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## 1. CALL TO ORDER

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

Others in attendance 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.** Preliminary discussions related to acquisition of property pursuant to the exception provided in K.S.A. 75-4319(b)(6) regarding the 159th Street and Black Bob Road Improvements Project, PN 3-C-006-16.  
Motion by Randall and seconded by Bacon to recess into an 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 159th and Black Bob Road improvements Project, PN 3-C-006-16 for 25 minutes.

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

**Absent:** Campbell

- B.** 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 in northwest Olathe.

Motion by Randall seconded by Bacon to recess into an 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 acquisition of property in northwest Olathe for 25 minutes.

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

**Absent:** Campbell

## 3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 7:00 p.m.

Executive Session Item A - Motion by Randall, seconded by Bacon to authorize

staff to acquire the public right-of-way and easements necessary to construct the 159th and Black Bob Road improvements Project, PN 3-C-006-16, as directed by the Governing Body. Motion passed 6-0

Executive Session Item B - Motion by Randall, seconded by Bacon to authorize staff to proceed with the strategies as discussed with and directed by the Governing Body. Motion passed 6-0

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

**5. PLEDGE OF ALLEGIANCE**

**6. SPECIAL BUSINESS**

- A.** Proclamation designating May 6 - 10, 2019 as "Public Service Recognition Week."

Mayor Copeland read the proclamation and presented it to Park Services Coordinator Brian Nilges, 2018 Public Service Award recipient, on behalf of all his fellow employees.

- B.** Consideration of Resolution No. 19-1031 appointing members to the Persons with Disabilities Advisory Board.

Mayor Copeland presented certificates of reappointment to Mark Cameron, Donna Holsten and Perry "PJ" Trammell. Claire Reagan and Jawanda Mast were presented with certificates of appointment. Michelle Brown was reappointed to serve, but was not present.

Mark Gash, Persons with Disabilities Advisory Board Chair, made comments regarding the appointees and their willingness to serve.

Motion by Randall, seconded by Bacon, to approve Resolution No. 19-1031. The motion carried by the following vote:

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

**Absent:** Campbell

- C.** Consideration of Resolution No. 19-1032 appointing a new member to the Olathe Human Relations Commission.

Mayor Copeland presented a certificate of appointment to Jorge Santana recognizing his appointment to serve on the Human Relations Commission.

Hector Silva, Olathe Human Relations Commission Chair, welcomed

Jorge to the Commission.

Motion by Randall, seconded by Bacon, to approve Resolution No. 19-1032. The motion carried by the following vote:

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

**Absent:** Campbell

**D.** Consideration of Resolution No. 19-1033 reappointing a member to the Library Board.

Mayor Copeland announced that Tom Glinstra was reappointed to serve on the Library board but was unable to attend council meeting to be recognized.

Motion by Randall, seconded by Bacon, to approve Resolution No. 19-1033. The motion carried by the following vote:

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

**Absent:** Campbell

**7. PUBLIC HEARINGS**

**A.** Consideration of a public hearing to identify needs for the 2020 Community Development Block Grant (CDBG) funding.  
Mayor Copeland opened the public hearing and invited comments.

Hearing no public comments, Mayor Copeland entertained a motion to close the public hearing.

Motion by Randall, seconded by Bacon, to close the public hearing. The motion carried by the following vote:

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

**Absent:** Campbell

**8. CONSENT AGENDA**

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

Motion by Randall, seconded by Bacon to approve the consent agenda with the exception of item H. 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 April 16, 2019.

Approved

- B.** Consideration of business expense statement for City Manager, Michael Wilkes, for expenses incurred to attend Transforming Local Government Conference in Reno, NV April 8 - 12, 2019.

Approved

- C.** Consideration of renewal of contract with CDWG for technical support & licensing of the Microsoft Office 365 Product.

Approved

- D.** Consideration of Resolution No. 19-1034, approving a temporary event permit for alcohol to be possessed and consumed within a designated public area in Downtown Olathe.

Approved

- E.** Request for the acceptance of the dedication of land for public easements and right-of-way for a final plat for Shield Storage W. 151st Terrace (FP19-0008) containing 1 lot and no common tracts on 3.06± acres; located southeast of the intersection of W. 151st Street and US 169 Highway. Planning Commission recommends approval 7 to 0.

Approved

- F.** Request for the acceptance of the dedication of land for public easements and right-of-way for a final plat for Black Bob 151 Shops Lot 8 Replat (FP19-0006) containing 2 commercial lots and 1 common tract on 0.89± acres; located at 15205 S. Black Bob Road. Planning Commission recommends approval 7 to 0.

Approved

- G.** Consideration of Consent Calendar.

Approved

- H.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Miles Excavating, Inc. for construction of the 151st and Ridgeview Geometric Improvements Project, PN 3-C-112-17, and the 151st Street Arterial Mill and Overlay Improvements Project, PN 3-P-002-19.

Councilmember Brownlee questioned what the anticipated completion date would be and what was being considered to alleviate congestion during this project since it is such a high traffic intersection.

Deputy Public Works Director, Beth Wright, said the project would extend into the fall, but would not begin until after Memorial Day to avoid school traffic. She also said they were using a qualified contractor who understood the need to expedite the project.

Ms. Brownlee asked if any thought had been given to working through the night. Ms. Wright said that was possible as well as possibly offering incentives to avoid delays.

Motion by Randall, seconded by Bacon to approve consent item H. The vote carried by the following vote:

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

**Absent:** Campbell

- I.** Consideration of Resolution No. 19-1035 authorizing a survey and description of land or interest to be condemned for the Lone Elm Road, Old 56 Hwy to 151st, Improvements Project, PN 3-C-084-17.

Approved

- J.** Consideration of a Professional Services Agreement with Affinis Corp for design of the Cedar Street Improvements Project, PN 3-R-001-20, and the Cedar Street Sanitary Sewer Rehabilitation Project, PN 1-R-001-19.

Approved

- K.** Acceptance of bid and consideration of award of contract to Hicks-Ashby for the purchase of static shelving for the new Indian Creek Library.

Approved

- L.** Acceptance of bid and consideration of award of contract to Victor L Phillips, Co. for the replacement of a Case 590SN Backhoe for the Public Works Department.

Approved

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

- A.** Consideration of Ordinance No. 19-15, RZ19-0001: Request approval for a rezoning from RP-3 District to R-4 District for Saddlewood Apartments on 18.99± acres; located in the vicinity of W. 154th Street and S. Brentwood Street. Planning Commission recommends approval 7-0.

Planner Dan Fernandez gave a brief presentation giving an overview of the property at 154th and Brentwood.

Councilmember McCoy asked questions regarding the number of total units to be built.

Councilmember Vogt asked if concerns that were raised such as trash receptacles being moved would be addressed in the final

development plan. She also asked what other developments she could compare this project to so she could assess the quality. Councilmember Bacon wanted to know the percentage of units that would have a garage.

Mr. Fernandez addressed each of their concerns and then invited Aaron March, Counsel for the applicant, to the podium to address the Council.

Mr. March thanked staff and neighbors for working together to address all concerns and to make this development a success. He indicated all current buildings are being painted and will be upgraded to make them look like the new ones being built. He also indicated driveways and trash receptacles would be moved per suggestions of staff.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-15, RZ19-0001. The motion carried by the following vote:

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

**Absent:** Campbell

- B.** Consideration of Ordinance No. 19-16 approving an engineer's survey and authorizing the acquisition of land for the 119th and Pflumm Geometric Improvements Project, PN 3-C-071-18.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-16. The motion carried by the following vote:

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

**Absent:** Campbell

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

Councilmember McCoy recognized the 18 new firemen and first responders. He said he feels privileged to live in Olathe.

Councilmember Randall expressed appreciation for the Scouting Open House he was able to attend. He also shared about the Parks & Rec activity guide and the many activities that are available for Olathe citizens of all ages.

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

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

Robynn Andracsek, 11526 S. Roundtree Street, Olathe, spoke in support of placing a non-discrimination ordinance on the agenda that addresses LGBTQ issues.

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

Angie Powers, 1721 W. Spruce Street, Olathe, spoke in support of an LGBTQ non-discrimination ordinance.

Angela Schweller, 19769 W. 107th Street, Olathe, spoke in support of passing a non-discrimination ordinance.

Matthew Calcara, 14362 W. 118th Street, Olathe, spoke in support of an LGBTQ non-discrimination ordinance.

### **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. Quarterly Procurement Report.  
The report was accepted, and no presentation was given.
2. Report on Ordinance No. 19-XX concerning amendments to the animal nuisance Ordinance, O.M.C. 8.10.010.  
The report was accepted, and no presentation was given.

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

1. Proposed amendments to Titles 15 and 16 of the Olathe Municipal Code concerning adoption and amendment of the 2018 International Codes.  
Assistant Fire Chief Wassom completed a presentation addressing questions from councilmembers as a follow up to the previous presentation on April 2nd. There was considerable discussion regarding a variety of issues and Assistant Fire Chief Wassom provided detailed answers to each concern and question.

Home Builders Association Executive Vice President, William

Ruder, expressed appreciation and gratitude for the collaborative environment the City has created regarding the building codes. Mr. Ruder expressed the desire for affordability and attainability for home buyers. He thanked the council and staff for the on-going dialogue regarding codes.

2. Discussion on the Park Maintenance Facilities Improvements Project, PN 6-C-001-18.  
Senior Build Design Project Manager, Chad Foster, Chris Hess with McGownGordon Construction and Rick Wise with Clark Enersen Partners, completed a presentation of the conceptual design for the proposed park maintenance facility. There was discussion regarding the functionality, cost for infrastructure and the longevity of the facility. Chad Foster answered questions and addressed the concerns of the councilmembers. Parks and Rec Director, Michael Meadors, also answered questions.

#### **14. ADDITIONAL ITEMS**

Councilmember McCoy expressed concerns regarding events he has attended with other organizations and he felt misinformation was being shared.

Councilmember Vogt thanked Mr. McCoy for speaking up.

Councilmember Randall also thanked Mr. McCoy and applauded the City's transparency. He also shared City Council "puns."

Councilmember Brownlee expressed gratitude for the stormwater management team.

#### **15. ADJOURNMENT**

The meeting adjourned at 8:59 P.M.

Brenda D. Long  
Assistant City Clerk