

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

**AMES, IOWA**

**APRIL 24, 2012**

The workshop session of the Ames City Council was called to order by Mayor Campbell at 6:00 p.m. on April 24, 2012, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Davis, Goodman, Larson, Orazem, Szopinski, and Wacha.

**WORK SESSION ON AIRPORT PROTECTION PLANNING:** Planning and Housing Director Steve Osguthorpe recalled that the City Council had set a priority for the Planning staff to develop options for protecting the continued viability of the Ames Municipal Airport at its current location. He explained that currently, the only regulation in the *Ames Municipal Code* was Section 29.408(6), which states that “heights of buildings constructed within 750 feet of the property boundary of any airport shall be in compliance with the height restrictions from the Federal Aviation Administration (FAA).”

Mr. Osguthorpe also noted that the City Council had asked staff to research how other cities in Iowa were regulating development around airports, and in particular, to know to what degree the City should regulate use of land to protect the airport as opposed to just regulating the heights of structures. He pointed out that the FAA does not regulate land use around airports.

Director Osguthorpe introduced Stephanie Ward, consultant with Mead & Hunt. He advised that Ms. Ward has over 20 years expertise in airport operations and regulations and had authored *Iowa Airport Land Use Guidebook* to encourage communities that have public use airports to consider doing airport zoning.

Ms. Ward gave her background and explained the experience she has on this subject. She then made a presentation, which included an overview of aviation in Iowa. It was stated by Ms. Ward that Ames is one of only 13 airports in Iowa classified as an Enhanced Service Airport, which allows it to attract and serve business users. She clarified that that designation is assigned by the state, not the FAA. Council Member Larson inquired as to the difference between an Enhanced Service and a Reliever Airport designation. Ms. Ward advised that Reliever Airports are specifically defined by the FAA to act as a potential landing site for commercial service and/or corporate aircraft at a hub airport. She believes that Ankeny is the only one in Iowa that has that designation. Ms. Ward advised that the federal fund formerly available to Reliever Airports is now defunct.

Ms. Ward reported that, in terms of economics, the Airport is a significant asset to Ames, as well as the State of Iowa. The aggregate number of jobs attributed to the Ames Airport directly and indirectly is 98. Council Member Goodman asked to know the number of jobs at the Ames Airport.

Ms. Ward highlighted why zoning was important to protect the airport and its users and also noted safety concerns of local airport environments. She briefly reviewed Federal Aviation design standards and aviation regulations. Primary land use concerns of different land classifications, i.e., residential, commercial, industrial, and agricultural, were explained by Ms. Ward.

Council Member Szopinski asked for a definition of “close proximity.” Ms. Ward replied that it was not clearly defined, but typically, it means within three miles. She said the level of concern depends on the amount of usage on each runway.

According to Ms. Ward, the State of Iowa offers technical assistance if the City wanted to adopt an airport zoning ordinance, and there are state grant funds up to 85% if the City Council wishes to

adopt restrictions around the Airport. Ms. Ward recommended that the planning include partnering with adjacent counties, Iowa State University, adjacent cities, the state, and the FAA.

Ms. Ward advised that Fort Dodge had recently worked through the protection planning process without a consultant. Other Iowa communities have used the State of Iowa's checklist and standard plan as a part of their site plan review process, and some are using only a height restriction around their airports.

Again citing the Airport as a tremendous asset to Ames, Ms. Ward encouraged the City Council to pursue airport protection techniques, including further *Code* development.

Planning and Housing Director Osguthorpe presented alternatives for the City Council to consider.

Council Member Orazem asked when the County should be brought into the discussion. Mr. Osguthorpe recommended that the County be involved early in the process.

Council Member Goodman suggested that the City Council be given some time to review the information that had been presented. He would be interested in hearing from developers regarding the impact of added restrictions. Council Member Wacha agreed, adding that it would be best if it were determined how the County and other entities would be incorporated into the planning. Council Member Larson said he wanted to know what impacts would be felt by added restrictions and by whom.

Council Member Wacha recommended that the protection planning not look beyond three miles' proximity to the Airport at this time. Council Members Davis and Larson concurred.

Mayor Campbell said it was also important to consider how this potential project would fit with the priorities for the Planning Department that the Council had already set.

Council Member Orazem would like it to be determined whether or not the City should be contemplating acquiring additional land around the Airport.

Director Osguthorpe said he felt it was important for existing uses around the Airport to be identified. Certain uses might need to be restricted in the future, such as solar panels or wind turbines.

The work session adjourned at 7:00 P.M.

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 7:08 p.m. with Council Members Davis, Goodman, Larson, Orazem, Szopinski, and Wacha present.

Mayor Campbell announced that the City Council would be working from an Amended Agenda. An additional item had been listed under Electric Services to approve a change order for Unit No. 8 Precipitator Wire Replacement project.

**PROCLAMATION FOR ARBOR DAY:** Mayor Campbell proclaimed April 27, 2012, as Arbor Day. Bill LaGrange, Ginny Huntington, and Dave and Dianne Brotherson accepted the Proclamation on behalf of Ames Trees Forever. Ms. Brotherson highlighted events that would be held in Ames in observance of Arbor Day.

**CONSENT AGENDA:** Council Member Davis asked to pull Item No. 9 (appointment of an *ex officio* student liaison to the City Council) for separate discussion. Also, Council Member Larson requested that Item No. 15 (CyRide vehicle tracking software) be discussed separately.

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 the Regular Meeting of April 10, 2012
  3. Motion approving certification of civil service applicants
  4. Motion approving Report of Contract Change Orders for April 1-15, 2012
  5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
    - a. Class C Liquor w/Outdoor Service – Perfect Games, 1320 Dickinson Avenue
    - b. Class C Beer – Swift Stop #2, 3406 Lincoln Way
  6. Motion directing City Attorney to draft ordinance prohibiting parking at all times on north side of Timber Ridge Drive
  7. RESOLUTION NO. 12-192 confirming appointments of GSB Senator Daniel Rediske and Representative Chad Leines to Ames Transit Agency Board of Trustees
  8. RESOLUTION NO. 12-193 approving Quarterly Investment Report for quarter ending March 31, 2012
  9. RESOLUTION NO. 12-194 approving revisions to Records Retention Schedule
  10. RESOLUTION NO. 12-195 approving 60-month CenturyLink private data line agreement
  11. RESOLUTION NO. 12-196 approving funding agreement with Iowa Department of Transportation for 2011/12 Shared Use Path System Extension (Skunk River Trail Extension - HYSC to Southeast 16<sup>th</sup> Street)
  12. RESOLUTION NO. 12-197 awarding contract for CyRide vehicle tracking software and three years annual expenses to NextBus in an amount not to exceed \$447,125
  13. RESOLUTION NO. 12-198 awarding contract for purchase of Wheel Loader and Clam-Type Bucket to Murphy Tractor & Equipment of Altoona, Iowa, in the amount of \$143,100 and approving the buy-back guarantee for the loader only without returning the bucket
  14. RESOLUTION NO. 12-199 approving preliminary plans and specifications for Brookside Park - East Side Improvements; setting May 31, 2012, as bid due date and June 12, 2012, as date of public hearing
  15. RESOLUTION NO. 12-200 approving contract and bond for 2010/11 Asphalt Resurfacing/Seal Coat Removal/ Asphalt Reconstruction Program
  16. RESOLUTION NO. 12-201 approving contract and bond for 2011/12 Collector Street Pavement Improvements (Ash Avenue)
  17. RESOLUTION NO. 12-202 approving contract and bond for 2012/13 Water System Improvements, Water Main Replacement (East Lincoln Way from Center Avenue to 729 East Lincoln Way)
  18. RESOLUTION NO. 12-203 approving contract and bond for Underground Trenching for Electric Services
  19. RESOLUTION NO. 12-204 approving contract and bond for Ames/ISU Ice Arena Rubber Flooring Replacement Project
  20. RESOLUTION NO. 12-205 accepting completion of public improvements and releasing security for Northridge Heights Subdivision, 14<sup>th</sup> Addition
- Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**APPOINTMENT OF EX OFFICIO STUDENT LIAISON TO CITY COUNCIL:** At the request of Council Member Davis, Sawyer Baker shared information about herself and her interest in serving as the *ex officio* Student Liaison.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-191 approving appointment

of Sawyer Baker as the *ex officio* Student Liaison to City Council.

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

**CYRIDE VEHICLE TRACKING SOFTWARE:** Council Member Larson said that he had pulled this item for separate discussion so that the Transit Director could explain the project to the public.

Transit Director Sheri Kyras advised that it is a vehicle tracking system that provides Cyride customers with real-time, bus-stop-level arrival information. Customers will be able to identify a bus stop location where they would be boarding, and through the use of a computer, smart phone, or telephone, they can receive the next two times when their bus would be arriving at that stop. This is done through a Global Positioning Device that is installed on the bus. Ms. Kyras reported that funding for this project has been secured from the Government of the Student Body Trust Fund (provided by student fee dollars) for a three-year period. After that period, discussions between the Transit Board and the GSB will determine if the Trust Fund would continue to fund the system or whether CyRide's operating budget (divided among the three funding partners) would assume responsibility for the annual expense of the technology.

Council Member Wacha, Transit Board Member representing the City Council, advised that there had been concern among the Board members as to what would happen in Year 4 in reference to the ongoing costs. Although not guaranteed, Mr. Wacha said he was comfortable, given the anticipated high level of usage by ISU students and the healthy GSB fund balance, that terms could be negotiated successfully with the GSB to continue to fund the project.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-197 awarding a contract to NextBus for vehicle tracking software and three years' annual expenses in an amount not to exceed \$447,125.

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

**PUBLIC FORUM:** Katherine Barbara Fromm. 3531 George Washington Carver, Ames, identified herself as being from Ames, Iowa, and Escondido, California. Firstly, she expressed disappointment that there are not an adequate number of bus shelters in North Ames. Secondly, Ms. Fromm advised that she and her husband have owned 45 acres in North Ames since 1972. She wished to address flood plain issues, stating that Ames "sits on a swamp;" there is a convergence of rivers in Ames, and that is just the result of geography. Ms. Fromm said that she has been outraged by the proposed car dealership being considered on S. 16<sup>th</sup> Street, which is in the flood plain. According to Ms. Fromm, retention ponds silt and will have to be dredged periodically; retention ponds are not the panacea that many think they are for development. Lastly, Ms. Fromm referenced California's excellent record in preparing for global warming. In her opinion, all good planning for cities begins with smart growth. Stating that Ames is complacent when it comes to planning for global warming, she urged that the City do a better job preparing for global warming by using Smart Growth principles.

No one else came forward to speak, and the Mayor closed Public Forum.

**OUTDOOR SERVICE AREA FOR EL AZTECA:** Moved by Davis, seconded by Larson, to approve an Outdoor Service Area in connection with the Liquor License for El Azteca, 2727 Stange Road. Vote on Motion: 6-0. Motion declared carried unanimously.

**6-MONTH CLASS B BEER PERMIT & OUTDOOR SERVICE FOR AMES JAYCEES AT BANDSHELL PARK:** Moved by Goodman, seconded by Davis, to approve a 6-month Class B Beer Permit & Outdoor Service for Ames Jaycees at Bandshell Park.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**CLASS C LIQUOR LICENSE & OUTDOOR SERVICE FOR GOLDEN WOK:** Moved by Goodman, seconded by Davis, to approve a Class C Liquor License & Outdoor Service Area for Golden Wok, 223 Welch Avenue.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**5-DAY LICENSES FOR OLDE MAIN BREWING COMPANY:** Moved by Davis, seconded by Larson, to approve the following:

- a. Class C Liquor (April 26-30) at ISU Alumni Center, 420 Beach Avenue
- b. Special Class C Liquor (May 3-7) at ISU Alumni Center, 420 Beach Avenue
- c. Class C Liquor (May 10-14) at ISU Alumni Center, 420 Beach Avenue
- d. Class C Liquor (May 12-16) at CPMI Event Center, 2321 North Loop Drive

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

**ENCROACHMENT PERMIT FOR SIGN AT 323 MAIN STREET:** Moved by Davis, seconded by Goodman, to approve an Encroachment Permit for a sign at Della Viti, 323 Main Street.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**HOPE RUN ON JUNE 16, 2012:** Moved by Davis, seconded by Wacha, to approve the following:

- a. RESOLUTION NO. 12-206 approving closure of portion of Mortensen Road from 7:45 a.m. to approximately 8:15 a.m.
- b. RESOLUTION NO. 12-207 approving closure of portion of State Street from 7:45 a.m. to approximately 10:00 a.m.

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

**AMERICAN LEGION PARADE ON JULY 14, 2012:** Moved by Goodman, seconded by Wacha, to approve the following:

- a. RESOLUTION NO. 12-208 approving closure of portions of Main Street, 5<sup>th</sup> Street, Clark Avenue, Burnett Avenue, Kellogg Avenue, and Douglas Avenue from 5:00 to 7:00 p.m.
- b. RESOLUTION NO. 12-209 approving closure of portion of CBD Lot X from 5:00 to approximately 8:00 p.m.
- c. RESOLUTION NO. 12-210 approving waiver of parking meter fees from 5:00 to 6:00 p.m.
- d. Motion approving Blanket Vending Permit
- e. RESOLUTION NO. 12-211 approving waiver of fee for Blanket Vending Permit
- f. Motion approving Blanket Temporary Obstruction Permit
- g. Motion approving 5-Day Class B Beer Permit & Outdoor Service

Council Member Wacha asked if the 5-Day Permit had been applied for as he did not see any information in the Council packet. David Rehbein, 1505 Douglas, Ames, representing the American Legion Post, stated that the Permit had been applied for through the State of Iowa.

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

Mr. Rehbein advised that this was the first year in the 93 years since the American Legion Conference had existed that it had been held in Ames. He welcomed all Council members to ride in the Parade.

**SUMMERFEST IN CAMPUSTOWN ON JUNE 9, 2012:** Moved by Davis, seconded by Wacha, to approve the following:

- a. RESOLUTION NO. 12-212 approving closure of 100-200 block of Welch Avenue and Welch Lot T from 8:00 a.m. to 11:00 p.m.
- b. RESOLUTION NO. 12-213 approving waiver of electricity costs and parking meter fees
- c. Motion approving Blanket Temporary Obstruction Permit
- d. Motion approving Blanket Vending Permit
- e. RESOLUTION NO. 12-214 approving waiver of fee for Blanket Vending Permit
- f. Motion approving 5-Day Class B Beer Permit with Outdoor Service

Ann Taylor, owner of Dogtown University, invited the City Council and public to attend the activities in Campustown on June 9 from Noon to approximately 9:00 p.m.

Roll Call Vote: 5-0-1. Voting aye: Davis, Larson, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining (due to conflict of interest): Goodman. Resolutions and motions declared carried unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**HUMAN SERVICES:** Revisions to ASSET Policies and Procedures. Assistant City Manager Sheila Lundt explained that each year, the ASSET Administrative Team members and volunteers review its Policies and Procedures. As a result of that process, minimal changes were being recommended. Ms. Lundt explained the proposed changes, which were approved by all ASSET Funders.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-215 approving revisions to ASSET Policies and Procedures.

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

Update on Status of Outstanding Human Services Contracts: Ms. Lundt gave the status of the six ASSET contracts that are still being held: American Red Cross, Big Brothers/Big Sisters, Heartland Senior Services, Lutheran Services in Iowa, and The Richmond Center/Community and Family Resources (CFR). Assistant City Manager Lundt reported that a meeting has been set with Heartland Senior Services to finalize contract terms for non-transportation services (nutrition needs) and for HIRTA to take over the transportation service. She also stated that, since CFR and The Richmond Center have a merged board, the contract with CFR will be held until The Richmond Center audit has been received.

At the request of Council Member Szopinski, Assistant City Manager Lundt explained how mental health services would be provided in the transition period. She advised that all the funders' current contracts will remain in place until June 30; none has been ended early. Representatives from Eyerly Ball Mental Health Services out of Polk County have been meeting with staff from CFR/Richmond Center to develop service transition plans. Staff has been told that CFR anticipates receiving a three-year mental health certification from the state. CFR has indicated that it plans to focus on providing services to those needing co-occurring treatment. Mental health services provided through CFR would be for adults only; however, some youth will be seen in therapy only. Ms. Lundt advised that, in regards to clients with co-occurring diagnoses (mental health issues/substance abuse), the Council will need to decide whether it wishes to include reimbursement for those

services under any new contract issued to CFR for the 2012/13 year. Further, Ms. Lundt stated that the State and County will be transitioning Medicaid clients to Eyerly Ball as will the City's support for straight mental health services.

Council Member Orazem asked what the implications will be from the change in management of mental health services at the state level. Ms. Lundt introduced Deb Schildroth, Story County's representative to ASSET. Ms. Lundt said that any implications will depend on the final bill that gets approved by both Houses; the funding issue is huge. Ms. Schildroth, Story County Community Services, advised that there was a bill passed in the House today regarding the redesign of mental health services. The funding remains as the biggest challenge; it is not fully funded. Ms. Schildroth explained the current funding sources and future possibilities, including a per-capita levy and regional-type system. Conversations that had occurred in the Legislature today concerning this topic were summarized by Ms. Schildroth. Council Member Goodman pointed out that transportation was a key issue. Ms. Lundt noted that the system is already complicated, and may become more so, but the City needs to concentrate on needed services and ensuring that the entities in the region pay their fair share.

Council Member Davis asked when The Richmond Center audit was expected to be received. Ms. Lundt answered that she hoped it would be received prior to the end of the fiscal year (June 30). She said that they are continuing to talk with The Richmond Center about its audit, but no date or time was given as to when it would be received; staff will have to keep the Council posted.

Council Member Larson referenced the \$25,000 operations loan that had been provided by the City to The Richmond Center in November 2008. Ms. Lundt provided the history behind the operational funding provided to The Richmond Center in 2008, which totaled \$178,000. The City provided \$45,000, and \$25,000 of that was in the form of a forgivable loan. She listed the criteria that have to be met to allow for the forgiveness of the loan. One of those criteria was that mental health services were to be viable and able to continue beyond 2009. It was noted that The Richmond Center audit must be received before that could be determined. After the audit is received, a recommendation will be made by City staff.

Bernice Buchanan, representing The Richmond Center/CFR, advised that they had submitted all of the documentation requested for the audit and have been told that after tax season, their audit would be completed. She said that they are using the new software to bill clients electronically, which has proven to be very beneficial. Ms. Buchanan advised that CFR saw an increase of \$100,000 in receivables the first year they used the software.

Human Services Contract with Eyerly Ball. Ms. Lundt advised that, after completion of the Request For Proposal (RFP) process, Eyerly Ball was chosen to become the new community mental health care provider for Story County. Ms. Lundt advised that in order to begin reimbursement to Eyerly Ball for establishing community mental health services in the current year (2011/12), the ASSET Funders are being asked to provide start-up contributions totaling \$140,210. As such, the City is being asked to provide \$23,560, Story County is being asked to contribute \$109,785, and United Way is being asked for \$6,450. The Government of the Student Body may be asked for approximately \$400. Ms. Lundt reported that the breakdown of funding was based on the recommended proportion of funding from each funder for mental health services for 2012/13.

Ms. Lundt gave the background from the distribution of the RFP to the present. According to Ms. Lundt, Eyerly Ball is in the process of looking for an appropriate location for its facility, hiring staff,

and preparing to provide its services to clients. Once the full line-up of services is outlined, a contract with Eyerly Ball will be entered into for 2012/13.

Council Member Orazem asked, since the new billing software and conversion of accounting system used by The Richmond Center/CFR was purchased through the \$178,000 financing, if the client information would be transferred to Eyerly Ball or stay with The Richmond Center/CFR. Ms. Lundt stated that it would depend on the future of The Richmond Center. When they spoke with representatives of The Richmond Center last week, they were told that it could be closing within the next year. If that happens, those resources would stay with CFR, but it would be premature to say at this point. Mr. Orazem then asked how client records would be transitioned from The Richmond Center/CFR to Eyerly Ball. Chris Sorensen, representing Eyerly Ball, informed the Council that there are HIPAA laws that need to be considered. He has a conference call scheduled with the software vendor, and they are working with The Richmond Center/CFR to receive legal access to client information.

Noting that Iowa State University (ISU) students represent one-third of the County's population, Council Member Orazem asked how the University is being integrated into the system. Ms. Lundt explained that ISU is actively involved in the Mental Health/Criminal Justice programs. According to Ms. Lundt, conversations concerning where students may receive treatment if they are not from Iowa have occurred with a local legislator, but still needs to be resolved. *Ex officio* Member Baker shared that the GSB is feeling the strain of a lack of mental health service providers for the students that are not from Iowa and are not legally adults (not yet age 18).

Ms. Lundt advised that she will continue as a United Way volunteer on the Mental Health/Criminal Justice Task Force after her retirement from the City.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 12-216 approving the Human Services Contract with Eyerly Ball for providing mental health services for residents of Ames, allocating \$23,560 out of the Local Option Sales Tax fund balance.

Council Member Larson asked if the other funders had approved their share of the 2011/12 funding to Eyerly Ball. Steve McGill, Past President of the Story County United Way Board and a member of ASSET, said that the Board members are supportive of providing its proposed allocation.

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

In that this is the last meeting for Assistant City Manager Sheila Lundt, who is retiring after 28 years of service with the City of Ames, Mayor Campbell proclaimed today as SHEILA LUNDT DAY. Ms. Lundt thanked the City Council, staff, and community for its support.

**2011/12 FUNDING CONTRACT FOR VEISHEA, INC.:** Project Manager Brian Phillips advised that funds awarded will be used towards costs associated with contracting for and/or providing for a pancake feed to be held as an alcohol-free activity during the late-night hours of VEISHEA weekend 2012. As a contingency, patrons of the pancake feed were to be charged lower prices than they would have been if expenses were not subsidized.

Council Member Wacha noted that the VEISHEA event organizers were still charging \$4/person for the pancake feed this year, which he thought was rather high in that the City was being asked to provide \$8,000 in funding. Mr. Phillips said that the funding application had indicated that the



pancake feed was anticipated to cost in excess of \$30,000. Mr. Wacha stated his opinion that a profit should not be made. He recommended that, next year, the Council be told what the event actually costs. Council Member Goodman agreed.

Council Member Larson suggested that the City Council be more involved, e.g., flip pancakes, not just provide funding.

Moved by Wacha, seconded by Goodman, to adopt RESOLUTION NO. 12-217 approving a 2011/12 Funding Contract for VEISHEA, Inc., in an amount not to exceed \$8,000.

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

**2012/13 FUNDING CONTRACTS WITH LOCAL ORGANIZATIONS:** Project Manager Phillips explained that, during approval of the 2012/13 budget, the Council allocated funds for use by several local organizations to provide facilities and services for use by the public. The contracts are similar to those utilized for arts and human service agencies' funding.

Council Member Goodman stated that, to him, it is important for the City to receive verification of how the funds were spent. Mr. Phillips advised that those requirements are contained in the Contract; no cash is up-fronted and payments are made on a receipt basis only.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-218 approving the 2012/13 Funding Contracts with local organizations, as follows:

<u>Organization</u>	<u>Amount</u>
VEISHEA, Inc.	\$ 8,000
Hunziker Youth Sports Complex	25,000
Homecoming Central Committee	1,000
Ames Historical Society	16,000
Main Street Cultural District	31,000
Campustown Action Association	25,000

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

**NORTHRIDGE HEIGHTS SUBDIVISION BIKE PATH IMPROVEMENTS:** Assistant City Manager Bob Kindred stated that, as part of the Northridge Heights development north of Bloomington Road, the City and Uthe Development Co., LLC, entered into a Development Agreement (in 2000). Under the terms of that Agreement, the developer agreed to convey to the City, at no cost, a four-acre area at the intersection of Harrison Road and Stange Road for use as a City neighborhood park. That conveyance was to count toward satisfaction of the City's open space requirements for the Subdivision and was to occur when 375 dwelling units had been constructed in the Subdivision. The developer also agreed to pay the City \$80,000 in cash for park improvements and equipment.

According to Mr. Kindred, as part of the Development Agreement, the developer also agreed to construct all street improvements throughout Northridge Heights Subdivision at no charge to the City. The developer also agreed that bike path improvements would be completed along specified streets in the Subdivision. In preparation for approval of the Final Plat for Northridge Heights, 15<sup>th</sup>

Addition, the developer had to have completed or financially secured those improvements before approval could be given to the Final Plat.

