

**MINUTES OF THE
SPECIAL MEETING OF THE AMES CITY COUNCIL
AND REGULAR MEETING
OF THE AMES CITY COUNCIL**

AMES, IOWA

FEBRUARY 12, 2013

SPECIAL MEETING OF THE AMES CITY COUNCIL

The Ames City Council met in Special Session for the budget wrap-up at 5:21 p.m., followed by its Regular Meeting, on the 12th day of February, 2013, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council members present: Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, and Victoria Szopinski. Council Member Tom Wacha was brought into the meeting telephonically. *Ex officio* Member Sawyer Baker was also present.

ARTS FUNDING (COTA): Fred Lewis, Chairperson of the Commission On The Arts (COTA), introduced Commission Member Andy Zeer, who was also in attendance. Assistant City Manager Melissa Mundt presented the 2013/14 budget recommendation from the COTA. Included in the recommendation was \$137,367.60 for annual grants to 15 different performing arts groups and \$3,511.40 for mini-grants that are allocated in the spring and fall. It was noted by Ms. Mundt that two new groups applied for funding: Stars Over VEISHEA and India Cultural Association. According to Ms. Mundt, increased costs to use the City Auditorium was reported by many organizations as a hardship.

It was noted that the Council had previously approved funding for 2013/14 in the amount of \$140,879 (an increase of 2% over 2012/13).

HUMAN SERVICES FUNDING (ASSET): Assistant City Manager Mundt introduced Amber Corrieri, one of the City's representatives on ASSET. Ms. Mundt noted that the ASSET volunteers had been given the priorities adopted by the City Council: meeting basic needs of low- and moderate-income families, crisis intervention, prevention, and transportation, and those criteria were used to make the funding recommendations.

It was reported by Ms. Mundt that the recommended allocation for 2013/14 for the overall ASSET budget equaled \$3,273,976 to be funded by Story County, United Way of Story County, the Government of the Student Body, and the City of Ames. That number represents an increase of 4.40% over 2012/13. Ms. Mundt noted that the City Council had approved a 3.0% increase over the current allocation. However, the City's share of the 2013/14 allocation is being lowered by 7.13% (\$82,958) from the current 2012/13 allocation. That is primarily due to the recommendation by ASSET volunteers to no longer fund substance abuse services through the Community and Family Resources (CFR), a reduction in mental health services funding request to the City from Eyerly Ball, its new mental health provider; the departure of Big Brothers/Big Sisters from Story County, and a reduction in the allocation to Red Cross due a lack of its presence in the community.

A new service provider, the Salvation Army, was being recommended to receive funding. ASSET volunteers had determined that there was a need for their services. Ms. Corrieri noted that the Salvation Army does not represent a duplication of services based on the needs of the community and the niche market it serves. Council Member Larson asked for more information because the role of ASSET is to fund services and not agencies. The services that they applied

for from ASSET were for disaster assistance, food pantry, and rental assistance. It was also noted by Ms. Corrieri that there are different limitations for each food pantry in Ames, so the volunteers did not have any issues with funding another food pantry.

According to Ms. Mundt, HIRTA is now providing transportation (transferred from Heartland to HIRTA in 2012). Therefore, there was a decrease in the allocation to Heartland, but HIRTA was added. There is an overall increase (approximately \$11,500), which represents additional costs for meals provided by Heartland.

Ms. Mundt reiterated that the City's portion of the ASSET's budget is down by approximately 7.13%. The amount being recommended for funding is 10.91% or \$116,566 less than authorized by the Council. However, if you pull out the substance abuse and mental health changes, overall it is up approximately 6.29%. Approximately \$24,500 was for the new Salvation Army services, all of Youth and Shelter Services' (YSS) requests are up slightly, Homeward is also increased due to the cost of meals being provided, Legal Aid requested a larger increase in funds, and NAMI requested an additional \$1,000 for its mental health wellness center.

Council Member Orazem asked if there would be a greater demand placed on the big brother/big sister-type services being offered by YSS now that the Big Brothers and Big Sisters organization is pulling out, and if so, was that incorporated into the planning. Ms. Mundt advised that during the ASSET process, YSS increased its request. Since it was just learned that Big Brothers and Big Sisters was phasing out its services, the demand for the services from YSS is not yet known. Ms. Corrieri added that, due to the way Big Brothers and Big Sisters operates (now out of its regional office), not all "matches" will automatically move to YSS.

Council Member Larson pointed out that the City's funding recommendation is down almost 10% from what the Council had allocated. He noted that the problems – both in mental health and substance abuse – are still there. It was questioned by Mr. Larson as to whether the City has the ability to set aside some of the funding that was originally allocated towards human services to a specific program so that as ASSET studies the needs over the next few months, there would be funding available. He acknowledged that Eyerly Ball was so new to the community, it was difficult to know yet how that will work out. Eyerly Ball has indicated that it has grants and other forms of aid and funds to take care of what the City thought it would have to pay for, so if there are other services that they or other agencies could provide to help with the mental health issues that are occurring in the community, those set-aside funds could be used.

Council Member Szopinski said there are a lot of unknowns because the state is regionalizing services for domestic violence shelters. She thought that the City might need some funding for that, and it is not known if additional monies will be needed for mental health services. Ms. Szopinski pointed out that the Council allocated a 3% increase in November 2012, which would equate to approximately \$1,184,000. If everything recommended by the volunteers was funded, it would still leave approximately \$116,500 that could be put aside in a fund for the unknowns that might come in at a future date.

Council Member Goodman noted that it had been determined at the Council's Goal-Setting Session that the Council would be meeting next year with the ASSET volunteers much earlier in the process. He was unsure if the funds needed to be kept in the ASSET fund now as long as that amount in the Local Option Sales Tax fund is accessible. Mr. Goodman pointed out that money is normally not set aside for ASSET because funds are allocated based on services to be

received; in this case, the services are yet unknown.

Ms. Mundt identified three “challenges” that she requested the Council keep in mind. The first was that the ACCESS Shelter is in the middle of changes at the state level for funding of its services. Staff has been asked to monitor those changes and keep the funders up to date on emergency shelter services in Story County. The Executive Director of ACCESS was requesting an additional \$16,758 in funding for next fiscal year to help keep the Shelter open in Ames. Story County and United Way had also been asked for additional funding as had Boone and Greene Counties. At this time, it is unknown if those other governmental agencies will provide monetary support. The 2013/14 funding recommendation does not include dollars to support the Shelter beyond what the City is currently allocating in 2012/13. Ms. Mundt said that the Council will need to consider any additional support for 2013/14 outside of the ASSET process. She noted that if the Council was interested in setting aside funding, that would be a need that fits in with the priority areas.

Concerning substance abuse and mental health services areas, Ms. Mundt advised that there are a few participants that qualify under the IDPH grant, Medicaid, or private insurance. She also stated that CFR receives an IDPH block grant for substance abuse services and coordinates for service with YSS for the portion of the IDPH grant to cover up to 18 years of age. Because the volunteers decided not to fund CFR, it has been recommended that ASSET Administrative Team review the additional funding that was set aside for those same services to YSS. The 2013/14 recommendation includes funding should it be determined to be providing services above and beyond the IDPH requirements.

It was noted that the \$52,051 that was set aside by the City in 2012/13 had not been drawn down for mental health services. Eyerly Ball has requested funds from the City for 2013/14 and volunteers have recommended \$12,875 for crisis outpatient services, which is significantly less than what had been provided to The Richmond Center, the County’s former mental health provider. The 2013/14 recommendation reflects the \$39,176 decreased request to the City for mental health services. Other organizations did not substantially draw down all of their City funding during 2011/12 and several have not drawn down any funds year to date. Those organizations were American Red Cross and CFR.

In summary, Ms. Mundt noted that the services meeting City priorities and serving Ames residents generally received increases, while others were held flat.

City Manager Schainker explained options that would be possible; however, recommended that the funds be allocated directly to the human services agencies and kept within the ASSET process, not set aside in the Local Option Sales Tax fund.

PUBLIC ART COMMISSION (PAC): Greg Fuqua, Chairperson of PAC, and Commission Member Allison Sheridan presented a funding request in the amount of \$33,500 for FY 2013/14.

Mr. Fuqua highlighted the accomplishments of the PAC for 2012/13. He announced that the Art Around the Corner program has now officially transitioned its name to the Ames Annual Outdoor Sculpture Exhibition.

City Manager Schainker noted that the 2012/13 and 2013/14 Budgets already have a built-in allocation of \$33,500/year.

OUTSIDE FUNDING REQUESTS: Brian Phillips, Management Analyst, said that this is the second year that the outside funding request evaluation process has been used. This year, eight applications for funding were received; two were student-related event and those went through the Student Affairs Commission to be evaluated, and the remainder were general community applications. The team of staff and residents had met and discussed the general community grants. Four of the requests for funding: Ames International Partner Cities, Campustown Action Association, ISU Homecoming, and VEISHEA were in the same amount as in the current year. Hunziker Youth Sports Complex and Main Street Cultural District (MSCD) requested funding in an amount higher than last year's request. According to Mr. Phillips, the funding panel recommended that those two entities receive an additional \$1,000/year each over the current year. A new organization, the Ames Chamber of Commerce, made application this year for funding towards designing signage on Interstate 35. The Ames Historical Society submitted two different applications for funding: one was its usual request for operations funding, which included a slight increase; and the second was for funding of a part-time curator to help manage the collection. The funding panel recommended that the Council fund the curator position and benefits for a total increase of \$8,000 of what was allocated in the current year.

Council Member Davis expressed his concern about the funding request for the VEISHEA pancake feed. When the event began in approximately 2004, he noted that the intent was to provide an alcohol-free event during VEISHEA. However, now, they are requesting funding for the cost of renting tents, tables, and chairs, which is different than the original purpose. Mr. Davis said that he had found out that VEISHEA is charging students \$4.00/person, but their cost is approximately \$3.25/person; therefore, it appears that they are making money on the pancakes.

Mr. Phillips reported that when VEISHEA submitted its request for a draw-down, the City asked for records to support that payment; that included the invoice from the pancake vendor and rental of all accessories required to host the event. Since the rentals are used for the entire week of VEISHEA, the amount charged was broken down to a daily basis. According to Mr. Phillips, the \$8,000 being requested from the City does not cover the total expenses of the pancake feed. Even with charging \$4/person, there still is a deficit. *Ex officio* Member Baker advised that the rentals are only going to be used this year for the two pancake feeds; therefore, the funding would not be subsidizing equipment for any other events during VEISHEA.

Council Member Larson said that initially the City partnered with the Chamber of Commerce and the Convention & Visitors Bureau, and staff from those entities served the pancakes. That presented not only a good opportunity to meet students, but also showed the partnerships among entities; however, now the City is just a funding source.

Council Member Davis said he is supportive of VEISHEA; however, organizers need to understand that the City's funding needs to go towards the serving of pancakes and providing an alcohol-free event, not necessarily making money to support other events at VEISHEA. Council Member Wacha recalled that another reason the pancake feed originated was to draw people away from Campustown at one or two in the morning. He would rather increase the City's funding if it meant a lower cost to students. Council Member Goodman said a good compromise would be for the City Council to ask that the money be used to buy-down the cost of the pancakes and they should look for funding elsewhere if there are other needs.

Management Analyst Phillips said that he will meet with VEISHEA representatives and pass

along that information. When the contract is prepared, it will be included. He also reminded Council that what was just decided will be for 2013/14, not this spring.

Mr. Phillips shared that the attendance in 2012 at this event was 2,405 and in 2011, 2,594. The Student Affairs Commission did not have a quorum on the night this was discussed, but those present had recommended funding in the amount of \$8,000.

In summary, Mr. Phillips reported that, overall, this represents an increase of \$13,200 compared to FY 2012/13, which includes adding a new organization to the list.

Additional Requests for the FY 2013/14 Budget: Management Analyst Phillips noted the request from Ames Historical Society pertaining to the Ames Sesquicentennial. He noted that staff had discussed the request with the Historical Society. Representatives noted that they were making the request on behalf of the community, not necessarily from the Ames Historical Society.

City Manager Schainker noted that the following requests could be funded from Special Allocations: request pertaining to fireworks: \$10,000; Buxton (sharing with AEDC): \$7,500, and request for the Sesquicentennial: \$3,000-\$5,000. He pointed out that the AHS letter asked for two years' support pertaining to the Sesquicentennial; however, the City only allocates for one year at a time.

COMMUNITY AND STUDENT GRANT REQUESTS: Mayor Campbell asked if there was anyone who wished to speak regarding community and student grant requests.

Ames Historical Society. Mary Atherly, 2150 Ashmore Court, Ames, and Sharon Wirth, 803 Burnett, Ames, were present. Ms. Atherly informed the Council that, since the Historical Society had submitted the request, participation commitments had been received from the Ames Convention & Visitors Bureau (ACVB), Chamber of Commerce, Main Street Cultural District, *Ames Tribune*, and the Jaycees; however, monetary contributions had not yet been determined. She advised that the two-year budget had been proposed because some entities are on a calendar-year budget while the City is on a fiscal year; they hope to get some things done by January 2014 in order to be ready for Summer 2014. Ms. Atherly noted the amount being requested for 2013/14 is \$5,000 and \$5,000 for 2014/15.

City Manager Schainker asked which group would be taking the lead for this event as the City would need to enter into a contract with an entity if the Council decides to fund the event. Ms. Atherly advised that the Ames Historical Society (AHS) is taking the lead.

Ames Historic Preservation Commission. As the Chairperson of the Ames Historic Preservation Commission (HPC), Ms. Wirth brought the Council's attention to the HPC's request of \$2,000 - \$5,000 for educational activities (community-wide workshops and publications/grant match). She noted that that request had not been included in the Community and Student Grant Requests. Ms. Wirth said there should be three requests: (1) \$2,000, which is folded into the Planning and Housing Department budget; (2) \$2,000 - \$5,000 for additional community-wide education; and (3) \$7,000 from the Ames Historic Preservation Commission budget to go to the Ames Historical Society for the part-time curator.

Mr. Schainker said that \$2,000 for the HPC had already been built into the budget. However, the \$2,000 - 5,000 for community-wide education and \$7,000 for the AHS curator position had not been built in. Assistant City Manager Bob Kindred clarified that the \$2,000 for operational funds was for mandated training and educational activities.

