

Minutes

Stormwater Management Committee

Minutes of the Stormwater Management Committee Meeting

Friday, January 11, 2008, 7:30 A.M.

Main Conference Room, Leawood City Hall, Leawood, KS

Committee Members

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|--|---|---|
| <input checked="" type="checkbox"/> Jim Rawlings, Chair
Councilmember, Ward 2 | <input checked="" type="checkbox"/> James Azeltine
Councilmember, Ward 4 | <input checked="" type="checkbox"/> Randy Becker |
| <input checked="" type="checkbox"/> Carol Bussing | <input type="checkbox"/> Gary Bussing
Councilmember, Ward 3 | <input checked="" type="checkbox"/> Bill Chiles |
| <input checked="" type="checkbox"/> Pat Dunn | <input checked="" type="checkbox"/> Debra Filla
Councilmember, Ward 1 | <input checked="" type="checkbox"/> Mel Henderson |
| <input checked="" type="checkbox"/> John Kahl | <input checked="" type="checkbox"/> Carole Lechevin | <input checked="" type="checkbox"/> Alec Weinberg |

= Committee Member present

= Committee Member absent

Leawood Staff in Attendance: Scott Lambers, Joe Johnson, David Ley, Julie Stasi

Guests:

Bob & Nancy Hack, 8308 Cherokee Lane, Leawood, KS 66206

TOPICS: PAST MEETING MINUTES-NOVEMBER 9, 2007. AND MISSION STATEMENT

Carol Bussing made the motion to go to a Minute Summary format similar to that of the "Action Summary Report" Staff created for the City Administrator. Alec Weinberg seconded the motion. The Committee likes the minutes short and to the point with attendance and motions made to topics; and not written like a deposition.

Carol Bussing made the motion to approve the "Action Summary Report for November 9th, 2007", as the official minutes of the November 9th, 2007, Meeting. John Kahl seconded the motion. All were in favor. Motions passed unanimously.

Noting, that with the approval of the November 9th 2007 Minutes, the "Mission Statement" is approved.

TOPIC: DB-04-024 PROPERTY OWNERS REQUEST FOR ASSISTANCE.

Mr. and Mrs. Hack approached the Committee with a letter dated 1/11/2008; asking for clarification to 2 remaining concerns. The original request from the Hacks was reviewed along with a copy of a letter from Joe Johnson that he sent to the Hacks that outlined what was recommended by this Committee and what was approved by the Governing Body. The Hacks have remaining concerns that they are requesting attention.

Mel Henderson made a suggestion that Staff review what is being presented and send it back to the Committee after Staff has had time to review this latest information. This way the Committee can have time to review and vote on it.

Joe Johnson advised Staff's position. When you look at the additional funds the residents are asking for; it is for landscaping on the berm. Staff is not in agreement with this and he has indicated this to the Hacks. What we had agreed to do was swap out

the sod for the ground cover. So there is little to no maintenance in the mowing of the berm. After that, staff is not in favor and would be against (along with the State) in planting any types of trees or plants on the berm; due to the fact that the berm is there to provide flood protection. The last thing you want to do is plant trees and similar items like that on the berm. This also would prevent the residents from planting trees on the berm. The City is now responsible for the continued maintenance of the berm and keeping the berm free of trees and other similar plant growth off the berm.

Carole Lechevin would like to see an overall picture or diagram of the property and the location of the berm.

Debra Filla There is a clarification of what is going to happen at the berm and that is something that is besides grass. The secondary question we never addressed (because it got combined with the berm discussion) is the residents wanted an allocation for landscaping (and it is still getting combined into one conversation). So she agrees with Mel Henderson's thought process and would like to have distinguished between what staff is comfortable doing with regarding to the berm and secondly, coming back and addressing the unanswered questions about landscaping. Landscaping and berm are in different locations and they got all thrown together; with landscaping never really addressed

[1] bridge, [2] yard restoration, [3] berm plantings.

Debra Filla made the motion to refer the Hacks Request for DB-04-024 additional assistance back to staff and then to the next Committee meeting Old Business. We allow the distinguishing request for landscaping be differentiated with what can be acceptably put on the berm for our consideration if in fact that is an allowance for an additional landscaping on the property off the berm.

James Azeltine seconded the motion. All were in favor, motion passed.

Joe Johnson asks for guidance. The City has \$3500 dollars roughly that we have to do landscaping. We have extended the wall up to a cost not to exceed \$12,000. If they want to do more in their patio area between the house and the wall, I am not sure what it is they want that I can sit down and agree to. We have not done that with the other properties, we generally do what the plans show. Of the three properties that we have done things different, they have come before this committee to ask and the committee and the committee makes a recommendation on what they are going to allow. So staff cannot just go back and say we will allow another \$5,000 to \$10,000 and that's reasonable. Joe Johnson advised there is \$3500 in the contract for landscaping.

Scott Lambers. That is sod that now is going to be ground cover. So their actual budget left that is general landscaping is the (\$800)-American Sweetgum 8" diameter (\$430)-Eastern Redbud 3" diameter (\$300)-Summersweet Clethra, 3ft; for a total \$1,530.00. So if the Hacks come in making a request for more than that, then that is what has to be evaluated.

Scott Lambers-Joe is correct, for the Committee to send it back to staff without a parameter to evaluate it, it is going to end up here again. If he was to make a recommendation it would be to have the Hacks meet with the landscaper and come up with a plan that does not exceed \$5,000. This would be to landscape the area between the berm and their property and if the Staff is okay with that plan, then as City Administrator, he has the authority to approve the authorization of that expense. Because the Council referred this, if you want it to come back to the Committee and then go to the Council that is fine or if you just want them to go to the Council that is fine. But

if they want more than \$5,000; which is more than what we have offered to the other property owners, then I'd say it comes back to the Committee to evaluate and then it goes to the Council from there. We can give them that landscaping to accommodate them, if it is not satisfactory to them, then they come back to you at your next meeting.

Debra Filla-Withdraws her previous motion.

Debra Filla makes a new motion to have the Hacks meet with the landscaper (Constant Care-the City's sub-contractor) and come up with a plan that does not exceed \$5,000. This would be to landscape the area between the berm and their property and if the Staff is okay with that plan, then as City Administrator, Mr. Lambers has the authority to approve the authorization of that expense; a \$3500 total increase over what they had.

James Azeltine-Withdraws his second to the previous motion.

Chair Rawlings also would like to see the previous motion withdrawn.

Carole Lechevin-seconds the new motion made by Debra Filla.

All were in favor. Motion approved unanimously.

- Clarification for the Hacks: The City will provide the ground cover for the berm. And in addition to that, the residents have up to \$5,000 for a landscaping plan (not in the berm area). The area that is now mud that is between the house and the wall and the berm will all be sod (this is the project expense). The list that shows the \$3400, the \$1800 was the money we will use for the ground cover on the berm and then there was \$1300 for trees. That \$1300 plus \$700 will be the \$5,000 you have for landscaping. There is a budget of \$5,000 for landscaping. Excluding the ground cover for the berm, excluding the sod that otherwise is going in for the contract.

TOPIC: UPDATE BY STAFF ON STORMWATER PROJECTS AND PROGRAMS

- City's 5 year/5 million dollar comprehensive infrastructure improvement program

Joe Johnson explained to the Committee the City's infrastructure maintenance needs and how the needs are being funded. The infrastructure report that was discussed in meetings past was just completed in April of 2007.

Pat Dunn made a motion to place enforcement education of stormwater issues on a future committee meeting for discussion. We all have ideas for education and we could discuss and make recommendations to improve it.

Debra Filla seconded the motion.

All were in favor, motion passed unanimously.

- 1/8 cent sales tax for Non-SMAC Stormwater Program

James Azeltine asks if there are anymore stormwater related projects in the proposed CIP. Regarding the ballot language was there any distinction made between public VS private property? Understands there is a distinction in the Ordinance.

Joe Johnson said there are no additional projects than what is on the list. If the City does the project, we do get easements; so it becomes public after we are there.

Debra Filla asks Scott Lambers to talk about renewing or extending the sales tax.

Scott Lambers said that because it expires at an awkward time (it is in-between elections) it would be a question before the Council: Do you want to get a general election before it expires? If so then we would have to put this on the ballot this fall. If not, then the tax would lapse and we would have it for the next general election. Mr. Lambers recommends that we have it go to the next general election and then align it so that in the future it would be renewed every four years or at least be on a cycle so that it would occur every other year.

Debra Filla- Makes a motion for a future agenda item where we talk about what are the options are and the best way to fund 1 ½ million of stormwater repairs every year. Is a Utility Tax something to consider; rather than letting a mil levy be increased? Can we affect people's behavior to help us with managing our stormwater, if they have a tax and a credit system?

Pat Dunn agrees that would be a good future item.

Chair Rawlings asks that it be placed for a future item for discussion.

Pat Dunn-The City has uses in the Street Repair Program for the 1/8 sales tax as well. If all of a sudden we had a separate funding source for stormwater that would not be a problem. If we are not sure until Spring of 2010 that our funding is going to continue past fall of 2010, we have a really difficult time with budgeting projects. Is comfortable with coordinating this with general elections to get this done in 2008. The money will be well spent one way or the other.

Pat Dunn makes the motion that the Council consider timing the 1/8 cent sales tax renewal (for streets and stormwater) to coincide with the general election in November. And that the language be re-worded to run every four years; expiring 6 months after a general election.

James Azeltine seconds the motion. All were in favor. Motion approved unanimously.

Housekeeping issues:

Committee prefers 3-hole punched agenda items.

Keeping the packets in a binder would help.

Some members prefer e-mail delivery. Paper packet was most desired.

If the packet is too large, that may be too much to ask for individuals to print, the City can do that for you.

Meeting adjourned at 8:55 A.M.

Minutes transcribed by Julie Stasi.