

## Minutes

The City Council of the City of Leawood, Kansas, met for a Special Call Meeting at City Hall, 4800 Town Center Drive, at 6:00 P.M., on Monday, July 21, 2014. Mayor Peggy Dunn presided.

**Councilmembers Present:** James Azeltine, Jim Rawlings, Lou Rasmussen, Debra Filla, Andrew Osman, Tom Robinett, Carrie Rezac and Julie Cain

**Councilmembers Absent:** None

<b>Staff Present:</b> Scott Lambers, City Administrator (late arrival)	Patty Bennett, City Attorney
Brian Anderson, Parks & Rec. Supt.	Mark Andrasik, IS Director
Joe Johnson, Public Works Director	Mark Klein, Planning Official
Richard Coleman, Comm. Dev. Director	Chris Claxton, P&R Director
Dale Finger, Police Captain	Cindy Jacobus, Asst. City Clerk
Deb Harper, City Clerk	

**Others Present:** Leawood Arts Councilmembers: Sam Turner, Burton Dunbar, Stephanie Hamil and April Bishop; and Chair Mary Tearney

### **Continued discussion from March 3, 2014 Work Session on: Placement of Paley Art Piece and Discuss Public Art for Justice Center**

#### **Placement of Paley Art Piece**

##### **Opening Comments – Chris Claxton**

Ms. Claxton stated the Leawood Arts Council is still trying to find a home for the Paley Art Piece entitled “Variance”, which is being stored by the artist after display in New York City. The original site, proposed\* to be at the northern tip of the South Lake [Site #10], has been determined to be cost-prohibitive. The Art In Public Places Initiative Committee [APPI] met on July 1, 2014, and the consensus of the group was that it would be less expensive to place the piece in the median north of 115<sup>th</sup> Street (Tomahawk Creek Parkway between 115<sup>th</sup> and Town Center Drive), a location identified in the March 3, 2014 work session. Placement at this location would provide good views from both northbound and southbound traffic lanes and is their first choice. Their second choice is Site #10 at the north end of South Lake, the original proposed\* site. Ms. Claxton stated that full-color mock-ups of placement at sites were provided in the Work Session documentation.

Mayor Dunn expressed surprise that placement at the original site at South Lake [Site #10] was only \$36,000 more (total \$103,537.50). Ms. Claxton stated the cost was based on the Continental Consultant engineer’s estimate. She stated that if Haren Laughlin does the work, the cost could be lower than the \$67,787.50 estimate.

\* It was later clarified that placement at South Lake [Site #10] had been APPROVED.

Ms. Tearney stated for expenses, two truckloads of cement at \$1,000 a load to pour the foundation, which would require some time to cure. The conduit and electrical cable could be pulled from the median, so the up-lighting would cost around \$5,000. The bolts, washers and nuts used to mount the piece are \$15 each. Mr. Johnson stated 115<sup>th</sup> Street has a sidewalk that ends at Tomahawk Creek Parkway. The possibility of bringing a sidewalk across to access the trail is promising and would allow access to the art piece. Ms. Tearney stated a sidewalk would require 12 ft. for green space, 10 ft. for the sidewalk and 26 ft. to the sculpture. Councilmember Rasmussen asked about support for the other four proposed sites. Mayor Dunn stated the first two sites are the recommendation of the Leawood Arts Council, but all sites could be discussed.

### **General Discussion**

Councilmember Filla expressed appreciation for the work of the Leawood Arts Council/APPI and for the location mock-ups, including the Justice Center. She favors placement inside the Justice Center because of the extreme care taken to highlight the Justice Center's attractive landscaping and flowing views. She expressed support of the current recommendations.

Councilmember Rezac expressed appreciation for both the mock-ups and the staked locations, because they gave a sense of envisioning the art piece from all four sides. She thought the art piece would sit down too low at Site #10. Mayor Dunn pointed out the piece would be built up by placement on a base/foundation. Councilmember Rezac agreed with the recommendations of the Leawood Arts Council/APPI and felt the inside of the Justice Center would create a nice foil, making the Justice Center her second choice.

Councilmember Cain agreed with the recommended site, but questioned the total costs. Ms. Tearney clarified that Haren Laughlin would do the project as a community service without much profit for quality work. None of the estimates include labor and are subject to change. Councilmember Cain asked about the cost of locating a sidewalk. Mr. Johnson stated cost would depend on the width of the sidewalk. A 10 ft. sidewalk from the curb to the median would cost approximately \$60 per ft. Councilmember Cain supported the idea of connecting the area with the trail. She did not like the disruption of vegetation on Site #10. Additionally, she pointed out the back of the Paley piece is not equal to the front. Ms. Tearney stated the piece has two sides with unique characteristics.

Mayor Dunn thought the vegetation behind Site #10 was a nice backdrop and felt it softened the edges of the geometric piece with the water and trees.

Councilmember Rawlings asked about the possibility of vehicles running into the art piece on the median. Ms. Tearney replied the location is 40 ft. from the street. As discussed with Mr. David Ley, Leawood City Engineer, the setback is sufficient but during slick driving conditions there is a slight possibility of a vehicle entering the median.

Ms. Claxton pointed out the temporary art piece at City Hall was removed the previous week.

Councilmember Osman stated he is comfortable with either of the recommended sites. He originally felt the Justice Center was ideal because it would be visible from the Police Station, but understands the appeal of putting a piece on Tomahawk Creek Parkway to establish an "artway".

Councilmember Rasmussen expressed support for Site #10 because it is a coordinated park approach to art. He stated that putting the Paley piece in median destroys the overall feeling of walking along the trail.

Councilmember Robinett expressed appreciation for the work of the Leawood Arts Council/APPI to stake out the proposed locations and stated a slight preference for the median location due to the visibility. He felt that trees would keep cars from sliding into the piece. Mr. Anderson stated without established trees the current northbound view is good, but some branches of the existing honey locust tree might need to be trimmed to improve the southbound view. Mayor Dunn stated she didn't see trees around the median site. Mr. Johnson confirmed that no new trees are planned.

Councilmember Rawlings stated a slight preference for Site #10 since it is close to a trail, but also said he would be fine with either Site #10 or the median location. He is not in favor of placement at the Justice Center because another art piece is scheduled for that location.

Councilmember Azeltine stated either location is fine and expressed a desire for the maximum number of people viewing, barring any site-line issues.

Councilmember Filla agreed with Councilmember Cain that if funds are available for the sidewalk, it accomplishes connectivity and accessibility to the art piece.

Mayor Dunn counted five Councilmembers who preferred placement in the median, one expressed no preference and three preferred the Justice Center, so the median location had the majority support.

Councilmember Rasmussen stated that everyone's goal is the same: accessibility, visibility, etc., and that Site #10 fulfills these goals. He felt the sidewalk would be necessary in the median or the piece does not make sense in that location. Mr. Johnson estimated a 60 ft. sidewalk to cost approximately \$12,000\*\*. Mr. Anderson pointed out the median with sidewalk would be ADA accessible and that Site #10 does not have access from the trail to the art piece for close viewing. Mayor Dunn asked how tall the piece would be in the median. Ms. Claxton replied the base would be 1 ft. with some fill at either location, but Site #10 would require more fill. Councilmember Rasmussen stated the height of a standard 18 ft. traffic signal could be compared to the mounted piece.

Councilmember Filla asked if the Leawood Arts Council could spend \$12,000 to \$15,000 on a sidewalk for accessibility to the median and call it site preparation, because total cost including the sidewalk would still be less than using Site #10. Councilmember Azeltine stated a sidewalk should not be considered site preparation, the \$12,000 should be spent on actual art, and the sidewalk cost could be easily slipped into the next budget cycle. Councilmember Cain agreed the sidewalk is not part of site preparation, but \$12,000 is a small price to pay to set the piece right away with no delay, especially considering more would be spent at Site #10. Ms. Tearney stated City's ordinance does not allow the Leawood Arts Council to spend money on anything other than art.

