

Minutes

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:00 PM on Monday, October 17, 2022. Mayor Peggy Dunn presided.

Councilmembers Present: Lisa Harrison, Andrew Osman, Jim Rawlings, Chuck Sipple, and James Azeltine

Councilmembers Absent: Julie Cain

Staff Present:

Patrick Geschwind, Interim City Administrator	Patty Bennett, City Attorney
Chief Dale Finger, Police Department	David Ley, Public Works Director
Chris Claxton, Parks & Rec Director	Nic Sanders, HR Director
Chief Colin Fitzgerald, Fire Dept.	Travis Torrez, Bldg/Code Enforcement Dir.
Mark Klein, Planning Services Director	Loretta Morgan, Interim Finance Director
Stephen Powell, City Clerk	Stacie Stromberg, Assistant City Clerk
Mike Pelger, Info. Services Specialist	Mark Tepesch, Info. Services Specialist
Mike Blankenship, Senior Network Admin.	Marcy Knight, Asst. City Attorney

Mayor Dunn called the meeting to order at 7:01 p.m.

1. ROLL CALL

Mayor Dunn stated that Councilmembers Larson and Filla are running late but that there was a quorum present.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

Mayor Dunn stated that Item 8A in the Consent Agenda included a typo that has been corrected, and Item 13C was added to Committee Recommendations.

A motion to approve the agenda as amended was made by Councilmember Rawlings and seconded by Councilmember Azeltine. Motion was approved unanimously by a vote of 5-0.

Councilmember Mary Larson arrived at 7:03 p.m.

4. CITIZEN COMMENTS

Persons wanting to speak during the meeting must sign in and indicate the agenda item they wish to address.

Members of the public are welcome to use Citizen Comments to make comments about City matters that do not appear on the agenda, or about items on the Consent Agenda. It is not appropriate to use profanity or comment on pending litigation, municipal court matters, or personnel issues. Speakers are requested to keep their comments to 3 to 5 minutes. A total of 30 minutes per meeting is allocated for the Citizen Comment portion of the agenda.

The Governing Body will hear comments about items appearing on the agenda from those who have signed in, as each item is considered. In the event a large number of persons sign in to speak, individual comment time may be further limited at the discretion of the Mayor.

5. PROCLAMATION

Lung Cancer Awareness Month

Mayor Dunn read portions of the proclamation into record.

Councilmember Filla arrived at 7:04 p.m.

6. PRESENTATIONS/RECOGNITIONS – None

7. SPECIAL BUSINESS – None

8. CONSENT AGENDA

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted upon 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. Accept Appropriation Ordinance Nos. 2022-40 and 2022-41
- B. Accept minutes of the September 6, 2022 City Council meeting
- C. Accept minutes of the September 19, 2022 City Council Work Session
- D. Accept minutes of the August 11, 2022 Parks, Recreation & Arts Advisory Board meeting
- E. Approval of Cereal Malt Beverage License for Trader Joe’s located at 4201 W. 119th St. (CC)
- F. **Pulled by Councilmember Filla.**
- G. **Pulled by Councilmember Filla.**
- H. Resolution approving a Final Plan for Cocherl Building (Panasonic) – Wall Sign, located north of 143rd Street and east of Kenneth Road. (PC 95-22)
- I. **Pulled by Councilmember Filla.**
- J. Resolution accepting a Permanent Utility Easement from grantors Robert M. Kissick and Joan W. Kissick for property located at 8625 Reinhardt Lane, pertaining to the 2021 Mission Road (85th – 92nd) Project [Project #82082] (PW)
- K. Resolution accepting a Permanent Utility Easement from grantor Dan F. Younger and Robin J. Younger Revocable Trust for property located at 8607 Mission Road, pertaining to the 2021 Mission Road (85th – 92nd) Project [Project #82082] (PW)
- L. Resolution accepting a Permanent Utility Easement from grantor Charles K. Wells Revocable Trust for property located at 9009 Mission Road, pertaining to the 2021 Mission Road (85th – 92nd) Project [Project #82082] (PW)
- M. Resolution accepting a Temporary Construction Easement from grantor Charles K. Wells Revocable Trust for property located at 9009 Mission Road, pertaining to the 2021 Mission Road (85th – 92nd) Project [Project #82082] (PW)
- N. Resolution accepting a Permanent Utility Easement from grantors Scott and Sara Nissen for property located at 8611 Mission Road, pertaining to the 2021 Mission Road (85th – 92nd) Project [Project #82082] (PW)
- O. **Pulled by Councilmember Filla.**

