

**Minutes**

DVD No. 398

The Governing Body 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, September 18, 2017. Mayor Peggy Dunn presided.

**Councilmembers Present:** Jim Rawlings, Julie Cain, Andrew Osman, Debra Filla, James Azeltine, Lisa Harrison and Chuck Sipple

**Councilmembers Absent:** None

**Staff Present:** Scott Lambers, City Administrator  
Chris Claxton, Parks & Recreation Director  
April Bishop, Cultural Arts Coordinator  
Mark Tepesch, Info. Serv. Specialist III  
David Ley, Interim Public Works Director and City Engineer  
Debra Harper, City Clerk  
Cindy Jacobus, Assistant City Clerk

**Others Present:** Mary Tearney, Leawood Arts Council [LAC] Chair and Selection Panel I  
Anne Blessing, Arts in Public Places Initiative [APPI] Chair and LAC member  
Kim Hinkle, APPI and Selection Panel II  
Debbie Douville, Art Collector, Selection Panel II  
Dr. Burton Dunbar, Professor Emeritus of Art History, University of Missouri-Kansas City, LAC and APPI  
Carla Rauth, LAC  
Julia Steinberg, Artist, Art Collector, LAC, APPI, and Banner Selection Committee member  
Sean Kelley, A. Zahner Company, Art Collector, Co-Chair Mayor's Task Force for the Arts-Kansas City, Missouri  
Mary Larson, Candidate for Governing Body Ward Two Vacant Seat

**DISCUSS PROPOSED ART PIECES AND PLACEMENT**

Mayor Dunn called the meeting to order, welcomed attendees and provided the reason for the delayed start and change of meeting location. Introductions were made by those present. Mayor Dunn asked that presenters come to the podium to speak.

Ms. Blessing stated a Work Session rather than a formal Council Meeting of the Governing Body had been scheduled to address questions and concerns about LAC recommendations for several pieces of public art. She noted that documentation packets had been distributed in advance and stated for the record that two art Selection Panels had been meeting and working for almost a year on this effort, reviewing the work of many different artists and placement sites. Selection Panel I was led by Arts Professional Dr. Dunbar and was tasked to find a site north of 119<sup>th</sup> Street. Selection Panel II was led by Arts Professional Mr. Kelley and was tasked to find a site south of 119<sup>th</sup> Street.

Mayor Dunn thanked Ms. Blessing for the extensive information provided in advance and stated the Work Session would be used for discussion rather than detailed presentation of the documentation.

### **General Discussion**

Councilmember Harrison noted Selection Panel II had considered the lawns of Fire Stations No. 2 and No. 3, but these were not selected at this time. She inquired if art would eventually be placed at the Fire Stations. Ms. Blessing stated the panel decided the budgeted piece would be too large for either of the lawns. Possibly a smaller piece in the future could be placed at one or both Fire Stations.

To facilitate discussion and viewing by all attendees, Ms. Claxton displayed colored copies of the art pieces using visual presentation equipment. Councilmember Osman stated residents have asked if the City could diversify and place art at sites in both the north and south of the City. A significant amount of art has been placed along Tomahawk Creek Park and he asked the LAC to consider this over the next couple of years. He acknowledged there are challenges with placement in 135<sup>th</sup> Corridor pending development and suggested how Roeland Park had installed art pieces on Roe Boulevard might work well on 135<sup>th</sup> Street.

Ms. Blessing stated prior to formation of the Selection Panels and their first meetings, APPI reviewed the City map for open sites using requirements that placement must be on City-owned property, and not in the right-of-way or flood plain, and not negatively impact safety or traffic, or obstruct lines of sight. Few sites meeting these requirements are left because a great job has been done in placing public art in the City. Placement south of 135<sup>th</sup> Street on Mission Road was dropped from the list of potential sites as the roadway is planned to be widened. Art installations are difficult and expensive enough that placement and then movement at a future time is not typically undertaken. Consideration of 135<sup>th</sup> Street, a large southern portion of the City, will be on hold until further development of the corridor. The lawn of Old City Hall on Lee Boulevard was reviewed, but the site is scheduled for construction and will be a great location when complete. The Sculpture Garden along Tomahawk Creek Parkway was planned for grouped placement of many art pieces.

Ms. Tearney stated Selection Panel II did look at the 135<sup>th</sup> Street Corridor which needs a “monument piece”, but that cannot happen until the corridor is developed and the appearance of 135<sup>th</sup> Street and State Line Road is known. She stated Ms. Blessing and her team have researched very thoroughly.

Councilmember Filla asked if a site at College and State Line Road had been discussed. Ms. Blessing stated the northwest and southwest corners had been considered for “Dancers,” but had been dropped from consideration because the future use of the undeveloped lots is unknown. There is a high probability for office space on the southwest corner. Timing is not right and there is a potential concern for security in the area. These were the only private locations considered and they are owned by Hallbrook.

Mr. Lambers confirmed to Councilmember Filla that private land with easements could be used. Developers can use their Art Impact Fee to construct public art if they provide easement to the City. The developer would be responsible for maintenance, but if not maintained the City would have access by easement.

Councilmember Rawlings stated this was his first opportunity to work closely with APPI and Selection Panel I, an experience he thoroughly enjoyed and was thankful to have had. He was impressed with their discussion and analysis of the art pieces and locations, which included hands-on investigation at sites and consideration of flood plains. He stated the LAC, APPI and Selection Panels do an excellent job carrying out their mission and he gave full endorsement of their recommendations.

Councilmember Cain expressed appreciation for the LAC, APPI and specifically to the Selection Panels.

Councilmember Filla complimented everyone for the tremendous amount of thorough work accomplished with coordinated communications of many parties.

Councilmember Sipple asked Mr. Lambers if installation costs and maintenance reserves would be available based on the cost of the proposed pieces. Mr. Lambers stated he could not provide those numbers at this time. "Dancers" is a very heavy piece that would need to withstand 50 mile per hour winds due to close proximity to the road, and would require a substantial base that has yet to be designed. He could not support the recommendation, stating the site should remain as a location for temporary art pieces that change over time. The location is prominent and if an art piece placed there is not well-liked, the public could anticipate having another piece on display at a future time. If a permanent piece of art is installed at this site, the "art on loan" location would be lost. He stated if "Dancer" was installed at the current "art on loan" location to the west of City Hall, the planning process would need to be followed and the impact on Edgewood residents determined. He expressed his like of the "Point Defiance" bison, neutrality on "Walking Female" and disfavor of "Dancers."

Councilmember Azeltine expressed appreciation for the work of the LAC, APPI and Selection Panels who met several times. The excellent cover memo on the documentation packet answered many of his questions. He asked if the City's Master Plan and Public Works had been consulted during the review. Ms. Blessing confirmed the Master Plan in regard to the Sculpture Garden had been reviewed. Placement of "Walking Female" had been considered in the south part of the park, but after an on-site visit the triangle site was selected. There are flood plain issues around the southernmost lakes on Tomahawk Creek Parkway. Ms. Blessing stated former Public Works Director Joe Johnson and the Superintendent of Parks Brian Anderson had been consulted and both had no concerns with placement of "Walking Female" at the soccer triangle site, especially if installed on limestone blocks.

Councilmember Harrison suggested the purposeful concentration of art on Tomahawk Creek Parkway in the Sculpture Garden should be denoted with subtle, yet clear signage along Tomahawk Creek Parkway installed at 119<sup>th</sup> Street and at College. The signage could be as simple as "banners" on a light pole. Mr. Lambers agreed that two small monument signs, placed at 119<sup>th</sup> Street and another at the south end of the garden, would be appropriate.

Councilmember Osman pointed out many area cities are rebranding. Olathe has a brand new monument sign on 119<sup>th</sup> Street at Interstate 35. Lee's Summit has several very expensive, massive illuminated rock décor signs. He suggested the APPI team work to develop City branding to be placed at City Park near Interstate 435 that states "Welcome to Leawood." Mayor Dunn agreed this was a good question, but was another topic. She stated the Mayor of Overland Park has expressed chagrin that directional signage on Interstate 435 points to Leawood, but not Overland Park.

**"Dancers" by Ewerdt Hilgemann – APPI Selection Panel II**

Ms. Blessing stated the "Dancers" art piece would be located to the west of City Hall, and the "Point Defiance" bison currently at the location was proposed for purchase and would be moved to a different site. "Walking Female" would be placed in a triangle of land on the east side of Tomahawk Creek Parkway, north of the soccer fields and 119<sup>th</sup> Street. The piece is currently in Kansas City and will be displayed on the lawn of the Kansas City Art Institute in late October as part of the International Sculpture Conference. The City would take possession of the piece after the conference, with installation in the Spring or Summer 2018.

Councilmember Sipple asked where "art on loan" pieces would be placed if "Dancers" was installed to the west of City Hall. Ms. Blessing stated a new location could be designated for "art on loan" as part of a future Community Center. "Art on Loan" pieces are becoming very difficult to implement and the pad site to the west of City Hall was empty for quite some time. Currently, there are no "art on loan" pieces in queue.

Councilmember Filla stated she was unable to perceive dancers in the art piece and she asked for the scale of the piece. Ms. Blessing stated the imploded columns would be 20 ft. tall and each 4 ft. square. It was estimated the 20 ft. height would reach the bottom of the windows in the Council Chambers. Mayor Dunn stated each column weighs one ton. Councilmember Filla stated Mr. Lambers' concern regarding safety in high winds is justified, based on the height and weight. Ms. Blessing stated an installation to withstand high winds would be clearly be communicated and she gave assurance the installation would withstand winds. The LAC/APPI currently has a plan certified as safe by a New York State Engineering Group for the installation of the piece at 58<sup>th</sup> Street and Park Avenue in New York.

Councilmember Sipple shared he had viewed the piece at A. Zahner Company and one of the columns is slightly raised off the ground as if one a dancer's foot is pivoting in the air. This feature is not readily seen in the photographs of the piece. Councilmember Filla suggested photographs be taken from all around the piece.

Ms. Blessing confirmed to Councilmember Filla that no special landscaping would be needed except perhaps for the addition of mulch around the base to make mowing easier. The columns sit on plates. The surrounding green space would be an excellent backdrop in counterpoint to the stainless steel and Cor-Ten steel columns. The piece would be lit.

Mayor Dunn stated the public can be extremely opinionated and “Dancers” would be a permanent installation at a site that has featured “art on loan.” She asked if the City-owned property on Roe Boulevard, to the north of City Hall beyond the amphitheater and behind Pioneer Library, had been considered for the piece. If installed at that location, probably just the very top of the piece could be seen from City Hall. Ms. Blessing stated a total of 13 or 14 sites were considered for “Dancers”, which is a large piece. The highly visible location to the north of City Hall would provide a green backdrop and had been their second choice for the piece, but advice was received the City has future plans for this site. Mr. Ley estimated the daily traffic count on Roe Boulevard to be 22,000 and 11,000 on Tomahawk Creek Parkway. An aerial view of the City property from the Johnson County Automated Information Mapping System [AIMS] was displayed. The site drops off and a trail connection may not be ADA [Americans with Disabilities Act] accessible due to the grade.

Mr. Lambers stated the City does not have plans for the piece of property, but it is hoped a new Community Center would be located across the street with connection to the property by the trail underneath Roe Boulevard. The piece would need to be placed on the property as to not preclude use for outdoor activities or development. It could be placed into the hillside and a retaining wall may be needed. Mayor Dunn requested Ms. Blessing and her group to investigate this potential site, stating “Dancers” is an expensive piece to add to the City’s valuable art collection and it should be placed in a location pleasing to the public.

Mr. Lambers confirmed to Councilmember Cain that if a permanent art piece was installed at the temporary “art on loan” location west of City Hall, it would be part of a Revised Final Plan, and the City would not be required to notify property owners or Home Owner Associations [HOAs] within 500 ft., but would elect to do so. If the piece was located on the property north of City Hall that would be a Preliminary Plan and notification of property owners and HOAs within 500 ft. would be required. Notification would provide the opportunity for concerned parties to comment.

#### **“Walking Female” by Michael Stutz – APPI Selection Panel I**

Ms. Claxton clarified the location of the art piece using an aerial map from AIMS. Ms. Blessing stated the location is not in the median. Ms. Claxton stated the location is a triangle piece of land on the east side of Tomahawk Creek Parkway directly across from the Sallyport Deck exit of the Justice Center, and south of the Justice Center art piece.

Councilmember Cain questioned if the piece would only be visible from vehicles traveling north or from northbound vehicles stacked by the Waterway. Ms. Blessing stated the site was chosen for high visibility from vehicles, and the piece may be more easily seen traveling north than south. Visibility from stopped vehicles was not part of the selection rationale. The location was considered to be a fun place for both children and adults entering the soccer fields. Installation at the site would be relative simple and electricity is available for lighting.

Councilmember Cain if the outstretched arm of the piece would tempt a child to hang from the arm, risking possible injury or damage to the piece. Meeting minutes document some of this artist’s pieces, specifically “Coyotes”, have been climbed. Ms. Blessing stated the artist had been questioned about his experience in this regard and she read a quote from the artist stating the silicone bronze with stainless steel armature sculpture would weigh 450 to 500 pounds and could withstand climbing and the rigors of physical interaction.

Mayor Dunn stated she had thought the piece would be placed in the median until she had a meeting with Ms. Blessing. Mayor Dunn stated she had driven past the location to determine the point at which she could see the recommended triangle site traveling southbound. The site was visible only after clearing the woods and looking directly east when passing the site. She asked if the median had been considered and if the median was in the flood plain. Ms. Blessing stated the median had not been considered. Ms. Claxton stated the view of the triangle site might be improved by 15 ft. to 20 ft. to the north if foliage was cleared. Visibility in the area has been an ongoing issue if coming onto Tomahawk Creek Parkway from Town Center Drive. The area has one healthy tree at the south end and the rest is mostly scrub, with a few dead trees.

Mr. Ley stated the triangle site is in the 100-year flood plain, the median directly west of the triangle site is in both the 100-year and 500-year flood plains. The sites are out of the major floodway area is located to the east. The art piece was proposed to be placed on limestone blocks which would keep it out of flood waters that have reached 3 ft. deep. This approach has been taken for other art pieces located in the flood plain. A large amount of stormsewer is located underneath the median across from the triangle site.

Councilmember Filla inquired about the height of the sculpture piece, if the piece would be lit, and if the median south of the road that crosses from the Justice Center to the park would be a site option. Mayor Dunn pointed out this southern median lies north of 119<sup>th</sup> Street. Ms. Blessing stated the sculpture would be 7.5 ft. in height and would be internally lit. Mr. Ley stated the southern median is not a level site and has a small swale for water collection. It may be a challenge to keep the art piece 16 ft. from the roadway; distances would need to be checked. Mr. Ley estimated the median to be 42 ft. wide, with the median becoming narrower as it approaches 119<sup>th</sup> Street. He stated the median partially in the 500-year flood plain and contains a Spruce tree. If the piece was placed in the recommended triangle site, the piece would be 30 ft. from stormsewers and more than 16 ft. and 32 ft. from the roadway.

Ms. Blessing confirmed to Councilmember Filla that no special landscaping would be needed except for the addition of mulch around the base of the limestone blocks to make mowing easier. Councilmember Filla suggested the option of using tall pampas grass around the three limestone blocks for an appearance of walking on a sea of green grass, and when tall grass was cut back at the end of season, the three limestone blocks would be revealed.

Councilmember Sipple pointed out the piece is green in color and he asked if the green space at the triangle site would need to be enlarged and if the artist would provide assurances the fabricated piece would have no sharp edges. Ms. Blessing stated the piece would be blue-green in color, definitely a stand-out in the fall and winter. There would be significant clean-up and cut-back of foliage as mentioned by Ms. Claxton. She believed assurances of no sharp edges had been given by the artist, but if not, these would be obtained.

Councilmember Sipple expressed a safety concern with placement of the piece in a median, because children from the soccer fields may run across the street for a closer view. He stated support for placement in the triangle site on the east side of Tomahawk Creek Parkway. Mr. Lambers reminded that “Variance” was purposely placed in the median to discourage touching or climbing on the piece because it has sharp edges. Ms. Blessing stated medians had not been considered due to traffic line of sight and safety concerns. A “jaywalking” sculpture in the middle of the street is not the right piece of art for a median.

Councilmember Sipple asked for a project timetable. Ms. Blessing stated fabrication of the piece would take two to three months, then it would be shipped from artist’s California studio and probably installed in Spring 2018 or later in Fall 2018. Mr. Lambers noted the project would need to go through the City’s planning process.

**“Point Defiance” by Beth Nybeck – Current “Art on Loan”**

Councilmember Filla asked if the “Point Defiance” bison could be placed at the new Fire Station No. 1 once construction is complete in about three years. Ms. Blessing the art piece is a powerful image dwarfed by the natural green space at its current location. The recommendation is to place the piece in a natural setting in Ironwoods Park. Councilmember Filla stated her agreement with this recommendation. She suggested if the “art on loan” location to the west of City Hall becomes unavailable or an alternate location for “art on loan” cannot be found, focus could shift to fragile pieces such as fiber, kinetic, paintings or hanging arts placed inside the City Hall or the Justice Center.

Councilmember Harrison inquired how many “art on loan” pieces had been purchased, pointing out that potential artists could be informed that the City typically purchases loaned pieces. Ms. Blessing stated five pieces had been purchased.

Ms. Tearney stated the “art on loan” stated 15 years ago as a cooperative program between the Kansas City Art Institute and the City. The Kansas City Art Institute wanted sites for senior students to place large pieces when they would graduate. The students could not afford to take and the institute could not allow the pieces to be left. The institute no longer has a department that makes large art pieces. A piece by the artist Stretch was the City’s first “art on loan” and was not purchased. The second piece as made of tongue depressors which the City did not purchase. “Sentinel” now in front of City Hall was purchased based on interest and request of the Council. The piece displayed at the Justice Center was purchased and remains at the Justice Center. “Introspection” was an “art on loan” piece that was purchased. Another “Stretch” piece was displayed for a time and removed. During the economic downturn artists could not afford to loan art pieces. The “art on loan” site sat idle until “Point Defiance” by artist Beth Nybeck was installed.

Councilmember Osman stated he did not favor moving “Point Defiance” to Ironwoods Park as “art on loan” should be located at City Hall. Ms. Blessing clarified it was proposed to purchase the piece; an “art on loan” piece would not be moved.

**Next Steps**

Councilmember Sipple requested to receive the pros and cons of sites evaluated by the Selection Panels for the pieces. Councilmember Filla requested the evaluation data be presented in chart form to assist with Governing Body evaluation. Ms. Blessing agreed to provide this information.

Mayor Dunn thanked the teams and asked for next steps. Ms. Blessing stated the requested evaluation data for sites not selected would be provided in written form. In regard to “Dancers” she would like the opportunity to brief the Selection Panel about concerns related to the “art on loan” site and the availability of City-owned property to the north of City Hall, and to discuss this new site with Public Works. Results would be brought back to the Governing Body. For “Walking Female”, the sculpture was recommended for the soccer triangle site and the soccer triangle site for the sculpture. If the soccer triangle site does not have support of the Governing Body and a median site does, a different art piece is needed. Mayor Dunn stated she had not heard the Governing Body did not support the soccer triangle site, but a request for feasibility analysis of placement in a median since this was not previously considered. Councilmember Filla requested the two median sites discussed be included in the report of sites not selected. Ms. Blessing pointed out there would be additional issues to overcome with placement in a median, as was experienced with the installation of “Variance.” The Selection Panel’s goal was to keep the process as simple as possible.

Ms. Blessing thanked the Selection Panels, whose members are all Leawood residents and committed volunteers. Mayor Dunn stated great appreciation for all their hard work, which was followed by a round of applause.

There being no further business, the meeting was adjourned at 7:25 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk