

**MINUTES of the
STORMWATER MANAGEMENT COMMITTEE**

**Meeting of: Wednesday, February 27, 2019
Leawood City Hall, Main Conference Room**

COMMITTEE MEMBERS PRESENT:

James Azeltine, CHAIR and Councilmember Ward 4
Debra Filla, Vice Chair and Councilmember Ward 1
John Kahl
Mary Larson, Councilmember Ward 2
Bill Ramsey
Curt Talcott

COMMITTEE MEMBERS ABSENT:

Lisa Harrison, Councilmember Ward 3
Skip Johnson
Carole Lechevin
David Lindley

STAFF PRESENT:

Kathy Byard, Budget Manager, Finance Department
David Ley, P.E., Director of Public Works
Dawn Long, Director of Finance
Brian Scovill, P.E. City Engineer
Julie Stasi, Administrative Services Manager, Sr.

CALL TO ORDER: Chair Azeltine called the meeting to order at 7:35 A.M.

INTRODUCTIONS of those in attendance. Weather was icy this morning; two committee members scheduled to attend called to cancel today's attendance. Due to no quorum at the beginning of the meeting, the Chair chose to discuss what Staff had brought to the meeting first. Once a quorum was met with six (6) members, Committee Business was acted upon.

FIRST ITEM OF BUSINESS: Review and approval of previous meeting Minutes.

ACTION: Debra Filla made a Motion to approve the Minutes as written of January 30, 2019.

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

SECOND ITEM OF BUSINESS: Review Stormwater Projects and Funding. Chair Azeltine

advised the last time we had a discussion our members were not sure how the funding mechanisms worked, so we asked for a review to go over that.

David Ley invited the Finance Department to attend. Finance provided a handout.

David said there were some questions on the funding sources and the amount of City Projects that we have so we decided to have an annual meeting early in the year to review these items and discuss the two funding sources from the City. Leawood has the 1/8 cent sales tax and the metal pipe replacement program that is a bonded project. In addition to those, we work with Johnson County in obtaining Stormwater Management Advisory Council (SMAC) Funding and also County Assistance Road Systems (CARS) Funding.

SMAC Funding is currently for flood control projects, but they are expanding that beginning in 2021, to include maintenance projects. So we continue to work with Johnson County for those funds. Also on the CARS Program, that is County Assisted Road System and they fund 50% of the Arterial Projects. So if we have metal pipe on an arterial project, then we would include that metal pipe replacement in the CARS Fund Request. They pay for anything associated with the streets. Sidewalk, street lights, traffic signals and storm sewer. Staff provided map reviews & information on current projects underway as well.

They are going to put some money aside for next year, it is not a lot of money, but we are going to make an application in the next month and try to obtain funding for our metal pipe program next year. They have the data base for the entire storm sewer network for the County and they have prioritized the replacements based on age and if a structure fails, what potential damage could be done. So they have a rating system that they will use.

Debra Filla-How many Cities besides Leawood are included in this?

David Ley-Only a few, well the big ones. Overland Park, Leawood, Olathe, Shawnee, Lenexa. The smaller cities have issues, not knowing where all their pipes are.

Curt Talcott-They do not even know where all of the pipes are. The smaller cities do not have an inventory. The county is requiring that you have all your pipes inventoried before you apply for the maintenance projects.

David Ley-That came up and I think some of the cities became opposed to that.

Kathy Byard-gave a review of the 1/8 cent sales tax along with a history of the tax that began on July 1st, 2000 and was for five year. A display was shown of the history and annual collections and is attached to these Minutes. The tax was to be split equally between street and stormwater type repairs. The tax has been renewed four times now. The last time the tax was approved was November of 2015, and that was for seven years. It is uncertain what will happen after this is completed this time. But more than likely will need to be on the ballot in November 2020, for a continuance of the funding source. With continued voter approval, the 1/8 cent sales tax has been extended until June 30, 2021, and will end on July 1, 2021, unless renewed again by the voters. A history of projects that have been completed since 2000 up to projected year of 2020 was shown along with expected expenditures and county funding/reimbursements.

