

MINUTES OF THE PUBLIC WORKS COMMITTEE

Meeting held: Wednesday, May 6, 2015
Leawood City Hall- Main Conference Room, 7:30 AM

COMMITTEE MEMBERS PRESENT:

Carrie Rezac, CHAIR and Councilmember Ward 3
Andrew Osman, Councilmember Ward 1
James Azeltine, Councilmember Ward 4
Jim Rawlings, Councilmember Ward 2
Jon Grams
Abbas Haideri
Chris White

COMMITTEE MEMBERS ABSENT

Adam Abrams
John Burge
Ken Conrad
Marsha Monica

GUESTS:

Bill and Maria Koch, 3444 W 143rd Terrace, Leawood, KS 66224
Leann Wiggins, Steeplechase Board Member, 14405 Windsor Street, Leawood, KS 66224

PUBLIC WORKS DEPT. STAFF PRESENT: Joe Johnson, David Ley, Julie Stasi

- Chair Rezac (Once quorum was met) - Chair Rezac called the meeting to order at 7:39 AM. Introductions made of Committee Members, staff and guests in attendance from Steeplechase Subdivision.
- FIRST ITEM OF BUSINESS: Review/approve the previous meeting Minutes.
Jon Grams Motioned to approve the Minutes of March 4, 2015.
Chris White Seconded the Motion to approve Minutes.
All attending members were in favor. Motion Passed.
- SECOND ITEM OF BUSINESS: Discuss 143rd Improvements Street Landscape Buffer by the Steeplechase Subdivision. Chair Rezac asked Joe Johnson to discuss the history of the project and where we are now.

Joe Johnson-Advised this item was discussed by the Public Works Committee back in November of 2008 when we were first moving forward with the 143rd Street Project. The discussion focused on Steeplechase. The City has several trees along 143rd that front the Steeplechase subdivision that are in the City's right-of-way that had to come out for the street widening. We talked about the possibility of landscaping and my suggestion was for us not to do it as part of the project (since it is a Federal Aid Project), I'd have to go get easements for it. The thought process was in lieu of having to obtain easements for landscaping; try to work with the Homes Association and let them use their landscaper to landscape in the areas.

When the trees were removed, there were four to six areas where the landscaping was real light or non-existent as you went down 143rd Street. In some areas it is fairly well landscaped. The thought was, when the trees were removed, it kind of opened up that area, and would the City want to work with the HOA and try to landscape in those areas where those was not any near the homes. And try to fill in the areas so there was consistent landscaping along 143rd Street.

That was the discussion, and the Public Works Committee thought that was a good idea and the way it was left was as we got to this point where we were in construction, we would formalize this and send our recommendation to the City Council.

In the Minutes, we talked about working with the HOA to develop a landscape plan and at time my suggestion was that the City would look at participating up to about \$20,000 for that landscape. Since then we have worked with the HOA and they have three different bids. Two are landscaping. One is to install a decorative fence with concrete pillars where there are gaps in their current fence.

Two landscape bids; one was for about \$33,000 the other was \$34,000 and then they had about \$30,000 cost for their fence.

This is where we left off in 2008 and now we are here with bids they received for landscaping and the extension of their fence. If we would like to hear the HOA members that are present to speak, or hear comments we can do that today. What I am looking for today from the Committee is a recommendation for funding; whether it is \$20,000 or something different. And then we need to look at whether we want to have the money for landscaping or the possibility of applying it towards a fence.

Jim Rawlings-What was removed? What was there before the construction?

Joe Johnson-There was a row of hedge trees from about Mission Road all the way to about Windsor. Mature trees.

James Azeltine-Didn't I read in the 2008 Minutes that this would save us quite a bit of money; by not having to purchase the right-of-way?

Joe Johnson-Well we already have the right-of-way.

James Azeltine-I mean the easements?

Joe Johnson-Yes the easements. The discussion was if we wanted to try to do this as part of the project costs, we would have to obtain Easements (Temporary Easements). We probably could have worked and negotiated and got them for no cost. With it being a Federal Aid Project, sometimes it is more difficult because we have to follow Federal Requirements.

James Azeltine-And I imagine that would have had the potential to slow the project down.

Joe Johnson-Well or add expense to it. My thought was instead of us going in and paying for easements, let's just take that money and look at providing that to the Homes Association for them to landscape the area.

James Azeltine-What do you think you might have had to pay for easements? A guess?

Joe Johnson-I was thinking at the time \$20,000 at the time for a Temporary Construction Easement to allow access. That's where that figure came from.

Jon Grams-Joe, as I recall, the people from Steeplechase were at the meetings for the last meeting that we talked about all this-or not? Were they ever at any of the meetings concerning this project?

Joe Johnson-I don't think so. The November 2008, we had another item and that was just an update on 143rd street. They may have attended the Open House we had on the project.

Chris White-Joe, did we have a bid or something that that \$20,000 was based on for the trees?

Joe Johnson-No. It was looking at the potential money the City would have to spend in acquiring a Temporary Easements to allow access, and then spend money on landscaping. So my thought was lets forgo that and if the Committee was willing and the Council would accept the recommendation-use that money to help the Homes Association to landscape that area.

Abbas Haideri-The existing trees were on City property?

Joe Johnson-Yes. They were on City property on the public right-of-way.

Jim Rawlings-What area, or much lineal feet are we looking at for planting?

Joe Johnson-There is about 1,600 feet between Mission Road and Windsor.

Abbas Haideri-Whatever we do here, we are going to set a president to when we do the next phase of Windsor on to Kenneth.

Joe Johnson-It could if you look going east on the south side. When we do the next phase we

are going to pull a lot of trees out that are in the right-of-way. But then there are a lot more trees further back. Generally we are not landscaping in the right-of-way because we have too many utilities. We have the pipeline on the north side, generally all the fiber is on the north side. We also have Magellan Pipeline which is real picky about theirs. On the south side we have gas and water and we will have KCPL. So there is not a lot of room for us to do landscaping in our right-of-way. If it was the same situation in Camden Woods, we would probably be looking at trying to do the same thing. Yes.

Carrie Rezac-One question and then we will hear from the residents. In the 2008 Minutes there was a comment at the bottom; "the budget for the 143rd Street Improvements includes \$300,000 for landscape". Is that the total budget? How does that compare to the \$20,000? Is that anticipated to add on to that?

Joe Johnson- That would be within that number. We are doing a lot of sodding, irrigation and we are probably doing about \$30,000 in irrigation. We will probably do about \$10,000 of irrigation for Steeplechase that was disrupted when the utility companies went through.

Carrie Razac-So is there still \$300,000 available for landscape in this project?

Joe Johnson-There is money in our project to cover what we want to do. A lot of the landscaping has already been bid with the sodding and irrigation. We just estimated that. We kind of had a separate line item that we show for what we think is going to be restoration. It was always anticipated that that \$20,000/whatever the dollar amount agreed upon would come out of that. So we do have funds to cover that, yes.

Abbas Haideri-This is not a divided road right? Like Roe?

Joe Johnson-Correct a four-lane undivided.

Chair Rezac-Asked Guest Leann Wiggins if she would like to say anything from the Homes Association to come forward now.

Leann Wiggins-Has called together the home owners (12 to 14 of them that live along the project) east side of Windsor all the way to the corner monument of Steeplechase. We have gotten together a couple of times over the past year and discussed this. The idea of the fence came from a couple of the home owners. She has not received agreement from all of the home owners exactly what they would prefer. As she knows it's either/or; but is hearing that maybe the fence isn't a possibility. The Homes Association needs to know what we can and cannot choose.

Leann Wiggins-after looking at some of the comments made: There were about 300 or some trees out there. Some were grouped together. Someone went out and took time to count them and felt like with over 300 trees removed we would like to see a little more than what \$20,000 would get us. When I went to get bids, she had a difficult time getting them. Two of the bids are from the same company. We are trying to see if we couldn't get more for our money with putting a row of spruce in. The Parks & Recreation Department actually told us that probably was not the best idea because if one gets diseased then it can spread and we might lose everything. They just fill in the best, but are a little more expensive than a pine tree. The pines however do not offer as much visual barrier as a spruce would. So that was one of the options and those were for pretty big trees. We can adjust the size and they would have to grow a bit.

Leann Wiggins-The other thing we want is something kind of uniform. Filling in those few spaces is a hard sell to the home owners because there are multiple home owners who have planted somethings and done a pretty good job. Then there are other home owners who are waiting to see what is going to happen before they do anything. So it is hard to explain as to why a few homes would get everything because other homeowners have already taken the responsibility to add those things. That is where the Board is having the discussion of what is fair and I know you want just what needs to be done.

Leann Wiggins-In one of the bids we got we can adjust the sizes of the plantings and the bushes. We just want a uniform look along there. If we just fill in those spaces-some people have planted small things up there anticipating that some day the project would get done. But they are 3 feet high at this time and that is not going to offer them anything for the next several years. And I haven't heard from a couple of them as to whether they are willing to remove that to let us put something else in. This is the issue we are having. It is in a right-of-way and utility easement, but yet it's homeowner property and the HOA has the easement in there (A perimeter easement). We are all walking all over everybody's stuff. Everyone has an opinion as they should-it's the back of their homes.

James Azeltine-Part of it is private property, part of it is HOA?

Leann Wiggins-The private property is the HOA Property.

Joe Johnson-Yes.

James Azeltine-All the private property is HOA Common?

Joe Johnson-There are property owners and there is an HOA Tract.

LeAnn Wiggins-There is no tract there. So the home owners property extends through the HOA Easement, through into the right-of-way.

Joe Johnson-And then there is an easement that the HOA has...

James Azeltine-I've never heard of an HOA having an easement. I thought the HOA's just outright owned that.

Joe Johnson-Most of them do. Some have a dedicated tract, a lot of times they just have a 20' landscape utility easement that the utilities have the ability to locate in, and then under the HOA Restrictions the HOA has the ability to go in and maintain landscaping within that area.

LeAnn Wiggins-It is in our declarations that we have to have a perimeter easement to be able to take care of our Perimeter.

James Azeltine-So you have private property/all of which the HOA has some or all of it a right with an easement.

Joe Johnson-Yes, an easement that gives the HOA the right to maintain the landscaping.

Leann Wiggins-There are two actual tracts out there along there and that is where north Howe Cul-de-sac is and then another one at 143rd Terrace (where ever a cul-de-sac comes up) in the neighborhood. They are just little short tracts and we have decorative fence there with columns.

James Azeltine-So some of this is private property and the HOA does not have an easement, is that the case?

Leann Wiggins-It is the same land.

Joe Johnson-(shows the area of discussion on the overhead)

The HOA easement is right along the berm that sits up there and that is on **home** owners property.

James Azeltine-But is there any private property or homeowner property in which the HOA does not have an easement?

Leann Wiggins-No, our easement is all along from Windsor to Mission.

James Azeltine-Well if that is the case, in the question of "Who gets what?", then it seems that is (at the risk of sounding trite), that is the Homes Association problem right?

Leann Wiggins-Right, exactly.

Joe Johnson-(shows the plat on the screen). The property owners own up to the right-of-way. Along the rear is an easement that is platted.

Leann Wiggins-The HOA's decorative fence is in their yard about 20' maybe.

Joe Johnson-The property line runs all the way up to the right-of-way. Along the rear is an easement that is platted. A 10' utility easement. Over the top of that is also an existing 30' landscape easement. This is still the property owners property; but along the rear of it there is a 30' landscape easement and then the deed restrictions gives the HOA the right within the 30' to do whatever it wants to do (their fence, the landscaping) however they decide to landscape that land, then once it is landscaped then they also have the right to enter it and do whatever they need to do to maintain it. Anybody that has a fence will be back along another line.

Leann Wiggins-And right now no one has put up a fence along there. So other than our decorative fencing, we have one home owner whose property has a fence, but it comes to a point and they cannot put a fence to their line because there is a berm there.

James Azeltine-so Joe, our question, the City's question is whether we get the easement and go in and do it, or if we do like a block grant to the HOA?

Joe Johnson-My thought was the HOA would come up with a plan. Joe shows the picture of the trees. (What were the trees, they are gone now).

Leann Wiggins-What I would ask is after knowing this. And I know it's never enough, but at \$20,000; I could not get people out to give us a bid. We are still waiting on Suburban to come out and give us a bid. Of the other two bids that I tried to get, one of them laughed at me. Another company said it was too big of a project for them. She is having difficulty getting people to bid either because they can't work with the area or they are telling her as a landscape designer they should do something on the perimeter to make it look good for everyone and that number came out to \$43,000. However he put in beds and mulch and all of that. At Steeplechase, we feel less is more. We want grass growing up to the trees. That was about \$10,000 of the \$43,000 bid, so we already took that out and could probably adjust some and change the size or diameter to cut costs. But then we have years of growth that would take a while. This bid was not to fill it in, it was just to also give everybody a little bit of something to fill in. We have also talked to the home owners about whether they would be willing to foot the rest of the cost if we cannot get money for a fence. If we can't get twelve home owners to agree that they all want a fence and not all of them do, as some have very nice landscaping back there. But we are taking all that stuff down on the corner. Even right now it is hard to see. At the corner of Windsor there is a big set of trees. As you pull up now-I think they had to take one tree, but when you pull up, they said they are going to take that whole section down and that will leave a big spot. (Pointing at a google image). We might want to place something there but we need to know with the project what it will look like. And City wise, what is allowed visually if it will block traffic and things like that. Can we put anything back there?

Carrie Rezac-Has a question for Joe. Let's go back to if the City was going to attain all those easements, what would the plan have been for the landscaping?

Joe Johnson-There are two issues. The existing trees that we took out are in the City's right-of-way. Our construction limits stop at the right of way and do not go back further than that. So we would be getting easements just to do landscaping. So we wouldn't have disturbed anything that was there. So if we were, then as we got easements, we would have worked with each property owner and would have paid for the landscaping. This is what we did with everybody else we had to get easements from. If we took a tree out, the value of the tree was determined. So in addition to paying for the land, the right of way, we were also paying for any existing improvements, generally the landscaping, that were going to be disturbed. The property owner could then do what they wanted to do with the money.

In this case, we weren't doing anything where the landscaping exists. We were all doing our construction within our right of way. But I knew we were taking out all the trees so I was acknowledging that we were going to open this all up. Some of the folks have really good landscaping, some do not. My thought was let's work with the HOA. Let the HOA do it, contract it out and if something dies, they don't come back to us and talk to the City. The landscaper

would be responsible and they would have an agreement with the HOA not the City. We just help provide funding for that. Originally I threw out \$20,000 as a place to start. I'm not set on that amount. What the Committee feels is appropriate. We are not short on funding.

James Azeltine-This funding would come from the project.

Joe Johnson- Yes, from the project. And the project has money in there to cover what they were requesting if you wanted to do that.

James Azeltine-What about what Abbas said earlier with a president? Is there any president for doing this?

Joe Johnson-No because it is a case by case basis. When we get ready to do the next phase-if you look at this phase, the rest of the homes associations their landscaping is fairly consistent all the way down. We did not have a row of trees like this that we took out. When we go down by Camden Woods, ...

James Azeltine-I would just hope that whatever we give them is based on the area involved. So that if this issue comes up again we can quantify it and say okay this is what we did here.

Joe Johnson-This is the only subdivision (on this project) the only subdivision where we came in (granted the trees were on the City's right of way) but we took out their entire screening. We're not on any of the rest of the subdivisions.

James Azeltine-You don't ever see this ever coming up again. You guarantee it!

Leann Wiggins-Another issue we have is the elevation change. We have a berm out there that rises up and then the plantings are up on that berm. That berm is going to disappear because the elevation of the road is rising with the street widening. So it is taking the berm down. So that is losing some screening too in the actual property lines of the home owners. The berm sits up here and the street is down here so there is a little hill. I already see how it is raising up, so that will now give us a straighter line and that berm is going to disappear a little bit and that kind of helps hide our houses.

James Azeltine-So you have not received a quote per-se.

Leann Wiggins-I have received two of them. What we have is written things. With them saying until they see what it looks like out there, they didn't do an actual physical drawing yet. I want to get that from them. They want to see what it looks like when it is done. The thing is we are in this time crunch. If it is getting done in August and September is the sod. We have between August and September to get the irrigation system in and get them to draw us out something and approve it. He wants to see. I was hoping around July or June when more of the street was in we could get the landscaper to come back out and look at it. I did get some quantities.

Joe Johnson-Yes we have those and that's what these two numbers reflect we've listed in the packet. The two bids. The write-up in the packet listed the numbers they received.

Leann Wiggins-for thirty spruce trees is was going to be about \$1,000 each. They are kind of expensive (they are eight to ten foot trees). It costs when you buy a tree, it costs just as much to plant it, so it doubles the price of the tree. So for a \$500 to \$600 tree it will be about \$1,000. They may be able to purchase them in bulk, but do not know until they actually go to purchase them.

James Azeltine-Overall you are comfortable with that \$30,000 number?

LeAnn Wiggins-\$30,000 at least will get us 33. Get us what they recommend for out there. Whether you guys agree with that, we would feel better with that; maybe make all the home owners happier. The other thing is if we go with the fence, that is the other thing. I've heard both ways that that's okay, it's not okay. We have to figure out how to get a fence along there. Burge Fence said it is possible. I have not gotten any other bids on the fence. And that is not a physical bid in writing.

Abas Haideri-One type of fence is this you are referring to?

LeAnn Wiggins-A powder coated steel fence.

Chris White-Asked how many hedge trees were taken out in the area? One Hundred Fifty? How much would that be to replace? For fire wood, they are not worth much, but if we had to go out there and plant 150 hedge trees, that would be a chunk of change. For fire wood, they are not worth much, but if we had to go out there and plant 150 hedge trees, that would be a chunk of change. That is a lot of planting. Seems like planting spruces would be a lot less than hedge trees to plant.

LeAnn Wiggins -Advised there were Three Hundred (300) trees hedge trees remove; not One Hundred Fifty (150).

Joe Johnson-We are okay with our budget. The focus has always been trying to do plantings to improve the value of the street and the landscape. My thought is what we were trying to do is to put back some of the green we took away when we took away the right-of-way screening. That was the reason we brought this up in 2008, was how do we put back some of this landscaping that we are taking out with the project?

Chris White-But your feeling is that the bids they have right now are very reasonable for the amount we were thinking.

Joe Johnson-Yes.

Andrew Osman-I've found that I could not get an appropriate bid for landscape unless I hired a Landscape Architect. Hiring the Landscape Architect cost about Two Thousand Dollars. The detailed plan gives the types of trees and plantings. You want a diversified amount of product, so you avoid killing trees in a specific pocket of plantings. I'm looking at the number of \$20,000 and although that is a decent number-and we have to allocate the City's position, and our constituent's position; based off of an increase of landscape costs of over 8 to 9 years I would recommend at least \$30,000. This would allow the HOA to hire a landscape architect (if they haven't already done so), get accurate plans from a number of different contractors (Rosehill Gardens, Suburban, Next to Nature), and compare apples to apples. Then take it to the HOA and say look we have this assistance from Leawood and now we have a plan we can vote on. If you hire a landscape architect today it is their busy season. But they should be able to get you something in time for July if you hired someone today.

Jon Grams-I would agree however I would increase the amount to \$35,000. Part of that reason is because I do believe they should hire a landscape architect. In that price I think \$35,000 would cover that. They also will have to pay taxes on that.

LeAnn Wiggins-We have Suburban doing that for us now. And Next to Nature has done it but has not drawn it out yet.

Chair Rezac-I agree with Andrew. If the number in 2008 was \$20,000 then it's almost natural to increase that for today's numbers just due to cost. Joe your point is well taken on the City's side of it. Whenever we do projects, just the fact that we are changing the visual landscape of that street with this project. I think there is a little bit on the City's responsibility to try and make that landscape visually pleasing.

Jim Rawlings-I agree. This is one shot that they have to make the street scape look nice, instead of piece meal. Maybe on the fence, but we have disturbed the landscape out there and although we can't put a price on the many trees that were removed because there are so many of them. This is an opportunity to maybe spend a little more money than we normally would to make it look right. And I would agree to the suggested \$35,000 amount.

Andrew Osman, I will revise my suggestion to \$35,000.

Abbas Haideri-Wanting to clarify on the fence. If they did go with the fence, then the ownership is back on the individual owners to find screening for the landscape. Then they might end up

with a hodge-podge of material. So is that something you want to keep on the table? (A). And (B) with the bid #2 with the flowering trees and the evergreens, that would get a diversified look and perhaps add more interest to the landscape. That is about \$34,600 dollars or some so that is close to \$35,000.

Chair Rezac-LeAnn you also said you spoke to our Parks & Recreation people on the types of plantings.

Leann Wiggins-Yes and I have a list of what not to plant. We had a home owner I told to wait until we had this meeting. But one of those 12 homeowners came anyway and we discussed all this. This Board is leaning towards what you are saying today. The Board is leaning to the thought that you have taking out landscaping and that would make the best sense to put landscaping back in. As a whole, the sound and the sight the Board has been thinking that the landscaping would be a good way to go. Every homeowner in the homes association can put up a fence if they want within the perimeter of their lot.

Jon Grams motioned the Committee recommend to the Governing Body, that the City authorize \$35,000.00 to the Steeplechase Homes Association for Landscaping purposes; which may involve hiring a landscape architect to prepare plans/placement.

Chris White seconded the Motion.

All attending members were in favor. Motion Passed.

Jim Rawlings-asking if the Homes Association is going to put any money with this?

LeAnn Wiggins-In our 2015 budget for 2016 we have things planned. We wanted to see how this project went. Our homeowners want to see stuff right away. For this fall, they want to see something in there.

James Azeltine-there something to be said about what Joe mentioned earlier about the street scape. This is a value to all of Leawood when you are driving down that street and you see a naked sign and you can see in the back of everybody's yards. That is not as good as really covering it.

Abbas Haideri-Asked about Mission Road Improvements.

Joe Johnson-said eventually we would improve Mission Road. Along Mission Road, we did not have a row of hedge trees. This area was different.

Chair Rezac added: Agreed that past numbers were estimated back in 2008 and it is natural to increase this number due to costs today. And the point made of where the City is going whenever we do projects like this, the fact that we are really changing the visual landscape of that street with this project (143rd) I think there is a little bit on the City's responsibility to try to make the landscape visually pleasing.

Staff advised recommendation would be requested to be on the May 18th, City Council Meeting for Council's decision.

Bill Koch-Thank you for the thoroughness and detail of the discussion. Obviously this is a smaller item in the scope of the whole project (for you Joe), but we appreciate you giving it its true attention. We appreciate it. We bought our house new and we have been there for fifteen years. We love Leawood and we want it to look its best. The road is going to increase in traffic. It will be safer for the school and when all that grows back it will look nice. Thank you for your investment.

- Chair Rezac adjourned the meeting at 8:20 AM.

Minutes transcribed by: Julie Stasi, Leawood Public Works Department