Mr. Kindred explained that, as the improvements have been carried out, a question has arisen regarding the responsibility for constructing bike trails along Harrison and Stange adjacent to the new park. He said that, historically, a developer assumes responsibility for installation of both bike path and sidewalk improvements throughout a subdivision; however, those paths and sidewalks are not required to be installed or financially secured prior to Final Plat approval. Instead, the developers typically pass those responsibilities on to the purchasers of each lot. Installation of sidewalks, and oftentimes bike paths, is usually delayed until each lot purchaser has completed their desired construction activity; after which the lot purchasers fulfill that responsibility. The sidewalk and bike path systems throughout the subdivision are then completed lot-by-lot as the subdivision develops. It was noted by Mr. Kindred that that approach is a matter of practice followed by developers and staff, rather than a policy spelled out by the Council.

Mr. Kindred said, to staff's knowledge, the situation at hand had not previously been encountered.

Chuck Winkleblack, 105 S. 16<sup>th</sup> Street, Ames, speaking for the developer, advised that when \$80,000 was provided to the City and the land for the park was dedicated by the developer, they thought that was for the park improvements. He noted that since that time, the developers have provided a water line and changed the storm sewer, which were not part of the Preliminary Plat. In accordance with the City's standard practice, the Northridge Heights developer believed that the City would install the bike paths adjacent to the park since the City is the new owner of that land.

Katherine Fromm said she was appalled that the City did not require land to be set aside for parkland, and had actually in the past paid developers to create neighborhood parks.

Council Member Orazem asked to know how the \$80,000 already paid to the City was being used. Nancy Carroll, Parks & Recreation Director, said that the \$80,000 paid by the developer has been combined with approximately \$160,000 in the Park Development Fund to pay for creation of the park. Also, at the inquiry of Council Member Orazem, Ms. Carroll stated that the developer had donated four acres for construction of the park.

City Council Member Goodman said that, after reading the portion of the Agreement, which had been signed by the developer, the responsibilities of the developer were very clear.

At the inquiry of Council Member Davis, Ms. Carroll acknowledged that the developer had laid the water line exactly as the City had desired. Mr. Davis noted that that improvement had not been a responsibility of the developer.

Council Member Larson said that he could see how there was confusion on both the City's and the developer's part.

Moved by Larson, seconded by Orazem, that the developer and City split, 50/50, the costs of the required sidewalks due to misinterpretation of responsibilities on the part of both parties.

Council Member Goodman asked Assistant City Attorney Judy Parks to advise if the provision for bike path/sidewalk construction was specifically addressed in the Development Agreement. Ms. Parks noted that she had reviewed the Agreement in detail, and it was clear that it was the

developer's responsibility at its sole expense. She said that if those costs were ultimately to be passed on to a third party, that would be between the developer and the ultimate purchaser of lots.

Council Member Wacha said that it was understandable to him why this is confusing to the developer. In the spirit of cooperation, he advised that he would support the motion to split the costs.

Council Member Larson noted that it was unclear what the \$80,000 was to be used for; that is the question to him – whether the developer had already paid for improvements. Council Member Orazem noted that the developer had done things above and beyond what was required in the Development Agreement.

Vote on Motion: 3-3. Voting aye: Davis, Larson, Wacha. Voting nay: Goodman, Orazem, Szopinski. Mayor voted nay to break the tie. Motion failed.

Assistant City Attorney Parks said that if there was no additional motion, the terms of the Agreement would remain in effect; thus, the developer would be obligated to install the bike paths/sidewalks.

**ENGINEERING SERVICES AGREEMENT FOR AMES PLANT AREA SUBSTATIONS IMPROVEMENTS:** Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 12-219 approving the Engineering Services Agreement for Ames Plant Area Substations Improvements to Dewild Grant Reckert & Associates Company of Rock Rapids, Iowa, in an amount not to exceed \$322,700.

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

**CHANGE ORDER FOR UNIT NO. 8 PRECIPITATOR WIRE REPLACEMENT PROJECT:** Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 12-220 approving Change Order No. 1 in an amount not to exceed \$43,500 to USCC for Unit No. 8 Precipitator Wire Replacement Project.

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

**LIBRARY RENOVATION PROJECT:** Library Director Art Weeks introduced Brad Heemstra of Integrity Construction Services, LLC.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 12-221 approving the Construction Advisor Services Contract with Integrity Construction Services, LLC, of Ames, Iowa, in an amount not to exceed \$85,000 pertaining to the Library Renovation project.

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

**REPAIR TO METHANE ENGINE GENERATOR SET #2:** Moved by Davis, seconded by Goodman, to direct staff to proceed with development of specifications for Repair to Methane Engine Generator Set #2 and authorizing the project budget of \$129,000.

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

The meeting recessed at 9:00 a.m. and reconvened at 9:10 p.m.

