



COUNCIL AUDIT COMMITTEE MEETING WITH EXTERNAL AUDITORS - 6:00 P.M. - 6:30 P.M.

Councilmembers Bacon, Randall, and Vogt attended the Council audit committee meeting with the external auditors.

1. CALL TO ORDER

Present: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

Others in attendance were City Manager Wilkes, Assistant City Manager Sherman and City Attorney Shaver.

2. EXECUTIVE SESSION - 6:33 P.M.

Consideration of motion to recess into an executive session under the real property acquisition exception to the Kansas Open Meetings Law to discuss the following items:

- A.** 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.

Motion by Randall and seconded by Campbell, 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 for 25 minutes, resuming at 7:00 p.m. in the City Council Chamber.

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

Absent: Copeland

- B.** 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.

Motion by Randall and seconded by Campbell, 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 a lease agreement. for 25 minutes, resuming at 7:00 p.m. in the City Council Chamber.

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

Absent: Copeland

Mayor Copeland arrived at 6:39 P.M.

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 7:00 p.m. in the Council Chambers.

Executive Session item A - Motion by Randall, seconded by Bacon, to authorize the City Attorney to finalize and the Mayor to execute a real estate agreement with Sunflower Olathe 1, LLC. Motion passed 7-0.

Executive Session item B - Motion by Randall, seconded by Bacon, to authorize the City Attorney to finalize and the Mayor to execute a real estate agreement and lease agreement with Milhaus, LLC. Motion passed 7-0.

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

Mayor Copeland called for a moment of silence to honor the twelve public servants who lost their lives last week in the tragic shooting in Virginia Beach, Virginia.

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

- A.** Proclamation designating June 2 - 8, 2019 as "National Garden Week." Mayor Copeland presented Olathe Garden and Civic Club President Margaret Endecott with the proclamation after reading into the record. Mr. Copeland congratulated Ms. Endecott on celebrating the club's 90th anniversary.
- B.** Presentation of the Street Maintenance Sales Tax (SMST) Finance Oversight Committee 2018 Annual Report by Chair Anne Oswald. Anne Oswald, Chair of the Street Maintenance Sales Tax Finance Oversight Committee, completed a presentation of the committee's annual report for 2018.
- C.** Presentation by Jeff Holsapple, Assistant County Appraiser, regarding the 2019 Revaluation Report.

Jeff Hosapple, Assistant Johnson County Appraiser completed a presentation of the 2019 revaluation report and answered Councilmembers questions.

7. PUBLIC HEARINGS

- A.** Consideration of a Public Hearing on a request by JDC North Olathe Properties, LLC for a master resolution for a business park and a first project under the master resolution for an industrial warehouse in the Olathe Commerce Park and for issuance of industrial revenue bonds and tax phase-in for the construction of a 21,400 square foot industrial warehouse located at the southeast corner of Dennis Avenue and the future Pine Street.

Mayor Copeland opened the public hearing and hearing no public comments entertained a motion to close the public hearing.

Motion by Randall, seconded by Bacon, to close the hearing. The motion carried by the following vote:

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

- B.** Consideration of Resolution No. 19-1039 establishing a Master Resolution expressing intent to issue Industrial Revenue bonds in one or more series and tax phase-in on behalf of JDC North Olathe Properties, LLC for the establishment of a business park located at the southeast corner of Dennis Avenue and the future Pine Street.

Motion by Randall, seconded by Bacon, to approve Resolution No. 19-1039. The motion carried by the following vote:

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

- C.** Consideration of Resolution No. 19-1040 expressing intent to issue industrial revenue bonds and tax phase-in on behalf of Carrier Services Plus, LLC under the Master Resolution for the phase I projects consisting of the construction of a 21,400 square foot industrial warehouse located at the southeast corner of Dennis Avenue and the future Pine Street.

Motion by Randall, seconded by Bacon, to approve Resolution No. 19-1040. The motion carried by the following vote:

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

8. CONSENT AGENDA

Motion by Councilmember Randall, seconded by Councilmember Bacon, to approve the Consent Agenda. The motion carried by the following vote:

