

STORMWATER MANAGEMENT COMMITTEE MINUTES

Stormwater Management Committee Meeting

Friday, February 8, 2008

7:30 A.M., Main Conference Room, Leawood City Hall, Leawood, KS

Committee Members		
<input checked="" type="checkbox"/> Jim Rawlings, Chair Councilmember, Ward 2	<input checked="" type="checkbox"/> James Azeltine Councilmember, Ward 4	<input type="checkbox"/> Randy Becker
<input checked="" type="checkbox"/> Carol Bussing	<input type="checkbox"/> Gary Bussing Councilmember, Ward 3	<input checked="" type="checkbox"/> William "Bill" Chiles
<input checked="" type="checkbox"/> Pat Dunn	<input checked="" type="checkbox"/> Debra Filla Councilmember, Ward 1	<input checked="" type="checkbox"/> Mel Henderson
<input checked="" type="checkbox"/> John Kahl	<input checked="" type="checkbox"/> Carole Lechevin	<input checked="" type="checkbox"/> Alec Weinberg

= Committee Member present

= Committee Member absent

Leawood Staff in Attendance: Joe Johnson, David Ley, Julie Stasi

TOPIC: PAST MEETING MINUTES-January 11, 2008.

After a review of the minutes, one edit was made; adding Scott Lambers as staff in attendance. Carol Bussing made the motion to approve the minutes of January 11, 2008, with the edit requested. Mel Henderson seconded the motion. All were in favor. Motion passed unanimously.

Member Bussing reminded us that we were going to talk about taxes and that we had not gotten to this yet. We were to talk about three items-the taxes, sewer system, ownership and repair.

Staff wanted to finish the topics from the last meeting that we didn't get covered and then we can plan out future meetings.

Debra Filla presented a letter from Susan Tomelleri of 8436 Meadow Lane and asked that it be added to today's agenda re: Drainage Concerns in northern Leawood. (Attached to these minutes)

TOPIC: UPDATE BY STAFF ON STORMWATER PROJECTS AND PROGRAMS

Joe Johnson reviewed the City's new ordinance on post construction stormwater runoff control. This is similar to what others cities have approved and probably will be approving in the next month. The ordinance is part of the requirements for NPDES (National Pollutant Discharge Elimination System) [The NPDES permit program requires all point sources discharging pollutants into waters of the United States to obtain a permit.] Cities are required under the EPA to do several things. Fortunately, we are winding down as far as ordinances we have to pass and things we have to implement. This is probably the last year we have to develop new documents and guidelines as far as ordinances and city practices. After that, we will have to follow them and document our work and provide that information to the State on an annual basis.

This ordinance specifically looks at water quantity and quality for new development and re-development. This ordinance guides developers on what they have to do. The ordinance references the BMP manual jointly produced by MARC (Mid America Regional Council) and the local chapter of APWA (American Public Works Association). Both groups are currently working on updating this manual to include new practices and improve on what has already been approved. The manual gives guidelines, engineering principals of several BMP's (Best Management Practices) that look at controlling or improving the quality of water that leaves a site.

Joe Johnson said that the biggest concern that developers have is not the initial cost, but that they are obligated from now until eternity to maintain the BMP's that have been constructed for water quality and detention. With the type of soils we have, the problem is with maintenance our certain types of natural BMP's that filter water to improve quality. It is very likely that within 5 to 6 years of operation many of these natural BMP's will have to be completely removed and replaced.

Examples where we have underground detention in Leawood would be at Price Chopper and the Villaggio Developments (these are on private property). The next step we will be taking in looking at new detention facilities is to incorporate off line systems that will pre-treat the water before being detained. This will help to improve water quality while controlling downstream flooding. On a scheduled basis, the owner would be responsible to clean out these off-line systems disposing of the material properly. This will allow these systems to function properly. Eventually the responsibility would be turned over from the developer to the association; either a business association or homes association for the continued maintenance and upkeep of the BMP's. The item of future discussions is what role does or will the city have in the maintenance of these BMP's. Depending on the BMP's, are the developments or associations going to be able to afford to keep up with the maintenance or are the cities going to chip in or take over the maintenance responsibility in order to keep them functioning properly.

Debra Filla motioned that education of this ordinance and requirement be a topic of a future meeting. What responsibility from a deeding point of view, from a real estate point of view needs to accompany a property to inform a property owner that the creek they have is part of a public utility. Collectively, can we brainstorm or talk about how do we help codify this responsibility to an individual level.

Carole Lechevin gave examples of what she knows the City of Lenexa has done to educate their community.

Pat Dunn reminded the group that he had motioned at a previous meeting to have education as an agenda item. Member Dunn agreed to conduct the next meeting with a topic of education for stormwater and put this in an organized fashion. The group was in agreement. Chair Rawlings advised that we would make this the next meeting topic.

TOPIC: UPDATE BY STAFF ON MANAGEMENT PRACTICES.

Joe Johnson explains the packet information. Basically if the area is in public right of way or a public easement, it is the City's property to maintain. If it is on private property, then it is the citizens/property owners responsibility to maintain that private system; whether it's an under ground system or if it is a channel.

John Kahl- there needs to be a methodology in place whereby the private storm water system can be converted over to a public system. Not a free ride, and a lot of details would need to be worked out. But we have situations where we need the right of way

and owners may need to bear a certain percentage of the cost. And we should have at least a certain percentage of the overall owners sign off on a petition. So there would be a major burden on the private landowner, but at the same time there needs to be a process to bring those kinds of issues into the public domain. That way if there are only two or three willing, then the city would have the criteria to say, well if you meet the criteria we've established, then we can help you.

Pat Dunn-sooner or later, these stormwater issues are going to become all public. With all the standards going in place, the city will eventually have to make sure these regulations are being met.

Carole Lechevin-Property owners can assist in minimizing erosion in their properties drainage ways including not dumping leaves or other debris. In my opinion, individuals should not be held entirely financially responsible for the upkeep of eroding creek side slopes, the cause of the erosion may originate off property.

In the future, the EPA could implement additional stormwater regulations. Our community can be proactive and anticipate future regulations that address water quality. We should consider being at the forefront of this issue rather than the tail end. Leawood can be progressive in dealing with these issues and enhance the city's desirability as an attractive place to live.

Chair Rawlings-based on the discussion would like to maybe see a five year plan or something for discussion purposes to show that we have taken an active interest and think of some of these areas that may become public at some point in time.

Alec Weinberg made the motion to have the City look pro-actively at the problem areas in the City for Leawood's future. One of our responsibilities should be to go out and identify future problem areas. Map areas that may have significant erosion or have significant choke points that we know about and be up front about it. So that when future funding becomes available, we can say this is an area we have looked at since 2008 and we can make a recommendation to the governing body about this area that should be looked at. Mel Henderson seconded the motion.

Chair Rawlings-it may be prudent for us to look at a 5, 10 year or even discuss the future as he senses we will as a City probably be responsible for this at some point in time. We should get ahead of the curve, discuss and identify the hot points.

Deb Filla suggested having a water map that indicates all the areas we have in Leawood, such as the finger-lakes and DB-24 Project areas. Areas could be marked that have already discussed or had someone come in. This would help us prioritize area and types of projects; a map similar to our street maps.

James Azeltine. The reason this has not been addressed in the passed is that we're too concerned of this becoming too much of a political issue. We need to approach this in a professional manner. It's important for us as we start this process, but the standards of ranking need to be in place first. Staff will need to tell us the things that are measurable. Funding is a separate issue, first we should look at areas and then discuss how we would or might get into cost sharing.

Joe Johnson-Is concerned that these types of projects are currently on private areas. We need easements to get in there now. Funding with public money has to be on public property. Joe pointed out a few pages in the hand out that actually are our criteria now

when we look at a project.

Pat Dunn-We should spend a meeting putting that long term agenda together. He would be happy to get up and help put it together. Debra Filla suggests sticky notes with all topics and then we can categorize all the issues.

Chair Rawlings recommends we do this at the next meeting.
All were in favor. Motion passed.

TOPIC: DRAINAGE CONCERNS IN NORTHERN LEAWOOD

Joe Johnson surveyed a few cities that are similar to Leawood in that they are developed and people come back in and tear down older homes and rebuild new ones. Some cities have minimized the percent of the lot that is covered. Others use the design criteria of the stormwater ordinance (like Leawood). Many of the complaints received are of the adjoining neighbors, complaining of changes or increased water run-off from the new addition of new construction.

Pat Dunn-does the City get into the position of getting into and in between homeowners disputes. This is no different than a neighbor sticking extended pipes out to move his water and it then flows onto the adjoining property.

Debra Filla-The issue is that many people are adding more concrete and structures that takes up pervious soil.

John Kahl-Whether it was grass or concrete, it still would have been a problem because the owner changed the way the lot grades and contours and the way the water drains. The assumption is that if the City has issued a building permit, that they have looked at the run-off affect. That there must have been an engineering review besides a grading plan.

James Azeltine-Maybe the building permit process should have this as a factor; regarding water runoff. This should be explored. Because as a city you really can't get between two property owners, but you can control the permitting side. If we can do something along this line to have more diligence on the part of the builder than we probably should.

Joe Johnson-advised that someone coming in for a single building permit for a single family is done without any requirement to go to the Planning Commission. That process has already been done with the approval the subdivision and lots. If there were several parcels grouped together for redevelopment, then yes it would have to go before the Planning Commission and City Council. The governing body wanted to know what changes we feel are needed to be implemented when someone comes in for either a major addition or a new reconstruction permit.

Chair Rawlings-We need to continue this topic at another meeting.

Meeting adjourned at 9:05 A.M.

Minutes transcribed by Julie Stasi.

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