

Capitol Planning Commission Meeting Minutes September 11, 2007

9:00 a.m. 12:30 p.m.
Public Safety Building, Capitol Complex, Des Moines

This special meeting of the Capitol Planning Commission was called to order at 9:00 a.m.

Members Present

Brice Oakley, Chair	Molly Clause	Representative Ralph Watts
Catherine Brown, Vice-Chair	Scott Brown	Representative Mark Davitt
Paul Carlson, Secretary	Carl Voss	Senator Matt McCoy
	Elizabeth Isaacson	

Members Absent

Senator James Seymour

Dept. of Administrative Services (DAS) Staff Present

Mollie Anderson, Director—DAS
Dean Ibsen—DAS, General Services Enterprise, Vertical Infrastructure Program
Nancy Williams—DAS, General Services Enterprise
Nicholas Smith—DAS, General Services Enterprise, Vertical Infrastructure Program
Deb Madison-Levi—DAS
Laura Riordan—DAS
Tera Granger—DAS
Patricia Lantz—DAS

Others Present for All or Portions of the Meeting

Harold Belken—Iowa Association of Community College Trustees (IACCT)
Matt Carlile—Brian Clark & Associates
Brian Clark—Brian Clark & Associates
Linda Claussen—Iowa Association of Community College Trustees (IACCT)
Bill Dikis—Architectural Strategies
M. J. Dolan—Iowa Association of Community College Trustees (IACCT)
Rev. Chet Guinn—Peace Makers Group
Karla Hansen—Caring Connections
Anna Hyatt-Crozier—House Democratic Staff
Theresa Kehoe—Senate Democrats
Jeffrey A. Krausman—Dickinson Law Firm
Richard Lee—WHO
Mike Lewis—Durrant Architects Engineers
Dan Manning—Connolly Law Firm
Sharon Mayer—Iowa Utilities Board
Brenda Neville—Iowa Motor Truck Association (IMTA)

Dave Reynolds—Legislative Services Agency
Kelly Ryan—House Republican Staff
Donald L. Seymour—Durrant Architects Engineers
Marcia Tannian—Legislative Services Agency, Fiscal
Scott Weiser—Iowa Motor Truck Association (IMTA)
Sharon Worthington—Dept. of Education, Iowa Vocational Rehabilitation Services

Summary of Proceedings

Call to Order, Roll Call and Introductions

The meeting was called to order at 9:00 a.m.

Meeting Overview and Approval of Agenda – Action Item

The agenda was approved as presented.

MOTION - Mollie Clause moved to approve the agenda. Cathy Brown seconded the motion. Motion carried unanimously and agenda accepted as proposed.

Iowa Association of Community College Trustees (IACCT) Building

An overview on discussions between the Iowa Association of Community College Trustees (IACCT) and the Iowa Motor Truck Association (IMTA) was provided by Director Anderson.

Iowa Motor Truck Association (IMTA) Presentation:

Representatives of the Iowa Motor Truck Association presented their views on the issue.

Iowa Association of Community College Trustees (IACCT) Presentation

Summary of Above Discussions

Committee of the Whole

BREAK (10 Minutes)

Meeting Resumed at 11:30 a.m.

MOTION: Scott Brown moved to reconsider the approval of the site plan as approved at the Commission meeting on July 17, 2007. Seconded by Molly Clause. Motion carried. Chairman Oakley abstained.

MOTION: Scott Brown moved for approval of the site plan based upon oral agreement between the State, IACCT and IMTA reached at this meeting and that the proposal will be put in writing and the Commission will have an opportunity to formally adopt it at the October 17, 2007 meeting. The oral agreement in essence contemplates that the property will be moved forty foot east, that the resulting “out lot” [the remaining state-owned triangular parcel at the west end of the site] will be conveyed to IMTA in exchange for restrictive covenants similar to those that are in place for the IACCT property and contemplates a redesign of the entrance and parking areas in particular for the IACCT building. Seconded by Carl Voss. Roll call vote. Motion carried. Chairman Oakley abstained.

MOTION: Carl Voss moved for the approval of the design and materials as submitted in August upon which the Commission deferred. Scott Brown seconded the motion. Discussion: Cathy Brown said she struggled a bit with how the

architecture relates to the Capitol, which was one of the design team's goals. Mike Lewis, with the Durrant Group, said the images of the building are designed to communicate a very comfortable look for the Community College's mission, institutional in some respects but with more of a prairie style approach from its sight lines, in terms of its horizontal lines, in terms of the layout and the way it is integrated into the site. He said the integration with the Capitol from the design of the building centers around the material choices being used. He referred to the stone cladding material on the north side, the windows to enhance the view, and the copper fascia materials at the roof line of the building as elements of the building design intended to enhance the relationship between the building and the neighborhood. Roll call vote. Motion carried. Chairman Oakley abstained.

Other Business

Agenda items for the next meeting were reviewed.

Comments from Legislators, Commission Members, Public

None.

Meeting Adjourned

Minutes of Proceedings

Call to Order, Roll Call and Introductions

The meeting was called to order at 9:00 a.m.

The meeting was called to order by Chairman Brice Oakley at 9:00 a.m., followed by roll call by Nancy Williams and introductions.

Meeting Overview and Approval of Agenda – Action Item

The agenda was approved as presented.

Chairman Oakley asked for any additions or corrections to the agenda.

MOTION - Mollie Clause moved to approve the agenda. Cathy Brown seconded the motion. Motion carried unanimously and agenda accepted as proposed.

Iowa Association of Community College Trustees (IACCT) Building

An overview on discussions between the Iowa Association of Community College Trustees (IACCT) and the Iowa Motor Truck Association (IMTA) was provided by Director Anderson. Director Anderson said that by statute the Department of Administrative Services is the State's landlord and the department is responsible for working in cooperation with the Capitol Planning Commission to comply with the Master Plan and ensure that the citizens get their return on investment on the campus. The campus, she said, is over 100 acres in the heart of Des Moines. The Master Plan is a document that should be updated about every ten years if not more often. The Master Plan is a "living document". There are always things that occur, happenings or things that can be purchased that modify the Master Plan, and then it needs to be updated.

The Master Plan we have been using has several pieces that are incorrect. For example, the new Judicial Building is not shown, the West Capitol Terrace is shown as a vacant lot and other

buildings are shown. On the North Campus there is a site for a state office building; however, the way it is presented is not the way it would be used. Even though it was intended to be twin towers there is the discussion of whether we would build twin towers or not. At this point in time, we don't intend to do that. A thing like the possible purchase of the Mercy Capitol provides an opportunity for us to say what the campus would really need to look like in order to get the full value.

Director Anderson said in 2003 when DAS was created, she visited with a lot of people about plans currently in the works that might affect the Master Plan. One of those was the West Capitol Terrace. Brian Clark's group will tell you this has been around for a long period of time, but since 1998 people have talked about the desire to create a ten acre park on the West Side of the Capitol, a grand front lawn, capitalizing on the \$80 million dollars that had been spent on improving the Capitol itself.

Director Anderson said in 2003, the money was appropriated for Phase One of the park. The Master Plan basically said there would be an avenue all the way from Locust Street to the Capitol and intended the three buildings at the base of the West Capitol Terrace would be removed.

Director Anderson said, unfortunately, even though that was decided, there had not been an aggressive plan to purchase the buildings prior to the time of the appropriation for the first phase of the park. In the year the first phase of the park was funded money was made available to begin the acquisition of the three properties. Director Anderson said this is what we have been working on ever since. This is not an easy process. The statute provides for the Director of the Department of Administrative Services, within an appropriation and the authority given by the Legislative body, to try to acquire the properties at a fair market value. She said it is our responsibility to acquire those either through a purchase or for an exchange of a fair and equal value.

Director Anderson said the reason we are here today is our desire to create a setting the Capitol deserves, to create a People's Park that could be used for both events and every day use, and to improve the walkability of the Capitol Complex. She said if you look at pictures of the Capitol in the 1800's there are walk-ways that connected the Capitol both physically and visually to the City and created a visitors' experience that had a lasting impression. Those were the goals set for this particular project.

Director Anderson said the first building purchased was the row house at 709 East Locust, which was probably the oldest row house in this area. After an appraisal the building was purchased for \$412,000. She said the Fire Marshal has determined we can't use that building now that it is a public building for anything without significant improvements. She said we explored the historical background, we visited with groups in the Des Moines area and have come to the conclusion this is a building that would cost so much to improve that it is not worth repairing.

She said the State has tried to purchase properties at 711 East Locust and 707 East Locust, with negotiations underway for 711 East Locust.

Director Anderson said that early discussions began with the Iowa Association of Community College Trustees for 707 E. Locust after work began on the park. Appraisers determined the value of the property and we began to look at the resources to purchase or exchange. In the process, language was approved to allow for DAS to transfer and exchange of land outside of the Legislative body through the approval of the Executive Council as long as we could show we had done the due diligence to show it was an exchange of equal value. We determined we had another parcel of land on campus, not being used by the State that could be used as an asset to acquire the property. We needed to be certain this was a property the Capitol Planning Commission was willing to allow us to consider for exchange, and beginning in July 2006, the department began to present to the Capitol Planning Commission a request to do this. She said we learned in the meeting the Commission had some concerns about the integrity of what would be built there and that we are not in the business of really wanting to sell any part of the Capitol Complex. The only reason we considered this is because we felt this would be a way to acquire the property for the completion of the West Capitol Terrace without the cash in hand at the current time.

Director Anderson said the appraisal of the property was \$632,000 for the one acre parcel of land, which was determined to be the minimum amount required by IACCT to construct a building and parking. There was also an appraisal of the property owned by the IACCT and a request to evaluate restrictive covenants we wanted to place on the land that would be available for trade. Those restrictive covenants are: 1) if they ever decide to sell the land the State would have the first right of refusal, 2) any building built on the land would require the approval of the Capitol Planning Commission, 3) any modifications to the building would also require approval of the Capitol Planning Commission. These restrictive covenants are unusual, according to the appraiser, and they have value. In this case, they have deducted value from the value of the land. In the appraiser's view, the restrictive covenants were worth \$190,000 or more. The difference in value was \$75,000, which we asked the IACCT to pay.

Director Anderson said we are now at a point of trying to reach an agreement between IACCT and the State to transfer this parcel of land. She said the Executive Council has given her the authority to proceed with the exchange. She said she will need to go back to the Executive Council to seek their approval of the negotiations once a timeline is in place and once the State and IACCT have agreed on all details related to that property (site plan, building design, agreement of the language which says if their construction isn't done on time that they pay rent, etc.). We are still in the process of working out those details.

Director Anderson also provided the Commission a copy of a letter sent to Senator Appel which provides the history of the negotiations and the dates this issue has been discussed with the Capitol governing bodies, Executive Council and Capitol Planning Commission. She said it should be understood that we have not acted hastily in trying to arrive at something that is mutually agreeable to IACCT and the State.

Director Anderson reiterated the only reason we are discussing the sale of State property is because it is very important to the completion of the West Capitol Terrace.

Director Anderson said the Commission is being asked today to approve the design concepts for the IACCT building, after having already approved the site plan. She said the State had hoped

that the negotiations between IACCT and IMTA would result in a proposal that would be satisfactory to all parties. She said that in the last two weeks the State was notified that negotiations had broken down and IMTA did not want anything to be built on the property. But, she said, this is a decision for the State to make, it is a necessary exchange to allow for completion of the West Capitol Terrace project, and the State has addressed all issues required by statute. She said the State believes this is a fair exchange for properties of equal value and it should go forward.

Chairman Oakley reviewed the advisory authority of the Capitol Planning Commission. He said that the commission is mandated by statute to review proposals for improvements on the Capitol grounds. He said the Commission has two primary functions for this project: 1) site plan approval and 2) design and materials approval. The request for approval of the site plan came before the Commission in July and was approved. The Commission is required to take into consideration the impact of its advice and actions by State government on neighboring properties. This is not just taking into consideration what goes on State property but also the “neighborly requirement” that it be consistent with or taking into consideration the surrounding properties around the Capitol Complex. Design and materials approval is required because new construction or renovation projects must be consistent with the design features of the Capitol Building.

Director Anderson said the Commission’s role in the negotiations involves a review of the covenants accompanying the transaction with respect to their impact on the site, materials and project design. Other covenants will take into consideration the zoning requirements of the City of Des Moines and considerations of interest to the Legislative Capital Projects Committee of the Legislative Council and the Executive Council of the State and which create the legal authority to transfer the property and under what conditions.

Chairman Oakley said that, as in previous meetings on this topic, he would not participate in the discussions and would not vote because he has done work for IACCT. He said he will run the meeting in a neutral manner but asked that if anyone feels otherwise they should advise him of their concerns.

Iowa Motor Truck Association (IMTA) Presentation:

Representatives of the Iowa Motor Truck Association presented their views on the issue.

Scott Weiser, IMTA, said the organization had asked for two weeks to have an opportunity to look at the issue, noting they were brought into this project at the end of it. IMTA hired RDG, a design firm, to look at the property site, evaluate the trees, property and whole design and advise on the proposal. IMTA then met with IACCT and began to look to see if there was a way to modify the building or find a way to make this acceptable to IMTA. Mr Weiser said they could not find a way to make this acceptable.

Mr. Weiser said IMTA is concerned this project will degraded their property. He said IMTA conducted a document search and asked the various parties to provide documents so they could examine what had and had not been done. Additionally, IMTA spoke to members of the Executive Council about their involvement and their knowledge, etc. Mr. Weiser said IMTA also contacted legislators who provided the appropriation to try to purchase that property (707 E. Locust). At one of the hearings, legislators did question as to whether in fact this barter exceeded

Director Anderson's authority and Mr. Weiser said he didn't know if there was ever any response to that question.

Mr. Weiser said there is Code language to allow for this barter, noting that Code language was designed for one little parcel over on the other side of the State House. Mr. Weiser said he didn't believe the legislature meant to bow completely out of the oversight of property.

Mr. Weiser said he is a zoning commissioner in Urbandale. He said there seems to be a feeling that "we've worked on this so long we have to go ahead with it." He asked the commissioners to consider whether or not this is the right thing to do. He said that from his experience in Urbandale one of the things they ask developers to do is to provide park land. He said what we may be considering is picking up an office building and dropping it in the State's park land development—putting an office building in a park. He said the stakes are high and the action being considered is an action of expediency. This is a permanent decision.

Mr. Weiser said there are a lot of other questions such as city zoning, tree issues, etc. He said this can be fixed. He said he believes we need to get into a legislative session, noting this is a tiny amount of time and a very permanent decision that in the view of the IMTA members impacts their building dramatically. He said this needs more time and IMTA is willing to discuss this further. He said this is September and only a short time away from session and from parties finding a way to make this work.

Dan Manning, with the Connolly Law Firm representing the IMTA, said it seems that the issue shaped today is that the site plan for this particular project has previously been approved. He said that he understood the motion at the last meeting to mean that all issues involving this particular project would be up for consideration today.

Mr. Manning said he realizes a lot of time has been spent working on this project; however IMTA's involvement has come in very late in the game. He said we all agree that IMTA didn't know about the process and as a neighbor, it would have been good to know about the process early on so that IMTA could have voiced its concerns about this project much earlier on. The fundamental question is that this would not have happened but for the opportunity on 707 East Locust. Mr. Manning said this creates a problem from IMTA's perspective and the perspective of a concerned citizen since this does not have to be "either or." He said the park land on Court Avenue can be maintained and still provide the opportunity to work out a resolution and create a Welcome Center on the West Capitol Terrace.

Mr. Manning said the project site, materials and design are what this Commission is about. He said IMTA is respectfully asking the Commission to take a look at where they have been, where they are today and ask that tough question as to whether it is the right place to be. He said IMTA recognizes that decision may be made by this Commission today based upon the history, but he said he is also very familiar with comprehensive plans and has had an opportunity to look at the most recent plan for this Complex. Mr. Manning agreed that plans are upgraded from time to time but he said he did not believe that just because there is an opportunity to do a land transfer that it somehow justifies the transfer that is being suggested. Mr. Manning said IMTA fundamentally disagrees with this and he asked that thoughtful consideration be given to whether or not to continue to proceed with this approach to develop the Welcome Center and west

campus that we all want to be proud of when we could still maintain the green space that we are all currently proud of. Mr. Manning said he wanted to be clear on the record that IMTA did contact the State and tell them that they did not want any building or anything done on that particular site. He said IMTA has had weeks to review and consider where we have been and where we need to go. He said IMTA has not had the benefit of a lot of time to think through what could work there, what might work there, or what shouldn't be there. IMTA does not wish to be perceived as being against the Welcome Center on the West Capitol Terrace. He said they are in favor of it and think that it is a good idea but they are not in favor of saying it has to be one or the other. He said you can preserve the green space and you can have the Welcome Center. From IMTA's perspective, you create a nice Welcome Center but you harm your Campus in the sense that you lose green space which is something we all should try to preserve.

Mr. Manning said IMTA has retained an expert to look at this particular site. He said IMTA is disappointed with the plan that has been previously submitted and hopes the Commission will not approve it. He said there have been discussions about moving the site to the east (the site being transferred by the State to IACCT). If it were moved to the east, he said, you could site the building further to the east which would insure IMTA's line of sight to the Capitol, which is a concern. He said the foremost concern is that we not lose the green space. Because this Commission has the charge of analyzing and looking at the site and what should be there (we ask that nothing be there), we ask if you do make the decision that something be there, you should try to accommodate IMTA's concerns.

Mr. Manning distributed a copy of a diagram prepared by their architects concerning the line of sight issue (copy attached to minutes). Mr. Manning said that from a site standpoint, there is a possibility the Capitol Planning Commission could place some restrictions, as they have already on the Trustee Board, concerning the requirements – that the State convey the additional 80' to the east of the parcel and that the building be moved to the east to ensure the line of sight on behalf of IMTA and that the driveway be matched up so there would be no driveway and no parking lot in front of any portion of the IMTA building.

Mr. Manning said IMTA would hope that the Commission would decide against the project, but if the Commission agrees to proceed, IMTA is asking for conditions that are to the mutual benefit of the both IACCT and IMTA.

Iowa Association of Community College Trustees (IACCT) Presentation

M. J. Dolan said the IACCT is happy with its present location; however, in the interest of being a good neighbor and in an effort to work with the State, IACCT agreed to look at another location. She said that prior to her tenure IACCT staff did an extensive search on the east side of town, looking at buildings for renovation, lots for construction, etc., over a period of several months and no sites were found that met the organization's criteria for space needs, tenant needs and parking.

She said that IACCT's site plan was approved by the Capitol Planning Commission in July, 2007, and the exterior design was approved at the last meeting until a motion was made to reconsider at today's meeting.

Chairman Oakley asked that the minutes reflect that the concept in totality was not approved, the second element of it was not approved, and to say that it was a deferred action is a fair characterization of the motions that have been made to date: site approved in July, 2007; design and materials approval deferred in August until further discussion at today's meeting.

Ms. Dolan said that near the end of the whole process and as the State was getting ready to finalize the real estate exchange agreement, she had contacted IMTA as a good neighbor, to say she would like to come by and share the plans and get their feedback at that time. About two weeks after one of the contacts, she heard they were going to take action against the State because of their concern about the process. She said that after the meeting last month, IACCT did contact IMTA and held a meeting with them on the 27th. She said she thought it was a good meeting with good ideas. She said that IACCT brought drawings showing the line of sight, the driveway had been moved slightly to the east and some parking had been eliminated so that IMTA wouldn't have parking spaces outside their window. She said they left the meeting with the understanding that Mark Johnson from DAS would inquire as to whether or not the building could be moved to the East. She said that shortly thereafter she heard that IMTA did not want a building on the lot.

Ms. Dolan said, yesterday Mr. Manning contacted their attorney with drawings, which they saw for the first time this morning. She said IACCT wants to work with everybody on a win-win solution so they can build their building. IACCT's greatest concern at this time is that every single dollar spent on legal counsel and spent on drawing up more plans, more negotiations, etc., is taking dollars away from our educational programs in the Community Colleges. IACCT would ask the Commission to move forward with the plan as it stands so that they can build the building, eliminate this additional cost, and focus on their mission.

Mike Lewis with Durrant spoke to the Commission stating he is pleased to be in attendance to provide professional advice. Mr. Lewis said the design provided the Commission in terms of the site placement shows a building that is off-set from the views from the IMTA Building. He said it is out of the sight line in terms of the view of the Capitol. He said he appreciates the discussion today about moving the building another eighty feet, but he assured the Commission the building was purposely placed in a location that is not in the view of the Capitol in the current design that has been approved by the Commission. He said their goal for the building was to create a solution that was integrated well into the landscape. From the Court Avenue side of the building it appears to be one story. As the site topography falls away on the South side it is a two story, so it is a split level design. He said the team worked very hard with the material choices which you have seen in the past to be complementary to the materials on the Campus.

Jeffrey Krausman, Dickinson Law Firm representing IACCT, provided some detail on the efforts made to accommodate the IMTA and their concerns. He said that after the last meeting IACCT parties got together to see how they could modify their site plan to address the major concerns raised by IMTA: 1) sight line to the Capitol, 2) a view out of the Executive Director's Office that overlooked parking, 3) the entrance that came down in front of the IMTA building. Mr. Krausman said they addressed those by having the architect prepare some alternative approaches to the parking area. One of the key things was to eliminate parking places and create green space in front of the Director's Office so the view from the IMTA Building to the Capitol would be unobstructed in any way and would not include any cars in our parking area. He said there is no

portion of the IMTA Building, with the approved site plan that is blocked by the IACCT Building to be constructed, even it is constructed exactly where the approved site plan would call for it. Mr. Krausman said IACCT met with IMTA on August 27, 2007 and showed them the plans and asked for comments. There was substantial discussion. Today IMTA is willing to look at IACCT being there if they move eighty feet or they are asking the Commission to wait and let the Legislature make this decision. Mr. Krausman said the Legislature has given the Department of Administrative Services the authority to move forward with this project. He said they are quite concerned this process is constantly being delayed at the great expense of IACCT. Mr. Krausman said they feel DAS has made a good recommendation, they are restricted in our use of that land so that you as a Commission have the power to make your recommendations to the Executive Council, you have some control over what IACCT does. The Commission is still in control of the Campus even though you have received the value of the building IACCT is giving up the West side of the Capitol. Mr. Krausman state the State has the best of both, covenants requiring IACCT to come back to the Commission and seek approval for what is done at that property and at the same time getting the property the State wants at the base of the Capitol.

Mr. Krausman said the materials proposed for the external of the building were presented at the last meeting are all substantially in compliance with the Capitol Building itself, stone and brick exterior that would be consistent with the major buildings on Campus. Mr. Krausman asked that they not defer any further in this process. IACCT is prepared to continue to visit with IMTA about things like adjustments in our parking lot, working with them on some easements to improve driveway access, to reduce any kind of disfunction they feel with regard to their building. Mr. Krausman said they are also willing to look at some berming that might help, and are not of the opinion that the process ends today. Mr. Krausman said they will continue as a good neighbor as the process continues into the future. He said they understand that if the building were eighty feet further to the East that would be less of a view issue for them. Mr. Krausman said they feel accommodations have been made and will continue to be made but that we need to move forward with this process.

Mr. Krausman said it was his understanding in order to change the site plan approval from last July a motion to reconsider would be needed which would then need to be passed and then the issue would need to be reconsidered. He asked that they not reconsider the site plan but leave it stand and he asked that they approve the exterior and architectural matters that were presented at the August meeting so we can move forward with this process.

Summary of Above Discussions

Chairman Oakley outlined to the Commission what the parties are asking of the Commission.

IMTA is asking: 1) is this the right place for IACCT, 2) is it the right time to do this, 3) can the action be deferred until the Legislative session, and 4) can the parcel be moved to the East?

The State wants to proceed.

IACCT is asking for: 1) for approval to move forward with what has been presented (even though they are happy where they are), 2) final action by the Commission today, but with the opportunity to continue some negotiations concerning the site itself.

He said the Commission needs to decide at some point after more information has been gathered, between the following possible actions: 1) defer to a time certain or just defer, 2) reconsider the site decision that was made, 3) consider the substantive question that is the design and materials.

Chairman Oakley indicated there was no use talking about design and materials until the Commission has decided whether it wants to defer action to some time in the future.

Director Anderson said she believes the Commission has approved the site plan. She said the Commission asked the State to work with the two parties to achieve some kind of an agreement, and she said the State's assessment of the current site plan is that we would not be willing to move eighty feet to the east simply because it interferes with the sledding hill. We might be able to consider a move of up to 40 feet, which would not interfere with the use of the sledding hill and with other events that take place on the site. She said a decision to move to the east must include a recommendation on ownership of the remaining triangular parcel on the west, since the current exchange value is based upon a 1 Acre site only.

Committee of the Whole

Scott Brown suggested asking IMTA if they would be willing to assume ownership of that property for a like value of accepting the restricted covenant on the entire property so that 100 years from now when IMTA wants to dispose of their property the State would have the option to buy that property. Director Anderson reiterated, the State doesn't sell property, to sell the property would require us to go to the Legislative body, noting she does not have the authority to sell anything, she only has the approval to exchange and that is only with the Executive Council approval.

IMTA said they would be interested an exchange that would result in an "unbuildable" piece of land north of their property. An exchange could incorporate IMTA property to the east of their site, which would otherwise be used for parking.

Cathy Brown asked the following question of Legislators at the meeting: "If we deferred this for action by the Legislature during the next would the Legislature still ask the Commission to play the role of advising on this? Representative Watts said he assumed that would be the case, and he said he was curious as to what the IMTA would expect from the Legislature.

IMTA said their role would be to ask the Legislature look for appropriations to aquire the properties so that this land exchange would not be necessary.

Director Anderson said one of the challenges in procuring properties for the State is that they always have to pay the fair market value. The price owners are willing to sell for is not necessarily the fair market price. The reason for raising this issue is that it is our understanding that the IACCT was happy with their location and the building had a certain value. Director Anderson said they looked around to see what they could get in the area that would allow them to maintain what they had, but it meant that they would have to pay more than the price they were able to pay at that point in time. It was at that point they looked to see if there was some other way to achieve that and yet protect the campus. Director Anderson said if they did go back to the Legislature the question is still whether they would have the authority to pay what it would

take to build someplace else close to the proximity of the Capitol, in terms of the price of the land.

Dan Manning asked Director Anderson if all three of the properties on East Locust were necessary for the Welcome Center. Director Anderson said the Welcome Center would not be located there, but instead possibly located in the New Historical Building. She said the Master Plan calls for two grand entrance features that would say “this is the opening to the Capitol”. One of those features is in the middle of the row house, which is the reason the State acquired it first.

Scott Weiser said both the IACCT and the IMTA are associations. They are just an incorporated business. Director Anderson said the State wants to acquire all three properties and using whatever tools are available. In this case, one of the tools considered was an exchange. Director Anderson said when looking at an exchange, what the business does make a difference as to whether you would want them on the campus or not. For example if this had been a bar establishment they probably would not have been making this trade.

Senator McCoy said his view is that we need to think about the next 25, 50, 75 and 100 years and we should have as much property around the Capitol as possible. He said his problem with the concept is that if we give up property a door closes that we will never be able to access again. He said he always prefers green over gray when talking about the State Capitol and the campus. He said we tend to think short term with the appropriation process, appraisals, etc. He said that in the next legislative session he would try to restrict less in terms of fair market paying for property in order to accumulate as much as possible to create this campus for the future. Senator McCoy said he is not sold on this concept yet and he said he thinks it is a bigger issue than just “do we want to build a building on a piece of unused State land.”

Cathy Brown said the Commission should keep in mind that this is a trade and not a loss without a gain in terms of the master plan. She said that the Commission is working with a parcel of State ground adjacent to another property owner. Senator McCoy said this makes perfect sense; however, he asked, “What are we going to say to the next group that wants to be also co-located on the Campus and is willing to adhere to similar arrangements?” He said this will set a precedent.

Molly Clause said she believes the State has gained a huge green space with the West Capitol Terrace, which replaced the ugly parking lot, noting that this whole discussion relates to what is called Prairie Ridge. She read a section from the Capitol Complex Master Plan, which states, “The Prairie Ridge area extends south from Court Avenue to the boundary of state lands along the railroad. Extensive landscape development and increased building density can be anticipated here. Imminent is the development of the new Judicial Building, which will become the most prominent man-made feature on Prairie Ridge, introducing it as an active civic area on the Capitol Complex.” She said she reads this to mean there could be much more dense development toward the railroad tracks.

Representative Davitt said he wanted to be sure the Commission is clear and open about its activities and that agendas, notices and information are properly made available to the public. He said he was concerned because acquisition of another building, 711 East Locust, remains to be resolved.

BREAK (10 Minutes)

Chairman Oakley announced the Commission will be in recess for thirty minutes since IACCT and IMTA expressed an interest in a discussion. Chairman Oakley said that Scott Brown will sit in on the discussion.

Chairman Oakley said the Commission will stand down until 11:30 a.m.

Meeting Resumed at 11:30 a.m.

Director Anderson reported that the parties had a good exchange of how they would like to resolve this. She said that today the two parties will pen an agreement that that State will be willing to consider. She said that whatever is agreed to today between the parties must be subject to the following: 1) approval by the Executive Council and by the Governor's office, including agreement that it meets the statutory authority of the Director, and 2) it will be subject to a review of the appraisal that was completed on the property. She said the State is willing to consider moving the eastern boundary of the exchange property with IACCT forty feet. She said this change would not negatively impact the citizens and it will provide for more a more functional parcel of IACCT. It also provides an opportunity to work with IMTA to achieve one driveway instead of the circular drive, cutting down the expense to IACCT and providing more utility for the space as a whole between IMTA and IACCT. She said the proposal will also provide for the State the potential values on restricted covenants that will protect the view IMTA is concerned about and will allow restrictive covenants that give the first right of refusal on a re-sale of the property to the State, which has great value to the State. Director Anderson said she believes the State is ready to recommend the Commission approve the site plan, approve the design plan and allow these two parties to work together to pen the agreement and get the approval from their governing bodies to proceed.

Scott Brown said this is a proposal to amend the site plan and to adopt the building proposal. Essentially it is an opportunity for all three parties to gain something

The proposal achieves the following: 1) IMTA preserves the views, which is to their advantage, 2) the State acquires the restrictive covenants, which is to the advantage of the State, 3) IACCT also receives a fair shaped piece of land that hopefully allows them minimal additional expense in creating parking that is more to their needs. As a part of this proposal IMTA has agreed to work with IACCT to figure out the exact configuration and ownership of the parking which would be to the extreme SE corner of the maps presented.

Carl Voss asked how this impacts IACCT's plan to get their building on the ground this fall. M. J. Dolan said that is probably not possible. Mr. Voss said that complicates the leasing situation and Director Anderson said that this does create an issue and this is something the State would have to look at. She said the agreement between IACCT and the State has not been finalized and rental is a part of that equation.

Paul Carlson asked if the amount of land still remained one acre. Director Anderson said that for the purpose of this action today it would include more than one acre with an understanding that there has to be a re-review of the appraisal of the land that will be traded and any additional value that would be created by adding that parcel would have to be addressed between IACCT

and IMTA for rights and IMTA would pay for it. She said that in some way the State will have to be reimbursed for the true value of the land, resulting in an equal value trade.

Chairman Oakley said this topic will be on the October 17, 2007 agenda.

MOTION: Scott Brown moved to reconsider the approval of the site plan as approved at the Commission meeting on July 17, 2007. Seconded by Molly Clause. Motion carried. Chairman Oakley abstained.

MOTION: Scott Brown moved for approval of the site plan based upon oral agreement between the State, IACCT and IMTA reached at this meeting and that the proposal will be put in writing and the Commission will have an opportunity to formally adopt it at the October 17, 2007 meeting. The oral agreement in essence contemplates that the property will be moved forty foot east, that the resulting “out lot” [the remaining state-owned triangular parcel at the west end of the site] will be conveyed to IMTA in exchange for restrictive covenants similar to those that are in place for the IACCT property and contemplates a redesign of the entrance and parking areas in particular for the IACCT building. Seconded by Carl Voss. Roll call vote. Motion carried. Chairman Oakley abstained.

Roll Call Vote:
Brice Oakley—Abstain
Cathy Brown—Yes
Paul Carlson—Yes
Molly Clause—Yes
Scott Brown—Yes
Carl Voss—Yes
Elizabeth Isaacson—Yes

MOTION: Carl Voss moved for the approval of the design and materials as submitted in August upon which the Commission deferred. Scott Brown seconded the motion. Discussion: Cathy Brown said she struggled a bit with how the architecture relates to the Capitol, which was one of the design team’s goals. Mike Lewis, with the Durrant Group, said the images of the building are designed to communicate a very comfortable look for the Community College’s mission, institutional in some respects but with more of a prairie style approach from its sight lines, in terms of its horizontal lines, in terms of the layout and the way it is integrated into the site. He said the integration with the Capitol from the design of the building centers around the material choices being used. He referred to the stone cladding material on the north side, the windows to enhance the view, and the copper fascia materials at the roof line of the building as elements of the building design intended to enhance the relationship between the building and the neighborhood. Roll call vote. Motion carried. Chairman Oakley abstained.

Roll Call Vote:
Brice Oakley—Abstain
Cathy Brown—Yes
Paul Carlson—Yes

Molly Clause—Yes
Scott Brown—Yes
Carl Voss—Yes
Elizabeth Isaacson—Yes

Other Business

Agenda items for the next meeting were reviewed.

Chairman Oakley identified the following items for discussion at the next meeting, scheduled for October 17:

Bicycle Report
Monument and Memorial Task Force Report
Fountain Report
5-Year Plan (there is a request for a sub-committee)
Annual Report Outline
IACCT Building Project (request to put this 1st on the agenda)

Comments from Legislators, Commission Members, Public

None.

There were no comments.

Meeting Adjourned

Respectfully submitted
Nancy Williams, DAS/GSE