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**1. CALL TO ORDER**

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

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

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

**3. PLEDGE OF ALLEGIANCE**

**4. SPECIAL BUSINESS**

- A.** Consideration of Resolution No. 20-1017 reappointing members to serve on and appointing Chair and Vice Chair to the Street Maintenance Sales Tax (SMST) Finance Oversight Committee.

Dianna Wright, Resource Management Director, introduced the members. Mayor Pro Tem Bacon presented certificates of reappointment to Anne Oswald, Chairman, Gregg Herbert, Member, and Doug Svatos, Member. Also reappointed but not present was Carrie Rezak, Vice-Chair.

Motion by McCoy, seconded by Campbell, to approve Resolution No. 20-1017. The motion carried by the following vote:

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

**Absent:** Vogt, and Copeland

Councilmember Vogt arrived at 7:03 p.m. and Mayor Copeland arrived at 7:05 p.m.

- B.** Presentation of checks to Mayor's Christmas Tree Fund beneficiaries. Mayor Copeland invited 2019 campaign Board Chair, Brent McCune 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 for 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, Salvation Army and Safehome.

## **5. PUBLIC HEARINGS**

- A.** Consideration of a public hearing regarding the levy of special assessments to pay for the costs of Cedar Creek Parkway South of College Boulevard, Project No. 3-B-027-19.  
Prior to taking public comments Mayor Copeland invited Ron Shaver, City Attorney, Gina Riekhof, City Bond Attorney with Gilmore and Bell and Beth Wright, Deputy Public Works Director/City Engineer to give a presentation on benefit districts.

Mr. Shaver gave a brief overview of benefit districts in general and how they work. Gina Riekhof gave a brief history of the benefit districts in Cedar Creek. Beth Wright gave a brief overview on the scope of the improvements and process.

Councilmember Brownlee stated she was wondering what have the developers in this area paid in for the streets to date. Ms. Brownlee asked if they have paid in for what they are typically responsible for.

Ms. Wright stated the developers are responsible for paying for the collector roadways and the residential streets.

Councilmember Brownlee stated a point was made that no one would be in this benefit district if they had previously been in a benefit district. Ms. Wright stated that is correct.

Councilmember McCoy asked if the payments for this district would be for ten years, or twenty years.

Ms. Wright stated twenty years.

Councilmember McCoy asked if a property owner in the benefit district sold their house after ten years would the new property owner be responsible for the balance of the remaining assessments.

Ms. Wright stated that was her understanding.

Councilmember Bacon asked if it were possible for people to not be notified of the possibility of a special assessment when they buy the land or close on a house.

Mr. Shaver stated State statute requires the owner of the land subject to assessments to notify the purchaser about special assessments on the property and would be a requirement for this particular district.

Councilmember Campbell asked what the anticipated interest rate would be.

Mr. Shaver stated the financial advisor anticipates about 2.5 percent.

Councilmember Campbell stated it is a benefit district, so they are paying this, but it is a general obligation bond that we are floating, does that hit our bond rating.

Mr. Shaver stated it is backed by the full faith and credit of the City and the bond rating is taken into account.

Councilmember Campbell asked if we were within our policy.

Dianna Wright, Resource Management Director, stated this project was contemplated in our debt service forecast and this is within the Council debt administrative guidelines.

Councilmember Mickelson stated this district is significantly higher than most in the area with the exception of Hedge Lane. What is the difference.

Ms. Wright stated part of it is the topography plus the north to south roadway is difficult.

Councilmember Mickelson asked if there were a reason why a triangular portion in the northeast as well as to the west were not included in this district.

Mr. Shaver said the area Mr. Mickelson was identifying is College Boulevard and the area to the east is existing Clare Road, which has already been assessed. Mr. Shaver stated there are other areas that have not been created but could be created in the future.

Mayor Copeland opened the public hearing and invited public comments.

Stacy Harper, 25016 W. 114 Court, expressed concerns that the disclosure statement she was provided when she purchased her property in May of 2018 did not list the benefit district being discussed tonight. Ms. Harper stated it is in the property records and on her title disclosure that was given to her a week before closing. Ms. Harper stated at that point she was tens of thousands of dollars into a home, she has relocated here from out of state and you can't walk away from a home build at that point in the game. Ms. Harper stated the title disclosure told her in 2009 it was part of a benefit district assessment, which was passed just over ten years from when she bought her property. Ms. Harper stated her property is also in the Clare Road assessment, so both are showing up on her title disclosures. Ms. Harper stated the amount was not disclosed to her by the developer when she purchased the property, and yet the same developer has turned around and included her property in this potential assessment. Ms. Harper stated their neighborhood already has access to Clare Road and also a proposed road to connect them to College, which will give them two access points out of their neighborhood. Ms. Harper stated they will go no where near Cedar Creek Parkway, they already have sewage and water and their property will not benefit from this. Ms. Harper stated she does not understand why they should be included in this assessment if they do not use the road, sewage, or water.

Kim Knight, 25073 W. 114 Court, commented it was not disclosed to her family when they decided to purchase their home in Cedar Creek and they have been residents for a decade. Ms. Knight stated they were made aware of the proposed benefit district one month ago. Ms. Knight stated they were not notified about this tax,

which is eleven thousand dollars for them. Ms. Knight stated she does not have eleven thousand dollars lying around. Ms. Knight stated that she and her neighbors in phase one will not benefit from this. Ms. Knight stated the lines are not accurate for this district. Ms. Knight stated the only ones benefiting from this road are the developers of Cedar Creek, which they will develop other properties off of this road.

Dustin Niehus, 11366 S. Houston Street, asked if the green portion identified on the map had already been assessed for Clare Road. Mr. Niehus said if it has, it is funny as there are still homes being developed there and they are not being charged for this phase, or the last phase. Mr. Niehus stated he wasn't sure how you could do that as they are not charged for anything. Mr. Niehus said this would not benefit him at all, he did not know about this either and the sign that was posted is up on College. Mr. Niehus believes all the lines need to be redrawn and it should be factored in as to who is going to benefit.

Zach Knight, 25073 W. 114 Court, stated he wanted to know where the inflation calculation came from.

Adam Hutsell, 25049 W. 114 Court, also inquired about the inflation calculation as it isn't 40-45 %. Mr. Hutsell also referenced a map he brought with him regarding Cedar Creek Parkway South and referenced phase 4 and 5, which would be entirely dependent on Cedar Creek Parkway and has been excluded from the district by the developer. Mr. Hutsell pointed out in 2009 that the developer still owned most of these lots and the developer would have been paying for pretty much this benefit district had they done it in 2009. Mr. Hutsell said however, they have waited eleven years to assess the development and it does not make a whole lot of sense. Mr. Hutsell feels the developer is again benefiting from this. Mayor Copeland asked the Deputy City Clerk to get a copy of Mr. Hutsell's map, scan and distribute it to Council.

Tony Henige, 25171 W. 114 Street, asked for a clarification on the special assessments and if they are transferred to future buyers.

Mr. Henige said if he sells his house, who is responsible for this special assessment. Mr. Henige asked if the new buyer does not agree to the special assessment is he on the hook for it.

Hearing no other public comments, Mayor Copeland entertained a motion to close the public hearing.

Motion by Bacon, seconded by Vogt to close the Public Hearing.  
Motion carried by the following vote:

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

Mayor Copeland asked Gina Riekhof and Beth Wright to address questions and comments that were brought up in the public hearing.

Ms. Wright addressed the inflation concept stating the construction costs have increased significantly and cited past projects and costs then, versus today.

Ms. Riekhof addressed the question of whether the assessments travel with the ownership of the property and if the assessment must be paid off if a future buyer is unwilling to pay for the assessment. Ms. Riekhof stated all special assessments travel with the land. If a current property owner sold their property tomorrow before the assessment took effect in December 2022 the current property owner would not pay a dime in special assessments. If they sold in year 2 of the special assessments they would not have any responsibility for any of the future years and those assessments would stay with the land and not travel with the individual property owner.

Mayor Copeland asked about the benefit district funding process.

Ms. Riekhof discussed big picture for benefit districts and how there is two ways to fund these large infrastructure projects. Ms. Riekhof stated one way is the developer could pay for 100 percent of the costs of improvement and build into the price of the lot being sold to recover their costs. Ms. Riekhof stated the alternative would be for the city to partner in and help with a benefit district financing, which would spread the costs of the infrastructure over a period of time bringing down the original lot costs and giving the city favorable financing rates to pay for it over time, which is what we are talking about here. Ms. Riekhof stated with respect to properties that have not yet been in a benefit

district there is the master plan that addresses when it is time for the next arterial road improvement discussions to occur about creating a benefit district for those properties to help fund their fair share for the arterials in their area.

Mayor Copeland asked what percent of the roads in Cedar Creek have been paid by a benefit district.

Ms. Riekhof displayed a map of Cedar Creek and stated the shaded area represent those areas that have paid for the arterial roads.

Councilmember Campbell stated according to the maps presented, no property should be assessed for two different districts as was brought up in the public hearing and if by accident they will be corrected.

Ms. Riekhof stated they were very careful to make sure there were no overlap boundaries and no property was assessed twice for arterial road improvements.

Councilmember Bacon wanted clarification as he understood you are talking about square footage and no square footage could be in two separate benefit districts but a property could be.

Ms. Riekhof said that is correct.

Mayor Copeland asked about the lack of notification that was brought up by some of the speakers at the public hearing.

Ms. Riekhof reviewed the process and how it is part of the real estate record. Ms. Riekhof stated there is no prescribed form for the disclosure. Ms. Riekhof also spoke to the notification signs.

Mayor Copeland invited the developer to speak.

John Duggan, 9101 W. 110 Street, Overland Park, was present on behalf of the developer. Mr. Duggan stated they are required to provide notice and have been providing notice since they bought this project from Ashgrove in 2006. Mr. Duggan stated they borrowed and used Ashgrove's disclosure statement and simply have used the same one they had been using for the past thirty years. Mr. Duggan pointed out every homeowner that spoke tonight signed a

disclosure statement they provided to city staff. Mr. Duggan stated in every disclosure statement every homeowner signed there is a table that identifies potential special assessments and those are for areas in the hatched area that have already been assessed and taxes show up on their tax bill. Mr. Duggan read the following statement that every homeowner that spoke tonight signed: "I also understand that my property may be subject to special assessments in the future arising out of the formation of benefit districts for the construction of roads and/or installation of sewer, water, and/or other utilities". Mr. Duggan stated this is in every single disclosure statement. Mr. Duggan stated this benefit district was formed in December of 2019 and not one of the property owners in this benefit district bought a house after December of 2019 and closed on it before tonight, it didn't happen. Mr. Duggan stated all of these people were buying homes in 2014, 2015, 2016, 2017 and 2018. Mr. Duggan stated the benefit district that had been formed back in 2008 was never going to go forward. Mr. Duggan stated the inflation adjusted rate on that, \$1.10, carried forward to today would be about a \$1.50. Mr. Duggan stated had they left that one in place, and asked you to approve that one, it would be about a \$1.50 per square foot and not a \$1.01. Mr. Duggan stated they worked with the city staff to expand the area voluntarily as the developer, increased the amount of their property to be included and subject to the special assessments and put a twenty year amortization to drive the number down to a \$1.01. Mr. Duggan stated this was a brand new benefit district that's never been required to be disclosed to anybody that was formed in December of 2019. Mr. Duggan stated they have been telling everybody since 2001 when Ashgrove Cement owned it, and 2008 when the applicant took over. Mr. Duggan stated everybody has been talking about the only way to build the roads through this part of the city is through benefit districts and make the people share equally in their per square foot price on the homes going forward. Mr. Duggan stated everybody knew, and cited public record 01-08, stating they have been telling people that bought a house in Cedar Creek, you need to sign this disclosure form that says you understand that your property may be in a future benefit district. Mr. Duggan stated as of today they are trying to get the road to continue on, part of which is the hallmark, not because of their efforts, but what Ashgrove did thirty years ago and this is by far the best residential community in the Kansas City metropolitan area and it is in your city. Mr. Duggan stated they are following city guidelines, working diligently with city staff to try to find the best way to get this road built including putting a bunch of their property in there that was not originally required to be in this benefit district to drive the number down. Mr.

Duggan said he thinks everybody knew this was what was coming, as it's been disclosed, it's a public record and has been out in the front for everybody to know about since the 1990's. Mr. Duggan stated he thinks it is time to get it done because they have been working on this since 2006 when they bought the project. Mr. Duggan emphasized they have been working with staff on a plan to build roads, and now they have a plan to build roads, which they ask you to approve tonight.

Mayor Copeland asked Mr. Duggan about the comment one person made that the estimate was .30 cents a foot.

Mr. Duggan stated there has never been an estimate of .30 cents a foot on this road that he had ever heard of, and if it was it would have been a hallucination because the original one in 2008 was \$1.09. Mr. Duggan stated he did not remember anybody ever telling or suggesting .30 cents a foot.

Councilmember Mickelson inquired if the unshaded portion to the left on the map, is the idea that this would go to build Cedar Niles Boulevard and extend Cedar Niles, or was that not part of it.

Mr. Duggan stated they have an agreement with the City as part of this that they are building Cedar Niles Road from it's terminus point at College where it stops today all the way to College Boulevard then through College Boulevard and all the way over to Cedar Creek Parkway South. Mr. Duggan stated the collector roads are on the developers nickel. Mr. Duggan stated they have built every collector road and every residential road in that subdivision out of their own pocket. Mr. Duggan stated all the arterial roadways, Cedar Creek Parkway, Valley Parkway and this road have all been financed as you can see by the hashed area with a benefit district.

Councilmember Mickelson stated if you included the western side that would drive down the price per foot.

Mr. Duggan stated with the western side they would do one of two things, it will be in a benefit district to build College Boulevard, or as they have already done with the other little blue hatched area they will put up the .21 cents per square foot which is the excise tax they pay as the developer. Mr. Duggan stated they are happy to do either one, but it is cheaper for them to do the excise tax, but

they have been willing to work with staff to do the benefit districts. Mr. Duggan stated the area west of the blue line is an area that they will either be taxed on as an excise tax basis, or they will contribute that property to a future benefit district and pay the per square foot price to build roads in the future.

Mayor Copeland asked how long has it been .21 cents a foot.

Mr. Duggan stated probably fifteen years at least and deferred to Beth Wright, Deputy Public Works Director. Ms. Wright stated she did not remember the specific year, but the State put a cap on the excise tax and thought it was in the early 2000's. Ms. Wright stated as the price of roads have gone up we do not have the ability without a vote to increase the excise tax.

Mayor Copeland stated we have held a public hearing, received a lot of comments and questions and this has been scheduled for a vote tonight, but it is not required they vote on it tonight if they need additional time for additional information. Mr. Copeland asked the Council what their pleasure was.

Councilmember McCoy stated he would like to see them spend a little more time as he has empathy for the woman that stated the lines go right through her property and is part of two different districts there. Mr. McCoy stated he would like to see what we can do staff wise, or whatever, to make it fair to everyone concerned. Mr. McCoy stated he was not sure if the next Council meeting date would give them enough time to do this or not.

Councilmember Campbell stated he has empathy too, but who is not here tonight is the 143,000 people who have to pay for this. Mr. Campbell stated we have had a long standing policy that growth pays for itself. Mr. Campbell stated he does not want to rush this if we need more time, but it will not change the policy. Mr. Campbell stated he was ready to vote, or we could have more time.

Councilmember Bacon commented he agrees with Councilmember Campbell and this area is a beautiful area. Mr. Bacon thinks if you live there you have to expect the roads are going to be more expensive. Mr. Bacon stated the fact that it is a dollar a square foot that he appreciates the developer adding more of their land area into the district so it will bring the cost down. Mr. Bacon stated he is ready to go and not sure what is going to happen in two weeks. Mr. Bacon stated if we wait too long the construction costs will go up and asked if a new

engineers estimate will be required and at what point does that number change.

Ron Shaver, City Attorney stated he wanted to address Councilmember McCoy's question over the lines being where they were. Mr. Shaver said the lines were drawn from the master plan before these subdivisions were platted. Mr. Shaver said the subdivision plat lines do not necessarily follow the lines of the benefit district boundaries. Mr. Shaver stated the City Council, three or four years ago amended its benefit district policy so that going forward new benefit districts would have the developer basically try to follow those benefit district boundary lines so we would not have this situation. Mr. Shaver said at the time back in 2008 this was the policy so it just happened in this particular case some properties would have been in the district and a portion of their property paid to that district and another portion would have paid in the other.

Mayor Copeland asked if we could not amend the language to fix this.

Mr. Shaver stated it would require a revised petition and would require some of the property that was already in another district to pay more. Mr. Shaver said all of those lots would be paying assessments for this with some for this district and some for another.

Councilmember Mickelson asked the Mayor if he were talking about future benefit districts.

Mayor Copeland stated he was thinking about this one. Mr. Copeland stated we have never had testimony before where someone has come up and said their property was in two different benefit districts. Mr. Copeland said he understands the per square foot business, but it is hard to try and keep track of all of that.

Gina Riekhof, bond attorney, stated if we were to deviate from the line you are either going to have a property that is not paying all of their fair share because half is paying for Clare and half is paying for nothing and their neighbor is paying 100% for Clare and their other neighbor is paying 100% for Cedar Creek Parkway. Ms. Riekhof stated the thought process was the most equitable way as either you have to take somebody completely out and they are not paying their fair share at all, or you put them in and then they have to pay twice, which is not fair either.

Mayor Copeland stated that everybody in this neighborhood no matter where you live, no matter what road you drive on, you are driving on roads you did not pay for, which somebody else paid for is what he is hearing you saying.

Ms. Riekhof stated that was a fair way to state it.

Mayor Copeland stated a motion was in order.

Councilmember Bacon stated he was fine with waiting two weeks.

Councilmember McCoy asked if there were some way so a person does not pay twice.

Councilmember Bacon stated it seems to him if someone has a 15,000 square foot lot and 5,000 has been assessed on Clare then the maximum amount you can assess for Cedar Creek Parkway would be 10,000.

Ms. Riekhof stated that was exactly right.

Councilmember Bacon stated it could also be that they were assessed for less on Clare.

Councilmember Brownlee asked concerning the issue of notice she is taking that this is one of those things that when someone closes on their mortgage they are handed umpteen different papers to sign and that meets the requirement, and statutory requirement for notice, but if it is five years down the road you have no idea what was on those twenty different pieces of paper. Ms. Brownlee asked if that is the notice that they would have been given regarding this benefit district?

Ms. Riekhof stated she could not speak specifically to the piece of paper Mr. Duggan was pointing out regarding the process that disclosure was provided. Ms. Riekhof thought one of the speakers talked about the title report being provided about a week in advance of the closing and the title report would disclose that. Ms. Riekhof stated typically you would see that in advance of the closing date with all of the papers for your mortgage, but she could not speak specifically to any of the specific property owners and when they would have

gotten notice.

Councilmember Brownlee asked Mr. Duggan to address that, please.

Mr. Duggan stated when you are involved in buying a home transaction you usually get a preliminary title report and the preliminary title report is going to show everything, all the special assessments, and so everybody knows. Mr. Duggan stated to answer the Mayor's concern there are multiple benefit districts here. Mr. Duggan said there is a sewer benefit district we have been paying about \$2 million on to extend the sewer line up there. Mr. Duggan said all of these homes have a sewer benefit district, so there are layers of taxes that go on your tax bill and this is just one of many benefit districts that are out there. Mr. Duggan continued when you get an initial title report when you buy a house you don't get it in the first time you see it in the title report seven days before closing. Mr. Duggan stated there is a preliminary title report, which is the standard documentation in buying a piece of real estate. Mr. Duggan said when you get a preliminary one you have a period of time to object and say I don't want to buy this property because there is a sewer special assessment, or there is a street special assessment. Mr. Duggan stated you have a due diligence, or title review period in your contract and then if you look at that preliminary title report and you say okay the time period runs I'm not going to accept this preliminary title report you get a final title report and if there is something different on the final title report then the preliminary you probably have a complaint. Mr. Duggan stated usually all this stuff is going to be on a preliminary and final title reports and then you close on your house knowing what you get, but in this case there has never been a benefit district with anything on the title report of a special assessment because they have never levied them as work never got done. Mr. Duggan stated this thing got formed that you are voting on tonight in December of 2019. Mr. Duggan stated the old one never got finalized, it showed up on their title reports, but they never paid a tax on it, there was never a special assessment, but they were aware their house was in one and we kept notifying everybody saying in the future you definitely need to be prepared to be in a benefit district for roads and now we are finally here and do a final one and the final one is actually a lot less expensive than the one that was previously proposed because we did work with staff. Mr. Duggan stated that they have put more of their property in to drive the price down. Mr. Duggan stated the notice you get it coming and going, it's in the public forum, it's on signs and it's in the title report.

Councilmember Mickelson stated he is ready to vote on this and they have all the information they need. Mr. Mickelson stated the question of the split houses they are not getting billed twice as it is part of two different districts with half of their land in one and half in the other. Mr. Mickelson stated before they vote he wanted to give a quick explanation that he has gone back and forth on this and for residents he totally understands where they are coming from. Mr. Mickelson said personally he would rather see this built into part of the land as he thinks that is how the free market works, but your land might be more expensive if you have to build these kind of infrastructure. Mr. Mickelson continued, however, we have had benefit districts all over the City if you look at the larger map and there are benefit districts all over Cedar Creek. Mr. Mickelson stated there is a small portion that unfortunately didn't get one because something happened then that part didn't have one, but the overarching part of Cedar Creek has had these benefit districts so he believes the equitable way to go forward is to follow that path in this area and then consider/reconsider potentially talking about how we do it in the future, which he thinks that might be something they can discuss whether it is whole pieces of property, or some other route. Mr. Mickelson stated he personally would rather see it as an excise tax kind of thing on the development. Mr. Mickelson said we can talk strategy going forward but he thinks the Cedar Creek area has had a pretty consistent history with these type of benefit districts.

Councilmember Bacon stated it might be a mute point if they are ready to move forward, but he wondered at what point do they have to get another engineers estimate.

Deputy Public Works Director Wright stated if you put it off twelve months they would revise the estimate. Ms. Wright stated with the current schedule that they showed you we would anticipate we can complete design so the estimates are based on construction beginning this winter and completing it this fall. Ms. Wright said if we go twelve months we would need to update the estimate.

Councilmember Bacon stated it is possible after the construction bills come in that it is \$8 million instead of \$9.3 million and so the final assessment would be less.

Deputy Public Works Director Wright said it is possible and we tell the residents

that the \$1.01 per square foot is the maximum.

Councilmember Campbell asked if we have ever gone over on a benefit district. Ms. Wright stated not that she is aware of.

- B.** Consideration of Ordinance No. 20-05, authorizing the levy of special assessments in the Cedar Creek Parkway (south of College Boulevard) benefit district, Project No. 3-B-027-19.

Motion by Bacon, Seconded by Vogt to approve Ordinance No. 20-05.  
Motion carried with the following vote:

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

## **6. CONSENT AGENDA**

Councilmember McCoy requested item L be removed for separate consideration and vote. Mr. McCoy also would like to comment on item J after the vote is taken.

Motion by Bacon, seconded by Vogt to approve the consent agenda with the exception of item L. 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 February 4, 2020.  
Approved
- B.** Consideration of a pawnbroker/precious metal dealer license application for M West, Inc., d/b/a Moshiri Jewelry, located at 14937 W. 119th Street.  
Approved
- C.** Consideration of new drinking establishment applications for BHM Sports, LLC, located at 1671 E. Kansas City Road and Homefield Olathe, located at 2115 E. Kansas City Road.  
Approved
- D.** Consideration of renewal of contract with Columbia Capital Management, LLC for financial advisory services.  
Approved
- E.** Renewal of contract to Charlesworth & Associates for risk management services for the Human Resources Division of the Resource Management Department.

Approved

- F.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Phoenix Concrete, LLC for construction of the 2020 Local and Collector Street Mill and Overlay Project - Group B, PN 3-P-006-20.

Approved

- G.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to VF Anderson Builders, 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

- H.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Wiedenmann, Inc. for construction of the W Cedar Street Sewer Service Lateral Improvements Project, PN 1-R-001-19.

Approved

- I.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Pyramid Contractors, Inc. for construction of the Lone Elm Road, Old 56 Hwy to 151st, Improvements Project, PN 3-C-084-17.

Approved

- J.** Consideration of Supplemental Agreement No. 6 with HDR Engineering, Inc. for design of the Lone Elm Road, Old 56 Hwy to 151st, Improvements Project, PN 3-C-084-17.

Approved

- K.** Consideration of a Relocation Agreement with Evergy Kansas Central, Inc. for the Mahaffie Circle Improvements Project, PN 3-C-107-17.

Approved

- L.** Consideration of renewal of contract to CES Industrial Piping Supply LLC for the purchase of high-density polyethylene pipe & fittings and the rental of fusion equipment for the Public Works Department.

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

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

- M.** Acceptance of bids and consideration of award of contract to NSG Brown's, LLC for the replacement of the membrane piping at Water Treatment Plant #2.

