

# MINUTES OF THE STORMWATER MANAGEMENT COMMITTEE

Meeting of: Wednesday, January 31, 2018  
Leawood City Hall, Main Conference Room

## COMMITTEE MEMBERS PRESENT:

James Azeltine, CHAIR and Councilmember Ward 4  
Lisa Harrison, Councilmember Ward 3  
Skip Johnson  
John Kahl  
Jim Rawlings, Councilmember Ward 2  
Curt Talcott  
Carole Lechevin

## COMMITTEE MEMBERS ABSENT:

Debra Filla, Vice Chair and Council Ward 1  
David Lindley

## STAFF PRESENT:

David Ley, P.E., Interim Director of Public Works/City Engineer  
Shelly Rexrode, Administrative Assistant, Public Works Department

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

Susan Nitsch, 3200 W 82<sup>nd</sup> Terrace, Leawood, KS 66206  
Paul Wrablica, 3015 W 82<sup>nd</sup> Street, Leawood, KS 66206  
Mike King, 3207 W 82<sup>nd</sup> Street, Leawood, KS 66206  
Alan Sunkel, 3213 W 82<sup>nd</sup> Street, Leawood, KS 66206  
Mary Nolan, 3213 W 82<sup>nd</sup> Street, Leawood, KS 66206  
Lauren Conderman, 3201 W 82<sup>nd</sup> Street, Leawood, KS 66206  
David Conderman, 3201 W 82<sup>nd</sup> Street, Leawood, KS 66206  
Greg Wilson, 3228 W 82<sup>nd</sup> Street, Leawood, KS 66206  
Tim Miller, 3225 W 82<sup>nd</sup> Street, Leawood, KS 66206

**The meeting was called to order at 7:30 AM.** Chair Azeltine began introductions. Committee Members and staff introduced themselves.

## **FIRST ITEM OF BUSINESS: Previous Meeting Minutes**

**ACTION:** Lisa Harrison made a Motion to approve the past Minutes of November 29, 2017.

Curt Talcott seconded the Motion to approve. All members in attendance were in favor. Motion passed; Minutes approved.

## **SECOND ITEM OF BUSINESS: Discuss Dykes Branch Creek between 82<sup>nd</sup> Street and 82<sup>nd</sup> Terrace from Wenonga to City Limits.**

David Ley – Today's discussion is about an unimproved creek that's located in the very northwest corner of the City of Leawood, it's west of Wenonga, and it's sandwiched between Prairie Village and Wenonga as you can see on the map. The drainage area is about 1.3 square miles and goes down in these rear yards, the white is the city of Leawood limits, the green is Prairie Village, and the orange is Overland Park. So just to give you a scale of how much water is actually flowing down between the rear of the yards, here's the floodplain map. This is the FEMA flood plain, show there's one property at 3225 where the flood plain is adjacent, right up on the house and the other areas the flood plain is away from the homes. Residents came to City Council a few months ago to request that we discuss looking at the erosion concerns and some flooding concerns that they have. I do have some pictures that we can share so this is on the Wenonga bridge, that's downstream from Wenonga bridge down to about Lee Boulevard ten years ago the City did a project DB24 where we did a bunch of flood benching and stream improvements to lower the flood plain elevation to element the flooding of some of those house. So this point was the upstream end of that project. The City recently came in and had to have this channel redone on the bottom because of the flooding that occurred in July it damage the floor. So I took some pictures to show where some of the erosion you can see along the trees and behind this

wall, this is just upstream of that bridge and this is looking to the west, this is looking upstream and you can see some erosion behind the wall.

Chair Azeltine- Let the record show John Kahl has arrived. Welcome John.

David Ley – So a little bit further upstream again we have some, it looks like a little bit of erosion there around some trees. This point here that's the storm sewer that comes out that drains the neighborhood to the north.

Chair Azeltine Did we put that in? What about the wall?

David Ley - We put, we did that about five to ten, and I think it was 7 yrs ago approximately.

David Ley - There's a storm sewer pipe that discharged at this location. This is rip rap to protect that end structure.

Chair Azeltine- What about the wall along the creek? And that extends through how many properties?

David Ley - The walls are all private so those were, all the walls that we see have been constructed by the property owners. I would have to go back and look on that map, there's nineteen letters so approximately nineteen properties. Our improvements for DB-24 stopped about right here, so this is, the city maintains this section from this point which is a couple hundred feet west of Wenonga to Wenonga.

David Ley This is a blown up map that shows the flood plain, Wenonga, the unimproved channel is about 200 feet west of Wenonga to Prairie Village. Once you get to Prairie Village, they did improvements back in the, I believe 70's or 80's they have a concrete trapezoidal channel and I have some pictures of that also, we can. And so these are just some additional pictures where you can see just the natural creek.

Chair Azeltine What does unimproved mean?

David Ley – Unimproved just means there were no construction methods to widen the channel or to harden the channel bottom it's just nature taking its course. So this is looking on the Prairie Village channel on the very west end just downstream from Prairie Village I should say, there's a sanitary sewer crossing here.

Jim Rawlings -Was that like a raised sanitary sewer crossing that I saw there?

David Ley - Yes, it's a sanitary sewer encasement.

John Kahl -Can the water go under that?

David Ley – no, the water cascades over it. It creates a small channel, it's too high.

David Ley - so here's the improvements, this is Prairie Village, they did a concrete trapezoidal channel, this on the, coming from the north. And that's looking down stream, that's in Prairie Village looking downstream towards Leawood. And then this is the channel, that's the main channel in Prairie Village that discharging, this is right at the end near the City of Leawood limits.

Resident Miller - You took these pictures recently, right?

David Ley - Yes, I went out, last week and took some pictures.

Resident: Miller - Is there still a monster tree in there?

David Ley – There was.

Resident Miller- I don't see how you missed the tree, that's the back of my yard I think. The tree down there by there, just a little bit south or east if you want to on the, fallen down on the other side of Prairie Village's I don't see it in the, I never did see it in the pictures; you must have walked it to take these.

David Ley - Well, I had to walk around the tree, yes. – I walked it from Wenonga all the way into Prairie Village.

Resident Miller - Okay, well I'm just surprised that there was; well, that blocks the whole flow.

David Ley – Correct

Resident Miller I'm surprised there's no picture of that.

David Ley So since this is an unimproved channel; the City's policy is that the property owners are responsible for the creek cleanup and restoring any erosion damage that they may have.

David Conderman-Yet the City of Leawood storm sewers drop into this creek, if you want to call it, I'm going to call it storm drain channel. It surprises me that the City of Leawood has several storm sewer inlets off the streets that dump right into this channel and yet they want to take the position that the home owners have the sole responsibility for maintenance.

David Ley - Yes, and that's been the policy. It's the original policy and most of the channels north of 435 are similar to this where they're just unimproved. The original channels and then the adjacent property owners are responsible for maintenance, that's in our policy and I do have that policy here also.

Chair Azeltine - Could you explain the SMAC process to the Residents that may not know about that?

