

Minutes

The City Council of the City of Leawood, Kansas, met for a Special Call Meeting at City Hall, 4800 Town Center Drive, at 6:00 P.M., on Monday, December 1, 2008. Mayor Peggy Dunn presided.

Councilmembers present: Gary Bussing, Jim Rawlings, James Azeltine, Julie Cain, Gregory Peppes, Lou Rasmussen, Debra Filla, and Mike Gill.

Councilmembers absent: None.

Staff present: Scott Lambers, City Administrator Joe Johnson, PW Director
Patty Bennett, City Attorney April Bishop, Cultural Arts Cord.
Chris Claxton, P&R Director Deb Mansfield, City Clerk
Brian Anderson, P&R Superintendent Pam Gregory, Deputy City Clerk
Kathy Rogers, Finance Director

Others Present: Dr. Ann Kenney, Chair Leawood Arts Council
Roger Cassidy, Phelps Engineering

Discuss Phase II of Gezer Park, located at 133rd and Mission Road.

Opening Remarks

Mayor Dunn called the meeting to order at 6:15 P.M. Introductions were made by those present.

City Administrator Scott Lambers stated when this project began several years earlier, the City was provided an estimate in the amount of \$1.1 Million, excluding the art improvements. Mr. Lambers felt the initial estimate was misleading and felt the actual project cost should have been closer to \$1.6 - \$1.9 Million. The budget is considerably less than what is necessary to bring the park to its completion.

Mr. Lambers proposed a series of groupings of improvements to be considered in relation to each other and to establish different levels of completion in order to get the park completed to a point that would be acceptable to the Governing Body. Mr. Lambers recommended they spend more than the \$1.1 Million and if Council disagreed and wanted to hold firm to the \$1.1 Million, the basic improvements that would be necessary are grouped together under Item Nos. 1 through 11, totaling the remaining budgeted funds of \$638,407. This would include the underground and surface work; therefore, anything that would come later would not cause any disruption to the park. This would also include a restroom facility and shade structure.

Next year's budget would include the dredging of the most northern pond on Tomahawk Creek Parkway. It becomes unsightly at times due to the debris and silt that fills in on the western portion that has very little water.

Mr. Lambers and Parks and Recreation Director Chris Claxton felt this was not an essential improvement, given the need to move forward with the park. He recommended they exchange those monies with a separate agreement approved in 2009 for the monument signage around the park, landscaping, calendar footings, foundation and fountain, with a small contingency fund.

Mayor Dunn confirmed with Mr. Lambers that the pond dredging was proposed to be delayed until 2010.

Councilmember Filla asked how the \$462,000 was utilized in the first phase and wanted clarification of the \$105,000 for site preparation.

Roger Cassidy, Phelps Engineering, stated the site prep comprised of mobilization, contractor construction staking, erosion control, and final grading. Phase I consisted of mass grading, sanitary sewer construction and other minor storm sewer items.

Mr. Lambers stated if Council moves forward with the first two groupings, it would be a nice basic park facility; however, it would not have the design feature of the park that would further represent the City's relationship with the Gezer Region.

The third grouping contains the water feature, wadie, footbridges, pond stone edging, bollard lighting along the trail, and a contingency fund of \$53,000.

Mr. Lambers recommended they defer taking any action on the fourth grouping this evening. He requested the Council sign-off on the second grouping with action to occur in January, 2009. The \$180,000 would be a budget amendment to allow the contractor to move forward with the fountain construction.

The bid amount of \$45,000 for lighting of the parking lot was considerably higher than other bidders. Given the amount of ambient lighting from the commercial center across the street, he recommended this item be deferred to renegotiate with the contractor to see if they can present a more realistic amount based upon the other bids received. If not, there is the possibility to use year end contingency funds next year.

He was not recommending funding for the remaining items in the fifth and final grouping due to scaling back the scope of the project. He suggested the City look to fund these items in the future using special park and recreation monies, as well as private contributions.

Mayor Dunn noted the items in the final grouping would be ideal for private contributions.

Mr. Lambers noted the difference between the two shade structures was that one has a retaining wall and the other has an "open air" trellis with vines on top to replicate the structure from Gezer.

The fire pit will be used for a Jewish celebration in May and for people who may want to use it for small bonfires.

Councilmember Filla confirmed it would be a total of approximately \$2.3 Million spent on this project if Council approved the recommendations. Ms. Filla felt there was too much money being spent for parks and expressed disappointment that this avenue of funding was not explored when the use of the Leawood Country Club was in question.

Mayor Dunn stated the developers of “The Estates of Old Leawood” dedicated nine of the sixteen acres of private land for the public to use at no expense to the City of Leawood.

Councilmember Rasmussen asked if there was a way to modify the design to accommodate the \$1.1 Million. Mr. Lambers stated this could be done by only completing what was in the first grouping.

Councilmember Gill asked what confidence they had in Mega Industries due to their bid being considerably lower than the rest of the bids.

Mr. Cassidy noted they recently completed the trail construction that was done at 119th and Mission Road and noted they hadn't received any complaints. Mr. Cassidy felt confident they could do the work.

Mr. Gill didn't want to spend more than necessary and liked the idea of aggressively seeking contributions for the park. He felt the art piece was of unbelievable quality and the land that was given to the City was some of the most valuable developable land in south Leawood. He felt the reason people want to continue to live in Leawood was partially due to amenities such as this. Mr. Gill thought this park was meaningful to a lot of people and felt they should proceed.

Councilmember Azeltine concurred with Mr. Gill. Mr. Azeltine confirmed with Mayor Dunn that the design and engineering was done before the first phase began. The project began before they parted company with the architect. Mr. Lambers confirmed that his fee was included in Phase I.

Mr. Azeltine asked if any steps had been taken toward seeking private contributions. Mr. Lambers felt now that they had more realistic numbers to work with they would be in a better position to do that.

Mr. Lambers stated the goal is to have this project completed by May, 2009.

Mayor Dunn noted the Leawood Lions Club had been asking to do something for Gezer Park.

Councilmember Rasmussen asked why the design of the park couldn't be changed in order to keep it within the \$1.1 Million.

Mayor Dunn stated that could be done if they dropped everything from the second grouping on. Mr. Rasmussen felt the Gezer calendar footings in the second grouping needed to be included in the \$1.1 Million. Mayor Dunn clarified it was a gift and needed to be included.

Mr. Lambers stated they could replace the shade structure under the first grouping with the calendar footings.

Councilmember Peppes concurred with comments made by Councilmember Gill. Dr. Peppes asked if it was essential to fund this at the present time and pull money from the reserves. He didn't feel it would be fair to take monies from reserve for a park when there was basic infrastructure, such as curbs, that would need mill levies increased. Dr. Peppes wanted to agree to the recommendations, but asked if it could be put in the Capital Improvement Project [CIP].

Mayor Dunn asked if he was referring to the curbs on State Line Road, since this was the only ones they've considered raising the mill levy for. Dr. Peppes wanted it to be considered more for a curb program.

Mr. Lambers stated the curb program that was discussed at the Public Works Committee meeting was for a range of \$600,000 - \$800,000 per year over a 5-year period. The 2008 budget amendment in the amount of \$880,000 for the park would be a one time thing, based upon his recommendations. Putting it in the CIP would not change anything unless Council wanted to bond it versus paying cash. If it gets bonded, it would need to be taken to the vote of the people. Typically, an amount of less than \$1 Million would not be taken for an election.

Mr. Lambers indicated the reason for proceeding now was that the contractor was on site and a lot of the cost had already been absorbed.

Councilmember Rawlings confirmed with Mr. Lambers that the \$1.1 Million estimate was presented to the Council approximately two years ago. Mr. Rawlings asked what a reasonable estimate would have been at that time. Mr. Lambers felt it should have been \$1.6 - \$1.9 Million. He thought the architect didn't take inflation into account and indicated he missed the cost of the water feature dramatically.

Mayor Dunn noted the estimate came in for I-Lan Park in 1998 and indicated she wasn't sure what it would cost if it were built in 2008. Mr. Cassidy stated costs have increased dramatically, even in just the last two years.

Councilmember Cain confirmed with Mr. Lambers there would be a pumping system to pump water from the lake so that the wadie has water in it. Mr. Lambers noted that expense would fall under the third grouping of items. He indicated it was too shallow and would turn green if the water didn't continually circulate.

Councilmember Gill referred to the bond issue that was floated in the late 1990's for parks. He thought there remained approximately \$500,000 that was unspent, but earmarked for expansion of the amphitheater. He asked if they could use these dedicated voter approved park funds to help defray the cost in the estimate for Gezer Park.

Mr. Lambers stated that was bonding authority and they would need to borrow the \$500,000.

Councilmember Filla confirmed with Mr. Lambers that if the water feature was removed, it would save approximately $\frac{3}{4}$ of \$1 Million. Mr. Lambers stated the water was also supposed to serve the purpose of discouraging people to attempt to scale the ladder.

Mr. Cassidy confirmed that the water was two foot deep at the edge and four foot deep in the middle.

Councilmember Rawlings thought the water feature was a main part of the project and didn't want it removed.

Councilmember Rasmussen reiterated his position to stick with the \$1.1 Million.

Mayor Dunn confirmed with Mr. Lambers that if Council wanted to complete only the items to the bottom of the first page, it would not need a budget amendment. Mayor Dunn noted Councilmember's Rasmussen and Filla were against spending more than the \$1.1 Million.

Councilmember Gill stated he was in favor of Mr. Lambers' recommendations and felt they should be as aggressive as possible seeking private funding.

Mayor Dunn thought the Leawood Foundation would be very helpful in raising money.

Councilmember Azeltine concurred with Mr. Gill's comments and was in agreement with Mr. Lambers' recommendations.

Councilmember Cain concurred and thought it was unfortunate they were in this situation, but hoped to get donations.

Councilmember Rawlings stated he also supported Mr. Lambers' recommendations.

Councilmember Bussing asked for clarification on Mr. Gill's comment regarding the \$500,000 from the park bond issue.

Parks and Recreation Director Chris Claxton thought it was in the CIP as a place marker for the amphitheater.

Councilmember Bussing concurred with Mr. Gill's comments and Mr. Lambers' recommendations, but thought they should consider the \$500,000.

Councilmember Peppes indicated they didn't have to like how everything got to this point; however, felt he could support Mr. Lambers' recommendations.

Mayor Dunn clarified that estimates are only estimates until they are actually bid. Very often, the contractor's bid does not match the architect's or the engineer's estimates.

Mr. Cassidy stated the scope of work changes and things get added.

Councilmember Rasmussen stated the design of this park had been in existence since their trip to Israel.

Mayor Dunn stated they only had the conceptual drawing at that time. That is very different than what a contractor would bid on.

Mr. Rasmussen felt they should conform to the engineer's estimates and felt a responsibility to his constituents. He felt they could design the park for the \$1.1 Million and still do a decent job.

Councilmember Filla referred to the second grouping and thought if the \$500,000 was available out of bonding and they could switch the calendar footings for the shade structure, the landscaping and shade structures could be put into group funding. The only thing left would be the monument signage and the contingency. This would almost bring the total down to the \$1.1 Million and they would have close to the \$880,000 covered by the bond. Ms. Filla thought this could be a good compromise.

Mr. Rasmussen asked if everything, including the wadie, was supposed to be in and completed by March. Ms. Claxton confirmed this was the way it was bid.

Mayor Dunn liked Ms. Filla's idea of having the landscaping privately funded, but felt they should try to have as much as possible privately funded, due to the wide range of people with interest.

Councilmember Azeltine asked how it would help from a budgeting standpoint, if someone wanted to donate money after the City had already paid for these things.

Mayor Dunn noted the Oxford Schoolhouse was backfilled with private donations.

Mr. Azeltine stated if done upfront, it would help defray the costs; however, once they are paid for, it wouldn't help in that aspect.

Mayor Dunn indicated people may want a naming opportunity. Mr. Azeltine asked where that money would go.

Finance Director Kathy Rogers stated they could designate it.

Mayor Dunn thought the donation would need to go through a group, such as the Leawood Foundation. The donations would need to come in restricted specifically for that use.

Ms. Rogers stated they could use the \$500,000 for a paid park improvement, but it was previously agreed to be used for the amphitheater.

Mr. Rasmussen stated people voted for the expenditures at City Park, Ironwoods Park and the amphitheater. They did not vote for the money to be used for Gezer Park.

Mayor Dunn thought Mr. Rasmussen had a good point and felt it would be better to go with Mr. Lambers' recommendations, if there was consensus.

Mayor Dunn still felt they should pursue private partnerships with fundraising. Ms. Rogers was concerned how the City could spend the money and then reimburse themselves and noted she would consult with the accountants regarding this.

Councilmember Gill confirmed with Ms. Rogers that under the tree program, if he wrote a check to the City, the money would go to a credit to donations with a debit to the reserve until it was spent, then it would be released.

Councilmember Azeltine felt they only had one chance to do this project right.

Councilmember Rasmussen indicated they had been trying to have a meeting with the Gezer Sister City Committee for discussion of Gezer Park for over a year.

Mr. Lambers noted there was a meeting approximately four months ago in regard to the changes that had occurred at the political level in the Gezer Region. At this meeting, they discussed how the park improvements were just beginning to get underway.

Mr. Rasmussen confirmed with Mr. Lambers they would have a meeting in January, 2009. Mr. Lambers noted they had planned to have a meeting in December at the site once the second phase bids were approved, weather permitting, so they could see what had been done in the first phase. Mr. Lambers stated they would schedule a meeting to visit the site with the committee so they will know exactly what to expect and the time frame to complete it. He anticipated that by April, 2009, everything would be in, with exception to some of the landscaping.

Mayor Dunn asked if Mr. Rasmussen would like to have the meeting in December or January. Mr. Rasmussen indicated he would like to have it as soon as possible.

Ms. Claxton proposed they have a meeting the second week of January to allow time to speak with the foundation and other donating partners.

Councilmember Filla asked if they thought they could be successful at fundraising. Mayor Dunn indicated it would depend upon how people feel about naming opportunities.

Ms. Filla confirmed with Mr. Lambers that everything on the first page (first and second groupings) could be done with a budget change. Mr. Lambers stated they would have the contract amended to reflect that the \$638,000 be constructed now. After the first of the year, have an amendment to that contract for \$325,000 to do the second group of items if they are approved.

Mayor Dunn noted Mega Industries was on the Agenda for tonight's approval.

Ms. Filla felt the amount to be approved should be the \$1.1 Million with the amendment for the additional \$325,000 and begin fundraising.

Mayor Dunn noted she was in the minority with that thought.

Mr. Cassidy stated the bid from Mega Industries was good for 30 days.

Ms. Claxton clarified that the pond that supports the structure has the rough grade finished and would begin to hold water once the rain begins. As it sits without development, it will not be maintained.

Mr. Lambers clarified he was recommending tonight that Council approve a 2008 budget amendment in the amount of \$880,000. In 2009, they will return with an amended contract for the items remaining at the bottom of page one (second grouping).

Mayor Dunn clarified that Mr. Lambers would not spend any more than the amount authorized by Council.

Pam Gregory, Recording Deputy City Clerk