

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

NOVEMBER 23,

2010

The regular meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on November 23, 2010, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Davis, Goodman, Larson, Mahayni, Orazem, and Wacha. *Ex officio* Member England was also present.

CONSENT AGENDA: Council Member Wacha asked that Items No. 8 (Agreement for Greenbriar Park golf cart path) and No. 10 (Engineering Services Contract with Snyder & Associates, Inc., for 2010/11 CyRide Route Pavement Improvements) be pulled for separate discussion.

Moved by Davis, 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 November 9, 2010
3. Motion setting January 25, 2011, and February 22, 2011, at 6:30 p.m. as Conference Board meeting dates
4. Motion approving Report of Change Orders for November 1-15, 2010
5. Motion approving certification of civil service applicants
6. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class E Liquor, C Beer, & B Wine – Hy-Vee Wine & Spirits, 3615 Lincoln Way
 - b. Class C Beer & B Wine – Kum & Go #216, 203 Welch Avenue
 - c. Class C Beer & B Wine – Kum & Go #214, 111 Duff Avenue
 - d. Class C Beer & B Wine – Kum & Go #113, 2801 E. 13th Street
 - e. Class C Beer & B Wine – Kum & Go #215, 4506 Lincoln Way
 - f. Class E Liquor, C Beer & B Wine – AJ's Market, 129 Welch Avenue, Suite 101
 - g. Class C Liquor & Outdoor Service – Cazador Mexican Restaurant, 3605 Lincoln Way
7. Motion directing City Attorney to draft ordinance pertaining to parking regulations on North 4th Street from North Riverside Avenue to North Maple Avenue
8. RESOLUTION NO. 10-532 approving Engineering Services Contract with Alfred Benesch & Co. of Ames, Iowa, for 2010/11 Concrete Pavement Improvements in an amount not to exceed \$112,900
9. RESOLUTION NO. 10-534 approving extension of the Master Developer Agreement with Lane4 Property Group for the Campustown Redevelopment Project.
10. RESOLUTION NO. 10-535 approving set hours on Saturdays from November 20 through December 25 for parking enforcement waiver for Main Street Cultural District holiday activities
11. RESOLUTION NO. 10-536 approving Change Order to Engineering Services Agreement with FOX Engineering for Water Treatment Plant pre-design services
12. RESOLUTION NO. 10-537 approving Change Order No. 3 for Well Rehabilitation Services Agreement with Northway Well and Pump for repairs to Well No. 7
13. RESOLUTION NO. 10-538 authorizing continuation of outside consulting services with Hall & Associates pertaining to NPDES appeal
14. RESOLUTION NO. 10-539 accepting final completion of WPC Facility Clarifier Painting Project
15. RESOLUTION NO. 10-540 approving Plat of Survey for property located at 212 and 217 High Street
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

AGREEMENT FOR GREENBRIAR GOLF CART PATH: Council Member Wacha stated that a map was not included with the Council Action Form, and he wondered if there would be an increase or a decrease in the length of City trail that the golf carts would be using. He noted that a map had been placed around the dais showing that it had been decreased quite a bit.

Moved by Wacha, seconded by Davis, to adopt RESOLUTION NO. 10-531 approving acceptance of the agreement from the owners of Coldwater Golf Links for the Greenbriar Park golf cart path. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ENGINEERING SERVICES CONTACT WITH SNYDER & ASSOCIATES, INC, FOR 2010/11 CYRIDE ROUTE PAVEMENT IMPROVEMENTS: Council Member Wacha asked how the cost got factored into the choice of because there was a bid from WHKS that scored higher at a lower cost, but was not selected. Municipal Engineer Tracy Warner stated that staff consistently makes a conscious effort to work with multiple consultants as each has certain strengths. Schedules are submitted as are names of key personnel; the ability to complete the project and personnel with experience on similar past projects are considered. The selected consultants had certain strengths that set them apart; e.g., they are strong with land acquisition, transportation, looking at rehabilitation, and reconstruction methods.

Moved by Wacha, seconded by Mahayni, to adopt RESOLUTION NO. 10-533 approving the Engineering Services Contract with Snyder & Associates, Inc., of Ankeny, Iowa, for the 2010/11 CyRide Route Pavement Improvements in an amount not to exceed \$120,950. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

PUBLIC FORUM: Roy Cakerice, 2911 Duff Avenue, Ames, stated that he had made seven appearances since Fall of 2007 in an attempt to get the City Council to approve Carr Pool being open half time during the summer. He noted that the subsidy for Carr Pool is only one-half of one percent of the entire City budget. Mr. Cakerice advised that he had received \$11,000 in pledges to use towards the operation of Carr Pool on a half-time basis during the summer. He asked for a definite answer as to whether Council would be supportive of that. If the City Council is supportive, Mr. Cakerice said that he would cash the checks and continue to collect the pledges. If the answer is no, he will return the checks. If the City Council is not supportive of keeping Carr Pool open half-time during the summer, Mr. Cakerice asked that the City still not demolish the Pool for at least two more years to see how the new Aquatic Center works out.

Richard Deyo, 505 Eighth Street, #2, Ames, advised that approximately a week ago he thought it would be a nice thing for him to open the doors for people going into City Hall. One of the persons entering City Hall called the Police Department. The police officer asked Mr. Deyo to stop doing that and told him that a person had complained. Mr. Deyo then sought the advice of an attorney, who stated that the only thing that could happen to him would be to be charged with loitering. He continued to open the door for people going into City Hall for several days, but on the following Monday, another person called the police. Mr. Deyo doesn't believe that he did anything wrong by opening the door for persons entering City Hall, and he doesn't understand why people are calling the police.

Dan Culhane, 1601 Golden Aspen Drive, Suite 110, Ames, spoke as the Director of the Ames Economic Development Commission (AEDC) in support of the proposed annexation moratorium between the Cities of Ames and Nevada. He stated that the AEDC Board of Directors endorsed the proposed Dupont-Danisco cellulosic ethanol production facility, which may locate on the land that Nevada hopes to annex. In addition, the AEDC Board of Directors strongly encouraged the City of Ames to initiate the process of annexation east to the proposed moratorium line along Lincoln Way to capture the property that borders the Union Pacific railroad tracks. The Board believes that this would position the Ames community well for future economic development

opportunities.

5-DAY CLASS C LIQUOR LICENSE FOR CHRISTIANI'S EVENTS: Moved by Goodman, seconded by Mahayni, to approve a new 5-Day (December 11 - December 16, 2010) Class C Liquor License for Christiani's Events at ISU Alumni Center, 420 Beach Avenue. Vote on Motion: 6-0. Motion declared carried unanimously.

