

**MINUTES OF THE BUDGET WRAP-UP SESSION
AND REGULAR MEETING
OF THE AMES CITY COUNCIL**

AMES, IOWA

FEBRUARY 10, 2009

The Ames City Council met for the budget wrap-up session at 5:17 p.m., followed by its regular meeting, on the 10th day of February, 2009, 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: Doll, Goodman, Larson, Mahayni, Popken, and Rice. *Ex officio* Member Tracy was also present.

BUDGET WRAP-UP

ARTS FUNDING (COTA): Mayor Campbell introduced Fred Lewis, Chairperson of the Commission On The Arts (COTA). Other members of COTA attending were Joel Jacobsen, Mark Stenberg, and Christopher Sutch.

Mr. Lewis advised that 13 requests for funding were received. He advised that the Commission took a very long time in discussing its allocations. Specifically, the members talked at length about the level of support that was appropriate for each organization and were particularly concerned about the balance between funding for annual grants and the amount that should be set aside for mini-grants. According to Mr. Lewis, ultimately, the Commission felt that it was more important this year to put the funding into the annual grants; thus, the total amount reserved for Spring and Fall Mini-Grants was a little lower than last year's amount (\$7,000 from \$7,579).

According to Assistant City Manager Sheila Lundt, COTA reviewed applications for funding at hearings held on November 8, 2008, and formalized its recommendations on December 1, 2008. She said that the applications submitted were significantly more complete this year than they had been in prior years.

Ms. Lundt explained the funding request for FY 2009/10 in the amount of \$120,480 for COTA; this is a 10.0% increase over 2008/09. She pointed out that each application for funding is judged on its own merits. Ms. Lundt also advised that mini-grants are limited to \$750 each.

Mr. Lewis explained that the funding criteria are very straightforward. Information on the numbers of persons served is requested and must be provided by the requesting agency.

HUMAN SERVICES FUNDING (ASSET): Ms. Lundt noted that the City is the second-largest funder for ASSET. There is only \$500 difference between the largest funder (Story County) and the City of Ames. She said that the County could be facing over a million-dollar cut from the state in funding for mental health services, and the volunteers were conservative with County mental health dollars for that reason.

It was also noted that a number of organizations did not draw down all of their funding during 2007/08. Ms. Lundt named those organizations as ARC of Story County; Emergency Residence Project; Lutheran Services in Iowa; Good Connections, which ceased to operate; and Heartland Senior Services. She said that the Emergency Residence Project came in after the audit and asked to draw money down; that request was denied.

Ms. Lundt said that the volunteers worked very hard to match services with funder priorities. They had a very tough job this year with so many unknowns regarding state-level funding. The volunteers really looked at what services are most critical and needed in Story County. They focused on basic needs, which is the top priority set by the City Council. They also looked to see if low- and moderate-income clients were being served, and attempted to fund programs that keep people safe and in their homes. As a result, those services meeting City priorities and serving Ames residents generally received increases, while others were held flat or reduced. According to Ms. Lundt, the panels looked carefully at need versus availability.

Regarding Good Neighbor, money was moved from employment assistance to basic needs. This was well-received by the volunteers.

Ms. Lundt recalled that the Foster Grandparent Program had been funded by the City in the past, however, it was actually tied in with the Good Connections Program, which ceased to operate. At that time, the sponsor for the Foster Grandparent Program became an out-of-county agency, and because of the City's ASSET criteria, it was not able to be funded through this process. City funding for the current year was actually funneled to some other areas, and United Way was able to fund the Program. For the 2009/10, the Foster Grandparent organization is back in Story County, has gotten its charter, and is again part of the ASSET process. Ms. Lundt added that funders may make these trade-offs so the clients are still being solved. She also stated that United Way has more latitude in funding agencies that serve outside the ASSET process than the other funders do.

Reporting on the merger of the Richmond Center and the Community and Family Resources (CFR), Ms. Lundt advised that both agencies are still working toward that end. Both groups are working on making the computer software and equipment purchases that were funded by the City. CFR is in the process of getting certified to provide mental health services along with substance abuse services. She said that the City's allocation for the Richmond Center is back to the traditional area of crisis services. Any emergency funding is not included in the request.

According to Ms. Lundt, every organization was recommended for an increase in City funding except for Childserve, which actually asked for less. Based on information received during the hearing, the volunteers recommended that the City's current level of funding be maintained.

Ms. Lundt advised that, of the total amount available for distribution (\$998,567), the City's recommended allocation is \$986,889, which represents a 5.40% increase over the current 2008/09 funding level. City Manager Schainker noted that that leaves \$11,678 not allocated. Ms. Lundt advised that the Council could decrease City funding based on the recommended allocations.

AMES INTERNATIONAL PARTNER CITIES ASSOCIATION, INC., (AIPCA) FUNDING:

Assistant City Manager Bob Kindred introduced Laura Lynn Boettger, President, and Charlie Martinson, Treasurer, of the AIPCA. Ms. Boettger recapped the activities of the AIPCA for the past year. Funding in the amount of \$3,000 for FY 2009/10 is being requested. She said that Ames sent a delegation of ten adults to Frydek-Mistek, Czech Republic, last fall. A youth delegation of 22 junior-high students (plus five chaperones) went to Kosshu City, Japan, in June. An invitation is currently being extended for Japanese youth to travel to Ames this September, which would be in the 2009/10 FY. It is also possible that the Japanese adult trip will occur in

next year's fiscal calendar, rather than in May. Due to that scheduling, Ms. Boettger requested that the FY 2008/09 funding allocation be carried over to FY 2009/10.

Mr. Martinson stated that donations are accepted from the public, and dues are paid by the Partner Cities' members. The City's allocation covers approximately 65% of the costs, with the remainder coming from AIPCA members' dues and public donations.

Ms. Boettger noted that AIPCA has set up a blog site, which is used mainly by the youth delegations.

HISTORIC PRESERVATION COMMISSION: Gloria Betcher, Chairperson of the Ames Historic Preservation Commission (HPC), requested \$8,595 in funding for FY 2009/10. According to Ms. Betcher, the Commission has never asked for funding of this magnitude; in fact, the Commission has brought in \$40,000 in grant monies.

The Council was advised by Ms. Betcher that \$6,000 is being requested for the following proposed projects: Commission training (\$1,000), neighborhood preservation activities (\$3,000), the HPC awards program, educational lectures and workshops (\$1,500), and publicity and brochures (\$500). She said that an additional \$2,595 is being requested to send Commissioners Tom Leslie and her to the National Trust for Historic Preservation Conference in Nashville, Tennessee, in October 2009. These funds will cover conference fees, travel, meals, and lodging expenses for this high-level training.

Ms. Betcher noted the mandated duties and goals of preservation, as described in Chapter 31 of the Ames Municipal Code. She advised that the lack of dedicated funds has hampered the Commission's ability to carry out its educational duties and promote preservation. According to Ms. Betcher, as a Certified Local Government, Ames is required by the State Historical Society of Iowa to ensure that HPC members receive annual training in preservation. She noted that, in the past, Commission members have funded training trips through a combination of City-paid registration fees and their own travel funds. The Commission is asking that the City provide funds to provide the complete cost of registration and travel expenses for HPC members up to a total of \$1,000. Ms. Betcher noted that a portion of the \$6,000 is expected to be an ongoing need; however, she is not certain how much at this point.

City Manager Schainker suggested that it might be more cost-effective to bring someone in to train the Commissioners, as a group, rather than sending them somewhere to receive the training. Ms. Betcher explained that there are a variety of training opportunities offered throughout the year, however, only certain Commissioners can attend based on their schedules. Ms. Betcher reiterated that all Commissioners are mandated to attend training.

At the inquiry of Council Member Larson, Ms. Betcher stated that no additional monies will be needed to fund the College Heights survey work being done by Will Page. It was verified that Mr. Page has only requested an extension of time to complete the survey.

