGNATIONS: Moved by Mahayni, seconded by Wacha, to pass on third reading and adopt ORDINANCE NO. 4022 revising snow route designations.

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

COMMENTS: City Manager Schainker noted that a response had been received from the Union Pacific Railroad rejecting the City's counter proposal regarding the abandoned railroad bridge near Sixth Street.

CLOSED SESSION: Moved by Goodman, seconded by Mahayni, to hold a closed session

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

Moved by Goodman, seconded by Mahayni, to reconvene in Regular Session.

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

CONTRACT WITH IBEW, LOCAL 55: Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 10-034 ratifying the contract with the IBEW, Local 55.

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

CONTRACT WITH PPME: Moved by Davis, seconded by Mahayni, to adopt RESOLUTION NO 10-035 ratifying the contract with the PPME.

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

ADJOURNMENT: Moved by Goodman, seconded by Mahayni, to adjourn the meeting at 12:02 a.m. on January 27, 2010.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor