



**COUNCIL MEMBER TRAINING ON NEW COUNCIL CHAMBER COMPUTERS
(6:00 P.M. – 6:15 P.M. – CITY COUNCIL CHAMBERS)**

1. CALL TO ORDER

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

Councilmember Randall arrived after the Executive Session.

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

2. EXECUTIVE SESSION

Consideration of motion at 6:18 p.m. to recess into an executive session for 40 minutes to discuss the following items. 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) regarding 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) regarding a lease agreement.
Yes: Brownlee, McCoy, Bacon, Vogt, and Copeland
Absent: Campbell, and Randall
- B.** To discuss personnel matters of non-elected personnel pursuant to the exception provided in K.S.A. 75-4319(b)(1) regarding the six-month evaluation of the Internal Auditor. (City Council)
Motion by Bacon seconded by Vogt to recess into an 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 six-month evaluation of the Internal Auditor.
Yes: Brownlee, McCoy, Bacon, Vogt, and Copeland
Absent: Campbell, and Randall

3. RECONVENE FROM EXECUTIVE SESSION

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

Executive Session item A - Motion by Randall, seconded by Vogt, to authorize the City Attorney to finalize and the Mayor to execute a lease agreement with Lane 4 Property Group, doing business as, Monarch, LLC, for a temporary space for the Olathe Public Library. Motion passed 5-1 with Councilmember Bacon voting no.

Executive Session item B - there were no motions or action taken.

Councilmember Randall stated the internal auditor, Mary Ann Vassar, is doing an excellent job and Council likes what they see from the audit reports submitted for the first six months. Mr. Randall thanked Ms. Vassar for her service and hopes she has a long career with the City of Olathe.

4. BEGIN TELEVISED SESSION – 7:00 P. M.**5. PLEDGE OF ALLEGIANCE**

Members of Scout Troop 412 and 84 led the audience in the Pledge of Allegiance.

6. SPECIAL BUSINESS

- A.** Consideration of Resolution No. 19-1077 reappointing a member to the Board of Zoning Appeals.

Mayor Copeland invited Dean Vakas, Planning Commission Chairman, forward to introduce Jeremy Fry.

Mayor Copeland presented Mr. Fry with a certificate of reappointment.

Motion by Randall, seconded by Bacon to approve Resolution No. 19-1077. The motion carried by the following vote:

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

Absent: Campbell

- B.** Recognition of Scouts for Eagle Scout service projects completed for the City.

Mayor Copeland invited Liz Newman, Parks and Recreation Senior

Horticulturist, forward to introduce Eagle Scouts Ty Hacke and Mathew Lawrence. Ms. Newman stated each Eagle Scout completed projects which benefited the City of Olathe.

Mayor Copeland presented each Eagle Scout with a certificate of recognition.

C. Recognition of Councilmember Jim Randall and presentation of Service Award.

Mayor Copeland recognized Councilmember Jim Randall for his 20 years as City Councilman and presented Mr. Randall with a service award.

Mr. Randall commented on his 20 years of service and thanked the citizens, city council, staff and family for his wonderful journey on the city council.

7. PUBLIC HEARINGS

A. Consideration of a Public Hearing on a request by Milhaus Properties, LLC for issuance of industrial revenue bonds and tax phase in for the construction of a multi-family residential redevelopment project located at the southeast corner of Park Street and Chestnut.

Mayor Copeland opened the public hearing and invited comments.

Carole Moll, 220 S. Normandy Drive, spoke in opposition to the Milhaus project. Ms. Moll stated her concern is with the effect on the First Christian Church and parking.

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

Motion by Randall, seconded by Bacon to close the Public Hearing.
Motion carried by the following vote:

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

Absent: Campbell

A.1 Consideration of an Amended and Restated Real Estate Contract and Development Agreement with Milhaus Properties, LLC.

John Hood, 1501 East Sunvale Drive, owner of a CPA firm in Downtown Olathe. Mr. Hood stated he has two particular issues he

would like to address regarding the parking easement for the Milhaus project. Mr. Hood stated the first was the time of day that the exclusive use by Milhaus apartments ends. Mr. Hood stated originally it was nine o'clock (a.m.) and then revised to eight o'clock (a.m.), which is a positive step. Mr. Hood stated he would like to see the Council revise that to seven (a.m.), or seven-thirty (a.m.). Mr. Hood stated the purpose is a downtown worker needs to go to work at eight o'clock (a.m.), but would not be allowed to park in the spots that Milhaus has the exclusive rights to before eight o'clock (a.m.). Mr. Hood stated from personal experience the parking garage can be pretty busy from seven-thirty to eight (a.m.). The second issue Mr. Hood presented to the Council to consider is some of the language on page three of the agreement. Mr. Hood stated Milhaus would make what they consider a reasonable request to change the agreement and the City would be forced to agree. Mr. Hood stated in the same paragraph Milhaus could determine a greater portion of the parking garage with 24/7 access and if they would present a reasonable request to the City, his understanding is the City would have ten days to comply with that. Mr. Hood stated in speaking with City Attorney Shaver about this that it is not his reading of this at all. Mr. Hood stated it seems to hinge on what is a reasonable request. Mr. Hood stated he would prefer to see the language in the agreement read a mutually agreed upon amendment to the parking agreement. Mr. Hood felt this would be a reasonable request.

Ron Shaver, City Attorney, responded to Mr. Hood's issues. Mr. Shaver stated concerning the time change from 9:00 a.m. to 8:00 a.m. that the revised change was a significant concession from the developer.

Mayor Copeland asked if the apartment dwellers who have parked all night in the designated reserved spaces, which open up earlier, leave in the morning those designated reserve spaces are open for local workers to park in. Mr. Shaver stated that is correct.

Mr. Shaver stated regarding Mr. Hood's second request he felt the language gave both parties the opportunity to submit a reasonable request if they felt there was any request that seemed unreasonable.

Mr. Shaver stated their discussion with Mr. McGurk and his attorneys have been very cordial and productive. Mr. Shaver stated he would defer to Mr. McGurk and his team concerning any changes and we will follow the direction of the City Council on how they would like us to follow it.

Mr. Shaver stated Mr. McGurk has relayed to him that he would be fine with us amending the language and making it mutually agreed upon if that is the Council's desire.

Mr. McGurk stated he is perfectly fine with the mutually agreeable language in the agreement as that is how he understood this. Mr. McGurk stated his concern is with lender requirements and pushback from them if they change from 8:00 a.m. to 7:00 a.m. Mr. McGurk requested the requirement stay as 8:00 a.m.

Councilmember Brownlee asked why the first refusal language in the contract is for a period of ten years.

Mr. Shaver stated it is our thought that it would coincide with the period of time that they would receive the property tax incentives.

Ms. Brownlee asked Mr. Shaver if he thought this could impact other buyers that would be interested in this property.

Mr. Shaver stated it is possible.

Ms. Brownlee stated some of the talk is that this piece of ground will grow in value because of traffic counts and so forth. Ms. Brownlee stated they want to make sure that we are treating everyone fairly that could have an interest in this and so forth.

Mr. Shaver stated the language we have in there would require any proposal we would have to be matched or exceeded to the City's benefit.

Councilmember Bacon asked if the term of parking requirement for the 300 spaces could go on from now until eternity as shown in the

agreement. Mr. Shaver stated that was correct.

Mr. Bacon asked if the \$10,000 for maintenance costs would be paid to us and if there were an escalation clause after year ten.

Mr. Shaver stated that there is actually a yearly escalation in the contract.

Mr. Bacon raised questions about parking in the future and other cities where the residents are aware of making other parking arrangements due to limited parking. Mr. Bacon stated he does not know what will happen 15-20 years down the road and did not want to obligate the City or the Council if he is not sure about this. Mr. Bacon inquired if they had looked at the numbers and if they considered making the first level of this project a parking garage.

Mr. Shaver stated he would defer to Mr. McGurk on the cost estimate for the parking garage.

Mr. Bacon asked concerning the 300 parking spaces if the developer could sell those. Mr. Shaver stated no.

Mr. McGurk responded they had looked at the garage parking for the project and it added \$1.5 million and they could not get the numbers to work.

Councilmember Brownlee stated the information they were provided on the IRB and cost benefit analysis indicated it was 0.17 ratio with the public benefits being 17 percent of the public costs with the costs exceeding the benefits. Ms. Brownlee stated that is an extraordinarily low cost benefit ratio and is very concerning.

Councilmember McCoy stated he appreciated the economic benefit comments but we haven't discussed the benefits of residents living there and visiting the shops.

Councilmember Bacon asked Mr. McGurk what the dollar amount was for the parking garage spaces on the south Chestnut site.

Mr. McGurk stated he had not done the numbers for the south site and felt it would take multiple levels for this project.

Mayor Copeland suggested if they want to move forward they accept the change suggested by Mr. Hood concerning the time be reflected in the document be 7:00 a.m. or 7:30 a.m. but if the lender says no and it is a deal breaker, it's a deal breaker. Mr. Copeland said he did not want to mess with the deal.

Mr. McGurk stated he would commit to asking for the time change, but asked that for now the document being considered say eight o'clock (a.m.).

Motion by Randall, seconded by Vogt to approve an Amended and Restated Real Estate Contract and Development Agreement with Milhaus Properties, LLC with the understanding that we will make the adjustments to "mutually acceptable" and the best efforts approached not written in the contract but as our understanding. Motion carried by the following vote:

Yes: Randall, McCoy, Vogt, and Copeland

No: Brownlee, and Bacon

Absent: Campbell

- A.2** Consideration of Resolution No. 19-1078 on a request by Milhaus Properties, LLC for issuance of industrial revenue bonds and tax phase in for the construction of a multi-family residential redevelopment project located at the southeast corner of Park Street and Chestnut.

Motion by Randall, seconded by Vogt to approve Resolution No. 19-1078 on a request by Milhaus Properties, LLC for issuance of industrial revenue bonds and tax phase in for the construction of a multi-family residential redevelopment project located at the southeast corner of Park Street and Chestnut. Motion carried by the following vote:

Yes: Randall, McCoy, Vogt, and Copeland

No: Brownlee, and Bacon

Absent: Campbell

- B.** Consideration of a Public Hearing on a request by Eymann Development Inc. for issuance of industrial revenue bonds and tax phase in for the construction of a 18,250 sq. ft. office building located north of 103rd Street and west of Shadow Ridge Drive in Cedar Creek

office development. The applicant is applying under master resolution 99-1013.

Mayor Copeland opened the public hearing and invited comments.

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

Councilmember Brownlee requested a presentation.

Emily Vincent, Administrative Services Officer with Resource Management, completed a presentation.

Councilmember Brownlee stated she wanted to point out on this project the cost benefit analysis is much more positive. Ms. Brownlee asked if the reason the applicant is building due to the need for more space. Ms. Vincent stated that is correct.

Motion by Randall, seconded by Bacon to close the Public Hearing.
Motion carried by the following vote:

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

Absent: Campbell

- C.** Consideration of a Public Hearing on a request by Grayson Enterprise, LLC for issuance of industrial revenue bonds and tax phase in under a master resolution for an office/warehouse project located at 15430 S. Mahaffie Street including a first phase project for Calukas Properties to construct a 20,000 sq. ft. facility.

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.
Motion carried by the following vote:

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

Absent: Campbell

- C.1** Consideration of Master Resolution No. 19-1079 on a request by Grayson Enterprise, Inc. for issuance of industrial revenue bonds and tax phase in for multiple projects.

Motion by Randall, seconded by Bacon to approve Master Resolution

No. 19-1079 on a request by Grayson Enterprise, Inc. for issuance of industrial revenue bonds and tax phase in for multiple projects. Motion carried by the following vote:

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

Absent: Campbell

- C.2** Consideration of Resolution No. 19-1080 on a request by Calukas Properties for issuance of industrial revenue bonds and tax phase in for the construction of a 20,000 sq. ft. facility located at 15430 S. Mahaffie Street.

Motion by Randall, seconded by Bacon to approve Resolution No. 19-1080 on a request by Calukas Properties for issuance of industrial revenue bonds and tax phase in for the construction of a 20,000 sq. ft. facility located at 15430 S. Mahaffie Street. Motion carried by the following vote:

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

Absent: Campbell

8. CONSENT AGENDA

Councilmember Brownlee requested item F be removed for separate consideration and vote. Councilmember Bacon requested items D, E, G and N be removed for separate consideration and vote.

Motion by Randall, seconded by Bacon to approve the consent agenda with the exception of items D, E, F, G and N. The motion carried by the following vote:

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

Absent: Campbell

- A.** Consideration of approval of the City Council meeting minutes of December 3, 2019.
Approved
- B.** Consideration of cereal malt beverage license applications for calendar year 2020.
Approved
- C.** Consideration of drinking establishment renewal applications for Granite City of Kansas LTD, d/b/a Granite City Food & Brewery, located at 15085 W. 119th St., LaFamilia Corporation, d/b/a Chapala, located at 105 S. Clairborne Road and KC Pie, d/b/a Pie Five Pizza Co., located at 15404 W. 119th St.
Approved
- D.** Consideration of Resolution No. 19-1069 adopting the Tax Increment Financing (TIF) Policy.

Councilmember Bacon requested that consent items D, E, and G be removed from consent so he could vote on these separately as he is not in favor of the contribution for the abatement.

Motion by Randall, seconded by Vogt to approve consent agenda item D. The motion carried by the following vote:

Yes: Randall, McCoy, Vogt, and Copeland

No: Brownlee, and Bacon

Absent: Campbell

E. Consideration of Resolution No. 19-1070 adopting the Transportation Development District (TDD) Policy.

Motion by Randall, seconded by Vogt to approve consent agenda item E. The motion carried by the following vote:

Yes: Randall, McCoy, Vogt, and Copeland

No: Brownlee, and Bacon

Absent: Campbell

F. Consideration of Resolution No. 19-1071 adopting the Industrial Revenue Bond and Tax Abatement (IRB) Policy.

Councilmember Brownlee stated what she would like for the Council to consider when it comes to an IRB, especially if it is one hundred percent abatement instead of having a request of a contribution of three thousand dollars do we instead tie it to the property taxes being forgiven. Ms. Brownlee said in other words would we ask for two percent, or three percent and tie that to the amount of the property taxes that the developer would not be paying rather than a flat amount.

Mayor Copeland asked more like a sliding scale?

Ms. Brownlee stated rather than a flat amount tie it in some manner to what is forgivable. Ms. Brownlee said if the value increases that amount will increase. Ms. Brownlee stated she would personally make it a PILOT (Payment In Lieu Of Taxes), but she realizes that could be more complicated. Ms. Brownlee said if we want it to continue to be a donation, if you will, to the community foundation than that is fine, but tie it to something in particular.

Councilmember Vogt asked Councilmember Brownlee why she voted against adding this to the TIF policy, the Transportation District policy as well as the CID, but increase this one.

Councilmember Brownlee responded a forced contribution is not a donation and it is not a contribution, it is a tax. Ms. Brownlee said that is why her preference is a PILOT, but she realizes that is difficult to accomplish. Ms. Brownlee continued that in some manner when you have abated one hundred percent of someones property taxes, tie what you are asking them to pay into the system, tie it to the amount that they have been forgiven.

Councilmember Randall stated he would rather leave it as it is.

Councilmember Brownlee stated part of what she is thinking is that there is becoming pushback on incentives and the State began to acknowledge for those that do get those breaks pay more into the system.

Mayor Copeland asked if we have a budget and what we think this would generate over time.

Emily Vincent, Administrative Services Officer, stated she had the opportunity to speak with Councilmember Brownlee today and they looked at a similar recent IRB ordinance that passed a few meetings back and calculated what the property taxes are estimated if there was no abatement, which was approximately \$336,000. Ms. Vincent stated if you take two percent that would be \$6,720 that they would need to contribute to the community foundation. Ms Vincent stated one percent would be \$3,360.

Mayor Copeland asked what we think this would generate per year over a ten year period of time.

Ms. Vincent stated it depends on the number of IRB's that we receive.

Councilmember Vogt asked how this compares to some of our

neighboring cities and what they are currently doing.

Ms. Vincent stated they reached out to Overland Park and Lenexa and they don't have exactly what we have, but they do build into incentives and real estate development agreement policies similar plans to participate in different community groups they would like to see the contribution go to.

Ms. Vogt asked concerning the amount how it compares to what is being proposed to us and what Councilmember Brownlee requested.

Ms. Vincent stated they tie those to each project.

Mayor Copeland asked Council what they would like to do with this tonight.

Councilmember Vogt expressed she would like to see a little more research to see what our neighbors are doing.

Mayor Copeland asked if we were to receive an IRB request prior to us adopting this policy how would we handle it. Mr. Copeland asked would we apply it to the previous policy that expires at year end.

Michael Wilkes, City Manager, stated we don't currently have a policy on this as it was a negotiated process that we had codified in the policies before. Mr. Wilkes stated our current IRB policy does not include this.

Mayor Copeland stated his suggestion to Council is to continue to treat them as you have under our current IRB policy even though it expires as it is the same as it has been for years and we are only tweeking one little thing.

Mr. Wilkes stated the other thing they could do is to approve all of their tax incentive policies and we will continue to work on this issue and bring back to you in a study session. Mr. Wilkes stated we could always amend the policies later on.

Ron Shaver, City Attorney, stated you could approve it without this language and bring it back after we conduct the study and you have a policy.

Mr. Wilkes stated that he is hearing the Governing Body wanting is some sort of sliding scale based on the abatement given, which is the tax forgiven, not the value of the project but the taxes. Mr. Wilkes asked for clarification if it is total taxes abated, or just the city's portion of taxes abated as they are two different things.

Mayor Copeland stated he believed it should be ours.

Mr. Wilkes restated Council's desire is for total amount of our taxes, some type of sliding scale and find out what other cities are doing.

Councilmember Bacon stated it was his understanding that these abatement policies are in effect until they are repealed.

Mr. Shaver stated it sunsets annually and this one is different as it is annual and the others go for two years. Mr. Shaver clarified with the IRB policy you see it every year, sometimes you look at it multiple times in a single year.

Motion by Randall, seconded by Bacon to approve Resolution No. 19-1071 adopting the Industrial Revenue Bond and Tax Abatement (IRB) Policy with the exception of new Section 2D pertaining to Community Development and moving the threshold from \$2.5 million to \$3 million to qualify. The motion carried by the following vote:

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

Absent: Campbell

G. Consideration of Resolution No. 19-1072 adopting the Community Improvement District (CID) Policy.

Motion by Randall, seconded by Vogt to approve consent agenda item G. The motion carried by the following vote:

Yes: Randall, McCoy, Vogt, and Copeland

No: Brownlee, and Bacon

Absent: Campbell

- H.** Consideration of the commercial property and casualty insurance program for 2020.
Approved
- I.** Consideration of business expense statement for Mayor Michael Copeland for expenses incurred to attend the US Conference of Mayors in Honolulu, Hawaii, June 26 - July 2, 2019.
Approved
- J.** Consideration of business expense statement for City Councilmembers, John Bacon, Jim Randall, Karin Brownlee, and Wes McCoy for expenses incurred to attend the National League of Cities - City Summit in San Antonio, TX, November 20 - 23, 2019.
Approved
- K.** Consideration for the City Manager to attend the Alliance for Innovation Board Meeting in Phoenix, AZ, January 24 - 25, 2020.
Approved
- L.** Consideration of the 2020 Human Service Fund Allocations.
Approved
- M.** Consideration of the 2020 Alcohol Tax Fund Allocations.
Approved
- N.** Request for the acceptance of dedication of land for public easements and right-of-way for a final plat for Chestnut South (FP19-0019) containing 1 lot and 0 tracts on 1.82± acres; located at the southeast corner of Park Street and Chestnut Street in downtown. Planning Commission recommends approval 9-0.
Councilmember Bacon stated he pulled this item to vote on it separately.
Motion by Randall, seconded by Vogt to approve consent agenda item N. The motion carried by the following vote:
Yes: Brownlee, Randall, McCoy, Vogt, and Copeland
No: Bacon
Absent: Campbell
- O.** Request for the acceptance of the dedication of land for public easements and right-of-way for a final plat for Bear Creek (FP19-0029) containing 2 lots and 0 common tracts on 0.78± acres; located in the vicinity of the southeast corner of 159th Street and Lindenwood Drive. Planning Commission recommends approval 7-0.
Approved
- P.** Request for the acceptance of the dedication of land for public

easements for a final plat for Foxfield Villas South (FP19-0030) containing 1 residential lot on 2.85± acres; located southeast of the intersection of 117th Street and Lone Elm Road. Planning Commission approved this plat 7-0.

Approved

- Q.** Request for the acceptance of dedication of land for public easements and right-of-way for a final plat for Lone Elm Commerce Center, Second Plat (FP19-0031) containing 1 tract on 4.19± acres; located in the vicinity of 167th Street and Lone Elm Road. Planning Commission recommends approval 9-0.

Approved

- R.** Consideration of Resolution 19-1081, SU19-0006, requesting approval of a special use permit for keeping chickens on a residential lot less than three (3) acres, 1.07± acres; located at 430 E Cedar Street. Planning Commission recommends approval 6 to 0.

Approved

- S.** Consideration of Resolution 19-1082, adopting an annexation policy, Policy PI-6 (PLN19-0008).

Approved

- T.** Consideration of Resolution No. 19-1083 authorizing the College Boulevard, Cedar Niles to Clare, Improvements Project, PN 3-C-030-19.

Approved

- U.** Consideration of renewal of contract with Level One, LLC for utility bill printing, mailing and online presentment for the Customer Service Division.

Approved

- V.** Consideration of renewal of contract with Midwest Tape, LLC. to provide digital content management for Olathe's libraries.

Approved

- W.** Consideration of renewal of contracts to BA Designs, Built Interior Construction, Commercial Concepts and Furnishings, Concepts for Business, LLC, Encompas Corporation, Freedom Interior Solutions, LLC, Interior Landscapes, John Marshall Company, Modern Business Interiors, Payless Office Products, Scott Rice Office Works, Spaces, Inc., Staples Advantage, Team office, and United Office Products, Inc. for the purchase of office furniture city wide.

Approved

- X.** Acceptance of bid and consideration of award of contract to Sirius Computer Solutions, Inc. for the installation, implementation, and maintenance of NetApp All-Flash FAS storage clusters.

Approved

- Y.** Acceptance of proposals and consideration of award of contracts to Kaw Valley Engineering, Inc., and Braun Intertec Corporation, for geotechnical and testing services for the Public Works Department.
Approved

9. NEW BUSINESS-PUBLIC WORKS

- A.** Consideration of Ordinance No. 19-81 (ANX19-0004) annexing approximately 59.9± acres into the corporate boundaries of the City of Olathe.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-81. The motion carried by the following vote:

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

Absent: Campbell

- B.** Consideration of Ordinance No. 19-82, RZ19-0011, requesting approval of a zoning amendment for the Planned District (PD), 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.

Kim Hollingsworth, Senior Planner in the Planning Division of Public Works, completed a presentation and stated the applicant is agreeable to all items in the ordinance.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-82, RZ19-0011. The motion carried by the following vote:

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

Absent: Campbell

- C.** Consideration of Resolution No. 19-1084 defining the boundary of the City of Olathe as of December 31, 2019.

Motion by Randall, seconded by Bacon to approve Resolution No. 19-1084. The motion carried by the following vote:

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

Absent: Campbell

- D.** Consideration of Ordinance No. 19-83 approving an engineer's survey and authorizing the acquisition of land for the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-83. The motion carried by the following vote:

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

Absent: Campbell

10. NEW BUSINESS-ADMINISTRATION

- A.** Consideration of a proposal for investigative services pertaining to an ethics complaint.

Ron Shaver, City Attorney, completed a presentation to the City Council. Mr. Shaver stated staff is recommending engaging the investigative services of Angela D. Gupta and investigation report review with retired Judge Gerald T. Elliott.

Councilmember McCoy inquired what the cost would be to the City for this.

Mr. Shaver stated Ms. Gupta's base rate is \$250 per hour and she approximated it would take her 28 to 45 hours for her role. Mr. Shaver indicated retired Judge Elliott's rate is \$175 per hour and would not require as much time as Ms. Gupta. Mr. Shaver stated the rates for the recommended individuals is the lowest of the three for each item.

Mr. McCoy asked if this came out of the general fund and Mr. Shaver responded yes.

Mr. McCoy asked if there were anyway of recouping the dollars spent if there is no merit to this case and Mr. Shaver stated no.

Motion by Randall, seconded by Vogt to authorize the Mayor to execute a letter of engagement for investigative services with Angela Gupta and also authorize the Mayor to engage Judge Gerald T. Elliot to review the investigation report. The motion carried by the following vote:

Yes: Randall, Vogt, and Copeland

No: McCoy, and Bacon

Absent: Campbell

Abstain: Brownlee

- B.** Consideration of Ordinance No. 19-84 authorizing the issuance of taxable industrial revenue bonds, Series 2019, not to exceed \$1,700,000 to Ace Properties, LLC (Lot C) for the construction of an 18,750 sq. ft. office and warehouse project located at 601 N. Lindenwood.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-84. The motion carried by the following vote:

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

Absent: Campbell

- C.** Acceptance of a petition and consideration of Resolution No. 19-1085 authorizing the creation of a benefit district for Cedar Creek Parkway (south of College Boulevard), Project No. X-X-XXX-19.

Motion by Randall, seconded by Bacon to approve Resolution No. 19-1085. The motion carried by the following vote:

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

Absent: Campbell

- D.** Consideration of Resolution No. 19-1086 authorizing a development agreement related to the Cedar Creek Parkway south of College Boulevard project.

Motion by Randall, seconded by Bacon to approve Resolution No. 19-1086. The motion carried by the following vote:

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

Absent: Campbell

- E.** Consideration of Ordinance 19-85 repealing Resolution No. 08-1071 and Ordinance Nos. 09-020 and 09-33 and terminating certain special assessments when certain contingencies are met.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-85. The motion carried by the following vote:

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

Absent: Campbell

11. NEW CITY COUNCIL BUSINESS

Councilmember Randall stated Olathe is a growing city and he cannot wait to see what happens going forward. Mr. Randall stated he wants the City to be successful and offered incoming Councilmember, Adam Mickelson, any assistance he can. Mr. Randall stated it has been a great ride and thanked everyone.

Councilmember McCoy stated he likes what our internal auditor, Mary Ann Vassar, had to say regarding our culture and it is true what makes our city great. Mr. McCoy thanked staff for all that they do for the city. Mr. McCoy thanked Mr. Randall for all of his years and mentorship he has provided. Mr. McCoy wished everyone a Merry Christmas.

Councilmember Vogt thanked Councilmember Randall for all he has done and the great legacy he leaves behind. Ms. Vogt also wanted to thank Police and Public Works for working on the holidays. Ms. Vogt wished everyone a Merry Christmas.

Councilmember Bacon thanked Councilmember Randall for his service and for being a class act. Mr. Bacon wished everyone a Merry Christmas.

Councilmember Brownlee thanked Councilmember Randall for his service and stated he was especially helpful when she came on board. Ms. Brownlee gave a shout out to retiring Library Director, Emily Baker, and Park Project Manager, Michael Latka for their many years of great service.

Mayor Copeland congratulated Councilmember Randall on his new opportunities and that he will be missed. Mr. Copeland stated Mr. Randall had made a big positive difference in this organization and community. Mr. Copeland stated we are grateful for your service, sacrifices and contributions that are legacy building. Mr. Copeland wished everyone a Merry Christmas and Happy New Year.

City Manager Wilkes thanked Councilmember Randall on behalf of the staff for his time and devotion over the last 20 years and all his support for the staff and community.

12. END OF TELEVISED SESSION

13. GENERAL ISSUES AND CONCERNS OF CITIZENS

Phyliss Tormey, 1440 N. Hunter Drive, stated she believes Councilmember Brownlee is being unfairly singled out concerning the ethics complaint and asked Council to reconsider this.

14. 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 and review of the Purchasing Card Usage and Controls Report.
The report was accepted.

2. Report on proposed Charter Ordinance No. 80 and Ordinance No. 20-XX concerning the Municipal Court Administrator.
The report was accepted.
3. Report on Ordinance No. 20-XX amending O.M.C. Chapter 2.34 making technical changes to the Olathe Community Fund ordinance.
The report was accepted.

B. DISCUSSION ITEMS

1. Discussion of activity and proposed fee changes at the Solid Waste Transfer Station. (15 min.)
Alan Shorthouse, Deputy Public Works Director, completed a presentation and answered questions from the Governing Body.

Mayor Copeland thanked Mr. Shorthouse and stated to move forward and bring this item back to Council in January for consideration.

15. ADDITIONAL ITEMS

Councilmember McCoy wished everyone a Merry Christmas and Happy New Year.

Councilmember Randall wished everyone a Merry Christmas.

Councilmember Brownlee thanked Council for considering the idea of the abatement change and wished everyone a Merry Christmas.

Mayor Copeland wished everyone a Merry Christmas.

16. ADJOURNMENT

The meeting adjourned at 9:21 p.m.

David F. Bryant III, MMC
Deputy City Clerk