PUBLIC INPUT ON CAPITAL IMPROVEMENTS PLAN (CIP): Pertaining to the request of Ames Community Pre-School (ACPC) for a playground structure at its new location (Willson-Beardshear), Sue Wuhs, Director of ACPC, said she had been told that there were questions about the amount that should be paid by ACPC. Ms. Wuhs noted that the questions had centered around the fact that, unlike elementary schools, the ACPC was open year-round from morning until 6:00 p.m.; therefore, it would not be available to the general public during those times. City Manager Schainker said that it would be different than the funding share agreement with Ames public schools. Ms. Wuhs said she could not totally commit to a monetary amount to be contributed by ACPC. She suggested that the ACPC pay one-third, but that it not need to be collected under after January, 2014. She is hoping that the playground could be completed in this fiscal year. Mr. Schainker advised that he had recommended \$30,000 be allocated for this purpose. He clarified that the City would not purchase the structure or be responsible for liability. The way it is envisioned to work would be similar to the arrangement with the School District. It would not be a City park. The City's contribution would be made to ACPC, and ACPC would purchase and install the playground equipment.

Council Member Orazem verified that the playground would be located on ACPC's property, but would be made available to the City after hours. City Manager Schainker said right now, the funds would just be allocated, and the details worked out later.

Council Member Goodman asked if ACPC would invest in playground equipment if it had not made the request to the Council. Ms. Wuhs advised that the one structure they do have is too old to move. The swing set could be moved. She said that they would have to make the investment, but it would be years out. According to Ms. Wuhs, the neighborhood had approached her asking for a piece of the land just purchased by ACPC to be donated for use as a park. She said they were not in a position to be giving away land, but the sharing of the playground could be a good compromise.

Council Member Goodman pointed out that the five additional requests (Sesquicentennial, Buxton, I-35 signage, fireworks, and AHS community education) had missed the deadline for the grant process. It was noted that the funding panel had been brought back together to evaluate those four.

SALARIES FOR COUNCIL APPOINTEES: Council Member Davis reported on the evaluation process for City Council appointee Steve Schainker, City Manager. Mayor Campbell noted that the other Council appointee position, the City Attorney, was currently vacant.

Mr. Davis stated that he and Council Member Orazem had comprised the evaluation team; but they had received feedback from the Mayor and other Council members. On behalf of the Mayor and City Council, Mr. Davis commended City Manager Schainker for the excellent job he has done during the past years.

Moved by Davis, seconded by Larson, to set the following appointee's salary for FY 2013/14:

Base Pay for City Manager: \$188,358.40

and follow his contract pertaining to benefits.

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

AMENDMENTS TO 2013/18 CAPITAL IMPROVEMENTS PLAN (CIP): Moved by Goodman, seconded by Davis, to add a new Roosevelt Neighborhood Park Development CIP page with funding in the amount of \$80,000 from the Local Option Sales Tax.

Council Member Wacha said he would support adding this item to the CIP, but noted his concern that, for this particular neighborhood, the City had already spent \$300,000 on renovating the tennis courts at Brookside, and now \$80,000 was going to be spent for a new park in the same neighborhood. In addition, there has been discussion about potentially installing lights on the tennis courts, and there is a possibility that additional monies will be requested for a stage at Roosevelt. He acknowledged that these things are benefits for the City, as a whole, but believed, at some point, the Council needed to start thinking about equity among the neighborhoods. Council Member Goodman added that he viewed the tennis courts in Brookside Park as a very community-wide asset. It is his opinion that what is being requested to be funded in this case is a neighborhood "magnet" to bring neighbors together. He noted that strengthening neighborhoods is a priority of the City Council.

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

Moved by Davis to show a \$10,000 revenue source as ACPC had committed to paying one-third of \$30,000 or whatever the cost would be. Motion died for lack of a second.

City Manager Schainker advised that it was better to show the \$30,000 now. A separate agreement would be entered into before the money was spent that will show how much of a contribution was to be made by ACPC and by when. Council Member Larson cited his preference to do it that way because he would like to explore other options, i.e., perhaps a couple pieces of equipment that would be located outside of the fenced-in area of ACPC.

Moved by Davis, seconded by Larson, to amend the Playground/Park Equipment Improvements project CIP page to add \$30,000 from Local Option Sales Tax in 2013/14 for play equipment at Ames Community Preschool Center.

Noting that there are many private preschools in Ames and others have done fund-raisers for playground equipment, Council Member Goodman said he preferred a 50/50 share, especially in light of the fact that there would be restricted access during most of the day. He also believes that ACPC would make its own investment in playground equipment eventually. Mr. Goodman relayed that he would be supporting the dollars, but hoped for further conversation on this item to see what the City receives in exchange for its investment. Mayor Campbell noted that the difference was that ACPC would actually be located on a former school property and the City has a partnership with schools for playground equipment.

Vote on Motion: 5-0-1. Voting aye: Davis, Goodman, Larson, Orazem, Szopinski. Voting nay: None. Abstaining due to a lack of interest: Wacha. Motion declared carried.

Moved by Larson, seconded by Orazem, to amend the Resource Recovery Primary Shredder Replacement project CIP page to change the source of funding in FY 2013/14 (\$1,000,000) from the Resource Recovery Fund to G.O. Bonds abated by Resource Recovery revenues.

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

Moved by Davis, seconded by Szopinski, to amend the PDS Cyclone [sprinkler replacement] CIP page to change Phase I and II to now show \$205,370 in the first year and \$300,000 in the second year and change the funding source from the Resource Recovery Fund to G.O. Bonds abated by Resource Recovery revenues.

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

Moved by Szopinski, seconded by Goodman, to amend the Resource Recovery System Improvements CIP page to change the funding source for the first year (\$150,000) to G. O. Bonds abated by Resource Recovery revenues.

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

Moved by Davis, seconded by Larson, to amend the Transit Building Expansion and Modernization CIP page to reduce the Federal Transit Administration funding from \$2,049,581 to \$2,020,781 for FY 2013/14.

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

APPROVAL OF 2013/18 CIP, AS AMENDED: Moved by Davis, seconded by Wacha, to approve the Capital Improvements Plan for 2013/18, as amended.

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

AMENDMENTS TO FY 2012/13 BUDGET: Purchasing Director Duane Pitcher advised that all of the amendments were included in the draft Budget and reviewed at each department's hearing. There were no recommended changes.

APPROVAL OF BUDGET FOR FY 2012/13, AS AMENDED: Moved by Larson, seconded by Goodman, to approve the FY 2012/13 budget, as amended.

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

SET PUBLIC HEARING DATE ON BUDGET AMENDMENTS FOR FY 2012/13:

Moved by Davis, seconded by Wacha, to set March 5, 2013, as the date of public hearing on the proposed budget amendments for FY 2012/13.

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

AMENDMENTS TO PROPOSED FY 2013/14 BUDGET: Moved by Goodman, seconded by Orazem, to approve funding to the Commission on The Arts (COTA) in the amount of \$140,879.

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

Moved by Szopinski, seconded by Goodman, to approve funding to ASSET in the amount of \$1,184,786, with the understanding that \$116,000 be held in reserve for unforeseen costs.

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

Moved by Goodman, seconded by Orazem, to approve funding to the Public Art Commission in the amount of \$33,500.

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

Moved by Goodman, seconded by Orazem, to approve outside funding requests in the total amount of \$123,200 out of Special Allocations from Local Option Sales Tax.

