

MINUTES OF THE PUBLIC WORKS COMMITTEE

Meeting held: Wednesday, September 7, 2016

Leawood City Hall- Main Conference Room, 7:30 AM

COMMITTEE MEMBERS PRESENT:

Andrew Osman, CHAIR and Councilmember Ward 1
Julie Cain, Vice Chairman, Councilmember Ward 4
Ken Conrad
Todd Harris
Marsha Monica
Jim Rawlings, Councilmember Ward 2
Chuck Sipple, Councilmember Ward 3
Chris White

ABSENT:

Adam Abrams
Abbas Haideri

STAFF PRESENT:

Public Works Staff: Joe Johnson, David Ley, Julie Stasi
Police Department: Sgt. Tim Anderson, Traffic Supervisor

GUESTS:

Dick Cooper, Church of the Resurrection, 13720 Roe Avenue, Leawood, KS 66224
Craig Elford, Church of the Resurrection, 13720 Roe Avenue, Leawood, KS 66224
Jerry and Fran Rice, 3416 W 93rd Street, Leawood, KS 66206

Chair Osman called the meeting to order at 7:31 AM. Introductions made of Committee Members, staff and guests.

FIRST ITEM: OLD BUSINESS: Review/approve the previous meeting Minutes.

ACTION: Chris White- Motioned to approve the Minutes of June 1, 2016.

Todd Harris- seconded the Motion.

All members present were in favor. Motion passed.

SECOND ITEM: NEW BUSINESS: Review Request for Sidewalk along 93rd Street, east of Mission to Wenonga.

Joe Johnson-The City developed a formal policy for residents to request sidewalks; similar to what we did for traffic calming. A property owner called for the area of 93rd Street and obtained a Petition form, canvassed the street for signatures and then submitted this to staff. Staff verified the signatures and the next step is for the petition request to come to this Committee for review. Staff sent notices to all the property owners of today's meeting along with a copy of the Directors write up outlining probable costs for a sidewalk. In the write up, our City Engineer looked at location for the sidewalk and what would be the best location taking in all the challenges and costs associated.

Since receiving the meeting notice with estimated cost information, Staff has received notice from five (5) people that live in the Petition area saying they now do not want the project and to remove their names from the Petition.

David Ley-Originally we had 17 signatures signing for a sidewalk out of 22 properties. Since then 5 are now not in support of a sidewalk. The City Engineer advised 93rd Street was constructed in 1991. There

was quite a bit of stormsewer at that time that was reconstructed. Initially in looking at the north side of the road, we have everybody on the north side but one signing for the sidewalk. We looked to see if we could in fact place the walk on the north side, but the trees on the north side are four feet from the back of the curb. To get in there and place a sidewalk with the trees humped up higher on the ground, where ever you put a sidewalk by a tree, we would have to place a tree well. After looking at all the trees and not wanting to remove the trees, we would have to move the curbs in two to three feet in order to get enough room on the north side.

We looked at the south side. On the south side we have about six feet, so there is room on the south to place a sidewalk and maintain the trees. We would still end up with every drive approach needing to be replaced (About eleven (11') feet back; created to meet ADA Standards, which is a maximum of a 2% grade. There is a street light in the way and a couple of curb inlets that would have to be adjusted. From Mission to Pawnee it was relatively easy by those terms. But once we get to Pawnee to Wenonga, the grade on the south side has pretty steep driveways. So we would end up with the trees possibly being a foot higher than the back of the curb. We would get into a lot of root damage by trying to put a sidewalk in at this location. The things we looked at in this area might be to move the curb over a foot and then also wedge or actually lift the roadway up so we could raise it around 6 inches or so in order to get the sidewalk in and do a minimal root damage to the trees and attempt to get the driveways to a better grade back to the properties. This would raise the cost considerably to do the roadway work.

The initial costs Option 1: The easiest section to go from Mission to Pawnee estimated is \$120,000. If we split the Benefit District to people on both sides of the street, they would pay approximately \$686 a year for 10 years to those property owners. If you go all the way to Wenonga because of the added cost for the asphalt, the cost is more than double and it estimates to \$233,550.00. Divided among more property owners it is still \$1062.00 on a ten year pay-out. So every year, each property owner pays about \$1,000 more on their property taxes. We also looked at doing a cross walk however the person on 93rd at Wenonga on the very east end where that was, that person was not for the project.

Our standard road size is 26' width from back of curb to back of curb. This road is 26' wide and to place a sidewalk it would make it more narrow. We did do that on 85th Terrace, where they wanted traffic calming.

Ken Conrad-Did they give a reason of why they wanted sidewalks?

David Ley-The person that contacted me said they had recently moved there and had children. Was concerned about their safety when riding their bikes and wanted to have a safe place for them to be.

Marsha Monica-It is right behind Cure'-of- Ars and there probably are people walking to the school and or the shopping center.

Joe Johnson-Staff received calls since mailing out the meeting notice along with cost estimates, five (5) property owners requested their names be removed from the petition. Most likely, property owners did not realize that there would be a personal cost involved in placing a sidewalk. It is not something the City has funds to provide.

David Ley-There really are two petitions that happen. This would be the first petition. Then once it goes to Council if it is decided to move forward, then we would send a second petition out for the creation of a benefit district (to recover the costs) from property taxes.

Andrew Osman-The percentage of approval for the petition went from 82% (with five houses abstaining) down to 59% approval when you remove the 5 properties that now want to be removed.

David Ley-The Benefit District mentions having a 75% approval; 51% is the minimum but the governing body typically wants to have 75% or higher.

Chris White-You mentioned that physically, the most practical place to put a sidewalk is on the south side of the street; but originally only 60% of the south side wanted it. So I have reservations of one side wanting it more and then the other side ends up with it.

Ken Conrad-Question still is if all the people change their mind the way they said, would this first petition have passed enough to come to the Committee?

Joe Johnson-No. The petition request must be signed by 75% of the abutting property owners. So it went from 82% to 59%.

Ken Conrad-So as not to burden council can these people rescind their petition or revote this petition? Tod Harris-is it legally sufficient based on what we now know?

Ken Conrad-The answer is no, it would not have enough votes to have gotten this far.

Joe Johnson-That is correct. The homeowners were sent the cost estimate. So since then, five called in a change of mind.

Andrew Osman-Advised he had received a couple phone calls of people not able to attend this morning, but advising "no" now that they know what they know now.

Mrs. And Mrs. Rice-Have lived here for 33 years and their children grew up in the neighborhood. Advised they understand the petitioners desire to have a sidewalk but do not feel it is necessary. Personally are against it but understand where they are coming from. (They are on the north side).

Ken Conrad-Made a Motion if this is plausible that we have Legal look at this to see if this can be resolved by a vote count now that we have this input back.

Joe Johnson-Well there really is no reason from this Committee to move forward as there are not enough percentage for it. If they want to show up at the Council and say something different, he would suggest that the City not proceed to move forward looking at sidewalks; based on not enough in favor. Generally, this petition and meeting gets the ball rolling if all are in favor. When there are many residents for something, they will then be invited to meetings and we will discuss different options or what can be done. Similar to what we did on 85th Terrace. We went through a process for a year or two. If the people all express an interest for it; but based on comments back, much support has now been withdrawn. The Governing Body can say agree or disagree and the residents may be able to show up and convince the Council to do something different. But based on today's meeting or what we are hearing now that costs have gone out, is that the support is not there. So there is no reason to go forward at this time.

Marsha Monica-At this time-due to lack up support from the property owners. Two months from now everybody may want it.

Joe Johnson-This process is to gage at the Public Works Committee level and see if there is interest to move forward. Within the petition the 75% takes it to this Public Works Committee. From here

depending on your discussion and the interest of the residents, the Committee will then form a recommendation as to what you want to the Council. The Council will still be the one to decide.

Ken Conrad-As far as the property owners go, does it have to go from street to street? What is the minimum number of residences does it take. Could the three people at the end?

Joe Johnson-No it has to go from street to street, corner to corner. By state law 51% of the property owners have to be in agreement for a benefit district. The Governing Body for something like this, would want more support.

Ken Conrad-Do the people know that they would also have to maintain the sidewalk if one was placed? Should we before someone goes thru a process of getting a Petition, (cost is very difficult) but at least make sure they understand the maintenance would be part of it as well.

Jim Rawlings-In our neighborhood, the Homes Association has to maintain the trees. They take care of all the tree issues. If there is a petition to move forward, the HOA should also be made aware if there might be potential damage and/or loss of trees from a project. They should at least be made aware of it.

Joe Johnson-If we were moving forward with a project, we would notify them, however it would be a City Project within City right-of-way and that is really a separate issue where the City would have the ability to do what it needs to do within it's own right of way. While the HOA may maintain the trees, the trees are still on City Property.

Julie Cain-I think the policy should not only include the cost, but once the project is in, it should also speak of maintenance with snow removal and repair etc. So one knows what their obligation is and what they are signing to take on. That is a good point because it is not listed on the petition.

Chair Osman-We have a motion? Do we have a second?

Ken Conrad-As a public works committee, we need to be looking at safety, and implications to the community and environment and all the other kinds of things. If he had not heard the comments from callers after the Petition was delivered, he would be for this. Based on hearsay. All the people that did not come today in support, they do not need to be here to support this. They signed the petition and sent it in.

Marsha Monica-Agree. They signed saying they were supporting.

Ken Conrad-Why can't we go back and say we understand but now we have the costs and want you to know. I do not feel good about right now voting on something based on hearsay that it is not going to go forward.

Joe Johnson-It really is not hearsay. We have received their phone calls and saved those messages along with their emails saying they do not want it now. See the pink insert in the packet that lists the properties that have asked to be removed from the petition.

Chris White-Makes a Motion recommending based on a low percentage and low representation that we not move forward on the project.

Marsha Monica-We need a second.
[None received].

Marsha Monica- You need to say this motion from Chris White died for lack of a second...

Chris White-Withdrawals his original Motion.

ACTION: Todd Harris-Makes a Motion that this Committee does not support the sidewalk petition for 93rd Street at this time. Marsha Monica-Seconds the Motion. Members in favor were Rawlings, Sipple, Osman, Harris, White, Monica. Opposed: Conrad, Cain. Motion passed.

Joe Johnson-We can send out a letter to the property owners to advise the recommendation was made not to move forward and it will be going to the Council for a decision. If they want to attend that meeting, they will be able to do so.

Chair Osman-Wants to express an opinion point that we are selling ourselves short as a Committee. When a resident comes before staff, they give them the guide lines. And then it is the Committee's (it could have been a 90% approval) This committee has the option of recommending or denying or not going forward to then recommending that to City Council. There is a threshold but then we are voting members here. We listen to what constituents say and we listen to what comes in after the fact and we base that evidence on as of today. We are all voting members, so think about what goes on in this room.

Mr. Rice-Asking a question. Does he need to come to the City Council? Because the people who thought they signed the petition and thought it was semi-approved may be thinking they didn't need to show up today.

Chair Osman-Advised that he will be making a report to Council and review the minutes and conversations of what was today. Council will make their decision on whether to proceed or not. If it gets rejected then it is rejected at that point in time. If it is approved by Council to go forward it will still have to come before them again to create a benefit district and have another conversation on the policy and procedure of that and the costs. It would start all over and the residents at that point would have another option to hear input from the Committee. The same thing happened on 85th Terrace. A petition came before us for traffic calming. We spent a year to a year and a half looking at our street projects and plans of what could be done. Many conversations went back and forth throughout all of that with the City Council. Finally the benefit district was created and the documents were approved. There is a sign in sheet at the Council Meetings. Council listens to the constituents.

THIRD ITEM OF BUSINESS: Review need for "NO PARKING" signs along 133rd & 137th Streets, east of Nall.

Joe Johnson- An emails were sent to a Councilmember with a concern for safety, 137th Street between Nall and Roe. We have talked about this about a year ago. At that time part of the decision was the City was going through the 135th Street Corridor Plan and looking at reverse frontage roads in trying to determine developments, whether we will have on-street parking and how would that look. The decision at that time was to wait until that policy was completed and adopted by the Governing Body. Since then, the issue has come back up and we have taken a look at it. I think the biggest area of concern is right at the intersection of 137th & Briar.

Marsha Monica-Comment. Attends church and works in this area. There is little traffic, other than on Sunday morning. There is little parking on the street, other than people dropping off; so they are not parking, they are just stopped while people get in and out. If there is a "No Parking" sign, can people still stop? That does not seem right if they cannot "stop".

Sgt Anderson-Within the Traffic Ordinance "Stopping, Standing and Parking" are all defined as the same thing. If you bring your vehicle to a stop unnecessarily, meaning other than to avoid traffic, then you are technically parked by nature (from the legal point of it).

Marsha Monica-Also during the week because there is a pre-school out there you see on occasion people parking there to run their children in to the school and come back out. Is there heavy parking throughout the day? No. Is there long term parking throughout the day? No. The complainant is talking about is on Sunday mornings, when people are dropping off elderly people, people with kids, people with babies, they are stopped there for a few minutes at the most or taking kids in and out of pre-school during the day. During the week there is not a lot of traffic on that street.

Craig Elford-Works the intersection everyday and has worked that crosswalk the last 12 ½ years on Sunday Mornings. We have not had any incident there.

Chuck Sipple-The church does have a sign that says "drop off".

Craig Elford-We do. It doesn't matter whether we have a sign there or not, they will drop them off there.

David Ley-Asked about the front door and where it will be with the new addition?

Dick Cooper-It is on the south side, but there are still access points to that door. We even asked when we build this building and when we built the new building (and it probably is impractical) but we asked for decel lanes and wanted to be able to have people bring in and drop off and not impair traffic. We were not allowed to do that. Maybe there were good reasons, but it was of interest to us. We know people are going to drop off.

Chuck Sipple-Could they cut in more of a decel lane at this location to provide drop offs?

Joe Johnson-Having stops near a T intersection is not the best thing. If someone stops and then other motorists get into the left turn lane to go around and then they are in the left lane as they go through the intersection.

Marsha Monica-The church does provide traffic control to help guide people through the maze of people. It is such a short period of time, I do not understand why it has to be posted.

Chris White-What prompted this request? Are there No Parking signs on all the other traffic ways like this? What is unique about this situation that would merit the No Parking signs.

Ken Conrad-What is the safety issue?

Joe Johnson-The streets were not designed for on street parking or stopping. Residential streets are. Collector streets are not.

Craig Elford-We actually cone off a section on Sunday Mornings between Briar and what we call our north drive to the building. We have to put cones along the right side up there to keep people from parking.

Chris White-If you put no parking signs there, even the drop off would constitute a violation then

Joe Johnson-Correct.

Chris White-Is curious because that is not a residential area, so someone has taken it upon themselves to feel like this area is not safe.

Joe Johnson-someone was in the area and there were cars dropping off (parked there) and created an unsafe condition for the driver as he went through on more than one occasion.

Craig Elford-I will also tell you there are non-members of the church that are angered by the fact I stop them in the crosswalk. When I have pedestrians crossing, I'm stopping traffic. People will sit there and rev their engines and all kinds of things.

Joe Johnson-to answer the question about history, I don't have any accident history at the location.

Sgt Anderson-No we have not; but to play devils advocate we routinely get phone calls from people saying are we going to wait until there is a tragedy before we address it? Can understand the point of view. You raised the question where there are other streets like this where there is no parking. No there are not "No Parking" signs on the others, however generally speaking the way we educate our officers in the Police Department is if the roadway is marked for traffic (striped like 137th Street is) generally speaking, curb parking is not permitted. As Mr. Johnson points out, the roadway is not designed to facilitate that. We rarely have any issue on the other streets; Mission Road, Nall Avenue. Where the problem arises is where a custom develops and that is where we are now.

Sgt. Anderson-We have not had any crashes however it is busier than it was a few years ago and it will get busier as the site develops.

Chair Osman-In summary advised we have an assignment to review this request.

Joe Johnson-This road was never designed for on-street parking. We are not complete with the 135th Street Corridor.

Chuck Sipple-Advised the 135th Street Corridor was to be done the middle of September, however he has not seen a rough draft yet of anything. Probably see something before Thanksgiving.

Joe Johnson-Staff's recommendation, if there was an issue, we could sign it "No Parking" within the intersection and leave the rest of the street alone and let the policy (Corridor Study) be adopted and implement whatever the outcome is of the study.

Ken Conrad-Recommends that the issue be studied, the area might get worse.

Does the church have the right to put people in the cross walk?

Jim Rawlings-School Crossing. We have that up north at the Elementary School, where there school puts School Crossing assistance at the crosswalk.

Joe Johnson-Question he has on that is what are we studying? If it is a zoning requirement, they would have to come back and go through the plan development for something different out there. When you say "study" I need specifics.

Andrew Osman-I'm not there on Sunday mornings to see this. However if you have a T intersection and an opportunity for traffic to back up when others are dropping off. Motorists may be wanting to go around them and use the left turn lane to go straight through.

Julie Cain-Is always cautious when we have one person calling and we do something major. If we put up a No Parking sign here (obviously it is the rule however she didn't know No parking also meant No Stopping, No dropping off). The first thing she thinks about is that the Church is not asking for a change. The word School was mentioned. We have school crossing guards all over. She would say they have been doing this for 15 years and only one person has requested it at this time. As the complaint

has been reviewed, does not see an issue at this point. We are making improvements and as we continue to review our 135th Corridor we are looking at many developments. If we had a major issue we would probably be hearing from many more. Hates to do something premature and create a different problem.

Jim Rawlings-We have the greatest resources here today. The gentleman that has been doing this for 12 ½ years every Sunday helping people at the location. Does there appear to be a problem in your mind?

Craig Elford-Whenever you get that kind of congestion there can be an additional danger. His job is to keep pedestrians safe and keep the cars from; in 12 ½ years has never had an incident where they were hit. The Police Dept comes by and he is appreciative of their presence from time to time. We have not had an issue. Yes anytime there is an intersection there will be safety issues because people come there South on Briar, go between the Church, go between the buildings. So they are turning left and he helps control that as well.

Chris White-To go back, Julie made a really good point; the idea of one person and we dive in and make a major change prematurely is not good. Ken Conrad commented earlier that we look at safety (with the previous sidewalk assignment) but we also look at community. This is something I do not think is in our interest to discourage. I do not attend this church, but we do not want to discourage people from attending the church and activities there. We want to encourage that activity. I do not see a motivator at this point to take a significant action that then might require the church to come back and now try to get signs removed or try to get policy changed on frontage roads which is complicated. Right now there seems to be a fairly reasonable agreement that the Police Dept supports the church. The church is taking responsible actions to help with their traffic and motorists. Has a hard time seeing a catalyst for making a change at this point

ACTION: Chris White-Motioned to keep things as they are; make no change to current conditions at this time.

Marsha Monica-Seconded the Motion; all present members were in favor. Motion passed.

ACTION: Meeting adjourned at 8:34 a.m.

Minutes submitted by: Julie Stasi, Administrative Services Manager