- P. Resolution approving and authorizing the Mayor to execute a Professional Services Agreement between the City and BBN Architects, Inc., in an amount not to exceed \$108,000.00, pertaining to the Phase II Remodel of the Ironhorse Clubhouse (PR)
- Q. Resolution waiving the bidding process in accordance with Charter Ordinance No. 39 pertaining to the improvements in the Aventino Special Benefit District (PW)
- R. Resolution approving and authorizing the Mayor to execute Contract between the City and Seal-O-Matic Paving Company in the amount \$2,503,890.21 pertaining to the Aventino Special Benefit District Improvements [Project #80305] (PW)
- S. Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Commercial Surfaces, Inc., in an amount not to exceed \$25,000.00 pertaining to the purchase and installation of carpet in the Administration wing of City Hall (CC)
- T. Approve purchase of furniture for the Administration wing and public seating for the City Council Chamber from Modern Business Interiors in the amount of \$174,195.83 (CC)
- U. Approve purchase of one (1) 80C Center Clamp Tire Changer from Liftnow Automotive Equipment Corp., in the amount of \$18,255.89 (PW)
- V. Approve purchase of one (1) 3-Lane Brine distribution system from VariTech Industries Inc., in the amount of \$14,183.80 (PR)
- W. **Pulled by Councilmember Osman.**
- X. Approve Final Pay to John A. Marshall Co., in the amount of \$4,131.40 pertaining to the flooring for the Phase I Remodel of the Ironhorse Clubhouse (PR)
- Y. Approve First and Final Payment to Combes Construction Co., LLC, in the amount of \$32,800.50 pertaining to the Praise Sculpture (PR)
- Z. **Pulled by Mayor Dunn.**
- AA. Fire Department Monthly Report
- BB. Municipal Court Monthly Report

A motion to approve the remainder of the Consent Agenda was made by Councilmember Sipple and seconded by Councilmember Larson. Motion was approved unanimously by a vote of 7-0.

Discussion of 8F: Resolution in support of the City's intent to distribute Opioid Settlement Funds to United Community Services of Johnson County (FN)

Councilmember Filla commented that she was pleased about the process and how the county and state worked together. She thanked United Community Services for all their work.

A motion to approve Item 8F was made by Councilmember Filla and seconded by Councilmember Azeltine.

Mayor Dunn mentioned that she served as an advisory board member on the UCS Council, and affirmed that they are great partners with the City of Leawood.

Motion was approved unanimously by a vote of 7-0.

Discussion of Item 8G: Resolution approving a Final Plan for BMO Bank (8840 State Line Road) – Signage, located north of 89th Street and west of State Line Road. (PC 93-22)

Councilmember Filla stated that she meant to pull Item 8I.

A motion to approve Item 8G was made by Councilmember Filla and seconded by Councilmember Azeltine. Motion was approved unanimously by a vote of 7-0.

Discussion of Item 8I: Resolution accepting a Permanent Utility Easement from grantors John E. Larson and Carolyn K. Larson for property located at 8628 Reinhardt Lane, pertaining to the 2021 Mission Road (85th – 92nd) Project [Project #82082] (PW)

Councilmember Filla inquired how the new utility easement process was going with the Mission Road Project. David Ley, Public Works Director, confirmed that the undergrounding of the power lines still has five properties remaining, but that the new process is better streamlined.

Note: Item 8I was approved with the remainder of the Consent Agenda.

Discussion of Item 8O: Resolution approving and authorizing the Mayor to execute an Independent Contractor Agreement between the City and Century Industries in the amount of \$157,280.00, pertaining to the purchase of a mobile stage (PR)

Councilmember Filla asked if other options had been considered. Chris Claxton, Parks, Recreation and Cultural Arts Director, apologized for not providing a photograph in the packet. She explained that that stage is much like the one that the City usually rents and described the lights, generator, and set up of the stage. She pointed out that this was on their decision package years ago, but removed the request because the City was able to rent one. Ms. Claxton stated that she will present it to the Council before they move forward.

A motion to approve Item 8O was made by Councilmember Filla and seconded by Councilmember Azeltine.

