

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

**AMES, IOWA**

**AUGUST 24, 2010**

**SPECIAL MEETING OF THE AMES CONFERENCE BOARD**

The Special Meeting of the Ames Conference Board was called to order by Ames Mayor Pro Tem Riad Mahayni at 6:00 p.m. on August 24, 2010. In addition to Council Member Mahayni, present from the Ames City Council were Davis, Larson, Orazem, and Wacha. Council Member Goodman arrived at 6:12 p.m. Story County Board of Supervisors present were Clinton and Halliburton. Representing the Ames School Board were Talbot and Today. Gilbert School District and United School District were not represented

**FUNDING OF GIS COORDINATOR POSITION:** City Assessor Greg Lynch brought the Conference Board's attention to the memo dated July 14, 2010, in reference to the status of the GIS funding change for fiscal year 2011/2012. Mr. Lynch said that this meeting was to continue the discussion on his proposal made during the last budgeting process to reduce the City Assessor's funding for the GIS Coordinator position. He was making the request because the equitability of his office funding 50% of that position's compensation was no longer reality; the City has its own GIS Coordinator, GIS has evolved, and the pertinent files are static. Mr. Lynch said that there is, however, also a Base Map maintained by the Auditor's Office that is very useful. He is not proposing any funding change from the City Assessor's Office.

Council Member Davis asked Mr. Lynch for his recommendation. Mr. Lynch replied that his proposal is for the City Assessor's Office to fund 5% of the GIS Coordinator's salary and continue funding the Auditor's Mapping Technician the same as this year (at 50%).

Story County Supervisor Clinton asked Mr. Lynch to clarify what the City Assessor's budget was funding related to the Auditor's Mapping Technician position as it was his understanding that it went towards conference attendance. Mr. Clinton contended that it gave the wrong impression when Mr. Lynch said they were funding the Mapping Technician at 50%. Mr. Clinton asked Mr. Lynch to cite the exact dollar amount that the City Assessor's Office was proposing to fund for that position. City Assessor Lynch advised that he was not proposing any change to the Mapping Technician amount from this fiscal year. Mr. Clinton again asked to know the dollar amount, saying that for the public's benefit, the dollar amount needed to be stated. Mr. Lynch stated that he did not have the exact dollar figure with him. Again, Mr. Clinton said that the amount funded by the City Assessor's Office "was more or less a conference fee." He advised that the Mapping Technician is an employee of the Auditor's Office, so the majority of that salary is paid for by the County through the Auditor's budget. Mr. Clinton again asked Mr. Lynch what the dollar figure was that the City Assessor's Office was contemplating to fund. Again, Mr. Lynch said that it was the same amount as was included in the Conference Board report presented in February 2010 at the budget hearing. It was Mr. Clinton's belief that the amount would be between \$1,500 and \$2,000.

Mr. Clinton gave his recollection of the prior discussion regarding funding the GIS Coordinator. He noted that when the funding change was first proposed, the County Conference Board had not had an opportunity to meet. According to Mr. Clinton, the proposal during the City Assessor's budget was to reduce funding of the GIS Coordinator to 20% and for a study of the actual usage to be conducted. After the study, The City Assessor was to determine what amount of the County GIS Coordinator's time was needed for by his office; however, it was never made clear that that would determine what a new funding proposal would be. Mr. Clinton said that it originally was 50%, then cut to 20%, and now it is down to 5%. To him, that means that only 5% of the County GIS Coordinator's time will be utilized by the City, so if that is the case, the 28E Agreement should be amended to reflect that the City Assessor's Office is only entitled to 5% of the County GIS Coordinator's time. Also, when it was a 50/50 funding split, the City and County Assessors had an "equal voice," but if the funding is drastically reduced by the City Assessor's Office, Mr. Clinton thinks that they should not have an "equal voice."

Mr. Lynch pointed out that the study showed that less than 1% of the County GIS Coordinator is used on City issues. The 20% he initially proposed was based on a number that he thought would be equitable for this coming year; however, it was not accepted by the Conference Board, and it was agreed that a study would be done to track the actual time. He reiterated that since the results of the study indicated that less than 1% is used for the City Assessor's Office, he is proposing 5%. Pertaining to the voting percentages, he said his only concern is the City Assessor's Office have input when it comes to the Base Map or at least be apprised of the changes.

Supervisor Clinton asked Mr. Lynch if he was expecting this Conference Board to give direction as to his proposal, i.e., funding the GIS Coordinator at 5% for 2011-12. Mr. Lynch stated in the affirmative.

Mr. Clinton gave a summary of what had transpired at the County level since the last Conference Board meeting when it was put to task as to how it would pick up additional operating expenses for the County GIS Coordinator. He advised that the County Board of Supervisors had made no firm commitment other than what was included in last year's agreement, which was that the City Assessor's Office would provide 20% of the funding. Supervisor Clinton asked Lucy Martin, a representative of the County Auditor's Office who was present, if she desired to comment. Ms. Martin declined to speak.

Council Member Goodman arrived at 6:12 p.m.

Ames School Board Member Todey surmised that there are two issues: (1) the Base Map, which is needed by both the City and County Assessors' Offices and (2) GIS, which is dependent on which office has the need for services.

Mr. Lynch stated that details pertaining to the Base Map are spelled out in the 28E Agreement.

He again clarified that he was not proposing to change the funding percentage for the MAPS Committee; he was requesting a change only in the funding percentage for the County GIS Coordinator..