Council Member Goodman asked Ms. Betcher to explain the relationship between the Ames Historical Society and the Historic Preservation Commission. Ms. Betcher advised that the Commission has a relatively circumscribed role. The Ames Historical Society serves as archivists and provides resources and services to preserve historical records. The Commission and

Historical Society serve citizens in different roles; their services are not duplicative. Ms. Betcher said that the Historic Preservation Commission is primarily acting as an arm of City government to regulate the historic districts, provide education to citizens about how to register properties on the National Registry, and implement the National Park Service Guidelines for preservation.

AMES HISTORICAL SOCIETY: Kathy Svec, President, and Peggy Baird, Vice-President, were present. Ms. Svec presented the Ames Historical Society's request for \$16,000 in FY 2009/10, which is an increase of \$1,000 from FY 2008/09. The funding would support rent and utilities and/or other operational costs associated with the facilities that are essential to safe-guarding historic records and providing service and access to local residents.

Council Member Goodman noted how the Society has grown throughout the years. He acknowledged that most of that growth is not coming as a result of City funding; it is coming through the efforts of successful grant-writing.

Ms. Svec made a correction to information that she had previously submitted to the City Council concerning the Society's 2008 Overview. She stated that the large payment made in December was in the amount of \$380,000, rather than \$330,000.

PUBLIC ART FUNDING (PAC): Assistant City Manager Bob Kindred introduced Mike Miller, Vice-Chair of the Public Art Commission (PAC).

Mr. Miller stated that the PAC accomplished a variety of achievements. He specifically highlighted those of the following committees: *Art Around the Corner*, Education & Information, City Hall, and Permanent Collection. According to Mr. Miller, the Public Relations Committee was recently formed to issue press releases and has created a web site. The Fund-Raising Committee is also a newly formed group and will be attempting to raise private funds to supplement City funding.

Reports on the various festivals in 2008 that promoted public art were given by Mr. Miller. He also noted that the PAC was pursued by the Ames Town & Gown organization to help commemorate its 60th anniversary in October 2009. The PAC and the Town & Gown are currently working together on the installation of artwork by Priscilla Sage.

According to Mr. Miller, the most exciting event was the installation of the Patrick Dougherty Sculpture, "Restless by Nature," at Ada Hayden Heritage Park.

Mr. Miller advised that the long-term vision of the PAC is *Keep the "Public" in Public Art*. He noted the four main components of the framework for that vision and asked that a higher priority be given on the following:

1. Bolster the current *Art Around the Corner* program
2. Bolster the current *Neighborhood Sculpture* program
3. Continue the momentum of the Patrick Dougherty Project by following up with another large-scale sculpture to be placed in an Ames city park
4. Continue involvement with Ames Town & Gown for its 60th anniversary
5. Instigate multiple art competitions for local artists, ISU students, and one for the Ames School District

6. Conduct several fund-raising mailing campaigns as well as fund-raising events
7. Begin work on establishing an annual scholarship sponsored by the PAC and private donors

Additionally, Mr. Miller asked that the City Council release \$5,000 of the current PAC funds raised by former Commission members to assist with the purchase of the Priscilla Sage artwork relative to the Ames Town & Gown anniversary celebration. Mr. Kindred advised that the donations account has a current balance of \$5,282.30. Mayor Campbell asked the Commission to provide a written request for that funding. It was noted that the donations account is shown in the current year's budget.

Mr. Miller requested funding for PAC in FY 2009/10 in the amount of \$30,000, which is an increase of \$12,000 from 2008/09. The funds would be used to support the following: (1) \$5,000 for *Art Around the Corner*, (2) \$5,000 for *Art in the Parks*, (3) \$2,500 for Arts Education and Information, (4) \$10,000 for *Neighborhood Sculpture*, (5) \$3,000 for archive maintenance, (6) \$1,500 for Public Relations, (7) \$2,000 for the Fund-Raising Committee, and (8) \$1,000 for operating costs.

At the request of Council Member Rice, Assistant City Manager Kindred explained the roll-over of some of the unspent funding; the funds are encumbered, however, in some instances will not be expended by the end of the fiscal year because the projects are not yet finished.

Council Member Rice said that private fund-raising efforts are not always necessary for large projects, and he emphasized that Local Option Sales Tax proceeds could be used for that purpose and could be requested throughout the year. Mr. Miller advised that people do like to contribute to specific fund-raising requests for specific projects; it helps them feel a part of the project.

A MID-IOWA ORGANIZING STRATEGY (AMOS). No one was present from AMOS; however, the Mayor brought the Council's attention to the letter received. She reminded the City Council that \$20,000 had been allocated in the 2008/09 budget for research and the education of residents concerning sustainability. Currently, AMOS Environmental Research Team believes that less than \$5,000 of that amount has been spent. Because of the urgent need for education and coordination concerning environmental issues, AMOS is requesting that \$15,000 be carried over to the 2009/10 budget for projects that foster sustainability.

AMES ECONOMIC DEVELOPMENT COMMISSION (AEDC). The Mayor noted the request from the AEDC, which is that the City maintain the funding of \$90,000 in its 2009/10 budget and renew the contract for services as it is written when it comes due on June 30, 2009.

CARR POOL. Roy Cakerice, 2911 Duff Avenue, Ames, spoke as the Chairman of the Friends of Carr Pool. He said that on December 10, 2008, 1,200 letters and postcards were sent to the public to ask what they wanted done with Carr Pool. The options were (1) destroy it or (2) keep it open. Mr. Cakerice explained that the County Auditor had provided a disk listing the names and addresses of voters who had voted in the School Board Election, and from that list, Heuss Printing had randomly chosen 1,200 addresses. Mr. Cakerice said he received a 42% response from that mailing, and of that response, 77% requested that Carr Pool be kept open. On January 10, 2009, another 700 cards were sent out. He received a 33% response rate from that mailing with 78% of those responding wanting to keep Carr Pool open or renovate it to a year-round

covered-roof pool. Mr. Cakerice said that with those results, the City Council should be willing to have a dialogue with the Friends of Carr Pool. He noted that he had repeatedly requested dialogue; however, has never been granted that meeting.

Mr. Cakerice requested to have a comparison done of how many people would actually come to Carr Pool to those who will go to the new Aquatic Center. He had received estimates on the cost to keep Carr Pool open, as follows: Electric for July, August, and September would cost \$4,000; water and sewer: \$4,000; natural gas: \$3,300; and chemicals: \$5,300. Depending on the number of swimmers, it could be possible to only have two lifeguards on duty.

It was acknowledged by Mr. Cakerice that the City Council had already decided to destroy Carr Pool after the new Aquatic Center opens; however, he believes that \$16,600 would be a small amount to pay to give citizens a choice of where to swim. He believes some citizens want a less-crowded environment, such as Carr Pool.

The Council was asked to remove the \$50,000 allocated in the 2009/14 CIP to destroy the Carr Pool basin. Mr. Cakerice noted that the possibility of renovating Carr Pool to a year-round structure has not been formally discussed. He said ISU structural engineers are working on that proposal.

Mayor Campbell noted that the \$50,000 for destroying Carr Pool basin is not allocated in the City's CIP until FY 2010/11.

Mr. Cakerice read a letter received from Harris Greene from Pool Tech on November 9, 2008, regarding the feasibility of operating Carr Pool for the entire swim season next summer and for another year or two after that. Mr. Greene noted that it is possible that the new Aquatic Center could be at capacity within an hour when it first opens next summer; Carr Pool could be used for the overflow. According to Mr. Greene, Carr Pool will not take money away from the new pool. It is his professional opinion that Carr Pool should remain open until attendance numbers or repair/replacement costs deem it prudent to permanently close it.

Erica Fuchs, 4014 Marigold Drive, Ames, also spoke as a member of the Friends of Carr Pool. She made the following seven requests:

1. Keep Carr Pool open for at least two additional summers with reduced hours of operation, if necessary to reduce costs.
2. Seek public input on Carr Pool via a City survey mailing or public input session to learn what community members want to have happen to Carr Pool. Ms. Fuchs advised that the Friends group has now gathered 2,400 signatures on a petition to keep the Pool open.
3. Remove Carr Pool's demolition from the City's CIP and use the money (\$50,000) to keep the Pool open.
4. Inform the public that the Carr Pool basin is 31 years old and the bathhouse is 27 years old; Carr Pool is not an 81-year-old facility. The Friends of Carr Pool also ask that the City acknowledge and apologize for misinforming the public in the Aquatic Center Information

Brochure distributed prior to the Aquatic Center bond issue vote.

5. Inform the public of the maintenance needs at Carr Pools so that volunteers would be able to perform the work. Volunteers are ready and willing to paint, clean, and help with other maintenance needs.
6. Stop spending thousands of dollars on an engineering firm in 2008/09 to evaluate the feasibility of remodeling Carr Pool bathhouse into a public meeting place.
7. Explore options for Carr Pool, using public input as a guide, e.g., a warm-water therapy pool, covering it with a retractable glass roof, or retain it as a public outdoor swimming facility.

AMES FOUNDATION. Mayor Campbell noted that the Ames Foundation had requested the City Council delay the interactive fountain project until FY 2013/14 and identify \$20,000 in the FY 2009/10 budget for a conceptual design and cost estimate for a downtown enhancement project.

MAIN STREET CULTURAL DISTRICT (MSCD). Jayne McGuire, Director of the MSCD, requested \$4,000 for snowflakes and banners. The snowflakes would be placed along 5th Street. At the inquiry of Council Member Popken, Ms. McGuire advised that she did not believe this would be an ongoing request.

VEISHEA. Nick Dial, Sponsorship Co-Chair; Elyse Harper and Mark Pierce, General Co-Chairs; and Tim Chwirka, Catering Co-Chair, were present to request funding for the 2009 VEISHEA celebration. Mr. Dial gave a listing of events that are being planned for VEISHEA weekend. He advised that the Pancake Feed on Central Campus was very well attended last year and will occur on both Friday and Saturday nights this year.

Mr. Dial requested funding in the amount of \$10,000 to assist with the costs of all events. It was noted that last year's request was in the amount of \$6,300, which was earmarked for the pancake feed. It was stated by Mr. Dial that the University has cut the VEISHEA budget by \$50,000, and this Committee is asking other sponsors to increase their allocations. Mr. Dial also advised that the Ames Convention & Visitors Bureau (ACVB) and the Ames Chamber of Commerce have pledged to match the City's allocation. He said that some of the City's funding would be earmarked for the pancake feed, with the remainder going into the general fund for other expenses. Mr. Dial stated, however, that if the City Council requested its allocation to go to a certain activity, the VEISHEA Committee would honor that request.

Elyse Harper advised that cuts have been made to the number of activities; a major one was that there will be no carnival rides this year.

Council Member Larson asked to know the timing of this request. The City Council was told that the monies would need to be allocated from the current 2008/09 budget; the event will be occurring in a couple months (Spring 2009).

Council Member Goodman asked what the net loss in revenues is to date. Mr. Dial said that many of the sponsors have cut their donations by 50%; however, the largest cut has been from the University (President's allocation). The Government of the Student Body (GSB) has increased

its sponsorship slightly, and the College of Agriculture has provided the same amount as last year.

Assistant City Manager Sheila Lundt advised that if the City Council decides to allocate funding, a contract would be entered into with the VEISHEA Committee so that the City would know exactly what it is paying for.

PUBLIC INPUT ON CIP: Mayor Campbell asked if there was anyone else wishing to provide additional public input on the Capital Improvements Plan and/or the annual budget. No one came forward to speak.

SALARIES FOR COUNCIL APPOINTEES: Council Member Larson reported on the evaluation process for City Council appointees Steve Schainker, City Manager, and Doug Marek, City Attorney. He said that the evaluation team, comprised of Council Member Popken and him, met with the Mayor and other Council members to get their input.

Mr. Larson said that the recommendations are as follows:

City Manager:	Base Pay:	\$172,321.64
	Deferred Compensation:	24,383.51
	Vehicle Allowance:	6,000.00
City Attorney:		\$130,481.21

Council Member Larson commended both appointees for their good work. Mayor Campbell added that the City is in great shape due to the fiscal conservatism demonstrated by City Management over the past 25 years.

Moved by Goodman, seconded by Mahayni, to set the City Manager's base salary for FY 2009/10 at \$172,321.64 [an increase of 3.5% (\$5,827.30)], and to set the City Attorney's salary at \$130,481.21 [an increase of 3.5% (\$4,412.41)].

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

AMENDMENTS TO 2009/14 CAPITAL IMPROVEMENTS PLAN (CIP): Moved by Popken, seconded by Goodman, to amend the text on page 126 of the CIP to clarify that the demolition of Carr Pool is not to occur earlier than Spring 2011.

Council Member Goodman said that he had heard a lot of conversation about Carr Pool. When it comes to recreation, he feels that it should be what the public wants. Mr. Goodman would like to see a question on the Citizen Satisfaction Survey asking if the public wants the service to continue.

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

APPROVAL OF 2009/12 CIP, AS AMENDED: Moved by Goodman, seconded by Doll, to approve the Capital Improvements Plan for 2009/14, as amended.

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

AMENDMENTS TO PROPOSED FY 2008/09 BUDGET: Council Member Goodman pointed out that now is the good time to buy snowflakes for the MSCD. He asked if this allocation needed to be made out of the current budget. Mayor Campbell indicated that the request is for the 2009/10 budget. The MSCD Director confirmed that the request is for the 2009/10 budget.

Concerning the VEISHEA request, Mr. Larson asked if information could be gathered from the “other players” concerning their sponsorship amounts. He noted that he and Council Member Rice are ACVB Members and neither he nor Mr. Rice had heard anything about matching the City’s funding.

Council Member Popken noted that a sponsorship could come out of 2008/09 Available Balance if it is decided to allocate funding. He felt that it would be wise to make sure what the funds would be used for and designate funds for a particular event. Mr. Schainker advised that an additional \$5,000 will be requested for the purchase of t-shirts by the Police Department for its involvement in VEISHEA.

Moved by Larson, moved by Goodman, to direct staff to report and make a recommendation to the City Council relating to the total budget requests pertaining to VEISHEA.

Council Member Larson said that would also allow time for information to be received from the ACVB and the Chamber of Commerce as to their sponsorships.

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

Moved by Rice, seconded by Popken, to approve the roll-over of funding in the amount of \$3,000 for Partner Cities and \$15,000 for AMOS.

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

Moved by Doll, seconded by Goodman, to set March 3, 2009, as the date of public hearing on the proposed budget amendments for FY 2008/09.

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

AMENDMENTS TO PROPOSED FY 2009/10 BUDGET: Moved by Popken, seconded by Rice, to approve additional funding in the FY 2009/10 Budget in the amount of \$12,000 for the Public Art Commission (making the total allocation \$30,000) with the funding source being Local Option Sales Tax.

City Manager Schainker informed the Council that \$18,000 was programmed into the FY 2009/10 budget before the request from the PAC was received.

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

Moved by Goodman, seconded by Larson, to approve funding for the Ames Historic Preservation Commission in the amount of \$6,500.

Council Member Goodman said that he felt it was reasonable to allocate \$600 to pay for conference registration. He noted that the conference being requested is not the only way to

receive the required training.

Council Member Mahayni explained that the training for this Commission is mandated, and the particular conference being requested is an opportunity that will not be recurring. He would like to see the entire \$8,595 allocated. Council Member Doll concurred and noted that the

Commissioners are unpaid volunteers and should not have to pay for the mandated training out of their own pockets.

City Manager Schainker suggested that the education, workshops, brochures, and the awards could come out of the Neighborhood Improvement Program because those activities would legitimately strengthen neighborhoods. Those items equate to \$5,000.

Motion withdrawn.

Moved by Mahayni, seconded by Rice, to approve funding for the Historic Preservation Commission in the amount of \$3,595, which would encompass training for the Commission as a whole, including the State Conference, with funding to come from the Local Option Tax fund. Vote on Motion: 5-1. Voting aye: Doll, Larson, Mahayni, Popken, Rice. Voting nay: Goodman. Motion declared carried.

Moved by Rice, seconded by Goodman, to allocate funding in the amount of \$5,000 from the Neighborhood Improvement Project Grants fund for education, workshops, brochures, and awards.

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

Moved by Goodman, seconded by Doll, to allocate funding for the MSCD in the amount of \$4,000 for snowflakes and banners, with the funding source being Local Option Sales Tax.

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

Moved by Doll, seconded by Mahayni, to approve funding in the FY 2009/10 Budget in the total amount of \$16,000 for the Ames Historical Society, with the funding source to be Local Option Sales Tax.

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

City Manager Schainker advised that the following amounts are already programmed into the 2009/10 Budget: \$25,000 for Hunziker Youth Sports Complex (operations) and \$90,000 for the Ames Economic Development Commission.

Moved by Popken, seconded by Goodman, to direct that City staff, the MSCD, and Ames Foundation work together on specifics (what and where) for an interactive fountain.

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

Moved by Goodman, seconded by Rice, to amend the budget in the amount of \$93,200 out of the Local Option Sales Tax Available Balance for the fare-free summer CyRide pilot program.

City Manager Schainker recalled that this program would transcend over two fiscal years: half would need to come from FY 2008/09 and the other half from FY 2009/10.

Motion withdrawn.

Moved by Goodman, seconded by Popken, to amend the FY 2008/09 budget in the amount of \$46,000 for the fare-free summer CyRide pilot program with the funding source to be the Local Option Sales Tax Fund.

Mr. Goodman said that he believes the pilot program would give opportunities to people in the community who could really use them. It would also allow people to try out CyRide to see if it works for them so they do not have to drive a vehicle. Mr. Goodman noted that the original proposal came in at \$1.6 million, which he felt was unrealistic; however, the estimate has now been revised and is do-able. A big benefit would be increased ridership, which ultimately might help CyRide receive more federal funding. Mr. Goodman passionately stated his belief that the pilot fare-free program provides a unique opportunity to separate the Ames community from other communities. He said it would allow employees to be retained over the summer, and it meets a Council goal.

Council Member Rice sees fare-free summers as taxing students twice: once through fees paid to ISU and once through Local Option Sales Tax that they pay on purchases. He likes the concept if a way could be found to mitigate the students' share. Council Member Popken pointed out that Local Option Sales Taxes are received from many persons who do not reside in Ames. Council Member Mahayni said that he does not want one segment of the community, i.e., students, to pay for the service through ISU fees, but the remainder of the public riding for free. Also, he noted that after the first summer, people will have to pay and that is sometimes alarming to them. Council Member Goodman reiterated that this would be a pilot project and marketed as such. He again stated that it would allow people a chance to try riding CyRide. It is hoped that they will like the experience and continue to use the service, even when it is no longer free. Council Member Larson pointed out that the City could get itself into a position of offering a service that it would not be able to offer in the future.

Council Member Goodman noted that it is hoped that some of the increased ridership would continue even when a fee is charged because people like the service and have become accustomed to it.

Council Member Doll also noted that students pay for CyRide through tuition and other student fees; it is not free for them.

Mayor Campbell noted that under the economic times being experienced, she felt that it was not the time to be adding services. Council Member Goodman disagreed by saying that it creates access to areas of the community for segments of the community who may not own a vehicle. He feels that it would help the people who need it most. Council Member Mahayni said he perceives Mr. Goodman's recommendation as offering assistance to those in need. Council Member Goodman said that is only one of the benefits; however, there are many more.

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

Moved by Goodman, seconded by Rice, to amend the FY 2009/10 to allocate \$47,200 for the fare-free summer CyRide pilot program.

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

Moved by Rice, seconded by Goodman, to allocate funding in FY 2009/10 for two additional trips (in the evening) to the DMACC Campus in the amount of \$12,948 from the Local Option Sales Tax Fund.

Mr. Rice justified his motion by stating that this would be a one-year expenditure. In future years, he would hope that the funding could come from the Transit Levy. He noted that the funding was not allocated in this fiscal year by the Transit Board due to cuts being experienced by the University.

Council Member Goodman said that he would support the motion if the Transit Board representatives would be willing to open up discussion with DMACC to see if it would participate in future years' funding. Council Member Larson added that he could not support the motion for that reason: DMACC has not committed to this service. Council Member Popken noted that discussion had not occurred with DMACC about the additional service and he would like to direct the Transit Board to have a discussion with DMACC representatives.

Vote on Motion: 3-3. Voting aye: Doll, Goodman, Rice. Voting nay: Larson, Mahayni, Popken. They Mayor voted nay to break the tie. Motion failed.

Moved by Popken, seconded by Rice, to direct the City's Transit Board representative to ask the Transit Board to talk to DMACC and other funding bodies about additional trips to the DMACC Campus.

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

APPROVAL OF PROPOSED BUDGET FOR FY 2008/09, AS AMENDED: (Motion made during the budget hearing on February 2, 2009.)

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

Moved by Rice, seconded by Goodman, to set March 3, 2009, as the date of final public hearing on the proposed budget for FY 2009/10.

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

The meeting recessed at 8:30 p.m. and reconvened at 8:37 p.m.

REGULAR MEETING OF THE AMES CITY COUNCIL

CALL TO ORDER: Mayor Campbell called the Regular Meeting of the City Council to order at 8:37 p.m.

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

1. Motion approving payment of claims
2. Motion approving minutes of the regular meeting of January 27, 2009, and special meetings of January 30, and February 2, 4, and 5, 2009
3. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:

- a. Class C Liquor & Outdoor Service Privilege - West Towne Pub, 4518 Mortensen Road
 - b. Class C Liquor & Outdoor Service Privilege - Dublin Bay, 320 South 16th Street
 - c. Class C Liquor - Papa's Corner, 2428-2430 Lincoln Way
 - d. Class C Liquor & Outdoor Service Privilege - Cy's Roost, 121 Welch Avenue
 - e. Class E Liquor, C Beer & B Wine - Wal-Mart Supercenter #4256, 534 S. Duff Avenue
 - f. Class C Beer Transfer - Tobacco Outlet, from 202 to 204 S. Duff Avenue
4. Motion approving Resource Recovery Annual Report
 5. RESOLUTION NO. 09-040 confirming appointment of GSB Senator Jacob Wilson to fill vacancy on Transit Agency Board of Trustees
 6. RESOLUTION NO. 09-041 approving Urban Revitalization Tax Exemption requests for 2009
 7. RESOLUTION NO. 09-042 approving preliminary plans and specifications for South Duff Avenue Improvements; setting March 4, 2009, as bid due date and March 10, 2009, as date of public hearing
 8. RESOLUTION NO. 09-043 approving preliminary plans and specifications for Bloomington Road Widening Project; setting March 4, 2009, as bid due date and March 10, 2009, as date of public hearing
 9. RESOLUTION NO. 09-044 approving waiver of Purchasing Policies pertaining to solicitation of competitive proposals for professional services and approving the continuation of part-time mechanical engineering services for the Power Plant from Brown Engineering Company in an amount not to exceed \$96,000 through June 30, 2009
 10. RESOLUTION NO. 09-045 approving contract for Engineering Services to Howard R. Green Company of Johnston, Iowa, for Water Pollution Control Facility Residuals Handling and Storage Study in the amount of \$95,000
 11. RESOLUTION NO. 09-046 approving contract with Murphy Tractor & Equipment, Altoona, Iowa, for the purchase of Wheel Loaders for Streets Maintenance and Resource Recovery Plant in the amount of \$105,000 and \$134,000, respectively
 12. RESOLUTION NO. 09-047 awarding contract to Univar, USA, of Omaha, Nebraska, in the estimated amount of \$93,600, plus applicable sales taxes, to purchase Sulfuric Acid for Power Plant based on unit price of \$260/ton
 13. RESOLUTION NO. 09-048 approving contract and bond for Campustown Court Renovation Project

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

PUBLIC FORUM: No one spoke during this time.

NEW SPECIAL CLASS C LIQUOR LICENSE (BW) FOR NEW SHOGUN AMES: Moved by Doll, seconded by Popken, to approve a new Special Class C Liquor License (BW) for New Shogun Ames, 3704 Lincoln Way.

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

NEW SPECIAL CLASS C LIQUOR LICENSE (BW) FOR BLACK MARKET PIZZA: Moved by Goodman, seconded by Doll, to approve a new Special Class C Liquor License (BW) for Black Market Pizza, 2610 Northridge Parkway.

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

PRELIMINARY PLAT FOR ROSE PRAIRIE SUBDIVISION: Planning and Housing Director

Steve Osguthorpe advised that the proposed subdivision is located on the south frontage of 190th Street along the western side of Grant Avenue. It would contain 287 lots covering 224 acres. Mr. Osguthorpe said a great deal of work has been done leading up to this point; the first of which was the adoption of the Ames Urban Fringe Plan (Fringe Plan) by Story County and the Cities of Ames and Gilbert. The entities are still in the process of developing regulations pertaining to the Fringe Plan.

According to Mr. Osguthorpe, the Fringe Plan designates the area in question as Priority Transitional Residential. He showed the area of the Ada Hayden Watershed that would be affected and said that Watershed Protection requirements are identified in the Fringe Plan. It was also noted that the Fringe Plan identified density of development in this area as 3.75 units/acre. There is a requirement for urban infrastructure as well as a requirement for rural infrastructure should urban infrastructure not be provided. The responsibility for costs associated with this type of development is also directed in the Fringe Plan.

Director Osguthorpe reported that there was a great deal of discussion with applicant Matt Eller prior to his submitting the Rose Prairie proposal, i.e., the review process, the implications in terms of the Fringe Plan, City strategy, etc. It was thought that this development could possibly serve as a case study for staff to identify issues pertaining to the development of this area and what standards should be adopted to facilitate development consistent with the Fringe Plan. Staff had discouraged Mr. Eller from filing an application for approval of a Preliminary Plat because regulations for development in the urban fringe had not yet been developed or adopted, and staff would have no choice but to review the development under the City's current standards. Mr. Eller filed an application anyway because he wanted to get something formally moving on this. Mr. Osguthorpe reported that Story County approved zoning for the area. After the application was received, staff reviewed it under existing City and Urban Fringe Plan policies.

Subsequent to the filing of the application, City Council held a discussion on consideration of targeted growth policies in the City's Land Use Policy Plan (LUPP). Staff was directed to look at the implications of including North Ames as a Growth Area; currently, only the Southwest and the Northwest are identified as Targeted Growth Areas in the LUPP. The study recognized that there was a willing developer for land in the north and that there was the potential for environmental benefit of residential development versus leaving the land in agricultural uses, particular as it relates to the Watershed.

According to Director Osguthorpe, after much discussion, the Planning & Zoning Commission recommended, by a vote of 3-2, that the City Council deny the Preliminary Plat. He noted that concerns were expressed by some Commission members about getting to this point without having most of the issues resolved.

Mr. Osguthorpe emphasized that the current status of this Plat is that staff is applying all standards that would be applied to any development within the City. He said that the fact that the City has adopted the Urban Fringe Plan does not mean that the entities would have been expected to immediately implement regulations for that Plan. The entities are moving towards adopting regulations, but that takes time and further study.

Mr. Osguthorpe cited Iowa Code Section 354.8, which states that the "governing body shall

determine whether the subdivision conforms to its Comprehensive Plan and shall give consideration to the possible burden on public improvements.” He noted that Ames Municipal Code 23.302(6)(a) also gives authority to the City Council to determine whether the “Preliminary Plat conforms to relevant and applicable design and improvement standards...and the City’s Land Use Policy Plan. In particular, the City Council shall give due consideration to the possible burden of the proposed subdivision on public improvements.” Those Code Sections require the City Council to give more analysis to the proposal to ensure consistency with those requirements. Mr. Osguthorpe also alluded to standards that are more quantifiable, e.g., maximum length of a block or a cul-de-sac; those standards have not been met by this proposed development. He stressed that the same evaluation of those standards was made for this application as the City would have done for any development within the City.

Again, Mr. Osguthorpe stated that staff applied the same standards and conditions to this proposal as are applicable within the City limits. They did apply only those standards that currently exist. The City has attempted to promulgate ordinances applicable to the Fringe Area. Staff has seen no plan created by professionals (as the County had indicated) that included long-term management measurements and legal framework that runs with the land; nothing was submitted formally with the application in question. During evaluation of the Preliminary Plat application, staff members ascertained the applicable law, established findings of fact related to that applicable law, and made conclusions based on those. The standards were not applied arbitrarily.

Planner Jeff Benson provided an analysis of this project, specifically highlighting traffic, waste treatment, stormwater management, capital investment, and public improvements. He cited the applicable law and policy, findings of fact, and a conclusion for each category.

Traffic. Access to the site would come from Grant Avenue (in Ames, that is Hyde Avenue) and from 190th Street on the north side of the property.

Mr. Benson noted that, in the past few days, after additional review of traffic impacts, staff has verified an element in the project analysis that it believes is not germane to this Plat. Staff is deleting reference to that element from the record. He specified the text that should be stricken from the Council Action Form, as follows: on Page 16, part of the last line in Paragraph 4 that says, “nor of the impact of only the Rose Prairie development without these improvements made;” on Page 17, second and third paragraphs under “Traffic” conclusions; on Page 20, the first paragraph under “Infrastructure Impacts;” on Page 21, the last sentence of Paragraph 3; and on Page 23, the second and fourth bullet points under “Traffic.” Mr. Osguthorpe clarified that the issue with the sections that are being deleted are that they speak to the broader issue of impact within that priority area, and although that is an important consideration, the study has specifically stated that there are no impacts from this development only on existing infrastructure.

Mr. Benson stated that there is no impact found in the traffic study from Rose Prairie. There is, however, a question about impacts from subsequent developments that would be planned for this Priority Transitional Residential Area, which totals 635 acres. Staff had a traffic study done to look at the impact of build-out of this area and determined that traffic signal improvements would be needed.

Another issue has to do with Grant Avenue. Staff has determined that without the provision of

paving Grant Avenue, the proposed project does not comply with the Ames Urban Fringe policy of limiting development in areas that would create a need for the upgrade of roads before they are scheduled in its Capital Improvements Plan.

Waste Treatment. It was noted that the property in question is not served by City infrastructure; it is a quarter mile or more from the site to existing infrastructure. The developer has proposed an on-site community waste treatment system with outfall to Squaw Creek that would be operated by Xenia Rural Water. There are a number of uncertainties with this proposal: (1) outfall route and rights not provided, (2) evidence of state approval of system not provided, (3) operating agreement has not been provided, (4) questionable capacity of Homeowners Associations to maintain system, and (5) the lack of City authority or remedy in case of system failure. Mr. Osguthorpe added that, in this case, multiple pieces of property would have to be crossed to get sewer services to the site, and the applicant has provided no evidence of easements to cross these sites.

Storm Water Management. Regarding environmental protection, storm water quantity and quality management are provided by the Plat. It is consistent with the plan for watershed; however, environmental protection is dependent on operations. The capacity of homeowners associations to provide perpetual upkeep on such a large development and the lack of City authority or remedy in case of system failure are major concerns.

City Capital Investment Strategy. City of Ames invests in infrastructure following a plan and schedule that accommodate development as described in its Comprehensive Plan. Costs of infrastructure needed due to development outside Priority Growth Areas are to be paid by that development. Approval of this Preliminary Plat would not be consistent with City policies to assign proportional costs to this development.

Public Improvement Standards. The following are not consistent with City of Ames standards: minimizing cul-de-sacs, maximum block length, maximum length for dead-end streets, street design for transit, City ownership of streets, and City ownership of utilities.

Mr. Osguthorpe noted that there was another standard that had not been met. It pertains to the spacing of street trees as required under 23.402(2) of the Subdivision Code.

Council Member Doll asked how many of the issues would have been resolved if the property were annexed. Mr. Osguthorpe said that sewer is the largest issue that would be resolved through annexation. Another one that would be resolved could be the concerns over the responsibilities placed on homeowners associations.

The alternatives available to the Council were outlined by Planner Benson.

Bob Gibson, Civil Design Advantage, 5501 NW 112th Street, Suite G, Grimes, Iowa, representing the applicant, gave a presentation illustrating the development being proposed. He alleged that the Rose Prairie development complies with the Urban Fringe Plan, is good for the environment, will add significant protection to the Ada Hayden Watershed, and could be a template for environmental design.

Mr. Gibson said that Rose Prairie would offer the opportunity to treat run-off and implement

watershed management practices for Ada Hayden Lake. He said that runoff from 1,000 acres would flow through Rose Prairie into Ada Hayden Lake. He specifically detailed surface water treatment, stating that 90% of the runoff would receive significant treatment before it reaches Ada Hayden. The effects of potential applications of phosphorous were covered. Mr. Gibson stated that it is also possible to restrict phosphorous applications because they are not necessary.

Pictures of a development near Gray's Lake were shown. Mr. Gibson advised that Rose Prairie was patterned after that development.

Mr. Gibson then addressed some of the issues raised by City staff, as follows:

Land Use. The applicant believes that the proposed development is consistent with the Land Use policies and regulations of the Urban Fringe Plan.

Subdivision Review. Contrary to staff's opinion, Mr. Gibson believes the proposed development meets all regulations of the City's Subdivision Ordinance.

Consistency with Urban Fringe Plan. Mr. Gibson said that the Urban Fringe Plan predicted development of the area in question by 2020 or 2030. The time line is the only issue. It is located out of the Targeted Growth Area, but annexation is not the topic of discussion at this time.

Surface Run-Off. Mr. Gibson noted an error on Page 9 of the Council Action Form where reference is made to research done by Dr. William Simpkins. It should state that 54% "of the phosphorous in the Lake may come from groundwater sources," not 85%. Planning & Housing Director Osguthorpe acknowledged that error.

Mr. Gibson acknowledged that homeowners associations sometimes fail; however, the systems in place will not fail. The unmaintained systems will remain functional. Mr. Gibson advised that they can create a role for the County in the event of a failure.

Waste Treatment. Mr. Gibson believes staff's statements are not accurate. He said he cannot find the requirement for connection to the City's sewer system. According to Mr. Gibson, the City may allow Xenia Rural Water to hook up to the sanitary sewer. It can be done in such a way as to create no costs for the City. The impact on the capacity of the Water Plant is insignificant, and the homeowners would be paying for the service. The extension of the trunk line would be done at the developer's expense.

Annexation. Regarding annexation, the Urban Fringe Plan does not prohibit it, but states that it would be done at a later time.

Development of rural systems is anticipated in the Urban Fringe Plan. The system would be owned and operated by Xenia and subject to all regulatory controls. The fear that the City would have to provide a remedy should the system fail is unfounded. Mr. Gibson believes that all concerns could be worked out prior to approval of a Final Plat.

Council Member Larson asked Mr. Gibson to address the lack of easements received to date. Mr. Gibson advised that the Ames Golf & Country Club has indicated its willingness to grant an

easement. He alluded to this project being in the beginning stages and not all things being finalized at this point.

According to Mr. Gibson, Xenia has been moving into sanitary sewer systems and has four systems in operations currently. They have a perfect record with the IDNR; these credentials can be verified.

He said that the issues pertaining to an on-site treatment system, where it gets discharged, and managed can be remedied by allowing Xenia to take care of it.

The traffic issues raised by the staff were addressed by Mr. Gibson. He believes that all of the issues can be worked out.

Mr. Gibson contended that the Plat satisfies all applicable standards. Again, he said that all issues can be worked out if the City is willing to work with the developer.

Chuck Becker, Belin Law Firm, 2000 Financial Center, Des Moines, stated that he was representing Rose Prairie as legal counsel. He wanted the record to state that his letter regarding the Preliminary Plat for Rose Prairie Subdivision dated February 9, 2009, had been received by the Mayor and Council. He, too, refuted that annexation is required. Mr. Becker contended that the Urban Fringe Plan did not set out requirements, only recommendations.

According to Mr. Becker, the City brought on problems for itself when it chose not to annex the land in question. He noted that both the County and the IDNR have oversight obligations over rural sanitary sewer systems.

Mr. Becker alleged that the City had not contemplated low-impact developments. There are no City requirements, so state requirements apply. He also noted that the hook-up requirement is not legitimate because it would always prohibit development in the fringe areas; it is not enforceable. Mr. Becker also alleged that the proposed development would not impose any burdens on the traffic system.

Lastly, Mr. Becker stated his belief that the City has a wonderful opportunity to treat surface runoff before it reaches Ada Hayden Lake. He said that the proposal before the City Council satisfies all requirements and requested approval of the Preliminary Plat. According to Mr. Becker, Rose Prairie seeks to do only that which is contemplated by Iowa Code Section 354.9: to create a subdivision in Story County that is consistent with the uses of the surrounding properties and compliant with all reasonable standards articulated in applicable statutes and ordinances. It was noted that the City does not have the regulations in place at this time for rural subdivisions, and Mr. Becker urged the City Council to adopt regulations in the near future.

Pat Sauer, 5215 Maryland Street, Ames, said that the City has an excellent opportunity to protect a valuable resource. She urged the City Council to approve Alternative No. 2. Mayor Campbell clarified that Alternative No. 2 was to approve the Preliminary Plat with stipulations that unresolved pertinent issues be referred back to the developer for compliance or proposals on how they will be mitigated and confirm that the applicant waives the requirement for the City Council to make a decision on the Preliminary Plat within 30 days of the Planning & Zoning Commission

recommendation.

Catherine Scott, 1510 Roosevelt, Ames, pointed out that the City does not yet have conservation subdivision regulations in place. She sees the proposed development as being the type that would fit well under those regulations. If the development is allowed to go forward under the current subdivision regulations, there will be some infrastructure required that is really not necessary in a conservation subdivision; this will mean extra costs to the developer that will be passed on to the homeowners – that would not help with affordable housing in the area. Ms. Scott believes that if the developer really cares about Ada Hayden Lake, which he should view as an asset to the development, he could go ahead and do some work on the site to get ready for a development in the future. She pointed out that wetlands can be designed to look great on paper, “but when actually put into practice, they don’t always pan out.” Ms. Scott voiced her concern about public access on the site; it would connect up with some public trails, but wondered if the public would actually be allowed to access those trails through the site. Ms. Scott believes that this development would compete with the other Growth Priority Areas.

She also thinks that if this subdivision is approved, there will be pressures to approve other developments near it with the same rules; that will lessen the incentive to develop conservation subdivision regulations.

Chuck Jons, 2916 Forest Hills Drive, Ames, spoke as a member of the Planning & Zoning Commission. He said that the Commission members felt this was a very good project and were supportive of it, but because of the policies that currently exist, they had “their hands tied.” Mr. Jons noted that it came down to a 3-2 vote to deny it, and he believes the two votes were out of frustration. He reported that the Planning and Zoning Commission unanimously, at that same meeting, respectfully requested the City Council to reconsider its decision on annexation.

Moved by Goodman, seconded by Rice, to deny approval of the Preliminary Plat.

Council Member Mahayni said that he will support the motion. However, he hopes that the City Council will reconsider its action regarding annexation.

Council Member Larson advised that he agrees with the Planning & Zoning Commission that the City Council should reconsider annexing the land in question. It is his opinion that the developer probably believes that his project would be a better project if it were done within the city limits of Ames. Also, Mr. Larson thinks “it would be ridiculous” for the City to consider providing the infrastructure services, even for a fee, but not get the property tax base; that would also be the start of a very bad precedent.

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

The meeting recessed at 10:27 p.m. and reconvened at 10:34 p.m.

REQUEST FROM YOUTH & SHELTER SERVICES FOR CDBG FUNDING: Council Members Doll and Mahayni indicated that they would not be voting on this issue due to conflicts of interest. Mr. Doll is a Board Member for Community and Family Resources, and Mr. Mahayni is a member of the YSS Board.

Assistant City Manager Sheila Lundt advised that, on January 30, 2009, the Mayor and City Council received a request for \$40,000 from the City's 2008/09 Community Development Block Grant (CDBG) funds from Youth and Shelter Services (YSS). She said that the funds would be used to provide a portion of the down-payment (earnest money) to purchase 125 S. Third Street, which is the building that the Richmond Center has been in the process of buying for a number of years. The \$40,000 would be a small portion of the total amount to be paid to purchase the building; the actual purchase price will probably be close to \$1 million. Ms. Lundt advised that, by providing the requested City Block Grant funding, YSS will attempt to secure a match of up to \$80,000 in Iowa Block Grant dollars for renovation of the building. Commitment of these dollars would also allow for private money raised by YSS to be reallocated to begin planning to remodel the building.

According to Ms. Lundt, YSS has indicated that during its renovation work, the current tenants, which include the Richmond Center and Mid-Iowa Community Action, would be allowed to remain in the building.

Council Member Popken asked to know more about the State Block Grant monies and whether those funds must be matched with local CDBG monies. Ms. Lundt said that the match has to be with local funding. Council Member Popken asked what is meant by a "local match." Roberta Milinsky, 8057 Cobblestone Court, Urbandale, advised that they had talked with representatives of the Iowa Department of Economic Development, which is the agency that administers the Community Development Block Grant program for the state, and because Ames is an Entitlement City, Ames must contribute first before the state would consider a request for grant funding.

Council Member Larson asked if state grant funding in the amount of \$80,000 is not received, could the City "back away" from its \$40,000 commitment. Council Member Mahayni said there is another match for the City's \$40,000, and that would be the funding provided by private donors. Council Member Larson said that if the state funding does not come through, he does not want to commit \$40,000 of the City's money. Ms. Milinsky said the grant process is conducted by the State; that process starts in Fall 2009. She indicated that YSS is moving forward with a capital campaign to raise funds. They are also pursuing other grants.

City Housing Coordinator Vanessa Baker-Latimer clarified that the state's portion of funding would be used for renovation. The City's CDBG funds would be to help with the down payment on the acquisition of the building. Ms. Milinsky confirmed that the \$80,000 in state monies would not be for acquisition; it would be for remodeling. Council Member Larson pointed out that the City's \$40,000 will be already spent before it is known whether YSS gets the \$80,000 from the state. The Mayor pointed out that if local match is not already provided, they will not qualify for the state grant. Ms. Milinsky stated that the local match does have to come from the City's CDBG program to qualify for the state's CDBG program grant.

Council Member Larson recalled that the City had discussed at one time using CDBG funds to support the proposed Human Services Campus. A Feasibility Study on that project is underway. He noted that Housing Coordinator Baker-Latimer had informed the Council that the City needed to spend-down some of the Block Grant monies. The City does not want to lose the funding because it has not been spent on eligible projects by the deadline. He asked how much of the funding was "at risk" and to know the time table for potentially losing some of it.

Ms. Baker-Latimer reminded the Council that there is approximately \$300,000 in CDBG funding that needs to be spent prior to May 1, 2009. She advised that those funds are going to be spent on the Acquisition/Reuse Program to purchase properties that will be resold, with the proceeds used to replenish the fund. At this point in time, the City has not been informed what its allocation is going to be next fiscal year.

Council Member Goodman said that he will not be able to support the allocation of CDBG funding for this purpose. He pointed out that, through the ASSET process, funding has continually been increased to YSS. Mr. Goodman acknowledged that YSS does great things for the community; however, he is not comfortable with this.

Council Member Popken asked if the City had opened up the opportunity for non-profit agencies to receive CDBG capital dollars. Ms. Baker-Latimer advised that the City has a minor repair program for non-profits to assist them in updating their facilities.

Council Member Rice said that if the City had a process to allow other agencies to apply for the funding, he would be more supportive of allocating funding to YSS.

DEVELOPER’S AGREEMENT WITH DAYTON PARK, LLC, FOR DEVELOPMENT OF AMES COMMUNITY DEVELOPMENT INDUSTRIAL PARK: City Manager Schainker advised that the Developer’s Agreement had been revised per the Council’s direction.

Council Member Goodman requested to know the definition of a spec building, specifically asking if it needed to be an empty “no project” building. Chuck Winkleblack, 105 S. 16th Street, Ames, stated that the intention is for there always to be an available building. If something is built without a specific tenant and then leased, that triggers the next building to be built. City Attorney Marek noted specific language in the Agreement, which states that a spec building would be available.

Moved by Goodman, seconded by Larson, to adopt RESOLUTION NO. 09-054 approving the Developer’s Agreement with Dayton Park, LLC, for development of Ames Community Development Industrial Park.

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

AMES COMMUNITY DEVELOPMENT PARK, 4TH ADDITION: Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 09-049 approving the Preliminary Plat for Ames Community Development Park Subdivision, 4th Addition, located at 798 and 799 South Bell Avenue.

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

Moved by Doll, seconded by Mahayni, to adopt RESOLUTION NO. 09-050 approving the preliminary plans and specifications for installation of City sanitary sewer, storm sewer, water mains, conduit, handholes, and footings for street lights; setting March 4, 2009, as bid due date and March 10, 2009, as date of public hearing.

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

ORDINANCE CREATING TAX-INCREMENT FINANCING DISTRICT ON SOUTH BELL AVENUE: Moved by Mahayni, seconded by Doll, to pass on third reading and adopt ORDINANCE NO. 3982 creating a Tax-Increment Financing District on South Bell Avenue.

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

URBAN REVITALIZATION TAX ABATEMENT AT 116 - 120 WELCH AVENUE: Planning and Housing Director Osguthorpe explained the request. He said that the property owner runs the risk of proceeding with the development of the project expecting to receive property tax abatement without that guarantee.

Mr. Osguthorpe explained that only the elevation for the front facade has been submitted, and it meets the brick material criteria. However, the City has not yet received the architectural elevation drawings for the three remaining exterior facades.

According to Mr. Osguthorpe, since approval of the current Campustown Urban Revitalization Plan in 2006, the City has gained experience with the ongoing impacts of the larger residential buildings in the area in question and the management of those impacts. He said that the Police Chief had reported that maintaining safety and security has required more City resources than expected or than other high-density residential areas. Based on that experience, staff believes that additional design requirements could reduce those impacts, improve safety and security, and may reduce the need for City resources. Mr. Osguthorpe suggested that the Campustown Urban Revitalization Plan include the following additional criteria:

1. Prohibit commercial space on the top floor, reducing public access to the whole building
2. Reduce shared common areas that the public can access
3. Location and design of entrances and access control to minimize risk
4. Prohibit all balconies
5. Natural daylight requirements of applicable codes be achieved with exterior windows
6. Fixed windows only facing the street
7. Install windows that the building owner can lock and the tenants can't unlock
8. Exterior glass for interior stairwells
9. Security measures for separations between buildings
10. Increase capacity of fire exits

Director Osguthorpe added that the above-listed measures could be included in the Building Code, but doing it through a revised URA Plan would be a less-restrictive approach, applying only to the voluntary request for tax abatement.

City Manager Schainker added that he did not believe the developer would prefer the criteria be added because that would cause a change in the design. He asked Chief Cychosz to comment on the proposed criteria.

Chief Cychosz stated that specialized training has been received in "Crime Prevention through Environmental Design." Some of the criteria are being suggested due to experience with high-rise

apartments. Current property managers have acknowledged that they, knowing what they now know, would have designed the buildings differently. The list of criteria was compiled from lessons learned from previous experience as well as from the specialized training. At the inquiry of Council Member Popken, Chief Cychosz stated that if the public access could be separated from the private residences, commercial area on the top floor could be accommodated.

