



City Council and Teen Council Dinner - 5:30 PM, City of Governors

**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.**

**3. PLEDGE OF ALLEGIANCE**

Mayor Bacon stated the applicant has asked for New Business item B and Report #2 to be pulled and considered at a later date.

**4. SPECIAL BUSINESS**

**A.** Recognition of Teen Council seniors.

Mayor Bacon presented the senior members of the Teen Council with certificates of recognition. Each senior shared their plans for next year.

**B.** Public Service Recognition Week Proclamation.

Mayor Bacon read and presented the proclamation to Scott Meyer, Digital Program Manager.

Mr. Meyer thanked the mayor and council for the recognition.

**5. PUBLIC HEARINGS**

Persons wanting to speak regarding a public hearing is 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.** Consideration of a public hearing to identify needs for the 2025 Community Development Block Grant (CDBG) funding.

Mayor Bacon opened the public hearing.

No public comments were heard.

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

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

## **6. 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 April 16, 2024.  
approved.
- B.** Consideration of new license(s) as recommended by the City Clerk.  
approved.
- C.** Consideration of renewal license(s) as recommended by the City Clerk.  
approved.
- D.** Consideration of Travel Request Authorization for City Manager Michael Wilkes and Councilmembers to visit Washington, DC from May 14 to the 16th.  
approved.
- E.** Business Expense Statements for Michael Wilkes for travel for an LKM meeting in Topeka, KS and a TLG conference in Tampa, Florida.  
approved.
- F.** Consideration of purchasing cyber liability insurance policy from Travelers.  
approved.
- G.** Consideration of Consent Calendar.  
approved.
- H.** Consideration of Resolution 24-1016 authorizing the Modernization of

- Fire Stations project, PN 6-C-031-24.  
approved.
- I.** Consideration of an Agreement with Newkirk Novak Construction Partners, Inc. for construction management services for the Modernization of Fire Stations project, PN 6-C-031-24.  
approved.
- J.** Consideration of an Agreement with Finkle + Williams, Inc. for design services for the Modernization of Fire Stations project, PN 6-C-031-24.  
approved.
- K.** Acceptance of bid and consideration of award of contract to Conrad Fire Equipment Inc. for the fleet purchase of one (1) Pierce Enforcer HazMat fire apparatus for the Fire Department.  
approved.
- L.** Consideration of an Agreement with Johnson County for the construction of the CMP Replacement: Ridgeview Road Arterial Mill and Overlay Project, PN 2-R-003-24.  
approved.
- M.** Consideration of award of contract to Wiedenmann, Inc. for construction of the JCW Doghouse Manhole Project, PN 1-C-023-22.  
approved.
- N.** Award of contract to Crossland Heavy Contractors, Inc. for construction of the Olathe WTP2 Chemical Feed and Electrical Modifications and Improvements - Control Room Expansion and Filter Building Fluoride Room Rehab Project, PN 5-C-026-20 & 5-C-028-20.  
approved.
- O.** Consideration of a Professional Services Agreement with HNTB Corporation for design of the K-7 Highway Arterial Mill and Overlay Project, PN 3-P-001-25, 167th Street Improvements Project, PN 3-P-004-25, and the Clare Road Arterial Mill and Overlay Project, PN 3-P-005-25.  
approved.
- P.** Consideration of a Professional Services Agreement with Olsson, Inc. for design of the 143rd Street Arterial Mill and Overlay Project, PN 3-P-002-25, and the Lakeshore Drive Arterial Mill and Overlay Project, PN 3-P-003-25.  
approved.
- Q.** Consideration of Supplemental Agreement No. 3 with Olsson, Inc. for the design of the Black Bob Road, 153rd Terrace to 159th Street, Improvements Project, PN 3-C-041-23.  
approved.

- R. Consideration of renewal of contract to K & W Underground, Inc. for directional drilling services for the Field Operations Division.  
approved.
- S. Consideration of renewal of contract to Mid-American Signal, Inc. for the purchase of traffic signal and Advance Traffic Management System (ATMS) supplies.  
approved.
- T. Consideration of renewal of contract to Traffic Control Corporation for the purchase of traffic signal supplies.  
approved.
- U. Consideration of renewal of contract to Traffic Signal Controls, Inc. for the purchase of traffic signal supplies.  
approved.
- V. Consideration of renewal of contract to Custom Lighting Services, LLC. dba Black and McDonald for electrical lighting maintenance.  
approved.
- W. Consideration of renewal of contract to Show Me Audio Visual Inc. for sound and lighting production equipment.  
approved.
- X. Consideration of renewal of contract with Blue Valley Public Safety for outdoor warning siren and maintenance for the Fire Department.  
approved.

