



1. CALL TO ORDER

Present: Bacon, Schoonover, Felter, Vakas, Essex, Creighton,
and Deneault

Others in attendance were City Manager, Susan Sherman, City Attorney, Ron Shaver and members of City staff.

2. EXECUTIVE SESSION

Consideration of motion to recess into an executive session to discuss the following items:

- A.** Recess into an executive session for consultation with the City Attorney to discuss matters deemed privileged in the attorney-client relationship regarding certain pending quarry special use permit applications pursuant to the exception provided in K.S.A. 75-4319(b)(2).

Motion by Vakas, seconded by Felter, to recess into an executive session for consultation with the City Attorney to discuss matters deemed privileged in the attorney-client relationship regarding certain pending quarry special use permit applications pursuant to the exception provided in K.S.A. 75-4319(b)(2) for a time not to exceed 45 minutes. He said the open meeting would resume in the City Council chambers no later than 6:45 PM. The motion carried by the following vote:

Yes: Schoonover, Felter, Vakas, Essex, Creighton, Deneault,
and Bacon

Mayor Bacon reconvened the open meeting at 6:45 P.M. and said there was no action required.

- B.** Recess into an executive session for consultation with the City Attorney which would be deemed privileged in the attorney-client relationship regarding a tort claim pursuant to the exception provided in K.S.A. 75-4319(b)(2).

Motion by Vakas, seconded by Felter, to recess into executive session for consultation with the City Attorney to discuss matters deemed privileged in the attorney-client relationship regarding a tort claim pursuant to the exception provided in K.S.A. 75-4319(b)(2) for a time not to exceed 10 minutes. He said the open meeting would resume in the

City Council chambers no later than 7:00 PM. The motion carried by the following vote:

Yes: Creighton, Deneault, Vakas, Felter, and Bacon

Absent: Schoonover, and Essex

Councilmembers Essex and Schoonover joined the Executive Session.

3. RECONVENE FROM EXECUTIVE SESSION

Motion by Vakas, seconded by Felter, to authorize the City Attorney finalize and the Mayor to execute an agreement to resolve a particular tort claim involving flooding. The motion failed by the following vote:

Yes: Deneault, Essex, Felter, Bacon, Schoonover, Vakas,
and Creighton

4. PLEDGE OF ALLEGIANCE

Mayor Bacon said staff had requested Consent Item F to be removed from the agenda to be considered at a later date.

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.

Approval of the Consent Agenda

Motion by Vakas, seconded by Felter, to approve the Consent Agenda with the exception of Item F. The motion carried by the following vote:

Yes: Bacon, Schoonover, Felter, Vakas, Essex, Creighton,
and Deneault

- A.** Consideration of approval of the City Council minutes of the July 21, 2026 meeting.
approved.
- B.** Consideration of Resolution 26-1069 consenting to the assignment of a portion of the benefits of Resolution No. 17-1054 from Holmes 111, LLC to Olathe H2 LLC and Swami H2 LLC.
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 Olathe Fire Station No. 4 (FP26-0015), containing one (1) lot on approximately 1.61 acres, located southeast of W. 133rd Street and S. Mur-Len Road.

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 Stonebridge Manor 5th Plat (FP26-0011), containing 25 lots and three (3) tracts on approximately 6.76 acres, located southeast of W. 167th Street and S. Mur-Len Road. Planning Commission approved the plat 8 to 0.
approved.
- E. Consideration of the Consent Calendar.
approved.
- F. Consideration of Approval of Design Contract Amendment 2 for SFS Architecture for design of the Animal Shelter Project, PN 6-C-007-23. This item was removed from the Consent Agenda by staff to be considered at a later date.
- G. Consideration of renewal of contract to Crafc0, Inc., for the purchase of crack repair material for the Field Operations Division of Infrastructure.
approved.
- H. Consideration of Amendment No.1 to the Fire Protection Services Agreement between the City of Olathe and Johnson County Consolidated Fire District No. 1.
approved.

6. NEW BUSINESS

- A. Consideration of Ordinance No. 26-40 (RZ26-0005), requesting approval of a rezoning from the AG (Agricultural) District to the PD (Planned) District and a preliminary site development plan for 133rd and Black Bob Mixed Use on approximately 5 acres, southeast of W. 133rd Street and Black Bob Road. Planning Commission recommends approval 6 to 0.
Senior Planner, Nathan Jurey, provided a presentation for the Council regarding this project.

Council members asked questions about both the design of the proposed development and its potential traffic impacts.

Councilmember Vakas asked whether the units would be offered for sale or rent, and Mr. Jurey said that had not yet been decided. He also asked whether the units would be elevator-accessible, and Mr. Jurey said he believed they would be.

Councilmember Deneault focused on traffic along 133rd Street and asked when a traffic signal might be warranted. City Engineer, Nate Baldwin, said there is no justification for one at this time, but it would likely become warranted with future development and said staff regularly monitors traffic data at those intersections.

Councilmember Schoonover encouraged the City to consider improvements to 133rd Street sooner rather than later, and Councilmember Creighton agreed. Mayor Bacon also pointed out that the renderings appeared to show the street not lining up, but Mr. Baldwin clarified that the street alignment would be correct.

The applicant, Jib Felter, said the project is intended to serve the “missing middle” housing market. He explained that he had worked with staff to increase density so the units could be sold below market value. He also stated that each unit would be designed to allow for a potential elevator shaft if desired. Mayor Bacon asked if they had used this type of elevator before. Mr. Felter said they had not, but they were familiar with the product and pleased to bring it to this project.

Motion by Vakas, seconded by Schoonover, to approve Ordinance 26-40. The motion carried by the following vote:

Yes: Bacon, Schoonover, Vakas, Essex, Creighton, and Deneault

Recused: Felter

- B.** Consideration of Ordinance No. 26-41 amending Olathe Municipal Code 6.09.040 (Definitions) pertaining to the control of noxious weeds, weeds and other uncontrolled vegetation.

Motion by Vakas, seconded by Felter, to approve Ordinance 26-41. The motion carried by the following vote:

Yes: Deneault, Essex, Felter, Bacon, Schoonover, Vakas, and Creighton

7. GENERAL ISSUES AND CONCERNS OF CITIZENS

Caleb Bauer, an Olathe resident, spoke regarding the Starfish Project.

Kelly Patterson, an Olathe resident, spoke regarding the Starfish Project.

Reid Kapple, an Olathe resident, spoke regarding the Starfish Project.

David Kocour, an Olathe resident, spoke regarding the Starfish Project.

Kevin Sellers, an Olathe resident, spoke regarding the Starfish Project.

Kate Gray, an Olathe resident, spoke regarding the Starfish Project.

Eric Banks, an Olathe resident, spoke regarding the Starfish Project.

David Miller, an Olathe resident, spoke regarding the Starfish Project.

Josianne Mpow, an Olathe resident, spoke regarding the Starfish Project.

John Tompkins, an Olathe resident, spoke regarding the Starfish Project.

Jane Yearout, an Olathe resident, spoke regarding the Starfish Project.

Michelle O'Brien, an Olathe resident, spoke regarding the Starfish Project.

Lauren Lantz, an Olathe resident, spoke regarding the Starfish Project.

Alicia Jackson, an Olathe resident, spoke regarding the Starfish Project.

Bridgette Moore, an Olathe resident, spoke regarding the Starfish Project.

Valerie Duncan, an Olathe resident, spoke regarding the Starfish Project.

8. 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.** Report on a request of 167 Olathe 4, LLC and 167 Olathe 5, LLC, and assigns for an issuance request for a master resolution for industrial revenue bonds and tax phase-in for the construction of manufacturing facilities. The project will entail approximately three buildings totaling 1,500,000 square feet on a total of 118.08 acres located on the southwest corner of 167th & Lone Elm Road.
Report accepted.
- 2.** Report on a request by 167 Olathe 5, LLC (Building 2) and assigns for an issuance request for industrial revenue bonds and tax phase-in for a one or more series application under a master resolution. The project will entail the construction of a 500,000 square foot manufacturing facility on an approximately 40.23 acre lot located at the southwest corner of 167th Street and Lone Elm.
Report accepted.
- 3.** Report on a request by 167 Olathe 4, LLC (Building 1) and assigns for an issuance request for industrial revenue bonds and tax phase-in for a one or more series application under a master resolution. The project will entail the construction of 500,000 square foot industrial facility on an approximately 37.63 acre lot located at the southwest corner of 167th Street and Lone Elm.
Report accepted.
- 4.** Quarterly Procurement Report

Report accepted.

B. DISCUSSION ITEMS

1. General Overview of the Proposed 2027 Water & Sewer, Stormwater, and Solid Waste Budgets, 2027-2031 Capital Improvement Plan (CIP), and fees
Clara Bernauer, Budget Manager, presented an overview of the water and sewer, stormwater, and solid waste funds. She said handouts were provided to the Council and would also be posted online for the public.

Mary Jaeger, Infrastructure Director, then provided more detailed information on the Capital Improvement Plan and anticipated future needs of the City's water and sewer systems.

Council discussion focused on long-term system planning, risks, and cost management. Topics included whether it may eventually make sense to bring more waterline rehabilitation work in-house, continue partnering with outside organizations, or compare City utility operations against other regional providers. It was also noted that many of the planned utility investments are driven by federal regulatory requirements. However, staff indicated that the City pursues grant opportunities when available.

Staff said that they are always evaluating water usage and they look at models several years into the future to help guide where there they anticipate the most need. Additional discussion addressed deferred maintenance, within wastewater infrastructure, the tracking of water main breaks and system capacity for new development.

Council members asked about the food waste program and staff said it is performing well and expanding with grant support. They did indicate that curbside service is not under consideration as it would not be cost effective at this time.

Mayor Bacon said the Council needed to add a third executive session and

called for a motion. Councilmember Vakas made a motion to recess into an executive session for consultation with the City Attorney to discuss matters deemed privileged in the attorney-client relationship regarding a certain pending special use permit application pursuant to the exception provided in K.S.A. 75-4319(b)(2) for a time not to exceed 15 minutes. He said the open meeting would resume in the City Council chambers no later than 9:28 PM.

The motion was seconded by Councilmember Felter and passed 7-0.

The Council reconvened at 9:28 P.M. and the Mayor indicated there was no action coming out of the executive session.

9. ADDITIONAL ITEMS

Mayor Bacon invited everyone to the next Olathe Live! concert at Stagecoach Park. He said all donations collected would go to the Mayor's Children's Fund. He also reminded everyone that summer is coming to an end and the pools will be closing.

10. ADJOURNMENT

The meeting was adjourned at 9:31 P.M.

Brenda D. Swearingian
City Clerk