

**MINUTES OF THE PUBLIC WORKS COMMITTEE
MEETING OF JUNE 21, 2011**

The Public Works Committee met on Tuesday, June 21, 2011.
The meeting was held in the Main Conference Room at Leawood City Hall.

MEMBERS IN ATTENDANCE:

Adam Abrams,
James Azeltine, Committee Chair-Councilmember Ward 4
Jon Grams,
Marsha Monica,
Andrew Osman, Councilmember Ward 1,
Jim Rawlings, Councilmember Ward 2,
Carrie Rezac, Councilmember Ward 3

COMMITTEE MEMBERS ABSENT:

John Burge
Ken Conrad
Michael DeMent

GUESTS:

Gordon Henke, 8901 High Drive, Leawood, KS 66206

STAFF IN ATTENDANCE:

Richard Coleman, Director of Community Development
Joe Johnson, Director, P.E., Public Works Department
David Ley, P.E., City Engineer
Julie Stasi, Administrative Services Manager, Public Works Department

- Chair Azeltine called the meeting to order at 7:33 AM. Committee members, guests and staff introduced themselves.
- Old Business-Past Minutes.
Jon Grams motioned to approve Committee Minutes of the May 17, 2011 as written.
Carrie Rezac seconded the motion to approve.
All present members were in favor. Motion passed.

Prior to the business of the day, Member Monica asked if staff had received any more comments or calls regarding the stop sign request that was made in previous meetings at 121st Terrace & Wenonga.

Joe Johnson advised he had emailed the homes association president to let her know a letter was coming. She thanked him and said they looked forward to receiving the information and once they get it they will take the info to the board and make them aware of the City's response and try to bring awareness to the issue.

- New Business-Lee Boulevard Sidewalk-Snow Removal in winter.

Joe Johnson mentioned the letter in the packet from Resident Henke in regards to his concerns. Joe reviewed a copy of the City's Ordinance that refers to responsibility of snow removal. [Article 1A SIDEWALKS, Sections 13-1A13 and 13-1A14].

Generally, if a complaint is received that a sidewalk is not plowed, the department notifies the Neighborhood Services Division and they go out to the property and issue a courtesy notice. The property owner is given ten (10) days to clean the snow off and if not, then Neighborhood Services Officer goes back and issues a citation. The cost is unknown, probably Court costs are involved then if a citation is issued. The Ordinance does not mention a time frame when it has to be done and it does not mention depth of snow. Basically, it says if there is snow on the sidewalk, it needs to be removed. Regardless of the amount.

Joe Johnson also spoke with many different cities and had included information in the packet about what others cities do. Lawrence, Lee's Summit, Overland Park, Olathe, Shawnee and

Topeka Kansas have provided information. All the cities with the exception of Lawrence, pretty much have the same policy. All ordinances require the property owner to remove the snow. Lawrence is probably the one city that really enforces this ordinance in that they give property owners 48 hours from the time the snow ends to have their sidewalks cleaned. If they are not cleared, Lawrence issues citations immediately.

Some cities go after commercial properties and school districts. Leawood goes after school districts pretty quick and before we issue citations or courtesy notices, we give them a phone call and generally the school district is good about coming out and getting the snow cleared off that day. With the exception of Lawrence, Shawnee and Topeka, the rest of the cities do not have a time frame.

Jon Grams asked who's liability is it if someone went out and hurt themselves on the sidewalk? Joe Johnson advised it is the property owner's responsibility.

Jon Grams said that in Mr. Henke's letter he mentions that the sidewalks were cleaned by someone on College Boulevard to State Line Road. Are you familiar at all with who would do that?

Joe Johnson advised the City did that area because where we have property that we (the City) own, then we clean it, because we are just as obligated as other property owners are. Roe, Town Center, our trail system. Anywhere the City owns property with sidewalk, the City has to clean it because we are just as liable as we are the property owner. We are following our own Ordinance. We do our walks in the same time frame we do our streets. As soon as the streets are done, we then do our sidewalks.