Mayor Dunn reiterated the median as the consensus. Councilmember Cain asked for a consensus on the sidewalk, including sidewalk funding and timeline. Councilmember Rasmussen pointed out that his vote for location was for Site #10, but if the median location is chosen he would like accessibility as soon as possible with site preparation serving as funding. Mayor Dunn pointed out the sidewalk would cut across the median, but the section of sidewalk connecting to the trail would not be paid by the Leawood Arts Council. Mayor Dunn and Councilmember Filla both pointed out the only portion of the sidewalk being requested of the Leawood Arts Council is that in the median. Mr. Johnson estimated the distance from 115<sup>th</sup> to Tomahawk Creek Parkway median to be approximately 60 ft., and then to connect with the trail would be another 60 ft. He stated the width of sidewalk would need to consider connection to trail, either 5 ft. or 10 ft. wide. Councilmember Azeltine stated that use of Leawood Arts Council funds would be incorrect, regardless of width or length of sidewalk or inclusion as part of site preparation.

Councilmember Rezac stated she could see both sides. She does not feel any anxiety that putting the sidewalk in the City's sidewalk budget would be too slow. Councilmember Rasmussen felt that disrupting the site only one time would be beneficial. Mr. Johnson stated that to construct a sidewalk to the median would cost approximately \$4,000. Councilmember Rezac asked if a budget amendment could be made for the current year.

Mayor Dunn pointed out the sidewalk should not be too wide and overwhelming, and prefers a 5 ft. wide sidewalk. Ms. Claxton stated the other section that would connect to the trail should be 10 ft. wide, and this portion could be paid for out of the trail budget and constructed at the same time.

Councilmember Rasmussen asked if the item could be placed on the August 4<sup>th</sup> Council Meeting agenda. Ms. Claxton stated that Site #10 was a recommendation to the Planning Commission, so to change the site recommendation would require a return to the Planning Commission. Ms. Bennett questioned if the approval of Site #10 was continued before the Governing Body or was it stopped and still pending. Councilmember Cain stated the issue was halted for the work session. Mayor Dunn stated that it was continued. Councilmember Rasmussen stated that a super majority could override the Planning Commission. Ms. Bennett pointed out that the item needs to be on an Action Agenda with notice in order to be voted upon. Mayor Dunn stated it could go on the August 4<sup>th</sup> Council Meeting agenda.

Ms. Tearney reminded that a contract must be in place and the base/foundation poured and cured in advance of shipment. Mr. Johnson estimated curing to take 7 to 10 days. Ms. Tearney stated the piece needs to be shipped by August. Ms. Bishop stated the agreement with the artist is long-expired and he wants out of his studio. Mayor Dunn stated that if location is approved on August 4<sup>th</sup>, the piece could be shipped August 5<sup>th</sup>, and the piece may need to be temporarily housed at the Public Works Facility.

Mayor Dunn asked if the Planning Commission could review this work session topic, so they have the benefit of tonight's discussion and rationale for changing the location. Mr. Coleman stated it could go on the agenda at the July 22<sup>nd</sup> meeting. Councilmember Filla asked for confirmation that the art piece is being moved to the median from Site #10. Ms. Claxton confirmed the median is an additional site that was not previously identified in the Master Plan. Councilmember Cain pointed out that an additional piece could eventually be added to Site #10. Mayor Dunn stated there may not be art placed at Site #10, since it needs to be raised out of the flood plain.

Councilmember Cain asked if the artist would need to be notified of the progress. Ms. Tearney stated Ms. Bishop is handling communication with the artist. Mr. Johnson stated details need to be coordinated so the piece can go straight to the site and be placed on the foundation upon arrival, because the City does not have the equipment necessary to lift.

