

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JANUARY 12, 2010

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on January 12, 2010, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members present were Davis, Goodman, Larson, Mahayni, Orazem, and Wacha. *Ex officio* Member Keppy was also present.

Mayor Campbell announced that the Council would be working off an Amended Agenda. The additional item would involve going into Closed Session to discuss collective bargaining strategy and matters in litigation.

PROCLAMATION FOR “WISH WEEK:” Mayor Campbell proclaimed January 25 - 30, 2010, as “Wish Week.” Accepting the Proclamation were Emma Ravenscroft and Jessica King.

CONSENT AGENDA: Council Member Goodman requested that the item that pertained to the 2009/10 Water Systems Improvements (Water System Transfers) be pulled for separate discussion. Moved by Goodman, seconded by Mahayni, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of December 22, 2009, and Special Meeting of December 29, 2009
3. Motion accepting Report of Contract Change Orders for December 16-31, 2009
4. Motion approving renewal of the following beer permits, wine permits and liquor licenses:
 - a. Class C Liquor - Sgt. Peppers, 116 Welch Avenue
 - b. Class B Liquor - Quality Inn & Suites Starlite Village Conference, 2601 East 13th Street
 - c. Class C Liquor - Café Beau, 2504 Lincoln Way
 - d. Class C Beer - Casey’s General Store #2560, 3020 South Duff Avenue
 - e. Class C Liquor w/Outdoor Service - Café Shi, 823 Wheeler Street, Suite #5
 - f. Class A Liquor - American Legion Post #37, 225 Main Street
 - g. Class B Native Wine - Coe’s Floral and Gifts, 2619 Northridge Parkway
5. Motion accepting report of bids for Unit No. 8 Coal Mill Parts for Power Plant
6. RESOLUTION NO. 10-001 approving procurement cards for City Council Members Davis, Orazem, and Wacha
7. RESOLUTION NO. 10-002 approving request for partial allocation of funds under Watershed Improvement Review Board Grant Agreement
8. RESOLUTION NO. 10-003 approving preliminary plans and specifications for Construction of Fishing Pier/Overlook Feature at Ada Hayden Heritage Park; setting February 11, 2010, as bid due date and February 23, 2009 as date of public hearing
9. RESOLUTION NO. 10-004 approving preliminary plans and specifications for 2009/10 Water System Improvements (Duff Avenue Water Main Replacement); setting February 3, 2010, as bid due date and February 9, 2010 as date of public hearing
10. RESOLUTION NO. 10-005 approving preliminary plans and specifications for 2009/10 Water Systems Improvements (Oakland Street Water Main Replacement; setting February 3, 2010, as bid due date and February 9, 2010, as date of public hearing
11. RESOLUTION NO. 10-007 awarding contract to Altec Industries, Inc., of St. Joseph, Missouri, in the amount of \$126,724.00 for Mini-Derrick and Trailer
12. RESOLUTION NO. 10-008 approving contract and bond for 2008/09 and 2009/10 Collector Street Pavement Improvements
13. RESOLUTION NO. 10-009 approving contract and bond for Federal Stimulus Program project - Duff Avenue Rehabilitation (7th Street to 13th Street)
14. RESOLUTION NO. 10-010 approving contract and bond for Bloomington Road Elevated Tank

Mixing System

15. RESOLUTION NO. 10-011 approving Change Order No. 1 for Neighborhood Infrastructure Improvements Program (Curb Replacement)
16. RESOLUTION NO. 10-012 accepting final completion of Southwest Ames Stormwater Management (near Greenbriar Park)
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

2009/10 WATER SYSTEMS IMPROVEMENTS (WATER SYSTEM TRANSFERS): Council Member Goodman asked Public Works Director Joiner to comment on the City's procedure, specifically if this had been done before. Mr. Joiner stated that the transfers had not been done in the past, and the City is now playing catch-up. The City's philosophy is to perform the transfers along with the new main installations.

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 10-006 approving preliminary plans and specifications for 2009/10 Water System Improvements (Water System Transfers); setting February 3, 2010, as bid due date and February 9, 2010, as the date of public hearing.

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

PUBLIC FORUM: No one wished to speak during this time.

REQUESTS FROM MAIN STREET CULTURAL DISTRICT FOR SIDEWALK SALES: Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 10-013 approving suspension of parking regulations and enforcement in Central Business District (CBD) from Thursday, January 28, through Saturday, January 30.

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

Moved by Mahayni, seconded by Davis, approving a Blanket Temporary Obstruction Permit for CBD sidewalks from 8:00 a.m. to 6:00 p.m., January 28 - 30.

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

Moved by Mahayni, seconded by Davis, approving a Blanket Vending Permit for entire CBD for January 28 - 30.

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

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 10-014 approving a waiver of fee for Blanket Vending Permit.

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

6TH STREET BRIDGE OVER SQUAW CREEK: Public Works Director John Joiner recalled that the City Council had determined a need to perform a study of the existing condition and possible repair or replacement options for the 6th Street bridge over Squaw Creek, and funds were budgeted for same in the 2009/10 Capital Improvements Plan (CIP). WHKS and Company of Mason City, Iowa, was contracted to perform the evaluation. Mr. Joiner introduced representatives Josh Opheim and Fouad Daoud, Structural Engineer and President/CEO, respectively, of WHKS. Specifics of the bridge were given by Mr. Daoud. He explained that the bridge is classified as fracture critical,

which means that when the major component fails, the entire bridge will collapse. Pursuant to current standards, the bridge is considered to be functionally obsolete; it is inadequate to accommodate the number of vehicles that cross it. The bridge has a sufficiency rating of 40 (out of 100). For this bridge, there are no other structural members that could temporarily take the load in the event of failure of one girder.

Mr. Daoud presented the Feasibility Study and Report for the bridge. He advised that the Report included several options. Advantages, disadvantages, and probable cost for each option were explained. Possible options were as follows:

1. Do nothing. This option would leave the bridge essentially as-is with no planned repair or replacement. Minor on-going maintenance of the roadway would be required. Pictures shown by Mr. Daoud evidenced a lot of rust on the main girders, cracks on the deck, tiled and rusted bearings, and failing joints.

This option would cost the City approximately \$5,000 to \$10,000/year for ongoing maintenance. The estimated life span of the current bridge is ten (10) to 15 years.

2. Bridge Rehabilitation. This would involve overlaying the deck or replacing the entire deck, concrete repair, replacement of joints, abutment repairs, and superstructure painting. Completing the repairs would correct the major deficiencies of the bridge and increase the life span of the bridge by 20 to 30 years. This would not be a long-term solution for the bridge as it would still be functionally deficient.

Based on the proposed scope of work, the estimated total project cost for a deck overlay is approximately \$605,000 and a deck replacement is approximately \$1,171,000. These estimates include superstructure painting, which is estimated at \$165,000 and proposed in the 2010/11 City of Ames CIP.

3. Replace with PPCB Bridge. The existing bridge would be replaced with a pre-tensioned, pre-stressed concrete beam (PPCB) 30-foot-wide bridge with concrete piers and abutments. This option would involve removal of the existing bridge prior to construction of the new bridge. A new PPCB bridge could be expected to have a design life of 75 years. Aesthetics could be incorporated into the bridge design, which would add to the appeal of the bridge, especially considering its close proximity to Brookside Park and the shared-use path running under the bridge. These features would likely increase the overall cost of the bridge by approximately five (5) to 10%. This would get rid of the functionally deficient bridge. The construction season for this type of bridge is about nine months, and 6th Street would need to be closed during its construction.

The estimated base costs for construction of this bridge option are \$1,794,000. Aesthetic features are estimated to cost an additional \$179,000, which would bring the total estimated cost to \$1,973,400.

4. Replace with CWPG Bridge. The fourth option involves replacing the existing bridge with a continuous steel bridge with concrete piers and abutments. This would match the present bridge. Its life span would be 75 years.

The estimated cost would be \$2,300,000 with aesthetic features (\$209,000).

Mr. Daoud recommended that the City replace the bridge with a new concrete bridge; the rehab would only last for approximately 20 to 30 years. The expenditure of an additional \$800,000 would provide the City with a bridge for 75 years. He stated that the bridge in question qualifies for federal and state funding in the maximum amounts of \$1,000,000 and \$500,000, respectively. Both state and federal grants would require at least a 20% local match. Mr. Daoud recommended that this project be one that the City delegation pursue funding for when they attend the National League of Cities Conference in Washington, D.C.

Mayor Campbell announced that this item was listed on the Agenda as a staff report; the City Council was not being asked for a decision.

Council Member Wacha noted that none of the above options proposed a wider shared-use path on either side of the bridge. He asked how much the costs would increase to construct a ten-foot shared-use path on one or both sides. Mr. Opheim stated that the City could make one path ten-feet-wide and keep the six-foot-wide path on the other side. He advised that if that were done, there would be an \$85,000 cost increase.

Director Joiner advised that the painting of the bridge, which was estimated at \$165,000, is currently proposed in the 2010/11 City of Ames Capital Improvements Plan. He suggested that the Council move forward with that and then program the bridge replacement for some time in the future. City Manager Schainker clarified there are currently no structural problems with the bridge. Therefore, staff recommended painting to prolong the life of the bridge for approximately ten years.

Mayor Campbell again noted that there is no action being requested of the City Council at this time. Mr. Schainker advised that this item would be brought up at the time of the CIP workshop on January 19, and staff will be recommending painting the structure at a cost of approximately \$165,000 in that CIP. Staff will watch the bridge carefully, but unless it becomes a safety issue, it will not be recommending replacement for at least ten years.

UNION PACIFIC RAILROAD BRIDGE OVER SQUAW CREEK: City Manager Schainker said that, in accordance with the City Council's most-recent direction, he had transmitted a letter to Brenda Mainwaring from the Union Pacific Railroad expressing the City's continued interest in accepting ownership of the 6th Street bridge. In that letter, he had recommended that the City and Railroad further work together to develop a more acceptable arrangement that would relieve the Railroad of its liability and mitigate the financial obligations for both parties.

According to Mr. Schainker, Ms. Mainwaring had emphasized in an e-mail response that the Union Pacific had arrived at its best possible offer, but would be willing to consider a timely counterproposal.

Mr. Schainker said it appeared that the future of this structure was very important to a number of citizens. He advised that he did not want to propose a counterproposal to Union Pacific officials in the hopes of reaching an agreement to save the structure only to find out that it was not supported by the City Council. Therefore, he requested direction from the City Council as to a final proposal.

Council Member Larson asked who owned the old right-of-way land for the rail line to the University that ties into the City's current trail. Director Joiner indicated that the University owns the land located on the west side. Mr. Schainker advised that the City already had an easement close to that location that allows its bike path to be placed on University property. Approval of the

University to extend that easement would be needed. Mr. Joiner clarified that the UP's offer included donation of the strip of land from the bridge east to Hazel Avenue.

According to City Manager Schainker, the estimated costs associated with needed improvements to the bridge plus the connection to the City's shared path system were as follows:

\$ 61,000	(decking, railing)
\$ 20,000	(abutment)
\$ 50,000	(asphalt paving, excavation, path preparation)
\$ 26,000	(engineering and contingency)
<u>\$ 72,000</u>	(construction of path across railroad tracks on Hazel by UPRR workers)
\$229,000	

It was asked by Council Member Orazem how much of the City's trail system could be constructed for \$230,000. Mr. Joiner advised that trail construction costs \$45-50/running foot; so, approximately three-quarters of a mile could be constructed.

Noting that the bridge was in a state of disrepair, Council Member Davis inquired about the liability costs to the City if it were to accept ownership of the bridge. City Manager Schainker advised that he did not want to merely fence it off; that obviously doesn't work. The City would have to make the bridge safe (railings and decking), which consultants have estimated to cost \$61,000. Mr. Schainker acknowledged suggestions that those repairs could possibly be less expensive, but noted that the City Attorney had advised against using volunteer labor. Mr. Schainker also stated that if the abutment were repaired, it would cost an additional \$20,000. It was clarified by Mr. Schainker that as soon as the City takes ownership of the bridge, it assumes liability for it. Council Member Orazem said that he did not see any point in accepting the "bridge to nowhere" unless the City made the commitment to make it usable. In his opinion, if the City were to accept the bridge, it should repair it immediately to make it usable and also spend the money to link it into the City's trail system.

Council Member Larson recalled that the Chairperson of the Historic Preservation Commission had suggested that the City apply for grant funding to pay for repairs, and he would like those options pursued. Mr. Larson said that he walked across the bridge today and noted a large amount of traffic, indicating that the bridge is extensively used by pedestrians. He said that he did not believe that the City needed to spend the money to tie this bridge into the City's trail system at this time. Mr. Larson stated his preference for the Union Pacific to share in the costs to repair the bridge.

Bill Malone, 229 Main Street, Ames, stated that he was a Downtown business owner who is a proponent of the City acquiring the bridge. He has hopes that it will eventually be a tie-in from the University to Downtown.

Jim Gregory, 129 Washington, Ames, pointed out that the sidewalk abutting the present 6th Street bridge is only six-feet-wide and there is no guardrail between it and the street. He said that it presents a safety hazard as two bicyclists cannot meet on the 6th Street bridge, and bicyclists must be careful not to drive off the sidewalk into the street.

Gloria Betcher, 531 Hayward Avenue, Ames, speaking as the Chairperson of the Historic Preservation Commission (HPC), reported that the HPC had recommended that the City accept the bridge. She offered grant possibilities, as follows:

1. Historic Resource Development Program Grant (state funding), which funds projects at a 50/50 match up to \$100,000. Part of the City's match could be in kind, e.g. volunteer labor.
2. National Transportation Enhancement Program Grant, which funds projects at a 70/30 match, covers any historic preservation project related to surface transportation.

Ms. Betcher enlightened the City Council on grant application submittal deadlines. She added that the City would have to have a Preservation Consultant lined up by May 15, 2010.

Council Member Orazem asked if the bridge's appearance or use would ultimately be restricted by requirements of the state or federal grants. Ms. Betcher reviewed some of the grants' requirements.

Council Member Davis asked how much it would cost the Union Pacific to demolish the bridge. Public Works Director Joiner said that the Railroad had not been able to locate its design plans for the bridge; that would have allowed them to make an accurate estimate of how much it would take to bring it down. Mr. Joiner estimated the cost to be between \$200,000 and \$300,000.

Mr. Davis recommended that the UP be asked to pay \$81,000 (decking, railing, and abutment) towards preservation of the bridge.

Mr. Orazem noted that if this bridge would be part of the City's trail system, the Hazel railroad tracks would need to be crossed. He recommended that the Railroad improve that crossing as part of the negotiations. Council Member Wacha concurred. City Manager Schainker noted that the costs for that crossing would be between \$50,000 - \$72,000.

Moved by Larson, seconded by Wacha, to direct the City Manager to go back to the Union Pacific with the charge of obtaining an obligation by the Railroad to upfront repair costs at a set amount of \$30,000 (cash) and agreement that if the City decides to tie the bridge into its trail system, the Railroad would construct the at-grade crossing at Hazel.

Mr. Larson clarified that he believes the repairs could be made cheaper than the estimated \$61,000; that is why he recommended \$30,000. City Attorney Marek cautioned that if the City accepts ownership of the bridge, any improvements made to the bridge would be considered a public improvement and be subject to bidding laws. Under the City's policy, if the estimated cost is above \$25,000, competitive quotations must be received; above \$50,000, competitive bidding procedures are mandated.

Council Member Orazem said that he would like to have a commitment that the bridge would be tied into the City's trail system. In addition, Council Member Orazem noted that there might be a difference of opinion by the Railroad as to the definition of "tie in" to the existing bike trail. He is unsure how the City would be able to enforce an agreement that would require the UP doing certain work at some point in the future. City Attorney Marek advised that the City would have a contractual agreement for specific performance in the future by the Union Pacific railroad; however, the City does not have much leverage in such circumstances.

Council Member Mahayni expressed that he did not want the decision on whether to accept the bridge to be based on anticipation that grant funding would be received.

City Manager Schainker offered possibilities for funding the bridge improvements. He said that he would recommend a portion of the funding come from the Park Development Fund, which is

financed by the Local Option Sales Tax.

