



1. CALL TO ORDER

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

2. ROLL CALL

The City Clerk called roll and all members of the City Council were present. Councilmembers Mickelson, Bacon and Brownlee were present in the Council Chamber. Mayor Copeland and Councilmembers McCoy, Vogt and Campbell attended virtually.

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

3. PLEDGE OF ALLEGIANCE

4. SPECIAL BUSINESS

- A.** Update on Coronavirus by Fire Chief Jeff DeGraffenreid.
Fire Chief DeGraffenreid gave a COVID-19 update.

In a recent televised address, Governor Laura Kelly presented her detailed framework for gradually re-opening the Kansas economy and getting Kansas back to work. Governor Kelly's framework, "Ad Astra: A Plan to Reopen Kansas" comes five weeks after a statewide stay-home order became necessary to aggressively mitigate the spread of COVID-19. Phase One took effect yesterday, via Executive Order 20-29, when the statewide stay-home order outlined in Executive Order 20-16 officially lifted.

The framework is structured to return more flexibility to local community response efforts, while still operating under a statewide, regulatory baseline. It allows County governments to impose additional restrictions beyond those outlined at the state level, if they deem it necessary to local COVID-19 response efforts. County governments that choose not to impose additional restrictions are

required to operate within the regulatory baseline established by the state. This approach increases flexibility for local communities while also ensuring a gradual, safe transition statewide.

The Johnson County Board of County Commissioners voted to table the Johnson County COVID-19 Recovery Planning Task Force recommendations, and the county will follow the phases of Kansas Gov. Laura Kelly's Reopening Kansas plan.

It is important to note that while the state plan calls for a May 3 expiration of the stay-at-home order, the Governor's plan allows counties to extend the stay-at-home order. On Thursday, April 30, Johnson County's Local Health Officer Dr. Joseph LeMaster extended that order through 11:59 p.m., May 10.

Up until the planned beginning of Phase One on May 11, only those businesses which are considered as essential businesses by Governor Kelly's stay-at-home order will be open.

As of 9am today, Kansas has 5,458 cases from 82 counties with 137 deaths reported. The testing rate in Johnson County is 12 per 1000 and Statewide - the rate is 13.76 per 1000. Our case rate in Johnson County is 0.85 per 1000. The highest case rate in the State is Seward county with 28.28 per 1000. The overall statewide case rate is 1.87 per 1000. Since my last update, there have been several new cases in SW Kansas in specific industry facilities. Johnson county has 512 cases with 45 deaths. The case rate in Olathe's zip code 66061 is 0.83 per 1,000 population and in zip code 66062 it is 0.58 per 1,000. No new Johnson County hospitalizations from COVID-19 have occurred since the beginning of May.

Throughout all the Reopening Kansas plan phases, everyone should continue to adhere to hygiene and social distancing protocols, including:

- Washing hands frequently, while avoiding contact with one's face;
- Remaining home when sick or running a fever;
- Following isolation and quarantine orders issued by health officers;
- Wearing a cloth face mask when appropriate.
- Working remotely when possible.

These are basic public health guidelines that will slow the spread of this disease, regardless of which phase is in effect, and are essential to minimizing community transmission of COVID-19 in the absence of a vaccine.

The Kansas Essential Functions Framework affirms that functions of local government continuity are deemed essential and allowed. Even so, the City is taking a measured, thoughtful and safety minded approach to transparent, open governance during activities such as this Council meeting. Appropriate safeguards have been instituted including social distancing, facility pre and post cleaning, installation of social separation panels and movement limiting stanchions, new sanitation stations, and refreshed health signage.

I am incredibly proud of how the people of Olathe have met this challenge. It has been a difficult time that is taking a painful toll ... financially, emotionally, physically, spiritually, and professionally on most everyone. Even so - there have been many heartwarming stories of how this community has come together even as we are apart.

- B.** Proclamation recognizing May 3-9, 2020 as Public Service Recognition Week.

Mayor Copeland presented the 2020 Public Service Recognition Week proclamation to Fire Chief, Jeff DeGraffenreid.

5. CONSENT AGENDA

Councilmember McCoy asked to remove item L from the consent agenda for separate consideration and vote.

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 April 21, 2020.

