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**1. CALL TO ORDER**

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

Others in attendance were City Manager Michael Wilkes, Deputy City Manager, Susan Sherman and City Attorney, Ron Shaver.

**2. EXECUTIVE SESSION**

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

- A.** For preliminary discussions related to acquisition of property pursuant to the exception provided in K.S.A. 75-4319(b)(6) regarding Santa Fe Street, Ridgeview to Mur-Len Improvements Project, PN 3-C-025-18. Motion by Campbell, seconded by Vogt, to recess into an executive session for preliminary discussions related to acquisition of property pursuant to the exception provided in K.S.A. 75-4319(b)(6) regarding Santa Fe Street, Ridgeview to Mur-Len Improvements Project, PN 3-C-025-18. The motion carried by the following vote:

**Yes:** Brownlee, Campbell, McCoy, Bacon, Vogt, and Gilmore  
**Absent:** Mickelson

Councilmember Mickelson arrived at 6:39 and joined the Executive Session.

**3. RECONVENE FROM EXECUTIVE SESSION**

Motion by Campbell, seconded by Vogt, to authorize staff to proceed with the strategies as discussed with and directed by the Governing Body. The motion carried with the following vote:

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

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

**5. PLEDGE OF ALLEGIANCE**

**6. SPECIAL BUSINESS**

- A.** Consideration of Resolution No. 21-1003 appointing members to the Planning Commission.  
Chief Planning Officer, Aimee Nassif, introduced Robin Essex and Wayne Janner and presented each with a certificate of appointment.  
Motion by Campbell, seconded by Vogt, to approve Resolution No. 21-1003. The motion carried by the following vote:  
**Yes:** Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore
- B.** Consideration of Resolution No. 21-1004 appointing and reappointing members to the Persons with Disabilities Advisory Board.  
Mayor Bacon introduced and recognized Chairman Mark Gash for being reappointed to the Persons with Disabilities Advisory Board. Mr. Gash introduced Ray Ramirez and Kim Washington and presented each with a certificate of reappointment. Mr. Gash also introduced Amanda Honaker as a new appointee to the board and presented her certificate.  
Motion by Campbell, seconded by Vogt, to approve Resolution No. 21-1004. The motion carried by the following vote:  
**Yes:** Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore
- C.** Presentation of ABC Heart of America Chapter Best Public Works/Environmental Project Award.  
Environmental Services Manager, John Gilroy and Water Production Operations Manager, Lorrie Hill, accepted an award from ABC Heart of America for the improvement project at the Water Treatment Plant.

## **7. PUBLIC HEARINGS**

- A.** Consideration of Public Hearing on the establishment of special assessments for the Lindenwood 163rd to 167th Benefit District for Street and Storm Sewer improvements.  
Economy Focus Area Director, Dianna Wright, gave a presentation regarding the benefit district.

Councilmember McCoy asked for some specifics regarding the monthly cost for the property owners. Ms. Wright provided the answer.

Bob Gast, 16405 S. Parkwood Street, spoke in opposition to levying the assessments.

Mayor Bacon asked Ms. Wright to explain a about the disclosure that is required by State statute in closing documents.

Councilmember Campbell asked about the interest rate and Ms. Wright said they won't know until the bonds are issued.

Daniel Gremillion, 16413 S. Parkwood Street, spoke in opposition to levying the assessments.

Councilmember Campbell said he wanted to respond and said he understood the surprise but the cost of growth should pay for itself.

Marissa Easter, 17772 W. 163rd Terrace, spoke in opposition to levying the assessments.

Andrew Dilda, 18050 W. 164th Terrace, spoke in opposition to levying the assessments.

Jeff Harris, 17777 W. 163rd Terrace, spoke in opposition to levying the assessments.

Kasey Haverkamp, 17922 W. 164th Terrace, spoke in opposition to levying the assessments.

Tony Lokaphone, 16459 S. Parkwood Street, spoke in opposition to levying the assessments.

Tara Gillett, 17878 W. 164th Terrace, spoke in opposition to levying the assessments.

Phillip Senour, 16430 S. Valhalla Street, spoke in opposition to levying the assessments.

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

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

- B.** Consideration of Ordinance No. 21-05 establishing the special assessments for Lindenwood 163rd to 167th Benefit District for Streets and Storm Sewer improvements.

Councilmember Mickelson asked when this benefit district was established. Ms. Wright said it was created in 2017. She said there was a maximum cost approved and it cannot exceed that amount. Mr. Mickelson asked when the project had been completed and Ms. Wright said it was the end of 2020.

Councilmember Mickelson asked if the streetlights had been installed and Transportation Manager, Chet Belcher, said they were and they are operational.

Councilmember Brownlee asked about how the area is determined and Ms. Wright explained that it is done at the time of the petition and people could potentially have neighbors who are not included in the benefit district. Ms. Brownlee asked about the repayment term and the interest rate. Ms. Wright said the interest is based on the when the bonds are sold but expected it to be the lowest possible rate. Ms. Brownlee asked if the notification letter could be improved and Ms. Wright said they would look at options. Ms. Brownlee asked if there were other opportunities to make this information more readily available to residents and Ms. Wright said it is recorded and should be with the title records. She said they are also exploring ways to expand the information on the City's website. Ms. Brownlee asked about sending annual notices.

Councilmember McCoy related an experience where he was unsure about wording in a closing document and said he empathized with the residents and would like to explore options on how to make the information more available.

Councilmember Vogt said she had many of the same concerns and wondered why there were discrepancies in the assessments. Ms. Wright said each parcel is assessed according to size. Ms. Vogt said she wanted more transparency and asked about the highest

estimate being provided at closing and wondered if that information would have been available. Ms. Wright said the information would have been required in the closing documents and would have reflected the maximum.

Councilmember Vogt asked if 30 days to pay was typical and Ms. Wright said there needed to be a set cut off date established to be able to prepare for the financing. Ms. Vogt pointed out that another way is for the developer to pay for the improvements and then charge it to the lot when they are sold. Ms. Vogt asked how many benefit districts there are and Ms. Wright said there are currently 24.

City Manager, Michael Wilkes, said they had moved away from residential benefit districts in 2018. He said they still do it on commercial development.

Councilmember Vogt said they recognize how difficult it can be.

Councilmember Campbell said he understood that 10 years was standard, but wondered what the impact would be by stretching it to 15 years. Ms. Wright said there would be no substantial impact. She said they could make a motion to amend the ordinance and the letters to the residents would reflect they could pay all at once or in portions.

Councilmember Gilmore asked if there was any flexibility to the 30 day payment option. Ms. Wright said they could establish a different time frame and it could be paid off at any point. Mr. Gilmore asked if the current 24 benefit districts reflected a combination of commercial and residential and Ms. Wright said it did. Mr. Gilmore said he understood the pain the residents felt since they were unaware of the liability attached to their property and encouraged the Council to explore options.

City Manager Wilkes said at this point in time they either make it a benefit district or make it a city at large improvement and include the cost in the CIP.

Councilmember Gilmore suggested finding ways to provide more notice through the process. Mr. Wilkes said there are usually signs in the area in addition to the information being disclosed in the title work during the sale of a home. He said the process could be evaluated to make sure it works better.

Councilmember Mickelson said he was committed to working toward more transparency with this issue. He said he liked the idea of having more information available on the City's website. He also said he supported changing the repayment term from 10 years to 15 years.

Mayor Bacon asked about making sure the residents were informed of their cost instead of using an average and Ms. Wright said the letters to the residents gave the specific cost for their parcel. Mr. Bacon said he supported more communication before the project is completed.

Motion by Campbell, seconded by Vogt, to approve an amended Ordinance No. 21-05, changing the repayment term from 10 years to 15 years. The motion carried with the following vote:

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

## **8. CONSENT AGENDA**

Councilmember McCoy asked for item I to be removed from the consent agenda and be considered separately.

Councilmember Vogt asked for item P to be removed from the consent agenda and be considered separately.

Motion by Campbell, seconded by Vogt, to approve the consent agenda with the exception of items I and P. The motion carried with the following vote:

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

### **A. Consideration of approval of the City Council meeting minutes of January 5, 2021.**

Approved

- B.** Consideration of a cereal malt beverage license application for the calendar year 2021.  
Approved
- C.** Consideration of a new drinking establishment application for E&R Services, Inc. d/b/a El Maviri.  
Approved
- D.** Consideration of a renewal of Addendum to the Interlocal Cooperation Agreement between the Olathe Public Library and the Johnson County Library for automated circulation, customer and bibliographic services.  
Approved
- E.** Request for the acceptance of the dedication of land for public easements and public street right-of-way for a final plat of Bach Homes, First Plat (FP20-0025) containing three (3) lots and three (3) common tracts on approximately 17.3 acres; located at the southwest corner of W. 127th Street and S. Mur-Len Road. Planning Commission approved the plat 7-0.  
Approved
- F.** Request for the acceptance of the dedication of land for public easements and public street right-of-way for a final plat of Parkview Townhomes, 3rd Plat (FP20-0026) containing six (6) common tracts on approximately 5.2 acres; located at the northwest corner of S. Aurora Street and W. Harold Street. Planning Commission approved the plat 6 to 0.  
Approved
- G.** Consideration of Consent Calendar.  
Approved
- H.** Consideration of Change Order No. 1 to the agreement with Crossland Construction, Inc. for construction of the Fire Training Center Improvements Project, PN 6-C-004-13.  
Approved
- I.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Gunter Construction Company for the Hedge Lane Lift Station Project, PN 1-L-001-20.  
Councilmember McCoy asked that item I be removed from the consent agenda and be considered separately. He asked questions about how projects like this one was chosen.

Assistant City Engineer, Nate Baldwin, said yearly inspections were performed and were used to determine what was needed.

Mr. McCoy asked what the normal life span of the lift station is and Mr. Baldwin said it is expected to last 30-35 years.

Motion by Campbell, seconded by Vogt, to approve item I. The motion carried by the following vote:

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

- J.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to VF Anderson Builders, LLC for construction of the Downtown Streets Improvement Project (Phase 2), Spruce Street: Kansas to Mill Creek, Chestnut Street: Santa Fe to Poplar, Cherry Street: Spruce to Mill Creek, PN 3-R-001-21.

Approved

- K.** Consideration of bid and award of project to Crossland Heavy Contractors for construction of the Johnson County Wastewater Flow Measurement Flume Project, PN 1-C-015-20.

Approved

- L.** Consideration of Resolution No. 21-1005 authorizing the 2021 Miscellaneous ADA Sidewalk Repair and Replacement Project, PN 3-C-093-21.

Approved

- M.** Consideration of Resolution No. 21-1006 authorizing the 2021 Advanced Transportation Management System (ATMS) Replacement and Repair Project, PN 3-C-037-21.

Approved

- N.** Consideration of Resolution No. 21-1007 authorizing the 2021 Structures Repair Project, PN 3-G-000-21.

Approved

- O.** Consideration of Resolution No. 21-1008 authorizing the 2021 Sidewalk Construction Project, PN 3-C-072-21.

Approved

- P.** Consideration of Resolution No. 21-1009 authorizing the 2021 Traffic Signals Project, PN 3-TS-000-21.

Councilmember Vogt requested item P be removed from the Consent Agenda and considered separately. She asked when the design and construction was expected to begin on the signal at Santa Barbara Estates.

Chet Belcher, Transportation Manager, said they anticipated it beginning when school was out for the summer. Ms. Vogt said the



information they received mentioned it could be fall but hoped summer could be targeted to create less disruption for the elementary school.

Mr. Belcher said they had a lot of flexibility with the timing of this project.

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

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

- Q.** Consideration of Resolution No. 21-1010 authorizing the 2021 Streetlight LED Conversion Project, PN 3-C-009-21.

Approved

- R.** Consideration of Resolution No. 21-1011 authorizing the 2021 Digital Network Reliability Project, PN 7-C-006-21.

Approved

## **9. NEW BUSINESS**

- A.** Consideration of Resolution No. 21-1012 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.

Assistant City Engineer, Nate Baldwin, gave a short presentation.

Councilmember Brownlee asked for clarification regarding the number of homes impacted. Mr. Baldwin said it meant that once the work was completed the homes would no longer be considered in the flood plain. Ms. Brownlee said she had been concerned it meant a considerable amount of land was being taken and Mr. Baldwin assured her that was not the case.

Councilmember Brownlee asked about the number of trees that were being removed and Mr. Baldwin said they were attempting to save as many as possible.

Councilmember Mickelson asked if any structures were being taken for this project and Mr. Baldwin said there were no structures being taken.

Mayor Bacon asked if FEMA would re-draw the flood maps and Mr. Baldwin said the City would re-draw them and FEMA would approve them. He said that process could take 9 - 12 months.

Motion by Campbell, seconded by Vogt, to approve Resolution No. 21-1012. The motion carried by the following vote:

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

- B.** Consideration of Ordinance No. 21-06 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 Campbell, seconded by Vogt, to approve Ordinance No. 21-06. The motion carried by the following vote:

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

- C.** Consideration of Ordinance No. 21-07 authorizing issuance of the City's taxable Industrial Revenue bonds in an amount not to exceed \$3,038,000 to Business Garage Authority, Inc, Series 2021, for the purpose of funding the cost of acquiring, purchasing, constructing, installing, and equipping a commercial facility located at 15571 S Mahaffie. (Mahaffie Business Park)

Motion by Campbell, seconded by Vogt, to approve Ordinance No. 21-07. The motion carried by the following vote:

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

## **10. NEW CITY COUNCIL BUSINESS**

Councilmember McCoy said he had attended an orientation with the Planning division and said staff gave an excellent presentation. He said it was nice to hear about some of the projects in the community.

Councilmember Brownlee mentioned that Warren Hannon Jewelry was closing their store in downtown Olathe after 125 years in business. She thanked them for their distinguished service to the community.

Councilmember Gilmore shared a quote attributed to Martin Luther King.

Mayor Bacon said he had attended the virtual NAACP awards.

## **11. END OF TELEVISED SESSION**

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

None

**13. 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. Report on the authorization of the 119th Street, Woodland to Northgate, Improvements Project, PN 3-C-024-21.  
Report Accepted
2. Quarterly Procurement Report.  
Report Accepted

**B. DISCUSSION ITEMS**

1. Discussion on State of the Neighborhoods; Planning staff will report on the State of the Neighborhoods including accomplishments to date, current neighborhood conditions, programs and events associated with the Olathe Healthy Neighborhoods Initiative. (20 min)  
Senior Planner, Emily Carrillo, gave a presentation.

Councilmember Brownlee asked about a city wide clean up day. Ms. Carrillo said it was a possibility and she would take that suggestion to the neighborhood resource team.

Councilmember Brownlee asked about other possible grants and Ms. Carrillo said there were some available for a variety of events and activities. Ms. Brownlee thanked staff for the efforts they have put into the neighborhoods.

Councilmember Vogt asked about funding for exterior improvements and Ms. Carrillo said they were still exploring the dollar amount and it would depend on participation. Ms. Vogt also thanked staff for their work.

Mayor Bacon asked if the fee could be waived for a bulk pick up during a specific period of time and Ms. Carrillo said they

would explore that option. Mr. Bacon said he thought an incentive would be awesome.

2. Discussion of the exterior building design and building material options for the Downtown Library Project, PN 6-C-020-20. (30 min)

Michael Berenbom with Lane 4, Sean Zaudke with Gould Evans and Josh Doss with DLR gave a presentation regarding the exterior design of the downtown library.

Mayor Bacon said he wasn't sure they were ready to give a lot of feedback or direction at this time since they had just seen the presentation.

Councilmember McCoy said he liked the concept and how it provided a covered cafe area. He said he liked the use of limestone.

Councilmember Mickelson said he believed the design team had listened well to past comments. He said he liked the evolution from the straight tower to the angles. He said he didn't like the lighter brick, but liked the dark and light contrast.

Councilmember Vogt said she liked the changes and her preference was the dark and light contrast.

Councilmember Campbell said there was nothing he didn't like. He said he thought it needed to compliment the other structures in the downtown area. He said he wanted them to look forward to what trends are coming.

Councilmember Brownlee said she liked the red brick as it would tie in with the other older buildings. She said she would like to see limestone as well. She said she still felt that the building was too square.

Mr. Berenbom said the design would continue to evolve.

Councilmember Brownlee asked about the cost of utilities with

the significant amount of glass. She asked what the plans were to deflect the sun.

Sean Zaudke said they had already been looking at options.

Councilmember Gilmore said he didn't care for the traditional brick but would like to see something different. He suggested a Kansas native stone instead of light brick.

Mayor Bacon said he like the vertical element to the windows but didn't like the dark and light contrast. He said he liked what they had done with the tower. He said he thought native stone in a lighter color, instead of brick, would be timeless.

Michael Berenbom said there were no right or wrong answers and the feedback the Council was giving was great.

Mayor Bacon asked questions about the energy loss with the windows and Mr. Zaudke said there were things they can do.

Mayor Bacon asked when they would be back with more information for the Council and Mr. Berenbom said it wasn't scheduled but probably in the next month.

Mayor Bacon asked about the terrace on the roof and suggested the library be built so it could be added later. Mr. Berenbom said the plan would be to include that. He said the building still has dramatic outdoor spaces but they are not ready to give up on the terrace.

#### **14. ADDITIONAL ITEMS**

Councilmember Vogt thanked Public Works for providing information regarding a residential issue she had contacted them about.

Councilmember Campbell thanked Council and Staff for their work regarding the benefit district. City Manager, Michael Wilkes, said Staff would look at the process for improvements. Mr. Campbell suggested the lots would have been more expensive if a benefit district had not been established. Mr. Wilkes said

benefit districts were not being used as much as they had in the past.

Councilmember McCoy said he had contacted Planning Staff with concerns and they had been quick to resolve his question.

Councilmember Mickelson asked Staff to provide the plan for the 119th Street closure so the Council would be prepared with questions. Mr. Wilkes said Staff would email it to the Council.

Mayor Bacon asked about the agenda for the upcoming council retreat.

## **15. ADJOURNMENT**

The meeting was adjourned at 9:44 PM.

Brenda D. Long  
City Clerk