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## 1. CALL TO ORDER

**Present:** Bacon, Brownlee, Campbell, Vogt, and Copeland  
**Absent:** Randall, and McCoy

Also present were City Manager Wilkes, Assistant City Manager Sherman and City Attorney Shaver.

## 2. EXECUTIVE SESSION

Consideration of motion to recess into an executive session for 42 minutes to discuss the following items with items "A" and "D" being added from the floor. The meeting will resume in the City Council Chambers.

**\*A.** For consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2), and to discuss data relating to the financial affairs of a corporation pursuant to the exception provided in K.S.A. 75-4319(b)(4), pertaining to a development agreement.

Motion by Bacon seconded by Vogt to recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2), and to discuss data relating to the financial affairs of a corporation pursuant to the exception provided in K.S.A. 75-4319(b)(4), pertaining to a development agreement.

**Yes:** Bacon, Brownlee, Campbell, Vogt, and Copeland

**Absent:** Randall, and McCoy

**B.** For preliminary discussions related to the acquisition of property pursuant to the exception provided in K.S.A. 75-4319(b)(6) regarding the acquisition of property for the Mill Creek, Prairie to Cedar, Phase 1, Stormwater Improvements Project, PN 2-C-030-18.

Motion by Bacon seconded by Vogt to recess into an executive session for preliminary discussions related to the acquisition of property pursuant to the exception provided in K.S.A. 75-4319(b)(6) regarding the acquisition of property for the Mill Creek, Prairie to Cedar, Phase 1, Stormwater Improvements Project, PN 2-C-030-18.

**Yes:** Bacon, Brownlee, Campbell, Vogt, and Copeland

**Absent:** Randall, and McCoy

**C.** For consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) regarding a pre-development agreement.

Motion by Bacon seconded by Vogt to recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) regarding a pre-development agreement.

**Yes:** Bacon, Brownlee, Campbell, Vogt, and Copeland

**Absent:** Randall, and McCoy

**\*D.** For consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2), and to discuss data relating to the financial affairs of a corporation pursuant to the exception provided in K.S.A. 75-4319(b)(4), regarding a real estate agreement and a lease agreement.

Motion by Bacon seconded by Vogt to recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2), and to discuss data relating to the financial affairs of a corporation pursuant to the exception provided in K.S.A. 75-4319(b)(4), regarding a real estate agreement and a lease agreement.

**Yes:** Bacon, Brownlee, Campbell, Vogt, and Copeland

**Absent:** Randall, and McCoy

### **3. RECONVENE FROM EXECUTIVE SESSION**

The meeting reconvened at 7:00 p.m. in the Council Chambers.

Executive Session item A - Motion by Bacon, seconded by Vogt, to authorize staff to proceed with the strategies as discussed with and directed by the Governing Body. Motion passed 5-0.

Executive Session item B - Motion by Bacon, seconded by Vogt, to authorize staff to acquire the property necessary to construct the Mill Creek, Prairie to Cedar, Phase 1, Stormwater Improvements Project, PN 2-C-030-18. Motion passed 5-0.

Executive Session item C - Motion by Bacon, seconded by Vogt, to authorize

staff to authorize the City Attorney to finalize and the Mayor to execute a pre-development agreement with Lane 4 Property Group. Motion passed 5-0.

Executive Session item D - Report received with no motions or action taken.

**4. BEGIN TELEVISED SESSION – 7:00 P. M.**

**5. PLEDGE OF ALLEGIANCE**

**6. SPECIAL BUSINESS**

**A.** Proclamation designating November 30, 2019 as Small Business Saturday.

Mayor Copeland invited Casey Wilhm, Vice President for Business Development with the Olathe Chamber of Commerce, to introduce and recognize Doug Flick, owner of Park Street Pastry.

Mayor Copeland read the proclamation and presented it to Mr. Flick.

**B.** Consideration of Resolution No. 19-1064 appointing a member to the Mahaffie Stagecoach Stop and Farm Foundation Board.

Mayor Copeland invited Mahaffie Foundation Board Chair, Connie Snider, forward to introduce newly appointed member Tim Reves.

Mayor Copeland presented Mr. Reves with an appointment certificate.

Motion by Bacon, seconded by Vogt to approve Resolution No. 19-1064. The motion carried by the following vote:

**Yes:** Bacon, Brownlee, Campbell, Vogt, and Copeland

**Absent:** Randall, and McCoy

**C.** Consideration of Resolution No. 19-1065 appointing a member to the Board of Zoning Appeals.

Mayor Copeland invited Chief Planning and Development Officer and Board Liaison, Aimee Nassif, forward to introduce newly appointed members Marcia Youker and Barry Sutherland.

Mayor Copeland presented Ms. Youker and Mr. Sutherland with

appointment certificates.

Motion by Bacon, seconded by Vogt to approve Resolution No. 19-1065. The motion carried by the following vote:

**Yes:** Bacon, Brownlee, Campbell, Vogt, and Copeland

**Absent:** Randall, and McCoy

**D.** Consideration of Resolution No. 19-1066 appointing a member to the Planning Commission.

Mayor Copeland invited Chief Planning and Development Officer, Aimee Nassif, forward to introduce newly appointed member Taylor Breen.

Mayor Copeland presented Mr. Breen with an appointment certificate.

Motion by Bacon, seconded by Vogt to approve Resolution No. 19-1066. The motion carried by the following vote:

**Yes:** Bacon, Brownlee, Campbell, Vogt, and Copeland

**Absent:** Randall, and McCoy

## 7. CONSENT AGENDA

Motion by Bacon, seconded by Vogt to approve the consent agenda as presented. The motion carried by the following vote:

**Yes:** Bacon, Brownlee, Campbell, Vogt, and Copeland

**Absent:** Randall, and McCoy

**A.** Consideration of approval of the City Council meeting minutes of November 5, 2019.

Approved

**B.** Consideration of cereal malt beverage license applications for calendar year 2020.

Approved

**C.** Consideration of new drinking establishment license for Apogee Coffee & Draft, located at 607 N. Central and a renewal application for The Keuwo Group, d/b/a The Mayor's Lounge, located at 1318 E. Park St.

Approved

**D.** Consideration of authorization for Mayor Copeland to attend the 88th

Annual Meeting of the U.S. Conference of Mayors in Washington, D.C.  
January 22 - 24, 2020.

Approved

- E.** Consideration of payment of a jury award in R.C. Rentals, LLC, et al. v. City of Olathe.

Approved
- F.** Consideration of Consent Calendar.

Approved
- G.** Consideration of Watershed Organization Agreements with Johnson County.

Approved
- H.** Consideration of Supplemental Agreement No. 2 with Integrity Locating Services, LLC for the Underground Utility Locating Services Project, PN 8-C-001-18.

Approved
- I.** Consideration of a Relocation and Reimbursement Agreement with ATMOS Energy Corporation for the Lone Elm Road, Old 56 Hwy to 151st, Improvements Project, PN 3-C-084-17.

Approved
- J.** Consideration of an Agreement with McCown Gordon Construction, LLC for construction management services for the Municipal Court Security Enhancements Project, PN 7-C-001-19.

Approved
- K.** Consideration of a Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. to conduct a Risk & Resiliency Assessment of the water and wastewater utilities.

Approved
- L.** Consideration of Resolution No. 19-1067 authorizing a survey and description of land or interest to be condemned for the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16.

Approved
- M.** Consideration of renewal of contract with Active Net to provide a total registration hosted solution for the Parks and Recreation Department.

Approved
- N.** Acceptance of bid and consideration of award of contract to Key Equipment & Supply Company, Inc for the design and construction of automated CNG side-loaders for the Public Works Department.

Approved
- O.** Consideration of renewal of contract with Cigna for the health and

prescription stop-loss insurance program.

Approved

## **8. NEW BUSINESS-PUBLIC WORKS**

**A.** Consideration of Ordinance No. 19-73 (VAC19-0004), requesting vacation of an existing utility easement at Central Elementary School; located at 407 E Cedar Street. Planning Commission recommends approval 9-0.

Motion by Bacon, seconded by Vogt to approve Ordinance No. 19-73. The motion carried by the following vote:

**Yes:** Bacon, Brownlee, Campbell, Vogt, and Copeland

**Absent:** Randall, and McCoy

## **9. NEW CITY COUNCIL BUSINESS**

Councilmember Vogt stated we live in a great community, have much to be thankful for and wished everyone a happy Thanksgiving.

Councilmember Bacon wished everyone a happy Thanksgiving.

## **10. END OF TELEVISED SESSION**

## **11. GENERAL ISSUES AND CONCERNS OF CITIZENS**

Robynn Andracsek, 11526 S. Roundtree Street, spoke in support of a non-discrimination ordinance.

Carolyn Finken-Dove, 610 N. Persimmon Drive, spoke in support of a non-discrimination ordinance.

Phyllis Tormey, 1440 N. Hunter Drive, requested the non-discrimination ordinance not be voted on until the new City Councilmember is installed.

Matt Tormey, 1440 N. Hunter Drive, requested the non-discrimination ordinance be postponed until the newly elected City Councilmember is sworn-in.

Teresa Rose, 14510 S. Mullen Street, spoke in opposition to the non-discrimination ordinance.

Brett Hoedl, 17446 W. 161st Street, stated Councilmember Brownlee needed to resign over her actions towards him.

Mayor Copeland reminded Mr. Hoedl that he had sent him an email outlining the process to follow should he like to pursue this. Mr. Copeland reminded the audience that comments are to be directed to the City Council and if they had comments for a specific Councilmember, they could set up an appointment to meet with them.

Veronica Malone, 14405 S. Lucille Court, spoke in support of a non-discrimination ordinance.

Brandon Frick, 15240 S. Mullen Street, spoke in support of a non-discrimination ordinance.

David Stein, 12599 S. Hastings Street, spoke regarding the non-discrimination ordinance.

Kevin Gilmore, 16367 S. Kaw Street, spoke in opposition to the non-discrimination ordinance.

Michael Bickley, 13700 W. 151st Street, spoke in opposition to the non-discrimination ordinance.

Jacob Swisher, 1308 E. 152nd Street, spoke in opposition to the non-discrimination ordinance.

Wendy Budetti, 17446 W. 161st Street, spoke about activism and ethics regarding the NDO issue.

Theresa Smithart, 1105 E. Sleepy Hollow Drive, asked what is being done about noise abatement for the Mahaffie Circle/I-35 corridor.

Mayor Copeland responded to Ms. Smithart stating staff would get with her on this and asked for a report to the Council as to what the solution is.

## **12. CONVENE FOR PLANNING SESSION**

### **A. REPORTS**

#### **1. Report on a request by K/H Jensen (on behalf of Sun Life**

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Assurance Company of Canada) for issuance of industrial revenue bonds and tax phase in for the construction of a 600,000 sq. ft. light industrial facility located on a 36+/- acre parcel west of Old 56 Highway at 155th St. in the I-35 Logistics Park (Building D). The applicant is applying under master resolution 08-1068. The report was accepted.

2. Report regarding revisions to the City's Industrial Revenue Bond and Tax Abatement (IRB) Policy, Tax Increment Financing (TIF) Policy, Community Improvement District (CID) Policy, and Transportation Development District (TDD) Policy.

The report was accepted.

## **B. DISCUSSION ITEMS**

1. 2020 Proposed State Legislative Agenda. (10 mins)

Tim Danneberg, Communication and Customer Service Director, completed a presentation.

Councilmember Brownlee asked Mr. Danneberg about the internet sales tax and fee collections. Ms. Brownlee asked if he recalled Senate Bill 22 from this past session and if the City is supportive of the measures that included.

Mr. Danneberg stated he was not familiar with that bill, but there was a bill proposed by the Governor with language similar to what we are proposing.

Councilmember Brownlee asked Assistant City Manager, Susan Sherman, if there were any agreements at this point coming out of the tax council.

Susan Sherman, Assistant City Manager, stated right now the Governor's Council on tax reform is gathering information and trying to make recommendations for what we would do for an interim plan for the Legislative session. Ms. Sherman said the Wayfair internet case is at the top of the list of things and we want to make some sort of recommendation. However they are not sure what that will exactly be other than internet sales has been a great deal of the conversation over the last several months.

**2. Resource Management Department Activities and Initiatives. (15 mins)**

Dianna Wright, Resource Management Director, completed the Resource Management Department activities and initiatives presentation.

**13. ADDITIONAL ITEMS**

Councilmember Bacon stated it was cold at the Mayors Christmas tree lighting ceremony last year and youth band members that performed were out in the cold for at least one hour. Mr. Bacon requested staff look into providing heat for the band members this year if it is cold again.

Councilmember Campbell stated he understood that there will be something presented concerning the downtown apartment project on the December 3 agenda. Mr. Campbell indicated he had emailed eight questions/concerns to staff, which he would like a response back before the December 3 meeting. Mr. Campell also asked questions concerning report item two on tonight's agenda about the policies. Mr. Campbell asked if someone could get with him on section two, item b, of the tax abatement policy and section nine, which are both new sections.

Councilmember Brownlee stated at the last council meeting she had requested information from City Attorney Shaver and wondered when that might be coming forward.

Ron Shaver, City Attorney, stated staff would provide the information before the Council takes up the item for final consideration.

Councilmember Brownlee commented that she had received the comments that were spoken tonight from both sides of the issue and thanked them. Ms. Brownlee stated when stories are told there is more than one version and often details can differ. Ms. Brownlee stated she is not going to dwell on that and wished the best to the Hoedl family. Ms. Brownlee stated to Mr. Hoedl that we as the City are very pleased to work with his employer and we certainly want that to go forward in the best possible manner. Ms. Brownlee concluded with her best regards to the family.

Mayor Copeland wished everyone a very happy Thanksgiving.

**14. ADJOURNMENT**

The meeting adjourned at 8:10 p.m.

David F. Bryant III, MMC

Deputy City Clerk