

StoryComm Board of Directors

Meeting Minutes

February 27, 2020

Attending: Cain, Murken, Schainker, Newton, Fitzgerald, Cychosz, Houghton, McKenna, Roush, Hackett, Lennie, Anderson, Brogden, Markley, Delashmutt, Milas, Holmes

On the phone: Clanton, Johnson, Carlson

Cain called the meeting to order. Quorum determined.

Introductions on the phone and in the room.

Murken moved to approve the agenda. Second by Cain. Motion carried unanimously.

Schainker moved to approve the meeting minutes from January. Second by Murken. Motion carried unanimously.

Tower Sites & Zoning Processes- Hackett mentioned that while covering tower site updates, he would transition into lease approvals before moving on to discuss zoning processes.

The meeting packet included two leases for tower sites in Gilbert. A final lease with Gilbert Schools and a draft lease with Woodland Farms.

The Gilbert School Board and Superintendent approached the Working Group to reopen conversations about a tower on school property. Select members of the School Board and City Council had a joint meeting where they talked about a change in location of the tower. The original proposed location was on the northwest corner of the property. The group was more amenable to the northeast corner, directly behind the Middle School building. Annual rent and potential co-location were also discussed at the meeting. The meeting concluded with a change in tower location to the northwest corner and no definite answers on rent or co-location. Attorneys assisted with a final draft lease for Public Hearing.

Gilbert Schools held their Public Hearing on February 10 and approved the lease with no amendments. They agreed to a no cost lease with language about co-location in Section 10. Assignment and Subletting. The language gives the option of co-location, but also allows either party to say no.

The next step is to go through the Gilbert Planning & Zoning process and ultimately to the Gilbert City Council. There are still unknowns, but we anticipate that the City Council will accept the lease. If StoryComm approves the Gilbert Schools lease today, we can submit the Conditional Use Permit application tomorrow or next week.

The Working Group has also continued to work with Woodland Farms, private land east of Gilbert. The landowner is still willing to move forward with a lease. The lease current terms are \$1,000 up front payment upon civil approvals, \$4,500 annually for the first fifteen (15) years, and 10% increases for the following five (5) year terms. Woodland Farms knows of negotiations with Gilbert Schools. The Working Group has been transparent with Gilbert Schools about Woodland Farms, as well.

In comparing the two leases, the significant difference is the rent amount. There are more upfront costs at the Gilbert Schools site for the access drive. However, StoryComm would save \$54,000 in the first fifteen (15) years and \$136,000 over thirty (30) years by choosing the Gilbert Schools site.

With potential for co-location in question, RACOM provided a rough order of magnitude to “beef up” or fortify tower capacity at \$10,000. StoryComm towers are already designed with 30% additional capacity for our future needs.

The Board discussed the legal memorandum provided by Clanton, Brick Gentry, and the issue of co-location at length.

Lennie indicated that a decision on co-location does not have to be made today. He would suggest waiting until we are operating on the permanent radio system to even consider co-location, so that we are able to assess the positive and negative impacts to Public Safety. The Board can sign the lease today with no commitment to co-locate or commitment to fortify the tower(s). Gilbert Schools did want to make it known; however, that consideration of co-location is a very important topic.

The Working Group requested that if the lease with Gilbert Schools would be signed today and the zoning process causes unreasonable delay, they have the discretion to withdraw and go with Plan B, Woodland Farms.

Murken made a motion to approve the Chair to sign the lease with Gilbert Schools with StoryComm reserving the right to exercise early termination of the lease per Section 16. of said lease if the City of Gilbert does not grant a Conditional Use Permit by April 30, 2020. Second by Schainker. Motion carried unanimously.

Schainker made a motion that if StoryComm exercises the right to early termination per the previous motion, the Board empowers the Chair to sign the lease agreement with Woodland Farms as presented. Second by Murken. Motion carried unanimously.

Zoning Processes- All four towers will have to go through a planning & zoning process. We believe that the general language in the Working Group Governance document gives the Working Group the authority to represent StoryComm at the various zoning processes. Yet, the Working Group would like the Board's clear direction on who should attend meetings and sign documents on behalf of StoryComm. Brogden suggested that it might be appropriate for the Board to give the Working Group the authority to submit and sign as the applicant. The Chair will be available to sign permits as the owner.

Murken made a motion to direct the Working Group to pursue all the necessary zoning applications and to sign and the applicant for the Board and to approve the Chair to sign the applications as owner. Second by Schainker. Motion carried unanimously.

FY19 Audit- The State Auditor advised that a 28E entity that has over \$100,000 of receipted expenses must be audited for the year. Anderson agreed. The State Auditor, who has an office at ISU, has accepted to perform an individual audit for StoryComm.

Murken made a motion to engage the State Auditor's Office for StoryComm FY19 audit. Second by Schainker. Motion carried unanimously.

Old Business- None

New Business- Next StoryComm meeting scheduled on Thursday, April 9 from 11:30am-12:30pm. Location: Ames Water Treatment Plant.

Cain made a motion to adjourn at 4:10pm. Second by Murken. Motion carried unanimously.