As confirmed by Ms. Bennett, Mayor Dunn stated the Paley art piece was indeed approved for Site #10 in 2013, so a change of location necessitates it going back to the Planning Commission. Therefore, timeline is extended beyond August 4<sup>th</sup>. Ms. Bennett stated the piece could be shipped now and may have to be moved twice; Mr. Lambers approved. Councilmember Azeltine asked about the cost for the second move. Ms. Claxton estimated \$7,500 to set the sculpture with the crane. Ms. Bishop stated the sculpture may be shipped in two pieces, but on one truck.

## **Public Art for the Justice Center**

### **Opening Comments – Chris Claxton**

Ms. Claxton stated the Leawood Arts Council/APPI would like to have some consensus regarding the art piece previously selected. The art piece that was recommended was by artist Brower Hatcher. Mr. Hatcher now understands what he was originally proposing is not what the City Council had in mind, and he has offered another concept that was neither requested nor paid for. Ms. Claxton presented the concept piece to those present at the meeting and stated it would be the same matrix with the shape of the City's three-tree logo. Ms. Claxton stated that if there is interest in working with Mr. Hatcher, it seems the preference would be start anew, unless there is a desire to look at the other three pieces that were part of the initial presentation.

### **General Discussion**

Councilmember Azeltine stated this piece will be in front of a City-owned building and his vision was of a bronze "statement piece" related to justice or police; he would support starting over.

Councilmember Filla commented that with the window structure on the corner of the Justice Center, the building is a piece of art, and the art piece selected needs to connect to the corner. She felt the interior of the Justice Center lends itself more to artwork than the exterior, because of the building's architecture. She would prefer to see more sketches and sizing work before starting over. She would also like to discuss exterior versus interior, and if a water feature is involved or not.

Councilmember Rasmussen stated an interest in starting over. He encouraged looking at the original instructions and parameters, and perhaps updating those since the Justice Center construction and landscaping are complete. He felt the Leawood Arts Council was asked to procure something other than a contemporary art piece and suggested evaluating the language of the proposal to further support that goal, eliminating references to the Justice Center project manager and architect. Mayor Dunn felt that was a valuable suggestion, and also agreed the completed landscaping and architecture elements have changed her mind.

Mayor Dunn asked if the consensus was to start over. Councilmember Azeltine inquired, and Ms. Tearney confirmed, that since this piece is not funded by the Arts Fund, the City Council makes the selection. Ms. Tearney suggested inviting members of the Leawood Arts Council to serve as advisors, not voters. Councilmember Cain stated she was not aware of the level of interaction desired by the Leawood Arts Council, and Ms. Tearney gave her assurance that as many or as few of the Leawood Arts Council members would be happy to advise.

Mr. Dunbar, who was on the selection committee for the Justice Center piece, stated the committee spent many hours deciding on a design by Mr. Hatcher that would establish a national presence as far as a work of art in the City of Leawood. He felt the committee did a good job on the recommendation, regardless of the City's decision. Mayor Dunn expressed appreciation for the committee's work and pointed out the art piece presented was simply different than what is really wanted. Mayor Dunn asked Ms. Claxton and Ms. Bishop if any previous submittals could be reviewed by the City Council in light of refined parameters. Ms. Bishop stated one of the finalists does traditional things, but his perception of what was requested was not a "standing bronze man" although he could certainly do that. This artist is in Omaha so he is semi-local, with a good work ethic and energy. Ms. Bishop pointed out the size of the piece would need to be down-sized if made in bronze, due to cost. Mayor Dunn requested Ms. Claxton and Ms. Bishop rework the request for proposal [RFP] language. Councilmember Rasmussen stated he would like to review the revised RFP.

Councilmember Osman stated that he would be willing to wait for the right artist and art piece since the Justice Center cost \$20 Million.

Councilmember Filla agreed with Councilmember Osman and suggested the possibility of a series of pieces.

There being no further business, the work session was adjourned at 7:23 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk