City leaders are moving forward with a solution to a privately-owned dam problem, even though no policy has been established for working with homeowners associations throughout the city.

Norman has 20 dams of significant size, most over 40 years old, identified on the Oklahoma National Dam Inventory. The city's Stormwater Master Plan also identifies 290 smaller dams throughout the city.

Many of those dams are failing, and Norman needs a policy and a plan of action to deal with the problem.

“You can’t add a bunch of stormwater upstream and expect it not to have an effect,” said Dan Butler, a Norman resident who is also a former stormwater professional retired from the Conservation Commission. “And you can put in detention ponds for Wal-Mart, but they’re designed for a 25-year [rainfall] event. If you have more than that, you’ll have an effect.”

Most of Norman’s dams are privately owned. Built as a way to meet city requirements for stormwater control, they often serve double duty as a neighborhood amenity, but unlike other infrastructure such as roads, dam maintenance is not taken over by the city. Property or homeowners associations are charged with maintaining them in perpetuity.

“I can recall 1982 when the city drainage ordinance went into effect,” said Jim Adair, realtor and former developer. “The director of public works and the director of planning structured that ordinance to place the long-term maintenance of those detention ponds on the homeowners associations. Many of us objected.”
Adair said under city rules, the developer puts in streets, sewer lines and water lines up to city code and once those are accepted, they are dedicated to the city for permanent maintenance.

“In my opinion, drainage improvements are part of an integral system just like sewer lines are part of an integral system,” Adair said. “To place that with homeowners associations means maintenance may or may not get done. They don’t always have the expertise.”

He said the burden is beyond the technical expertise and financial capability of HOAs.

Butler said standards for dams should be higher which would be more costly, but would allow the city to take over maintenance, allowing homeowners associations to continue with mowing and landscaping duties.

“It costs a lot to put in a retention pond that’s designed and built to good standards so it won’t erode and so it’s not going to require a lot of future attention and care,” Butler said. “Even the best of ponds are built with a life expectancy, but they have short life expectancies when not built to good standards.”

Continued development and 100-year record level rains in 2015 put additional strain on privately owned dams and a few are now critical. To protect the public safety, the city is working to provide support for HOAs that are repairing their dams, without expending public funds, if feasible.

On Tuesday, the city council indicated a consensus for putting a solution for the Cedar Lake dam on the next city agenda for approval. It was a solution that Cedar Lakes homeowners, working proactively, brought to the city.

The Cedar Lake addition near Cedar Lane Road and 24th Avenue Southeast was developed in 1995 and includes 19 homes around a 5-acre lake with a dam owned by the property owners association.

The dam is seeping, and the solution is expected to cost $70,000.

Property owners will pay for the repairs and will get a private loan, but they need the city to assess homeowners on their utility bills. That agreement will provide the collateral needed to qualify for the loan as well as securing a dependable means of collection.

Tuesday’s discussion was a continuation of the Dec. 6 Study Session, when the city council discussed three neighborhoods with varying degrees of stormwater issues: Cedar Lakes Addition, Summit Lakes and the Vineyard.

While the city is working out solutions with these neighborhoods, council members said a policy needs to be created that can be applied fairly to neighborhoods in the future, even while acknowledging that each situation is unique.

In addition to local dam maintenance, the Stormwater Master Plan recommends enhanced maintenance for Imhoff Creek, Bishop Creek and Brookhaven Creek. Because private property backs up to these creeks, the city can’t always access the area to do maintenance. A policy to gain access could also be in the works soon, and some council members say that access shouldn’t cost the city since the purpose is to perform maintenance that will protect private property creekside.

Norman has already used large sums of public money to make drainage improvements in conjunction with road projects where flooding affected streets as well as neighborhoods. Disaster relief funds and capital funds have also been used to address these drainage projects, but larger scale creek projects will need to be funded in the future.

The Stormwater Master Plan identifies seven capital projects for Imhoff Creek between Boyd Street and Andrews Park totaling over $17 million in estimated 2009 dollars.

“Yes, it’s millions of dollars, but the Imhoff Creek channel is a WPA project from the 1930s,” said Ward 4 council member Bill Hickman. “The city has not made significant investments in this stormwater infrastructure, but the city has allowed development and road expansion as the community has grown. The stormwater from that growth has been directed into the Imhoff channel.”

Hickman said residents along Imhoff are losing large portions of their backyards to erosion because stormwater runoff has changed the natural flow of the water.

Joy Hampton