

Ashley Wayman

From: Kevin Schell [REDACTED]
Sent: Tuesday, September 15, 2020 11:22 AM
To: Wendi Hundley; Ashley Wayman; Sara Hutson
Subject: Re: Drainage issues and possible solution for the Pleasant/Nixon area

Ashley, this email and attachments was intended to be included in the agenda packet for this week's and future council meeting discussing drainage issues at Pleasant/Nixon. For this week it should be a separate attachment for items 21, 22, and 23. The letter contains detailed information relevant to each item. Wendi and Sara will both confirm they want this to be a separate attachment for each of those agenda items.

Please let me know if I can answer any questions.

Kevin Schell
300 Pleasant Dr

On Wed, Aug 19, 2020 at 4:58 PM Kevin Schell [REDACTED] > wrote:

Hope this note finds everyone at the city and city leadership doing well in these crazy times. We the residents in the area of Pleasant and Nixon want to bring to this group's attention again our collective concerns with drainage issues that present a public safety risk at the intersection of Pleasant and Nixon and routinely cause damage to our properties, threaten our homes and create a safety risk to our families. Also to raise awareness to the council that the city(with LNV) has already designed an effective solution working with the residents at 300 Pleasant, 303 Nixon and 305 Nixon over the course of 2017. The residents at those addresses required to address the biggest issue in the area are all amenable to reasonable easements to allow that project to proceed. Lastly, why we believe this is a much better value for money approach than what is currently presented in the city [Infrastructure Improvement Plan](#) (IIP).

Problem

The intersection of Pleasant/Nixon and the properties at 300 Pleasant Dr and 303 Nixon Dr sit at the bottom of a drainage basin of ~50 acres(src LNV - Hydraulic Design Summary 2018. Excluded data points southeast of Pleasant.) . The existing infrastructure to move drainage from that basin to an exit ravine is massively undersized. Increasing rainfall and improvements on properties at higher elevations in the basin are producing more drainage faster. These improvements include landscaping, curb cutouts, clear cutting, and natural foliage removal. Also building of larger structures previously not possible before the sewer line, adds to the problem of a system designed many years before that improvement was considered and long after existing property owners had purchased their homes in the area.

Not every property in the basin has to deal with the collective drainage seen at the bottom of the basin. With only a couple exceptions every property in the basin uses the public streets to direct drainage to the natural relief point for the area which is the ravine on the backside (east) of properties on Nixon. The technical details of the rainfall and drainage patterns have been provided to the city in a study by LNV and the [IIP](#). Not included in the IIP are all the individual property improvements that are adding to the problem.

The collective result of this leads to three major problem areas. The main one is a public safety issue when the roadway at Nixon/Pleasant has such a high water level that the road and both curbs are not visible. The corner

of Pleasant and the culvert are not visible. The north side of Pleasant is not visible and has a torrent of water running down the street at a width, with a current, that a healthy adult can not cross (See section at the end for more details on the public safety issues). The second issue is that the majority of the water exiting the area is using the driveway at 303 Nixon. This causes consistent property damage every storm. Because of the water going down the driveway rather than the channel designed for drainage, half of the backyard is flooded. More importantly, it creates a safety risk as the homeowner may be in a situation where they cannot use their vehicle in an emergency. With the "surprise" summer storms we get in the area and the reduced weather modeling accuracy in the pandemic, this is a very real concern. The 3rd problem is at 300 Pleasant Dr where over 1/4 acre of the property is effectively a retention pool until the storm ends. This drainage enters the property all along Pleasant Dr. It also enters from Nixon when the existing storm drain is overwhelmed. This causes significant damage, leaves significant debris, keeps the properties existing drainage solution from working properly leading to water in the home. There is also a safety issue because the front door of the home is not accessible without wading through an unknown depth of water clouded by debris. The majority of the front yard is under water. Particularly the south side.

Should be noted here that this area and these properties are also impacted by other drainage issues that are beyond the scope of this letter. The proposed solution, however, does address the biggest issue.

Proposed Solution

At the April 2019 council meeting the latest city design to address the bulk of the drainage issues in this area was abandoned. The "trench" design did not have the capacity to handle storms greater than a "2-year" storm event. I was informed this was the case in January 2019 by the LNV engineers. We have had at least 10 of those storms since December 2018. Also the cost of that solution was bid at a much higher price than expected. An email from Amber Lewis on July 9, 2020 confirmed that this was the only design that was presented to KFries for their work on the IIP. Given it was not viable and required easements, KFries proposed an alternative solution in the \$5M+ range. More later on the KFries report and why the city should invest in alternative solutions.

Here is the important part. We are asking that the city revisit a previous design by the city engineers. LNV in January 2018 completed a design, working with the residents, and was ready to bid out an improvement that replaced the existing infrastructure at Nixon/Pleason. From an email from Jay Campbell at LNV on January 23, 2018:

"FYI, the construction plans and specifications are complete and we should be advertising for bids soon. We might wait a little before starting to avoid really cold temperatures since we have asphalt removal/replacement."

This design replaced the current 18" drainage pipe under Nixon with a 6'x3' flat pipe. The design had considerably more capacity than proposed in the "trench" design. Myself and Mr Marin (303 Nixon) were involved in the process and familiar with what it would and would not accomplish (does not address drainage from Hatley at 303 Nixon and does not address drainage entering 300 Pleasant above the proposed improvement). We also were in agreement in principle with what would be required from an easement perspective. Please keep in mind part of the resident frustration in 2019 was because we had a plan in 2018 that was completely changed without our knowledge.

Unfortunately, I only have a hard copy of the final design. A recent request to Jay at LNV to get a digital copy was unanswered. At the end of this note I've included a photo of my physical copy. To help track down more of the details here are the drawing detail from that design:

*Drawing no. 8
Drawn by: AVJ
Checked by: JC
Approved by JC
Job no: 1600366*

It was never made clear to the residents why this plan was abandoned and the new trench design was commissioned. I was told by LNV the trench plan was less expensive. Unfortunately, that conversation happened before I fully understood LNV's Hydrology study and the shortcomings in the "trench" design. At the time less expensive sounded better, but you get what you pay for.

Easements

There has been some confusion about residents in the Nixon/Pleasant area and their willingness to give the city easements for drainage. For the record, no one was against this. There were communication issues and plenty of blame for all involved (except Mr. Fleming). Rather than rehashing how we got here, I asked the residents involved to give a brief summary on their position below:

303 Nixon - Mike Marin – Assuming the city commits to plan to address the drainage at Nixon and Pleasant, Mike will agree to the reduced easement offer made by LNV (to accommodate the proposed drainage structure exiting under Nixon) with an expiration if work has not commenced. (The biggest issue with the easement was how deep it went into his lot which he understood to be resolved for both him and Jerry Fleming). Given all the water from Pleasant/Nixon ends up on his property, he just wants it to go to the right place, not down his driveway. He has already invested significant resources to manage the water the best he can, but he needs a new storm drain to mitigate the flow down his driveway and across the middle of his backyard. He also needs the city to follow-through on the valley gutter at Nixon and Hatley (that he understood the city committed to complete but still has not). He remains frustrated with how things played out and that after years of dialogue nothing has been done. He hopes the city will make the Nixon/Pleasant drainage project a priority before other drainage issues given the several years of dialogue, and he will be reasonable if everyone else is.

305 Nixon. Jerry Fleming - He is a mechanical engineer that doesn't have a drainage problem from Nixon/Pleasant basin. He would be open to consider an easement as discussed previously in correspondence with the city attorney and with the same set back as Mike with the additional assurance that an existing 4" pvc drainage pipe on his property is not damaged as well as the existing concrete retaining wall serving the former septic field.

300 Pleasant Dr - Kevin Schell - I have two drainage issues. Water entering my property all along Pleasant Dr.. Second being water pooling on my property because the storm drain under Nixon is significantly undersized. No plan yet has addressed drainage that enters my property above the drainage improvement. This causes most of the damage to my property and leaves the biggest mess in my front yard. As previously agreed to, I'm willing to sign an easement to address the Nixon problem with an expiration if work has not commenced. Ideally the city would also address the Pleasant problem with the same solution. If not, I'm open to alternatives including heightening the wall and removing my driveway on Pleasant. The only complicating factor is I need assurances from the city that I can actually get permits to address this issue after the Nixon pooling issue is addressed.

We recognize the city may desire a limited release of future claims where the work is to be performed. While this is a complex issue given all the drainage issues we each face, we are open to work with the city to find a reasonable agreement for all parties involved.

Problems with the IIP solutions.

I have several issues with the IIP. A few of the big ones are: It only provides one solution, the solution for the Nixon/Pleasant basin treats all problem areas equally, and nowhere does it use the phrase "public safety" for a problem area. The drainage problem at Nixon/Pleasant is labeled as Project id 'M'. The solution for 'M' includes addressing the problems on Projects K, V, L. The total cost estimate being \$6M. While the solution proposed is the Rolls Royce, it also is priced as such. While the earlier mentioned design does not solve all of these problems, it does solve 90% of the problem for 5% of the price. The largest being the significant flooding of the roadway on Nixon/Pleasant. I do not believe the city can afford to build the Rolls royce solution. Or more accurately, the city could use the cost savings for things like updating city hall and providing a better work environment for our police department. Also the IIP does not mention improvements already made by property owners that address drainage issues on their property by moving the drainage faster to our problem area. I'm not suggesting their issues are trivial but they can be, or have been, addressed in other ways. The issues at the bottom of the basin cannot be addressed without an infrastructure improvement.

Public Safety Issues

During larger storms when the intersection at Nixon and Pleasant floods a public safety hazard is created. Below is a growing list of first hand observations during storms:

- At times that entire intersection is under enough water to not see the curb on either side of the street (technically this is Nixon and just the northern part of the intersection)
- It is common to see cars lose control hitting that standing water at speed going north on Nixon and cars losing traction going south on Nixon turning onto Pleasant.
- The culvert is not visible when the water is above the curb. There is at least a 3' drop off that cannot be seen.
- After a lightning strike in 2019 emergency crews arrival time to 301 and 303 Pleasant were impeded, being unfamiliar with the area not being able to see where the road was.
- My driveway and mailbox on Pleasant are not accessible during a storm. My front door is inaccessible without going through a foot of water. Due to the silt and debris in the water emergency crews would not know the depth and be impeded assisting us if needed.
- Residents at 303 Nixon cannot get out of their driveway due to the torrent of water.
- Residents at 303 Nixon cannot get to their front door safely due water on the street and draining onto the elevated front walk.
- Neighborhood children (and their adults) will sometimes "play" in the water while it is still receding after a bad storm. This is especially scary when they cannot see the culvert and the current draining the area.
- Not a public safety issue, but I can't put my trash out if it is going to rain. The river of drainage on Pleasant is at least 6' wide. I've lost track of the number of my neighbors trash cans, and trash, that end up in my yard.
- During the police chase on July 25, 2020 a Westlake Police cruiser almost wrecked into the culvert. The officer was cutting the corner as close as possible in pursuit. Swerved at the very last second seeing the safety cone David Brasich had put out the week before. (David, I have no doubt you saved everyone a lot of pain by the simple action. Well done.)

The End

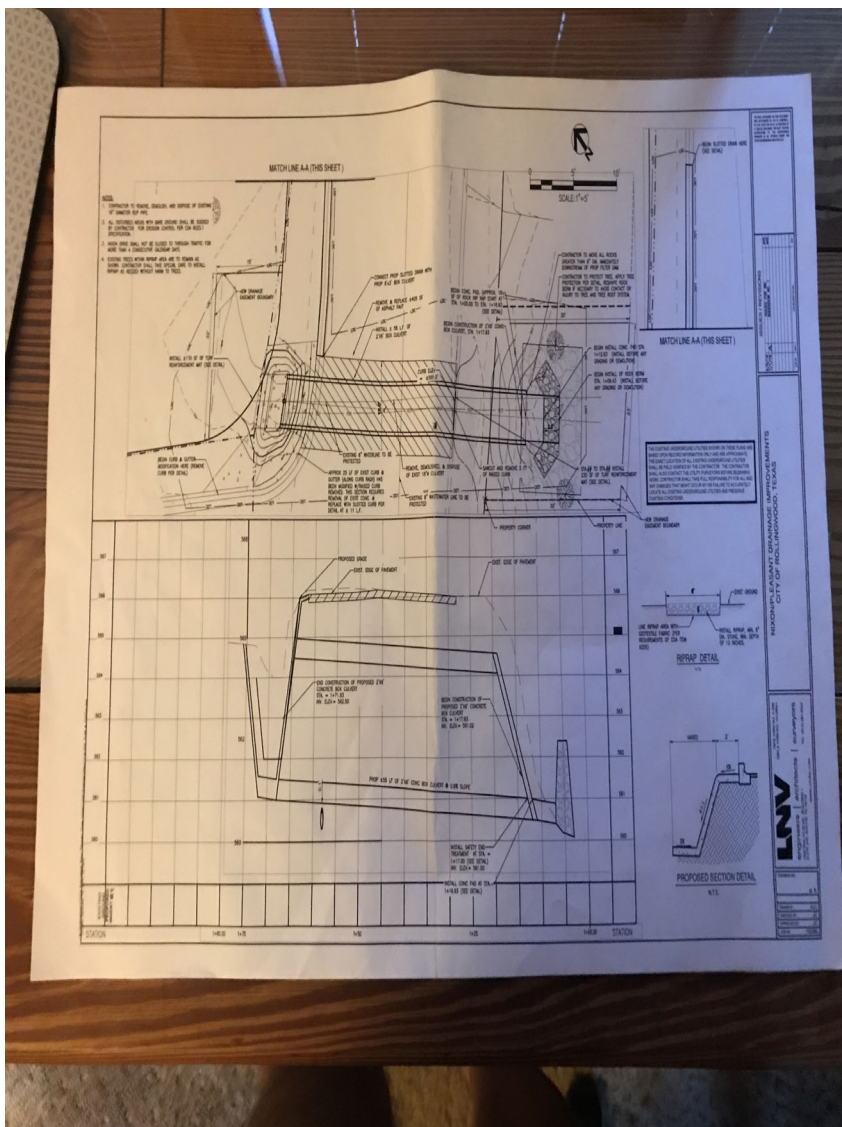
Mike, Jerry and I thank you for taking the time and consideration on this issue. We look forward to working with you to get this resolved in a timely manner. Please reach out to any of us if you have any questions. It is our top priority to finally get this resolved as soon as possible.

Kevin Schell

300 Pleasant Dr

Appendix:

Copy of 2017/2018 Drainage Design at Pleasant/Nixon:



300 Pleasant Dr - Front Yard, Driveway, Path to the Front Door under water:



Facing Pleasant: Some of the damage and debris left after an average storm:





Other Videos:

<https://www.youtube.com/watch?v=TdVGPZvDgW4>

<https://www.youtube.com/watch?v=dSPeT7sL0sc>