



1. CALL TO ORDER

Councilmember Brownlee arrived at 6:34 p.m.

Present: Bacon, Brownlee, Randall, McCoy, Vogt, and Copeland

Absent: Campbell

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 to discuss the following items:

- 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) pertaining to a development agreement.

Motion by Randall seconded by Bacon 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) pertaining to a development agreement for 25 and resuming in the City Council Chamber.

Yes: Bacon, Randall, McCoy, Vogt, and Copeland

Absent: Brownlee, and Campbell

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 6:57 p.m. in the Council Chambers.

Motion by Randall seconded by Bacon to authorize staff to proceed with the strategies as discussed with and directed by the Governing Body.

Yes: Bacon, Brownlee, Randall, McCoy, Vogt, and Copeland

Absent: Campbell

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

5. PLEDGE OF ALLEGIANCE

The pledge was led by the American Legion Earl Collier Post 153 Color Guard.

6. SPECIAL BUSINESS

- A.** Proclamation recognizing November 11, 2019 as Veterans Day.
Mayor Copeland presented a proclamation to Adjutant John Smith, with the American Legion Earl Collier Post 153 in recognition of Veterans Day, Monday, November 11th.
- B.** Proclamation recognizing November as Native American Heritage Month.
Mayor Copeland presented a proclamation to Melissa Precht, the First Vice Regent of the Daughters of the American Revolution, Olathe Chapter, in recognition of Native American History Month.

7. CONSENT AGENDA

Councilmember Brownlee requested item "J" be removed for separate consideration and vote.

Motion by Randall, seconded by Bacon to approve the consent agenda with the exception of item "J." The motion carried by the following vote:

Yes: Bacon, Brownlee, Randall, McCoy, Vogt, and Copeland

Absent: Campbell

- A.** Consideration of approval of the City Council meeting minutes of October 15, 2019.
Approved
- B.** Consideration of cereal malt beverage license applications for calendar year 2020.
Approved
- C.** Consideration of new drinking establishment license for El Saguaro Mexican Grill II, LLC, located at 920 E. Old 56 Hwy and renewal applications for Mission Bowl, located at 1020 S. Weaver, Austin's Bar and Grill, located at 2103 E. 151st Street and Johnny's Tavern Ridgeview, Inc., located at 10384 Ridgeview..
Approved
- D.** Consideration of business expense statement for Michael Wilkes for expenses incurred to attend the ICMA Annual Conference in Nashville, TN, October 18 - 24, 2019.
Approved
- E.** Consideration of Resolution 19-1062, SU19-0004, for approval of a special use permit renewal (SU19-0004) for keeping chickens on a residential lot less than three (3) acres, 0.27± acres; located at 589 W. Layton Street. Planning Commission recommends approval 8 to 0.

Approved

- F.** Request for the acceptance of the dedication of land for public easements for a final plat for Mahaffie Warehouse, Second Plat (FP19-0023) containing 3 industrial lots on 5.47± acres; located southwest of the intersection of South Mahaffie Street and West 153rd Court. Planning Commission approved this plat 9-0.

Approved

- G.** Request for the acceptance of the dedication of land for public easements and right-of-way for a final plat for Stonebridge Trails 6th Plat (FP19-0020) containing 52 lots and 4 common tracts on 25.57± acres; located in the vicinity of 167th Street and Mur-Len Road. Planning Commission recommends approval 8 to 0.

Approved

- H.** Consideration of Consent Calendar.

Approved

- I.** Consideration of Resolution No. 19-1063 authorizing the 2020 Street Reconstruction Program, PN 3-R-000-20; and repealing Resolution No. 19-1010.

Approved

- J.** Consideration of Change Order No. 4 to the contract with Wiedenmann, Inc. for construction of the Sunset Drive and Ridgeview Road Water Main Replacement, Phase 2, Project, PN 5-C-033-16.

Councilmember Brownlee commented that she had initially wondered why the cost of this project had increased and then she realized it was because almost twice the work than what had originally been thought was going to be accomplished and she wanted to highlight this positive news.

Sabrina Parker, Water and Sewer Manager, briefly explained the bid process and the savings that was realized.

Motion by Brownlee and seconded by Randall to approve consent item J. Motion carried with the following vote:

Yes: Bacon, Brownlee, Randall, McCoy, Vogt, and Copeland

Absent: Campbell

- K.** Consideration of an easement conveyance from the City of Olathe to Everygy Metro, Inc. for the Woodland Road, K-10 to College Boulevard, Improvements Project, PN 3-C-041-18.

