



**Mission Woods City Council**  
**October 27, 2015, 7:00 p.m. Westwood City Hall**

The special meeting of the Mission Woods City Council was called by written request of Council members Fisher, Franklin and Ruff.

Members present: Mayor Tietze  
Council member Darrell Franklin  
Council member Joan Ruff  
Council member Cory Fisher  
Council member Amy McAnarney  
Council member Bill Dunn

Others present: Heather S. Esau Zerger, City Attorney; John McDonough of KU Hospital; John Peterson, Polsinelli representing KU Hospital; Eddie McNeal, Marianne Dunn, Mimi Ahsmuhs, Lori Franklin, David Immenschuh, Chuck Lindstrom, Jay Sidie, Chief O'Halloren, Ryan Bowden, Michael Knierim, Kim Bush, Don Greenwell, Judy Park, Sue Tag, Major Park, Joan Blair, Linda Braude, Erica Immenschuh, John Hunkeler, Mary Hunkeler, Leslie Carto, Chris Brentt, Jeff and Lauren Aleshire, Mike and Kathy Henley, Tommy Clemente and other residents of Mission Woods.

**I. Call to Order and Recitation of Purpose of Meeting**

Mayor Tietze called the special meeting of the City Council to order at 7:01 p.m. He stated that the purpose of the special meeting, as requested by three Council members, is to discuss the development of the KU Hospital property, particularly the parking lot expansion, at the intersection of Shawnee Mission Parkway and Rainbow Boulevard and to provide information to residents regarding the project, as well as address resident concerns. Mayor Tietze then turned the meeting over to President of the Council, Council member Fisher.

**II. Overview of the Agenda and Introduction of Issues**

Council member Fisher provided an overview of the agenda for the meeting and reminded those in attendance that the meeting was for informational purposes and was not a hearing or a trial. He requested that those in attendance maintain a respectful tone so that any public comment portion of the meeting could be productive.

He then referenced the landscaping plans which had been dispersed throughout the gallery for those in attendance to review. The landscaping plans reflect KU's current plan for landscaping of the property. However, since the submission of the plans and the City and KU learning of concerns raised by residents regarding the landscaping, KU representatives met with a group of residents and two representatives of the City Council to discuss potential revisions. That representative group met on-site on October 20. Also present was Jay Bingham, a landscape architect recommended by resident Jay Sidie. Because the concerned residents did not feel qualified to make recommendations to the proposed landscaping plan and because of the unwieldy nature of trying to involve an entire group of residents in the planning process, the concerned residents proposed that Jay Bingham be retained to represent their interests in the on-going discussions regarding the landscaping plan. Mr. Bingham met with KU's landscape architect on Monday but new renderings are not yet available for review. Thus, KU's representatives were introduced with the understanding that they will be providing information regarding the baseline, current landscaping plan but that changes will be likely as a result of the on-going discussions between Mr. Bingham and KU's landscape architect.

### **III. Presentation by KU Hospital Representatives**

John Petersen introduced himself and indicated he represents KU Hospital. He is a real estate development lawyer and expressed his desire that this not be a contentious situation. Mr. Petersen emphasized that the plans being presented are not final and acknowledged that at the suggestion of the City and residents, KU Hospital was looking in conjunction with residents most impacted, to take what was originally proposed but strategically refine the plan in order to do what is most effective.

Mr. Petersen referenced the landscaping plan that was part of permitting process and articulated two goals: #1. To create some green interest through green islands, including deciduous trees; and #2. To provide border landscaping to provide a screening factor. The primary focus is the southern perimeter and the proposed plan reflects groupings of upright evergreens, which are 9-10 ft. tall when installed. The plan is to group them in appealing ways to avoid a "soldier effect." The trees will grow to about 30 ft. in height within 5 years. Additional proposed plantings include:

- Green shrubs which should stay green all year and are 4 ft. in height at installation; and
- Ornamental grasses, which are 12 inches at installation and grow to 4 to 5 ft.

These items serve as a backdrop and they are now trying to fill in gaps. KU would like to have had final drawings tonight but they simply are not ready. KU will come back when they are ready to view.

