



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 - 5:34 p.m.

Consideration of motion to recess into an executive session to discuss the following items:

- A.** 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 Internal Auditor position. (City Council)

Motion by Bacon, seconded by Vogt, to recess into an executive session for 60 minutes to discuss personnel matters of non-elected personnel pursuant to the exception provided in K.S.A.75-4319(b)(1) regarding the Internal Auditor position. The motion carried by the following vote:

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

6:34 p.m. The City Council extended the executive session for 20 additional minutes.

Motion by Randall, seconded by Bacon, to extend the executive session 20 minutes. The motion carried by the following vote:

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

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 6:54 p.m.

Executive Session Item A - Motion by Randall, seconded by Bacon to proceed with the direction as decided as a City Council in executive session. Motion

passed 6-0

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

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

- A.** Proclamation declaring Olathe as “Qlathe, Kansas for the first Qlathe BBQ Championship, sanctioned by the Kansas City Barbecue Society.” Mayor Copeland read the proclamation and presented it to Adrienne Lund, Olathe Parks and Recreation Communications Specialist.

- B.** Consideration of Resolution No. 19-1020 reappointing members to serve on the Street Maintenance Sales Tax (SMST) Finance Oversight Committee.

Mayor Copeland presented a certificate of reappointment to Tom Grady. Also reappointed but not present were Steven Smith and Rebecca Feller.

Motion by Randall, seconded by Bacon, to approve Resolution No. 19-1020. The motion carried by the following vote:

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

Absent: Campbell

- C.** Consideration of Resolution No. 19-1021 reappointing a member to the Olathe Public Art Committee.

Mayor Copeland presented a certificate of reappointment to Whitney Williamson.

Motion by Randall, seconded by Bacon, to approve Resolution No. 19-1021. The motion carried by the following vote:

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

Absent: Campbell

- D.** Presentation of checks to Mayor’s Christmas Tree Fund beneficiaries.

Mayor Copeland stated the 2018 Mayor's Christmas Tree Fund raised more than \$150,000.00 and expressed his sincere thanks to the Olathe residents and businesses for making this possible.

Mayor Copeland invited 2018 campaign Board Chair, Ed Roche forward to present checks to the following beneficiaries:

Boys and Girls Club of Greater Kansas City, Catholic Charities, Center of Grace Children's Shoe Fund, Center of Grace Clothing Project, El Centro, Friends of the Olathe Public Library, Health Partnership Clinic, Johnson County Christmas Bureau, KVC Kansas, Mission Southside, Olathe Public Schools Foundations and the Salvation Army.

7. CONSENT AGENDA

Mayor Copeland requested Item H be removed for separate consideration and vote. Motion by Randall, seconded by Bacon, to approve the consent agenda with the exception of item H. The motion carried by the following vote:

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

Absent: Campbell

- A.** Consideration of approval of the City Council meeting minutes of February 19, 2019 and the Joint City Council and Olathe Board of Education meeting minutes of February 21, 2019.
Approved.
- B.** Consideration of new drinking establishment license applications for Chipotle Mexican Grill, 14317 W. 135th Street and MCM Restaurant Group, LLC d/b/a Don Manuel's Cantina & Grill, 920 E. Old 56 Hwy.
Approved.
- C.** Consideration of drinking establishment license renewal applications for AMC ITD LLC. d/b/a AMC Theatres 28, 12075 Strang Line Road and Austin's Bar & Grill, 11180 S. Lone Elm Rd.
Approved.
- D.** Consideration of new cereal malt beverage license applications for CVS #5156, CVS #5257 and CVS #5274.
Approved.
- E.** Consideration of authorization for Michael Wilkes to attend the TLG Conference in Reno, NV, April 8-12, 2019.
Approved.
- F.** Consideration of Resolution No. 19-1022 authorizing the public sale of Water and Sewer System Improvement and Refunding Revenue Bonds, Series 2019.
Approved.
- G.** Consideration of Resolution No. 19-1023 adopting the City's Policy on Boards, Commissions, and Committees of the City Council.
Approved.

- H. Consideration of Resolution No. 19-1024 declaring it to be the policy of the City of Olathe, Kansas, to promote diversity and equality in our community.
Mayor Copeland asked City Attorney Shaver to discuss the provision regarding the Olathe Community Mediation Program.

City Attorney Ron Shaver stated the Community Mediation Program is part of our City Prosecutor's Office. The office has a certified mediator who is certified by the Kansas Supreme Court to offer mediation services to residents. Mr. Shaver stated the mediator is a neutral third party to help parties that have a dispute to arrive at resolution without need for litigation. Mr. Shaver stated the program is unique to our organization and does not believe there are any other established programs like this in Johnson County.

