

## OVERLAND PARK CITY COUNCIL MEETING

January 4, 2010

Mayor Carl R. Gerlach called the Overland Park City Council meeting to order at 7:40 p.m. The following members were present, constituting a quorum:

Mr. Fred Spears, Council President; Mr. Terry Goodman; Mr. George Kandt; Mrs. Terry Happer Scheier; Mr. David White; Mr. Jim Hix; Mr. Dave Janson; Mr. John Skubal; Mr. Curt Skoog; Mrs. Donna Owens; Mr. Dan Stock; and Mr. Paul Lyons.

Also present were: Mr. John M. Nachbar, City Manager; Mr. Bob Watson, City Attorney; Mr. Bill Ebel, Director of Planning and Development Services; Mr. Bob Jones, Director of Human Resources; Mr. Tony Cosby, Acting Director of Recreation Services; Mr. Greg Ruether, Acting Director of Parks Services; Mr. John Douglass, Police Chief; Mr. Bryan Dehner, Fire Chief; Mr. Mark Kessler, Police Lieutenant Colonel; Mr. Bart Budetti, Senior Assistant City Attorney; Mrs. Vicki Irely, Director of Information Technology; Mrs. Kristy Stallings, Deputy City Manager; Mr. Doug Brown, Director of Public Works; Mr. Dave Scott, Chief Financial Officer; Mrs. Leslie Karr, Current Planning Manager; Mr. Sean Reilly, Communications Manager; Mr. Rob Welton, PC Technician; and Ms. Pamela Blaszyk, Recording Secretary. Approximately 20 people were in the audience.

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### PLEDGE OF ALLEGIANCE

Mayor Carl R. Gerlach led the audience in the Pledge of Allegiance.

### MAYOR CARL R. GERLACH

No report.

### CITY MANAGER JOHN NACHBAR

City Manager John Nachbar indicated that he asked Director of Public Works Doug Brown to provide a presentation regarding the recent snow events. He also wanted to express his appreciation to the employees who had been working many hours over the past several days. There have been a certain number of complaints, and they have had a storm that was overwhelming. However, that did not in any way detract from the staff's efforts in this endeavor. There are some things they can learn from this effort, and they have had a debriefing. Given the level and intensity of the storm, the response has been good.

Mr. Brown indicated that over the past 11 days they have had six storm operations that have been ongoing since the middle of Christmas Eve. From December 24, 2009, through January 3, 2010, they have had 16 inches of snowfall in the City. In comparison, in 2009 they had a little less than 18 inches of snow during the entire season. The Christmas storm was the first event, which occurred on December 24th and 25th. It was the largest snow storm they have had in the City since 1993, and he also understood that it was the largest Christmas snow storm they have had in the area since 1913.

Currently, the thoroughfare streets are clear, and the collector streets are generally clear. Some of the residential streets are clear and some are snow packed. They are currently experiencing record low temperatures with the coldest weather they have had in 20 years. Between now and Thursday night, the temperature will be dropping to an overnight low of approximately 11 degrees below zero, with a high on Friday of zero degrees. Their weather forecast company has predicted another storm event with 3 inches to 5 inches of snow beginning early Wednesday morning and ending early Thursday morning.

During 9 of the past 11 days, they have had 125 people working 12-hour shifts to perform the main snow removal, dispatching and oversight supervision. During the two days when the crews were not plowing snow, they were reloading and repairing trucks, hauling salt and getting ready for the next event. Over the Christmas weekend, approximately 25 more people helped them with cul-de-sac snow removal. The snow forces they use are from the Public Works Department, the Parks and Recreation Department, the Planning and Development Services Department, and the Fire Department. They operated 45 large plow trucks, and generally those trucks held up well. Three of the trucks have had major breakdowns, and they will probably not be available on Wednesday. A number of the trucks have required minor repairs that are either being done by their operators or mechanics. With the amount of snow they have had, the heavy snow has created havoc with the plows. Most of the time the plows are durable, and with fairly minor repairs they can be back on the road.

In terms of the snow materials, during the first month and a half of the snow season, they used approximately 5,000 tons of salt. They still have available another 13,000 tons of salt. By comparison, in 2008 they used approximately 8000 tons of salt throughout the entire season. They use sand to supplement their supplies. They particularly use sand on residential streets to provide traction, and they can then use less salt. When there is a storm like the recent snow storm, they will not get down to the bare pavement on the residential streets. They used approximately 3,500 tons of sand, and they basically reorder the sand as it is needed. Calcium chloride is used when temperatures drop below 20 degrees. Without the calcium chloride liquid that they use to coat the salt, they would get little action from the salt when the temperature is below 20 degrees Fahrenheit. The calcium chloride makes the salt treatment effective down to 10 degrees below zero. They have used approximately 30,000 gallons of calcium chloride this year, and they reorder it as needed. Geo-melt is their alternate treatment that they tested successfully last year. It was effective this year through the Christmas storm. Because of the low temperatures this past weekend, they began to have trouble dispensing the Geo-melt through their dispensing units on the trucks. Until they can resolve that problem, they are going to curtail the amount of Geo-melt that they use for the coming week.

With regard to the budget for the overall operations, they are in good shape. One major expenditure to date was for salt in the approximate amount of \$230,000. The other major expense was for the overtime costs for personnel. Although they do not have the final numbers, they have estimated that they have spent approximately \$160,000 to \$170,000 in overtime costs from the middle of November through yesterday.

In terms of general observations, they realize that incoming and outgoing communications are important. They have provided ready access to the news media. They have also provided regular updates on the City's Web site to keep citizens

generally informed on what is occurring through the event. As they learned during the Christmas storm, they need to provide the updates on a more frequent basis, which is what they are doing. The citizen inquiries and complaints come to them via phone calls, OP Cares and general e-mails. The key is to be able to respond to those inquiries and complaints quickly. From mid November through yesterday evening, they received approximately 300 communications from citizens that were primarily from phone calls and OP Cares. Many of the communications were requests to remove the wind row in front of the driveways. That is an unfortunate part of the normal operation of the snow removal, and there is nothing they can do about that. They try not to block residential driveways, but when they plow the street, there is a normal wind row that comes off the blade and is left in front of the 60,000 driveways in the City. The other most common question regards when they will be plowing certain residential streets. With the proactive information they put on the Web site, people are more aware of when their street will be plowed, and that helps to address the questions. They also received a number of complimentary e-mails and phone calls from people.

They have been using the Automatic Vehicle Locating (AVL) system. This system adds to their real time operational effectiveness, because their dispatchers can look at the AVL reports and tell the drivers before they come in that they missed a cul-de-sac or street. Rather than receiving a call from a citizen the following day, they can tell the driver what he missed before he leaves the area. They do miss streets, and the AVL has helped them to realize that earlier in the process. It also gives them a good indication as to the overall progress of the operation. Close circuit television cameras are located in various places in the City. They are also helpful, since the supervisors and the dispatchers can look at the major intersections and the condition of the streets to determine if there is a problem. As they use the AVL in real time, they are working out some problems with the vendor for one of the hardware sets. Ultimately, they may be forced to replace that hardware with something that works better, but that would be for 12 of the 45 trucks.

During the last several weeks, the metropolitan streets are looking more like streets in the north. In Minneapolis or Boston, once the snow season begins, they do not see bare pavement until the spring. With this snow storm, they have had to remove snow. That is unusual because they typically just plow the snow. They have had to remove snow from the bridges and major intersections. They do not remove the snow until the main operation is over and they are in a cleanup mode. For the immediate future, the new normal for residential areas is to have snow packed streets. The key is that the City and the Governing Body have provided the resources that they need for this operation in terms of personnel, equipment and materials. Communications Manager Sean Reilly has been instrumental in helping them to get out the message to the residents in a timely manner.

