

**MINUTES OF THE STORMWATER MANAGEMENT COMMITTEE MEETING
WEDNESDAY, OCTOBER 28, 2009**

The Stormwater Management Committee met on Wednesday, October 28, 2009. The meeting was held in the Main Conference Room at Leawood City Hall. Councilmember Jim Rawlings, Chair of the Committee called the meeting to order at 7:35AM. Committee members and staff introduced themselves.

All Committee members were in attendance:

James Azeltine, Gary Bussing, Bill Chiles, Pat Dunn, Debra Filla, John Kahl, Carole Lechevin, Jim Rawlings, and Alec Weinberg

Staff in attendance:

Joe Johnson, David Ley, Julie Stasi, Marissa Wizig

Others in attendance:

Louis Rasmussen, Councilmember, Ward 2

- **The first item of business was to approve the minutes from the last committee meeting.** Chair Rawlings asked if there were any corrections to be made to the minutes, there were none. All members were in favor of the minutes as written. No members had any corrections or objections. Motion passed unanimously in favor of approving the Minutes as written from September 30, 2009.
- **As an update to the Committee (who had selected at the last stormwater meeting the design consultant),** Joe Johnson advised that there was a contract going to the City Council meeting of November 2nd, 2009, with Continental Consulting Engineers for the design of the stormwater project at 97th & State Line Road.
- **The next item on the agenda was OLD BUSINESS regarding the channel survey behind City Hall/Edgewood.** The Design Division of the Public Works Department had surveyed the channel. Joe Johnson and David Ley described the recent survey. Notations on a map distributed were April 2009 Survey and October 2009 Survey measurements.

Discussions were of the survey and current requirements of the Park Place Development.

David Ley advised the department is going back out in the spring after the spring rains are done to look at the area again (April/May of 2010).

David Ley: Advised there has been no change from the original survey.

Lou Rasmussen: On looking at the profiles, the City's conclusion is that there has been literally no incretion and no adverse effect between the first and second survey. So Councilman Rawlings and myself can advise our constituents is that there has been literally no change in a year in terms of that bank.

Joe Johnson: Correct

Lou Rasmussen: Thank you.

- **The next item on the agenda was OLD BUSINESS regarding an update of the web page design for stormwater information.** Joe Johnson distributed a draft of pages describing the information that the consultant has put together for the new web page layout. There are hotlinks embedded on the page that will take the viewer to other locations that will educate them on various aspects of stormwater. Many

branches go off into areas of interest, such as our Green Initiative and events, our pollutant discharge requirements, City rules and regulations. Waste recycling, etc...

Pat Dunn: One of our big education thru the years to explain we do not have the sweepers out there to pick up leaves. In reading this, it is a little "too nice" in his opinion and not straight forward enough. For example where it says: "It is against City Ordinance for Leawood Residences and Businesses to dispose of leaves and yard waste in the street or drainage way." All I'm saying is does everybody know that the creeks are a drainage way? Maybe the more-straight forward way is, "You have to pick up your own leaves". The leave pick up program is "YOU". "You can't throw them anywhere." The street sweepers are not to pick them up. ... I see piles of them out in the middle of the street. Residents need to understand that leaves being raked to the street and drain are going to clog up their storm drain. Something needs to say directly to them, you have two choices, you can leave them on your lawn or you can dispose of them properly, you can't throw them into an improper place.

Chair Rawlings asked Joe to send the draft out to the Committee that would be interested in critiquing it and looking at it.

After some discussion on this it was suggested that when the department meets with the consultant again to view the web page or a mock of the web page, there may be a few of the stormwater committee members that would like to see it as well to help critique it.

Pat Dunn: Would like to recommend that we send suggestions to Joe if we have them regarding the web site.

John Kahl asked about the info regarding rain barrels and why the info said they were not allowed at this time.

Joe Johnson advised that according to the Leawood Development Ordinance or "LDO", in Leawood, they are against City Ordinance. Joe said he needed to get with the Planning Department to see what we could do, if it is out of sight (like in the back yard) is it okay?