Mayor Copeland stated in section 3 of the resolution we encourage the Legislature to debate legislation. Mr. Copeland suggested this should read we encourage the Legislature to pass legislation as more appropriate.

Councilmember Brownlee stated she looked at the State statute that declares those things that are not to be discriminated against and stated the first section has not been ammended since 1991. Ms. Brownlee stated that is certainly something that the Legislature doesn't frequent. Ms. Brownlee continued there are other sections in that particular area that have been amended. Ms. Brownlee stated we can't dictate what they do.

Mayor Copeland stated we can express the sentiment of the Council though.

Councilmember Brownlee said we could, but they do not change it frequently.

Motion by Mayor Copeland, seconded by Randall, to amend Resolution No. 19-1024, Section Three by removing the word "debate" and replacing with the word "pass". The motion failed by the following votes:

Yes: Randall, McCoy, and Copeland

No: Bacon, Brownlee, and Vogt

Absent: Campbell

Mayor Copeland entertained a motion for Resolution No. 19-1024.

Motion by Randall, seconded by Vogt, to approve Resolution No. 19-1024 declaring it to be the policy of the City of Olathe, to promote diversity and equality in our community. The motion passed by the following votes:

Yes: Randall, McCoy, Vogt, and Copeland

No: Bacon, and Brownlee

Absent: Campbell

Mayor Copeland stated after passage of Resolution No. 19-1024 should the Legislature not take this up before they adjourn that he would like to revisit this and put forth something we can agree to, in our community, as it relates to housing, accommodations and employment.

Councilmember Brownlee asked if the current landlord tenant act in the State statutes provides adequate protection and does our current employment laws not provide adequate protection. Ms. Brownlee commented it would be her sense that those statutes do provide adequate protection and that we all live under those.

Mayor Copeland stated our Human Relations Commission has been talking about this for some time and asked the City Attorney to bring us up to speed on this topic.

City Attorney Shaver stated we have been and continue to do a great deal of research on this using the Kansas Housing Act, Federal Fair Housing Act and Kansas Religious Freedom Act as well as reviewing ordinances adopted by other cities for compatibility with existing statutes and where there might be any gaps. Mr. Shaver stated we continue studying this and follow the request of Mayor Copeland.

Councilmember Randall agrees with Mayor Copeland and stated should the Legislature not pass legislation that it would be appropriate for this Council to pass legislation in the form of an ordinance that makes it very clear there is not going to be discrimination in this City for any reason and includes the folks that

have shared their thoughts with us in recent Council meetings. Mr. Randall continued there have been other moving pieces with this which is why it is taking us time to figure this out so that everyone knows there is not discrimination in this City.

Councilmember Vogt agreed and stated if the Legislature does not take it up to meet the needs of our community then we need to do that.

- I.** Consideration of acceptance of sculptures for the 2019 Downtown Outdoor Sculpture Exhibit.
Approved.
- J.** Consideration of Resolution No. 19-1025, acknowledging and supporting the First Suburbs Coalitions, KC Communities for All Ages, and Mid-America Regional Council's Communities for All Ages initiative and expressing the City of Olathe's commitment to be recognized as a Community for All Ages.
Approved.
- K.** Request for the acceptance of the dedication of land for public easements for a final plat for Parkview Apartments (FP18-0047) containing 1 lot and 1 tract for Apartments on 29.87± acres; located in the vicinity of 124th Street and South Aurora Street. Planning Commission recommends approval 7-0.
Approved.
- L.** Consideration of Consent Calendar.
Approved.
- M.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Phoenix Concrete, LLC for construction of the Heatherstone and Bradford Falls Local and Collector Street Mill and Overlay Project, PN 3-P-008-19.
Approved.
- N.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Freeman Concrete Construction, LLC for construction of the 2019 Local and Collector Street Mill and Overlay Project, PN 3-P-006-19.
Approved.
- O.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to O'Donnell & Sons Construction Co., Inc. for construction of the Lone Elm Road Arterial Mill and Overlay Project, PN 3-P-003-19.
Approved.
- P.** Consideration of an Agreement with Johnson County for design of the Lake Side Acres Street Reconstruction Project, PN 3-R-002-20; the

Lake Side Acres Sanitary Sewer Rehabilitation Project, PN 1-R-104-17; and the Stevenson Street Stormwater Improvements Project, PN 2-C-014-18.

Approved.

- Q.** Acceptance and consideration of award of contract to Sound Products for AV Audio Equipment for the Marina and Landing facilities at Lake Olathe for the Parks & Recreation Department.

Approved.

- R.** Acceptance of bid and consideration of award of contract to Olathe Winwater Works Co. for the purchase of fire hydrants, extensions and repair kits for the Field Operations Division of Public Works.

Approved.

- S.** Acceptance of bid and consideration of award of contracts to Industrial Sales Company and Ferguson Waterworks, Inc. for the purchase of high-density polyethylene (HDPE) storm sewer pipe.

Approved.

8. NEW BUSINESS-PUBLIC WORKS

- A.** Consideration of Ordinance No. 19-07, RZ18-0022, requesting approval for a rezoning from County RUR to R-3 District and preliminary site development plan for Brentwood Senior Apartments on 4.23± acres; located in the vicinity of 155th Street and Brentwood Street. Planning Commission recommends approval 6-0.

Planner II Dan Fernandez completed a presentation describing the rezoning and proposed development.

Applicant Kim Lingle, MBL Development Company, 16405 Turnberry, addressed questions from the Governing Body.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-07. The motion passed by the following votes:

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

Absent: Campbell

- B.** Consideration of Ordinance No. 19-08 approving an engineer's survey and authorizing the acquisition of land for the Lakeview Avenue Sanitary Sewer Improvements Project, PN 1-C-024-18.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-08. The motion passed by the following votes:

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

Absent: Campbell

- C.** Consideration of Electric Line Modification/Relocation Agreement with Westar Energy, Inc. for the Mahaffie Circle Improvements Project, PN 3-C-107-17.

Assistant City Engineer Nate Baldwin completed a presentation concerning the project.

Motion by Randall, seconded by Bacon to approve the electric line modification/relocation agreement with Westar Energy, Inc. for the Mahaffie Circle Improvements Project, PN 3-C-107-17. The motion passed by the following votes:

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

Absent: Campbell

- D.** Consideration of Supplemental Agreement No. 1 with HNTB Corporation for design of the Mahaffie Circle Improvements Project, PN 3-C-107-17.

Motion by Randall, seconded by Bacon to approve supplemental agreement no. 1. The motion passed by the following votes:

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

Absent: Campbell

9. NEW BUSINESS-ADMINISTRATION

- A.** Consideration of Ordinance No. 19-09 concerning amendments to Olathe Liquor Ordinances, O.M.C. Title 7.

Councilmember Randall asked what the proposed changes are regarding the City liquor code.

Assistant City Attorney Daniel Yoza stated there are two changes to the current Olathe liquor code. The first concerns the sale of cereal malt beverage. The proposed ordinance change would allow licensed cereal malt beverage retailers to sell beer up to 6% alcohol by volume. The second change would allow the City to issue a sidewalk premise permit, which allows a City licensed drinking establishment to extend its premise onto an enclosed area of public right-of-way or sidewalk with permission of the City.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-09. The motion passed by the following votes:

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

Absent: Campbell

- B.** Acceptance of proposal and consideration of award of contract to Connelly Skis, Inc DBA Aquaglide for the design, installation, and maintenance for a floating water park at Lake Olathe for the Parks & Recreation Department.

Recreation Division Superintendent Kent Rettig gave a presentation and answered questions from the Governing Body.

Motion by Randall, seconded by Bacon to approve award of contract to Connelly Skis, Inc DBA Aquaglide for the design, installation, and maintenance for a floating water park. The motion passed by the following votes:

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

Absent: Campbell

10. NEW CITY COUNCIL BUSINESS

Councilmember McCoy commented on the recent employee recognition breakfast that featured the results of the annual DirectionFinder survey for the City. Mr. McCoy thanked management and staff for the work they do.

Mayor Copeland asked City Manager Wilkes to tell about the three areas that we bonus on and results from the DirectionFinder survey.

City Manager Wilkes stated the first is how people perceive the value for the tax dollars that they pay. Mr. Wilkes stated all of our bonus measures target to be in the top ten percent of all local governments in the country that do the DirectionFinder survey. The City of Olathe met that standard and were number one last year for cities over 100,000 population and were in the top ten this year. The second area is how people rate the customer service we do. Mr. Wilkes stated for the second year in a row we were number one in all cities over 100,000. The third area is how people perceive the quality of the service that we provide. Mr. Wilkes stated last year we were number one in cities over 100,000 and this year we were number one in all cities across the country.

Councilmember Vogt commented she wanted to recognize Police Chief Menke on his upcoming retirement. Ms. Vogt expressed her gratitude for his service and leadership provided making our city one of the safest in the country. Ms. Vogt wished Chief Menke and his family the very best.

Councilmember Randall also wished Police Chief Menke well on his upcoming retirement later this month. Mr. Randall commented on the one statistic concerning how your city is doing and the value for tax dollars paid. Last year we were number one in the country and this year in the top ten, which says a lot. Mr. Randall also gave kudos to the snow removal crews for all their work this winter.

Councilmember Bacon stated the snow crews cleared what was scheduled to take 48 hours and completed in 9 hours, which is fantastic.

11. END OF TELEVISED SESSION

12. GENERAL ISSUES AND CONCERNS OF CITIZENS

Robynn Andracsek, 11526 S. Roundtree Street, Olathe, spoke in support of placing a non-discrimination ordinance on the agenda that addresses LGBTQ issues.

Brett Hoedl, 17446 W. 161st Street, Olathe, expressed frustration over the passage of the diversity and equality resolution tonight as he believes it will be harmful as it suggests using mediation to solve a discrimination suit. Mr. Hoedl stated mediation is voluntary. Mr. Hoedl spoke in support of the LGBTQ comprehensive non-discrimination ordinance.

Wendy Budetti, 17446 W. 161st Street, Olathe, spoke in support of the LGBTQ non-discrimination ordinance as there are no State protections.

Chad Palmer, 16012 W. 136th Street, Olathe, spoke in support of the LGBTQ non-discrimination ordinance.

Amy Diediker, 12528 S. Gleason Road, Olathe, spoke in support of the LGBTQ non-discrimination ordinance.

Jason Rozelle, 1015 N. Troost Avenue, Olathe, addressed the Governing Body with concerns of not getting a response back from the City over questions he has on how he was treated at a business recently as well as the police department. Mr. Rozelle stated he would like to get help from someone in the City.

Mayor Copeland stated it is his understanding staff attempted to reach out to

him, but did not have a correct phone number and asked that he provide us with one. Mr. Copeland also asked before Mr. Rozelle leaves tonight that he would like for Mr. Rozelle, the City Manager and Chief of Police to meet and arrange a time for them to get together to work on this.

Lisa Lero, 410 E. Cedar Street, Olathe, spoke in support of the LGBTQ non-discrimination ordinance.

Cassandra Peters, 1105 N. Walker Lane, Olathe, spoke in support of the LGBTQ non-discrimination ordinance.

Mitch Peters, 1105 N. Walker Lane, Olathe, spoke in support of the LGBTQ non-discrimination ordinance.

Bridgette Moore, 1305 N. Leevue Drive, Olathe, spoke in support of the LGBTQ non-discrimination ordinance.

Keith Esau, 11702 S. Winchester Street, Olathe, spoke against a non-discrimination ordinance.

Grant Owens, 13083 S. Summit Street, Olathe, spoke in support of the LGBTQ non-discrimination ordinance.

Chris Haulmark, 600 S. Harrison Street, Apt. 11, Olathe, spoke in support of the LGBTQ non-discrimination ordinance.

Angie Powers, 1721 W. Spruce Street, Olathe, spoke in support of the LGBTQ non-discrimination ordinance.

Mary Wirtz, 2114 E. Mohawk Court, Olathe, spoke against a non-discrimination ordinance.

Joann Barber, 129 S. Emma Street, Olathe, spoke against a non-discrimination ordinance.

Evan Lovelace, 12475 S. Ortega Drive, Olathe, spoke in support of the LGBTQ non-discrimination ordinance.

Scott Harvey, 1107 E. Elizabeth Street, Olathe, spoke in support of the LGBTQ non-discrimination ordinance.

Matthew Calcara, 14362 W. 118th Street, Olathe, spoke in support of the LGBTQ non-discrimination ordinance.

Jorge Santana, 15954 W. Mur-Len Road, No. 163, Olathe, spoke in support of the LGBTQ non-discrimination ordinance.

Angelica Wilcox, 12145 S. Black Bob Road, Apartment 102, Olathe, spoke in support of the LGBTQ non-discrimination ordinance.

Terryl Westerhold, 12488 S. Valley Circle, Olathe, expressed concerns over the UDO not having a statute of limitations on approved plans, the changing of approved developers without residents having the opportunity to weigh in on it, and the 500 foot notification requirement, which should be greater as this impacts people outside of that range. Mr. Westerhold also expressed concerns over traffic management.

13. ADDITIONAL ITEMS

Councilmember Randall thanked all of the speakers this evening for speaking in a civil manner.

Councilmember Bacon asked staff how we let citizens know about things like the national weather drill that occurred earlier today. City Manager Wilkes stated he believes additional notice is placed via social media. Mr. Bacon also asked staff to report back about a recent media report on human trafficking as he does not want to ignore this type of issue in our city.

14. ADJOURNMENT

The meeting adjourned at 9:50 p.m.

David F. Bryant III, MMC
Deputy City Clerk