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In an effort to follow social distancing guidelines during the COVID-19 pandemic, this meeting of the City of Olathe City Council was conducted as a virtual meeting. Members of the public were encouraged to watch the meeting live online at [OlatheKS.org/OGN](http://OlatheKS.org/OGN), or at their own convenience once the meeting video was archived.

**1. CALL TO ORDER**

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

**A. Roll Call**

The City Clerk called roll and all members of the City Council were present via a virtual meeting.

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

**B. Meeting Remarks**

By Mayor Copeland - In an effort to follow social distancing guidelines during the COVID-19 pandemic, the City of Olathe City Council is conducting this meeting remotely. The public is free to submit written comments via email to [CCO@OlatheKS.org](mailto:CCO@OlatheKS.org) regarding any item on this or future agendas. Those comments will be shared with the City Council.

The City Council strongly believes the public's presence at City Council meetings is critical to good government. We regret the current circumstances do not allow it. Please know, we will resume our normal in-person meeting format as soon as possible.

In the meantime, we are working to ensure City Council meetings and other City of Olathe boards and commission meetings remain open and transparent. We also ask for your patience. This is the City Council's first remote meeting. There may be a few glitches and some learning opportunities.

On tonight's agenda we have two items to discuss during executive session. One item pertains to a real estate contract and development agreement, the other is related to the acquisition of real property. In accordance with the Kansas Open Meetings Act, the City Council is permitted to discuss certain subjects in private in executive session. Before the end of our regular business agenda, we will make a motion to recess into executive session for a certain period of time. We will reconvene the public meeting before we adjourn for the evening.

**2. PLEDGE OF ALLEGIANCE**

**3. SPECIAL BUSINESS**

- A.** Update on Coronavirus by Fire Chief DeGraffenreid.

Fire Chief Jeff DeGraffenreid gave an update on the Coronavirus.

**4. CONSENT AGENDA**

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

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

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

- A.** Consideration of approval of the City Council meeting minutes of March 17, 2020.

Approved

- B.** Consideration of drinking establishment renewal applications for Smashburger #1083, located at 15241 W. 119th Street, Asian Pearl Restaurant, located at 18138 W. 119th Street and a new application for Kansas City Concessions, LLC, (Residence Inn) located at 12215 S. Strang Line Road.

Approved

- C.** Consideration of a cereal malt beverage license application for Corner Market, 1020 S. Harrison, for calendar year 2020.

Approved

- D.** Consideration of business expense statements for Mayor Copeland and Councilmember, Wes McCoy, for expenses incurred to attend the National League of Cities Congressional Cities Conference in Washington, D.C. March 7 - 12, 2020.

Approved

- E.** Consideration of Consent Calendar.

Approved

- F.** Consideration of Supplemental Agreement No. 1 with Black & Veatch Corporation for construction management services of the Harold Street Wastewater Treatment Plant Generator Replacement Project, PN 1-C-021-18.

Approved

- G.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Mega Industries Corporation for construction of the Harold Street Wastewater Treatment Plant Generator Replacement Project, PN 1-C-021-18.

Approved

- H.** Consideration of an Agreement with Crossland Heavy Contractors, Inc. for pre-construction services for the Vertical Well Field Improvements Project, PN 5-C-031-18.

Approved

- I.** Consideration of an Agreement with Johnson County for construction 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

- J.** Consideration of a Mitigation Credit Reservation and Purchase Agreement with Swallow Tail LLC for the construction 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

- K.** Consideration of a Mitigation Credit Reservation and Purchase Agreement with Swallow Tail LLC, for the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16.

Approved

- L.** Consideration of Resolution No. 20-1027 authorizing the public sale of Water and Sewer System Improvement and Refunding Revenue Bonds, Series 2020.

Approved

- M.** Consideration of renewal of contract with Tyler Technologies to provide Permitting Software for the City.

Approved

- N.** Consideration of renewal of contract with Burtin & Associates, Inc. for Janitorial Services.  
Approved
- O.** Acceptance of proposal and consideration of award of contract to Play & Park Structures for the purchase and installation of playground equipment and surfacing at Indian Creek Library Park for the Parks and Recreation Department.  
Approved
- P.** Acceptance of bid and consideration of award of contract to National Catastrophe Restoration, Inc. (NCRI) for City of Olathe facility restoration and remediation services.  
Councilmember McCoy asked for item P to be considered separately. He asked staff about the possibility of having the local company with the second bid to be named as a backup.

Parks and Recreation Director, Michael Meadors, said that had been discussed and it was determined it would be beneficial to have a primary and a secondary provider to address specific needs.

Councilmember McCoy expressed his appreciation to staff for addressing his concern.