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

Moved by Davis, seconded by Wacha, to approve the funding request of the Historical Society Sesquicentennial Committee in the amount of \$5,000 out of Local Option Sales Tax.

Council Member Larson said he was concerned that none of the “other players” had committed to any dollar amount.

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

Council Member Goodman shared his opinion that the requesting agencies that come in after the deadline for the outside funding requests go through a less rigorous process than those who comply with the deadline.

Moved by Goodman, seconded by Davis, to approve the request of the Ames Convention & Visitors Bureau in the amount of \$10,000 for 4th of July Fireworks out of 2013/14 Council Contingency.

It was noted by several Council members that this was expected to be a one-time funding allocation. In this case, the normal coordinating agency, the Jaycees, indicated that it would no longer be involved in the funding.

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

Moved by Larson, seconded by Davis, to allocate \$7,500, with a match from the Ames Economic Development Commission, for funding the annual subscription for retail modeling data from Buxton, to be allocated from the Hotel/Motel Tax Fund.

Council Member Szopinski said that she did not have enough information to feel comfortable recommending funding. She said she really needed some sense of how much this retail modeling had been used in Ames. Council Member Goodman indicated his opposition to allocating this funding as he felt that large retailers already have their own data. Council Member Wacha agreed with that statement, but said small retailers would not have the data and would ask for it. Council Member Larson said that if it was found to be utilized after one year and the City got good results, it would be money well-spent. He noted however, that the City had shared the initial up-front costs with the Chamber/AEDC in the amount of \$17,500. Council Member Davis noted that he did not want to lose the \$17,500 initial investment by ending the subscription now.

Vote on Motion: 4-2. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman, Szopinski. Motion declared carried.

Moved by Larson, seconded by Davis, to allocate \$3,000 towards the community education program for the Ames Historic Preservation Commission, to be allocated from Special

Allocations for Local Options Sales Tax.

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

APPROVAL OF PROPOSED BUDGET FOR FY 2013/14, AS AMENDED: Moved by Orazem, seconded by Szopinski, to approve the proposed 2013/14 Budget, as amended.

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

SET PUBLIC HEARING DATE ON PROPOSED BUDGET FOR FY 2013/14: Moved by Davis, seconded by Orazem, to set March 5, 2013, as the date of public hearing on the proposed budget for FY 2013/14.

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

The meeting recessed at 7:40 p.m. and reconvened at 7:53 p.m.

REGULAR MEETING OF THE AMES CITY COUNCIL

Due to a conflict of interest, Council Member Larson requested to pull Item No. 8, the 2013 Urban Revitalization tax abatement requests. Council Member Wacha asked to pull Item No. 19 due to a conflict of interest. That item pertained to the Plat of Survey for 2826, 2904, 2912 South Loop Drive and 2900 University Boulevard, which is WebFilings. Council Member Szopinski requested that Item No. 20, approval of the Final Minor Plat for Ames Middle School Subdivision, Plat 2, be discussed separately.

CONSENT AGENDA: Moved by Davis, seconded by Goodman, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meetings of January 19, February 1, 5, 6, and 7, 2013, and Regular Meeting of January 22, 2013
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for January 16-31, 2013
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class E Liquor, C Beer, and B Wine – Fareway Store #386, 619 Burnett Avenue
 - b. Class E Liquor, C Beer, and B Wine – Fareway Store #093, 3619 Stange Road
 - c. Class C Liquor – El Azteca, 2727 Stange Road
 - d. Class B Liquor – Holiday Inn Ames, 2609 University Boulevard
 - e. Class C Beer and B Wine – Gateway Expresse, 2400 University Boulevard
 - f. Class E Liquor, C Beer, and B Wine – Wal-Mart Supercenter #4256, 534 South Duff Avenue
 - g. Class C Liquor & Outdoor Service – Buffalo Wild Wings, 400 South Duff Avenue
 - h. Special Class C Liquor w/ Outdoor Service – Stomping Grounds, 303 Welch Avenue, #101
6. Motion approving submission of application for 2013/14 Governor’s Traffic Safety Bureau 405c Grant, and if awarded, authorizing participation by Police Department
7. Motion approving the 2012 Resource Recovery Annual Report
8. RESOLUTION NO. 13-040 approving Traffic Safety Improvement Program (TSIP) Agreement with Iowa DOT for 2012/13 Traffic Signal Program (Lincoln Way and Hayward Avenue)
9. RESOLUTION NO. 13-041 setting date of public hearing for February 26, 2012, on General Obligation (G.O.) Corporate Purpose Loan Agreement in an amount not to exceed \$10,000,000 for the purpose of paying the cost of constructing improvements to streets and solid waste disposal facilities and of refunding the outstanding balances of the City’s G.O. Corporate Purpose Bonds, Series 2004; and G.O. Corporate Purpose and Refunding Bonds, Series 2005A
10. RESOLUTION NO. 13-042 approving preliminary plans and specifications for Asbestos Maintenance Services for Power Plant; setting March 13, 2013, as bid due date and March 26,

- 2013, as date of public hearing
11. RESOLUTION NO. 13-043 approving preliminary plans and specifications for 2012/13 Low-Point Drainage Program (Oliver Circle); setting March 20, 2013, as bid due date and March 26, 2013, as date of public hearing
 12. RESOLUTION NO. 13-044 approving preliminary plans and specifications for 2012/13 Asphalt Street Reconstruction Program (Pierce Court/Westbend Drive/Southbend Drive); setting March 20, 2013, as bid due date and March 26, 2013, as date of public hearing
 13. RESOLUTION NO. 13-045 awarding a contract for engineering design services to Renewable Resource Consultants of Maple Grove, Minnesota, in an amount not to exceed \$99,400.00 for Phase 1 Resource Recovery Primary Shredder Replacement
 14. RESOLUTION NO. 13-046 waiving purchasing policy requirement for Request for Proposals and awarding a contract for time and materials in an amount not to exceed \$256,870.00 to General Electric International, Inc., of Omaha, Nebraska, for providing technical direction for Steam Turbine No. 8 Overhaul
 15. RESOLUTION NO. 13-046 awarding a contract to Wesco Distribution of Des Moines, Iowa, at an estimated total cost of \$65,640 for Compact Copper Cable and to RESCO Distribution of Ankeny, Iowa, at an estimated total cost of \$11,000.10 for Copper Wire for Electric Services
 16. RESOLUTION NO. 13-047 awarding a contract to Mitsubishi Electric of Warrendale, Pennsylvania, in the amount of \$52,873.01 for 69-kV Breaker Replacement
 17. RESOLUTION NO. 13-048 approving a contract and bond for Steam Turbine No. 8 Overhaul
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of the Minutes.

2013 URBAN REVITALIZATION TAX ABATEMENT REQUESTS: Council Member Larson noted that he requested to pull this item due to a conflict of interest.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-039 approving the 2013 Urban Revitalization tax abatement requests.

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

PLAT OF SURVEY FOR 2826, 2904, 2912 SOUTH LOOP DRIVE AND 2900 UNIVERSITY BOULEVARD: Moved by Larson, seconded by Orazem, to adopt RESOLUTION NO. 13-049 approving the Plat of Survey for 2826, 2904, and 2912 South Loop Drive and 2900 University Boulevard

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

MINOR FINAL PLAT FOR AMES MIDDLE SCHOOL SUBDIVISION, PLAT 2: Council Member Szopinski said that she had attended heard the concerns of a number of residents of the neighborhood around the former Middle School property. She asked for an explanation of what action was being requested at this meeting and the next steps in the process.

