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**1. CALL TO ORDER**

**Present:** Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt,  
and Copeland

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

Also present were City Manager Wilkes and City Attorney Shaver.

**3. PLEDGE OF ALLEGIANCE**

Scout troop 67 led the Pledge of Allegiance.

**4. SPECIAL BUSINESS**

- A.** Proclamation declaring Chiefs Day in recognition of the AFC Champions, the Kansas City Chiefs.

Mayor Copeland presented the proclamation to Chiefs Ambassador, Mike Maslowski, declaring February 5, 2020, as Chiefs Day, celebrating their first Super Bowl title in 50 years.

- B.** Proclamation designating February as African-American Heritage Month.

Mayor Copeland presented the proclamation to Henry Lyons, from the Olathe Chapter of the NAACP, and recognized him for his efforts for organizing MLK celebrations during the past 17 years.

- C.** Consideration of Resolution No. 20-1015 reappointing members to the Olathe Public Art Committee.

Mayor Copeland invited Committee Vice Chair, Cris Walker, to introduce Melissa Jobe and Chelsy Walker. Martha Gabel and Doug Osa were not in attendance. Mayor Copeland presented certificates of reappointment to Ms. Jobe and Ms. Walker. Ms Walker said she is privileged to have this opportunity to serve the community.

Motion by Bacon, seconded by Vogt, to approve Resolution No. 20-1015. The motion carried by the following vote:

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

- D.** Presentation on Johnson County by Commissioners Mike Brown and

Michael Ashcraft.

Johnson County Commissioners Mike Brown and Michael Ashcraft, gave a presentation on County projects and activities.

Questions from council members were answered and Commissioner Ashcraft commended the Council for all the great changes in the community over the years and wished Olathe well.

- E.** Presentation by ETC Institute on the results of the 2019 DirectionFinder Survey.  
Chris Tatham, with ETC Institute, gave a presentation on the results of the 2019 DirectionFinder Survey.

Council members thanked Mr. Tatham for his work and asked about the results to questions citizens had answered regarding taxes, traffic flow and maintenance. Mr. Tatham provided clarification and said he would have additional information for the Council to discuss at their upcoming retreat.

Council members also asked if there would be more in-depth data included in the full report and Mr. Tatham said Staff and Council would be provided more detailed information.

## **5. CONSENT AGENDA**

Councilmember Mickelson requested items G, I, and J be removed for separate consideration and vote.

Motion by Bacon, seconded by Vogt, to approve the consent agenda with the exception of items G, I, and J. The motion carried by the following vote:

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

- A.** Consideration of approval of the City Council meeting minutes of January 21, 2020.  
Approved
- B.** Consideration of drinking establishment renewal applications for El Mariachi Mexican Food and Cantina, located at 107 N. Parker and Hy-Vee Market Grille #1463, located at 14955 W. 151st Street.  
Approved
- C.** Consideration of business expense statement for City Manager, Michael Wilkes, for expenses incurred to attend the Alliance for Innovation Board Meeting in Phoenix, AZ, January 23-25, 2020.

Approved

- D.** Consideration of business expense statement for Mayor Copeland for expenses incurred to attend the U.S. Conference of Mayors in Washington, D.C., January 22-24, 2020.

Approved

- E.** Consideration of a real estate contract with Day3 Development, LLC.

Approved

- F.** Consideration for the purchase of Tasers for the Police Department from Axon Enterprises, Inc.

Approved

- G.** Consideration of an agreement with Construction DesignWorks, LLC for design and construction of the Temporary Downtown Library Project, PN 6-C-001-20.

Councilmember Mickelson stated he wanted this item pulled to add a quick comment about this. Mr. Mickelson stated he does plan to support this project, however he does believe it kind of demonstrates a negotiation failure on the part of the city. Mr. Mickelson stated on December 17 of last year the previous council approved the ten-dollar sale of public land, the old library, and this land was worth approximately \$600,000. Mr. Mickelson stated had we sold that land for a 50% discount at \$300,000 we could have paid 100% for this new project. Mr. Mickelson stated this would have been a better use of the taxpayer dollars to work with the developer, try and get a little bit better deal out of this so that we could not turn around and immediately ask them for another \$300,000 of taxpayer dollars for a temporary library. Mr. Mickelson stated he thinks it was a failure of negotiation and a poor use of taxpayer dollars. Mr. Mickelson stated we need this downtown library, but he thinks we could have achieved it with a better deal with the developer. Mr. Mickelson stated he thinks we need downtown development, we need a downtown library, but he feels more conversation could have been had around how can the developer contribute to the better downtown and part of that would have been contributing to this temporary library. Mr. Mickelson stated we need the library, so he plans to support it. Mr. Mickelson stated he hopes we have better conversation up front and get a better deal with developers to help the taxpayers to not have to shoulder the burden themselves because basically they got hit twice, once on the sale of the land,

which he understands incentives are important and the 50% discount is still incentivizing the development, but that 50% discount could have been turned around and paid for this buildout. Mr. Mickelson stated that was his comment and he plans to support as a vital part of the downtown community and keep that downtown library without any delay in service. Mr. Mickelson stated he is ready to vote on it, but he wanted to add that comment.

Motion by Bacon, seconded by Vogt, to approve Consent item G. The motion carried by the following vote:

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

- H. Consideration of Engineer's Estimate, acceptance of bids and award of contract to Phoenix Concrete, LLC for construction of the 2020 Local and Collector Street Mill and Overlay Project - Group A, PN 3-P-005-20. Approved
- I. Consideration of Resolution No. 20-1016 authorizing funding for Pflumm Road, 143rd to 151st, Improvements Project, PN 3-C-114-20. Councilmember Mickelson had questions about the cost of the land for this project and asked where exactly it is located.

Public Works Deputy Director, Beth Wright, provided a map and identified the area in question.

Councilmember Mickelson asked why the cost was so high compared to other projects and Ms. Wright said that it is because of the narrow and unimproved section that would need to be built from the ground up. Mr. Mickelson asked why it was decided to build four lanes and Ms. Wright said it was because they were looking at future needs.

Councilmember Mickelson acknowledge this road is in poor condition but questioned if this is a project that should be considered at this time for the cost.

Councilmember Bacon mentioned when this was approved as part of the CIP in the Fall, the Council knew projects could change and he was open to delaying a short time to evaluate other options.

Councilmember Brownlee expressed her concerns regarding the cost of the project. She indicated she appreciated Mr. Mickelson's questions but had been glad other projects in the past had been fully built out and not accomplished in stages. However, Ms. Brownlee supported delaying and utilizing the upcoming retreat to have more discussions.

Councilmember Vogt pointed out the decision was originally made not to make College Blvd. four lanes and it was a short time later that four lanes were necessary. She wanted to caution the Council since they are confident of the growth in this area and what will be needed. She said it would ultimately cost more.

Public Works Deputy Director, Beth Wright, mentioned some of the factors in determining this project were traffic flow, lack of sidewalks to elementary schools, crash rates, and future traffic predictions.

Councilmember Vogt asked what would happen if this was not approved and Ms. Wright said the project would not move forward.

City Manager, Michael Wilkes, indicated this has been in the CIP for several years and that there is also federal funding that has been approved for this project.

Councilmember McCoy said that he has had citizens ask when Pflumm Road was going to be addressed. He said there is no guarantee of federal funding later and it should be done now.

Councilmember Mickelson asked if the federal funding would be lost if the project did not proceed with four lanes. Deputy Director Wright said the project with four lanes was what was presented to obtain the funding and the funding would have to be turned back in if the project was modified.

Councilmember Mickelson asked if safety could be addressed with three lanes instead of four and Ms. Wright said it would be safer than it is today, but not as safe as four lanes.

Councilmember Brownlee asked if there could be more discussion at the Council Retreat and Ms. Wright said the schedule could be met if it were delayed for two weeks.

Councilmember Campbell said he appreciated the discussion and thanked Ms. Wright for the information she had provided. Mr. Campbell made a motion to approve Item I and J and Councilmember Vogt seconded the motion.

Councilmember Bacon asked that as a courtesy to Councilmember Mickelson, there be a motion to table items I and J and the original motion was amended.

Motion by Bacon, seconded by Brownlee, to amend the motion and table items I and J, for two weeks. The motion failed by the following vote:

**Yes:** Brownlee, Mickelson, and Bacon

**No:** Campbell, McCoy, Vogt, and Copeland

Councilmember Brownlee asked for clarification regarding the difference between a substitute motion verses an amended motion.

City Attorney, Ron Shaver, addressed her questions and said he felt that was the intent of what Councilmember Bacon was attempting to do. Ms. Brownlee asked Mr. Shaver to provide more information at a later time.

Mayor Copeland asked the City Clerk to restate Councilmember Campbell's motion and called for a vote.

Motion by Campbell, seconded by Vogt, to approve Items I and J on the consent agenda. Motion carried by the following vote:

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

**No:** Brownlee, and Mickelson

- J.** Consideration of a Professional Services Agreement with Olsson, Inc. for design of the Pflumm Road, 143rd to 151st, Improvements Project, PN 3-C-114-20.

Approved

- K.** Consideration of Engineer's Estimate, acceptance of bids and award of

contract to VF Anderson Builders, LLC for construction of the Woodland Road, K-10 to College Boulevard, Improvements Project, PN 3-C-041-18.

Approved

- L.** Consideration of renewal of contract to Millgoal Enterprises II, LLC for highway mowing services for the Parks Maintenance Division.

Approved

- M.** Consideration of renewal of contract with Kansas Land Management for mowing services for the Parks and Recreation Department.

Approved

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

- A.** Consideration of Ordinance No. 20-04 authorizing payment by the City Treasurer of an eminent domain award and court-appointed appraisers' fees in the eminent domain case of The City of Olathe, Kansas vs. Theresa S. Troll., et al., Case No. 19CV006083 for the Mahaffie Circle Improvements Project, PN 3-C-107-17.

Councilmember Mickelson had questions, which City Attorney Shaver and Deputy Public Works Director Wright responded to.

Motion by Bacon, seconded by Vogt, to approve Ordinance No 20-04.  
The motion carried with the following vote:

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

## **7. NEW CITY COUNCIL BUSINESS**

Councilmember McCoy said it was great to see Chris Tatham with ETC and the results he shared proves the City has great staff.

Councilmember Mickelson said "Go Chiefs!"

## **8. END OF TELEVISED SESSION**

Mayor Copeland called for a break at 8:49 p.m. and reconvened at 9:00 p.m.

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

None

## **10. 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  
Report accepted.

**B. DISCUSSION ITEMS**

1. Discussion on Healthy Neighborhoods Initiative report on State of the Neighborhoods; Planning staff will report on 2019 accomplishments to date, current neighborhood conditions, programs and events associated with the Olathe Healthy Neighborhoods Initiative.  
Senior Planner, Emily Carillo, gave a presentation regarding various projects in the City that are helping to revitalize neighborhoods. She also announced Rock the Block is scheduled for May 2020, in the Lakehurst neighborhood.

Councilmember Brownlee asked how to report a home she believes needs attention and Ms. Carillo requested Ms. Brownlee give the address to staff and they would reach out to see if the City can assist.

2. Discussion on Project Delivery Methods Utilized by the City of Olathe.  
Deputy Public Works Director, Beth Wright, gave a presentation on the various types of contract agreements utilized by the City for projects.
3. Discussion on the Water Treatment Plant 2: Lime Feed Building (PN 5-C-029-15), Basin Modifications (PN 5-C-025-16), Alternative Disinfection (PN 5-C-004-16), and Above-Ground Clearwell Replacement (PN 5-C-049-18) Projects.  
Environmental Services Manager, John Gilroy, and Project Manager, Lorrie Hill, gave a presentation about the progress of the four projects currently underway at the Water Treatment Plant 2.

Mayor Copeland expressed his appreciation for the presentation and the work being completed.

**11. ADDITIONAL ITEMS**

Councilmember Brownlee explained her vote on the Pflumm Road project and said she supports the project but had voted against it to lend support to



Councilmember Mickelson's request that it be tabled for a period of time to allow more questions.

Councilmember Bacon said he thought the new Johnson County Cedar Niles Park was going to be an awesome extension to Lake Olathe.

## **12. ADJOURNMENT**

The meeting was adjourned at 9:53 p.m.

Brenda D. Long

Assistant City Clerk