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**1. CALL TO ORDER**

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

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 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 twelve minutes. The motion carried with the following vote:

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

- B.** 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 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 Downtown Streets Improvement Project, PN 3-R-001-21 for twelve minutes. The motion carried with the following vote:

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

**3. RECONVENE FROM EXECUTIVE SESSION**

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

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. The motion passed 7-0.

Executive Session Item B - 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 located at 118th Spruce Street and further authorize staff to proceed with the strategies as discussed with and directed by the governing body. The motion passed 7-0.

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

**5. PLEDGE OF ALLEGIANCE**

**6. SPECIAL BUSINESS**

- A.** Proclamation designating February as Black History Month.  
Mayor Bacon read and presented the proclamation to Kristie Lyons, treasurer for the Olathe unit of the NAACP. Kristie thanked the Mayor and Council for their support.

**7. CONSENT AGENDA**

Councilmember Brownlee asked for item O to be removed for separate consideration and vote.

Councilmember Mickelson and Councilmember Vogt asked for items H and I to be removed for separate consideration and vote.

Motion by Campbell, seconded by Vogt, to approve the consent agenda with the exception of items H, I, and O. 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 19, 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 La Hacienda and renewal applications for Hira's Steak and Sushi and

- Fuzzy's Taco Shop.  
Approved
- D.** Consideration of Resolution No. 21-1013 authorizing indemnification and defense for the City Manager in the matter of Cedar Creek Development Company, LLC, et al., v. City of Olathe, et al.  
Approved
- E.** Request for the acceptance of the dedication of land for public easements and public street right-of-way for a final plat for Crestone (FP20-0027) containing two (2) lots and three (3) common tracts on approximately 13.9 acres; located at the northeast corner of W. 119th Street and S. Sunnybrook Boulevard. Planning Commission approved the plat 9 to 0.  
Approved
- F.** Consideration of Consent Calendar.  
Approved
- G.** Consideration of Resolution No. 21-1014 authorizing the Santa Fe, Ridgeview to Mur-Len, Preliminary Engineering Project, PN 3-C-025-18; and repealing Resolution 19-1018.  
Approved
- H.** Consideration of Resolution No. 21-1015 authorizing the 119th Street, Woodland to Northgate, Improvements Project, PN 3-C-024-21.  
Councilmember Mickelson said he was excited about this project and asked staff to share more details about it.

Infrastructure Deputy Director, Beth Wright, provided a short overview of the proposed project.

Councilmember Vogt said she understood it was a high priority project, but also mentioned there are concerned residents who believed they would be negatively affected. She said she knew staff would be sensitive to these concerns and thanked them for already working with them.

Mayor Bacon asked how close the right of way would be to homes and Ms. Wright said they cannot tell exactly yet, but would be working to be as far south as possible.

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

- Yes:** Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore
- I.** Consideration of Professional Services Agreement with HDR Engineering, Inc., for design services for the 119th Street, Woodland to Northgate, Improvements Project, PN 3-C-024-21.  
Motion by Campbell, seconded by Vogt to approve item I. The motion carried with 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 Phoenix Concrete, LLC for construction of the 2021 Local and Collector Street Mill and Overlay Project - Group A, PN 3-P-004-21.  
Approved
- K.** Consideration of a Professional Services Agreement with Affinis Corp., for design of the Stagecoach and Sleepy Hollow Stormwater Improvements Project, PN 2-C-011-20.  
Approved
- L.** Consideration of a Master Agreement for Professional Services with TREKK Design Group, LLC for design of the 2021 and 2022 Sanitary Sewer Rehabilitation Project, PN 1-R-000-21 & 1-R-000-22.  
Approved
- M.** Consideration of renewal of contract with Overhead Door Company for door repair and replacement services.  
Approved
- N.** Consideration of renewal of contract with Core & Main for the purchase of Sensus water meters.  
Approved
- O.** Consideration of renewal of contract to Gerken Rent-All for portable restroom rental services for the Parks & Recreation and Public Works Departments.  
Councilmember Brownlee asked if there would be hand washing stations with the portable restrooms. She also pointed out that having open restrooms in City parks is more desirable than providing the portable restrooms.

Deputy Parks and Recreation Director, Brad Clay, said the permanent restrooms will be open and cleaned daily but there will be times when portable restrooms are necessary. He also said they are equipped with hand sanitizing stations.

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

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

- P.** Consideration of renewal of contract to AdventHealth Centra Care: Corporate Care to provide pre-employment physicals and workers compensation services.

Approved

## **8. NEW CITY COUNCIL BUSINESS**

Councilmember Brownlee reminded everyone that the west railroad tracks were going to be closed for repair on February 3rd.

Councilmember Vogt expressed her gratitude to the NFL for keeping the football season in play. She said it had been a respite during the pandemic. She wished the Chiefs well in the Super Bowl.

Councilmember McCoy thanked staff for their collaboration between departments and thinking outside the box. He said he had learned a lot in visiting the various departments in the past few weeks.

Mayor Bacon congratulated the Chiefs on their division win and said it had been an exciting season. He also wished them well in the upcoming Super Bowl.

## **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 the authorization of the 2022 Street Reconstruction Program, PN 3-R-000-22.  
Report accepted.

### **B. DISCUSSION ITEMS**

1. Discussion of the 2021 Downtown Outdoor Sculpture Exhibit.

Parks and Recreation Analyst, Renee Rush, introduced Chelsy Walker, Chairperson for the Public Art Committee. Ms. Walker gave a presentation of the art pieces they had chosen for the 2021 Downtown Outdoor Sculpture Exhibit.

Councilmember McCoy said he would rather use the butterfly sculpture instead of the sculpture of the chair.

Ms. Walker said the artist had been featured last year so they were trying to use others this year.

Ms. Rush said no artists had been notified so they could go back to the committee with the Council's recommendations.

Ms. Walker said she thought the chair was an interesting piece and Mr. McCoy said it was interesting but didn't know if he wanted to spend money on it.

Councilmember Vogt said she thought the chair was very interesting and was the only interactive piece. She said she personally liked the arch and thought it was intriguing.

Ms. Vogt also asked about the possibility of expanding the art display to maybe include locations at Lake Olathe.

Ms. Rush said it had been discussed, but walk-ability had been a key factor in the master plan but thought there would be continued discussions for other locations.

Councilmember Brownlee said she agreed with Mr. McCoy and felt like the chair looked like it was growing mold.

Councilmember McCoy said he would like to see something placed in the grassy area at Ridgeview and Santa Fe and thought that location would provide great exposure.

Ms. Rush asked if he was thinking of a temporary exhibit or

something permanent. Mr. McCoy said temporary would be fine for now.

Councilmember Campbell asked Ms. Rush and Ms. Walker to convey his appreciation to the Public Art Committee for all their hard work.

Mayor Bacon said he liked the selections and asked if they could get a map of where the sculptures would be located. Ms. Rush said they would provide one to the Council.

City Manager, Michael Wilkes, asked if that map would be on the website and Ms. Rush said it would be.

## **12. ADDITIONAL ITEMS**

Councilmember McCoy said the groundhog had seen his shadow so it will be six weeks until Spring.

Mayor Bacon reminded everyone of the Council retreat on Saturday morning.

## **13. ADJOURNMENT**

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

Brenda D. Long

City Clerk