In looking at the information from the Finance Department, you can see that annually (looking at the year 2018), Leawood's collections from the tax were \$918,000 rounded. We earn interest in that fund. Some years it is not that great, it just depends on the fund balance and what the interest rate was. The next columns on the report show each year's expenses, and reimbursements and then the last column shows what was transferred in for the City's street repairs. So over all, we have collected around \$15 million dollars with it split equally between our storm and street infrastructures.

James Azeltine asked if there was any language back in the ballot that mandated that the funding be split 50/50 between street & stormwater.

Kathy Byard-Thought yes that it said that, but she would have to pull that information and see for sure. She believes that is how it was presented to us that it be split 50/50, but she can double check.

James Azeltine-Just curious.

Kathy Byard-The next page 2 presented shows the detail by year and the project. Page 3 is more by Project and the expenses of each. The last page is the projection and what we can project out, so that we can tell Public Works how much money they have to spend, based on the needs we have. You will see that in 2019 we have an estimated and a projected cost along with interest. The Blue/Green and Yellow rows are the SMAC Projects with 75% reimbursement that we are assuming we will receive on those projects in those years. Although some of these may be a bit low.

Kathy Byard mentioned that for the Mission Road project near Mission Farms that is low.

David Ley-said that is correct, on that project we met the deadline in order to obtain the 75%

funding for the flood control projects, however they have not accepted all the projects yet officially, so this is a preliminary. We believe we are going to get the funding for that project. This is the flooding that occurred North of I-435 between Mission Farms and Lee Boulevard.

Kathy Byard-so if those costs are larger, the projection will change. This also assumes the 1/8 cent sales tax is continued. If the tax is not approved by the voters and renewed by July 1 of 2021, those dollars go away and basically, that is the funding source for this fund.

If the fund is not continued, the Council would need to discuss with the Mayor and City Administrator if you want the repairs to continue and then if so, you will have to identify a funding source for those. They know this is coming up, so they probably have a plan for that.

James Azeltine-We have to decide if that is going to be on the ballot this year or next year?

Kathy Byard-Right. You will have to have that discussion on what you prefer to do. One last thing and I believe Council approved that any dollars remaining in the projects that were specific for a project after they were finalized and closed, those dollars would go into a new project that was identified for storm repairs. There is \$40,000 in that fund that is from the remaining balances and that is sitting there.

David Ley-And that is where Public Works is going to work this year to develop a ranking system for the smaller projects. For instance 103rd & Sagamore property owners who have hired an engineer to study their issues and build berms. Those are the types of projects that we would look at, trying to apply the remaining money.

Deb Filla-Asked there is a category on the summary sheets, there is listed 2011 Accelerated Stormwater. You just take the individual projects and then add that up? Do you do that going forward or no?

Kathy Byard-We set up projects just to be addressed and put them all in that project 2011. We could probably get the detail if you wanted those.

Deb Filla-Asked when you have projects that are street and we replace stormwater pipe, do you keep tabs of that as part of the accelerated stormwater or is that just part of the street project?

David Ley-We do use funds from stormwater to pay for those improvements. When we go through the project, for instance Mission Road from 119th to 127th. That has a lot of metal pipe with it. We receive CARS funding and we are using the Arterial Program and we are also using the metal pipe replacement program. All those three funds to pay for that project.

Deb Filla-So you are keeping track.

David Ley-Yes.

Deb Filla-Bringing up my favorite discussion as we are approaching the time to renew this. A Utility Tax; stormwater utility tax idea. Is there any new information for people that live in this world and what other cities are doing? I know we have discussed it in the past and they decided just to take it out of the Mil Levy tax; not using a special one. Not sure what other members are interested in but I feel it is important.

David Ley-Most cities in Johnson County do have a stormwater utility tax. Leawood does not, but if we wanted to look into that, that would need to be reviewed or referred by the Council to the Stormwater Committee to review that.

James Azeltine-Remembers speaking of a utility tax and the discussion ended when we started seeing the administrative costs in that. Initially thought it could be tagged on to maybe the property tax bill. But you do have to have entirely a new department within the Finance Department where you have full time staff assigned for billing, collections and all that. It has been a couple years since

we talked about it.