Chair Azeltine-In the cases where a courtesy notice is issued, what is the time frame?

Joe Johnson-(Ten (10) days after a complaint is made if a courtesy notice is given).

Chair Azeltine-When it snows?

Marsha Monica-Question is, say if it is within 24 hours, would you have to ask the permission of the property owner to go on and clean their sidewalk? Do we have the right to go on it at any time?

Joe Johnson-We would have the right to go on it at any time, but he does not see the City going out and clearing snow from walks as an option. Particularly because from a Public Works point of view, we do not have that type of equipment. Parks has equipment, but they are generally making sure their trails and our City owned sidewalks are being cleared. Generally on a snow event, our guys are working 12 hour shifts, 24 hours a day and until it is all done. Then we have a couple days after that when we are doing cleanup work.

Jim Rawlings-One of the problems is many people are ignorant of the Ordinance and they do not know they are responsible to clean the sidewalk. We should entertain the idea of putting this information out on our website. There should be public information so more people could take care of it. If they knew there was an ordinance out there requiring this.

Chair Azeltine-The timing on this is key because if you are issuing a courtesy notice and you are giving them ten days...[we are in Kansas and temperatures fluctuate wildly in the winter]. By the time ten days arrives, it has probably melted anyway. One option could be to shorten the time frame as far as how much time to give them on the courtesy notice.

Carrie Rezac-The liability issue is a big one. Doesn't know if all home owners realize that this is their liability if someone gets hurt. As part of our notice, that may be a key element in addition to the time given.

Director Richard Coleman of Community Development was called to come to the meeting to help answer on the wording of the current courtesy notices and how they are handled.

Marsha Monica-sees an issue here and that is that the City is not set up to do walks throughout the City. How do we educate homeowners to know that they need to take responsibility for

doing what they need to do.

Joe Johnson-Understands, some residents probably know they are to clear the sidewalk, but many will not want to get out there and clear it, especially if it is in a residential area and no one is using it. Most of the time they will not think about it unless they get a call to do it.

Marsha Monica-Do we clear Mission Road sidewalks?

Joe Johnson-No. The only sidewalks that we clear are those sidewalks that abut City property.

Chair Azeltine-In review of a few things he has heard:

1. Communication issue.
2. Notifying the HOA's at the appropriate time; beginning of winter and maybe half way through winter.
3. Utilizing our website better for communication on this concern.
4. Shortening the time frame on the courtesy notice.
5. Liability issue needs to be known to property owners.

Jon Grams-Liability issue is a big one. He would not have guessed it was the property owners place, especially some of the lots along Lee Boulevard. That sidewalk is so far from some of their houses, many probably think that is the City's responsibility or even for repair. The liability issue is a big issue, for a lot of people.

Richard Coleman-advised the citation has written on it "ten days" and that generally is the amount of time given for varying complaints of things not done. Normally what they expect is for the violator to contact Codes and then if there is an issue they can't comply with, then they decide what to do. This last winter they had a few complaints from people about removing snow. One in example lived off of 95th Street, east of Ranch Mart who could not get to the shopping center because the sidewalk was snow covered. The City sent notices to people along 95th Street after that complaint was made. All of last winter they had a handful (5 or 6) complaints of snow covered walks. Codes are enforced on a complaint basis usually.

Marsha Monica moved the Committee recommend to the City Council to look at modifying the current Ordinance to include a time period of 48 hours to remove snow/ice when the accumulation is 2" or more and that the appropriate City Department be directed to send Notice Information to the Homes Association asking them to inform their residents of the current snow removal laws and the current liabilities that they as home owners have with regard to keeping their sidewalks clear. Asking the HOA's to request their residents be good neighbors and adhere to the City's Policy for the safety of the neighborhood.

Before we discuss the Motion on the table, Chair Azeltine asked Resident Gordon Henke to address the Committee if he desired to.

Gordon Henke-Mr. Henke said what he found out here today; as his and his wife had walked the park trail and then they walked all the way from the creek at College Blvd. up to State Line, they noticed how clean the sidewalk was. But apparently, that is City owned property. And you said that you do that as you are the property owner there. That answers the question that he did not know. That is why they were clean. Because he thinking was having been a resident this long, Leawood Boulevard is special to a lot of people. In particularly the old Leawood people; because that is where it all began-at Somerset.

Gordon Henke-He can remember having been there since 1968, he can remember when Tom Bieszczat was the Director of Public Works and before the City did all the work on Lee Boulevard, he extended it 18" on each side and as he was walking all these years, that even helped that much. And then when we got the sidewalks, he said "yippee" because that really was a wonderful thing for the people who walk. So we have a wonderful boulevard there and anything you can do to keep us on track. He has tried to work through the homes association

too, that they spend a little time on it. Having lived on the Missouri side, "Boulevard" always meant something special. There is a "Boulevard Tax" on the Missouri side, right on their tax bill. That is why they can spend extra money on the Boulevard. He doesn't think we have that on the Kansas side. To Mr. Henke, "Boulevards" have always been (that that is why Ward Parkway) is such a specific, wonderful trip all the way down to the Plaza as it has special money to do some things. The Boulevard is beautiful. Keep it beautiful and keep it in fine shape because that is a reward for some of us that are still in the old part of town.

Jon Grams seconded the motion.

Carrie Rezac-Also as a note remove "when deemed necessary" from the Ordinance.

Joe Johnson-Yes, we will remove that when we specify within 48 hours.

Marsha Monica-And ask them to shorten up the time of response.

Chair Azeltine-So we will be advising the Council to change the ordinance as said.

All members present were in favor. Motion passed.

- *Committee Updates:*

- Andrew Osman advised a couple residents have asked him about what to do at intersections that have no stop or yield signs.

- Staff-Committee agreed, drivers need to follow the State Driving Laws; and in this case drivers are to yield to the driver on the right.

- Marsha Monica thanked staff for the traffic signal recently installed and activated at 133rd & Roe. It is great having it there.

- Andrew Osman asked if Joe would update the group on the Slurry Seal Project that is underway.

- Joe Johnson advised this year we have had some issues with the application and they are working out fixing those issues. We do have several streets that we will have to redo again as the first application did not go down the way it should have, the additional expense is the contractors responsibility.

- Chair Azeltine asked staff to mention the curb issue.

- Joe Johnson advised the City has a lot of bad curb. We had a work session last night and talked about the CIP and curbs. Much of our curb is shot, close to 1.2 Million dollars worth of curbs to replace on State Line Road alone. We looked at our Residential Program and our Accelerated Streets Program and with 25 to 30 subdivisions, of those we probably have 6 Million dollars worth of curb that has to be replaced in addition to doing the overlay of the street. This is due to bad limestone that was mixed in the late 1990's. The limestone being used at the time was soft rock and it did not hold well during our winters. It has destroyed the concrete. All cities are experiencing this, it is not just Leawood. Everything built out of concrete in the late 1980s to the late 1990's is seeing this. So the Council is looking at alternative funding and long term solutions to help us with this repair.

- Marsha Monica asked about our street program.

- Joe Johnson advised yes we still have that. This past year we conducted our street inspections through electronic survey with a vehicle driving up and down the streets and it does a much better job of picking up all the stresses. The average PCI (Pavement Condition Index) we were at 92 and we have now gone to 86 or 87; with 100 being a brand new street. We were looking at an Accelerated Mill and Overlay Program to fix the curbs along with the streets.

- Meeting adjourned at 8:28 AM.

- Minutes transcribed by Julie Stasi, Leawood Public Works Department
Olympus recording DSS300128