## 7. **NEW BUSINESS**

- A. Consideration of an agreement with Houseal Lavigne Associates for professional services to update the Olathe Comprehensive Plan, CPA24-0001.

Action needed: Consider a motion to approve or deny.

Kim Hollingsworth, Planning and Development Manager, introduced Nik Davis with Houseal Lavigne Associates. Mr. Davis gave a brief presentation on the scope of work and plan for the update of the Olathe Comprehensive Plan.

Councilmember Vogt asked about touch points with the Comprehensive Plan Committee and the ones that will involve the council. Mr. Davis stated there are currently six touch points and noted a few checkpoints along the process to meet with the council. Mr. Davis said they wanted to have as many people involved as possible to give a wide variety of feedback.

Councilmember Vakas asked if there will be a specific engagement process for the development community. Mr. Davis stated there would be some check-ins with developers. Mr. Vakas asked if affordable housing would be addressed in the plan. Mr. Davis stated it would be addressed.

Councilmember Gilmore stated he is looking forward to the process but wanted to hear how cities use the document to address unforeseen issues in the community after it is created. Mr. Davis said the plan needs to be balanced, clear and straightforward when it is created, but have the flexibility in it for unforeseen issues.

Mayor Bacon asked for further clarification on the number of check-ins throughout the process, noting when the plan was redone last, individuals were meeting monthly. Mr. Davis stated that having a monthly meeting could be too many as they may not have new material to present. He suggested meetings occurring when there are key things to deliver to the committee for consideration.

Motion by Vogt, seconded by Gilmore, to approve the agreement with Houseal Lavigne Associates, as presented. The motion carried by the following vote:

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

- B.** Consideration of Ordinance 24-12 (RZ23-0009), requesting approval of a rezoning from the CTY RUR (County Rural) District to the M-2 (General Industrial) District and a preliminary site development plan for Intermodal Industrial Park on approximately 186.22 acres; located northeast of W. 175th Street and S. Clare Road. Planning Commission recommended approval 9 to 0.

Action needed: Consider a motion to approve (4 positive votes), deny (5 positive votes required), or return to the Planning Commission.

This New Business was withdrawn.

- C.** Consideration of Ordinance No. 24-13 (RZ24-0003), requesting approval of a rezoning from the C-2 (Community Center) District to the CC (Cedar Creek) District and a preliminary site development plan for the Cedar Ridge Mixed Use Community on approximately 14.37 acres; located southeast of W. Valley Parkway and S. Cedar Creek Parkway. Planning Commission recommends approval 4 to 3.

Action needed: Consider a motion to approve (6 positive votes), deny (5 positive votes required), or return to the Planning Commission (4 positive votes).

Kim Hollingsworth, Planning and Development Manager, and Charlie Love, Chief Development Engineer, provided a presentation to the council.

Ms. Hollingsworth noted for the record that the protest petitions originally received was withdrawn by the petitioner on May 3rd and stated that tonight, the item will only require a simple majority for approval.

Councilmember Vakas asked if a decision was made to make the outside stone cladding natural limestone. Ms. Hollingsworth stated it was shown as a stone veneer, which is permitted but is something that could be worked through with the developer in the final development plan.

Councilmember Schoonover asked for further clarification on the Town Center development portion and how it fits into the designation. Ms. Hollingsworth provided clarification on the Town Center guidelines. Mr. Schoonover asked about the open spaces in the Town Center and what they may look like. Ms. Hollingsworth provided more details on what the spaces could be, along with square footage.

Councilmember Vogt asked if there were any valid protest petitions still. Ms. Hollingsworth stated that the petitions that were found to be valid were withdrawn, and there is no active petition.

Councilmember Felter asked for further clarification on the Green Book. Ms. Hollingsworth provided the history of the Green Book, noting that the original from 1988 was not adopted by the city as it was a private plan by the development company at that time, but the 2012 Green Book was codified by the city and created the overlay district.

Councilmember Vogt asked if it was encouraged in the Cedar Creek

Area Plan, adopted in 2012, to have rezonings move to the CC District. Ms. Hollingsworth stated that is correct because it aligns with this plan and PlanOlathe. Ms. Vogt asked if the developer chose to pursue developing under the current C-2 zoning, would the plans have come before the council. Ms. Hollingsworth stated that if the developer met all criteria of the C-2 zoning, the item would not come before the council.

Curtis Holland, the applicant's legal counsel with Polsinelli, 900 W 48th Pl., Kansas City, MO, presented to the council.

Councilmember Essex wanted clarification on the phases of the proposed project. Mr. Holland stated that phase one would be the apartments and at least one pad site.

Councilmember Schoonover stated that the property is currently in C-2 zoning, and apartments could be built, so why is there a request for rezoning to CC zoning? Mr. Holland stated that the pad sites would not fit well with the current C-2 zoning but would with the CC zoning.

Scott Beeler, 5250 W 116th Pl., Suite 400, Leawood, representing PON LLC, spoke against the proposed rezoning. Mayor Bacon asked what the HOA thinks should be there. Mr. Beeler stated retail and office space.

Craig Eymann, 12120 Catalina, Leawood, spoke in favor of the proposed rezoning and provided the historical future plans for the site.

Ron Mather, 10632 S Zarda Dr., spoke in favor of the proposed rezoning.

Councilmember Schoonover stated in the Green Book that there are four options in Section 18 listed as development options, one being Town Centers, and wanted to know how important the Town Center portion of the development is to what is being voted on. Mr. Holland stated they could choose one of the four designations and chose

Town Center, following the staff's recommendations. Mr. Schoonover asked for further clarification on the Town Center locations based on the Cedar Creek Overlay District Map. Ms. Hollingsworth explained the circles show the Town Center at the key intersections but added the Town Center could bleed into the property that meets regulations to give the appropriate space needed.

Councilmember Gilmore asked if a developer wanted to develop the property across the street to the north of this property, would they be required to have a portion of the parcel meet Town Center guidelines. Ms. Hollingsworth stated, yes, a portion or the whole parcel would have to meet Town Center guidelines.

Council took a 5-minute break at 9:21 PM, returning to council chambers at 9:26 PM.

Councilmember Gilmore asked for clarification on the alleged legal issues stemming from the motion and vote from the Planning Commission meeting on this item that was mentioned by Mr. Beeler. Chris Grunewald, Deputy City Attorney, stated there were no concerns.

Councilmember Vakas stated he is looking at what is best for Olathe and stated the concerns are not just those of the citizens but the impact on the Cedar Creek community at large. He added that the applicant's presenter stated a 5-6 story building is less intrusive than a skyscraper. Mr. Vakas used an example of a 3-4 story conference center/hotel and stated it would be more suited for this site versus a complex of 300 apartments. He added his concerns about the impact on Cedar Creek Parkway with the height and size of the proposed project, noting that the applicant has made adjustments to the plan but nothing substantive and feels the three towers will overpower the entrance to Cedar Creek and that the drawing provided by the developer overstates the masking treescape on the east side and are not realistic drawings. Mr. Vakas also stated he feels the Golden Rules have been misapplied in this rezoning and feels staff have made non-subjective, non-justifiable decisions using



the golden criteria and he feels that even with hundreds of hours of review, the staff's recommendation for approval is discredited.

Councilmember Schoonover stated he appreciated councilmember Vakas' comments but noted they need to be careful when accusing people of deliberate attempts of misrepresentation.

Councilmember Felter stated she is not a fan of shaming anyone wanting to invest in Olathe, especially developers who have spent months trying to work with the community at large or calling staff out publicly. Dr. Felter stated she is a fan of being consistent and using the same rules from the U.D.O. for all and applying them consistently. She feels that has been done on this site and will be voting yes.

Councilmember Vogt stated she appreciates the citizens' concerns and input but also needs to protect the rights of the landowners and developers. She added that she feels the developer's changes to the plan enhance the project. Ms. Vogt added that she will have to use legal and factual data to make her decision and will be supporting the project.

Councilmember Vakas stated he is not trying to throw staff under the bus, but staff can get it wrong and he feels they got it wrong. Mr. Vakas spoke about mixed use and noted he was not talking against apartments, but he added that the original Green Book did not mention apartments but Mixed-Use Commercial. Mr. Vakas added that the plan being presented is a Town Center and does not feel the plan is a Town Center.

Councilmember Schoonover asked if the 300 units were in one building and if there were any other properties in Olathe like that. Ms. Hollingsworth stated she had data by development, not by building. Mr. Schoonover feels there are a few things that came up in this application for the city to look at for future developments, including the green principles and traffic studies, including the impact on highways.

Councilmember Gilmore thanked the staff for the thorough presentation. He added that when the council looks at developments, it has to look outside of itself, be as independent as possible, and be objective of the proposed projects. Mr. Gilmore stated that developers have rights and even more when they meet all the criteria that exist. He noted that the developer has requested to have this property rezoned to a lower density and more restrictive zoning. He noted that the developer has a reputation for success when building projects. Mr. Gilmore added that if a developer comes to the council with a project that meets all requirements and denies it for no valid reason, that is when the council gets in trouble.

Councilmember Vakas stated he feels the application does more harm than good but does not advocate denying it. He would like to see some extra time taken to review it further and noted he would like to make a motion.

Motion by Vakas, seconded by Schoonover, to hold the application open at city council level, send the site plan back to planning staff with the understanding that staff and the applicant will work together to create a more acceptable site plan, with the expectation the plan be returned directly to city council within 90 days. Specific guidelines for the site plan include:

1. Find a way to significantly reduce the visible height along Cedar Creek Parkway.
2. Do a better job in addressing the required public space components of a Town Center.
3. Address the phasing to accelerate the construction of the commercial spaces.

Yes: Vakas

No: Schoonover, Felter, Essex, Bacon, Vogt, and Gilmore

Motion failed, 1:6

Mayor Bacon stated Oddo does a great job but is concerned about the corridor preservation but feels any development on that corner

will change how it looks today. He added that he feels the plan may not be perfect but doesn't feel it will hurt the value of homes.

Councilmember Essex stated she appreciated the citizen's feedback. She added she doesn't know of a developer that would change plans three times and compromised like they have. She added if this plan is rejected there is no way to know what quality of project will be built there in the future.

Motion by Vogt seconded by Gilmore, to approve ordinance No. 24-13 (RZ24-0003), approving the rezoning from the C-2 (Community Center) District to the CC (Cedar Creek) District and preliminary site development plan for the Cedar Ridge Mixed Use Community. The motion passed by the following vote:

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

**No:** Schoonover, and Vakas

**D.** Consideration of Charter Ordinance No. 81 concerning City officers and employees.

Action needed: Consider a motion to approve or deny.

Motion by Vogt, seconded by Gilmore, to approve Charter Ordinance No. 81. The motion carried by the following vote:

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

**E.** Consideration of Charter Ordinance No. 82 redesignating and repealing Charter Ordinance No. 24.

Action needed: Consider a motion to approve or deny.

Motion by Vogt, seconded by Gilmore, to approve Charter Ordinance No. 82 redesignating and repealing Charter Ordinance No. 24. The motion carried by the following vote:

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

## **8. NEW CITY COUNCIL BUSINESS**

Councilmember Schoonover stated May is ALS Awareness Month. He added that he participated in an event about fentanyl with Councilmember Felter at the Olathe School District.

Councilmember Essex noted today is National Fentanyl Awareness Day. She

stated that May is Preservation Month and they are highlighting historical sites in Olathe. She added there is a vacancy on the board and thanked the Historic Preservation Board for their work.

Councilmember Gilmore stated Ensor Museum is ran by volunteers and thanked them for it.

Councilmember Vogt stated it is National Teachers Appreciation Day and yesterday was National Nurses Day.

Councilmember Felter stated that Dr. Berry, the former superintendent of Olathe Schools passed away. She added one thing he taught her is it is hard to hate up close.

Councilmember Vakas stated he and Dr. Berry were in Leadership Olathe together. He added that the CultureFest was a great event. He asked for more information on why the meetings will not be on tv anymore.

Mayor Bacon stated there will be a Sip and Shop in the County Square tomorrow night and that the Stagecoach Park Farmers Market will be moving to downtown starting May 25.

## **9. END OF TELEVISED SESSION**

## **10. 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.

Bridgette Moore, 1305 N. Leeview Dr., spoke in favor of the council issuing a Pride proclamation in June.

## **11. 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 for annexation of approximately 27.25 acres,

located southwest of W. 167th Street and Hedge Lane (ANX24-0001).

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 item was removed by the applicant and was not considered.

3. Report on a request for annexation of 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).

Report accepted.

4. Report on Council budget priorities.

Report accepted.

5. Report on the 2024 - 2025 Audit Plan proposal.

Report accepted.

## 12. 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).

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), for 15 minutes, returning to council chambers at 10:50 PM. The motion carried by the following vote:

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

## 13. RECONVENE FROM EXECUTIVE SESSION

Motion by Vogt, seconded by Gilmore, to accept the resignation of Internal City Auditor, Mary Ann Vador. The motion carried by the following vote:

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

## 14. ADDITIONAL ITEMS

Councilmember Vogt asked if everyone would be ready for May 21, 2024 for

the City Managers review. There was a consensus from the council this date would work.

**15. ADJOURNMENT**

The meeting was adjourned at 10:52 P.M.

Eric Strimple  
Assistant City Clerk