



NOTICE - In an effort to follow social distancing guidelines during the COVID-19 pandemic, there is a limited amount of space and chairs available in the Council Chambers to accommodate the public. Members of the public are encouraged to watch the meeting live online at OlatheKS.org/OGN or at their convenience, once the meeting video is archived within hours of its conclusion.

1. CALL TO ORDER

Mayor Pro Tem, John Bacon, called the meeting to order and asked the City Clerk to call the roll.

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

2. ROLL CALL

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

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

3. EXECUTIVE SESSION

- A.** For preliminary discussions related to acquisition of property pursuant to the exception provided in K.S.A.75-4319(b)(6) regarding the Downtown Streets Improvement Project, PN 3-R-001-21.
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 Downtown Streets Improvement Project, PN 3-R-001-21 for 25 minutes.

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

Absent: Campbell

- 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 and 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 for 25 minutes.

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

Absent: Campbell

4. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 6:55 p.m. in the Council Chambers.

Executive Session item A - Motion by Bacon, seconded by Vogt, to authorize staff to acquire the necessary real property to construct the Downtown Streets Improvement Project, PN 3-R-001-21 as directed by the Governing Body. Motion passed 6-0

Executive Session Item B - Motion by Bacon, 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. Motion passed 6-0.

The City Clerk called a second roll call and Councilmember Campbell joined the meeting virtually.

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

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

Yesterday, May 18th - Johnson County joined the rest of the State of Kansas in adhering to Phase 1.5 of Governor Kelly's Ad Astra Plan to Reopen Kansas. The County has made it known that it intends to follow the Governor's reopening plan during additional phases. Yesterday also marked day one of Johnson County's appointment based COVID-19 testing. Residents over the age of 18 with symptoms of coronavirus can now get a free COVID-19 test by making an online appointment with the Johnson County Department of Health and Environment. On Monday, 46 people were tested at

the Johnson County Department of Health and Environment's Olathe office. Residents are being advised to seek testing from their primary health care provider first before making an appointment at Johnson County Department of Health and Environment.

Last Thursday Johnson County Department of Health and Environment announced that Olathe had its first workplace outbreak, and then the following day, FedEx announced that it was the site of that outbreak. Johnson County Department of Health and Environment conducted testing of staff in the facility to determine the level of transmission and to control spread in the community. They have results back for 119 of the 121 samples collected, with only two additional positive results. Johnson County Department of Health and Environment is working with FedEx to isolate the workers and trace their contacts.

As of this morning, the County was reporting 657 positive cases of COVID-19 with 57 deaths. On a more positive note - there are 406 individuals in Johnson County who are presumed recovered.

This afternoon, Governor Kelly announced that starting this Friday public gatherings of 15 or fewer can take place, and all businesses and activities will be allowed to reopen except for bars, nightclubs and swimming pools.

The new phase - which Governor Kelly called a "modified Phase 2" of her Ad Astra Recovery Plan -- prohibits large entertainment venues, fairs, festivals, parades, and summer camps from reopening.

However, organized sports tournaments and youth sports practices can begin Friday with social distancing guidelines enforced.

Firefighters in Olathe continue to respond to emergency 911 calls that have been screened by dispatchers as potential COVID-19 situations. In May alone, the department has responded to 71 such incidents. In one particularly challenging case an adult male who was known to be COVID-19 positive experienced cardiac arrest at his

Olathe residence requiring a fire department response. Police and Fire were called to the scene by a family member who had also tested COVID-19 positive and was in quarantine. The situation ultimately had an unfavorable outcome. These emergency calls are extremely challenging from a response standpoint. But I must say - they are situations where we see City of Olathe employees at their very best. We are an all hazards fire department - and while we did not foresee pandemic response as a likely scenario - we are meeting the challenge daily.

We are not the only city department working hard on COVID-19 response and recovery - Police Officers are interacting with COVID-19 individuals involved in crime - Public Works employees are exploring the use of cutting edge technology in water treatment, safely removing solid waste, and inspecting infrastructure - Building Codes staff continue to provide construction inspection in a safe and timely manner - Parks and Recreation staff are keeping children safe with cleaning and placing appropriate signage at playgrounds - and support staff in Resource Management are assisting with purchasing needed supplies and coordinating reimbursement strategies - while IT is ramping up technology sustainment and supporting new digital processes for customer service. This is truly an "All City Employee" approach to COVID response and recovery.

Memorial Day is fast approaching and there are many things that you CAN do to celebrate that are in compliance with the Ad Astra Plan including:

- Have a gathering in your home with 15 or fewer individuals, not including those you live with.
- Use your backyard pool for any parties as long as mass gathering restrictions are met.
- Have a drive-through parade, as long as it complies with traffic ordinances and no more than 15 individuals are outside the car and unable to maintain social distancing.
- Go to a restaurant with your friends and family as long as that business meets the necessary business requirements.
- Engage in outdoor activities at parks or other public spaces as long

as social distancing and mass gathering requirements are met.

In closing, while it feels slow - progress is being made. We are in this together and I remain confident in our community's resilience.

7. CONSENT AGENDA

Councilmember Brownlee requested item D be removed for separate consideration and vote.

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

Motion by Bacon, seconded by Vogt to approve the consent agenda with the exception of items D and J. The motion carried with the following vote:

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

- A.** Consideration of approval of the City Council meeting minutes of May 5, 2020.

Approved

- B.** Consideration of drinking establishment renewal applications for SPIN! Pizza #2, located at 14230 W. 119th Street and Joe's Kansas City Bar-B-Que of Olathe, located at 11950 S. Strang Line Rd.

Approved

- C.** Consideration of Consent Calendar.

Approved

- D.** Consideration of Resolution No. 20-1035 adopting the Downtown Active Transportation Plan.

Councilmember Brownlee had asked for consent item D to be considered separately. She said she was concerned about approving this funding during a time when City staff is being furloughed.

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

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

No: Brownlee

- E.** Consideration of Resolution No. 20-1036 establishing a Complete Streets Policy for the City of Olathe.

Approved

- F.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Donelson Construction Company, LLC for construction of the 2020 MAQS Micro Surface Project, PN 3-P-007-20.

Approved

- G.** Consideration of a Professional Services Agreement with Schlagel & Associates, P.A., for design of Cedar Creek Parkway, South of College, Benefit District Project, PN 3-B-027-19.

Approved

- H.** Consideration of an Agreement with ATMOS Energy Corporation for the Upper Cedar Creek, 169 Hwy to Mahaffie, Stormwater Improvements Project, PN 2-C-013-19.

Approved

- I.** Consideration of an Agreement with JP Morgan to serve as underwriter for the 2020-A Temp Notes to provide capital project funding, including redeeming a portion of the Series 2019-A Notes.

Approved

- J.** Consideration of amendment to contract for public defender services for the Municipal Court.

Councilmember McCoy asked that item J be considered separately. He asked if this item was to approve hiring new and/or additional staff.

City Attorney, Ron Shaver, explained the public defender services are contracted. This amendment will allow the City to pay for their services on an hourly basis instead of a flat monthly fee and the City will recognize a savings.

Motion by Bacon, seconded by Vogt to approve consent item J. Motion carried by the following vote:

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

- K.** Consideration of award of contract to Kantex Industries for vacuum excavation and utility daylighting services for the Public Works Department.

Approved

- L.** Consideration of renewal of contract with Wiedenmann, Inc. for deep excavation services for the City of Olathe's Public Works Department.

Approved

- M.** Consideration of renewal of 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

- N.** Consideration of renewal of contract to JCI Industries, Inc. for mixer and propeller pump repair and service for the Environmental Services Division of the Public Works Department.

Approved

- O.** Consideration of renewal of contract to Mid-American Signal, Inc. for the purchase of traffic signal and Advanced Traffic Management System (ATMS) supplies for the Traffic Division of Public Works.

Approved

8. NEW BUSINESS-PUBLIC WORKS

- A.** Consideration of Ordinance No. 20-16 (ANX20-0001) annexing approximately 9.7± acres, located south of 159th Street and east of Lone Elm Road, into the corporate boundaries of the City of Olathe. Councilmember Mickelson asked if the property being annexed was owned by one owner and City Attorney Ron Shaver confirmed it is. Motion by Bacon, seconded by Vogt, to approve Ordinance No. 20-16. The motion carried by the following vote:

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

9. NEW BUSINESS-ADMINISTRATION

- A.** Consideration of Ordinance No. 20-17 making certain amendments to the contract franchise with ExteNet Systems, Inc. (Ordinance 12-07) and amendments to the Master License agreement with ExteNet Systems, Inc.

Motion by Bacon, seconded by Vogt, to approve Ordinance No. 20-17. The motion carried by the following vote:

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

- B.** Consideration of Ordinance No. 20-18 and Resolution No. 20-1037 authorizing the issuance, delivery, form and details of approximately \$14,260,000 principal amount of Water and Sewer System Improvement and Refunding Revenue Bonds, Series 2020.

Councilmember Brownlee asked if there were other bonds that could be refinanced at this time. Resource Management Director, Dianna Wright, said these were the only ones currently eligible.

Councilmember McCoy asked how much the City saved by refinancing these bonds and Ms. Wright said it would be over a million dollars in present day value.

Councilmember Mickelson noted the numbers on the agenda were different than what was presented. Ms. Wright said that is standard because they present the Council with an approximate number and it can change when they actually sell the bonds.

Councilmember Campbell asked if they were 20 years bonds. Ms. Wright confirmed they are 20 year bonds but are callable in eight years.

Mayor Copeland asked if this debt would be re-amortized over 20 years and Ms. Wright said yes, but not the refinancing and the 2010 A & B series are not extended and will retire at their normal time.

Motion by Bacon, seconded by Vogt, to approve Ordinance No. 20-18. The motion carried by the following vote:

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

10. NEW CITY COUNCIL BUSINESS

Councilmember Brownlee said she had several things to talk about. She wanted to commend the Shelton family for providing upkeep on a home in their neighborhood that appeared to be vacant and neglected. She also wanted to thank Rebecca Shipley for opening Olathe Home Decor the week before Mother's Day. Ms. Brownlee also thanked the Parks and Recreation staff for opening the restrooms in the parks.

She then asked if there was anything that the City would be supporting when the legislature met on Thursday. City Manager, Michael Wilkes, said he wasn't aware of anything.

Ms. Brownlee said she has had several citizens inquire if the City is tracking

them and said she didn't think the City did and wanted to say she hoped they would not do that. She also wanted to mention that she was aware of a concerned citizen who had a work trailer parked in front of his home and she wondered if during this time if the ordinance could be suspended. City Manager, Michael Wilkes said staff is working with homeowners to find solutions that work for everyone.

Councilmember Bacon asked Fire Chief DeGraffenreid about the difference between what the State and County recommended for opening phases and said he believed there was some confusion.

Chief DeGraffenreid said he has not heard any new direction but believed the County intended to follow the State's guidance.

Councilmember Bacon asked if the tracing that Ms. Brownlee mentioned would be something that a citizen should address with their cell phone provider. He said he does know that it is an issue citizens are concerned about.

Chief DeGraffenreid said the City's roll is to keep the community safe and while the City is aware that this type of technology does exist, it is not being utilized.

Mr. Bacon asked if the Chief was aware if the County or the State had purchased any of this type of information and Chief DeGraffenreid said it was not anything that had been shared with the City.

Councilmember McCoy said it was great to be back in the Council Chambers. He said he had visited two different restaurants and was glad to see them doing a great job. He also said he had gone for a haircut and was concerned because only one person was allowed to be in the facility at a time. He also said he believed guidelines should be loosened for churches.

Mayor Copeland thanked Chief Information Officer, Mike Sirna and his staff for all they have done to provide for the technology needs in the past few weeks.

Mayor Copeland asked Parks and Recreation Director, Michael Meadors, to provide the Council with an update on the status of the City's park system. Mr. Meadors provided information about various openings and the sanitation process taking place on the trails, in the parks, pools and Lake Olathe.

Mayor Copeland asked about hiring life guards and Mr. Meadors said anyone interested could go to the City's website for an application.

Councilmember McCoy asked about the number of people allowed to be in the Eagles Landing venue and Mr. Meadors explained they would be following social distancing guidelines. He said the rental agreements can still be honored. He said there are ways to be creative and will continue to work with these families.

Councilmember Vogt thanked Mr. Meadors and his staff for finding ways to allow the citizens of Olathe to resume their outdoor recreation. She also said she believes we have responsible citizens in Johnson County and as a result we can slowly open in Olathe.

Councilmember Campbell said he wanted to clarify that this is a fluid process and the City will continue to use data to change the course as needed. Mr. Meadors said that is correct and they will continue to monitor closely and will work with the County and the State. Mr. Campbell also asked for clarification that the process for cleaning the playgrounds did not use Round-up and Mr. Meadors confirmed that was correct. He said it was just the same process they have used in the past for weed control.

Councilmember Vogt congratulated the class of 2020. She said it is a unique time for them and wished them well in all they do.

City Manager, Michael Wilkes, reminded the council of the preliminary meeting for the CIP scheduled for May 26. He also wanted to congratulate a particular 2020 graduate, his daughter, Rachel Wilkes.

11. ADJOURNMENT

The meeting was adjourned at 7:47 pm.

Brenda D. Long
City Clerk