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**TRAFFIC OPERATIONS FACILITY TOUR, 309 N. ROGERS ROAD, 5:30 - 6:30 P.M.**

**1. CALL TO ORDER**

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

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

**2. EXECUTIVE SESSION**

Consideration of motion at 6:45 p.m. to recess into an executive session for 10 minutes to discuss the following items. The meeting will resume in the City Council Chambers.

- A.** For 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 for the I-35 & 119th Street Interchange Improvements Project, PN 3-C-026-16.
- Motion by McCoy seconded by Brownlee to recess into an executive session for 10 minutes for 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 for the I-35 & 119th Street Interchange Improvements Project, PN 3-C-026-16.

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

**Absent:** Campbell, Vogt, and Copeland

**3. RECONVENE FROM EXECUTIVE SESSION**

Councilmember Vogt joined the Executive Session after it was started. The meeting reconvened at 6:55 p.m. in the Council Chambers.

Executive Session item A - Motion by Vogt, seconded by McCoy, to authorize staff to proceed with the strategies as discussed with and directed by the Governing Body. Motion passed 5-0.

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

**5. PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Bacon announced item C under New Business Public Works concerning a rezoning request for Stonebridge Village was being continued to a future Council meeting date at the applicants request.

**6. SPECIAL PRESENTATION**

- A.** Update on Coronavirus by Fire Chief DeGraffenreid.  
Jeff DeGraffenreid, Fire Chief and Coronavirus task force leader, completed an update to Council on the Coronavirus.

Mayor Pro Tem Bacon read the following statement from Mayor Copeland regarding the current pandemic:

"Nothing is more important to the City Council than the well-being of our residents. The current situation is unprecedented, and we must consider new strategies to continue to conduct business while also protecting our community's health. In light of recommendations from the CDC to limit gatherings to no more than 10 people, at the end of the meeting I've asked the Council and staff to consider the safest way to hold both our City Council meetings and our board and committee meetings for the foreseeable future."

**7. PUBLIC HEARINGS**

- A.** Consideration of a Public Hearing on a request by BCB Olathe Holdings LLC for issuance of industrial revenue bonds and tax phase in under a master resolution for the development of a headquarters facility and three front out parcels on a total of 17.3 acres located at 11730 Kansas City Road and the first phase project under this master resolution for the construction of the headquarters facility.

Mayor Pro Tem Bacon opened the public hearing and invited comments.

Hearing no public comments, Mayor Pro Tem Bacon entertained a motion to close the public hearing.

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

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

**Absent:** Campbell, and Copeland

- B.** Consideration of Master Resolution No. 20-1022 on a request by BCB Olathe Holdings LLC for issuance of industrial revenue bonds and tax phase in for multiple projects.
- Councilmember Vogt stated in the report at the last Council meeting it stated there are currently 160 employees, the company is adding another 164 employees and they have only have 99 parking spots. Ms. Vogt asked how does that work?

Mary Jaeger, Public Works Director, stated the applicant indicated they stagger the people onsite and since their business is construction that many only come in to pick up what they need before heading off to job sites.

Dianna Wright, Resource Management Director, clarified the 160 employees in the application is over a 10 year tax abatement period and not all in the first year.

Councilmember Vogt stated she had concerns over what we put in and what we actually receive.

Councilmember Mickelson commented that he does not believe this fully complies with our IRB and tax abatement policy and does not support this at this time.

Councilmember Brownlee asked if the employees possibly work more than one shift and not sure if we know that. Ms. Brownlee pointed out the cost benefit analysis for this is very positive stating it shows 1.55 to 1 and definitely better than our ratio target of 1.3.

Councilmember McCoy stated he concurs with Councilmember Brownlee regarding the rate of return on this and the total projected wages over the next 10 years of \$98 million, which is a good economic impact for the City of Olathe. Mr. McCoy stated even with the fifty percent abatements over the next 10 years we have \$845,000 with \$160,390 to the City. Mr. McCoy stated he believes this will be a good headquarters and he supports this IRB.

Councilmember Vogt inquired about City clawback policies and what

if they do not meet what they say they will produce.

Ron Shaver, City Attorney, stated the Council has taken the position in the past with clawbacks not to use when a business is struggling and proceeded to read the clawback policy language. Mr. Shaver stated if the business is violating the law then we would not continue the abatement for a lawbreaker.

Councilmember Brownlee believes the property is currently collecting approximately \$250 in property taxes. Ms. Brownlee stated even with half of this abated the increase is substantial and has a very positive impact on our City.

Hearing no other comments Mayor Pro Tem Bacon called for a motion.

Motion by Vogt, seconded by McCoy, to approve Master Resolution No. 20-1022 on a request by BCB Olathe Holdings, LLC for issuance of industrial revenue bonds and tax phase in for multiple projects. The motion carried by the following vote:

**Yes:** Brownlee, McCoy, and Bacon

**No:** Mickelson, and Vogt

**Absent:** Campbell, and Copeland

- C.** Consideration of Resolution No. 20-1023 on a request by BCB Olathe Holdings, LLC for issuance of industrial revenue bonds and tax phase in for the construction of a 70,000 sq. ft. headquarters facility located at 11730 Kansas City Road.

Motion by Vogt, seconded by McCoy, to approve Resolution No. 20-1023 on a request by BCB Olathe Holdings, LLC for issuance of industrial revenue bonds and tax phase in for the construction of a 70,000 sq. ft. headquarters facility located at 11730 Kansas City Road. The motion carried by the following vote:

**Yes:** Brownlee, McCoy, and Bacon

**No:** Mickelson, and Vogt

**Absent:** Campbell, and Copeland

## **8. CONSENT AGENDA**

Councilmember Brownlee requested item N be removed for separate

consideration and vote.

Motion by Vogt, seconded by McCoy to approve the consent agenda with the exception of item N. The motion carried by the following vote:

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

**Absent:** Campbell, and Copeland

- A.** Consideration of approval of the City Council meeting minutes of March 3, 2020.  
Approved
- B.** Consideration of a cereal malt beverage license application for Aldi #7 located at 600 N. Millridge St. for calendar year 2020.  
Approved
- C.** Consideration of a new drinking establishment application for HyVee Market Grille #1464, located at 18101 W. 119th Street.  
Approved
- D.** Consideration of business expense statement for City Manager, Michael Wilkes, for expenses incurred to attend the National League of Cities Congressional Cities Conference in Washington, D.C. March 7- 10, 2020.  
Approved
- E.** Consideration of Resolution No. 20-1024 regarding Time Allocations and Rules of Conduct at City Council Meetings.  
Approved
- F.** Consideration of Resolution No. 20-1025 authorizing various improvements to the Water and Sewer System of the City and setting forth the intent to issue Water and Sewer Revenue Bonds.  
Approved
- G.** Request for the acceptance of the dedication of vacation of right-of-way and public easements for a final plat for Reserve at Ravenwood (FP20-0002) containing one (1) residential lot and three (3) common tracts on approximately 1.65± acres; Located at the Northeast corner W. 120th Terrace and Iowa Street. Planning Commission recommends approval 7 to 0.  
Approved
- H.** Consideration of renewal of contract to AdventHealth Centra Care: Corporate Care to provide pre-employment physicals and workers compensation services.  
Approved
- I.** Consideration of Consent Calendar.

Approved

- J.** Consideration of a Professional Services Agreement with HDR Engineering, Inc. for design of the Lift Station Replacements Project, PN 1-C-020-15.

Approved

- K.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Kansas Heavy Construction, LLC for construction 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

- L.** Consideration of a Professional Services Agreement with Brungardt Honomichl & Company, P.A. for design of the Troost Street Improvements Project, PN 3-R-002-21.

Approved

- M.** Consideration of a Professional Services Agreement with George Butler Associates, Inc. for design of the Stevenson Street Improvements Project, PN 3-R-003-21.

Approved

- N.** Consideration of Supplemental Agreement No. 4 with HNTB Corporation for design of the I-35 and 119th Street Interchange Improvements Project, PN 3-C-026-16.

Councilmember Brownlee commented that she hopes we would put initial targets on the contractors for as little total closure time as possible and be open as much as possible.

Mary Jaeger, Public Works Director, stated we are looking at bidding alternatives. Ms. Jaeger stated staff will be coming back to Council with alternatives for this interchange.

Councilmember Vogt asked about incentives for early completion and if working at night is being considered.

Ms. Jaeger said we are doing a lot of things and alternative bidding is paramount to this project.

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

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

**Absent:** Campbell, and Copeland

- O.** Consideration of renewal of contract to Denovo, for JD Edwards EnterpriseOne Hosting and CNC Managed Services.  
Approved
- P.** Acceptance of bid and consideration of award of contract to Custom Cut Metals for custom manufactured lattices, brackets, and fasteners for trellises for the new Indian Creek Library Park.  
Approved
- Q.** Acceptance of bids and considartion of award of contracts to Roberts Chevrolet Buick and Shawnee Mission Ford for the purchase and replacement of vehicles for the Police Department.  
Approved

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

- A.** Consideration of Resolution 20-1026 authorizing the 135th Street and Pflumm Road Geometric Improvements Project, PN 3-C-110-20.  
Councilmember Brownlee commented that it seems this is not the most critical project on our list. Ms. Brownlee stated as we try to address the issue of the railroad tracks on the west side of our community, do we keep doing things like this, or do we apply the benefits that go with this towards the railroad project. Ms. Brownlee asked if we get the funding for the project if we are not allowed to apply it to the railroad project.

Mary Jaeger, Public Works Director, stated that is correct. Ms. Jaeger stated the grant funds Mid-America Regional Council provide cannot be transferred to another project. Ms. Jaeger stated this is really a great return on investment for what we will be getting as this is a congestion issue.

Councilmember Brownlee asked for clarification about the congestion mitigation as the traffic accidents are average as she understood from the packet.

Ms. Jaeger stated the funds for this project will enhance the air quality, which is what the congestion mitigation part is about. Ms. Jaeger stated the project itself is very much a congestion project and cited the turning events.

Councilmember Brownlee asked if we could not consider the bigger

question of every time we do these projects does that put us further away from completing the railroad project. Ms. Brownlee stated that is what she is trying to communicate, how do we hit that bigger project.

Michael Wilkes, City Manager, stated that is absolutely a conversation to have as we look at the CIP for the next 5 years, but it is hard for us to pivot on projects as a lot of the projects have been in the works for 3 - 5 years.

Councilmember Brownlee stated the conversation needs to occur at the upcoming CIP discussions, and Mr. Wilkes agreed.

Councilmember McCoy stated he was listening to a two hour conversation by Mid-America Regional Council on transportation and it hit exactly on this. Mr. McCoy stated the process and grants took place years ago and did not just happen the next day. Mr. McCoy stated this will be a good investment in the future.

Councilmember Mickelson commented to Councilmember Brownlee that if this were 100 percent our dollars this would be a good conversation to have, but since we are not even at 50 percent that this is a project that should continue on and we take advantage of the Federal funds and Overland Park's partnership on this.

Motion by Vogt, seconded by McCoy, to approve Resolution 20-1026 authorizing the 135th Street and Pflumm Road Geometric Improvements Project, PN 3-C-110-20. The motion carried by the following vote:

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

**Absent:** Campbell, and Copeland

- B.** Consideration of a Professional Services Agreement with Alfred Benesch & Company for design of the 135th Street and Pflumm Road Geometric Improvements Project, PN 3-C-110-20.

Motion by Vogt, seconded by McCoy, to approve a Professional Services Agreement with Alfred Benesch & Company for design of the 135th Street and Pflumm Road Geometric Improvements Project, PN 3-C-110-20. The motion carried by the following vote:

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

**Absent:** Campbell, and Copeland



- C. Consideration of Ordinance No. 20-07, RZ19-0022, requesting approval for a rezoning from R-1 and RP-1 to the R-1 (Residential Single-Family) District and a preliminary plat for Stonebridge Village containing 168 lots and 8 common tracts on 57.54± acres; located in the vicinity of West 165th Street and South Lindenwood Drive. Planning Commission recommends approval 9-0.
- Action needed: Motion to approve (4 positive votes), deny (5 positive votes required), or return to Planning Commission.
- Mayor Pro Tem Bacon stated this item has been continued to the April 7 City Council meeting at the applicants request.

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

Councilmember Brownlee stated concerning item C (New Business Public Works) that there are some misunderstandings that need to be worked on. Ms. Brownlee stated she is not sure what the best way is to do that going forward, but she is beginning to hear things, and not with just one developer. Ms. Brownlee stated we need to make sure we are covering the issues that are arising with our developers and our Planning department. Ms. Brownlee stated we need to thoroughly address some of these things that are being brought to her attention.

Mayor Pro Tem Bacon asked that staff send out a communication to the Council concerning Ms. Brownlee's concerns prior to the next Council meeting.

Councilmember Vogt thanked staff for all they are doing to keep our City moving forward.

Councilmember McCoy commented on their visit to Washington last week and interactions with Senators Moran and Roberts. Mr. McCoy thanked the senators for going to bat for us in providing funding for a lot of our projects.

Councilmember Mickelson echoed Ms. Vogt's statements and thanked our frontline staff. Mr. Mickelson stated he has heard from citizens about train horns on the south side and asked for conversations on this.

Mayor Pro Tem Bacon stated with all that is going on currently how often are we updating our website.

Michael Wilkes, City Manager, stated changes are almost occurring hourly and

we are trying to keep the website up to date as those changes come in.

Tim Danneberg, Communications and Customer Service Director, stated we are partnered with the County and sharing a unified voice so the message is consistent.

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

#### **12. ADDITIONAL ITEMS**

Mayor Pro Tem Bacon stated they would discuss future City Council, Board and Committee meeting plans.

Ron Shaver, City Attorney, presented staff recommendations and asked for Council direction for the following:

1. Whether the City Council, Planning Commission and other boards and committees should continue to be held in person, or virtual only meetings.
2. Whether Council would like to suspend, or continue public hearings for the time being, or find other ways for the hearings to take place to protect the safety and well being of all involved. Mr. Shaver stated this would not pertain to new business items on the agenda, or general issues and concerns of citizens. Mr. Shaver indicated the general issues and concerns was suspended from tonight's meeting and proposes suspending that for the time being. Residents would be encouraged to submit issues and concerns electronically, or as Councilmember Bacon read at the beginning of the meeting.

Councilmembers voiced their opinions and consensus was to continue to hold meetings in person as long as practical and for Council meetings that they still be held twice a month. Concerning the public hearings Council consensus was to continue holding.

#### **13. ADJOURNMENT**

The meeting adjourned at 8:05 p.m.

David F. Bryant III, MMC  
Deputy City Clerk