Debra Filla-Would like to see that discussion on our short and long term goals for the Council. If we are going to think about it, now would be the time to discuss it so we know if we want to continue the tax or not.

Bill Ramsey-mentioned when he worked on a utility tax set up in Olathe, Kansas. Mr. Ramsey advised they set it up on a dwelling unit basis. Since all the lots in Olathe are 1/3 of an acre they were able to make a standard unit. One residential lot and believes they started out at about \$2.00 a month or something like that. However in Olathe, since we had our own water and wastewater operations and solid waste, we were able to put it on the utility bill and that is how we handled it administratively. We did not add any additional staff. We did the dwelling unit equivalency is that if a commercial unit came in, we would take their total acreage and divide it by the equivalent dwelling unit and then multiply it by the rate up to a maximum of 15 dwelling units, and capped it at that. If you had on site detention you were exempted from the system. It worked fairly well. It was simple and people could understand it. KCMO started out with an impervious formula that they ran that was very complex and you had to be an engineer almost to figure it out. This was something done by the Governing Body. The reason we did it was because of the number of watersheds and we were getting lots and lots of complaints on flooding and maintenance issues. A lot of developers left the creeks in the back of lots meandering over the years. We had many calls over the years where the homeowners experienced their back yard disappearing. We wound up spending a lot of money armoring the sidewalls and trying to hold back yards with gabion baskets etc. It got expensive and that is what came out of it along with stormwater issues. We already had the billing systems in place so it was pretty straight forward and the Council could understand it.

David Ley-So did you keep the money collected for the watershed in that watershed or was it system wide?

Bill Ramsey-It was system wide. We had to do that as we had some major projects. We had a dozen houses flooding, so it was either bond it or something else. Olathe kept growing and eventually we were able to put on a full time crew that did nothing by maintenance items on those bridges, etc. One of our issues was from platting in the 1960's and 1970's where the creek properties just had easements and we didn't have right-of-way. The Council finally said go fix it and that is when we added the maintenance people. We had to have people to go do that.

John Kahl-remembered that when the sales tax was approved, it was easier, and not being a property tax. When it is on their property bill, many question, what are they getting for their money. That is a valid question, but when it is a sales tax, people just pay it, so it may be easier to keep it as a sales tax. Just be aware that there are some advantages to it being a sales tax.

James Azeltine- Yes we already have the sales tax and it is 1/8 of a cent, is that the statutory max on that?

Kathy Byard-Believes that was Council directive, I think you can ask for more. Assuming you could do a ¼ cent or more. You would have to check with the Legal Dept or ask for that to be voter approved.

ACTION: NO ACTION required/information-discussion only.

David Ley-reviewed the current projects we have and are currently working on.

Chair Azeltine adjourned the meeting at 8:49 AM.

Minute summary provided by Julie Stasi, Leawood Public Works Department.
attachments four (4)

Fund 13040 - 1/8-CENT SALES TAX FUND

In April of 2000, the citizens of Leawood approved a 1/8-cent sales tax for improvement of City owned storm water projects as well as acceleration of the annual street improvement program. This five-year tax became effective July 1, 2000. In August 2004 voters approved, with 71% of the vote, to extend this tax for another five years until June 30, 2010. Then in August 2008, the tax was extended for an additional five years until 2015. In November 2014, voters approved the extension of this tax until June 30, 2021. Approximately half of the tax goes towards increasing the number of streets for rehabilitation.

HISTORY - 1/8 Cent Sales Tax

Voter Approval	Begin Date	End Date	No. of Years
April, 2000	July 1, 2000	June 30, 2005	5
August, 2004	July 1, 2005	June 30, 2010	5
August, 2008	July 1, 2010	June 30, 2015	5
November, 2014	July 1, 2015	June 30, 2021	7
TBD	July 1, 2021	TBD	TBD

