

STORM WATER UTILITY PUBLIC MEETING
201 West Gray, City Council Chambers
Thursday, June 19, 2014
6:00 p.m. - 8:00 p.m.

Minutes

The City Council of the City of Norman, Cleveland County, State of Oklahoma, attended the Storm Water Utility Public Meeting No. 1 at 6:00 p.m. at the Norman Municipal Building on the 19th day of June, 2014, and notice of the public meeting was posted at the Municipal Building at 201 West Gray 48 hours prior to the event. Although this meeting was not a regularly scheduled meeting of the Council a quorum was present; therefore, a summary of the meeting was recorded as required by the Open Meeting Act.

ATTENDING:

Council Members: Mayor Cindy Rosenthal, Greg Heiple, Robert Castleberry, Gregory Jungman, Jim Griffith, Stephen Holman, Chad Williams, and Jerry Lang (elect).

Staff: Steve Lewis, Terry Floyd, Shawn O'Leary, Scott Sturtz, Joe Willingham, Aaron Milligan, John Stephens, Greg Hall, Hans Osgood, Julie Shelton, Mallory Day, Kathryn Walker, Charlie Thomas and Jeff Bryant.

I. Welcome (Mayor Rosenthal)

Mayor Rosenthal welcomed and thanked the public for joining together. Opening remarks discussed the importance of water to our lives and the guiding force behind how and why the Storm Water Master Plan began in 2005 until adoption by City Council in 2011. Mayor Rosenthal went on to outline the presentation for the storm water utility including introductions of Shawn O'Leary, Director of Public Works, and Scott Sturtz, City Engineer.

II. Introduction (Shawn O'Leary):

Mr. O'Leary introduced the four storm water stations in the Municipal Building entryway: Storm Water Maintenance, Storm Water Pollution, Capital Flooding Relief, and Utility stations. Mr. O'Leary went into further detail of the storm water utility background to explain why we are here tonight and several points of clarification.

• **Important Points of Clarification:**

- No election has been scheduled for the storm water utility to date.
 - If the storm water utility were to happen it would have to come to a vote of the people.
- The rate structure has not been decided. It is part of the discussion tonight.
- The storm water utility has not been adopted. It is a proposed idea.

- **Background:** The storm water utility has been a work in progress since 2006 included as part of the Storm Water Master Plan that was accepted by City Council in fall 2009 and formally adopted in 2011. Mr. O'Leary discussed the importance of the storm water utility due to the City and its citizens' requests and needs. Results of a city-wide survey taken in 2009 showed that storm water was ranked as the third highest concern in Norman with 93% of citizens stating it is of importance on a variety of levels provided.

III. Presentation (Scott Sturtz): Mr. Sturtz discussed the significance of the storm water issues, how the citizens are impacted and why we need a utility to help fund the maintenance and management of the storm water system. Specific project examples, such as Lake McGee and Imhoff Creek, were presented as well as the scale and management the City's storm water department oversees. Mr. Sturtz discussed just a few of the upcoming programs, examples are the Lake Thunderbird Total Maximum Daily Load (TMDL) study, storm water pipeline assessment and additional street sweeping, all of which need to be fully funded and currently are not.

Mr. Sturtz went into further detail regarding the rate structures being investigated including the advantages and disadvantages of each. The current proposed rate structure is a tiered fee for residential and a \$6.00 per 3,600 square foot Equivalent Residential Unit (ERU) for non-residential. Proposed incentives, exemptions and credits were also reviewed.

IV. Questions/Comments:

Mike Fowler: Agrees we need a storm water utility, but as a business owner it is not fair. Mr. Fowler owns Toyota Fowler and Honda Fowler in Norman. With the proposed ERU Mr. Fowler would be paying approximately \$600 a month for his Toyota dealership and approximately \$300 a month for his Honda dealership totaling roughly \$1,000 a month in storm water utility fees. At his comparable dealership in Oklahoma City Mr. Fowler is paying \$26 a month per business bringing his total to \$52 a month.

Other concerns that were addressed here tonight were how the City plans to spend the funds they acquire and how the rate will be set up for a residential owner and Mr. Fowler was satisfied with what he heard during the presentation.

Mayor Rosenthal: There are trade offs with all systems including the ERU, which is the most common rate structure used. Oklahoma City uses the water meter size rate system, which is higher for residential citizens.