Planner Benson advised that when the new Middle School was built, there was a strip of 25 acres extending from Mortensen Road to State Street. The School has decided to sell a part of that land. In order to do that, the land has to be subdivided. Once the Minor Final Plat is recorded, that separated parcel will be sold to Breckinridge Development, Incorporated, along with the portion of the property that the former Middle School sits on and the piece of property on

Lincoln Way that is called the “practice field.” The property would all be zoned Government-Airport, and once a private party owns it, it would have to be rezoned. That process would include an application to the City, and depending on what zoning was requested, it could be brought back to the Council for determination of whether it wanted a Master Plan created to be considered along with the rezoning request. From there, it would be acted on by the Planning & Zoning Commission for recommendation and then back to the City Council for action on the rezoning.

Ms. Szopinski clarified that the Council could ask for a Master Plan, which would provide a plan for the property’s use before proceeding with the rezoning.

Moved by Szopinski, seconded by Larson, to adopt RESOLUTION NO. 13-050 approving the Minor Final Plat for the Ames Middle School, Plat 2.

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

PUBLIC FORUM: No one spoke during this time.

BEER PERMIT & OUTDOOR SERVICE FOR HOMEWOOD GOLF COURSE: Moved by Davis, seconded by Orazem, to approve the Class B Beer Permit & Outdoor Service for Homewood Golf Course, 401 East 20th Street.

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

LIQUOR LICENSE & OUTDOOR SERVICE FOR CAZADOR: Moved by Davis, seconded by Goodman, to approve a Class C Liquor License & Outdoor Service for Cazador, 3605 Lincoln Way.

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

LIQUOR LICENSE & OUTDOOR SERVICE FOR CY’S ROOST: Moved by Goodman, seconded by Larson, to approve a Class C Liquor License & Outdoor Service for Cy’s Roost, 121 Welch Avenue.

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

WAIVER OF SUBDIVISION REGULATIONS FOR 3491 CAMERON SCHOOL ROAD:

Planner Charlie Kuester advised that Jim Clark is the owner of the property in question. He is proposing to sell the land to a developer, who is looking at a 19-lot subdivision that would include 16 residential lots and three outlots for stormwater management. The property is located in the Rural Transitional Area of the Urban Fringe Plan. The Urban Fringe Plan and the 28-E Agreement indicate that the area could possibly be annexed to the City of Ames during the lifetime of the Plan. Mr. Kuester also noted that subdivision waivers may be approved on a case-by-case basis.

According to Planner Kuester, in the past, staff had recommended, and Council had approved, the waiver of all design and improvement standards of the Subdivision Ordinance in the Rural Transitional Area, which means that the development must meet the County’s standards. In this case, because there is already dense development on Cameron School Road and it is located closer to the growth areas of the City of Ames, staff is suggesting that some, but not all, of the design and improvement standards be waived. Certain standards pertaining to street widths, street rights-of-way, through-streets, cul-de-sacs, should be retained to provide sanitary sewer access in the future and also contain control over any street lights that might be installed in the area. The intent is that it will be a rural subdivision on rural water and septic systems; however, the three

Covenants have been signed pertaining to disconnecting from rural water, seeking annexation, and paying their share of any assessment for future utilities.

Council Member Szopinski stated her desire for staff to look at storm water management, soil erosion, and concerns for the watershed; she believes that those should not be waived. Tracy Warner, Civil Engineer, noted that the property owner would still have to have a soil erosion plan. Subdivisions in the County do not have to follow Ames' standards, but have to meet the standards of the Department of Natural Resources general permit. At the inquiry of Council Member Szopinski, Ms. Warner advised that the City may not regulate phosphorous; that is state-regulated.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 13-051 approving a waiver for those portions of Division IV Design and Improvement Standards of the Ames Subdivision Regulations for the subdivision proposed by the Bella Holdings, LLC, located at 3491 Cameron School Road, as follows:

1. Section 23.402 Residential Subdivision Landscaping Standards
2. Section 23.403 Streets, but retain compliance with requirements for street width, street right-of-way, through streets, and cul-de-sacs lengths
3. Section 23.404 Water Supply
4. Section 23.405 Sanitary Sewer, but retain a requirement that a sanitary sewer easement is identified and noted for a possible future line to connect the homes to Cameron School Road
5. Section 23.406 Electric Distribution and Street Lighting Standards, but retain International Dark-Sky Association fixture or equivalent
6. Section 23.407 Storm Water Management
7. Section 23.408 Soil Erosion and Sedimentation Control
8. Section 23.409 Improvement Guarantees

with the additional requirement that the application for the Preliminary Plat be submitted to the City within six months.

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

TAX ABATEMENT FOR 127 STANTON: City Planner Jeff Benson gave the background of the tax abatement request for 127 Stanton; that address lies within the Campustown Urban Revitalization Area (URA). He noted that each property must qualify for tax exemption under the matrix adopted by the City Council for that URA. Owners who have improved property within the City's URAs in the previous year may apply for tax exemption on the incremental added value of their properties. The project in question is located at 127 Stanton Avenue (The Resort). It lies south of the Legacy Tower next to a building that has 92 residential units.

Attorney Vicki Feilmeyer, 1416 Buckeye Avenue, Suite 200, Ames, reported that the applicant has to file its application for tax abatement by February 1 so that it can be forwarded to the Assessor by March 1, 2013. By April 15, the Assessor then has to make a determination as to how much value has been added. According to Ms. Feilmeyer, her client has added value (improvements) of \$1.6 million to the building, which had been determined to be in a slum or blighted area. She alleged that delaying the tax abatement for one year is a major issue to her client.

Ms. Feilmeyer told the Council that she agreed with the staff report up to the point where it states that the screens must be installed on 119 Stanton in order to qualify for the abatement.

She pointed out that the property seeking abatement is located at 127 Stanton; thus it has nothing to do with 119 Stanton. The installation of screens at 119 Stanton was a promise that was extracted from her client last May. It was alleged by Ms. Feilmeyer that there is nothing in the previous staff report, in the City's Resolution No. 12-272, in the state statute, or in any planning document that actually imposes a deadline for the installation of screens on 119 Stanton or even the equivalent criteria. Ms. Feilmeyer believes that her client has done everything that, by Resolution No. 12-272, was required. She noted that two conditions were imposed in the Resolution: (1) construction of the building at 127 Stanton pursuant to the Minor Site Development Plan, which has been done; and (2) that a covenant be executed that promises that the screens would be installed at 119 Stanton; it has been signed. According to Ms. Feilmeyer, the covenant could have imposed some sort of a deadline, but it didn't. The City Attorney had prepared the covenant and presented it to her client.

The Council was informed that all materials for the screens have been ordered and labor to install them has been arranged. The Building Permit has been applied for; however, not yet approved. Considerable amounts of money was expended designing the appropriate screening for 119 Stanton. The improvements to 119 Stanton will equate to a six-figure dollar amount as well. Ms. Feilmeyer reported that her client is not asking to be excused from the requirement. She said that they were simply asking the Council to take action to extend the deadline imposed by the Planning Department. It is Ms. Feilmeyer's contention that the project conforms to the requirements of the Campustown URA Plan. She acknowledged that the URA Plan allows the Council to impose equivalent criteria and that the screening requirement was one of those criteria, but neither the Plan nor the previous actions of the Council impose any deadline on the installation of the screens. It was Ms. Feilmeyer's contention that there was no reason for the equivalent criteria to be tied to a February 1 date. She stated that the one and only reason that state law refers to that deadline is to enable the Assessor to determine whether the improvements added value to the property. Quoting *Iowa Code* 404 pertaining to urban revitalization, it was alleged by Ms. Feilmeyer that the law never contemplated that there would be equivalent criteria. She said that there was no question that the qualifying real estate in this case is the property at 127 Stanton.

According to Ms. Feilmeyer, her client was not advised as to a January 31 deadline until an email was written in November 2012.

Ms. Feilmeyer asked that the City Council recognized that her client had acted in good faith and in reliance on the City Council's action under Resolution No. 12-272. It is her belief that the City is fully protected under the covenant and guaranteed that the screens at 119 Stanton will be installed, and there is no legal reason for the City to hold up the abatement. It was the further request of Ms. Feilmeyer that the Council forward the approved applications to the Assessor by March 1, 2013, regardless of whether the screens have been installed at 119 Stanton.

Council Member Wacha stated his concern about ensuring that the screens are actually installed. He wanted to have assurance that the project will be completed as originally agreed to if the abatement is approved at this meeting. Ms. Feilmeyer said that the covenant ensures that it will happen; it is a binding agreement.

Council Member Goodman said he believed that the basic intent of the Council's action to require the screens on 119 Stanton was to make the space safe. He suggested that the City and

the developer enter into some type of agreement to install the screens to make the property safe by a certain date; if that didn't occur, the developer would have to pay the abatement back.

Council Member Larson asked what was keeping the screens from being installed on 119 Stanton simultaneously with the construction of 127 Stanton. Ms. Feilmeyer stated that her client had worked very hard to design screens that would satisfy the Planning and Housing Department. Mr. Larson pointed out that the developer would still get the full tax abatement, just not for 2013. He noted that much discussion had been held on this matter and felt that the abatement would be approved conditioned on having the screening in place. That, to him, means that the abatement should not begin until the project is finished, including the screens on 119 Stanton.

After being asked by Council Member Davis what recourse the City had if the screens did not get installed on 119 Stanton, Ms. Feilmeyer replied that the City could always sue the developer. Citing the City's fiduciary responsibility of spending taxpayers' money judiciously, Council Member Davis took offense to that answer.

Acting City Attorney Judy Parks stated that an application for tax abatement needs to be made by a certain deadline (February 1) and the Council then must act within a month to certify it to the Assessor. The City has no proof that the screens are on order; however, it would not be objectionable to see what gets done by the developer prior to March 1. Perhaps if there was proof that the screens had been ordered, the City would be in a better position to believe that they would be installed by March 31, which is the date that Ms. Feilmeyer said the screens would be installed.

Council Member Larson stated that he could approve the abatement and allow an extension of time for installation of the screens if it could be determined that the City was somehow holding up the process of getting the screens being installed. He believed that the developer knew from the beginning what the requirements were and it just didn't get done. Mr. Larson contended that the developer should be made to live by the agreement and the intent of the agreement.

Council Member Goodman again stated that the intent was that safety concerns do not arise. He noted that if abatement was not granted for this year, the developer could postpone the installation of the screens. The buildings would be occupied, and something bad could happen this year. The common good is not served if the City doesn't use its leverage, which is the value of the abatement, to achieve the goal of the Council; that is safety on the property. Council Member Orazem concurred with Mr. Goodman.

Council Member Wacha stated his disappointment that Ms. Feilmeyer threatened a lawsuit in trying to convince the Council and get what she wanted.

Moved by Goodman, seconded by Szopinski, to ask staff to work with the owners of the property to come up with an agreement that approves the abatement, but in the agreement there would be a clawback so if the safety measures are not implemented before the property is opened, the City would be reimbursed for the amount of the abatement.

Upon being questioned, Planner Benson noted that the Occupancy Permits for both 119 and 127 Stanton had been granted. Council Member Szopinski said that she did not want the facility to open without the screens in place. Ms. Feilmeyer advised that she is unsure when the indoor

portion of the amenity building would be open. She said that her client is working very hard to get the screens installed before the Council's meeting on February 26, 2013. It was acknowledged by Ms. Feilmeyer that in order to get into the Council's meeting packet, it would really mean the prior Friday. She contended that the hard deadline is March 1 to get the information to the Assessor.

Noting the staff vacancies in departments that would be involved in this, Council Member Goodman implored Ms. Feilmeyer and the owners of 127 Stanton to be cooperative and approve an agreement that protects everyone's interest, not "haggle over tiny things," or take a lot of staff time.

Moved by Larson, seconded by Szopinski, to amend the motion to require that the agreement described above be brought back to the Council on February 26, 2013, so that the abatement could be addressed.

Roll Call Vote on Amendment: 6-0.

Roll Call Vote on Motion, as Amended: 6-0.

NORTHERN GROWTH ANNEXATION: Assistant City Manager Kindred said that at issue are the annexation requests for the Athen property and Quarry Estates property. He advised that there are two other pending annexation petitions for two Hunziker properties on Grant Avenue. Since Council last discussed this issue, staff, the developers, and many of the neighbors in the area had worked to develop Annexation Agreements with the Athen land owners, Quarry Estates land owners, and the owners of the two Hunziker parcels and ultimately be able to refer the petitions on to the Planning & Zoning Commission. Unfortunately, Annexation Agreements have not been finalized and signed for any of the four properties; more time is needed.

Mr. Kindred provided the background on the Annexation Agreement that is being negotiated for the Hunziker South Parcel (69 acres that is located between Rose Prairie and the northern city limits on the west side of Grant Avenue. Recognizing that it was the Council's direction to secure agreements that would confirm the developers' willingness to pay for their respective shares of the Grant Avenue paving as a prerequisite for approving the Athen annexation, the northern developers on Grand Avenue were, in general, willing to enter into those types of agreements. Their desire is that when the agreements are approved, they could count on being annexation into the City. This is especially crucial for the Hunziker South Parcel, since on its own, it is not large enough to bring about an 80/20 annexation under the state's annexation laws.

Mr. Kindred noted that the Council had previously instructed staff to meet with the neighbors in the area and to ascertain their interest in being voluntarily annexed. That meeting was held, with all eight neighbors present. In general, they do not want to be annexed because they value their country lifestyle. However, if it happens, they felt that the proposed allocation of water and sewer connection fees to their properties imposed a very heavy financial burden. The Council was advised that, late today, the City had received a letter from Leroy and Sue Sturges, who own the largest piece of property in question. The City's Land Use Policy Plan shows that about 80% of their property should be reserved for a natural environmental reserve and not developed. The Sturgeses allege that the water and sewer connection fees should, therefore, not be based on a per-acre basis, as it makes it very cost prohibitive for them. In summary, the Sturgeses would ask for voluntary annexation into the City if the City Council would allow them and the neighbors in that area to connect to City water and sewer for approximately the same amount as a property within the city limits would pay. For an 80-foot lot in the City, it would equate to

approximately \$1,500 for a water and \$1,500 for sewer connection. Fidelity Bank (Rose Prairie) has indicated a general willingness to annex the strip of land between the Sturges and Hunziker properties. Mr. Kindred further advised that none of the developers are interested in subsidizing the connection fees for the other land owners, as they are incurring a large expense to pave Grant Avenue.

City Manager Schainker asked Public Works Director John Joiner how much expense would be borne by the City if the property owners were allowed to connect to water and sewer for the same fees as a residence in the city limits. Mr. Joiner said that the amount that would be covered by the City for the sanitary sewer would be a little less than \$140,000 and the water would be a little over \$90,000; combined it equates to approximately \$230,000.

Mr. Kindred advised that staff learned today of a major issue. He recalled that, in 1996, the City had signed an agreement with Xenia to allow them to serve rural water customers outside the city limits. Today, in talking with the representatives of Xenia rural District, Xenia indicated a change in philosophy and now wants to talk to the City about how they can provide water service to the properties in question. That meeting will not occur until March 5 or 6, which will give the City time to learn its legal rights on this issue. Mr. Kindred noted that he will be meeting with Representing Dave Deyoe tomorrow. Representative Deyoe has sponsored House Study Bill 111 at the request of a number of cities, to attempt some reasonable way for water associations to interface with cities. There will be a subcommittee meeting held tomorrow morning. Water and Pollution Control Director John Dunn and Mr. Kindred will be present to represent the City.

Clayton Gregg, 4196 Grant Avenue, Ames, stated that he had purchased his property ten years ago. At that time, the Land Use Policy Plan did not support the City growing north; however, the City had since made a 180-degree turn. He said they like the rural life and do not want to pay an extra \$1,000/year in property tax. Mr. Gregg asked that the affected property owners not be overburdened with fees for all the services that are being installed to serve additional development.

Allison Ennis, 4366 Grant Avenue, Ames, said she lives on the same property that she grew up on; her daughter is the fourth generation to live on the property. She and her neighbors feel that the developers are going to profit and the City will be benefitting from increased service property; however, they would be paying for something that they have had their whole lives. If the City would offset their costs, there might be more willingness on the part of the affected landowners to annex.

Roger Hamblin, 4158 Grant Avenue, Ames, stated that his primary concern is the cost. They are currently self-sustaining and do not see any benefit to annexing.

Chuck Winkleblack, 105 South 16th Street, Ames, said that the project was still evolving as late as 3:00 or 4:00 p.m.; therefore, there are no agreements ready to be signed. He suggested that the City move forward with the Athen property annexation, contingent on working out the issue with Xenia Water District, as time is running out for the Certificate of Need for that project.

Kurt Friedrich, 100 Sixth Street, Ames, stated that there are not many issues pertaining to Quarry Estates, and he would like to stay on track; the only issue deals with the rural water.

Joe Metzger, 3708 Columbine Circle, Ames, spoke. He noted that the City has standards for ingress and egress for new developments; however, there appears to have been no serious thought

to the lack of east/west roads. He requested that the City consider paving Grant Avenue now, without triggers that call for the paving in five or ten years. According to Mr. Metzger, several students have driven off the loose-gravel road during the past year as they are traveling from Ames to Gilbert School.

Moved by Goodman, seconded by Orazem, to table Item No. 26 until resolution of the rural water issue.

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

Moved by Goodman, seconded by Orazem, to ask staff to talk to the property owners opposed to annexation about getting them in a cooperative agreement with the City to voluntarily annex with the cost share for them that is more attuned with what it would be in the City, with staff to figure out the different resources to fund the difference.

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

Moved by Larson, seconded by Orazem, to accept the Petitions for Annexation for the Athen properties as one territory and Quarry Estates as another territory and refer the Petitions to the Planning and Zoning Commission.

Vote on Motion: 4-2. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman, Szopinski. Motion declared carried.

The meeting recessed at 9:44 p.m. and reconvened at 9:50 p.m.

CLOSURE OF LOT S FOR STAGING CONSTRUCTION MATERIALS FOR LIBRARY

RENOVATION PROJECT: Assistant City Manager Mundt advised that City Parking Lot S was approved in the contract to be used for staging of construction materials for the Library Renovation Project. She reported that parking along Douglas Avenue and 5th Street will also experience closures as the Library project moves forward. City staff is requesting that the Council formally close Lot S for the Library staging area. Ms. Mundt said that City staff had spoken with representatives of the area businesses that would be impacted by the alternative proposed, which was to close Douglas Avenue between 5th and 6th Street. She further stated that representatives of the First United Methodist Church (FUMC), who had asked for an alternative to closing Lot S, has now sent an e-mail message stating that it understands what impact the closure of Douglas Avenue would have on traffic flow and the adjacent businesses.

Dale VanderSchaaf, 2602 Tyler, Ames, currently serving as the chair of the Project Steering Committee on behalf of the FUMC and General Coordinator of the project, advised that the Church is nearing completion of its project. He told the Council that having lost access to the entire Lot S was somewhat of a surprise to the Church. They anticipated that they would lose partial access due to the Library project commencing, but not the entire lot. Mr. VanderSchaaf advised that, for the past two and one-half years, the Church had been working side-by-side with City staff because of the co-locations of the properties. Closing of Lot S will cause additional difficulties for the Church. He emphasized that for FUMC's new addition to function as it is intended to have a fully handicapped-accessible entrance, the alley needs to remain open; that serves as the main drive to access the new south entrance. Mr. VanderSchaaf said that the Church understands that there will be times when it has to be closed due to the Library project, but asked that the Church be given enough lead time. He also requested that the on-site staff of

the Church have access to some reserved spaces in Lot Q during the times when the alley has to be closed.

Lee Huey, 800 Phoenix Circle, Ames, said that he was not speaking for the Church, but as a member of the Church. He pointed out that the south entrance (facing Lot S) is the Church's front door. He advised that \$4 million had been invested in the renovation, and now the Church will be faced with at least 15 months and possibly up to a year and one-half by the parking lot closure; this is very disappointing to members of the Church. He asked that the Council take that into consideration while deliberating this issue.

Council Member Orazem asked if there was any way for Lot S to be open on the weekends. Municipal Engineer Warner said it is fenced-off and being used for the project's staging area. She advised that there needs to be direct access to the Library, so that is why Lot S was used. Also, there are a lot of parking space rentals in Lot Q, and the contractors would have to cross 6th Street with the materials.

Council Member Szopinski said she wanted to ensure that adequate notice be given to the Church when the alley would be closed. Project Manager Brad Heemstra stated that the contract provisions called for the contractor to keep access through the alley to the new drop-off canopy of the Church at all times as much as practical until next summer. The City will coordinate with the Church on when the utility work gets done. He also pointed out that the entire alley and the Bookmobile area will also be re-paved.

Council Member Larson said he was disappointed that there was such a lack of communication between the City and the Church. This could have occurred due to the discussions between the Church and the former director Art Weeks. He noted his appreciation to the FUMC for its willingness to concede for the sake of its relationship with the City and Library.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO.13-053 to authorize the closing of Lot S to serve as a staging area for construction materials and equipment related to the Library expansion project; to direct the contractor to provide screening materials to the fenced area in Lot S; and, offer six free temporary hooded parking spaces in Lot Q during alleyway closures.

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

2012/13 FUNDING REQUEST FROM COMMUNITY AND FAMILY RESOURCES (CFR):

Assistant City Attorney Mundt gave the history of the City's connection with the CFR.

Pam Barkley, 1615 South High, Ames, stated that CFR has had several administrative changes in the past three months. They continue to work on better communication. Ms. Barkley alleged that there was erroneous information contained in the Council Action Form, specifically that students are not being referred to CFR.

It was noted by Ms. Mundt that the City's ASSET volunteers and the County have recommended denial of a contract to CFR for FY 2012/13 due to the concerns raised by ASSET volunteers and noted in the its funding for FY 2013/14.

Moved by Larson, seconded by Orazem, to decide not to award a contract to Community and Family Resources for FY 2012/13 due to the concerns raised by ASSET volunteers and noted in its denial of funding for FY 2013/14.

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

FLEET REPLACEMENT: Chief Cychosz advised that the Police Department had been notified several years ago that Ford would discontinue production of the Crown Victoria, which has served as the standard for the patrol car fleet in recent years. He reported that the Police Department and Fleet Services had been studying alternatives to identify a vehicle that could be expected to perform well in the police patrol environment. Police officers drove and reviewed a newly designed 2013 Ford Police Interceptor, which met all expectations. Chief Cychosz described the configuration of the Interceptor that made it the vehicle of choice. He asked the Council to grant permission for the City to proceed with the purchase of Ford Interceptors in the all-wheel-drive configuration for the replacement of police patrol vehicles coming out of service. City Manager Schainker emphasized that that action would allow the staff to seek bids only from dealers who sell the Ford Interceptor.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 13-054 authorizing the solicitation of bids, through the City's normal purchasing policies, for the purchase of Ford Interceptor all-wheel-drive police sedans.

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

SOLUM, INC.: Moved by Goodman, seconded by Davis, to adopt RESOLUTION ON. 13-055 approving a Contract for Economic Development Financial Assistance with Iowa Economic Development Authority and Solum, Inc., and Agreement for local match in the form of a forgivable loan.

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

HEARING ON CYRIDE BUS FACILITY EXPANSION PROJECT: Mayor Campbell opened the public hearing. No one came forward to speak, and the hearing was closed.

Moved by Orazem, seconded by Szopinski, to adopt RESOLUTION NO. 13-056 approving final plans and specifications and awarding a contract to Henkel Construction Company of Mason City, Iowa, in the amount of \$4,489,000.00.

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

HEARING ON 2009/10 LOW-POINT DRAINAGE (CRYSTAL STREET): The public hearing was opened by the Mayor. She closed same after no one requested to speak.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-057 approving final plans and specifications and awarding a contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$61,335.00.

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

HEARING ON 2012/13 WEST LINCOLN WAY INTERSECTION IMPROVEMENTS (LINCOLN WAY AND DOTSON DRIVE): The Mayor opened the public hearing. After no one came forward to speak, the hearing was closed.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 13-058 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$549,699.00.

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

ORDINANCE STRIKING REFERENCES TO BOARD OF HEALTH IN *MUNICIPAL CODE* CHAPTER 11 (HEALTH AND SANITATION): Moved by Davis, seconded by Szopinski, to pass on second reading an ordinance striking references to Board of Health in *Municipal Code* Chapter 11 (Health and Sanitation)

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

ORDINANCE STRIKING REFERENCE TO BOARD OF HEALTH IN THE INDEX OF THE *MUNICIPAL CODE*: Moved by Davis, seconded by Orazem, to pass on second reading an ordinance striking references to Board of Health in the index of the *Municipal Code*.

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

ORDINANCE REZONING PROPERTY LOCATED AT 2008-24TH STREET FROM RESIDENTIAL LOW-DENSITY (RL) TO RESIDENTIAL HIGH-DENSITY (RH): Moved by Davis, seconded by Szopinski, to pass on third reading and adopt ORDINANCE NO. 4139 rezoning property located at 2008-24th Street from Residential Low-Density (RL) to Residential High-Density (RH).

Roll Call Vote: 5-0-1. Voting aye: Goodman, Davis, Larson, Orazem, Szopinski, Voting nay: None. Abstaining due to a conflict of interest: Wacha. Ordinance declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

COUNCIL COMMENTS: Moved by Larson, seconded by Orazem, to refer to staff the letter submitted by Brad Larson of Stumbo and Associates, on behalf of Bud Ely, requesting a waiver of Major Subdivision requirements for 1817 E. Lincoln Way.

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

CLOSED SESSION: Moved by Davis, seconded by Larson, to hold a Closed Session as provided by Section 21.5(1)[a] *Code of Iowa*.

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

The Regular Meeting convened at 10:47 p.m.

ELECTRIC: Moved by Orazem, seconded by Davis, to adopt RESOLUTION NO. 13-059 waiving the Purchasing Policy requirement to solicit bids for coal.

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

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 13-060 approving an amendment to the original Agreement with Peabody Coal Sales, LLC to supply coal for the City of Ames Steam Electric Plant for the period January 1, 2013, through December 31, 2015, with coal from Peabody's North Antelope Rochelle Mine located in Campbell County, Wyoming.

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

ADJOURNMENT: Moved by Davis to adjourn the meeting at 10:45 p.m.

Diane Voss, City Clerk

Ann H. Campbell, Mayor

**MINUTES OF THE SPECIAL MEETING
OF THE AMES CITY COUNCIL**

AMES, IOWA

FEBRUARY 19, 2013

The Ames City Council met in special session at 10:19 a.m. on the 19th day of February, 2013, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and Council Member Jami Larson present. Since it was impractical for all Council members to attend in person, Council Members Jeremy Davis, Matthew Goodman, Peter Orazem, and Tom Wacha were brought in telephonically. The telephonic connection was lost with Council Member Orazem at 10:30 a.m. Council Member Victoria Szopinski and *Ex officio* Member Sawyer Baker were absent.

2013 CITY HALL RENOVATION: City Manager Steve Schainker recalled that bids had been received and rejected twice on the initial project, which included renovation of the entire Police Department and the basement in City Hall. The scope of the project was then reduced and new plans are ready for approval. The project now includes the Emergency Operations Center (EOC), Police Dispatch, Police Records, evidence storage, and several offices in the Police Department.

Mr. Schainker brought the attention of the Council to the penalty clause now contained in the plans and specifications. He noted that the addition of liquidated damages was recommended by the architect to protect the City from a possible reduction in grant funding. The project must be completed by October 29, 2013, or liquidated damages would be assessed. Mr. Schainker further explained that the project must be completed by 2013; if it is not, grant funds will not pay for the items not yet completed. Fleet Services Director Paul Hinderaker noted that liquidated damages of \$1,000/day after October 29, 2013, would be assessed to the contractor. City Manager Schainker also noted that it was possible that the amount of liquidated damages that to be assessed would not cover all the loss in federal grant funds should the project not be completed by the October 29, 2013, deadline.

Council Member Larson said he would recommend removing the liquidated damages portion of the plans and specifications. He believes that it may detract good companies from bidding the project.

Moved by Larson, seconded by Davis, to direct that the penalty clause be stricken from the plans and specifications..

Vote on Motion: 4-0. Motion declared carried unanimously.

Moved by Wacha, seconded by Larson, to adopt RESOLUTION NO. 13-061 approving the preliminary plans and specifications for the 2013 City Hall Renovation project; setting March 20, 2013, as the bid due date and March 26, 2013, as the date of public hearing and award of contract. Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ADJOURNMENT: Moved by Larson to adjourn the meeting at 10:28 p.m.