

## MINUTES OF THE STORMWATER MANAGEMENT COMMITTEE

Wednesday, February 29, 2012-Leawood City Hall, Main Conference Room

### COMMITTEE MEMBERS PRESENT:

Debra Filla Councilmember Ward 1, Acting Chair  
Pat Dunn  
Skip Johnson  
John Kahl  
Carole Lechevin  
Mike Levitan  
Alec Weinberg

### COMMITTEE MEMBERS ABSENT:

Jim Rawlings, Councilmember Ward 2 and CHAIR  
Gary Bussing, Councilmember Ward 3  
Julie Cain, Councilmember Ward 4

### STAFF PRESENT:

Joe Johnson, P.E.  
David Ley, P.E.  
Julie Stasi

### GUESTS: (by order of sign in sheet)

Miriam Thompson, 8708 Cherokee Lane, Leawood, KS 66206  
Don Thompson, 8708 Cherokee Lane, Leawood, KS 66206  
Cynthia Pitts, 8701 Ensley Lane, Leawood, KS 66206  
Rick Mason, 8701 Ensley Lane, Leawood, KS 66206  
Marilyn Youll, 8711 Ensley Lane, Leawood, KS 66206  
Lisa Nelson, 8740 Ensley Lane, Leawood, KS 66206  
Bob Zyck, 8710 Ensley Lane, Leawood, KS 66206  
Jim Hibbert, 3220 W 88<sup>th</sup> Street, Leawood, KS 66206

**Due to the absence of Chair Rawlings, Councilmember Debra Filla chaired the meeting and called the meeting to order at 7:37AM.**

**TOPIC: Meeting Agenda**

**ACTION:** Debra Filla requested to add to the Agenda under New Business a discussion about piloting a "Green Street".

Skip Johnson Motioned to revise the Agenda to Deb Filla's Request.

Pat Dunn seconded the Motion. Motion was approved by all attending members.

**TOPIC: Past Meeting Minutes**

**ACTION:** Alec Weinberg Motioned to approve the September 28, 2011 Minutes as written.

Pat Dunn seconded the Motion. Motion was approved by all attending members.

**TOPIC: Review Report from Phelps Engineering concerning Leawood Heritage Subdivision storm drainage.**

Joe Johnson Gave a history explaining the City started looking at the Leawood Heritage Subdivision back in June of 2010. The City was doing street reconstruction and had put in a storm sewer to collect water off of some ditched streets that would end up tying into a system that drained through the open channel in Leawood Heritage. The City hired Phelps Engineering to take a look at the work we were doing and look at the impact (positive or negative) that the new storm sewer system would have on the open concrete lined channel. Phelps is also the company that was working on a flood study in the same area.

The Flood Study indicated that several homes along the concrete channel would flood when we had Phelps do an engineering analysis. We asked them to take it one step further and look at some improvements that could be done in the area to prevent the homes from being flooded in a 100 year storm.

We met with homeowners June 15, 2010, at a public meeting. After that the item was referred to the Stormwater Committee in August 2010. We looked at several different scenarios and the residents were also invited to that meeting. Staff was asked by the Committee to do a public safety project. At the time there was not a good consensus with the property owners on whether we should enclose the channel or modify the open channel. Nor was there any one particular improvement favored over the other. So staff was asked to do just do a safety project and look at Cherokee Lane and Ensley Lane and replace the box culvert to eliminate the street flooding and see what positive impact that may have to the adjacent homes.

Staff had Phelps look at that, and the result was it did not do much in the way of improving the flooding. The way the land is, the street would still flood. So just replacing the box would not do much. Staff then decided to look at improving the box more and see if this could become a SMAC (Stormwater Management Advisory Council) Project through the County. We met again with Phelps and had them do a study (one that would meet with the County's guidelines for SMAC Projects). Three options that were investigated and submitted to the County: Option 1 was to buy out those properties that flood (8 homes), and do improvements. Option 2 was to modify the box and the open channel from a trapezoidal to a rectangular channel and buy out 1 property. Option 3 was to completely enclose the channel.

Joe Johnson advised if a project is approved by the City for this, this would not be a project for 2012. If this was approved by the City, then as we work on the Capital Improvement Program for 2014-2018, we would be inserting this project into the CIP and determine what year funding would be available for the City. At the same time Leawood would work with Johnson County in order to match with them to make sure we had our funding at the time theirs was available.

The County has advised they would approve Option 2; which is the least costly for both Leawood and to the County. If that option was approved, then Leawood would send a letter to the residents and meet with the property owner of the one buyout property. Leawood has never bought out a property before and it is foreseeable that we would want the owners to be in agreement with this option.

Carole Lechevin asked about maintenance expectations with the options presented and where is the water going to go if there is a 500 yr flood?

Joe Johnson advised the maintenance is a responsibility of the City no matter what. Does not have the flood study with him but it does a better job now of predicting where the water is going to be. This does not reflect what the new limits would be. With the improvements closed or open, we would have them look at it again to see where the water is expected to lie. The close channel does a better job, but we could create a swale on the top of the box if that option was chosen.

John Kahl. Flood Plain free boarding is calculated to a point, but the math to get there is a little fuzzy. Wave action can cause the elevation above the calculated flood plain that you want everything to be at.

Joe Johnson advised cities have different requirements; FEMA has one foot on new construction. In the City of Leawood, we have a minimum of two feet and we have the two feet from years ago because of the former inaccuracies of the flood studies. If you are going to build a new structure next to a flood plain, we would rather give you as much assurance that you are not going to flood. However when you look at a flood plain, FEMA determines whether you are in it or out. As long as the lowest adjacent grade (basically the dirt next to your house), as long as it is above their 100 year flood elevation, the structure is out. So if it is 800.10 and the flood is 800.0, you're out. We have not gone back in and remodeled the area to see how this specific improvement effects the flood elevations. The consultant is making a general comment that there may be two homes that would not have a one-foot free board after the project and we would submit a waiver for that. And from the County's point of view, that is something we have done in the past.

Joe Johnson answered a question about the requirements apply to all the options here; not just to the third option. Advising the third option takes the 100 year flood underground. So all you deal with after that would be the surface flows that are coming from the homes that back up to it.

John Kahl; comments on options presented:

Option 1: Would be surprised if anyone has any strong interest in this option. This is primarily a home buy out with enough structural improvements to keep the road safe. So many homes are affected and he is assuming everyone in the neighborhood likes it there and they are not really looking to get bought out.

Option 3: The enclosed system, is \$ 2+ million more than Option 2. Even if the County would participate fully in that cost the additional City share would be about \$100,000 more than the value of the home that we are saving. (valued around \$420,000) The additional cost of the City (not the overall cost) would be \$580,000 or so dollars—or about \$160,000 more than the value of the house just to enclose the entire system. Not sure how we could recommend Option 3 just because there is a substantial cost difference for a relatively little rate of return.

Joe Johnson- If the residents here are more comfortable with one of these options and would like the City to move forward, then the Committee can make a recommendation. We would send a notice to all the property owners with the same information and advise if one of the options was a favorite of those residents in the meeting. And that this option/recommendation would be going to the City Council and at that point we could start working with the property owners. That way, residents can come to the Council Meeting and express their like or dislike and let the Council make the final recommendation on what staff will do.

John Kahl-If the Council were to go with Option 2, that leaves that home in limbo until the future. Because they can't sell it if they wanted to move until the City is willing to move forward (because who wants to buy a house where the City is going to turn around and buy out a few years later). If that were the direction recommended to be followed, would it be possible to not wait two or three years and move forward on the acquisition of the one property? If that is the desire of the property owner impacted by that? Could that part of the project be accelerated, if the direction of the project is to follow Option 2?

Joe Johnson- The Council could always make that decision. Not sure how the County would look at it. Without having County Funding, then the City is out 100% of the cost.

Pat Dunn-Thanks John Kahl for asking the questions he had. Wants to point out to the group that the Committee can make any recommendation they want to the Council. The Council can do with it what they want, but if they know what our direction is on it, we do not have to be bound by what we think the Council may or may not do. We can recommend it anyway we want to recommend it. Say what you think is most appropriate.

Resident-asks if there is an Option 4 of doing nothing? Has lived next to the stream for 40+ years thinks the water has been in a couple of the homes twice during those 40 years. But the five or six homes mentioned in Option 1, he does not believe they have ever had close to having water in them. Maybe with the Plaza Flood years ago a couple homes had water in them but many more have had sewer back up, but not water from the creek into their homes. We're talking about a lot of money for not a very big problem-personally.

Joe Johnson-Said there is always that option.

John Kahl- have any of the homes sold recently? He asks because even if the houses have not historically flooded, if they are in flood plain; if any of the owners want to move forward and sell that could potentially affect the value because now it is in a flood plain and the possibility is there.

Residents- Pointed out a couple that have been on the market and sold and how one sale was lost due to the knowledge of the flood study. But it is now in the flood plain.

John Kahl-If the County and City couldn't come through and fund a project until 2016 or 2018, we do not know how the residents out there will feel. Or even if the residents will be the same residents then. We may have some monster flood come thru there and everyone will feel differently who now is saying they don't see the water.

Deb Filla-We have experienced a 100 year flood and this depiction is for a 100 year flood. Is wondering why these folks who are all living there are saying it hasn't been a problem and our map is showing all these people being flooded. These two pieces of information do not add up, so why is that?

John Kahl-It is possible we haven't had the 100 year flood in that watershed since those houses were built. We had the Plaza Flood and the October 1998 Flood. We had big rains, but rain does not fall uniformly everywhere. So while it may have rained hard in those years somewhere, it's possible this watershed came up a little shorter than others. It is an inexact science. The flood plain is not a gauged stream it is based on what they call synthetic hydrographs so it is set in a region with an expected type of intensity and duration so it is a calculated storm as opposed to an actual happening.

Deb Filla-One more question. It is not technically in a FEMA Flood Plain now.

Joe Johnson-Not yet.

Deb Filla-You are saying it will be by when? If ever?

Joe Johnson-Generally FEMA takes a look about every ten years. There is not a requirement when you purchase a home that you have to have flood insurance because it is in a non-regulatory flood plain. But it has been identified by FEMA, so when you pull out a FEMA map, it will highlight the area in a light gray where flood plain elevations haven't been determined, but it has been mapped. So theoretically you would disclose that. ZONE AE is a 100 year flood plain where 100 year elevations have been determined. Zone A is a delineated flood plain, not regulated by FEMA and they have not given flood plain elevations on their maps. You can go into the documents and see the profile of the creek and see what the flood plain elevation is, but it is not an elevation on the map. You should disclose that there is a potential in a 100 year event. But there are no FEMA requirements because it is in a non-regulated federal flood plain.

Alec Weinberg-Recalls from the public meeting there were home owners who were concerned about the level of flow that was adjacent to their home and erosion. Are any of them here now and is that still a concern now?

Resident advised he was one and they had a couple events where the water took out rail road ties and their garden. And the house is in the 100 year flood plain. We have also had a couple dry years.

Alec Weinberg-so some folks have an issue and some do not, but all are affected by the project.

Resident comments that there are advantages to enclosing the whole thing if we are going to do the project at all. The aesthetics would be improved and the neighborhood would have advantages. If you do not enclose the entire thing, then the width doubles and it's in the middle of a few yards, it sounds like it would look pretty ugly, not being enclosed. You're talking about doubling the width of an open channel in my yard and in another persons' driveway.

Deb Filla-So it seems after discussion, that we are thinking that it may be the most economical to do Option 2, or do nothing. There are also a lot of other stormwater issues throughout the City, our infrastructure and backlog of structures to fix. Streets, gutters/curbs, a lot has to be considered.

Pat Dunn-If we start making recommendations based on what the council might or might not do, then I do not think we are doing our job as a Committee. The City has a responsibility to be pro-active in dealing with stormwater issues. Does not see an alternative here except to recommend Option 2 maybe with a caveat about the buyout. If the Council wants to make a political decision based on people's personal opinions right now, it is up to them to do that. I don't think it's responsible for the City to ignore its stormwater responsibilities and say I don't want to go forward because people don't like it. Understands it is difficult for everybody involved. There is never a time when you will reach a consensus between everybody. Feels very strongly it is the responsibility of the Committee to make recommendations based on what we see to be the City's responsibility to deal proactively with stormwater issues in the most cost effective and efficient way possible.

**ACTION:** John Kahl Motioned for the Committee to recommend to the Council that the City approve Option No. 2 of the Phelps Report (which includes the buy-out of one (1) property); working to program the project in the next 5-year CIP Program with also considering to acquire the one property sooner than the anticipated construction if it would be helpful to the homeowner.

Pat Dunn seconded the motion.

Members in favor: Kahl, Dunn, Levitan, Lechevin, S. Johnson

Members against: Weinberg, Filla.

Motion Carried.

Opposition comments:

Member Filla. Feels it is a situation where more dollars are being spent for minimal value in terms of overall stormwater project. Member Filla is glad we are going to go ahead put it in the que even though she is voting against it, but thinks it will need to be prioritized against other stormwater projects, and that is the right thing to do.

Member Weinberg. We will put all these people in limbo for probably 4 or 5 years and the ability for them to move or sell their house is really in jeopardy. The cost benefit of what we are doing here for one or two properties (no offense) is a lot of money for no payback.

Pat Dunn-This will put it in programming. If we wait to start programming until five houses flood, then they will be waiting another five or six years for something to happen. We should get the programming started for something the City has identified as a highly likely potential area of problems. If we do not get started now, we are just putting it off. If we wait until it floods, we will not have 2 million dollars to deal with it at that moment.

Joe Johnson advised a letter would be sent to property owners advising of this option, or the option to do nothing. [Staff anticipates an April 2<sup>nd</sup> Council Meeting for this agenda topic]

**TOPIC: Discussion of Piloting a Green Street**

**ACTION: General Discussion**

Joe Johnson would like to know if there is set criteria for selecting a street to be a green street. So we could look at our streets and identify any that would meet the criteria.

Pat Dunn said he would be very pleased to get that direction from the council, to look into this further.

John Kahl advised he would be glad to study this topic or have the Committee research the topic, if Council thought this was a viable application for Leawood to pursue- or if it had immediate or motivational benefits, but not until this topic is assigned to the Committee and direction is given by Council. Understands why Portland is doing it and why Kansas City is doing it. Not saying it can't be done, but not sure Leawood has an immediate cost savings to doing this. Would be glad to look at it if it was an assignment or desire by the City Council.

Mike Levitan agreed with that assessment.

Alec Weinberg said he has not settled in his mind to do the green street approach in Leawood. Understands them ecologically.

Skip Johnson commented that he's seen it done before, but when the maintenance is not followed through they have been removed and taken back to what they were before.

Debra Filla said she agreed we would want to involve the Homes Associations/property owners.

**Meeting adjourned at 9:00 AM.**

Minutes transcribed by Julie Stasi, Leawood Public Works Department