

MINUTES OF THE MISSION COMMUNITY DEVELOPMENT COMMITTEE

September 4, 2019

The Mission Community Development Committee met at Mission City Hall, Wednesday, September 4, 2019 at 6:30 p.m. The following committee members were present: Pat Quinn, Arcie Rothrock, Nick Schlossmacher, Debbie Kring, Kristin Inman, Ken Davis and Sollie Flora. Absent: Councilmember Thomas. Mayor Appletoft was also present. Councilmember Davis called the meeting to order at 6:30 p.m.

Also present were City Administrator Laura Smith, Assistant City Administrator Brian Scott, City Clerk Martha Sumrall, Assistant to the City Administrator Emily Randel, Public Works Superintendent Brent Morton and Capt. Dan Madden.

Acceptance of the August 7, 2019 Community Development Committee Minutes

Minutes of the August 7, 2019 Community Development Committee were provided to the committee. There being no objections or corrections, the minutes were accepted as presented.

Contract Award for Stormwater Inventory and Condition Assessment

Mr. Morton stated that the City's last stormwater inventory and condition assessment was completed in 2005. Over the past 10 years, Mission has experienced an average of 2-4 sinkholes per year. To be more proactive, funds to begin work on an updated inventory and condition assessment were included in the 2019 CIP Budget. This project will assist with long-range project planning and budgeting for stormwater projects. Johnson County SMAC recently announced that they would make matching funds available in 2019 to assist cities in converting estimated condition ratings into "observed" ratings. This program makes 50% matching funds available to inventory structures and pipes that have an estimated risk of 3.2 or higher. The estimated cost of this inventory is approximately \$230,000, and a 50% match is available. He stated that an RFP was issued and four responses were received. BHC Rhodes is recommended as the best and most responsive bid. He also stated that the data from the 2005 inventory was never added to the Johnson County AIMS system, but this is now being added. Because of this, we anticipate having additional structures that would be eligible for funding. BHC will update their proposal once all the data is available and provide the City with an updated scope and cost for the project. Ms. Smith stated that a minimum amount has been included in the action item, but that there is \$52,000 not matched, but budgeted for this project. Staff will be working with BHC Rhodes in the next week on the expanded project.

Councilmember Kring asked if the rating scale for stormwater infrastructure is similar to the rating scale for bridges. Mr. Morton stated the scale for stormwater infrastructure is 1-5 with those with a rating of 3.2 or higher eligible for funding.

Councilmember Flora recommended that approval of the contract with BHC Rhodes to perform a stormwater inventory and condition assessment in a minimum amount of \$128,250 be forwarded to Council for approval. All on the committee agreed, but this will not be a consent agenda item.

Agreement with JohnsonCounty for Funding of Stormwater Inspections

Mr. Morton stated the stormwater inventory, which will develop and update the overall condition rating system of the City's stormwater collection system. The County's estimated inspection costs for the City's eligible structures and pipes is estimated at \$230,292 and with a 50% match for the program, the County funding is in an amount not to exceed \$115,146. Johnson County funds are available to be applied to stormwater structures or lines which have an estimated condition rating of 3.2 or higher. This interlocal agreement specifies the County's participating in the project and commits the City's fund to the project.

Councilmember Kring recommended that the Interlocal Agreement with Johnson County for the Stormwater System Inspection Project - Mission Stormwater Inspection Project 1 (#1-MI-2019-I-1) using 2019 SMAC Program Funding in an amount not to exceed \$230,292 be forwarded to Council for approval. All on the committee agreed, but this will not be a consent agenda item.

Contract Award for 50th & Dearborn Stormwater Improvements (Construction)

Mr. Morton stated that this project for stormwater improvements at 50th and Dearborn has been discussed at various committee meetings over the past year. Bids for this project were received in August and the recommended bid is from Cohorst Enterprises in an amount not to exceed \$136,100. In January, Council authorized a task order with GBA to provide survey, design and bid phase services for this sinkhole that formed near 50th and Dearborn. Due to the condition of other pipe in the area, this project was expanded to ensure the repairs would address longer term stability of the stormwater infrastructure. Because some of the pipe is under the roadway and this is a one way in, one way out street, the design included slip lining of the storm culvert under Dearborn so there is less disruption during the project. The engineer's estimate for the project was \$184,975. GBA has contacted references for Cohorst and Mr. Morton anticipates saving in the project with Olsson providing on-site inspection services. He stated that inspections services are important especially for this type of project to ensure we are getting the contracted materials.

Councilmember Kring recommended that the contract with Cohorst Enterprises for repairs to the stormwater system in the vicinity of 50th and Dearborn Streets in an amount not to exceed \$136,100 be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

**Authorization of Task Order for Construction Inspection Services -
50th & Dearborn Stormwater Improvements**

Mr. Morton stated these inspection services are for the stormwater improvements at 50th and Dearborn just discussed by the committee. Based on the size and scope of this project, staff is recommending approval of a task order with Olsson to ensure a full-time inspector on-site during construction. This task order covers all documentation, observation, and required testing associated with the project. He stressed that it is important to test asphalt and concrete used, and provided information on the types of materials Mission uses. The fee for these services is based on a 9-week construction timeline, but we will only be charged when the inspector is on the project or conducting testing, so he anticipates some cost savings. The total for this contract is in an amount not to exceed \$57,669.50.

Councilmember Flora asked if it is typical for the inspection services to cost nearly half the contract cost. Mr. Morton stated this is due to the smaller size of the project, but there is a 9-week timeline and he does anticipate savings with the City only being billed for actual time spent on the project by the inspector.

Councilmember Rothrock recommended that approval of the task order with Olsson for construction inspection and materials testing services for the 50th and Dearborn stormwater repair project in an amount not to exceed \$57,669.50 be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Repairs to Reeds Road Bridge

Mr. Morton reported that in April, a task order with Olsson was authorized to provide survey, design and bid phase services for Reeds Road RCB repairs due to inlet failures. Bids were received in August for the project with Gunter Construction Company being recommended as the lowest and most responsive bid at \$47,690. He provided information on the repairs required, noting that with salt eroding into the bridge deck, the reinforced concrete boxes would also need repairs. This bridge was last rated at a 6, and had the poorest rating of any bridge in Mission. These repairs will add approximately 10 years to the life of the bridge, and allow staff to program additional repairs in the future. References have been checked on Gunter Construction. This project will be funded from 2018 bridge funds that rolled over into fund balance and the bridge budget from 2019.

Councilmember Kring asked what the City's liability is once a bridge rating is assigned. Mr. Morton stated he has spoken with our engineers and although this bridge has a rating of 6, it is not a level that would require it to be shut down. Councilmember Inman asked if the handrails along the bridge will be addressed as part of this project. Mr. Morton stated they will be replaced when a full reconstruction is completed in the future, and that they were welded last year. Replacement of the handrails in a large cost.

Councilmember Inman recommended the contact with Gunter Construction Company for repairs to the Reeds Road Bridge over Rock Creek in an amount not to exceed \$47,690 be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

**Authorization of Task Order for Construction Inspection Services -
Repairs to Reeds Road Bridge**

Mr. Morton stated construction inspection services are recommended in connection with the Reeds Road Bridge repairs through a contract with Olsson in an amount not to exceed \$13,879.50. Since this is a bridge, a full-time inspector is necessary to ensure that the repairs, which are structural in nature, will conform with the appropriate KDOT bridge standards. The inspector will be certified and the estimated timeline for this project is two weeks. Mission will only be billed for the time the inspector is on-site.

Councilmember Inman recommended that the task order with Olsson for construction inspection services associated with the Reeds Road Bridge repairs in an amount not to exceed \$13,870.50 be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Hodges Planters

Ms. Smith stated replacement of the Hodges planters has been discussed at various meetings over the past year. Last month, a summary report of the history of the planters and the work that has occurred since the first of the year was presented to the Community Development Committee, along with design alternatives. Residents selected the design option of an island with gates at the intersection of 61st Terrace/Juniper and Hodges. Staff was directed to convene the working group for one final meeting to discuss the neighborhood preferences for the intersections of 62nd Street and 62nd Terrace and Hodges, with the group recommending the new treatment at 61st Terrace/Juniper and leaving the current planters at the other two intersections. This would allow time to see if the new design works at one intersection, before moving forward with it at the other two intersections. The group also did not feel a gate only at the other two intersections would be enough of a deterrent. She also stated that reflectivity and appropriate signage would be added to the existing planters.

Councilmember Quinn recommended that authorization for staff to proceed with the construction of the improvements to the intersection of 61st Terrace/Juniper and Hodges, and to install appropriate signage on the existing planters at the intersections of 62nd Street/Hodges and 62nd Terrace/Hodges be forwarded to Council for approval. All on the committee agreed, but this will not be a consent agenda item.

Roeland Park Deannexation

Ms. Smith provided a handout that included a timeline and documents related to this issue, including a letter from Mayor Kelly, Roeland Park, and information from his presentation to Council in December 2018. The timeline included the following information:

- December 2014 - Mission and Roeland Park execute an interlocal agreement outlining shared goals related to the development options for the land at the northeast corner of Johnson Drive and Roe.
- At some point between 2014 and 2018, Roeland Park purchased the KDOT ROW (primarily located in Mission) in order to provide additional land area for redevelopment. We understood this ROW was purchased for approximately \$50,000.
- December 2018 - Roeland Park Mayor Kelly and City Administrator Keith Moody make a presentation to Mission's Council at the Finance & Administration Committee Meeting requesting that Mission deannex that portion of the development site located in our corporate boundaries. Roeland Park offered to pay the costs associated with the deannexation process and suggested that the transaction would be financially beneficial to Mission because Roeland Park would assume 50% of the traffic signal costs at this intersection since two signal poles would now be located in their city. Information was presented regarding Mission paying 100% of the signal costs since its installation in 2003, even though one of the signal poles (25%) is currently in Roeland Park. Mission stated they would take the offer under advisement.
- January - April 2019 - Mayor Appletoft and Mayor Kelly discuss deannexation issues. Mayor Appletoft advised that the December 2018 proposal from Roeland Park was not acceptable to Mission's Council as they felt there should be more value for Mission in giving up a portion of the City. Mayor Appletoft requested an updated proposal from Roeland Park on several occasions.
- June 2019 - A revised proposal was not received from Roeland Park. Mission provided a proposal to Mayor Kelly and Keith Moody that included:
 - Roeland Park would pay Mission \$125,000 either in one lump sum or equal payments over 3 years.
 - Roeland Park would pay the costs of deannexation.
 - Roeland Park would assume 50% of the signal costs following deannexation.
 - Mission would have the right to reasonably review and approve the development plans.
 - Roeland Park would require the developer to install public art on site rather than allowing for a contribution to the public art fund.
 - If we could not reach an agreement on deannexation, Roeland Park would agree to assume 25% of the signal costs going forward.
- Mayor Kelly acknowledged receipt of this offer and also let's Mission know that the developer of the property would like to move forward as soon as possible with the development process in both cities.

- July 2019 - A Special City Council Meeting is held in Roeland Park where one of the items on the agenda is to accept the terms of a land agreement for the sale of the property at the NE corner of Johnson Drive and Roe with a sale price of \$1,201,054 (\$446,322.56/acre). Pete Heaven, Mission's Land Use Attorney, was contacted on July 10 to discuss the deannexation issue to see if it could move forward. Roeland Park responded that they are agreeable to all the points of the June letter , except for the amount of money requested, and responded with an offer of \$10,000.
- August 2019 - Ongoing conversations on this issue have continued, but with the developer willing to go through both planning and zoning processes, and since the cities are so far apart regarding a financial solution, there may not be a need for deannexation. Roeland Park's attorney acknowledged that the city had committed in 2018 to assuming 25% of the signal costs going forward and would request a letter stating this. Since then, Mission was advised that no letter would be provided unless Mission agreed to move forward with deannexation.

Ms. Smith stated Mission is being characterized by Roeland Park as unreasonable and she wanted to bring council "up to speed" on this issue so that we can respond. She discussed the per acre value of land at the site and land values for parking areas (Mission never suggested a calculation on a per acre basis - our area is .7 acres and not developable), the value of the area as it could hold up to 45 parking spaces, if deannexation does not occur there would still be incremental property tax values and stormwater utility fees for the site since it will be parking, Council's concerns with the imbalance in the cost-sharing of this signal, and that Mission and Roeland Park may have to agree to disagree on this issue. She noted that KCPL requires something in writing from both cities agreeing to the cost-sharing of the signal. She also noted that it is not uncommon to cost-share signal costs. This was the intent in 2002 and was never finalized, but it can be accomplished now going forward.

Ms. Smith discussed the two options available for this issue which would be to 1) accept the current terms from Roeland Park, or 2) reject those terms and move forward with the developer going through the development process in two cities (resulting in collection of property taxes and stormwater utility fee for the site). Councilmember Flora suggested a third option that would be to reach out to Roeland Park as one more good faith attempt at finding a more equitable solution, first asking them to provide a letter stating they will assume the 25% cost of the signal and then proceed to discuss the monetary value of the land. She stated she is unsure their whole Council is opposed to our counter-offer. She referenced Mayor Kelly's letter and stated it is in the best interest of both cities to solve this issue. Councilmember Inman asked if Mission can approach their City Council in a public meeting. Ms. Smith stated that we could, but also noted that their discussion of this issue was handled in executive session. She felt it would be best to first have a conversation with them, rather than just going to a meeting. Councilmember Kring stated that the difference in the monetary compensation was \$115,000 and asked if any other negotiations have happened. Councilmember Flora again stated that she would like to give Roeland Park another opportunity to make the signal costs "right" going forward. Discussion continued by the committee on Roeland Park's purchase of the ROW

property in Fairway, and whether this was similar to Mission's property. Councilmember Schlossmacher requested information on the estimated cost for deannexation and Ms. Smith stated that it would be less than \$10,000.