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

ENCROACHMENT PERMIT FOR MAILBOX AT 426-5TH STREET (postponed from 11/24/09): Council Member Mahayni asked if the owners would be willing to place the mailbox in the parking lot. Chuck Winkleblack, 105 S. 16th Street, Ames, said that the only place that they would be willing to do that would be in a landscaped area where the sign for the Red Cross building is currently located. That location would not be ideal, however, due to a perimeter wall that stands about knee-high. A part of that would have to be removed, and it might not be aesthetically pleasing. Mr. Mahayni asked if the Post Office would approve of that location. Mr. Winkleblack said that he had not specifically asked for that location; however, the Post Office requires that the mailbox not be on the side of the building. He is uncertain if that location would be considered “on the side.”

Mr. Mahayni pointed out that he did not want to set a precedent by approving this Encroachment Permit. Mr. Winkleblack pointed out the uniqueness of this request; he knows of no other building in the Downtown that has the amount of square footage and the number of second-story tenants that this building would have. Also, there is not room in the entryway of the building, which is approximately 5' x 5', for placement of the mailbox.

Council Member Goodman said that if this were to be approved, there should be no other reasonable alternative and it should not significantly hinder pedestrians. He noted that the City had made a great deal of investment to provide aesthetic appeal in key commercial areas, and he feels that it would be unsightly to have the mailbox in the parking between street trees. Mr. Goodman would like the owner to meet with local Post Office representatives to inquire about alternatives, specifically, if it would be possible to place the mailbox on private property.

Moved by Goodman, seconded by Mahayni, to continue this issue until the owner has an opportunity to ask the Post Office if there is a way to accommodate the mailbox on private property.

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

ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2009: Finance Director Duane Pitcher said that the audit found no significant findings. Mr. Pitcher called the Council's attention to the section on Statutory Reporting. He stated that the *Iowa Code* is not absolutely clear about this; however, publication of claims is to list the reason for the expense. The City of Ames consolidates its payments to the same vendor, which might be for a number of goods or services. The details of each expense are available in the Finance Department, but not every detail is published. Staff is attempting to find a way to comply with the regulations that is not labor-intensive or cost-prohibitive.

Moved by Mahayni, seconded by Davis, to adopt RESOLUTION NO. 10-015 approving the Comprehensive annual Financial Report for Fiscal Year ended June 30, 2009.

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

HEARING ON DCS UPGRADE-POWER PLANT: Mayor Campbell opened the public hearing. No one wished to speak, and the hearing was closed.

Moved by Wacha, seconded by Goodman, to accept the report of bids and delay award of the

contract.

Council Member Orazem noted that there was a \$420,000 difference in the two bids. He asked for a summary of the bidding process. Electric Services Director Donald Kom noted that one bid was deemed unresponsive since it did not provide pricing on the correct Proposal Form. Another bid was so much lower (approximately \$400,000) that staff wanted to ensure that all requirements were met. Therefore, staff needed additional time in order to evaluate all of the submittals. City Attorney Marek noted that Performance Bonds are received as part of the bidding process. If the lowest bidder had made an error and the City had awarded a contract to that bidder, that company would have to honor the contract or forfeit its Performance Bond. Mr. Orazem said he wanted to make sure that there was an option for the City to re-bid this project. Mr. Kom acknowledged that the City has that option.

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

HEARING ON MAJOR SITE DEVELOPMENT PLAN (MSDP) FOR 2630 STANGE ROAD: The public hearing was opened by the Mayor.

Planning and Housing Director Steve Osguthorpe reported that developers had requested a revision to the approved Major Site Development Plan and Preliminary Plat for Somerset Subdivision. The Plan revision, if approved, would create three lots for commercial buildings and one lot for shared parking on an existing vacant lot southeast of the intersection of Stange Road and Northridge Parkway.

Council Member Wacha asked if the developers were agreeable to the stipulations being proposed by staff on approval of the MSDP. Mr. Winkleblack noted that the only issue remaining was the dumpster screening. He said that dumpster gates get broken off or are removed and are usually not latched; they then become unsightly and of little value. According to Mr. Winkleblack, according to City requirements, 100% of the dumpster must be screened. Interpretation of that requirement has been requested as far as whether that means visible from the street or visible from any angle. According to Mr. Osguthorpe, it is believed that any remaining issues can be worked out at the staff level.

The hearing was closed after no one else requested to speak.

