



**1. CALL TO ORDER**

**Present:** Bacon, Vogt, Gilmore, Schoonover, Felter, Vakas, and Essex

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.**

Mayor Bacon announced that staff has asked for item P on the consent agenda to be removed and considered at a future meeting. Staff also requested Report item 2 to be removed from the agenda, to be considered at a later date.

**3. PLEDGE OF ALLEGIANCE**

**4. SPECIAL BUSINESS**

**A.** Arbor Week Proclamation.

Mayor Bacon read the proclamation and presented it to City Arborist, Jared Doren. Mr. Doren thanked the council for the recognition.

**B.** Recognition of Olathe high school student champions.

Mayor Bacon presented awards to the high school athletes who were State champions in their designated sport.

**5. CONSENT AGENDA**

The items listed below are considered to be routine by the City Council and may be approved in one motion. These may include items that have been reviewed by the City Council in a prior planning session. There will be no separate discussion unless a council member requests that an item be removed from the consent agenda and considered separately.

Councilmember Felter asked to have items G, H, J, and K removed from the consent agenda to be considered separately.

Councilmember Vogt had wanted to pull items J and K as well.

**Approval of the Consent Agenda**

Motion by Vogt, seconded by Gilmore, to approve the Consent Agenda with the exception of items G, H, J, K, and P. The motion carried by the following vote:

**Yes:** Bacon, Vogt, Gilmore, Schoonover, Felter, Vakas, and Essex

- A.** Consideration of approval of the City Council meeting minutes of April 2, 2024.  
approved.
- B.** Consideration of renewal license(s) as recommended by the City Clerk.  
approved.
- C.** Request for the acceptance of the dedication of land for public easements and public street right-of-way for a final plat of Heritage Ranch, First Plat (FP24-0004), containing 99 lots and three (3) tracts on approximately 35.0 acres, located southwest of W. 159th Street and S. Black Bob Road. Planning Commission approved the plat 9 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 Heritage Ranch, Second Plat (FP24-0005), containing one 23 lots and three (3) tracts on approximately 9.43 acres, located southwest of W. 159th Street and S. Black Bob Road. Planning Commission approved the plat 9 to 0.  
approved.
- E.** Request for the acceptance of the dedication of land for public easements for a final plat of Boulder Creek, Fourth Plat (FP24-0006), containing 25 lots and two (2) tracts on approximately 14.53 acres, located southwest of W. 169th Terrace and S. Lindenwood Drive. Planning Commission approved the plat 9 to 0.  
approved.
- F.** Consideration of Consent Calendar.  
approved.
- G.** Consideration of Resolution No. 24-1015 authorizing the Signage & Wayfinding for Parks, Trails, and Unique Places Project, 4-C-035-24. Councilmember Felter requested this item to be pulled and considered separately so staff could provide additional information. Nate Baldwin, City Engineer, gave more detailed information about the project. Dr. Felter clarified that this is just the plan and not the design.

Councilmember Vakas asked more clarifying questions and asked if

there would be GPS coordinates. Mr. Baldwin said they would look at that possibility.

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

**Yes:** Bacon, Vogt, Gilmore, Schoonover, Felter, Vakas, and Essex

- H.** Consideration of an Agreement with Tangram Design, LLC for the Signage & Wayfinding for Parks, Trails, and Unique Places Project, 4-C-035-24.

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

**Yes:** Bacon, Vogt, Gilmore, Schoonover, Felter, Vakas, and Essex

- I.** Consideration of an authorization of transfer from the Water and Sewer Fund to the Cedar Creek Junction Box Repair Project, PN 1-C-022-22, and the JCW Doghouse Manhole Project, PN 1-C-023-22.

approved.

- J.** Consideration of acceptance of bids and award to Mid-America Pool Renovation for construction services for the replacement of the pool basin plaster as part of the Olathe Community Center Natatorium Renovations Project, PN 6-R-001-22.

Councilmembers Felter and Vogt asked for this item to be removed from the consent agenda and considered separately.

Dr. Felter asked for more information specifically regarding the timeline and communication of the closure to the community. Project Manager II, Dustin Fergen, provided details about the project and why it is necessary. He said the repair would take approximately six weeks and would include the epoxy coating as well.

Cody Kennedy, Chief Communications and Marketing Officer, said there were several communication plans already being implemented via social media, newsletters, etc. Dr. Felter asked about alternative pool passes for the outdoor pools. Zach Hardy, Deputy Infrastructure Director, said the City will provide passes to Community Center members to be able to utilize the outdoor pools and Lake Olathe.

Councilmember Vogt said she thought it was great to give passes to

the other pools. She asked about on-going repairs for the Community Center and Mr. Fergen said there were several projects being planned during the closure.

Councilmember Schoonover asked about outdoor pools remaining open longer in the season to accommodate for the closure and Mr. Hardy said there were issues with staffing if they go too long after the start of school.

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

**Yes:** Bacon, Vogt, Gilmore, Schoonover, Felter, Vakas, and Essex

- K.** Consideration of an agreement with Epoxy Coating Specialists for construction services for the replacement of the spa basin plaster, stair tower finish, and mechanical room flooring as part of the Olathe Community Center Natatorium Renovations Project, PN 6-R-001-22.

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

**Yes:** Bacon, Vogt, Gilmore, Schoonover, Felter, Vakas, and Essex

- L.** Consideration of renewal of contract with Olathe Winwater and authorization of purchase of fire hydrants.  
approved.
- M.** Consideration of bid and award of contract to Xylem Dewatering Solutions Inc. (d/b/a Wachs Water Services) for water valve and fire hydrant exercise, inspections, and fire flow testing.  
approved.
- N.** Consideration of renewal of contract to DH Pace Company, Inc., for door repair and replacement services.  
approved.
- O.** Consideration of agreement with Midland Wrecking for the demolition of city-owned buildings at 1040 W. Spruce Street and 404 N. K-7 Highway.  
approved.
- P.** Consideration of award of contract to Samsara for vehicle GPS services.  
This consent item was withdrawn to be considered at a future date..
- Q.** Consideration of award of contract with Remi for the negotiation of service rates for critical laboratory equipment.

approved.

- R. Consideration of the purchase of ammunition for the Police Department from Precision Delta Corporation.

approved.

## **6. NEW CITY COUNCIL BUSINESS**

Councilmember Essex said she had attended the President's Honors at MNU. She also said she was very pleased to see the agreement signed between the City and MNU to provide tuition to children of Olathe firefighters or police officers lost in the line of duty.

Councilmember Vogt said she enjoyed the recognition of the youth and their accomplishments. She thanked the fire chief for his communication to the council regarding fire safety in the community. She said she had the pleasure of speaking at two conferences and everyone who was in attendance from across the state was very complimentary to Olathe.

Councilmember Felter suggested the Federal legislative priorities/best practices issues regarding municipal court judges be looked at. Dr. Felter also said MNU's President's Honors event was very successful. She noted that this is National Animal Care and Control week and invited the community to participate in the May 3rd Olathe Cultural Fest and the Fourth Friday events hosted by the Chamber of Commerce.

Mayor Bacon said the Cedar Creek trail between Cedar Lake and Lake Olathe is open and there would be a ribbon cutting on Wednesday, April 24th and invited the community to attend.

## **7. END OF TELEVISED SESSION**

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

Persons wanting to speak regarding a general concern must sign up prior to the beginning of the City Council meeting. A person may sign up by notifying the City Clerk by calling 913-971-8521, or emailing CCO@Olatheks.gov by 5:00 PM or in person at City Hall until 30 minutes prior to the start of the meeting. The Council has allocated up to 3 minutes per speaker, and up to 30 minutes total for this portion of the meeting.

None.

## **9. CONVENE FOR PLANNING SESSION**

If report items are present, they have been 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 PDC STL/INDY LPIV, LLC and assigns for a master resolution for industrial revenue bonds and tax phase-in for the construction of an approximately 2,828,059 square foot warehouse and flex office business park at the northeast corner of west 175th Street and South Clare Road.  
This report was withdrawn by the applicant and will be considered at a later date.
3. Report on proposed Charter Ordinance No. 81, concerning City officers and employees, and proposed Charter Ordinance No. 82, redesignating and repealing Charter Ordinance No. 24.  
Councilmember Felter asked about the wording and Bob Gallimore, Assistant City Attorney, said the column she was referencing is the statutory language. Mr. Gallimore said Charter Ordinance 81 would exempt out of the state statute entirely so Charter Ordinance 76 would be the operational language.

Mayor Bacon asked for clarification regarding language about a mayor veto and Mr. Gallimore said that was a good example of the conflict in the statute and City's Charter Ordinance 76.

Councilmember Vakas asked about the reference to the president of the council and Mr. Gallimore said that was another example of the difference between the statute and Charter Ordinance 76. Mr. Vakas asked about the Mayor's authority to call up male citizens for military duty and Mr. Gallimore said we have more extensive provisions so we thought it was a safer route to exempt out.

Councilmember Vakas asked for an example and City Attorney, Ron Shaver, can not remember any incident of this being used and probably is a relic of WWI. He said it is a very

old statute.

Councilmember Schoonover asked clarifying questions about cities exempting themselves from state statutes. Mr. Gallimore said we enjoy a strong Home Rule in Kansas. He said that the State provides provisions that can be used by default if a City doesn't take action. Mr. Shaver said these statutes only apply to cities of the first class.

Mayor Bacon asked how cities of the first class are determined and Mr. Shaver said it is according to population.

4. Report on the authorization of the Modernization of Fire Stations project, PN 6-C-031-24.  
Report accepted.

## **B. DISCUSSIONS**

1. Discuss 2025 Budget Principles. (10 Min)  
Budget Manager, Jarrod Stewart, gave the budget principles presentation.

Councilmember Vakas asked for an example on principle number 8 regarding excess funds to apply to one time expenditures. Mr. Stewart said it could be used for something like deferred maintenance. Mr. Vakas asked if it could be used toward unfunded capitol projects and Mr. Stewart said yes.

Councilmember Schoonover questioned the reference to the lowest sustainable rate in principle number 10 and asked if that rate has been identified. Mr. Stewart said it could change depending on circumstance as they were building the budget.

Councilmember Felter asked if there should be something in the principles regarding the percentage of reserves and Michael Wilkes, City Manager, said that is included in the Debt Management Policies and they work with the financial advisor on this. He said the minimum is 15% with 30% being the target. Mr. Wilkes said they had used reserves after COVID because of the shortfall in sales tax. He said about 55% of the

City's revenues come from sales tax. Mayor Bacon asked about neighboring communities and their reserve percentages. Jamie Robichaud, Director of Economy, provided that information. Mr. Wilkes said the City is more reliant on sales tax than property tax.

Councilmember Felter asked if the excess funds had ever been applied to debt. Mr. Wilkes said he couldn't ever remember doing that. Deputy City Manager, Susan Sherman, said there were other things that were more advantageous to use it for. Mr. Wilkes said they were always on the look out for lower interest rates.

Councilmember Vakas asked that staff review the debt management policy.

Councilmember Gilmore said he thought the principle regarding excess fund should be a little more flexible. He said Olathe is a growing city and for a growing city debt not a bad thing.

Mayor Bacon asked if our debt limit is affected by other jurisdictions, like the school district.

Briana Burrichter, Chief Financial Officer, said the shared debt load is reported but there is a separate regulation and will share more information with the council. Mr. Wilkes said overlapping debt does show up in our bond rating.

Mayor Bacon said everyone is comfortable to modify principle number 8.

**2. Federal Legislative Priorities. (10 Min)**

Tim Danneberg, External Affairs and Issues Management Director, presented the federal legislative priorities.

Councilmember Vakas asked about microplastics regulations in the water supply and wondered if there was anything coming up regarding that. Deputy Director of Infrastructure, Zach



Hardy, said it is on the horizon but not right now.

## 10. EXECUTIVE SESSION

- A. Personnel matters of non-elected personnel pursuant to the exception provided in K.S.A.75-4319(b)(1) regarding the evaluation of the City Auditor.

Motion by Vogt, seconded by Gilmore, to recess into Executive Session regarding personnel matters of non-elected personnel pursuant to the exception provided in K.S.A.75-4319(b)(1) regarding the evaluation of a City Auditor, for 30 minutes, starting at 8:13 PM and returning to Council Chambers at 8:43 PM. The motion carried by the following vote:

**Yes:** Bacon, Vogt, Gilmore, Schoonover, Felter, Vakas, and Essex

Councilmembers Schoonover, Vogt, Felter, and Mayor Bacon reconvened in the Council Chamber at 8:43 PM. Mayor Bacon said they needed additional time. Motion by Vogt, seconded by Felter, to return into Executive Session for an additional 20 minutes, returning at 9:03 PM. The motion passed 4/0.

Councilmembers Felter, Vogt, Essex, and Mayor Bacon reconvened in the Council Chambers at 9:03 PM. Mayor Bacon said they needed additional time. Motion by Vogt, seconded by Felter to return to Executive Session for 5 minutes, returning at 9:08 PM. The motion passed 4/0.

## 11. RECONVENE FROM EXECUTIVE SESSION

Mayor Bacon stated the council is pleased with the work of Mary Ann Vasser, Internal City Auditor.

## 12. ADDITIONAL ITEMS

Mayor Bacon commented on the improvements on Blackbob Road by the post office.

## 13. ADJOURNMENT

The meeting was adjourned at 9:10 PM

Brenda D. Swearingian

City Clerk