

FLOODPLAIN PERMIT COMMITTEE MEETING
201 West Gray, Building A, Conference Room D

*Monday, October 1, 2018
3:30 p.m.*

Minutes

PRESENT: Shawn O’Leary, Director of Public Works
Jane Hudson, Interim Director of Planning
Scott Sturtz, City Engineer
Ken Danner, Subdivision Development Manager
Sherri Stansel, Citizen Member
Neil Suneson, Citizen Member

OTHERS PRESENT: Carrie Evenson, Stormwater Program Manager
April Kerr, Staff
Bruce Valley, Applicant
Jeff Bryant, City Attorney

The meeting was called to order by Shawn O’Leary at 3:30 p.m.

Item No. 1, Approval of Minutes:

Six members of the committee were present, and a quorum was established. Mr. O’Leary informed the committee that until a permanent replacement is named Jane Hudson is the Interim Planning Director and that the committee will remain at six members until a new Planning Director is named. Mr. O’Leary called for a motion to approve the minutes from the meeting of August 6, 2018. A motion was made to approve the minutes by Scott Sturtz. Seconded by Neil Suneson. The minutes were approved 5-0, with Sherri Stansel abstaining.

Item No. 2, Floodplain Permit Application No. 604:

Mr. O’Leary said this application is for a new roof and 2 proposed additions to a single story house located at 1006 McNamee Street, which is located in the Imhoff Creek floodplain. Mr. O’Leary stated that the application may look familiar because it has come before the

committee previously and has returned due to the two year life of the previous application nearing expiration. Dr. Carrie Evenson said the application is for a new roof and two proposed additions to a single story house located at 1006 McNamee Street located in the Imhoff floodplain, and it is being brought back to the Floodplain Permit Committee because the previous Floodplain Permit No. 569 expiring on October 4, 2018, and the applicant will not begin construction on the improvements until after October 4, 2018. Dr. Evenson said the applicant brought the application back to the Floodplain Committee to be reapproved to be sure that a Floodplain Permit was in place when they were ready to begin construction. Dr. Evenson also stated that the applicants are Bruce and Patricia Valley and that the applicant's engineer is Lucas Reed. She noted that Mr. Valley was present. Dr. Evenson stated the property is located on the south side of McNamee Street between South Pickard Avenue and South Berry Road in the Delong Addition. The existing house is a single story structure with approximately 1,544 square feet with a combination footing/stem wall and slab on grade construction built in 1932. The majority of the house is in the floodplain with the northeast corner of the property located in the floodway. Dr. Evenson said two additions to the existing house are being proposed. She said the east addition (Area #1) will be approximately 16 feet by 22.5 feet and will be a bedroom and sitting room. The south addition (Area #2) will be approximately 15.4 feet by 9.5 feet and will be used as a day room. Both additions will match the finished floor elevation of the existing house, which is approximately 1.2 feet above the base flood elevation (BFE). Dr. Evenson stated that the new additions will consist of concrete footings, floor joints, wood framing, insulation, rafters, roofing, ceilings, floors, windows, siding, and trim. The roof on the existing structure will also be replaced as part of the construction.

Ms. Carrie Evenson said on October 4, 2016, the Floodplain Permit Committee approved Application No. 569 for this project. No work began within 2 years of issuance as required; therefore, Floodplain Permit No. 569 will expire on October 4, 2018. Dr. Evenson said according to the floodplain ordinance, if the total cost of the additions exceed 50% or more of the market value of the original structure, then the entire structure must be upgraded to meet current floodplain ordinance standards. The estimated material and labor cost of the additions and new roof over the existing structure is \$55,200.00, which is an updated cost estimate completed in July 2018. The market value of the existing house is approximately \$132,600.00. The market value of the existing house was determined by subtracting the value of the land (estimated at \$30,000) from the appraised value (estimated at \$162,000) according to the appraisal performed by Chris Hardwick in April 2, 2016. Since the value of the improvements is 41.63% of the value of the existing structure, this work does not meet the 50% substantial improvement threshold as stated in the ordinance. Dr. Evenson said according to the latest FIRM, the site of the proposed addition is located in Zone AE. At the proposed addition locations, the Base Flood Elevation (BFE) is 1150.0', which is 0.6' above the approximate ground elevation of 1149.4' ft. at the lowest point in the area of the proposed additions based on GIS 1' contours. The existing and proposed finished floor elevation of 1151.2' is 1.2' above the BFE. There is no minimum freeboard requirement since the value of the proposed work is below the 50% substantial improvement threshold requirement. Dr. Evenson reviewed photographs of the location. Dr. Evenson confirmed that all additional ordinance requirements had been met and that staff recommended Floodplain Permit Application #604 be approved.

Mr. Shawn O'Leary asked Mr. Valley if he would like to add comments to the explanation or anything for the Committee. Mr. Valley had no additional comments for the Committee. Mr. Shawn O'Leary asked if there were any questions or comments from the Committee. Mr. Ken Danner asked if the Committee was going to seek verification of the compensatory storage. Mr. O'Leary said that final compensatory storage data will be submitted. Mr. Ken Danner motioned to approve Application #604. Mr. Valley said he did not remember the compensatory storage volume was 7 cubic yards and thought it was considerably less than that. Dr. Evenson pointed out the compensatory storage volume from the information submitted in the application to Mr. Valley. Mr. Sturtz seconded the motion to approve. The committee voted and approved the application 6-0.

Item No. 4, Miscellaneous Discussion:

- a) Mr. O'Leary stated that no applications had been received for the October 15, 2018 meeting and that it was cancelled.
- b) Mr. O'Leary stated the filing deadline for the November 5, 2018 meeting is October 17th but that no applications have been received to date.
- c) Mr. O'Leary invited Mr. Jeff Bryant, Legal Department, to provide an update on the ongoing issues related to the Sherwood Construction Floodplain Permit. City Attorney, Mr. Jeff Bryant stated that Guernsey had completed a report regarding the monitoring wells installed at the borrow area. According to Mr. Bryant, Assistant City Attorney, Ms. Beth Muckala, has been leading the review and follow-up regarding the report's findings, but she couldn't make it to the meeting so he was here on her behalf. Mr. Bryant gave an update as to the status of the inquiry since the Guernsey report had

been received. Mr. Bryant said contact had been made with both Sherwood Construction and Landmark, the land owner to the north of the site. Mr. Bryant said there has been some confusion as to the owner of the property at the location of the recommended site where an additional well would be placed. Mr. Bryant said Ms. Muckala has been speaking with Landmark about allowing Sherwood or another party to use that location for a well for further monitoring over the next couple of years. In the initial discussions with Landmark, they expressed agreement to allowing access to place a well on their property. Sherwood was encouraged that Landmark would allow access but were resolute that the original locations of the wells were placed as originally agreed upon. Mr. Bryant said that further discussion is needed to determine the next steps. Mr. Bryant also stated that if City Council chooses to move forward with the recommendations in the Guernsey report, then all parties are willing to work together on a solution.

Ms. Stansel inquired if Landmark was the previous owner of the Sherwood property. Mr. Bryant stated that the property had originally been owned by Landmark, but there had been some transfer of ownership between the parties. Mr. Suneson expressed his concern that the Floodplain Permit Committee and Sherwood agreed that there would be two upgradient wells for continued monitoring and that the Guernsey report reflected both wells were within the pit and not upgradient from it as specified in the Floodplain Permit. Mr. Suneson inquired as to why only one well upgradient of the pit is being recommended instead of the original two. Mr. O'Leary stated that he and Mr. Sturtz had been in discussion with Guernsey throughout the review to insure that they had all the pertinent information. After review and consultation with a groundwater

specialist, Guernsey stated that one upgradient well would be adequate to establish baseline groundwater conditions. Mr. O'Leary said that after discussion with the City Manager, they intended to accept the recommendations from the Guernsey report. Mr. Suneson requested that the Guernsey report recommendations and next steps be brought before the Floodplain Committee for review and approval. Mr. Bryant said the main focus in the Guernsey report for the baseline well was ensuring the soil was undisturbed. Mr. Suneson said he respects the recommendation from Guernsey but would like to ensure that all previous agreements have been met. Mr. Sturtz said that the language used in the previous agreement may have said two wells on the upgradient property line and that additional research may be needed to confirm the specific language used. Mr. Bryant said that Sherwood's concern may also be in reference to the language of the previous agreement. Mr. Suneson expressed concern that if the well at the upgradient property line had asphaltic material then the pit could have been larger than previously stated. Mr. Sturtz said that there are many areas throughout the City where similar material has been disposed of over the years and that the occurrence of asphaltic material isn't definitive proof of an extension of the pit. Mr. Bryant said that the final goal is to ensure proper and adequate testing and that the Legal Department is still working with all parties to find a solution. Mr. Suneson requested that the proposal of one upgradient well versus the two that the Floodplain Permit Committee previously approved be brought back for approval from the Committee. Mr. O'Leary said that Mr. Suneson's request is on the record and that he will consult with Interim City Manager Mary Rupp and Mr. Bryant to explore his request. Mr. Bryant asked if he could inquire with Mr. Suneson what his specific

concern was related to the number of wells, if it was related to ensuring the previous agreement is met or if there was a scientific basis for the request. Mr. Suneson said that the more testing and accuracy the better but that his concern was the fulfillment of the previous agreement. Mr. Bryant stated that discussion will continue and updates will be forthcoming. Ms. Stansel asked if this situation could impact future business with the Sherwood group going forward. Mr. O'Leary said that Sherwood is a large contractor that has projects all over the area and the current concern has been limited to the particulars of this floodplain permit application. Mr. O'Leary said that the area of focus is to determine the impact of the fill material on the groundwater and that is why Guernsey was brought in for a third party review. Mr. O'Leary added that in the intervening time period, Sherwood has completed stabilization of the pit and met all conditions of the closure agreement.

Ms. Stansel asked for an update on the West Main Street bridge that washed out during a recent storm. Mr. O'Leary said the planned completion of the bridge is scheduled for the end of November. Mr. O'Leary said that this bridge had been previously identified as in need of replacement and that a contractor had already started construction of the replacement bridge the day before the storm washed out the old bridge. Mr. O'Leary said that the construction plan had to be altered because of the damage and that a temporary repair that would allow two lanes of traffic to be open during construction had been considered but would have been more costly and time consuming than leaving the road closed while the new bridge was being constructed. Mr. O'Leary said that the project is running smoothly and is currently ahead of schedule.

Item No. 5, Adjournment:

Mr. O'Leary called for a motion to adjourn. Mr. Sturtz motioned to adjourn and was seconded by Ms. Stansel. Motion was approved 6-0. Meeting adjourned at 4:03 p.m.