Stormwater Management Committee

Meeting Agenda
Wednesday, July 31, 2019
Leawood City Hall
Main Conference Room
4800 Town Center Drive
Leawood, KS 66211
7:30 AM to 9:00 AM

WELCOME AND INTRODUCTIONS

OLD BUSINESS:

1. Review/Approve Minutes from last meeting of June 26, 2019.

NEW BUSINESS:

2. Drainage Concerns at 13213 Howe Drive from Gezer Park.

ADJOURN

MISSION STATEMENT
To recommend to the Governing Body how to enhance the stormwater policy; and to provide a forum for citizens, staff and Council to discuss and study stormwater concerns and issues.

~ 2018 APPOINTMENTS- STORMWATER COMMITTEE MEMBERS ~
James Azeltine, Chair, City Council Member Ward 4
Debra Filla, Vice-Chair, City Council Member Ward 1
Lisa Harrison, City Council Member Ward 3
Mary Larson, City Council Member Ward 2
Skip Johnson….John Kahl….Matthew Kayrish
David Lindley….Curt Talcott….William "Bill" Ramsey

If you require any accommodation (i.e. qualified interpreter, hearing assistance, etc.) in order to attend this meeting, please notify this office at (913)339-6700, x130 no later than 48 hours prior to the scheduled commencement of the meeting.

CITY OF LEAWOOD

INFORMATION FOR THE
STORMWATER MANAGEMENT COMMITTEE
July 31, 2019

TO: **James Azeltine, CHAIR**
Committee Members

FROM: **David Ley, P.E.**
Director of Public Works

SUBJECT: **See attached agenda**

OLD BUSINESS

Approval of Minutes of June 26, 2019

NEW BUSINESS

City Council referred a storm drainage concern at 13213 Howe Drive in the Waterford Subdivision. Waterford was developed in the 1980's and at that time a portion of the undeveloped ground south of this subdivision drained north to 13213 Howe Drive. During the early 2000's the developer of Market Square and the City constructed berms on what is now Gezer Park and water still flows north to 13213 Howe Drive.

The home owner will be in attendance to talk about their concerns on the flow and to see if there is something the City can do. Attached is a map of the location and the approximate area of water that drains from Gezer Park to 13213 Howe Drive.

Minutes of the
STORMWATER MANAGEMENT COMMITTEE
Meeting of: Wednesday, June 26, 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
Lisa Harrison, Councilmember Ward 3
Skip Johnson
John Kahl
David Lindley
Bill Ramsey
Curt Talcott

COMMITTEE MEMBERS ABSENT:
Mary Larson, Councilmember Ward 2
Matthew Kayrish

STAFF PRESENT:
David Ley, P.E., Director of Public Works
Brian Scovill, P.E. City Engineer
Julie Stasi, Administrative Services Manager, Sr.

CALL TO ORDER: Chair Azeltine called the meeting to order at 7:30 A.M.
INTRODUCTIONS of those in attendance.

FIRST ITEM OF BUSINESS: Review and approval of previous meeting Minutes.
ACTION: Debra Filla made a Motion to approve the Minutes as written of February 27, 2019. Skip Johnson seconded the Motion to approve. All members in attendance were in favor. Motion passed; Minutes approved.

Chair Azeltine mentioned that the last time we met, we did not have a quorum, however we did discuss at length the 1/8 cent stormwater tax. There were a couple of questions that he is not sure we ever got answers to:

1. The language-did we ever figure out if it mandated the 50/50 split or is that something we did?
2. Can we increase the amount of money to the tax that is collected? Is 1/8 cent the statutory max?

The group had questions on what can be done, if anything, if there is no quorum. Understanding that no action could be taken, but wondered if they could chat and share notes, or are they to disband altogether and wait until there is a full quorum before any discussion at all is made on a topic? Staff will follow up with a few questions left over from the staff presentation on the 1/8 cent tax and see where we are with that. Staff also advised that in the past if there was no quorum, the group was unable to take any action; although they might have talked amongst themselves about the assignment but the item has always had to be rescheduled for another meeting when there is a quorum for any "ACTION".

Lisa Harrison said recently they had an issue at another Committee with quorum questions. Julie Stasi said she recently heard that Legal Dept may not want anyone to even mildly talk about the topic if there is no quorum, so if that is the case, come meeting day if no quorum is present, we may need to cancel and leave at that time until another time, where there is a quorum present. That way, no one will miss out on the conversations.

Also, at the last meeting one of the members arrived late, which made the quorum, so that is when the group went back and took Action to approve the past Minutes. Staff will get clarification on those issues.
David Ley advised City Administrator wanted us to review the 1/8 cent tax later in the year, possibly in September.

SECOND ITEM OF BUSINESS: Review Easement costs on the Patrician Woods SMAC Project. Dave Ley advised the City's policy on stormwater projects is that we ask the residents to donate their easements. When staff goes out to meet with the residents we tell them that we would like the easements donated and if they are not donated then we may end up not constructing the project. In Patrician Woods, after about a year of working with the property owners, it became apparent there were three (3) tracts that we were not going to receive the easements from. We ended up hiring an appraiser to give us a value of those takings and then we went back to those property owners and offered the value to them. Out of those three, only one (1) signed their easement. We then went back to the engineer and modified the plans to eliminate one of the tracts from the project and then we ended up with one (1) property owner that we had to condemn. This puts staff in an awkward position when we are out in the field telling residents that we are requesting people to donate but then people that hold out, end up getting money anyway. We wanted to bring this issue to the Committee for a recommendation back to City Council on if it would be fair to reimburse the property owners who donated their easements?

John Kahl-Refresh my memory, the concept is the people are supposed to be getting a benefit from the project. So it seems silly that we have to pay for the easement (because they are going to get a benefit). But then we do run into cases at times where another person is going to lose something and they are not really gaining anything. Was that the situation?

David Ley-On this project, the people upstream were the ones who did not sign their easements, and they were not going to receive as much of a benefit. It really was not a great benefit to one of the owners, but he ended up signing after we offered the value an appraiser came up with. Another property owner actually had an erosion problem in their yard and had spent quite a bit of their own money to address the issue. Although the area was our best location for an area inlet and we were going to mess with her yard. The owner did not want the inlet in their yard and felt their problem was solved. Even though the inlet would have protected people downstream, it was not helping them.

We discussed another area opening with our engineer and they redesigned a portion of the project to eliminate a structure in an area where we wanted to place a pipe but the HOA would not sign. We will now just stay within our existing easement. So one property was actually removed from the condemnation list as we shortened up the project.

Chair Azeltine-The majority of the residents were squeaking pretty loud because this thing has drug on for a long time, because of these two hold outs. Council discussed it and decided that in the future-well we asked what do other cities do? Overland Park we are told just go in and condemn the properties and move on. Leawood has always been nice about it and asked for a donation. Then sometimes projects have been abandoned because people did not donate their easement. What we decided at Council was that there would be a clock start at the beginning of the process. Give it sixty (60) days and at that point if everyone had not agreed, then we would begin the process for all of them. This project from the time it was first brought up, has been 3 or 4 years.

It is silly when you have funding from the County waiting to fix an issue and then we can't move on it.

Debra Filla-My thought is how much is it going to cost the City? Staff time and three years of time does not even begin to encompass the costs. Some things are good that can be minimized and I do believe there is value. Where if you do not think it is valuable to do this, then we will move on to another project. But back to that other conversation, is how to prioritize projects. We prioritize projects for those people who recognize the benefit for their neighborhood. That was more a small project we moved off of, this one in particular is a bigger project. I do think that we need to consider staff's time in what they spend on these project. Whether it is educational or you say go ahead and do it, or we say it's a specific value and we need to do it.

John Kahl-asked what the cost is for a condemnation? How much additional cost is there?
David Ley-If we have one or two properties it's probably about $6,000 to $7,000 per property. The more we have in here it becomes a little cheaper. On this one, with the court costs and the easement costs we ended up paying...
Brian Scovill-Just for the appraisals and court appointed appraisers, court fees around $13,000.00. We paid for one of these $8,000.00 just to go to condemnation, the rest of the funds was spent on the cost to cure items on the property, like tree removal and then up-front costs. With the appraisers that we had, none of this includes staff time which is probably double or triple this number.
David Ley-We hired an appraiser to take a look at the three (3) tracts we could not get the easements from. On the easements that we needed, they were donated by the people that were benefiting from the project. They all signed their easements quite a while ago. We have had those four easements for about a year.

John Kahl-Some concerns, Deb mentioned that we redesigned it and scaled the project back a little bit, so we saved some money and maybe that was a good thing. I think value engineering is a great thing. What I don't like to see though is when the quality of the project is diminished. It is kind of the same way with this, we do not want to let that dictate quality. If you end up with an inherently less capable project in the end, even though you saved money. There is no right or wrong on the grand scale. These projects may come to a point where it might not make sense anymore, it is a tricky situation to handle. In that sense, maybe Overland Parks approach is the best way to go because they just treat everyone the same and condemn. There are additional costs that you have to go through to do that. But you could move it along.

Bill Ramsey-You do not have to condemn. You could present a price that you are willing to give and offer it. Curt Talcott-That is what Shawnee does. They have done enough of them that they kind of have an average value. They come up with a cost per foot and they go in and say, here is what we are offering, the clock starts, same thing 60 days and you have time to sign this or we are taking it to court.

David Ley-The problem with that is once you go to condemnation, they actually get appraisers that will look at each property. So if somebody has a much larger easement on a smaller lot, that value is worth more money per square foot than an average cost. So you may end up paying more to someone...On our Waterford SMAC Project that we are trying to start construction on early next year, we are going to hire the appraiser up front with the engineer. We will go through a 6 to 8 week process to try to get the easements. Once we pass that time if we do not have easements,

we will go to Council to move forward with condemnation. We will have an appraised amount for each property.

Deb Filla-I like that approach. I think by going straight to condemnation you skip the public relations part of it where you are coming to them saying, we're there, here's the benefits of the project, and we are trying to do this in an expedited way. I think that that has a value.
David Ley-On our Federal/State Projects we do get an appraised value for each and make the offer up front. That is how we keep on track with our schedule. We have an appraised value up front. We send a letter and say, here are the easements we need, this is the value and this is what we are willing to pay for. Then we go out and discuss it with them at that point.

