

**MINUTES OF THE  
PUBLIC WORKS COMMITTEE**

Meeting held: Wednesday, March 1, 2017  
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  
Drew Alingh  
Todd Harris  
Marsha Monica  
Jim Rawlings, Councilmember Ward 2  
Chuck Sipple, Councilmember Ward 3  
Chris White

**ABSENT:**

Ken Conrad  
Abbas Haideri

**STAFF PRESENT:**

Joe Johnson, P.E., Director of Public Works  
David Ley, P.E., City Engineer  
Julie Stasi, Admin. Services Manager

**GUESTS:** (by order of sign in sheet)

Nathan Waddell, Verona Gardens Homes Association representative  
2201 W 119<sup>th</sup> Terrace, Leawood, KS 66209  
Richard Schwartz, Verona Gardens Homes Association representative  
2201 W 121<sup>st</sup> Street, Leawood, KS 66209

**Chair Osman called the meeting to order at 7:33 AM.** Chair Osman recognized the February Committee appointments by the Mayor. Chair Osman said although we have lost a member to another Committee, we do have a new member to introduce. Chair Osman welcomed Committee Member Drew Alingh to the group and asked him to tell a little bit about himself.

Drew Alingh advised this is his first introduction to City/Governmental/volunteering work in this capacity. Drew has been a resident of Leawood his whole life. Recently has owned property here so it is a vested interest he has in Leawood and the City and how things work. His motivation was to get involved and get his hands dirty and see behind the scenes how things work. He is happy to help in any capacity, whatever he can do to be involved and is willing to learn. Professionally he works in the roofing industry. Works with a manufacture called Stoneworth making concrete roof tiles. Drew manages their operations with facilities in Bonner Springs. A lot of the roofing materials you see in and around the Leawood area is their product that they supply to the manufacturer here in Kansas City. Drew has two young daughters (2 years and 8 months) keeping them busy. Drew's wife stays home and takes care of the girls throughout the day. Drew and his family live in the Old Leawood area, north of I-435 near 97<sup>th</sup> & Lee Boulevard.

Committee Members and Guests introduced themselves.

**FIRST ITEM OF BUSINESS (OLD BUSINESS): Review/approve the previous meeting Minutes.**

**ACTION:** Marsha Monica- Motioned to approve the Minutes of January 11, 2017.

Todd Harris- seconded the Motion. All members present were in favor. Motion passed, Minutes Approved.

**SECOND ITEM OF BUSINESS: Regarding Past Assignment discussion of resident concerns about the Sidewalk along the east side of Mission Road near Cure-of Ars Church/School at 9401 Mission Road.**

Joe Johnson-Advised there are not any set engineering plans available of the present day utilities and locations of where everything is at along this area. Staff's recommendation at the previous meeting was to contact a consultant and get a fee of how much it would cost to hire a company to prepare a set of engineering plans. Staff spoke with Affinis (a company currently doing work for Leawood on Roe Avenue). We spoke with them to get a fee and it was

roughly \$23,000. The City Administrator wanted us to bring this back to the Committee for a recommendation on whether to move forward with an Agreement to spend the money and hire them to do a survey and look at options and cost those out. The findings will then be presented back to the Governing Body. Once the work has been completed, it will up to the Governing Body to determine where the funding and timing of any physical work/changes to the location of the sidewalk. This is the best way for us to look at different options. One option Dave our City Engineer talked about was shifting the road. Whether we narrow the road completely or bring both curbs in and slide the road over to the Prairie Village side. Anything like that we would have to work with Prairie Village, KS. And it may be a future CARS Project with the county. But this would look at options available and what those costs may be.

Andrew Osman-If we proceed with this, what is the estimated time for the study to be evaluated and come back for different options?

Joe Johnson-If it is approved by the City Council; we probably enter into a contract with them in the next month or two. Probably a four to five month period for them. Late summer probably (July, August).

Julie Cain-We do not have any projects coming up in that stretch of Mission Road proposed, so when we find out what they think, we still do not have any fix projected to possibly place on the radar.

Chuck Sipple-We are working on the CIP in the next couple of weeks and we're already working on 2018.

Joe Johnson-Yes, once we look at the options, I know Prairie Village was looking at 2018-2019 overlaying Mission Road. So we could take a look based on their findings and their costs and whatever the Governing Body wants to do. Maybe we could work it in there and plug it into the Capital Improvement Program.

Todd Harris-A more comprehensive snap-shot is that the pedestrian traffic areas in the 95<sup>th</sup> & Mission are through Ranch Mart, all of that, is not user friendly. From my point of view it is worth taking a look at it and it sounds like \$23,000 is not too much. But to try to figure out how we could mitigate some of the concerns in that whole area and I think Ranch Mart probably has an obligation when they develop the area. The whole area, I think it is worth it.

