



1. CALL TO ORDER

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

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 in northwest Olathe pursuant to the exception provided in K.S.A. 75-4319(b)(6).

Executive Session item B. was considered first.

Motion by Vogt, seconded by Gilmore, to recess into an executive session Preliminary discussion regarding the acquisition of real property in northwest Olathe pursuant to the exception provided in K.S.A. 75-4319(b)(6) for 15 minutes, returning to council chambers at 6:55 PM. The motion carried by the following vote:

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

The council returned to council chambers at 6:55 PM. Mayor Bacon noted that the council would return to executive session to continue discussing this item after the meeting, due to time restraints.

Continued from the beginning of the meeting:

Motion by Vogt, seconded by Gilmore, to recess into an executive session Preliminary discussion regarding the acquisition of real property in northwest Olathe pursuant to the exception provided in K.S.A. 75-4319(b)(6) for 20 minutes, returning to council chambers at 9:08 PM. The motion carried by the following vote:

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

Mayor Bacon, and Councilmembers Vogt, Gilmore, and Essex reconvened in council chambers. Mayor Bacon stated more time was needed on the item.

Motion by Vogt, seconded by Gilmore, to recess into an executive session Preliminary discussion regarding the acquisition of real property in northwest Olathe pursuant to the exception provided in K.S.A. 75-4319(b)(6) for 30 minutes, returning to council chambers at 9:40 PM. The motion carried by the following vote:

Yes: Bacon, Vogt, Gilmore, and Essex

Absent: Felter

Abstain: Schoonover, and Vakas

Mayor Bacon, and Councilmembers Vogt, Schoonover, and Essex reconvened in council chambers. Mayor Bacon stated more time was needed on the item.

Motion by Vogt, seconded by Essex, to recess into an executive session Preliminary discussion regarding the acquisition of real property in northwest Olathe pursuant to the exception provided in K.S.A. 75-4319(b)(6) for 10 minutes, returning to council chambers at 9:51 PM. The motion carried by the following vote:

Yes: Bacon, Vogt, Schoonover, and Essex

Absent: Felter

Abstain: Gilmore, and Vakas

- 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).

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 in K.S.A. 75-4319(b)(4) for 8 minutes, returning to council chambers at 6:39 PM. The motion carried by the following vote:

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

Absent: Felter

- C.** Personnel matters of non-elected personnel pursuant to the exception provided in K.S.A. 75-4319(b)(1) regarding the City Auditor Position.

This item was considered at the end of the meeting due to time restraints.

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 15 minutes, returning to council chambers at 10:07 PM. The motion carried by the following vote:

Yes: Bacon, Vogt, Gilmore, and Essex

Absent: Felter

Abstain: Schoonover, and Vakas

3. RECONVENE FROM EXECUTIVE SESSION

Mayor Bacon noted that Councilmember Felter joined all executive session discussions by phone.

Motion by Vogt, seconded by Gilmore, on item 2.A, 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, Vakas, and Essex

Absent: Felter

Motion by Vogt, seconded by Gilmore, on item 2.B, 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, Vakas, and Essex

Absent: Felter

Councilmember Vogt stated on item 2.C, no motion is needed because no action needs to be taken.

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

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

A. Proclamation declaring June 19, 2024 as Juneteenth

Mayor Bacon read and presented the proclamation to Terry Loudermill, member of the Citizens Police Advisory Council.

Mr. Loudermill thanked the mayor and council for the recognition and spoke about the importance of Juneteenth.

7. 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.** Public hearing and consideration of Resolution No. 24-1021 on a request by Safari Belting Systems, LLC 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. Mayor Bacon opened the public hearing.

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

Absent: Felter

Motion by Vogt, seconded by Gilmore, to approve Resolution No. 24-1021, as presented. The motion carried by the following vote:

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

Absent: Felter

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. The motion carried by the following vote:

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

Absent: Felter

- A.** Consideration of approval of the City Council meeting minutes of May 21, 2024.
approved.
- B.** Consideration of new license(s) as recommended by the City Clerk.
approved.
- C.** Consideration of Business Expense Statements for City Manager

Micheal Wilkes, Mayor Bacon and Councilmembers Essex, Vakas and Schoonover for their visit to Washington, DC.

approved.

