

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

Monday, December 18, 2017

3:30 p.m.

Minutes

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PRESENT: Shawn O’Leary, Director of Public Works  
Susan Connors, Director of Planning/Community Development  
Scott Sturtz, City Engineer  
Ken Danner, Subdivision Development Manager  
Sherri Stansel, Citizen Member  
Neil Suneson, Citizen Member

OTHERS PRESENT: Todd McLellan, Development Engineer  
Cydney Karstens, Staff  
Shelly Williams, Capital Projects Engineer  
Lester Sieger, Landmark Engineering  
Bob Dill, Arbuckle Properties  
Darryl Janaway

The meeting was called to order by Shawn O’Leary at 3:31 p.m.

**Item No. 1, Approval of Minutes:**

Six members of the committee were present, and a quorum was established. Jane Hudson was absent. Mr. O’Leary called for a motion to approve the minutes from the meeting of October 2, 2017. A motion was made to approve the minutes by Scott Sturtz. Seconded by Sherri Stansel. Approved 5-0, with Neil Suneson abstaining.

**Item No. 2, Floodplain Permit Application No. 587:**

Mr. O’Leary stated this application is for a bridge replacement project over Ten Mile Flat Creek west of the intersection of Main Street and 48th Ave SW in the Ten Mile Flat Creek Floodplain. Todd McLellan stated this application has four applicants: the City of Norman and three homeowners who have property on or adjacent to the bridge. There are two engineers for the project David Hendricks and Lester Sieger. Mr. Lester Sieger was present to

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represent the project. Mr. McLellan gave the Staff Report for this application. Mr. McLellan reviewed the current location and pictures surrounding the location. Mr. McLellan explained that on December 6, 1994, a Cleveland County District Court Order required the installation of 10 corrugated metal pipes (CMPs) and construction of a low water crossing directly east of the bridge to relieve the impoundment of water during flooding events caused by a privately constructed roadway at Ten Mile Flat Creek west of 48th Ave NW. The roadway was constructed to allow access to the private properties west of Ten Mile Flat Creek from West Main Street. In 2007, a major flooding event washed out the CMPs and private roadway at this location, which negatively impacted vehicular access via Main Street to the properties to the west. On June 27, 2017, City Council approved Contract No. K-1617-139 between the City of Norman and Arbuckle Properties, Inc., BellaRose, LLC, and Steven Rich, the property owners west of Ten Mile Flat Creek, for the funding and construction of the West Main Street drainage structure and single span bridge. Mr. McLellan confirmed all ordinance requirements have been met and explained that since this project involves work in the channel and streambank modification, City Council approval is required. This application will be brought before City Council for approval after conditional approval by the Floodplain Permit Committee. Mr. McLellan stated staff recommended conditional approval of the permit.

Mr. O'Leary asked if the engineer or applicants would like to add anything to the presentation. Mr. Bob Dill from Arbuckle Properties spoke on behalf of the homeowners with regard to subsequent City Council approval that he believed had previously been granted with the approval of the participation agreement and that he would like to see the project approved to move forward. Mr. O'Leary asked if there were comments or questions from the committee. Ms. Stansel asked for more background on the City responsibility to this project.

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Mr. O’Leary referenced the City Council approval of Contract No. K-1617-139 as a partnership agreement for the funding and construction of the drainage structure and single span bridge. Mr. O’Leary stated that since the flood in 2007 there have been ongoing discussions for ten years between the City and homeowners to find a solution. Mr. O’Leary stated that generally the position has been, and Council agreed, that the City has an interest in the drainage system and ensuring that Ten Mile Flat Creek is open and flowing. Mr. O’Leary stated that the road is private, and the City has no interest in that structure. Funding was split between the parties with that information in mind. Mr. O’Leary stated that more information regarding the history is available as public record from the City Council meeting where the contract was approved.

Ms. Stansel inquired about the location of this application and how that area is referenced in the Canadian River Channel Migration Assessment as a potential risk area. Mr. O’Leary encouraged the committee to keep the findings of the assessment in mind but draw that back to the floodplain ordinances to make the determination based on the existing floodplain ordinance requirements. Ms. Stansel asked if the homeowners had access from the north to access their properties. Mr. O’Leary noted that this road is the primary access to their homes and that the only other access is a small private road belonging to one of the homeowners. Mr. Dill confirmed that the homeowners have no legal access and that the homeowner who owns the small access road has been generous and granted the other homeowners use of his road temporarily.

Ms. Conners inquired if there is a negative impact to any other properties. Mr. O’Leary stated his understanding that the design is a do no harm design and will not harm the floodplain or any other properties. Mr. McLellan confirmed that the impact is neutral and doesn’t help or

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hinder any properties. Mr. O’Leary stated that over the past ten years, the City in conjunction with the homeowners have reviewed up to ten other design proposals and that this is the design that satisfied both the City Council and the applicants.

Mr. Suneson asked about the cost breakdown in the contract. Mr. Suneson asked if this road is gated and not for public use. Mr. O’Leary confirmed that the area is a public right-of-way just west of the cul-de-sac that is referred to as an unopened public road. Mr. Suneson inquired how the public area and private area are designated and what the repercussions are of building public infrastructure under a private road. Mr. Sturtz noted that the concerns are outside of the purview of the Floodplain Permit Committee. Mr. Sturtz encouraged the committee to consider the application based on the floodplain ordinances and requirements. Mr. Suneson inquired if this sets a precedent that could cause other issues in the future when citizens look to the City for assistance with private structures. Mr. O’Leary acknowledged the concern and referred back to the City’s Legal Department and City Council for further discussion of those decisions. Mr. O’Leary referenced the legal settlement from 1994 from the Cleveland County Court, which ordered the involvement by the City and is the only known case of this kind in Norman. Mr. O’Leary stated that the concept of joining public and private money to fund joint interest projects such as road widening or infrastructure in developments are very common and happen often.

Mr. O’Leary asked if there were any questions or comments from citizens. Mr. Janaway expressed concerned about the streambank erosion that has occurred upstream from the location. Mr. Janaway would really like to see a solution put in upstream to prevent additional erosion that could compromise the Cambridge Detention Pond. Mr. Sturz commented that the structure that was previously in place was washed out over ten years ago and that the

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proposed structure will provide more stability. Mr. O'Leary pointed out that the area that Mr. Janaway was speaking about is privately owned and the City does not have an easement or right-of-access to that area. Mr. O'Leary stated that going forward that area has been identified by the Storm Water Master Plan as a priority and that once funding is secured it can be considered for future improvements. Mr. O'Leary stated that although the concern is valid, it would not impact the application before the committee. Scott Sturtz made a motion to conditionally approve the application pending City Council approval. Ken Danner seconded the motion. Approved 6-0.

**Item No. 3, Floodplain Permit Application No. 592:**

Mr. O'Leary stated this application is for a streambank/bridge abutment stabilization project along the west bank of the Little River immediately downstream of Franklin Road, west of 36th Ave NE in the Little River Floodplain. Mr. McLellan stated the applicant is the City of Norman represented by Shelly Williams of the Public Works Department. Mr. McLellan stated the engineer for the project is GeoStabilization, Inc. Mr. McLellan gave the Staff Report for this application. In May 2015, this bridge located on Franklin Road over Little River, between 24th Ave NE and 36th Ave NE, experienced multiple flooding events. Flooding caused scour at the west abutment and exposed steel piling under the abutment. The channel degradation began to encroach on the roadway. The bridge site has been monitored since the flooding event for further scour while an acceptable repair solution was being researched. Mr. McLellan reviewed the current location and pictures surrounding the location. He also stated that this project will be administered through the Oklahoma Department of Transportation (ODOT) and is 80% funded through the Federal Highway Administration

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(FHWA) with the City responsible for the remaining 20%. The net effect of this project on the channel will be a slight increase in storage capacity in this section with no increase in the base flood elevation. Mr. McLellan confirmed all ordinance requirements have been met and staff recommends approval of the application.

Mr. O'Leary introduced Shelly Williams and spoke about her skills as an engineer. Ms. Williams gave some background on the project and the technique selected as a solution. Mr. O'Leary stated that this bridge needs to be replaced, but the City doesn't have the funding to complete a full replacement at this time. Mr. O'Leary stated that the Emergency Response funding was able to be secured because Franklin Road is recognized as a Federal Transportation Route. Mr. Danner asked if the work is located within a drainage easement. Ms. Williams stated that they are in the process of obtaining a temporary construction easement in this area.

Mr. O'Leary asked if there were comments or questions from the committee. Mr. Suneson inquired about the soil nail wall that will be part of the installation. Ms. Williams explained the process to install those soil nails, and Mr. McLellan and Mr. Sturtz commented that the nails will be grouted, which has shown to be a proven technique to keep them in place. Mr. Danner made a motion to approve the application. Ms. Stansel seconded the motion. Approved 6-0.

**Item No. 4, Miscellaneous Discussion:**

- a) Mr. O'Leary stated the second round of groundwater monitoring had been completed for Floodplain Permit No. 574 for Sherwood Construction and has been provided in committee packets. Mr. O'Leary stated that the report reflects no pollutants.

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- b) Mr. O’Leary stated there were no applications for the January 2, 2018 meeting and will be cancelled.
- c) Mr. O’Leary stated there were no pending applications for the January 16, 2018 meeting.

Mr. Suneson addressed a couple of concerns related to Floodplain Permit No. 574 for Sherwood Construction. The first issue of concern regarded the size of the pit. Sherwood Construction was permitted for 5 acres, and Mr. Suneson believes the actual size to be 6.05 acres. His second concern was the location of the wells. Mr. Suneson believes that two of the five wells appear to be out of the agreed location. Mr. Suneson stated that he spoke with the City Attorney, Jeff Bryant, and Mayor Miller regarding his concerns and plans to follow up with the Mayor the next week. Mr. Sturtz asked if his inquiry is on behalf of the committee or as a private citizen. Mr. Suneson stated he was pursuing these concerns as a private citizen. Mr. O’Leary stated that staff has followed up on these concerns and has been unable to determine conclusively if the five acre limit has been exceeded. Mr. O’Leary stated that staff also reviewed the location of the wells, staff were there to inspect during installation, and that the wells are in the agreed location. Mr. O’Leary stated that he appreciated Mr. Suneson’s passion for the project and his professional opinion. Mr. O’Leary addressed the State and Federal Agency notification and reminded the committee that when the City reached out to all agencies, including Oklahoma Department of Environmental Quality (ODEQ), they indicated that they had no jurisdiction in the matter. Mr. O’Leary stated that the decision by the committee to require the groundwater monitoring exceeds the requirements listed in the floodplain ordinance.

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**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 4:36 p.m.

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