Council Member Goodman advised that he would be abstaining from the vote due to a conflict of interest.

Moved by Doll, seconded by Rice, to adopt RESOLUTION NO. 09-051 directing staff to prepare amendments to the Campustown Urban Revitalization Plan; setting February 24, 2009, as the date of public hearing for approval of the amendments; and deferring consideration of prior approval of tax abatement for 116-120 Welch Avenue until after action on the amendments and a complete application for prior approval of tax abatement is received.

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

DANGEROUS BUILDINGS: Building Official David Brown gave a chronological history of this issue over the past four years. The City's Inspections and Legal staff have collaborated to retain the best sections of the existing Dangerous Building Ordinance, to ensure compliance with the procedures from the Code of Iowa, and to incorporate a model code for nuisance abatement from the International Municipal Lawyers Association (IMLA).

Assistant City Attorney Judy Parks pointed out the major features of the Ordinance. She stated that one of the frustrations staff has experienced is the untimeliness of the court decision when issues have progressed to that level. It is her opinion that it is only going to get worse due to the mandated furloughs. Staff wanted to find a way to have a little more control over the schedule and also over who makes the final decision. The Ordinance now more clearly defines the roles of the Building Official and staff, the owner and time lines for actions to be taken by the owner, and likewise, for the Board of Appeals. Several ordinances were combined to come up with the one presented for approval at this meeting. Ms. Parks advised that the Board of Appeals is going to be a board of citizens focused solely on this issue. When someone ignores the request for action to be taken, the Building Official will be empowered to go to the Board and seek permission to have the City abate the nuisance. However, there will be oversight, and there will always be the possibility for someone who is aggrieved by that to appeal it to District Court. Ms. Parks acknowledged that it could be an economic hardship on some people to bring their property into compliance, so the proposed Ordinance contains relief options for low-income persons.

Council Member Larson asked if the Building Code Board of Appeals is included in the definitions contained in the Ordinance. Ms. Parks explained that the definition of that Board is included in another area of the Code and not repeated in this Ordinance. Mr. Larson suggested that a sentence be added to the Ordinance explaining where the definition can be found. Ms. Parks advised that the Ordinance would have to be revised and brought back to the City Council for first passage. Fire Chief Clint Petersen said that the whole issue of Boards – the Building Board of Appeals, a possible Property Maintenance Board of Appeals, Electrical Board of Appeals, and Plumbing Board of Appeals, will be going through a process to consolidate them into an Appeals Board. When the Board's make-up is determined and it is brought back to the Council for

approval, specific definitions could be provided at that time.

Moved by Larson, seconded by Goodman, to direct staff that when various building boards are restructured and redefined, the definition of the Building Code of Appeals will be inserted into the Dangerous Buildings Ordinance.

Joe Viles, 3611 Ross Road, Ames, urged the City Council to take this Ordinance to three readings; that would be in keeping with the requirements of the law and will allow citizens to provide input. He said that there are number of people in town who would like to see the wording of this Ordinance. Mr. Viles recommended that a public input session be scheduled similar to those conducted on the possible property maintenance code.

Moved by Goodman, seconded by Popken, to pass on first reading the Dangerous Buildings Ordinance.

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

LIBRARY EXPANSION FEASIBILITY STUDY: Library Director Art Weeks explained the request from the Library Board to reallocate \$51,000 originally approved in the CIP to partially fund the Library Expansion Feasibility Study. Mr. Weeks noted that the Library Expansion Project will be a large project, and there will be lots of public input. The first step in the process is for approval of the Library Expansion Feasibility Study contract. He emphasized that the approval being sought tonight is for Phase I; there will be a Phase II later. Phase I involves schematic design based on a site and solutions for parking. Those renderings will be used in promotional materials in hopes to receive public support.

Noting its need to expand, Council Member Rice stated his preference for the Library to remain in the Downtown core. He said they could save the consultants a lot of time by telling them to concentrate there. Mr. Weeks advised that the charge is to look at the current site or a nearby site in the Downtown core; that is the starting point. He noted, however, that there is going to be public input, and something else might end up being recommended.

Council Member Doll left the meeting.

Moved by Mahayni, seconded by Goodman, to adopt RESOLUTION NO. 09-052 approving a reallocation of Local Option Tax funding to partially fund the Library Expansion Feasibility Study.

Roll Call Vote: 5-0. 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. 09-053 approving a contract with Meyer, Scherer, & Rockcastle of Minneapolis, Minnesota, in an amount not to exceed \$306,000.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Council Member Doll returned to the meeting.

POWER PLANT ASH HAULING SERVICES: Moved by Mahayni, seconded by Goodman, to

accept the report of bids.

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

Moved by Mahayni, seconded by Goodman, to reject the bids.

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

REAUTHORIZED FEDERAL TRANSPORTATION BILL: Public Works Director John Joiner explained that Congressman Latham's Office has a deadline of this Friday, February 13, 2009, for submittal of proposed projects under the Reauthorized Federal Transportation Bill. Staff has identified at least two projects that are worthy of congressionally directed appropriations: (1) Grand Avenue Extension, which includes the widening of S. 16th Street (in the Coldwater Golf Course area) as well as intersection improvements at South Duff and S. 16th, and (2) Railroad overpass on North Dakota.

City Manager Schainker recalled that the City Council had requested this information so that they could be prepared to talk to Legislators about the projects when they are at the National League of Cities' Conference. Because the submittal date is before they go to Washington, DC, for that Conference, he wanted to bring this information to them now. Mr. Schainker noted that these projects pertain to the Reauthorization of the Transportation Bill; they are not for Stimulus Package funding. He acknowledged that there might be other projects that the Council wants to make the Legislators aware of as well.

Mr. Schainker advised that the Grand Avenue Extension includes more than just extending Grand Avenue. The challenge will come from having to provide more local match funds. Those funds, which could equate to \$3.4 million (for local match), are not built-in to the budget.

Moved by Rice, seconded by Mahayni, to approve submittal of the two projects, with priority given to Grand Avenue Extension.

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

ORDINANCE VACATING ALLEY RIGHT-OF-WAY LOCATED SOUTH OF 3620 AND 3624 STORY STREET: Moved by Goodman, seconded by Doll, to pass on second reading an ordinance vacating the alley right-of-way located south of 3620 and 3624 Story Street.

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

ORDINANCE MAKING ZONING TEXT AMENDMENT TO REMOVE REQUIREMENT FOR PLANNING & ZONING COMMISSION TO MAKE RECOMMENDATIONS TO ZONING BOARD OF ADJUSTMENT ON SPECIAL USE PERMIT APPLICATIONS: Moved by Mahayni, seconded by Larson, to pass on third reading and adopt ORDINANCE NO. 3983 making a zoning text amendment to remove the requirement for the Planning & Zoning Commission to make recommendations to Zoning Board of Adjustment on Special Use Permit applications.

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

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

Moved by Doll, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 3984 amending Section 22.4(1) of the Municipal Code describing authority of the City Manager

with respect to temporary obstructions.

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

COMMENTS: Council Member Goodman advised that he had been informed by a staff member of Roseland Architects that his firm had not been contacted about submitting a Request for Proposal (RFP) for a City project. He asked how it is determined who gets sent RFPs.

Moved by Goodman, seconded by Larson, to request a memo from staff to inform the Council of the process for RFPs.

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

HUMAN RESOURCES: Moved by Goodman, seconded by Mahayni, to hold a closed session as provided by Section 20.17(3), Code of Iowa, to discuss collective bargaining strategy.

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

Moved by Doll, seconded by Goodman, to return to Regular Session.

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

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 09-055 ratifying the contract with the IUOE (Power Plant).

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

Moved by Goodman, seconded by Doll, to adopt RESOLUTION NO. 09-056 ratifying the contract with the IAFF (Firefighters).

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

ADJOURNMENT: Moved by Doll, seconded by Goodman, to adjourn the meeting at 11:40 p.m.

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

Diane Voss, City Clerk

Ann H. Campbell, Mayor