

Minutes of the STORMWATER MANAGEMENT COMMITTEE
Stormwater Management Committee Meeting

Friday, June 13, 2008

7:30 A.M., Main Conference Room, Leawood City Hall, Leawood, KS

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

= Committee Member present

= Committee Member absent

Guests in Attendance: Derrick and Kim Alexander, 14601 Delmar, Leawood, KS 66224

Leawood Staff in Attendance: Joe Johnson, P.E., Director of Public Works
David Ley, P.E., City Engineer
Julie Stasi, Administrative Services Manager

On today's list of agenda topics was:

1. Minutes of May 9, 2008 Committee Meeting.
2. Drainage Concerns: 14601 Delmar
3. Information on stream bank erosion and stream buffers.
4. Bio-retention Gardens

Chair Rawlings called the meeting to order at 7:30AM.

- Mel Henderson made a **motion to approve the minutes** from May 9, 2008. Pat Dunn seconded the motion. All were in favor. Motion passed unanimously.
- Chair Rawlings advised he would like to change the order of the agenda to allow for guest comments first from and for The Alexander's drainage concerns.
- **Drainage Concerns: 14601 Delmar**
Joe Johnson gave a history of the concerns: The residents, Kim and Derrick Alexander, live at 14601 Delmar located in the Pavilions of Leawood. For the past several years the residents have been asking the City to extend the public drainage pipe that runs along the north side of their property to eliminate the drainage problem that occurs at the end of the pipe.

When the development was built, the road, Delmar, which they live off of, was elevated to allow walkout lots. The land east of Granada drains to the east onto the adjoining property. The stormsewer was constructed with the road to take water off the road. The stormsewer pipe runs from the street to the east along the north side of the property to the edge to the rear property lines. The problem is the pipe does not discharge into an existing channel or swale, the pipe discharges at the existing grade of the rear yard. To

These minutes were approved by the Stormwater Committee on September 12, 2008.

complicate the matter, the grade to the east of the pipe is very flat and the water does not drain quickly, causing the area to have standing water and stay wet for long periods of time.

Public Works crews re-graded the area about 3-years ago; however the area is too flat to have any major improvements in the drainage. The only solution to eliminate the standing water and drainage concerns is to extend the existing pipe system to the east and discharge in the channel that is approximately 200 feet away.

Staffs estimate to design and construct a pipe system is roughly \$66,000. The downstream property owner (Dr. Reed Residence) would also need to grant a public stormsewer easement and temporary construction easement. This cost does not include any easements costs.

David Ley advised that the discussions with the downstream property owner to date have been favorable that they understand the City may be asking for easements in this area if a project as described was authorized.

Staff suggestions are for the funding for this if approved by the Committee and City Council to come from the City's 1/8 cent sales tax. At this time, money would be available in 2011 to fund this project. The downstream property owner would need to dedicate the needed easements without cost to the City.

Mrs. Alexander also had pictures of the area; showing standing water and several utility boxes in the area of concern.

Pat Dunn made a motion to approve Staffs recommendation and recommend to the City Council that this project be approved, requesting that funding be found as soon as possible for the project. Alec Weinberg seconded the motion. All members were in favor. Motion passed.

- **The next item of discussion was Section 5600 Natural Streams.**

Carole Lechevin asked if a "stream buffer" was allowed by current City Codes? We want to encourage residents to seek these types of solutions where feasible, but do we have Codes that Neighborhood Services enforce that might not allow these?

Joe Johnson advised that the new developments in the City follow these, however the already existing residential lots; according to Section 5600 calls for buffer zones to be formally designated on a plat, a deed, easement or restrictive covenant and then it could be enforced. As far as property maintenance, the Leawood Development Ordinance; which governs the property codes for maintenance would or might have to be edited in order to allow those individual instances.

- **The next item of discussion was Bio-retention Gardens.**

Joe Johnson advised that bio gardens are used as a means to meet water quality requirements mandated by NPDES. The City has adopted the "Manual of Best Management Practices For Stormwater Quality", prepared by Mid America Regional Council and American Public Works Association. This manual includes the use of bio-retention as one method to obtain water quality for new developments and redevelopments.

This manual is referenced in the new Post Construction Ordinance that was adopted by the City in December 2007. This ordinance has requirements on new developments and redevelopments to improve both water quality and quantity of the water leaving the site.

Deb Filla-It appears we have three options to look at:

1. One option is to allow and change the LDO for these applications to be voluntary.
2. We change it so that this is what you have to do if in we want to proactively go out and suggest it and there may be areas in the community we want to create these or we just mandate it for everybody and everything.
3. Or to have these come to the City one at a time and be allowed individually.

These are the points to look at, what are the pros and cons to these alternatives and then determine the recommendations on what these should be that we would then make to the Council. Then the Council would send these on to the Planning Commission etc. etc.

Joe Johnson-Yes, if that's what takes place, then Administration would then work with Neighborhood Services to modify the Leawood Development Ordinance that would allow property owners the ability to maintain stream buffers on their property if they choose and not be in violation of property code maintenance ordinance.

Joe Johnson-Advised that one of the concerns he has is that when it rains, the Public Works Department is hearing from property owners who do not want water on their property. So to go back and have a policy where we say we are going to have rain gardens in the yards is the opposite of what the public is saying to us now. Residents continuously call asking what the City is going to do to get the water out of their yard. How do we change the mind set towards it. When you look at the complaints we get that we are trying resolve, and what water quality is trying to do, they are at odds with each other.

We can go through and have the best policies and ordinances, and the residents will say that's great, but do it on Town Center Plaza because they don't want the water in their yard. They want their yards dry. That is the reality we are dealing with now with the public.

Pat Dunn-So if we were talking about encouraging home owners to do a rain gardens, what we would be talking about is exceptions to maintenance requirements under other ordinances.

Joe Johnson-Yes, you'd probably have to compare it to what bio-retention is to what the property ordinance is and see if there is a conflict. And if there is a conflict, then we need to modify it to allow it.

Pat Dunn- And the way that would work is that a resident would have to have some sort of application into the City that would be subject to approval if it meets certain criteria.

Joe Johnson-Yes, or if not in violation or modify the LDO so that you can do it without having to make an application; as long as it met certain criteria.

Alec Weinberg-Why would a home owner need to have bio-retention?

Deb Filla-Environmental stewardship-social consciousness.

Joe Johnson-The 10,000 rain gardens that you hear about in KCMO.

Alec Weinberg-When he thinks of bio-retention he thinks of when you are filtering water out of a non pervious area (like a parking lot) and you want to get that water clean as it comes out of the site. This ordinance or policy we are thinking of is going to affect a very small population.

Carole Lechevin- Disagrees and says the water that could be coming off your roof or patio. Small scale, but it's not always true that it shouldn't be treated. Even water coming off the lawn has typically been contaminated with fertilizers, pesticides, herbicides. That impacts for instance the channel in my back yard. That channel is dead. Everything that we do individually impacts water quality. Thinks the City should be proactive in encouraging good practices, requiring it, is a different thing. Or an easement is a different thing. Thinks Leawood should step up to the plate and encourage that.

The Committee talked about having speakers address the group about rain gardens/conservation, and the region issues and specifically what Johnson County is doing in encouraging people to create rain gardens.

Deb Filla also would like to invite the Green Initiative Task Force Committee to the next Stormwater Management Committee so everyone could hear the speaker.

Pat Dunn-Would certainly like to understand the bio-retention options better before we start talking about what we are going to recommend.

- The Stormwater Management Committee is not going to meet in July.
- The next meeting will be set for the second Friday morning in August, (August 8, 2008). **UPDATE: AUGUST MEETING WAS CANCELLED[8-8-08]**
- We will invite the Green Committee and plan for a speaker.

Meeting adjourned at 8:49 A.M.
Minutes transcribed by Julie Stasi.