

Minutes of the Stormwater Management Committee



The Stormwater Management Committee met on Wednesday, August 25, 2010.

The meeting was held in the OAK ROOM at Leawood City Hall at 7:30 AM.

Committee Members in attendance: Julie Cain, Councilmember-Ward 4, Pat Dunn, Debra Filla, Councilmember-Ward 1, Skip Johnson, John Kahl, Carole Lechevin, Mike Levitan, Jim Rawlings, Councilmember-Ward 2, Alec Weinberg

Committee Members absent: Gary Bussing, Councilmember-Ward 3

Staff in attendance: Public Works Dept. Staff: Joe Johnson, David Ley, Julie Stasi

Guests: (by order of sign in sheet)

Andrew Osman, Councilmember-Ward 1

Lou Rasmussen, Councilmember-Ward 2

Marjorie Adler, 8721 Cherokee Lane, Leawood, KS 66206

Martha Lauer, 8718 Cherokee Lane, Leawood, KS 66206

Carter and Patti Hudson, 8728 Cherokee Lane, Leawood, KS 66206

Jon and Cindy Schmidt, 3636 W. 89th Street, Leawood, KS 66206

Bernard and Dea Richter, 10505 Sagamore Road, Leawood, KS 66206

Cynthia Pitts and Richard Mason, 8701 Ensley Lane, Leawood, KS 66206

Rosemary Cuni, 8731 Cherokee Lane, Leawood, KS 66206

(also NOTE: Cuni New address, 7834 W. 118th Street, Overland Park, KS 66210 "please add to mailing list".)

Jackie Smith, 10425 Sagamore Road, Leawood, KS, 66206

Bob Zyck, 8710 Ensley Lane, Leawood, KS 66206

Matthew Severns, 3721 W. 87th Street, Leawood, KS 66206

Chair Jim Rawlings called the meeting to order at 7:35 AM. Committee, Staff and Guests in attendance introduced themselves.

TOPIC OF DISCUSSION: MINUTES OF PAST MEETING

- Committee Member Filla made a motion to approve the July 28, 2010 Minutes as corrected; seconded by Committee Member Weinberg. Motion passed with all members present in favor.

TOPIC OF DISCUSSION: Discussion regarding stormsewer work in the Leawood Heritage Subdivision (87th & Cherokee area).

[8:46AM Member Alec Weinberg leaves the meeting.]

Joe Johnson advised that the Leawood Heritage area was identified when the County and Cities were updating the FEMA Flood Maps. The City hired a consulting firm to look at the impacts of current stormwater improvements on the open channel in this neighborhood. As part of the study we asked the consultant to also look at potential projects that would provide flood protection to the homes along the concrete channel. Several options were looked at along the channel.

Mr. Johnson advised that on June 15, 2010, an open house was held where all the property owners along the channel were invited. Notices were sent to 19 property owners with 10 in attendance. At the end of the meeting, the majority of those in attendance were in favor of enclosing the channel, providing flood protection to all along the channel. The estimated cost for this option is 5.1 million dollars.

Staff sent out questionnaires to nineteen (19) property owners.

The City received six (6) back in favor of a project; three (3) back opposing a project; ten (10) no responses.

Mr. Johnson was clear that there is not a project planned for this area, and that there would only be a project if the majority of the property owners wanted one. Staff also talked about easements and the process the City follows in obtaining them.

When asked about houses that flood, City Engineer David Ley advised that he knew of two (2) houses that flooded and that the flooding was reported to be from the sanitary sewer and not overland flow. Staff advised that the water does go over the street in areas and that we are improving 87h with a stormsewer to remove the overland flow.

Chair Rawlings noted that in looking at the responses received, the two (2) houses that have the potential to flooding are opposed to the project. Chair Rawlings requested to hear from the residents in attendance on what they think.

Councilmember Rasmussen asked if there was public interest?

Residents that spoke:

Marjorie Adler, 8721 Cherokee Lane-Opposed to project ;concern of loss to landscaping.

Milton Adler, 8721 Cherokee Lane-Resident since 1968 considered area and had retained soil engineers years ago for a study attesting to the foundation of his house being built on 52 piers. Mr. Adler was never told they were in a flood plain.

