

Engineering Division of the Public Works Department

To: Chairman Arnett & Members of the Public Works Commission

From: Andrew Beyer, P.E.

Date: September 16, 2026

Subject: Update, no action required: West Haven Stormwater Pond

Background

The stormwater pond at 224 West Haven Drive (Outlot 4 of South Concord Estates Phase 2) was constructed as part of the South Concord Estates Phase II Subdivision. The available subdivision covenants and easements recorded with Jefferson County in 2007 identify the 27 residential lots constructed during Phase 2 as being responsible for Outlot 4 and the stormwater pond located there.

The West Haven stormwater pond is a wet detention pond with an outlet structure near the southwest corner of the pond. The pond was designed with a 5-foot-deep permanent pool in the western-center portion of the pond and a wide, shallow swale on the east side. The facility provides stormwater detention and pollutant removal prior to discharge to the Johnson Creek wetlands.

The pond currently has excessive small trees, shrubs, cattails, and other vegetation that require removal. Additional maintenance may also be necessary, but vegetation removal is needed before staff can fully assess the condition of the facility and determine the extent of additional maintenance required.

As part of the City's Municipal Separate Storm Sewer System (MS4) permit, City staff administer a stormwater best management practice (BMP) inspection and maintenance program. Stormwater pond maintenance is one component of this program.

On April 30, 2026, the City sent a maintenance notice to each of the 27 lot owners identified in the available records, with a June 15, 2026 deadline for vegetation removal. As of the date of this memo, the requested vegetation removal has not been completed. City staff will conduct a follow-up inspection once the vegetation has been substantially removed to evaluate the condition of the pond and identify any additional maintenance needs.

The City has also received questions from property owners regarding the ownership and maintenance responsibilities associated with Outlot 4. Staff has reviewed the available recorded documents and discussed the matter with the City Attorney. The City's current administration of the facility is based on

the available property records and recorded documents. The City will not make a determination regarding the validity of private property documents or other private legal matters.

Financial Impact

Based on the City's current review of the available records, maintenance of the stormwater pond remains the responsibility of the identified lot owners.

City ordinances provide mechanisms for the City to address required maintenance when a responsible party does not complete the work, including the potential for the City to complete the work and recover associated costs. The City has not previously administered a private stormwater pond maintenance project in this manner.