Moved by Larson, seconded by Goodman, to adopt RESOLUTION NO. 10-016 approving the Major Site Development Plan for 2630 Stange Road, with the following stipulations:

1. The applicant shall submit information demonstrating that the dumpster is screened.
2. The applicant shall submit the required Construction Site Erosion and Sediment Control Permit paperwork to the Public Works Department.
3. The Major Site Development Plan shall be corrected to indicate that the proposed dumpster location will be Portland Cement Concrete.

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

Moved by Mahayni, seconded by Larson, to adopt RESOLUTION NO. 10-017 approving the

Preliminary Plat.

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

ORDINANCE REVISING SNOW ROUTE DESIGNATIONS: Moved by Goodman, seconded by Davis, to pass on second reading an ordinance revising snow route designations.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE RELATED TO MINOR SUBDIVISION PLATS: Moved by Goodman, seconded by Mahayni, to pass on third reading and adopt ORDINANCE NO. 4020 related to Minor Subdivision Plats.
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

ORDINANCE AMENDING DEFINITION OF OPEN SPACE IN SUBURBAN RESIDENTIAL ZONING DISTRICTS: Moved by Goodman, seconded by Wacha, to pass on third reading and adopt ORDINANCE NO. 4021 amending the definition of *open space* to be excluded from the minimum net density calculation in Suburban Residential Zoning Districts.
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

COUNCIL COMMENTS: Moved by Orazem, seconded by Mahayni, to refer to staff the letter from Attorney Charles Becker dated January 5, 2010, regarding Rose Prairie.
Vote on Motion: 5-1. Voting aye: Davis, Larson, Mahayni, Orazem, Wacha. Voting nay: Goodman. Motion declared carried.

Moved by Orazem, seconded by Larson, to refer to staff the letter from Attorney Franklin Feilmeyer dated January 6, 2010, requesting vacation and sale of property along East Lincoln Way to R. Friedrich & Sons.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Orazem, seconded by Larson, to refer to staff letters from Chuck Winkleblack and Bart Clark dated January 7, 2010, and January 8, 2010, respectively, and pertaining to development in the Community Commercial Node.

City Manager Schainker requested that staff be directed to place this issue on a future agenda.

Motion withdrawn.

Moved by Goodman, seconded by Larson, to direct staff to place this issue on a future agenda.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Goodman, seconded by Mahayni, to direct staff to take appropriate action per the letter from Pat Brown dated January 2, 2010, in reference to reallocation of funding unused by the Sustainable Neighborhoods group.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Goodman, seconded by Mahayni, to refer to staff letter from Staff Planner Charlie Kuester dated January 4, 2010, pertaining to a zoning text amendment concerning outdoor lighting.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Wacha, seconded by Goodman, to direct staff to contact resident Glenys Anderson to answer questions about snow removal.

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

COLLECTIVE BARGAINING STATUS AND WORKER'S COMPENSATION PROCESS:

Assistant City Manager Bob Kindred explained that there is important background information pertaining to collective bargaining that is allowed to be reviewed in open session. He advised that the City has over 600 permanent employees. There are five different Unions representing City employees. The Merit Pay classification (38%) includes the supervisors of Union employees. There are 268 merit employees and 371 Union employees.

Mr. Kindred gave an overview of the procedures dictated by Chapter 20 of the *Iowa Code* to be followed when there is an impasse in negotiations.

City Attorney Marek reviewed procedures to be followed regarding worker's compensation claims. He advised that the City is self-insured for worker's compensation claims; however, a third-party administrator had been hired to administer the claims.

Risk and Benefits Manager Inta Bingham described the steps taken by the City when a claim is filed for worker's compensation benefits. Mr. Marek explained the process followed if an employee appeals the decision made regarding the level of impairment.

CLOSED SESSION: Moved by Davis, seconded by Goodman, to hold a closed session as provided by Section 20.17(3) and Section 21.5(c), *Code of Iowa*, to discuss collective bargaining strategy and strategy with counsel for matters in litigation, respectively.

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

Moved by Davis, seconded by Wacha, to reconvene in Regular Session.

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

ADJOURNMENT: Moved by Goodman, seconded by Orazem, to adjourn the meeting at 10:23 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor