

MINUTES OF THE PUBLIC WORKS COMMITTEE

Meeting of: Wednesday, November 5, 2014
Leawood City Hall, Main Conference Room, 7:30 AM

COMMITTEE MEMBERS PRESENT:

Carrie Rezac, CHAIR and Councilmember Ward 3
Jim Rawlings, Councilmember Ward 2
James Azeltine, Councilmember Ward 4
Adam Abrams
John Burge
Ken Conrad
Abbas Haideri
Marsha Monica
Christopher White

COMMITTEE MEMBERS ABSENT

Andrew Osman, Councilmember Ward 1
Jon Grams

GUEST: Venkat Manda, 14544 Chadwick Street, Leawood, KS 66224

STAFF PRESENT: Joe Johnson, David Ley, Julie Stasi

Chair Rezac called the meeting to order at 7:30 AM. Introductions of Committee Members and staff.

FIRST ITEM OF BUSINESS: Previous Meeting Minutes

ACTION: Marsha Monica Motioned to approve the Minutes as written from the October 1, 2014.

Christopher White seconded the Motion; all attending members in favor.
Motion passed.

Chair Rezac: Gave an update to the Committee regarding the last assignment that was about Street Fees. As she had sent out an email to the Public Works Committee advising them that the Council was going to have a work session to discuss the last assignment and recommendation, she wanted to let everyone know the outcome. And that was the City Council overwhelming wanted everyone to pay their fair share of the Fee Schedule. So for the new developers who are coming in and developing along a road that's either been improved or has not been improved; they want that money somehow to be collected and create a fee where all of the development will have a fee; not just the front foot abutting owners and also a fee to those coming in to an area that is already developed. Previously it was a linear foot fee and what Joe had also put forth some information on how other cities collect this fee with a square footage cost and then also discussed was an impact fee which is how it is done along 135th Street now. Our City Attorney, City Administrator and Director of Public Works will discuss how to apply the fee and collections. Chair Rezac asked Joe to speak about this a little bit.

Joe Johnson- The Council did approve that everybody pay regardless of if the road is improved or unimproved. Thinks the next step is to make an Impact Fee and have it as part of a square foot basis. The square foot of the development. Most of the other cities (Olathe, Overland Park, Lenexa, Shawnee) about the year 2000 went from a lineal foot to a excise tax so that everybody paid for it. Not only those that abut the roadway but the internal pieces. We are looking at a square mile for a section. So that everybody that develops, pays their fair share because they are all generating traffic and not just put the burden on those tracts that abut the throughfare.

These Minutes were approved by the Public Works Committee on December 3, 2014.

Marsha Monica-So what happens if say the road has been widened, a developer comes in and it's going to require maybe a turning lane and some extra infrastructure at that location? We're going to make them pay for that, then do they also have to pay that excess tax? On top of that?

Joe Johnson-Yes.

Chris White-And the money goes into a common account?

Joe Johnson-It would be collected and theroretically be used to build 143rd Street, 151st Street, so when we do a major road improvement, then the money collected would be used for offsetting that debt.

Chris White-The money is no longer dedicated for a specific street, it would just be used for road improvements.

Joe Johnson-Yes.

James Azeltine-In Marsha's example, in Overland Park, they have to pay all that.

Joe Johnson-Yes, in Overland Park, you pay the excise tax, and then if there are specific public improvements you do because of your development, then that is on top of that.

Ken Conrad-So what is going to define square footage now? Back a mile from the road?

Joe Johnson-If you are looking at 143rd to 151st, Mission to Nall. Everybody that develops within the City of Leawood that has an unplatted tract would then... If it is unplatted, you come in to plat. Parcels that are undeveloped, come in and submit a Plat. The total area of the plat, less the right-of-way for any public streets. So whatever that square footage is; times (like in Overland Park right now it is 21.5 cents a square foot). So they took the cost of the collector street and turned it into a square foot cost. And then spread that over the entire section.

Carrie Rezac-So Joe, with an impact fee, how do you assess what that cost is?

Joe Johnson-Same way. We will set it up. We will look at per square foot, but it still could be a lineal foot. I think the 135th Street Impact Fee ...it's either done by square foot basis or lineal feet. (multiple discussions) Joe Johnson-That is the next step the City will have to look at how impact fee will be applied and then what that cost is going to be.

Marsha Monica/Ken Conrad-Asked a question about what we approved last time?

Joe Johnson-The recommendation was to maintain our current practice; which was only to assess the fee when platted next to an undeveloped throughfare.

Julie Stasi (refer to page 7 of the previous Minutes in bold font) for that description.

James Azeltine-I wasn't here, but wasn't there confusion over what exactly the referral was? I thought it was maybe people thought the Council just wanted the Committee to interpret what it meant? Verses making a recommendation?

Chair Rezac-the Charge was to interpret what it meant and then from that make a recommendation.

Joe Johnson-Recommendation to either apply to everybody (which is what happened at the Work Session), or to keep it current with how we have applied it.

Ken Conrad-And the reason we approved that was by prescident we had never been charging previously developed properties.

Chair Rezac-Correct and part of that discussion Ken, was Patty (Legal) I think made the comment that at any time. I know that was part of the discussion here, and part of the concern; what happens to the developers who had not paid that fee. And basically Patty said you can start and change what your requirements are at any point and move forward. You just cannot go back. So it's not that we have to go back and try to collect those funds.

Marsha Monica-If you do this and charge now on anybody, is it going to be, apples to apples? In other words, the first guy in who paid so much, say \$300,000 for the road. Now the next guy that comes in,

the road is already in. Does he have to pay \$300,000? Or is he paying more?

Joe Johnson-Those that abut the road pay less because those tracts that are undeveloped that are internal will now pay that haven't paid in the past. Does that make sense?

(Group-No).

Joe Johnson-To explain: Let's say one comes in and develops on a corner. He pays frontage along two sides. Now another comes in and develops and because he doesn't abut anything, he wouldn't pay.

Now with the cost spread out, one will pay less, and this person will now pay his fair share.

Marsha Monica-But the first guy has already paid. So the person that comes in behind him, is he paying about the same amount? Under the new system, if the first guy paid \$300,000 for frontage, does the next guy pay \$300,000?

Joe Johnson-No.

Ken Conrad-Before, the internal people never paid anything.

Joe Johnson-Correct. Ever.

Ken Conrad-So there really is a significant change in this approach.

Joe Johnson-Right.

Ken Conrad-Its just not when you pay or who you pay, this is going away from footage to...I understand Joe, but I felt very bad that we discussed this for 45 minutes and then seemingly... it made me wonder if I understood what it is. But it sounds like the whole scope of this has changed.

Chair Rezac-Right. The philosophy. I would say from the comments by the Council, the philosophy was that everyone should pay.

Staff-They want you to discuss it, that's why they assigned it- to help them research the issues.

Joe Johnson-And that's why they looked at other cities and saw an excise tax and decided it was a more fair cost than just assess those that have property that abutted the road.

Marsha Monica-Another question. I do not think we have much left. But if I want to buy a 5 acre tract to build a home on, am I going to be charged the same amount?

Joe Johnson-The way it would be applied, it would not be applied to a residential tract for a home. If it was a residential development, then yes. But now we do not charge large lots along 143rd & Mission for example, we do not assess them the street fee. Multi Family, yes.

Chris White-You've taken roughly the same cost. Example what used to be \$400 a linear foot, now it will be \$20 a square foot/or whatever. You've spread the same amount of money basically over the area by square footage.

Joe Johnson-so those along the street will end up paying less and those in the middle will now pay their fair share.

Marsha Monica-No, thanks for the update. I understand the City's position.

Chair Rezac-any other questions? I do think Ken, to what you were saying; it took this issue and it became a little bit bigger issue that probably should have been addressed already.

Ken Conrad-And that's fine. I just wanted to clarify in my mind that what is being explained now is a little more than what we had.

SECOND ITEM OF BUSINESS: NEW BUSINESS: Consideration of a Pedestrian Crossing at 135th & Mission.

Resident in attendance, Venkat Manda introduced himself and thanked the City for hearing his request for a pedestrian crosswalk signal. Mr. Manda lives on the southside of 135th Street in the Steeplechase Subdivision. He used to bike and now he walks on Mission from about 140th to 135th. Mr. Manda said even though the stop lights are working and they are not a problem, he has seen the cars something at such a high speed, it is scary and hard to cross. Even when he was alone or with his children it is scary because the traffic is turning and going straight. There is no one time when he knows he can go straight across. Many times he runs up to the half way point and then runs across when the other section has cleared. It is not his intent to cost a lot of money to the City, however advised it was pretty scary at this location when he is walking and crossing 135th due to no pedestrian crosswalk.

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Marsha Monica-First question, when we build big intersections like this, isn't it automatically assumed you put a crosswalk in?

Joe Johnson-No. When 135th Street was built, back in 1995-1996, at that time, there were no developments and no foot traffic to go north or south. Most of the intersections did not have any development to generate any foot traffic. When a development comes in, then we make a stipulation either for new signals or they modify the existing signals for pedestrians. Now we have sidewalks and development and there is a need now for those kinds of pedestrian crossings.

James Azeltine-Two questions. Is this like a stop light where you would need a traffic warrant? And the other question; with the apartments going in there, was there anything as part of that plan that would trigger this to be installed?

David Ley-It is based on an engineering study, you would go out and perform a trip generator, yes a local one.

Joe Johnson-No on the second question. The bigger issue, and the money is not the issue in the write up we advised the City Administrator is fine with spending the money for this. The bigger question is, and this map does not really show it. We have the apartments in one area. 137th Street goes through, but you can see, there are no sidewalks. When 135th Street was built, the sidewalks stop about 150 feet south of the intersection. The closest sidewalk runs up along the west side until you get to 138th Street and then they stop. The sidewalks do not go any further than 138th Street. From 138th north, there are no sidewalks.

Marsha Monica-Did we not make Oddo put sidewalks in front of his development/complex?

Joe Johnson-No. And generally we don't do it, the sidewalks are generally put in on these unimproved thoroughfares when we improve them to four lanes.

Marsha Monica-we have black top on a certain part, can we put that black top from 138th up?

Joe Johnson-No. The problem is once you get to 137th Street, the City does not have any right of way.

Marsha Monica-When the area up by the intersection was improved, are there not sidewalks up there by the intersection? Yes, there are, but they only go 150'.

Joe Johnson-shows the sidewalks put in with another development along the north side and then on the east side and once you get to 133rd there are sidewalks that go to 123rd.

James Azeltine, so are you saying we do have right of way to 137th?

Joe Johnson-No. A lot will depend on the requirements when each piece was/is developed for widening the road and putting in the sidewalks. Most of the time, the sidewalks are put in when the City improves going from a 2 lane to a 4 lane roadway.

Ken Conrad-Asked about an area and wondered why the City wouldn't get the right of way.

Joe Johnson-Answered that the City would have to condemn the area to get it. (before any development). If they would come in to develop the area, then we would get it for that purpose.

James Azeltine-We might need to do it before then (before they come in to develop it).

Ken Conrad-I was just going to say, should that possibly be a recommendation to put on the table that we investigate the City procure that future right-of-way in the near future? I remember years ago, there is a school north of 135th Mission Road, right? Yes. And we talked about sidewalks on there and pedestrian safety and the need for all of that to be there. That all got improved I guess? Did it?

Joe Johnson-We did a benefit district and we did 133rd Street and as a part of that we did sidewalks.

After review of the area, current site features (or lack thereof), future plans along with discussion, a Motion was made.

ACTION: Marsha Monica Motioned to recommend to the Council to authorize Public Works to install a crosswalk at 135th & Mission Road on the west side of Mission Road.
John Burge seconded the motion.

ACTION: Ken Conrad Motioned to add (amend) the Motion made to also include signs that would direct pedestrians to where the crosswalk is. To have Public Works investigate appropriate signage for direction of pedestrians.
Abbas Haideri seconded the motion.

All attending members were in favor of the Motion made by Marsha Monica.
All attending members were in favor of the Amendment to the Motion made by Ken Conrad; adding appropriate signage for pedestrians.
Motion and Amended Motion Passed Unanimously.

Joe Johnson was asked for an update of 143rd Street Improvements.

Joe Johnson advised of the current work of the utility companies. We hope KDOT will allow us to bid the project for construction around February, go to contract in March and start work in 2015 with a completion of late summer 2016.

Staff member Stasi advised the group they do have an assignment for December, so plan on meeting December 3, 2014.

Chair Rezac adjourned the meeting at 8:20 AM.

Summary reported by: Julie Stasi, Leawood Public Works Department