



1. CALL TO ORDER

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

Others in attendance were 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.** Personnel matters of non-elected personnel pursuant to the exception provided in K.S.A.75-4319(b)(1) regarding the City Auditor Position. Motion by Vogt, seconded by Gilmore, to recess into an executive session to discuss personnel matters of non-elected personnel pursuant to the exception provided in K.S.A.75-4319(b)(1) regarding the City Auditor Position, for 10 minutes with the open meeting resuming in the Council Chambers at 6:56 PM. The motion carried by the following vote:

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

3. RECONVENE FROM EXECUTIVE SESSION

Motion by Vogt, seconded by Gilmore to authorize staff to proceed with the strategies discussed with and directed by the governing body. The motion carried by the following vote:

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

4. BEGIN LIVE STREAMED SESSION – 7:00 P. M.

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

Mayor Bacon stated that Police Sergeant Greg Richardson passed away unexpectedly last week while off duty and extended condolences to his family.

- A.** Proclamation declaring Oct. 6-12, 2024 Fire Prevention Week
Mayor Bacon read and presented the proclamation to Olathe Fire

Education Specialist, Karen Wiley.

Ms. Wiley thanked the mayor and council for the proclamation and spoke about the importance of Fire Prevention Week and the need for active smoke alarms.

B. Proclamation declaring October Disability Employment Awareness Month

Mayor Bacon read and presented the proclamation to Mark Gash, Chair of the Persons with Disabilities Advisory Board.

Mr. Gash thanked the mayor and council for the proclamation and spoke about the upcoming job fair on October 23, 2024.

C. Report from the Street Maintenance Sales Tax (SMST) Oversight Committee on the 2023 activities.

Carrie Rezac, Street Maintenance Sales Tax Oversight Committee Chair, provided a brief presentation to the council.

Mayor Bacon thanked the committee for their work and stated this was the tenth report from the committee and noted that new committee members will be selected to continue the work for the next ten years.

7. PUBLIC HEARINGS

Persons wanting to speak regarding a public hearing are asked to 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 no later than 30 minutes prior to the start of the meeting. Each speaker is allowed up to 5 minutes to address the City Council.

A. Public Hearing and Consideration of Resolution No. 24-1052 and Ordinance No. 24-41 on a request by 167 Logistics Centre West, LLC for an increase of \$6,000,000 for issuance of industrial revenue bonds for the construction of a 438,314 square foot industrial/warehouse building on approximately 22.55 acres of land on the northeast corner of 167th Street and Monticello Road.

Financial Strategy and Procurement Manager, John Page, provided a presentation to the council.

No public comments were heard.

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

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

Motion by Vogt, seconded by Gilmore, to approve Resolution No. 24-1052 as presented. The motion carried by the following vote:

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

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 24-41 as presented. The motion carried by the following vote:

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

8. 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.

Approval of the Consent Agenda

Motion by Vogt, seconded by Gilmore, to approve the Consent Agenda with the exception of item G. 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 the September 17, 2024 council meeting and the September 20, 2024 special call meeting.
approved.
- B.** Consideration of renewal license(s) as recommended by the City Clerk.
approved.
- C.** Consideration of business expense statement for the City Manager Michael Wilkes to attend a League of Kansas Municipalities in Salina Kansas on September 13, 2024.
approved.
- D.** Request for the acceptance of the dedication of the land for public easements for a final plat for Stonebridge Park, Replat of Lot 60 (FP24-0024), containing one (1) lot and one (1) tract on approximately 0.34 acres, located at 15844 W. 163rd Street. Planning Commission approved the plat 9 to 0.
approved.

- E.** Consideration of approval of the 2024 Byrne Justice Assistance Grant (JAG) Program.
approved.
- F.** Consideration of Engineer's Estimate, acceptance of bids, and award of contract to Pyramid Contractors, Inc. for construction of the Upper Mill Creek RCB Repair Project, PN 3-G-003-23.
approved.
- G.** Consideration of an Agreement with Crouch Recreation, Inc. for the Black Bob Park Improvements Project, 4-C-008-23.
Councilmember Vogt stated she pulled this item to allow staff to provide an update on the project because we are using Park Sales Tax and Park Excise Sales Tax for the project.

Tod Hueser, Park Project Manager, provided details of what the project will entail at the site.

Ms. Vogt asked if the playground equipment will be accessible for all. Mr. Hueser stated, most of the features will be adaptable for all.

Mayor Bacon asked if the park would have a mini zipline. Mr. Hueser stated, that was not part of the plan for this park.

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

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

- H.** Consideration of an agreement with Unlimited Sports Solutions, Inc. for the Prairie Center Park Improvements Project, PN 4-C-016-22.
approved.
- I.** Consideration of award of contract to McAnany Construction, Inc. for miscellaneous asphalt and concrete work.
approved.
- J.** Consideration of an Amendment to the Agreement with Titan Built LLC. for Construction Management services for the Facility Improvements and Renovations Project, PN. 6-C-038-24.
approved.
- K.** Consideration of approval of price agreement with Delta Fire and Safety Equipment, LLC for purchase of bunker gear and rescue equipment.
approved.

9. NEW BUSINESS

- A.** Consideration of Ordinance No. 24-38 amending Olathe Municipal Code Chapter 3.50 (Procurement Policies).

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 24-38, amending the Olathe Municipal Code Chapter 3.50, procurement policies. The motion carried by the following vote:

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

- B.** Consideration of Ordinance No. 24-39 authorizing issuance of the City's taxable industrial revenue bonds in an amount not to exceed \$88,739,000 for the renovation and repurposing of two existing facilities to higher and better use on the Garmin campus.

Mayor Bacon noted the amount of \$88,739,000 was incorrect in the titling of the item and the correct amount in the ordinance is \$62,018,800.

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 24-39. The motion carried by the following vote:

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

- C.** Consideration of Ordinance No. 24-40 (RZ24-0011), from the RP-3 (Planned Low-Density Multifamily), RP-4 (Planned Medium-Density Multifamily), and C-2 (Community Center) Districts to the R-3 (Low-Density Multifamily) District and a revised preliminary site development plan for Olathe Commons on approximately 23.15 acres; located southwest of W. 119th Street and S. Greenwood Street. Planning Commission recommends approval 8 to 0.

Senior Planner, Nathan Jurey, provided a presentation to the council.

Councilmember Vogt spoke about the current proposed density and asked what density was allowed previously and what the density is now. Mr. Jurey stated density was 18 units per acre and is currently at 9 units per acre. Ms. Vogt asked if there were any protest petitions received on the proposed property. Mr. Jurey stated no. Ms. Vogt asked if any of the single family homes will be owner occupied. Mr. Jurey stated the developer is planning on owning the whole community and renting them out.

Councilmember Essex stated she appreciates the size and type of homes helping with the missing middle, but is sad to see that there

is not a chance to purchase.

Steve Furr, PeakMade Real Estate, Atlanta, GA, stated a full rental property could always transition to have some for sale, but it would have to be a condo set up. He also stated rent would be approximately \$2000.00 to \$3000.00 a month.

Councilmember Felter stated she is excited about the project because she feels that not everyone wants to purchase a home, and the development will provide that need.

Councilmember Vakas asked about the commercial development in the northwest portion of the property and if this plan includes the future development of the NW corner. Mr. Jurey clarified the commercial development is not part of this current proposal. Mr. Vakas also stated he would like to see at least partial basements.

Councilmember Schoonover asked for clarification on left turn traffic out of the development on Shannan Ln. Mr. Jurey stated an additional left turn would be added.

Mayor Bacon asked if a storm shelter would be required in the homes. Mr. Jurey stated that the developer would have to meet all building codes, and that would include a storm shelter.

Councilmember Vogt asked for clarification on the lack of garages for the single-family homes. Mr. Jurey, provided clarification about which homes on the site would not have a garage.

Councilmember Gilmore stated the lack of garages is to help keep the price point more affordable and is excited for the project because it is innovative.

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 24-40 as presented. The motion carried by the following vote:

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

10. NEW CITY COUNCIL BUSINESS

Councilmember Vogt thanked the staff for their responsiveness to her requests and questions.

Councilmember Felter stated the Olathe Arts Festival was last weekend and noted all the activities at the event. Dr. Felter also mentioned three Olathe fire fighters were deployed to Florida to help with recovery efforts following hurricane Helene. She also sent condolences to the family of Sergeant Richardson's family.

Councilmember Gilmore wished City Manager, Michael Wilkes, the best, as he recovers.

Councilmember Essex extended condolences to Sergeant Richardson's family. Ms. Essex also gave a shout out to Brent Berry, Right-of-Way Manager, for his quick assistance with a citizens concern.

Councilmember Schoonover thanked the council for their support. He also stated that Chief Butaud shared about how the Olathe Police Department is involved in the community and how they work through challenging calls.

Mayor Bacon stated there were 4000 attendees and 57 artists at the art festival and noted that applications are now being accepted for the 2025 Civic Academy.

11. END OF LIVE STREAMED SESSION

12. 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.

Gregory Betzen, Olathe resident, spoke about the STAR Bond process.

13. 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. DISCUSSION ITEMS

1. Discussion on Olathe Community Fund.
Tim Danneberg, Director of External Affairs and Issue Management, provided a presentation to the council.

Councilmember Vakas stated that he was unaware of the fund's existence and expressed concerns about potential donor fatigue, noting that the city already has multiple foundations. He suggested putting this initiative on hold while the city focuses on the Animal Care and Control Foundation.

Councilmember Felter asked for clarification on the term "case study," which Mr. Danneberg provided. Dr. Felter then expressed her opposition to creating a board.

Councilmember Vogt offered the history on why the fund was originally created. She also shared her reservations, noting that this fund seems more abstract compared to other city foundations, and suggested the city should begin considering how to use the funds.

Councilmember Gilmore agreed that a case study would be beneficial in providing additional information. He also mentioned that donors are more likely to contribute to tangible projects rather than simply adding money to a fund.

Mayor Bacon inquired if the funds being received were restricted, which Mr. Danneberg clarified. The mayor then expressed his support for conducting a case study.

Councilmember Essex echoed this sentiment, stating that a case study is the right direction to take.

Councilmember Schoonover also expressed his approval of the case study.

2. Discussion regarding Opioid Litigation Settlement Funds.
Olathe Fire's Strategic Initiatives Administrator, Kristine Martin,

and Police Sergeant Robert McKeirnan gave a presentation to the council.

Councilmember Vakas stated it is reassuring to see the police and fire departments collaborating on the proposal and asked clarifying questions regarding sustained funding, which Ms. Martin addressed.

Councilmember Schoonover voiced support for the program and inquired about the expected number of participants. Mr. McKeirnan estimated approximately 10-15 individuals.

Councilmember Vogt asked about the integration of the court system into the program, and Mr. McKeirnan provided information on how the court could utilize it. Ms. Vogt asked questions about funding, which were explained by Susan Sherman, Deputy City Manager, who outlined potential funding sources.

Councilmember Gilmore appreciated the presentation and asked for clarification on the hired contractor positions, while Councilmember Felter thanked Ms. Martin and Mr. McKeirnan for their creative collaboration. Dr. Felter also asked what the program's next steps would be for individuals who do not change, and Mr. McKeirnan provided an explanation.

Mayor Bacon expressed concerns regarding funding for the contract positions, and Fire Chief Jeff DeGraffenreid clarified how these positions would be funded.

3. Municipal Court update.

Judge McElhinney and Judge Kenney, provided a presentation on the Municipal Court to the council.

Councilmember Essex stated she loves how the court staff finds ways to work with the community.

Councilmember Vakas asked how many community service hours are completed in a year by individuals? Judge McElhinney stated about 500-750 hours a year.

Councilmember Felter asked what their most significant barrier to success is. Judge Kenney feels that mental health resources are the biggest barrier.

Councilmember Vogt appreciates all the hard work that Judge McElhinney and Judge Kenney do to make a difference in Olathe.

Mayor Bacon likes the process of having the judges provide an update to the council.

14. ADDITIONAL ITEMS

Councilmember Felter mentioned articles in the current edition of the KC Business Journal.

Deputy City Manager Susan Sherman, mentioned the upcoming City Hall renovations and asked councilmembers to check with Cathy Marks or the CMO office if they need staff as they may not be where they normally are.

Mayor Bacon stated as of now the plan is to still meet December 17th for the regular council meeting.

15. ADJOURNMENT

The meeting adjourned at 10:07 PM.

Eric Strimple
Assistant City Clerk