

MINUTES

Audio Tape No. 577

The Governing Body of the City of Leawood, Kansas, met for a Work Session at City Hall, 4800 Town Center Drive, at 7:00 P.M. on Monday, March 10, 2003. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, Pat Dunn, Louis Rasmussen, Gary L. Bussing, James E. Taylor, Sr., Scott Gullede, Shelby Story, and Mike Gill.

Councilmembers absent: None

Bucher, Willis, & Ratliff consultants present: Ron Williamson, Scott Gorsuch, and Mike Malon

Staff present: Scott Lambers, City Administrator
 Joe Johnson, Director, Public Works
 Deb Harper, City Clerk
 Emily Watson, Deputy City Clerk

Mayor Dunn called the meeting to order at 7:20 P.M. to discuss Roe Avenue Improvements from 124th to 135th Streets. Mayor Dunn noted that the meeting would include a 30-minute timeframe in which citizens could voice their concerns. The Roe Avenue project is slated to be addressed at the next Governing Board meeting on March 17th, allowing the City to take advantage of funding that is available.

Councilmember Bussing, Chairman of the Public Works Committee (PWC), outlined the work of the Committee for the past year as it pertained to the widening of Roe Avenue from 124th Street to 135th Street. Beginning with the preliminary design phase, citizen input has played a major role in the designing of the project. A key criteria in the choosing of the engineering company Bucher, Willis & Ratliff (BW&R) was their ability to gather citizen concerns/requests.

Councilmember Bussing stated the BW&R plan as presented was approved unanimously by the PWC. It exceeded the CIP Budget, however, increasing the City cost from \$2.6 million to \$4 million. While the PWC acknowledged the increase, it felt the plan represented the best value for Leawood, by delivering an arterial roadway that met all requirements of the City and Public Works, as well as the concerns of the neighbors.

Councilmember Bussing reiterated that it was necessary to move the project forward to secure ear-marked funds from the State. The purpose of this meeting was to share the plans from BW&R, as well as gather any additional input from the citizens and Governing Body, so that the vote on this project could take place on March 17, 2003.

Ron Williamson from BW&R gave the highlights of the project. Mr. Williamson reviewed the parameters of the project, which included expanding Roe Avenue from a two-lane to four-lane undivided roadway; a five-foot sidewalk on the east side; a ten-foot bike path on the west side; a traffic signal at 127th Street; medians from 133rd Street to 135th Street; street lights; landscaping and screening replacement; and an irrigation system, with the project being done in the right of way, to give minimal impact on the neighborhoods.

BW&R had several meetings with the citizens to listen to their needs and concerns. Mr. Williamson stated that these included: eliminating the bike path on the west side and reducing it to a five-foot sidewalk instead; increasing the landscaping budget from \$15 a linear foot to \$37; fine tuning the grading plan; putting in a retaining wall on the northwest corner of 127th Street and Roe Avenue to protect the berm; constructing irrigation systems; enforcing the speed limit of 35 MPH for safety; eliminating excessive noise, to which the KDOT conducted a noise analysis in August, 2002; burying the power lines, which proved to be cost prohibitive (\$1 million estimate from KCPL) and was eliminated.

After several more meetings with various citizen groups, Mr. Williamson advised the landscape plan was revised to what the display boards shown at this evening's meeting depicted for an additional \$500,000. Also discussed was the stormwater runoff and how it would be maintained; and raising the retaining walls to create a better noise barrier for an additional \$450,000 over the budget. Mr. Williamson showed pictures of the various decorative facings for the retaining walls.

The following citizens spoke on their concerns regarding this project:

Mr. Max Wood, 12424 Delmar, commended the Committee for considering the north wall at 124th Street.

Mr. Roger Newth, 4606 W. 126th Street, spoke on the problem of traffic noise and a possible solution by using rubberized asphalt.

Mr. Mark Edelman, 4505 W. 126th Street, urged the City Council to look into the issue of stormwater runoff.

Mr. Clifford Rovelto, 12802 Linden Lane, brought up the issue of a retaining wall on the frontage of his property facing Roe Avenue.

Mr. Rich Davis, 12432 Linden Lane, spoke on the retaining wall for prevention of excessive noise and invited the council to sit in his front yard to experience the noise for themselves. He felt that with the increase in road size, the amount of noise would be increased from the current level.

Mr. John Martin, 4503 W. 126th Street, spoke on the issues of (1) noise abatement and the fact that he will lose many large trees on his property that presently block some of the noise; (2) stormwater runoff that backs up into his yard after a large storm due to clogged drains and his property being in a low area; (3) the highest retaining wall being slated to be in back of his property and his hope that it will not just be constructed of concrete only; and (4) the trees chosen to replace the large trees that must be removed being too skimpy.

Mr. Jack Revare, 12610 Cedar, questioned (1) the placing of the retaining walls for residences on Cedar south of 126th Street that back up to Roe Avenue, and (2) what effect the Roe Avenue project will have with the stormwater problem in the area.

Mr. Wes Gates, 12608 Granada Road, requested to see a more detailed plan for the landscaping.

Mr. Wayne Smith, 13216 Granada Drive, stated he lost large trees when 133rd Street was constructed, with those trees being replaced by small ones. He lost privacy that the trees afforded him. He felt the current plan did not address enough landscaping replacement trees. Mr. Smith was also concerned about the noise, especially with the construction of the Church of the Resurrection.

Mr. Greg Miller, 12606 Granada Road, stated the noise, especially with heavy equipment and trucks, at 127th Street and Roe Avenue, should be looked at more closely.

Mr. Leroy Kimminau, 4433 W. 130th Street, discussed issues that were brought up at a meeting between BW&R and the residents held at the Woodlands. These included (1) the elimination of the bike path that residents wanted, to minimize the width impact on the residents' property; (2) the fact that the traffic count numbers did not support the widening of the street from two to four lanes; (3) traffic safety, in that the only specific area of concern was around the curve at Patrician Woods; and (4) the concern that on a four lane roadway the 35 MPH speed limit would be hard to enforce. Mr. Kimminau questioned the validity of constructing a four-lane road, when a three-lane road might be adequate.

Mr. John Felton, 4539 W. 131st Street, formerly of 13028 Granada, questioned why Roe Avenue would terminate at 142nd Street, when the other arterials (Metcalf Avenue, Nall Avenue, Mission Road) continue on south. He asked if this roadway would simply move traffic from Town Center to 135th Street, and if so, why through a totally residential area. Mr. Felton also mentioned that Councilmember Taylor, who had attended many of the BW&R meetings for the residents, had stated the replacement trees would be 6". Mr. Felton felt that the current replacement plan of using 3" trees was inadequate for noise control.

Mayor Dunn then turned the meeting over to Councilmembers' questions.

Councilmember Rasmussen questioned the base project cost. Mr. Williamson stated the \$5 million was the original proposed budget; the \$6.2 million was the current adjusted project cost. The construction of more retaining walls and the median brought the total to \$1.2 million more than the original estimate. The landscaping was an additional \$500,000 cost.

Councilmember Rasmussen asked for the justification of spending of 2½ times the normal amount for landscaping the project. Mr. Williamson stated the replacement trees for noise control plus other vegetation was part of the residents' concern.

Additionally, Councilmember Rasmussen asked what decibel level KDOT obtained for traffic noise. Mr. Williamson stated KDOT measured the existing decibel level to be at 60, and the projected level for 2020 at 65 decibels. KDOT does not require any type of noise abatement unless the level has at least a 10 decibel change from what is existing.

Mr. Joe Johnson spoke on the question of "why?" as it pertained to widening the street. He stated that in 1980 the City designated certain arterial streets, with Roe Avenue being one of them for truck traffic. Roe Avenue was the only street within Leawood that was a truck traffic route in a north-south direction that belonged solely to Leawood. State Line Road is shared with Kansas City, Missouri, and Nall Avenue is shared with Overland Park. He also stated that once the area of 135th Street was completed, the volume of traffic would warrant a wider road, with Roe Avenue continuing on to 143rd Street at some point in the future. Councilmember Bussing added that at a later time the easement on Roe Avenue that is shared with Overland Park south of 142nd Street will be extended, potentially to 151st Street.

Councilmember Taylor stated he believed the sound decibel rating for a residential area should be no greater than 55, and asked if the engineers considered this fact. Mr. Williamson said they had not looked into that aspect. Councilmember Taylor continued by saying he felt that raising the height of the retaining walls might be an alternate proposal to the Governing Body, which would address the safety and noise issues. Mr. Williamson stated that KDOT does not allow alternates in their bid process; the City will need to give them something specific.

Councilmember Taylor also commented that he desired the 6" caliber of the replacement trees, not the 3" planned trees, and asked for an alternative estimate for larger trees.

Councilmember Taylor confirmed with the engineers that all of the extended retaining walls would be faced with the decorative stones, and those that were not extended would have safety rails. He confirmed that part of the additional costs for the project was \$350,000 for decorative light standards. He also discussed with the engineers the fact that all of the culverts along Roe Avenue in the Normandy Place and Patrician Woods neighborhoods would be replaced and increased in size in some cases to accommodate additional runoff stormwater. This replacement was also a contributing factor in the increase of the project costs.

Councilmember Taylor stated he desired to see a more detailed analysis from the engineers as to estimated costs rather than the rounded figures presented, and that he wondered about the low 2% contingency amount on this size of project. The engineers replied that the contingency amount is a design contingency only, as KDOT will not accept bids with contingencies.

Councilmember Gullede stated he felt the following items were of main concern to the residents present at the evening's meeting: (1) plans for additional runoff of stormwater from this project; (2) the retaining wall for safety and noise; (3) landscaping and tree size; (4) three lanes versus four lanes; and (5) the speed limit on Roe Avenue.

Councilmember Gullede asked Mr. Lambers if the speed limit could be reduced from the proposed 35 MPH designation. Mr. Lambers replied the standard by which a speed limit is set is based upon the design of the street and the measurement of traffic that flows at the 85 percentile if the speed limit were not posted at all. He felt the speed limit was fair considering limits set on other streets in the city of similar size. The City cannot arbitrarily set a speed limit that goes against the design and the 85 percentile. Additionally, citations given under those circumstances are not held up in a court of law.

Councilmember Gullede asked Mr. Williamson if an automobile was heading south on Roe Avenue towards 135th Street at the curve, was to lose control at the 35-40 MPH speed, could it jump the retaining wall to the west. Mr. Williamson stated that there was a large buffer of land between the street and the wall to slow a car down; however, if a car did manage to jump the wall, it would have to then pass over a street on the other side before entering a resident's property. Also, the fact that Roe Avenue does not have a median strip at this curve will tend to naturally slow the traffic flow.

Mr. Johnson was questioned by Councilmember Gullede as to the reasoning behind a four-lane road versus a three-lane road. Mr. Johnson pointed out that by putting in acceleration and deceleration lanes on the three-lane road plan, the end result would be a four-lane road over 2/3 of the project. In the future it is expected that Roe Avenue will carry 15,000 vehicles per day.

Councilmember Rawlings asked Mr. Johnson about using rubberized asphalt to reduce the noise level. Mr. Johnson replied that it had been looked into on a previous project. While costs for rubberized asphalt have come down, it would still double the cost of regular asphalt. It also does not weather well, with extreme hot and cold temperatures.

Councilmember Rawlings stated, as the member in charge of the Tree Replacement Committee for the Leawood Homes Estates Board, he was aware that 2-3" caliber trees "took" better than larger trees. However, the 6" trees that were replaced on Lee Boulevard also "took". A special price was secured on these trees from a tree farm that was going out of business. Mike Malon stated that there is a higher mortality rate on the larger the trees. He said the budget will cover 6" trees, and the City should spend a little extra for a good warranty on them. In addition, the contractor should water them and be responsible for them for at least two years.

Councilmember Gill asked how the street project would affect the stormwater. Mr. Johnson stated that when the grading is done, the right-of-way will be sloped toward the street, so that there will be less of a problem as the water flows through the storm sewer system. The culverts are sized so that water would not flood downstream nor be constricted enough to flood upstream. Councilmember Gill asked that the drainage studies be looked at more closely to ensure that residents currently experiencing problems with stormwater be adequately protected.

Councilmember Gill asked if all the funds were committed to do this project other than the Leawood funds or would the City be at risk of not getting funding from the various agencies. Mr. Johnson stated the \$2.4 million and the \$2.5 million were committed. The money from the County that was committed to Leawood should be received and was not at risk to their budget cuts. Councilmember Gill asked if the City would be able to abort the project should somehow the funding not be available, or would the City have to make up the difference. Mr. Lambers stated that the project could be stopped; however, then the federal money would be lost. While this money could be reapplied for, there would not be a guarantee to receive it again.

Mr. Johnson confirmed for Councilmember Gill that the bike path was out of the plans and sidewalks would be put in on both sides of the street.

Councilmember Dunn stated that there had not been one location in Leawood where the new curb and gutter system had not helped the stormwater runoff problem, and he felt it would help in this area as well.

Councilmember Rasmussen asked if the existing street lighting was leased from KCPL. Mr. Johnson replied it was, and the proposal reflects that the City would purchase them.

Councilmember Rasmussen stated the Church of the Resurrection had agreed to pay for any additions to the traffic signal modification in their area. He asked if the church would be paying for Item #58 on the Opinion of Probable Construction Cost. Mr. Johnson said the Church would be paying for modifications on the northbound signals, while the City will pay for Item #58. Councilmember Rasmussen questioned the cost of Item #55 as being quite low. Mr. Johnson stated that due to the road not being wide enough to maintain thru traffic while it was being built, there would not be the expense of barrels and other barricades.

Councilmember Taylor questioned the removal of the retaining wall at 128th Street and Roe on the west side. Mr. Williamson stated that originally the design called for the retaining wall. When the engineers revisited the plans to find areas that could be improved, they determined that the centerline profile could be dropped a couple of feet in that location. By doing this, they were able to eliminate the retaining wall on the west side. An abundance of landscaping at that location will improve the site line.

Councilmember Taylor asked for the time period that the road would be impassable due to construction. Mr. Williamson advised they estimated two years for construction, with four to five segments of Roe being closed at any one time, with each section taking approximately five months to complete (or half a construction season). The utility relocations would take place later this year per KDOT requirements. Any utility work still remaining during the street construction would be taken care of during the work time of that specific location. A detour plan would also be in place for residents east and west of Roe to access their properties. There would be, however, a time when the intersection of 126th Street and Roe Avenue would be completely impassable to traffic for a five to six month period. The engineers would consult with the Governing Body as to plans to handle specific issues as they pertain to road closings.

Councilmember Gullede asked if Overland Park had plans to expand 133rd Street east from Nall Avenue to Roe Avenue. Mr. Johnson stated that they were looking into it, but depending on Overland Park's time frame, the addition of that section may possibly be completed during Leawood's construction. As for alleviating traffic problems during construction, Mr. Johnson stated that 135th Street, which would be open, would carry most of the detoured traffic.

Mr. Williamson commented that citizens concerned about their landscaping during the project were encouraged to call BW&R as soon as possible to discuss the issues.

There being no further business, the meeting was adjourned the meeting at 9:15 P.M.

Emily Watson, Deputy City Clerk