Jim Kelly, Roeland Park Councilmember, Ward IV and member of their Ad Hoc Development Committee, stated that he is not aware of a verbal agreement to pay for a portion of the signal and without a written agreement it is hard to take this on. He asked how Mission would respond in a similar situation. He feels that the initial proposal was a "shot across the bow" and is waiting for a counter offer from Mission. Councilmember Schlossmacher asked if he agreed that 25% of the signal is in Roeland Park and he did agree.

Councilmember Quinn stated that the request for Roeland Park to pay \$125,000 as well as their counter of \$10,000 are arbitrary numbers and suggested that \$45,000 equals five years of the 25% signal cost, which is a real number. He suggested asking for 25% of the signal cost retroactively which is a fair counter offer based on actual costs. Councilmember Flora asked if \$100,000 is 25% of the signal for since it was put in place. Ms. Smith stated that it is an estimate based on previous costs with some reductions included. Discussion continued on what the purchase price of our parcel of land would be (based on what was paid by the developer), KDOT's understanding of how the signal costs would be allocated when the signal was installed in 2003 (25% to Roeland Park, but an agreement was never finalized), and next steps.

Councilmember Flora recommended moving forward with Option 3 - asking Roeland Park to assume their fair share of the signal costs going forward regardless of whether deannexation occurs or not, and then talking about the gap between the \$125,000 requested by Mission and Roeland Park's offer of \$10,000. It was noted that there is a short timeline for this as the developer plans to come to our Planning Commission on September 23rd. Councilmember Flora asked that Roeland Park be asked to consider Mission's offer at either a special meeting or their next City Council Meeting.

All on the committee agreed that staff should be directed to move forward with Option 3.

Turkey Creek Trail

Ms. Smith stated that background on this project is included in the packet, and briefly outlined the history of the project:

- Mission received a grant of \$1.4 million through the Federal Government administered through MARC
- The grant cycle requires applications well in advance of funding and the year of the project, the City was required to commit to the project through a formal agreement.
- The grant application was submitted in 2013/2014 and once the commitment was required, the landscape had changed and the money was turned back.

This item is presented for discussion as Overland Park is considering repairs to the trail failures in their city. These repairs are estimated at \$1.2 million and some in Overland Park would like to reconvene the Turkey Creek Trail group to see if there is still an appetite for this trail going forward. Due to the project's history and location, Overland Park reached out to Mission to see what our interest is in the trail and reconvening the group. If reconvened, MARC would facilitate.

Ms. Smith provided information on previous Council's concerns regarding the trail, which included safety issues where it crosses I-35 in Merriam (a narrow sidewalk and crosses over an entrance ramp to I-35), and the fact that trails have been identified as a lower priority than streets through the DirectionFinder Survey. They felt that if \$1 million was going to be spent on the trail, it should direct people through our City and not around it. Discussion continued on safety issues associated with the prior trail location for both pedestrians and bikers, the trail traveling north over I-35 on Lamar which is totally unsafe due to how narrow it is, and the fact that the trail would still skirt the City. Ms. Smith stated that one change that has occurred is KDOT's work under I-635 where a bench has been built. Switchbacks to Streamway Park and the use of the Lamar Bridge were also an issue when previously considered. Councilmember Quinn stated he feels it would make more sense for the trail to continue down Merriam Lane as they have recently improved that street and added bike lanes.

Ms. Smith stated she is looking for a recommendation as to whether Mission feels the Turkey Creek Trail group should reconvene to assess changes that have occurred in the past few years and look at other connectivity options (i.e. Overland Park's portion of the trail possibly extending further south to connect with the Rock Creek Trail through Mission).

Councilmember Schlossmacher asked if JohnsonCounty is involved in this initiative and Ms. Smith stated that they are through the Streamway Trail system. The committee discussed the use of an 18th Street pedestrian bridge further east rather than Lamar, and where this would be. Ms. Smith noted that when this project was originally discussed, improvements to Foxridge were not yet programmed, and that street will have sidewalks in just a few years, and Lamar is scheduled to have bike lanes added in 2020. Councilmember Schlossmacher asked for an update on other Council priorities prior to taking on another issue. Ms. Smith stated she will provide an update at the end of the Finance & Administration Committee meeting.

The committee agreed that Ms. Smith should participate in the discussion of the Turkey Creek Trail through the reconvened Turkey Creek Trail Group. She will report back to the committee following the meetings.

Department Updates

There were no department updates.

Meeting Close

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 7:52 p.m.

Respectfully submitted,

Martha Sumrall
City Clerk