

Minutes

The City Council of the City of Leawood, Kansas, met for a Special Call Meeting at City Hall, 4800 Town Center Drive, at 5:30 P.M., on Monday, February 1, 2016. Mayor Peggy Dunn presided.

Councilmembers Present: James Azeltine, Jim Rawlings, Lou Rasmussen [arrived 5:51 P.M.], Andrew Osman, Carrie Rezac, Debra Filla, Julie Cain and Chuck Sipple

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator Joe Johnson, Public Works Director
Patty Bennett, City Attorney Richard Coleman, Community Dev. Dir.
Mark Klein, Planning Official Karl Weinfurter, Info. Services Specialist II
Debra Harper, City Clerk Cindy Jacobus, Assistant City Clerk

Others Present:

Johnson County Government

Hannes Zacharias, Johnson County Manager
Penny Postoak Ferguson, Deputy Jo. Co. Mgr.
Sharon Watson

Johnson County Board of Commissioners [BOCC]

Ed Eilert, Board Chairman
Ronald Shaffer, First District Commissioner
Steven Klika, Third District Commissioner
Michael Ashcroft, Fifth District Commissioner

Johnson County Wastewater

John O'Neil, General Manager
Tami Lorenzen, Project Manager, Managing
Engineer – Treatment
Aaron Witt, Engineering Manager – Existing
Infrastructure
Susan Pekarek, Chief Engineer

Leawood Planning Commission

Len Williams, Chair
Marc Elkins
Kip Strauss
William Ramsey
Wayne Walden
David Coleman

Overland Park City Council

John Skubal, Councilmember Ward 5

Shockey Consulting

Sheila Shockey, Public Relations Manager

Black & Veatch, Engineers-Architects

Derek Cambridge
Mark Bushbase

HDR Inc.

Ron Harden
Mike Kahs

Prairie Village Post

Holly Cook, Reporter

Presentation on Proposed Expansion of the Tomahawk Creek Parkway Wastewater Treatment Plant

Mayor Dunn welcomed attendees and introductions of all present were made. She asked City Administrator Scott Lambers for opening remarks.

Mr. Lambers stated the meeting was an opportunity to become acquainted and an initial foray into a project of significance for Leawood, which may affect the lives of people. It is hoped the project schedule would run on-time and without issues, including no odors. Home owner associations [HOAs] had been invited to attend the meeting, which was being recorded for transcription.

Mr. Zacharias thanked the City for meeting and stated Johnson County also hoped the project would come in under budget with no odors. He stated the project had been in planning and discussed for several years. The project should be good for wastewater rate payers and the community at large.

Johnson County Wastewater [JCW] Project Manager Tami Lorenzen thanked the City for the opportunity to present. She stated the goal of the meeting was to provide information about the project to the City and answer questions, so when meetings with home owners in adjacent areas commence, the City would be well prepared.

Highlights of the presentation, additional information and comments from JCW, and responses to City Council inquiries as follows:

Slide 2 – Existing Facilities

1. The facility was originally built in 1955.
2. Located south of I-435, bounded by Lee Boulevard on the north, Mission Road on the west, Leawood City Park on the east and basically College Boulevard on the south.
3. Wastewater from parts of Leawood, Olathe, Overland Park and Prairie Village are treated at the facility.
4. The plant cannot treat all wastewater flow received. The plant treats about 7 Million Gallons Daily [MGD], or about 40% of the flow received.
5. The remaining 60% of flow is sent to Kansas City, Missouri [KCMO], and treated at KCMO's Blue River Wastewater Treatment Plant.
6. KCMO is paid approximately \$13 Million per year for treatment.
7. Treated water flows into Indian Creek between Lee Boulevard and College Boulevard.

Slide 3 – Goals for Long-Term Investment

1. Preserve the high quality of life enjoyed by Johnson County residents.
2. Improve water quality.
3. Provide the most cost-effective long-term solutions for customers.