Patricia Hudson, 8728 Cherokee Lane-Concerns are street being torn up and pot holes. (not in 19 properties). Ms. Hudson wants assurance that we are going to repair the streets that are being torn up by the current work. Not just pot holes, but wants a new smooth surface and is concerned about the streets. Pot holes now were not there a month ago it's all from the equipment they brought in. When they are finishing 87th how far down on Cherokee do they go to repair the roads? And are they going to now bring equipment in from 89th and tear up 89th or go over the new 87th just put in and tear that up? Joe Johnson-The road will be taken care of. We are not going to reconstruct Cherokee Lane but we will remove down to the curb, the pavement.

Patricia Hudson-Asked about the cul-de-sac on Cherokee Court and up to 87th and if it would be new road.

David Ley-That's true.

Patricia Hudson-That's true. That will be new road then? Because all that is ripped up. So the cul-de-

sac at 8721 where they are and 8728; where we are up to the 87th house on the corner. All of that will be repaired by a smooth top, not just pot hole repair?

David Ley-Right, Correct.

Martha Lawler, 8718 Cherokee Lane-(not in the 19 properties, across the street) Has lived here for 42 years and is not aware of all the flooding. Ms. Lawler has heard that some of the houses have had trouble with their sanitary sewers backing up. But flooding as an overflow of the creek, is really not aware of. The recent storm that there was such a terrible rain there was water in front of her house where Ensley and Cherokee run together but a car drove thru it. It wasn't so horrific like a flood.

Kent Hodgson, 3210 W. 88th Street-Hodgson house backs up to the channel. Was around in 1993 or 1998 and did see water for the first time come out of the channel but it was down where it goes underneath the street. His assumption that going through this whole process of covering it up is not appropriate. It would be more appropriate to fix the area underneath the street. Mr. Hodgson is opposed to the project.

Marilyn Youll, 8711 Ensley-Sees water on Ensley & Cherokee. Water gets trapped in between house.

Favors a project. Watches water coming out of the bank and it does flood at Ensley and Cherokee

Matt Severns-3721 W 87th-Is here to find out about the project and has concerns regarding a different topic; along with the President of the Somerset Homes Association.

Bob Zyck, 8710 Ensley-Worries about being flooded and concerned with property value. Reports sewer backup and watching water cross roadway. Favors a project. They have been up all night watching the sewer and the area in the street to see if the water is going to come in their front door or windows in basement. Concerns of property value and if they will be able to see the house. No flood, sewer problems like everybody else. Water his the road at Ensley and Cherokee and it jumps up towards the house. Doesn't want to disrupt neighbors with landscaping, but thinks the City can do something. If there is a problem on that road and our homes going to flood, then the City ought to correct that. They have lost railroad ties in their yard. Doesn't mind water in his yard, but when the wave of it jumps up four feet and the road is flooded then it is dangerous for kids, pets and they are concerned. They don't sleep at night when it rains and they are up all night with worry. Is in favor of a project.

Cindy Pitts, 8701 Ensley Lane-Distributed a letter to the Committee. They have lived in the house almost 26 years, and if you want to buy their house then they'll talk. Some day they would like to sell it and they are opposed to the project. It sounds like a good idea but they are opposed to the cost and the reasons that have been covered. Also it will adversely affect their property because of the easement that the project is going to take between them and the Thompsons (and they feel the same way). The Thompsons have also submitted a letter for the Committee and (that was in their packet). This area is very beautiful in the back and there are a lot of trees and lots of privacy and screening and there are birds and things like that. What they really want to say is the Thompsons at 8708 (who cannot be here today) and them have taped off an area of where the 40 foot easement would be. The project would wipe everything out. The trees can't go back there. The tape will be left in the yards through this weekend and it would be great if the committee was going to be deciding on this to stop by and see the

area and take a look. Both properties (8701 and 8708 are opposed to project).

Rosemary Cuni, 8731 Cherokee Lane-Never had water from creek, ever only sanitary sewer. Is in the middle on decision, as never had water but now has been identified from Johnson County flood plain as a potential problem. Ms. Cuni is trying to sell her house and now potential buyers question it although they could come into her basement and see that there has never been water in her house from that creek. She doesn't want the project and would be out of her driveway during the process. Doesn't have any problem with the creek but now has a problem because it's been identified.

Rick Mason, 8701 Ensley Lane-A couple additional comments to add to Cindy Pitts comments. If you look at the property at 8701 Ensley Lane, it sits at a very high ground elevation compared to the basin of the creek. It was constructed that way when it was first built back in the 1960s. Mr. and Mrs. Pitts/Mason have lived there 25 years and have never had rain water or storm drainage water in their house. There were comments about the water coming over the road and that is true. It does come over the road. Some of the studies have indicated the possibility of increasing the size of the boxes underneath the street to try to correct that bottle neck. And yes they have seen it come over the street, but never have seen it flood. The purpose of the project is to mitigate the flooding and illuminate the potential of flooding and yet only in a few instances has there been any "flooding" and no one is talking about flooding in the house. Although knows Marilyn Youle and Bob Zykes had flooding at one time in the 1977 Flood, but does not see that the purpose of this study is going to solve any existing problems. Everybody on the creek bought their house and the creek was there; everybody. It's always been there and in their particular case, the house is within twelve feet of the existing creek bed. And there is a 4 ½ foot retaining wall on top of the creek bed on their side of the house. The forty foot easement will come within a couple feet of the existing house and would destroy the landscaping, walls, trees and vegetation. Mr. Mason urges if the City wants to correct something to correct the box culverts underneath the road.

Unidentified resident asked if anyone has ever in other areas of the City with detention ponds..has anyone ever asked could the ponds be dredged or anything like that?

Somerset Homes Association representative-Advised they have had numerous discussions about their lake which is about 9 acres of water. They love living there and they've had millions of gallons water coming from other parts of the City going into their yards with water bringing silt along with it. They have spent almost half a million dollars over the last 30 years dealing with everybody's water and silt. In probably ten years out they will have to dredge it again and that will be around \$450 to \$500,000.

The Association has concerns and they are here looking for some help. They are looking to maybe get a committee together of some sort that could do some investigating and they are open to thoughts and ideas, but they feel that it is not their silt. It is clearly coming in from yards and wherever else it's coming out. So they have to deal with it on a yearly basis. Every three years they have to dredge the arms. It was 15 foot deep in the last dredging and now over half the lake is about 6 feet deep. They have future concerns because last time they shouldered the entire project themselves but they don't think they can do it. The lake arms have to be dredged out more because if they don't then the lake

gets filled up quicker. They are shouldering the cost and it's not their silt. They have no agreement with the City of Leawood to watershed the water or the silt. When he was growing up and lived across from a lake, the people who owned the lake actually had a watershed agreement with the City and they were compensated for it through a tax basis. So in some capacity they were a watershed and the taxes were like an agriculture tax and maybe this could be an option where they could take the money that we get back for their water area that is filled with silt and water volume and so on and then put those monies into a dredge fund that would allow them to dredge the lake and in a long term period allow them to maintain the arms and clean out the erosion. Their walk-out is probably 35 feet to the arm. And to offset the June 15th storm, they had water 15' from their house as well as 89th Street probably had 2 ½ feet over the top of it. He took film footage of it and had the wastewater people come out and document all the manhole covers from the wastewater that were underwater. This is nice property and no they wouldn't turn it into a park just like all the Leawood Heritage people wouldn't turn theirs into a park. It's private property but it's being used as a watershed right now and they need some help.

Chair Rawlings-Opened the subject up to the Committee for questions, but in the interest and the subject of the lake and the potential SMAC Project, they are two different issues.

Joe Johnson-Needs to clarify one thing. They have talked about the lake and what improvements could or maybe done to the lake that would have a positive impact downstream. Dredging the lake, really doesn't do anything for the capacity. If you really want to control all the water you would have to reconstruct the damn and elevate the damn higher so that it stores more water behind the damn. The problem we have with that is the folks that live on the lake as was indicated. You will increase the elevation of the lake and in a 100 year event, we already had one property owner that has water within 15 feet of his house and I'm assuming if you raise the lake a foot, it would be up into your house. So that is the issue we would have if we did something with the lake and if the City ever worked an agreement out and we modified the damn to increase the storage of the lake you would impact the homes along the lake. Some of the homes do not have a lot of elevation between the water level and their lowest opening. So that is the limitation on the lake reconstructing it to provide additional flood control.

Joe Johnson before we have that conversation, to do anything with the lake impacts the homes along the lake.

Member Filla-knows you all are engineers and just heard Skip say dredging will not help. But her common sense says if it's 6' deep and you go in and dredge it and now it's 8' deep, you would hold more water.

Member Kahl-but it's already full of water. It doesn't matter if it stores 50,000 gallons or a million gallons, if it's already full of water when the rain happens, the additional storage doesn't provide any benefit.

Joe Johnson-to change the level you have to change the outlet structure and so you either lower the drain or you raise the drain and that either lowers or raises the normal pool elevation.

Chair Rawlings-Directs the committee back to the project at question and how that relates to it.

Member Lechevin-Back at the public meeting on the project, were they referred to the Johnson County Wastewater Department and sent to those officials to remedy those problems with the sanitary sewer

backups?

Joe Johnson advised there was not any representative from the sewer district at the meeting that evening. They were directed to contact them to let them know so they could go back and look at their system.

Member Lechevin-Advised everyone that the County does have a back-flow prevention program that is available and they can take advantage of this program to help them with sanitary sewer backups in their home.

- Member John Kahl made a Motion that he is in support of moving forward with the investigation of a public safety improvement project (such as a box replacement under the road for safety concerns for the road) and having the Public Works Department get back to the Committee. Possibly then something could get on the list for SMAC Funding. However is not hearing much public support for a flood project therefore, nothing forward in support of a flood project. A flood project does not seem to be a worthwhile endeavor.

Member Pat Dunn seconded the motion. All members present were in favor, Motion passed.

TOPIC OF DISCUSSION: Discussion regarding flood concerns near 104th & Sagamore and 103 & State Line area.

Joe Johnson had a staff report since the last meeting. Staff was asked to look at alternatives and bring back price estimates for such.

The approximate cost to purchase the seven homes adjacent to the levee is \$1,491,000.00. In addition to this, there is an estimated \$210,000.00 for demolition and another \$70,000.00 for moving expenses. The estimated total cost for the buyout is \$1,771,000.00. This estimate does not include funds for improvements to the land once the homes are removed.

Staff also talked with a local engineering company that has worked with the Corp of Engineers in designing and constructing pump stations. Without an engineering study they suggested we should budget a million dollars.

Staff also talked with the Johnson County Stormwater Management personnel about the possibility of county participation. While they did not say no, they would need to review the levee project that was funded through the County and whether this is an unusual circumstance that would qualify.

Looking at the commercial property at 103rd Terrace and State Line Road, the assessed valuation for the 15 structures in the flood plain is approximately 7.6 million dollars. In addition to the buyout there would be the cost for demolition of the structures, moving expense, the potential loss of commercial business in Leawood, and the loss of property tax.

Councilmember Osman asked if there had been study done on the commercial side as the cause of water flow there.

Joe Johnson advised that no, the area is just in a low area next to Indian Creek. This area gets so much

flow it would take the removal of the entire Watts Mill Development to widen out the creek. You would then have to just remove everything and leave the ground as is-in a flood plain.

Member Deb Filla suggested not to take any action at this point in time. We have investigated this concern that the residents and commercial property owners have. We have contacted the County about the Waste Water back-ups and made suggestions not to place valuable items in the basement, cannot acknowledge that 1.2M be spent for a pump at this location.

- Member Deb Filla made a Motion that the Committee table this until some future point in time when the circumstances change; concluding that the Committee has investigated the concerns of the residents however are taking no action at this point in time.

Member Pat Dunn seconded the motion. All members present were in favor, Motion passed.

The meeting adjourned at 9:29AM.

Julie Stasi, Leawood Public Works Department
Olympus Recording DS300109