



1. CALL TO ORDER

Others in attendance were City Manager, Michael Wilkes, Deputy City Manager, Susan Sherman, and City Attorney, Ron Shaver. Councilmember McCoy joined the meeting virtually.

Present: Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore
Absent: Brownlee

2. EXECUTIVE SESSION

- A.** For preliminary discussions with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) regarding Cedar Creek Development Company, LLC, et al., v. City of Olathe, et al, (Johnson County Case No. 21CV00234).

Motion by Campbell, seconded by Vogt, to recess into an executive session for preliminary discussions with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) regarding Cedar Creek Development Company, LLC, et al., v. City of Olathe, et al., (Johnson County Case No. 21CV00234). for 30 minutes.

Yes: Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

Absent: Brownlee

- B.** For preliminary discussions with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) and to discuss data relating to financial affairs or trade secrets of a corporation pursuant to the exception provided in K.S.A. 75-4319(b)(4) pertaining to a real estate contract and development agreement.

Motion by Campbell, seconded by Vogt, to recess into an executive session for preliminary discussions with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2), and to discuss data relating to financial affairs or trade secrets of a corporation pursuant to the exception provided in K.S.A. 75-4319(b)(4) pertaining to a real estate contract and development agreement for 30 Minutes.

Yes: Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

Absent: Brownlee

3. RECONVENE FROM EXECUTIVE SESSION

Councilmember Brownlee joined the executive session at 6:32 PM.

Executive Session Item A - Motion by Campbell, seconded by Vogt to authorize staff to proceed with the strategies as discussed with and directed by the Governing Body. The motion passed 7-0.

Executive Session Item B - Motion by Campbell, seconded by Vogt to authorize staff to proceed with the strategies as discussed with and directed by the Governing Body. The motion passed 7-0.

4. BEGIN TELEVISED SESSION – 7:00 P. M.

A roll call was taken and all members of the City Council were present.

Present: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt,
and Gilmore

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

- A.** Proclamation declaring Olathe a Seven Days Supportive City for 2021. Mayor Bacon read and presented the proclamation to Muhammad Chaudry from the Faith Always Wins Foundation Board. Mr. Chaudry thanked the Mayor and the Council for their support.

7. PUBLIC HEARINGS

- A.** Consideration of a Public Hearing on a request by Hedge 175 Associates, LLC for an industrial revenue bond sales tax exemption certificate under a master resolution for the construction of a 1,123,470 square foot industrial facility located in the 175th Street Commerce Centre.
Dianna Wright, director of the Economy Focus Area, gave a presentation.

Rebecca Shipley, 21000 W. 105th Street, spoke against issuing industrial revenue bonds.

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

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

- B.** Consideration of Resolution No. 21-1021 on a request by Hedge 175 Associates, LLC for an industrial revenue bond sales tax exemption certificate for the development and construction of a 1,123,470 square foot spec industrial warehouse facility located at the northwest corner of 175th Street and Hedge Lane.

Councilmember Brownlee asked about the salaries and said they were below the State average. She suggested the Council should look at salaries as part of the criteria.

Mayor Bacon said the IRB policy gets reviewed each November.

Dianna Wright, Director of Economy, said the policy gets reviewed annually, however, salaries are not in the handbook.

Councilmember Campbell shared some statistics regarding the tax abatements and how they have benefited the City and its residents.

Mayor Bacon said the policy can be changed on an annual basis if there is a need.

Motion by Campbell, seconded by Vogt, to approve Resolution No. 21-1021. The motion carried with the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

- C.** Acceptance of a petition and consideration of Resolution 21-1022 authorizing the creation of a street improvement benefit district on behalf of Hedge 175 Associates, LLC in the area of 175th Street and Hedge Lane and approving an Improvement District Development Agreement with Hedge 175 Associates, LLC.

Motion by Campbell, seconded by Vogt, to accepted the petition and approve Resolution No. 21-1022. The motion carried with the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

8. CONSENT AGENDA

Councilmember Vogt asked for item E to be removed and considered

separately.

Councilmember Brownlee asked for item F to be removed and considered separately.

Motion by Campbell, seconded by Vogt, to approve the Consent Agenda with the exception of item E and F. The motion carried with the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

- A.** Consideration of approval of the City Council meeting minutes of March 16, 2021.
Approved
- B.** Consideration of a drinking establishment renewal application for AMC ITD, LLC d/b/a AMC Theaters Studio 28 a new application for Yazdani Enterprises, LLC d/b/a Mio Cuisine.
Approved
- C.** Consideration of pawnbroker/precious metal dealer renewal license applications for Olathe Trading Post, Inc., located at 2049 E. Santa Fe and Heartland Pawnbrokers, LLC, located at 395 N. Ridgeway.
Approved
- D.** Consideration of a sanitary sewer easement acquisition and reimbursement agreement with Cedar Creek Development Company, LLC, and Valley Ridge, LLC.
Approved
- E.** Consideration of approval of a Neighborhood Revitalization Program application for 905 S Chestnut.
Councilmember Vogt said she wanted to highlight opportunities that the City provides for small businesses.