ANNUAL COLLECTIONS

YEAR	Annual 1/8-Cent Sales Tax Collections	Fund 13040 Interest Income	Storm Expenses, by year	Storm Reimbursements (County, Other)	Annual Street Repr Transfer
2000	\$258,883	\$4,920	\$0	\$0	\$0
2001	504,888	14,538	201,228	0	130,904
2002	489,562	6,551	0	0	300,000
2003	519,725	5,995	0	0	325,000
2004	581,593	13,447	26,990	0	342,000
2005	627,031	30,013	15,213	0	450,000
2006	647,127	49,747	137,208	(55,800)	450,000
2007	685,520	41,482	669,943	0	275,000
2008	705,899	9,777	542,306	0	325,000
2009	689,692	401	138,820	0	325,000
2010	713,512	973	399,159	0	325,000
2011	777,053	427	592,599	(9,329)	350,000
2012	836,321	473	647,777	(412,188)	400,000
2013	845,979	1,133	670,326	(213,744)	400,000
2014	863,059	834	1,204,792	(586,502)	400,000
2015	863,362	949	34,615	0	500,000
2016	884,322	4,018	265,758	(107,651)	500,000
2017	878,052	5,396	868,230	(23,217)	500,000
2018	917,858	7,572	67,121	(35,727)	500,000
2019 Estimate	970,200	8,800	4,272,200	(2,844,150)	500,000
2020 Estimate	998,800	9,000	500,000	(375,000)	500,000
	\$15,258,438	\$216,446	\$11,254,285	(\$4,663,308)	\$7,797,904

Split Equally 7,629,219

Between Streets & Storm

STORM EXPENDITURE DETAIL, By Year

YEAR	Project/Location	Expense, by project	Total Expense, by Year	County/Other Reimbursements
2000	N/A	\$0	\$0	\$0
2001	12211 Sagamore 13701 Fontana	107,000 94,228	201,228	0
2002	N/A	0	0	0
2003	N/A	0	0	0
2004	#77001, 89th St - 92nd E of Mission #77003, 8505 Reinhardt Lane #77005, 8732 Cherokee Lane	11,654 7,992 7,344	26,990	0
2005	#77003, 8505 Reinhardt Lane	15,213	15,213	0
2006	#77003, 8505 Reinhardt Lane 103rd Street, SMSD *	10,602 126,606	137,208	55,800
2007	#77001, 89th St - 92nd E of Mission #77002, 84th & Cherokee #77003, 8505 Reinhardt Lane Storm Sewer Engineering Services	84,869 485,650 81,176 18,248	669,943	0
2008	#77008, Sagamore & High Dr	542,306	542,306	0
2009	#77003, 8505 Reinhardt Lane #77005, 8732 Cherokee Lane	100,000 38,820	138,820	0
2010	#77005, 8732 Cherokee Lane #77013, 103rd - Mission to State Line	210,000 189,159	399,159	0
2011	#77006, 12601 Norwood (Royse) #77011, Box Culvert - 87th/Mission #77111, 2011 Accelerated Stormwater	22,606 8,957 561,036	592,599	9,329
2012	#77011, Box Culvert - 87th/Mission * #77111, 2011 Accelerated Stormwater #73003, SMAC-81st Terr to 82nd E of Wenonga * #72020, 127th St-Mission Rd to Nall	47,254 12,459 442,135 145,929	647,777	68,278 343,910
2013	#77011, Box Culvert - 87th/Mission * #72017, 119th St-Roe to State Line	480,683 189,643	670,326	213,744
2014	#77009, 14601 Delmar #77011, Box Culvert - 87th/Mission #77014, Leawood Heritage Stormwater * #77111, 2011 Accelerated Stormwater	62,796 53,146 708,850 380,000	1,204,792	586,502
2015	#77009, 14601 Delmar #77014, Leawood Heritage Stormwater	3,200 31,415	34,615	0
2016	#77014, Leawood Heritage Stormwater #77018, Patrician Woods Stormwater * #77019, Storm Imprv-2016 Curb, State Ln, N of 89th	1,796 143,535 120,427	265,758	107,651
2017	#77015, 12504 Cedar St #77018, Patrician Woods Stormwater * #77020, 4012 W 128th Street #73002, 91st to Ensley Ln & Wenonga #72063, Roe Ave-College to 119th St	160,000 38,906 23,500 450,329 195,495	868,230	23,217
2018	#77015, 12504 Cedar St #77018, Patrician Woods Stormwater * #73004, SMAC-I435, Mission Farms, Lee *	9,812 5,957 51,352	67,121	1,430 34,297
2019	#77017, Waterford Area Stormwater * #77018, Patrician Woods Stormwater * #77021, Cloisters/PV Stormwater #77022, Roe-RCB Improvements #73004, SMAC-I435, Mission Farms, Lee * #77500, Storm Repairs (Approved 10/1/18)	2,125,000 1,660,200 390,000 50,000 7,000 40,000	4,272,200	1,593,750 1,245,150 5,250
2020	#73004, SMAC-I435, Mission Farms, Lee *	500,000	500,000	375,000

11,254,285

11,254,285

4,663,308

STORM EXPENDITURE DETAIL, *By Project*

<i>TOTAL Expenses, by Project/Location</i>	<i>Amount</i>
12211 Sagamore	\$107,000
13701 Fontana	94,228
103rd Street, SMSD	126,606
Storm Sewer Engineering Services	18,248
#72017, 119th St-Roe to State Line	189,643
#72020, 127th St-Mission Rd to Nall	145,929
#72063, Roe Ave-College to 119th St	195,495
#73002, 91st to Ensley Ln & Wenonga	450,329
#73003, SMAC-81st Terr to 82nd E of Wenonga	442,135
#73004, SMAC-I435, Mission Farms, Lee	558,352
#77001, 89th St - 92nd E of Mission	96,523
#77002, 84th & Cherokee	485,650
#77003, 8505 Reinhardt Lane	214,983
#77005, 8732 Cherokee Lane	256,164
#77006, 12601 Norwood (Royse)	22,606
#77008, Sagamore & High Dr	542,306
#77009, 14601 Delmar	65,996
#77011, Box Culvert - 87th/Mission	590,040
#77013, 103rd - Mission to State Line	189,159
#77014, Leawood Heritage Stormwater	742,061
#77015, 12504 Cedar St	169,812
#77017, Waterford Area Stormwater	2,125,000
#77018, Patrician Woods Stormwater	1,848,598
#77019, Storm Imprv-2016 Curb, State Ln, N of 89th	120,427
#77020, 4012 W 128th Street	23,500
#77021, Cloisters/PV Stormwater	390,000
#77022, Roe-RCB Improvements	50,000
#77111, 2011 Accelerated Stormwater	953,495
#77500, Storm Repairs (CAO/StormAd Comm) *	40,000

\$11,254,285

LESS: County/Other Reimbursements: (4,663,308)

\$6,590,977

* *NEW Project*

**City of Leawood
1/8-Cent Sales Tax Fund -13040**

Proj #	Revenue Type	2018 Estimated	2018 Actual	2019 Budget	2019 Estimated	2020 Budget	2021 Budget	2022 Budget	2023 Budget	2024 Budget	2025 Budget	2026 Budget	2027 Budget	2028 Budget	2029 Budget
	Beginning Balance-Estimated	728,484	728,484	142,600	1,122,520	123,205	455,016	365,625	303,990	221,539	143,752	97,193	39,098	20,614	43,961
	REVENUE														
	TAXES														
	City Sales Tax	903,900	917,858	930,600	944,935	972,811	1,001,508	1,031,053	1,061,469	1,092,782	1,125,566	1,164,961	1,205,734	1,247,935	1,291,613
	TOTAL TAXES	903,900	917,858	930,600	944,935	972,811	1,001,508	1,031,053	1,061,469	1,092,782	1,125,566	1,164,961	1,205,734	1,247,935	1,291,613
	INTEREST														
	Interest	5,691	7,572	5,900	8,800	9,000	9,100	7,312	6,080	4,431	2,875	1,944	782	412	879
	TOTAL INTEREST	5,691	7,572	5,900	8,800	9,000	9,100	7,312	6,080	4,431	2,875	1,944	782	412	879
	OTHER														
	Transfers In	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	SMAC - North of I-435, Mission Farms-Lee Blvd	43,800	34,297	-	5,250	375,000	-	-	-	-	-	-	-	-	-
	SMAC - Waterford Stormsewer	168,750	-	1,425,000	1,593,750	-	-	-	-	-	-	-	-	-	-
	SMAC - Patrician Woods Stormwater	1,230,075	1,430	-	1,245,150	-	-	-	-	-	-	-	-	-	-
	Miscellaneous	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	TOTAL OTHER	1,442,625	35,727	1,425,000	2,844,150	375,000	-								
	Total Revenues	2,352,216	961,158	2,361,500	3,797,885	1,356,811	1,010,609	1,038,365	1,067,549	1,097,213	1,128,441	1,166,905	1,206,516	1,248,347	1,292,492
	GRAND TOTAL- Revenues	3,080,700	1,689,642	2,504,100	4,920,405	1,480,016	1,465,625	1,403,990	1,371,539	1,318,752	1,272,193	1,264,098	1,245,614	1,268,961	1,336,453
							500,754.25	515,526.50	530,734.53	546,391.20	562,782.93	582,480.34	602,867.15	623,967.50	645,806.36
	EXPENDITURES														
	Transfer for Streets-Fund 12015, Spec Highway	500,000	500,000	500,000	500,000	500,000	500,000	500,000	525,000	550,000	550,000	600,000	600,000	600,000	625,000
73004	SMAC -- North of I-435, Mission Farms-Lee (IC-04-040)	58,400	51,352	-	7,000	500,000	-	-	-	-	-	-	-	-	-
77015	12504 Cedar St (Patrician Woods Stormwater)	20,000	9,812	-	-	-	-	-	-	-	-	-	-	-	-
77017	Waterford Area Stormwater Project	225,000	-	1,900,000	2,125,000	-	-	-	-	-	-	-	-	-	-
77018	Patrician Woods Stormwater	1,640,100	5,957	-	1,660,200	-	-	-	-	-	-	-	-	-	-
77019	Stormsewer Imprv (2016 Curb, State Ln, N of 89th)	29,600	-	-	-	-	-	-	-	-	-	-	-	-	-
77021	Cloisters/PV Stormwater Project	390,000	-	-	390,000	-	-	-	-	-	-	-	-	-	-
77022	12600 Roe, RCB Improvements	50,000	-	-	50,000	-	-	-	-	-	-	-	-	-	-
77121	2021 Accelerated Stormwater	-	-	-	-	-	600,000	-	-	-	-	-	-	-	-
77122	2022 Accelerated Stormwater	-	-	-	-	-	-	600,000	-	-	-	-	-	-	-
77123	2023 Accelerated Stormwater	-	-	-	-	-	-	-	625,000	-	-	-	-	-	-
77124	2024 Accelerated Stormwater	-	-	-	-	-	-	-	-	625,000	-	-	-	-	-
77125	2025 Accelerated Stormwater	-	-	-	-	-	-	-	-	-	625,000	-	-	-	-
77126	2026 Accelerated Stormwater	-	-	-	-	-	-	-	-	-	-	625,000	-	-	-
77127	2027 Accelerated Stormwater	-	-	-	-	-	-	-	-	-	-	-	625,000	-	-
77128	2028 Accelerated Stormwater	-	-	-	-	-	-	-	-	-	-	-	-	625,000	-
77129	2029 Accelerated Stormwater	-	-	-	-	-	-	-	-	-	-	-	-	-	625,000
77500	Storm Repairs-CAO Apprvd (10/1/18 Council Meeting)	-	-	-	40,000	-	-	-	-	-	-	-	-	-	-
	Miscellaneous	25,000	-	25,000	25,000	25,000	-	-	-	-	-	-	-	-	-
	GRAND TOTAL	2,938,100	567,121	2,425,000	4,797,200	1,025,000	1,100,000	1,100,000	1,150,000	1,175,000	1,175,000	1,225,000	1,225,000	1,225,000	1,250,000
	Projected ANNUAL Carry-Forward Fund Balance	142,600	1,122,520	79,100	123,205	455,016	365,625	303,990	221,539	143,752	97,193	39,098	20,614	43,961	86,453