Shawn O'Leary: Yes, the water meter size rate system is what Oklahoma City is using. We spoke with many of our colleagues in Oklahoma City, Edmond and elsewhere about their fees. The feedback from Oklahoma City is that they are not

generating enough revenue to take care of their business. They are happy to have the utility they have had in place for many years and are doing well with it. However it is underfunded and it is not doing what it needs to do for that city. That's what we find in these other systems. Yes they are getting revenue, but not enough to do what they need to do. That's really the question for City Council and the committees going forward. What is it we want to accomplish? Do we want to accomplish the things to the degree that we've laid out or do we want to accomplish half of those things or a third of those things. That is really the bottom line question. That's the thing looking at these alternatives it's a really tough to find another method that addresses these large commercial properties that is really fair. That is why 82% of the cities and utilities across the country have leaned towards this ERU. You pay for what runs off your property. Yes it can get high, but the theory is it's the fairest method of allocation because you're paying for the services you are getting.

Scott Sturtz: Further on that if we look at the table, see slide 25 in the presentation, although your numbers are astounding they are very large sites. The average non-residential monthly fee is \$57.44 per month.

Mike Fowler: At both of these locations and some other locations we have already spent thousands of dollars on detention at these locations as was required by the City of Norman to stay in compliance. We maintain those detentions at these location sites as well. Was any consideration given for the fact that we have already invested tens of thousands of dollars in detention for those properties or was it just blanketed across that everyone is going to pay this certain rate with no regards for what you have done for detention in Norman at this point as a business owner.

Shawn O'Leary: That's really a great question and I see that as the next generation of discussion with Council and others, what kinds of credits should we give? What's fair and reasonable? That's part of the same discussion along with detention basins and private methods of storm water management are part of those credits. I will tell you on a practical side so much of the revenue that we are talking about generating and the expenses we are proposing are in the downstream system. When water leaves that detention basin it enters Merkle Creek or Imhoff Creek. We are not going upstream we are going downstream to solve the problems to keep that detention basin working. If that stream is not functioning your site is going to have problems. So much of the expenses that we are proposing here are really addressing these fundamental storm water system elements that are helping every property whether you have detention or not.

Steve Ellis: I have a question about one of the issues that was not covered very well yet about new development. Let me see if I understand this correctly, the budget that you are representing as a potential budget is based on sort of current average costs of doing storm water. I was wondering if we know very well where we are at in terms of whether or not the average cost would go up with new development or down with new development. Say someone builds a new addition out east of town is that likely to increase the average cost of storm water production per person? Where exactly are we in our cost curves? How do you anticipate dealing? I would guess the average

costs are going to go up. Wondering how we are going to deal with the fact that new development is going to be marginally more expensive than it currently is.

Mayor Rosenthal: Very appropriate to ask for what do we require right now for new development with respect to storm water management? Use that as sort of a baseline before we talk about what will happen in the future.

Scott Sturtz: New development right now is required to have detention on site. Very much like what Mr. Fowler was speaking about. What we would expect when we do that is to look at it to make sure that the rate from that detention pond the rate of run off is equal to the historic rate of run off. In essence we wouldn't expect there to be a significant change downstream. It changes the profile of how that water gets there and does make some changes you're right. But to actually quantify it as costs going up or down it's difficult to do. It will depend on how effective their system is that they install. What modern improvements they make. Some neighborhoods are putting in some very proactive very forward thinking high-level low impact development type of stuff. They are obviously going to have less of a footprint than a neighborhood that puts a hole in the ground with a pipe coming out of it. There are different directions there so it is really going to depend on the individual development lot. But of course what we will see is as development continues we will also see an increase in revenue.

Steve Ellis: Are you anticipating handling those issues involving new development through the credit and incentive system? That sounds like what you are suggesting. Are there going to be mandates for how new development are going to go?

Mayor Rosenthal: There is one community that I became aware of where they have an incentive system that has two different models, one of which just meets current requirements, but if a developer exceeded that and actually was managing more storm water on site they get an additional consideration. In this particular city it is actually two separate calculations.

Shawn O'Leary: To add to your question about the cost of the impact of the development impacting storm water expenses, just the cost of inflation like the cost of a street sweeper in ten years will be higher than it is today. The Master Plan proposes that there would be rate increases over some period of time. Just like we have rate increases for water and waste water it is very similar to that. We are buying equipment, we are paying people, and we are buying backhoes and so on and so forth. Those costs will go up as they do for anything else.

Steve Ellis: But it does seem important to pull apart those two different kinds of cost drivers, which is really what I was trying to get at.