Dianna Wright, Director of Economy, gave a short overview of the Neighborhood Revitalization Program.

Councilmember Wes McCoy asked for more specifics regarding the ownership of the property in question.

Ms. Wright said it was Olathe Home Decor.

Motion by Vogt, seconded by Campbell, to approve item E. The motion carried with the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

- F.** Consideration of Resolution No. 21-1023 authorizing the acquisition and improvement of certain land and public facilities and providing for the issuance of General Obligation Bonds to pay for the costs for Project No. 8-C-002-21.

Councilmember Brownlee asked for item F to be considered separately to provide more transparency when purchasing property and said she believed this was a good decision.

Motion by Brownlee, seconded by Campbell, to approve item F. The motion carried by the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

- G.** Consideration of Resolution No. 21-1024 authorizing the public sale of Water and Sewer System Improvement and Refunding Revenue Bonds, Series 2021.

Approved

- H.** Consideration of Resolution No. 21-1025 assigning the resolution, lease agreement and related bond documents by LE Commerce Center, LLC in connection with \$13,880,000 in industrial revenue bonds to Sealy West 167th Street, LLC.

Approved

- I.** Request for the acceptance of the dedication of land for public easements and right-of-way for a final plat of Battle Creek Estates containing thirty-one (31) lots and three (3) common tracts on approximately 23.13 acres; located in the vicinity of E. 119th Street and S. Nelson Road. Planning Commission approved this plat 6-0.

Approved

- J.** Request for the acceptance of the dedication of land for public easements for a final plat of Heather Ridge South, Fourth Plat (FP21-0003) containing thirty-eight (38) lots and three (3) tracts on approximately 16.76 acres; located in the vicinity of 167th Street and S. Ridgeview Road. Planning Commission approved the plat 6 to 0.

Approved

- K.** Request for the acceptance of the dedication of land for public easements for a final plat of Enclave at Boulder Hills Villas, Second Plat (FP21-0004) containing thirty-one (31) lots and three (3) tracts on approximately 7.73 acres; located in the vicinity of S. Lackman Road, north of 175th Street. Planning Commission approved the plat 6 to 0.

Approved

- L.** Request for the acceptance of the dedication of land for public easements for a final plat of Enclave at Boulder Hills Villas, Third Plat (FP21-0005) containing thirty-one (31) lots and three (3) tracts on approximately 7.73 acres; located in the vicinity of S. Lackman Road, north of 175th Street. Planning Commission approved the plat 6 to 0.
Approved
- M.** Consideration of Consent Calendar.
Approved
- N.** Consideration of Change Order No. 5 to the contract with VF Anderson Builders, LLC for construction of the Santa Fe Street and Ridgeview Road Geometric Improvements Project, PN 3-C-083-15, and the Santa Fe Street Arterial Mill and Overlay, PN 3-P-001-19.
Approved
- O.** Consideration of Change Order No. 1 to the contract with McAnany Construction, Inc., for construction of the 2021 Local and Collector Street Mill and Overlay Project – Group B, PN 3-P-005-21.
Approved
- P.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Kansas Heavy Construction, LLC for construction of the Ridgeview Road Arterial Mill and Overlay Project, PN 3-P-002-21.
Approved
- Q.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Superior Bowen Asphalt Company, LLC for construction of the Old 56 Arterial Mill and Overlay Project, PN 3-P-001-20.
Approved
- R.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Kansas Heavy Construction, LLC for construction of the Upper Cedar Creek Stormwater Improvements Project, PN 2-C-013-19.
Approved
- S.** Consideration of a Professional Services Agreement with Brungardt Honomichi & Company, P.A. for design of the Ridgeview and Santa Barbara Traffic Signal Improvements Project, PN 3-TS-002-21.
Approved
- T.** Consideration of a Professional Services Agreement with George Butler Associates, Inc. for design of the Kansas Avenue Streetscape Project, PN 3-P-001-22.
Approved
- U.** Consideration of award of contract to WestNet for Alerting System equipment, installation, and support services.
Approved

- V. Acceptance of bid and consideration of award to CK Power for the purchase of eight (8) electrical generator sets for the City of Olathe Wastewater lift stations.
Approved
- W. Acceptance of bids and consideration of award of contracts to Olathe Ford, Landmark Dodge Chrysler Jeep, and Roberts Chevrolet Buick for the replacement of vehicles.
Approved
- X. Consideration and approval of award of contract to Ka-Comm, Inc. to provide Federal Signal emergency public safety lighting for the Police Department.
Approved
- Y. Acceptance of bid and consideration of award of contract to Bobcat for the replacement of a T770 T4 Compact Track Loader for the Parks and Recreation Department.
Approved

9. **NEW BUSINESS**

- A. Consideration of Ordinance No. 21-11, RZ20-0015, requesting approval for a rezoning from the RP-1 (Planned Single-Family Residential) District to the O (Office) District and a preliminary site development plan for the Olathe Health Quivira Campus on approximately 8.57 acres; located northwest of 151st Street and Quivira Road. Planning Commission recommends approval 8 to 0.
Senior Planner, Kim Hollingsworth gave a presentation regarding the rezoning.

Representatives from Olathe Health Systems provided the Council with a short presentation regarding their project.

Councilmember Mickelson asked questions regarding the distance to residential homes and Rob Heise, with Olathe Health provided the distance. Mr. Mickelson also asked about the comparison to a two story home and was told that this building would be approximately 38 feet tall. Mr. Mickelson also asked about the drainage issues that had been voiced and asked how the stormwater basin would work. Jason Logsdon with Payne and Brockway provided the information requested.

Councilmember McCoy pointed out that there have been times in

the past where a new development has mitigated the stormwater issues instead of making them worse.

Councilmember Brownlee asked about the lighting that is being planned for the parking lot and Mr. Heise said they would be LED lights and the design is well within the UDO and would mitigate light.

Richard Ames, 12301 W. 148th Street, asked the Council to deny the rezoning requested by Olathe Health.

Noel Strong, 15009 S. Rosehill Road asked the Council to deny the rezoning requested by Olathe Health.

Councilmember Brownlee asked how many students would potentially be crossing from the north to attend school on the south side of 151st and asked if the school boundaries included the homes. Chet Belcher, Transportation Manager, said they did not have any counts prepared, but would provide those. He also said the school had not expressed any concerns.

Councilmember Brownlee asked what would happen if 151st Street was widened. Mr. Belcher said the proposed project would allow for 151st Street to be widened in the future.

Ms. Brownlee asked about Overland Park's approval for commercial development across the street. Ms. Hollingsworth said Overland Park had approved the land on the southeast corner to be commercial/retail use. Mayor Bacon asked to see the map to show this location. Ms. Brownlee asked when this development was anticipated to be built and Ms. Hollingsworth said it is a preliminary plan and she didn't know dates.

Mayor Bacon asked about improvements to 151st, and Mr. Belcher said the curb cut aligns with a street to the south. Mayor Bacon also asked about improvements to Quivira and Mr. Belcher said that it would be 2 lane divided.

Mayor Bacon asked about the deed restrictions that had been

shared with the Council. City Attorney, Ron Shaver, said that was a contract between the property owner and the HOA.

Councilmember Gilmore asked about the stormwater background and what is the City's interest. Mr. Belcher said there was a flood control project in 2011 in this area. He said the city becomes involved, when water is actually entering a home.

Councilmember Mickelson asked what the City's leverage is if the stormwater design provided is not effective. City Attorney, Ron Shaver, said they must go through design requirements to assure that they can meet the needs and it is recorded on the plat. Mr. Belcher also said the basins are inspected every two years.

Motion by Campbell, seconded by Vogt, to approve Ordinance No. 21-11. The motion carried by the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

- B.** Consideration of Ordinance No. 21-12, RZ21-0001, requesting approval for a rezoning from the CTY-RUR (County Rural) District to the R-1 (Residential Single-Family) District and a preliminary plat for Woodland Hills North on approximately 177.32 acres; located at the southeast corner of College Boulevard and S. Woodland Road. Planning Commission recommends approval 8-0.

Senior Planner, Kim Hollingsworth gave a presentation regarding this rezoning.

Councilmember Mickelson asked when the traffic study had been conducted. Ms. Hollingsworth said staff had looked at the traffic counts and Mr. Belcher, Transportation Manager, said the study was from 2017.

Councilmember Gilmore asked if the south of this property is already developed. Mr. Belcher said it is developed around the school. Mr. Gilmore also asked about the phases and Ms. Hollingsworth said they would start to the south and happen pretty quickly.

Councilmember Vogt asked about the traffic volume on College. She said currently it is a nice low volume. Mr. Belcher said they

anticipated the new development would create approximately 4800 average daily drivers. Ms. Vogt asked about the swimming pool being located right on Woodland. Ms. Hollingsworth said they did recommend the pool be closer to the center of the development. She said they had agreed to a distance from the road with specific fencing. Ms. Vogt also asked about adequate parking at the pool and Ms. Hollingsworth said it was typical of other neighborhood pools.

Kim Boggs, 19910 W. 113th Terrace, asked the council to deny this rezoning.

Councilmember Mickelson asked if there is room to expand to four lanes. Mr. Belcher said there would still be room. Mr. Mickelson also shared concerns about the truck traffic and asked Police Chief Mike Butaud what is being done regarding trucks. Chief Butaud said they are happy to look into that situation.

Councilmember Brownlee asked about the average size of the homes being proposed. Pete Heaven, representative for the applicant, said the houses will start about five hundred thousand and go to one million.

Mayor Bacon asked about the subdivisions on the west of Woodland and if they only had one way in and out. Mr. Belcher said that was correct. Mayor Bacon said he believed that this area should be on the CIP for future improvements. He also said he believed a good location for a signal would be by the elementary school. He said he thought something that would help would be if a u-turn would be allowed.

Mr. Belcher said they would continue to monitor the traffic.

Motion by Campbell, seconded by Vogt, to approve Ordinance No. 21-12. The motion carried by the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Gilmore

10. NEW CITY COUNCIL BUSINESS

Councilmember Mickelson suggested the time allowed for citizens to sign up to speak at council meeting could be extended.

Councilmember McCoy shared about some vandalism and graffiti around his home and expressed his concerns.

Councilmember Gilmore said he would like to see improvements to Quivira elevated on the CIP.

Mayor Bacon said the Citizens Police Advisory Council is hosting a teen forum on May 4th and invited teen leaders to become involved.

11. END OF TELEVISED SESSION

12. GENERAL ISSUES AND CONCERNS OF CITIZENS

None

13. CONVENE FOR PLANNING SESSION

Reports are 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 authorization of the 2021 Facility & Parking Lot Improvements & Maintenance Project, PN 6-C-032-21.
Report Accepted.
2. IRB Report on a request by Scannell Properties #476, LLC for a single-phase project under a master resolution for the construction of a 567,840 sq. ft. industrial building in the I-35 Logistics Park development.
Councilmember Mickelson said he thought the Council should revisit the IRB policy.

Councilmember Gilmore said he appreciated the history lesson from Councilmember Campbell and was looking to learn more about the process and policy.

Mayor Bacon said he thought it would be wise to address the policy before December and asked if it would be possible in the next couple of months and City Manager, Michael Wilkes

said it was.

Councilmember Brownlee also thanked Mr. Campbell for the information he shared. She also mentioned that commercial buildings with office space had a lot of pros and cons.

Councilmember Vogt encouraged staff to engage the Chamber when they evaluated the IRB policy.

3. Report on an annexation petition and agreement with the Thomas S. VanKeirsbilck trust and Slam D Holdings Inc.
Report Accepted.
4. Report on an annexation petition and agreement with the Robert S. Murphy Revocable Trust and BK Properties, LLC.
Report Accepted.
5. Report on authorization of the 2021 CIP for Modernization of Fire Stations Project. PN # 6-C-031-21.
Councilmember Campbell said he was glad the City is able to move forward with this project.

14. ADDITIONAL ITEMS

Councilmember Brownlee talked about the anticipated federal dollars the City expects to receive and said she believed the City would be cautious with how they spent those funds.

Tim Danneberg, Director of External Affairs and Issues Management, said staff is working to know more about the coordination, limitation and restriction for the federal funding. He said they are in discussions with surrounding cities and the federal delegation.

Councilmember Campbell said previous funding guidelines seemed to change daily and used an on-line source for the most current information. Mr. Danneberg said that right now the only guidance is coming out of legislation.

City Manager, Michael Wilkes said that last time there was an urgency to spend the money within a short time frame and at least this time, the City would not have to move as quickly.

Councilmember Campbell reminded everyone that the City Manager's review is

scheduled for the next council meeting and they would be receiving emailed documents to prepare.

Councilmember McCoy also reminded the Council they would also be receiving a survey to fill out pertaining to the Judge's evaluation. He also said he was appreciative of the grants for small businesses and for IRB's to support larger business. He thanked Planning and Finance for helping make good decisions in this area.

15. ADJOURNMENT

The meeting was adjourned at 9:02 PM.

Brenda D. Long
City Clerk