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## 1. CALL TO ORDER

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

Others in attendance were City Manager Wilkes, Assistant City Manager Sherman and City Attorney Shaver.

## 2. EXECUTIVE SESSION - 6:17 PM

Consideration of motion to recess into an executive session to discuss the following items:

- A.** To discuss personnel matters of non-elected personnel pursuant to the exception provided in K.S.A.75-4319(b)(1) regarding the evaluation of the Municipal Judge. (City Council)

Motion by McCoy, seconded by Bacon, to recess into executive session to discuss personnel matters of non-elected personnel pursuant to the exception provided in K.S.A.75-4319(b)(1) regarding the evaluation of the Municipal Judge.

**Yes:** Bacon, Campbell, Randall, and McCoy

**Absent:** Brownlee, Vogt, and Copeland

- B.** For preliminary discussions related to acquisition of property pursuant to the exception provided in K.S.A.75-4319(b)(6) regarding the Lone Elm Road, Old 56 Hwy to 151st, Improvements Project, PN 3-C-084-17.

Motion by McCoy, seconded by Bacon, to recess into executive session for preliminary discussions related to acquisition of property pursuant to the exception provided in K.S.A.75-4319(b)(6) regarding the Lone Elm Road, Old 56 Hwy to 151st, Improvements Project, PN 3-C-084-17.

**Yes:** Bacon, Campbell, Randall, and McCoy

**Absent:** Brownlee, Vogt, and Copeland

- C.** To discuss personnel matters of non-elected personnel pursuant to the exception provided in K.S.A.75-4319(b)(1) regarding the Internal Auditor position. (City Council)

Motion by McCoy and seconded by Bacon, to recess into executive session to discuss personnel matters of non-elected personnel pursuant to the exception provided in K.S.A.75-4319(b)(1) regarding the Internal

Auditor position.

**Yes:** Bacon, Campbell, Randall, and McCoy

**Absent:** Brownlee, Vogt, and Copeland

Recessed into executive session for 43 minutes. Meeting will resume at 7:00 P.M.

Council Member Brownlee arrived at 6:19 P.M.

Mayor Copeland arrived at 6:20 P.M.

Council Member Vogt arrived at 6:23 P.M.

### **3. RECONVENE FROM EXECUTIVE SESSION - 7:02 PM**

Executive session items were continued until the end of the Council Meeting.

### **4. BEGIN TELEVISED SESSION – 7:02 P. M.**

### **5. PLEDGE OF ALLEGIANCE**

### **6. SPECIAL BUSINESS**

- A.** Award presentation to the Olathe Police Department Traffic Unit by representatives of the American Automobile Association (AAA) Community Traffic Safety Awards Program and Kansas Department of Transportation.

Bob Hamilton, with the Kansas Department of Transportation, awarded the 2018 AAA Community Traffic Safety Gold Award to the Olathe Police Department Traffic Unit. Traffic unit supervisor, Sgt. Bob Ahsens, accepted the award.

- B.** Proclamation declaring April 22-26 as Arbor Week.

City Arborist, Rick Spurgeon, accepted the Arbor Week proclamation.

- C.** Recognition of an Olathe Teen Council senior for participating and providing leadership to the Olathe Teen Council.

Elizabeth Blythe, Teen Council liaison, introduced senior, Brian Beach, and presented him with a certificate and a gift in recognition of his service on the Teen Council.

- D.** Recognition of winners of the Olathe Creative Expression of Data Art Contest.

Matt Randall, Budget Manager, recognized and presented certificates to the first, second and third place winners of the Expressions of Data art contest.

- E. Recognition of Olathe high school student champions.

Awards were presented to students from the Olathe High Schools who have achieved recognition through athletics and academics. School staff introduced students who had won State championships or earned perfect scores on the ACT exam.

## 7. CONSENT AGENDA

Council Member McCoy requested consent item T be removed for further questions before consideration and vote. Motion by Randall, seconded by Bacon, to approve the consent agenda with the exception of item T. The motioned carried by the following vote:

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

- A. Consideration of approval of the City Council meeting minutes of April 2, 2019.  
Approved
- B. Consideration of new cereal malt beverage license application for calendar year 2019 for Preet INC. d/b/a Smoke Hut at 130B S. Clairborne.  
Approved
- C. Consideration of a drinking establishment renewal for Chuy's Kansas, LLC, located at 11965 S. Strang Line Road.  
Approved
- D. Consideration of Resolution No. 19-1028, approving a temporary event permit for alcohol to be possessed and consumed within a designated public area in Downtown Olathe.  
Approved
- E. Request for approval of a revised preliminary site development plan for Garmin Sign Package (PR19-0006) on 96.14± acres; located at 1200 E. 151st Street. Planning Commission recommends approval 7-0.  
Approved
- F. Request for the acceptance of the dedication of land for public easements and right-of-way for a final plat for Hickman Farms Estate (FP19-0003) containing 1 residential lot and no tracts on approximately 3.59 acres; located at the southwest corner of the intersection of Parker Street and W. 124th Street. Planning Commission recommends approval 7-0.  
Approved

- G.** Request for the acceptance of the dedication of land for public easements for a final plat for Olathe Station Four (a replat of all of Lot 1A, Olathe Station Three) (FP19-0004), containing 3 commercial lots and 1 common tract on 14.59± acres; located at the southwest corner of Strang Line Road and Strang Line Court. Planning Commission recommends approval 7-0.  
Approved
- H.** Consideration of Consent Calendar.  
Approved
- I.** Consideration of an Agreement with StudioKCA for design, fabrication, and installation of a commissioned art sculpture for the Indian Creek Library project, PN 6-C-001-17.  
Approved
- J.** Consideration of Resolution No. 19-1029 authorizing the City of Olathe's project requests for inclusion in the 2020-2024 County Assistance Road System (CARS) Program.  
Approved
- K.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to O'Donnell & Sons Construction Co., Inc. for construction of the Santa Fe Arterial Mill and Overlay Project, PN 3-P-005-19.  
Approved
- L.** Consideration of Agreement between the City of Olathe, Kansas and Board of County Commissioners of Johnson County, Kansas, for the funding of the 159th Street and Black Bob Road Improvements Project, PN 3-C-006-16.  
Approved
- M.** Consideration of Agreement No. 11-18 with the Kansas Department of Transportation (KDOT) for funding the construction of the 159th Street and Black Bob Road Improvements Project, PN 3-C-006-16.  
Approved
- N.** Consideration of Agreement between the City of Olathe, Kansas and Board of County Commissioners of Johnson County, Kansas, for the funding of the Black Bob (Lackman) Road, 159th to 175th, Improvements Project, PN 3-C-065-18.  
Approved
- O.** Consideration of Agreement between the City of Olathe, Kansas and Board of County Commissioners of Johnson County, Kansas, for funding the construction of the 175th and Lone Elm Traffic Signal Improvements Project, PN 3-TS-003-19.  
Approved

- P.** Consideration of an easement conveyance from the City of Olathe to Westar Energy, Inc. for the Santa Fe Street and Ridgeview Road Geometric Improvements Project, PN 3-C-083-15.  
Approved
- Q.** Consideration of Resolution No. 19-1030 authorizing a survey and description of land or interest to be condemned for the 119th and Pflumm Geometric Improvements Project, PN 3-C-071-18.  
Approved
- R.** Consideration of a Professional Services Agreement with Affinis Corp. for design of the Upper Cedar Creek, 169 Hwy to Mahaffie, Stormwater Improvements Project, PN 2-C-013-19.  
Approved
- S.** Consideration of a Restrictive Covenant limiting the acceptable uses of the Vertical Wellfield property and granting access to KDHE for inspection.  
Approved
- T.** Acceptance of bid and consideration of award of contract to Conrad Fire Equipment for the purchase of a E.J. Metals, Inc. F550 Squad truck for the Fire Department.  
Fire Chief Jeff DeGraffenreid answered Council Member McCoy's questions.  
Motion by Randall, seconded by Bacon, that consent item T be approved.  
Motion carried by the following vote:  
**Yes:** Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland
- U.** Acceptance of bids and consideration of award of contracts to Edwards Chemicals, Inc, Commercial Aquatic Services, Inc., and Hawkins, Inc. for swimming pool chemicals for the Parks & Recreation Department.  
Approved
- V.** Acceptance of bid and consideration of award of contract to Rush Truck Centers of Kansas, Inc. for the replacement of a cab and chassis for the Solid Waste Division of Public Works.  
Approved

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

- A.** Consideration of Ordinance No. 19-12, RZ19-0002, requesting approval for a zoning amendment for the RP-3 District, The Villas of Asbury on 10.52± acres; located at 15584 and 15608 S. Church Street. Planning Commission recommends approval 7-0.  
A short presentation was given by Planner Zach Moore, regarding

this rezoning.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-12.

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

- B.** Consideration of Ordinance No. 19-13, VAC19-0001: Request approval for a drainage easement to allow for building of The Shops at Prairie Farms; located at 2180 W. Dartmouth Street. Planning Commission recommends approval 7-0.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-13.

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

## **9. NEW BUSINESS-ADMINISTRATION**

- A.** Consideration of Ordinance 19-14 authorizing issuance of the City's taxable Industrial Revenue bonds in an amount not to exceed \$6,500,000 to BR Capital, LLC, Series 2019, for the construction of a 34,440 sq. ft. office and shop facility. (Bedrock Concrete Phase I Project).

Motion by Randall, seconded by Bacon, to approve Ordinance 19-14.

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

**Abstain:** Brownlee

## **10. NEW CITY COUNCIL BUSINESS**

Council Member McCoy thanked Public Works for the Santa Fe tunnel project finishing a week early.

Council Member Randall shared that his two favorite council meetings are when we recognize the student champions.

Council Member Brownlee gave a shout out to MNU for the amazing event she attended and for the difference they make in our community.

## **11. END OF TELEVISED SESSION**

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

Brett Hoedl, 17446 W. 161st Street, spoke in support of moving forward with a non-discrimination ordinance.

Robynn Andracssek, 11526 S. Roundtree Street, encouraged the Council to take risks and consider a non-discrimination ordinance.

Carolyn Dove, 610 N. Persimmon Dr., urged the Council to include a non-discrimination ordinance on the agenda in the very near future.

### **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 of 2018 outcomes including the Budget Strategy Alternatives Impact of Investments, Annual Performance Report, 4th Quarter General Fund Fiscal Report and the Economic Development Incentives Activity Report was accepted.

#### **B. DISCUSSION ITEMS**

1. Discussion on the Park Maintenance Facilities Improvements Project, PN 6-C-001-18.

Senior Design Project Manager, Chad Foster, provided a presentation regarding the proposed Park Maintenance Facility. He answered questions from Council Members regarding the square footage and the overall cost of the facility. Public Works Director, Mary Jaeger, also answered questions and indicated they would provide comparison data from similar buildings.

2. Information Technology Department Activities and Initiatives.

Chief Information Officer, Mike Sirna, gave a presentation on the activities and initiatives of the Information Technology Department.

### **14. EXECUTIVE SESSION - 8:54 P.M.**

Motion by Randall, seconded by Bacon, to recess into executive session for discussions related to acquisition of property pursuant to the exception provided in K.S.A.75-4319(b)(6) regarding the Lone Elm Road, Old 56 Hwy to 151st, Improvements Project, PN 3-C-084-17 for 5 minutes.

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

### **15. RECONVENE FROM EXECUTIVE SESSION - 8:59 P.M.**

For executive session item A, Council Member Campbell shared comments regarding the review of Municipal Court Judge McElhinney. He said the Council has great confidence in the direction of the Court and especially the Judge. He said she is meeting their expectations and they are very pleased with her performance.

For executive session item B, motion was made by Randall and seconded by Bacon, to authorize staff to acquire the public right-of-way and easements necessary to construct the Lone Elm Road, Old 56 Hwy to 151st street Improvements Project, PN 3-C-084-17, as directed by the Governing Body.

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

For executive session item C, the motion was made by Randall and seconded by Bacon, to authorize the mayor to finalize and execute a contract for the City Auditor position as directed by the Governing Body.

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

## **16. ADDITIONAL ITEMS**

Council Member Vogt asked about properties with significant potholes in their parking lot. Fire Chief Jeff DeGraffenreid responded and indicated a full-time staff person has been assigned to the address over 150 open pothole cases. He assured the Council he would follow up on the specific locations that were mentioned.

Council Member Bacon asked if the Park Maintenance Facility is in the CIP. City Manager Wilkes said it is. Mr. Bacon asked if it would jeopardize the Police project and Mr. Wilkes said it would not.

## **17. ADJOURNMENT**

The meeting adjourned at 9:07 P.M.

BRENDA D. LONG  
Assistant City Clerk