Councilmember Harrison asked what the City paid to rent a mobile stage. Ms. Claxton stated that it was approximately \$1,700 to rent but the construction to set it up and take down was between \$5,000-\$6,000 each time. Councilmember Harrison asked if the City will be able to rent it out when not in use. Ms. Claxton stated that her staff will put together a package for those interested in renting it. She pointed out that her department is currently soliciting sponsors.

Councilmember Sipple inquired about a commitment from a neighboring municipality. Ms. Claxton clarified that it is from Commerce Bank Foundation and that they do have other leads. Councilmember Sipple asked if it will be ready by the Fourth of July celebration. Ms. Claxton stated that there may be an issue with the hydraulic supply chain, but that they are hopeful. She noted that they did place a deposit on another stage in case this was not ready by July.

Motion was approved unanimously by a vote of 7-0.

Discussion of 8W: Approve purchase of one (1) Tesla Model Y from Tesla, Inc., for the Police Department in the amount of \$68,940.00 (PD)

Councilmember Osman acknowledge prior discussions about the new Tesla and asked how it was going so far. Police Chief Dale Finger stated that they have had excellent success since it has been in Patrol Operations this summer. He explained that there was one rare occurrence of a defective part but it was under warranty and fixed. He stated that the car is very popular at community events.

Chief Finger pointed out that at the time they were initially researching the purchase of a Tesla, kilowatt per hour charges at that time was .08¢. He stated that the car has been driven 5400 miles since this summer and the fuel charge has been approximately \$75. He stated that the department's Ford SUVs cost approximately 10 times more in fuel for the same mileage. Chief Finger stated that there are no maintenance costs on the Tesla.

Councilmember Osman asked about the cost savings of a Tesla compared to a Ford. Chief Finger replied that the vehicle would pay for itself in a few years, and that the warranty will still be in place at the time

of trade-in. He stated that the fuel cost is approximately 10% of gasoline vehicles. Councilmember Osman asked about the future of police vehicles. Chief Finger stated that they are limited on choices for electric vehicles equipped for police use, but that they would like to continue integrating more into the fleet.

A motion to approve Item 8W was made by Councilmember Osman and seconded by Councilmember Larson.

Mayor Dunn mentioned a discussion to evaluate the 100,000 mile trade-in on the Tesla. Chief Finger agreed that the electric vehicles may change their policy standard on trade-ins.

Motion was approved unanimously by a vote of 7-0.

Discussion of Item 8Z: Police Department Monthly Report

Mayor Dunn expressed great appreciation to Officer Roy Owens who received the Life Saving award for his actions performing CPR on a Leawood resident to save his life. She pointed out that this is the third time a Leawood officer has been recognized for life saving efforts this year.

Mayor Dunn also recognized Det. Mark Teerink for passing the certified Financial Crimes Investigation exam. He is the first Leawood detective to receive this certification, 1 of only 9 in the Kansas/Missouri region and 1 of 491 worldwide.

A motion to approve Item 8Z was made by Councilmember Filla and seconded by Councilmember Harrison. Motion was approved unanimously by a vote of 7-0.

9. MAYOR'S REPORT

- A. I would like to offer our sincere sympathies to Hattie Spears and all family and friends of Leawood resident Hayward Spears, Sr. who passed away on October 2nd at age 88. He was an active member of the Gezer Region Sister City Committee. Hayward and Hattie were married 65 years, and they participated in a delegation visit to Israel a number of years ago. He was best known for the very successful 'Hayward's Pit Bar-B-Que' which he founded in 1972. Please join me in a moment of silence.
- B. I participated in a Leawood Chamber ribbon cutting for FACE, a plastic surgery center owned by Dr. Lauren Umstadd, located in Parkway Plaza. She built the beautiful facility with plans for growth over the next few years. We wish her much success.
- C. City Clerk Stephen Powell, Councilmember Mary Larson and I participated in the League of Kansas Municipalities Annual Conference held at the Overland Park Convention Center. Congratulations to Lenexa Mayor Mike Boehm who received an excellence in government award from the League. This award is named after E.A. Mosher, who was the League director from 1960 to 1991. Mayor Boehm was presented the award during a ceremony at the Overland Park Convention Center during the luncheon. The award recognizes a local government official who represents excellence and leadership at the highest level.
- D. Councilmembers Mary Larson, Jim Rawlings, Chuck Sipple and Julie Cain joined me at a special Leawood Chamber breakfast where our Community Development Planners Katherine Geist and Ricky Sanchez provided an overview of our Comprehensive Plan. They did an excellent job. Interim City Administrator Patrick Geschwind and Police Chief Dale Finger were also in attendance.
- E. I would like to congratulate and thank our Animal Control Officer Carla Lewis who was deployed with an animal search and rescue team to assist the state of Florida with technical rescue of animals after Hurricane Ian. She ran several floodwater missions and rescued stranded livestock including horses, goats, pigs, cattle and poultry. She was chosen to be part of a Hasty Assessment Team and traveled by Blackhawk helicopter to

Sanibel, Pine and Captiva Islands. We appreciate her willingness to do this, and her service makes us all very proud.