Gary Bussing staff needs to think about who is going to maintain the web site after it is up and running. Once it gets out there it has to be kept up to date. If you cannot maintain it 24/7 in terms of content, then scale it back down to one you can maintain.

Joe Johnson. Most of our references are not going to change. We will reference the State requirements, Johnson County's and our own City Ordinances.

Carole Lechevin commented that residents are going to go to the web page in an effort to find any information that they can. That is what people are doing now. She doesn't think we should think of it as not an important part or not dedicate as much as we can to this endeavor. The web page needs to have updated information. It needs to look fresh because that's where people go for information before they make a call.

She sees "Leaf Collection Program" on here and as a resident she might think that the department is out there picking up leaves. So maybe we should rename that so it's not worded at all it confuses them with their responsibility of their own leaves. Like "drain cleaning" or something else. Remove those words entirely. Carole also said that most residents don't know that the drains drain to the creek and constitutes a creek.

Joe Johnson-advised that is one of the reasons we are trying to find pictures that illustrate pictures that will define that because it does not explain it just putting it into words.

Deb Filla-Thinks that is a good point "Leave Collection Program is-- "YOU" "

Deb Filla-One of the things she was going to mention is that the Green Committee is planning for an annual Homes Association Meeting (as they had such a good success with the recycling meeting they had). And then give an update on where they are with recycling and also talk about water conservation and stormwater. The thought is that if the web site is ready, we could use this new web site and show and tell this to the homes associations.

The other thought is coming back to John Kahl's earlier notice that we do not have permission for rain barrels. I'm wondering would we want to make a recommendation to the Governing Body that we direct the Planning Staff to amend the LDO to include rain barrels?

John Kahl the way I hear it, the objection or current rule against has nothing to do with stormwater collection it has more to do with aesthetics? Which I don't know that we are qualified or tasked to make comments towards?

Deb Filla-No we wouldn't do it we would just make the recommendation that we would like to have rain barrels allowed in the City of Leawood and then the Council would then direct the Planning staff and staff and the Planning Commission would then make those appropriate changes to the LDO to allow it with the appropriate aesthetics with what is allowable and what is not. That isn't ours to do. Is it better to do it informally or as a directive from Council.

Joe Johnson-The last time he talked to them about it, it was not allowed. He would like to know if they were out there, could they be placed in the back yard, but thinks the way the Ordinance is currently, as an aesthetic thing it is just not allowed.

Deb Filla-So are you saying staff is going to take that forward to look into it or are you saying that we need to have the council formally give a direction to have this happen?

Joe Johnson-I would think this would need to be a Council directive. I do not think they would spend the time on this unless they were advised to.

Bill Chiles-Is bothered that if you change the ordinance relative to rain barrels is you better define "what is a rain barrel". Because you will have fifty different rain barrels out here. Neighbors are going to get at each other, complaining that they have to look at a neighbor's barrel all day long. The aesthetics in his opinion is a lot more important than getting the language changed. You need to work on the definition.

Deb Filla-Yes, that is the kind of thing that the LDO concerns itself with. They determine the size and color of the item and the description.

Joe Johnson-I can talk with our Planning Department. They may say flat out "No" and then we won't have anything in the web site in there. And then when the LDO is changed, we can add that.

James Azeltine-suggested discussing it at the Green Committee and then do a Council Report and then at the end of the council report make a motion to have staff look into the feasibility and history.

Carole Lechevin-that process sounds long and drawn out. We want to get out there and do this now.

Pat Dunn-Regarding the rain barrels. I'm sure this made sense at the time when this rule was put in place like all the rules in Leawood made sense and Council over the years has considered various ones and we try to reconstruct why they were done. I hate to make it more burdensome, but I am leaning to what John said earlier and I do not see how it is a stormwater committee issue; whether we have rain barrels or not. That is a green committee issue. Because it does not effect stormwater runoff.

Carole Lechevin-I disagree.

John Kahl-It doesn't affect stormwater runoff.

Carole Lechevin-Technically it doesn't impact volume. But it is a good citizen initiative that is stormwater related.

Pat Dunn-What is the practical difference between the Green Committee recommending it and this committee recommending that Council look into it?

Deb Filla-fine, we'll take it

Pat Dunn-I'm just asking.

Deb Filla-to the point that it doesn't affect the overall stormwater, it does affect one yards stormwater. And I can give you a specific example. A house that has been redone and the runoff in that yard, now that it has a higher pitch is taking the person's rock garden and washing it down their yard. So stormwater in the great spectrum but if you want to talk about stormwater means to me and we're talking about we won't let you put leaves in the back of your yard because the effects of the overall stormwater or the effects it will have on your neighbor; that to me is, stormwater is everybody's responsibility because water comes off of your yard and what happens to it is the kind of the awareness of it is what we want to shoot for. So we're thinking as long as long as we don't create flooding then it's not a problem, if it creates flooding for my next door neighbor and my rain garden and my rain barrel could prevent that until we get to the 100 year rain, then I think that's stormwater runoff.

John Kahl-The volume of storage within a rain barrel is so infinitely small compared to the volume of the roof and so even in that kind of a small situation it doesn't really make a difference in terms of volume of runoff.

Deb Filla-Tell that to the neighbors who make these little small changes when they rehab the house next to you when they change their driveway. Tell them that that wasn't a good change. That they are just imagining that their garage isn't flooding. It happened.

John Kahl-Yes. And those changes make a difference. And my statement that it makes no difference to stormwater runoff is like it's a tenth of a percent of what comes off of your roof. So if we get an inch of rain and you have for example four barrels, those barrels are going to fill up in the first four or five minutes of rainfall. And if rains for a half hour and then everything else just runs on through.

Pat Dunn-Having the advantage of sat on Council before. My concern is with this issue is that if it does not properly go to Council, it will get lost in the debate if whether it is property reported to Council or not. It's not that it isn't an important item. You correctly stated Deb that there are four Council members here. I suppose that if the four Council members here think it's the right thing to do to bring this to the Council that would be enough to bring it to the Council. So I would ask you all, do you think this is the appropriate method to bring it to the Council? Because you are the Council.

Chair Rawlings-I think there ought to be further discussion on this and bring it to the Council after. I would need more information before something would come to an LDO vote. History of rain barrels, 55 gals, etc. Rawlings biggest concern is aesthetics and thinks it should be discussed thoroughly before a vote.

Gary Bussing-thinks it needs to come from one of the Committees as a recommendation for consideration. Thinks whether it is the Stormwater or the Green Initiative Committee he could argue it both ways, thinks the responsibility of whatever committee that brings it though they should diligently discuss, have a rationale for why it's coming. Thinks this is where the grunt work is. Whatever committee does it, that is where the work is done it's not something that should percolate up thru staff. It is his understanding that the committees are created; to be the "grass roots" to do that kind of grunt work research.

James Azeltine-Agrees with Gary Bussing. Is not sure it matters how it gets to Council. But thinks whoever refers it should have background information.

Carole Lechevin-Is that something Planning staff can assist with?

Chair Rawlings-We do not know.

Joe Johnson-The first thing is to find out if there is going to be a move to make any changes in the LDO. Whether to have this committee or the green committee go thru the whole thing just to be told we don't want to modify the LDO. My first thought would be if there is a consensus with the council that this needs to be looked at, then they need to give the directive to a committee and then investigate it and report back our findings to the Council as to the benefits and the impact. We could spend a lot of time that doesn't go anywhere.

Pat Dunn-So rather than a recommendation from this committee to have Council to look into it, what he's hearing is the more appropriate route would be a request from this Committee from a directive from Council to look into it.

Gary Bussing-You are going to need staff help. Only this council and the City Administrator can direct staff to do anything.

Alec Weinberg-Just so I understand. If you make this recommendation to Council from this committee then it would be this committee's charge to figure this thing out.

Pat Dunn-Well to give them at least enough to say.

Alec Weinberg-to figure it out to changing the LDO. To figure out the barrels and the kind...all that...according to Gary, somebody's got to figure it out is it going to be our charge?

Deb Filla-No.

Gary Bussing-Thinks what comes back from the City council is a concurrence that the issue needs to be investigated. Direction to staff to support the committee in gathering information and promoting the discussion and recording the discussion etc.

Alec Weinberg-Because we got in trouble one time about having staff do stuff for us.

Gary Bussing-Yes. There are fifteen standing committees in the City. You can't have every committee asking staff to do things or they can't get their regular jobs done.

Carole Lechevin-It is important to note that our paid consultant is suggesting rain barrels in the web site. So there is a stormwater connection there.

Joe Johnson-there are two issues with this. There is the issue of updating the LDO; which goes through the Planning Commission. So it's not just a recommendation

coming back with us saying yes it's great, do it. After that it's another 6 to 9 month process to go in and modify the LDO. It goes to the Planning Commission. After the Planning Commission approves it moves to the City Council. Then the City Council adopts the LDO. It's not just a recommendation from a stormwater committee and the council approves it and it's done. It doesn't happen that fast. The information that we would bring back to the Council would be here are the benefits if you use rain barrels. Here is what it can do. That would be the extent of it. After that, the Council would have to say; Yea there is some merit in it. Then they would have to have the Planning Staff go in and look at what changes would need to be made to the LDO and then bring that back. That process would go to a public hearing. That would go to the Planning Commission and then move to the City Council for it's approval to be adopted.

John Kahl-Made the motion that this issue of rain barrels not being allowed in the LDO be brought to the attention of the City Council and that the City Council assign to both the committees (Stormwater and Green Initiative Committees) to research this issue.

Deb Filla- Seconded the Motion.

Members in favor of the Motion were: Bussing, Azeltine, Kahl, Lechevin, Chiles, Dunn and Chair Rawlings

Member Weinberg opposed the motion. **Motion passed**

Chair Rawlings asked Alec Weinberg if he might explain his reasons for opposing the motion if he would share them: Alec thought the matter was an aesthetic issue/Planning Dept issue that they could figure out. And it can come from the Green Committee because it is a Green initiative that has nothing to do with stormwater and is outside our field. If we recommend it, his worry is that we are discussion 25 gallon barrel and the color for 6 months and it could get to that.

- **The next item on the agenda was Public Education Discussion Update**

Deb Filla spoke about the item and said one of the Green Task Force goals was conservation of water and to that end, a focus on Stream Teams. We have a stream pick up program that goes on in the spring along Tomahawk Creek. This is sponsored by the Parks Dept. Leslie Alford with the Blue Watershed Association has been in and shared information with some of us. There are teams that come in and take samples and look at the quality of the water in the creeks and streams. Stu Sharp and fly fisherman, trying to get folks that are interested in streams. The thought is to see how it is all related. How the trash flows down streams from the pesticides and herbicides and everything. The level of awareness about stormwater can be greatly heightened in this program as well. From my personal experience as well.

The education we have as an opportunity of Stream Teams would be fun for the kids in our neighborhoods in monitoring their stream and an event for us for the conservation to understand water and know what's in it and become aware that your back yard stream is now part of stormwater.

Deb asked if anyone would like to be involved in the Green Task Force. She is not sure yet what all the street team would involve, it might be just anyone here that wants to be invited to one of their meetings. There might be a sub-committee meeting. You might just get updates. Asking you individually and as a committee for anyone's interest. We would be working in conjunction with the Blue River Watershed Association (BRWA). She was hoping an Eagle Scout or someone like that could make this a project.

James Azeltine-Also suggested a junior member from a high school or middle school.

Staff also asked Melissa Wizig if maybe she might know an Eagle Scout that may be interested; please ask. Please if anyone is interested in a STREAM TEAM PROJECT, have them contact Councilmember Debra Filla at Leawood City Hall.

- Due to the holiday schedules, the November and December meetings will not be held unless there are definite assignments from the City Council.
- Joe reminded the group that he is cooking for the Department and the Volunteer Committees on Friday, October 30th at the Public Works Facility at 14303 Overbrook Road. Please join the Department if you can in appreciation of all your hard work throughout the year in support of the Department. Thank you.
- Chair Rawlings adjourned at 8:35 AM.

Minutes submitted by Julie Stasi
OLYMPUS file recording DS300073