5-DAY CLASS C LIQUOR LICENSE FOR OLDE MAIN BREWING CO.: Moved by Davis, seconded by Mahayni, to approve a new 5-Day (December 11 - December 16, 2010) Class C Liquor License for Olde Main Brewing Co., at CPMI Event Center, 2321 North Loop Drive. Vote on Motion: 6-0. Motion declared carried unanimously.

REQUEST FOR WAIVER OF SUBDIVISION REGULATIONS FOR 3957 DEER RUN LANE: Director of Planning and Housing Steve Osguthorpe recalled that on August 10, 2010, the City Council referred back to staff a request from Charles and Jacquelyn Olson for a waiver of subdivision regulations for land located at 3957 Deer Run Lane. The applicants wanted to divide their land into four lots; however the area is located within the Natural Area of the Urban Fringe Plan, which prevents subdivisions for new non-farm residential development. The City Council had directed staff to come up with options to allow subdividing the land while still preserving the Natural Area around it. After analyzing the request, staff does not believe that the land could be divided into four lots without a negative impact on the existing tree canopy and without disturbing the steep slopes adjacent to Squaw Creek. In addition, staff found that development within the northern flat area of the land in question could not be accomplished because it is too small to accommodate a house, septic drain field, and buffer from the existing natural tree canopy.

According to Mr. Osguthorpe, the only option would be to allow one additional building site. To accomplish that option, the land would need to be divided in such a way that a new building site would lie within the large front yard of the existing home. It is not known at this time if the septic drain field of the existing house is located in the front yard or where the drain field for the new house would be located. Staff believes that allowing the creation of one additional lot should protect the Natural Area provided that an adequate buildable site is identified on a subdivision plat located within the existing developed area.

Charles Olson, 3853 Deer Run Lane, Ames, advised that the area in question is approximately one acre of flat land. Most of the nearby homes in existence are built on similar lots. There are a few trees on the edge. There is a very steep ravine between the existing house, and there would be a septic field placed in the front of the lot. Mr. Olson stated that the owners are now requesting the creation of only one additional lot.

Council Member Larson asked to know what the problem is with the Olsons locating the house where they are desiring it. Mr. Osguthorpe advised that it is the policy of the City's Fringe Plan and Land Use Policy Plan to have a buffer between residential development and wooded areas. Also, the study conducted for development around Onion Creek recommended that the buffer be 200'. Mr. Larson indicated that he preferred where the Olsons are proposing to locate the house over the location being recommended by staff. Mr. Osguthorpe reiterated that it is unknown where the septic field would be located.

Moved by Larson, seconded by Davis, to direct staff to work with the applicant to prepare a draft subdivision plat that includes one additional lot and specifically shows the location for the house as proposed by the applicant; and bring it back to Council for its consideration.

Council Member Wacha said that he believes Plans adopted by the City should be followed, but pointed out that the exact distance for the buffer between development and the Natural Areas has not been definitely set; 200' was only suggested as part of the Onion Creek Study.

Council Member Larson said he did not believe staff had done what the Council had asked, which was to come back with available options. Council Member Goodman disagreed, stating that staff was asked to come back with options which would still preserve the Natural Area, and he believed that is what they had done. He pointed out that after review, City staff determined that the location of the house, as proposed by the owner, would hinder the Natural Area. Mr. Osguthorpe clarified that staff did not feel that the site could accommodate the house and yard without somewhat impacting the Natural Area.

Council Member Mahayni advised that he would vote against the motion because it would not allow staff to find the best location for the house.

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

LAND USE POLICY PLAN FUTURE LAND MAP AMENDMENT FOR 712 SOUTH 16TH

STREET: Director Osguthorpe recalled that the City Council had directed staff, on August 24, 2010, to process an amendment after a land use designation change from Highway-Oriented Commercial (HOC) to High-Density Residential (RH) had been requested in writing by Randall Corporation.

Director Osguthorpe advised that when a lot is divided by a zone boundary line, the entire lot is to be construed to be within the more restrictive zone for purposes of complying with the requirements. He recalled that the northern 3.26 acres of Parcel N was previously changed from HOC to RH back in August 2003. Since that time, the parcel has been split by the RH zone to the north, and the HOC zone to the south. Since Parcel N is split by HOC and RH zones, and since RH is the more restrictive zone, the requirements for the RH zone apply for all of it. Therefore, the RH zoning standards for uses, setbacks, and all other development standards would apply to the 6.22 acres of HOC land as well as the 13.26 acres of RH land. The only portion of the properties where the HOC zone standards would apply is the 1.31 acres of land south of Parcel N and north of the highway.

According to Mr. Osguthorpe, in reviewing the proposal, staff had examined applicable goals and policies of the LUPP, and based on that analysis, found no inconsistencies. He noted that the subject property is in a prime location as an infill site for high-density residential development and future access to the extension of Grand Avenue. It was noted, however, that based upon the traffic study, there are no impacts associated with this proposal that would trigger the need for the Grand Avenue extension at this time. Mr. Osguthorpe emphasized that the extension of Grand Avenue is not a consideration with this application.

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 10-541 to approve an amendment to the LUPP Future Land Use Map to change the land use designation of the properties at 712 South 16th Street from Highway-Oriented Commercial to High-Density Residential.

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

DOWNTOWN FACADE GRANT FOR 132 AND 134 MAIN STREET: Planner Jeff Benson reported that Main Street 134 WR, LLC, had applied for a Facade Grant to improve the front facade of the building addressed as 132-134 Main Street. He reported that the building had been occupied by Whiskey River bar and grill, which is currently closed; however, discussions with a prospective tenant to reopen that business are underway. The building's owner is requesting two \$15,000 grants and two \$1,000 grants for architectural fees for renovating the entire front facades of both buildings. According to Mr. Benson, the terms and conditions of the City's grant program do not forbid that from occurring. It was his opinion that both grants should be approved simultaneously to achieve the most impact. He also noted that one historical review stated that 132 - 134 Main Street could be considered as two buildings.

Mr. Benson gave the history of the building and described the proposed front facade improvements. The improvements are estimated to cost \$66,998 for 132 Main and \$37,667 for 134 Main. He addressed the issue of the transoms. The proposal is to retain or replace the solid transoms and use them for signs. The Downtown Design Guidelines allow signs in the transom areas, but encourage installing new glass transoms when the opportunity arises. The applicant is not proposing to install glass transoms due to the initial cost and the cost of heating.

According to Planner Benson, the City has tried for quite some time to get the owner of 132 - 134 Main to repair structural and other serious building deficiencies. The Inspection Division approved a plan for making the repairs and the first phase was completed, which made basic repairs to the front facade of the building. Phase 2, which is to repair structural and other serious deficiencies on the south facade, was to be completed by July 1, 2009. Phase 3, repairing serious interior deficiencies, was to be completed by October 1, 2009. Neither Phase 2 nor Phase 3 have been completed, and staff is recommending that if the grants are approved, stipulations be placed that no funds be disbursed until the repairs are completed.

Council Member Larson asked what buildings had received more than one grant. Mr. Benson recalled that Café Diem and Chocolaterie Stam/Lazy M buildings had received multiple grants. Council Member Goodman said that he would only be comfortable approving two grants if it were considered two buildings or if it were in two phases.

It was also asked by Mr. Larson if Whiskey River will use all of the building for its operation. The owner of the building Russ McCullough, 321 Stanton, Ames, said that the tenant will use all of the first floor with plans to expand to the second floor in the future. The west side space will be used as a bar, and the east side will function as a grill. Two separate entrances will be maintained. Mr. McCullough addressed the transom issue. He noted that glass transoms, which he personally believes are not aesthetically pleasing, are cost-prohibitive initially and are not energy-efficient. They would cost in excess of \$6,000 to replace with commercial glass. Mr. McCullough also noted that the transom panels in the building have not been glass since at least the 1960s. Mr. Goodman noted when the program changed from a low-cost loan to a grant, there

were additional standards, and one of those pertained to glass transoms. Council Member Larson noted the extra benefit that the City would get if stipulations were placed on the grant such that the structural improvements would have to be completed before any grant monies would be disbursed.

Moved by Goodman, seconded by Mahayni, to adopt RESOLUTION NO. 10-542 approving the request for a Downtown Facade Grant in the amount of \$15,000 for 132 Main Street, \$15,000 for 134 Main Street, and \$2,000 for professional design fees with the following conditions:

1. Phase 2 work and Phase 3 work will be completed before any payments are made to the owner under either of the grants.
2. Glass transoms will be included on both facades, with final details submitted for staff approval prior to installation.

Council Member Wacha noted that glass transoms were not included as a standard due to their beauty; it was due to their historical significance.

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 Goodman, to give staff the latitude to work with the owner and the architect to come up with a system that gives the feel of the glass transom look.

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

SECTION 8 PROGRAM REVIEW: Housing Coordinator Vanessa Baker-Latimer reminded the Mayor and Council members that, on April 27, 2010, they received a staff report on the financial status of the City's Section 8 Housing Choice Voucher Program. The main subject of that report was that the administrative allowance provided by the U.S. Department of Housing and Urban Development (HUD) is not adequate to fully fund administration of the Program. Options provided to Council included identifying a permanent additional funding source for administration of the program, or discontinuing City administration, which would allow HUD to assign another public housing administrator to manage the Program in Ames. Based on the report, Council directed staff to conduct a further review and report back to Council on the possibility of providing a level of service for the Section 8 Program that could be administered within the funding provided by HUD. Council also asked that staff report on comparable programs in Iowa.

Ms. Baker-Latimer reported that over the past seven months, staff had researched options for providing Section 8 administration at a level of service that could be funded within the administrative budget allocated by HUD, while at the same time meeting the program compliance requirements set by the contract with HUD. This research included talking with housing authorities with similar-sized Section 8 Programs, meeting with area housing authorities within close proximity to Ames about how they administer their Programs, and meeting with HUD staff to review the City's current program administration and discuss ways that the day-to-day program administration could be reduced or modified.

Regarding service levels, according to Ms. Baker-Latimer, it has been difficult to equate service reductions to a specific financial savings because procedures/services had only been reduced versus eliminated. She emphasized that the level of compliance still needs to be maintained. The conclusions from the service level research were revealed by Ms. Baker-Latimer. The mandatory requirements, such as processing annual and interim recertifications, conducting inspections, compliance with mandatory lease-up rates, and submittal of monthly and quarterly reports, cannot be reduced. Making changes in program administration, such as closing the waiting list and only accepting applications for a limited time period when there is not a sufficient number on the list to fill turn-over slots, when there has been only two temporary part-time staff members, is not sustainable since the City would not meet HUD's mandatory lease-up requirements (95%). In addition, City staff may not remain "temporary" employees without benefits on a permanent basis. Ms. Baker-Latimer noted that the City's current lease-up rate is 65%. Assistant City Manager Bob Kindred pointed out that the administrative funding could be scaled back if the City is found to be in non-compliance.

Ms. Baker-Latimer advised that Iowa Housing Authorities (HAs) of similar size were contacted to review their staffing in comparison with the City's to help gauge resources needed to implement the same HUD requirements. Most of those Housing Authorities (HA's) are operated by non-city agencies, and in many cases had lower staffing levels. Although similarly sized, administering the program in college towns like Ames requires a greater workload due to its local market conditions, i.e., higher turnover, especially during the July/August time period. Further, the City's "pay equity" pay plan leads to higher salary levels than are paid in other HA's with similar numbers of vouchers that serve smaller communities or regional areas.

Council Member Davis had asked if staff had looked at moving to contracted employees without benefits. Mr. Kindred said the former City Attorney had indicated that that was not an option. City Attorney Doug Marek stated to do that would be contrary to state law. The City could, however, contract with another entity for services.

City Manager Schainker said the issue was whether the City could operate the Program on its federal administrative allocation of \$138,000. Ms. Baker-Latimer said that it could not. Mr. Kindred reported that it was difficult to gauge a dollar figure because many of the tasks are having to be picked up by the Housing Coordinator, who gets pulled off of other programs. She elaborated that, due to difficulty in meeting all the Section 8 administrative requirements within the funding levels provided by HUD, there is competition for staff and resources for the administration of other programs in the Housing Division. Even with service adjustments and using temporary staff, the City has not been able maintain the lease-up rate required by HUD. This situation puts the City at risk for program non-compliance.

Ms. Baker-Latimer reiterated that the level of administrative funding provided by HUD for Section 8 is not adequate to cover the cost of administering the program for the City of Ames as a stand alone Housing Authority. HUD has allowed Section 8 HA's to accumulate and maintain an administrative fund balance; however, it is expected that the City's Section 8 administrative fund balance will be exhausted in the upcoming fiscal year, and alternative (local) funding will be required if the City plans to continue administering the Program. The City's current adopted budget for FY 2010/11 anticipates expenses to exceed revenues provided by HUD to administer the program by approximately \$151,000 for both this fiscal year and next. Also, given the trend in funding for administration over the past several years, it is expected that

the funding shortfall will increase each year if the City continues to administer the Section 8 Program.

It was stated by Ms. Baker-Latimer that HUD would select the new HA, and it would be that jurisdiction's decision whether or not to set up an office in Ames or conduct the administration by correspondence. She stated that it has been concluded that there will continue to be a shortfall between the amount of funds received by the City from HUD and the cost to hire the adequate number of staff to administer the program in full compliance with the program regulations. Ms. Baker-Latimer advised that currently the Program is not in compliance regarding the lease-up percentage requirements. The lease-up percentage requirement is 95% of the contract allocation of Vouchers (218 out of 229 Vouchers), and the City is currently at 65% lease-up (149 out of 229 Vouchers). This is a major compliance area that is reviewed by HUD.

Ms. Baker-Latimer advised that, since June 2010, the Housing Division has been staffed by an equivalent of 2.25 FTEs, including the Housing Coordinator and one half of a full-time support staff person, augmented by two part-time temporary employees. The Division has attempted to address current funding shortfalls by reducing levels of service in areas that do not conflict with HUD guidelines (e.g., closing the waiting list); however, most of the slack has been picked up by the Housing Coordinator regularly working extended hours.

According to Ms. Baker-Latimer, the service level and financial analyses both indicate that it is not possible to (1) reduce the service level to administer this Program and remain in compliance with HUD requirements or (2) remain within the financial allocation provided by HUD for program administration.

Four possible options for continued operation of the mandated Section 8 Program in Ames were explained by Ms. Baker-Latimer, as follows:

1. Return Section 8 Program Administration to HUD for reassignment to another agency . Under this option, the City would relinquish the Annual Contributions Contract back to HUD for them to designate another program administrator for the City of Ames. HUD would select the Housing Agency and then contact that HA to determine its interest in administering the Program for the Ames jurisdiction. HUD has stated that they would identify another Housing Authority to administer the Program and would retain the allocated vouchers in the "Ames jurisdiction." The Housing Authority selected by HUD would have sole discretion on how the Program would be administered based on their HA's program guidelines and priorities. This option would result in the City Council no longer being able to establish more stringent program eligibility guidelines in the Ames community than those required by HUD (e.g., background checks and giving local eligibility preference to Ames residents, the elderly, and families).
2. Subcontract with another Public Housing Agency to administer Section 8 . Under this option, the City would contract with a neighboring HA to administer the Ames Program in accordance with policies established by the City of Ames. This alternative was attempted in 2000, when the City Council approved contracting out program administration to another area Public Housing Agency. However, due to problems inherent with subcontracting a grant program, the contract was terminated by mutual agreement after two months. Staff has spoken with two other housing directors in the area: Central Iowa Regional Housing Authority in Grimes and Marshalltown Housing Authority. Both stated that they would not

be interested in being a subcontractor to the City of Ames. This is due both to differences in administration and to complications of staffing two separate boards.

3. Create a local, non-profit entity to administer Section 8. Under this option, the City would create a separate legal entity under Chapter 28E of the *Code of Iowa* between the City of Ames and a new Ames Housing Authority to administer the Section 8 Housing Choice Voucher Program. Similar arrangements of this type have been implemented by Mason City and Des Moines in past years. Under *Iowa Code* Section 403A.5, this new Housing Authority would be governed by a board of commissioners appointed by the Mayor. The administration and policy-making for that agency would be exercised by the commissioners, and not by the City Council. Under this option, the City of Ames would still be liable for any financial shortfalls generated by this entity. In addition, there is no indication that this entity would be able to operate the Section 8 Program at a lower cost than the City.
4. Have the City of Ames continue to administer Section 8. This would require the City to use local tax dollars to cover the administrative funding gap so sufficient staff to operate the program could be hired. The magnitude of the annual financial shortfall will make it very challenging to cover each year. Given the relatively small number of vouchers for which the City is responsible, it is no longer possible for the City to administer this Program as efficiently as larger housing authorities. Long-term funding to locally subsidize this Program would need to come from increased property taxes, from the existing pool of human services funding, from an expanded pool of human services funding (which would reduce the availability of local option sales tax funds for other “community betterment” projects), or, in the short-term, from the existing balance in the Housing Assistance Fund.

Council Member Orazem asked who sets the number of vouchers. Ms. Baker-Latimer advised that the number of vouchers is determined by the number originally applied for by the HA. In addition, some come into the HA when HUD asks that the vouchers be absorbed from another jurisdiction.

Also at the inquiry of Mr. Orazem, Ms. Baker-Latimer replied that the other Section 8 Voucher projects existing in Ames are Keystone, Eastwood, Stonehaven, Roy Key, and Regency. They are totally separate entities over which the City has no jurisdiction.

Council Member Larson asked if the Program would be financially feasible if the City requested fewer vouchers. He reasoned that fewer staff would be needed to administer the Program. City Manager Schainker noted that it is very difficult to determine what that threshold is; HUD lowers its allocation when the number of vouchers is lowered. He noted that it had become apparent that housing authorities with small numbers of vouchers, such as Ames’, cannot continue to operate as efficiently as those with a greater number of vouchers over which administrative costs can be spread.

Council Member Wacha noted that Council needs to determine if local control was worth potentially \$150,000 in tax payer monies. He wanted to know what Ames is doing that HUD wouldn’t do by default and if that additional service was worth it for the citizens of Ames. Ms. Baker-Latimer replied that HUD requires background checks, but do not regulate how those are done; the level of background investigation is up to the discretion of the Housing Authority. She also stated that local preferences as to whom qualifies for the Program, i.e., elderly, disabled, families with children, have been set by the City of Ames. Council Member Larson asked if the

City could work with another HA to require the same preferences as currently exist. Ms. Baker-Latimer noted that the City could ask that entity to do that, but it would be under no obligation to honor that request.

Council Member Goodman believes that, in order to make the best decision, the City Council needs to have a listing of the most-likely housing authorities that might absorb the City's vouchers with a listing of their preferences and screening procedures. He did not feel that the Council could move forward on this issue until that is known.

Council Member Larson asked if a decision needed to be made at this meeting. City Manager Schainker stated that a decision did not need to be made at this meeting; however, a final decision must be made by February when the City's budget for 2011-12 needs to be finalized. Assistant City Manager Kindred said that there is a point where the City needs to decide to either relinquish the Program administration or to provide an adequate number of staff to administer it. He noted that operating all of these programs has actually required approximately 184 hours of staff time per week, which equates to 4.6 full-time employees (FTEs). Even if Section 8 Program administration is relinquished to HUD, staffing will still be needed to administer the City's annual CDBG allocation, as well as affordable housing initiatives, flood recovery initiatives, and other priorities identified over time by the City Council.

Discussion ensued on variations of Option 3, which was to create a local, non-profit entity to administer the Program. Believing that maintaining local control over the Section 8 Program is important, Council Member Larson asked if any of the ASSET agencies could assume administrative duties for the Program. He also suggested looking at some of the City's ASSET monies going towards local administration of the Program. Assistant City Manager Sheila Lundt stated that a Request for Proposals could be issued or a meeting could be held with some of the agencies to see if it were possible for them to assume administration of the Program. She did not believe that any of the agencies would be able to handle administering the Program on its own, but could possibly form a consortium with the City. Mayor Campbell noted that it would depend on whether ASSET monies would be increased to accommodate for Program.

Council Member Mahayni noted that the City is delivering a service to the community. What has been happening is that the responsibility for social services, such as Section 8, has been pushed from the federal government to local governments. If the City is interested in providing that type of service, then it needs to come up with the funding. He feels the optimal solution might be to lower the level of service some and maintain local control.

Council Member Goodman asked if the City could get the Program administration back if it relinquished its vouchers. Ms. Baker-Latimer said it would be very difficult, if not impossible, to get the vouchers back. Mr. Goodman asked if there is any HA in the surrounding communities able to have a short-term subcontract to administer Ames' vouchers; that way the City could try it to see how it performed. Council Member Larson suggested that the Council approve a combination of Options 2 and 3: create a non-profit entity and subcontract the Program to it.

Mr. Goodman asked to have the following questions answered prior to making a decision: (1) What entities are most likely to absorb the City's vouchers? (2) Are there any non-profit

agencies that would be interested in administering the Program? (3) Are there any Housing Authorities that would be willing to subcontract for the Program?

City Manager Schainker added that it would be beneficial to also learn what policies the other possible entities already have in place. He said he did not believe that a decision will be made by budget discussions in February, and the Council will have to make decisions on the level of staffing and how to fund the subsidy that will be necessary for next year.

Council Member Larson said that he would like the non-profit agencies to be asked not only to determine if there is interest in taking over administration of the Program, but that ASSET agencies be surveyed to determine how important it is to their operations to have a locally administered Section 8 Program. Assistant City Manager Lundt noted that the ASSET Joint-Funders meeting is scheduled for December 2, 2010. Mayor Campbell urged the City Council members to attend that meeting to discuss this issue.

Moved by Goodman, seconded by Mahayni, to direct staff to get the following information as soon as possible: What HAs are most likely to be assigned the City's vouchers; what are their priorities and notable procedures, e.g., background checks, etc.; are any HAs interested in subcontracting with the City; have any non-profits ever done this in a similar scale; meet with ASSET some time soon to ask about the potential of setting up a non-profit to administer the Program in Ames and also to determine how important it is to ASSET agencies for Ames to have local control over the Section 8 Program.

Council Member Wacha urged that the information come back to Council in time for a decision to be made prior to finalizing next year's budget. Assistant City Manager Lundt said that she would send an email to the Chairperson of ASSET to try to set a meeting time.

Finance Director Duane Pitcher said that if the City continues to administer the Program for next fiscal year, a local subsidy will be needed. City Manager Schainker said that the City Council would need to provide direction to staff as to the funding source; he assumed that Council would not direct staff to raise taxes for one year.

Council Member Larson agreed that the staffing issue needs to be resolved. Assistant City Manager Kindred pointed out that it takes months to recruit the right staff and train them; that would not be the best solution if the Program administration is going to be short-term.

Housing Coordinator Baker-Latimer noted that she has to finalize the flood buy-out, and it might not be possible to get all the questions answered by the next Council meeting, which is December 14. The City Council concurred that the flood buy-out needs to be done; to get the Section 8 questions addressed by January was acceptable.

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

The meeting recessed at 9:40 p.m. and reconvened at 9:45 p.m.

AMENDMENT TO CAMPUSTOWN URBAN REVITALIZATION PLAN TO ALLOW FOR FIRE SPRINKLER RETROFITTING: Planner Jeff Benson stated that three years ago, the City Council adopted an ordinance to require that certain types of existing buildings install fire sprinkler systems. To help offset the cost of the sprinkler systems and the increased property taxes from increased value, the Council has allowed tax abatement.

It was reported by Mr. Benson that the ten-story residential building at 111 Lynn Avenue is subject to this City requirement and a fire sprinkler system is being installed. The property owner would like to apply for tax abatement. Several Greek houses (“dormitories”) have received tax abatement for property improvements that included fire sprinkler systems. The City Council approved these abatements during the annual consideration of tax abatement applications because the Greek houses were all within the existing East University Urban Revitalization Area. Property improvements that include installing fire sprinkler systems qualify for tax abatement in the East University Urban Revitalization Area; however, 111 Lynn Avenue is within the Campustown Urban Revitalization Area, where property improvements that include installing fire sprinkler systems do not currently qualify for tax abatement. Mr. Benson noted that the map showing the location of the building in question that was attached to the Council Action Form was incorrect. It is actually located within the Campustown Urban Revitalization Area, not the East University Impacted Urban Revitalization Area.

According to Mr. Benson, the City Council is now being asked to begin the process to revise the Campustown Urban Revitalization Plan to add property improvements that include installing fire sprinkler systems. There is an existing Campustown Criteria Matrix; the amendment would add the criteria as described in the “Urban Revitalization Sprinkler Retrofitting Criteria.” If these criteria were added to the Campustown Urban Revitalization Plan, to become eligible for tax abatement, the owners of 111 Lynn would only need to show that they have completed improvements that include the required fire sprinkler system. They would then be included in the annual review and approval by the Council in February 2011. The tax abatements approved through these processes would apply to the value of any and all improvements, not just sprinkler systems, if the added value is at least 5% of the value before the improvements. Abatement is available over three, five, or ten years. It is not known at this time if this project will increase the value of 111 Lynn by at least 5%. According to Mr. Benson, staff is not aware of any other existing buildings within the Campustown URA for which the City’s Fire Code will require fire sprinkler systems.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 10-543 setting the date of public hearing for December 14, 2010, to amend the plan for the Campustown Urban Revitalization Area to qualify fire sprinkler retrofit improvements for tax abatement.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

Moved by Wacha, seconded by Davis, to waive the mailing of hearing notice to occupants in the Campustown Urban Revitalization Area.

Planner Benson advised that notices for hearings on Urban Revitalization Plans are usually mailed to all occupants within the Urban Revitalization Area, but state law allows the City Council to waive this part of the notice requirement “for good cause.” The proposed addition of fire sprinkler criteria to the Plan for which only one building is likely to qualify will not affect the hundreds of apartment residents in the Campustown Urban Revitalization Area.

Council Member Goodman said that he was not comfortable not notifying all the occupants. Council Member Larson said that he was more concerned that all property owners be notified. Mr. Benson said all property owners within 200' of the building in question will be notified.

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

Moved by Davis, seconded by Wacha, to direct staff to prepare the Amendment to the Plan.
Vote on Motion: 6-0. Motion declared carried unanimously.

STORM SEWER FEE STRUCTURE DISCUSSION: Operations Manager Corey Mellies advised that, since its inception, the City's Storm Sewer Utility has generated revenue based on a uniform flat monthly fee per utility account. In response to a citizen request, the City Council directed City staff to develop alternatives for billing based on impervious area. At a November 17, 2009, workshop, the Council considered four alternatives that reflected this new billing philosophy. At that meeting the Council directed staff to explore two additional alternatives for consideration. The City Council was subsequently presented with those six alternatives at a September 21, 2010, workshop. Staff was then directed to bring back those alternatives for a final decision. The original six alternatives, as well as one additional alternative and examples of the various rates with a 15% revenue increase, were presented.

Mr. Mellies advised that the money collected for and paid into the Storm Sewer Fund is expended for the purpose of constructing, operating, repairing, and maintaining all facilities useful to the proper control, management, collection, drainage, and disposition of storm water in the City. He said that, at present, the City charges a flat fee per utility account for storm water. This charge is currently \$3.00. There are approximately 24,780 utility accounts in the City. This generates approximately \$74,340 a month in revenue for storm water improvements, or \$892,080 annually. There are currently 18,276 residential utility accounts in the City, which account for 74% of the total utility accounts.

Operations Manager Mellies described the steps taken to perform the Impervious/Pervious Analysis. Using the GIS, the percentage of imperviousness per classification was determined, as follows: (1) Residential: 46.9%; Commercial: 32.9%; Industrial: 7.1%; Tax Exempt: 13%, and Agriculture: 0.1%. He noted that Iowa State University was not included in the calculations since it has its own storm sewer system.

According to Mr. Mellies, City staff had researched how other cities bill for impervious area, and it was found that many use the Estimated Residential Unit (ERU) process. GIS is used to estimate the average impervious area on residential lots, and that number is then used to divide the impervious area of all properties to give each property an ERU value. In Ames, an average residential parcel has 3,050 square feet of impervious area. After analyzing the data, staff

recommended that one ERU would equal 4,000 square feet. That formula was then used for the analyses.

Mr. Mellies reported that staff had to make two assumptions to analyze an ERU system for billing: (1) The minimum ERU would be equal to one. (2) For the purpose of billing, the calculated ERU would be rounded to the nearest half-ERU. It was also assumed that the Assessor codes would be used when looking at residential versus other classifications and that mixed-use development was residential since utility accounts are 99% of the accounts in the mixed-use parcels.

The seven alternatives developed by City staff were explained by Mr. Mellies:

1. Leave existing flat fee in place
2. Billing per parcel ERUs
3. Billing Residential at one ERU per utility account and all others on ERUs
4. Billing a minimum of one ERU per utility account on all parcels. Only use ERUs for properties with more ERUs than utility accounts.
5. Billing per parcel ERUs with a minimum per utility account
6. Billing per ERU with flat fee for four categories
7. Billing per ERU with a service charge

Council Member Goodman asked about phasing the change over time. He felt that would be a good way to move to a new system. Mr. Mellies said that it depends on which alternative the Council pursues; some would give that flexibility. City Manager Schainker said that the bottom line is that 15% more revenue must be received the first year. He noted that he is somewhat concerned about using the figure of 15% because a study has not been done. Mr. Schainker said that it is very evident that the Storm Sewer Fund must be built up. He recommended that the Council focus first on what structure should be used.

Council Member Wacha believed the purpose of this discussion was to alleviate the inequity between residential and non-residential. He had performed an analysis of the various options, which showed that Options 3, 4, and 6 actually exacerbate the situation. Mr. Wacha suggested that those three alternatives be omitted as possibilities. The Council members concurred. According to Mr. Wacha, eliminating the possibility of status quo (Option 1) narrowed the options down to 2, 5, and 7.

Mr. Mellies clarified that once the Council chooses an option, phasing would be simple, but to phase a flat fee to an ERU system would be more difficult.

Moved by Wacha, seconded by Larson, to approve Alternative 5: billing per parcel based on ERUs with a minimum per utility account to include a 15% increase the first year and phase in the difference over a five-year period.

Council Member Mahayni asked why five years was being suggested. He noted that the City will be facing major expenses in the next two or three years and with a five-year period, revenues would be delayed.

Council Member Orazem said that he felt total impervious surfaces had not been accurately measured. With the option on the table, businesses would be made to pay for a disproportionate share of the impervious surfaces that are roads and sidewalks. Council Member Mahayni disagreed, stating that residential properties have been subsidizing commercial, and the motion is to allow that to continue for five more years.

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

UPDATE ON STATUS OF RAILROAD QUIET ZONES: Traffic Engineer Damion Pregitzer reviewed the steps undertaken by staff since 2005 to establish Railroad Quiet Zones, which are

designated corridors of track where routine sounding of train horns is prohibited after the City installs appropriate safety measures. On November 15, 2010, staff submitted the Notice of Establishment to the Federal Railroad Administration (FRA) designating December 6, 2010, as the date the Quiet Zone will take effect. This notification was sent to the Union Pacific Railroad (UPRR) and gave them 21 days to notify their engineers of the date on which they are to cease the routine sounding of horns. Mr. Pregitzer noted that the train engineers may sound their horns after the Quiet Zone is in place, but only for emergency reasons.

According to Mr. Pregitzer, following December 6, 2010, if a citizen of Ames observes a violation of the Quiet Zone, they should report the date, time, and location that they witnessed the train blowing its horns. This report should be sent to the City's Public Works Department for staff to process the complaint with the FRA to resolve the issue.

Mr. Pregitzer pointed out that the benefit of the creation of Railroad Quiet Zones is not only in the reduction of noise levels that the public experiences on a daily basis, but more importantly, in the addition of safety measures at these mainline crossings.

ZONING ORDINANCE TEXT AMENDMENT PERTAINING TO FENCE REGULATIONS:

Moved by Mahayni, seconded by Davis, to pass on second reading an ordinance making a zoning text amendment pertaining to fence regulations.

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

ORDINANCE EXTENDING INDUSTRIAL TAX EXEMPTION AVAILABILITY TO 2020:

Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4050 extending Industrial Tax Exemption availability to 2020.

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

ORDINANCE REPEALING CHAPTER 32, "MECHANICAL CODE," OF THE MUNICIPAL CODE:

Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4051 repealing Chapter 32, "Mechanical Code," of the *Municipal Code*.

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

CITY COUNCIL BUDGET GUIDELINES:

Finance Director Duane Pitcher, Budget Officer Carol Collings, and City Manager Steve Schainker highlighted City budget issues that will be of concern during the next fiscal year.

Fund Balances. Fiscal Year (FY) 2009/10 ended \$550,000 more than budgeted. Mr. Schainker gave examples of possible uses for the additional revenue.

Furman Aquatics Center. In its initial year of operation, net revenue exceeded expectations. In order to maintain that strong revenue base, it is likely that additional features will need to be added in the next few years. The City Council may want to consider a policy that includes reserving any net revenue generated at the Furman Center to help fund new features at a later date; that is the same approach followed in regards to improvements at the Municipal Airport.

Fire and Police Retirement/IPERS. City has received notification from the Municipal Fire and

Police Retirement System of Iowa (MFPRSI) that the City contribution rate will increase from 19.90% to 24.76% for a total increase of \$325,000 from the FY 2010/11 Adopted Budget. Also, the State Legislature passed an additional increase to the Iowa Public Employees' Retirement System (IPERS) to raise the combined contribution rate from 11.45% to 13.45% if FY 2011/12. The City's contribution rate will increase from 6.96% to 8.07% in FY 2011/12, which equates to approximately \$204,000.

Health Insurance. Recent favorable claims experience in the self-funded plan will allow the City to stay within the health insurance cost included in the Adopted Budget. For FY 2011/12, health insurance rates are budgeted to increase approximately 5%.

Rollback and Valuation. For FY 2011/12, 48.5299% of assessed residential value will be taxed, up from 46.9094% in FY 2010/11. That change will result in a 1.9% increase in taxable valuation or \$428,000 more tax revenue.

Local Option Sales Tax Revenues. For the current year, Local Option Sales Tax receipts are expected to be 1.65% higher than the Adopted Budget. That amount is similar to the FY 2009/10 revenue, but still well under the FY 2008/09 Actuals. It is predicted that Local Option Sales Tax Revenue for FY 2011/12 will increase approximately 3.7% from the 2010/11 Adopted Budget.

ASSET Human Services Funding. Assistant City Manager Lundt gave the history of past year's funding by the City, as follows: 2008/09, 5% increase (\$44,637); 2009/10, 5.4% (\$50,955); and 2010/11, 9.3% (\$92,176). During those three years, the City has had a 21% increase in ASSET allocations (\$187,768). The City is picking up the increase; its portion of the funding has grown dramatically versus what the other funders are contributing. It was noted that an increase of 13% was approved for FY 2010/11; however, only 9.3% was spent.

Ms. Lundt reviewed the priorities set by the City Council. She noted that mental health funding is still an issue. There are serious issues that are being worked on that will require funding by all of the ASSET funders. It is possible that a request for funding mental health services will come in after the ASSET process is complete.

Council Member Larson cautioned about the City increasing its allocation so ASSET so much more than the other funders and then having to fund other services, e.g., Section 8.

Moved by Mahayni, seconded by Wacha, to increase ASSET funding by 3% for FY 2011/12 (\$32,370).

Council Member Goodman believes that the inequity among funders needs to be addressed; perhaps a meeting needs to be held. However, he believes that 3% is too low based on the need; if a message needs to be sent to the other funders, it needs to be sent, but the need remains.

According to Ms. Lundt, current ASSET agency requests total a 9.4% increase or an additional \$101,536.

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

COTA Funding. Ms. Lundt advised that the City increased its funding for COTA over the past

three years as follows: 2008/09, 4%; 2009/10, 10%; and 2010/11, 6%. That has equated to \$22,393 in additional funding. She advised that whatever is allocated to COTA gets spent.

Moved by Mahayni, seconded by Wacha, to increase COTA funding by 3% for FY 2011/12. Vote on Motion: 5-1. Voting aye: Davis, Larson, Mahayni, Orazem, Wacha. Voting nay: Goodman. Motion declared carried.

Utility Rates. The Water, Sanitary Sewer, Storm Water, and Electric utilities will all require rate increases within five years to support increased operating costs and capital improvement plans. Large-scale capital plan improvements will require multiple rate increases. Reduced demand for service due to the recession and success of conservation efforts has resulted in reduced revenue for the utilities. In the current year, the City will be asked to review new rate structures for the Electric and Storm Water utilities. The City will be conducting a cost of service and rate study for Electric. During the Town Budget meeting, several citizens requested improvements to the storm water system, and those improvements will require increases in the Storm Water Utility fee. That would mean an increase in the rate at the same time a new structure is put in place.

Resource Recovery. The Resource Recovery Plant continues to have positive improvements in efficiency and the overall financial situation. No rate increases are currently planned.

Road Conditions. Weather conditions over the past two years have taken a major toll on the City's roadways. Residential streets in particular have required more temporary patching and could fall to an even lower service level if the rate of permanent repair is not accelerated. Funding of street-related projects will need to increase significantly; that will result in increased property taxes.

CyRide. There is a slight risk that the Intermodal Facility will not break even, and a determination on how to cover any operating deficit will be needed.

New Services/Additional Positions: During Council workshops and at the Town Budget Meeting, there had been discussion by the Council on new service levels, which would require additional positions, as follows:

Customer Service Specialist: Would serve as a type of ombudsman to assist customers in accessing and utilizing various City services. It would be within the City Manager's Office.

Council Member Orazem expressed his desire to create this position to assist with new business start-ups. Council Member Mahayni said that one person cannot be knowledgeable about all processes; there will be a wide variety of questions and issues. Council Member Goodman advised that he was in favor of the goal, but was not sure if adding this position was the solution. Council Member Mahayni said if there is an issue, staff should deal with that issue. To zero on just one service, rather than the total of the services, is not the solution.

Council Member Larson pointed out that the City gets its economic development funding from 1% of the Hotel Motel Fund. He believes that a portion of the City Manager's salary should not be paid from that account.

Rental Housing Inspector: Would be a second full-time position to provide more timely

inspections and decisions related to the enforcement of the newly revised Rental Housing Code. This was requested by the Property Maintenance Appeals Board.

Sustainability Coordinator: Would be a full-time employee that would lead community-wide sustainability efforts. This service is currently provided under contract with Iowa State University.

Council Member Davis suggested that the current sharing arrangement with Iowa State University be analyzed before the position is made full-time.

Major Projects Under Consideration. City Manager Schainker listed several projects not currently included in the Capital Improvement Plan that would require large amounts of City funding.

The meeting recessed at 11:45 p.m. and reconvened at 11:50 p.m.

Section 8 Housing. No further discussion ensued.

Building Permit and Development Fees. For many years, fee revenue from Building Permits was generally matched in expenses, and the budgeting property tax impact of the cost of building inspections was minimal. The slowdown in building activity has negatively impacted permit revenue to the point where expenditures exceed costs with the difference funded with property taxes. Moderate increases in Permit and development fees might be necessary to reduce the property tax funding requirement for the building inspections activity. A recent survey of building fees indicated that Ames would still have competitive inspection fee rates with a moderate increase.

Paperless City Council Meetings. Staff believes it is a good time to consider going paperless with the City Council meeting information. One solution would be to provide Council members with iPads, which appear to be more economical in the long run than laptop computers. If the Council members are willing to commit to use them, printed packets would be discontinued.

The Mayor and City Council unanimously concurred to direct staff to explore the use of iPads for City Council meeting information.

Other Funding Requests. City Manager Schainker asked for Council direction on what to include in the budget for outside agency requests. Mr. Schainker recommended that the same level of funding be included for the ones that are currently being funded. The City Council members concurred.

City Council Input. Council Member Orazem said he would like to revisit the issue of what the City does for new start-up businesses or expansions, specifically if it would require a new position or if there is some way to meet the particular need with existing staffing. He feels strongly that it is absolutely needed. City Manager Schainker said that it cannot be done with existing staff to the level that would do it justice.

Moved by Orazem, seconded by Goodman, to direct staff to provide information to the Council on what can be done to improve the City's treatment of new businesses or business expansions so that they will feel that they have one person to interact with from the start to the end of the

project; to determine whether it would require additional staffing or if it can be done in the context of existing staffing, and the associated costs.

Vote on Motion: 4-1-1. Voting aye: Davis, Goodman, Orazem, Wacha. Voting nay: Mahayni. Not voting: Larson. Motion declared carried.

Moved by Goodman directing staff to include \$100,000 for focusing on achieving additional job creation in the community.

Council Member Larson noted that he had not voted on Mr. Orazem's motion because of the lateness of the hour and because he felt it was getting into items that need to be discussed during the budget hearings in February. He stated that he possibly could support Mr. Goodman's motion if it were framed in the context of the Hotel/Motel Tax and what is provided from that source.

Motion withdrawn.

COUNCIL COMMENTS: Moved by Goodman, seconded by Larson, to refer to staff for feedback pertaining to Ev Carrington's letter regarding Wal-Mart shopping carts being left across from the bowling alley.

Council Member Wacha advised that he had, as a member of the Transit Board, talked about the issue with Transit Director Sheri Kyras. She said that there is really not a good solution; Wal-Mart and Target do not want to be responsible to have to go across the street as it creates liability for their employees. Council Member Larson stated that if the City "has to enact an ordinance to force Wal-Mart and Target to pick up their carts," he would vote for it.

According to Assistant City Manager Lundt, Ms. Kyras has talked to both Wal-Mart and Target representatives.

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

Moved by Goodman, seconded by Larson, to direct staff to provide a memo from staff pertaining to the vacant Cyclone Truck Stop, specifically if there is anything that can be done to take care of that problem.

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

Council Member Larson expressed that he was unhappy with the proceedings of two weeks ago pertaining to the Rental Housing Code. He is concerned that the City Council did not learn until right before the meeting about the existence of a 1907 Plumbing Ordinance that became the basic discussion over two and one-half hours. In addition, he learned today that there had been a handout that included a history of ordinances, etc., that the City Council did not receive. Mr. Larson said he wasn't sure if all the options had been laid out for the Council.

Moved by Larson, seconded by Davis, to direct that the preparation of the Ordinance by the City Attorney pertaining to the Rental Code be delayed and to refer the issue back to the City Manager and staff specifically to bring in an expert on the Uniform Plumbing Code concerning the applicability of different dates that relate to the Code that was adopted in the early 1990s and some of the specific issues related to trapping and other technical issues, and explore additional

alternatives.

Council Member Wacha asked for clarification as to whether Mr. Larson was mainly concerned about getting more information about the dates, not necessarily changing the Ordinance that was recently passed. Mr. Larson said, at this point, he wanted to make sure that the Ordinance was not being drafted; it has not been passed yet. He again referenced the Council learning at the meeting about the 1907 Plumbing Ordinance, which was significant new information, and said the item should have been pulled from the Agenda and placed on a subsequent meeting. Mr. Larson said he wants to know what was lawful prior to the adoption of the Uniform Plumbing Code.

Council Member Goodman said he was not totally in favor of anything that stops the progress. Mr. Larson said it would be delaying the Ordinance until the Council has an opportunity to hear from a Uniform Plumbing Code expert who actually helped write it. He suggested that the meeting be a workshop session so the Appeals Board, inspectors, and Council discuss it. Council Member Wacha said he would support the motion, but hoped that Council can avoid rehashing the entire discussion.

Council Member Orazem said he specifically wants to know what “lawfully installed plumbing” means.

Council Member Larson clarified that he is hoping that the Council members will find out information that would cause them to rethink and come up with a motion that would lead to a different ordinance. If that is not the case, there is an ordinance ready to be drafted by the City Attorney.

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

CLOSED SESSION: Moved by Goodman, seconded by Davis, to hold a Closed Session as provided by Section 20.17(3) and Section 21.5c, *Code of Iowa*, to discuss collective bargaining strategy. Roll Call Vote: 6-0. Motion declared carried unanimously.

The meeting was convened back in Regular Session at 12:39 AM on November 24, 2010.

ADJOURNMENT: Moved by Davis to adjourn the meeting at 12:40 a.m. on November 24, 2010.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor