

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

NOVEMBER 29, 2016

The Ames City Council met in Special Session at 6:00 p.m. on the 29th day of November, 2016, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council members present: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem. *Ex officio* Member Sam Schulte was absent.

Mayor Campbell announced that the Council would be working off an Amended Agenda. Added were a Change Order for Power Plant Unit #8 Feedwater Pump Inspection and Repair and a Major Final Plat for Ringgenberg Subdivision, 5th Addition.

LOCALIZED FLOODING ON SEPTEMBER 22, 2016: Municipal Engineer Tracy Warner addressed the localized flooding event that had occurred on September 22, 2016, when areas of Ames received over five inches of rain in about two hours. The storm sewers are not designed for that type of capacity. Ms. Warner stated that since that event, City staff has been involved in significant data collection. On October 3, staff, Story County Emergency Management, Federal Emergency Management Agency, and Iowa Homeland Security and Emergency Management staff toured the Ames areas. In addition, staff has met with several residents to learn what happened in each home and in each area, i.e., sump pump versus surface water through windows/doors. Staff also televised several sewer locations; no blockages were found. The affected areas were mapped through the Geographic Information System.

Pertaining to flooding in Ames, Ms. Warner stated that intense rainfall events resulting in localized and/or river flooding are becoming more common and more complex. She said that the City strives to minimize flooding through the Storm Water Management Ordinance (enacted in 2014), the Floodplain Ordinance, improvements to the sanitary sewer system, subdivision design, and Building Code requirements. According to Ms. Warner, \$25 million has been spent on improvements over ten years to sanitary sewer system to remove inflow/infiltration (clean water out of the sanitary sewer system). In addition to the Post-Construction Storm Water Management Ordinance requirements, \$6.1 million will be invested over five years in Storm Water System Improvements. Low-Point Drainage Improvements projects have been included in the CIP since 1994. In drafting the 2017-22 Capital Improvements Plan (CIP), staff considered some identified areas for low-point drainage improvements. Included in that CIP will be the Storm Water System Analysis starting in 2017/18 (\$180,000/year). In addition, Public Works hopes to identify available project savings that will allow for drainage analysis to begin on some isolated areas in the current fiscal year (2016/17).

Ms. Warner explained what individuals can do when localized flooding events occur. She noted that reducing the impacts of heavy rainfall events and flooding is a shared responsibility. The City is making major investments to address flooding. Ms. Warner said that each property has unique attributes, and property owners should consider investments to address their own unique challenges.

At the inquiry of Mayor Campbell, Ms. Warner stated that the City no longer has a Footing Drain Grant Program.

FLOOD MITIGATION - RIVER FLOODING: Municipal Engineer Warner provided a summary of what actions had been taken by the City since the 2010 river flooding event.

Flood Mitigation Study. The recommendations made after the Flood Mitigation Study done in 2014 were reviewed. Ms. Warner explained what occurs during stream restoration and channel modifications. She pointed out that everything that is done during channel modifications affects flows. Ms. Warner stated that the Study identified problematic issues with the existing one-dimensional flood model. A Two-Dimensional Hydraulic Model was developed that reshaped staff's understanding of the project. According to Ms. Warner, public outreach/input meetings have not yet been held; this meeting is the first time that this information has been presented.

Ms. Warner explained various alternatives, as follows:

1. Stream Restoration. Purely stream restoration primarily addresses erosion and sedimentation. There would be minimal flood reduction. There would be no impacts to buildings.
2. Limited Channel Excavation. There would be some impacts to adjacent properties. It would provide minor flood benefits with a reduction of 0.1 - 0.8 feet. The cost would be \$1.1 - \$1.5 million.
3. Expanded Channel Excavation. This option would have moderate impacts to adjacent properties. There would be impacts to existing buildings/lots. The flood reduction would be 0.3 - 1.0 feet. The cost would be \$1.3 - \$1.8 million. The vacant structure at the northeast corner of the bridge would have to be removed. Retaining walls would have to be constructed at all four corners. This option is comparable to what was included in the 2015/16 CIP.
4. Full Build (Channel Shaping). This would mean channel shaping with a reconnection to the floodplain. There would be major impacts to adjacent properties. It represents the limit of what can be done with channel improvements along. It would mean a flood reduction of 0.5 - 2.0 feet. The cost would be \$3 million - \$4 million.
5. New Bridge. This option was developed as a comparison only. There would be major impacts to adjacent properties, specifically buy-outs. The cost would be \$12 million.

According to Ms. Warner, the analysis looked at numerous alternatives. The Squaw Creek channel clearing could mean the purchase of properties and significant channel excavation. Ms. Warner said that the staff looked briefly at flood mitigation alternatives in the watershed.

WATERSHED OPPORTUNITIES: Ms. Warner stated that Ames is part of the Squaw Creek Watershed Management Authority. She explained that the Watershed Management Plan was

completed by the Squaw Creek Watershed Management Authority in 2014. It identified hundreds of potential sites for various practices. Several Watershed Approach benefits were listed by Ms. Warner. She also identified many of the challenges.

NUTRIENT REDUCTION: Water and Pollution Control Director John Dunn explained how staff had worked with the Department of Natural Resources on the requirements of the NPDES Permit pertaining to the Iowa Nutrient Reduction Strategy. Initially, the requirements would have meant a \$36 million investment; however, staff wanted the ability to pursue less-costly mechanisms that would provide the same results. The DNR had been receptive to staff's alternatives. The City has not yet received the Permit; however, as the DNR is still working on the wet-weather issues.

At the inquiry of Council Member Gartin, the total amount of nitrogen leaving the state via rivers is 8% from municipalities and 92% coming from non-point sources. The goal is to reduce the total nutrient loading leaving the state by 50%. Based on a cost benefit analysis, the cost of installing treatment systems at wastewater plants would be billions, but the reduction would be negligible. According to Director Dunn, the DNR's requirements are costly, but the EPA's could be even more onerous.

GRAND AVENUE EXTENSION: Rudy Koester, Civil Engineer, provided a brief history of the Grand Avenue Extension project. Two phases of the project have been completed: Phase 1: Lincoln Way to Squaw Creek Drive, and Phase 2: S. 16th Street north 400 feet. Phase 1 was completed in 2008, and Phase 2 was completed in 2010. Phase 3 will extend Grand Avenue to South 16th Street.

Mr. Koester advised that an Environment Location Study of the area has been concluded. The Study area was South 4th Street to South 16th Street and South Duff Avenue to northwest of South 4th Street along Squaw Creek. Four alternative horizontal alignments were identified through that process. A public information meeting was held in March 2015. In addition to the four horizontal alignments, staff wanted to determine the best vertical alignment. Hydraulic alternatives were explored based on a 100-year flood event. Mr. Koester emphasized that surface water elevations will be refined during design to achieve no-rise conditions. The six vertical alignment alternatives were explained by Mr. Koester. A cost summary of the six hydraulic alternatives was given. Mr. Koester explained what was being recommended in the CIP.

The next steps were identified by Mr. Koester:

1. Select hydraulic alternative for design of South Grand Avenue roadway and structures
2. Grant applications will be submitted to TSIP, ICAAP, and U-Step
3. Selection of Design Services (December 2016)
4. Signed Environmental Assessment (December 2016)
5. Signed Finding of No Significant Impact (February 2017)

Council Member Gartin asked if it would be advantageous to seek additional public input on the South Duff Channel improvement alternatives. Ms. Warner stated that if the Council approves an

alternative tonight, staff would start identifying impacts and having property owner discussions. She also stated that if the Council desires to have Watershed Improvements included in the CIP, it would have to indicate that. Discussion ensued on the comparisons of Alternative 5 and 6, specifically pertaining to the South Duff Avenue Channel.

Council Member Betcher expressed her preference to invest more money in the Watershed rather than channel improvements. She believes that the channel will eventually revert back to the way it was.

Moved by Gartin, seconded by Orazem, to approve Hydraulic Alternative No. 6 (2010 Event), with additional instruction to staff to reach out to affected property owners to receive input.

Vote on Motion: 5-1. Voting aye: Beatty-Hansen, Corrieri, Gartin, Nelson, Orazem. Voting nay: Betcher. Motion declared carried.

SKUNK RIVER TRAIL: Mr. Koester stated that the existing pedestrian bridge will be removed as part of the Grand Avenue Extension project. It could potentially be reused at the Skunk River Trail crossing of Squaw Creek between Southeast 16th Street and East Lincoln Way. Trail paving is slated to occur in 2019/20.

VET MED TRAIL: According to Mr. Koester, data collection of existing trail users is underway. There will be public input meetings held during Winter 2016 and Spring 2017. The existing pedestrian bridge will be removed with the Grand Avenue Extension project. The Grand Avenue Extension bridge will be constructed with multi-use facilities in 2018/19; construction of the bridge is expected to take approximately ten months. Trail paving is planned to occur in 2020/21.

City Manager Schainker noted that additional discussion on the projects being proposed in the CIP will be held in January.

The meeting recessed at 8:27 p.m. and reconvened at 8:35 p.m.

CHANGE ORDER NO. 1 FOR POWER PLANT UNIT #8 FEEDWATER PUMP INSPECTION AND REPAIR: Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 16-689 approving Change Order No. 1 with Superior Industrial Equipment for Power Plant Unit #8 Feedwater Pump Inspection and Repair.

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

RINGGENBERG PARK SUBDIVISION, 5TH ADDITION: Planning and Housing Director Kelly Diekmann explained that Friedrich Land Development Company, the owner of 2617 Bobcat Drive, is requesting approval of a Final Plat to subdivide a 1-45-acre site that is currently Outlot A from the Ringgenberg Park 4th Addition Subdivision. The proposed Final Plat is a layout of 13 single-family attached home lots and two outlots. The Preliminary Plat, as approved by the City Council in October, included a waiver to lot, block, and street improvement requirements for a local residential street to allow for Bobcat Drive to be recognized as a private

street. That needed to be done to comply with street frontage requirements of the FS-RM zoning district.

Director Diekmann pointed out that the City Council had approved the Preliminary Plat with three conditions that were to be completed prior to Final Plat approval:

1. Provide evidence that all of the properties of Ringgenberg 4th and 5th Additions have a legal right to use and enjoy the common spaces located within the Ringgenberg PRD and have an obligation to participate in its maintenance and upkeep.

The developer has not yet provided the signed agreements, but believes that, based on an email from the Village Co-Op Board President, that it will agree to the requirements of the covenants to satisfy this condition. The Board, however, will not vote on the covenants until its next meeting in December. The developer is requesting that the City Council approval the Final Plat and allow it to be recorded based on the email correspondence from the Village Co-Op President. If that is done, the developer would be able to get a Building Permit as soon as December 1. It could take one to two weeks longer if they had to wait for the final signed Agreement.

2. Complete a private sidewalk connection to Cedar Lane to the east and connect with the Village Co-Op sidewalk or provide written acknowledgment and financial security for completing the sidewalk.

Security has been received by the City.

3. Provide a Common Maintenance Agreement among all the beneficiaries of the Cross-Access Easement area of Bobcat Drive within the Ringgenberg 4th and 5th Additions.

That has been done.

Mr. Diekmann stated that one of the property owners, the Village Co-Op, has not signed the Greenspace Use Agreement.

Director Diekmann explained the alternatives:

1. The City Council can grant conditional approval of the Final Plat. This would allow for the recording of the Plat only after the City has received a properly signed Greenspace Use Agreement from the Village Co-Op.
2. The City Council can approve the Final Plat, stating that the applicant has provided evidence to satisfy the conditions of approval and allow for the recording of the Final Plat immediately on November 30.
3. The City Council can postpone approval of the Final Plat until December 13, 2016, to ensure that signed agreements for the Greenspace Use are provided to the City.

4. The City Council can defer action and refer it back to City staff and/or the applicant for additional information or establish a time for a special meeting to approve the Final Plat at a later date.

After being questioned about whether the City has ever accepted an email as a commitment, Ms. Parks replied that she could not remember a time when the City has ever relied solely on an email serving as a commitment. She said that she is more concerned about what implications that would have on future applications.

Representing the developer, Kurt Friedrich, 100 Sixth Street, Ames, stated that the President of the Village Co-Op Board would be the one who signs the Greenspace Use Agreement. He is also the one who authored the email stating that it would be signed; however, the Board would not be meeting until December 8.

Mr. Friedrich wanted it known that he had submitted the Greenspace Use Agreement to the Legal Department on October 19, 2016, for approval. However, he never got a response until late last week. He has been trying to get signatures on an agreement that they did not know if the City would even approve. According to Mr. Friedrich, with the Thanksgiving holiday, some of the signers of the Agreement were traveling, and different boards have had to review the document and sign it. All signatures have been received except for one: the Village Co-Op. Again, Mr. Friedrich noted that the Board President had sent an email indicating their commitment to signing the document. He again stated that the meeting of the Village Co-Op will occur on December 8, 2016. According to Mr. Friedrich, the "practical solution should prevail over protocol." He noted that the developer wants to break ground before the weather does not allow it, and next week, it is supposed to be 15 degrees colder than this week.

Council Member Gartin asked City Attorney Parks to comment on what might be the legal downsides, besides the question of precedent. Ms. Parks stated that the problem would arise if the President believes the Board will approve the document, but when it is before the body, the Board decides not to approve it. Ms. Parks said that she would have to determine what actions would then have to be taken by the City. Council Member Gartin commented that he believes that the developer is bearing all the risk.

Council Member Beatty-Hansen offered her opinion that the City circumventing its process is much more severe than the Village Co-Op circumventing its process.

Mayor Campbell felt that perhaps the Village Co-Op could pull together a meeting in short order.

Addressing the statement made by Mr. Friedrich that Legal had received the Greenspace Agreement on October 19, City Attorney Parks advised that the Legal Department did not get all of the significant documents until November 18. They do not approve one document at a time for Subdivision Plats.

Council Member Orazem pointed out that the Village Co-Op Board President had stated in his email that he was not willing to sign the document at this time; that invalidates the email in his opinion.

Moved by Betcher, seconded by Beatty-Hansen, to approve Alternative No. 1: Approve the Final Plat based on findings that it conforms to relevant and applicable design standards, ordinances, policies, and plans, and that the applicant will have provided evidence to satisfy the conditions of approval after the Village Co-Op Agreement is received.

Council Member Gartin noted that the issue is that the developer cannot get Building Permits until the Final Plat is approved. Mr. Friedrich advised that they have not gotten a clear indication from the Building Official as to whether their plans will be approved.

Roll Call Vote: 3-3. Voting aye: Beatty-Hansen, Betcher, Orazem. Voting nay: Corrieri, Gartin, Nelson. Resolution failed.

Moved by Gartin, seconded by Corrieri, to approve Alternative No. 2: Approve the Final Plat based on findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans, and that the applicant has provided evidence to satisfy the conditions of approval and allow for the recording of the Final Plat immediately on November 30th.

Roll Call Vote: 4-2. Voting aye: Corrieri, Gartin, Nelson, Orazem. Voting nay: Beatty-Hansen, Betcher. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

CITY COUNCIL COMMENTS: Moved by Gartin, seconded by Beatty-Hansen, to place the National League of Cities proposed Resolution reaffirming the City's commitment to equity, fairness, inclusion, and justice on a future agenda.

Council Member Betcher asked how the Resolution differed from what the Human Relations Commission (HRC) had already done. Mr. Gartin noted that he appreciates the work of the HRC, but believes that the City Council needs to go on record as reaffirming the City's commitment.

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

Moved by Orazem, seconded by Gartin, to refer to staff the letter from Neil Harl dated November 18, 2016, for a brief report.

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

Moved by Gartin, seconded by Nelson, to refer to staff the letter from William Underwood dated November 1, 2016, for a memo.

Council Member Betcher said that she did not feel she understood the request of Mr. Underwood well enough to take up staff's time at this point.

Vote on Motion: 5-1. Voting aye: Beatty-Hansen, Corrieri, Gartin, Nelson, Orazem. Voting nay: Betcher. Motion declared carried.

ADJOURNMENT: Moved by Beatty-Hansen to adjourn at 9:10 p.m.

Ann H. Campbell, Mayor

Diane R. Voss, City Clerk