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**1. CALL TO ORDER**

Councilmember Randall arrived at 7:11 p.m.

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

**Absent:** Randall

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

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

**3. PLEDGE OF ALLEGIANCE**

Cub Scout Pack 3250 led the Pledge of Allegiance.

**4. SPECIAL BUSINESS**

- A.** Proclamation designating October as Reentry and Returning Citizens Month.

Mayor Copeland presented Andre Carnegie, Board Member for Reaching Out From Within, and Andre Carson, a recent graduate of Reaching Out From Within with the Reentry and Returning Citizens month proclamation. Reaching Out From Within is a local organization which works in every Kansas prison to help inmates become successful and productive members of society.

**5. CONSENT AGENDA**

Councilmember McCoy requested item "I" be removed for separate consideration and vote.

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

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

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

**Absent:** Randall

**Absent:** Randall

- A.** Consideration of approval of the City Council meeting minutes of October 1, 2019.  
Approved
- B.** Consideration of pawnbroker/precious metal dealer license applications for Warren Hannon and We Buy Gold, LLC.  
Approved
- C.** Consideration of the 2019 Subrecipient Agreements for Olathe's Community Development Block Grant (CDBG) projects.  
Approved
- D.** Consideration of Resolution 19-1060 authorizing the sale of certain Neighborhood Stabilization Program rental properties.  
Approved
- E.** Consideration of Consent Calendar.  
Approved
- F.** Consideration of Resolution No. 19-1061 authorizing a survey and description of land or interest to be condemned for the Mahaffie Circle Improvements Project, PN 3-C-107-17.  
Approved
- G.** Consideration of a Relocation Agreement with CenturyLink Communications, LLC for the Mahaffie Circle Improvements Project, PN 3-C-107-17.  
Approved
- H.** Consideration of Supplemental Agreement No. 2 with TranSystems Corporation for design of the Ridgeview, 143rd to 151st, Improvements Project, PN 3-C-058-19.  
Approved
- I.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Beemer Construction Co., Inc. for construction of the Old 56 Highway Watermain Improvements Project, PN 5-C-016-18.

Councilmember McCoy stated we are happy to see we received seven bids on this project and the recommended bid is less than the

engineers estimate. Mr. McCoy said the purpose for the project is to help with water pressure problems and asked how we are doing on our water tanks in this area as it affects water pressure.

Beth Wright, Deputy Director of Public Works, stated tanks can affect water pressure, but for this project we believe it is the condition of the existing water main and need to increase the size due to the growth to the west.

Mr. McCoy asked if we need to plan for more water tanks in the future, or if it is adequate for now.

Ms. Wright stated it is adequate for the growth anticipated.

Councilmember Campbell asked if the contractor, Beemer Construction Company, has done previous work for us.

Ms. Wright stated the contractor had done work for us many years ago. Ms. Wright stated based on our contacts with others that the contractor is well respected, which makes us confident in their ability to do the work.

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

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

**Absent:** Randall

- J.** Acceptance of bid and consideration of award of contract to Conrad Fire Equipment, Inc. for the purchase of one (1) Pierce Custom Pumper to outfit the Fire Department's new Station #8.

Approved

- K.** Consideration of award of contract to Staco Electric Construction Company for Electrical Services for the Facilities/Maintenance Division of Parks & Recreation.

Approved

- L.** Acceptance of proposals and consideration of award to Allen, Hibbs, & Houlik L.C. for audit services for the City of Olathe.

Approved

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

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- A.** Consideration of Ordinance 19-62 changing S Mahaffie Circle, lying adjacent to Lots 2, 3B, 3C, 4, 5 and 6, within Gateway Business Park and S Church Street, lying adjacent to lots 3, 6, and 6A, within Cedar Pointe, to S Mahaffie Street.

Councilmember Randall arrived at 7:11 p.m.

Motion by Bacon, seconded by Vogt to approve Ordinance No. 19-62.  
The motion carried by the following vote:

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

- B.** Consideration of Ordinance No. 19-63, UDO19-0001: Requesting approval regarding Proposed Amendments to Chapter 18.15 of the Unified Development Ordinance. Planning Commission recommends approval 7 to 0.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-63. The motion carried by the following vote:

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

**No:** Campbell

- C.** Consideration of Ordinance No. 19-64, UDO19-0002: Requesting approval regarding proposed amendments to Chapters 18.20, 18.30, 18.50, and 18.60 of the Unified Development Ordinance (UDO19-0002). Planning Commission recommends approval 7-0.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-64. The motion carried by the following vote:

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

**No:** Campbell

- D.** Consideration of Ordinance No. 19-50, RZ19-0006, requesting approval for a rezoning from CTY PEC-3 and M-2 to C-3 and preliminary development plan for Builders Stone on 17.34± acres; located west of Kansas City Road and north of 119th Street. Planning Commission recommends denial 7-0.

Aimee Nassif, Chief Planning and Development Officer completed a presentation and stated the request this evening is for consideration of the zoning only and not the preliminary development plan.

Councilmember Vogt stated what they are considering this evening is completely different than what she expected and believes they do not have all the information needed to make a decision tonight.

Councilmember Randall asked why staff and the Planning Commission recommended denial on the zoning.

Ms. Nassif stated what was before the Planning Commission was a mix of heavy industrial and commercial zoning with no option for all commercial.

Discussion by Councilmembers ensued regarding the zoning classifications being considered and uses.

Brandon Becker, Builders Stone applicant, gave a presentation and addressed Governing Body questions. Mr. Becker stated the C-3 stipulations proposed in the ordinance will handicap his ability to operate his business in this location.

Councilmembers expressed their appreciation that Builders Stone is an Olathe based company and would like to see Mr. Becker stay in Olathe and have a successful project.

Clay Blair, property owner, summarized that this is a simple request to maintain the zoning M-2 and C-3. Mr. Blair stated they are not requesting approval of the site plan and site elevation as that goes back to staff for negotiation. Mr. Blair stated not all the stipulations that Mr. Becker received less than 48 hours ago was what Mr. Becker had agreed with staff that he would do, which is build a brick masonry wall running north and south on the west side screening all the storage area to the west. Mr. Blair stated on the north it is screened by a five story Block (real estate firm) Amazon building and on the east the railroad tracks and Fry-Wagner (moving and storage) building. Mr. Blair stated he agreed to build a lengthy wall to screen and to not expand the storage yard anywhere on the property. Mr. Blair continued that Mr. Becker has now been confronted within the last two days with staff wanting to restrict his setbacks as well as other things. Mr. Blair stated Mr. Becker is not prepared to say that he accepts those conditions on C-3 because it is premature. Mr. Blair stated all they are asking for is the M-2 and C-3 and they will come back to you with the final plan, which they will

work out with staff.

Mayor Copeland reminded Mr. Blair if the M zoning is granted and the stipulations bare out, that there are expectations that go with that.

Mr. Blair agreed and stated that he hoped the City would be open minded to give and take on this.

Councilmember Brownlee commented that we have to be careful that we have not set a bar that no one else is expected to meet. Ms. Brownlee stated that is what she is hearing in some of the discussions and we need to avoid that.

Councilmember Vogt stated to staff that she would like to know more about vehicle traffic and pedestrian traffic as well as what they plan to put up front as it makes a difference.

Mayor Copeland asked the City Attorney if the M zoning is granted and we do not come to terms on the final development plan what happens.

Ron Shaver, City Attorney, stated that the applicant cannot do their development as they see fit as they have to have a final site development plan to proceed and a building permit.

Mayor Copeland asked what the risks were to us approving a M zoning since we have ultimate control of what gets built there.

Mr. Shaver stated it is about the standards that the Governing Body wants to apply to the particular piece of property and the type of zoning. Mr. Shaver stated staff builds the standards based off the criteria within which zoning category the Governing Body has approved.

Councilmembers Vogt and Randall stated they would like to see this item tabled and for Planning staff and the applicant to work together on this and bring it back with more information

Motion by Vogt, seconded by Randall to table this item for three weeks

allowing Planning to work with the applicant for whatever zoning they want to come before Council with, but with a clear plan so Council understands exactly the use by the applicant, which includes traffic, pedestrian and other items. Ms. Vogt continued that staff provides the applicant with appropriate information so they know what the UDO requires in those areas as well as what is allowed in M2. The motion carried by the following vote:

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

**No:** Brownlee, Campbell, and Copeland

## **7. NEW BUSINESS-ADMINISTRATION**

- A.** Consideration of Ordinance No. 19-65 approving and authorizing the City of Olathe, KS to enter into an omnibus amendment of bond documents relating to its taxable industrial revenue bonds (Blackbob KC Self Storage, LTD. Project), Series 2018.

Motion by Bacon, seconded by Vogt to approve Ordinance No. 19-65. The motion carried by the following vote:

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

- B.** Consideration of Ordinance No. 19-66 amending O.M.C. Chapter 2.34 pertaining to the Olathe Community Foundation.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-66. The motion carried by the following vote:

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

- C.** Consideration of Ordinance 19-67 amending Chapter 5.36 of the Olathe Municipal Code pertaining to massage therapy.

Motion by Randall, seconded by Bacon to approve Ordinance No. 19-67. The motion carried by the following vote:

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

## **8. NEW CITY COUNCIL BUSINESS**

Councilmember McCoy stated he attended the Olathe Parks and Recreation Foundation and wanted to thank Parks and Recreation and all volunteers for making Olathe the City that it is.

Councilmember Vogt stated she would see everyone Saturday for the grand opening of the Indian Creek Library.

Councilmember Randall encouraged everyone to come out and vote at the upcoming election.

Councilmember Campbell thanked all those who sent him get well wishes and apologized for missing the last two Council meetings.

Councilmember Brownlee pointed out that Assistant City Clerk, Brenda Long, was named the top administrative professional of the year in Kansas at the recent League of Kansas Municipalities conference.

Mayor Copeland thanked the Prairie Trail Middle School seventh grade Huskies football team as they clinched the City Championships this evening.

**9. END OF TELEVISED SESSION**

**10. GENERAL ISSUES AND CONCERNS OF CITIZENS**

Heather Grimes, 703 N. Singletree Street, spoke in support of a non-discrimination ordinance.

Cheri Tabel, 12459 S. Acuff Court, spoke regarding the non-discrimination ordinance.

Bridgette Moore, 1305 N. Leeview Drive, spoke regarding the non-discrimination ordinance.

Kristen White, 12367 S. Parker Terrace, spoke in support of a non-discrimination ordinance.

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

Carolyn Finken-Dove, 610 N. Persimmon Drive, spoke in support of a non-discrimination ordinance.

Joan Gilson, 14382 W. 151st Terrace, No. 200, spoke in support of a non-discrimination ordinance.

Erika Lehman, 2019 E. Mohawk Court, spoke in support of a non-discrimination ordinance.



Brooke McMahan, 14510 S. Mullen Street, spoke regarding the non-discrimination ordinance.

Joseph Powell, 14481 W. 122 Street, spoke against the non-discrimination ordinance.

Elisa Bienz, 845 N. Somerset Terrace, No. 106, spoke in support of a non-discrimination ordinance.

Angie Brotz, 12398 S. Parker Terrace, spoke against the non-discrimination ordinance.

Randy Powell, 14481 W. 122 Street, spoke against the non-discrimination ordinance.

Cate Eighmey, 2311 W. Trail Drive, spoke regarding the non-discrimination ordinance.

Wendy Budetti, 17446 W. 161 Street, spoke regarding the non-discrimination ordinance.

Matt Tormey, 1440 N. Hunter Drive, spoke against the non-discrimination ordinance.

Phyllis Tormey, 1440 N. Hunter Drive, spoke against the non-discrimination ordinance.

Robynn Andracsek, 11526 S. Roundtree Street, spoke regarding the non-discrimination ordinance.

Nikki McDonald, 14506 S. Darnell Street, spoke regarding the non-discrimination ordinance.

Lisa Lero, 410 E. Cedar Street, spoke regarding the non-discrimination ordinance.

Teresa Rose, 14510 S. Mullen Street, spoke against the non-discrimination

ordinance.

Veronica Malone, 14405 Lucille Street, spoke regarding the non-discrimination ordinance.

Rick Gale, 1125 E. Prairie Street, spoke regarding the non-discrimination ordinance.

Jacob Swisher, 1308 E. 152 Street, spoke regarding the non-discrimination ordinance.

Danny Newby, 1320 W. 149 Street, spoke against the non-discrimination ordinance.

## **11. CONVENE FOR PLANNING SESSION**

### **A. DISCUSSION ITEMS**

#### **1. Public Works Department Activities and Initiatives.**

A presentation was completed by Public Works Director Mary Jaeger.

## **12. ADDITIONAL ITEMS**

Councilmember McCoy complimented Public Works on the services they provide to our citizens.

Councilmember Vogt asked staff to to check the lighted street sign at Ridgeview and 116th as it is blinking.

Councilmember Bacon asked staff to check the City monument sign on the southside of the City along I-35 as it appears to be out.

Councilmember Brownlee stated during public comments a citizen stated that the Council was not looking at the speakers. Ms. Brownlee held up notes she stated she takes during the public comment session to refer back to and refers back too and she said this is the reason why she was not making eye contact with speakers. Ms. Brownlee asked for Councilmembers thoughts about electronic signs as someone had approached her and stated they were interested in electronic signs. Ms. Brownlee stated she would appreciate

Council's feedback. Ms. Brownlee also mentioned artwork painted on privacy fences and if that is something they need to address at some point as there is concern.

Mayor Copeland invited Assistant City Manager, Susan Sherman, to give the details of the upcoming Indian Creek Library grand opening.

### **13. ADJOURNMENT**

The meeting adjourned at 9:27 p.m.

David F. Bryant III, MMC  
Deputy City Clerk