

Minutes

Audio Tape Nos. 537

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 4800 Town Center Drive, at 7:30 P.M., on Monday, January 7, 2002. Mayor Peggy J. Dunn presided.

Councilmembers present: Scott E. Gullede, Gary L. Bussing, Jim Rawlings, Patrick L. Dunn, Shelby Story, Mike Gill, Louis Rasmussen, and James E. Taylor, Sr.

Staff present:

Scott M. Lambers, City Administrator	Kathy Rogers, Finance Director
Patricia A. Bennett, City Attorney	Joe Johnson, Public Works Director
Ben C. Florance, Fire Chief	Cindy Pitts, Human Resources Specialist
Major Craig Hill	Jeff Cantrell, Neighborhood Serv. Admin.
Chris Claxton, Parks & Recreation Dir.	Deb Harper, Deputy City Clerk
Mark Andrasik, Info. Systems Director	
Mark Klein, Interim Planning & Development Dir.	

1. PLEDGE OF ALLEGIANCE

207 **2. APPROVAL OF AGENDA**

Mayor Dunn requested Items 7.B., Minutes of the December 17, 2001, Governing Body meeting; and 7.C., Minutes of the November 13, 2001, Parks & Recreation Advisory Board meeting, be pulled for clarification, and would be placed on the January 22, 2002, Governing Body meeting. Upon motion of Councilmember Rasmussen, seconded by Councilmember Story, the agenda was unanimously approved, as amended.

3. PROCLAMATIONS – None.

4. PRESENTATIONS/RECOGNITIONS - None

240 **5. SPECIAL BUSINESS**

- A. **First of Three Readings:** An ordinance granting to and authorizing to Sprint Communications Company, L.P., a Franchise Agreement authorizing the right to

construct, operate, and maintain a communications system using the rights-of-way in the City

Mayor Dunn advised the second reading would be January 22, 2002, with the third and final reading held on February 4, 2002. The effective date of the franchise will be April 5, 2002.

270 **6. CITIZEN COMMENTS**

G. Gordon Thomas, 10516 Mohawk Lane, made comments.

400 **7. CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted on in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Approval of Appropriation Ordinance Nos. 934, 935A, and 936
- B. Minutes of the December 17, 2001, Governing Body meeting
- C. Minutes of the November 13, 2001, Parks & Recreation Advisory Board meeting
- D. Approve bid in the amount of \$8,902, to TeleSolutions, pertaining to phone systems for Fire Station No. 3, located at 148th & Mission Road, and the Public Works Facility, located at 14303 Overbrook [*This item was approved by the Governing Body in the budget process*]
- E. Approve Bids for various furnishings and equipment in the amount of \$81,076.33, in conjunction with the construction of Fire Station No. 3 [*These furnishings and equipment were approved by the Governing Body in the budget process*]
- F. Approve declaration of Surplus Property: various Park & Recreation equipment & 1985 Chev ¾ PU Truck [These items will be disposed of via public auction]
- G. Approve and authorize Permanent Easement to KCPL, in conjunction with the construction of the Public Works Facility, located at 14303 Overbrook Road
- H. Approve and authorize Permanent Sanitary Sewer Easement to Johnson County Unified Wastewater District [JCUWD] from the City, in conjunction with the Public Work Maintenance Facility, to be located at 14303 Overbrook Road
- I. Approve and authorize Permanent Sanitary Sewer Easement to Johnson County Unified Wastewater District [JCUWD] from the City, in conjunction with the Public Work Maintenance Facility, to be located at 14303 Overbrook Road
- J. Acceptance of Permanent Drainage Easement to City from Sharp Trust Property, for property located on 135th Street between Mission Road and Roe Avenue, pertaining to the Non-SMAC Project located at 137th & Fontana
- K. Approve and authorize execution of an Inter-local Agreement between the City and the Board of County Commissioners [BOCC] of Johnson County, Kansas, in conjunction with the improvements to east bank of Indian Creek near State Line Road [SMAC # IC-04-039]

- L. **Resolution No. 1661**, revising Resolution No. 1650, as adopted by the Leawood Governing Body on November 19, 2001, and clarifying Stipulation Number 10, as it relates to the approval of preliminary site plan and preliminary plat for Leawood Market Center, located at the southwest corner of 135th and Kenneth Parkway, Leawood, Johnson County, Kansas.
- M. Acceptance of Kansas Trustee's Deed from Merlyn P. McMorris and Larry D. Parsons for real property located at approximately 148th Street & Mission Road, in connection with the construction of Fire Station No. 3

The Consent Agenda was approved unanimously on motion by Councilmember Gill, seconded by Councilmember Story, as amended previously by Mayor Dunn, with the removal of Item 7.B and 7.C.

430

8. A. MAYOR'S REPORT

- 1. The Mayor advised she attended the Legislative Breakfast, co-sponsored by the Leawood Chamber of Commerce and Rotary Club, with Councilmembers Rawlings and Bussing. State Representative Doug Patterson, Senators Adkins and Vratil were also in attendance. The upcoming budget crisis and its impact on municipalities was the primary topic of discussion.
- 2. Reminder of the Annual Goal Setting Work Session scheduled at 5:30 P.M. on Monday, January 14, 2002.
- 3. Recognized The Cloisters Homes Association for their donation in the amount of \$1,315.00, to be divided equally between the Fire and Police Departments.
- 4. The Leawood Lions was recognized as the top bell ringers for the Salvation Army over the holidays; collecting \$36,424.00.
- 5. Any Councilmember that is available, is invited to attend the '2002 City Hall Day at the Capitol,' on Thursday, January 24, 2002, in Topeka.
- 6. Requested a Work Session be scheduled at 6:30 P.M. on Tuesday, January 22, 2002, for further discussion regarding the request for benefit district financing for Cornerstone Development, located at 135th and Nall Avenue

A motion was made by Councilmember Dunn, seconded by Councilmember Story to schedule the Work Session on Tuesday, January 22, 2002, at 6:30 P.M., for such subsequent discussion. The motion carried by a majority vote, with Councilmember Taylor abstaining, due to the fact Mr. Taylor would be recusing himself from this discussion.

9. B. COUNCILMEMBER'S REPORT - None

COMMITTEE RECOMMENDATIONS

588

10. PLANNING COMMISSION

[from November 27, 2001, Planning Commission meeting]

- A. Resolution approving preliminary plat, preliminary plan, and Special Use Permit [SUP] for Church of the Resurrection, located south of 137th Street and east of Nall Avenue

Councilmember Taylor recused himself from this item, due to the appearance of a conflict, and left the Chambers.

Mayor Dunn noted that Mark Klein would be the Interim Planning and Development Director, in the absence of Diane Binckley, while she is on maternity leave.

Reverend Adam Hamilton, Senior Pastor, made a presentation. Rev. Hamilton advised his church began in 1990. This year, his church will hopefully, become the largest United Methodist Church in the United States, with just under 10,000 members. Due to the massive growth of the church, this requested expansion is necessary.

823 Mike Shaughnessy, Shaughnessy Fickel & Scott Architects, Inc., made a subsequent presentation. The complex will contain an education center; Sunday school classrooms; an atrium in the center; space for support groups for music and various rehearsals; and a 7,000 seat sanctuary. There will also be a food court, a health and wellness center, more meeting rooms and activity spaces. The existing building will be expanded for youth activities and office facilities. In addition to the main sanctuary, there will also be a chapel that would seat approximately 400-500 people. The chapel would be adjacent to the main entrance. The overall site plan is somewhat unusual in the parking layout, in an attempt to compliment the current topography and landscaping. Various clusters of parking areas have been placed to work with the various current landforms. The parking clusters have been linked with a perimeter driveway which allows unrestricted protected left turns into the parking lots, to circulate around the perimeter sites in order to allow easy access to the public streets, and have the ability to have traffic flows of ingress and egress occur simultaneously.

915 Mr. Shaughnessy then gave a Power Point presentation identifying certain features and views of the plan. Included are landscaped pedestrian walk-ways scattered throughout that also connect the trail that goes around the entire perimeter of the site, one along 137th street and also linked to the approaches of the buildings.

The landscaping scheme is self-sustaining and environmentally friendly with plant material that is native to Kansas and adaptable to this climate. The run-off is directed from the parking areas to the landscaped areas to reduce reliance upon the irrigation system. There will also be prayer nooks or places for meditation. These are small seating areas that are cut into the existing slopes and banks.