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

- A.** Consideration of approval of the City Council meeting minutes of May 21, 2019.
Approved
- B.** Consideration of new cereal malt beverage license application for SAV Inc., d/b/a Fast Snack Pack 1, located at 12885 South Mur-Len Road.
Approved
- C.** Consideration of a drinking establishment license renewal for Crazy Good Eats, located at 16695A W. 151st Street.
Approved
- D.** Consideration of Resolution No. 19-1041 expressing the intent to issue industrial revenue bonds on behalf of Stag's Ridge, LLC near Santa Fe St. and K-7. (Sales Tax Exemption only)
Approved
- E.** Consideration of Resolution No. 19-1042 authorizing the public sale of General Obligation Temporary Notes, Series 2019-A; and General Obligation Improvement and Refunding Bonds, Series 232.
Approved
- F.** Acceptance of proposal and consideration of award of contract to PlanSource for the City's benefit administration platform.
Approved
- G.** Consideration of an updated Interlocal Agreement with the Eastern Kansas Multi-County Task Force for reciprocal fire investigation assistance.
Approved
- H.** Consideration of Consent Calendar.
Approved
- I.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Linaweaver Construction, Inc. for construction of the 2019 Cedar Creek Street Improvements, 110th Street Project, PN 3-R-004-19.
Approved
- J.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Wiedenmann, Inc. for construction of the Sunset Drive and Ridgeview Road Water Main Replacement, Phase 2, Project, PN 5-C-033-16.
Approved

- K.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Site Rite Construction Co. for construction of the Lakeview Avenue Sanitary Sewer Improvements Project, PN 1-C-024-18.
Approved
- L.** Consideration of renewal of contract to Building Crafts, Inc. for collector well cleaning services for the Environmental Services Division of Public Works.
Approved
- M.** Consideration of a Professional Services Agreement with HNTB Corporation for design of the Santa Fe, Ridgeview to Mur-Len, Improvements Project, PN 3-C-025-18.
Approved
- N.** Consideration of Change Order No. 2 to the contract with VF Anderson Builders, LLC for construction of the Lindenwood Road, 163rd to 167th, Benefit District Project, PN 3-B-078-17.
Approved
- O.** Acceptance of proposal and consideration of award of contract to Allegiant Technology for the citywide installation, implementation, and maintenance of the Avaya Phone System Upgrade for the Information Technology Services Department.
Approved
- P.** Acceptance of bid and consideration of award of contract to OPTO for the purchase of mobile shelving for the new Indian Creek Library.
Approved
- Q.** Acceptance of bid and consideration of award of contract to Logic, Inc. for the replacement of four adjustable frequency drives for the Environmental Services Division of Public Works.
Approved
- R.** Acceptance of bids and consideration to award contracts to Harcros Chemicals, Inc., Brenntag Mid South, Polydyne, Inc., Poet Ethanol Products, DPC Industries, Inc., Carus Corporation, PVS Technologies, Inc., Mississippi Lime Company, Nalco Company, Evoqua Water Technologies, LLC and Kemira Water Solutions, Inc. for water and wastewater treatment chemicals for the Environmental Services Division of Public Works.
Approved

9. NEW BUSINESS-PUBLIC WORKS

- A.** Consideration of Ordinance No. 19-20 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.

Sutherland Lumber Company of Kansas City, L.P., et al., Case No. 19CV00597, for the Santa Fe and Ridgeview Road Geometrics Improvements Project, PN 3-C-083-15.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-20. The motion carried by the following vote:

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

- B.** Consideration of Ordinance 19-21 amending Olathe Municipal Code Section 130.05.050 pertaining to utility and meter damage and repealing the existing section.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-21. The motion carried by the following vote:

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

- C.** Consideration of Ordinance No. 19-22 approving an engineer's survey and authorizing the acquisition of land for the 159th Street and Black Bob Road Improvements Project, PN 3-C-006-16.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-22. The motion carried by the following vote:

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

- D.** Consideration of Ordinance No. 19-23, RZ19-0005: Request approval for a rezoning from R-1 District to R-3 District and Preliminary Plan for Legacy Senior Residences II on 5.39± acres; located in the vicinity of the southwest corner of W. Harold Street and N. Parker Street. Planning Commission recommends approval 7 to 0.

Dan Fernandez, Planner II in the Planning Division of the Public Works Department, completed a presentation for this item.

Councilmember McCoy asked if the building would have elevators and Mr. Fernandez stated they would.

Councilmember Brownlee stated she noticed this has options for people with different income levels to apply for lower rent. Ms. Brownlee asked if our housing study took any of this into account.

Mr. Fernandez stated for this project he believed it did not, but staff would follow up with her.

Councilmember Bacon inquired if there were enough setback for the expansion of 127th and Harold Street if we wanted to widen into a divided arterial.

Mr. Fernandez stated it does.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-23. The motion carried by the following vote:

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

- E.** Request for the acceptance of the dedication of land for public easements and right-of-way for a final plat for Legacy Senior Residences II (FP19-0010) containing 1 lot 5.39± acres; located at the southwest corner of W. Harold Street and N. Parker Street. Planning Commission recommends approval 7 to 0.

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

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

- F.** Consideration of Ordinance No. 19-24, RZ18-0003: requesting approval for a rezoning from C-2 and M-1 Districts to PD (Planned District) and preliminary site development plan for Olathe Gateway II, a mixed-use development, on 50.94± acres; located at the southwest corner of 119th Street and Renner Boulevard. Planning Commission recommends approval 7 to 0.

Kim Hollingsworth, Senior Planner in the Planning Division of the Public Works Department, completed a presentation for this item.

Councilmember Vogt asked questions concerning the restricted uses and what downtown means.

Ms. Hollingsworth stated there are certain uses permitted in the Downtown District that we would not want to be permitted in the Gateway District.

Councilmember Vogt asked what those would be.

Ms. Hollingsworth stated industrial type uses.

Councilmember McCoy asked if groundbreaking would occur this

Fall.

Ms. Hollingsworth stated that would be fantastic but believed the applicant was still working through their timeline.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-24. The motion carried by the following vote:

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

- G.** Consideration of Ordinance No. 19-25, RZ17-0019: requesting a rezoning from RP-4 District to C-2 District and preliminary site development plan for Olathe Commons on 12.83± acres; located in the vicinity of 119th Street and Shannon Lane. Planning Commission recommends approval 7 to 0.

Dan Fernandez, Planner II, completed a presentation for this item.

Councilmember Brownlee asked if any of the retail chose to have drive-thru facilities if they would have to come back for permission or approval.

Mr. Fernandez stated not to City Council. Mr. Fernandez stated none are shown for this project, but should they come back and request a drive-thru, it would be considered a major change and would have to come back before the Planning Commission.

Councilmember Brownlee asked if we have any idea who might be coming in to any of the retail spots.

Mr. Fernandez stated he would defer to the applicant for this question.

John Petersen representing the applicant, Maecommon, LLC, stated he thought they did and believed one would be a medical type business and a few restaurants.

Councilmember Campbell asked if staff was familiar with a letter received from the engineer about the traffic study that was used being from 2013. Mr. Campbell asked if we are confident in the traffic study.

Chet Belcher, Transportation Manager in the Public Works Department stated staff is confident the traffic improvements will mitigate any increased traffic from the development.

Councilmember Randall asked if this would be an extension of Olathe Pointe.

Mr. Petersen said it is exactly.

Tom Kearney, 11918 S. Greenwood Street stated we do not need apartments, he believes we could do better and expressed concerns with trees being removed.

Mr. Fernandez at the invitation of the Mayor addressed Mr. Kearney's concerns. Mr. Fernandez stated the apartments had already been approved and what is on the agenda tonight concerns the commercial portion. Mr. Fernandez also indicated the majority of the tree buffers on the East and South side are being saved.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-25 and the preliminary site development plan. The motion carried by the following vote:

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

10. NEW CITY COUNCIL BUSINESS

Councilmember McCoy commented on the JDC North Olathe properties IRB item under the public hearing tonight stating the positive benefits from doing this.

Councilmember Randall reminded everyone about the 75th anniversary of Normandy on June 6 and to thank those who helped win that war and gave us our freedoms.

Councilmember Campbell stated the liaison committee to the judge met and he reported on the court security project and idea of doing away with credit card fees charged in the court. Mr. Campbell asked to be excused from the planning session as he was leaving town for an early morning meeting.

11. END OF TELEVISED SESSION

Councilmember Campbell left the meeting at 8:36 p.m.

12. GENERAL ISSUES AND CONCERNS OF CITIZENS

Robynn Andracsek, 11526 S. Roundtree Street, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the agenda.

Leticia Harmon, 12812 S. Widmer Street, Olathe and Policy Director for the ACLU of Kansas, spoke in support of a non-discrimination ordinance and provided Council with a handout concerning hate crimes and discrimination.

Angelica Wilcox, 12145 S. Black Bob Road, Apt. 102, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the agenda for the June 18 meeting.

Evan Lovelace, 12475 S. Ortega Drive, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the agenda.

Cassandra Peters, 1105 N. Walker Lane, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the agenda.

Lisa Lero, 410 E. Cedar Street, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the agenda for discussion.

Brett Hoedl, 17446 W. 161 Street, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the June 18 agenda.

Joan Gilson, 14282 W. 151st Terrace, No. 200, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the June 18 agenda.

Carolyn Finken-Dove, 610 N. Persimmon Drive, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the next agenda.

Danielle Rawlings, 12211 S. Pine Street. Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the June 18

agenda.

Mayor Copeland stated to Council that they had received a recommendation from the Olathe Human Relations Commission earlier this year and Council had passed a resolution a few months ago asking Topeka to take it up and that has not happened. Mr. Copeland asked the Council what their pleasure was.

Councilmember Randall stated for him personally he would like to see this brought up after the November elections. Mr. Randall understands people are upset as it has been two years and six months, but he feels it has a better chance of succeeding if taken out of the political process and debated on as a non-political issue.

Councilmember McCoy stated we passed a resolution allowing mediation to take care of you and provide for you regardless of what you think. Mr. McCoy stated we have a Supreme Court that regardless of what we pass here supersedes whatever we do. Mr. McCoy said let's see what happens in the Fall and what the Supreme Court does.

Councilmember Vogt stated it is easy for her to move forward, but she wants this to be able to pass for them and she does not see the point of us, unless you want to know everybody's stand, but you can get that individually also by emailing or calling each one of us. Ms. Vogt said perhaps by November the decision will be made for us.

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. A report on the annual mowing of weeds and removal of debris for levy assessments.

The report was accepted, and no presentation was given.

B. DISCUSSION ITEMS

1. Discussion regarding Proposed Amendments to Chapter 18.30 and 18.50 of the Unified Development Ordinance (UDO18-0002B).

Aimee Nassif, Chief Planning and Development Officer in the

Planning Division of the Public Works Department completed a presentation on amendments to Chapters 18.30 and 18.50 of the Unified Development Ordinance concerning quarries, blasting and vibrations.

Randy Kriesel, 24120 W. 167th Street, Olathe, stated he was not onboard with the proposed changes and gave his personal testimony concerning blasting vibrations. Mr. Kriesel asked why change something that has worked for twenty years.

14. ADDITIONAL ITEMS

Councilmember McCoy mentioned there are things we take for granted in Olathe and one is our composting facility. Mr. McCoy stated on a recent visit he asked a resident what they thought of it and the resident responded they thought it was great. Mr. McCoy stated our City does a lot of things that others don't do.

Councilmember Vogt inquired about tree preservation and if we are doing that routinely.

Ms. Nassif stated we do require this as part of our requirements.

Councilmember Vogt shared she had a citizen ask about art work and the teen area of the new library. Ms. Vogt asked if we are doing anything like a wall in the teen area.

Susan Sherman, Assistant City Manager, gave a quick update and indicated they were meeting on internal public art this week. Ms. Sherman stated the teen area did not have a lot of wall space, but they could put this in the mix and see what else they could do.

Councilmember Vogt asked if the City is doing general recycling other than Hedge Lane now.

Alan Shorthouse, Deputy Public Works Director in the Public Works Department, stated we have curbside as well.

Councilmember Randall stated the audit committee met prior to the Council

meeting tonight with the external auditors.

Councilmember Bacon added to the audit committee report that members would like to do a survey but understood it violates the Kansas Open Records Act.

Rrachele Breckenridge, Assistant City Attorney in the Legal Department, stated a survey does not violate KORA, but would be subject to KORA if anyone requested to see the results.

Councilmember Brownlee stated on the topic of public art, someone has been talking to her about whether the Council would consider more support for the community band. Ms. Brownlee stated she did not know if they have had those conversations and if it could be added to the list. Ms. Brownlee further stated she knew an ordinance had been approved prior to her arrival on the Council concerning public monies for public art and if it could be included in some manner. Ms. Brownlee stated on a more serious note, regardless of the topic that we cover the element of reasonable debate is that both sides thoughts and opinions have to be welcomed. Ms. Brownlee said this would apply whether it is the NDO, UDO, or whatever it is that both sides thoughts and opinions have to be welcomed and she does not think we have arrived there yet on the NDO. Ms. Brownlee said members of both sides of that debate should have their thoughts and opinions listened too and we are not there. Ms. Brownlee stated she has met with two people individually to try to dialogue some because she wondered if that might be more workable.

Councilmember Vogt believes there should be freedom and safety to speak.

Mayor Copeland stated he is not inclined to put something on the agenda that does not have support of the majority.

Councilmember Bacon stated he is fine with the Mayor's suggestion to hold off on an item until it gets support to pass.

15. ADJOURNMENT

The meeting adjourned at 10:00 p.m.

David F. Bryant III, MMC
Deputy City Clerk