Mr. Todey asked if the City Assessor would have a need for more services from the County GIS Coordinator in the future. Mr. Lynch said he did not anticipate that additional services would be required because much of the work being done is to static maps that are already created. Any changes that need to be made would be to City layers that would be added, and the City's GIS Coordinator produces those. It was noted by Mr. Todey that if additional services were desired, payment for same would have to be worked out.

City Council Member Larson suggested that perhaps the County should pay for 100% of its GIS Coordinator position and the City Assessor could be billed for any services requested. Mr. Larson also noted that if a decision is not made on these issues in the near future, all entities will be in the same state as they were last year; it was too close to the time when the budget needed to be adopted. He pointed out that the bodies have known for over a year and a half that the 50/50 funding split for the County GIS Coordinator was not accurate. Supervisor Clinton said his only concern is that he wants to know the exact dollar figure that is being proposed by Mr. Lynch; after that number is known, the County will take it from there. Mr. Lynch said he will not know that figure until budget time after salaries are proposed; however, it can be estimated. Mr. Larson does not want to get into a political battle over how much "say" the City Assessor's Office is allowed to have; if that is the case, he recommended that the County pay 100% and the City Assessor pay for any services provided. The City Assessor would need to tell the City Conference Board if there are any ramifications of such an arrangement. Mr. Lynch said that with installation of the new software shared by the Assessors' Offices, the flow of information is there and should work.

Mr. Larson asked what services would be needed to be done by the County. City Assessor Lynch stated that Base Map maintenance will be needed. He advised that the County GIS Coordinator might do special projects, but Mr. Lynch believes that those could be handled through the City GIS Coordinator.

City Council Member Davis asked if the City GIS Coordinator could take care of the 5% that might be needed from the County GIS Coordinator. Mr. Lynch again pointed out that less than 1% of the County GIS Coordinator's time was tracked to the City Assessor's Office. He said he proposed 5% because a portion of what is done for the County Assessor's Office probably also benefits the City Assessor's Office.

City Council Member Orazem recalled that the increase in funding for Story County, if it were an 80/20 split, would be approximately \$35,000; thus, prorating that means that it would equate to approximately \$50,000 if it were a 95/5 split. Noting that only the City of Ames and Story County pay for the County GIS Coordinator's salary/benefits, Mr. Orazem asked if the remainder of the cities in Story County that benefit pay anything. Mr. Lynch said that the current

arrangement is that the City Assessor's Office pays for 50% of the MAPS budget and the County Assessor's Office pays the other half. Included in the MAPS budget is the total compensation for the County GIS Coordinator. Mr. Orazem noted that Nevada, Gilbert, Huxley, etc., pay nothing for the services, and he inquired as to the reasoning behind that. Mr. Lynch gave the background since 1993. Story County Board of Supervisor Jane Halliburton elaborated that the Story County Assessor's Office provides the services for everything outside of Ames (all communities and school districts). It is unique that Ames has chosen to have its own City Assessor.

City Assessor Lynch estimated the compensation package for the County GIS Coordinator to be approximately \$65,000. Supervisor Clinton advised that it is \$65,873. City Council Member Mahayni calculated that 5% would be approximately \$3,300.

City Council Member Larson said the City Conference Board needs to analyze if the City Assessor will "buy" \$3,300 worth of services from the County's GIS Coordinator to get the information it needs to do its work. He senses this issue to be more political rather than a funding issue and asked if the City and County can work in partnership, at what level, and if they were "playing fair." If only 1%, and possibly as high as 5%, is being provided, Mr. Larson suggested that the City Assessor pay zero and be on its own for any GIS needs that might arise.

Supervisor Clinton said that the action taken at the last Conference Board meeting was a "move to separate" and have the City stand alone from the County. He believes that if that is the City Assessor's intent, it would appear to be a much easier operation from the County's point of view. If work is needed by the City Assessor from the County GIS Coordinator, there would be a fee for those services. To him, 5% is a "laugh in the face," and he would vote no; "5% is an insult."

Moved by Larson to end the City Assessor's funding of the County GIS Coordinator position. Motion died for lack of a second.

Mr. Clinton noted that he was speaking only as one member of the Story County Board of Supervisors. He stated his opinion that the actions over the past year have tended to sever relationships between the City and County Assessor's Offices. Supervisor Clinton believes that those actions have strained relationships between the two offices. Mr. Clinton noted that the Assessors answer to the elected bodies (Conference Boards), and those elected bodies need to provide direction. Mr. Wacha asked how would the City paying for services that it is not using help the relationship. Mr. Clinton said it was his personal perspective that if that were the case, then the City Assessor would have no voice in many of the other affairs that occur under the existing 28E Agreement. City Council Member Wacha stated that he does not see that a pay-for-services agreement would mean that the two bodies could not continue to work well together.

Moved by Todey, seconded by Larson, to support the proposal of the City Assessor to fund 5% of the County GIS Coordinator position.

Mr. Todey said that, as the Conference Board approaches budget time, the City Assessor could propose a different number if it was deemed to be necessary.

Council Member Goodman said that it was important to think about what brought the Conference Board to this point. He pointed to the thorough discussion held before Greg Lynch was appointed as City Assessor as to whether the City and County Assessors' Offices should be combined. The decision was made at that time to appoint a City Assessor and retain an Assessor's Office in the City of Ames. Mr. Goodman recommended that if one of the GIS Coordinators leaves employment, consolidation should again be considered. The question would be what is the financial burden on the tax payers due to having the position in both the City and the County. He suggested that the Mini Board review the possibility of consolidation of that position. City Council Member Mahayni believes that would be "mixing apples with oranges" because the City's GIS Coordinator does a lot more than work with the City Assessor's Office. He said that if Mr. Goodman's rationale were followed, the same would be true for various other positions, e.g., the Planning & Housing Director, Public Works Director, etc.; that would be calling for a consolidated government, rather than one position. Mr. Mahayni did not believe that those philosophical questions should be discussed at this meeting.