After a discussion on this project and other current projects taking in easement donations; along with past projects and easement acquisitions the Committee made the following recommendations:

ACTION: John Kahl made a motion to recommend that the City take no action regarding the Patrician Woods SMAC Project and to not pay (or reimburse) for any of the donated easements. Debra Filla seconded the motion. All members present were in favor. Motion passed.

David Ley advised there had recently been a new policy set in how we obtain easements on projects in the future going forward. During the engineering design, we will hire an appraiser to value all the takings. The City will send letters requesting easements be donated and give the property owners sixty (60) days to sign their easements. If we do not have all the easements after the sixty (60) days, the City will send offer letters to the remaining property owners concurrent with beginning the condemnation process. The property owners who donated their easements will be reimbursed based on the City's Appraised Value.

ACTION: John Kahl made a motion to affirm to the Council that the Committee is behind the new policy of offering a value of the taking to all affected properties within the sixty (60) day time frame as described with the new policy and to let Council know they support the new policy.
Bill Ramsey seconded the motion. All members present were in favor. Motion passed.

ACTION:
Chair Azeltine adjourned the meeting at 8:05 AM.

Minutes transcribed by Julie Stasi, Leawood Public Works Department.

[snip of an email sent to Councilmember Lisa Harrison]
DATE: May 2, 2019
To whom it may concern,

I am writing this email regarding the amount of water that is running into our yard at 13213 Howe Drive from Gezer Park. In the past 12 months I have spent over 18k adding drainage, rock, soil, sod, carpet and now replacing the carpet in my basement from the last storm. There is absolutely no reason we should have a river running through our back yard or our side yards. We added 12 tons of rock along the back fence of our yard to try and divert the water, but that did not work. We also added two truckloads of dirt to elevate the backyard and laid 140 rolls of sod where the grass won't grow because of the water. We have three kids under 9 and two dogs. The kids cannot play in the backyard for at least three days after a rain because of how wet the yard gets. The dogs basically have to be hosed off after they go outside. We purchased the house two years ago and spent a lot of money remodeling it to our liking. In those two years we have replaced the carpet twice because of the mud that is tracked in from the kids and dogs. We are in the process of replacing the padding and carpet in the basement for the third time because of the water seeping in. Please note that we have three sump pumps in 3 separate corners of the basement that will not turn off for at least three days after it rains. I have reached out to the old owners and they confirmed that the water never got in the house or made the backyard a river until the berms were installed in Gezer Park. The neighbors to the East of us cannot grow grass or flowers because of the ponds and river that flows between our side yards every time it rains. They also confirmed with the previous owners of the property that this never happened until the berms were installed. Please help us make this right. The amount of money and time that has been spent on our properties is not right. You can clearly see the water running under the fence and through our backyards.

Attached you will find work that has been done and pictures of the water.

Please let me know what else we can do to help you fix this problem.

Thanks

Skip Wombolt

(30 photos received)-JA Stasi. Leawood Public Works

Skip Wombolt photos
13213 Howe Drive
Leawood, KS

30 photos

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PUBLIC WORKS

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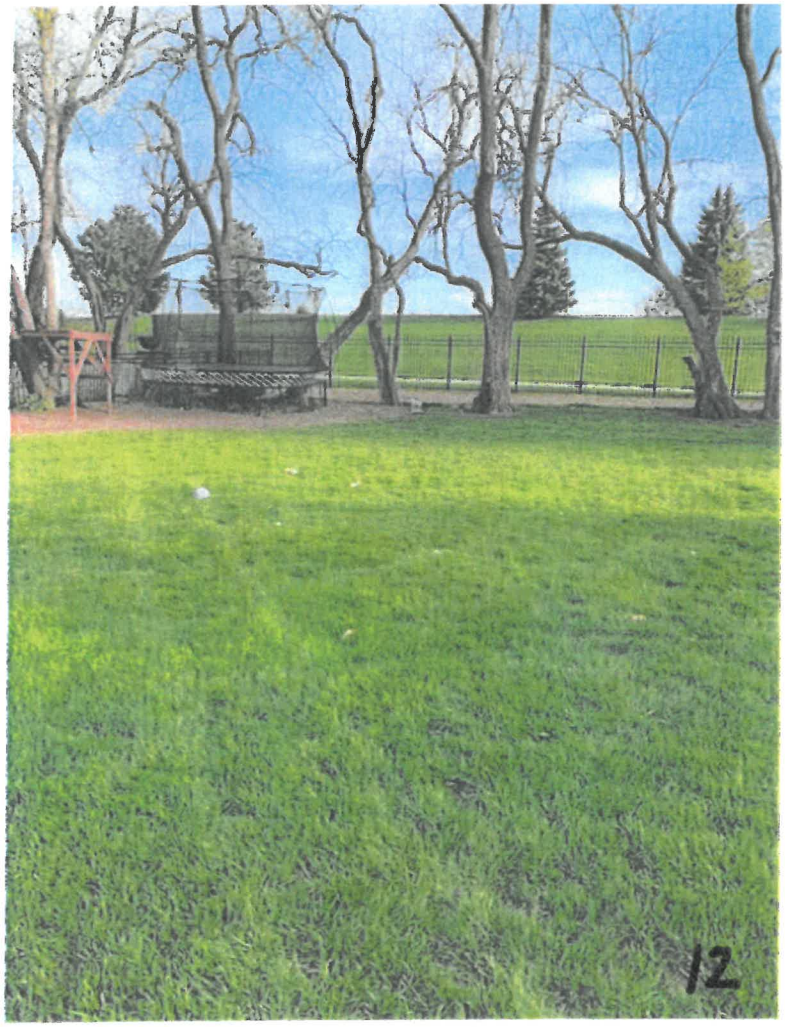
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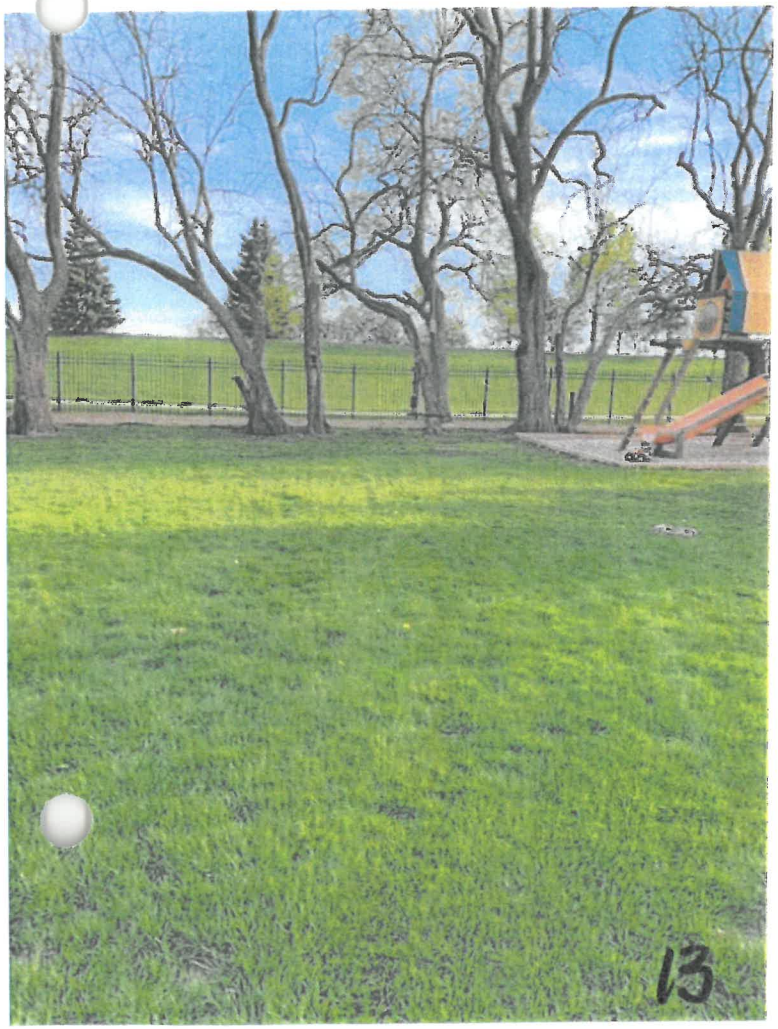
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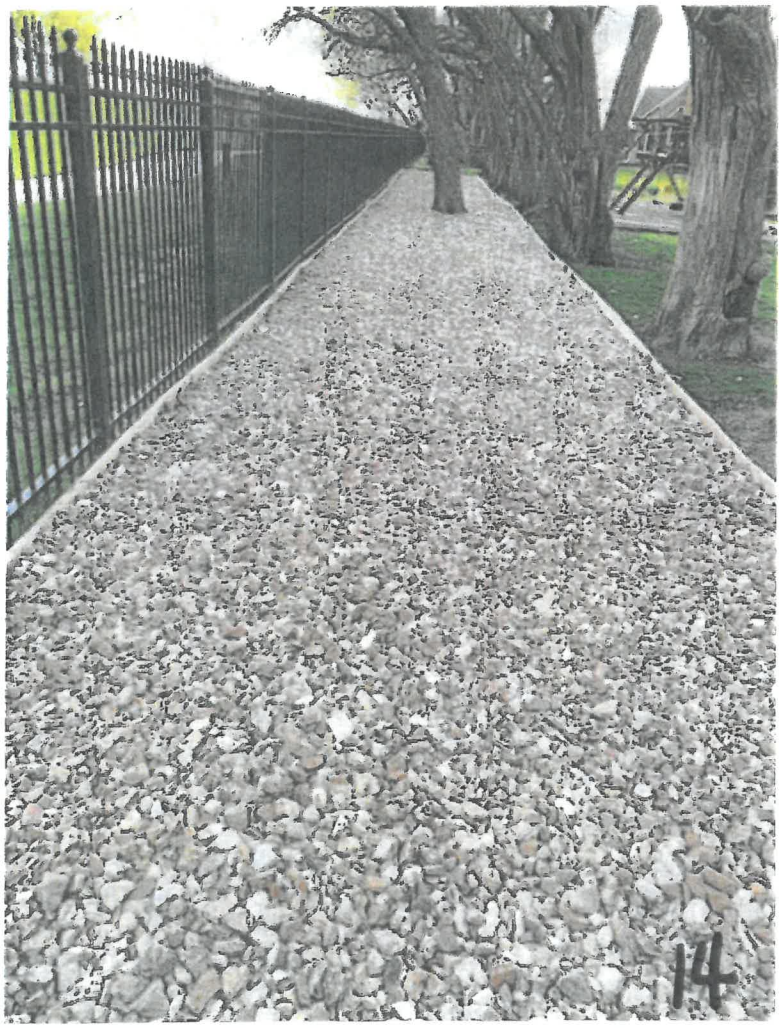
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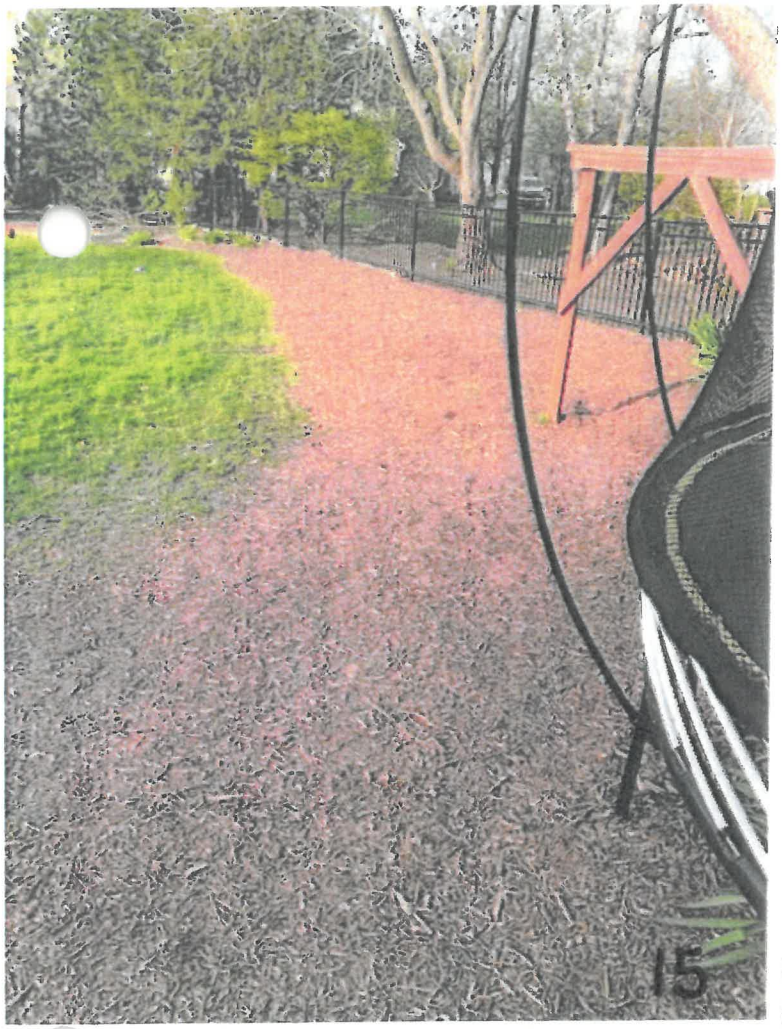
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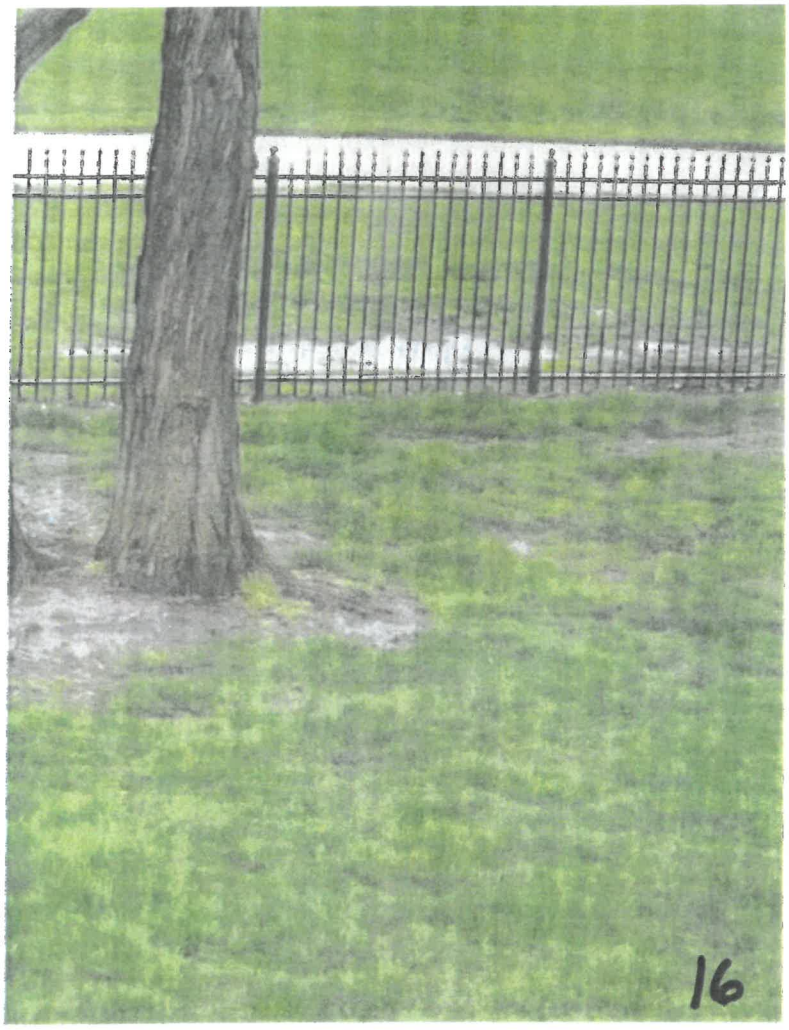
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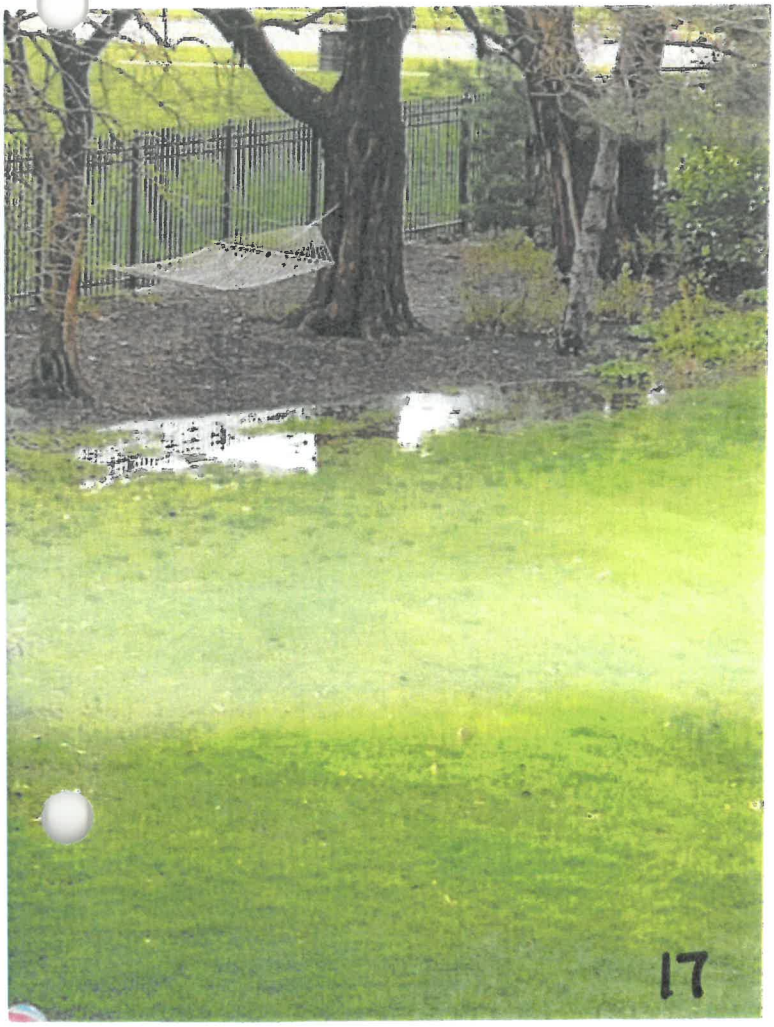
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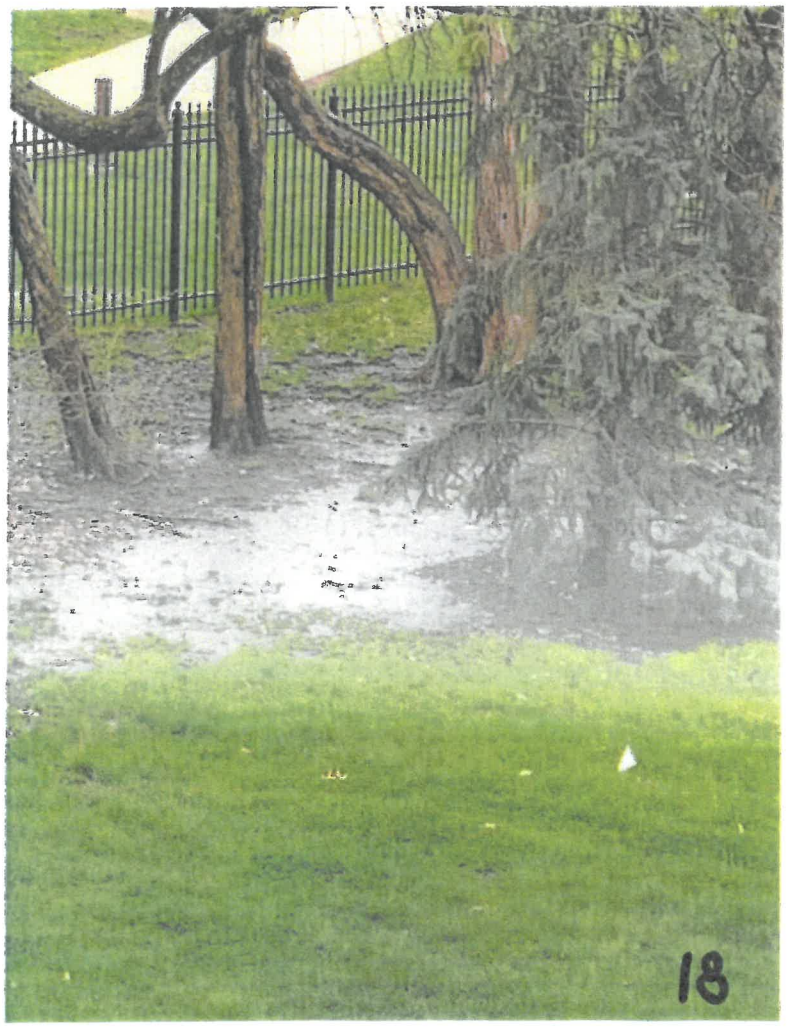
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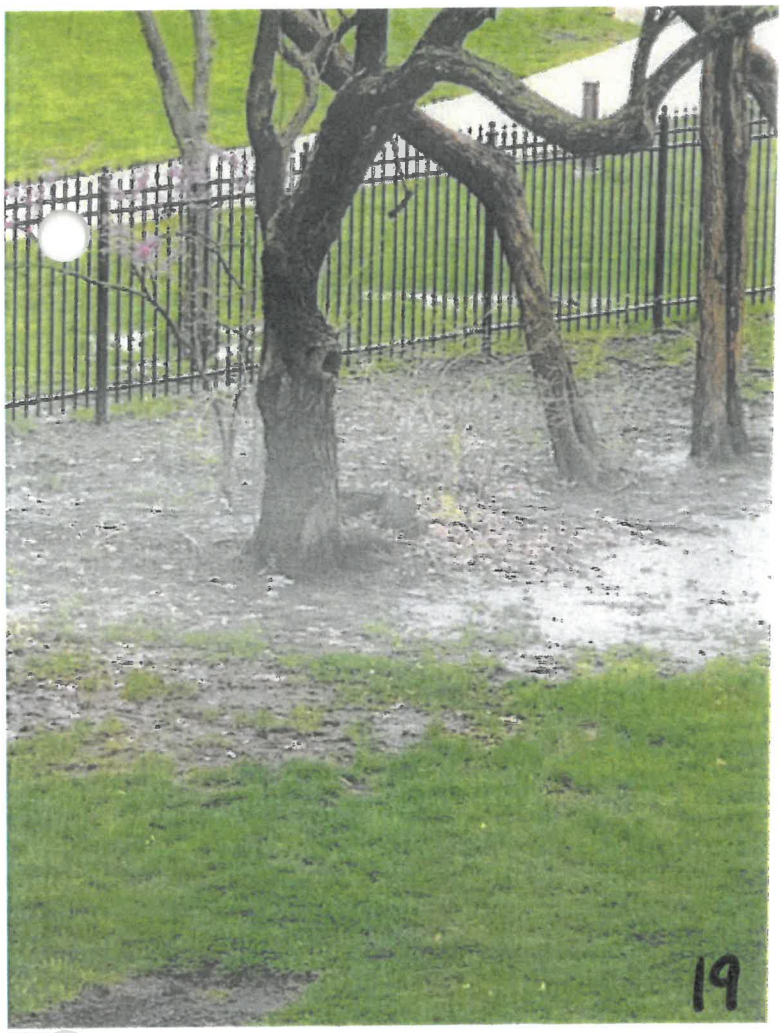
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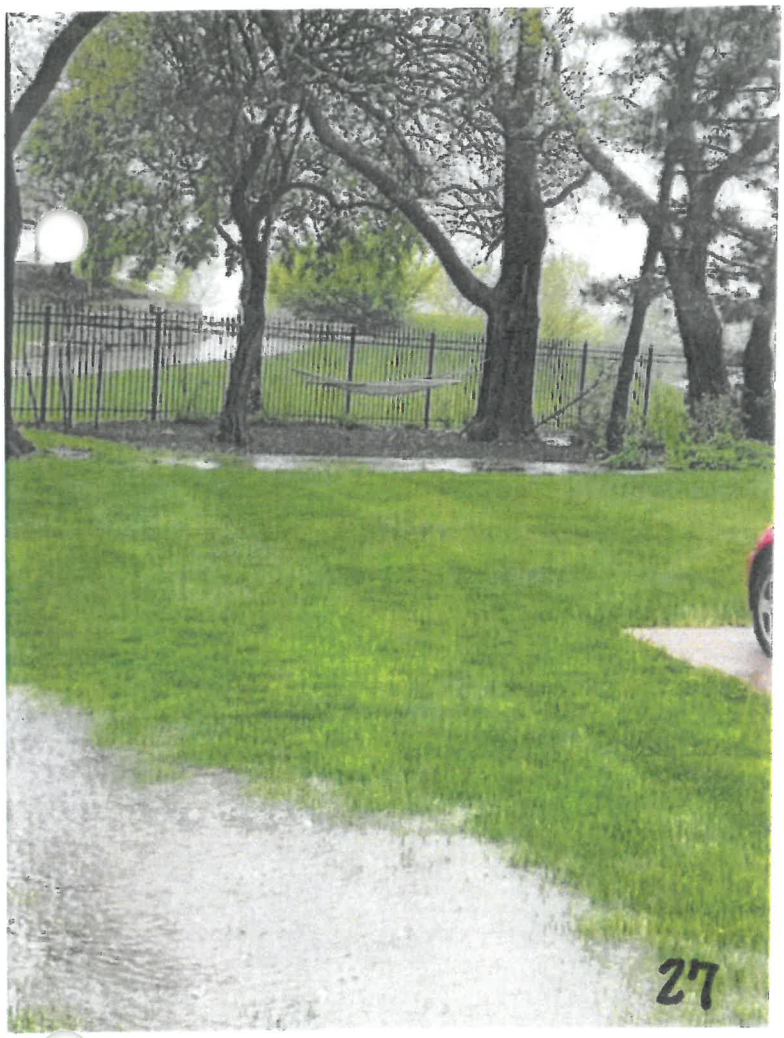
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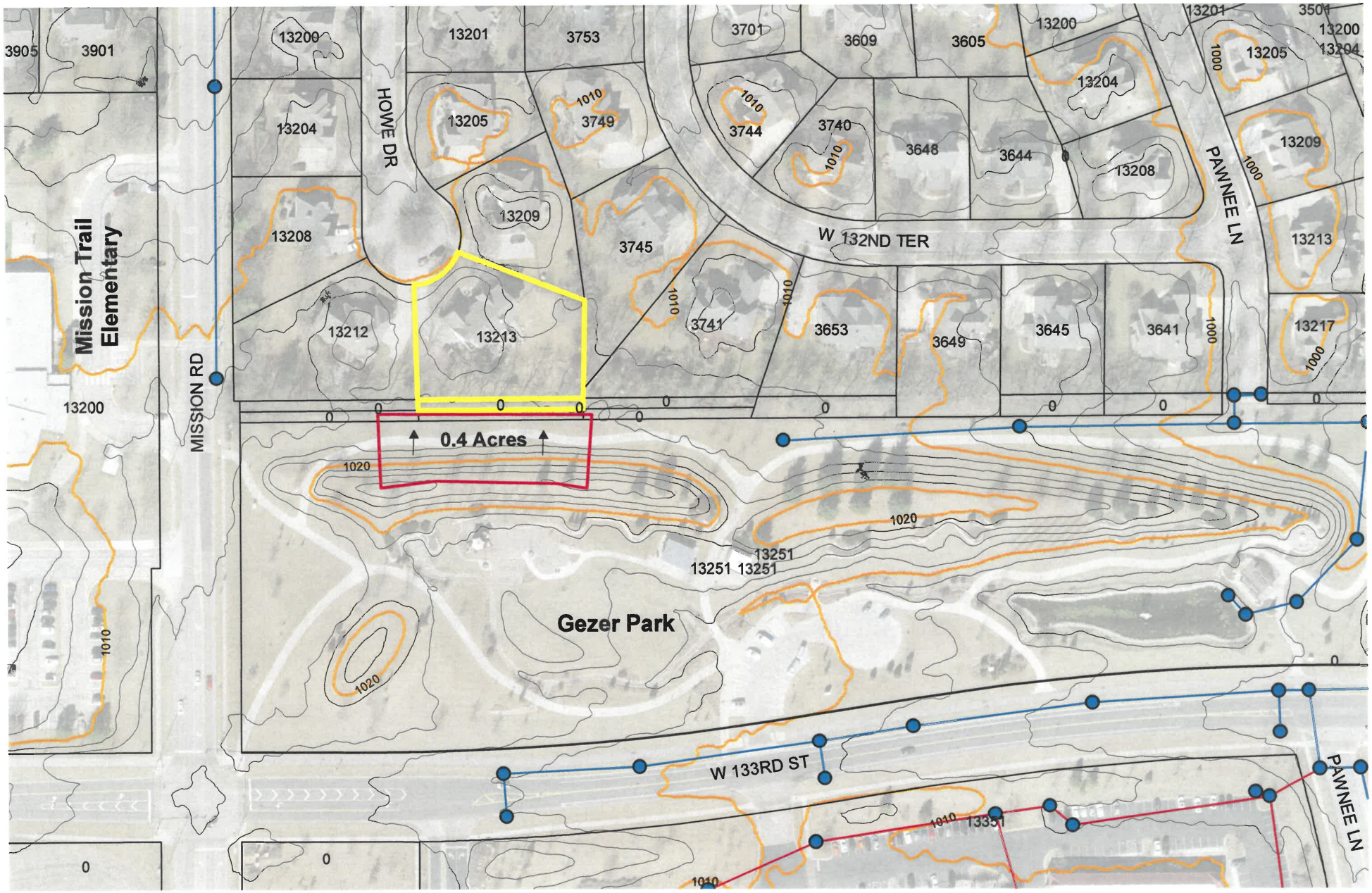
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