Jeremy Sellier: -The concerns that Mr. Fowler has and some of the concern with these detention areas that we have around town; I wonder if instead of trying to promote detention areas to reduce storm water runoff that are going to hold a lot of water on site, reduce usable land on real estate and potentially bringing in mosquitos and other things like that, we should be incentivizing instead things like permeable

pavement. Permeable pavement may very well cost more than your average asphalt pavement but the alternative is that you have to put in a large hole in the middle of your lot that also costs thousands of dollars. But the difference would be that if you had this permeable pavement it's very functional it serves the same function to reduce storm water and very likely could increase your properties value.

Shawn O'Leary: That's built into some of the references here to credits and exemptions and incentives. I would say the City of Norman is one of the few cities in Oklahoma that has a low impact development manual and a policy. We adopted that in 2011. We are promoting permeable pavement and promoting green applications of storm water management. Frankly, and you probably know this, that some of those are more costly. They are more costly than the conventional systems today. It hopefully gets better over time or there is a savings elsewhere. We anticipate that that sort of thing or that sort of credit or that sort of recognition would be part of a storm water utility and a storm water policy in Norman.

Mayor Rosenthal: Again I would say that's an example that would fall under the discussion about incentives and credits and the things that might go above and beyond that would be a different type of solution.

Mickey Man: I live east of Thunderbird on an acreage and I have my own well. My water doesn't go into the watershed at all it goes on down. But I'm in the City's limits by a mile. So we get police service in 20 minutes or so, we have a fire station that you're going to move back in, but they do pick our trash up once a week. So how are you going to view our rough area since the impact does not impact Norman or our watershed? How does this impact us in the rural area that we maintain ourselves and have to fix our own properties? We have a creek running across it and we have to maintain those creek banks. We have to take care of our own things.

The business owners here like Mr. Fowler or the mall, \$3,000 a month. You start charging businesses you're going to start running more businesses out and lose revenue. I understand we have a wastewater problem, but you can't choke off commerce to add more revenue to the City's budget.

Shawn O'Leary: I'd almost have to ask if this is something we can talk about individually. We have some maps out here in the back that can help. You said you are in Norman and you have a stream you discharge your storm water to. Why would that not be impacting the Norman streams? I'm not sure I understand the question.

Mickey Man: There are streams running across the property out there. I'm east of the Lake. My water runs downstream and doesn't impact the watershed at Thunderbird whatsoever. It runs into Reynolds Lake and then discharged down into Little River. So it doesn't impact, we don't use the water there. I have to maintain that stream if it erodes, but it doesn't erode. We haven't had any difficulties at all with it. It's just watershed coming through. We have to maintain our own property and our own water out there. We don't get any additional services from the City.

Shawn O'Leary: I appreciate that. Right now the discussion has been with this concept, but things can change and different applications can be considered by Council. But right now the theory has been that every property that is located within the City of Norman city limits would pay their share whatever that share is. That water running off whether it runs off into Lake Thunderbird or the Canadian River Basin they would pay their share based on the amount of water that comes off. Now an agricultural property, the average I think was \$20 as opposed to the \$6. Why that like that is that many of our agricultural properties in Norman have lots of buildings, lots of coverage, big long driveways and horse barns and so on and so forth. All of that is running off just as it is in the urban part of the City and it is entering the storm water system. Not sure I've answered your question, but the current theory now is that every property if you are in the boundaries of the City limits will pay your share.

Mayor Rosenthal: Note that there are communities that are exempt, agriculture properties. Again, but every time you choose to exempt some class or category of properties then those costs and revenues if you are going to try and accomplish the goals that we have here have to be generated elsewhere. The issue would then be if there were exemptions in some category what other rates would increase to cover those lost revenues.

Mickey Man: What about the University of Oklahoma and Griffin and some of the other areas out here that you can't levy because they are State?

Mayor Rosenthal: We can talk about negotiations that go on with the City of Norman and the University of Oklahoma, which participates in all our other utilities and participates and compensates the City for those City services. At present there are no planned exemptions estimated in this program. Obviously those relationships have to be worked through. There already have been meetings with the University of Oklahoma until the City adopts a storm water utility there is no reason for them to say we will pay you X amount until we know what the rest of the City is going to step up and do. But those conversations have gone on and the University of Oklahoma's track record has been to participate in all of our utilities. They have participated in the storm water utility in Tulsa and Oklahoma City in those communities.

Shawn O'Leary: I would just like to add to that our anticipation is that all local, state, and federal government properties would participate in this utility and they do in many utilities across the country. Ironically there is some pretty good case law over the federal government refusal to pay their share in other cities across the country and they lost a Supreme Court case a few years ago. The Court said no you must pay; you're contributing to the system. Again, as the Mayor said, right now anticipation is that the City of Norman would pay for this building or this complex just like every other government agency would for their runoff.

Donald Batchelor: One of the questions that I have is a compromise here. What if we are faced at the same time as wastewater and faced with a potable water problem? Is there a commonality here where we can come to a treaty between conflicting water supplies such as buying water from the Eastern part of the State?

Shawn O'Leary: We have Ken Komiske our Utilities Director here who is obviously the program manager of the Strategic Water Supply Plan. Here in Norman that is coming to a near end stage very soon and I think that Strategic Water Supply Plan pretty much considered this concept. The problem is like it is everywhere else in the country we get lots of rain in a short period of time and typically in this part of the country you just can't store it long enough or pay for that storage cheap enough to make that truly be there when we need the water for domestic purposes. Could we treat it? Absolutely. Could we store it? Yes, we could design all kinds of storage facilities. Could we afford it? No, I don't think so and Ken might want to make some other comments.

Mayor Rosenthal: I don't know if Ken wants to elaborate a little bit on that, but storm water harvesting or capture was considered as an option in the Strategic Water Supply update. It dropped out of the analysis as being too expensive and very difficult to engineer. So it was considered, it's a very good question. I think the other issue that is out there as we look to the future, there are already discussions at the federal government level that cities across the country may be required to treat storm water. We are not there yet, but that would greatly increase our costs as a City managing storm water.

Donald Batchelor: One of the things that I am watching is the use of wastewater cleanup for potable water and when I see the numbers that are projected so far for piping in Eastern Oklahoma water it seems to me we need to take a look at the costs here. We need to lower the costs and look into the costs of using potable and runoff water.

Shawn O'Leary: I encourage you to watch the Strategic Water Supply Plan discussions that are coming up in coming days and weeks and months. We're headed in that exact direction that you are suggesting with wastewater reuse. The other thing that I would say in regards to your question is we are already doing this. We are drinking our storm water. The majority of our domestic water is coming from Lake Thunderbird. That is storm water coming out of Norman, Moore and Oklahoma City. So we are already reusing storm water in a pretty efficient way here in Norman today.

Mayor Rosenthal: I would like to add to that that the remaining two options that the City is considering for the 2060 Strategic Water Supply Plan. One is based primarily on reuse and the other is the Southeast Oklahoma collaboration. The Council will be making a decision very soon on that.

Tray Bates: I chair the legislative committee for the Builders Association. Obviously I was a member of the committee here a number of years ago. So I've been following this closely in the past and have a number of interests in it. I'd like to say first of all that as builders we are obviously very concerned and focused on storm water we have been for years. I know this is just rising to the public's view as far as the utility goes, but costs associated with managing runoff from construction sites as well as home construction has been a big issue for a long time. And over the last few years the City has become much more aggressive making sure home owners associations are properly documented and set up to make sure that costs are born by

the various property owners associations throughout town. Now we are required on plats for example to provide a venue for filing liens on individual properties should certain maintenance items not be done. Over the years newer homes, to kind of address Steve's questions, newer homes have been bearing higher and higher costs in an attempt to deal with new regulations. And understandably so, it makes sense. My first point is I want to make sure that everybody kind of knows that as we go forward.

I think the issue that has come up a number of times is the same thing everyone is talking about which is equity. And I know equity is in the eye of the beholder sometimes. The issue is equity in terms of the rates that are charged and equity in terms of how the money is spent. If we do get to a point, again we all support a good storm water plan, ultimately the point is if we all decide that a storm water utility is required I think those are the two things that need to be addressed. I have some specific questions and I think I know the answers to some of them and I am really excited to hear that there is some provision being given or thought about being given to providing credits to all of those home owners that are already paying monthly or annual dues. A portion of which is going to maintain their own storm water systems. It is more than just detention ponds. The new engineering requirements for drainage systems throughout projects are much higher today than they were before detention was required in some of the older parts of town. I'm a little curious because we sited the Storm Water Master Plan that we worked on a few years ago as a basis for a whole lot of this and in that plan there were two things that struck me. One is there was about \$3 million that was shown. I think it was Table 8.2 when you talked about the funding piece of it. Three million dollars to meet EPA requirements and to meet the basic needs of the City and that included \$1.2 million for stream improvements and for the maintenance of detention ponds and that sort of thing. I'm kind of curious on how we got from \$3 million to \$6 million in this base plan. My second question goes to exactly how the allocation goes. I know you talked about credits for home owners and property owners associations that have some of this, but you know you have the different categories of users and certainly institutional government are a big portion of the impermeable surfaces in town. How does the percentage of that impervious surface compare to the percentage of revenue that is projected and if there are in these projections some sort of variance given how were those calculated and as the Mayor pointed out if somebody else pays less than somebody else is going to have to pay more. So how is it determined who got to pay less based upon the impervious surface and who ended up getting stuck with the rest? Those are my two questions. How or where did we get from a baseline of \$3 million dollars to \$6 million dollars and how does the discrepancy in impervious surface between the various users get distributed?

Mayor Rosenthal: Let me take the second one first. There are no estimates right now of variations, exemptions, or incentives calculated right now. All of these projected revenues are based on that ERU. So the question would be going forward if it's the sense of the community that is interested in incentives and credits and so forth what would they be worth? Then you would have to focus on the calculations and figure out what does that mean in terms of revenues generated. Going forward there would be a lot of work to be done around that issue. But so far, nobody is getting a break under this scenario that has been presented here today.

Shawn O'Leary: I'm looking at the table Tray and I'm trying to track with your numbers what I'm seeing in the Master Plan is an annual revenue of \$7,063,000 to \$6,500,000.

Tray Bates: If you look at it, the subtotal which the subtotal includes the first four items which are the basic requirements to meet the unfunded mandates and to provide enhanced maintenance, that's item six, those together.

Shawn O'Leary: What we are proposing here tonight is all eleven of those items. And you're right the way this was described or set up here was the focus in the upper range of operations and basically those unfunded mandates. Certainly those are going up by the way too. We have a Total Maximum Daily Load (TMDL) study for Lake Thunderbird now that we didn't have in 2009, but we proposed all of the other services and in fact our rate structure proposed here is less than the one proposed in the Master Plan. That one was \$6.50 or \$7.00 depending on which option you chose. The other thing that is important to distinguish here is in the Master Plan there was a proposal for a pretty big bond issue to really generate the revenue to do a large capital program. Council really isn't moving in that direction right now. They are not moving in the direction of a bond issue, only in the direction of a utility at this time as has been discussed.

Curtis McCarty: As a follow up on the equitable part, an HOA as an example, the Home Owners Association everyone pays in their dues and all their storm water drains into a detention pond; are you saying as a possible incentive that everyone in that community gets a break as far as their monthly dues if there was a storm water utility fee? Is that the way you are looking at it or are you saying you all would relieve the HOA the detention ponds and you'd take over maintenance?

Shawn O'Leary: The term we used here and we use again tonight is enhanced maintenance. Curtis you sat on some of those committees and you might remember during that Storm Water Master Plan the City was hearing from those POA's and neighborhoods that said they were struggling out here and I can tell you they are. My phone rings everyday from POA's that don't have enough money to fix that pipe or to fix that detention basin and they can not raise any more money because it is fixed by their restrictive covenants. So they came to us in 2007, 2008 and 2009 and said would you put something in this program to help us? So the enhanced maintenance system concept was placed in the Master Plan and has been proposed again here tonight as an assistance. What was discussed is not mowing their trails or mowing their basins, they need to do that themselves, but we want to go in there and help them and assist them in the bigger projects through perhaps a fifty-fifty grant program. Perhaps the City can assist with the engineering services to design the repair or offer inspection services on the dam. Things they are just not equipped to do or do not have the resources to do, but not to take it over. We still want them to own it and take responsibility for it like when they signed up for it when they filed that plat. But we really identify the need to help them as they are struggling. I can tell you there are tens and twenties and thirties of these subdivisions that are coming to us now and saying we got a problem and we don't know what to do and we can not

raise enough money to fix it. The problems are making the system not work as well and that detention basin is not going to last under those conditions.

Curtis McCarty: What I'm hearing you say is you are going to help them with solutions but you are not physically going to do any of the repairs or maintenance.

Shawn O'Leary: Actually we are proposing that. In fact we have a few pilot projects. One, in Cambridge Addition, right now where we are paying 50% of the cost of the repair matching their fifty and that is one model that has been discussed. I do not know if that is the direction that the Council will go ultimately, but the theory is that if we still want them to have some skin in the game and they are still responsible we want to help them do it better and by doing it better those storm water systems will last. They will actually work the way they were designed to work and right now they are not.

Curtis McCarty: Lastly, Scott showed some pretty big issues that are around town. Those are very expensive repairs. I don't see how the \$5.9 million will cover that. A million of that is going to go to unfunded street cleaning and \$4.9 million roughly remaining depending on the incentives. That's going to really be a pretty small number to do any major repairs. How are you going to address those? You are asking for a utility for storm water, but I don't see how you would be able to repair any of those major structures or major issues in the older part of Norman.

Shawn O'Leary: That is part of the evolution of the current proposal. The number Scott showed here tonight would generate approximately less than a million for capital projects and the capital projects are a \$65 million program. We are not going to raise the money to do that \$6.5 million Imhoff Creek project doing it this way. I think the Council has acquiesced to that, but perhaps a bond issue or some other funding could do that as we are doing today on Lindsey Street and Lake McGee. That is a \$15 million project paid for by bonds here locally.

Steve Ellis: I wanted to follow up on a question Mr. McCarty asked. If I understood that exchange correctly the current methods we are using for making sure that storm water runoff from new development do not always work that well. Is there any evidence of how well it is working and how many places it is working well and how many places it is not working well. You said 39 or 40 people were asking you for further help. Did I get the number right?

Shawn O'Leary: According to the context, we are approaching almost 200 detention basins. Again some of those might be the one at Fowler Toyota or it might be the one at the Cambridge Addition. There are lots of different basins and lots of different locations. Some of them are now 32 or 33 years old. So that said, it is those older ones where maybe those that did not have restrictive covenants that were really well done. Frankly, even today in Norman we do not regulate the rate that the restrictive covenants place on their property owners. We regulate that they have a restrictive covenants and we regulate that they take responsibility for maintenance, but we do not tell the Cambridge Addition that they have to charge every property \$200 or \$300 or \$800. They decide that independently and I think that is one of the things that I

have noticed in our work with several of these subdivisions. Where they are all paying, they are trying to do the right thing, and they are really working hard and we work well with all of them. They just do not have enough money to mow, take care of that sign, take care of that tennis court, take care of that swimming pool and take care of that big detention basin. So they are putting their money in the swimming pool because that is the thing they all like and the stuff that their residents really want and there really is not any money left over to do the hard scape and the detention basin.

Steve Ellis: So presumably that would be the sort of thing that would be taken into account when you're talking about incentives? It wouldn't be a blanket you have an HOA we are going to cut it in half.

Shawn O'Leary: I think so and we looked at it here in the context of more of a quality-based approach and our goal as a City is to make sure that system works. How can we help the neighborhoods make it work and be sustainable?

Mayor Rosenthal: If I might follow up on that, I do not think the incentives and credits have to do with whether you have a Home Owners Association or not, but whether you have the infrastructure and whether its working or not and if it is doing what it needs to do within the system. That is the key.

Richard McKown: I served on all these Storm Water Master Plan committees as well and I do not think I missed a meeting. All of the impaired basins that came out of it, Imhoff Creek, Merkle Creek, all of that stuff. There was like \$92 million in repairs that were needed and they were all being fed by development that had occurred prior to 1982. So when we look at those capital improvement projects it has nothing to do with contemporary development. So what we are going to be doing is taking part of this eventually if we can not pass bond issues and go back into old parts of Norman that did not have any kind of storm water management put into place and we are going to keep raising this rate to service those debts and finance those kinds of repairs over time. And that is a tremendous inequity because new development spends a fortune on storm water management and there was not ever any money spent on storm water management in those older parts of town. The implication I know is new development always raises our costs and stretches our infrastructure and it is simply absolutely not the case in this instance. We are building extraordinary storm water management infrastructure. In the case of Cambridge, this is another failure of the City prior to us being a tier two (2) EPA city. We almost had no demand to keep on site runoff on each individual house as it was being built. Brookhaven, I forget which number it was, was upstream with very sandy soil and very erosive soil. We had at least thirty (30) different builders building in there and never a silt fence put up. A lot of friends and family members live up there. Their silt silted in many of the detention structures in Cambridge that have caused those problems. To say that the Cambridge Addition is somehow at fault and that it is not doing a good job is simply not the case. That was a failure of the overall inspection process, making sure sediment does not leave these job sites and it is simply not done that way today. One of the functions of detention ponds is to have sediment precipitate out during the construction process and not leave the overall development site. This is very

complicated and sophisticated and what we are going to end up doing is using this as a fund to go back and, eventually when we won't pass these bond issues like we have never passed a bond issue to build a sidewalk or a trail, end up using this and we will just raise this rate to go back and do \$45 million of capital improvements. We managed to move a whole bunch of it into the Lindsey Street bond issue, which fixes Lake McGee and does a whole bunch of other things that were in that original \$92 million package. Those are the actual facts and new development has absolutely paid its way on this one.

Jeremy Sellier: To deal with a lot of this runoff and reduce long-term costs, how much have we looked into using the natural eco system services? We are already at present using the natural channels and creek ways and things as the storm water system. I have heard in the past we had a creek and changed it into a concrete basin and it does not work and it is not effective. It does not get into the water table through that creek like it is supposed to. As a long-term project tying in our storm water issues with our road issues; there is a thing going around the internet about solar roadways. I imagine it will be quite expensive to a degree, but it provides its own power and you're able to put storm water through it. It would cost more but you're really killing two birds with one stone and it would pay for itself. Obviously that's not something we would be able to do in the immediate future but something to be looking into.

Scott Sturtz: We certainly promote low impact development and most of the items you are discussing are low impact development ideas. The developers in this room are doing exactly what you are talking about. They are maintaining natural streams, they are making those amenities to their communities or making walking trails. They are doing the things that you are discussing and they are doing a fine job with that. We are looking beyond that too. The City of Norman has taken some projects. The channel behind Big Lots on Main Street and it was going to be concrete channel a couple of years ago, but it was looked at and we went in and we used a green solution. We went in there and we made something that is not going to be another concrete channel to do exactly what you are talking about. I would step out there and say that Norman is probably one of the most proactive communities on LID. Like Shawn said, we have adopted a LID storm water manual that will help identify these and do it. Those things are being done today. I am very proud of the work we are doing in that and we are going to continue to look into that in the future. The things we are looking at are when we participate in a project we want to find an LID component to it. We don't want to go back to the same old failing structures we've done. What can we do better? What can we look at to improve? So you're right on track with that and that's exactly where we are trying to move in the future.

Roger Gallagher: It seems that some of the basic questions are being side stepped or from previous meetings haven't been emphasized continually. Are we talking here water quality or conservation? We don't get more water with run off so it seems to me that we are talking conservation to improve the quality of the water which leads me to ask from my experience of living here for thirty (37) years now. Street sweeping, I know it's about \$400,000 or so for a street sweeper, but that seems to be one of the primary goals that should be addressed and pursued the first chance we get

as a City. We have streets that don't get swept for six (6) months. Another aspect of street cluttering every summer, that I've brought up before and when I was on Council particularly, is mowing. Mowing probably with the 35 thousand yards that we have in Norman, maybe more if you look at businesses. Probably a third of them do not pick the clippings up off the street. Now this is nitrogen, these are nutrients we are talking TMDL and for the life of me I know that code enforcement can do more just in the summer by stopping and talking to someone who is mowing or knocking on the door and telling them that they are not supposed to put their clippings in the street. I do know the police have overall jurisdiction to the same thing if they can if they want to or asked to. It just seems to me as a City we could strengthen code enforcement a little more because conservation is just so critical to the water quality. The businesses sell to make a product, granted, and they sell fertilizers. I know we set a voluntary program up and maybe we're doing 10% better, perhaps that needs to be more emphasized with the rain that comes in the spring everyone tries to fertilize their lawns and be ahead of the game. But I think the City with the aspect that they have already for fines beyond warnings I think it's something that's realistic. When we talked about this in previous committee meetings I think Captain Teuscher said to his knowledge that there are very few fines. And if a person continuously violates some of the laws regarding storm water and runoff or fertilizers and clippings then after a warning a fine should be a realistic endeavor. These things would help conservation not runoff. We are not going to increase the volume of the TMDL and the nutrients. The problem with Thunderbird seems to me are what are peaking. So those kinds of things I did want to mention. Erosion isn't natural. If you look at some of those, especially Bishop, I know that two summers ago that there was a City maintenance person there at the park and I was walking my dog along there. I said 'Boy these creeks are really terrible' and about a half hour later he started picking some things up out of the creek. It may be a minor example, but adhering to the qualities of our storm water creeks and our small channels possibly would help because those things not only add, if it's an oil can or a gas can, they not only add a block in the current but they do add nutrients and poisons. It just seems to me that some of these things we could improve upon. The other thing I did want to mention is that a portion of the City sees none of their storm water runoff go to Thunderbird. Quite a bit of the City something like 20% or 25% goes to the river. I realize we are all involved in the City and we all pay for fire support, but has consideration ever been given to some of the neighborhoods that might have somewhat smaller storm water fee because all of their water goes to the river. I thought that might be something down the road to consider. Thank you.

Scott Sturtz: We certainly agree with you on the street sweeping. You can see we placed importance on that within this program. And we've pinpointed this is part of the unfunded mandate it is part of our storm water permit. I suspect, we are not there yet, that there will be a best management practice that will be mentioned and used heavily as part of our TMDL for Lake Thunderbird. You talk about the grass clippings, we did get that included in the fertilizer ordinance that now falls under the storm water than it falls under code compliance. Any time we get a complaint on that we do go out and we investigate it. We have stopped numerous times. I know the guys are out in the field in pickups and they carry flyers in both English and Spanish and they hand them out to crews that are out there working that they suspect are

doing it. We've even talked to our own City crews about it and worked with them to do better. We agree completely and we are working very hard to increase that and we hope to see a significant decrease as we go on with that. Kind of the same thing on the fertilizer. We are still working hard on that, the problem is that's something you don't drive by and see someone's done that. That is difficult and takes a complaint usually. We are working with those commercial applicators and most of those have said they will no longer use phosphorous containing fertilizers in the City of Norman. We've had a great cooperative effort with our commercial applicators on that item.

Harold Heiple: I represent the Norman Developer's Council. I appreciate the fact that this meeting is for input and feedback and not just limited to questions. The staff has been working on SWU ordinance language for the storm water utility for months and made a presentation back in November of 2013. One of the things said in repeated here is ERU's are the most equitable and my input is not in Norman Oklahoma they are. Tonight is not the time to debate that, but that debate does need to be held before something is sent forward to the voters. There were two documents recently provided by City staff that show that the current draft is nowhere near ready to be submitted to the voters. The first is the estimated fee for 39 different businesses and educational and institutional properties in Norman. Now three of them are \$35,000 a year for Sooner Mall, \$29,000 a year for Johnson Controls and \$21,000 a year for Moore-Norman Technology. My point is that Norman's proposed fees for non-residential properties are grossly excessive. The real kicker is the question marks and the amount of fee for the following properties: the University of Oklahoma, Norman Public Schools, the Oklahoma Veterans Center, and Griffin Memorial Hospital. When you say City of Norman properties, what about the streets? Because the streets of Norman comprise more impervious surface than all the rest of the surfaces together and of course the staff has never contemplated that the City would have to pay for the streets service. Now the real question mark is are any of those state or federal properties going to pay anything at all? And you really ought to include Moore-Norman Technology Center School District as a question mark because with difference to Mr. O'Leary's pronouncement, it's my belief by law the City of Norman cannot force them to participate. I believe the City Council has already been provided a staff survey of the costs in each of the metro cities that have a storm water utility. None of them comes close to generating a total as high as Norman's staff proposal. The other document the City staff provided is comparison of the monthly fee charged for various types of property in Oklahoma City and comparing those Oklahoma City costs to Norman's costs and I won't try to read all these different categories, there's several different categories. The bottom line is the total residential proposed for Norman collection in a year is \$2,900,000. The total residential being collected in Oklahoma City is \$2,200,000. The total non-residential in Norman is another \$2,900,000 for a total of \$5,900,000. The total non-residential collected in Oklahoma City is \$658,000 for a total of \$2,901,000. How Oklahoma City can get by and operate on \$2.9 million when Norman is asking for \$5.9 million is a question that I think deserves a great deal of consideration and debate, but finally how can you even project a total for Norman if you don't have the figures like OU and how much are they going to contribute? Two final comments, one is the creation of trails is not a vital component of storm water control and the final one is for months we have asked that owners and operators of all types of properties be

represented in the drafting of any storm water utility ordinance. We believe that is critical.

Mayor Rosenthal: Thank you for your comments. Thank you everyone for coming this evening and again there will be an opportunity to visit in the back. I would like to follow up on one comment that Mr. Heiple made and that is that Mr. O'Leary mentioned. The Oklahoma City storm water utility is not fully funded so you are not comparing a fully funded utility and whether we are able to get to that \$5.9 million is still a question, but Oklahoma City is not raising the moneys they need to fund fully and deal with the storm water management issues that they face in the community. We appreciate everyone coming out and please make sure you fill out your exit survey and staff will be around to answer questions. Thank you again for coming.

ATTEST:

Brenda Hall
City Clerk

Cindy Rosenthal
Mayor