D. Consideration of Consent Calendar.

approved.

E. Consideration of Agreement No. 72-24 with the Kansas Department of Transportation (KDOT) for funding the construction of Quivira Road, 143rd to 151st, Improvements Project, PN 3-C-011-24.

approved.

F. Consideration of a Professional Services Agreement with TREKK Design Group, LLC for design of the West Cedar Creek Sewer Interceptor Project, PN 1-C-011-24.

approved.

G. Consideration of an Agreement with Crossland Heavy Contractors, Inc. for pre-construction phase services associated with the West Cedar Creek Sewer Interceptor Project, 1-C-011-24.

approved.

H. Consideration of a Professional Services Agreement with TREKK Design Group, LLC for the Stormwater CCTV Inspection Project, PN 2-R-002-24.

approved.

I. Consideration of an agreement with Project Advocates, LLC for project management services.

approved.

J. Consideration of an agreement with Benson Method, LLC for project management services.

approved.

9. NEW BUSINESS

A. Consideration of Resolution No. 24-1022 authorizing a survey and description of land or interest to be condemned for the South Hamilton Circle Improvement Project, PN 3-R-001-24, and South Hamilton Waterline Rehabilitation Project, PN 5-R-001-24.

Motion by Vogt, seconded by Gilmore, to approve Resolution No. 24-1022. The motion carried by the following vote:

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

Absent: Felter

B. Consideration of Ordinance No. 24-19 approving an engineer's survey and authorizing the acquisition of land for the South Hamilton Circle

Improvement Project, PN 3-R-001-24, and South Hamilton Waterline Rehabilitation Project, PN 5-R-001-24.

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 24-19, as presented. The motion carried by the following vote:

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

Absent: Felter

- C. Consideration of Ordinance No. 24-20 amending Section 10.01.030 of the Olathe Municipal Code (the Olathe Traffic Ordinance) pertaining to sentencing procedures for a third conviction of driving under the influence.

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 24-20, as presented. The motion carried by the following vote:

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

Absent: Felter

- D. Consideration of Ordinance No. 24-21 (RZ24-0007), requesting approval of a rezoning from the RP-1 (Planned Single-Family), CP-1 (Planned Retail Business), and the CP-O (Planned Office) Districts to the C-1 (Neighborhood Center) District and a preliminary site development plan for Primrose School of Olathe on approximately 3.74 acres; located southwest of W. 158th Street and S. Hunter Street. Planning Commission recommended approval 8 to 0.

Andrea Fair, Planner II, provided a presentation to the council.

Councilmember Vogt asked if the waivers were approved as part of the Planning Commission vote on the item. Ms. Fair said, yes. Ms. Vogt also asked questions regarding the restrictions on the property to see if a drive thru coffee shop was still considered fast food. Ms. Fair stated that a drive thru coffee shop is still considered fast food.

Mayor Bacon asked if citizens were aware of the protest petition option, and none was received. Ms. Fair stated, yes.

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 24-21 pertaining to RZ24-0007, as presented. The motion carried by the following vote:

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

Absent: Felter

- E. Consideration of Ordinance No. 24-22 (RZ24-0009), requesting approval of a rezoning from the from the R-1 (Single-Family) and the CP-3 (Planned Community/Corridor Business) Districts to the C-1

(Neighborhood Center) District and a preliminary site development plan for Olathe Family Dental on approximately 0.74 acres; located at 355 S. Parker Street. Planning Commission recommended approval 8 to 0.

Andrea Fair, Planner II, provided a presentation to the council.

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 24-22 pertaining to RZ24-0009, as presented. The motion carried by the following vote:

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

Absent: Felter

10. NEW CITY COUNCIL BUSINESS

Councilmember Essex mentioned K-State Olathe will be having a ribbon cutting for their new Student Success Center.

Councilmember Schoonover mentioned that June is Gun Violence Awareness Month and encouraged citizens to reach out to the Olathe Police Department to get gun locks. He also mentioned that June is Pride Month and noted that the city would not be issuing a proclamation but he wanted to recognize the LGBTQ community in Olathe. Mr. Schoonover added his appreciation for the LGBTQ community and noted, no matter who you are, Olathe can be home.

Councilmember Vakas mentioned he was the keynote speaker at the Memorial Day ceremony at Veterans Memorial Park and thanked Parks and Recreation for their support, along with thanking the American Legion Post #153, who organized the event. Mr. Vakas also mentioned that June is Pride month and feels all are welcome in the community and noted there is strength in the diversity of Olathe, including the LGBTQ community.

Councilmember Vogt stated Olathe is a community for all and noted the city has taken steps for this, including the passing of the Non-Discrimination Ordinance. Ms. Vogt also noted that the Comprehensive Plan is being updated and that it is important to get all citizens involved.

Mayor Bacon stated there are over 92 events in downtown Olathe this summer, including the Kickin' it with the Cops program that kicks off this week with fishing. He also stated he felt Olathe was an inclusive and diverse city, even without a proclamation being issued.

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.

Kate Guimbellot, an Olathe resident, spoke about the lack of a Pride Month proclamation and the message it is sending to the LGBTQ community in Olathe.

Bridgette Moore, an Olathe resident, spoke about all the cities that issue pride proclamations in Johnson County and noted the need to recognize Pride Month in Olathe.

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 the annual mowing of weeds and removal of debris to levy assessments.
Report Accepted

B. DISCUSSION ITEMS

1. Discussion on BNSF Emporia Subdivision (West Tracks) Grade Separation Options.
City Engineer, Nate Baldwin, provided a presentation to the council.

Councilmember Gilmore asked what the clearance is on the Spruce Street underpass. Mr. Baldwin stated 11'4".

Councilmember Schoonover asked if discussions have occurred with BNSF on changing the train schedule. Mr. Schoonover also asked clarifying questions on alternative #2. Mr. Baldwin provided answers to the questions.

Councilmember Vakas stated Spruce and Santa Fe Streets are the two main crossings that need to be looked at pending

the receipt of funds.

Councilmember Gilmore asked if the city had a sense of wait times compared to other cities. Mr. Baldwin stated the wait time were completed by city staff so comparable data is not available.

Councilmember Essex asked if quiet zones are still being looked at for the Dennis Street crossing area. Mr. Baldwin stated yes.

Councilmember Vogt stated that she is impressed that the railroad is willing to partner with the city to examine alternatives. She also asked if BNSF has looked at the options presented. Mr. Baldwin stated they have not.

Mayor Bacon would be interested in seeing options of raising the rail some to allow for lowering the street less to help lessen the road grade percentage.

2. Police Department Focus Area update.

Mike Butaud, Police Chief, provided a presentation to the council.

Mayor Bacon stated he is impressed with the statistics.

Councilmember Schoonover likes the ACT program and asked about the funding. Chief Butaud stated that it is all grant-funded.

Councilmember Essex stated there is a lot to celebrate and asked what the average tenure of our police officers was. Chief Butaud stated he could get the data.

Councilmember Gilmore thanked Chief Butaud and the police for all they do. He also asked when the ACT program started. Chief Butaud stated it was 2019.

Councilmember Vogt thanked Chief Butaud for his leadership

and asked if the responders in the ACT program were social workers. Chief Butaud stated, yes.

14. ADDITIONAL ITEMS

Councilmember Schoonover thanked the city for the fishing derby. He also stated he would like to have a discussion about the lighting at 119th Street Bridge for causes and look at a policy to help with the process.

Mayor Bacon asked for the PowerPoint on the train crossing grades.

15. ADJOURNMENT

The meeting adjourned at 10:12 PM.

Eric Strimple
Assistant City Clerk