Mr. Petersen reiterated that KU's does not simply plan to ignore the resident concerns; KU wants to be part of the community and engage in dialogue so that all come away satisfied.

Council member McAnarney inquired about when the next drawings would be available.

Mr. Petersen stated that any rumors of the need to be done by November 6 are not accurate but that there is a fall planting season that will soon come to a close and of which they need to be mindful. He believes there is time to complete the discussions and review and still have the plantings complete by Thanksgiving.

Mr. Sidie expressed his desire for the landscaping on the east side of Rainbow to match what has been installed on the west side. He also expressed willingness to wait until spring if necessary so that some structural items could also be addressed.

Mr. Clemente expressed his concern that the current layout gives a direct view of the parking lot, whereas the old parking lot had berms. He also expressed concern regarding the use of engineered block rather than the dry stack stone that is prevalent in the community. He also expressed frustration with the prior suggestion by KU that it need not follow the City's permitting process because the residents want the parking lot to be of a quality which they can be proud.

There was further discussion regarding the topography of the lot and the potential loss of tree height. Mr. Petersen expressed his belief that the differential in topography will be addressed by the landscapers.

In response to resident questions, the KU representatives confirmed the lot will be used by KU Hospital employees and staff, not by patients. There will be no shuttles serving the lot. There was also discussion of lighting for the lot in response to resident questions. The current site lighting runs from dusk to dawn. The lights will be LED lights on 20 foot poles, plus the base. Mr. McDonough, representative of KU, indicated his understanding of the City's lighting ordinances and the need to ensure safety but no spillage of light from the property.

Lori Franklin stated she views KU as a good neighbor and is grateful for its landscaping and the fact that it clears its sidewalks. She wondered whether a sidewalk could be installed on the KU property. Mayor Tietze reported that he has had conversations with Steve Karbank, who is interested in installation of a sidewalk along SMP from Rainbow to State Line, and down State Line to Hi Hat. Those discussions are on-going.

Ms. Franklin also inquired whether the City could add additional landscaping to the corner, including perhaps hardscaping. Council member Fisher indicated that this was not something the Council was currently discussing.

In response to resident questions, clarification was provided regarding the lighting structures. The base of the structure is 3 feet. The lighting plan submitted to the City reflected where the lights would be placed and they were engineered so that there is no bleed-over on the borders of the property. There are no lighted signs on the property. The lot will bear an asphalt surface. The piers for the lights extend 10 ft into the ground. The existing lights are 25 ft and the new will be 20 ft. Mr. McDonough has asked the landscape architect to offer suggestions on what might be done around the lighting piers. Mr. Petersen clarified that the lower the lighting structures are to the ground, the more poles are required, but with higher lights, fewer are needed. They are trying to find an effective balance.

John Hunkeler encouraged tolerance for KU, as they are not a private entity with private funds but rather are a not-for-profit. Others expressed their opinion that because KU purchased property within Mission Woods, it must match what already exists in the community.

Ryan Bowden asked whether a veneer for stack stone appearance could be considered and Mr. McDonough stated they were looking at all factors, including a veneer.

There was discussion of next steps in the process. Mr. Petersen stated that they will leave it to residents/City to get necessary input on our side but the preferred timeline is to have the landscaping installed this season. The Mayor indicated that another special council meeting could be called if necessary. Mr. Clemente asked whether anything will be installed before final plans are shared with the residents, including whether the final grade would be completed. Mr. Petersen indicated the grading may be completed and some plantings may be done but that they could be supplemented and enhanced.

The landscaping will be irrigated.

Various residents raised questions about the entities that may have supervision or governance over KU. Mr. McDonough indicated that as it is in Mission Woods, it spends significant time dealing with neighborhood concerns related to its construction projects even though it believes it is not subject to local authority. KU has never rested on that even though they have those rights and intends to be a good neighbor.

#### **IV. Traffic**

Council member Fisher next addressed the issue of traffic along SMP. He indicated that Securitas has been providing guard service at the cross-walk for school kids. There is currently 1 individual utilizing the service per opening and 1 per closing. By way of comparison, Prairie Village uses the guideline that a minimum of 15 per period are required in order to justify having a guard at the crossing. Additionally, a sign has been ordered to alert traffic turning right from Rainbow on to SMP.