David Ley – Yes, Johnson County has a Stormwater Management Advisory Council (SMAC) reimbursement program that pays up to 75% for public improvements. In order to qualify for that, you have to have several homes that flood or multiple homes that flood and multiple times. I think when we've looked here we haven't had any...

Unidentified Resident - So it has to happen for–

David Ley – Right, unless there's an engineering study that shows that there's potential, but from the maps that we have there's only one property that is in the flood plain or would be in the flood plain so that would not qualify for a SMAC funding.

Chair Azeltine - The problem is that there are literally hundreds of these situations around the city. It's actually kind of a legal thing as well from my understanding where cities are responsible for things that are on their property legally. We do have this program and we do have an 1/8th of a cent sales tax for this. Every other year we have projects that qualify, usually they're SMAC Projects. Once it qualifies for the county funding we're able to leverage in that way. Is there anybody else that had comments that they wanted to make before the Stormwater Committee?

Lauren Conderman – Can you go back to the map? Can I walk up there and point to it while I talk? Conversation regarding which map.

Lauren Conderman – A couple of things that makes this creek unique in this whole section and why we have some problems. Number one are these two Prairie Village creeks that come in here that are concrete- so when it starts to rain this creek fills up faster, literally with a blink of an eye. I'll be in my house, turn around and the creek is up past my yard, so it fills super, super fast because of the two concrete creeks coming in. And then it's so messy with debris that's been dropped there and trees that have fallen that it just kind of clogs it all up and this hundred year flood plain mark is the every year flood plain mark. It doesn't come one hundred years, it's every year and this is my house here. This high point is really up by the corner of my house so the water frequently can go past that come clear up to here. Part of that is because I love improvements to my city and I love my city and I always say yes to improvements and you guys put this through here (pointing to Storm sewer line) which was awesome for everybody up here, but this storm water drainage raised my yard four or five feet on one side so now all the water that comes down hits this grassy knoll and pushes the water up higher and I would

say that most people along here would say this is not a hundred year flood plain anymore. I don't know how often they redo studies, but it's kind of the norm. In fact, just on a normal little rain it's pretty high, not even a flooding type rain, so I think that's part of it. I brought a bunch of pictures if we can get them up here of what happens after a rain. This has been a long time, those pictures that you showed were great, it's been a long time since it's rained; it's probably been six months since we dealt with these rains. But can I show some of the pictures that I took; can you get those up or not?

Chair Azeltine - Does anybody remember or David do you know when these two Prairie Village projects were done? How long has it been and when was it done in relationship to our Dykes Branch project?

David Ley – That was done before I was here so I believe it was sometime in the seventies.

Chair Azeltine – So those have been there for quite a while.

Resident L Conderman - And how were those funded?

David Ley – How were those improvements? Prairie Village, I don't know?

John Kahl that was before SMAC?

David Ley - It was before SMAC, yes.

Unidentified Resident - What does SMAC Stand for?

David Ley – Stormwater Management Advisory Council.

Chair Azeltine - Would it have been private funds or city funds?

Lauren Conderman - It's possible that's been done in the seventies, I've only lived here for ten years.

Carole Lechevin -It's possible that there's just way more runoff since we've had so much new construction, development going on. It is possible the water keeps rising because we have more rain and we have more runoff.

David Conderman - So this was about a forty-five foot tree that there is so much water there now that this tree actually, this forty-five foot tree got uprooted out of the ground because this is happening so continuously. Our neighbors, by the way (I'm Lauren's husband), our neighbors to the west of us lost this tree because their yard is flooded just constantly on any rain at all what so ever. And I, (regarding a thumb drive brought) there's video in there, I don't know if you want to get to it, but there's video in there I walked up and down the creek on a normal rain and it was a normal rain from four years ago just to show how much water is going through there. Most of these pictures if you just kind of scroll through them, you can see that there's not only an inordinate amount of rain but there's also a lot of waste, um that is being dumped into the creek that's coming from the other areas.

Jim Rawlings - How far away is that tree?

David Conderman - That tree is about 35; I think I walked it off, about 40 feet from the creek. So that's how far it's come up into their yard and into our yard.

Lauren Conderman – This is the kind of trash we clean up after a rain. It's, it's not pretty, the one thing I will say is that those poor neighbors of ours, they still have the root ball, it's, it's taller than any man in this room and wider but the root ball has been in their yard for six months, they just have no idea how to get the root ball out of their backyard and it's over six feet tall.

David Conderman - If you would go back to the map for just a second, I'll kind of cut to the chase on my point. So a couple of things, I understand that there may be a city policy that says that creeks like these are the responsibility of the home owner. I have not talked to all of my neighbors although a lot of them are here and I don't know that they all share my opinions, we'll see when I'm done talking, but, what I would say is that the City saw fit to come in from about here forward and this bridge and you

knew the situation was bad enough that you completely redid that bridge, that had to be one expensive project. And then came and you redid the bottom, it didn't work, it started flooding around these homes again, what you did, as a matter of fact the water goes up, over the creek, over the road now and clear into and these people it is up, literally next to their house on the corner. So because that happened you came back in and the first thing you did was you tried to redo the bottoms so the water would flow better and they put in a kind of a Lego piece flooring to the creek and that didn't work.

All the money we spend, the City spent on all the Lego pieces, the water is coming so hard now, because of what's happening upstream that the Lego pieces all just started washing down the creek as well. So I think you removed all the Lego pieces and I think there was a project recently where you came in and you've now concreted the floor of that in order to try and improve the situation. There's been a lot of work that's done here, all the way as it turns and goes over to 83<sup>rd</sup> Street. To Lauren's point, we all approved this project so that you could help out the neighbors on 81<sup>st</sup> Terrace, so that 81<sup>st</sup> Terrace homes all. There's about three of them over there that would constantly flood. One poor lady, if you can see the end of where that goes. One poor lady, her basement had, over a foot of water in it constantly and we know here very well because we used to live on that street before. When the City put this in, what they never told us was you actually raised the ground about six feet and so what is happening is not only is all the debris that's back in here causing the water to go up next to all these houses, but then it is coming back up again because this is acting basically like a dyke or a dam that is blocking the water back up through all of these homes. And luckily a couple of them are you know, 150 feet from the creek and yet water is damaging their yards. The neighbors right behind us on the other side, the 82<sup>nd</sup> Terrace neighbors, are seeing erosion of their yards. Our friend the Nitsches and Susan is here, um, there used to be a pipe from years ago, before the Nitsches owned the house, there was a pipe from are you 3200 Susan?

Susan Nitsch: Um, hum.

David Conderman - There was a pipe, um a drainage pipe that used to go to the edge of the creek and when they first bought the house about six or seven years ago, you could see the edge of the pipe. Well recently, until the pipe broke you could see about fifteen feet of pipe. There was a white pipe that stuck out that you used to be able to see one foot of, so this is not very scientific, but I would tell you that they've lost 14 feet of their yard in creek erosion.

Chair Azeltine – Over what period of time?

David Conderman - Over the last five years and specifically it's been worse since this project happened.

Susan Nitsch – From where we live we can see that stone. I call it a tunnel where the water comes out that's next to the Conderman's. And if it rains at all, that thing is completely covered, you can't even see any of it, so it's I don't know if it's just not big enough or ...

Resident D Conderman - And there is a, I don't know if we can even get to it, but if you want to, there is a video of that happening, so Susan is exactly right. This covers up the water is well over the top of it and in all honesty, I'm sure it is effecting water back on 81<sup>st</sup> Terrace again because when the water's trying to flow through here but it just hits a wall because it's already completely full then the water is backing up, back over to 81<sup>st</sup> Terrace. I would imagine they're going to have an issue as well. So what I would submit to you is, while you were trying to do a wonderful thing for the residents and alleviate the problem, what you did, was you transferred the problem from the neighbors downstream and the neighbors up on this creek, you transferred it to us. I don't think that is fair or righteous for a city to be able to impact a dozen neighbors to try and help others. So we did not have this problem, we've owned our house for 11 years. Eleven years ago, to Lauren's point, the water maybe came up, I think maybe

once it came 15 or 20 feet into our yard. But since you've made these two improvements, now suddenly we have water up next to our foundation and I don't think that's right.

Chair Azeltine - Okay, anybody else? Jim?

Jim Rawlings - To the question on the intersection of Wenonga and where the water is backing up, how many times has that happened say in the last five years?

Unidentified resident - Every rain

Jim Rawlings - Every rain?

David Conderman - It goes over the, it's gone over the bridge three times. It's gone over the bridge and it's actually on the street that's happened four times. Since the bridge has been improved.

Jim Rawlings - Well, so that's three times in how many years? I'm assuming it happened in July like every place.

Resident D Conderman - Yes, I would say in the last three years it's happening at least once a year.

Jim Rawlings - Okay, thank you, that's my question.

Curt Talcott - Just as a side note, we did have two storms, last year that would have been greater than anything that we've had in the last fifteen years in this watershed. They were we had events that you wouldn't have seen, I mean they were designed storms that happened in a two week period within about a month's period last year.

John Kahl - David refresh my memory, if you will, wasn't this stretch of channel originally part of the DB-24 project?

David Ley - It was.

John Kahl And what, why was it removed from the DB-24 project?

David Ley - The Residents at the time were not supportive of the City extending the project to the west. That was back in late 90's, early 2000's at the time. And as far as the flooding on Wenonga, as you can see, those houses are real close, this is actually the older floodplain map. The new floodplain map does show the improvements where these homes have been removed. This house at 8221 and 8211 Wenonga are real narrow where the water goes, it will on a hundred year storm event, overtop Wenonga and then come back around. But this water depth here is supposed to be less than seven inches. And that also assumes that there's an obstruction in the box culvert that could make the situation worse.

Alan Sunkel - I just have a simple thing-we've been here since 1989, we live in this house (3213) and the area right here is rocks and silt and debris built up in this area. I think in 1995 the city came out and cleaned the area out, and that helped the flow. Again in 2001, the city came out and cleared that out. And I'm not an engineer, so I don't know how that effects downstream. I think it has to effect upstream which is the house that's in most danger right next to us, but that's a relatively simple procedure, you know they bring in a little hoe and just clean out the rocks and concrete and things that have come down from Prairie Village. (Mr. Sunkel handed out photos of the creek area and explained their locations.) I think observationally taking that, removing all that debris that comes down which is, I don't know where all the concrete comes from but it does tend to build up there in that one particular spot where the creek turns. So clearing that out has helped in the past. I don't know how that affects the overall flow or how that interacts this.

Chair Azeltine - And you think it's been about seventeen years since that's been done?

Resident Sunkel - Yes, it was 2001 the last time.

Jim Rawlings – David I used to live in Prairie Village and there was a lot of paved and concrete creeks there because they've had a tremendous amount of flooding, do you know what percentage of Prairie Village water is coming to Leawood and coming down through paved creeks?

David Ley - I would say it's quite a bit. If you look at the overall map, the watershed map, I think most, well there's quite a bit of...

Carole Lechevin – Aren't most of theirs concrete channels?

David Ley - Most of them are.

Jim Rawlings - That was my question, I think it is. Which sends it our way?

Carole Lechevin - So David on the Flood plain map, that's a FEMA designation, correct?

David Ley - Correct.

Carole Lechevin - Given all the construction that's going on it seems to me like there ought to be a more specific look at a smaller watershed level because we've had houses that have expanded three times their size and it's happening in Prairie Village. It seems like the flood plain map doesn't necessarily reflect reality.

Curt Talcott - I'm fairly certain that there's only been one project in this watershed in the last five years in Prairie Village. Cause I review all the developments.

Carole Lechevin - There are houses that are growing all over in Prairie Village too that impact the watershed.

Curt Talcott - Mission Valley too there is, the detention basin there didn't change and the impervious surface quadrupled.

Carole Lechevin – Does Mission Valley drain into this area?

Curt Talcott - It's not in this watershed and the basin goes much larger when they did that, there was a big difference in the size of the basin.

Susan Nitsch – Something that hasn't been mentioned also talking about our residences and the inconvenience of it, but it really has almost become a safety factor. Because it comes up so far into yards that people with little kids or pets, it's so fast. I always say you could white water raft down that thing, I mean, it's so swift and if a kid happened to wander out, just even into their own yard, they could be swept away very quickly. It's torrential.

Lauren Conderman – To get an idea how strong that water is, we frequently have pieces of concrete floating down it. We had one piece of concrete that was five foot (5') by five foot (5') wide and about two feet (2') that landed kind of in our backyard and it was kind of nice for a while in the creek because we could cross the creek by walking on it. But then the next heavy rain came and it swished it away. And I'm just amazed that a five foot (5') by five foot (5') by two (2') foot piece of concrete can just be moved so swiftly.

Chair Azeltine - Do you think that's from when they were concreting the creek or what?

Lauren Conderman – No, it was from upstream somewhere

Chair Azeltine - How does a, what do you think that might be?

Curt Talcott - It could be a piece of the concrete channel too.

John Kahl - Those concrete lined channels are now quite old and so they're probably starting to degrade and they break up into somewhat smaller pieces and the big fat chunks move easier. You get a lot of big surfaces for negative pressures to act so big flat pieces of concrete will get moved quite readily by the water.

Resident L Conderman – It is amazing how strong that water is.

Curt Talcott - This channel carried a car away and when it carried a car away the upstream portions carried a car away in Prairie Village a couple of years ago.

Unidentified Resident - Some of the walls that you've got in the pictures have washed away in the last storm and you're talking rocks, you know, three or four feet long a couple of feet thick.

Susan Nitsch - It's very strong water for pets and for children.

David Ley - That's what damaged those articulated blocks on the Wenonga Bridge. They got struck by a large piece of chunk of concrete and then once that happened the water got up under those blocks and picked them up and so that's why we have gone with the concrete lined channel there, just upstream at the bridge.

Curt Talcott - There's over a couple thousand cubic feet per second of drainage flowing through this section of channel of water.

Chair Azeltine - David are there things that these Residents can do to help alleviate things without a project?

David Conderman - Susan's point about the culvert, there's the new culvert that you built that the outlet and it's completely covered and that, and again that was just a normal rain, that wasn't one of the ones like last July.

Lauren Conderman - The culvert is covered every time it rains.

David Ley – And when those are designed, those are designed with the water elevation at that point.

Lauren Conderman – so that should be working?

David Ley – So it's still working yes, it's carrying the ten year storm.

Lisa Harrison - So, I lived on a creek for a long time and understand the flow. If you've been to the steam boat Arabia, you know exactly and you've seen the movie. You know the power of water and how it can move land and change the shape of creeks. I'm trying to envision what the City theoretically could do and whether or not residents would actually want what the City could theoretically do. I'm thinking about what Overland Park has and my husband- he grew up near Shawnee Mission South and is a lifelong Raider and they have these fifteen and twenty foot deep storm drains that the kids walk to school through when it is dry. It's this whole other network of you know, channels. I had never seen those growing up outside of Chicago. And I love the backyard and we chose to live with a creek in our backyard in Overland Park for a long time because we like the nature, and nobody lives behind us. It was a creek and then of course when it rained it was a different view and then the next day it was back in its little bed. But if the City were to come in and clear cut to get at your creek, clear cut the trees that you all enjoy (the 50 and 80 year old trees) and put a fifteen foot, ten foot deep channel, tunnel, whatever we call them in the world of water engineering that went from Prairie Village's line to that Wenonga Bridge, it would absolutely and dramatically change the views from your homes of your backyard. And maybe the reason you bought that property ten, twenty, thirty years to begin with. It could fix the problem, it would not look the same, it might be a different kind of safety hazard. There are lots of signs in Overland Park that say "Do not play in the storm drain" and I pity the squirrel that might be stuck in there when the water comes down, but it would solve the problem, but it would be a completely different look.

Carole Lechevin - Would it solve the problem? Engineers in the room?

David Conderman - If you keep going, there's some pictures of what you did downstream that solved the problem.

David Ley – Yes, this is downstream, this was the improvements south of 83<sup>rd</sup> Street. So this was taken with a little bit more water than what the creek west of DB-24 Project. This is where we did the flood benching so there is, this portion here is up a couple feet from the flow line of the channel and then we have a steep embankment here with native vegetation. So this is carrying more water, it's going to be more probably contained within that area but there are no, as you can see, there are no trees and if we had before pictures there were a lot of trees back in those yards.

Curt Talcott - So if there was an improvement project done, that's similar to what it would probably look like and you would have a deeper wider channel.

John Kahl – On those residents, at this picture were rather inconvenienced by this project because the houses you see to the right didn't flood but yet they were the ones that had to take the brunt of all the project improvements to help their upstream neighbors.

Lauren Conderman - I'll take the brunt of all improvements, you can come right through my yard.

John Kahl - Well unfortunately we tried to do that then and the neighbors at the time said they didn't want the project.

Jim Rawlings - How long ago was that John?

John Kahl - 2002, 2003, early 2000's.

Unidentified resident -I don't know that I was ever noticed or nobody ever came to me and asked anything. I've been there since 1990.

Resident Miller -In the next decade we're going to lose all of our trees anyway.

David Conderman- I don't think that we have a whole lot of choice, either we're going to deal with this now and whatever the repercussions are going to be or as to Susan's point there is going to be an accident and you know all of this is on record, the City is on notice. There is a major issue here and I just would hate to see there be some catastrophe that happens. And the one difference about what you're describing, I know, I'm familiar with the Prairie Village concrete creeks as well. So the difference here is in our creek it is never empty, there is always water flowing. So people are not going to be walking to school through it because your shoes are going to be all wet. There is at least two, three, four feet of water at all times and so there's always water flowing on and on. So down, and I do agree we would lose some trees, absolutely, if you keep going on these pictures, there is a picture, a set of pictures that say something to the effect of what we would like to see happen and apologize to make you go through all my photos and...

Curt Talcott -Looks like there are some power lines fairly close in there too.

David Conderman- So this is a set of pictures of down the way of what you guys went in and did and um, and you can see, as that is raising up, you can see that the street was actually raised to accommodate the water to go underneath it as opposed to over the top of it. This is down about 86<sup>th</sup> Street if I remember correctly. That's not right, at least 89<sup>th</sup>.

(Brief discussion regarding actual photo location.)

David Conderman - There's a few photos in there about what, probably honestly needs to happen for the security of the residents.

Unidentified resident - I think Leawood bought a house.

David Ley Yes, there was a house at that location. This was a concrete trapezoidal channel so what the City did is we kept the top of the bank the same width as it was before and we went to a vertical

wall to reduce the flood. This was a SMAC project where we did receive funding from the County because there were four, five, six homes in there that were flooding.

Unidentified resident - I would suggest that there might be a short term at least slight alleviation, there is, there is a huge tree, between their properties that they can't, no commercial firm is even found a way to get out and it is impeding the flow of the little branch that comes down from the north in Prairie Village and that would help their area immensely. I think it's backing up in your property much more than I think if that build up right behind our house were removed I think that would at least be a temporary fix it would at least alleviate some of the problem. And as I say I don't understand how that really affects all the flow but observationally it has affected the flow in the past and now with greater flow I think it's affecting it more.

Chair Azeltine - David would it be a big deal for us to go in there and clean that out?

David Ley - I would need a recommendation from the governing body, it would. Currently the policy is, on private streams that is the homeowner's responsibility, so if the City were to go in to clean it up I would need a directive to do that.

John Kahl - Percentage wise on this channel, downstream to remainder of Leawood in rough percentages, how much of it is privately owned?

David Ley Well, since we had the DB-24 improvements, 80, oh it's probably just 25% is privately owned because the DB-24 is in a public easement now. When the City did the improvements we obtained public easements so we do maintain that section.

John Kahl - But doesn't this channel go a ways further downstream?

David Ley - It does.

John Kahl - Where DB-24 ended?

David Ley If you look at the map, here's Lee Blvd. The City's improvement began approximately here just west of the park and then it extends all the way north, this is 86<sup>th</sup> Street. We redid that bridge, continuing north to 83<sup>rd</sup> Street, we added another culvert under 83<sup>rd</sup> street and then the Wenonga Bridge at this location. So this channel which is a mile long probably is within easements and from Lee Blvd. to State Line Road that becomes private again.

John Kahl - And part of why I'm asking is it's the same old problem that we run into every time and that we've got a lot of these types of channels in the City, especially in old Leawood. And if we do this for them, how many other people are going to que up in line say "oh, you changed your policy and now you need to fix our channel too".

David Ley - Right.

John Kahl - So I'm trying to find logic or justification that would make this case special as opposed to all the other people we've said no to over the years.

David Ley - That would be James Branch where if you go south of 95<sup>th</sup> Street most of those channels are all privately owned improvements.

Curt Talcott - Do we know, can we speak to, I mean the gentleman said the City came in and cleaned the place in the 90's and 2001. Do we know whether that's, whether we did actually do that?

David Ley - I'm not aware of that, but, we have some maintenance personnel that were here then that we would be able to notify.

David Conderman - The one thing I would say too about downstream is what you did on 86<sup>th</sup> . If you go back to that bridge photo that we were looking at just a minute ago. Down, just past 86th Street as it turned on the corner of what you guys did. You widened that area and deepened it dramatically and I've been there in the heavy rains because I was just curious how your new work, how it did and it worked beautifully. I mean the water has flowed through there just fine because it's so much wider that the area back where we are so I don't know that it's going to change a lot of what happens downstream. I think the reason you would fix this one is because it's been fixed on both sides now, certainly to the west is owned by Prairie Village, but Prairie Village has been fixed and then you guys have fixed the part south of us and east of us and so it's ready to take the rest of that water, it's just, I think this part's the part that needs to be fixed next.

Curt Talcott – Part of the issue is though there isn't a funding mechanism. I mean there was a funding mechanism for the other project because it had multiple structures that were flooding. Isn't really a funding mechanism for an erosion project?

Resident L Conderman - This house right here they just put this rock wall in themselves, the homeowners are spending a lot of money, I don't know how many tens of thousands of dollars it cost them to put in this rock wall on their yard and they did that I think three, two years ago.

Unknown Resident - Yes about two years.

Lauren Conderman - But the water, those are big, big stones, the water are so strong that it has taken all their stones out from here to here, they're gone.

Unknown resident- The city had to approve that, right?

Resident L. Conderman - I would assume so.

David Ley - They would have to get a flood plain permit and a grading permit for that work.

David Conderman – The point was, downstream the reasons that I think that you could do this project and justify it is downstream there's water, there's capacity to take the water. It's going to go there eventually anyway but I think that would be the difference between this is, it's like doing 80% of the job or 90% of the job and not doing the last 10% in our opinion.

Carole Lechevin- Dave, you said this section was approved as part of the project earlier.

David Ley – It was an extension of the original project.

Carole Lechevin - So what does that mean?

David Ley – Well, the limits have extended beyond Wenonga, I thought it went all the way to Prairie Village but we'd have to go back and look at the records.

Carole Lechevin – So if it met criteria.

David Ley – Well, it's part of the project because...

Curt Talcott – Structures that flooded, they've taken all the structures that flooded out now, at best there would be on structure here probably.

Carole Lechevin - So it has to be these houses that are impacted?

Curt Talcott – Yes

Carole Lechevin – So we can't do anything until somebody floods, is what you're saying?

Multiple responses – SMAC won't do anything.

Carole Lechevin – But we need SMAC to do the project because there's a lot of money.

John Kahl - I would think this would be a million at least.

Carole Lechevin - Apply for a variance or an appeal?

John Kahl - You could apply, there's a five year waiting period. There's a lot of people, the same

reason why we say, you know I was asking the question of how many miles of this channel do we have downstream that's in a similar condition.

Carole Lechevin – My house is the channel at my house has vertical walls on it that look worse than this in some areas. So, I've got a storm pipe between my house and my neighbor that's eroding ten, twenty feet back into my yard. Same thing that the pipe coming in that you redid, it is repeated everywhere.

Curt Talcott – One of the things that SMAC is looking at though is moving to allow, starting to allow some funds to be used for maintenance projects which could change the possibility for a project like this down the road but that's not it's still in the infant stages of discussion, but that's one of the things they're discussing.

Chair Azeltine – Have they changed their guidelines like we were talking about before?

David Ley – No, they were looking at updating that, I think it was later this year, they wanted to have that.

Curt Talcott – They're working on new master plan, they're supposed to unveil it, and I think the draft's being unveiled in March.

Chair Azeltine – Okay, so maybe that would help this, you know?

Curt Talcott – It could, but there would be a, if this type of project qualifies, there will be a line for that. Get there early then.

Chair Azeltine, Better to be queued up than not be queued up. Recommendations?

Lisa Harrison - One more question, just so that we all know the number, if you know, we can dream, we dream big here in Leawood. If you wanted to do this, if we had this great big pot of money, what kind of money are we talking about to do the drain project along here? I have no concept if it's a million dollar project, remember I called that retaining wall behind Trader Joe's a million dollar wall and it was like an eight million dollar wall. So don't ask me to be the budget lady. But are we talking about a fifteen million dollar project, are we talking about a three million dollar project?

David Ley – It would depend on the dream, whose dream are we looking at?

Curt Talcott - How long is the channel in this section?

David Ley – Quarter mile.

John Kahl – Oh, that's longer than I thought, wow. You're probably in the million dollar range.

David Ley - At least.

Lisa Harrison - One million? For the whole thing?

Discussion regarding one million – two million.

John Kahl – Well it depends on what you build. I'll make another comment given the problems that we have here. What we're looking at are primarily what engineers would refer to as nuisance problems. Because you know we're not dealing with home flooding, you know we're not dealing with a lot of the issues that are typically considered more critical. You know we're talking about yard flooding, we're talking about nuisance flooding. In order to build anything in there, this would be a jurisdiction water of the United States, which would require a 404 permit from the Corps of Engineers which is basically an environmental review permit. They don't, given what we're trying to address and the reasons that we're trying to address it, picture with the concrete bottom and the concrete walls that look like rock. I do not believe the Corps of Engineers would issue a permit for that type of a project.

Curt Talcott – And if they did...

John Kahl – They would feel it would be too detrimental to water quality and there would be other solutions that might be viable. Um, that would be more- green in nature. I can't tell you what the

Federal government will and will not do other than based up what they've done on other projects in the past.

Curt Talcott – And even if they did, you'd probably write a half million dollar check to the corps before you ever started the project.

John Kahl – Oh yes.

David Ley – On that Leawood Heritage Project, the Corps initially did not issue the permit because they didn't like the concrete bottom and so we took them out there and explained to them, showed them that there was already an existing concrete bottom, and they reluctantly permitted it.

Curt Talcott - It's awfully hard to line channel like this now, it's almost impossible.

Carole Lechevin – Okay, so if you did that.

Curt Talcott – If they are previously lined, I mean

Carole Lechevin - Natural one.

John Kahl - And that's part of why the DB-24 project looks the way it looks because even in the early 2000's the Corps was reticent going in and concrete lining major streams. The Brush Creek project, when they lined Brush Creek and put and concrete floor in it. Up in Prairie Village about five years earlier was about the last one of those that the Corps let through. I mean unless you have significant threat to life or property, but you know, like I said the problem here is that the problem they're experiencing and they're concerned about would be largely considered nuisance problems. They wouldn't be considered overly critical because no one's life is threatened and their house isn't going to get washed away, and they're not flooded out of their home.

Curt Talcott – Even an improved channel here would have to go back with flood benching and native vegetation.

David Ley – It would look like that picture.

Carole Lechevin - Going back to the issues of debris floating down from Prairie Village, they concrete lined everything. Obviously there is degrading of their channels, is there any communication between Leawood and Prairie Village that says, hey, this is what we're seeing and you need to maintain your stuff because we don't want your debris in our yard.

David Ley – We can talk to them about doing more inspections.

Carole Lechevin – I mean I've got a concrete box that came from somewhere, it's been in my yard for twenty years and I'm responsible for getting rid of that. I have no idea where it came from. It looked very close to one of the pictures you put up there.

John Kahl – So in this picture before the project went in, see where the channel goes down the left there? That was the creek; all that area to the right was about the same elevation as the people's yard.

David Ley – So the creek came out.

John Kahl – That creek was widened by about, I don't know, three, three and a half times what it had been before.

Jim Rawlings – We took a lot of back yards too.

John Kahl – Well like I said, that, the people to the right in the particular location, they sit high enough, they didn't flood. And they were, that's one of, the City kind of had to change their policy in terms of going after easements because this is maybe one of the first ones I think because you know, they're like, you know I don't get any benefit. Actually this hurts my property but yet I'm the one that's being asked to give up everything.

David Ley – And we still hear that from them, so there are issues out there because they don't like the look. It's been to the top of the bank. I have pictures of shortly after, I don't know if you'll be able to see.

Curt Talcott – An improvement project would basically do what nature is doing now.

John Kahl – Back away to the point to where it's wide enough.

Curt Talcott – I mean that's what will happen if it continues to go it will eat its way out to a wider channel like this. You might not have a nice, you'll have a little more vertical wall but that's what nature is doing now is widening that to a channel like this basically.

Lisa Harrison – Unless you dig it deeper so it goes deep instead of wide.

Discussion regarding location of photos and root ball.

Lisa Harrison – that looks like a good Eagle Scout service project to get that out of your back yard.

Chair Azeltine – Kind of running short on time, Jim did you have something?

Jim Rawlings – Yes, I've got a comment as it relates to the big tree that has fallen into the creek and under the assumption that the home owner or the creek owners are responsible for clearing that out, that's an assumption with my question. Have you looked at a major tree service to come and pluck that out, cut it up and haul it off? And the reasons that I ask that is, I belong on our homes association in the southern part of Leawood and we have tree service come in and it's Arbor Master. They've got great big cranes with great big clam shells that pick things up and they cut them up and they haul them off and we've done that many times with trees, big trees, trees this big that fall, you know, in the back yards because of storms and that kind of thing. If this comes to council, I'm going to ask that question. Have you looked into removing that tree as a result of the fact that right now you're responsible for cleaning that up?

Tim Miller: I've talked to companies that have cranes and they can't get to it.

Discussion regarding getting to tree.

Tim Miller -I've removed three big trees in my creek all ready and Leawood did tell me all I have to do is take it to the curb and you guys will haul it away.

David Ley – And we do provide that service if you bring it to the curb we will haul it away.

Tim Miller – then I'm just going to start cutting down all my trees because they're getting ready to fall in the creek anyway.

Lauren Conderman – I have the same problem, I actually own two houses. I own mine and the one next door to me and there is water. You know it's one of those giant trees and the water has eroded all the way back and it's starting to lean towards the creek and I thought before that falls across the creek and lands on the nice rock wall my neighbors have built and I have to pay for their rock wall and removal of the tree, I just need to cut that tree down now probably.

Chair Azeltine – Well, okay, so we can't clean out the channel, we can't do a SMAC project, what are our options here? What can we do?

Unidentified Resident – Excuse me, why, why did you say you can't clean out the channel?

Chair Azeltine – My understanding from the discussion here this morning is that it is the City's policy to not do that on private property. If we do, we set a precedent and presumably open up a line of other people that want that service that we've not budgeted for.

Jim Rawlings – That was the purpose of my question if it comes to council and you're saying we can't get it done without substantial cost, how much would that cost for the property owners, that would be my question. Because right now the policy is we don't do that.

David Ley – as far as financing an improvement, it doesn't qualify for the SMAC funding, there could be a benefit district set up to where an improvement would be made and then the adjacent property owners would pay for that improvement over time.

Unidentified Resident – When the city was out there before we were living there. They took I think a couple hours with a grader and they were done, you know, I mean it doesn't seem like it would be such a costly thing to do the length of that.

Lisa Harrison – A grader?

Chair Azeltine – How long ago was that?

Unidentified Resident I say grader; I don't know what it was.

Lisa Harrison – Like a bobcat?

John Kahl - Could you walk a piece of equipment across that channel, I mean is it walkable for the piece of equipment?

David Ley – You might be able to, you'd have to probably crane it off the bridge. It's getting around the side back here.

Chair Azeltine - 2001, the policy probably changed about that.

Discussion regarding access to creek

Unidentified Resident - Well, I guess my point is I understand it's a policy issue but it was not a, it couldn't have been a very expensive thing and they were in and out of there very, very quickly.

David Ley – So the only issue is there's a lot of creek and we say it's only a couple hours but if it's a couple hours here and a couple hours there, we're spending quite a bit of time cleaning people's creeks out, that's just from a public works perspective.

Chair Azeltine – So it sounds like we are cleaning out the part just adjacent to this area.

David Ley – to the East, from Wenonga east where we did the improvement, the City does maintain that. And that's in a public easement.

John Kahl - That was a requirement of SMAC. SMAC requirements are if you do an improvement, you have to get an easement and you have to maintain it thereafter so all of the SMAC projects the City have easements on and the City is responsible for maintaining.

Curt Talcott – its City property.

Tim Miller - So does my property have an easement through it if the main sewer line goes across the creek through that wall?

John Kahl – They have an easement where the sewer line goes through.

Tim Miller - So part of my property has an easement all the way through the creek where that wall is?

John Kahl – Are we talking about the storm sewer or the sanitary sewer?

Resident Miller – Uh, sanitary sewer.

John Kahl – there would be a sanitary sewer easement that the wastewater district would have to address maintenance on their sanitary pipe.

Unidentified Resident - So that wall is too high and is creating flooding, because that's your easement, is that?

David Ley – that's Johnson County Wastewater.

John Kahl – It's the Wastewater District. They wouldn't go in there unless they have an issue with their Wastewater.

David Ley – Correct, if there's flooding I guess is it a structure flooding or if it's a yard flooding, I don't think lowering it a foot is not going to greatly reduce the flood elevation.

Carole Lechevin – Will the water go up behind that pipe and eventually cause an issue?

John Kahl – Well, I'm assuming when you put the pipe in someone checked the flood plains on that and determined that it didn't affect the flood way and the flood plain.

Unidentified Resident – What if the erosion has changed that?

John Kahl – Are you talking about the storm sewer or the, I mean there's two pipes, one there's been a storm sewer pipe that the claim was made that the grade was raised above the pipe a number of feet.

Viewing photos

John Kahl – That one's been in there for decades.

Carole Lechevin - So it's not being impacted by the wearing down of the soil?

John Kahl – Well it may be but that's the Wastewater District's problem, that's not the city's problem.

Carole Lechevin – Do they know about this?

John Kahl – I don't know.

David Ley They inspect their creek crossings. So if there's any issue with them.

Curt Talcott - If they feel that that's in jeopardy of collapsing at some point they will do a project to improve that. That would just improve the crossing; they would probably pull that piece out put a new piece across there and set a new casing back farther.

John Kahl Well and the major, or one of the major expenses in the DB -24 project is we had to move all the sewers, and I'm guessing if we did a similar project to that in here, we would also have some rather extensive sewer relocation.

David Ley – You could get into a lot of sewers by expanding the creek.

John Kahl - Which would add to the cost of doing the project because the Wastewater District isn't going to pay for the sewers if it's our project. We would have to pay for the sewers.

Curt Talcott – And we saw those power poles that are down there too, they would also, that power line would actually probably have to be reset and that would be another cost.

David Ley – Set to the top of the bank yes.

John Kahl – That would be private easement back there as well, so yes we would have to pay to remove these power poles and everything else.

Lauren Conderman – They're falling in anyway.

Chair Azeltine – You see on one side of this is the Dykes Branch project where we're in charge of cleaning it out, on the other side is that also public?

David Ley – That's Prairie Village.

Chair Azeltine - The assumption is that they are doing what we are doing on the other side. I wonder if we shouldn't refer this to the council in the context of reviewing that policy of not cleaning out creeks in light of the fact that it's being done on both sides. What do you guys think of that?

John Kahl – to me the key is you've got to find a reason why this one is different from all the other ones that we've said no to.

Chair Azeltine – Well and I just, maybe pointing to that. If that's going to put justification for the council then that's great. Well I don't know I'm only one member. Plus we're the segment that has inherited Prairie Village's practices or whatever their structures are not adequate as the concrete is coming down we're the first ones to reach that. At some point I think we need to also look at what Prairie Village's policies are and what they're doing different than us that may put our residents at a disadvantage. We can't operate in a vacuum here, it seems to me like there's a lot of impact from Prairie Village, what they've done.

Carole Lechevin – I agree.

Lisa Harrison - At least it needs to be communicating that hey your infrastructure is degrading and you're impacting our residents here.

Chair Azeltine – So maybe a motion that would review that policy of the no cleaning out unless it's public property and also look at for these Northern issues where we've had quite a few in the last year. How our policies, our storm water policies stack up against Prairie Village and for that matter Overland Park. And what we might want to be doing differently.

Jim Rawlings – We get Olathe water too. It all comes through us we get Olathe and Overland Park.

Chair Azeltine – But they're not adjacent.

Jim Rawlings – Yes, but their streams come to us.

John Kahl – That's true. But, yes I'm looking more at an immediate thing.

Curt Talcott - I would think if we refer a motion like that it would also be good to go back and research and figure out; Were we cleaning out this section at one point in time? It sounds like ...

Chair Azeltine - I would assume that the staff would do that background for us.

John Kahl – If it came to that and without going out and walking the ground myself, I don't know but it sounds like the main obstacle to any of this is access to the creek. We're going to have to find a route in to get a piece of equipment back there and it may be through someone's yard.

Chair Azeltine - Which is probably a big reason for the current policy.

Tim Miller - Well the next storm that takes out that fence, I'll let you go through my yard.

John Kahl -I think it's either the situation, and I've worked on several projects over the years in Leawood as a design engineer and you know the, the policy that the City's had, because when that area developed there were no drainage easements. Everything was private property and so then City's policies and approaches to things have sort of changed since the forties and the fifties when this area was getting built out. Now typically the City would get a drainage easement in the newer parts of town and you know would have responsibility for that and any of the work that was done in the area would have to have met certain standards and codes and that sort of thing. But up in this area it wasn't and the residents used that to their advantage because if the City wants to come in and do something and they don't like it they say no. It's private property, stay out of my property and that's what happened in this to nearly 2000 when we were doing the original DB-24 project. The residents said "No, we don't want you to go in there and wipe out my back yard". And the question, I remember the discussion going, we said well, is there anyone that floods up there and the answer was no and it's like so we can remove them and still address all of the identified problems within the SMAC project which was the criteria in being able to move forward with the rest of the project.

Chair Azeltine – That's called irony.

John Kahl – So I mean it's kind of, it is a double edged sword though, because the residents use it to their advantage when they don't want something they use it to keep you out but then all of a sudden when you want something it's like oh please come help me, I'll give you anything.

Lauren Conderman – I have to address that though, I would say that more than half maybe eighty percent of the residents that were there back when it was originally proposed are gone, they're all new residents and we have a lot more water now than we had back then.

John Kahl – But you don't have any more water now, the same water comes there now as came there ten years ago.

Conversation regarding frequency/severity of rain - I disagree the storms are more intense now. Fewer storms but more intense. They're more intense.

John Kahl – There is no scientific information, in other words the standards of the City, of APWA, of the State, of the country, they have not derived new statistical design standards because storms are more intense.

Curt Talcott - And all the standards you just referred to every year, maybe with some slight tweaks the city adopts those and all the other cities do too.

Tim Miller – How old is this floodplain map?

David Ley – That flood plain map was created in 2010.

Tim Miller - So how often are they updated?

David Ley – They had been eight to ten years, typical but on this one the county did a pretty extensive update on this compared to how most FEMA maps are so I'm not certain when their next update is scheduled.

Tim Miller – so this is different that the map I was given when I bought my house.

David Ley – When did you buy your house?

Tim Miller - 2011, but I guarantee you those owners used an old flood plain map when I bought the house.

John Kahl – Yes, the previous owners you know may very well have done you a disservice, you know, by objecting to the project when we were trying to deal with them. But unfortunately we can go back and undo that now.

Tim Miller – Yes, I understand, I'm just for my own, because they started that.

David Conderman – Recognize the project that you did from 81<sup>st</sup> Terrace to 82<sup>nd</sup> has increased the problem.

Curt Talcott – If anything that project downstream helped.

Carole Lechevin – Say that again.

Curt Talcott – He was just saying that the project would've made this problem worse, if anything the project downstream.

David Conderman – No, no the 81<sup>st</sup> Terrace, the water has been diverted from the homes on 81<sup>st</sup> Terrace, has been diverted into our creek, it didn't used to come that way. Go back to the map of our houses that you had up there and you the blue vertical line it goes off your map to the north to 81<sup>st</sup> Terrace, the homes on 81<sup>st</sup> Terrace and on the North of the very northern line of the city limits. There was a giant culvert back there that you guys put in and all that water has now been diverted into our creek. It didn't used to and I know because it used to flood all the homes there and I used to live there, I saw it happen constantly and that water is now coming down into our creek.

David Ley – on the north side there the water would flow overland and come, it was getting here, most of it was over land because the pipes, there were some pipes in this area that were coming out to 81<sup>st</sup> Terrace.

David Conderman – Actually it wasn't getting there because I lived there, I can tell you it went downstream and it went clear over to Wenonga and then went down that creek instead which also fills in to your project at 82<sup>nd</sup> and Wenonga, the bridge. The water would go, it would go right down all the houses to the east and to the north, I don't know if you've got a picture of that. But now that water has all been diverted, there's a low area on 81<sup>st</sup> Terrace where all that water now, that congregates, it's all been diverted over to our creek. It used to actually go down the street and go towards Wenonga Creek instead.

Susan Nitsch – So that would explain possibly the ...

David Conderman - It's part of why there's all the water flow, that and the fact that you raised the ground by six feet causing basically, you know a block to the area and now the water is backing up from that. It kind of dammed the water back.

Chair Azeltine - David, in the staff memo, you said when the city receives questions and/or concerns about erosion, staff will meet with property owners to identify what may be the cause and potential solutions. Uh, has any of that happened? Have you met with any of these residents?

David Ley – David Roberts and I believe Calvin has talked about meeting with some property owners out there.

Chair Azeltine - Yes, I would say that they're, I have learned from other projects and I don't know if it's applicable in this case, but there have been other projects where there are actually things that the home owner can do to help alleviate their problem and so our staff is available for anybody that would like to explore that.

Unidentified Resident – How do we pursue that?

Chair Azeltine – Contact David or me or one of your, either Debra Filla or Andrew Osman who are your council people.

Jim Rawlings – I would be interested in some report from you on how many private streams there are in Leawood, we talked about we don't handle any of those but I would be interested to know, obviously there's a problem here, but if we decide, the council decides to change the policy or even consider it. What kind of potential miles of creek could we be looking at?

David Ley Yes, we could develop a map with those lengths of the public and the private streams.

Jim Rawlings – I think that would be very helpful for future discussions.

Chair Azeltine - Well the other thing that we talked about I think it was at our annual goal setting session several years ago was the fact that Leawood is almost the only city around here that doesn't have a storm water tax. Prairie Village has one, Overland Park has one, uh...

David Ley – Olathe has one.

Chair Azeltine – Olathe has one yes, it would go on the, water bill I guess is where it goes. If you do a cursory study and you find that these types of situations are increasing.

John Kahl - Personally I'm a big advocate, I think these types of problems should be municipal problems because what these residents are finding is that the creeks too big, they're dealing with too much water and not individual home owner owns enough property that they can effectively change anything. I mean in the big picture sense I'm a proponent of that but you've got to pay for it and right

now Leawood doesn't have a way to pay for that and so until there is a way to pay for it we can't change our policy.

Resident Miller - Well it's going to long term devalue the properties on this block.

John Kahl – Like I said the previous homeowners may very well have done you a disservice when they declined to do this project back in '02 or '03 you know and their reasons at the time they didn't think were big and bad enough that they wanted that much disruption to their property. They thought, the argument at the time was that's going to hurt our home values.

David Conderman – That was before you did the two projects though, from 81<sup>st</sup> Terrace to 82<sup>nd</sup>.

Chair Azeltine- Please raise your hand if you want to be recognized, excuse me, Curt.

Curt Talcott - If this subdivision was platted today then would the creek go in an easement?

David Ley – Typically yes, on a new subdivision the hundred year flood elevation is all within a tract dedicated to the Homes Association (HOA) so the HOA maintains it.

Curt Talcott - Okay so it does not become city property today it's an HOA property that's what I was trying to discern.

Carole Lechevin – Is that the same for other municipalities?

David Ley - It varies, but Overland Park is pretty similar to that.

Curt Talcott - Prairie Village -they try to avoid taking over creek because of the very same problem it's another budget item that they don't have money for.

David Ley – Like Steeplechase, Highlands Creek, those are developed over the last twenty-five yrs and they have large streams that flow through their neighborhoods and that's all in an HOA tract.

Lisa Harrison – So we need a movement, I move to a motion to move to bring this to City Council.

Chair Azeltine – Well now not necessarily.

Jim Rawlings – I think we need more information from David.

Carole Lechevin - Given all the projects that we're seeing come before the committee it seems like there might be more justification for a funding mechanism now than there ever was in the past. The dynamics have changed, the houses are three times the size that they used to be, the problems are more...

Jim Rawlings - More impervious.

Carole Lechevin - And not only affects the creek, it's affecting infrastructure. The storm water pipe in my yard, we need funding to help those things. And funding is there we can get them done and addressed easier.

Curt Talcott - We as a group can't direct David to do this report, we would need to make a recommendation for the council to direct.

Chair Azeltine – That's absolutely correct.

Jim Rawlings – We can't' direct ask him just to give us some additional information without going to the council cause all we're doing is delaying ... I mean I'm just throwing it out.

Chair Azeltine – I would throw that in David's lap because you've got to be careful allowing committees to assign staff any kind of a task because that goes to city resources and so I would leave that to David's discretion.

David Ley – So If you're just looking for a map of, if that's all you're looking for is a city map that shows...

Jim Rawlings That would be just one of my questions if we decide to change a policy, what is the potential impact to our budget?

David Ley – Well we could get you the measurements but as far as a cost estimate we would need to go in there and determine what the projects would be.

Carole Lechevin – I think it would be very helpful to identify where the trouble spots on maps are so that we can see what the parameters are, does that make sense? I mean you have it all in your head, but how do we know, does council know globally where the issues are?

Jim Rawlings- And that's my question I guess, the committee doesn't really know the impact, so should we as a committee look at the potential impact before we go to the council? Have full knowledge of what the issues are.

Chair Azeltine – Yes, we could, we could make a recommendation to council to instruct staff to do a study but I think we need be very specific as to what we want on that study, Curt.

Curt Talcott – I would make a motion that we ask council to direct public works staff to develop a map with private and publicly owned sections of creek with lengths and also research whether we have previously cleaned out private channels in the past for us to further explore this issue.

John Kahl - Before we get a second.

Chair Azeltine – No, is there a second to the motion?

John Kahl- Seconds the motion but with question: How much is that doable for you David within the confines of?

David Ley – Yes, we would work without our storm sewer maintenance crew who have a GIS person to do the map. We can come up with the map and the lengths but it would be a few months before we could bring that back because we're already set for February and March on Stormwater Committee so we'd probably bring it back in April.

Well what about costs?

You'd bring the map here first?

John Kahl - The research into whether or not we cleaned places out in the past is that information that is readily gain able, obtainable?

David Ley Yes, we could get that fairly quick.

Curt Talcott - I guess I should've asked how much of a burden that was. My motion was not to assign costs or anything.

Chair Azeltine – Well that question would be asked in council.

Curt Talcott – It would be just for lengths, a map showing where they're at and lengths so that we could calculate a total and also whether we cleaned out private channels in the past and if so when we stopped doing that.

John Kahl – That information would helpful for this concern and for many, many others that we see because you know we talk about that we have a lot of other areas in the city and we don't want to set resident but when faced with the technical reality of it, you know how many feet or miles it is or isn't, then it helps us understand better the magnitude of what we're recommending.

Unidentified Resident – have you sat down with others? Have you all as a group sat down with others like this?

**ACTION:** Curt Talcott – made a motion to ask council to direct public works staff to develop a map with private and publicly owned sections of creek with lengths and also research whether we have previously cleaned out private channels in the past for us to further explore this issue. John Kahl seconded the motion. All members in attendance were in favor. Motion passed.

**Chair Azeltine adjourned the meeting at 9:15 AM.**

Minutes transcribed by: Shelly Rexrode, Leawood Public Works Department