Approved

- L. Consideration of a Master Agreement for Professional Services with Olsson, Inc. for design of the Waterline Rehabilitation Project, PN 5-R-000-20.
Approved
- M. Consideration of a Master Agreement for Professional Services with TREKK Design Group, LLC for design of the Sanitary Sewer Rehabilitation Project, PN 1-R-000-20, and the Neighborhood Sanitary Sewer Improvements Project, PN 1-R-100-20.
Approved
- N. Consideration of contract renewal with Ted Systems, LLC. for Lenel building security systems and services.
Approved
- O. Consideration of renewal of contract with Commerce Bank for the finance lease of cardio fitness equipment for the Community Center.
Approved

8. NEW BUSINESS-PUBLIC WORKS

- A. Consideration of Ordinance No. 19-68 approving an engineer's survey and authorizing the acquisition of land for the Mahaffie Circle Improvements Project, PN 3-C-107-17.
Motion by Randall, seconded by Bacon to approve Ordinance No. 19-68. The motion carried by the following vote:
- Yes:** Bacon, Brownlee, Randall, McCoy, Vogt, and Copeland
- Absent:** Campbell

9. NEW BUSINESS-ADMINISTRATION

- A. Consideration of Ordinance 19-69 authorizing issuance of the City's taxable Industrial Revenue bonds in an amount not to exceed \$13,880,000 to LE Commerce Center LLC, Series 2019, for the construction of a 210,000 sq. ft. distribution warehouse. (Building 1 Project)
Motion by Randall, seconded by Bacon to approve Ordinance No. 19-69. The motion carried by the following vote:
- Yes:** Bacon, Brownlee, Randall, McCoy, Vogt, and Copeland
- Absent:** Campbell
- B. Consideration of Ordinance 19-70 authorizing issuance of the City's taxable Industrial Revenue bonds in an amount not to exceed \$15,850,000 to Fremato USA, Inc., Series 2019, for the construction of a 250,000 sq. ft. warehouse (Warehouse Project) and authorizing an Omnibus Amendment of documents relating to certain outstanding

industrial revenue bonds.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-70. The motion carried by the following vote:

Yes: Bacon, Brownlee, Randall, McCoy, Vogt, and Copeland

Absent: Campbell

- C.** Consideration of Ordinance 19-71 authorizing issuance of the City's taxable Industrial Revenue bonds in an amount not to exceed \$3,000,000 to Carrier Series Plus, LLC, Series 2019, for the construction of a 21,400 sq. ft. industrial warehouse. (Lot 1 Project)

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-71. The motion carried by the following vote:

Yes: Bacon, Brownlee, Randall, McCoy, Vogt, and Copeland

Absent: Campbell

- D.** Consideration of Ordinance No. 19-72 approving the issuance of health facility revenue bonds in the amount of \$30,000,000 on behalf of Olathe Medical Center, Inc, Series 2019B (Medical Office Building project.).

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-72. The motion carried by the following vote:

Yes: Bacon, Brownlee, Randall, McCoy, Vogt, and Copeland

Absent: Campbell

10. NEW CITY COUNCIL BUSINESS

Councilmember McCoy thanked Parks & Rec for a tremendous Trunk or Treat activity. He also mentioned Mahaffie Farmstead and what a great place it is.

Councilmember Vogt added that Mahaffie was being filmed by PBS for a series called "Taste of History." She also offered her gratitude to veterans and their service to our country.

Councilmember Randall also mentioned his thanks to veterans and that their service is what allows us to be a great country. He thanked the other candidates who were on the ballot and thanked the public for voting.

Councilmember Bacon and Councilmember Brownlee also offered their thanks and gratitude to veterans as we approach Veterans Day.

11. END OF TELEVISED SESSION

Councilmember Randall excused himself to attend another meeting at 7:19 p.m.

12. GENERAL ISSUES AND CONCERNS OF CITIZENS

Linda Bell, 13185 S. Homestead Lane, spoke in opposition to the non-discrimination ordinance.

Angela Preuss, 219 S. Pine, spoke in opposition to the non-discrimination ordinance.

Roxy Martin, 2609 W. Poplar Circle, spoke in opposition to the non-discrimination ordinance.

Matt Tormey, 1440 N. Hunter Drive, spoke in opposition to the non-discrimination ordinance.

Curt Pierson, 13641 S. Sycamore Street, spoke in opposition to the non-discrimination ordinance.

Brooke McMahan, 14510 S. Mullen Street, spoke in opposition to the non-discrimination ordinance.

Eli Hoedl, 17446 W. 161st Street, spoke in support of the non-discrimination ordinance.

Phyllis Tormey, 1440 N. Hunter Drive, spoke in opposition to the non-discrimination ordinance.

Rick Gale, 1125 E. Prairie Street, spoke regarding the non-discrimination ordinance.

Connie Leoni, 1361 E. Sleepy Hollow Drive, spoke in opposition to the non-discrimination ordinance.

Mary Trulson, 1593 E. Sheridan Bridge Lane, spoke regarding the non-discrimination ordinance.

Vanessa Uria, 14711 S. Murray Lane, spoke in opposition to the non-discrimination ordinance.

Christian Shelton, 321 S. Stevenson Street, spoke in opposition to the non-discrimination ordinance.

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

Mike Poland, 301 S. Stevenson, spoke in opposition to the non-discrimination ordinance.

Kimberly Breitenbach, 1800 S. Clairborne, spoke in opposition to the non-discrimination ordinance.

Angie Brotz, 12398 S. Parker Terrace, spoke in opposition to the non-discrimination ordinance.

Mayor Copeland indicated he believed the non-discrimination ordinance should be placed on the agenda for a vote. He pointed out that the Council had passed a resolution outlining the City's policy and asking the State Legislature to address this issue. Since they had adjourned and had not taken up this issue, he recommended the ordinance be placed on the December 3rd agenda. City Manager, Michael Wilkes, said there had been some slight edits to the proposed ordinance and the updated ordinance could be made available prior to a vote to allow any questions or comments to be submitted. Any comments would be provided to the Council for their consideration before the December 3rd council meeting.

13. CONVENE FOR PLANNING SESSION

Reports are prepared for informational purposes and will be accepted as presented. There will be no separate discussion unless a Councilmember requests that a report be removed and considered separately.

A. REPORTS

1. Report regarding Proposed Amendments to Chapters 18.30, 18.50, and 18.90 of the Unified Development Ordinance (UDO19-0005). Planning Commission recommends approval 8-0. Councilmember Bacon asked about new requirements to accommodate for a truck staging area for warehousing companies. He asked if this was only for new developments or if existing companies with truck traffic would be required to provide a parking or staging area.

Aimee Nassiff, Chief Planning Official, said this provision is only for new or re-development. Current development would have to find their own parking so they are not parking on the right-of-way. She also shared that an existing development has already chosen to amend their parking lot plan to fall under these new code requirements.

Councilmember Brownlee asked what had motivated these changes.

Ms. Nassiff said many of these items had been discussed earlier in the year and these changes were intended to simply make it more easily understood.

Mrs. Brownlee asked if the changes would add additional cost to builders and Ms. Nassiff said these were already things that were being done and would not add additional cost for builders.

2. Quarterly Procurement Report.

The report was accepted.

3. Cash Handling Process and Controls Audit Report.

The Mayor thanked City Auditor, Mary Ann Vasser, for this report and the report was accepted without any further comment.

14. ADDITIONAL ITEMS

Councilmember McCoy acknowledged those who have given their life to this country allowing us the freedoms we experience today.

Councilmember Vogt expressed concern about the status of parking downtown during the construction and indicated she had received many e-mails regarding the issue. She said she had talked to City Manager, Michael Wilkes, and asked him to look for solutions that might help to accommodate parking for the downtown business owners.

Mayor Copeland asked when they could expect these suggestions and Mr. Wilkes said they hoped to have a report to the Council on November 19th.

Councilmember Brownlee mentioned that today was her daughter's birthday and that in light of her being in elected office over the years, many times her birthday was overlooked on election day.

Mrs. Brownlee asked City Attorney, Ron Shaver, for a report about lawsuits against local government regarding non-discrimination issues so they can better understand what the City could potentially face, including fiscal impact.

Mr. Shaver said they have that information and will make it available to the Council.

15. ADJOURNMENT

Meeting adjourned at 7:58 p.m.

Brenda D. Long
Assistant City Clerk