- F. Finally, congratulations are in order for the City of Leawood again. We have often had recognitions from WalletHub, and they did their comparison of 1,300 U.S. cities with populations between 25,000 and 100,000 to compile a list of the best small cities to live in for 2022. To determine the list they used five factors: affordability, economic health, education & health, quality of life, and safety. They are then evaluated using 43 relevant metrics, including cost of living, median household income, population growth, unemployment rate, school-system quality, high school graduation rate, average commute time, restaurants per capita and violent-crime rate, among others. Leawood was ranked No. 15 in the nation. We are very proud of this recognition and believe it's reason to celebrate and congratulate our fine City.

10. COUNCILMEMBER REPORTS – None

11. INTERIM CITY ADMINISTRATOR'S REPORT

Patrick Geschwind stated that the meeting dates are November 8th, 29th and December 15th to discuss the search process for the new City Administrator.

Mr. Geschwind stated that he and the Mayor met with representatives of AT&T to discuss cell phone coverage issues and now have good contacts if any issues arise.

He informed the Council of the number of job vacancies across the City, as reported by Human Resources. He stated that he and Nic Sanders, HR Director, met with a group from Catholic Charities recently to discuss a partnership with Catholic Charities to help tap into other pools of job seekers.

Councilmember Harrison suggested reaching out to veterans who may have learned skills from their military training. Mr. Geschwind stated that they will look into that option.

Councilmember Azeltine asked if issues with fiber optic installation was discussed at the AT&T meeting. Mayor Dunn stated that she brought it to the attention of the representatives, who said they want to be informed of any issues with the installation.

Councilmember Azeltine stated that Lenexa Mayor Mike Boehm recently received honor for the total compensation study that the City of Lenexa conducted. He stated that knowing the metrics in the area is a good way to stay competitive in the job market and for job retention.

Mr. Geschwind stated that he will look to get a copy of the Lenexa report.

He stated that at a recent meeting at the county, there was a discussion of the World Cup soccer tournament in 2026 and the number of people who will be flooding into the Kansas City area. He stated that as the only city in the Midwest, it is quite an impressive win for the greater community.

Mr. Geschwind will be out of the office for a couple of weeks and City Attorney Patty Bennett will fill the role of Acting City Administrator in his absence. He will return to the office on November 14th.

12. STAFF REPORTS

David Ley, Director of Public Works, Report on alternative work schedules in the department

David Ley gave a report on the change of the asphalt maintenance crew to a four-ten (four days a week for 10 hours a day) schedule that will begin on Monday, October 24th. He stated that they will do this for the next 8 months then review its success and benefits.

Mayor Dunn asked how many people are on that crew and how many total employees are in that department. Mr. Ley replied that there are 9 on the crew and 30 maintenance workers, including supervisors.

Councilmember Harrison asked if there were any opportunities for office staff to have alternate schedules. Mr. Geschwind stated that in the Finance Dept. there is one employee on a four-ten hour schedule, but stated that they hope to gather more data.

Councilmember Larson asked if the 24-hour pot hole repair will continue. Mr. Ley stated that the concrete crew will take over on Fridays, if needed.

Councilmember Rawlings stated that it has been his experience that a four-ten schedule as an option will help with recruitment. He was in support of the schedule.

13. COMMITTEE RECOMMENDATIONS

[From the June 28, 2022 Planning Commission Meeting and continued from the August 15, 2022 and September 19, 2022 Governing Body Meetings]

- A. Ordinance approving a rezoning to SD-O (Planned Office), special use permit, and a preliminary plan for Johnson County Wastewater Pump Station #10/11, located south of 89th Street and west of State Line Road (PC 25-22) [*Roll Call Vote*]

Patty Bennett stated that she worked with the Assistant County Counselor on the addendum for the agreement and that normally there are parallel agreements, not ordinances, with the county on such items. She stated that she will bring back to the Council on November 7th, an addendum reflecting what may be approved at tonight's meeting.

Mayor Dunn thanked City staff, residents, and Johnson County Wastewater (JCW) personnel for all their efforts in coming to a resolution since the last meeting.

Isaac Crabtree with Johnson County Wastewater, located at 4800 Nall, Mission, Kansas, addressed the Governing Body. Mr. Crabtree gave a short summary of the project's purpose and overview, the pump station plan progression to incorporate public input, and an update since Aug. 15th on the selected site.

He stated that due to feedback from residents they made modifications to the landscape plan and reduced building heights. He pointed out that the alternative location, as requested by the City to be re-evaluated, was shifted from the original plan by 18 feet to the southwest. Mr. Crabtree read a statement from the 8900 State Line Ownership Group declaring their efforts in working together with JCW, Continental Engineering, and neighbors in order to come to an agreeable conclusion and resolution.

Aaron Witt, JCW, addressed the Governing Body. He thanked the City, residents, and 8900 State Line property owner for their patience and working through the process. He mentioned that the odor complaints from the Tomahawk Creek Treatment Facility are being addressed with additional chemicals and two of the carbon scrubbers will be replaced. He stated that the trees that died in the landscaping will be replaced, and additional trees will be planted.

Mayor Dunn expressed her appreciation for the resolution.

Mr. Crabtree stated that they will be working with staff on the stipulations for the Final Plan.

Councilmember Osman asked about the carbon filters and how JCW plans to stay proactive on this issue. Mr. Witt replied that they typically last 1-2 years, and moving forward they will test them at least twice a year. He stated that it takes approximately 4 weeks for replacement.

Councilmember Azeltine thanked JCW for submitting to the City's process. He asked about the variety of trees that will be planted. Mr. Crabtree stated that they have several species of trees on their plan, but they will work with residents and staff.

Councilmember Sipple agreed that everyone worked together for a reasonable resolution. He suggested that JCW keep a supply of carbon filters, so they do not have to wait 4 weeks to replace them.

Councilmember Larson thanked JCW for adding more screening to the landscape around the Tomahawk Creek Facility. She mentioned that the odor has been an issue for neighbors near the facility. She was unable to find the hotline phone number on their website, so she suggested that number be more prominently displayed. Mr. Crabtree replied that he will notify JCW's public information team. He stated that the odor hotline number is 913-715-8600.

Councilmember Filla expressed her excitement for the successful conclusion.

Mayor Dunn asked about the reduction of the building. Mr. Crabtree confirmed they have a consultant who will begin designs to get the building less than 17 feet in height.

Michael Fishman, 2149 W. 89th Terr., addressed the Governing Body. He stated that he also represents the neighbors at the Village of Leawood. He expressed gratitude and pleasure with the changes made with the plans and location of the pump station. He thanked the City for their process and collaboration.

Mr. Fishman gave a special thanks to Councilmember Osman for his help, encouragement and participation. He stated that Councilmember Osman represented both his constituencies, the residents and also Johnson County Wastewater very, very well, and he stated it was due to a good deal of his effort that brought them to the place where that they are very satisfied and very happy.

Gary Fenner, 2145 W. 89th Terr., addressed the Governing Body. He thanked the City for listening to residents and for making the effort to facilitate a resolution. He offered commendations to Mr. Ley and Mr. Klein for their professionalism.

Phil Gibbs, Sr., Continental Consulting Engineers located at 9000 State Line Rd., addressed the Governing Body. He stated that he is happy with the new plan. He stated concerns for possible future traffic issues on State Line and the odor. Mr. Gibbs mentioned that Mr. Crabtree did a great job.

Councilmember Osman opined that this process should be a case study. He stated how appreciative he was that JCW and the neighbors worked so well together, and that it showed when a county listens to the residents and when the residents band together to discuss logically, it can be accomplished. He thanked everyone involved.

A motion to approve Item 13A was made by Councilmember Filla and seconded by Councilmember Osman.

Mayor Dunn asked about the timeline for the Final Plan. Mr. Crabtree stated that they anticipate late November 2023. Mayor Dunn asked JCW to be cognizant of the time of year for digging up streets. Mr. Crabtree replied that they will develop a timing plan for the construction.

Ms. Bennett stated that the stipulations were from the previous Planning Commission meeting and asked that the motion be made to include the stipulations and ordinance for the new plan discussed tonight. Mayor Dunn mentioned that the Council is over-riding the Planning Commission and will need a super majority to be passed.

An amended motion to approve Item 13A with the stipulations and ordinance from the new plan presented at the October 17, 2022 Governing Body meeting was made by Councilmember Filla and seconded by Councilmember Osman. Motion was approved unanimously by a roll-call vote of 7-0.

Mr. Geschwind commended the work done by staff, especially Mark Klein and David Ley.

[From the September 27, 2022 Planning Commission Meeting:]

- B. Resolution approving a Final Plat and Final Plan for Gardens of Villaggio, located north of 137th Street and west of Fontana Street (PC 99-22)

Doug Patterson, 12716 Linden, representative for the applicant, addressed the Governing Body. He stated that they agree with the recommendation of the Planning Commission. He pointed out that their development was to be a three-building condominium absorbed by the Aventino development, and explained the required setbacks, sidewalks and parking. Mr. Patterson stated that now the building will no longer be a condominium but rather more like a duplex with a common area. Mr. Patterson presented a photo of a 7-foot metal sculpture that will replace a fountain that was never completed.

Councilmember Harrison asked to clarify the type of building that it has changed to. Mr. Patterson stated that it will be two commercial duplex units.

A motion to approve Item 13B was made by Councilmember Osman and seconded by Councilmember Rawlings. Motion was approved unanimously by a vote of 7-0.

- C. Ordinance approving a Special Use Permit for Kopp Residence (8424 Meadow Lane) – Sport Court with Lighting, located south of 83rd Street and west of Lee Boulevard (PC 97-22)

Applicants Megan and George Kopp, 8424 Meadow Lane, addressed the Governing Body. She explained that they have an existing sports court that includes lights on the basketball hoops. Ms. Kopp pointed out that they believe they are the only residents who are required to apply for a special use permit (SUP) although many of the neighbors also have the same lights. She explained that the lights are popular and can be purchased at any sporting goods store, are small, and were easy to install by herself.

Ms. Kopp indicated that one of the Planning Commission stipulations was a lighting time restriction. She stated that in no document, citation, or ordinance they were provided or stated anywhere online was there any notice that lighting restrictions are anything other than between 7 AM to 10 PM. She stated that they were told by the Planning Commission in the stipulation to a lesser time range to no later than 9 PM.

She noted that they do not use their sport court every day, and not at all in the winter. She stated that the summertime hours are not a problem, but in the fall the extra hour for the lights would be nice to have. Ms. Kopp stated that when she applied for the SUP, it was with the understanding that lights could be used until 10 PM.

Mayor Dunn stated that the reason the time can be different is because SUPs allow for modifications of the code. She pointed out that residents had complained at the Planning Commission meeting.

Mr. Klein explained that a SUP is not approved automatically but allows for it to be reviewed individually in how it fits within a certain situation or site. He agreed that the SUP allows for modifications. He pointed out that staff has been direction from the Council to review the sport court ordinance for future changes or updates.

Mr. Klein stated that the sport court is much closer to the adjacent property owner's house than it is to their own, and that staff is trying to reduce the impact to the neighbors on the site. Ms. Kopp replied that the court is set more than what is required from the property lines.

Mayor Dunn stated that it was discussed at the Planning Commission meeting that their court will also be used for pickleball and there have been a number of complaints regarding the noise, although not from their property, but that this added to their reasoning of recommendation of 5 to 1 votes for the earlier hour.

Ms. Kopp commented about other types of lighting that is allowed in backyards throughout the City.

Mayor Dunn stated that as long as a resident is not violating a noise ordinance, it can continue. Mr. Klein confirmed that it is no more than 60 decibel levels at the property line and no more than .5 foot candles at the property line. Ms. Kopp presented two lighting studies that she had done in the summer. Mayor

Dunn clarified that it was not the lighting that the neighbors were concerned about as much as it was the noise, so if the lights were off, then there would not be playing on the court as late.

Ms. Kopp stated that the stipulation regarding the trees was another concern of hers. She stated that there was zero light emissions in the corners so she does not feel it is necessary to plant more trees in those areas.

Mr. Klein stated that staff recommended the additional trees to screen the sport court in addition to the lighting. Ms. Kopp argued that she did not feel it was necessary. Mr. Kopp indicated that the existing trees they planted are not fully grown yet.

Rosealie and Dave Barreca, 10334 Belinder Rd., addressed the Governing Body. They complained that they have several neighbors who keep their string lights on all night or around their fire pits.

Jessica Marien, 8428 Meadow, addressed the Governing Body. She gave her full support of the sport court for a 10 PM end time.

Councilmember Osman stated that light pollution can be a serious concern but that he is familiar with the type of hoop light the Kopp's have. He recommended approving the SUP until 10 PM, and if there are any concerns in the future, the Kopp's will have to return to the Council.

Mr. Klein stated that the SUP is for 5 years, and should they want to re-apply after that time, it would be more difficult to change the times on an SUP once it has been granted. Ms. Bennett agreed, unless the Council agreed to allow the SUP to expire in 1 year.

Councilmember Sipple agreed with Councilmember Osman to allow an SUP until 10 PM, subject to complaints, for a period of 5 years.

Councilmember Harrison appreciated the neighbor's comments but reminded the Council that these neighbors could move. She pointed out that the Kopp's court is a full court with two baskets and has the potential of much more noise.

Councilmember Azeltine agreed with Councilmembers Osman and Sipple.

Councilmember Filla stated that it was important the Ms. Kopp asked for neighbors to contact her if they have any concerns. She asked to confirm if there is room for additional trees once the existing trees grew out. Mr. Klein clarified that one tree in each corner was the recommendation of the City's professional staff.

Mayor Dunn asked if the SUP ran with the land. Mr. Klein stated that SUPs run with the applicant.

Councilmember Larson stated that 10 PM is reasonable and supported that change. She stated that she has no strong opinion on the extra tree stipulation.

Councilmember Rawlings asked if any neighbors have expressed concerns about noise and lights of their sports court. Mr. Kopp replied that neighbors directly behind them have complained but they have addressed it, such as the foul language. Councilmember Rawlings asked what the procedure is for staff if the SUP is approved, but neighbors later lodge complaints.

Mr. Klein stated that once the SUP is approved with the stipulations, the action to be taken would be in violation of either the lighting or noise ordinance. Staff would not have the ability to change the rules of the SUP or the stipulations until it was terminated.

A motion to approve Item 13C with a change in Stipulation No. 5 to be between the hours of 7:00 a.m. and 10:00 p.m. was made by Councilmember Azeltine and seconded by Councilmember Sipple. Motion was approved unanimously by a roll-call vote of 7-0.

- D. Resolution approving a Final Plan for Ironhorse Golf Clubhouse, located north of Bell Drive and west of Mission Road (PC 98-22)

Lori Bowman, 411 Nichols Rd., Kansas City, Missouri, architect for the project, addressed the Governing Body via Zoom. She explained that this project is for the second phase of the Clubhouse renovations. She stated that they recommended adding square footage in the front of the building, under the existing roof. Inside the additional space will house the walk-in dry storage and larger walk-in refrigerator and freezer. She pointed out that all exterior additions will match the existing materials, including duplicating the ornamental brackets near the roofline.

Councilmember Larson stated that the new addition, along with landscaping, will look very nice and work well.

Councilmember Sipple echoed Councilmember Larson, but asked if the new area would lend itself to an art piece or decorative on the left side of the entrance.

Ms. Claxton noted that there will be landscaping on the left side that is not shown on the renderings. She stated that in Phase 3 there is a design that would bring up the right side to match this addition.

Ms. Bowman stated that the existing landscape is very beautiful and they will do very little transplanting with the addition.

Councilmember Filla stated that she would be in favor of an art piece in the future.

A motion to approve Item 13D was made by Councilmember Filla and seconded by Councilmember Sipple. Motion was approved unanimously by a vote of 7-0.

14. OLD BUSINESS – None

15. NEW BUSINESS

- A. Ordinance amending Chapter 11, Article 1 of the Code of the City of Leawood, Kansas, 2000, pertaining to public offenses in the City; incorporating by reference the “Uniform Public Offense Code for Kansas Cities,” 2022 edition, with certain amendments and omissions (LE)

Marcy Knight, Assistant City Attorney, addressed the Governing Body. She explained that this ordinance is to adopt the latest 2022 edition of the Uniform Public Offense Code (UPOC) since it had not been done since 2019.

Councilmember Sipple stated that he received several emails today from constituents who are opposed to a section of the code related to public health. He asked if the code could be adopted except for section 10.29. Ms. Knight replied that the Council could do that.

Fire Chief Colin Fitzgerald addressed the Governing Body. He stated that he believed the concerns from residents were regarding enforcement if there were ever a public health order in place. He pointed out that at the time of the pandemic the City worked closely with the Johnson County Department of Health and the Kansas Department of Health Environment and tried to follow the CDC guidelines to be good stewards and public servants.

Councilmember Azeltine expressed concern for the City’s law enforcement spending time chasing down complaints of someone not wearing a mask in a restaurant. He stated that it is not under the jurisdiction of the City since Leawood does not have a health department. He stated that there is an implication that Leawood’s police officers and emergency staff would be compelled to enforce it.

Ms. Knight confirmed that adopting the part of the code would mean refusing or complying with the County Health Officer would be a City offense. Councilmember Azeltine stated he has an issue with the City left to enforce the County’s health orders.

Councilmember Sipple asked to clarify if there were a county health order in effect, a Leawood citizen could receive a citation and fine if in violation of the order. Ms. Knight confirmed that would be the worst case scenario.

Councilmember Filla asked if there were any other examples other than the pandemic where a health order was issued. Ms. Knight and Chief Fitzgerald were unaware of any.

Councilmember Rawlings stated that he received two emails from constituents today regarding the Covid vaccine. He recommended leaving the ordinance as is.

Brian Glynn, 4465 W. 151st Terr., addressed the Governing Body. He expressed concern for section 10.29 of the Uniform Public Offense Code. He stated that several things were dreamt up for the last pandemic, such as the 6 foot rule, which had no science behind it. He asked the Council to read all the emergency orders from Johnson County from the last pandemic. Mr. Glynn urged the Council to strike section 10.29 before adopting the code, and not make the City of Leawood Police Department the enforcement arm of the Johnson County Health Department.

Mayor Dunn reminded the Council that former Johnson County Chairman Ed Eilert asked for support from the cities' police forces to enforce the order and that the Leawood Council voted to do so. She stated that it was not a burden on the police at that time.

Police Chief Dale Finger stated that they used the order as an educational tool, and never did make any arrests. He stated that there were a minimum of complaints.

Councilmember Larson stated that she thought the City used a very reasonable and balanced approach to the health orders during the pandemic. She supported adopting the section and felt that the City would use its best discretion.

Councilmember Rawlings stated that he supports keeping the section in the ordinance.

Councilmember Filla stated that she supports removing the section and passing it later, if needed.

Councilmember Harrison is in favor of keeping the section in the ordinance and make adjustment later, if needed.

Councilmember Sipple expressed concern over passing an ordinance that will be loosely followed.

Councilmember Osman expressed concern over passing a subsection of the County's code and stated that he is in favor of approving the code with the exception of section 10.29.

A motion to approve Item 15A amended to omit Section 10.29 of the Uniform Public Offense Code for Kansas Cities was made by Councilmember Azeltine and seconded by Councilmember Osman.

Councilmember Harrison asked for clarification of what a nay vote means. Ms. Bennett explained that at the end of the ordinance is a list of parts of the UPOC that are omitted, so this would add 10.29 to that list that the City is not adopting.

Motion failed with a roll-call vote of 4-3. Councilmembers Osman, Azeltine, Filla and Sipple voted in favor. Councilmembers Larson, Harrison and Rawlings voted nay.

A motion to continue Item 15A until a full majority of the council-elect is present was made by Councilmember Filla and seconded by Councilmember Sipple. Motion was withdrawn by Councilmember Filla.

Motion to approve the Item 15A adopting the Uniform Public Offense Code for Kansas Cities including Section 10.29 was made by Councilmember Azeltine and seconded by Councilmember Harrison. Motion was approved by a roll-call vote of 5-2. Councilmembers Sipple and Filla voted nay.

- B. Ordinance amending Chapter 14, Article 1 of the Code of the City of Leawood, Kansas, 2000, pertaining to regulating traffic in the City; incorporating by reference the “Standard Traffic Ordinance for Kansas Cities,” 2022 edition, with certain amendments and omissions (LE)

A motion to approve Item 15B was made by Councilmember Filla and seconded by Councilmember Osman. Motion was approved unanimously by a roll-call vote of 7-0.

- C. Schedule Governing Body meeting on Monday, November 7, 2022 at 7:00 P.M.

A motion to approve Item 15C was made by Councilmember Osman and seconded by Councilmember Filla. Motion was approved unanimously by a vote of 7-0.

Meeting was adjourned at 10:11 p.m.