Approved

Councilmember McCoy commented on item J that he appreciates the

engineers finding us savings on this project and staff for finding additional grant money for the project.

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

- A.** Consideration of Resolution No. 20-1018 authorizing a survey and description of land or interest to be condemned for the Mill Creek, Prairie to Cedar, Phase 1, Stormwater Improvements Project, PN 2-C-030-18.

Motion by Bacon, Seconded by Vogt to approve Resolution No. 20-1018. Motion carried with the following vote:

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

- B.** Consideration of Ordinance No. 20-06 approving an engineer's survey and authorizing the acquisition of land for the Mill Creek, Prairie to Cedar, Phase 1, Stormwater Improvements Project, PN 2-C-030-18.

Motion by Bacon, Seconded by Vogt to approve Ordinance No. 20-06. Motion carried with the following vote:

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

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

Councilmember Brownlee stated she would be interested to know what the cost difference is when an excise tax is utilized versus a benefit district.

Michael Wilkes, City Manager, stated staff can do a presentation at a study session.

Councilmember McCoy stated the recent Governing Body retreat was very productive. Mr. McCoy stated he attended the Inclusion Connection event at the Embassy Suites and thought there were over 600 people in attendance. Mr. McCoy stated the event was awesome and helps a lot of kids.

Councilmember Mickelson stated he has been speaking with Susan Sherman, Assistant City Manager, about a potential proposal to train the next generation of potential leaders. Mr. Mickelson would like to see the Teen Council more involved with the City Council and wanted to let Council know this would be coming their way in the next few weeks.

Mayor Copeland mentioned the DirectionFinder survey that was presented at

the last City Council meeting and the extraordinary results of the city team. Mr. Copeland stated the City Council appreciates and wanted to thank Mr. Wilkes and city staff for all they do.

**9. END OF TELEVISED SESSION**

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

Mayor Copeland asked the City Clerk if anyone has signed up to address the Council. David Bryant, Deputy City Clerk, indicated we have one speaker and Mr. Bryant proceeded to read the rules pertaining to addressing the City Council.

Mark Adams, 15969 S. Clairborne Street, asked the Council to consider televising the planning session in addition to the regular session of the Council meeting.

**11. CONVENE FOR PLANNING SESSION**

**A. DISCUSSION ITEMS**

1. Discussion of Federal Legislative Agenda.  
Tim Danneberg, Communications and Customer Service Director, completed a presentation. Mr. Danneberg answered questions and accepted comments from the City Council.
2. Discussion of the 2020 Downtown Outdoor Sculpture Exhibit.  
Renee Rush, Parks and Recreation Program Analyst, completed a presentation and addressed comments from the City Council. Ms. Rush stated the item would come back to Council for approval at their March 3 City Council meeting.

Mayor Copeland called for a five minute break at 9:20 p.m. prior to the remaining discussion items.

3. Discussion on the I-35 & 119th Street Interchange Improvements Project, PN 3-C-026-16.  
Beth Wright, Deputy Public Works Director and Jesse Miguel, Senior Bridge Architect with HNTB Coporation, completed a presentation.

City Council members provided comments and staff addressed City Council questions.

**4. Discussion on BNSF Emporia Subdivision (West Tracks) Grade Separation Options.**

Nate Baldwin, Assistant City Engineer, completed a presentation on various options to grade separate railroad crossings on the west side of town.

Staff addressed questions and comments from the City Council and completed a dot poll with Council to identify options to examine at an upcoming Capital Improvement Plan process.

Councilmember Campbell left the meeting at 10:30 p.m.

**12. ADDITIONAL ITEMS**

Councilmember Vogt thanked Friends of Olathe for the flowers for her husband as well as for all the well wishes.

Councilmember Bacon stated the trees on the east side of Menards (home improvement store at 14011 W. 135 st.) that were supposed to be a buffer had been removed and understood staff is in contact with them about this. Mr. Bacon also congratulated Susan Sherman, Assistant City Manager, on her award for excellence in public service.

Councilmember McCoy stated he had attended the Kansans for Life event this past week and Tim Tebow was a speaker.

Councilmember Mickelson thanked Mr. Wilkes and staff for bringing information to Council before any development occurs along the railroad.

**13. ADJOURNMENT**

The meeting adjourned at 10:53 p.m.

David F. Bryant III, MMC  
Deputy City Clerk