



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. EXECUTIVE SESSION

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

- A.** Preliminary discussion regarding the acquisition of real property for the Black Bob Road, 153rd Terrace to 159th Street, Improvements Project, PN 3-C-041-23, pursuant to the exception provided in K.S.A. 75-4319(b)(6).

Motion by Vogt, seconded by Gilmore, to recess into executive session for items 2.A. and 2.C, for preliminary discussion regarding the acquisition of real property for the Black Bob Road, 135rd Terrace to 159th Street, improvements project, PN 3-C-041-23, and regarding the acquisition of real property in downtown Olathe and south Olathe, pursuant to the exception provided in K.S.A. 75-4319(b)(6), for 10 minutes, returning to council chambers at 6:10 PM, the motion carried by the following vote:

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

- B.** Discuss data relating to financial affairs or trade secrets of corporations, pursuant to the exception provided in K.S.A. 75-4319(b)(4).

Councilmembers Schoonover, Felter, and Vakas remained in the Executive Session conference room, while Councilmembers Vogt, Gilmore, Essex and Mayor Bacon returned to council chambers at 6:10 PM.

Motion by Vogt, seconded by Gilmore, to recess into executive session to discuss data relating to financial affairs or trade secrets of corporations, pursuant to the exception provided in K.S.A. 75-4319(b)(4), for 45 minutes, returning to council chambers at 6:48 PM, the motion carried by the following vote:

Yes: Bacon, Vogt, Gilmore, and Essex

Absent: Schoonover, Felter, and Vakas

- C.** Preliminary discussion regarding the acquisition of real property in downtown Olathe and south Olathe pursuant to the exception provided in K.S.A. 75-4319(b)(6).

Motion by Vogt, seconded by Gilmore, to recess into executive session for items 2.A. and 2.C, for preliminary discussion regarding the acquisition of real property for the Black Bob Road, 135rd Terrace to 159th Street, improvements project, PN 3-C-041-23, and regarding the acquisition of real property in downtown Olathe and south Olathe, pursuant to the exception provided in K.S.A. 75-4319(b)(6), for 10 minutes, returning to council chambers at 6:10 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, on item 2.A, to authorize staff to acquire the necessary public right-of-way, temporary and permanent easements for the Black Bob Road, 153rd Terrace to 159th Street, Improvements Project, PN 3-C-041-23, as directed by the Governing Body, the motion carried by the following vote:

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

Motion by Vogt, seconded by Gilmore, on item 2.B, to authorize the City Attorney to finalize and the Mayor to execute a real estate contract and development agreement and take related actions regarding the redevelopment of 200 S. Kansas Avenue as directed by the Governing Body., the motion carried by the following vote:

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

Motion by Vogt, seconded by Gilmore, also on item 2.B, to authorize the City Attorney to finalize and the Mayor to execute a real estate contract and development agreement and take related actions regarding the redevelopment of 139 S. Kansas Avenue as directed by the Governing Body, the motion carried by the following vote:

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

Motion by Vogt, seconded by Gilmore, on item 2.C, to authorize the City Attorney to finalize and the Mayor to execute a real estate exchange agreement and associated agreements with the United States Postal Service, 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

- A.** Proclamation recognizing May as Asian American Pacific Islander Heritage Month.
Mayor Bacon read and presented the proclamation to Anh Rongish, member of the Human Relations Commission.

Ms. Rongish thanked the mayor and council for the recognition and also spoke on the importance of getting to know your neighbors.

- B.** Recognition of 2024 Olathe Civic Academy graduates.
Megan Spence, Civic Academy Coordinator, introduced the 2024 Civic Academy graduates.

Graduate, Ron Fredman, spoke about what the participants learned during the academy and praised city staff for the work they do in the city.

Mayor Bacon presented the graduates with a Certificate of Recognition.

- C.** Recognition of the Public Service Recognition Week award winners.
City Manager, Michael Wilkes, provided an explanation of the four awards given out during Public Service Recognition Week and shared pictures of the winners.

Mayor Bacon took pictures with each categories award winners.

Mayor Bacon also congratulated Susan Sherman, Deputy City Manager, for her 35 years of service to the City of Olathe.

7. 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. 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 May 7, 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 Lakeview Ridge, 2nd Plat (FP24-0008), containing 42 lots and two (2) tracts on approximately 17.67 acres, located northeast of W. 143rd Street and S. Houston Street. Planning Commission approved the plat 8 to 0.
approved.
- D.** Request for the acceptance of the dedication of land for public easements for a final plat of Mur-Len Commercial Park, Fifth Plat (FP24-0009), containing three (3) lots and one (1) tract on approximately 11.67 acres, located northeast of W. 135th Street and N. Mur-Len Road. Planning Commission approved the plat 8 to 0.
approved.
- E.** Request for the acceptance of the dedication of land for public easements and public street right-of-way for a final plat of Abbey Valley (FP24-0010), containing 51 lots and six (6) tracts on approximately 20 acres, located northeast of W. 167th Street and S. Ridgeview Road. Planning Commission approved the plat 8 to 0.
approved.
- F.** Consideration of Resolution No. 24-1017 authorizing the public sale of General Obligation Temporary Notes, Series 2024-A; and General Obligation Improvement Bonds, Series 2024A.
approved.
- G.** Consideration of Resolution No. 24-1018 authorizing the public sale of Water and Sewer System Improvement Bonds, Series 2024.
approved.

- H.** Consideration of Resolution No. 24-1019 authorizing the public sale of Stormwater System Improvement Bonds, Series 2024.
approved.
- I.** Consideration of contract renewal with ETC Institute for quarterly citizen satisfaction surveys.
approved.
- J.** Consideration of Consent Calendar.
approved.
- K.** Consideration of an authorization of transfer ARPA funds to the Black Bob #2 Recoating Project, PN 5-C-025-23.
approved.
- L.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Donelson Construction Company, LLC for construction of the 2024 MAQS Micro Surface Project, PN 3-P-008-24.
approved.
- M.** Consideration of contract and quote from Trojan Technologies Group ULC for SCADA upgrades associated with the Cedar Creek PLC Replacement Project, PN 1-C-001-24.
approved.
- N.** Consideration of Professional Services Agreement with Orrick & Erskine, L.L.P. for land acquisition and appraisal services for the Santa Fe, Ridgeview to Mur-Len, Improvements Project, PN 3-C-025-18.
approved.
- O.** Consideration of award to Snap-On Industrial for the replacement of Vehicle Maintenance Toolboxes.
approved.
- P.** Consideration of award of contract to 3MAT Co. dba Precision Concrete Cutting Midwest for saw cutting services.
approved.
- Q.** Consideration of renewal of contract to Per Mar Security and Research Corp. dba Midwest Alarm for building security systems and services for City of Olathe buildings.
approved.
- R.** Consideration of renewal of contracts for water and wastewater treatment chemicals for the Environmental Services Division of Infrastructure.
approved.
- S.** Consideration of award of contract to J & D Equipment, Inc., dba American Equipment Company for the fabrication, installation and repair

of new and existing truck mounted equipment and accessories.
approved.

- T.** Consideration of renewal of contract with Feld Fire Equipment for Self-Contained Breathing Apparatus (SCBA) equipment for the Fire Department.

approved.

- U.** Consideration of award of contract to Sysco Kansas City, Inc. for the purchase of concessions supplies for the Recreation Department.

approved.

8. NEW BUSINESS

- A.** Consideration of Resolution No. 24-1020 authorizing a survey and description of land or interest to be condemned for the 167th & Ridgeview Geometric Improvements, PN 3-C-018-22.

Motion by Vogt, seconded by Gilmore, to approve Resolution No. 24-1020, the motion carried by the following vote:

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

- B.** Consideration of Ordinance No. 24-14 approving an engineer's survey and authorizing the acquisition of land for the 167th & Ridgeview Geometric Improvements, PN 3-C-018-22.

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 24-14, the motion carried by the following vote:

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

- C.** Consideration of Ordinance 24-15 requesting approval to annex approximately 27.25 acres into the corporate boundaries of the City of Olathe, located southwest of W. 167th Street and Hedge Lane (ANX24-0001).

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 24-15 requesting approving annexation of approximately 27.25 acres into the corporate boundaries of the City of Olathe, located southwest of W. 167th Street and Hedge Lane, ANX24-0001, the motion carried by the following vote:

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

- D.** Consideration of Ordinance 24-16 requesting approval to annex approximately 156.79 acres located northwest of W. 175th Street and S. Lone Elm Road and approximately 149.92 acres located northwest of W. 183rd Street and S. Hedge Lane (ANX24-0002).

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 24-16 related to annexation 24-0002, the motion carried by the following vote:

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

- E.** Consideration of Ordinance 24-17 (RZ23-0011), requesting approval of a rezoning from the M-2 (General Industrial) District to the C-2 (Community Center) District and a preliminary site development plan for New Creation, Inc. on approximately 0.73 acres; located at 504 E. Kansas City Road. Planning Commission recommended approval 7 to 0. Senior Planner, Emily Carrillo, provided a presentation to the council.

Councilmember Schoonover asked clarifying questions regarding the mention of eighty residents. Ms. Carrillo stated the property would not be housing people, but used as a community center.

Councilmember Gilmore stated that he has visited with the applicant before and the residents live in properties north of this property that has been acquired by New Creations.

Mayor Bacon asked if staff feels parking will be adequate. Ms. Carrillo stated that the majority of individuals using the space live within walking distance so parking should not be an issue.

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 24-17, RZ23-0011, approving rezoning from M-2 District to C-2 District and a preliminary site development plan for New Creation, Inc. on approximately 0.73 acres; located at 504 E. Kansas City Road, the motion carried by the following vote:

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

- F.** Consideration of Ordinance 24-18 (RZ23-0013), requesting approval of a rezoning from the RP-1 (Planned Single-Family) District to the C-1 (Neighborhood Center) District and a preliminary site development plan for Caribou Coffee on approximately 1.10 acres; located northwest of W. 159th Street and S. Ridgeview Road. Planning Commission recommended approval 7 to 0.

Senior Planner, Emily Carrillo, provided a presentation to the council.

Councilmember Gilmore asked if hours of operation was considered to be when it is open to the public or when staff could be on site.

Rob Barse, Mint Development Co, 723 S. Oaks Dr, Hasting, MN,

stated locally the standard hours being open to the public are 6 AM to 6 PM.

Councilmember Essex asked if Caribou Coffee left, would a small McDonald's be able to go on the site. Ms. Carrillo stated the business would have to work within the time and use restrictions listed.

Councilmember Vogt asked if fast food would be prohibited on lot 2. Ms. Carrillo replied, yes. Ms. Vogt also asked to clarify that the ordinance before them was not approving fast food on lot 2. Ms. Carrillo stated that was correct.

Councilmember Schoonover asked with the small size of lot 2, what types of business could go on the site. Ms. Carrillo, provided a few examples such as, salons, pet hospital, paint stores, and barbershops.

Councilmember Felter asked if these restrictions would be deed restrictions or stipulations. City Attorney, Ron Shaver, stated there would be stipulations related to the rezoning on the lot. Dr. Felter stated she feels the recommendations on lot 2 are a little heavy handed.

Motion by Vogt, seconded by Gilmore, to approved Ordinance No. 24-18 pertaining to RZ23-0013, approving rezoning from the RP-1 District to the C-1 District and a preliminary site development plan for Caribou Coffee, the motion carried by the following vote:

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

9. NEW CITY COUNCIL BUSINESS

Councilmember Schoonover stated an item for thought of the council is currently the U.D.O. requires a preliminary site development plan to be presented with any rezoning request and wanted to know if council should be approving site plans or better left to planning staff. Mr. Schoonover also thanked city staff for all they do. He also mentioned he had the opportunity to go to Washington, D.C. and thanked Senators Moran, Marshall and Davis for all they

do to bring funding to Olathe.

Councilmember Essex congratulated the graduates of Civic Academy and Leadership Olathe. She also mentioned Olathe is the fastest growing city in Kansas and congratulated the PSRW winners.

Councilmember Vogt congratulated all the graduates and PSRW winners.

Councilmember Felter stated she was excited to hear multiple recent graduates from local high schools are wanting to go into public safety. Dr. Felter also congratulated all the winners and thanked first responders for their help during the storms.

Mayor Bacon noted the changes in broadcasting of the council meetings and reminded citizens that the summer reading program starts next week.

10. END OF LIVE STREAMED SESSION

11. 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.

Grace Springer, 9320 Sunray Dr, Lenexa, spoke about the closure of an entry/exit point to a public road at Olathe East High School.

Piper Doyle, 9870 Shadybend Cir, Lenexa, spoke about the closure of an entry/exit point to a public road at Olathe East High School.

Eric Neuer, 10505 S Chesney Ln, Olathe, spoke about the K-10 expansion and Lone Elm interchange. He also mentioned the need of more pickleball courts.

Breanna Francis, 17879 W 165th St, Olathe, spoke about the closure of an entry/exit point to a public road at Olathe East High School.

12. 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 regarding proposed amendments to Section 10.01.030 of the Olathe Municipal Code (the Olathe Traffic Ordinance) relating to sentencing procedures for a third conviction of driving under the influence.
Report Accepted
2. 2023 Economic Development Incentives Report.
Report Accepted
3. Report on a request by Safari Belting Systems, LLC for an issuance request for industrial revenue bonds and tax phase-in of a single series project for the construction of a 75,000 square foot manufacturing, assembly, and distribution facility on two parcels totaling 12-acres located at 607 W. Old 56 Highway.
Report Accepted
4. Bank Account Reconciliation Control Review Audit Report
Report Accepted

B. DISCUSSION ITEMS

1. Infrastructure Focus Area Update (20 min)
Infrastructure Director, Mary Jaeger, provided a presentation to the council.

Councilmember Vakas asked if Pioneer Park could be used for pickleball courts. Ms. Jaeger said they could look into it. Mr. Vakas also asked if the city has looked at making the food waste program commercial. Ms. Jaeger stated not at this time due to the low poundage of waste.

Councilmember Felter asked about the increase in labor cost with trash. Ms. Jaeger stated it is due to the workers at HAMM unionizing.

Councilmember Schoonover asked if the 119th Street to Woodland Road project will be phased. Ms. Jaeger stated, yes.

Councilmember Vogt asked if the 119th Street to Woodland Road project would have a designated page on the website.

Ms. Jaeger stated, yes there would be. Ms. Vogt also stated she was pleased with the shared used path on the east side of Ridgeview. She is also excited to see the expansion of the food waste program by adding a drop location in east Olathe.

13. EXECUTIVE SESSION

The council recessed for a 7 minute break, to return at 9:15 PM.

Council returned at 9:15 PM.

- 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 Manager and discussion of the City Auditor Position.

Motion by Vogt, seconded by Gilmore, to recess into 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 evaluation of the City Manager and discussion of the City Auditor position, for 45 minutes, returning to council chambers at 10:00 PM., the motion carried by the following vote:

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

Councilmembers Gilmore, Vakas, and Essex, remained in the Executive Session conference room, while Councilmembers Vogt, Felter, Schoonover and Mayor Bacon returned to council chambers at 10:00 PM.

Motion by Vogt, seconded by Felter, to recess back into executive session for an additional 20 minutes, returning to the council chambers at 10:20 PM, the motion carried by the following vote:

Yes: Bacon, Vogt, Schoonover, and Felter

Absent: Gilmore, Vakas, and Essex

Councilmembers Felter, Vakas, and Essex remained in the Executive Session conference room, while Councilmembers Vogt, Schoonover, Gilmore and Mayor Bacon returned to council chambers at 10:20 PM.

Motion by Vogt, seconded by Felter, to recess back into executive session for an additional 10 minutes, returning to the council chambers at 10:30 PM, the motion carried by the following vote:

Yes: Bacon, Vogt, Gilmore, and Schoonover

Absent: Felter, Vakas, and Essex

14. RECONVENE FROM EXECUTIVE SESSION

Mayor Bacon stated the council is pleased with City Manager, Michael Wilkes performance and the example he sets for the employees.

15. ADDITIONAL ITEMS

Mayor Bacon stated the Street Maintenance Sales Tax oversight body has 3-4 spots open and asked if names could be presented.

16. ADJOURNMENT

The meeting adjourned at 10:34 PM.

Eric Strimple
Assistant City Clerk