



City of Olathe City Council
100 E. Santa Fe | Council Chamber
Tuesday | September 17, 2019 | 7:00 PM

1. CALL TO ORDER

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

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

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

Mayor Copeland stated he had a few introductory remarks. Mr. Copeland stated the public comment report on the non-discrimination ordinance had been delivered to the City Council late last week and at this time they are giving it a thorough review.

Mr. Copeland also stated item number 6D under new business public works has been pulled at the applicants request. The applicant has asked for a continuance to a future Council meeting date.

3. PLEDGE OF ALLEGIANCE

4. SPECIAL BUSINESS

- A.** Proclamation designating September as Deaf Awareness Month.
Mayor Copeland presented Museum of Deaf History Arts and Culture Vice President Lorrie Shank with the proclamation.
- B.** Proclamation designating Sept. 15 – Oct. 15, 2019 as Hispanic Heritage Month.
Mayor Copeland presented Ralph Tomlinson with Olathe Latino Coalition's Hispanic Heritage Month Committee, Maria Isabel Gutierrez-Flores, Dr. Erin Dugan and Christian Markus with proclamations.
- C.** Consideration of Resolution No. 19-1054 appointing a member to the Planning Commission.

Aimee Nassif, Chief Planning and Development Officer, introduced Planning Commission appointee, Marcia Youker. Mayor Copeland presented Ms. Youker with a certificate of appointment.

Motion by Randall, seconded by Bacon to approve Resolution No. 19-1054. The motion carried by the following vote:

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

D. Recognition of Olathe 2040 Strategic Planning Community Advisory Committee.

Erin Vader, Assistant Communication Director, introduced Olathe 2040 Strategic Planning Community Advisory Committee members: Dustin Avey, Christina Beaird, John Bennie, Weston Curnow, LeEtta Felter, Jimmy Gaona, Brian Geary, Mike Jensen, Amy Leffert, Alan Marston, Greg Mosley, Anne Oswald, Barry Sutherland, Dean Vakas and Marcia Youker. Mayor Copeland presented each member with a plaque.

5. CONSENT AGENDA

Councilmember McCoy requested item "E" be removed for separate consideration and vote.

Motion by Randall, seconded by Bacon to approve the consent agenda with the exception of item "E". 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 August 13 and August 20, 2019.
Approved

B. Consideration of drinking establishment renewal applications for Boyd & Boyd, Inc. d/b/a Olathe Lanes East, located at 303 N. Lindenwood Dr, Sakura Japanese Sushi Train, located at 1109 Santa Fe, Rare Hospitality of Kansas, Inc. d/b/a Longhorn Steakhouse of Olathe, located at 16689 W. 119th Street, GM Restaurants of Kansas, Inc. d/b/a The Olive Garden Italian Restaurant, located at 15090 W. 119th Street, and Aramark Service of Kansas, Inc. d/b/a John Deere Agricultural Marketing Center, located at 10789 S. Ridgeview Rd.
Approved

- C. Acceptance of proposal and consideration of award of contract to Surency Vision to provide vision insurance for the City of Olathe benefit plan.
Approved
- D. Consideration of Resolution No. 19-1055 adopting the City's Investment and Cash Management Policy.
Approved
- E. Consideration of Resolution No. 19-1056 allowing the hunting of deer with bow and arrow for the 2019-2020 season as part of Olathe's Urban Deer Management Program.
Councilmember McCoy asked if the deer that are hit on the highway are being tested for diseases and are we getting any data. Mr. McCoy stated he would like to see the results.

Jeff Bragg, Major in the Police Department, stated the Kansas Department of Wildlife and Parks are in charge of the program and results will be provided.

Motion by Randall and seconded by Bacon to approve consent item E. The motion carried by the following vote:

- Yes:** Bacon, Brownlee, Randall, and Copeland
- No:** McCoy, and Vogt
- Absent:** Campbell

- F. Consideration of Resolution 19-1057, SU19-0002, for approval of Motor Vehicle Sales in C-3 District on $0.58\pm$ acres; located at 115 S. Fir Street. Planning Commission recommends approval 7 to 0.
Approved
- G. Consideration of Resolution No. 19-1058, PR19-0016, requesting acceptance of a final site development plan for WaterOne Elevated Tank, on $4.92 \pm$ acres; located at 22175 W. 103rd Terrace. Planning Commission recommends acceptance 6 to 0.
Approved
- H. Consideration of Consent Calendar.
Approved
- I. Consideration of Amendment No. 4 to the agreement with McCown Gordon Construction, LLC for the construction of the Indian Creek Library Project, PN 6-C-001-17.
Approved
- J. Consideration of a Professional Services Agreement with Black &

Veatch Corporation for an engineering evaluation of the WTP2: Electrical/Backup Power Project, PN 5-C-028-20.

Approved

K. Consideration of Change Order No. 2 to the contract with O'Donnell & Sons Construction Co., Inc. for improvements to Kansas City Road, as part of the Lone Elm Road Arterial Mill and Overlay Project, PN 3-P-003-19.

Approved

L. Consideration of renewal of a purchase agreement between Cartegraph Systems, LLC and the City of Olathe to maintain and expand Cartegraph Operations Management System (OMS) software as a service.

Approved

M. Consideration of renewal of contract to Independent Salt Company for dry rock salt for snow and ice removal for the Public Works Department.

Approved

N. Consideration of award of contract to TurnKey Mobile for Panasonic tablets and laptops for use by Fire and Police Department Mobile Fleets.

Approved

O. Consideration of renewal of contract to Reeves-Wiedeman Company for plumbing supplies for City Departments.

Approved

P. Consideration of renewal of contract to E Edwards Workwear for work boots and work wear for City Departments.

Approved

6. NEW BUSINESS-PUBLIC WORKS

A. Consideration of Resolution 19-1059, SU19-0003, for approval of special use permit renewal (SU19-0003) for keeping chickens on a residential lot less than three (3) acres, 0.54± acres; located at 509 S. Willow Drive. Planning Commission recommends approval 6 to 0. Motion by Randall, seconded by Bacon to approve Resolution No. 19-1059. The motion carried by the following vote:

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

Absent: Campbell

Abstain: McCoy

B. Consideration of Ordinance No. 19-53, VAC19-0002: Request approval for vacation of existing drainage easement, waterline easement and

sanitary sewer easements for Garmin Properties; located at 1200 E. 151st Street. Planning Commission recommends approval 7 to 0.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-53. The motion carried by the following vote:

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

Absent: Campbell

C. Consideration of Ordinance No. 19-54, VAC19-0003: Request approval for vacation of existing sanitary easement; located at 15700 W. 151st Street (Benton House of Olathe). Planning Commission recommends approval 6 to 0.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-54. The motion carried by the following vote:

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

Absent: Campbell

D. Consideration of RZ19-0011, requesting approval for a zoning amendment of the Planned District (PD) and revised preliminary site development plan for Archer Subdivision (specifically Tommy's Express Car Wash) on 1.04 acres located at 225 S. Parker Street. Planning Commission recommends denial 6 to 0.

Applicant requested this item be continued to a future Council meeting.

E. Consideration of Ordinance No. 19-55, RZ19-0013, requesting approval for a rezoning from CP-2 District to R-1 District and preliminary plat for the Enclave of Boulder Hills on 26.9± acres; located in the vicinity of 172nd Terrace and Black Bob Road. Planning Commission recommends approval 3 to 2.

Dan Fernandez, Planner II, completed a presentation covering the rezoning and preliminary plat. Mr. Fernandez stated the applicant is present and he stood for any questions.

Councilmember Randall asked if the concerns of the Planning Commission were being adequately addressed.

Mr. Fernandez stated they were.

Councilmembers inquired about various aspects of the project.

Applicant Travis Schram, 11282 S. Belmont St., Olathe, gave a brief presentation and addressed Councilmember's concerns.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-55, RZ19-0013. The motion carried by the following vote:

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

Absent: Campbell

F. Consideration of Ordinance No. 19-56: Requesting approval regarding amendments to Chapters 18.20, 18.40, 18.50, 18.90, and 18.94 of the Unified Development Ordinance (UDO19-0003A). Planning Commission recommends approval 7 to 0.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-56. The motion carried by the following vote:

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

Absent: Campbell

7. NEW BUSINESS-ADMINISTRATION

A. Consideration of adoption of the Olathe 2040 Future Ready Strategic Plan.

Susan Sherman, Assistant City Manager, completed a presentation.

Councilmember Brownlee asked when they would review this for the first time.

Ms. Sherman stated we would review most likely quarterly, but definitely annually.

Motion by Randall, seconded by Bacon to adopt the 2040 strategic plan. The motion carried by the following vote:

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

Absent: Campbell

8. NEW CITY COUNCIL BUSINESS

Mayor Copeland recognized Sean Pendley, Senior Planner, who has been with the City of Olathe for 19 years. Mr. Copeland stated Mr. Pendley will be leaving the City for a position as Deputy Director of Planning for Johnson County. Mr. Copeland thanked Mr. Pendley for his service and wished him all the best at the County.

Mr. Pendley thanked the Mayor and Councilmembers.

Councilmember McCoy stated it has been an exciting last few weeks citing the

Old Settlers Days and thanking staff for their involvement. Mr. McCoy also mentioned the excitement of Lake Olathe, events at the Community Center and the new Library that will be opening soon. Mr. McCoy commented after the last City Council meeting he offered an apology to Brett Hoedl regarding some emotional comments that had been made by him.

Councilmember Vogt thanked the 2040 Strategic Plan Committee and Staff that were involved.

Councilmember Randall thanked the 2040 Strategic Plan Committee for their great work and plan. Mr. Randall also pointed out that Olathe has 15 National merit semi-finalists.

Councilmember Brownlee stated that she and her grandchildren really enjoyed the new Lake Olathe park as well as the Lone Elm park.

9. END OF TELEVISED SESSION

10. GENERAL ISSUES AND CONCERNS OF CITIZENS

Mayor Copeland reemphasized the expectations for speaking in this format. Mr. Copeland stated the Council and he put great value in what our residents have to say and why they believe it is vitally important to offer this opportunity at each Council meeting. Mr. Copeland reminded attendees that not every City does this. Mr. Copeland stated at the same time Council must finish their evening business in an orderly and timely manner. Mr. Copeland stated the privilege to speak comes with a responsibility to be respectful to everyone in the room and to please keep it civil. Mayor Copeland stated we have 29 speakers and have allowed one minute per person.

Kate Guimbellot, 11236 S. Race Street, spoke regarding the non-discrimination ordinance.

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

Victoria Campell Osborne, 14081 College Boulevard, spoke in support of a non-discrimination ordinance.

Marge Guimbellot (no address was given) spoke regarding the

non-discrimination ordinance.

Andrew Ost, 26300 W. 111th Terrace, spoke regarding the non-discrimination ordinance.

Melinda Smith, 2137 E. 155th Street, spoke in opposition of a non-discrimination ordinance.

Kelli Oliver George, 14617 S. Kaw Drive, spoke regarding the non-discrimination ordinance.

Gary Kendall, 12417 S. Ellsworth Street, spoke regarding the non-discrimination ordinance.

David Rine, 14282 W. 151st Terrace, spoke regarding the non-discrimination ordinance.

Brandon Frick, 15240 S. Mullen Street, spoke regarding the non-discrimination ordinance.

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

Larry Jansen, 219 S. Pine Street, spoke in opposition to a non-discrimination ordinance.

Jo Klaassen, 14520 S. Shannan Street, spoke regarding the non-discrimination ordinance.

Cassie Woolworth, 306 N. Pinon Street, spoke regarding the non-discrimination ordinance.

Charles Martin, 15183 S. Greenwood Street, spoke regarding the non-discrimination ordinance.

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

Jim Hutchison, 14310 W. 115th Terrace, spoke in opposition of a non-discrimination ordinance.

Cate Eighmey, 2311 W. Trail Drive, spoke regarding the non-discrimination ordinance.

Phil Walsh, 1613 E. Sheridan Street, spoke regarding the non-discrimination ordinance.

Coni Leoni, 1361 E. Sleepy Hollow Drive, spoke in opposition of a non-discrimination ordinance.

Matt Tormey, 1440 N. Hunter Drive, spoke in opposition of a non-discrimination ordinance.

Phyllis Tormey, 1440 N. Hunter Drive, spoke in opposition of a non-discrimination ordinance.

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

Andrew White, (address given audible), spoke regarding the non-discrimination ordinance.

Scott Harvey, 1107 Elizabeth Street, spoke in support of a non-discrimination ordinance.

Lisa Lero, 410 E. Cedar Street, spoke in support of a non-discrimination ordinance.

Brooke McMahan, 14510 S. Mullen Street, spoke in opposition of a non-discrimination ordinance.

Ashley Hooley, 12125 S. Black Bob Road, spoke in support of a non-discrimination ordinance.

11. 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 of proposed 2019 amendments to Title 8 of the Olathe Municipal Code concerning animals.

Councilmember Bacon asked for clarification of the code amendment. Mr. Bacon asked if he had a dog and gave the dog to someone else and the dog was involved in an incident, under the five year rule would he be liable too?

Daniel Yoza, Assistant City Attorney clarified that the previous owner would not be liable.

- 2.** Report on proposed 2019 amendments to the Olathe Public Offense Code, O.M.C. Title 9.

The report was accepted.

- 3.** Report on proposed 2019 amendments to Title 10 of the Olathe Municipal Code (Olathe Traffic Ordinance).

The report was accepted.

B. DISCUSSION ITEMS

- 1.** Discussion on the Ridgeview, 143rd to 151st, Improvements Project, PN 3-C-058-19.

Beth Wright, Deputy Public Works Director completed a presentation concerning the project.

Councilmembers engaged in discussion with Ms. Wright about roundabout questions.

- 2.** Discussion on the Mahaffie Circle Improvements Project, PN 3-C-107-17.

Beth Wright, Deputy Public Works Director completed a presentation concerning the project.

Mayor Copelend reminded staff he is not a fan of the no-bid contract and asked what the benefits are.

Ms. Wright stated the benefits would be a savings in time as well as the cost.

Mayor Copeland asked about liquidated damages and wanted to make sure the taxpayer is getting what they paid for. Mr. Copeland asked Council if they agreed to include liquidated damages.

Councilmembers agreed that liquidated damages should be included for this project.

Ms. Wright stated this item would come back for Council consideration at the October 1 City Council meeting.

3. Police Department Activities and Initiatives.

A presentation was completed by Police Chief Mike Butaud.

12. ADDITIONAL ITEMS

Councilmember Bacon inquired if staff could look into the area of I-35 between 119th and Santa Fe as it looks like it has not been mowed this year.

Councilmember Brownlee thanked Beth Wright for the new crossing guard at 159th and Brougham. Ms. Brownlee asked for clear information on when the Olathe Human Relations Commission studied the NDO as it was her understanding there was not a clear Council directive to do that and she would like to know what the protocol is.

13. ADJOURNMENT

The meeting adjourned at 9:48 p.m.

David F. Bryant III, MMC
Deputy City Clerk