



MEETING SUMMARY

- SUBJECT:** STORMWATER COMMISSION MEETING
- MEETING DATE:** Monday – January 4, 2016 at 5:00 pm
- ATTENDANCE LIST:**
- Carole Teator, Commission Chair, term expires 6/30/17
 - Mike Dryden, Commission Member, term expires 6/30/17
 - Craig Seeley, Commission Member, term expires 6/30/17
 - Mike Butterfield, HDR, Inc., term expires 6/30/18
 - Sandy Pumphrey, Project Engineer, City Staff
 - Sara Baughman, Utilities Communications, City Staff
 - Martin Smith, Friends of Cedar Lake Organization Member
 - Robin Kash, Citizen Journalist
 - Tammy Schnell, Administrative Assistant II, City Staff
 - Debbie O'Meara, Administrative Assistant I, City Staff

DISCUSSION ITEMS

1. Meeting called to order at 5:02 p.m. by Chair Carole Teator.
2. A welcome and introductions were made to Mike Butterfield with HDR, Inc., the newest member of the Stormwater Commission.
3. **Public Input**
 - A. Speaker: Martin Smith, Friends of Cedar Lake Organization Member
 - 1) Mr. Smith mentioned his interest in level measurement on Cedar Lake and about getting a proposal together to the Iowa Flood Center to get a couple of their sensors that they put on bridges, and he would like Commission support. A four-party negotiation is going on about getting testing done of the sediment in Cedar Lake and also a proposal from Iowa Geological Survey to do the boring and testing, which may happen this year. Sandy Pumphrey stated there has been more progress made on Cedar Lake in the last 12 months to two years than in a long time. There are a number of parties that are coming together and moving forward. There are still some questions about contaminants and future ownership liabilities, but a lot of progress has been made. The two contaminants believed to be in the lake are chlordane and PCB's.
 - B. Speaker: Robin Kash, Citizen Journalist
 - 1) Mr. Kash saw and heard a presentation about incorporating reduction of herbicide use into the stormwater utility and to find a way to measure that on a watershed basis.
 - 2) He read also read about a community in Yorkshire, England that had taken a natural approach to flood prevention and briefly discussed it.
 - 3) He rode his bicycle through the parking lot at the corner of 6th St and 3rd Ave SE and he noticed there are no drains in the parking lot and it slopes down to the SW, so any water would run right into 3rd Ave. He asked how this lot got permitted
 - Sandy will contact Development Services and will email a summary to the Commission and Mr. Kash, after his discussion with Development Services.

4. **4" Topsoil Status**

A. Speaker: Sandy Pumphrey, PE, Project Engineer, City Staff

- 1) Sandy stated that really shouldn't be called the 4" topsoil rule; it really should just be the topsoil rule. All development would comply with one of eight methods of soil quality restoration outlined in the Iowa Stormwater Manual. When development occurs it's very rare that soil gets put back the way it was before development.
- 2) At the November Infrastructure Meeting, the topsoil rule was introduced as a concept. We were anticipating the development community would give us their analysis of the additional cost that each homebuyer would experience. They were not able to provide that by the November meeting, so City Council Members, as a part of that committee, asked that they provide it at the January meeting. We just received a draft copy of that, and it does show that the numbers are somewhat consistent with the numbers that the City put together. Although the lot sizes were different (about 1/3 an acre; compared to the City's 1/10 an acre), the proportional cost was in line with what we predicted.
- 3) At the upcoming Infrastructure Committee Meeting the topsoil rule will be discussed and the hope is that looking at that analysis and taking in input from a number of different corners, the Infrastructure Committee will recommend full approval to the City Council.
- 4) The next Infrastructure Committee Meeting is slated for January 18, but it may be changed to January 25. Carole encouraged any Stormwater Commission Members to be at this Infrastructure Meeting, if possible. If the Infrastructure Committee recommends it to the Council, Sandy anticipates it will be on a February agenda.

5. **Stormwater Utility Fee Structure for FY17**

A. Speaker: Sandy Pumphrey, PE, Project Engineer, City Staff

- 1) The stormwater utility fee provides funding for stormwater improvements and provides us the ability to stay in compliance with Federal and State regulations.
- 2) It started out as a flat fee for each property, of a minimal amount. It was then transitioned to a tier system; and over a number of years, we have increased the number of tiers. The top tier is for property over 40 acres. There is still potential to improve the fee structure yet more, and this is what has been proposed here for the next fiscal year, which begins July 1.
- 3) Instead of a property receiving a bill based on its gross area, we're now looking at one where it's based on the impervious area on a lot. Technology has improved such that we're now able to obtain aerial data to determine how much impervious area is on any particular lot. That allows us to generate a spreadsheet, which helps us determine what a lot should pay, based on impervious area only.
- 4) The infographic shows a comparison of today's annual cost and the FY17 Proposed Annual Cost for three sizes of properties. A residential lot with a 1/10 of an acre of impervious area would see a slight increase in their fee. A property owner with a mid-size parcel, 10 acres in total with 5 acres of impervious (half and half), would see their bill go from \$26,000 to \$31,000. And then there are a select portion of really large properties that will see quite a significant increase under the current proposal.
- 5) The new fee structure is more equitable, because it's based on a metric that's directly connected to stormwater runoff. There's quite a bit of variation with the proportion of how much impervious area there is compared to the total property area. If you are a property owner and you reduce your amount of impervious area (i.e., removing unneeded parking, putting in some bio-retention), we're proposing an incentive mechanism. The current model we have today is quite complex to administer, and much of the money we would receive from the proposed plan would go towards improvements, instead of paying staff to administer the program.
- 6) At this point in the process, we have presented this to the Infrastructure Committee and have gotten some good feedback; we are in the process of doing some outreach, especially to some of the larger customers who are going to be paying some larger fees; an Open House is scheduled for Wednesday (1/6/16) evening; and we've written letters to a group we're calling our "most impacted customers". We anticipate going back to the Infrastructure Committee in January with some potential tweaks based on the feedback. It would be nice to go the City Council in February to request approval from them, and to be able to say that not only has the Infrastructure Committee provided a recommendation, but so has the Stormwater Commission. It is our request as Staff today that the Stormwater Commission provide a vote of recommendation for this to go to the full City Council.

- 7) Carole asked if there is definition of what the pervious area should be. Sandy explained that with the current abilities we have today, unfortunately we can't differentiate between prairie grass and manicured lawn. That's something we can explore as we go down the road.
- 8) Carole asked if there would be an appeals process; is there a way to incentivize that? Sandy explained that if someone was to plant prairie grasses, and as long as they direct water from an impervious area to that prairie grass planting, then we could consider that an infiltration practice that could be part of their reduction in fee. However, if it's just on an area that is grassy anyway, the property owner wouldn't get any benefit from that. We have to see a direct drainage connection from an impervious area to incentivize that. At this point, they could also just plant blue grass, instead of prairie grass; they would still get the reduction. The reason for that, is because the only way we're able to efficiently survey properties to determine impervious versus pervious, is an aerial survey and that level of definition is not yet there. We want to be able to rate those pervious areas and say that we would give them more for prairie grass, then for blue grass. Carole asked if the property owners would have to fill out some sort of form, in addition to the aerials, to receive those reductions. Sandy said that is correct.
- 9) Sandy continued to explain there are two types of incentives. One is the reduction of impervious area, which we will discover upon re-flying the City, which we will probably do every two years. The other is to provide engineering plans and specifications that have been signed and sealed by an engineer, and then we will go out to inspect it to determine whether it has been installed or not. At this point, we are proposing up to a 30% discount. So it's not until we do a fly-over that that increase in pervious area gets its full credit.
- 10) Mike Dryden asked if there is any reason the amount of the incentive is limited to 30%. The reason for that, Sandy explained, is because users of any sites still use the public infrastructure, which still has impervious surface on it. So in essence, private property is subsidizing that public use of right of way. There is still some internal debate on whether we should incentivize up to 50%, or where that number should be. The thought being is we want to be able to fund the stormwater program in a healthy way, so we can start to mitigate some of the flash flooding that has been occurring over the last few years.
- 11) Mike Butterfield asked what this yields for an annual stormwater fee now, versus proposed. Sandy said our stormwater utility currently garners about \$4 million, with not all of that going to CIP; a lot of it goes to a number of buckets of funds. With this current model, as its proposed today, without any kind of transitional compromise that may be suggested and adopted, we'd be looking at going up to about \$5.5 million, as it stands today. Again, we're in the process of talking to those most-impacted customers, including the upcoming Open House, should that model be changed. So an increase in revenue of about \$1.5 million – from \$4 million to \$5.5 million.
- 12) Mike Butterfield asked if in order to get that 30% incentive, with the engineered plans, is there any particular type of reduction that you'd be aiming at; for example, getting a certain size of storm, down to a smaller storm in terms of the calculated runoff. Sandy said that incentive is based on the 1.25" storm. Sandy passed around the draft ordinance and went over the table that shows the percentage of reduction required based on the percent of the entire property's impervious areas runoff direction and infiltrated through runoff retention and infiltration feature in a 1.25" rain event. He also pointed out the City must approve plans and specs that are signed and sealed by a Civil Engineer licensed in the State of Iowa and inspected by a City Stormwater Official when a property owner presents their reduction of total ERU count to the City for approval. Mike Dryden stated that it should be worded that it must be properly sized.
- 13) Sandy explained that when we do the calculations, we would only consider the impervious area on that subject's site. We're not going to get into what's upstream, what's coming off the right-of-way. We're trying to reduce the administration burden. And if we get into that the details of the distinct drainage regimes, every site will need to be looked at by an engineer, surveyed, etc.
- 14) Craig was concerned some people will complain the City is doing this just for the developers, because they would have to sell property because they wouldn't be able to afford the increased fee. It was explained to Craig, that it will be large commercial properties that saw a large increase, not the small "mom and pop" properties. Sandy gave an example of the Cedar Rapids Community School District (CRSD). The CRSD called to find out what the impact for them would be, with their multiple properties throughout the City. Sandy said that generally, their elementary schools would see a decrease, the middle schools will remain about the same, and the high schools will see an increase.

- 15) Craig stated the City should pay these same fees, even though they are a tax generated entity, it's only fair. Mike Dryden said the First Assembly of God on Blairs Ferry Road asked for their fee to be reduced because they have 15 acres and five acres of development, and most of it is green grass. And in this case, this would base their fee on what they have for hard surface area. Sandy stated that in our list of what we're calling the "Most Impacted Customers", there are no churches on that list. There are mostly schools and Kirkwood, under what is called the "Exempt" category. There is a list of Commercial and a list of Industrial, and there's some multi-residential. Sandy further explained a very small quantity of properties will actually see a significant increase. Most will see a modest increase, or even decreases in their bill. And all are going to be eligible for some kind of incentive, if they were to put that in place.
- 16) Mike Dryden asked if the Airport was on the list. Sandy explained that with the new ordinance, and because they're City-owned property, they would not pay the utility. The reason is because the City would pay the City, which would be an administrative cost. Craig asked why the City shouldn't pay, when everyone else does. Mike explained if the City paid the fee, they would turn around and raise property taxes. Craig said that's what the schools and churches will have to do. He said he's taking it from the point of view from the people who pay for all of this. Carole reminded him that the 100 properties or so that are contributing the most stormwater to the system, are currently paying the same as you and I. Carole asked if we're getting any pushback from the larger entities. Sandy explained we have gotten some comments from particularly the "Exempt" category, that the jump from the \$3,100 cap that they're paying today, to their new non-subsidized fee is too large. They'd prefer to make it in a number of steps, so we're looking at that. We also need to meet with a few other commercial and industrial entities. For the most part, they understand.
- 17) Mike Dryden made a motion to recommend adoption of the proposed fee structure. Mike Butterfield seconded it. All in favor: Carole Teator, Mike Dryden, Mike Butterfield; All opposed: Craig Seeley.

6. Reports

A. Commissioners' Reports

- 1) *Stormwater Ordinance Game Plan*
 - a. Carole recommend they table the revised Stormwater Ordinance until they see what happens with the Top Soil Policy, because that will achieve a lot of what they're trying to achieve, as well as the revisions they made to the ordinance more than three years ago. And the Best Management Practice that might be adopted, if this utilities fee goes through, will change that too. Sandy added we're on schedule for adoption of both the Stormwater Utility and the Top Soil Rule, which both could potentially be adopted as soon as March.
- 2) Topic(s) from Commissioners:
 - a. It was agreed the video by ISU Students on Stormwater that Carole sent to the Commission was very good.
 - b. Mike Butterfield asked if there is a charter that defines our role as a commission. Carole responded there is no charter; which is something they've always struggled with Mike Dryden added.

B. City Staff Reports

- 1) Stormwater Coordinator Position
 - a. Sandy said an offer has been made to one of the five candidates who were interviewed for the Stormwater Coordinator position and it was verbally accepted. In the next few weeks, someone should come on board and he anticipates he or she will attend the March commission meeting. Carole said that once this person in place for a while, that person will report out on the question Craig had about metrics for some of the education that's happening.
- 2) EPA Grant
 - a. Sandy advised this grant was submitted for educational services with the EPA, which is twinning with Indian Creek Watershed Management Authority and the Indian Creek Nature Center. The Indian Creek Nature Center would spearhead the educational program and the City would participate in those efforts.
 - b. Sandy also mentioned we applied for an IDALS (Iowa Department of Agriculture & Land Stewardship) Grant to put some infiltration practice in the right of way. We should hear in the next month or two if we're successful on that grant. However, the budget that was proposed for FY17, which starts July 1st, includes \$200,000 of BMP infiltration practices anyway. The thought is that even if we don't get this grant, the City is still going to go forward with starting some pilot projects on installing some infiltration practices.

- c. Sandy said one thing our analysis has identified as part of the flood control system (the modeling that was done for that for the pump station sizing), has shown that we actually have flash flooding issues quite a bit further upstream than the line of protection for the flood control system. What this means is that we can build these big pumps to accept all of this water from the watershed on the west side uptown, but if the water doesn't even get there yet, then the pumps are going to just sit there until they're needed. We've identified that there may be some potential for us to build more infiltration practices, specifically on the west side, because the west side has a much bigger watershed than the east side. We're looking into that right now and trying to find out what that looks like, and he will have more updates as we move forward on that. You will probably see more and more infiltration practices getting designed and put in the ground here in the coming months. Our efforts will be mostly in the right of way, which is in addition to any private efforts that we would work with, in addition to any cost-share program efforts that we're also going to work 50/50 on with private property owners. The ideal is to put BMP's well distributed, as opposed to collection all in one place. Sandy explained that Mike Butterfield is on the team with HDR, who is doing the stormwater master planning effort that we're going through right now. We are asking that team to help us with that strategy to figure out what makes sense for that issue.
 - d. Craig said that he contacted his congressional delegation in Washington DC and asked why the money for the flood levy isn't coming now, to protect the millions and billions that was already invested in Cedar Rapids. He suggested everyone on the Commission, and everyone else they can get, to call and maybe we could get the money coming and start on our flood protection system.
- 3) Stormwater BMP Cost Share Report
 - a. Sandy said we are still working on trying to get people interested in that. Once the Stormwater Coordinator comes on board, it's Sandy's hope they can really work this.
 - 4) Stormwater Masterplan Progress
 - a. Things are on track; we've had our fourth workshop. The model has confirmed a lot of the anecdotal experiences we've been able to document across the City with flash flooding. We're now focusing on one watershed and we will expand our efforts to other watersheds over time. Mike Butterfield added they're working through this and developing some strategies and how fast to tackle all of that, using the Kenwood basin as the representative model of how we tackle the larger problems; how do we best utilize the currently \$2 million or so a year to tackle stormwater. One of the things the model can do, that he's really hopeful will show a lot, by changing just one or two numbers within the model; we can essentially mimic additional detention through the entire basin. And by making that one change, that will really show what kind of capacity improvements we might actually get within the storm sewers themselves, and then kind of work backwards through a longer strategy and know we need this much additional detention and work backwards and try and find where we can put all of this detention throughout the basin. We'll be seeing and learning a lot over the next two months. The next workshop is at the end of January. Sandy said the City is taking a kind of a "living document" approach to this exercise. When we get the final document in June, we would look at actually amending once a year after that, with additional modeling and updates. Sandy is very pleased with this progress so far.

7. Agenda Items for Next Meeting

Carole said the same items should be discussed.

8. Next Meeting Date

- Stormwater Commission meeting scheduled for March 7, 2016, at 5:00 p.m. City Services Center (Public Works) - 2nd Floor – Greene Square Conference Room 500 15th Avenue SW, Cedar Rapids, IA 52404 - Ph. (319) 286-5802

9. Chair Carole Teator adjourned the meeting at 6:10 p.m.

Respectfully submitted by Tammy Schnell, AAIL, Cedar Rapids Public Works

This summary documents our understanding of items discussed. Please contact our office within five working days with any omissions or discrepancies.

cc: Stormwater Commission Meeting Distribution List