

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL
AMES, IOWA **APRIL 17, 2018**

The Special Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on the 17th day of April, 2018, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson were present. *Ex officio* Member Rob Bingham was also in attendance.

2018 AMES ANNUAL OUTDOOR SCULPTURE EXHIBITION SELECTIONS: Moved by Beatty-Hansen, seconded by Gartin, to adopt RESOLUTION NO. 18-202 approving 2018 Ames Annual Outdoor Sculpture Exhibition selections.

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

AWARD CONTRACT TO BRIMHALL INDUSTRIAL, INC., MONTE VISTA, CO, FOR UNIT 8 FEEDWATER PUMP INSPECTION AND REPAIR: Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 18-203 awarding a contract to Brimhall Industrial, Inc., Monte Vista, CO, for Unit 8 Feedwater Pump Inspection and Repair in the amount of \$61,590 plus applicable sales taxes to be paid directly by the City of Ames to the state of Iowa.

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

ORDINANCE VACATION OF APPLE PLACE AND PEACH LANE RIGHTS-OF-WAY: Moved by Betcher, seconded by Beatty-Hansen, to pass on second reading an Ordinance to vacate Apple Place and Peach Lane rights-of-way.

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

POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE: Municipal Engineer Tracy Warner reminded Council about the Ordinance that was passed four year ago. Ames is required to obtain a Municipal Separate Storm Sewer System (MS4 Permit). The Ordinance requires that the site improvements be designed to control water quantity and to improve water quality from the stormwater runoff of applicable development properties within the City. It also encourages the use of low impact development to increase on-site infiltration, reduce pollutant loads in receiving waterways, and reduce stormwater runoff volumes from developed areas. Ames has the following Watersheds: South Skunk River, Squaw Creek, Onion Creek, Clear Creek, College Creek, and Worle Creek. The City of Ames is a Phase II MS4 community; which is determined by population, proximity to large, urbanized areas, and the water quality of receiving streams.

Municipal Engineer Warner informed Council about the response to the proposed development and concern to protect the Ada Hayden Watershed. There was a lot of community discussions about low-impact development and the look. Staff met with developers and engineers to work out conservation plans on the parcels and ultimately came up with an Ordinance that was required in the undeveloped portions of Ada Hayden Watershed north of Bloomington Road that could also be implemented all over the City. This was adopted by City Council in 2010. The features were to protect the quality of water. Staff recognized the need for Conservation Area Management Plans. This is to make sure the conservation areas are maintained and functional into the future.

Council Member Gartin conveyed some frustration that the restricted covenant did not reference the efforts for conservation of the Watershed. There are some specific expectations the City has stated to conserve the Ada Hayden Watershed. It is unrealistic to think a buyer is going to look for those kinds of things, which makes this effort difficult to enforce. Mr. Gartin is very concerned about protecting the Watershed. Ms. Warner responded that buffer locations were discussed along with conservation easement areas, native landscaping, rock areas, mailings to get education out and outreach to the lawn care companies. Council Member Gartin confirmed that there is water testing every five years.

Ms. Warner stated the requirement of the MS4 Permit is the adoption of the Ordinance and amendment, as needed, to enforce the reduction in stormwater runoff volumes on redevelopments and new developments after construction has been completed. Water quality and quantity components must be considered in the design of new construction and implemented when practical. The use of storm water detention, retention, infiltration, and other Best Management Practices are promoted. The City Hall Parking Lot project, and other new developments and redevelopments have been achieved this goal through either detention basins or underground storage. Water quality improvements have been achieved primarily through wet detention basins, soil quality restoration, native landscaping, or underground mechanical units.

Municipal Engineer Warner noted that many workshops and public meetings were held to discuss the historic landscape, development, and how the uncontrolled runoff it has a higher rate of flow than if there was agriculture or prairie. Stream assessments were done in 2007 and updated in 2011 to show the condition and erosion of all the streams in Ames. This let staff know the condition of the streams to help when creating an Ordinance. Stormwater Quality points are native landscaping, permeable paving, rain gardens, and soil quality restoration.

Ms. Warner stated that staff knew that water quality and quantity needed to be managed. The runoff curb number 58 is used now considering a meadow in good condition to design back to. If an area is paved now and then redeveloped, there is no flood reduction and improved water quality, so it should go back to the meadow in good condition. A runoff curb number was incorporated as well as adoption of the Stormwater Management Manual.

Council Member Nelson inquired about the runoff number of 58. Ms. Warner replied that any category can be used. Ames is more in the prairie and wet marshy areas that mimic the more historic landscape of Ames. Mr. Nelson wondered if one category is a good approximation for the whole town of Ames. Ms. Warner responded that the curb number could be lower due to the land being very wet and where people once were able to duck hunt.

Ms. Warner continued to report on localized flooding that occurred due to housing being adjacent to water features. The concept of three foot above the 100-year water surface elevation to give the houses some cushion to make sure the houses would not be impacted in the new housing developments. They also had the option to flood proof. Staff recommended not taking on the long-term maintenance responsibility because the homeowners associations often don't have the money to do big pond maintenance. Council Member Gartin interjected that the Council had felt that this

was a public benefit. The benefit was not just for that homeowner association, but the whole community. Mr. Gartin said he believed that when one area is cleaned out and functioning well, it benefits the whole community. It was viewed as a public good so that the costs would be socialized across the community.

Municipal Engineer Warner educated Council on the Financial security and Performance Bonds. Financial Security is the component to make sure the facilities are constructed correctly. Once the facility is constructed, the City receives as-builts, which staff will review. Staff will go back to the engineers with questions, or if it is meeting expectations, staff will ask the engineer to make a statement stating that it does comply, then staff will release the Financial Security. That is when a Performance Bond is necessary because the native vegetation takes three to four years to get established, and the City wants to make sure that will be maintained. Council Member Nelson asked at what point in the development process the Financial Security would be required to be submitted. Ms. Warner responded that for a site plan, it is at approval time; for subdivisions, it would be at the time the Final Plat is filed for City approval.

Ms. Warner stated that there is the ability to do waivers. Partial waivers could be on-site or a combination of on-site and off-site facilities. Most appeals have been financial-related and are not a consideration under the Ordinance. Council Member Gartin inquired if the City had granted some waivers. Ms. Warner responded that the City has granted some waivers.

Municipal Engineer Warner informed Council that after the Ordinance was passed staff, wanted to support the development community as it was implemented. A Technical Guidance document was created, a class was given about the Ordinance; and staff created checklists, data summary sheets, and design principles. Some features in the City are underground facilities, ponds, the permeable paving parking lot at City Hall, rain gardens, and use of retaining walls. Some of the challenges are groundwater source, protecting the wells, as-built conditions, financial security catching developers off guard, redevelopment, and maintenance.

Council Member Gartin inquired about measures taken outside of the Stormwater Management Ordinance to handle flood waters. Ms. Warner responded that the flood mitigation study was done with a concept to do channel clearing at South Duff. In the Capitol Improvements Plan (CIP), there is a stormwater system analysis for looking at the hydraulic capacities throughout town to see where there are issues with the stormsewer capacities. Council Member Gartin added that there are other factors that contribute to the flooding. Ms. Warner noted that there is a lot fewer phone calls on home flooding and less flooding at the City's intersections.

Erv Klaas, 1405 Grand Avenue, Ames, stated that the Friends of Ada Hayden is developing and planning some outreach and education to the homeowners and signs to help protect the watershed. Climate change is going to impact this area with increased rainfall and possibly more flooding. That is why the Watershed is so important. It is important to stress building soil health by adding more organic matter to the soil and increasing permeability. Infiltrating water goes into deep ground and becomes part of the ground water; which means that it slowly seeps into the streams. It relieves the drought effects.

Luke Jensen, 2519 Chamberlain, Ames, stated his focus was on pure maintenance activities related to existing parking lots; areas slated for general improvement. That will trigger Ordinance 5B, and he feels that creates undue tension with parking compliance. The second point are the challenges that relate to infill sites (smaller sites that are two to three acres or less that are within neighborhoods). Feasibility and practicality are not being implemented when trying to accomplish all things with a building structure on a small lot and then having to go underground to meet this Ordinance. Mr. Jensen suggested relaxing the one-acre disturbance and moving it back to two to three acres. Mayor Haila asked Mr. Jensen to explain his point concerning the maintenance activities. Mr. Jensen responded that there needs to be a clarification between a maintenance activity and redevelopment activity.

Justin Dodge, 105 South 16th Street, Ames, prepared a table of the ten largest cities in Iowa that have an MS4 Permit. Mr. Dodge stated that the disturbance area threshold is one acre or impervious paving of 10,000 square feet is the criterion in Ames that triggers the Post Stormwater Ordinance. The Department of Natural Resources (DNR) threshold that is recommended for the minimum is one acre. He hopes to drop off the impervious. Mr. Dodge feels that Ames is a little stringent in comparison to the ten largest cities in Iowa. He feels that things were pushed through because of the scare of losing the MS4 Permit. In reference to the meadow in good condition Class B Soils, Mr. Dodge suggested to look at the condition of soils when it was being farmed and earlier times. Another concern was that there must be a distinction between create versus replacement when deciding on compliance for things such as parking lots. Mayor Haila stated his concern about Ames being built in a swamp area. One acre is a substantial amount of area to dump into the stormsewer system, considering the low lying areas and the adverse affect on them. Mr. Dodge stated that one acre is a small size when looking at parcel sizes and what land actually has to be disturbed.

Ben Jensen, 708 Highway 69, Huxley, stated that the size is very important. Some projects can become financially infeasible by hitting that 10,000 square foot threshold, then having to do underground stormwater management, which can be up to 10% of the total cost of the construction for the site. There have been at least two projects that did not happen due to the additional burden of the stormwater management. He suggested the expansion to one acre for land disturbance and impervious pavement being a net, not a gross, amount. Mr. Jensen addressed the financial security for stormwater management. This is time-consuming and holds up construction; can be a 30-day delay. This also puts additional burden on staff. He stated that he pays twice, because he begins by paying the City for the financial security for ten months, but also has to pay the contractor at the same time.

Council Member Gartin asked Ms. Warner to what degree should Council be concerned about the financial impact of the project. Council wants to encourage development but also respect stewardship to the citizens about the flooding. Ms. Warner responded that making changes piece by piece will be a long-term investment.

Scott Renaud, 414 S. 17th Street, Ames, feels that the City should be looking to see if there is an issue downstream to determine if that 10,000 square feet criteria is necessary in a particular location. If there is not an issue downstream, it doesn't make sense to spend the extra money. There are some

areas where it does need to be done. It is necessary to be wise about the use of the money. Mr. Renaud stated that he feels that there are some costs that come with a project that are unnecessary. The systems are not plumbing systems and should not be required to have a plumbers permit for the stormwater systems. The systems are specialized environmental systems with specialized requirements that are certified by a landscape or engineer or architect.

Mr. Renaud feels that Financial Security is not necessary and is not a requirement of the DNR. The bond form that is supplied by the City is difficult to understand, owners do not typically bond, and it is a time issue that creates a lot of work, but doesn't produce anything. The systems are the first thing put in, but the last thing to get money back. There is a lot of money out there for a long period of time doing nothing. He suggested more of a blanket number per acre, not necessarily a large amount. He asked the City to simplify the financial security amount per acre and have a simple system that is one page either cash or escrow. The bonding would be with the Site Plan Permit.

Chuck Winkelblack, 105 S. 16th Street, Ames, reminded Council of the discussions that were had when 5B was created. Mr. Winkelblack stressed education to the neighbors about restrictions for the Watershed by getting mailers out. He feels the simplest solution to financial security is to tie it to occupancy. Many things are done while putting in the stormwater management system. Sub-contractors now have to decide what is with the system. Put it in the process before occupancy is certified. The process is cumbersome. Sometimes things seem to not make sense and cost money, but developers need to know things are done right. If the structure needs to be corrected, before the contractor gets paid is the best time to get that person back to correct the issues and have it done right.

Mr. Winkelblack addressed the meadow in good condition in Ames. The commercial area is tight. Such areas as the Lincoln Way Corridor, unless there is combining of sites together, there is not a lot of space to do it. There is not always a place to outlet the stormsewer water. There are places in the City that don't have effective stormsewers. New development does not have many issues, it is the redevelopment or infill that cause the anxiety. He recommended the DNR minimum of one acre for land disturbance.

Jeff Harris, 1615 Golden Aspen Drive, Suite 110, Ames, stated there needs to be a definition among maintenance project, redevelopment, and new development. The language needs to be clarified for people to understand. He feels that on new projects the 10,000 feet is appropriate, but for redevelopment the one acre would be sufficient. There needs to be some distinction for maintenance projects. Maintenance projects are not creating any impervious cover, it is pre-existing, taking it down for maintenance purposes and replacing it. Redevelopment is making changes to the land and structure. Creating means bringing something new that was not there before; working on vacant land.

Roger Kluesner, 2702 Cottonwood Road, Ames, stated that he is representing an entity that is affected by this. McFarland has been in need of parking lot repairs for the past two years. The goal was to tear up the payment and fix a little intake that had sunk a bit and pave the little under an acre area. McFarland was told there was a stormwater issue and that it was subject to the stormwater

requirement. This requirement increased the repair of the parking lot by 60%. This is impractical and would require taking a lot of resources from other things that need more attention. The interpretation needs to be cleared up among development, redevelopment, and maintenance.

Council Member Gartin suggested eliminating the triggering of the Stormwater Ordinance when maintenance is being done to a parking lot, but not increasing the square footage or impervious surface. The City needs to balance between the benefit to the City and the cost to an owner. Council Member Betcher stated there has to be a time to improve the situations of areas before the Stormwater Ordinance came into effect. The opportunity is when there is enough tearing up of the land.

Moved by Gartin, seconded by Corrieri, to direct staff to come back with a revision to the Storm Water Ordinance that the maintenance of a parking lot, not an increase of impervious surface, of a parking lot does not trigger the 5B obligations.

Municipal Engineer Warner cautioned Council that replacing the parking lot of an older lot could mean that it might not meet current parking regulations. The replacement of the parking lot may expand the impervious surface in order to meet the new regulations. She noted that she will need to have a conversation with Planning.

Council Member Betcher conveyed her uncertainty that every parking lot is in the same situation. There could be a parking lot that will only have one chance to correct stormwater issues. The cost of that could be the continued flooding if something isn't done and will cost everyone because of the impacts of the flood.

Mayor Haila commented that he would like to see if there could be data on whether the amount of money to put into the larger parking lots for the stormsewers would reap an equivalent benefit for the City. Municipal Engineer Warner responded that the system analysis that is going to be done to identify where there are deficiencies in the pipe network would be able to help. That is not a study that has been done at this time. Council Member Beatty-Hansen added that her concern is that people will let those parking lots just deteriorate. Then it will be a huge financial burden to get those lots back up to par. Council Member Betcher inquired as to whom will have the negative effect, the individual owner that is not putting the money into their parking lot or the taxpayers that may have the impact of the flooding because property owners did not put in appropriate drainage. Council Member Nelson added that this will cause people to not invest in properties because \$200,000 per acre is an insurmountable amount of money for a small project when the land is only a quarter of that per acre.

Council Member Martin suggested the encouragement of use of biosoils. Council Member Nelson added that there might be a way to reduce parking requirements to put in biosoil. Ms. Warner stated she could speak with Planning concerning the parking requirements and how they have changed. A change could be to require owners to do water quality volume addressing the nutrients the first flush of an inch and a quarter per acre to go through the biosoils, but then not the flood control. This would quantify giving features that manage that water quality volume.

Council Member Gartin withdrew his motion.

Moved by Corrieri, seconded by Martin, to direct staff to prepare a report to remove the triggering of Chapter 5B when parking lots are maintained but does not increase the impervious surface, with allowances, and options for incentivizing additional water quality improvements.

Vote on Motion: 5-1. Voting Aye: Nelson, Martin, Beatty-Hansen, Gartin, Corrieri. Voting Nay: Betcher. Motion declared carried.

Moved by Corrieri, seconded by Nelson, that financial security would be required prior to occupancy if the requirements have not been met.

Council Member Nelson stated this holds the money for the shortest amount of time should the money need to be held. This also gives the City recourse.

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

Moved by Betcher, seconded by Nelson, to direct staff to report on whether runoff curb number 58 is the only number or most appropriate number for all of Ames.

Vote on Motion: 5-1. Voting Aye: Nelson, Martin, Beatty-Hansen, Gartin, Betcher. Voting Nay: Corrieri. Motion declared carried.

Moved by Betcher, seconded by Beatty-Hansen, to direct staff to bring back a report on some areas outside of Iowa that have similar hydrology and what their standards for impervious surface are and what the post construction Stormwater Ordinances are.

Council Member Nelson commented that is very broad spectrum. Just in Iowa it is very broad. He feels Council has flexibility to do what is best for the community. Council Member Gartin added that these regulations are developing within a state regulatory scheme. Each state would be somewhat different than Iowa.

Vote on Motion: 1-5. Voting Aye: Betcher. Voting Nay: Nelson, Martin, Beatty-Hansen, Gartin, Corrieri. Motion failed.

Moved by Nelson, seconded by Corrieri, to direct staff to come back with suggestions to change 5B to make impervious cover be the same as a land disturbance at one acre to be included in the previous staff report.

Vote on Motion: 5-1. Voting Aye: Nelson, Martin, Beatty-Hansen, Gartin. Voting Nay: Betcher. Motion declared carried.

Moved by Corrieri, seconded by Betcher, to ask staff to provide recommendations for alternative inspections besides a licensed plumber.

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

Moved by Gartin, seconded by Betcher, to direct staff to provide Council a report on the use of cover crops, buffer strips, and other best practices in conservation for the City-owned farmland.
Vote on Motion: 6-0. Motion declared unanimously.

Moved by Gartin, seconded by Corrieri, to direct staff to provide Council a report on the status of bank stabilization on South Duff and put on future agenda.
Vote on Motion: 6-0. Motion declared carried unanimously.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Moved by Corrieri, seconded by Nelson, to refer the letter concerning tennis courts and possible partnership with the School District to Parks and Recreation.

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

Moved by Gartin, seconded by Corrieri, to direct staff prepare a report in respect to the sale of the City-owned land on 6th Street.

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

COUNCIL COMMENTS: *Ex officio* Rob Bingham informed Council about the preparation for the next *Ex officio*.

Moved by Beatty-Hansen to adjourn at 9:24 p.m.