1103 Mayor Dunn voiced concerns of traffic as it relates to the number of services. Rev. Hamilton advised they currently have 6 services over the weekend. Hopefully, the number of services can be reduced eventually with the expansion phases to one [1] on Saturday; one [1] on Sunday night; and two [2] on

Sunday morning, with a larger time gap between the 2 primary morning services. The church will continue to hire off-duty police officers for traffic assistance during the Sunday service times.

1151 Gary Graham, Bucher Willis Ratliff, referring to the Traffic Study completed some time ago, advised the numbers displayed on Table 7, reflects what the traffic volume is on a typical week day, and has very little to do with the church's traffic, for 135th Street, Roe and Nall. The numbers as it relates to church traffic is relatively low. Mr. Graham agreed that the police assisting with traffic control did have a positive impact on the traffic flow. After further discussion, most Councilmembers agreed they would like to have more information submitted regarding the traffic study at this location as it relates to the church traffic.

1288 Councilmember Gill stated he was very impressed with the plan, however he suggested a Work Session be scheduled for this project to better realize what an impact a church of this size will have on the area. Some of the issues mentioned was the size of the plan, which is approximately one million square feet 1,000,000; the height of the steeple [250'] and sanctuary building [125']; the traffic impact as reflected in the complete Bucher Willis Ratliff Traffic Study; the scale of the plan as it relates to the impact on the residential community; the design of the parking lot and buffering. He stated he would also like some information on the impact on commercial and residential neighborhoods that are located adjacent to iconic structures such as this.

Mr. Schaughnessy stated the steeple at the RLDS is 385 feet; the Liberty Memorial 217 feet; and the sculptures at Bartle Hall are 270 feet. The sanctuary will be placed in one of the lowest portions on the site, in an effort to embrace the current landforms.

Additionally, the design of the parking areas was one of the most critical elements of design. If the parking areas are not sufficient, the church's goal of maintaining church members and bringing in new members will not be achieved. Extensive research has been conducted around the country, on what the ratio should be to ensure the parking spaces are sufficient.

2061 Councilmember Rasmussen stated he has concerns with storm water and asked the purpose of the height of the steeple.

Roger Cassidy, Phelps Engineering, stated there is onsite storm water retention. The south part of the site drains towards the subdivisions and there are detention basins scattered throughout the property.

Mr. Schaughnessy stated the steeple is symbolic to the community. The church is used by the entire community, not just the church members, as in the recent events of September 11th; there was a quite large gathering within the church.

Reverend Hamilton stated the steeple is architecturally proportioned with the size of the sanctuary. It also draws people's attention to the church and draws people to look upward towards Heaven. It

represents the steeple of life, and a light to the world. Further stating, they will be requesting a variance from the Board of Zoning Appeals.

Councilmember Rasmussen had questions regarding the traffic impact on 135th Street at the time of build-out. City Administrator stated he would like to have submitted the traffic impact on 4-lanes instead of 6-lanes.

Councilmember Gullledge stated he is in support of the project. He asked what the Church's plans were if the Board of Zoning Appeals were to deny their variance requests. Reverend Hamilton stated ultimately if the size of the sanctuary could not be built, they would have to look at selling the site and looking at other locations, such as Overland Park or unincorporated areas in Johnson County. He stated it would be a waste of money and energy for the Church to build a smaller sized sanctuary that will not fit their needs in the future, however their desire is to stay in located along 135th Street in Leawood.

2975 After further discussion, Councilmember Bussing made a motion for a Work Session to be scheduled at the earliest possible date for further study. The motion was seconded by Councilmember Gill. Mr. Bussing also stated he would like to have information submitted by Staff of all area site plans, such as Cornerstone, the Sailors Project, including any tentative development plans in Overland Park in this area; to assist in understanding the impact all of these projects would have on the area community and how these plans fit with the Church's plan.

The City Administrator suggested that all of these mentioned concerns, be compiled, consolidated and distributed for the Work Session.

Councilmember Rasmussen stated he would also like to know to what extent is the acceleration of 135th Street construction would be as it relates to this project. Also, based upon what information does the developer believe his solution to the storm water retention on this property would be successful; and further, would want reassurance that no hazard to the public would be present from the existence of the 250' steeple.

Scott Lambers also stated that although a motion has been made to schedule a Work Session for this project, a secondary motion would also be required to continue this item to a date specific.

The previous motion made by Councilmember Bussing to schedule a Work Session was passed by a unanimous vote.

A motion was then made by Councilmember Bussing, seconded by Councilmember Story₂ to continue this agenda item to the February 4, 2002, Governing Body meeting. The motion was passed unanimously.

3262 **11. OLD BUSINESS**

- A. Approve and authorize execution of an Inter-local Agreement between the City of Leawood and the City of Kansas City, Missouri, to install traffic control devices in conjunction with the 92nd & State Line Road Intersection Improvement Project [CIP # 158]

A motion was made by Councilmember Dunn, seconded by Councilmember Gullledge to approve and authorize execution of the Agreement.

Councilmember Taylor returned to the Chambers.

Mayor Dunn had a question regarding the cost of this project. Joe Johnson stated the initial amount for the project was \$400,000. When the project was submitted again last year, the amount was \$240,000, which is the current cost.

Councilmember Bussing questioned the timing of this project. Mr. Johnson stated the design phase of the project would begin in the next couple of weeks. Construction will commence at the end of this summer or early 2003.

The motion carried with the following vote: Yea: Councilmembers Gullledge, Bussing, Rawlings, Dunn, Story, Gill, and Taylor. Nay: Councilmember Rasmussen. Mr. Rasmussen questioned the need for this project and is therefore, opposed to this project.

3400 B., Vehicle and Equipment Replacement Policy for the City

City Administrator, Scott Lambers, stated the submitted document is a compilation of the existing policies that have been in place, however it has been amended to include all city departments and has been revised to be more concise in some areas. The issue under question, 'Disposal of Equipment' [Section 4], which clearly delineates that when a piece of equipment is being requested for replacement during the budgeting process, the method of disposal will be presented to the Governing Body at that time as well. Additionally, should that method of disposal be changed, it will be brought before the Governing Body for consideration prior to the disposition of that property.

Councilmember Bussing left the Chambers.

Councilmember Rasmussen asked if this submitted document required approval from the Governing Body. Mr. Lambers stated this is an internal policy and does not require Council approval. This policy was submitted only to answer concerns raised in a previous Governing Body meeting.

3506 **12. NEW BUSINESS**

- A. Approve and authorize execution of an Inter-Local Agreement between the City and the Board of County Commissioners of Johnson County, Kansas [BOCC] pertaining to the adoption of the Contractor Licensing Program

A motion was made by Councilmember Rasmussen, seconded by Councilmember Taylor to approve and authorize execution of the Agreement.

Councilmember Gill asked if the City could expect a comparable level of quality assurance from this licensing program when the regulating authority changes from the City to Johnson County. Building Official, Sam Maupin, stated currently the City only licenses mechanical, electrical, and plumbing contractors. Further adding, the quality should remain at the same level, if not increased, provided the requirements are enforced.

Councilmember Bussing returned to the Chambers.

The motion carried by a unanimous vote.

- 3605 B. **Ordinance No. 1926C**, amending § 4-207 of the Code of the City of Leawood, 2000, pertaining to issuance of permits [Roll Call Vote]

A motion was made by Councilmember Rasmussen, seconded by Councilmember Taylor to approve the ordinance. The motion passed with a unanimous roll call vote.

- 3627 C. **Resolution No. 1662**, waiving the bidding process, in accordance with Charter Ordinance No. 32, for the Bunker Renovation Project at IRONHORSE Golf Club

A motion was made by Councilmember Rasmussen, seconded by Councilmember Gill to approve the resolution.

Councilmember Rawlings asked if the \$30,000 cost was reasonable and a competitive amount. Chris Claxton, Parks and Recreation Director, advised she felt it was, and was in line with other price quotes from this same company on previous projects.

The motion carried by a unanimous vote.

- 3662 D. **Resolution No. 1663**, authorizing the issuance of certain checks prior to approval of the Appropriation Ordinance and providing procedure for same

A motion was made by Councilmember Rasmussen, seconded by Councilmember Gill to approve the resolution.

Scott Lambers stated the primary intent of this resolution is to avoid late fees from being incurred.

The motion carried by a unanimous vote.

13. OTHER BUSINESS - None

ADJOURN

There being no further business, the meeting was adjourned at 9:25 P.M.

Deb A. Harper, Deputy City Clerk