

**MINUTES of the
PUBLIC WORKS COMMITTEE**

Meeting held: Wednesday, September 6, 2017
Leawood City Hall- Main Conference Room, 7:30 AM

COMMITTEE MEMBERS PRESENT:

Jim Rawlings, Councilmember Ward 2 (Acting Chair)
Julie Cain, Vice Chairman, Councilmember Ward 4
Drew Alingh
Abbas Haideri
Todd Harris
Marsha Monica
Chuck Sipple, Councilmember Ward 3
Christopher White

ABSENT:

Andrew Osman, CHAIR and Councilmember Ward 1
Ken Conrad

STAFF PRESENT:

Scott Lambers, City Administrator
David Ley, P.E., Interim Director of Public Works/City Engineer
Julie Stasi, Public Works Administration Services Manager

GUESTS: *(by order of sign in sheet/names and addresses only listed on Minutes)*

Fiona Curtin, Young Management Group, Agent for Foxborough Homes Association
Phillip Rubenstein, Foxborough, 12412 Cambridge Circle, Leawood, KS 66209
Marianne Sears, Foxborough, 1939 W 123rd Terrace, Leawood, KS 66209
Mike Murphy, Foxborough, 12424 Cambridge Circle, Leawood, KS 66209
Tom and Debbie King, Patrician Woods, 12600 Delmar, Leawood, KS 66209
Brian and Sarah Nelson, Patrician Woods, 12603 Delmar, Leawood, KS 66209
Frank Loeffler, Patrician Woods, 12609 Delmar, Leawood, KS 66209
John Kamlowksy, Patrician Woods, 4406 W 126th Street, Leawood, KS 66209
John Martin, Patrician Woods, 4503 W 126th Street, Leawood, KS 66209
Thomas Heausler, Patrician Woods, 4301 W 126th Terrace, Leawood, KS 66209
Mary Heausler, Patrician Woods, 4301 W 126th Terrace, Leawood, KS 66209
Harlow Schmidt, Patrician Woods, 12607 Delmar, Leawood, KS 66209
Sarah Nelson, Patrician Woods, 12603 Delmar, Leawood, KS 66209

Acting Chair Rawlings called the meeting to order at 7:32 AM. Committee Members, Staff and Guests introduced themselves.

FIRST ITEM OF BUSINESS (OLD BUSINESS): Review/approve the previous meeting Minutes.

ACTION: Marsha Monica- Motioned to approve the Minutes of the Public Works Committee meeting held August 2, 2017.

Chuck Sipple- seconded the Motion. All members present were in favor.
Motion passed. Minutes Approved.

SECOND ITEM OF BUSINESS (NEW BUSINESS): Review stone monument in an island near 12600 Delmar in relation to construction of a Stormwater Project TM-04-006.

David Ley-gave a description of the project area. Advising the City is completing a storm sewer project near 12600 Delmar; in part by requests of the residents where several properties have flooded over the last seven (7) years. The project was submitted to Johnson County for funding to assist with replacement and the County agreed and are paying 75% of the project. All of the pipes in the area are being replaced, however the issue is with a pipe under a street island. The pipe location is directly under where apparently the Developer of the subdivision has constructed a large stone monument on. The storm sewer pipe it is a metal pipe that is undersized is right underneath that. And on top of that is the stone monument. The City wants to continue the pipe replacement project down to 127th Street with a concrete box culvert. The box is large and is ten (10) feet wide. The issue is with the original development in the

1980's. There are no approved plans with the City for monuments being constructed within and on the City's right-of-way. The other issue is that for the past twenty (20) years when new developments are approved in Leawood, the City does two things: 1. The City verifies that there is no monument constructed on top of our storm sewer structures. and we also require a Right-of-Way Maintenance Agreement to be signed with the Developer and the Homes Association. The Right of Way Maintenance Agreement specifically states that the HOA is responsible for all the maintenance of improvements that are within the City's Right-of-Way and that would include private street lighting, irrigation, pavers or stone monuments. A picture is shown of the monument, a circular stone monument with two semi-circles on either side. The City's received an estimate around \$35,000.00 to remove and replace the island monument (stone planter box) as it sits today (with different stone).

Question from a guest-How do you define a monument?

David Ley -A stone structure/monument/planter box. *In continuation...* David shows an outline of the island and pipe location. When we started the design earlier this year, we asked the engineer to look and see if there is a way they could redesign around the existing location. And in seeing where the outline of the existing pipe, is, there is no way for us to reconstruct the stormsewer and maintain the monument. We did look at realigning the pipe. But with the existing utilities, the sanitary sewer, we were unable to get over the sewer line and maintain cover through here. In discussing this with the engineer from early on, they said in this location, the storm sewer had to follow the existing alignment.

Chuck Sipple-Is this where the flooding occurred?

David Ley-Yes the homes that flooded were immediately upstream and downstream. (*David points out the homes on the map that flooded.*)

Chuck Sipple-Because the storm water drains in the street? Or are they just not adequate?

David Ley-The storm sewer pipe, the culvert pipe that is running underneath, it is collecting in this area with water that drains from Cherry Creek and Waterford Subdivisions. It comes down and is draining a large area and then the pipe in this section is not able to handle the volume of water that is coming down from upstream.

Question from guest about evaluating when Cherry Creek came in, was it not that bad?

David Ley-When stormsewers are designed, the developer is required to look at the upstream development and size the pipe accordingly. There would be the Engineering plan to what the upstream development is and then they design the pipe in accordance to what it was at the time/with what they had in the early 1980's.

[*Inaudible question from the guest*].

David Ley-When the development comes in, the Engineer is required to look at upstream and assume full upstream development.

Harlow Schmidt-with gutters and drainage and the street drainage. Is that considered as development or is that independent of the requirements used?

David Ley-So when the Engineer comes in if they look at the upstream and it's just farmland, then they would look at the City's zoning and if it is zoned for residential then it may have a specific value of runoff that is required to be looked at.

Harlow Schmidt-Recently in the last few years we have had new gutters, new drainage.

David Ley-In the past few years, the City has not done any impacts upstream.

Harlow Schmidt-But isn't that required, I thought you said that was a development requirement.

David Ley-No, I'm talking about when someone downstream is developing upstream. The person that is downstream is required when they do this originally. They would be required to look at the standards at that time, so back in the mid 1980's the Engineer would have looked at the upstream areas developed.

Harlow Schmidt-When Cherry Creek was put in with all the new gutters and new drainage and things that are going to

accelerate the dispersion of water from those upstream locations locations...*(Inaudible)*.

David Ley-Trying to answer you.

Harlow Schmidt-Just asking a question.

Thomas Heausler-Knows Engineers like to draw straight lines and such, but would like to revisit rerouting the pipe around the cul-de-sac. As far as this being approved, or if there was approval of this monument being built in an easement, what's done is done. You said the estimate was \$35,000.00. It seems like that would be good of the City to not destroy something that may not need to be destroyed. Plus with this monument gone, we are all going to lose property value. So this \$35,000.00 may end up being \$20,000.00 a piece, so that is about a \$100,000.00 hit by removing that cul-de-sac monument. They came and talked about a straight line by my property line and I noticed that was on my property so I asked them for compensation for an easement, and they said oh never mind, we'll not do the straight line and we'll just go around. So similarly here, they could go around the cul-de-sac one way or the other. You said it was not possible but I believe it is possible, it's not free, but it certainly may be \$5 or \$10 thousand more to go around the cul-de-sac. Verses losing \$100,000.00 in property value over the community.

David Ley-We did look at, as I mentioned before, going around the cul-de-sac and the issue that we run into is on the upstream side. The sanitary sewer line we are actually just skimming over it. So we cannot go on one side because the box culvert has to be up too high and we cannot get: two reasons-we can't get enough cover on the box plus we end up introducing curbs in here which means we have to get through a large box culvert and the same issue comes down here (pointing on the map) in getting around this monument to get the two ninety (90) degree bends and then a forty-five (45) degree bend to get to this point (pointing on the map). So that induces big losses in the box culvert which will get us into two things. One, we get into a much large box culvert; which is an added cost and we are already struggling to get the easements and it will make the obstruction width when we are going through the side much larger. The other issue is we still have to put this pipe in, we have to pressure grout the existing line and there is a large cost to that also. Since we are pulling out the old pipe in place, we are not maintaining the trench in that area.

Thomas Heausler-I agree it is not as elegant as a straight line, but I believe it is feasible to go around at a cost and I believe that cost is a lot less than the loss of the value of our homes.

Julie Cain-David are we saying that if this improvement was done as shown here that somebody cannot reconstruct that center island? Or are we saying they could have the island, they just can't have the monument structure on top of it?

David Ley-My position is we do not want any structures on top of our storm sewer pipe and that has been Public Works position ever since I have been here. Every subdivision. Because it gets into our maintenance issues, if we need to get down in that pipe, we would have to dig out that monument.

Julie Cain-Structure meaning even the curb and the island? Because there are a million islands around the City of Leawood that have monuments and trees on there. Are you saying you don't even want that?

David Ley-We allow landscaping, but we do not want the stone. People put swingsets that are easily removed that would be okay.

Julie Cain-So if as proposed, the island (IF, a BIG IF). If the stone wall has to be taken down and by what we are saying, we can't put it up, would we as part of this project, just reconstruct the island with curbs and allow the HOA to landscape with what they wanted?

David Ley-Correct. That is what we do. For instance up north, we are working on an island and we gave the HOA the option of either having it sodded or mulch the island. And any other vegetation was the responsibility on the HOA.

Julie Cain-So as far as Mr. Heausler's point about losing property value and losing things of beauty-I totally agree with Mr. Heausler that that is an amenity. But what we are saying here is the island is going to be put back. We are just talking about the rock wall. Unfortunately we would lose that.

Unidentified guest-But it will not match all the other cul-de-sacs. All the cul-de-sacs are very similar and have a sort of character. So this would be an odd one and property affect the property values.

Julie Cain-I understand what you are saying and I also understand sitting here for ten years on the Council and ten more years prior to this, that as you probably all know we have a que of people in the City of Leawood with issue. People flooding and stormwater issues all over. We and everybody else, so it is and I am so happy for you as an HOA that we are able to address this and we are addressing this. I live upstream and I have had kids in school together with some of yours. I am glad that we are able and we are going to face this. We will take as good a care of this island as we possibly can. Sometimes we can only do so much and we are not saying you can't have the island, we are just saying you will have to come up with statuary or something else to beautify it. Obviously it will not match, but it's not an arbitrary decision for us not to have it match.

Abbas Haideri-After that, is it allowed if they put in boulders or rocks or what material could be used?

David Ley-They could do something that would be movable, we would permit.

Frank Loeffler-I brought that up with the City's persons who were out there and I got no response from anyone. I've gotten no response from anyone at the City. There is a secondary issue which you have that needs addressing in addition to the concept of the taking of the monument (as you call it) and that is that this proposed storm drainage which is not ten (10) feet by ten (10) feet it is six (6) by ten (10) foot. It is forty percent (40%) less than the two drains that are going to be emptying into it. One from Cherry Creek and one from the subdivision to the east. I do not know how you reduce the amount of drain and put it underground and expect it to handle it so that Schmidt, and I and Hoffman are not continuously flooded. I've lived in the house for 21 years and we now have had a total of 7 -100 year floods in 21 years. I have a fence that is three feet higher than the top of the culvert. The fence is six feet high. I have accumulated debris on the top of that six foot high fence seven (7) times in 21 years. This concept where we have had three minor floods is wrong. And it has been continuous. The problem is we simply have too much water and I would propose that this concept of a 6 x 10 underground culvert is inadequate and it probably needs at best to handle this emptying into it at least 40% larger if not bigger. The digging is going to go on anyway, it's the size of box that you put in. I have addressed this with people from the City and I have gotten no response.

David Ley-We have had discussion with the engineer about that and they are designing this storm sewer project with the 100 year storm event to our standards and it fits within this pipe. What drains underneath 127th street is a 72" diameter pipe and then there is a four foot diameter pipe that comes down on the east side of 127th Street that will connect into this box culvert. So the engineers are extremely comfortable on the size of pipe that they are putting in. The other difference is this is concrete so it is going to flow as a smoother flow characteristic. Even if it was the same sized pipe as what was already there it will convey a lot more water because of the smoothness of the structure.

Chuck Sipple-David if the engineers are comfortable with the three rains we had this last summer in being able to handle those events?

David Ley-Yes. There still will be ponding in the low area. So there is still quite a bit of water that flows overland down to this area, so we will put area inlets in back there but water will still pond in that area. It won't get within two feet of the low areas on the homes.

Frank Loeffler-The engineers recommend a retention underground basin. At least that is what the people from Olsson told me.

David Ley-Right, it is an enclosed pipe network from the downstream side to 127th Street. So we are actually removing a pipe and connecting in at a curb inlet. (Pointing to a map)...this area is being enclosed and that is what I am saying there is a lot of overland flow that gets down to this area. There is still going to be water and a 100 year storm is going to flow down and there will still be ponding. There will be several area inlets. There is a larger one here, and one over here that collects the water that is flowing overland in that area.

Harlow Schmidt-In their finding first of all a definition of a 100 year flooding is nonsense at this point. Secondly are we defining a satisfactory result as being within 24 inches of my home with ponding? A 100 year event, and we've had four (4) since 2010? Is that two feet of ponding or two feet from my house?

David Ley-When the engineer's do their design the 100 year water surface elevation has to be a minimum of 2 feet below the lowest opening on a structure or they requests a variance. The other issue is as far as the size of the pipes. Currently the water is flowing within pipes until you get to the north side of 127th Street. Then it opens up there is an open channel but then it has to get forced back into another pipe. So there is going to be a lot of entry loss so since we are reducing that entry loss we are making a direct connection pipe network and it will be a much smoother flow to get the water through that area.

Mary Heausler-Is there anything going to be done at 4301 W 126 Terrace? The last couple of rains we have seen water running down the hill. Utilities have dug lines on either side of our property and now we are getting water coming in over our basement and into the basement. It is coming down off of 127th your storm sewer there by the creek. It is flowing into those culverts on either side of the property. It is not getting to your storm sewer yet. Is anything going? We have runoff coming from the road down to 127th. At 127th & Roe the water is coming downhill. The cable and electric companies have both been in there and dug trenches and now it seems like a river coming down our yard.

Harlow Schmidt-This is the issue I was trying to describe earlier. All the gutters have been replaced all around and we are turning Johnson County into a giant gutter and this one comes down and brings the water at a greater acceleration and creates a greater volume and a faster pace this way. And it's also coming down from this other way and so they are now facing the development that is the proper term legally for this. The Development has accelerated the rate of this water gets here even in a 20 year event and they are now facing water here. My back yard has turned into a lake literally the entire yard. I have water lines on my house because of the increased rate of water being delivered to my house and that is what upsets me is where was the downstream study for all of this previously? The purpose of this was to bring more water faster if nothing was done to a pipe that I can stand in. I'm 5'6" and I'm taller than this pipe, coming in from a pipe I can walk through on the other side of the street. I want to make sure that this pipe we are putting in is going to drain that because it is getting in perhaps not two feet of my house or even close to that is essentially coming in a 100 year event is nonsense. The way we see 100 year events, is every other year around here.

John Kamlowsky-The current overflow that is going through the existing pipe under Delmar is more than what the 6 x 10 proposed pipe can handle. And that is in addition to the pipe that is going under there. So roughly 24 feet by the last storm and the most major storm, five feet deep in front of my house. It was coming across. Nobody was expecting to come out at 3 o'clock in the morning and take pictures of that nor the over flow across 127th Street. I think you have pictures supporting that. But the field of debris that came across the top of the 127th street from Cherry Creek because the existing 72" pipe was not adequate to catch it all.

Acting Chair Rawlings-the purpose of this meeting is to anything that has surfaced intended is the amount of water flow that the engineer is calculating along with the City Engineer to make sure that the runoff is carried off. We have engineer saying that a certain sized pipe is adequate and then others are saying it is not. I'm not an engineer.

David Ley-And to the last comment and this is really not about the size of the pipe. We have hired a Professional Engineer to review the size of the pipe. The pipe that is being put in is approximately 40% bigger than the 24" line that is draining there. The 72" line that is draining there and the 48" line. So it is larger than the pipes that are draining there.

Frank Loeffler-What is the City going to do about replacing it after I get flooded again? Because you are...

David Ley-We design for a 100 year storm event that is the City's design standard.

Frank Loeffler-I've had seven of those 100 year storms since I lived in the house. We are directly telling you that what you are proposing is inadequate for the water flow that has come three times this summer plus in prior years. And if the City has knowledge that it is inadequate then you have responsibility and that's quoted by Kansas Case Law.

Harlow Schmidt-And that is my greatest concern. Is that we continue to talk about this 100 year term. The development that has occurred has moved that cross bar up considerably. I think we need to create a goal that is realistic here. This 100 year is an outdated measure. And to engineer to that is an engineer to failure in my opinion.

David Ley-Then that would require an update on our Standards. Our current Standards state 100 Years, so that is why and what the City currently designs to. So if that is going to be changed that would have to go to the Governing Body for an Adoption.

Guest-Okay.

Julie Cain-Can you explain David, to these fine folks that these definitions that are being thrown around are certainly not Leawood definitions. These are Federal definitions that we all abide by.

Harlow Schmidt-But anticipate flowing down, not a concrete jungles and curbs designed to accelerate. That is the problem.

Julie Cain-Just trying to make sure everybody is on the same page. Is it possible obviously the guidelines right now are placed at 100 Year Flood. Is it possible for us to put in a larger pipe and is it even possible? We are going to be there destroying the land is that a possibility? And/or will that in anyway make the problem worse? I have no idea. I too am not a stormwater engineer.

David Ley-It is possible to do it. Now whether we get reimbursed by the County or not is another question. Because there are standards are to the 100 Year. If we do this project then are we going to do all the future projects too. It's following the current City Standard which is convey the 100 year storm. Staff is very comfortable that what is being proposed will solve the problem of flooding.

John Martin-If I may interject at this time. This reminds me of when Roe was to be widened and we had the opportunity to come before the City Council and express our concerns at that time. I am at the very end of this channel. I am one more severely impacted, not to diminish anyone else as far as the subdivision but my concern based on experience and prior to the widening of Roe is the engineers design. I said I am not an engineer but I just don't see the water getting through that channel underneath Roe. And low and behold they came back and revisited. The engineer said yes it does have to be increased. What I've done is brought a handout (attached to these Minutes) to show you where this is by Roe. It signifies the water flow that Patricia Woods is under and certainly what I am concerned about on my end also; which has personally turned into a pond. What I've noticed is since the Roe was widened in this area with the recent water the same amount of rain prior. Say two inches of rain was much higher going through that channel for some reason the storms we've had over the years has increased the flow and right now I would like to know before anything is done up on top up at Delmar how it comes down to Roe and what it does on the Roe end. My home is at 4503 and backs up to Roe and it takes in stormwater just north of there.

David Ley-(Brought map up on the screen, an area showing each property that shows Roe on the left and the City Project that is starting just west of Delmar.)

John Martin-And it's going to transfer additional water pressure down to my end; which is already under severe flooding conditions. Storms like what we had on the 27th of July and on the 22nd of August. That is a three week period.

David Ley-This map is of the area developed in the late 1990's. This shows what the flood plain was in that area in the old culvert underneath Roe Avenue. When this issue about Delmar flooding was brought to our attention by

property owners back in 2010 and 2013, we went through the County and to get the project approved through the County we did an engineering study. Back in 2013 I believe it was, I sent letters to all these property owners between Roe and Delmar asking them if they wanted us to come down here and improve the channel. We gave them three options. One was to widen up the existing channel to convey the 100 year storm, the other option was to continue this box culvert up and all the way down to Roe and the third option was to do nothing. I received-I believe I sent out 20 letters. I received 10 back and 8 of those letters said "do nothing". So when we hired an engineer to do the preliminary engineering study back in 2014, part of the requirement is to look downstream and they said-they are the engineers they are the ones who we depend on and they said that there would be no impact downstream by the improvement of this box culvert. So part of the issue is when you have a smaller pipe and you start building water pressure up on the upstream side you are shooting water through that pipe like a fire hose. So you have and that has been described to us by the people that were immediately downstream is they are getting a lot of erosion down here due to the velocity of the volumes of water coming out of that pipe. So by going to a box culvert these lower storms will have less velocity coming out of that pipe. The engineers analyzed it all along Roe and the said there would be no impact.

John Martin-I had the opportunity to meet with Shawn Johnson of your department and that was an onsite visit through our subdivision. And he came out and looked at our property he could see the mulch; I had heavily mulched. And my mulch was in the back of my neighbors' property which was approximately 200' feet back from the entrance underneath Roe there. It had gone that far. More specifically it had reached at four feet of water above the channel. That's how severely that area down there has been impacted by this water. Engineering studies and so forth be what they may, it is not a valid report. I invite everybody in this room to come down and I would be more than happy to have you all come down to see this. There are water marks from the last two storms. Okay. I think that is the best way, bring your engineers down and they can look at it.

David Ley-Water will get out of the pipe. The storm sewer is actually designed for a 10 year storm event, with the overland flow event of a 100 year being conveyed on top of the storm sewer pipe. So in these storms, there will always be water ponding outside of the storm sewer channel that is in place except in certain locations like Delmar where we are designing it to convey the 100 year. David is showing the 3rd Plat where this location is.

John Martin-So you are going to go ahead and ignore my comment. And go ahead and implement up above and it is going to cause a bad situation down on my end. Does that pretty well summarize? That I have to live with it?

David Ley-Our engineers are saying that is not the case.

Chris White-David is there or has there been any change in this drainage area? I mean are there additional subdivisions that are now draining through this area that were not draining through this area twenty years ago?

David Ley-There have been developments up stream.

Chris White-Have we re-routed things that go through this area that we were not talking about?

David Ley-We have not changed the water shed, so where the water was flowing prior to the development has not changed.

Chris White-So the overall water sheds, how they are flowing in this area is not receiving additional water from upstream?

David Ley-Correct.

Chris White-I know there is a lot of concern about the term 100 year flood. But that is a USGS number. These are numbers that are constantly monitored and measured occasionally based on actual data. But it's not something that David's group can do anything about. If we don't design to it.

Interruption from guest...If I may.

Acting Chair Rawlings-Let him finish his point and then you can have your turn. We want to keep control.

Chris White-I'm not saying that we can't address the issue from-if there is a standard that is a part of the City it is important that we have a standard. If there is a problem where this standard is not working here, then it is not working anywhere. The issue is much broader than that. The idea that says well we want to change this pipe here because it is not working and we make it larger. That is only addressing-that 100 year definition is not right, than it is not right anywhere. I understand your concerns in your neighborhood and that is fair but I think the idea that we make an exception just in this specific case all it does is undefined how we are going to define things. And the next time we design we will not have anything to base it from in an engineering standpoint.

Harlow Schmidt-Yes it is a standard set by your people or for the country or for land that is far less developed than Leawood. We choose then to use that standard. That is a choice we make but this is not equivalent to the open land in Wyoming or rural Nebraska. And so we need to understand that that 100 year event that is defined by the USGS is a national standard of averages. We have modified that by the development that we have done and must recognize that modification as a risk to the property owner and yes. You say we would have no standard, that is not so, we would just use a different standard and Yes, that would cost more money. But if it doesn't work here then it doesn't work anywhere doesn't entirely apply. That USGS Standard applies over a broader slump and I think that by changing that standard- Yes if we choose to change it, it will cost more money. But it will also avoid the events that continues to plague these homeowners, myself included.

Chris White-You are actually correct that the development is not consistent. A 100 year rain fall event is still true across all areas. It is not affected by development proper. There are other factors and when you consider development you consider how much pavement; how much concrete is involved. The 100 year rain fall is one factor and then how you apply that information is taken into account based on the amount of development. What we are trying to do is find a solution based on the standards that have been developed because some of these, most of these I would say, are State or Federal standards. And if that is correct, is there anything that we are doing in considering Leawood development that is not consistent with those?

David Ley-There is Kansas City Metro Area American Public Works Standards. Those are followed throughout the Metro Area and the rainfall data that Kansas City APWA (American Public Works Association) they hire KU Professors to review those rain charts periodically and then they update the rainfall data.

Question from Guest-When was it last updated?

David Ley-They updated it a few years ago? I do not know the exact date.

Question from Guest-How many years is a "few years"?

Tom King- I think what you are getting is local knowledge and testimony that that needs to be analyzed because we have had a more frequent event. It would be interesting if you could get us that data to see where your base line is and then we could look at that based on if this is 2013 Data or 2010 Data. As we all know in our neighborhood we have had a lot of events in the last five years. It should be taken into account what we are here telling you. I think that data should be part of what you saying is the data points that would go into that. If you are using a standard from many years ago I think we all are testifying that it has changed pretty noticeably and there has been a dramatic change in the frequency in the amount of rain.

Harlow Schmidt-I don't know that God has delivering us more rain. That is what needs to be looked at in the definition of what we are trying to work with and not how much rain is coming from the sky. It's how much when that rain does come, how fast is it getting to Point A and to Point B? That is where we need to make our measure and not how much water is coming out of the sky.

Abbas Haideri-David I was wondering would it be acceptable to have Olsson (or whoever the Engineer is) to reconfirm their numbers? To come and respond to what everyone is concerned with on what we have heard today? So they can review their numbers and check their math.

David Ley-Yes. We can get with Olsson and discuss it.

Marsha Monica-Did Olsson talk to any of the home owners?

David Ley-Yes. And we sent out questionnaires up front. And Olsson has been out walking the project, we have met several times out there with property owners.

Marsha Monica-I mean have the neighbors talked about what their experiences have been?

David Ley-Yes. Like I said initially before we started this project we sent our stormwater questionnaires on do you want us in the back yard? Have you experienced flooding? If so, where is it coming in at on your property? And then all of that is looked at by Olsson when they are doing the design.

Harlow Schmidt-To say something positive, I have been approached many times and I have approached the City many times and I have expressed my concerns and they have acknowledged my concerns. I am concerned about where that is going at this point. But I have been approached and discussed and expressed my concerns with the City and the City has been receptive.

Mary Heausler-We did not receive a questionnaire, but we were considered to not be impacted. And we haven't been up until this last couple of times, because we are on a hill. But I can tell you that when we moved in 25 years ago, Wilshire didn't exist and nothing beyond 135th existed and that has all been developed since we moved in. So something has changed the formula. And now I sit on a hill and never in my wildest dreams would think we would have water in our house. Now when I go to sell it I've got to disclose that there has been water in my house and how do you fix it? I can't stop the flow coming down. If the City does not fix it, what do we do to divert water out of our house? We have drains all over, and I live with an Engineer! We have all kinds of drainage. You can come to our yard too (4301 W 126) and see where it comes down like a river.

David Ley-We can have our Stormwater Engineer look at that and try to determine where the water is coming from and what can be done.

Tom King-Hopefully this might be relevant. I was a CPA for the developers and he allowed me to pick the lot that we would like. We live at 12600 Delmar. Obviously we are not impacted, but I will tell you what I was told when I picked this lot (Bill Fohey and Rex Allen were the developers) and I was concerned. This entire area here was a pond and was fed by runoff water. In other words, there was not an underground stream. There basically this entire area (pointing to a map) has all been filled. Bill Fohey told me that initially he wasn't going to do anything there. There was a creek that ran there. But that the City required him to pay for what he called a gabion, which is wired in rock wall, built up high that would handle any excess water that was coming down from all of the developments around. Obviously, it was engineered that way and the engineer obviously missed in their projections as to what was going to be able to handle the water flow. So from a layman's perspective, if we are relying on an engineer, I would have to say that they erred when they originally designed the plan. Because the gabion or whatever we call it now was the saving point. That was what was going to take all the water coming this direction and funnel it away from these houses. Again I am not impacted other than we do get a little water in this area here (pointing at the map) but other than that. But it is not significant enough to complain about it. What I am telling you is relying on an engineer study here to what they determined was adequate for the situation wasn't. And now we are faced with the same engineering study or similar engineering study to rely on that all these people say won't work. Their homes are impacted considerably. If the engineer is going to revisit it, they need to come out and revisit all the sites along the water flow line and talk to all of the home owners. And I will say because we were not impacted, we didn't get any letter asking us to comment on any of this. And I guess we picked the lot that was high enough that we do not experience the same problems that everyone else does.

David Ley-We sent letters to people that had identified flooding issues prior to it and then along the streams.

Frank Loeffler-No. I have never received a letter. I have sent your Department at least five (5) pieces of correspondence by mail and to you personally by email. Jordan called me back and said you were on vacation in March and would call me back the following week. You have had email that came directly to you. There are letters that I have sent. I was never included in any correspondence to me from the City.

David Ley-Well let me review that. We have one other topic. When the subdivision was originally built, the standard is to design a pipe system for a 10 year storm event. That is what this culvert underneath Delmar was designed for. It wasn't designed for a 100 year. It was designed for a 10 year, which means that it had swales designed to go over the pipe. The difference between what we call a 1% storm versus a 100 year storm. So back in the 1980's, when they designed that the builders did not follow through with the engineering plans to build the houses up high enough and provide the swales. So that is why we are in the situation we are at because these homes are sitting too low and the swales that were designed shown on the plans are not there. So the water is rising and getting into the homes.

Abbas Haideri-To see if we can all get back to the subject of this meeting. For the area of 12600 Delmar, this discussion is very important and I'm wondering if this needs to have it's own place.

Acting Chair Rawlings- was going to suggest that. We could go on until 10 o'clock. I think we all understand the issues with water. I had water in my back yard with 6 inches of rain in three hours; so we all certainly understand your concerns. I have empathy for everyone here that has a water problem. I will make a suggestion that we continue this conversation that relates to the flooding issue and have Olsson come out or again contact everybody with David and have another presentation by the Engineers that are recommending what the City should do.

Chuck Sipple-Let the engineers defend or be open for change and entertain any ideas you all come up with.

Marsha Monica-I think that a point that someone brought up which is a point for the Council, is that we all hear this 100 year flood term batted around all the time. And I think everybody is pretty much aware that the 100 year floods are not 100 year. They are becoming more frequent. My point is maybe a recommendation to the Council to have a discussion about whether they want to move that standard of 100 Year to something higher. That is a different issue but it may go hand in hand. If we still design to 100 year and they put it in and it doesn't work, then that is not the correct standard.

David Ley-We are designing to the 10 year storm. That is the pipe network through Leawood and as designed through the Metro Area, it is designed in the area is a 10 year storm; with conveying the 100 year storm overland. The issue is these homes were built too low, so when that water starts flowing overland it then floods the homes. What the City is doing is we are going back in there and we are upsizing the pipe really above our standards. Which the standard is to design a pipe network for 10 years. Now we are designing the pipe network in this area for 100 year storm to keep the water down so it does not get in the homes. Really my recommendation would be if you want to discuss this any further then we probably need to have this referred back to the Stormwater Committee. What was referred to the Public Works Committee was the stone monument in the street island.

Marsha Monica-What are the options for the stone monument? That you put the pipe underground in a straight line and that you replace the island but do not replace the stone walls? That is your recommendation.

David Ley-Yes, that is what staff is recommending. Beginning next year we are starting a \$3 million storm sewer pipe replacement program. It will happen every other year for twenty years.

Marsha Monica-If you replace the stone wall and we have to dig again, can the Homes Association put something on the island and they have to take it down again, I'm understanding it is their responsibility.

David Ley-If the HOA wants to put something in there again then we would want a Right of Way Agreement signed and recorded at the County that the HOA would be responsible for all the maintenance of the feature going forward.

Thomas Heausler-You mentioned that you preferred not to have any construction over the pipe of your drainage.

David Ley-Something small, we do permit trees or bushes; something removable.

Thomas Heausler-That goes with my point to reroute the pipe around the cul-de-sac and around the monument that way in the future if we have a future monument it would not be an issue. There is 40 million dollars of homes and property. I think the community should be protected. With 3 million of homes facing that cul-de-sac, now they will lose about a 20% value so there is \$100,000 plus a \$35,000 monument. There is room in there for the engineer to revisit it and re-route it around that monument.

Marsha Monica-Asking the Homes Association. If that something that the City says it is in an easement and if we have to take it down to build or whatever, you are responsible, is that something the HOA would be willing to take on?

John Kamlowsky-The whole point of issue is that we had permission to put the monument up. The City of Leawood approved the subdivision. So I do not really care what the present policy is if that is interfering. Now if you have to replace it, tear it down and replace it- going forward we would be willing to accept the policy that is in place now? Yes, that is the reasonable thing to do. We are not arguing if the policy is wrong now. We are arguing that the policy wasn't in place when that monument or whatever you want to call it was put in. Therefore, our rights are that you replace it as such. I know you can't replace a mature tree. But the laws are that you have a responsibility to replace it. Going forward, that is a whole different ball of wax.

David Ley-We reviewed the Planning Department's case file that they had for this project and within that the 3rd Plat. It went to the Planning Commission and City Council there is no mention of monuments, there is no...

John Kamlowsky-That is not our fault. That is your fault/the City of Leawood's fault.

David Ley-But we have no record...

John Kamlowsky-Just because you did not fulfill your responsibility, don't put the onus on us. We are not going to accept that. It is as simple as that.

Scott Lambers, City Administrator -advising his professional opinion- The island was not part of the plan and also there was no Right-of-Way permit pulled in order to construct it, so it is an illegal structure.

John Kamlowsky-We can argue that.

Scott Lambers-There is no argument it is a fact.

John Kamlowsky-And if you change it, it is a taking. It will be a taking it is a monument that has been in place. With full knowledge of the City. You had your snow routes and snow removal trucks everything else associated around it.

Scott Lambers- I am saying in my professional opinion that the structure is illegal and there is no permit for it. The City's position would be that the island monument should be removed for the storm sewer project to go in and then it would be up to the Home Owners Association's options after the City reinstalled the curbs. The HOA can agree to a lesser landscape plan to go in. The option of replacing the existing structure with the monuments that you desire to be consistent with others, again can be a decision of the HOA to take on maintenance responsibility should the City have to get in there to maintain the underground facilities. Storm sewers last 75 to 100 years, so in his opinion does not think it is an unfair position on the HOA's part to say okay to it. If the original island had been part of the plan, we would have required the HOA be responsible as part of the plan approval anyway (that the HOA be responsible for any of the work required to the monument). We do not have any record that says the City permitted the monument and assumed responsibility of it.

Question from Guest-Would it be possible for the HOA to save the stones maybe so that it can match with something if they reconstruct something it might be more similar, that might be some common ground they could have.

David Ley-We could talk to the contractor. A couple of concerns would be where we would store it at. And someone

would also need to go through and break off all the mortar on it.

Marsha Monica-Agrees that might be a reasonable compromise.

Chris White-As an HOA maybe you could investigate to see if a contractor would benefit having the existing materials.

ACTION: Chris White made a Motion that it is apparent we have two (2) separate issues going on here and that the stormwater issue go to the Stormwater Committee to discuss and review further. That the island itself is a different issue.

Acting Chair Rawlings advised it was a consensus of the Committee Members here today to have this issue recommended as an assignment for the Stormwater Management Committee to review.

ACTION: Marsha Monica made a Motion that the Committee recommend to the Council that the island, (when the work is performed) be replaced by the City replacing with curbing, dirt and to the City's Standard and fills it with appropriate landscaping. Adding that if the Homes Association wants to add any further monuments or décor on the island that anything further be the responsibility of the Homes Association. Chris White-Seconded the Motion.

All present members were in favor, Motion passed.

ACTION: Julie Cain made a Motion that at the next council meeting this Committee recommend that the Council refer the stormwater concerns expressed today to the Stormwater Management Committee; with plans to ask the Olsson Engineering firm to be involved so that we can have another meeting with the residents who were today concerned about the stormwater repairs. The next Stormwater Committee is scheduled for the last Wednesday of September.

Marsha Monica seconded the motion.

All present members were in favor, Motion passed.

Tom King- asked if they could obtain a copy of the City's Regulations from 1982 showing that it was not permissible to Code for any kind of structure on top of a drainage easement (something from the early 1980's.)

David Ley-Well it is in the right-of-way. That is City owned land, where the monument is located. David Ley shows Resolution 3008; a public resolution regarding maintenance and replacement of brick islands in the City of Leawood adopted in 2008.

Scott Lambers-We could show you the plan that does not show it, if you want to see that. The fact that this one is over a storm sewer is forcing this to be an issue.

THIRD ITEM OF BUSINESS (NEW BUSINESS): Review Foxborough Private Subdivision request to become a Public Subdivision.

David Ley-Foxborough is a Private Subdivision and was constructed in the 1980's in several different plats. They have some private streets, some private storm sewer. They are requesting to become public. The City has a policy where we look at different requirements for subdivisions wanting to become public. In the mid to late 1990's Foxborough did look at becoming public and at that time they did do a study to address some of these concerns. Since it has been over 20 years, the City would like to go back through those requirements and have those updated. A memo from 1997 from our previous director was included in the packet outlining the infrastructure status at that time.

Staff has looked at the subdivision and the best thing today is just to go through Staff's recommendation. The point of this meeting is to make a recommendation on each one of the infrastructure items so the HOA can decide if they want to further study and bring back to the Committee prior to any recommendation going to Council for acceptance. This is a first of two to three meetings with the HOA. My thought is we will go through the items and

say okay, yes we agree with this and we can send the HOA out to determine the cost to implement, so they will have an idea of what the total costs are to make these improvements.

Julie Cain-And this procedure is the same procedure we have had done with every single other homes association in the City of Leawood that has asked us to do the same thing; since the 1990's.

David Ley-Gave an overview of the pavement, curbing, storm drainage, snow removal, sidewalks and street lights along with a Cost Summary estimating the repair of all noted defects. Staff can also discuss these findings with the engineer that Foxborough hires for their own review. The infrastructure items were included in the packet. The analysis Staff is reporting on is from now, not from years prior.

David Ley-Regarding pavement: staff recommending two areas identified be removed, the subgrade repaired and those areas repaved. Also an engineer hired to do coring testing and repairs. Staff is willing to meet with the engineer Foxborough would hire for the work.

Curbing: Currently limestone is the aggregate that was the standard back in the 1980's. The City currently requires granite. Curbs are in pretty good condition. There are a few areas needing to be patched. The curbing within the subdivision is similar to the curbing on the public streets within this area. Again we can discuss with their engineer. Storm drainage: Most of the storm drainage is public already. This is taking public water off of 123rd Street and off the public streets. Once we do that, that the storm sewer becomes public. There are corrugated metal pipe here.

Chuck Sipple-What is the life on the pipes?

David Ley-They are past their life. The City will be here in this area to remove the pipe in the future. We will be coming through this neighborhood. With the public system. My opinion we will just pick up these smaller 3 lines and do those at the same time.

Chuck Sipple-Sometime in the next five years or so?

David Ley-It will be beyond five years, we are having so many drainage problems, it will be awhile.

Scott Lambers-Being a private subdivision doesn't change the fact that it is part of the corrugated pipe replacement program because it is part of the City's stormwater system.

Drew Alingh-Let me understand that again. In fact when that did need replaced it would be included in with no additional future costs.

David Ley-We are picking up the private streets. If it is a private street draining only private water we would not have replaced that pipe. But it is not. We are not looking at a large number of pipes, we would just include the small ones. It would be best to do them all at once. It is small enough. No cost to the homeowners. We would want to look at the structures to make sure they were not in immediate repairs that are necessary just to get them. But like I said it will be beyond five years before we are in there.

Scott Lambers-Actually there will be a cost because we are bonding the roadway.

Abbas Haideri-Why were they private to start with? What is the purpose for them to be public? How soon if they do become public, how does that fall in with all the other subdivisions that we have?

Marsha Monica-We have a history of subdivisions that were private coming into the City and asking to become public. And we have accepted those, so this is not unusual.

David Ley-and that is why we are going through itemized their infrastructure. These items would have to be completed prior to the City accepting them as public. We are trying to get these issues addressed so when we do take in the subdivision it is not them calling us the next day telling us we need to reconstruct their street.

Drew Alingh-So this is the Public Works/City's attempt to review the essentials.

David Ley-Correct.

Chuck Sipple-It is not fair to the rest of the tax payers to accept sub-standard infrastructure and then have the rest of the community pick up the tab to get it up to standard.

Marsha Monica-A lot of times they would come in as private because they did not want to meet the City width standards on streets. They didn't want to meet the easement set-backs and things like that, so they could put more houses in a smaller area.

Abbas Haideri-Afraid that if we accept today, they come back and say they were grandfathered in. They chose to design themselves to that condition.

Chris White-That is a valid concern I have. That is the idea that in order to do the transition they will have to bring everything to the standards of the City in order to make that happen.

Mike Murphy-They are just inquiring at this point if it would be a possibility. We still need to present information to the Board to see if there is interest in doing this. We are here to find out what it is so that we can relay this to the Board Members.

David Ley-Right so that is why we want to go through all the infrastructure items and their condition. So you understand what the City would want to have. We can talk to the engineers to try to develop a cost associated with each.

Chris White-Thank you for clarifying that, so this is still subject to your internal discussion.

Mike Murphy-We really appreciate your help with this.

Chuck Sipple-So you can find out information and present it to your Board so they can learn this is what is involved and this is what will be needed.

David Ley-Regarding snow removal. This will not be an issue to add the area to our Snow Route as it is right adjacent to our current streets. The cul-de-sacs are different shapes, they are square cul-de-sacs, but they are larger than our standard cul-de-sacs. Snow removal will not be an issue they will notice as they hire a firm currently to do their snow removal. They probably get quick service now as they hire it. Since this is on a residential street; first we do our Arterials, then the Collectors, then we get into the residential streets. So that will take longer to get their streets cleaned than now.

Fiona Curtin-Could we continue to maintain our current snow removal or no?

David Ley-We do not have a subdivision doing that.

Chris White-Scott, is there any kind of provision made for someone to hire their snow removal to be done? On City streets?

Scott Lambers-No.

Julie Stasi-If I may add, as a snow removal call taker, we receive lots of calls when our trucks have hit irrigation lines, or mail boxes. So the only issue I see in that is taking calls for damage and not being able to identify who did the damage. The City Crews will go back and put sod in later or repair mail boxes. If it is another company that did it, that might be an issue.

Julie Cain- But we have a lot of Homes Associations maintenance providers clearing driveways. That is not the only one and they are all over the place.

David Ley-they are not clearing the streets, but they do clear the driveways.

Regarding sidewalks, there are no sidewalks within the private streets. On the public streets there are sidewalks. Staff has reviewed this. Due to the grades in between the driveways and the houses and tree locations, it would be very difficult to put sidewalks in without retaining walls and without very restrictive access to go out. Staff is okay with not having sidewalks in the subdivision as long as they are clearly aware they are not to City Standards. The City does have a policy that if they want to add sidewalks in the future that would be a cost upon the subdivision to install those.

Chuck Sipple-On those private streets how far will the right of way go into the existing front yards?

David Ley-Yes we will discuss that next.

Scott Lambers-Getting back to the sidewalk issue real quick. If there is an interest in the property owners to have them installed the benefit is that it would be included in the benefit district and all be done at once. So they would get them at an economy scale of construction and also they would have it paid off over a period of time. Where then if it all came at once. Concrete is extremely expensive. So the Homes Association should at least discuss that.

David Ley-The next item is the street lights. There are no street lights per se and they have yard lights on the front of most of the properties. Not sure what the wattage is but they sit 12 to 15 feet off the street. There are no aluminum poles, so staff would require (in comparison to a map showing our public streets continuous lighting system) staff's recommendation would be that they install a City Owned Street Light System prior to becoming public.

Chuck Sipple-Can the homes association opt out if a lighting system if they like the dark look?

David Ley-The LDO requires whether it is a private street or public street, you meet public requirements; which is a continuous street light system.

Chuck Sipple-And the City picks up the tab for this?

David Ley-No. We are looking at the existing put in by the developers, so Staff's position is that the Homes Association would hire a consulting firm to design the street lighting, and then contract it out to be constructed. And then once it is constructed, the City would accept it and maintain the system. The City would pay the electricity.

Fiona Curtin-Is there any options to that as far as the wattage and all of our existing homes.

David Ley-The post yard lights which is not maintained by the City is a concern. Would it meet the lighting requirements, and typically we do not permit that. It just cannot supply the wattage or the form ratios required on the streets. Typically they are spaced every couple hundred feet. We could give them the price per foot that we recently paid on one of our projects/a ballpark of the costs.

David Ley-The last item to discuss would be the right-of-way and this really is going to be a discussion between the City Administrator, Legal Staff, Planning Staff, and Public Works Staff as far as how to handle the right-of-way. The issue is currently the plat has a 40' private driveway. If we take that as right-of-way all the homes here become legal non-conforming lots. And present problems long term. If you ever would have to replace a home it would have to meet the current set-backs and there is no zoning district for this type of subdivision with the minimal set-backs that they have. The homes are too close to the street with a 40 foot right-of-way. We are still discussing that internally here at the City on what to do.

Fiona Curtin-Have you done this previously where the set backs are low?

David Ley-Back in the 1990's Normandy Place had 50 feet of right of way. There are some homes in there that do not meet the set-back requirements.

Marsha Monica-asked about Highlands that came in as private and are now public. Some of those setbacks from the street are really short.

David Ley-Not known what was done with them when they came in. Looks like they have 60 feet. Again this is still an internal discussion. We are trying to do the right thing so that in the future it is not constricting the people too much. But we want Foxborough to be aware of it. The discussion is still on going.

Fiona Curtin-What you are saying technically is someone's house could burn down and they would not be able to rebuild it at the same location, they would have to set it back further.

Scott Lambers-Side yard set-backs would come into play there and if they could rebuild it then they would have to shrink the footprint of the structure. Again that would need to be something your board would have to discuss.

Marsha Monica-We do have planned development communities that have smaller footprints.

Scott Lambers-Again they would need to decide for themselves if they wanted to accept that. It is a life safety issue here. If the City would want to take that risk, if something happened to somebody and a fire went next door. They could come after us and ask why we let the home be built so close. You ask why did they do this? They did it so that the developer could save money and theoretically pass it on to the property owners. The developer had a greater density and did not have to build to the City Standard by coming in as Private. That is why the City went away from allowing private streets. We do not allow them anymore.

ACTION: Abbas Haideri made a Motion to look at this assignment again after Foxborough has had a chance to gather further input from Staff for help on estimated numbers for infrastructure repairs as identified and after Foxborough has had time to meet with their property owners. If Foxborough is still serious and interested at that time, the Public Works Committee can revisit the request.

Drew Alingh seconded the Motion. All present members were in favor. Motion passed.

Acting Chair Rawlings: Adjourned the meeting at 9:20 A.M.

Minutes transcribed by: Julie Stasi, Administrative Services Manager, Sr.
Leawood Public Works Department

attachment (1): Handout map submitted by Mr. John Martin

SUBMITTED SEPT 7, 2017 by John Martin 4503 W 126 ST
 TO PUBLIC WORKS COMMITTEE MEETING
PATRICIAN WOODS

RECEIVED

SEP - 6 2017

