



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

- A.** Preliminary discussion regarding the acquisition of real property for the Animal Shelter Project, PN 6-C-007-23, pursuant to the exception provided in K.S.A. 75-4319(b)(6).

Motion by Vogt seconded by Gilmore to recess into an executive session for preliminary discussion regarding the acquisition of real property for the Animal Shelter Project, PN 6-C-007-23, pursuant to the exception provided in K.S.A. 75-4319(b)(6) for 15 minutes. The open meeting will resume here in the City Council chambers at 6:45 PM. The motion carried with the following vote:

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

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

Motion by Vogt, seconded by Gilmore to recess into an 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 15 minutes. The open meeting will resume here in the City Council chambers at 7:00 PM. The motion carried with the following vote:

Yes: Bacon, Vogt, Gilmore, and Essex

Absent: Schoonover, Felter, and Vakas

3. RECONVENE FROM EXECUTIVE SESSION

Item 2A: Motion by Vogt, seconded by Gilmore to authorize the acquisition real property for the Animal Shelter Project, PN 6-C-007-23, as directed by the governing body. The motion carried with the following vote:

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

Item 2B: Motion by Vogt, seconded by Gilmore to authorize the City Attorney to finalize and the Mayor to execute a real estate contract and a development agreement regarding 114-126 N. Cherry Street. The motion carried with 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. Consideration of Resolution No. 24-1039 appointing new members to the Board of Housing Commissioners.

Mayor Bacon introduced Nick Hynick, Chair of the Board of Housing Commissioners. Mr. Hynick acknowledged the passing of the former chairman of the commission and shared his appreciation for her leadership. He introduced the new members being appointed and Mayor Bacon presented each one with a certificate.

Motion by Vogt, seconded by Gilmore, that this agenda item be approved. The motion carried by the following vote:

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

B. Consideration of Resolution No. 24-1040 appointing and reappointing members to the Olathe Human Relations Commission.

Mayor Bacon introduced the Human Relations Commission Chairman, Hector Silva. Mr. Silva introduced the members being appointed and Mayor Bacon presented each with a certificate.

Motion by Vogt, seconded by Gilmore, that this agenda item be approved. The motion carried by the following vote:

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

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. 24-1041 on a request by LECC Building 5, LLC and assigns (Building 5 in Lone Elm Commerce Center) for an issuance request for industrial revenue bonds and tax phase-in of a single series project. The project will entail the construction of a 204,880 square foot industrial facility on 20-acres located in the northwest corner of Lone Elm Road and 167th Street. John Page, Financial Strategy and Procurement Manager, gave a presentation on the proposed IRB.

Councilmember Schoonover asked questions about the wages noted in the proposal and how they affect the cost benefit analysis. He expressed his concerns about the wages not providing a living wage for the employees. Mr. Page said the wages are not a big driver in the cost benefit analysis. Mr. Schoonover asked for additional information of what those drivers are. Mr. Page said it is based more on property tax but the Council could look at that when reviewing the City's policy.

No other comments were heard.

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

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

Motion by Vogt, seconded by Gilmore to approve Resolution No. 24-1041. The motion carried with the following vote:

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

No: Schoonover, and Vakas

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

Councilmember Vogt asked for item P to be removed from the consent agenda and considered separately.

Motion by Vogt, seconded by Gilmore, to approve the Consent Agenda with the exception of item P. The motion carried with the following vote:

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

- A.** Consideration of approval of the City Council meeting minutes of August 6, 2024.
approved.
- B.** Consideration of renewal license(s) as recommended by the City Clerk.
approved.
- C.** Consideration of Travel Request Authorization for City Manager Michael Wilkes, Mayor John Bacon and Councilmembers Vogt, Felter, Essex and Vakas to travel to San Antonio Texas on August 22 to August 23.
approved.
- D.** Consideration of Consent Calendar.
approved.
- E.** Consideration of an Intergovernmental Agreement with Water District No. 1 of Johnson County for the Black Bob Road, 159th to 167th, Improvements Project, PN 3-C-008-22.
approved.
- F.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to VF Anderson Builders, LLC for construction of the Stream Rehabilitation Near 125th Terrace project, PN 2-R-001-24.
approved.
- G.** Consideration of a Professional Services Agreement with Black and Veatch Corp. for design of the Renner Pump Station Generator and Electrical Improvements Project, PN 5-RF-003-24.
approved.
- H.** Consideration of Change Order No. 2 to the contract with Crossland Heavy Contractors, Inc. for construction of the Black Bob Pump Station Site and Piping Improvements Project, PN 5-RF-001-22.
approved.

- I. Consideration of award of contract to NovaCharge for the purchase of Electric Vehicle (EV) Chargers for the Vehicle Maintenance Division of Infrastructure.
approved.
- J. Consideration of bid and award of contract to Martin Mechanical for the work of replacing the heating and cooling systems at city hall as part of the City Hall Environmental Systems Renovation Project, PN 6-C-016-19.
approved.
- K. Consideration of award of contract to Team Office, LLC for furniture, and installation, for the Fire Administration Facility, 1225 S. Hamilton Circle.
approved.
- L. Consideration of additional spending authorization for the InSCO Industries, Inc contract for pool painting and repairs.
approved.
- M. Consideration and acceptance of contract with Lexipol LLC for a five year annual subscription to the Cordico Wellness mobile application.
approved.
- N. Consideration and acceptance of contract with Lexipol LLC for a five-year annual subscription to the Cordico Wellness mobile application.
approved.
- O. Consideration of additional spending authorization with K & W Underground, Inc. for fiber optic installation, maintenance, restoration, and support for use by the City of Olathe.
approved.
- P. Consideration of Resolution No. 24-1042 allowing the hunting of deer with bow and arrow for the 2024-2025 season as part of the Urban Deer Management Program.
Motion by Felter, seconded by Gilmore, to approve item P. The motion carried with the following vote:
Yes: Gilmore, Schoonover, Felter, Essex, and Bacon
No: Vogt, and Vakas

9. NEW BUSINESS

- A. Consideration of Ordinance No. 24-31 (ANX24-0004) requesting approval to annex approximately 12.11 acres, located southwest of W. 159th Street and S. Mur-Len Road, into the corporate boundaries of the City of Olathe.

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 24-31. The motion carried with the following vote:

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

- B.** Consideration of Ordinance No. 24-32 (RZ24-0005), requesting approval of a rezoning from the CTY PEC-3 (County Light Industrial) District to the R-1 (Single Family), R-2 (Two-Family), R-3 (Low-Density Multifamily) and M-2 (General Industrial) Districts and a preliminary site development plan for Park 169 on approximately 247.15 acres; located northeast of W. 167th Street and S. US-169 Highway. Planning Commission recommended approval 7 to 1.

Senior Planner, Jessica Schuller, gave a presentation regarding the proposed re-zoning.

Councilmember Vogt asked to review the map showing the phases.

Mayor Bacon asked for clarification on the improvements required with each phase.

Councilmember Vogt asked how traffic concerns were being addressed. Charlie Love, Chief Development Engineer, shared information about the traffic study that had been completed. He talked about what improvements are required in which phase and what will need to be completed to accommodate the increased traffic.

Councilmember Vogt asked if Barker is a shared road with commercial and the residential area and Mr. Love said it would be.

Councilmember Essex said truck traffic was the main concern she heard from citizens. She asked if there were time restriction placed on truck users. Mr. Love said he doesn't know of restrictions on 159th and 167th but does know that the City is unable to enforce restrictions on 169 highway. Ms. Essex said another concern she heard was the BNSF railroad and wanted to know if staff had discussed it. Mr. Love said there had been maintenance completed on the tracks in the spring and felt that some of the concerns had already been addressed.

Councilmember Essex also asked if the residential portion of the development would be rentals or if they would have purchase options. Ms. Schuller said some would be rentals but that the market would drive the decision.

Councilmember Schoonover asked what school districts would be involved and if they would be able to support increased attendance. Ms. Schuller said the schools had been consulted and they did not have capacity concerns.

Councilmember Schoonover asked about the differences in the current zoning and what was being proposed. Ms. Schuller said the new zoning allows a few additional uses, but some of those have been restricted. Mr. Schoonover then asked if US 169 Highway had been included in the traffic study and Mr. Love said it had been. Mr. Schoonover asked if the traffic study recommended anything else beside an additional turn lane and Mr. Love said no.

Councilmember Gilmore asked who was responsible for the roadway improvements- Mr. Love said that the developer would be responsible.

Mayor Bacon asked questions about the protest petition and why some were invalidated. Ron Shaver, City Attorney, said there is very specific criteria on who is authorized to sign, especially on behalf of an organization such as an HOA.

Mayor Bacon asked if there were plans to add additional lanes on 169 and Mr. Love said at this time the plans just called for adding turn lanes. He did say that he had been in contact with KDOT and they were planning to kick off a study of 169 from I-35 to Spring Hill.

Mayor Bacon asked about if there was a quiet zone planned at this location and Nate Baldwin, City Engineer, said design was scheduled to begin in January 2025. He also indicated that traffic signals are coordinated with the railroad.

Curt Petersen, on behalf of the applicant, Blue Springs Safety

Storage South, shared more details about the proposed project. Mr. Petersen provided information to Ms. Essex regarding her question about rentals vs. purchase and also addressed Gilmore's question about who pays for the road improvements.

Tom Stalnaker, a resident of Heather Ridge, spoke against the proposed re-zoning and the development.

Mayor Bacon asked if the dissenting planning commission vote had to do with M2 zoning verses M1. Ms. Schuler said it had to do more with traffic concerns She also said the difference between the two designations was that M2 had approximately 13 additional uses and gives a little more flexibility. She also noted that it is in the M3 designation that allows for chemical use according to the City of Olathe's UDO. Mayor Bacon asked for clarification on the uses allowed in M2 that would be restricted due to the proposed stipulations. Ms. Schuler said there are some manufacturing uses restricted and they are mainly things that have outdoor uses.

Councilmember Felter acknowledged that this was a challenging area for development She noted how streets in the proposed development did not connected to the adjacent neighborhoods. She also commented about improvements to 169 being in the CIP.

Councilmember Essex asked for clarification on the number of lanes being planned for Barker . Mr. Love said it would have 3 lanes. He also indicated that with each phase the developer would be required to conduct a new traffic study.

Mayor Bacon asked when the 167th overpass was planned and Mr. Love said it was in the CIP for 2028 and 2029.

Mayor Bacon said there were different possibilities for traffic in the area. He acknowledged that the development would take some time but wanted to stay ahead of any issues.

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 24-32. The motion carried with the following vote:

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

10. NEW CITY COUNCIL BUSINESS

Councilmember Schoonover said he had attended the City's Multicultural Fair and said it was awesome to see City Staff showcase different cultures.

Councilmember Essex acknowledged the Fire Department for receiving a Community Award for their assistance at the Super Bowl parade.

Councilmember Vogt reminded citizens that school is back in session and to be patient with more kids on the streets. She also thanked the Olathe PD and public works staff for their support in addressing an area of concern with school traffic. She also mentioned it was good to see younger citizens coming back to the community as adults to participate and serve.

Councilmember Felter congratulated the fire department for their award. She also said she was so pleased with the appointments of the people who have come back to serve in the community. She pointed out that there are 26 students participating on teen council this year. Dr. Felter then mentioned that the Olathe Public Schools was named number 7 in the Best In-State Employer by Forbes. She congratulated the Finance/Economy team for receiving the triple crown award for the 6th straight year. She also mentioned she was please to know there were two new staff members to serve on the mobile integrated healthcare team. She reminded citizens that the application process for Citizens Police Academy would kick off soon. Finally, she highlighted the new plastic bag challenge the City has rolled out.

Councilmember Vakas said he attended a reception with the hospitality industry and said that students at K-State Olathe receive some funding from that organization. He also shared that he had attended a meeting for the Solid Waste industry and that the City of Olathe has established the benchmark in the area.

Mayor Bacon congratulated the fire department and said they are very appreciative of the first responders. He reminded citizens that the budget public hearing will be held Tuesday, August 27th at 5:30 in the Council Chamber. He also invited everyone to attend the final Olathe Live Concert on September 13th

and said the donations from that event would go the Mayor's Children's Fund. .
Donations that night will go to the Olathe Mayor's Children's Fund. 9/13

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.

None heard.

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. REPORTS

1. Report on a request by Blue Springs Safety Storage South, LLC and assigns for an issuance request for industrial revenue bonds and tax phase-in for a master resolution over a business park. The project will entail the construction of 1,549,955 square feet of warehouse and industrial facilities on a total of 139-acres located on the east side of 169 Highway between 159th and 167th Streets.

B. DISCUSSION ITEMS

1. Annual State of the Neighborhoods.
Senior Planner, Emily Carrillo, provided a presentation to the Council. Taylor Vande Velde highlighted additional information for the Council.

Councilmember Vakas asked about the quarterly newsletter Ms. Carrillo had mentioned. Ms. Carrillo said she would provide information to the Council how to subscribe. He asked how violations were measured and Ms. Carrillo said she used the number of violations compared to the number of homes in a registered neighborhood. He asked where the numbers came from on the reduced lunches and Ms. Carrillo said that data was obtained through the school district. Mr. Vakas

wondered if there should be additional measures looked at

Councilmember Gilmore asked if multi-family projects included and Ms. Carrillo said they were. She clarified that if there was any residential component to an area it was included. -

Mr. Gilmore asked if any other school districts were included and Ms. Carrillo said they were not.

Councilmember Schoonover asked if the map Ms. Carrillo had referenced was publicly available and she said it was not but would be happy to provide it to the Council. Mr. Schoonover suggested maybe this information could be included in the Olathe link publication.

Councilmember Vogt asked how the City is reaching out to neighborhoods. She acknowledged that she liked the idea of using the Olathe Link to reach citizens. She asked for a list of those neighborhoods who have registered and asked for it to be divided into wards. She thought it would council members be prepared to provide appropriate information to citizens when asked. registered. She asked when and where the next summit would be held and Ms. Carrillo said it will be in Overland Park in the spring of 2025.

Councilmember Felter asked if HOA's were automatically registered and Ms. Carrillo said they were not. Dr. Felter then asked if staff knew approximately how many HOA's there are and Ms. Vande Velde said there are 33 registered neighborhoods who have organized HOA's.

Mayor Bacon asked what the number one thing staff hears when talking to the neighborhoods. Ms. Carrillo said they all have expressed their appreciation for having the ability to reach out for assistance. Ms. Vande Velde said the majority of recent grant requests have centered around communal events and want to bring people together.

14. ADDITIONAL ITEMS

Councilmember Vogt suggested the Council work with the Chamber to look at the economic development policies after the budget season.

Councilmember Gilmore reminded citizens that the Olathe Community Prayer Breakfast is scheduled for November 8th.

Mayor Bacon said the MNU's president, Dr. Spittal, had called to express his gratitude for the improvements along Sheridan Street.

15. ADJOURNMENT

The meeting was adjourned at 9:16 P.M.

Brenda D. Swearingian
City Clerk