Slide 4 – Project Drivers

1. Two main drivers for project: 1) address new water quality regulations and 2) control long-term costs.
2. Significant improvements are needed to meet upcoming regulations in regard to “biological nutrient removal” of nitrogen, phosphorus and ammonia. Similar to lawn fertilizers, these encourage algae and are toxic to aquatic life.
3. As part of the Mississippi water basin, plant discharge eventually reaches the Gulf of Mexico. There are currently “dead pockets” in the gulf and the Environmental Protection Agency [EPA] is pushing new regulations in an effort to mitigate.
4. JCW customers pay the lowest costs for service in the area; want to protect/minimize customer cost.
5. JCW rates are estimated to increase approximately 5% to 6% per year. KCMO rates are estimated to increase approximately 7% to 10 % per year, through 2023.
6. Provide for control and predictability.
7. To do nothing is not an option.

Slide 5 – Project Background

1. Previous studies were done in 2006 and 2013, resulting in three scenarios that JCW evaluated: 1) expand current plant to handle 19 MGD, 2) improve plant to meet water quality regulations and treat 10 MGD and divert the rest to KCMO, and 3) eliminate all treatment at the plant and send all flow to KCMO [“regional treatment”].
2. Recommend Scenario 1 to expand current plant to handle 19 MGD because this provides the lowest long-term customer cost and the best environmental benefit.
3. Project definition phase began September 2014 and will conclude this spring. During this phase JCW further refined individual treatment components, technology solutions, sizing, cost and layout; developed an anticipated construction schedule; and negotiated draft discharge permit with the State of Kansas, Kansas Department of Health & Environment [KDHE] and the EPA.
4. The discharge permit will be advertised on Saturday, January 9, 2016, and will be on public notice the end of next week.
5. During the project definition phase, JCW evaluated increased flow and determined it would improve the condition of Indian Creek. Also worked on the permitting process with the Corp of Engineers and others stakeholders.
6. Next steps would be true public outreach and communication with stakeholders.

Slide 6 – Financial Analysis of Options

1. Bar chart depicts a 25-year present worth summary comparison of the three scenarios.
2. Each scenario bar presents the capital investment cost, 25 years of facility operations and maintenance costs, and KCMO treatment charges with an anticipated 7% annual rate increase and without any future KCMO capital improvements.
3. A scenario may cost more upfront and less over time, or less upfront and cost more over time.
4. Scenario 1, “19 MGD”, saves \$73 Million over the 25-year span compared to the other two scenarios. Cost recovery would occur in 2024, when treatment would become less expensive than diverting flow.

5. Scenario 3, “regional treatment”, sending all flow to KCMO for treatment is the most costly. Increased cost is not related to treatment further from source.
6. Scenarios 2 and 3 would result in significantly higher customer rates.
7. Adding a new facility at another location had been entertained by JCW, but doing so would require a sewer collection system and result in higher project cost. At the current facility two very large sewers converge; one from the south and one that follows I-435 from the west.
8. KCMO’s treatment plant will be impacted by the same environmental regulations as JCW’s, and KCMO is also under a 25 versus 20-year consent decree regarding improvement which must be formalized. JCW’s plans saved KCMO \$200 Million and was the impetus for the extended duration consent decree. All KCMO customers will pay a share of estimated \$4 Billion cost of improvements.
9. JCW pays wholesale treatment rates which are different than residential customer rates. Because of the consent decree, JCW is currently paying two to three times more for treatment to KCMO than treatment cost at their own plants.

Slide 7 – Conceptual Site Plan

1. This is the first conceptual plan and there could be future input from contractors.
2. JCW has had multiple meetings with Joe Johnson, Director of Public Works; David Ley, City Engineer; Richard Coleman, Community Development Director; and Chris Claxton, Parks & Recreation Director.
3. The future ability to treat 19 MGD is considered sufficient by JCW. There is not much development in Leawood that flows into this plant.
4. The plan has been developed and incorporates modern technology that was not available when the plant was originally built.
5. New, easily implemented, odor treatment technology will clean by a factor of 10 over the current method being used from the 1960s. JCW does not have current odor control complaints.
6. Improved “biological nutrient removal” technology is currently not used at any other treatment facility in the metro area, but is in use at other facilities in the United States.
7. JCW is working to schedule a trip for City Administrator Scott Lambers and Director of Public Works Joe Johnson to visit a treatment plant employing the latest technology. While on-site, Mr. Lambers plans to speak with elected officials, staff and potentially residents.
8. Some existing facility components may be retained, renovated and reused such as solid-treating digester tanks, but a majority of components are quite old and their configuration will not allow efficient reuse.
9. There will be no storage tanks.
10. The area on the east side is currently an open basin that takes additional flow when the sewer to KCMO becomes overwhelmed during a significant rain event. The plan will reduce the size of the basin with fill. The area is not useable for additional plantings.
11. Increased flow at the plant would improve the conditions in Indian Creek. Currently, during dry periods there is low dissolved oxygen [DO] in the minimal flow and algae build-up in Indian Creek, and aquatic life struggles. Increased flow will provide DO and scour that washes away algae.

12. Although treating increased amount of flow, effluent will have one-tenth the current amount of nitrogen and ammonia.
13. All construction will be located on JCW property except for the proposed construction staging area on the City Park kindergarten soccer league fields.
14. Once construction is complete, the kindergarten soccer league fields will be restored.
15. Contractor will be responsible to repair trail and road damage caused by construction. Lee Boulevard is 8 inches of pavement.
16. Tomahawk Creek Parkway will not be used for construction access. JCW has discussed using College over to Nall or Roe.
17. Proposed project schedule, pending approval from the BOCC, is detailed design complete mid-2016, construction start date mid-2018, and construction complete and operational by end of 2021.
18. Overall construction schedule of 3.5 years at a cost of \$266 Million. Further review will be conducted to determine if there is a method to cost-effectively shorten construction and construction materials delivery.
19. Proposing a series of bonds to be issued sequentially for the \$266 Million cost. Only interest on the bonds will be paid when JCW is paying KCMO for all treatment flow. Principal payments would begin when treatment payments to KCMO cease. No final decision on financing has been made.
20. As a result of negotiations with the KDHE and EPA, and Mr. O'Neil's work the National Association of Clean Water Agencies [NACWA], a wet weather holding area was not required, resulting in \$80 Million savings.
21. Keeping a portion of the plant operational during construction extended the construction period to 5 years, so the plant will close during construction and all flow will be diverted to KCMO.
22. JCW has a total of six wastewater treatment plants distributed throughout the area and diverting all flow to one Kansas City plant for treatment is a unique circumstance.
23. JCW has been in discussions with KCMO about the diverted flow and KCMO is agreeable. JCW currently has an agreement on methodology with KCMO that expires later this year. Negotiations have started and this will be a key point.
24. During the construction period, KCMO treatment rates may rise as high as 10%. JCW's detailed rate model includes this factor and JCW also has reserves.
25. Mayor Dunn expressed concern about comments from JCW that discussions about Scenario 3 were in process with KCMO and the property of the de-commissioned plant would be deeded to the City of Leawood for a park. She stated disappointment that a legal document could not be executed to control treatment cost rates. Mr. O'Neil stated that although selection of Scenario 3 would be better for KCMO in the short-term, long-term they would lose customers. The consent decree for KCMO requires separation of stormwater and wastewater flows; a large expense. Piping to the KCMO Blue River plant cannot handle all stormwater and wastewater flow, so Scenario 1 has been selected as a more holistic solution to cover both states and many cities in the area.
26. Current facility is similar in capacity to a facility in Overland Park located near the south border of Leawood. Once construction is complete, the facility would be similar to the plant at College and Highway 69.

27. JCW consultants are evaluating the pipe size for flow into Indian Creek and details of this have not been addressed. A suggestion was made by Councilmember Rasmussen to improve the aesthetics of the discharge pipe area.
28. Once flow is no longer sent to KCMO, intercept piping will remain in place to be used if the facility would be disabled by a tornado.
29. Johnson County agrees to submit to the City's planning process and will abide by City ordinances.
30. It is anticipated the plan will go through the Special Use Permit process of the Leawood Development Ordinance to allow for special stipulations not typically seen in the planning process.

Slide 8 – Floodplain Impact Mitigation Plan

1. There are flood concerns because the site lies in a FEMA floodplain.
2. JCW has been coordinating with the City's floodplain Administrator, David Ley.
3. During significant historic flood events, the site access road and part of Lee Boulevard flood.
4. Areas of pink highlight on the site map would be raised varying amounts and trees in these areas would be removed. This includes elevating a portion of Lee Boulevard from Mission Road to the plant access road, to ensure plant staff can enter/exit the facility. Mission Road on the north and south sides of I-435 will not be raised.
5. Per JCW evaluation, elevating a portion of Lee Boulevard there will be no upstream flooding, damming effect or adverse impact to City property.
6. Area of yellow highlight on the map would be a natural flood overflow channel that will help divert during high flow. It will be vegetated channel that encourages water to flow within the channel when the level of Indian Creek rises. Normally, the channel will be dry.
7. Site layout is compact, but overall facility footprint would slightly enlarge.
8. The enlarged site will probably not be noticeable from the street.
9. Small footprint and compact site layout ensure that improvements will not cause any further flooding.
10. JCW will continue to evaluate during detailed design phase and attempt to maintain current wooded area for screening.
11. Additional trees may be added to the south side of the overflow channel. This will be coordinated in the development plan.
12. Per JCW evaluation, treatment of 19 MGD per day rather than current 7 MGD will result in just a few percent of increased flow into Indian Creek.
13. KCMO is already taking in all the wet weather flow that comes in.

Slide 9 – Coordination with Parks

Slide 10 – Addressing Construction Impacts

1. Parks & Recreation facilities are an important amenity and provide revenue for the City.
2. Gray highlight on the park map represents a contractor staging area, currently used for kindergarten soccer league.
3. The contractor staging area is needed to store materials brought to the site for daily work. The site is compact, use of large cranes will be limited, and additional disturbance of the other areas was not desired.

4. Blue highlight on park map would remain as public parking and for residents with drop-off of young children, so that children can enter safely.
5. All Americans with Disabilities Act [ADA] areas would be maintained.
6. T-Ball diamonds would remain operational during construction.
7. Safety of residents during park use, as well as the safety of the construction workers, will be maintained.
8. Lee Boulevard will remain open to traffic, but may need to close intermittently during the work day for circumstances such as significant concrete pours requiring numerous trucks/trips. Detours would be provided during these periods.
9. Currently, the park trail splits and goes along both the north and south sides of the plant. JCW recommends temporary diversion of the trail between the plant and Lee Boulevard during the construction period.
10. There will be a strict construction work hour schedule such as 7:00 A.M. or 8:00 A.M. until 5:00 P.M.
11. There may be a few periods of construction/excavation noise levels louder than normal. There will not be excessive construction resulting in excessive noise.

Slide 13 – Public Outreach Efforts

1. In 2015, updates were provided to the BOCC and introductory meetings held with Leawood City Staff.
2. Next steps will be to update key stakeholders with tonight's information on aesthetics, layout, probable costs, savings, potential schedule and methods to mitigate construction impacts.
3. A one page "Planning for Our Future – Tomahawk Creek Wastewater Treatment Facility" fact sheet has been prepared by JCW. Copies were available to meeting participants and the fact sheet is on the JCW website [www.jocogov.org/dept/wastewater].
4. A digital copy of the fact sheet can be provided for the City's website.

Slide 14 – Public Education and Outreach

1. Map depicts residential areas around the plant: Leawood Estates, Mission Farms, Mission Farms West, Longwood Forest and Hallbrook Farms.
2. As part of the development plan, there will be required resident meetings.
3. In addition to the required resident meetings, JCW plans direct mailings and will seek resident input.
4. JCW can provide project updates to post on the City's website.
5. Anticipate customer rate questions. Rates are projected to increase over time and be higher than today's rates, regardless of this project.
6. Councilmember Filla suggested inclusion of information to clarify the difference between water shed and sewer shed, as only 18% of the population knows if they reside in water shed. Our area watershed is unique in that it flows north.
7. Mayor Dunn and Mr. Zacharias agreed that in communication with media it will be viewed as a win-win, making the best of the scenario. Mr. Zacharias added this is just the beginning of a larger situation and what we do in the future, irrespective of state and city boundaries.

Mayor Dunn stated the Work Session had been planned to have Governing Body questions answered, followed by questions from the public. Governing Body members would adjourn, but JCW attendees would remain for any additional questions and further dialogue.

There being no further business, the Work Session was adjourned at 7:04 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk