

COUNCIL ACTION FORM

SUBJECT: FLOOD MITIGATION – RIVER FLOODING PUBLIC HEARING

BACKGROUND:

Following the floods of 2010, the City Council established a goal of mitigating the impact of future flooding in Ames. A comprehensive Flood Mitigation Study was completed in 2013 that considered many possible mitigation alternatives.

On December 10, 2013, the City Council approved a series of flood mitigation measures. These included elements targeted at: A.) Undertaking a stream bank restoration of Squaw Creek; B.) Working with IDOT to improve the conveyance capacity of the US Highway 30 bridge; C.) Working through the Squaw Creek Watershed Management Authority to pursue flood mitigation alternatives in the upper reaches of the watershed; and D.) Conducting a workshop to review and discuss the range of possible floodplain regulatory approaches.

The stream bank restoration project involves flood mitigation in the Squaw Creek channel, including conveyance improvements within the channel approximately 2,000 feet either side of the South Duff Avenue bridge. In working with Iowa Department of Homeland Security & Emergency Management, the City received FEMA grant funding in the spring of 2020 for this project. The cost share amounts for this grant are as follows:

Funding Source	Funding Amount	% of Cost
Federal:	\$ 3,747,450.00	75%
Local:	\$ 1,249,150.00	25%
Total:	\$ 4,996,600.00	100%

Land Acquisition:

As a requirement for projects that utilize FEMA funding and also pursuant to Iowa Code §6B.2A, a public hearing must be held for the purpose of receiving public input in consideration of whether or not to authorize the *potential* use of eminent domain authority (condemnation) with respect to land acquisition for the Squaw Creek Flood Mitigation – River Flooding project now under consideration with the final design of the project. This public hearing will be held during the regular City Council meeting on January 26, 2021. Copies of the notices sent to landowners are attached.

Project Update:

Final design is being finished; permit applications to Army Corps of Engineers and Iowa DNR are to be submitted this month. Land acquisition activities have commenced with landowner meetings, title opinions, and initiation of appraisals. Due to threatened and endangered species (two bat species) requirements, tree dropping/clearing needs to be completed prior to April 1, 2021 or else not until November (which would push the project close to the FEMA deadline of June 19, 2022). Therefore, a tree removal contract will commence for this work prior to April 1, 2021. **It is anticipated that construction bids for the overall project will be received summer 2021.** A map of the grading plan limits with parcel lines overlaid is attached.

ALTERNATIVES:

1. Set the date of public hearing for January 26, 2021 to authorize the use of eminent domain, if necessary, to obtain easements and acquire land for the Flood Mitigation – River Flooding project.
2. Do not authorize the use of eminent domain at this time for the Flood Mitigation – River Flooding project, thereby jeopardizing the federal (FEMA) funding received for this project.

MANAGER'S RECOMMENDED ACTION:

Due to the project involving federal funding, the requirements for the Flood Mitigation – River Flooding project include considering the use of eminent domain if voluntary land acquisition cannot be achieved. In collaboration with WHKS (design consultant) and CGA (land acquisition consultant), staff is committed to answering questions and working with landowners about the details of the project. According to the FEMA funding agreement, the project shall be constructed and closed out by June 19, 2022.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.

December 21, 2020

FHS Ames 2 LP
3160 Crow Canyon Place, Ste 135
San Ramon, CA 94583

Story County Property ID Number: 09-11-325-060

NOTICE OF PUBLIC HEARING

YOU ARE HEREBY NOTIFIED pursuant to Iowa Code §6B.2A that a public hearing will be held before the Ames City Council in Council Chambers, City Hall, at 515 Clark Avenue, Ames, IA 50010, at 6:00 p.m. on January 26, 2021, for the purpose of receiving public input into the consideration of whether or not to authorize the potential use of eminent domain authority (condemnation) with respect to the Squaw Creek Flood Mitigation Land Acquisition Project now under consideration and the final design of that project. The current site-specific design for this project involves a portion of the real estate from adjacent property owners.

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OR BY TELEPHONE BY DIALING: US: 1-312-626-6799 or toll-free: 1-888-475-4499
Zoom Meeting ID: 826 593 023

The purpose of the project is to come into compliance with standards and requirements of the Federal Emergency Management Agency (FEMA) of the United States for mitigating the impact of future flooding in Ames.

Following the public meeting, the City Council may consider a resolution or other declaration of intent to acquire or condemn, if necessary, all or a portion of your property for the purpose of public improvement.

The laws of the State of Iowa require, and the City of Ames will pursue, informal negotiations with you concerning the just compensation required for any property, or interest in property, taken or affected by this project. You will be invited to participate in the appraisal process, and will receive a copy of the formal appraisal, prior to the commencement of any negotiations between you and the City of Ames. You cannot be offered less than the appraised value as determined by the appraisal. If negotiations are unsuccessful, then the law requires additional notices and hearings prior to the taking of any property or interest in property.

Funding for this project is expected to be obtained from the following: Cash on hand in any fund of the City which can be legally used for such purposes and a Federal grant-in-aid from the Federal Emergency Management Agency (FEMA).

Final selection of the design for this project will be made based upon the following: Iowa Department of Natural Resources (IDNR) No-Rise Standards.

The person designated by the City of Ames as to whom communications should be made about this project is: Tracy Peterson, P.E., Municipal Engineer, 515 Clark Avenue, Ames, IA 50010, Telephone (515) 239-5160.

Sincerely,

CLAPSADDLE-GARBER ASSOCIATES, INC.

Jeffrey W. Sogge
Land Acquisition Agent

December 21, 2020

E-M Hunziker LLC
105 S 16th St.
Ames, IA 50010

Story County Property ID Number: 09-11-325-015

NOTICE OF PUBLIC HEARING

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Sincerely,

CLAPSADDLE-GARBER ASSOCIATES, INC.

Jeffrey W. Sogge
Land Acquisition Agent

December 21, 2020

Kenneth R. Howe and Marjory C. Howe, Trustees
Kenneth and Marjory Howe Revocable Trust
215 Washington Ave.
Ames, IA 50010

Story County Property ID Number: 09-11-325-045

NOTICE OF PUBLIC HEARING

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Sincerely,

CLAPSADDLE-GARBER ASSOCIATES, INC.

Jeffrey W. Sogge
Land Acquisition Agent

December 21, 2020

Hyland Heights Apartments LLC
105 S 16th St., Ste. A
Ames, IA 50010

Story County Property ID Number: 09-11-326-050

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Sincerely,

CLAPSADDLE-GARBER ASSOCIATES, INC.

Jeffrey W. Sogge
Land Acquisition Agent

December 21, 2020

RL Enterprises LLC
2615 Diamondwood Dr., SE
Cedar Rapids, IA 52403

Story County Property ID Number: 09-11-326-065

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Sincerely,

CLAPSADDLE-GARBER ASSOCIATES, INC.

Jeffrey W. Sogge
Land Acquisition Agent

December 21, 2020

Thomas R. Burke
5090 River Ridge Rd.
Ames, IA 50010

Story County Property ID Number: 09-11-400-010

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Sincerely,

CLAPSADDLE-GARBER ASSOCIATES, INC.

Jeffrey W. Sogge
Land Acquisition Agent

December 21, 2020

Youth and Shelter Services Inc.
420 Kellogg Ave.
Ames, IA 50010

Story County Property ID Number: 09-11-400-020

NOTICE OF PUBLIC HEARING

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Sincerely,

CLAPSADDLE-GARBER ASSOCIATES, INC.

Jeffrey W. Sogge
Land Acquisition Agent

December 21, 2020

Jay E. Brown and Lori B. Suvalsky
1204 Orchard Dr.
Ames, IA 50010

Story County Property ID Number: 09-11-400-020

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CLAPSADDLE-GARBER ASSOCIATES, INC.

Jeffrey W. Sogge
Land Acquisition Agent

December 21, 2020

MKTM, LLC
1816 SE 5th St.
Ames, IA 50010

Story County Property ID Number: 09-11-401-040

NOTICE OF PUBLIC HEARING

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Sincerely,

CLAPSADDLE-GARBER ASSOCIATES, INC.

Jeffrey W. Sogge
Land Acquisition Agent

December 21, 2020

Amerco real Estate Company
P.O. Box 29046
Phoenix, AZ 85038-9046

Story County Property ID Number: 09-11-400-065

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Sincerely,

CLAPSADDLE-GARBER ASSOCIATES, INC.

Jeffrey W. Sogge
Land Acquisition Agent

December 21, 2020

B and D Land, L.C.
4002 Stone Brooke Rd.
Ames, IA 50010-2900

Story County Property ID Number: 09-11-400-120

NOTICE OF PUBLIC HEARING

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The purpose of the project is to come into compliance with standards and requirements of the Federal Emergency Management Agency (FEMA) of the United States for mitigating the impact of future flooding in Ames.

Following the public meeting, the City Council may consider a resolution or other declaration of intent to acquire or condemn, if necessary, all or a portion of your property for the purpose of public improvement.

The laws of the State of Iowa require, and the City of Ames will pursue, informal negotiations with you concerning the just compensation required for any property, or interest in property, taken or affected by this project. You will be invited to participate in the appraisal process, and will receive a copy of the formal appraisal, prior to the commencement of any negotiations between you and the City of Ames. You cannot be offered less than the appraised value as determined by the appraisal. If negotiations are unsuccessful, then the law requires additional notices and hearings prior to the taking of any property or interest in property.

Funding for this project is expected to be obtained from the following: Cash on hand in any fund of the City which can be legally used for such purposes and a Federal grant-in-aid from the Federal Emergency Management Agency (FEMA).

Final selection of the design for this project will be made based upon the following: Iowa Department of Natural Resources (IDNR) No-Rise Standards.

The person designated by the City of Ames as to whom communications should be made about this project is: Tracy Peterson, P.E., Municipal Engineer, 515 Clark Avenue, Ames, IA 50010, Telephone (515) 239-5160.

Sincerely,

CLAPSADDLE-GARBER ASSOCIATES, INC.

Jeffrey W. Sogge
Land Acquisition Agent

December 21, 2020

MKTM, LLC
1816 SE 5th St.
Ames, IA 50010-6404

Story County Property ID Number: 09-11-401-075

NOTICE OF PUBLIC HEARING

YOU ARE HEREBY NOTIFIED pursuant to Iowa Code §6B.2A that a public hearing will be held before the Ames City Council in Council Chambers, City Hall, at 515 Clark Avenue, Ames, IA 50010, at 6:00 p.m. on January 26, 2021, for the purpose of receiving public input into the consideration of whether or not to authorize the potential use of eminent domain authority (condemnation) with respect to the Squaw Creek Flood Mitigation Land Acquisition Project now under consideration and the final design of that project. The current site-specific design for this project involves a portion of the real estate from adjacent property owners.

***DUE TO THE COVID-19 PANDEMIC, THIS MEETING WILL BE CONDUCTED AS AN ELECTRONIC MEETING. IF YOU WISH TO PROVIDE INPUT ON ANY ITEM, YOU MAY DO SO AS A VIDEO PARTICIPANT BY GOING TO: <https://zoom.us/j/826593023>**

OR BY TELEPHONE BY DIALING: US: 1-312-626-6799 or toll-free: 1-888-475-4499
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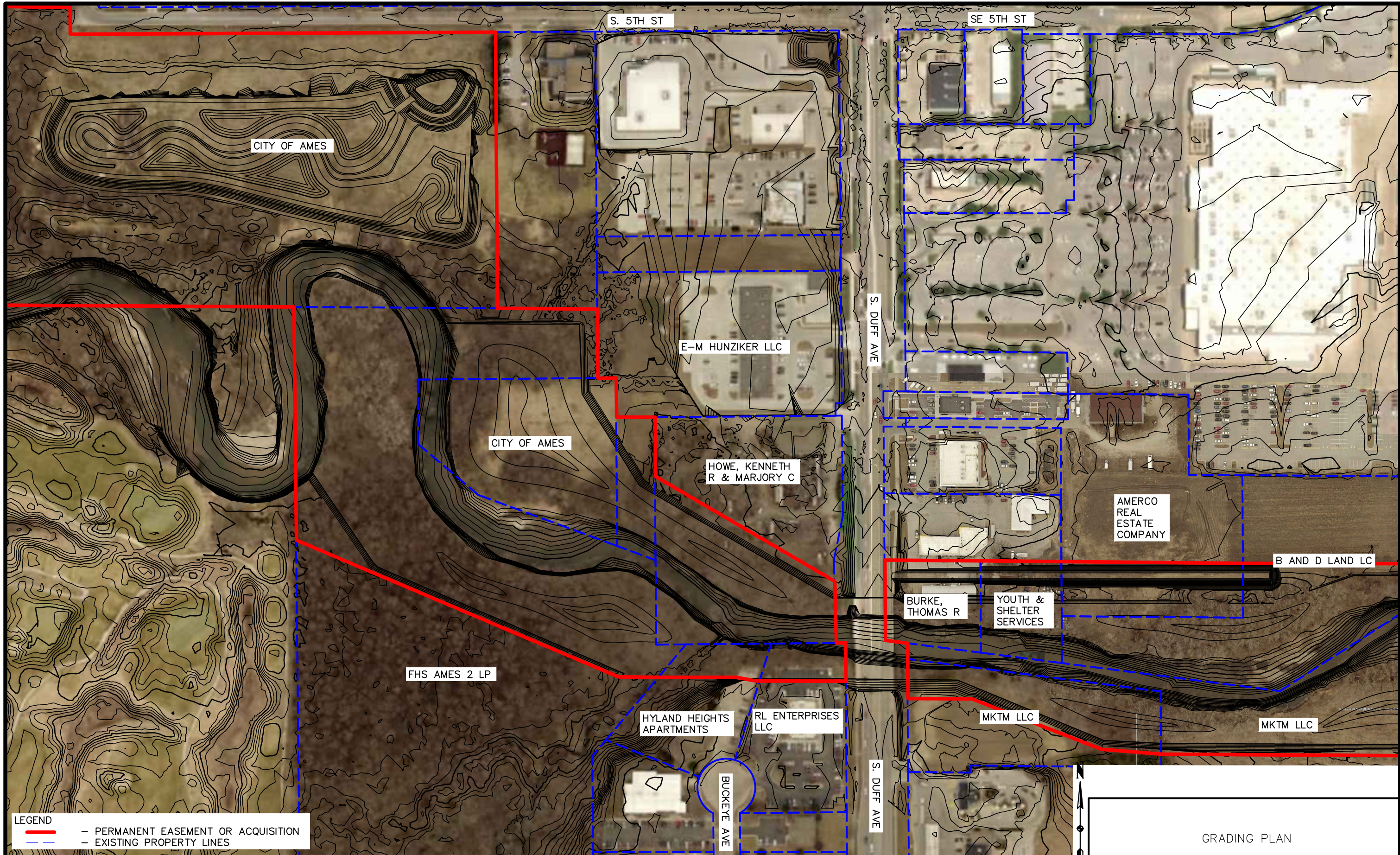
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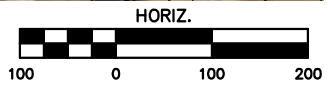
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Jeffrey W. Sogge
Land Acquisition Agent

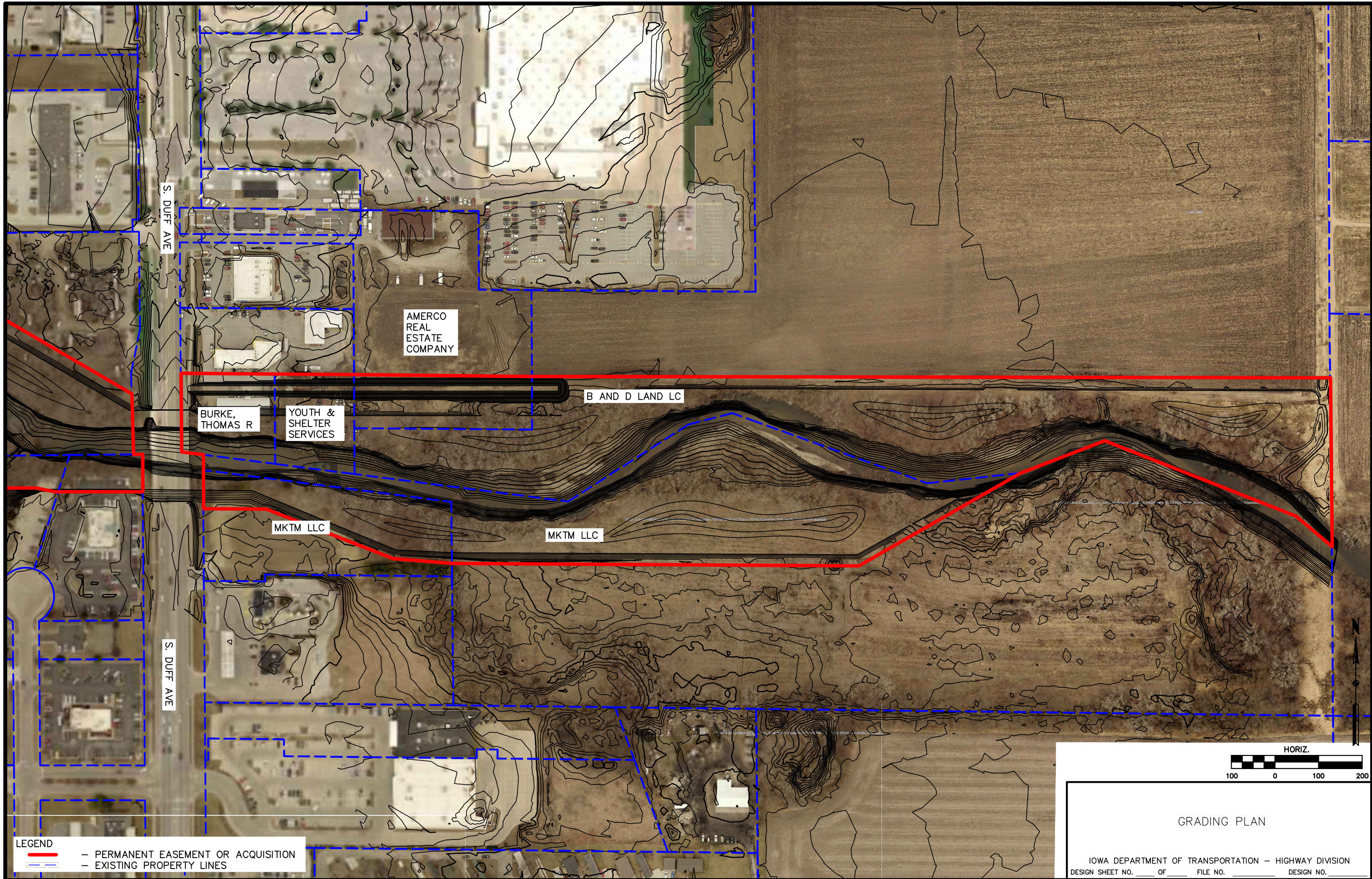


LEGEND
 — PERMANENT EASEMENT OR ACQUISITION
 - - - EXISTING PROPERTY LINES

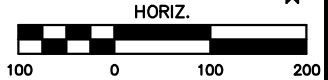


GRADING PLAN

IOWA DEPARTMENT OF TRANSPORTATION — HIGHWAY DIVISION
 DESIGN SHEET NO. ____ OF ____ FILE NO. ____ DESIGN NO. ____



LEGEND
 — PERMANENT EASEMENT OR ACQUISITION
 - - - EXISTING PROPERTY LINES



GRADING PLAN

IOWA DEPARTMENT OF TRANSPORTATION — HIGHWAY DIVISION
 DESIGN SHEET NO. _____ OF _____ FILE NO. _____ DESIGN NO. _____