Chief O'Halloren also addressed the issue. He indicated that additional studies have occurred including 8 observations periods at 15 minutes in length and no infractions were noted. Chief O'Halloren also addressed issues related to the middle-block cross walk. Jay Sidie expressed concern that the crossing guard did not show up one day and thus prefers to send his children to the tunnel to cross.

There was significant discussion on potential ways to make the intersection easier for pedestrians, including a no right turn on red sign, a flashing red upon trigger by a pedestrian, or moving the cross-walk to an alternative location.

There was additional discussion of work being done by Operation Greenlight, a MARC sponsored group that is assisting in coordination of traffic lights. Operation Greenlight did install traffic count cameras but they are not monitored or used for violations. There was further discussion on crime prevention through environmental design and use of cameras for crime prevention and investigation.

#### **V. Public Comments**

Council member Fisher opened the public comment period by answering some of the questions that had been raised previously by residents. He described the function and purpose of the ARB, the Planning Commission and the BZA. He indicated that the KU Hospital property has been zoned as Planned Office District since at least before 2007. He explained the re-platting process underway for the KU property, which is separate and distinct from the parking lot expansion project. He described the process by which the parking lot expansion permit was approved by the City. He noted that the drainage plan was approved by the City's 3<sup>rd</sup> party engineer and the State of KS. Westwood police and KU security will continue to patrol the lot just as before the expansion. No Council member or ARB member has any personal or financial interest in KU or the parking lot expansion except for Council member Dunn, who owns a minority interest in JE Dunn Construction, which has done work for KU in the past (though is not involved in the parking lot expansion work). An engineer has performed a luminosity test and KU is cognizant of the need for deflectors, especially on 51<sup>st</sup>, so LED's and deflectors will be used.

Mr. Sidie indicated he was frustrated by the perceived lack of transparency and communication and the suggestion that KU can simply do whatever it wants, without oversight. He stated that even if the City could not exert control over KU, the residents should have known so they could have banded together.

Mr. Clemente expressed his view that 3 people decided to allow this project to go forward and in his view, that was a “big drop of the ball.” He expressed that he was upset that Polsinelli’s lawyer contacted the City attorney and threatened the City.

Mr. Sidie believes there should have been notice and meetings and the fact that there were none seemed odd. The Mayor confirmed that prior to filing an application for a permit, there is no requirement in the City’s ordinances that notice be provided to neighbors by certified mailing.

Council member Fisher invited those residents still present to continue to come to meetings and work with their elected officials to consider necessary amendments to the ordinances.

Discussion ensued about next steps. Mr. Sidie indicated that, based on his communications with Mr. Bingham, KU probably will not install landscaping commensurate with what appears on the west side, but if we do not continue to press them, KU will just install what they have planned and be done.

## **VI. Crossing Guard Contract**

The Council moved to approval of the contract with Securitas for a crossing guard. The City Attorney has reviewed the contract and made some proposed revisions. With those revisions, Council member Ruff moved to approve the contract and Council member Dunn seconded the motion. Further discussion on the anticipated use of the service followed. The cost for the remainder of this school year is \$1635 and the cost for next school year is \$5886. All Council members voted in favor and the motion carried.

## **VII. Engagement of Landscape Architect**

Next on the agenda is discussion of the engagement of a landscape architect to work on behalf of the City and its residents in conversation with KU Hospital regarding its landscaping plan. Council member Fisher noted that he had checked the proposed rate of Mr. Bingham at \$145 per hour against others and the rate is well within the norm. There was some discussion of the appropriate level at which to cap the engagement and the Council determined that \$2,000 was an appropriate limit for now, as it could later be modified. Council member McAnarney moved to approve engagement of Scott Bingham up to \$2,000 for work with the City and residents on landscaping associated with the KU property. Council member Franklin seconded the motion and all voted in favor.

Meeting adjourned at approximately 8:50 p.m.