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## 1. CALL TO ORDER

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

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

## 2. EXECUTIVE SESSION

Consideration of motion to recess into an executive session to discuss the following items:

- A.** For preliminary discussions 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) pertaining to a development agreement.

Motion by Vogt, seconded by McCoy, to recess into an executive session for preliminary discussions 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) pertaining to a development agreement for 27 minutes. The motion carried by the following vote:

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

**Absent:** Campbell, and Copeland

- B.** 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.

Motion by Vogt, seconded by McCoy, 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 for 27 minutes. The motion carried by the following vote:

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

**Absent:** Campbell, and Copeland

Mayor Copeland arrived at 6:35 p.m. and Councilmember Campbell arrived at 6:41 p.m.

**3. RECONVENE FROM EXECUTIVE SESSION**

The meeting reconvened at 7:00 p.m. in the Council Chambers.

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. Motion passed 6-1.

Executive Session Item B - Motion by Bacon, seconded by Vogt to authorize staff to acquire the necessary real property and easements to construct the I-35 & 119th Street Interchange Improvements Project, PN 3-C-026-16, and the Renner Road Property Acquisition and Demolition Project, PN 7-C-004-20, as directed by the Governing Body. Motion passed 7-0.

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

**5. PLEDGE OF ALLEGIANCE**

**6. SPECIAL BUSINESS**

- A. Presentation of AAA Traffic Safety Award to the Olathe Police Department.  
Bob Hamilton, Law Enforcement Liaison for the Kansas Department of Transportation, presented Major Jeff Bragg with the Platinum Award.

**7. PUBLIC HEARINGS**

- A. Consideration of a public hearing to hear comments regarding the proposed City of Olathe budget.  
Action needed: Consider a motion to close the public hearing  
Stephen Larson, Budget Analyst, gave a brief overview of the proposed 2021 budget.

Mayor Copeland opened the public hearing.

Dean Vermeire, 27529 W. 108th Street, said he represented the Cedar Creek HOA board of directors and they were asking the Council to place a higher priority on the work needed on College Blvd. and for it to be included in the CIP.

Jim Brown, 26835 W. Shadow Dr., shared his concerns regarding the condition of College Blvd. He said it is dangerous to residents and wants to see it included in the CIP.

Mayor Copeland asked City Manager, Michael Wilkes, to work with staff to communicate with residents regarding their concerns and what the future holds.

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

Motion by Bacon, seconded by Vogt, to close the public hearing. The motion carried by the following vote:

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

## **8. CONSENT AGENDA**

Motion by Bacon, seconded by Vogt, to approve the consent agenda. 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 July 21, 2020.  
Approved
- B.** Consideration of drinking establishment renewal applications for Mi Ranchito, 14154 W. 119th Street and Wahlburgers, (HyVee), 11935 S. Black Bob Road.  
Approved
- C.** Consideration of a one-year renewal for a drinking establishment license for Berger Management, LLC, d/b/a Berger Concessions, located at 10537 S. Warwick Street.  
Approved
- D.** Consideration of a cereal malt beverage license application for MSK Petroleum, LLC, d/b/a Mini Mart located at 1807 E. 123rd Terrace, for calendar year 2020.  
Approved
- E.** Consideration of Resolution No. 20-1052, SU20-0004, for approval of a Special Use Permit for keeping chickens on a residential lot less than three (3) acres, approximately 0.56 acres; located at 1010 S. Lennox

Drive. Planning Commission recommends approval 6 to 0.

Approved

**F.** Consideration of Consent Calendar.

Approved

**G.** Consideration of Supplemental Agreement No. 2 with Burns & McDonnell Engineering Company, Inc. for design of the Vertical Well Field Improvements Project, PN 5-C-031-18.

Approved

**H.** Consideration of a Professional Services Agreement with Olsson, Inc. for design of the 119th Street Arterial Mill and Overlay Project, PN 3-P-001-21, and the Ridgeview Road Arterial Mill and Overlay Project, PN 3-P-002-21.

Approved

**I.** Consideration of renewal of contract to Boone Brothers Roofing for roofing replacement, repair, and maintenance services.

Approved

**J.** Acceptance of renewal of contract to Core and Main, LP for water utility supplies for the Field Operations Division of Public Works.

Approved

**K.** Consideration of renewal of contract to Crafc0, Inc. for the purchase of crack repair material for the Field Operations Division of Public Works.

Approved

**9. NEW BUSINESS-PUBLIC WORKS**

**A.** Consideration of a contract with N.R. Hamm Quarry, LLC for transfer station operation, hauling and disposal services for the Solid Waste Division of Public Works.

Deputy Public Works director, Alan Shorthouse, gave a brief presentation regarding the transfer station operations and the service N.R. Hamm Quarry, LLC would be providing.

Councilmember McCoy said he was pleased with the service Hamm has provided in the past.

Councilmember Campbell asked some clarifying questions about the current operations and what will change with the transfer station expansion.

Councilmember Brownlee asked questions about the transfer station

fees.

Mr. Shorthouse answered the council members' questions.

Motion by Bacon, seconded by Vogt, to approve the contract with N.R. Hamm Quarry, LLC. The motion carried with the following vote:

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

- B.** Consideration of Ordinance No. 20-26, RZ20-0005, requesting approval for a rezoning from the C-2 (Community Center) District to the CC (Cedar Creek) District for the Valley Parkway Parcel on approximately 16.31 acres; located in the vicinity of W. Valley Parkway and 100th Terrace. Planning Commission recommends approval 6-0.

Motion by Bacon, seconded by Vogt, to approve Ordinance No. 20-26. The motion carried by the following vote:

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

## **10. NEW BUSINESS-ADMINISTRATION**

- A.** Consideration of Ordinance No. 20-27 levying assessments to collect city expenditures for weed mowing and debris removal.

Motion by Bacon, seconded by Vogt, to approve Ordinance No. 20-27. The motion carried by the following vote:

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

- B.** Consideration of Ordinance No. 20-28 making amendments to the Olathe Emergency Operations Act, O.M.C. Chapter. 2.08. Councilmember Vogt left the Council Chambers at 7:49 p.m. and was not available for this vote. She returned at 7:58 p.m.

Councilmember Mickelson asked what kind of activities would violate this ordinance and cause a fine to be imposed.

City Attorney, Ron Shaver, said there could be many different things as each emergency could be different. He said this ordinance was changing this from a criminal penalty to a civil penalty and the fine could be adjusted depending on the nature of the violation.

Mayor Copeland asked for Mr. Shaver to provide the Council with definitions of disaster and public safety and welfare in relation to this

ordinance so there is clear understanding.

Councilmember Bacon said he believed it would be difficult to prove intent.

Mr. Shaver said the ordinance would change the activity from a criminal offense to civil penalty and is intended to provide a way to punish intentional acts, not accidents.

Councilmember Brownlee said that the ordinance gives the Mayor the right to make a variety of orders or actions and Mayor Copeland said that is why he wanted the definitions.

Mr. Shaver said all this ordinance is doing is changing from a criminal penalty to a civil penalty, however, if the Council desired, they could take a more comprehensive look at the Emergency Management Ordinance. Mr. Shaver suggested waiting to see what the Legislature might do with the State statute.

Councilmember McCoy asked if criminal charges could be filed if warranted and Mr. Shaver said there could be compounding charges.

Motion by Bacon, seconded by Campbell, to approve Ordinance No. 20-28. The motion carried by the following vote:

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

**Absent:** Vogt

## **11. NEW CITY COUNCIL BUSINESS**

Councilmember Campbell asked staff to provide a report regarding operatint golf carts on public streets.

Councilmember Bacon said he thought this had already been addressed and City Attorney Shaver said that an ordinance had been passed to allow golf carts to cross the street.

Councilmember Bacon thanked members of the fire department and police department for their personal assistance to him the previous week. He also

wanted to welcome his granddaughter, the newest resident of Olathe.

Councilmember McCoy, congratulated the Fire Department and Fire Chief DeGraffenreid on the ground breaking for the Fire Training Center and Fire Station No. 8. He also mentioned the Olathe Fire Department had hired their first fireman from the Public Safety Academy at Olathe West.

Councilmember Mickelson said it was exciting to attend the groundbreaking events. He also agreed that it would be beneficial to talk about golf carts. He asked staff to address a safety concern that had been shared with him regarding Persimmon Drive.

## **12. END OF TELEVISED SESSION**

## **13. GENERAL ISSUES AND CONCERNS OF CITIZENS**

None

## **14. CONVENE FOR PLANNING SESSION**

Reports are prepared for informational purposes and will be accepted as presented. There will be no separate discussion unless a Councilmember requests that a report be removed and considered separately.

### **A. REPORTS**

1. Quarterly Procurement Report  
Report accepted.
2. Report on a request by Business Garage Authority, Inc. for issuance of industrial revenue bonds and tax phase in for the development and construction of flex industrial facilities totaling 48,000 sq ft to house start-up/small/intermediate businesses located in the Mahaffie Business Park at 15571 S. Mahaffie.  
Councilmember Brownlee asked for a presentation.

Resource Management Director, Dianna Wright, gave a short overview of the project. The applicant, Scott O'Neill, was also in attendance and answered specific questions about the project.

## **15. ADDITIONAL ITEMS**

Councilmember Brownlee said she was glad Councilmember Campbell had brought up golf carts. She also asked Staff to review and provide a report regarding keeping hens on residential property and the associated fees.

Councilmember McCoy said he has just renewed his special use permit for keeping chickens and while the renewal was not that expensive the first time application had been.

Councilmember Campbell said he also would like to have a report on chickens. He said he understood why there shouldn't be roosters, but said dogs are generally louder than hens. He said he thought he understood Chief Planning Officer, Aimee Nassif, was already working on a report.

Councilmember McCoy said Mayor Pro Tem did a great job at the last council meeting, but was glad that Mayor Copeland was back.

Mayor Copeland wished Erin Vader a happy birthday.

## **16. ADJOURNMENT**

The meeting was adjourned at 8:13 p.m.

Brenda D. Long  
City Clerk