



**BOARD OF TRUSTEES
REGULAR MEETING MINUTES
AUGUST 12, 2019**

REGULAR MEETING

A meeting of the Town of Olathe Board of Trustees was held on Monday, August 12, 2019, at Olathe Town Hall, 419 S. Horton Avenue. Said meeting was posted in accordance with the Sunshine Law. Mayor Rob Smith called the meeting to order at 7:00 P.M. with Trustee Jake Foreman leading the Pledge of Allegiance.

ROLL CALL

TRUSTEES PRESENT: Mayor Rob Smith; Trustee Jake Foreman; Trustee Ruth Dodge; Trustee Roland Hutson; Trustee Joe McCracken; Trustee Greg Davidson.

TRUSTEES ABSENT: Mayor Pro Tem Dolores Killen.

STAFF PRESENT: Patty Gabriel, Town Administrator (NR); Monique Garrett, Town Clerk (NR); David Masters, Town Attorney (NR).

PUBLIC PRESENT: Elaine Davison (R); County Commissioner Sue Hansen (NR).

Town of Olathe Resident (R) Non-resident (NR) Unknown residency (U)

CONSENT AGENDA

A motion by Trustee Roland Hutson to approve the consent agenda as amended was seconded by Trustee Joe McCracken. Discussion – None.

Aye: Mayor Rob Smith; Trustee Jake Foreman; Trustee Ruth Dodge; Trustee Roland Hutson; Trustee Joe McCracken; Trustee Greg Davidson.

Nay – None.

The motion passed with a six to zero vote in favor.

AGENDA CHANGES – None.

ACTION ITEMS

6.1) RIGHT-OF-WAY AND ACCESS EASEMENT FOR DMEA ACROSS TOWN SHOP PROPERTY

Town Attorney, David Masters, told the Board this is an easement to allow DMEA to cross Town property with underground power to the new cell tower.

A motion by Trustee Joe McCracken to authorize the Mayor's signature on the DMEA Right-of-Way and Access Easement Agreement across Town Shop property, located at 59650 Falcon Road, was seconded by Trustee Jake Foreman. Discussion – None.

Aye – Mayor Rob Smith; Trustee Jake Foreman; Trustee Ruth Dodge; Trustee Roland Hutson; Trustee Joe McCracken; Trustee Greg Davidson.

Nay – None.

The motion passed with a six to zero vote in favor.

6.2) OLATHE RESERVOIR LEASE RENEWAL

Patty Gabriel, Town Administrator, told the Board the 2019 Olathe Reservoir Lease has been reviewed by the Town Attorney and has no changes from the 2018 Lease.

A motion by Trustee Joe McCracken to authorize the Mayor's signature on the 2019 Olathe Reservoir Lease to Jack Kortz was seconded by Trustee Jake Foreman. Discussion – None.

Aye – Mayor Rob Smith; Trustee Jake Foreman; Trustee Ruth Dodge; Trustee Roland Hutson; Trustee Joe McCracken; Trustee Greg Davidson.

Nay – None.

The motion passed with a six to zero vote in favor.

6.3) EXCHANGE AGREEMENT BETWEEN THE TOWN OF OLATHE AND THE OLATHE ASSEMBLY OF GOD NON-PROFIT ORGANIZATION

Mr. Masters explained to the Board the two-part process to vacating Town property; which is to exchange a parcel of land owned by the Town with a parcel of land of the same size owned by the Olathe Assembly of God non-profit organization.

A motion by Trustee Roland Hutson to authorize the Mayor's signature on the Exchange Agreement between the Town of Olathe and the Olathe Assembly of God non-profit

organization for a parcel of land located East of 402A North Highway 50 Business Loop was seconded by Trustee Joe McCracken. Discussion – None.

Aye – Mayor Rob Smith; Trustee Jake Foreman; Trustee Ruth Dodge; Trustee Roland Hutson; Trustee Joe McCracken; Trustee Greg Davidson.

Nay – None.

The motion passed with a six to zero vote in favor.

6.4) ORDINANCE 2019-07 VACATING TOWN PROPERTY

Mr. Masters explained to the Board this is the second part to the land exchange process; and the Town can only vacate the property through an Ordinance.

A motion by Trustee Jake Foreman to approve Ordinance 2019-07 Vacating Town Property located East of 402A North Highway 50 Business Loop was seconded by Trustee Joe McCracken. Discussion – None.

Aye – Mayor Rob Smith; Trustee Jake Foreman; Trustee Ruth Dodge; Trustee Roland Hutson; Trustee Joe McCracken; Trustee Greg Davidson.

Nay – None.

The motion passed with a six to zero vote in favor.

DISCUSSION ITEMS – None.

INFORMATION FOR BOARD REVIEW - None.

OLD BUSINESS

- Trustee Davidson updated the Board on the schedule of events for the Olathe Harvest Festival.

PUBLIC COMMENT

- Elaine Davison – Congratulated Commissioner Hansen’s work during the Women of Distinction Ceremony.

TOWN ADMINISTRATOR REPORT

- Update on the Wortman Resurfacing Project.
- Thank you letter to Montrose County for the Wortman Resurfacing Project.

- Update on DOLA Grant request to move funding from the Hersum Storm Drainage Project for additional work on Wortman Avenue.
- Looking into the cost of a street light at Grand Avenue and 6th Street.
- Congratulations to the Olathe Police Department and Sergeant Black on a successful National Night Out Event.

STAFF COMMENTS

- Monique Garrett – None.

ATTORNEY COMMENTS – None.

MONTROSE COUNTY COMMISSIONER REPORT

- Appreciation and applause for the National Night Out Event.
- BOCC Town Hall meeting at Olathe Town Hall on August 28th at 7:00 PM.
- Invited Board to participate in the Land and Water Committee meetings.
- Looking forward to the Olathe Harvest Festival

BOARD COMMENTS

- Trustee Joe McCracken – Asked if the light on the cell tower has been discussed with the tower construction company.
- Trustee Greg Davidson – Is working on a distribution point for commodities for residents and thanked the Town of Olathe for its sponsorship of one (1) hour of wagon ride time at the Olathe Harvest Festival.
- Trustee Jake Foreman – Asked if a cover can be put on the culvert by Onion Park.
- Trustee Roland Hutson – None.
- Trustee Ruth Dodge – Kudos to the Olathe Police Department and Olathe Fire/EMS Department for National Night Out.
- Mayor Rob Smith – None.

EXECUTIVE SESSION

David Masters recommends the Board entertain a motion to enter into Executive Session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions regarding pending litigation.

So, moved by Trustee Roland Hutson and seconded by Trustee Joe McCracken. Discussion – None.

Aye – Mayor Rob Smith; Trustee Jake Foreman; Trustee Ruth Dodge; Trustee Roland Hutson; Trustee Joe McCracken; Trustee Greg Davidson.

Nay – None.

The motion passed with a six to zero vote in favor and the Board entered into Executive Session at 7:42 PM.

The Board re-entered Regular Session at 8:13 PM.

David Masters slated the time is now 8:13 PM and the Executive Session has concluded. The participants in the Executive Session were those who were identified on the record in the Executive Session. For the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into the Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

Hearing none, Mayor Smith resumed the Regular Session.

ADJOURNMENT

There being no further business at hand, a motion was made by Trustee Roland Hutson and seconded by Trustee Joe McCracken to adjourn the regular meeting of the Board of Trustees at 8:14 P.M. with no further action taken. Discussion – None.

Aye: Mayor Rob Smith; Trustee Jake Foreman; Trustee Ruth Dodge; Trustee Roland Hutson; Trustee Joe McCracken; Trustee Greg Davidson.

Nay – None.

The motion passed with a six to zero vote in favor.

Rob Smith, Mayor

ATTEST:

Monique Garrett, Town Clerk

Minutes approved as submitted _____
Minutes approved as amended _____