



Approved Meeting Minutes

**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**

- A.** Consideration of a motion 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 Woodland Road, K-10 to College, Improvements Project, PN 3-C-041-18.

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 Woodland Road, K-10 to College, Improvements Project, PN 3-C-041-18. The motion carried by the following vote:

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

- B.** Consideration of motion 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) pertaining to a development agreement and for preliminary discussions related to acquisition of property pursuant to the exception provided in K.S.A.75-4319(b)(6) for a discussion of the acquisition of real property in downtown Olathe.

Motion by Randall, seconded by Bacon, 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) pertaining to a development agreement and for preliminary discussions related to acquisition of property pursuant to the exception provided in K.S.A.75-4319(b)(6) for a discussion of the acquisition of real property in downtown Olathe. The motion carried by the following vote:

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

**Absent:** Campbell

The open meeting will resume at 7:00 p.m.

**3. RECONVENE FROM EXECUTIVE SESSION**

The meeting reconvened at 7:01 p.m. Mayor Copeland announced the executive session would continue at a later point in the meeting.

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

**5. PLEDGE OF ALLEGIANCE**

**6. SPECIAL BUSINESS**

- A.** Recognition of Hannah DeBok, Miss Kansas Teen USA 2019.  
Mayor Copeland presented Hannah with a certificate of congratulations.
- B.** Proclamation designating January 21, 2019, as "Dr. Martin Luther King, Jr. Day."  
Mayor Copeland read the proclamation and presented it to Human Rights Committee Commissioner Hillman.
- C.** Presentation of the 2018 Annual Report by Dr. Ralph Richardson, Dean and CEO of K-State Olathe.  
The presentation was completed by Dr. Richardson.

**7. CONSENT AGENDA**

Approval of the Consent Agenda.

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

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

**Absent:** Campbell

- A.** Consideration of the City Council meeting minutes for December 18, 2018.  
Approved.
- B.** Consideration of private club license for the Olathe Billiards, Inc. dba Shooters, located at 810 W.Old 56 Hwy.  
Approved.
- C.** Consideration of authorization for Mayor Copeland, Council Members

and City Manager to attend National League of Cities Congressional Conference in Washington, DC, March 11 - 14, 2019.

Approved.

- D.** Agreement with ATMOS Energy for the relocation of a gas line under the turn lane into Lake Olathe from Santa Fe.

Approved.

- E.** Consideration of Resolution No. 19-1001 (HL17-004) for nomination of a local historical landmark designation to the Olathe Register of Historic Places for the Olathe Memorial Cemetery located at 738 N. Chestnut Street. Planning Commission recommends approval 7.0.

Councilmember McCoy asked how soon we would know if we have received the designation.

Emily Carrillo, Neighborhood Planning Coordinator with Public Works stated upon approval tonight it would be certified for the local designation. Ms. Carrillo stated the cemetery was listed on the National Historical Register in January of 2017.

Councilmember McCoy inquired about the recent vandalism to the cemetery.

Staff indicated a report would be provided to the City Council.

Councilmember Randall left the meeting at 7:45 p.m.

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

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

**Excused:** Randall

**Absent:** Campbell

- F.** Consideration of Consent Calendar.

Approved.

- G.** Consideration of an Agreement with Johnson County for construction of the Indian Creek, 139th and Brookwood Ct., Stormwater Improvements Project, PN 2-C-031-16.

Mayor Copeland requested more context for this item.

Rob Beilfuss, Stormwater Manager with Public Works gave a brief history of the project stating it was originally identified in 2009 and has been selected for SMAC funding by the County.

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

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

**Excused:** Randall

**Absent:** Campbell

Councilmember Randall returned to the meeting at 7:48 p.m.

- H.** Consideration of Resolution No. 19-1002 authorizing the Miscellaneous ADA Sidewalk Repair and Replacement Project, PN 3-C-093-19.  
Approved.
- I.** Consideration of Resolution No. 19-1003 authorizing the 2019 Advanced Transportation Management System (ATMS) Replacement and Repair Project, PN 3-C-037-19.  
Approved.
- J.** Consideration of Resolution No. 19-1004 authorizing the 2019 Bridge Repair Project, PN 3-G-000-19.  
Approved.
- K.** Consideration of Resolution No. 19-1005 authorizing the 2019 Sidewalk Construction Project, PN 3-C-072-19.  
Approved.
- L.** Acceptance of proposal and consideration of award of contract to Galls, LLC. for Fire Uniforms for the Olathe Fire Department.  
Approved.
- M.** Acceptance of bid and consideration of award of contract to Hometown Lawn, LLC and Turf Design, Inc. for yard restoration and landscaping services for the Utilities Maintenance Division of Public Works.  
Approved.
- N.** Acceptance of bid and consideration of award of contract to Pure Technologies U.S. Inc. (d/b/a Wachs Water Service) for water valve and hydrant exercise, inspections and fire flow testing.  
Approved.
- O.** Acceptance of proposal and consideration of award of contract to Park Street Pastry, LLC for the operation of the coffee shop at the new Indian Creek Library.  
Approved.
- P.** Acceptance of bid and consideration of award of contract to Elliott Equipment for the replacement of one (1) compressed natural gas-powered side loader for the Solid Waste Division of Public Works.

Approved.

## 8. NEW BUSINESS-PUBLIC WORKS

- A. Consideration of Ordinance No. 19-01, RZ18-0016, requesting approval for a rezoning from R-1 to C-3 and R-4 Districts for Stag's Ridge on 23.77± acres; located northwest of the K-7 and Spruce Street intersection. Planning Commission recommended approval 7-0. Dan Fernandez, Planner II with Public Works Planning Division completed a presentation of the project and rezoning request.

Councilmember Randall stated a fifty foot easement for tree preservation needs to be in place, which makes sense for separation for the neighbors at Ernie Miller Park who have been there for a number of years.

Councilmembers raised concerns about traffic generated by the project.

Chet Belcher, Transportation Manager with Public Works provided information regarding the traffic.

Kevin Tubbesing with Stag Commercial, 7021 Johnson Drive, Mission addressed the Council regarding the project and stated the problem with a mandatory fifty foot buffer is it would push them south an additional twenty feet. Mr. Tubbesing stated they have already moved from twenty to thirty feet and with each additional ten feet it would be \$200,000 to \$300,000 minimum. Mr. Tubbesing asked the Council instead of making it a requirement to let them work with staff. Mr. Tubbesing said they would give the fifty feet if they can, but if it were not possible to give up the fifty feet that they would work with staff to make sure there are appropriate measures to keep Ernie Miller the beautiful public park that it is.

Motion by Randall to approve the rezoning ordinance with the added stipulation that a mandatory fifty foot buffer be required for the project. The motion failed due to a lack of a second.

Motion by Randall , seconded by Bacon, to approve the rezoning ordinance. The motion carried by the following vote:

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

**Absent:** Campbell

- B.** Request by for the acceptance of the dedication of land for public easements and right-of-way for a final plat for Stag's Ridge (FP18-0044) containing 3 commercial lots, 1 multi-family lot and 2 common tracts on 23.77± acres; located northwest of the K-7 and Spruce Street intersection. Planning Commission recommends approval 7-0.  
Motion by Randall, seconded by Bacon, to accept the dedication of easements and vacation of public right-of-way for the final plat for Stag's Ridge. The motion carried by the following vote:

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

**Absent:** Campbell

- C.** Consideration of Ordinance No. 19-02, RZ18-0019, requesting approval for a rezoning from R-1 and AG to R-1 District and preliminary site development plan for Beautiful Savior Lutheran Church on 2.75 ± acres; located at 13145 S. Black Bob Road. Planning Commission recommends approval 7-0.  
Kim Hollingsworth, Senior Planner Public Works Planning Division completed a presentation of the project and rezoning request.

Councilmember Vogt inquired if a neighborhood meeting was held.

Ms. Hollingsworth stated a neighborhood meeting was held, but they did not have anyone in attendance.

Councilmember Vogt asked if the existing access road would be adequate with the additional development for access to Black Bob Road.

Ms. Hollingsworth stated the Traffic Division has reviewed the plans and finds that it is adequate.

Judd Claussen, Phelps Engineering, 1270 N. Winchester, Olathe gave a brief description of the project and stated they are in agreement with the stipulations.

Motion by Randall , seconded by Bacon, to approve the rezoning ordinance. The motion carried by the following vote:

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

**Absent:** Campbell

**EXECUTIVE SESSION**

Mayor Copeland stated Council would return to Executive Session to continue discussing earlier executive session items and entertained a motion.

Motion by Randall, seconded by Bacon, to return into executive session for 15 minutes to continue discussion of the earlier executive session items. Motion carried by the following votes:

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

**Absent:** Campbell

Meeting recessed into executive session at 8:23 p.m.

**RECONVENE FROM EXECUTIVE SESSION**

The meeting reconvened at 8:40 p.m.

Executive Session Item A - Motion by Randall, seconded by Bacon to authorize staff to acquire public right-of-way and easements for the Woodland Road, K-10 to College, Improvements Project, PN-3-C-041-18 as directed by the Governing Body.

and

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.

The motion carried by the following vote:

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

**Absent:** Campbell

**9. NEW CITY COUNCIL BUSINESS**

None

**10. END OF TELEVISED SESSION****11. GENERAL ISSUES AND CONCERNS OF CITIZENS**

Mary Wirtz, 2114 W. Mohawk Court appeared before the City Council opposed to any consideration of an ordinance regarding sexual orientation and gender identity.

**12. CONVENE FOR PLANNING SESSION**

**A. DISCUSSION ITEMS**

- A.** Discussion regarding the First Amendment to Development Agreement between the City and Holmes 111, LLC pertaining to the Olathe Station redevelopment project. (15 mins)  
Ron Shaver, City Attorney introduced this item and Eric Gonsher, project developer.

Eric Gonsher, Holmes 111, LLC, 4520 Madison Avenue, Kansas City, MO gave a brief presentation to the City Council concerning the Olathe Station redevelopment project and proposed second hotel.

Mr. Shaver stated this item would return to the City Council at the next Council meeting.

- B.** Discussion regarding proposed amendments to Chapters 18.20, 18.30, 18.40, 18.50, 18.90 and 18.94 of Title 18 Unified Development Ordinance (UDO18-0003). (15 mins.)  
Aimee Nassif, Chief Planning and Development Officer with Public Works Planning Division gave a presentation concerning updates for the UDO. Ms. Nassif stated if Council has no issues with the proposals that they would start working on the updates.

**13. ADDITIONAL ITEMS**

Councilmember McCoy thanked our first responders and law enforcement for the work that they do.

Councilmember Vogt thanked the Planning staff for their assistance with her questions.

Mayor Copeland introduced new employee Liz Ruback, Assistant to the Mayor and mentioned upcoming events of interest.

**14. ADJOURNMENT**

The meeting adjourned at 9:27 p.m.

David F. Bryant III, MMC  
Deputy City Clerk



