



Mayor's Children's Fund Check distribution was held in the Council Chamber at 6:00 PM

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

1. CALL TO ORDER

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

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

3. PLEDGE OF ALLEGIANCE

4. SPECIAL BUSINESS

- A.** Presentation on the Olathe Mayor's Children's Fund 2020 Campaign. Mayor Bacon introduced Darren Odum, Mayor's Children's Fund Board Chairman. Mr. Odum gave a short overview of the 2020 campaign.

Mayor Bacon thanked the board for all their work to support children in the community.

- B.** Consideration of Resolution No. 21-1019 appointing and reappointing members to the Mahaffie Stagecoach Stop and Farm Foundation Board. Mayor Bacon introduced Phil Estes, Mahaffie Foundation Chairman, and asked him to introduce the board members being appointed. Motion by Campbell, seconded by Vogt, to approve Resolution No. 21-1019. Motion carried by the following vote:

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

- C.** Presentation of the 2020 Annual Report by Dr. Jackie Spears, Interim Dean and CEO of K-State Olathe. Dr. Jackie Spears, Interim Dean and CEO of K-State Olathe gave the annual update on the activities of the K-State Olathe campus.

Mayor Bacon expressed his gratitude for all K-State is doing to bring new programs to the community.

Councilmember Vogt said she applauded what they were doing and was pleased with the expansion in the past two years.

5. PUBLIC HEARINGS

A. Consideration of a Real Estate Contract and Development Agreement with Integris BioServices, LLC.

Motion by Campbell, seconded by Vogt, to approve a real estate contract and development agreement with Integris BioServices, LLC. The motion carried with the following vote:

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

No: Mickelson

B. Consideration of a Public Hearing on a request by Integris BioServices LLC for a single phase project under the City's Tax Abatement policy for the construction of a 70,000 sq. ft. laboratory services in the Kansas Bioscience Park.

Dianna Wright, Director of Economy, gave a short presentation regarding this IRB application.

Charlotte O'Hara, 15712 Windsor Street, Overland Park, spoke against approving tax incentives and asked the council to look at this differently.

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

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

C. Consideration of Resolution No. 21-1020 on a request by Integris BioServices LLC for a single phase project under the City's Tax Abatement policy for the construction of a 70,000 sq. ft. laboratory services in the Kansas Bioscience Park.

Motion by Campbell, seconded by Vogt, to approve Resolution No. 21-1020. The motion carried by the following vote:

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

6. CONSENT AGENDA

Mayor Bacon announced that staff had requested item P to be pulled and considered at a later council meeting.

Councilmember Vogt asked for item H to be pulled and considered separately.

Councilmember Mickelson asked for item J to be pulled and considered separately.

Motion by Campbell, seconded by Vogt, to approve the Consent Agenda with the exception of items H, J 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 March 2, 2021.
Approved
- B.** Consideration of a drinking establishment renewal application for Austin's Bar and Grill, 11180 S. Lone Elm.
Approved
- C.** Request for the acceptance of the dedication of land for public easements for a final plat of KCAS-Olathe (FP21-0001) containing one (1) lot on approximately 6.00 acres; located at 10800 Clay Blair Boulevard. Planning Commission approved the plat 8 to 0.
Approved
- D.** Request for the acceptance of the dedication of land for public easements and public street right-of-way for a final plat of The Highlands at Cedar Creek (FP21-0002) containing fourteen (14) lots and nine (9) common tracts on approximately 16.14 acres; located at W. Valley Parkway and 110th Terrace. Planning Commission approved the plat 8-0.
Approved
- E.** Consideration of Consent Calendar.
Approved
- F.** Consideration of Supplemental Agreement No. 1 with HNTB Corporation for design of the Santa Fe, Ridgeview to Mur-Len, Preliminary Engineering Project, PN 3-C-025-18.
Approved
- G.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to McAnany Construction, Inc. for construction of the 159th Street Arterial Mill and Overlay Project, PN 3-P-003-21.

Approved

- H.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Freeman Concrete Construction, LLC for construction of the 119th Street Arterial Mill and Overlay Project, PN 3-P-001-21.

Councilmember Vogt had questions about this project and how it would interface with the major project on 119th.

Nate Baldwin, Assistant City Engineer, explained how the provisions in this contract would make the projects be as seamless as possible.

Motion by Vogt, seconded by Campbell, to approve Consent item H.
Motion carried by the following vote:

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

- I.** Consideration of Supplemental Agreement No. 7 with Affinis Corp. for construction inspection services for the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16.

Approved

- J.** Consideration of an Inter-local Agreement with the City of Overland Park for construction of the Pflumm Road Bridge Maintenance Project, PN 3-G-001-21.

Councilmember Mickelson asked about the 55-45 percent split between Olathe and Overland Park.

Nate Baldwin, Assistant City Engineer, explained that Olathe is responsible for 3 lanes and Overland Park is responsible for only 2 lanes.

Motion by Campbell, seconded by Vogt, to approve Consent Item J. The motion carried with the following vote:

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

- K.** Consideration of award of contract to Elliott Equipment Company for the replacement of one (1) street sweeper truck for Vehicle Maintenance.

Approved

- L.** Consideration of award of contract to Ray Lindsay Company for replacement lamps for the Trojan Ultraviolet Disinfection System at the Cedar Creek Wastewater Treatment Plant.

Approved

- M.** Consideration of renewal of contract with Q4 Industries for janitorial supplies.
Approved
- N.** Consideration of renewal of contract for Cisco Products and Professional Services for Information Technology Department.
Approved
- O.** Consideration of renewal of contract to Paymentus Group, Inc (dba Paymentus Corporation) for payment processing services.
Approved
- P.** Consideration of renewal of contract with Granicus, Inc., for website services, hosting and associated digital components to improve the online citizen experience.
Staff requested item P be pulled and considered at a later council meeting.

7. NEW BUSINESS

- A.** Consideration of Ordinance No. 21-09, RZ20-0013, requesting approval of a rezoning from the AG (Agricultural) District to the R-3 (Residential Low-Density Multifamily) and R-4 (Residential Medium-Density Multifamily) Districts and preliminary site development plan for 133rd Street and Black Bob Multifamily on approximately 69.8 acres; located at the northeast corner of 133rd Street and Black Bob Road. Planning Commission recommends approval 7-0.
Senior Planner, Jessica Schuller gave a presentation.

Councilmember Vogt asked if this property had ever been zoned residential and Ms. Schuller said she was not aware of it. Ms. Vogt said the resident's greatest concerns were possible traffic issues.

Infrastructure Deputy Director, Beth Wright, said a new signal would be installed at 133rd and would create gaps in traffic to allow traffic to turn. She said they were working to use Greenwood more effectively and believed there would be a great improvement.

Councilmember Vogt asked how construction traffic would access the site and Ms. Schuller said that during phase 1 they would use 133rd street.

Councilmember Mickelson asked if phase 1 would include the light and Ms. Wright said it would. He also asked if Alden Street was

ready to connect and Ms. Wright said it was already in place.

Councilmember Brownlee asked about the amenities for the complex. Ms. Schuller said there would be a pool, club house, dog parks and an open playing field. Ms. Brownlee asked if staff believe one pool and clubhouse was adequate for the number of units. Ms. Schuller said the club house was larger than most.

Pete Heaven, representative for the applicant, was present to answer questions.

Mayor Bacon asked Mr. Heaven how long it would take to complete this project. Mr. Heaven said approximately 4 years.

Councilmember Vogt asked if any of the apartments would be owner occupied and Mr. Heaven said no. Ms. Vogt asked if this was what the market indicated was best. Mr. Heaven said demographics indicated it was. Ms. Vogt asked if the signal would be going in first and Mr. Heaven said it was.

Motion by Campbell, seconded by Mickelson, to approve Ordinance No. 21-09. The motion carried by the following vote:

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

No: Vogt

- B.** Consideration of Ordinance No. 21-10, RZ20-0016, requesting approval of a rezoning from the R-3 (Residential Low-Density Multifamily) District to the R-1 (Residential Single Family) District and a preliminary plat for Battle Creek Estates on approximately 23.12 acres; located in the vicinity of E. 119th Street and S. Nelson Road. Planning Commission recommends approval 7-0.

Senior Planner, Jessica Schuller, gave a presentation.

Mayor Bacon asked if this project would be impacted by the 119th Street project.

Nate Baldwin, Assistant City Engineer, said they don't know the exact alignment of 119th Street yet, but did not see that this project would be in the path.

Councilmember Mickelson asked if there was planned common spaces and Ms. Schuller said there was landscaping along the roadway.

Motion by Campbell, seconded by Vogt, to approve Ordinance No. 21-10. The motion carried by the following vote:

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

8. NEW CITY COUNCIL BUSINESS

Councilmember Mickelson said he wanted staff to evaluate how to utilize the stimulus funding and was hoping that somehow it could benefit the residents.

Councilmember McCoy thanked staff for all they do to assist in keeping our community safe.

Mayor Bacon asked about when tornado sirens would actually sound.

Fire Chief Jeff DeGraffenreid, said there had been no change to the policy and the sirens would only sound when there was a warning, not just a watch.

Councilmember Campbell asked if the sirens would reach all Olathe residents and Chief DeGraffenreid said there are 43 sirens and should be able to be heard by all residents who are outdoors. He said they are looking at areas of growth to make sure there is coverage.

Councilmember Campbell asked about approvals for new sirens and Chief DeGraffenreid said that they work within the budget process, but they are always approved. Mr. Campbell then asked if they work without power, and Chief DeGraffenreid said they have a battery backup and they are being upgraded to solar powered.

Councilmember Vogt mentioned that winter weather plays havoc on streets and creates potholes. She asked staff to remind residents how to report potholes.

Beth Wright, Infrastructure Deputy Director, recommended citizens either call customer service or submit a request through OlatheConnect. She said they have not seen as many this season since the temperatures had not fluctuated

as much this past winter.

Councilmember Vogt thanked staff for notifying a resident of a possible water leak and they were able to find a broken pipe and prevent major water damage.

Councilmember Brownlee said she was encouraged to hear of the partnership between K-State and HackerU. She also said she would like more information about the stimulus and how it will be used. Ms. Brownlee also asked for an update from Police Chief Mike Butaud regarding human trafficking.

Councilmember Gilmore said he was happy to hear about the K-State and MNU partnership. He also had questions about how the stimulus money would be able to be used. Mr. Gilmore also asked about affordable housing and said he hoped the City would get in front of the issue, keeping long term goals in mind.

Mayor Bacon said that Mahaffie Farmstead was hosting Spring Break Living History Week and wanted to invite residents to attend. He also said that the new Torchy's Tacos was hosting a friends and family event on Sunday and Monday and the proceeds would benefit the Olathe Mayor's Children's Fund.

9. END OF TELEVISED SESSION

10. GENERAL ISSUES AND CONCERNS OF CITIZENS

None

11. 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 a petition requesting the creation of a street improvement benefit district on behalf of Hedge 175 Associates, LLC in the area of 175th Street and Hedge Lane.
Report Accepted
2. Report on a request by Hedge 175 Associates, LLC for an industrial revenue bond sales tax exemption certificate under a master resolution for the construction of a 1,123,470 square foot industrial facility located in the 175th Street Commerce Centre.
Councilmember Mickelson asked about the cost /benefit

analysis.

Economy Director, Dianna Wright gave the specifics about the cost/benefit.

Councilmember Mickelson also asked about salaries and Ms. Wright said the Council Policy does not address salaries.

Councilmember Gilmore asked when this would be back before the council for a vote and Ms. Wright said it would be April 6th.

Councilmember Brownlee asked if there were other IRB's on this warehouse area and Ms. Wright said yes.

12. 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 the acquisition of property in southwest Olathe.

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 the acquisition of property in southwest Olathe for 15 minutes. The motion carried with the following vote:

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

For consultation 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 the lawsuit City of Olathe v City of Spring Hill, et al., Case No. 21CV01003.

Motion by Campbell, seconded by Vogt, to recess into an executive session for consultation 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 the lawsuit City of Olathe v City of Spring Hill, et al., Case No. 21CV01003. for 15 minutes. The motion carried with the following vote:

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

13. RECONVENE FROM EXECUTIVE SESSION

Executive Session Item A - Motion by Campbell, seconded by Vogt, to authorize the Mayor to execute a real estate contract and for the City Attorney to execute all necessary closing documents for the acquisition of certain real property in southwest Olathe, and further authorize staff to proceed with the strategies as discussed with and directed by the Governing Body. Motion passed 7-0.

Executive Session Item B - Motion by Campbell, seconded by Vogt to authorize staff to fervently and aggressively proceed with the strategies as discussed with and directed by the Governing Body. Motion passed 7-0.

14. ADDITIONAL ITEMS

Councilmember Vogt asked about the timeline for receiving information about topics discussed at the recent council retreat.

City Manager Michael Wilkes said staff is working on these items and will provide information soon.

Councilmember Vogt also said she thought she had seen information that the new COVID package limited what the funding could be used for.

Director of Internal Affairs, Tim Danneberg, said there is no consistent information being released at this time and he has not heard what the timeline is to expect specific direction and parameters for the use of the funding.

City Manager Michael Wilkes said he expected it to be 30 to 45 days before receiving clarification.

Councilmember Vogt asked about the current status of the budget shortfall. Mr. Wilkes said they had projected an 18 million shortfall and had finished at 8 million.

Councilmember McCoy wished everyone a great St. Patrick's day.

15. ADJOURNMENT

The meeting was adjourned at 9:00 PM.

Brenda D. Long
City Clerk