**REPORT ON EMERGENCY RESPONSE TIME:** Fire Chief Clint Petersen told the Council that the report focused specifically on response time goals and did not address a future fire station location. He noted, however, the impact that Councils' decisions have on the locations of fire station. The Chief advised that there is no legal mandate for a city's fire response time. *Iowa Code* requires cities to "provide for the protection of life and property against fire," but does not specify minimum response time criteria. Chief Petersen noted that since at least 1984, the City has had a goal for the Fire Department to respond to 85% of the community within 5 minutes travel time. However, the challenge to meet that goal has been exacerbated by the City's growth in land area (14% increase in land area in the last 15 years and a 16% increase in population in 10 years). Another study was completed in 1999, which showed that 82% of the City could be reached within 5 minutes, or 79% within 5 minutes when the Duff Avenue railroad crossing was impassable.

According to Chief Petersen, in 2011, 83% of the City's land area was serviceable within five minutes' travel time. During that same year, 87.5% of actual calls had a five-minute or shorter response. Chief Petersen recognized that advances in technology allow the City to map actual calls for service and provide information more efficiently for analysis. He reported that, if the City continues to grow as anticipated, relocations and/or additional fire stations are not a matter of if, but of when and where. He noted that factors such as the growth of the City's land area, population growth, density, direction of growth, and the type of development will influence the need for future fire stations.

According to Chief Petersen, the number of emergency calls for service in Ames is at an historical high; it mirrors the national trend. Chief Petersen also noted that call volumes had intensified in certain types of occupancies over time in Ames. Particular types of development tend to have higher Fire Department service needs, e.g., areas of high-density residential, commercial areas, medical, assisted-living, and/or nursing home facilities. A map was shown of the existing fire response density.

Chief Petersen gave the definition of response time goal and explained how it is measured, and why it is important. He defined flash over, stating that it is extremely dangerous; even protected fire fighters cannot survive for more than a few seconds.

It was noted that modern structures are somewhat less likely to ignite than older structures due to improvements in electrical safety; however, the typical layouts of modern structures allow fire to grow and spread much more quickly than a similar fire in a structure constructed 30 or more years ago. In addition, typical modern furnishings produce more dangerous heat and gases once ignited compared to furniture constructed with natural fibers and materials (common in the 1950s and 60s).

Chief Petersen reviewed EMS response information. Currently, both Mary Greeley Medical Center (MGMC) and the Fire Department respond to emergency medical calls. It was noted that MGMC currently does not have an adopted response time goal. MGMC has indicated that more data from computer-aided dispatch was needed before it could consider adopting a response time goal. MGMC has reported an actual response time of 8 minutes to 90% of its calls (from time of dispatch to arrival on scene).

Mr. Phillips, at the request of the City Council, had compared Ames' response time goal with other cities. A list of 22 comparable cities was developed; those responses were shared by Mr. Phillips as were the conclusions made based on the responses from the survey.

City Manager Schainker noted that a response time goal was actually a performance measure. He emphasized that Ames is one of the few communities meeting its goal on a regular basis. Mr. Schainker said that the Council needs to decide what response time goal the City should have; how should response time be measured; who should adopt the response time goal; should there be separate response time goals for fire and medical calls; and what Council decisions can help the City better meet the response time performance measure.

Mr. Schainker told the Council that, in 1999, staff reported that a longer response time for industrial properties could be acceptable due to personnel trained in industrial safety, sprinklers, and fire brigades. In the event that the City moves forward with annexing land east of Interstate 35 as industrial reserve, fire response time will not likely be a barrier to doing so. It was noted by Mr. Schainker that most industrial land uses tend to have a low frequency of need for fire response. He said that a response time goal to the industrial area planned to the east could be longer than for the other parts of the City.

Regarding how response time should be measured, City Manager Schainker said that the typical method for measuring response time goals is based on actual calls for service. Measuring based on total land area with a certain travel time limit no longer appears to be the best approach. A more sophisticated method of measurement would be for the City to map actual calls for service and then project the calls for service anticipated upon full build-out in an area of potential annexation. The projections can be based on call densities for similar types of developments. Time-distance formulas are then used to calculate emergency response times based on actual and anticipated calls. Staff recommended benchmarking response times based on actual calls for service and using GIS projection data for planning decisions.

Chief Petersen agreed that a response time goal should be established as a performance measure. He noted that Ames is doing a good job in meeting its current goal.

Regarding should there be a separate response time goals for fire and medical calls, Mr. Schainker said that, in Ames, fire and medical assist response times can be tracked separately. Chief Petersen noted that two important changes have enhanced the City's medical assist capabilities: (1) Emergency Medical Dispatch, which allows dispatchers to gather better information about medical emergencies and deliver it to responders en route, and (2) purchase of three Automated External Defibrillators that have been placed in the three area cars (north, west, and south patrol areas). Defibrillators will be placed in all ten patrol cars by July 2012.

City Manager Schainker said that the annexation of new land will not cause an immediate failure to meet the response time goal. In the past, dropping below the fire response goal has not been used as an automatic trigger to initiate action to relocate or construct a station. Regarding what Council decisions could help the City better meet the response time performance measure, Mr. Schainker said that staff recommends that the City Council, through its land use and zoning decisions, attempt to place only developments with lower demands for service on the periphery of potential areas of annexation and place higher-demand developments closer to the existing urban core. He explained the land use strategy that was used for that recommendation. He also noted that several options were available to the Council to mitigate the danger posted by fire by improving fire protection requirements.

City Council Goodman suggested that averages not be used to propose a response time performance measure; actuals should be used.

City Manager Schainker stated that staff will provide additional information and options to the City Council for future action.

**HEARING ON SOUTH 4<sup>TH</sup> STREET WATER MAIN REPAIR:** Mayor Campbell opened the public hearing. No one wished to speak and the public hearing was closed.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-222 approving final plans and specifications and awarding a contract to Synergy Contracting LLC of Bondurant, Iowa, in the amount of \$126,255.

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

**HEARING ON 2011/12 ASPHALT PAVEMENT IMPROVEMENTS (BARR DRIVE AND INDIAN GRASS COURT):** The public hearing was opened by Mayor Campbell and closed after no one came forward to speak.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 12-223 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$485,118.18.

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

**HEARING ON UNIT NO. 8 FEEDWATER HEATER REPLACEMENT:** Mayor Campbell opened the public hearing. No one asked to speak, and the hearing was closed.

Moved by Goodman, seconded by Davis, to accept the report of bids and delay award of a contract. Vote on Motion: 6-0. Motion declared carried unanimously.

**ORDINANCE ADOPTING WATER AND SEWER RATES:** There was no one wishing to speak on the first reading of the ordinance.

Moved by Szopinski, seconded by Larson, to pass on first reading an ordinance adopting new water and sewer rates.

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

**ORDINANCE INCREASING ILLEGAL PARKING FINES AND REMOVING REFERENCES TO COINS AS FORM OF PAYMENT FOR PARKING METERS:** No one came forward to speak on first reading of the ordinance.

Moved by Davis, seconded by Larson, to pass on first reading an ordinance increasing illegal parking fines and removing all references to coins in the form of payment for parking meters.

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

**ORDINANCE ADOPTING 2011 NATIONAL ELECTRIC CODE:** Moved by Davis, seconded by Wacha, to pass on second reading an ordinance adopting the *2011 National Electric Code* with State and City of Ames amendments.

Roll Call Vote: 5-1. Voting aye: Davis, Goodman, Larson, Szopinski, Wacha. Voting nay: Orazem. Motion declared carried.

**ORDINANCE TO CREATE SEPARATE LAND USE FOR DELAYED DEPOSIT SERVICE**

**PROVIDERS AND ENACTING PROHIBITIONS:** Moved by Goodman, seconded by Wacha, to pass on second reading an ordinance to create a separate land use for delayed deposit service providers and enacting prohibitions against their locating in Highway-Oriented Commercial or Gateway Overlay Zones or within 1,000 feet of certain specified facilities.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**ZONING TEXT AMENDMENT RELATED TO DEFINITIONS OF “STORY” AND “BASEMENT:”** Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4108 related to definitions of “story” and “basement.”  
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**TERM OF OFFICE FOR LIBRARY BOARD OF TRUSTEES:** Moved by Wacha, seconded by Davis, to pass on third reading ORDINANCE NO. 4109 changing the term of office commencement date for Library Board of Trustees from July 1 to April 1.  
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 Wacha, seconded by Orazem, to refer to staff the letter from Youth and Shelter Services dated April 12, 2012, requesting to extend leasing agreement for Parking Lot P.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Davis, seconded by Orazem, to refer to City Manager Schainker for a memo pertaining to the new proposal contained in the letter from Fred Rose representing the Deery Brothers, specifically, what the expectations are regarding the lot, if it is a viable option, the pros/cons to it.

Council Member Orazem said that he was curious to know where the Department of Transportation is planning to go with the Highway 30 bridge. City Manager Schainker said the DOT was still studying that; the City will not have an answer in two weeks.

Noting that he had been consistently opposed to providing tax abatement for development in the floodway fringe, Council Member Wacha said he thought Mr. Rose’s letter provided an interesting nuance to the Deery Brothers’ proposed project. Due to that, he said he would be supporting the motion for staff to review it. In particular, Mr. Wacha thought that it might present an opportunity for the City to offset tax abatement, potentially dollar-for-dollar, with flood mitigation work that can be done now as opposed to years from now. He would like information about the value, as much as can be determined, of the proposed channel straightening as well as what effect it might have on the flow of water. In addition, he would like to know what staff’s opinion is of the land that potentially would be given to the City, both in regards to flood mitigation and actual dollar value.

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

Council Member Szopinski commented that there had been much passion on both sides concerning the S. 16<sup>th</sup> Street tax abatement request. She advised that her approach is to gather as much information as possible on each subject and then make her decision; she does not come to Council meetings with her mind already made up.

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 10:27 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor