

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

**AMES, IOWA**

**FEBRUARY 23, 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 February 23, 2010. Present from the Ames City Council were Davis, Goodman, Larson, Mahayni, Orazem, and Wacha. Story County Board of Supervisors present were Clinton and Halliburton. Representing the Ames School Board were Talbot and Todey. Gilbert School District and United School District were not represented.

**MINUTES OF THE JANUARY 26, 2010, CONFERENCE BOARD REGULAR MEETING:**

Moved by Mahayni, seconded by Clinton, to approve the minutes of the regular meeting of January 26, 2010.

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

**PUBLIC HEARING ON PROPOSED FY 2010/11 BUDGET FOR AMES CITY ASSESSOR'S OFFICE:** Chairperson Campbell declared the hearing open. There being no one wishing to speak, the hearing was closed.

Supervisor Clinton asked Ames City Assessor Greg Lynch to update the Conference Board on the discussions between the Story County Information Technology (IT) Department and the MAPS Committee regarding the real estate software. City Assessor Lynch reported that they had met with representatives of Incode, which is the real estate software program. In addition to Mr. Lynch, present at that meeting were representatives of the County Treasurer, Auditor, and Assessor's Offices. According to Mr. Lynch, the reason for the meeting was to ensure that the software, once installed on computers in the City Assessor's Office, would work interactively with the County's data. He described the two options: (1) the software would reside on the County's server, as it does now or (2) the City Assessor's Office would have a separate license to the software and the program would reside on the City Assessor's server. The end result, according to Mr. Lynch, was that the software would be installed on both servers, and the data would be able to move back and forth between the City Assessor's and County Assessor's Offices.

Supervisor Clinton asked why it was necessary for the software to be installed on both servers. Mr. Lynch said that it would ensure that the City Assessor's Office could function autonomously. If the software was housed only on the County's server, the City Assessor's Office would not have remote access to it. Supervisor Clinton confirmed that there are designated IT Department employees who may access the server, but the City Assessor's Office would not have access.

Story County Supervisor Halliburton asked Mr. Lynch if he had discussed this arrangement with the Ames City Council and City Manager so that the additional costs are known. City Assessor Lynch said that he first discussed this prior to the end of the 2009 fiscal year. At that time, he requested to reallocate funding to install Incode on the City Assessor's server. It was noted by Council Member Larson that there had been detailed discussion on this topic on the Mini Conference Board, and those minutes had been shared with the full Conference Board.

Ms. Halliburton explained her concerns that the City would sustain additional costs because of the information transfer. She pointed out that on real estate matters, the Treasurer and the Auditor serve County-wide. City Assessor Lynch noted that the additional costs were included in the \$46,000 figure. Chairperson Campbell pointed out that the Mini Board had unanimously approved this.

Council Member Larson reported that there will be costs for City IT time; however, those amounts had been included in the City Assessor's proposed 2010/11 Budget so the City will be properly reimbursed.

Mr. Larson said that he believes this goes beyond a cost issue – some of it is a control issue, some of it is access to information, how much and when. He also wanted to discuss the timeline for implementation of the cost split for the GIS Coordinator's time. Mr. Larson said that it was initially thought that 90 days would be enough time to survey the amount of time being spent on the City's behalf; however, agreement has not even been reached on the survey device. The time frame will need to be extended. In Mr. Larson's perspective, not having autonomy for the City Assessor's Office is slowing down decision-making processes.

School Board Member Todey verified that this had been an ongoing topic at Mini Board meetings. He said that, during a meeting last summer, the general conclusion of the Mini Board was that the best solution was for the City Assessor to move away from County IT support. Mr. Todey recalled that was also stated by the County IT staff.

Council Member Goodman asked for clarification as to whether it were possible for the City Assessor's Office to access the County's server remotely. Supervisor Clinton acknowledged that, due to policies currently in place, the City Assessor may not have remote access to the County's server.

Moved by Todey, seconded by Mahayni, to adopt the FY 2010/11 Budget for the Ames City Assessor's Office.

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

City Assessor Lynch explained that in order to determine how much of the GIS Coordinator position should be funded by the City Assessor's Office, a mechanism for tracking his time needs to be created. An Excel spreadsheet was created by staff in the City Assessor's Office to allow for that; however, the form has not yet been approved by the County Assessor or County Conference Board. This Conference Board was going to meet again in March to review the results; however, since the tracking form has not yet been approved, time does not remain to allow for a fair tracking of the Coordinator's time.

Moved by Larson, seconded by Todey, to set June 30, 2010, as the deadline to have a report on the breakdown of the County GIS Coordinator's time.

Supervisor Clinton said that the 80/20 split was not being disputed by the County; however, it would create a hardship on the County if it had to pick up that portion with such short notice. He said that it was their intent to work with the County Assessor and County departments to determine how the additional amount could be assumed by the County in future budget years.

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

**ADJOURNMENT:** Moved by Todey, seconded by Halliburton, to adjourn the meeting at 6:57 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 7:00 p.m. on February 23, 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.

**CONSENT AGENDA:** Citing a conflict of interest, Council Member Mahayni requested that Consent Item No. 6, an Underage Enforcement Agreement with Youth & Shelter Services for police overtime reimbursement, be pulled for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of February 9, 2010
3. Motion approving Report of Contract Change Orders for February 1-15, 2010
4. Motion approving renewal of the following beer permits, wine permits and liquor licenses:
  - a. Class C Beer & B Wine - Gateway Expresse, 2400 University Boulevard
  - b. Class E Liquor, C Beer, and B Wine - Wal-Mart Supercenter #4256, 534 South Duff Avenue
  - c. Special Class C Liquor & Outdoor Service - Stomping Grounds, 303 Welch Avenue, #101
  - d. Class C Liquor - Twentieth Century Bowling, 505 South Duff Avenue
  - e. Class C Beer - Almost Always Open, 419 Lincoln Way
  - f. Class B Liquor - Holiday Inn Ames, 2609 University Boulevard
5. Motion approving submission of grant application for participation in Governor's Traffic Safety Bureau Program
6. RESOLUTION NO. 10-060 awarding contract to MCG Energy Solutions, LLC, of Minneapolis, Minnesota, in an amount not to exceed \$82,800.00 for MISO Market Participant Services
7. RESOLUTION NO. 10-061 waiving formal bidding procedures and authorizing staff to solicit bids for five two-month fuel purchase contract periods for CyRide in an amount not to exceed \$483,000.00
8. RESOLUTION NO. 10-062 awarding contract to Henderson Truck Equipment of Manchester, Iowa, for five dump bodies for \$219,727.20; five wing plows for \$47,617.90; and two underbody scrapers for \$11,983.88; and authorizing certain delivery dates
9. RESOLUTION NO. 10-063 approving contract and bond for 2009/10 Water System Improvements (Oakland Street Water Main Replacement)
10. RESOLUTION NO. 10-064 approving contract and bond for 2009/10 CyRide West Wall Siding Replacement Project
11. RESOLUTION NO. 10-065 accepting final completion of Squaw Creek Shared-Use Path Bridge  
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**UNDERAGE ENFORCEMENT AGREEMENT WITH YOUTH & SHELTER SERVICES:**

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 10-059 approving an Underage Enforcement Agreement with Youth & Shelter Services for police overtime reimbursement.

Roll Call Vote: 5-0-1. Voting aye: Davis, Goodman, Larson, Orazem, Wacha. Voting nay: None. Abstaining: Mahayni. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

**PUBLIC FORUM:** No one spoke during this time.

**NEW 5-DAY CLASS C LIQUOR LICENSE FOR OLDE MAIN BREWING AT REIMAN**

**GARDENS:** Moved by Goodman, seconded by Mahayni, to approve a new 5-Day Class C Liquor License for Olde Main Brewing Company at Reiman Gardens, 1407 University Boulevard.

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

**NEW 5-DAY CLASS C LIQUOR LICENSE FOR GATEWAY HOTEL & CONFERENCE**

**CENTER AT ISU ALUMNI CENTER:** Moved by Davis, seconded by Larson, to approve a new 5-Day Class C Liquor license for Gateway Hotel & Conference Center at ISU Alumni Center, 420 Beach Avenue.

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

**420 EAST 7<sup>TH</sup> STREET:** Public Works Director John Joiner explained that the Eastwood Apartment Complex property at 420 East 7<sup>th</sup> Street is being sold to another investor. In preparation for the sale, it was discovered that the existing water main easement through the property needed to be corrected to match the field location of the water main. It was also discovered that there were two locations where public sewers were installed on the property in the 1940s that did not have corresponding easements. The actual location of the raw water line that was installed in 2009 also needed to be corrected on the Utility Easement for water main infrastructure in the fill easement. In addition, there is an existing Utility Easement and Fill Agreement that was entered into in 1996 for Water and Pollution Control activities in this area that is no longer needed. The primary purpose of that Agreement was to conduct land reclamation between the Apartment Complex and the City's lime storage lagoons. The City has no plans for future lime disposal in the easement area, and the property owners have requested that the Agreement be modified to terminate the City's right for future lime disposal.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-066 correcting a Right-of-Way Permit and Easement dated December 30, 1996, and filed as Instrument No. 97-00081 in Story County Recorder's Office.

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

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-067 accepting a new 20' Public Utility Easement and 20' Sanitary Sewer Easement.

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

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-068 amending the Utility Easement and terminating the Fill Agreement for Disposal of Lime Softening Residual from Water Treatment dated July 23, 1996, and filed as Instrument No. 96-07687 in Story County Recorder's Office.

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

**ENERGY EFFICIENCY & CONSERVATION BLOCK GRANT (EEDBG) PROJECTS**

Assistant City Manager Bob Kindred explained that, as part of its program to stimulate the economy, the federal government established an Energy Efficiency and Conservation Block Grant (EECBG) program. The City of Ames received notice that it was eligible to receive a direct grant of \$544,000 for qualifying projects. Council last considered this program at two meetings in June, 2009, and directed that the City's grant application include the following types of projects:

1. Major energy-efficiency improvements to City facilities
2. Street lighting and parking lot lighting demonstration projects
3. Energy conservation education
4. Hybrid vehicles

At the Council's June 23, 2009, meeting, the top priorities were energy-efficiency improvements to City facilities and the parking lot/street lighting pilot projects. Based on that direction, staff submitted its application and the grant was awarded in November. Additional detail was requested prior to the Department of Energy awarding the funds. Preliminary architectural/engineering studies for the Animal Control and City Hall projects were completed.

Mr. Kindred advised that preliminary architectural/engineering studies had been completed for the City Hall Heat Pump Replacement Project and the Animal Control Energy Improvement Project. The City Council was asked to make a final decision regarding the projects that should be funded with the remaining \$530,500 of the EECBG Grant. After the decision is made, staff will submit a revised application to the Department of Energy for its approval. He also stated that if the City Council desired to pursue the Animal Control Energy Improvement Project, direction needed to be given regarding which tiers or individual elements should be included.

City Manager Schainker noted that the City Hall Mechanical and Structural Improvement Project in the approved 2010-15 Capital Improvements Plan shows the City Hall Pump Replacement Project being funded with \$500,000 in EECBG funding and \$380,000 in General Obligation bond proceeds.

Council Member Goodman said that he felt there would be the greatest return on investment if the Animal Control Energy Improvement Project were pursued. He noted specifically that the Energy Recovery Ventilator would have a payback period of only 5.6 years.

City Manager Intern Brian Phillips, who had been working on this project, noted that, with the exception of the Mortensen Road lighting and hybrid vehicles, all other projects that would not be funded through the federal EECBG Grant may still be considered for funding under the state of Iowa's competitive EECBG Grant Program.

City Manager Schainker pointed out that the Council could still pursue a demonstration project at the Animal Control Shelter by utilizing a portion of the \$100,000 available in a donations account for the facility and/or by pursuing the state's Iowa Energy Efficiency and Conservation Block Grant.

Assistant City Manager Kindred advised that the City is also eligible to receive funding from the state of Iowa's share of the Energy Efficiency and Conservation Block Grant Program. Its purpose is to reduce fossil fuel emissions, reduce total energy use, improvement energy efficiency, and create and retain jobs. City Manager Schainker emphasized that there is a minimum requirement of \$1 of secured leveraged funding for every \$1 of Iowa EECBG funding.

A brief discussion ensued on the purchase of a "solar tent" from Iowa Thin Film Technologies, Inc., for use at public events. The cost of the tent was unknown.

Moved by Mahayni, seconded by Wacha, to select the City Hall Heat Pump Replacement Project for funding with the City's \$544,000 EECBG Grant.

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

Elaborating on the state EECBG Grant opportunity, Mr. Phillips advised that there is approximately \$2.8 million in funding available; \$1.4 million is set aside for transportation programs and \$1,478,000 is to be used for existing building energy retrofit, efficiency and conservation planning for City facilities, development of building codes and inspection services to promote building energy efficiency, and on-site renewable energy generation technology development. According to Assistant City Manager Kindred, projects would be considered based on four elements:

1. The project brings something new to Iowa.
2. Practices developed or technologies used are better than what currently exists.
3. Projects are economically viable.
4. The ideas have widespread appeal or access.

It was noted by Mr. Phillips that applications are due March 5, 2010. The awards will be made within 60 days of that date.

City Manager Schainker reviewed proposals that had been identified as falling within the scope of the grant program. Council Member Goodman suggested that the City submit a proposal for each initiative. Council Member Orazem said that he had no desire to undergo demonstration projects that have unrealistic payback periods, e.g., 126 years. Mr. Schainker advised that no matching funding sources had been identified for two of the possible projects identified by staff, i.e., Project Lot Lighting or Street Lighting Demonstration Projects.

Moved by Orazem, seconded by Goodman, to direct staff to submit an Iowa EECBG Grant application for the following projects:

1. Energy-recovery ventilator and front-entry vestibule at the Ames Animal Shelter
2. Traffic Signal Modernization
3. Waste-Biofuel Conversation Study
4. Parking Lot Lighting Demonstration Project
5. Street Lighting Demonstration Project on South 16<sup>th</sup>

with Local Option Tax funds being used for the match on the Lighting Demonstration Projects.

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

Moved by Larson, seconded by Goodman, instructing staff to determine the cost of a solar tent and authorizing them to put a proposal together if they deem it is justifiable.

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

**CITIZEN SATISFACTION SURVEY:** City Manager Schainker noted that the annual Citizen Satisfaction Survey is used to help judge the effectiveness and efficiency of City services. He said that the Survey also allows the City an opportunity to obtain a sampling of the public's opinion on certain policy issues. Due to the length of the Survey, only two to three policy questions can be included. Mr. Schainker asked which policy questions were the most important to the City Council.

Council Member Wacha said that he would like to receive feedback from the public on CIP projects. Council Member Orazem agreed, specifying that potential projects, e.g., a parking ramp, industrial park, be included. Council Member Larson said that he would like questions asked that pertain to the City Council goals and objectives.

In the opinion of Council Member Mahayni, the purpose of the survey is to gauge citizen satisfaction with City services. Many of the projects are complicated, and background information is necessary to fully understand all the elements.

Council Member Mahayni suggested that a separate survey pertaining to policy issues be created. Council Member Goodman noted that policy questions were initially included with the Satisfaction Survey as a cost-savings technique. The intent was to glean public response on policy issues without

sending a separate survey. However, Mr. Goodman agreed that a separate document should be created if feedback on a number of policy questions is desired.

Moved by Orazem, seconded by Larson, to include in the Survey a prioritization of the following CIP projects: industrial park, Downtown parking ramp, Campustown parking ramp, Campustown redevelopment, library; and to also include a question pertaining to entryway attractiveness at University Boulevard, 13<sup>th</sup> Street, South Dakota, South Duff, and Dayton.

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

Council Member Goodman would also like to see a question included that would gauge community support for fare-free CyRide for K-12. Council Member Davis said that he was uncomfortable putting that question out there without discussing it first with the Ames School Board since the School District has its own busing system. Mr. Goodman noted that much of the Ames community does not meet the two-mile requirement and is not eligible to ride school buses; therefore, he did not see the correlation between offering fare-free CyRide and the School's busing system. Council Member Goodman sees the option as providing young people transportation for a very nominal cost. He offered that staff could be directed to add it to the Survey as long as the School Board approved of the question being asked.

**COUNCIL GOALS, OBJECTIVES, TASKS, AND SCHEDULE:** City Manager Schainker reviewed the Council goals, objectives, tasks, and implementation schedule that were agreed to at the Council's last goal-setting session held on January 22, 2010. Council Member Larson recommended that updates be scheduled two to three times per year.

Moved by Larson, seconded by Mahayni, to accept the Council goals, objectives, tasks, and implementation schedule.

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

**GOOGLE™ FIBER NETWORK:** Mr. Schainker explained a project that is being pursued by Google™ to install ultra-high-speed fiber optic internet service in selected communities. He noted that it will be a highly competitive process. Responses from cities are due on March 26, 2010. City Manager Schainker said that a companion component to the application would be the promotion of community support for this initiative. Mr. Schainker emphasized that it is very unusual for the City to promote a private sector initiative. He said that if staff is directed to move forward with this project, it is likely that the Council members will receive complaints from other companies in Ames that provide internet service questioning why the City is favoring one company over another.

City Manager Intern Brian Phillips explained how the project would work. The City Manager asked the Council to take formal action to support the submission of a statement of interest along with the requested information and support the staff in its efforts to encourage citizens to show community support for this initiative.

Council Member Orazem asked how Iowa State University would participate in the application process. Public Relations Officer Susan Gwiasda said the answer to that question would be determined by the City Council as there is a spectrum of participation that could be pursued. Mr. Orazem said that it was crucial to get students involved. He also recommended that the University's IT Department be included.

Council Member Goodman pointed out that staff has limited resources, but hoped that they would do anything that could reasonably be done to communicate to Google™ the commitment Ames has

to technology and the development of this product.

Moved by Goodman, seconded by Wacha, to authorize staff to submit an application and be as diligent and aggressive as possible given the constraints of resources to garner community support and convey that position to Google™ Fiber Network.

Council Member Larson cited his concerns about the legality of this proposal when the City is operating under a franchise agreement with Mediacom. He also asked to know possible future obligations and operational costs of the Google™ Fiber Network if Ames is selected. Council Member Davis said that the City can always back out if the process becomes too onerous.

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

**TIGER GRANT FOR INTERMODAL FACILITY:** Transit Director Sheri Kyras said that only 51 applications out of 1,400 submitted were approved, and the City was one of those 51. There were only two cities in Iowa (Ames and Dubuque) to be awarded funding. Ms. Kyras advised that the City had been awarded a \$8,463,000 TIGER grant for its proposed Intermodal Facility in the Campustown area; that was substantially lower than the amount applied for. She said that while the City is very excited about being one of the cities funded, it has to determine its next step since the amount falls so short of the proposed project cost. The project was estimated to cost approximately \$43 million. Ms. Kyras advised that she will be communicating with representatives from the U.S. Department of Transportation and Federal Transit Administration to better understand the guidelines for use of the funds. It might also be necessary to develop a strategy to either scale down the original vision for the project or identify a way to phase the project.

The meeting recessed at 8:42 p.m. and reconvened at 8:49 p.m.

**IAMWIND:** Electric Services Director Donald Kom joined the meeting telephonically. Assistant City Manager Sheila Lundt provided background information as to the City's participation in IAMWind. She noted that in September of 2009, the City Council approved a Power Purchase Agreement with NextEra Energy Resources LLC, doing business as Garden Wind LLC. The Agreement provided the City with 30MW of wind energy and 6 MW for Iowa State University. Those amounts are the maximum of wind energy that the City can incorporate into its portfolio at this time. The City began receiving wind energy from Garden Wind, LLC, in December 2009. That contract allowed the City to meet its goal of 10% new renewable energy by 2015.

According to Director Kom, continuing with the IAMWind project presents several substantial risks to the City of Ames. Ms. Lundt advised that one of those risks is that the 28E Agreement allows IAMWind to issue debt.

Mr. Kom stated that one year's notice to withdraw is required under the Agreement with IAMWind; however, it is possible for the City to immediately withdraw from the agency under certain circumstances. In order to waive the one-year requirement, the City must forward the sum of \$56,440.46 to IAMWind on or before March 15, 2010. In return, the City would no longer be a member or participant in the agency and all of the City's rights and obligations to the agency would cease. Per Mr. Kom, Iowa State University had confirmed that it would pay its portion of the \$56,440.46, which is approximately \$12,981.

Council Member Larson asked if there was any indication that IAMWind should allow Ames to withdraw without any additional payments. City Attorney Marek answered that whether Ames



waited for the remainder of the required notice period to elapse or withdrew early, it would still owe the \$56,440.46 plus any additional obligations that were assumed during that time period. Mr. Marek explained how IAMWind had calculated the amount owed.

Assistant Electric Director Brian Trower explained that IAMWind is currently working through Phase 2 of the project; that could easily take another year. Phase 2 was basically to determine the feasibility of the site. A large concern of the City at this point is that there are portions of the group who have jumped to Phase 3 without completing Phase 2.

It was noted by Mr. Larson that between the City and the University, approximately \$300,000 and huge amounts of time and effort from City staff were spent to receive nothing in return. In his opinion, there has been much misrepresentation concerning this project. He recalled that he had voted against entering into this project and staff had seen the potential pitfalls as well.

Moved by Wacha, seconded by , to adopt RESOLUTION NO. 10-069 approving the Agreement to withdraw from IAMWIND and authorize the payment of \$56,440.46 to the Iowa Agency of Municipal Wind to achieve waiver of the one-year notice requirement for withdrawal from the Agency.

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

**POWER PLANT ASH HAULING AND ASH POND RECLAMATION SERVICES:** Moved by Mahayni, seconded by Larson, to reject all bids for Power Plant Ash Hauling and Ash Pond Reclamation Services.

Noting the difficulty that various City departments appear to be having with getting competitive bids, Council Member Wacha asked if there were any means for the City to “reduce the red tape” and make it easier for people to submit bids while still limiting the City’s liability. City Attorney Marek said there are two categories of bids: (1) formal bids, which include public improvement contracts, have *State Code* requirements, and (2) informal bids for purchases less than \$100,000. He advised that there is not a lot that can be done procedurally for formal bids. Negotiations may occur after the proposals are submitted for informal bids. Mr. Marek noted that there had been projects in the past where subcontractors and/or suppliers had not performed, and litigation had resulted.

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

**UNIT NO. 8 COAL MILL PARTS:** Moved by Mahayni, seconded by Goodman, to allow Babcock & Wilcox to withdraw its bid for Unit No. 8 Coal Mill Parts.

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

**LIBRARY FUNDRAISING FEASIBILITY STUDY:** Library Director Art Weeks proposed a budget amendment that would permit up to \$68,000 from unspent Library Capital Improvements Plan project funds in 2009/10 (\$18,723) and carry-over from 2008/09 (\$49,277) to be allocated to the Fundraising Feasibility Study with The Hodge Group. According to Mr. Weeks, the maintenance work that would have been paid for from those funds will not be done. Mr. Weeks added that the Library Board prefers not to use the bequest account. That account had been used repeatedly to fund other projects, and the Board prefers not to reduce its balance any further.

Council Member Orazem stated that the City needs to figure out what the market will bear. He

asked why the The Hodge Group had been selected to perform the Study since it was the highest bidder. Mr. Weeks explained that The Hodge Group most closely met the established criteria, e.g., experience with projects of a similar scale and its ability to successfully perform private/public projects. He said that price had a lesser weight than the capability to deliver the project. Mr. Weeks believes that this Study needs to be handled by the most competent firm that can be found, which is The Hodge Group.

Council Member Davis said that he had several concerns about this project. Before a Fundraising Feasibility Study is undertaken, he feels that the public needs to back a certain site. Mr. Davis noted that the proposed Feasibility Study assumes that a new library would be built where the 1984 addition is located; however, the Library Board did not have a public forum to decide the exact site. He also felt it was imperative that public input be received on the size of the new library and questioned whether 94,000 square feet was the appropriate size. According to Mr. Davis, it is necessary to have the public back a specific location before gauging how much money can be raised. Mr. Weeks referenced several public forums that were held. Mr. Davis said that when the location was changed from the east City Hall parking lot site to the 1984 addition site, there was no public forum.

Council Member Wacha felt that determination of the appropriate size for a new library should be left to the experts. Council Member Mahayni agreed. He recalled that the consultant had told the Council at its joint meeting with the Library Board that size will be dictated by how the library is used.

In the opinion of Council Member Goodman, 2010 might not be the best year to ask how willing the community is to support a library expansion. If the question is asked in 2010, it might not truly reflect the commitment that the community has to libraries in general.

Holly Fuchs, 806 Brookridge Avenue, Ames, expressed her opinion that \$68,000 is a very large sum to pay to consultants. She is also concerned that there had been no public input on the plan for taking CIP funds to pay for the study. That concerns her because that means the present library will not be maintained. Ms. Fuchs recommended that some of the \$1.4 million in the bequests account be used to pay for the Fundraising Feasibility Study.

Council Member Larson said that there are many who believe that Local Option Tax funds should not be used to fund the Study because a Study does not constitute community betterment. Council Member Davis expressed his belief that Local Option Tax funds should not be used to pay for a feasibility study.

Council Member Mahayni said he sees the issue as being much bigger than the \$68,000 fee. He believes that it is necessary for the community to be behind a solid proposal. Mr. Mahayni said that the Library Board needs the support of the City Council, and if that backing is not there, the Council needs to state that now.

Council Member Goodman said that the community needs to understand why Ames needs a library of the scale being recommended. He believes that there is a lack of understanding of the benefits to be received. Mr. Goodman challenged the Library Board and City staff to better inform the public.

Council Member Davis reported that he had created his own survey and sent it to 150 residents to gauge public opinion about this project. He received several responses and emails. Mr. Davis said

that many of the respondents had concerns about using Local Option Tax to fund this Feasibility Study. He believes that the CIP funds will be needed to keep the current library functioning until a new library is brought to fruition; there will be costs to keep the current building running.

Moved by Wacha, seconded by Orazem, to adopt RESOLUTION ON. 10-070 approving a reallocation of \$28,000 from 2009/10 CIP and directing that \$40,000 come from the Library Bequest Fund to fund the contract with The Hodge Group for the Fundraising Feasibility Study.

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

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 10-071 approving the Financial Feasibility Study Contract with The Hodge Group in an amount not to exceed \$62,500 for the Study and an amount not to exceed \$5,500 for reimbursable expenses for travel, communications, and printing.

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

**CODE AMENDMENTS PERTAINING TO WIND ENERGY SYSTEMS (TABLED FROM 2/09/10):** Planner Sam Perry recalled that the City Council, on November 10, 2009, adopted an ordinance establishing regulations for solar energy systems. It also directed staff to explore wind energy under a separate proposal. Staff has now developed alternative concepts allowing and regulating wind energy production. The concepts were explained in detail by Mr. Perry.

According to Mr. Perry, at its meeting of January 20, 2010, the Planning & Zoning Commission unanimously recommended that the City Council direct staff to prepare text amendments for Concept 1: the Commercial/Industrial (Limited Residential) Alternative as a way to facilitate small wind energy systems.

Mr. Perry explained Special Use Permits and how they would be used to regulate these types of systems. Director Osguthorpe stated that there would be criteria created specifically for Special Use Permits that pertain to wind energy systems.

Moved by Goodman, seconded by Mahayni, to direct staff to prepare text amendments for Concept #1: the Commercial/Industrial (Limited Residential) Alternative, as a way to facilitate small wind energy systems.

Mr. Perry clarified that Concept #1 would not allow freestanding systems in residential zones, but would allow them in all other zones.

Council Member Larson said that he is uncomfortable with that alternative because it is too “wide open.” He believes more limitation is necessary. Referencing the unsightliness of the systems, in Mr. Larson’s opinion, these systems should only be allowed in Regional Commercial. Council Member Goodman said he was only in favor of Concept #1 because it requires approval of a Special Use Permit. Council Member Orazem expressed his disapproval of allowing the units in any residential zones. Council Member Larson concurred.

Moved by Larson, seconded by Mahayni, to amend the motion to pull in the discussion of the Planning & Zoning Commission held on January 20, 2010, and of this Council meeting.

Council Member Larson expressed his preference that this issue be referred back to staff for

development of a concept that has more specificity. That should then be taken back to the Planning & Zoning Commission for recommendation prior to it coming back to City Council.

Motion withdrawn by Council Member Goodman.

Moved by Orazem, seconded by Larson, to direct staff to prepare text amendments to allow small wind energy systems in the Industrial, Regional Commercial, and Highway Commercial Zoning Districts.

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

**PRELIMINARY PLAT FOR AIRPORT BUSINESS PARK SUBDIVISION:** Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 10-072 approving the Preliminary Plat for the Airport Business Park Subdivision, with the following stipulations:

1. The developer shall construct and dedicate all remaining public improvements within the development to City of Ames Urban Standards, as required, including dedication of public right-of-way, sidewalks, electric distribution, and street lights prior to approval of the Final Plat, or execute an Improvement Agreement to guarantee the completion of all remaining public improvements and provide security in the form of an Improvement Guarantee, as set forth in Section 23.409 of the Municipal Code.
2. A note shall be placed on the Final Plat drawings indicating that no vehicular access will be allowed from Airport Road to Lots 3 and 4. All vehicular access to the lots within the development shall come from Airport Court.
3. A note shall be placed on the Final Plat drawings indicating that any future maintenance needed to the storm water structure located within the U. S. Highway 30 right-of-way, as determined by the Iowa Department of Transportation, will be the responsibility of the property owner.

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

**FIRE TRUCK TURNAROUNDS IN SUBDIVISION (Tabled from 11/10/09):** Planning and Housing Director Steve Osguthorpe said that this item had been postponed to allow staff time to meet with the development community and receive input. He said that had been done and changes were made based on the feedback received.

Chuck Winkleblack, 105 S. 16<sup>th</sup> Street, Ames, took issue with the proposed requirement that an easement be created and recorded prior to approval of the Preliminary Plat. He noted that there are often changes made to the Preliminary Plat and suggested that the easement not be required until it gets to the Final Plat stage. Mr. Winkleblack felt that it was impractical to require the recording of a document for a Preliminary Plat that might not be approved. According to Mr. Winkleblack, that requirement will change the way subdivisions are developed, specifically the way streets are configured, and asked for clarification as to what will be done with the Preliminary Plats that have already been approved. He also asked who would be required to maintain the easement area. Assistant City Manager Kindred said that City staff had agreed that the regulations would be in force from the date of the adoption of the ordinance forward. Mr. Osguthorpe said that staff will need to work with the Legal Department to address the issue of Preliminary Plats that are changed after the date of the new ordinance.

Discussion ensued on wording changes that could be made to the ordinance so that the recording of easements would not be required until the Final Plat had been approved. Director Osguthorpe argued that the easement needed to be recorded prior to approval of the Preliminary Plat so that it was guaranteed. He noted that when approval is given for a Preliminary Plat, that signals to the developer to install infrastructure and make other improvements. Staff does not want developers to be negotiating easements with abutting property owners at the Final Plat level. Mr. Winkleblack stated that it will be very difficult to get an easement from a property owner to allow for a ladder truck to be turned around on their property, which would render that property basically useless. It is his opinion that additional property will actually have to be purchased. Mr. Winkleblack said it will be even more difficult to renegotiate an easement if the Preliminary Plat changes.

Moved by Mahayni, seconded by Larson, to add language to the ordinance at Section 23.403(7)(a)(ii) to state "...or prior to commencement of excavation or construction of public improvements," and pass on first reading.

A brief discussion was held as to whether the ordinance could be passed on first reading tonight since it had changed slightly. City Attorney Marek indicated that the changes were not so substantive that it would have to come back at a subsequent meeting.

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

**HEARING ON CONSTRUCTION OF FISHING PIER/OVERLOOK AT ADA HAYDEN HERITAGE PARK:** Mayor Campbell opened the public hearing. No one wished to speak, and the hearing was closed.

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 10-073 approving the final plans and specifications and awarding a contract to Peterson Contractors, Inc., of Reinbeck, Iowa, in the amount of \$164,075.00.

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

**HEARING ON VACATING EASEMENTS AND RIGHTS-OF-WAY ALONG EAST LINCOLN WAY:** The public hearing was opened by the Mayor. She closed same after no one came forward to speak.

Moved by Mahayni, seconded by Larson, to adopt RESOLUTION NO. 10-074 approving the vacating of easements and rights-of-way.

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

**HEARING ON THE SALE OF CITY-OWNED RIGHTS-OF-WAY ALONG EAST LINCOLN WAY:** The Mayor opened the public hearing. There was no one who requested to speak, and Mayor Campbell closed the hearing.

Moved by Mahayni, seconded by Larson, to adopt RESOLUTION NO. 10-075 approving the sale of City-owned rights-of-way along East Lincoln Way (605, 615, and 729) to R. Friedrich & Sons.

Council Member Goodman stated his opposition to the City not getting fair-market value for the land.

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

**HEARING ON ISSUANCE OF \$6,600,000 ESSENTIAL CORPORATE PURPOSE GENERAL OBLIGATION BONDS:** Mayor Campbell opened the hearing and closed same after no one came forward to speak.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 10-076 approving the issuance of \$6,600,000 Essential Corporate Purpose General Obligation Bonds and Associated Tax Levy for Debt Service.

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

**HEARING ON ISSUANCE OF \$90,000 GENERAL CORPORATE PURPOSE GENERAL OBLIGATION BONDS:** The public hearing was opened by the Mayor. She closed the hearing after no one asked to provide testimony.

Moved by Larson, seconded by Goodman, to adopt RESOLUTION NO. 10-076 approving the issuance of \$90,000 General Corporate Purpose General Obligation Bonds and Associated Tax Levy for Debt Service.

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

**ORDINANCE AMENDING TERMS OF OFFICE, POWERS, AND DUTIES OF LIBRARY BOARD OF TRUSTEES MEMBERS:** Moved by Mahayni, seconded by Larson, to pass on second reading an ordinance amending terms of office, powers, and duties of Library Board of Trustees members.

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

**ORDINANCE TO CORRECT SCRIVENER'S ERRORS IN MUNICIPAL CODE SECTION 23.102(2)(A) PERTAINING TO SUBDIVISIONS:** Moved by Goodman, seconded by Mahayni, to pass on second reading an ordinance to correct scrivener's errors in *Municipal Code* Section 23.102(2)(a) pertaining to subdivisions.

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

**ORDINANCE DEFINING PRIOR OFFENSES:** Moved by Goodman, seconded by Wacha, to pass on third reading and adopt ORDINANCE NO. 4023 defining prior offenses.

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

**COMMENTS:** Moved by Orazem, seconded by Larson, to refer to staff the letter dated February 15, 2010, from Steve Scott of Westown Associates, LLC.

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

Moved by Wacha, seconded by Orazem, to direct City staff to investigate the role the City can play in establishment of a coal storage facility.

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

Moved by Larson, seconded by Davis, to direct that staff provide a budget update on the cost of this winter's snow/ice removal.

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

**ADJOURNMENT:** Moved by Goodman, seconded by Wacha, to adjourn the meeting at 11:03 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor