



Council Dinner with members of the Olathe Teen Council,
City of Governors - 5:30 PM

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

Absent: Gilmore

1. CALL TO ORDER

Others in attendance were City Manager, Michael Wilkes, Deputy City Manager, Susan Sherman, and City Attorney, Ron Shaver.

2. EXECUTIVE SESSION

- A. For preliminary discussions 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) pertaining to a real estate contract and development agreement.

Motion by Campbell, seconded by Vogt, to recess into an executive session for preliminary discussions 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), pertaining to a real estate contract and development agreement for 25 minutes.

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

Absent: Gilmore

3. RECONVENE FROM EXECUTIVE SESSION

Councilmember Gilmore joined executive session via phone.

No action was taken by the Council.

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

5. PLEDGE OF ALLEGIANCE

A roll call was taken and all members of the City Council were present, with Councilmember Gilmore joining via Zoom.

6. SPECIAL BUSINESS

- A.** Proclamation designating April 26-30 as Arbor Week.
Mayor Bacon read and presented the proclamation to City Arborist, Jared Doran. Mr. Doran thanked the Mayor and Council for recognizing Arbor Week.
- B.** Proclamation designating April as Mental Health Awareness Month.
Mayor Bacon read and presented the proclamation to Kennedy Thagard, Tenley Frederick, and Komal Kaur from the Olathe Teen Council. Komal thanked the Mayor and the Council for honoring Mental Health Awareness Month.
- C.** Recognition of Teen Council seniors.
Teen Council staff liaison, Ronni Decker, presented seniors Megan Li and Shalika Subramanian with certificates. Megan thanked the City and Council for the knowledge she learned while on Teen Council.

7. PUBLIC HEARINGS

- A.** Consideration of a public hearing to identify needs for the 2022 Community Development Block Grant (CDBG) funding.
Motion by Campbell, seconded by Vogt, that this agenda item be approved. The motion carried by the following vote:
Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore
- B.** Conduct a Public Hearing on a request by Scannell Properties #476, LLC for a single-phase project under a master resolution for the construction of a 567,840 sq. ft. industrial building in the I-35 Logistics Park development.
Motion by Campbell, seconded by Vogt, to close the public hearing. The motion carried by the following vote:
Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore
- C.** Consider Resolution No. 21-1026 regarding a request by Scannell Properties #476, LLC for industrial revenue bonds and tax phase in for a single-phase project under a master resolution for the construction of a 567,840 sq. ft. industrial building in the I-35 Logistics Park development.
Motion by Campbell, seconded by Vogt, to approve Resolution No. 21-1026. The motion carried by the following vote:
Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

8. CONSENT AGENDA

Councilmember Mickelson asked for item M to be removed and considered separately.

Motion by Campbell, seconded by Vogt, to approve the Consent Agenda with the exception of item M. The motion carried by the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt,
and Gilmore

- A.** Consideration of approval of the City Council meeting minutes of April 6, 2021.
Approved
- B.** Consideration of a private club renewal application for Grumpy's LLC.
Approved
- C.** Consideration of a Real Estate Contract and Development Agreement with TKA Properties, LLP.
Approved
- D.** Consideration of a Real Estate Option Contract with Bradley Zimmerman.
Approved
- E.** Consideration of a detachment agreement with Northwest Consolidated Fire District of Johnson County.
Approved
- F.** Consideration of a detachment agreement with Fire District No. 2 of Johnson County.
Approved
- G.** Consideration of one-year contract extension with Donald J. Smith, Timothy J. Arehart, and Lenin Guerra for public defender services with the Municipal Court.
Approved
- H.** Request for the acceptance of the dedication of land for public easements and public street right-of-way for a final plat for Whitetail, 4th Plat (FP21-0008) containing 25 residential lots on 8.79± acres; located northeast of the intersection of 143rd Street and Cedar Niles Road. Planning Commission approved this plat 7-0.
Approved
- I.** Consideration of Resolution No. 21-1027 authorizing the Modernization of Fire Stations Project, PN 6-C-031-21.
Approved
- J.** Consideration of Consent Calendar.

Approved

- K.** Consideration of Resolution No. 21-1028 authorizing the City of Olathe's project requests for inclusion in the 2022-2026 County Assistance Road System (CARS) Program.

Approved

- L.** Consideration of Resolution No. 21-1029 authorizing the 2021 Facility & Parking Lot Improvements & Maintenance Project, PN 6-C-032-21.

Approved

- M.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Donelson Construction Company, LLC for construction of the 2021 MAQS Micro Surface Project, PN 3-P-006-21.

City Engineer, Nate Baldwin, gave a presentation to the Council outlining the project. Mr. Baldwin also answered questions the Council had on the contract and process used.

Councilmember Mickelson asked why there was only one bid and if other companies could have bid. Mr. Baldwin stated that other companies could have bid. He added the reason there is only one is because the process used is a proprietary process.

Motion by Campbell, seconded by Vogt, that this agenda item be approved. The motion carried by the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

- N.** Acceptance and consideration of award of yearly contract to MMP Business Associates dba Armor Equipment for the replacement of compressed natural gas-powered Front Loaders for the Solid Waste Division of Public Works.

Approved

- O.** Consideration of renewal of contract to A2 Cleanze, LLC for event set-up and satellite location cleaning services.

Approved

- P.** Consideration of a Master Agreement for Professional Services with Black & Veatch for on-call engineering services for wastewater treatment.

Approved

- Q.** Consideration of spending authorization with Hydro-Klean, LLC for Specialty Tank Cleaning and Inspection Services for the Environmental Services Division of Infrastructure.

Approved

- R.** Consideration of award of contract to Denovo for JD Edwards EnterpriseOne Hosting and CNC Managed Services.
Approved
- S.** Consideration of a two-year contract with GoTrack on AVL services.
Approved
- T.** Consideration of renewal of contract with Tyler Technologies to provide Permitting Software for the City.
Approved
- U.** Acceptance of bid and consideration of award of contract to Verhulst & Sons for mowing and debris removal services for the Code Enforcement Division.
Approved

9. NEW BUSINESS

- A.** Consideration of Ordinance No. 21-13, RZ21-0004, requesting approval for a rezoning from the CTY RUR (County Rural) District to the M-2 (General Industrial) District and a preliminary site development plan for FedEx Olathe - Project 3 on approximately 11.6 acres; located southeast of the intersection of Hedge Lane and 167th Street. Planning Commission recommends approval 7-0.
City Planner, Zachary Moore, gave a presentation regarding this rezoning.
Motion by Campbell, seconded by Vogt, to approve Ordinance No. 21-13. The motion carried by the following vote:
Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore
- B.** Consideration of Ordinance No. 21-14, RZ21-0005, requesting approval for a rezoning from the CTY RUR (County Rural) District to the M-2 (General Industrial) District and a preliminary site development plan for FedEx Olathe - Project 4 on approximately 6.11 acres; located along the south side of 167th Street, just east of Hedge Lane. Planning Commission recommends approval 7-0.
City Planner, Zachary Moore, gave a presentation regarding this rezoning.
Motion by Campbell, seconded by Vogt, to approve Ordinance No. 21-14. The motion carried by the following vote:
Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore
- C.** Consideration of Ordinance No. 21-15 (ANX 21-0002) annexing approximately 101.77± acres of land at the southeast corner of 167th

Street and Hedge Lane, and an annexation agreement with the Thomas S. VanKeirsbilck Trust and Slam D Holdings Inc.

Motion by Campbell, seconded by Vogt, to approve Ordinance No. 21-15. The motion carried by the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

- D.** Consideration of Ordinance No. 21-16 (ANX 21-0003) annexing approximately 160.0± acres of land at the northeast corner of 175th Street and Hedge Lane, and an annexation agreement with the Robert S. Murphy Revocable Trust and BK Properties, LLC.

Motion by Campbell, seconded by Vogt, to approve Ordinance No. 21-16. The motion carried by the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

10. NEW CITY COUNCIL BUSINESS

Councilmember Mickelson thanked the Police Department.

Councilmember McCoy stated he was impressed with the Teen Council and how it will create strong leaders for the community.

Councilmember Brownlee is concerned about mature trees being removed in the right-of-way and would like policies looked at to try and save trees.

Councilmember Gilmore stated there would be a drug take back day event on April 24th from 10 AM - 2 PM.

Mayor Bacon said the Farmers' Market would be opening for the season. He also stated that Olathe libraries are going back to regular hours and that the Olathe pools will be open this year.

11. END OF TELEVISED SESSION

12. GENERAL ISSUES AND CONCERNS OF CITIZENS

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 on the WTP2: Electrical Modifications and Improvements Project, PN 5-C-028-20, and the WTP2: Chemical Feed Modification Project, PN 5-C-026-20.

Report Accepted

2. Report on private street participation in the Olathe Street Preservation Program.

City Engineer, Nate Baldwin, presented a presentation to the Council outlining the proposed Olathe Street Preservation Program stating the purpose of the program was to aid HOAs on the upkeep of private streets through a program allowing them to apply for repairs to be made with 75% being their responsibility and 25% being city responsibility with a annual cap for the city of \$125,000.

Councilmember Vogt asked if the primary goal of this program was maintenance or to move the streets from private to public streets. Mr. Baldwin stated it would be up to the HOAs, but primary purpose is the maintenance of the roads.

Councilmember Campbell asked if the repairs would be bringing the roads to status quo or would it be working towards bringing them up to city standards. Mr. Baldwin stated it would depend on the type of work being done, but the main purpose would be maintenance of the streets.

Councilmember Gilmore asked for clarification on how the program would be paid for. Mr. Baldwin stated there would be an agreement laying out the payment process, but the agreement has not been drafted yet.

Mayor Bacon asked how the city would handle it if multiple requests were received where some projects may not be able to be funded. Mr. Baldwin stated the current thought process is to treat the applications like a grant process so the worst roads could be addressed first. Mayor Bacon also wants to make sure there is a process in place to make sure the HOAs have the funds available before the contract is completed.

Councilmember McCoy asked if the project would go out to bid. Mr. Baldwin stated the reasoning for the November deadline on this program is so the project(s) can be added to the package of projects for the city when it goes to bid.

Infrastructure Director, Mary Jaeger, added that most of the instances where the program would help are areas where the streets will probably never be a through street, but some relief is still needed to help them maintain the structural integrity of the road.

Councilmember Brownlee stated that some of the subdivisions may not have curbs and if the City was to bring them up to city standards it could be tremendously expensive. She added that the subdivisions may be ok with the cost and that she felt it was a good effort by the City to think in the direction the program was going. She felt it may need to be applied in different manners depending on the subdivisions.

Councilmember Vogt said she supports a pilot program to determine if needs are met or if the program needs to be expanded.

Councilmember Campbell is supportive of a pilot program but would like to see a report in one year.

Mayor Bacon said he was supportive of moving forward with a pilot program.

3. Quarterly Procurement Report

B. DISCUSSION ITEMS

1. Report on the 2020 outcomes including the Budget Strategy Alternatives Impact of Investments, Fiscal Report, the Economic Development Incentives Activity Report and provide an overview of the 2040 Annual Progress Report.
Financial Strategy Manager, John Page and Budget Manager, Brandon Mills, presented a presentation regarding the item.

14. EXECUTIVE SESSION

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 City Manager. (City Council)

Motion by Campbell, 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 evaluation of the City Manager, and also to continue on with the executive session from earlier pertaining to a real estate contract and development agreement for 30 minutes. The open meeting will resume in the City Chambers at 9:15 PM.

Yes: Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

Absent: Brownlee

Council returned to the dais at 9:15 PM. Councilmember Campbell made a motion to recess back into executive session for an additional 45 minutes. Councilmember Vogt seconded, motion passed 4-0.

Council returned to the dais at 10:00 PM. Councilmember Campbell made a motion to recess back into executive session for an additional 20 minutes. Councilmember Mickelson seconded, motion passed 4-0.

15. RECONVENE FROM EXECUTIVE SESSION

Mayor Bacon stated the Council was pleased with City Manager, Michael Wilkes' performance over the last year and his handling of the COVID-19 pandemic.

No action was taken by the council.

16. ADDITIONAL ITEMS

No additional comments.

17. ADJOURNMENT

The meeting was adjourned at 10:32 PM.

ERIC STRIMPLE

Assistant City Clerk