Approved

- B.** Consideration of a cereal malt beverage license application for H.B. of Olathe, LLC, d/b/a Buddy's, located at 11240 S. Lone Elm Road, for calendar year 2020.

Approved

- C.** Request for the acceptance of the dedication of land for public easements and public street right-of-way for a final plat for Stonebridge Villas, First Plat (FP20-0004) containing 36 residential lots and three (3) common tracts on 20.66± acres; located at the southeast corner of the intersection of S. Mur-Len Road and W. 169th Place. Planning Commission approved this plat 8-0.
Approved
- D.** Request for the acceptance of the dedication of land for public easements and right-of-way for a final plat of Valley Ridge, Fourth Plat (FP20-0003) containing fifty (50) lots and two (2) common tracts on 21.46± acres; located southwest of W. 113th Terrace and S. Clare Road. Planning Commission approved the plat 8 to 0.
Approved
- E.** Consideration of Resolution 20-1030, SU19-0005, for approval of special use permit renewal for continued motor vehicle sales; located at 132 N. Fir Street (KIA Motors). Planning Commission recommends approval 8 to 0 for a 10 year period.
Approved
- F.** Consideration of Resolution No. 20-1031, SU19-0007, requesting approval for a special use permit for an increase in height of the monopole tower and expansion of the compound area for an AT&T telecommunications facility on 0.43± acres; located at 15201 S Mur-Len Road. Planning Commission recommends approval 8 to 0.
Approved
- G.** Consideration of Consent Calendar.
Approved
- H.** Consideration of Resolution No. 20-1032 authorizing the City of Olathe's project requests for inclusion in the 2021-2025 County Assistance Road System (CARS) Program.
Approved
- I.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Linaweaver Construction, Inc. for construction of the 2020 Cedar Creek Streets Improvements Project, PN 3-R-003-20.
Approved
- J.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to VF Anderson Builders, LLC for construction of the Santa Fe Street and Ridgeview Road Geometric Improvements Project, PN 3-C-083-15, and the Santa Fe Street Arterial Mill and Overlay, PN 3-P-001-19.
Approved
- K.** Consideration of an Agreement with WaterOne for the Upper Cedar

Creek, 169 Hwy to Mahaffie, Stormwater Improvements Project, PN 2-C-013-19.

Approved

- L.** Consideration of an Invoice from Wiedenmann, Inc. for Emergency Stormwater Pipe Replacement at 151st Street and South Mullen Street. Councilmember McCoy asked that item L be considered separately. He asked about how the bid process worked in the event of an emergency.

Public Works Deputy Director, Beth Wright, said the City has price agreements in place for emergency services.

Councilmember McCoy thanked City staff for expediting this repair.

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 bid and consideration of award of contract to Foley Industries to provide equipment rental services to the Stormwater Division of Public Works.

Approved

- N.** Consideration of renewal of contract to Gerken Rent-All for portable restroom rental services for the Parks & Recreation and Public Works Departments.

Approved

6. NEW BUSINESS-PUBLIC WORKS

- A.** Consideration of Ordinance No. 20-11 (VAC20-0001), requesting vacation of an existing waterline easement at Prairie Trails West II; located at 14924 S. Black Bob Road. Planning Commission recommends approval 7-0.

Motion by Bacon, seconded by Vogt, to approve Ordinance No. 20-11. The motion carried by the following vote:

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

- B.** Consideration of Ordinance No. 20-12 (VAC20-0002), requesting vacation of an existing waterline easement at Ernie Miller Park and Nature Center; located at 909 N. K7 Highway. Planning Commission recommends approval 8-0.

Motion by Bacon, seconded by Vogt, to approve Ordinance No. 20-12. The motion carried by the following vote:

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

- C.** Consideration of Resolution No. 20-1033 authorizing a survey and description of land or interest to be condemned for the 119th and Renner Property Acquisition and Demolition Project, PN 7-C-007-20.

Motion by Bacon, seconded by Vogt, to approve Resolution No. 20-1033. The motion carried by the following vote:

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

- D.** Consideration of Ordinance No. 20-13 approving an engineer's survey and authorizing the acquisition of land for the 119th and Renner Property Acquisition and Demolition Project, PN 7-C-007-20.

Motion by Bacon, seconded by Vogt, to approve Ordinance No. 20-13. The motion carried by the following vote:

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

- E.** Consideration of Resolution No. 20-1034 authorizing a survey and description of land or interest to be condemned for the I-35 & 119th Street Interchange Improvements Project, PN 3-C-026-16.

Motion by Bacon, seconded by Vogt, to approve Resolution No. 20-1034. The motion carried by the following vote:

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

- F.** Consideration of Ordinance No. 20-14 approving an engineer's survey and authorizing the acquisition of land for the I-35 & 119th Street Interchange Improvements Project, PN 3-C-026-16.

Motion by Bacon, seconded by Vogt, to approve Ordinance No. 20-14. The motion carried by the following vote:

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

7. NEW BUSINESS-ADMINISTRATION

- A.** Ordinance No. 20-15 grants a contract franchise to Kansas Fiber Network, LLC. The Master License Agreement for Attachments to City Facilities defines the relationship between Kansas Fiber Network, LLC and the City.

Motion by Bacon, seconded by Vogt, to approve Ordinance No. 20-15. The motion carried by the following vote:

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

8. CONVENE FOR PLANNING SESSION

A. REPORTS

1. Report on a request by KidsTLC, Inc. for the issuance of tax-exempt industrial revenue bonds in the amount of \$7,000,000. Report accepted.
2. Report on ANX20-0001, a request by Lone Elm Venture, LLC for annexation of approximately 9.7± acres, located south of 159th Street and east of Lone Elm Road (ANX20-0001).
Jessica Schuller, Senior Planner, gave a short report.

Councilmember Campbell asked about the zoning and that of the surrounding neighborhoods and Ms. Schuller provided the answers.

Councilmembers Brownlee asked if there were any specifics on the planned use and Ms. Schuller said it is zoned light industrial but does not know the specific use at this time.

Councilmember McCoy asked about the specific location of the property in question.

Councilmember Mickelson asked if the zoning was consistent with the zoning to the East and to the North. Ms. Schuller said it is and specific land use will be discussed in the future.

Mayor Copeland asked what would happen if we could not come to an agreement on the land use and if the property owner could request to de-annex. City Attorney, Ron Shaver, said there is no annexation agreement so they would not have the right to ask for de-annexation.

3. Report on Resolution 20-XXXX establishing a Complete Streets Policy for the City of Olathe.
Report accepted.
4. Report on a proposed ordinance making certain amendments to the contract franchise with ExteNet Systems, Inc. (Ordinance

12-07) and proposed amendments to the Master License Agreement with ExteNet Systems, Inc.

Report accepted.

9. NEW CITY COUNCIL BUSINESS

Councilmember Bacon complimented the facilities staff on the accommodations they had installed on the dais in the effort to protect the council members.

City Manager, Michael Wilkes, said there was still some work to be completed as the plexi-glass that had been received was an incorrect size and would be changed out eventually.

Councilmember Vogt thanked City staff for their work. She also noted that May 6th was National Nurses Day and May 12 would be International Nurses Day. She said this was a great time to recognize her colleagues in the nursing profession. She wished everyone a Happy Mother's Day on Sunday.

Councilmember Campbell thanked staff for accommodating the Council both in the Council Chambers and virtually.

Councilmember McCoy thanked staff for all their hard work and pointed out there are many behind the scenes staff members who are not as visible as others, but still provide a great public service. He also mentioned several non-profit organizations who are serving the community and providing for the needs of the citizens.

Councilmember Brownlee asked Parks and Recreation Director, Michael Meadors, for an update on what summer activities would be allowed. Mr. Meadors said staff was working on a report and would provide that to the Council soon. Ms. Brownlee shared her concern for those who have been out of work during this time. She said she believed there is some confusion regarding who makes decisions regarding closings and openings.

City Attorney, Ron Shaver, said that Kansas law is set up to allow the Governor and health officials to make these decisions in a time of health emergencies.

Councilmember Bacon asked about how the City is responding to community enhancement enforcement.

City Manager Michael Wilkes said staff is working hard to have more hands on discussions with property owners, working with them to resolve the issues.

10. ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

Brenda D. Long
City Clerk