On behalf of the Governing Body, Mayor Gerlach expressed appreciation to all of the employees who participated in the snow operations. This was a unique snow storm, unlike any storms in recent years. A number of City employees did not have a wonderful holiday because they were plowing snow and salting streets to make sure the citizens could travel on the roads. The employees are performing their regular jobs in addition to participating in the snow operations. He thanked staff for their efforts. He also wanted to thank staff for maintaining the snow equipment. Mayor Gerlach asked Mr. Brown to relay their thanks to all of the employees.

Mr. Paul Lyons expressed his appreciation for staff's efforts. He noted that on Christmas morning, a lot of families were opening presents while the snow crews were out plowing the streets. There was a lot of sacrifice on the part of the employees. He asked when the weather starts warming up, will they plow some of the ice build up on the residential streets or wait for it to eventually melt. Mr. Brown replied that if the temperature had been 28 degrees or 30 degrees over the weekend, then most of the packed snow would be gone. Over the weekend they plowed off the loose snow and the accumulation from previous events. They also put down salt and sand. The sand is there to provide traction. If the temperature today was 28 degrees or 29 degrees, a lot of the packed snow would have melted. This Wednesday and Thursday they will be plowing any new accumulation of snow, and they will be putting more materials down. If it warms up next week and they do not have further snow operations, the residual salt will still be there, and it will start to work at that time. In recent years, they have not had cold weather that resulted in a prolonged period with ice on the streets. They cannot get the ice off the street at this time. Snow plow blades will not remove the ice. If the weather warms up and the salt starts to work, the normal traffic will take care of most of the packed snow in a fairly short time.

Mr. Lyons noted that they have piles of snow at intersections that are blocking the path for pedestrians. He asked if the snow will be removed to allow people to walk on the sidewalks and across the street. Mr. Brown replied that with some of the large intersections, they have used a bucket loader or a back hoe to chip off some of the accumulation and haul it away to clear the intersection. In some cases, the snow has encroached on the turn lanes. When the snow is piled too high, it reduces the visibility at the intersection. The sidewalks are also packed with 8 to 12 inches of ice, and there is limited access to the sidewalks at this time. At the moment, they do not have a plan to clear the sidewalks. Normally the weather takes care of that.

Mr. Dan Stock also wanted to thank staff for their efforts. He agreed that they could focus more on communication. The last update on the front page of the Web site was on December 30, 2009. He was of the opinion that if a 3- to 5-inch snow event is anticipated, they need to focus on delivering information to residents more effectively. There is room for improvement on the Web site. A lot of residents are looking for a place to vent. When they go to the Web site, there is not a lot they can do to express their concern about their driveway or street. Mr. Brown replied that Mr. Reilly put a new update on the Web site on Saturday and Sunday. Mr. Stock noted that he was looking at the front page where it indicated, "When will it stop, read more." That is the information on the front page regarding snow. When he clicks on that caption, the date is December 30, 2009. Mr. Reilly replied that they have an emergency weather alert that they are using during the snow storm. The weather alert is on every page of the Web site at the top of the page. The emergency alerts are updated on a regular basis. They provided several updates throughout Saturday and Sunday. They take off the emergency alerts when the storm is past and the work is done. Mr. Stock suggested that the front page of the Web site needs to have a spot where a citizen can express their concerns or request assistance.

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Mayor Gerlach recognized Boy Scouts from Troop No. 222 sponsored by Stanley Presbyterian Church.

CONSENT AGENDA:

FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT

STAFF ITEMS:

COUNCIL MINUTES – November 16, 2009.

EXPENDITURE ORDINANCE NO. 12B – Outlining the expenditures from the General Operating Fund for December 9 through December 22, 2009.

CAPITAL PROJECTS EXPENDITURE ORDINANCE NO. 12D – Outlining the expenditures from the Capital Projects Fund for December 17 through December 23, 2009.

CAPITAL PROJECTS EXPENDITURE ORDINANCE NO. 12E – Outlining the expenditures from the Capital Projects Fund for December 24 through December 30, 2009.

APPLICATION FOR RENEWAL OF DRINKING ESTABLISHMENT LICENSE – Sam Wilson’s Kansas, Inc., d/b/a Houlihan’s, 11600 W. 95th Street, Andrew Wanderlich, manager.

APPLICATIONS FOR RENEWAL OF DRINKING ESTABLISHMENT LICENSES CONTINGENT ON RECEIVING STATE LICENSES:

Chili’s of Kansas, Inc., d/b/a On the Border Mexican Cafe, 11855 W. 95th Street, Christopher Stark, manager.

Dos Reales, Inc., d/b/a Dos Reales, Inc., 8841 W. 75th Street, Alvaro Quezada, manager.

MMD, Inc., d/b/a Maloney’s Sports Bar and Grill, 7201 W. 79th Street, John M. Miuer, manager.

T.B. and G., Inc., of Kansas, d/b/a Tanner’s Bar and Grill, 10146 W. 119th Street, Mark J. Brentano, manager.

Trolley’s Bar and Grille, d/b/a Trolley’s, 9100 W. 135th Street, Scott Tharp, new manager.

Ty’s International, Inc., d/b/a Sushi Gin, 9559 Nall, John E. Symmonds, manager.

APPLICATION FOR RENEWAL OF DRINKING ESTABLISHMENT LICENSE AND CATERERS LICENSE – EAGL Midwest Beverage, L.L.C., d/b/a Deer Creek Golf Club, 7000 W. 133rd Street, Jeffrey Miller, manager.

APPLICATION FOR RENEWAL OF DRINKING ESTABLISHMENT LICENSE AND CATERERS LICENSE CONTINGENT ON RECEIVING STATE LICENSE – PB and J Restaurants, Inc., d/b/a Yia Yias, 4701 W. 119th Street, William S. Crooks, manager.

APPLICATIONS FOR NEW CEREAL MALT BEVERAGE LICENSES:

Jay Ambe Retail Services, L.L.C., d/b/a The Perks Place, 11350 W. 135th Street, Niru Patel, manager.

MMD, Inc., d/b/a Maloney's Sports Bar and Grill, 7201 W. 79th Street, John M. Miuer, manager.

Walgreen Company, d/b/a Walgreens Store No. 04221, 8450 W. 151st Street, Chris C. Carr, manager.

Walgreen Company, d/b/a Walgreens Store No. 04234, 7500 Metcalf, Charity Bingham, manager.

Walgreen Company, d/b/a Walgreens Store No. 06920, 8681 W. 135th Street, Sharon L. Smith, manager.

Walgreen Company, d/b/a Walgreens Store No. 09424, 12601 Pflumm, Adam J. Arnold, manager.

APPLICATION FOR RENEWAL OF CEREAL MALT BEVERAGE LICENSE – Cho Nam, d/b/a Choga Korean Restaurant, 6920 W. 105th Street, Duk Cho, manager.

Mr. Fred Spears moved to approve the Consent Agenda as presented. The motion was seconded by Mr. George Kandt and carried with a roll-call vote of 12 to 0.

REGULAR AGENDA:

COMMUNITY DEVELOPMENT

COMMITTEE REPORT: Terry Goodman, Chair

No report.

STAFF REPORT:

WAIVE BID PROCESS AND APPROVAL OF AGREEMENT – Kansas Correctional Industries for 2010 microfilm services for the Planning and Development Services Department.

Director of Planning and Development Services Bill Ebel indicated that staff was recommending that the bid process be waived and approval of the 2010 Agreement with the Kansas Correctional Industries for microfilming services for the Planning and Development Services Department. From 2003 through 2009, they have used the Kansas Correctional Industries to do the microfilming of the permanent records for building safety and planning. Staff has consistently evaluated the pricing that Kansas Correctional Industries has given them over the last few years, and they have found it to be consistent with the marketplace. Based on the performance and responsiveness from Kansas Correctional Industries, staff was recommending approval of this item.

Mr. Terry Goodman moved to waive the bid process and approve the Agreement with the Kansas Correctional Industries for 2010 microfilm services for the Planning and Development Services Department. The motion was seconded by Mr. Lyons and carried with a vote of 12 to 0.

PUBLIC WORKS

COMMITTEE REPORT: Terry Happer Scheier, Chair

No report.

STAFF REPORT:

No report.

FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT

COMMITTEE REPORT: Jim Hix, Chair

No report.

STAFF REPORT:

No report.

PUBLIC SAFETY

COMMITTEE REPORT: George Kandt, Chair

No report.

STAFF REPORT:

No report.

RECOMMENDATIONS FROM THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA:

REVISED PRELIMINARY PLAN APPROVAL – Wal-Mart Expansion, 7701 Frontage Road. Application made by Wolverton and Associates, Inc. The Planning Commission approved this item on December 14, 2009, by a vote of 11 to 0.

SPECIAL USE PERMIT NO. 2009-41 – 8787 Lenexa Drive. A special use permit is requested for a ten-year period of time to allow the renewal of a tow lot. This property is currently zoned CP-3, Planned Commercial District. Application made by Dale's Tow Service. The Planning Commission approved this item for a ten-year period of time on December 14, 2009, by a vote of 11 to 0. Ordinance No. Z-3430.

SPECIAL USE PERMIT NO. 2009-46 – 8303 West 126th Street. A special use permit is requested for a two-year period of time to allow the renewal of a commercial use in an industrial zoning district. This property is currently zoned MP-1, Planned Industrial Park District. Application made by Paul D. Mitchell. The Planning Commission approved this item for a two-year period of time on December 14, 2009, by a vote of 11 to 0. Ordinance No. Z-3436.

Mayor Gerlach provided an opportunity for members of the audience to discuss Special Use Permit Nos. 2009-41 and 2009-46. There was no response, and the hearing was closed.

Mr. Spears moved to approve the Planning Commission Consent Agenda as presented. The motion was seconded by Mrs. Terry Happer Scheier and carried with a roll-call vote of 12 to 0.

PLANNING COMMISSION REGULAR AGENDA:

PRELIMINARY PLAN APPROVAL – Comanche Elementary School Temporary Classroom, 8200 Grant. Application made by Gould Evans Associates, LC. The Planning Commission approved this item on December 14, 2009, by a vote of 11 to 0. (A valid protest petition has been received).

Current Planning Manager Leslie Karr indicated this is a request for preliminary plan approval for a temporary classroom for Comanche Elementary School located at 8200 Grant. This application is being presented to the Council because there was a valid protest petition filed by the owner of the Highpointe Village Apartment Complex, which is located on the adjoining property to the north. The applicant is requesting a 1,500-square-foot temporary classroom that will be located on the south side of their property adjacent to City parkland. Mrs. Karr referred to an aerial photo in the packet materials that showed the existing school to the left of the site and the old school to the right. The old school has since been taken down, and there is a parking lot that would be located between where the two schools are shown in the picture. The star on the aerial photo represents the location of the proposed trailer.

The Planning Commission discussed this application and felt that because the temporary trailer would only be visible from two of the three apartment buildings and because of the short period of time that was proposed, this was an acceptable request. The Planning Commission voted 11 to 0 to recommend approval of the Preliminary Plan for the Comanche Elementary School temporary classroom with stipulations a and b.

Mr. Lyons asked if the new school building was complete. Mrs. Karr replied that the aerial photo is somewhat dated. The school is completed, and the old school has been torn down. Mr. Lyons asked if the purpose for the temporary classroom was because there is going to be additional construction. Mrs. Karr indicated that the applicant could answer that question. Mr. Lyons clarified that the temporary classroom was to be in place for three years.

Mr. J. Browning, applicant, Gould Evans, stated that they were asked by the school district to put together a plan for a temporary modular classroom because the past two years at the school have been operationally challenging. Enrollment has increased to the point where they are at capacity. The plan would be to install the

modular classroom to provide for the additional students within the zone that the elementary school serves. The principal was present to discuss the enrollment.

Mayor Gerlach noted that he wanted to hear about their long-term plans if the temporary classroom would only solve the capacity issues until July 31, 2013. Mr. Browning replied that the new Apache Elementary School is being built. It is to be completed in 2012. In the meantime, the district would like to determine if the student enrollment increase is temporary or permanent. If it is permanent, they will look at redistricting the elementary schools at that time to shift the enrollments around and help alleviate the problem.

Mr. Robin Bell, principal, Comanche Elementary School, said that the representation in their school is different from what is seen in a typical Shawnee Mission School because of the increasing enrollment. This is his eighth year as principal of Comanche. The first four years he served as the principal, the enrollment was in the upper 300s. They have had a steady increase since that time. The enrollment increased from 384 students in 2005 to 454 students in 2006 to 482 students in 2007 to 513 students in 2008. This year they had an enrollment of 533 on September 20, 2009, which is their official enrollment day. This morning their enrollment was 567. They continue to see an increase. In their old building they had 22 classrooms. In this building they have 24 classrooms, and they have 25 sections. They have already relocated the music classes to the stage, and they converted the music room to a first grade classroom.

Mayor Gerlach observed that a part of the dream for redeveloping older areas and rebuilding schools is to increase enrollment. He asked how many of the 567 students come from apartment complexes. Mr. Bell replied that a majority of the students live in rental property.

Mr. Jim Hix asked if demographics or some other factor has caused an increase in enrollment at this rate. Mr. Bell replied that he could only speculate, but he believed in the adage, if they build it, they will come. The rental property in their area provides some of the most affordable housing available in Johnson County. A lot of people want to move to Johnson County because of the great schools. Another reason is that they have seen a dramatic increase in their Hispanic population. In eight years they went from 65 percent Caucasian to 32 percent Caucasian and from 9 percent Hispanic to 36 percent Hispanic. If they look at the increase in their Hispanic population, it is going to mirror the overall increase of enrollment in their building. A couple of apartment complexes in the area have had a major change in the demographics. Previously, a lot of college graduates moved into the apartment complexes. They have now become family complexes.

Mrs. Donna Owens asked if Mr. Bell was suggesting that the new properties that have been developed in the area have triggered the increased enrollment. Mr. Bell replied that two apartment complexes were built to the north of their building approximately eight years ago. They do not get a lot of children from those apartment complexes. The changes have occurred in the other apartment complexes in the area. They have seven major apartment complexes in their attendance area. Mrs. Owens said she has observed trailers on high school campuses. She asked if it is unusual to have trailers for elementary schools in the Shawnee Mission School District. Mr. Bell replied that he knows of one other trailer at an elementary school.

Mrs. Happer Scheier asked how many students would leave Comanche to go to Apache when it is completed. Mr. Bell replied that the district would look at the natural boundaries that exist and make that decision.

Mayor Gerlach noted that since there was a protest petition, he wanted to provide an opportunity for members of the audience to address the Council regarding this issue. There was no response, and the hearing was closed.

Mr. Spears moved to approve the Preliminary Plan for the Comanche Elementary School Temporary Classroom. The motion was seconded by Mrs. Happer Scheier and carried with a vote of 12 to 0.

OLD BUSINESS:

No report.

NEW BUSINESS:

No report.

ADJOURNMENT:

At 8:20 p.m., Mr. David White moved to adjourn the meeting. The motion was seconded by Mr. Goodman and carried with a unanimous vote. Minutes transcribed by Pamela Blaszyk.

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Carl R. Gerlach, Mayor

ATTEST:

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Marian Cook, City Clerk