Motion by Bacon, seconded by Campbell, to approve item P and amending it to include awarding a primary and a secondary contract. The motion carried with the following vote:

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

- Q.** Acceptance of bid and consideration of award of contracts to E Edwards, Inc., Nigros Western Store, and Sid Boedeker Safety Shoe Service for the provision of workboots to the Public Works Department.  
Approved

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

- A.** Consideration of Ordinance No. 20-08, RZ19-0023, requesting approval for a rezoning from BP (Business Park) District to C-2 (Community Center) District and preliminary site development plan for Chinmaya Mission on 16.13 ± acres; located southwest of 153rd Street and Pflumm Road. Planning Commission recommends approval 7 to 0. Senior Planner Kim Hollingsworth gave a presentation.

Councilmember Bacon expressed concern with the close proximity

to the softball complex and wanted to know if the applicant was concerned with possible noise issues.

The applicant was in attendance virtually and assured the Council the possibility of noise had been considered and they did not believe it would impact their activities.

Motion by Bacon, seconded by Vogt, to approve Ordinance No. 20-08. The motion carried by the following vote:

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

- B.** Consideration of Ordinance No. 20-09, requesting approval for a rezoning from the R-1 to the R-3 District and a related preliminary site development plan on 27.65± acres; located southwest of the intersection of W. 167th Street and future Brougham Drive. Planning Commission recommends approval of the rezoning 8-0 and recommends approval of the preliminary site development plan 6-2, as amended.

Planner Zach Moore gave a presentation regarding the proposed development.

Councilmember Mickelson asked if the streets are public streets or private streets and if they met fire code for emergency vehicles. He also asked if the common driveways were adequate for emergency vehicles. Mr. Moore said the streets and the common driveways met fire code.

Councilmember Vogt asked about sidewalks adjacent to each home and Mr. Moore said not all units had adjacent sidewalks but there were sidewalks planned for both sides of the public streets that could be accessed by the common driveways.

Councilmember Vogt expressed concern about private streets and said she thought the City was not going to approve private streets. She also asked if they met the City's standards for streets.

Mr. Moore said the common driveways will be constructed with concrete.

Transportation Manager, Chet Belcher, said they do not meet City

regulations for streets.

Councilmember Mickelson asked if the common driveways had curbs and Mr. Belcher said they did not.

Councilmember Campbell asked for the common driveways to be identified. Mr. Moore showed examples and Mr. Campbell said he thought these were just longer driveways.

Councilmember Brownlee asked if the common driveways had to meet City street standards. Mr. Belcher said that private streets do have to meet City standards, but it is not required for a common driveway.

Councilmember Vogt asked for clarification if these are common driveways and not a street. Mr. Belcher said they are considered a driveway and not a street.

Councilmember Vogt asked if they are adequate for pedestrian traffic to access the sidewalks. Mr. Belcher said there is access to a sidewalk from all units.

Mayor Copeland asked Mr. Belcher if he had been to this development site and asked what the City is doing to insure these streets will be cared for in the future. Mr. Belcher said he believed that agreements are in place to enforce long term maintenance.

Mayor Copeland invited the applicant to address the Council.

Harold Phelps, 1270 N. Winchester, Olathe, KS, gave a short overview of the scope of the project. He also indicated that they are considered private driveways not private streets and they have made plans for on-going maintenance.

Motion by Bacon, seconded by Vogt, to approve Ordinance No. 20-09. The motion carried by the following vote:

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

**C.** Consideration of Ordinance No. 20-10, RZ19-0022, requesting approval

for a rezoning from R-1 and RP-1 to the R-1 (Residential Single-Family) District and a preliminary plat for Stonebridge Village containing 168 lots and 8 common tracts on 57.54± acres; located in the vicinity of West 165th Street and South Lindenwood Drive. Planning Commission recommends approval 9-0.

Senior Planner Kim Hollingsworth gave a presentation on the development.

Councilmember Vogt asked what the width of the asphalt sidewalk would be. Ms. Hollingsworth said the width would be at least 5 feet.

Councilmember Mickelson asked if the asphalt sidewalk will be torn out and replaced with concrete in phase 3 and Ms. Hollingsworth said it would be. He also asked when that phase would begin. Ms. Hollingsworth suggested this would be a great question for the applicant.

Harold Phelps, 1270 N. Winchester, Olathe, KS, shared a brief overview of the project. He said they understand the importance of the sidewalks and have agreed to install a temporary sidewalk to be used until phase three is being constructed. He said this is about a four to five year project and hoped to begin phase three by 2021 or at the latest 2022. Mr. Phelps said one of the concerns of the school district was the continuance of the sidewalk for children to safely access the school. He also said there were some drainage concerns and he said they have addressed those concerns.

Mayor Copeland asked when the gravel sidewalk that is currently there will come out and Mr. Phelps said they will lay asphalt over the gravel and it will be completed as soon as they have a contractor on site. He said their hope is to have that completed prior to the beginning of the 2020-2021 school year.

Councilmember Mickelson said he understood this development would be targeting families and Mr. Phelps said that was correct.

Motion by Bacon, seconded by Vogt, to approve Ordinance No. 20-10. The motion carried by the following vote:

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

## **6. NEW CITY COUNCIL BUSINESS**

Councilmember Campbell said he believes this community will beat this virus together and wanted to encourage everyone to maintain social distancing and stay safe.

Councilmember McCoy agreed with Mr. Campbell and said it won't be long until everyone is back to their jobs and activities. He expressed his appreciation for the leadership in Olathe.

Councilmember Brownlee said she had been hopeful that we could be back to normal for Easter but is grateful for technology that will allow people to participate in Easter service on-line. She said it has been good to hear stories of the positive things people are experiencing during this time. She also asked the City to think about having a conversation after COVID-19 is past to evaluate what was done well and what could be improved.

## **7. CONVENE FOR PLANNING SESSION**

### **A. REPORTS**

1. IRB Report on a request by Lineage Logistics, LLC for the construction of a 400,000 sq. ft. warehouse facility to be located at Lone Elm Commerce Center northwest of W. 167th St. and Lone Elm Rd.  
Report accepted.
2. Report regarding an investigation pertaining to an ethics complaint.  
Report accepted.

## **8. EXECUTIVE SESSION**

Consideration of motion at 8:00 p.m. to recess into an executive session for 30 minutes to discuss the following items. The virtual meeting would resume at 8:30 p.m.

- A. 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) regarding a real estate contract and development agreement.  
Motion by Bacon, seconded by Vogt, 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) regarding a real estate



contract and development agreement.

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

- B.** For preliminary discussions related to acquisition of property pursuant to the exception provided in K.S.A.75-4319(b)(6) regarding the I-35 & 119th Street Interchange Improvements Project, PN 3-C-026-16.

Motion by Bacon, seconded by Vogt, to recess into an executive session for preliminary discussions related to the acquisition of property pursuant to the exception provided in K.S.A.75-4319(b)(6) regarding the I-35 & 119th Street Interchange Improvements Project, PN 3-C-026-16, and the 119th Street and Renner Road Property Acquisition and Demolition Project, PN 7-C-004-20.

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

## **9. RECONVENE FROM EXECUTIVE SESSION**

Councilmember McCoy was marked as abstaining due to technical issues and unable to rejoin the virtual meeting.

Executive Session Item A - Motion by Bacon, seconded by Vogt, to authorize staff to proceed with the strategies as discussed with and directed by the Governing Body.

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

**Abstain:** McCoy

Councilmember McCoy was marked as abstaining due to technical issues and unable to rejoin the virtual meeting.

For Executive Session Item B - Motion by Bacon, and seconded by Vogt, to authorize staff to acquire the necessary real property, including public right-of-way and permanent and temporary easements, to construct the I-35 & 119th Street Interchange Improvements Project, PN 3-C-026-16 as directed by the Governing Body; and to approve Resolution No. 20-1028, authorizing the 119th Street and Renner Road Property Acquisition and Demolition Project, PN 7-C-007-20, and further to authorize staff to acquire the property necessary to construct said PN 7-C-007-20 as directed by the Governing Body.

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

**Abstain:** McCoy

## **10. ADDITIONAL ITEMS**

Councilmember Bacon asked staff to provide an update on tax revenue and the

stimulus # 4.

Resource Management Director, Dianna Wright, provided a update to the Council regarding sales tax revenue. She said they have been working with surrounding cities in the County to monitor the situation.

Public Works Deputy Director, Beth Wright, said we have provided a list of our next projects to our legislative agenda staff. She said it is critical that the federal government pass an infrastructure package.

Councilmember Bacon asked if it was possible to include a railroad separation project and Ms. Wright said they would have to see if railroads fall within the infrastructure proposal. Mr. Bacon said he thought the stimulus was going directly to state and local projects and Ms. Wright said she believed it was dedicated to the Federal Transportation AResource ct.

Councilmember Vogt asked what staff is doing regarding any federal funding/restoration specifically for COVID-19.

Mayor Copeland said his understanding was that federal funding included in the bill would be for money to fight the pandemic and lost revenue is not included but there could be funds available through the county. Ms. Vogt said she understood that could be another phase and wanted to make sure we were ready and apply when appropriate.

Resource Management Director, Dianna Wright, said the Mayor was correct regarding the CARES Act funding and that we are also monitoring FEMA to apply for funding. She said we have been talking to the State about the process and will continue watching the stimulus packages that will come out soon.

Councilmember Campbell said the CARES Act does not replace revenue but we won't know exactly how that looks until the Treasury publishes guidelines and the County will be able to apply. Ms. Wright said discussions are continuing and staff are tracking related expenses and will be ready to submit when the time comes.

Councilmember Brownlee wished everyone a happy Easter.

Councilmember Mickelson asked staff to send the Council an update on the Villas at Ridgeview Falls development on Ridgeview and 119th Street.

Mayor Copeland said Councilmember MCCoy could hear the conversation and sent a message to wish everyone a happy Easter.

#### **11. ADJOURNMENT**

The meeting adjourned at 8:45 p.m.

Brenda D. Long  
City Clerk