

# MINUTES OF THE STORMWATER MANAGEMENT COMMITTEE

Wednesday, March 27, 2013-Leawood City Hall, Main Conference Room, Leawood, Kansas

## COMMITTEE MEMBERS PRESENT:

Jim Rawlings, Councilmember Ward 2 and CHAIR  
Julie Cain, Councilmember Ward 4  
Debra Filla Councilmember Ward 1  
Pat Dunn  
John Kahl  
Carole Lechevin  
Alec Weinberg

## COMMITTEE MEMBERS ABSENT:

Gary Bussing, Councilmember Ward 3  
Skip Johnson

## GUESTS:

Glenn Hermreck, 15310 Sherwood, Leawood, KS 66224

STAFF PRESENT: Joe Johnson, David Ley, Julie Stasi

**Chair Jim Rawlings called the meeting to order at 7:33 AM. Attendees introduced themselves.**

**The first item on the Agenda was Old Business, Review/Approve previous meeting Minutes.**

Member Filla advised Staff of a typo on page 2 of the draft. With the wording change from “recommendation” to “recommend”; all was in order.

Pat Dunn Motioned to approve the Minutes from October 31, 2012, with one correction as noted. John Kahl seconded the Motion; all attending members in favor. Motion passed.

Chair Rawlings- Under **NEW BUSINESS**; we have three items, the second item we are going to move to the first. We will allow Glenn Hermreck; in the interest of time we will allow his agenda item to go first.

### **15310 Sherwood-Request for Home Buy Out:**

Chair Rawlings asked Joe Johnson to give a history of the assignment to the Committee.

Joe Johnson advised the house at 15310 Sherwood was constructed back in 2001-2002. At that time the City was working with Johnson County. They were updating the flood plain maps and at that time we noticed that whenever the new maps were to be adopted the home would be in the flood plain. We tried to work with the builder to make changes to it, but since the official maps showed it out the flood plain there wasn't a whole lot we could do with it. So the home got built and then Mr. Hermreck after completion of the home, purchased it and I don't think the builder informed Glenn of what the issues were. So Glenn bought the house. Several years later, we had some pretty good rains, and the basement of the home flooded.

Since that time, the resident has been trying to work with the City, the County and the State to try to figure out how to mitigate the flood, whether to do improvements on the golf course and actually we looked at what that would do to try to bring down the flood plain. Basically it meant regarding/cutting a big swath down the tenth fairway which was something the City wasn't going to do and ruin the play of the golf course there.

The second option Glenn looked at was to see if there was a program to do a buy-out. In talking with the County we discovered the State has a program which they work with FEMA to do buy outs. In order for that to move forward, someone has to sponsor the applicant. It is a 75/25% between the State and the other party. Back in 2009, Glenn approached the City about whether the City would sponsor the application. At that time, his request

was for the City to match with the 25%. The City said no, were not going to do that (we don't do that). We tried to look at the purchase of the house through the Johnson County Stormwater Management Program. But since it's a single home, it didn't meet the minimum points required. The project did not add up to enough points to participate under SMAC.

Time has gone by and the resident has been working with the State. A couple months ago Mr. Hermreck returned and met with Chair Rawlings and myself to talk about this again and see if the City would reconsider with the caveat that the resident would not ask for the 25% match from the City. That between him and the lending institution, they were going to cover the 25% match. I spoke with Charlie McGonigle with the State about this whole thing. The States indicated based on their information submittals so far with Kent at the County, the benefit/cost ratio was such that it would be an eligible project from the States point of view. The State gets their money from FEMA. Right now there is no money from FEMA. For them to get money would require some sort of natural disaster in the State of Kansas-- for it to be federally declared and then FEMA would pump in money to it and then once the disaster is done, whatever money is left over could then be used to fund projects like this. And the State probable has several projects similar to this and then they would take the excess funds and look through the list of projects to fund.

If the Committee and the Council decides to sponsor this, what we would end up doing is working with the State, getting all our ducks in a row, getting all the information to the State. The State would then review it, say, yes and put it on a shelf. And then at some point when there were funds available then the State would pull those out, go through the list, prioritize them and then fund them as they could.

I did talk with Charlie about two weeks ago. And he said the State does have a project that is using emergency funding. He did call and ask where we were with this project because, he said there is a 25% probability that this project would not go through. And they are looking for another project to take advantage of these funds. And he wanted to know from the City's point of view, is this application, the City would be willing to move forward with. I told him there is not any money being requested from the City, so the likely hood is that it may be favorable for the City approving it. So there is a slight possibility that there may be money now instead of a year two or three years from now that they could use for this. What would happen: we would make the application for 75% funding. Within the funding there is cost for closing costs, demolition, grading and restoration of the property. We would make the application, the check would come to the City, we would hold out a certain dollar amount to cover those identified costs. The resident would get the rest. The City would do all of the administrating to hire a contractor to demo the house, re-grade and seed the yard. After that the property is the City's. We would hold funding out for that and administer that part of the project and if there were any funds left over, we would take a look at where we are with the 75%. We could not give the resident any more or spend any more than 75% of the value. So if we held out \$50,000 to do the cleanup work, and that is what it was estimated at and it came in at \$40,000, then I think that \$10,000 goes back to the State. We would have to work with the State. From what the State told me, we cannot spend any more than 75% of the value.

Julie Cain-What value? Is it the Johnson County Appraised Value?

Joe Johnson-Yes. It is the Jo. Co. Appraised Value of 2008.

Glenn Hermreck-The appraised value before the flood had taken place. The value before any disaster is what it is set at; which is very reasonable.

Joe Johnson-Shows a list of expenses that was submitted to the State years ago and the GIS map of the lot.

Jim Rawlings-Will the closing costs be the City's because the property will be deeded over to the City?

Joe Johnson-Correct. The City will end up with the property. It is in the Flood Plain. There is not a whole lot you can do with it. But we would have the ability to make it a pocket park, or just grade it out and seed it. You

could have it as a lot next to the golf course.

Chair Rawlings-Glenn, do you have anything to add in regards to what Joe has explained?

Glenn Hermreck-No, Joe has been very thorough and captured everything as it is.

Chair Rawlings-You have left the house?

Glenn Hermreck-No, we are still living in the house.

Julie Cain-Did it only flood once?

Glenn Hermreck-Water got in the basement once. There was flood up around the house probably three different times. In 2008 oddly enough, a 3 ½ inch rain put water in the basement. The rip rap of the creek up and down stream made the water come out faster. Of course there has been a drought the last couple of years or now so.

John Kahl-Have we as a Stormwater Committee seen this before? Back in 2009, did this come to us?

Several talking at once-Some thought it had, others not.

Glenn Hermreck-It was certified to be in the Flood Zone August 4, 2009.

Joe Johnson-No, as a Stormwater Committee, I do not think the Committee has seen it. We (Staff) had met with the City Administrator, Scott Lambers and our City Attorney, Patricia Bennett on this and it was decided we were not going forward as an assignment then. The flooding issue may have been discussed but this request had not come to the Committee. We have had houses on Hole 13, this is on Hole 10. (Joe shows the map of the green, street and the area of the lot). The size is close to a 1/3 of an acre. In looking at the other lots, it looks to be a lot and a half.

Joe Johnson-(Restated that he had talked with Charlie at the State). If the City is on board, then he will give him a call and Joe would then work with the State in getting the documents finalized. He may have most of it done, just waiting on formal approval. Once and if that happens, they can move forward. There is an outside chance there may be funding real soon if not, they would shelve it and then when funding became available, they would pull it out and review it along with other projects they may have submitted for funding.

John Kahl asked if there was any possibility of the County funding or sponsoring this like a project they did back in 1995 or 1996 for the City of Merriam.

Joe Johnson advised-No. That we have spoken to everyone at the County and there are not multiple homes in this instance and that there is no offer from the County to have a project on SMAC for this incidence.

Jim Rawlings-asked before voting, if there were any zoning issues we foresee, after this lot would become a property of the City. Would it be possible to put a pocket park in this residential area?

Joe Johnson-Generally residential zoning is considered. It would allow for a pocket park.

Jim Rawlings-And the next question; generally our policy is not to buy out homes, but we are looking at this as an individual situation with special kinds of funding, so that would remove us in setting a precedent?

Joe Johnson-Really not setting any precedent because the City is not spending any funds on it. The house itself and the condition would have to merit a threshold for it to be considered for the State and FEMA.

Julie Cain-Do we know that the HOA doesn't want that corner as green space and absorb it?

Joe Johnson-With Federal Dollars, once we buy it, it's ours. We can't sell it.

Julie Cain-Not even give it to them, so they could make it something?

Joe Johnson-Could talk with the State but he does not know about that. From his understanding, it's ours (the City's) and it stays that way.

Debra Filla-Could we just ask the contractor or whoever is removing the structure that any items that could be

reused be salvaged?

Joe Johnson-Yes we would invite items to be salvaged.

Carole Lechevin-Would there be any cost sharing available for that lot (as it is in a flood area now) to become a BMP?

Joe Johnson-I do not know. In any flood event, it's three (3) feet under water.

Pat Dunn - Motioned the Committee recommend to approve the City sponsorship (at no cost to the City) and sponsor the residence in their request for a buy out from the State Program.

John Kahl seconded the Motion, all attending members in favor. Motion passed.

Staff advised the resident this would be submitted to the April 15, City Council Meeting and asked Mr. Hermreck to attend the Council Meeting if possible.

**The next item of NEW BUSINESS: Corrugated Pipe Replacement Update.**

Joe Johnson-The City has a lot of corrugated pipe. This year, one of the goal settings for the City Council it was requested that Public Works do an annual update with the Stormwater Committee about where we are with corrugated pipe. In the write up in your packet, we started to about 110,000 feet of corrugated pipe and we are now a little over 107,000 feet right now. We have replaced over 2200 lineal feet of pipe. Most of the pipe is replaced through the 1/8 cent sales tax, and when we do our residential and arterial street mill & overlay program. We replace the pipe that runs under or parallel to the street.

Pat Dunn-Just a question before you get into all of this, why did the Council want us to have updates on this?

Debra Filla-Because we do not have funding for all of this. So when and if we get into a big problem, if we haven't been planning for it we need to be prepared. It came up in a discussion when we were planning our five year Capital Improvement Program. We hear about this problem and then we look at the 5-year CIP, and there is no mention of it. So we are asking, what happened to that problem that Joe told us about?

Joe Johnson-Just to update the Committee and if you have any recommendation or something you might think should go in a different direction, we wanted the Committee to look at it and see if there was something that might need to be recommended to do to help or something different that what has been done in the past.

Joe Johnson-We have talked about, when we finished our stormwater study, we talked at the council level that we have about 110,000 feet. And when we looked at an average cost, we were seeing \$300 to \$330 per foot. So that is \$30 to \$33 Million dollars we will need to repair. I kind of shocked everybody with that. I think the intent is once the City is done with the curb replacement program, (the \$20 million dollar project), that this would be the next big thing that is reviewed on how to debt finance these repairs. Joe shows a map of all the areas needing repair.

David Ley-Installations were 40 to 50 years ago. Back in the 1970's was when most of the corrugated metal pipe was installed in Leawood. We changed the regulations in 1985. It then had to be concrete pipe.

Joe Johnson- In 1996, the City completely outlaw corrugated pipe. Little pieces in the north end of town. Mostly now we have large areas in the south end of the City. When we do our road projects, we can look at making it part of the projects with the road and replace a lot of the pipe, in those areas we may already have the right-of-way. In many of the residential areas, we will have to make it a stormwater project. We have the 1/8 cent sales tax, but it gets bounced back and forth for different things. So it will be really hard to tackle this unless we have a specific funding source. We have many areas that are not on the radar where road projects would take care of some of it, so some areas may be 20 or so years out if nothing is reserved for replacing this pipe. For the most part, 90% of the current pipe out there is failing. The bottom is gone in most of them.

Pat Dunn Motioned the Committee recommend the City Council continue to be pro-active in fixing these situations of failing pipe; instead of just fixing failures when they happen. There is no question that it is in the best interest of the City to be pro-active in these repairs.

Alec Weinberg seconded the Motion; all attending members in favor. Motion passed.

**The next item on the Agenda: Johnson County SMAC BMP Cost Share Program.**

**Previously discussed, however we had to wait for the Leawood Development Ordinance to be revised to allow rain barrels in Leawood. Now that they are allowed, we can move forward in this discussion.**

Joe Johnson spoke to the Committee and explained where the current cities that are participating in the program, the majority of their money is going; out of 171 projects, 160 are rain barrels.

Deb Filla advised that they had purchased a rain barrel (sometimes called “Lily Retainers”) for one of the speakers at the Homes Association Meeting and then one to give away as a raffle. Currently they are offered “while supplies last”. It is a good thing to promote.

Alec Weinberg Motioned to accept the proposal on BMP Cost Share Program and ask the Council to move forward in participating in this program.

Pat Dunn seconded the Motion; all attending members in favor.  
Motion passed.

**Chair Rawlings adjourned the meeting at 8:45AM.**

Minutes transcribed by Julie Stasi

Administrative Services Division  
Leawood Public Works Department