Marsha Monica-Todd brings up a point, would this just look at that little strip? Or would it look all the way?

David Ley-It could start at 95<sup>th</sup> and go to 92<sup>nd</sup> Street along Mission Road.

Joe Johnson-Once you get north of 92<sup>nd</sup> the sidewalk goes back to a better place.

David Ley-The intersection, there are sidewalks at Ranch Mart except for by McDonalds. So that McDonalds stretch would be a short section that would need sidewalks but the remaining portion of 95<sup>th</sup> has sidewalks on both sides. I told them to start at 95<sup>th</sup> Street and go to 92<sup>nd</sup> to see if there was any way. Because the issue with Ranch Mart, is we cannot go into Ranch Mart parking because otherwise we would have to redo all the parking.

Joe Johnson-So the option is we could shrink Mission Road down.

Chair Osman-Council has explored CID's (City Improvement Districts) in the past. We did Camelot Court but nothing has been done with Ranch Mart at this time. I know they have talked about exploring something in three, four, or five phases and they are not sure what direction this will take. They recently hired a new company to actually promote the shopping centers. Maybe that would be an option if they do explore a remodeling, then we would already have this study. As they then would need to redo the parking lot and bury utility lines, and some other things, so this would just assist the overall plan. And this is the only piece that is in Leawood. On the west side is Prairie Village and on the south side is Overland Park. From the east side of 95<sup>th</sup> to again 92<sup>nd</sup> is what we would be looking at.

Chris White-Julie Cain made a good point if there is no projected ability to do any work then you don't want to spend the money. My question is, if we investigate options is there anything that would make that information useless down the line or is that something that will always be there. Is there any reason why if we didn't do anything for years it wouldn't still be relevant?

Joe Johnson-It would always be relevant. At least it could give us what options we would want to pick. Either we make it a Capital Improvement Project and move forward, or we wait and the next time we have a road improvement project there we would know what to do. Or make it a separate project and pick it up then.

Chris White-Prices might escalate relative to costs but generally the options would be available for whenever.

Joe Johnson-We can guess on what we think it is but at least we will have a fairly detailed set of plans on what we can do.

Julie Cain-This price seems like a lot of money for four blocks/one side of the road to me. But I do not know. So this seems reasonable, this price for what we are asking?

Joe Johnson-Yes.

David Ley-Yes, they will go out and survey the properties and then go out to the County and figure out where the right-of-way is at and come up with some plans so we will know exactly where we have to put that sidewalk at.

Joe Johnson-That is the biggest part is to lay everything out there that sets the right of way and sets the street so we can say, here is where it is. A lot of that has to be surveyed and researched. So we know where those locations are and we can at least get a set of plans so we know where thing set.

Chuck Sipple-Question for Joe, are we confident that the boundary for Leawood and Prairie Village is down the center of the road? Or is that something that this will probably confirm?

Joe Johnson-It is pretty close. The survey will make everything square with the world, so we will know exactly where everything is at. We do not think we will be surprised to find out that we have three to five feet of right of way on our side that is unused. We think we know where everything is at, we are right up against the right of way against the easements we had for the sidewalks.

Chuck Sipple-Will those homeowners be affected by this study? Will they knock on doors and make phone calls or anything?

David Ley-They will put door hangers out to let them know they are surveying.

Joe Johnson-All we are going to do is take a look at where things sit today and then look at what can we do to improve the sidewalks along Mission Road. One option would be to get more right of way and push it out towards the homes, do you look at the street? Many things we will explore.

Chuck Sipple-How many cars a day go up and down Mission Road? Twenty Five Thousand?

David Ley-Not that much. I do not know I'd have to look.

Joe Johnson-Fifteen, Sixteen Thousand most likely.

Jim Rawlings-You brought up a good point about Ranch Mart. Before the last committee meeting I went and sat across the street on the Prairie Village side when school was being let out (I mentioned that before). I only saw about 7 or 8 kids along with a couple of adults in Cure of Ars going down to 92<sup>nd</sup>. Maybe it was a low traffic day, but I was assured by the mothers that there was a lot more traffic there than what I saw that day. What I did see and we are talking about the safety of children, is the kids coming out of grade school running over to the Ranch Mart. Running through the parking lot, running over to the Custard Shop, and attacking Price Chopper. I've been in there before when they come in for treats. The never look right or to the left of crossing the entrance into Ranch Mart. So my reason to bring this up is in talking about the safety of children, the responsibility of the parents to watch that area also maybe something to work with. If there is a new management company over there; there is a safety concern for kids. That is an issue. In my observation the child safety issue is the kids running unsupervised running across Ranch Mart parking lot. Someone is going to get hit someday.

Todd Harris-I would agree with you, it's bikers, it's joggers, its pedestrians of all sorts. There doesn't seem to be any planned channel there to direct them. It's sidewalk and parking lot. I agree with your observation.

**ACTION:** Marsha Monica-Motioned that the Committee recommend to the City Council to perform an engineering study for a sidewalk on the east side of Mission Road from 95<sup>th</sup> to 92<sup>nd</sup> Street for the cost of approximately \$22,245.00.

Todd Harris-seconded the Motion. All members present were in favor.  
Motion passed.

**THIRD ITEM OF BUSINESS: Review a request from Verona Gardens Homes Association for assistance with Sidewalk Repairs.** Joe Johnson-Since last year, Verona Gardens (which sits south of 119<sup>th</sup> Street between Mission Road and State Line) have been dealing with sidewalk issues like many of the other subdivisions. Naturally occurring offsets and what we have seen here in the last year and a half is tree roots having a major impact on sidewalks. Verona has been working to take care of most of the trip hazards on the sidewalk within their development. So they have gone through two phases. The first two phases have been performed by Precision Concrete Company who is the same contractor we used. The company goes in and they shave off the edges of the sidewalk. So if you have an inch and a half maximum offset, this company comes in, and shaves it off and makes it ADA Compliant and eliminates the trip hazard. I think they have gone through and addressed most of those areas. Now they are at the hard part, which is fixing the sections of sidewalks that you have to rip out and replace.

We have met with the President of the Homes Association, (David Warren) last year. They were wanting to know what assistance the City could provide in doing this last phase. In November of last year this was referred to the Public Works Committee and so in your packet is a letter from David who was unable to attend today, but we have other representatives here that can talk about it.

As far as the Verona Gardens request, I also have in the packet write up generally what the City can do and what we are limited on. Unless there is action by the Governing Body to do something different. It may be easier to let the HOA representatives speak about it first before your discussion.

Nathan Waddell and Richard Schwartz introduced themselves and both are on the Board of the Verona Gardens Homes Association.

Chair Osman-Obviously we have a current policy in place and your HOA has been in touch with Public Works Dep. Talk to us a little bit about what your plans are for this next year and what your request is.

Nathan Waddell-We are in the last phase of the sidewalk improvement project. And this phase does involve the removal and replacement of the trip hazards that we could not shave down. Mr. Warren summarized it in his letter, the limitations in this phase are that we don't necessarily have the capacity to manage a project like that. I think what we were looking for was some assistance with management of the project in overseeing the contract selection, quality assurance, concrete testing and the like. Wishing Dave was here to speak more of this. Are there any particular questions you have?

Andrew Osman-One question he has. Every HOA is different; rules, bylaws, regulations. With Verona Gardens, do you internally manage the property management of the subdivision or do you outsource that to someone like Tienen Group or anyone like that?

Nathan Waddell-No, it is all internal.

Andrew Osman-Is there a board or how does the board selection work?

Nathan Waddell-We have every two years we have terms for directors and we have a committee with the selection of the Treasurer and Director. We have internal management. A couple of our executive positions come up this year.

Chuck Sipple-You have already spent \$52,000?

Nathan Waddell-Correct.

Chuck Sipple-And you are appealing to the City for the next phase, for the next \$74,000? When do you hope to have that done? Is this a project for this summer?

Nathan Waddell-Yes asking for the next phase. Although we do not have a schedule for the next phase.

Chuck Sipple- Do you have \$74,000 in your reserves?

Richard Schwartz-We have already spent \$52,000 and do not have that much in reserves. We are still fighting the Emerald Ash Borer.

Chuck Sipple-Next question is more for staff. I used to live in Verona Gardens. Most of this is probably tree root related. Settling or quality concrete or whatever. It would be repaired in the summer of 2017 or the summer of 2018. When would we have to go back in and do it again? Can we fix it for 5 years?

Joe Johnson-That is a good question. Generally if it is related to trees, when we fix it, when we get ready to fix it we send a notice to the property owner and say, okay, the sidewalk is offset. Before we come out to fix it, you need to go out and cut the root. And then once that is done, we remove the sidewalk and root out and we will put the sidewalk back in.

Chuck Sipple-so you take the root out that caused the problem.

Joe Johnson-Yes. Otherwise you end up having to raise the sidewalk across the entire property and bring it up to match. We do not do that because then you would have to regrade the property.

Marsha Monica-I used to live in Verona Gardens too, it is a wonderful neighborhood. My question to you is, I live in Waterford now and last summer we had this overlay project. Part of that project was to work sidewalk. My question is, is Verona Gardens on a list to have that kind of roadwork/Overlay done where the sidewalk repairs could be incorporated like it was in my neighborhood in the near future? Or do you know when the last time that we did anything in Verona Gardens? Roadwork?

David Ley-It was milled and overlaid in the mid 90's. So it wouldn't be for probably another 10 years or so.

Marsha Monica-I don't understand that because in my neighborhood they did.

Joe Johnson-the curbs?

Marsha Monica-Yes.

Joe Johnson-The curb program was a 4 year \$20 million dollars. During this program the Governing Body gave \$100,000 for each year to fix sidewalks within those areas. That money is gone.

Marsha Monica-So my question is there's no curb work scheduled for Verona Gardens?

Chuck Sipple-The curb work is essentially finished, this year right?

Joe Johnson-Yes that \$20 million is spent and the \$100,000 goes away. The Curb Program is gone. We fixed 150 miles of curb and have taken care of about 90% of the curbs that needed to be replaced.

Marsha Monica-So there is no more curb program?

Joe Johnson-No.

Chris White-What is the City Policy in general? Obviously the problem does not exist in just Verona Gardens. On how do we deal with this? No matter what we do here it will set a precedent.

Joe Johnson-Yes. Hallbrook Farms is in the same issue. They are trying to work through the HOA and the property owners. Generally the way it is now, we have a list. A list that never goes away of sidewalk locations. We prioritize that list. We do not have a specific fund or a specific crew. When the Street and Asphalt Crews are done doing their work and we are able to go to sidewalks, we take that list and we go down through that list. I can tell you right now in Hallbrook, they have 3,000 locations they have offsets that could be trimmed. And they

have another 800 to 1,000 locations where they need to remove and replace the sidewalk. You do that and you add it to Verona Gardens, and add it to Wilshire, and add it to others. I could spend a half a million dollars a year and never get to the end. That program would go for years.

Andrew Osman-I know that we have a policy. During the winter time in snow removal, the property owner is responsible for clearing off the snow on their portion of the sidewalk. We reaffirmed that a year or two ago. I know that if it were new sections of sidewalk (let's say 85<sup>th</sup> Terrace where we did that a couple years ago and we shrunk the streets if you remember) one of the things the residents wanted was an additional sidewalk that wasn't there before. The residents created a special benefit district specifically for that and they paid for that. That portion of the sidewalk. Once that is done is it then turned over to the City for the responsibility of maintenance and upkeep or is it still the resident's responsibility or the home owner's responsibility? I'm not understanding the policy on. When is it the City's?

Joe Johnson-State Statute is sidewalk gets built and it is the abutting property owner's responsibility. By State Statute, and by City Ordinance. The policy that we have is; the City is not obligated to maintain the sidewalk, but the Council is in agreement, for city crews to make repairs when we can. So that's what we try to do. We do not have a dedicated crew it is just when we are not doing our other maintenance activities then we get together and start going through our list. We will complete as much as we can until it gets cold enough that we can't do any more concrete work.

Julie Cain-So on the Kansas side of the State Line, sidewalks are the home owner's responsibility and street trees are the homes associations/home owners mostly. On the Missouri side the property owner is responsible for the curbs. So the good news on the Kansas side is the City of Leawood maintains the curbs and we just spent \$20 million dollars on curbs. But State Statute not Leawood Statute, State Statute says sidewalks are not our responsibility. Street trees can't be our responsibility because it is a never ending process. But we have about \$100,000 prior to that four years didn't we have some money allocated for that?

Joe Johnson-We have \$25,000 in our budget that we contract with.

Julie Cain-We had \$100,000 a year to piggy back the sidewalks with the curbs while they were done because it was a good use and we were there tearing everything up. Prior to that was \$25,000 now we kind of only have 25,000 again for the entire City. So you said something Nathan you mentioned you were looking for Leawood to manage the program. Does manage mean pay for it? Or does manage mean to give you some homeowners assistance with concrete and a good company; that kind of thing? Is that what you are asking? Or are you asking for us to pay for it? I wasn't clear on the use of terms.

Nathan Waddell-Initially sure, if that was an option that we could explore but I see you are shaking your head no. That's fine.

Joe Johnson-I think David was asking for both.

Julie Cain-I read what he asked for and you used the word Management so I was wondering the question on the table.

Nathan Waddell-Right alternatively it would be not necessarily pay for, but I think Dave's opinion is the City has more capacity to properly manage a project of that scale than does the HOA. So if there is not necessarily a direct funding component, the secondary request would be for whatever skills and abilities that the City could bring to the project and assist us with. And that relates more to the management and selection contracting.

Julie Cain-I know we have our City Arborists that talk to HOA's about their trees. All over the City we provide assistance to the homeowners in some of these capacities. So is that something we have done before? Is that something we can do? We know there is not unfortunately, I'm so sorry, but there is not \$72 Thousand -whatever

the number is. There isn't for anywhere in Leawood let alone Verona Gardens. But can we help these fine folks?

Joe Johnson-When you look at managing, engineering, I would say probably not. Because then we are taking on all the responsibility and it is not a contract with us (the City). So my guess is the City Attorney is going to say if we are going to design it, then we are going to administer it, we are going to inspect it and oversee it. Then it needs to be a City Project. Because if something happens then there is too many figure pointing and if the contract is not with us and we are managing a project that we are not paying for upfront. If we are going to manage it, then it needs to be a City Project.

Chuck Sipple-I wanted to clarify that this is a repair job. Spotty. It is not consistent a whole long section of sidewalk. It is a repair job. And the question is, does that kind of a project lend itself to the creation of a Benefit District? Because one homeowner might get a new sidewalk and the next guy might just get a repair and the next guy might get nothing? Is that complicating factor for creating a Benefit District for Verona Gardens? Where everybody pays \$100 more in taxes a year or something to pay for this?

Joe Johnson-Originally when we met with David, that was the direction they were going. They were trying to look at could you create a Benefit District. Could the HOA create a Benefit District? My guess is like we did on 85<sup>th</sup> Terrace we would follow State Statute which means that 51% of the homeowners would have to approve and be in agreement to create a Benefit District. Then the question is do you just assess the side with the sidewalk and then everybody that has a sidewalk would pay or do you assess both sides because you live in the subdivision and you have the amenity? So that becomes complicated the more you split it out. I think after looking at that David said maybe that is more than what you want to explore and maybe the City can help in the way he has written his request. Unfortunately to do that, probably the simplest would be if the HOA hired the contractor, paid the contractor to do the work and then just had a request to the City, can the City help give us some money for this? That would be the cleanest way. Or try to create a Benefit District the City does the work and assesses the cost back to them.

Chuck Sipple-My point in that Benefit District discussion is it is my recollection that sidewalks normally are on one side of the street in Verona Gardens. So you probably have 50% of the people who would vote for it. That is the reason I thought it would be very complicated to do that. But it would be a great way out in terms of funding.

Richard Schwartz-I thought about this in review of the notes and I understand the City's position. My idea is this (and I haven't had a chance to run it by Dave) if we were to pay the City and raise the funds through assessments and have our homeowners pay the City say \$20,000 to \$25,000 a year, would the City be in a position to do that much work? We would pay for it and of course ask the City if they could contribute to that. Is it possible for as a paying customer to contract so to speak with the City? Because the City has expertise and engineering and all that to do this type of project. Is that something the City could do? Take us on as a paying customer? We give you X amount of money and you do X amount of work? Use up that money plus whatever the City would be able to pay b taking in some funds. As an example. Funds would have to be approved by the home owners as an assessment whatever the amount is.

Andrew Osman-The unfortunate thing with City or the Ordinances is when something is either ambiguous or not specifically stated in the documents per-se, it is probably a Governing Body question that has to determine what our policies and procedures are. The Governing Body decides if we want to change something or re-write something it is discussed internally and then approved so that policies can be amended going forward on that. But I do not think we have anything in our books as it pertains to that.

Andrew Osman-I actually am in commercial real estate and I know that just like shopping centers and industrial complexes, they hire outside management companies that are specifically tailored to managing, approving,

overseeing projects such as this. I believe there are companies out there that actually specialize with HOA's so that when the project is too large (and I'll give you an example), down here off of Tomahawk Creek Parkway the Tiehen Group, I believe represents the Condo or Home Owners Association. Last year or two years ago they had a massive redoing of the roofs. I think it was a \$2 million dollar project to oversee everything. What that does is then the Tiehen Groups insurance policy covers any errors and omissions, any liability that when they contract out to a third party, because if you are sampling of asphalt, concrete, that company specializes in those items. If I'm redoing my shopping center parking lot and I go out to a concrete company, an asphalt company and they do it incorrectly, it is either through my insurance or the subcontractor's insurance that we have to determine. The problem is I think when the City gets involved and technically there is nothing on the books that says we have the right to oversee that responsibility. It is more of a legal issue and liability issue. Maybe one of the things I would look at is in addition to exploring changing the Governing Body or going before the Governing Body is sub-contracting now and they would charge a management fee also. A fee of 4% to 6% fee on top of the \$70,000 to \$100,000 you are needing to spend for their work.

Richard Schwartz-So you are saying basically the City probably would not have any guidelines for us contracting with the City.

Andrew Osman-Because there are no guidelines we would have to go before the Governing Body again to say it's come before us and we need to look at the Policy, either re-write our rules or adopt the same rules that we have.

Richard Schwartz-So that is probably not a realistic option that we would have.

Andrew Osman-Correct.

Chuck Sipple-A question for the Verona Gardens representatives: You are trying to get assistance in the management of the Project. Did you have a bad experience with the company that came in before that shaved and trimmed the sidewalk?

Richard Schwartz-Oh no, they did a great job from what I understand. It's just the fact that I do not think anybody in our Homes Association knows much about concrete or the proper way to oversee the repairs. They did a great job and it was cost effective.

Joe Johnson-If a Benefit District was created for it. The City does not do it cheaper. Because we have our engineering fees, we have administration costs, but then we have the bonding cost. So sometimes it may sound really good to create a Benefit District and you would do it because the City has the funds and you want to pay it back over 10 to 15 years-and that is the reason to do it. Don't do it because we can do it cheaper because we still have the same costs that you are going to get but then we have the cost to bond the money and the cost to finance the money. So it does not come out cheaper but it would allow somebody to pay it over a 10 to 15 year period.

Julie Cain-Please understand we would LOVE to be able to help you. But the trouble is if we were to do what Andrew suggested, we would have to change our policies for the entire City of Leawood. We can't just point here and then another location. If we were to adopt this policy, IF, a big If, then across the board we would have Verona Gardens, and Hallbrook and all of a sudden everybody coming in and right now we have Public Works and a certain number of people and they are busy doing their current job so this would create a huge layer on top of what we are already doing where we would have to hire more staff and all that kind of things. I have been on Council almost ten years and started in Public Works almost 20 years ago on this Committee, like you gentlemen and Marsha so we have to unfortunately think big picture and long term and we would like nothing more to help. We sit on Stormwater Committee and we hear of Stormwater issues and it kills us not to be able to help. We wish we had the money for this but we don't have the money. The good news is in the City of Leawood we are more fiscally sound than any other City around us that is not an understatement. And we are able to do the curbs. We are about to do our storm water pipes and we are able to do that and we are doing that for all of our residents City Wide, taking care

of our infrastructure. That is a lot more fortunately than a lot of the other cities are able to do. It is a big picture and we are sorry.

Richard Schwartz-Sounds like you have a massive backlog.

Julie Cain-We do, we are queued out ten years sir, with what we have. Literally ten years in advance. We have everybody in line. We have to do it that way, it is a very thoughtful process. We do not take anything lightly.

Richard Schwartz-We have been thankful for what they have done in Verona Gardens, I have been there a long time and Public Works has done a good job over the years doing small things as time permitted.

Marsha Monica-Two part question. One. When you have the \$25,000 to do the sidewalk repairs are those done by City employees or are they done by a contractor?

Joe Johnson-We contract with Precision Concrete because shaving it I can do ...

Marsha Monica-so my question is; you've used Precision.

Joe Johnson-They do not do this next phase.

Marsha Monica-Do you have companies that you have used in the City that we could tell them. The point I was thinking if you contact a company to do this work, they will come out and they will provide some project management within their work. Could the City provide them with names of companies that they have used in the past that have done work? Would it be helpful to give them names of companies that have done sidewalk and let them contact them?

Joe Johnson-Most of the contractors the City has used are for Street and Storm and the sidewalk is just a small piece of the street. That would be up to them on if they would want to take on this project with Verona Gardens.

Todd Harris-Following up on something Joe had mentioned with the CIP vs Homeowners having to structure the governing of how this is done. You're saying and suggested the efficiency would be within the homeowners taking it on verses creating an improvement district. In other words, if money is tight, your suggestion I think is you will get more for your money if they do this within their own governing structure. Perhaps hire a contractor to do the work.

Joe Johnson-Right. We would have to bond it, and they would have to provide insurance etc.

Todd Harris-So their money goes a lot farther if they stay within their own governing board as a home owners association.

Joe Johnson-We know some contractors we could contact. Hallbrook is doing the same thing right now. The difference in Hallbrook is they are not administering or kicking in the money. So they are making each property owner responsible. What they have done is Precision Concrete is one of the companies that they have given the name of to the homeowner to contract (to go in and shave those areas). But it is the property owner's responsibility to contact them and to do the work and to pay them. They have one or two other contractors. We are working with Precision and the way we are helping Hallbrook is, we have given Precision a right-of-way permit for all of Hallbrook for a four to five month period so they so don't have to take a permit out for each house. So as long as Precision is doing work in Hallbrook they can pull one permit and work with the individual property owners. They have a concrete company that is doing the physical removal and replacement and we are doing the same thing with them. We are issuing a permit to them and it's up to the property owner to contract that back.

Marsha Monica-Can you find out who is doing that and provide that name to Verona Gardens?

Joe Johnson-Yes. That is how Hallbrook is going it. And they have 2,000 to 3,000 locations of Precision Concrete and about 800 to 1,000 locations where the sidewalk has to be removed and replaced.

Todd Harris-Does Hallbrook use a management company?

Joe Johnson. Yes, the Tiehen Group.

Andrew Osman- I will also tell you that management companies are sometimes advantageous and sometimes not. It just depends on your specifications. Hallbrook for example may have more amenities, street lights, and landscaping. More than you would want to go with a company. If it is a minor thing I would suggest doing it internally, in house. Having a sub-committee oversee their work. You will save yourself a lot more money that way.

Jim Rawlings-How many property owners are in your Homes Association?

Richard Schwartz-445 properties.

Jim Rawlings-That is pretty big, have you talked about assessment?

Richard Schwartz-Not yet because we wanted to talk with the City and see what could be accomplished with this route here. But that is probably what is going to have to happen. We have our meeting in May and by-laws require home owners vote for additional assessments.

Jim Rawlings-Do you have a management company do your dues or collect that?

Richard Schwartz-No. Well we have an accounting company; where we send our dues in to them.

Jim Rawlings-The reason I ask is because I live in northern Leawood north of I-435. The homes association is 1300 properties, so it is bigger but we have a company called "Homes Solutions" that manages all the projects. And they also collect the dues. Our company manages trash contracts, does island maintenance. It is outsourced and it is relatively inexpensive. The manager's name is Doug May. They manage many homes associations in Johnson County. What would be –it says \$8.50 per sidewalk, what would be the average cost for a property owner with a 50 foot area. I'm not sure roughly what it would cost if everybody was assessed a certain amount? Have you looked at that?

Richard Schwartz-If we do it we will have to assess the homeowners. \$75,000 would be close to \$175 to \$200. Whether that would go over or not, it is doubtful. Maybe over three years and other costs, like the trash went up. Our internal maintenance went up, so we have other costs to consider but I do not know if they would go for the whole thing.

Chris White-Listening to everything. It sounds like we have a couple of different things going on here, a Benefit District, and the assessments are kind of in the same boat. I think you will have a hard time getting a vote out for that. And it does not sound like it would be a lot of help even if the City were to give some free labor or something again the cost to the City to do it would be greater than you contracting it privately. So even though it sounds like everyone would like to help-everyone would like to help all the sub-divisions. In the end I do not think the costs to the homes associations would be any less. It sounds like doing it privately- Andrew knows more about the real estate side of it but they mentioned a lot of these property management companies. The question is whether this is complex enough to make it justified. You can mess up concrete but it's a sidewalk, I bet you guys probably have people within your subdivision that could come together and be able to manage this. The thing that the City does, even if the City wanted to do it, legally we cannot. And financially I'm not sure it would benefit you by the time we got done with everything we had to do. One question I was going to ask and it is kind of an unrelated thing. If we have the money set aside to do this sidewalk project and it is big and it goes on forever, is there any consideration (I'm not excited about it but thought I'd mention it) Is there something we should discuss that would have an incentive for Home Owners Associations to do some of the repairs themselves and offer some kind of a cost incentive in order to take them off our list to make that \$25,000 go further? If we offered to pay some percent of the work is that something that should be discussed?

Joe Johnson-You have to remember when you do it for one you do it for all. If we have money set aside then we are going to contract it and we are going to get as many sidewalks in it that we can. Generally we look at the streets we overlay and we try to go into those subdivisions and do as much as we can. That helps us target because we are

already in there. The hard part in looking at this is as soon as the City says yea we are going to help Verona Gardens, then Hallbrook will be there because they have \$150,000 to do.

Marsha Monica-I think everybody gets that.

Chuck Sipple-Yes everybody gets that part.

Joe Johnson-The only way I can see if you are going to have the City use its funding ability is to do a Benefit District. Because it is the same no matter what. You go through the same process. The cost gets assessed back and everybody has that option. It is the same for everybody that wants to do it. Or they work the best they can, we have the locations on our list and we get through it. One way to look at a benefit district is only look at those that have the sidewalk. And that is the benefit district. I think you have the ability (and we would need to ask the City Attorney or the Kansas Attorney General could tell us). If you are looking at a sidewalk and you are looking at a street, you have the ability just to focus it on the one side of the street. But you still have the issue with some people being fine with it and some will not. Either way that would be the path to go down to see whether that is feasible or not.

Chris White-At the end of the day, that would help spread out costs and it would increase the cost.

Joe Johnson-Well instead of 445 people you would end up with 223 people. When you look at the assessments it's over 10 to 15 years so if the cost per property is \$1,000 divided out over 10 years it may only be \$100 a year.

Chuck Sipple-I'm looking at 400 and some odd houses and an \$80,000 project and that is \$200 if everybody would chip in. When you move into a neighborhood I guess in Leawood, if you have a sidewalk you know that is your responsibility. If you are across the street, you do not have the problem. Right? How much will you spend on Emerald Ash Borer on your properties? Is that in the same ballpark I would imagine?

Richard Schwartz-Probably \$30,000 to \$50,000 by the time we are done with it. Taking down the trees and replanting.

Chuck Sipple-I guess if I were a homeowner in Verona Gardens, \$200 to fix things for five years out of something like that, isn't that kind of a drop in the bucket?

Richard Schwartz-I would have to agree with you it's a matter of getting the home owners to get on board. When we have our meeting we have to present it and they have to vote. Our dues now are \$320 and I do not know if they would kick in another \$200. Maybe if it was a one-time thing. I don't know.

Chuck Sipple-It's just not that much money. Even if you are a neighbor across the street and do not have a sidewalk, it is an amenity that the kids can play on or you can walk on. I think I would appeal to the membership and try to spread the costs around.

Richard Schwartz-We have 2 schools an elementary and a middle, so there is a lot of foot traffic. That's a good thought and good ideas, but it is up to the home owners. The board does not have the power to say they will automatically pay this price. They have to vote.

Chair Osman-Three more with questions and then I think we need to wrap it up.

Marsha Monica-My comment is we have been hearing about what Hallbrook is doing. My suggestion is to call Hallbrook or their management company. Verona Gardens is right next door to Hallbrook; and see if you can piggy back on to their project. Maybe you can work together.

Julie Cain-For example in Hallbrook's case, they specially assessed all their homeowners because they just did a major irrigation system overhaul and another job (Street lights). Everybody is different. Our dues are \$600 a year already. Our HOA has a pool. Some out near me have dues of \$1,000.00 per year. Very often at an HOA Meeting, Council people are invited. I would be glad to come help you speak to your residents, if that will help you. To help explain the situation and even ask general questions. We do this all the time and I would be happy to attend your meeting if that will help you.

Chair Osman-It sounds like there is no further action. Let's see what happens with your discussions with your home owners. Hopefully everything can get resolved. Considering the complexity of this and how many other projects the City has on its schedules I think we would be hard pressed to get any funding at all.

**ACTION: NO ACTION.** After much discussion, review of the information and requested options from the HOA, a discussion of State Statutes, current City Ordinances, and City Policy regarding Sidewalks, it was decided "No Action" could be taken by the City on this request. Suggestions were given to the HOA Representatives regarding the next steps they could possibly take for the members of their Homes Association and the affected property owners in Verona Gardens.

**Chair Osman-Brought up a new business item not on the Agenda he wanted to ask about.**

This is the perfect opportunity to understand -over the weekend, we did have a retaining wall along College Boulevard, east of Tomahawk Creek Parkway by Hallbrook (which is the City's responsibility) collapse. Chair Osman asked staff to discuss what happened and what we are going to be dealing with; unforeseen circumstances.

Joe Johnson-We are trying to figure out why the wall fell. We have not had any rain like California. There is a big wall on College Boulevard as you go east across the bridge on the south side. We are really not sure why it fell and we have talked with George Butler Associations (who does our bridge inspections) and asked them to look at it. They have had a geo technical engineer look at it and we are working with GBA to get a wall manufacturer to provide us a proposal. I'm guessing the repair will be anywhere from \$150,000 to \$175,000 to fix.

We have another section on the north side of College, below the road where the wall is kind of blown out a little big that has not fell yet. So we will also have to address that. Hope to have something the end of this week or next week back as far as cost estimates. If the City says go, how long it will take. We will do a Design/Build Contract for this repair. Hope it is just a matter of timing to get blocks here to put it back up. We will try to match it. It has been out in the weather for the last 20 years.

Julie Cain-Asked about the age of the wall. Twenty years and it is our wall. She was driving by and saw it. At the time she saw it, she was not sure whose wall it was and she called Richard Coleman, our Community Development Director. So that will be roped off for a while/coned off.

Joe Johnson-Yes for a while. We spoke to Hallbrook. Fortunately there are 4 or 5 lots above it and 2 of the lots are where the wall is at. Hallbrook said to just let them know what we find out. We will need to get Temporary Construction Easements on two of those lots so they can put the Geo-grid back in. They are hoping they can do the work from the street side mostly in order to minimize the disturbance.

Chuck Sipple-Question for Joe, College Boulevard is a main artery isn't it? Would there be any County Funding available for that? Not for repairs, but for the original roadway maybe?

Joe Johnson-Correct. We had a Federal Aid Project years ago with County Funding and State Funding. That was twenty years ago, so there is no funding now.

Richard Schwartz-Wanted to thank the Committee at least for entertaining our thoughts on our Sidewalk Project and listening to us. We do appreciate it. We understand that many homeowners will not want to take the money or time to address it, so we thought we better.

Marsha Monica-I commend you for taking the initiative to do these things. There are a lot of Homes Associations that just say they do not have the money and they do not even try to address their infrastructure.

**Chair Osman: Thanked everyone for coming and adjourned the meeting at 8:40 a.m.**

Minutes submitted by: Julie Stasi, Administrative Services Manager  
Leawood Public Works Department