Roll Call: 2-0-1. Voting aye: Ames City Council, Ames Community School Board. Voting nay: None. Abstaining: Story County Board of Supervisors.

Mr. Clinton explained that he had elected to abstain on behalf of the Story County Board of Supervisors because an Interim Supervisor had not been brought up to date on this issue.

**ADJOURNMENT:** Moved by Davis, seconded by Todey, to adjourn the meeting at 6:46 p.m.

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

The regular meeting of the Ames City Council was called to order by Mayor ProTem Mahayni at 6:53 p.m. on August 24, 2010, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council, in addition to Council Member Mahayni, were Davis, Goodman, Larson, Orazem, and Wacha. *Ex officio* Member England was also present.

**PROCLAMATION:** Mayor ProTem Mahayni proclaimed September 11 - 21, 2010, as *11 Days of Global Unity* to support peacemaking activities within the community and celebrate the strengths inherent in its diversity. Accepting the Proclamation were Cheryl Binzen and Mary Nakadate, representing the 11 days of Global Unity Committee.

**AMES ECONOMIC DEVELOPMENT COMMISSION ANNUAL REPORT:** Dan Culhane, President and Chief Executive Officer, presented the Ames Economic Development Commission's Annual Report for 2009. He reminded the City Council that this presentation is part of AEDC's contractual obligation with the City.

On behalf of the many organizations that he oversees, Mr. Culhane expressed appreciation to the City for its responsiveness to the recent flood and loss of potable water.

Mr. Culhane distributed materials to the Council, which included a publication sent on a regular basis to prospective industries and a quarterly publication by the *Ames Tribune* that replaces the quarterly newsletter formerly sent by the AEDC. The quarterly publication is sent to approximately 600 consultants, site selectors, and other economic development contacts throughout the country.

President Culhane advised that, even in light of the sluggish local and national economy, the AEDC initiated 29 new project files over the past 12 months. He explained that a project file is started every time a company expresses interest in locating in the City of Ames. Mr. Culhane said that the “shining star” for the AEDC and the Ames community has been Webfilings, a new company in the ISU Research Park. That company continues to grow and exceed expectations. Mr. Culhane also reported that the AEDC is currently working on four different expansion projects. are currently in place, one of which is Webfilings.

According to Mr. Culhane, marketing, which is the main emphasis of the AEDC, is much more difficult today than it was three years ago as most companies are not in an expansion mode right now. A number of trade shows have been attended by AEDC personnel, and Mr. Culhane named a few of those. AEDC staff also were present at a Virtual Reality Trade Show put on in Ames by Jim Oliver and his department at Iowa State University. He noted that site selectors, one out of Dallas and one from Chicago, have informed him that two office-users are looking at the Ames market; the names of those companies are yet unrevealed.

Mr. Culhane advised that a set back occurred in the last year when Home School Incorporated did not relocate its headquarters to Ames. He regretted that the AEDC had prematurely made the announcement in December 2008 that Home School Incorporated would be coming to Ames. Mr. Culhane noted that none of the City’s funds was promised to that company. A lot of time, energy, and private financial resources of the AEDC were put into that project. The AEDC continues to monitor the company; it might still come to Ames, but it is not promising at this time.

Mr. Culhane noted the positive relationship that exists between the City and the AEDC. He gave his appreciation for the continuing investment in the ongoing operational needs of the AEDC and the unanimous votes in support of the financial assistance for various business projects.

Upon being questioned by Council Member Orazem, Mr. Culhane said that Ames is somewhat limited and is missing opportunities because it does not have the infrastructure at a site ready to go for large industrial projects. He admitted that manufacturing projects are not bypassing Ames weekly, but it is still missing some opportunities to land such projects. A creative way to finance the new business park has not been found. Attempts to receive Federal funding have been exhausted; Ames is simply too affluent to merit any federal resources for it. Mr. Culhane noted

that part of the sanitary sewer line across the Interstate is the obligation of the developer of the proposed new life style center (Bucky Wolford); however, there are other issues, i.e., acquisition of the land, other infrastructure that is dependent on finding funding.

Council Member Larson asked if Mr. Culhane had any suggestions on improving its presentation of issues to the legislatures in Washington, D.C. Mr. Culhane recommended that the planning and prioritization of projects occur earlier. He noted the importance of the City and AEDC continuing to work together as a delegation when it requests federal funding.

