

**MINUTES of the
STORMWATER MANAGEMENT COMMITTEE**

**Meeting of: Wednesday, May 30, 2018
Leawood City Hall, Main Conference Room**

COMMITTEE MEMBERS PRESENT:

James Azeltine, CHAIR and Councilmember Ward 4
Debra Filla, Vice Chair and Councilmember Ward 1
Lisa Harrison, Councilmember Ward 3
Skip Johnson
John Kahl
Mary Larson, Councilmember Ward 2
Carole Lechevin
David Lindley
Bill Ramsey

COMMITTEE MEMBERS ABSENT:

Curt Talcott

STAFF PRESENT:

David Ley, P.E., Director of Public Works
Julie Stasi, Admin. Services Manager, Sr.

CALL TO ORDER: Chair Azeltine called the meeting to order at 7:30 A.M.

FIRST ITEM OF BUSINESS: Previous Meeting Minutes

ACTION: Mary Larson made a Motion to approve the Minutes of March 28, 2018, as written.

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

SECOND ITEM OF BUSINESS: Review draft map of creek areas discussed at our last meeting. Private vs City Owned areas of maintenance.

David Ley-Earlier this year the Stormwater Committee asked Public Works to create a map that indicated the private and public maintained creeks throughout the City. Staff has completed the maps and wanted to bring them back for Committee input and any changes or additions that they think need to be made. Staff calculated approximately 284,000 linear feet of streams; 91,000 approximately Leawood maintains, privately maintained would be about 183,000 linear feet and 10,000 linear feet of streams are maintained by either KDOT or an adjacent city/property owner. In review there were a few suggestions:

- Lakes could be named to show which are privately or publicly maintained. (Currently they are just shown as a blue lake).
- Creek lines could be bolder.
- There are 10 sheets for each section of the City. Staff decided to name each sheet by the boundary locations and not "Sheet 1 through 10".
- Talked about having the "Creek Policy" listed on each map.
- The storm sewer system is shown on the maps as grey in color, we need to change the color a bit. It can become confusing with all the other information.
- Need addresses and street names throughout.
- Show Tributary/Watershed Names of each Creek Branch to raise awareness.

Eventually we would like the maps on the City's Web site, maybe with tips for people who live on creeks with what maintenance is required and by whom. Committee members also advised realtors would be a good group to contact to get the word out and the next Homes Owners Association meeting. Desire would be to explain to citizens who owns the creeks, who maintains them and tips on who to call etc. for assistance or what the City can or cannot help with. Suggestion also to contact the Chamber of Commerce for providing information on contractors

that are licensed or rated well with the Better Business Bureau. Once tweaked staff should present at a Staff Meeting/City Administrator before posting on the Website.

Questions:

Lisa Harrison-What causes little sections to be public while being surrounded by private areas?

David Ley-North of I-435, most of the public maintained creeks were flood improvement projects, flood control projects. Example the DB24 Project goes from Wenonga, north of 83rd Street and down approximately Lee Boulevard. The City went in and constructed flood prevention. We made a vegetation area in order to lower the 100 year elevation. Another project was a box culvert project again to lower the water surface elevations to decrease flooding. Another one started at State Line Road we installed a box culvert. Most of it was open channel prior to the project and we did improvements downstream. These are all residential.

Lisa Harrison/Mary Larson-Asks where the Pond No. 1 is that they have been hearing about.

Julie Stasi-The "Finger Lakes"? These are north of 98th Street, west of Lee Boulevard (between Meadow and Manor).

James Azeltine-Everyone once every few years someone comes around and asks the City to do something.

Lisa Harrison-Yes Every few years something would need to be done to maintain them.

David Ley-There is a box culvert that we worked on in 1988. Recently this was also part of a flood item included in our last July flood work. What we are hearing about on the ponds is the by the first lake, because all the water is draining. It drains from around 92nd, 93rd and then down through the storm sewer pipes and the first lake are where we are catching most of the stormwater.

David Ley- About five years ago, the property owner by the 4th lake down emptied the lake and cleaned it out, deepened it.

Lisa Harrison-I didn't realize how few homes actually touched some of these properties.

James Azeltine-Asked what Homes Association was in the particular area.

Julie Stasi-Leawood Estates is south of 95th. North of 95th is mostly Leawood.

David Ley-Does want to also identify the lakes on the map. Although the ponds in Leawood are mostly private. The City does have 3 along Tomahawk Creek Parkway, City Park and Gezer Park.

Carole Lechevin-Asked David Ley to explain the history about the Lee Boulevard areas and how some are private and some are public.

David Ley-In the late 1980's, the City improved Lee Boulevard. We extended the storm sewer pipes through the areas where there was a lot of flow or we had a steep roadway. So we put the water in the storm sewer pipe to prevent the erosion of the channels. Some areas we are looking at extending the storm sewer pipe. Lee Boulevard Improvements in the next couple of years/due to the erosion happening. For the most part the is a roadside ditch and in some of the ditches there is still pipe underneath those ditches that are taking most of the conveyance on the channel.

Debra Filla-We had met once with another home owner on Lee Boulevard where there was silt that had filled into his ditch and it was backing up the flow. And we had talked about what the cost efficiency was with doing the hard structures verses the open ditches. I went and spoke with City Administrator Scott Lambers and with Joe (the former Director of Public Works) and it was felt that the cost of managing an open ditch was so much more less than the cost of a storm

system structure. We were at the time talking about 10 million dollars if we wanted to take everything on Lee and turn it into hardscape. So in that particular area it was the home owners' responsibility to maintain. And for some people it is very difficult because of the pitch. To mow down there and the other things that are down there, it is not a fun thing. This resident had to back hoe it and, that was a bit much. Near 86th & Lee or further north of that.

Debra Filla- One thing I think that would be a good education and might be helpful, for example my street put in a bio-swale pilot area. The bio-swale filtration will sift out the stormwater; cleaning it before it gets to the drain. There are perennials planted there that help slow the water down and in the homeowners point of view it is filled with items they do not have to mow. They will still have to do a little weeding, but they can cut it back in the fall and they do not have to mow it. It could be an option to help people, and would be better than using a lawn mower on an angled ditch. It would also approve the appearance then having bunches of leaves collecting there.

David Ley-Once we do Lee Boulevard we can speak to many of those residents. Many are concerned with the road side ditches and another thing we hear about is the age of the roadway is breaking off and they are getting a lot of asphalt chunks in their yards. We can discuss those options to help them. The first phase of Lee Boulevard is in 2019 and it runs from 95th to 103rd streets. We will widen the roadway out about two feet in order to stripe off bike lanes. And then add stormsewer (about 500') where we are having erosion problems. On the bike lanes we are planning a concrete base and then do an asphalt top.

James Azeltine-Asked about the goal for today's meeting.

David Ley-Advised today was just about the maps. Staff created the maps under your direction and we wanted your input. We can then post them once they are complete the way you want them and for information on line for people to view. The lakes being shown, will indicate if they are privately maintained or publically maintained. The maps will assist the Committee is seeing what all the City has to take care of and what residents are required to maintain.

James Azeltine-That would be very useful.

Mary Larson-It would help to have the ponds identified public/private.

Lisa Harrison-And on the website to clearly communicate and remind people along these types of properties and clearly labeled. Examples Homes Associations or Private owners maintain these creeks and not the City, etc. Based on the concerns that have come to the Committee we need to do a better job of communicating to anyone that is looking at property in Leawood. People moving here have no idea most of the time that that pond or creek is theirs or their HOA's responsibility. Maybe it is in the deed restrictions or their realtor did not talk about it much. If it is on the web site they will appreciate it.

Carole Lechevin-Also have it say if it is a privately owned channel (with arrows pointing to those) and have a note on what is expected with the maintenance of each type. Or if you take in a back-hoe when a tree is down, can you do that? Who is responsible? How far can they go?

Chair Azeltine-And maybe as an accompaniment to the map on the website, point out some general rules on how these thing work, before they call the City.

David Lindley-asked about Building Permits and if there was anything in those that could be more authoritative to advised people about stormwater and their responsibilities.

Debra Filla-advised that she has run into this in her neighborhood with people adding on large garages. And has helped with explaining the % of the areas that they are adding to in runoff and asked David Ley to explain that.

David Ley-Over 400 square feet of impervious you are required to provide a map to the City. It goes through the building process and then it is fed over to Public Works and we review those plans for if it is over the allowed impervious areas and if so, they have to do some type of detention. Mostly rock and infiltration ditches. It is a pretty simple stormwater study for those. On tear down rebuilds they actually have to provide a stormwater study and have a professional engineer look at the existing site, show the flow patterns and then the volumes coming off the site and which direction it is going. On their proposed improvements they have to do the same and account for how they are going to address the stormwater issues. We have maximum heights so you cannot raise it more than 1 foot without existing the first floor elevation unless there is a stormwater issue to where you needed to get more drainage or get more water out to the street and then we would permit a little bit higher first floor. And with the deeper foundations they tend to find a spring that we didn't know about.

Carole Lechevin-asked if we could point out detention areas as opposed to water features.

David Ley-Gave an example of the Price Chopper at 133rd & Mission. The blue lines on the map are actually underground tanks, storm sewer pipes and are 6 to 7 feet in diameter. Maybe we can make those yellow or something so you are not thinking those are cool square ponds. Also something between the public and private storm, maybe a different hatch mark so it is obvious. Gezer Park pond at 133rd & Mission is a water feature/City owned pond.Carole Lechevin-Had a question and mentioned the "finger lakes" on the North end probably takes a lot of debris and silts up pretty quickly. Those two or three homeowners on each side are responsible for constantly maintaining that?

Staff-Yes. And they have come to us before asking for help and we had to advise that was private property unless they wanted to make it public.

Carole Lechevin-That is huge if you look around from that area those are typically very messy. One of your notes said that you guys (Public Works) provide pick up service, what all does that entail?

David Ley-If there is debris in a creek. Where somebody cut out trees or if there is any other debris they can bring any of that up to the curb and the City would come by and pick it up if they were to call us.

Lisa Harrison-Several of the homeowners that we have heard from in the last three months that have creeks in their back yards have talked about the massive amounts of trees, root balls that ended up in their back yard creeks and they have no way to get rid of it. Well we wanted to let them know actually we do if you can get it to the curb and cut it up, drag it up, the City will come and get it.

Carole Lechevin-I've mentioned this before but in my creek, it was a concrete basin at one point and pieces have floated downstream, but there is no way I could have gotten that out without heavy equipment. And that is mine because it is in my back yard? It came from upstream.

Bill Ramsey-Part of the issue here is there really isn't any public access to get in to these areas. And the legal folks go ballistic on you if you enter without an easement or some right to be on the

property with damage and other issues. That is why this is such an issue. Some of the ones I have reviewed in the Ward are so restrictive and creeks are so narrow, it can be basically a ditch. Carole Lechevin-Vertical walls.

James Azeltine-and once we go in there we own it right?

David Ley-Well from that point on we hear that the City came in and did something to clean it up.

Bill Ramsey-At that point, you might as well make the whole system public because for all intensive purposes you are going to own it.

Debra Filla-To that point is there some way that we can help? Many people are confused on what they can do. Who can they call? Would there be suggestions as to the type of contractor that we can suggest to them? Tree Landscape people? Are there people certified that we could have maybe through the City for them to call upon? Someone approved to go in and work in these areas? But have it where they are working for them? What type of contractor does this work? Other cities have certified tree workers working in their Cities is there someone or some type we can recommend to people who ask? All working with a permit and licensed with the State etc.

Bill Ramsey-We talked about this when I worked at Olathe and the City Council did not want to approach this within a country mile regarding licensing. But there is nothing wrong with providing a list of contractors who have been vetted by the Chamber of Commerce or by the Better Business Bureau or someone like that. I think there is some benefit to what you are talking about in terms of at least providing a starting point for people to go to.

James Azeltine-In an example of Mission Hills, the City and one home owners association can get together and that gives them more flexibility than what Leawood would have. To start a new permitting process may be a bit much.

Debra Filla-You have to prove you have your Johnson County Contractors License, and you have to prove you have Insurance.

James Azeltine-To me that is what I do when I hire someone.

Debra Filla-And we could put those as suggestions. Look for a contractor that has a license, and insurance and a business license to do work in the City of Leawood.

Carole Lechevin-If they are doing business in our City they are supposed to be licensed anyway, right?

Staff-Right.

Mary Larson-If we are trying to help our home owners with providing them a list of people to turn to for help. There is a big difference in that with requiring permits; two different categories here.

James Azeltine-No matter how you go about getting them on the list, some people will look at that as an endorsement by the City. That is why you could get involved with the Chamber and ask them how to que this up as a link on our web site, before you make a list.

John Kahl-There is a huge difference in the costs of tree removals between one company to another. It can be 300 to 400% difference. We have a guy we've used for the past several years and I'm not sure if he is licensed or not.

James Azeltine-Comments on the maps? Good. More labels, addresses. Maybe identify the watershed on the map.

Carole Lechevin-It is different between Kansas and Missouri with the laws in working in the creek.

David Ley-You need to get an Army Corp of Engineers Permit if you are getting down into the channel. We do permit any work on the banks, for clearing.

Carole Lechevin-What if I want to build a retaining wall in my creek.

David Ley-You have to get a flood plain permit if you are doing creek work like that the City wants to see the work you are doing. Especially if you are moving more than 400 square feet. So that way we can verify that you are not necking the creek down or creating flooding issues.

Carole Lechevin-I think that needs to be clearly defined for most lay people.

Lisa Harrison-All these people that have come in saying they worked on their creek, they all got a permit to do that?

David Ley-Not all of them but some with the walls have.

James Azeltine-If you dig down you need one.

David Ley-You are supposed to come to the City. So a lot of the times if people go out and just do it and it's in their back yard, many times we wouldn't know. Unless the neighbor calls and we have had that happen.

James Azeltine-My guess is if there is not anything in our Stormwater Ordinance that talks about this there should be. Either a small paragraph or a few points ought to accompany the map to explain why it's there, and what the City's responsibility is verses what is not the City's responsibility.

Debra Filla-On our Web site I really encourage us to call out stormwater separate from Public Works. It is hard to find, it is buried under Public Works. Maybe we could link it to the HOA Map.

James Azeltine-Does I.S. Department keep a suggestion of things like this?

Julie Stasi-We have a Help Desk where we can ask for items to be published to the web site. Although everyone wants to be on the front page. Maybe the terms we use would be easier too, say we call it Creek information, instead of Stormwater. Staff can work on brochures for this too (like we did for the BMP) and with the map put tips on what they should know about living by a creek.

Carole Lechevin-There is a gray area in some of the creek areas as to when it becomes public and when it is private.

David Ley-The City's policy is if our structure is becoming undermined then the City would go out and stabilize that area to protect our end section and our storm sewer pipe.

James Azeltine-A lot of what we need is education, to get the word out. A lot of people do not know they are not supposed to pour things into the stormsewer.

John Kahl-We have such a broad cross section of people and residents that you will find living along the creek. Some have money to do extra things with their yards and some of the mind set not to touch them.

Debra Filla-Stormwater is the Rodney Dangerfield of utilities. The only people that think about flooding are the engineers or the people that have flooded.

Chair Azeltine-Whenever Johnson County gets their SMAC Program revamped it might be a good idea to us to revisit these maps and look at our watershed and information.

Bill Ramsey-Asked about if we have a new development coming in the south part of Leawood, do we have our Ordinance all up to date so we do not have some of the issues we are finding in older areas that were built years ago?

David Ley-advised in the new developments if there is a 100 year flood plain or if there is a stream running through the property, the developer is required to plat that area in a tract that is dedicated to the HOA so it is no longer individually maintained and owned. So as for open

channels there are practices for treating stormwater which is required now for all new developments. For example the Hills of Mission which is at 151st & Mission on the Northeast corner. They have a lot of underground detention areas just to hold the first flood and then they have an open retention pond and they are also doing a drop pond for detention, so there are two levels; Best Management Practices which is treating the first rainfall and then we have the detention that is required for the heavier storm events. That is required and started back about 2009 in the City for all developments.

Discussion

Properties go all the way back to the creek and the creek is a part of the lot.

Can you make the area along the creek a common area, but how do you offer that without taking portions out of everybody's lot?

Carole Lechevin-recalled when there were pocket parks behind several lots near 92, 91st, but they went away because they were unable to maintain them.

John Kahl-If you go to the Corps of Engineers for a 404 Permit with a New Development and you show a line like that where the lots go all the way to the back; the corp will say if you bring the lots all the way to the back we are going to assume that you are going to take that channel out. And you have to mitigate for it. They understand that if the lot goes all the way to the back they are not going to enforce an individual homeowner if and when they decide they want to do something to that creek. It cost them more money to develop that way because they then have to pay mitigation or provide mitigation for the impact of that channel. Even if they are not going to touch it. That does not make the channel any different other than the fact that it encourages the developer not to do lots like that. If they put it in a common tract and said we are not going to touch it, then the Corp says that is fine and you do not have to mitigate. It's largely the same reasons why the City Engineer is doing, just from a different direction. If you run a subdivision and you basically make the lot lines line up with the creek along the back. That is all private property. Basically the Corp does not want to have to enforce on individuals if the homeowner goes in and lines their creek. That should require a 404 permit. Most homeowners will not do that. There is not really an enforcement mechanism for it.

James Azeltine and that is why all the new developments have the HOA's with the area along the creek.

Lisa Harrison-We have mentioned realtors a couple of times. The realtors meet their teams once a week for meetings and they disseminate important information and they want guest speakers. They are always looking for information updates and there might be an opportunity here to reach many Leawood people with some of this information on creek maintenance. Anything that we can put out there in meetings, on our web site. Maintenance of creeks, ponds, etc. Information on these great resources and helpful tips on where they can go to understand what is required as a homeowner along a creek.

Deb Filla-And as a reminder for our HOA Meeting we could have something for our next annual meeting on Creek Maintenance.

Chair Azeltine-Group advised staff to make sure the City Administrator sees what we are posting, although the map will be an ongoing update once we have it created.

Chair Azeltine adjourned the meeting at 8:30 AM.