**CONSENT AGENDA:** Council Member Goodman asked to pull Item No. 12 for separate discussion

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

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of August 10, 2010, and Special Meeting of August 13, 2010
3. Motion approving Report of Contract Change Orders for August 1-15, 2010
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Beer & B Native Wine – Char’s, 3100 South Duff Avenue
  - b. Class E Liquor, C Beer, & B Wine – Hy-Vee Drugstore, 500 Main Street
  - c. Class C Liquor – Mandarin Restaurant of Ames, 415 Lincoln Way
  - d. Class E Liquor, C Beer, & B Wine – Cyclone Liquors, 626 Lincoln Way
  - e. Class C Liquor – Corner Pocket/Zone, 125 Main Street
  - f. Class B Liquor & Outdoor Service – Hilton Garden Inn Ames, 1325 Dickinson Avenue
5. 2009/10 Airport Improvements Program (Rehabilitation of Taxiway A):
  - a. RESOLUTION NO. 10-381 approving matching funds
  - b. RESOLUTION NO. 10-382 approving FAA grant
  - c. RESOLUTION NO. 10-383 setting the project DBE at 5%
6. RESOLUTION NO. 10-384 approving extension of Purchase Agreement with Habitat for Humanity of Central Iowa for 3803 Minnetonka
7. RESOLUTION NO. 10-385 approving preliminary plans and specifications for 2010/11 Arterial Street Pavement Improvements (Duff Avenue: Lincoln Way to 7<sup>th</sup>), setting September 21, 2010, as bid due date and September 28, 2010, as date of public hearing
8. Engineering Services Contracts for Power Plant Boiler Projects:
  - a. RESOLUTION NO. 10-386 awarding contract to Burns & McDonnell of Chesterfield, Missouri, for Mary Greeley Medical Center Steam Supply System in an amount not to exceed \$83,236
  - b. RESOLUTION NO. 10-387 awarding contract to Burns & McDonnell of Chesterfield, Missouri, for Power Plant Ignitor Oil Study in an amount not to exceed \$31,023
  - c. RESOLUTION NO. 10-388 awarding contract to Burns & McDonnell of Chesterfield, Missouri, for Air Heater Basket Replacement in an amount not to exceed \$10,171
9. RESOLUTION NO. 10-389 awarding contract for WPC Biosolids Disposal Operations to

- Nutri-Ject Systems of Hudson, IA, in the amount of \$46,200
10. RESOLUTION NO. 10-392 accepting delivery of tubes for Unit No. 8 Steam Generator Waterwall Panels Project for Power Plant
  11. RESOLUTION NO. 10-393 accepting completion for FY 2009/10 Valve Maintenance Service Contract for Power Plant Boilers
  12. RESOLUTION NO. 10-394 accepting completion for FY 2009/10 Specialized Wet Dry Vacuum, Hydro Blast, and Related Cleaning Services Contract for Power Plant
  13. RESOLUTION NO. 10-395 approving Final Plat for Airport Business Park  
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**SECONDARY FEED SYSTEM FOR PRE-PROCESSED BOILER FUEL FOR RESOURCE RECOVERY PLANT:** Council Member Goodman asked staff to talk about the changes that will occur on site and how those changes will affect the materials that formerly would have been sent to the landfill.

Gary Freel, Assistant Director of the Resource Recovery Plant, explained that the System originated because, for the past 30+ years, much of the materials passing through the degritter had to be transported to the Boone County Landfill. Discussions on ways to recover more of that material had occurred among City staff, Scott Smith of the Boone County Landfill, and the Iowa Department of Natural Resources (IDNR) in an attempt to reduce the amount sent to the Landfill. A SWAP grant was applied for under the IDNR's Solid Waste Alternative Program. The City's application was successful, with a local match requirement. The System will allow pre-processed material (e.g., wood chips, shelled corn or other feed stock) to be put directly into the boiler. This reduces processing for the Resource Recovery Plant and means less material having to be put into the Landfill. Mr. Freel said that the City of Ames is one of very few communities in the state of Iowa that currently has a 75% recycling rate. However, with this program, it will exceed that percentage.

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 10-390 approving the SWAP Grant Agreement with the IDNR for a forgivable loan in the amount of \$24,950.  
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 Wacha, to adopt RESOLUTION NO. 10-391 authorizing the purchase and installation of the Secondary Feed System for pre-processed boiler fuel.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**PUBLIC FORUM:** Judith Lemish, 327 S. Maple, Ames, commented on the recent flooding. She said that her home had just missed being flooded-out by approximately five inches. Ms. Lemish explained that she had been very vigilant and removed 70 - 80 gallons of water from her basement so that her home did not receive damage. Citing a discussion held on public radio



about Iowa State mitigating its damages in the future by constructing a levee, Ms. Lemish expressed great concern over where the water would then go. She also referenced an editorial by Erv Klaas in today's *Ames Tribune* on watershed management. Ms. Lemish agreed with Mr. Klaas that Ames has a lot more hard surfaces than it did in 1993 when the last large flood occurred. The water runs off those hard surfaces, down the storm sewers, and into the rivers. Due to that, she believes flooding will occur more frequently in the future and urged the City Council and community to work together on a solution that would have a lasting impact.

Susie Petra, 2011 Duff, Ames, also raised the issue of the flooding that occurred recently on South Duff. She said that she wants her tax dollars to help people in need, but feels that "using those dollars for the same area and the same properties is an example of stupidity." According to Ms. Petra, the fact that the City Council is contemplating allowing PETCO to build in the same flood plain is the "height of stupidity." Further, giving PETCO a tax abatement would reduce its property taxes, but not those of the local competitors. Ms. Petra advised that PETCO does not have its headquarters in Iowa. According to Ms. Petra, that means that there is a tax loophole that allows it to not pay Iowa taxes on its corporate profits; it moves those profits to another state where it does not have to pay taxes on them. She pointed out that all local businesses and Iowa corporations pay taxes on income. Ms. Petra asked if that was the kind of business practice encouraged by the Ames City Council, as she sees it as harmful to local businesses and residents. She asked the City to reconsider any building in the flood plain and encouraged a policy to support local businesses, rather than out-of-state ones that take their profits out of Iowa.

**SPECIAL CLASS C LIQUOR LICENSE FOR OLDE MAIN BREWING:** Moved by Goodman, seconded by Wacha, to approve a new 5-Day (August 30 - September 3) Special Class C Liquor License for Olde Main Brewing at the ISU Alumni Center, 420 Beach Avenue. Vote on Motion: 6-0. Motion declared carried unanimously.

**SPECIAL CLASS C LIQUOR LICENSE FOR OLDE MAIN BREWING:** Moved by Goodman, seconded by Wacha, to approve a new 5-Day (September 23 - 27) Special Class C Liquor License for Olde Main Brewing at the ISU Alumni Center, 420 Beach Avenue. Vote on Motion: 6-0. Motion declared carried unanimously.

**5-DAY CLASS C LIQUOR LICENSE FOR THE BRANDING IRON:** Moved by Goodman, seconded by Wacha, to approve a new 5-Day (September 1 - 5) Class C Liquor License for The Branding Iron at Tent #9 between Lots B5 and C5 on South 4<sup>th</sup> Street. Vote on Motion: 6-0. Motion declared carried unanimously.

**SPECIAL CLASS C LIQUOR LICENSE FOR INDIAN DELIGHTS:** Moved by Goodman, seconded by Wacha, to approve a new Special Class C Liquor License for Indian Delights, 127 Dotson Drive. Vote on Motion: 6-0. Motion declared carried unanimously.

**CLASS C BEER PERMIT FOR HY-VEE GAS #5013:** Moved by Goodman, seconded by Wacha, to approve a new Class C Beer Permit for Hy-Vee Gas #5013, 4018 West Lincoln Way.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**“WELCOME TO AMES” EVENT ON AUGUST 27, 2010:** Susan Gwiasda, Public Relations Officer, noted that this event will occur again this year at Fire Station 2 on Welch and Chamberlain. The hours for the event are 5:00 to 7:00 p.m. Ms. Gwiasda said that this event provides a great opportunity for the Ames City Council and City staff to mingle with and welcome new and returning Iowa State students to the community.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 10-396 approving closure of the street and metered parking spaces on Chamberlain Street between Welch and Stanton Avenues from Noon to 8:00 p.m.

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 Wacha, to adopt RESOLUTION NO. 10-397 approving closure of lot and parking spaces in Chamberlain Lot Y.

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 Wacha, to adopt RESOLUTION NO. 10-398 approving waiver of fees for electricity usage.

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

**GENERAL OBLIGATION BONDS, SERIES 2010A:** Finance Director Duane Pitcher stated that bids were taken this morning on the sale of General Obligation Bonds in an amount not to exceed \$6,690,000. He added that the City’s AAA bond rating was also reaffirmed.

Tionna Pooler, representing PFM, the City’s bond financial advisor, told the Council that the City received nine bids. Those bids represented 25 banks in 14 states. Ms. Pooler noted that the City’s AAA bond rating once again proved to be very beneficial. The rate received for the bonds was 2.057% for a 12-year debt. Ms. Pooler highly recommended that the City award to the low bidder, i.e., Robert W. Baird & Co., Inc., of Milwaukee, Wisconsin.

Ms. Pooler reported that the interest rate forecasted during the pre-levy was 1.08% higher than it came in, so the results were excellent. She also stated that the City will receive more proceeds (approximately \$100,000) because the underwriters, to be competitive, took less compensation.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 10-399 awarding the sale to Robert W. Baird & Co., Inc., of Milwaukee, Wisconsin, for General Obligation Bonds,

Series 2010A, in an amount not to exceed \$6,690,000.

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

**FLOOD DAMAGE TO CYRIDE BUILDING:** Transit Director Sheri Kyras advised that CyRide had moved into the second floor of its building, which means that approximately 130 people are working on that floor. There has been very little interruption to the level of service provided by CyRide; interruptions only occurred due to street closures during and immediately after the flood. Ms. Kyras reminded the City Council that it had, on August 13, 2010, approved emergency repairs to CyRide's facility and awarded a contract to American Technologies, Inc., for cleaning, demolition of contaminated materials, and equipment repair. The next actions necessary to be taken by the City Council are to: (1) adopt a resolution finding that the conditions of the *Iowa Code* have been met and that emergency repairs are necessary and (2) approve contracts with ASK Studio for architectural services and Harold Pike Construction, the original contractor, based on the estimates provided. According to Ms. Kyras, FM Global has indicated that the repair expenses are covered under the City's insurance policy.

Council Member Goodman asked if any changes are being made to the building in an attempt to mitigate damages should another flood occur. Director Kyras noted that the building is not located in the 100-year flood plain, but is in the 500-year-flood plain. She explained that, over the years, flood gates over the openings in the doors had been installed. On the east and north sides, which incurred flooding in the past, the flood gates were operational; however, this time, the entire building was involved. Funding from FEMA for flood mitigation efforts will be sought that would allow for additional flood gates to be installed. According to Ms. Kyras, the gates worked well; however, were not all the way around the building.

Moved by Larson, seconded by Davis, to adopt RESOLUTION NO. 10-400 authorizing emergency repairs.

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

Moved by Larson, seconded by Davis, to adopt RESOLUTION NO. 10-401 approving an Architectural Services Agreement with ASK Studio in an amount not to exceed \$22,125.

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

Moved by Larson, seconded by Davis, to adopt RESOLUTION NO. 10-402 approving a contract with Harold Pike Construction for rebuilding CyRide's office building in an amount not to exceed \$423,102.

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

**EMERGENCY REPAIR OF WATER MAIN ON SOUTH DUFF AVENUE SOUTH OF SOUTH THIRD STREET:** Moved by Goodman, seconded by Larson, to adopt RESOLUTION NO. 10-403 authorizing emergency repairs.

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 Larson, to adopt RESOLUTION NO. 10-404 approving a Contract with Ames Trenching of Ames, Iowa, in the amount of \$45,670.

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

**LAND USE POLICY PLAN MAP AMENDMENT FOR 712 SOUTH 16<sup>TH</sup> STREET:**

Planning and Housing Director Steve Osguthorpe advised that the property in question is located between South 16<sup>th</sup> Street and U. S. Highway 30. It formerly was designated as Highway- Oriented Commercial; however, in 2003, the owner had requested that the northern two-third of the property be rezoned to High-Density Residential. The current request is to extend the High-Density Residential to Highway 30. According to Mr. Osguthorpe, the site is effectively high-density across the entire property because the *Code* contains a provision that if a property is split by two zones, the more-restrictive zone applies for the entire piece of property. Staff prefers that parcels not be split-zoned. Mr. Osguthorpe believes that the request would allow for a logical extension of the existing zoning boundary; however, a detailed analysis has not been completed.

Council Member Larson asked if the request is made in anticipation of any new development. Mr. Osguthorpe stated that staff is not aware of any projects.

Council Member Goodman asked if any of the property in question was under water during the flood. Director Osguthorpe said that it was not.

Council Member Goodman said that this seemed like a reasonable request; however, he would prefer a Highway-Oriented Commercial designation. He noted that keeping it Highway-Oriented Commercial would avoid condominium conversation, which would allow the owner to take advantage of horizontal property regime and pay residential taxes that are subject to the rollback instead of commercial taxes.

Council Member Larson pointed out that the land immediately adjacent to the east of the property in question would be a natural extension for the Aspen Business Park; that would remain Highway-Oriented Commercial.

Moved by Larson, seconded by Goodman, to direct staff to process the Land Use Policy Plan Map amendment application for property located at 712 South 16<sup>th</sup> Street.

Council Member Wacha said that he would support the motion, but wanted to go on record as not being totally in favor of anything that could potentially decrease taxes.

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

**LAND USE POLICY PLAN MAP AMENDMENT FOR 1010 SOUTH DUFF AVENUE:**

Director Osguthorpe said that the parcel in question is the former location of Carney Auto Salvage and is on the east side of South Duff Avenue. It was noted that this property is not located in the flood plain or floodway fringe, and it remained dry during the recent flood. The property is zoned Ag Farmstead, and the request is to change the zoning of approximately three acres to Highway-Oriented Commercial. Mr. Osguthorpe said that staff is not yet sure which three acres would be involved. He noted that if the three acres were rezoned, it would also require approval of a subdivision.

Robert McCarley, 3102 Diamond Street, Ames, said that he has had a magnificent view of the invasion of flood water on the farmland directly behind his residence in 2007, 2008, and 2010. This concerns Mr. McCarley as the flood waters have risen to a higher level on each occasion. The flood water was approximately four feet high right up to his property line and engulfed the corn crop in an adjacent field. Mr. McCarley is also concerned that the flooding appears to be a pattern coming about from a global climate change. He sees it as a warning that Ames must do something about building in flood plains; that simply forces the water into spaces where it didn't formerly invade. Mr. McCarley stated his opposition to the rezoning of 1010 South Duff and urged the City not to allow any more building in the flood plain. In Mr. McCarley's opinion, there is a lot of land in Ames e.g., along Lincoln Way, that is higher in elevation that could be commercially developed.

Upon being questioned by Council Member Wacha, applicant Chuck Winkleblack, 105 S. 16<sup>th</sup> Street, Ames, said that there are still a few cars at Carney Auto Salvage. He noted that, of the approximately 28 acres, the part that is being requested to be rezoned for redevelopment is not located in the floodway or floodway fringe. The developers are looking for a better visual impact for an entryway to the City than the existing warehouse. Mr. Winkleblack does not know if environmental issues exist with the property at this point; rezoning of the three acres would just be the first phase of redevelopment, and he anticipates that any potential buyer would have an environmental analysis done. He reiterated that the bulk of the land would remain Agricultural, with only approximately three acres being requested to be rezoned to Highway-Oriented Commercial.

Council Member Larson said that if this request is referred back to staff, he would need to know more about the property located directly to the south of the east portion of the property in question.

Moved by Orazem, seconded by Larson, to direct staff to process the Land Use Policy Plan Map amendment application for property located at 1010 South Duff Avenue.

Susie Petra, 2011 Duff, Ames, said she understands that FEMA has rules governing floodway fringe that are subject to change after each flooding event. She suggested that the City find out what those are before changing any zoning in the vicinity. Director Osguthorpe stated that those will be reviewed prior to a report on this property being brought back to the City Council.

Council Member Goodman asked when the floodway and floodway fringe maps were created. Planner Jeff Benson said they were revised in 2004. Mr. Goodman is concerned that the City is exacerbating a problem; changes have happened in and around the flood plain during the last decade. He said that, besides the “water issue,” the property in question is perfect for a LUPP change and rezoning to Highway-Oriented Commercial; however, he does not feel that the City has updated information that would allow for a determination to be made as to what could be built there. Mr. Goodman does not want a cursory exploration of FEMA maps; a thorough reexamination of the true situation given recent events is crucial. He asked staff how it planned to show Council where the water has been and where the water will be so that it can make the correct decision about the reasonableness of any investments in the South Duff corridor. Director Osguthorpe said that staff will do a thorough review for the property in question. He noted that staff has been and will continue to coordinate the review with the IDNR. Mr. Goodman expressed his desire for Council to review the entire South Duff corridor, not just the parcel at 1010 South Duff. He noted that the watershed has been “disastrous for capital investment in the community” and it needs to be more fully understood before decisions are made to allow further development.

Assistant City Manager Bob Kindred advised that after the Flood of 1993, a Comprehensive Flood Mitigation Study was done. A review by FEMA and the Corps of Engineers followed to determine the base flood elevation. It took years; however, culminated in the City Council adopting an updated Flood Plain Map. Mr. Kindred noted that FEMA has the responsibility to update the maps nationwide, and when large floods occur, periodic updates will occur. Mr. Kindred said that the City might want to initiate a comprehensive flood plain mitigation engineering study to look at what has changed since the last one was completed in the mid-90s. According to Mr. Kindred, since the flood that just occurred was not categorized as a “100-year flood,” the challenge will be to determine if Ames wants to be more restrictive. He noted that the issues are very complex and will take time to analyze, on a macro level, not just on a micro (individual parcel) level.

Council Member Larson agreed that within the next several weeks or months, as a separate item, a discussion needs to be held on flood mitigation, not just in Ames, but also looking at upstream situations and perhaps looking at creating a diversion of the water before it reaches Ames. Council Member Goodman concurred that the study needs to include more than just within the Ames city limits.

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

**STATUS REPORT ON KELLOGG/CLARK CORRIDOR STUDY:** Director Osguthorpe recalled that, in October 2008, the Council had approved an expansion of the boundaries of the Downtown Facade Grant Program to south of the Union Pacific Railroad along the Kellogg and Clark Avenue corridors. The purpose of that change was to encourage investments that promote the economic vitality of the Downtown and strengthen visual connections between Lincoln Way and Main Street.

Planner Jeff Benson presented the highlights of the Kellogg/Clark Corridor Study. The purpose of the Study was to examine: if the zoning south of the railroad should be changed to be more consistent with the historic design standards for the Downtown Facade Grant Program; if the Downtown Facade Grant Program should be extended south of the railroad and apply only the alternative standards for non-historic buildings; or if the Downtown Facade Grant Program should not be extended south of the railroad. Mr. Benson said that the study area is within the larger Urban Core, which includes four distinct and highly interrelated neighborhoods.

According to Planner Benson, the compactness of development on Kellogg is non-conforming with respect to zoning. He said that the Kellogg corridor has a different character than the Clark Corridor. Mr. Benson explained how Kellogg Avenue is unique.

Three development scenarios were presented by Mr. Benson:

1. Maintain current land use and zoning in the Kellogg Corridor.
2. Change land use and zoning in the Kellogg Corridor to Downtown Service Center.
3. Change land use and zoning for the area between Kellogg and Clark to Downtown Service Center.

Director Osguthorpe emphasized that staff was not proposing that any of the scenarios be undertaken at this time; each of them would require a large investment. The next step could be to invite input from stakeholders and the public on the three alternatives; however, staff did not want to move forward without direction from the Council.

Council Members Larson and Davis suggested that the Kellogg Avenue Corridor be redeveloped first.

Council Member Orazem said that he would like to have input from the adjacent property owners.

Moved by Goodman, seconded by Wacha, to direct staff to explore the interest among Kellogg Corridor property owners of moving that property out of HOC and into DSC.

Council Member Larson said he appreciated “the pie in the sky” approach, which allows for possibilities to be pointed out. He would like to see how Lane4 does in Campustown first

before any changes are envisioned for the Kellogg/Clark Corridor. Mr. Larson stated that he thought when a first step was taken, it should happen first in the Kellogg Corridor.

Council Member Davis concurred with Mr. Larson, and pointed out that if any of the buildings were destroyed, due to the way the *Code* is written and since they are currently nonconforming, they could not be rebuilt.

Council Member Orazem said that he wanted to know what the interest are of the property owners in the area - not just Kellogg, but in a larger area.

Chuck Winkleblack, 105 S. 16<sup>th</sup> Street, Ames, cautioned the Council to move slowly on this, especially without a plan on how parking is going to be accommodated. He referenced the possibility of removing Highway Oriented Commercial along Lincoln Way, citing the need for clearly marked accesses to parking areas. Mr. Winkleblack questioned who would pay for the parking that is going to be required. He feels that there is already a disconnect on the north side of Main Street and the south side of Main Street. Mr. Winkleblack cited his preference to improve the Kellogg Corridor by programs such as the Downtown Facade, etc., but until the downtown parking situation is addressed, the process should move slowly.

Richard Deyo, 505 Eighth Street, #2, Ames, said this was “too much of a pie in the sky.”

Council Member Larson said he was interested in first finding out from the property owners if they are supportive of this project.

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

The meeting recessed at 8:53 p.m. and reconvened at 9:02 p.m.

#### **REPORT ON DEVELOPMENT REVIEW COMMITTEE PROCESS IMPROVEMENT:**

Assistant Manager Kindred explained how process improvement teams are used within the City organization to improve its service to citizens. Since the beginning of this year, a number of efforts have been underway to strengthen the City’s support of economic development, and staff had been directed to conduct an internal review of ways to improve its development review process. According to Mr. Kindred, this report was being presented to the City Council, not for approval, but to inform them of what improvements were being made to the development review process.

Mr. Kindred introduced the members of the Level 1 DRC Process Improvement Team: Planner Ray Anderson, Planner Jeff Benson, Electrical Engineer Mark Imhoff, Traffic Engineer Damion Pregitzer, and Operations Manager Corey Mellies. Process Improvement Team Facilitators Keith Abraham and Todd Moomaw were also present. Each Team member present summarized opportunities for improvements to the development review process. Roles and responsibilities and the time line for implementation were also defined.



Council Member Orazem said that he would like different terminology used for the person who will be serving as an “advocate” for the process; he suggested that Case Planner not be used.

Council Member Larson said that he did not see an evaluation of the process included. He sees a need to receive feedback from developers/applicants and that there be some method for analyzing that viewpoint.

Council Member Wacha pointed out that the way this is meant to work is that City staff works with the applicant to find a way to make their request happen, establishes pros and cons, and then presents all points to the City Council for consideration.

**AGREEMENT FOR PRO BONO CITY ATTORNEY LEGAL SERVICES:** City Attorney Marek advised that last year, the City’s Legal Department litigated 290 cases to final judgment. Most of those occurred in District Associate Court, which is located in City Hall. According to Mr. Marek, the Des Moines office of the Dorsey & Whitney law firm encourages its attorneys to participate in pro bono programs that serve the public interest as a means to get litigation experience. Mr. Marek said that he was contacted by the Head of the Des Moines Trial Group of Dorsey & Whitney to see if Ames was interested in participating in its program. Mr. Marek further explained that all attorneys assigned to the program will have passed the Bar Exam. There would be no cost to the City; again, its purpose is to provide a forum for attorneys to gain litigation experience. In addition, all attorneys assigned to Ames would be supervised by the City Legal Department and would assist with the City’s misdemeanor trials. The program would run for six months and could be renewed upon agreement of both parties.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 10-405 approving the agreement with Dorsey & Whitney, LLP, for pro bono City Attorney legal services.

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

**HEARING ON 2009 EDITIONS OF INTERNATIONAL BUILDING, RESIDENTIAL, FIRE, EXISTING BUILDING, MECHANICAL, PLUMBING, AND FUEL GAS CODES:**

Mayor Pro Tem Mahayni opened the public hearing. There being no one wishing to speak, the hearing was closed.

Moved by Goodman, seconded by Wacha, to pass on first reading an ordinance pertaining to *Municipal Code* Chapter 5 and enacting sign regulations as a separate Chapter 21.

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

Moved by Larson, seconded by Wacha, to pass on first reading an ordinance pertaining to *Municipal Code* Chapter 8.

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

**HEARING ON VET MED SUBSTATION 15-kV METALCLAD SWITCHGEAR:** The public hearing was opened by Mayor Pro Tem Mahayni. He closed same after no one wished to speak.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 10-406 approving final plans and specifications and awarding a contract to Pederson Power Products of Omaha, Nebraska, in the amount of \$563,197.29.

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

**HEARING ON VET MED SUBSTATION ELECTRICAL MATERIALS:** The Mayor Pro Tem declared the hearing open. No one came forward to speak, and the hearing was closed.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 10-407 approving final plans and specifications and awarding a contract to Hamby-Young of Aurora, Ohio, in the amount of \$40,694.90 (Bid No. 1: 69-kV Switches).

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 Goodman, to adopt RESOLUTION NO. 10-408 approving final plans and specifications and awarding contract to Hamby-Young of Aurora, Ohio, in the amount of \$39,683.05 (Bid No. 2: Instrument Transformers).

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 Goodman, to adopt RESOLUTION NO. 10-409 approving final plans and specifications and awarding contract to Galvanizer, Inc., of West Fargo, North Dakota, in the amount of \$36,261.42 (Bid No. 3: Steel Structures).

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

**HEARING ON AMENDMENT TO LIGHTING ORDINANCE RELATED TO GLARE ZONE:** Director Osguthorpe advised that staff was proposing two changes to the Outdoor Lighting Code. One change is to amend the *Code* to allow no more than five (5) percent of total lumens to fall within the ten (10) degree below horizontal to horizontal plane. This brings the City's regulatory requirement into alignment with the industry standard. It also removes any opportunity for error in extrapolating lighting information in the 15 degree glare zone and would remove any ambiguity as to whether a fixture meets the standards. The second change is to allow an applicant to either supply the requested information at the time of site plan submittal or to note on the plan that the information will be submitted to the Planning and Housing Department prior to installation.

Mayor ProTem Mahayni opened the public hearing. He closed same after no one asked to speak.

Moved by Davis, seconded by Larson, to pass on first reading an amendment to the Lighting Ordinance related to the glare zone.

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

**ORDINANCE CONCERNING GOVERNING OF PUBLIC LIBRARY AND CLARIFYING PROCEDURES FOR REMOVAL OF LIBRARY EMPLOYEES:**

Moved by Davis, seconded by Larson, to pass on first reading an ordinance concerning governing of the public library and clarifying procedures for removal of library employees.

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

**ORDINANCE ESTABLISHING PARKING REGULATIONS ON JENSEN AVENUE:**

Moved by Davis, seconded by Goodman, to pass on second reading an ordinance establishing a “No Parking” regulation along the west side of Jensen Avenue from 20<sup>th</sup> Street to 24<sup>th</sup> Street.

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

**COUNCIL COMMENTS:**

Council Member Orazem recommended that the City start looking at where there was flood damage and whether or not the changes to allowing building in the floodway exacerbated the situation.. After the Flood of 1993, the City also identified properties that were going to be constantly at risk. He suggested that the City once again look at whether there are properties that will constantly be at risk and review ways to mitigate that risk.

Moved by Goodman, seconded by Davis, directing staff to review with the City Council the process followed after the Flood of 1993.

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

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 10:00 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

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Riad Mahayni, Mayor ProTem