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**Reception for out-going council members - 6:30 PM, City Hall Lobby**

**1. CALL TO ORDER**

**Present:** Bacon, Vogt, Gilmore, Felter, Essex, Mickelson, and McCoy

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**

**4. SPECIAL BUSINESS**

**A.** Recognition of outgoing Councilmembers Wes McCoy and Adam Mickelson

Mayor Bacon presented Councilmembers McCoy and Mickelson with gifts, recognizing them for their years of service to the City of Olathe as councilmembers.

Mayor Bacon also presented Councilmember McCoy with a certificate of appreciation from the League of Kansas Municipalities for 10 years of service.

Both councilmembers thanked the citizens for the opportunity to serve them.

**B.** Consideration of Resolution No. 23-1074 appointing a new member to the Board of Housing Commissioners

Mayor Bacon introduced Housing Director, Joyce DePriest.

Ms. DePriest introduced Shakeel Mhaskar as the new member of the Board of Housing Commissioners. Mayor Bacon presented Mr. Mhaskar with a Certificate of Appointment.

Motion by Gilmore, seconded by Vogt, to approve Resolution No.

23-1074 as presented. The motion carried by the following vote:

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

- C.** Consideration of Resolution No. 23-1075 appointing and reappointing members to the Persons with Disabilities Advisory Board  
Mayor Bacon invited the Persons with Disabilities Advisory Board Chair, Mark Gash, to introduce the members.

Mr. Gash introduced new board members, Steve Wise and Holly Palacio, along with returning members, Mark Cameron, Michelle Brown and Claire Reagan. Mayor Bacon presented those in attendance with Certificates of Appointment.

Claire Reagan thanked the mayor for the opportunity to serve.

Motion by Gilmore, seconded by Vogt, to approve Resolution No. 23-1075 as presented. The motion carried by the following vote:

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

## **5. PUBLIC HEARINGS**

- A.** Public Hearing and Consideration of Resolution No. 23-1076 requested by 127 Land Investors, LLC for issuance of industrial revenue bonds for the construction of a mixed-use development with approximately 84 dwelling units and 7,000 square feet of commercial space and related amenities on 2.81 acres at the southwest corner of 127th Street and Black Bob Road  
Financial Strategy and Procurement Manager, John Page provided a presentation to the council.

Aaron Mesmer, Block Real Estate, 4622 Pennsylvania Ave, Kansas City, MO, presented to the council.

Councilmembers had questions about the property currently being in a flood plain and concerns about approving the abatement because it is for a property that is proposed to be mainly apartments and the cost benefit analysis is below 1.0.

Councilmember Vogt stated she would like to see the cost benefit analysis above 1.0 and suggested 90% for 5 years and 50% for

year six and asked if that would be possible. Mr. Mesmer stated he took the idea to their financial partner, Humphreys Capital, who stated they would be willing to consider it.

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

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

Councilmember Felter voiced concerns on abating apartments and that this property has a different owner than phase 1 did. She added if abatements are given we need to follow the same rules for all.

Motion by Vogt, seconded, by Gilmore, to approve Resolution No. 23-1076 with amendment to section three to adjust the approximate percentage of payments in lieu of taxes to show a 10% pilot in years 1-5, 50% pilot in year 6 and 100% pilot in years 7-10. The motion carried by the following vote:

**Yes:** McCoy, Bacon, Vogt, and Gilmore

**No:** Mickelson, Felter, and Essex

## **6. CONSENT AGENDA**

Mayor Bacon asked for item H to be pulled and considered separately.

Councilmember Felter asked for items N and Y to be pulled and considered separately.

Motion by Gilmore, seconded by Vogt to approve the consent agenda with the exception of items H, N and Y. The motion carried by the following vote:

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

- A.** Consideration of approval of the City Council meeting minutes for the November 21, 2023 meeting.  
Approved
- B.** Consideration of cereal malt beverage applications for calendar year 2024.  
Approved
- C.** Consideration of a new cereal malt beverage application.  
Approved
- D.** Consideration of renewal drinking establishment applications.

Approved

- E.** Consideration of business expense statement for the City Manager, Michael Wilkes and Councilmember Felter to travel to the National League of Kansas Municipalities conference in Atlanta, Georgia from November 15 to the 18th.

Approved

- F.** Consideration of a Real Estate Contract and Development Agreement with K-State Olathe Innovation Campus, Inc., and VTRE Development, LLC.

Approved

- G.** Consideration of Amendment No. 2 to an Agreement with Axon Enterprise, Inc. for implementation of a digital evidence management system.

Approved

- H.** Consideration of the property and casualty insurance programs for 2024.

Deputy City Attorney, Chris Grunewald stated the item needed to be pulled because the information presented in the packet was for the property and liability insurance program, but quotes were still being collected. He added that a more competitive quote for the liability program was received from Safety National.

Motion by Gilmore, seconded by Vogt to approve the 2024 insurance premiums in the amount of \$1,165,610 for property insurance coverage with Chubb and liability insurance coverage with Safety National and other miscellaneous lines as noted in the updated renewal comparison table, and additionally to authorize Staff to conditionally bind auto property damage coverage subject to ratification by the City Council if the annual premium for that coverage exceeds \$50,000. The motion carried by the following vote:

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

- I.** Consideration of contract renewal with Cigna for the administrative services for the City's self-funded health and prescription program.

Approved

- J.** Consideration of renewal of contract with Marathon Health, Inc. for the management of the Olathe Wellbeing Center. .

Approved

- K.** Consideration of Resolution No. 23-1077 adopting the Benefit District Policy

Approved

- L.** Consideration of Resolution No. 23-1078 adopting the Tax Increment Financing (TIF) Policy

Approved

- M.** Consideration of Resolution No. 23-1079 adopting the Community Improvement District (CID) Policy

Approved

- N.** Consideration of Resolution No. 23-1080 adopting the Industrial Revenue and Tax Abatement (IRB) Policy.

Councilmember Felter noted the Industrial Revenue and Tax Abatement policy is being updated and also noted that the policy was not followed on a previous item. Ms Felter asked, Financial Strategy and Procurement Manager, John Page, if it only took a simple majority to approve an item if it goes against policy.

Mr. Page stated that was correct.

Motion by Gilmore, seconded by Vogt, to approve item N as presented. The motion carried by the following vote:

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

- O.** Consideration of Resolution No. 23-1081 (PLN23-0002) defining the boundary of the City of Olathe as of December 31, 2023.

Approved

- P.** Consideration of the 2024 Human Service Fund Allocation Recommendations.

Approved

- Q.** Consideration of the 2024 Substance Use Continuum of Care Fund (SUF) Allocation Recommendations.

Approved

- R.** Consideration of Consent Calendar.

Approved

- S.** Consideration of Amendment No. 1 with Crossland Heavy Contractors, Inc. for construction of Phase 2 of the Vertical Well Field Improvements Project, PN 5-C-031-18.

Approved

- T.** Consideration of Supplemental Agreement No. 6 with Burns & McDonnell Engineering Company, Inc. for construction administration services during Phase 2 of the Vertical Well Field Improvements Project, PN 5-C-031-18.

Approved

- U.** Consideration of contract and quote from R.E. Pedrotti for SCADA upgrades associated with the Water and Wastewater SCADA Security Project, PN 5-C-008-21.

Approved

- V.** Consideration of an Intergovernmental Agreement and Right of Access with Johnson County Park and Recreation District for construction of the 119th Street Improvements Project, PN 3-P-007-23.

Approved

- W.** Consideration of Supplemental Agreement No. 1 with Olsson, Inc. for design of the Waterline Rehabilitation Project, PN 5-R-000-23.

Approved

- X.** Consideration of an Agreement with SFS Architecture for design services for the Facility Improvements and Renovations Project, PN. 6-C-038-24

Approved

- Y.** Consideration of payment to Viking Industrial Painting for Renner Water Tower repairs for the Environmental Services Division of Infrastructure. Councilmember Felter pulled this item to state she had the opportunity to visit with Viking Industrial Painting while in Atlanta, noting they do great work.

Deputy Public Works Director, Zach Hardy stated while more work was needed than planned, the work was complete.

Motion by Gilmore, seconded by Vogt to approve item Y as presented. The motion carried by the following vote:

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

- Z.** Consideration of Amendment to existing Transfer Station Agreement  
Approved

- AA.** Consideration of an Agreement with Walter P. Moore and Associates, Inc. for consulting services for the City Hall roof replacement as part of the City Hall Environmental Systems Renovation and Roof project, PN 6-C-016-19.

Approved

- BB.** Consideration of contract amendment with Tyler Technologies to provide training and customer support for EnerGov.

Approved

- CC.** Consideration of the purchase of a reproduction stagecoach from Hansen Wheel and Wagon Works, Letcher SD.  
Approved
- DD.** Consideration of award of contract to Amerifence for cemetery fencing.  
Approved
- EE.** Consideration of award of contract to RecTrac LLC DBA Vermont Systems for recreation software.  
Approved
- FF.** Consideration of a renewal price agreement with Electric Corporation of America for materials and services related to the installation and maintenance of network and data cabling.  
Approved

## **7. NEW BUSINESS**

- A.** Consideration of RZ23-0008, requesting approval of a rezoning from the CP-2 (Planned General Business) District to the C-3 (Regional Center) District for B Street Collision Center on approximately 3.53 acres; located northeast of W. 151st Street and S. Pflumm Road. Planning Commission recommends denial 8-0.  
Senior Planner, Jessica Schuller, provided a presentation to the council.

Curt Petersen, Polsinelli, 900 W 48th PI, Kansas City, Mo, provided a presentation on behalf of the applicant.

Councilmembers McCoy, Felter and Gilmore spoke in favor of looking at a way to remand the item back to the Planning Commission for consideration.

Councilmember Vogt feels it is a great project, but it needs to be somewhere else because it is too close to a residential area.

Councilmembers Essex, Mickelson and Mayor Bacon voiced concerns about the project being at the site, along with potential noise issues for future tenants around the site.

Kim Hollingsworth, Planning and Development Manager, stated if the item is remanded back to the Planning Commission, staff would need time to do a full review of the request because a full review is

not completed when there is a recommendation of denial.

Motion by McCoy, seconded by Gilmore, to remand the item back to the Planning Commission to rework the project. The motion carried by the following vote:

**Yes:** Mickelson, McCoy, Bacon, Gilmore, Felter, and Essex

**No:** Vogt

- B.** Consideration of Ordinance No. 23-36 (RZ23-0005), requesting approval of a rezoning from the AG (Agricultural) District to the C-4 (Corridor Commercial) District and a preliminary site development plan for AAG Commercial Development on approximately 4.99 acres; located at 13245 S. Black Bob Road. Planning Commission recommended approval 8 to 0.

Councilmember Felter stepped away from the dais at 8:57 PM.

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

Councilmembers Mickelson and Vogt, had concerns about the reduction of glass on facades, fencing material, and the lack of restrictions on phase 2, lot 1. Councilmember Vogt had additional concerns on how the proposed plan would affect the residential area next to the property. Mayor Bacon had questions on the access to the lots and circulation on the lots.

Staff provided explanations to the council on the concerns noted and what was discussed at the Planning Commission meeting about the proposed plan.

Applicant, Jib Felter, 14220 S Coppercreek, Olathe, stated the plans for the site changed because staff asked him to change them to not have a fast food restaurant on the site. He further stated that he would not proceed with the development if it is not how planning commission proposed it to allow him to get the highest use out of the land.

Councilmember Vogt stated the city wants to make sure there is a rhyme and reason to development and feels that the applicant would be able to find tenants for the land even with the restrictions.

Councilmember Mickelson asked for clarification on what restrictions staff suggested and what restrictions planning commission suggested. Staff provided a side by side explanation of the two lists.

Councilmember Essex asked for clarification on what staff asked the applicant to change. Kim Hollingsworth, Planning and Development Manager, stated the original application received included a restaurant and had three buildings on the site and there were site components not meeting code, staff suggested making the lot conceptual building.

Councilmember Vogt asked for clarification on if staff asked the applicant to not put a restaurant on the site. Kim Hollingsworth, Planning and Development Manager, stated it was never the idea to not have a restaurant on the property and added staff would be ok with a restaurant on the property.

Motion by Gilmore to approve Ordinance No. 23-36 as presented. Councilmember Vogt requested to amend the proposed motion. Councilmember Gilmore withdrew his motion.

Councilmember Vogt made a motion that section two of Ordinance No. 23-36 be amended to add those uses that the staff originally prohibited including the flex space office, warehouse building, gas station, leasing commercial, industrial machinery and equipment, vehicle painting/body shops, vehicle repair and restoration, and vehicle services. Councilmember Essex seconded, the motion carried by the following vote:

**Yes:** Mickelson, McCoy, Bacon, Vogt, and Essex

**No:** Gilmore

**Absent:** Felter

The Council recessed for a five minute break at 9:45 PM, to return at 9:50 PM.

Mayor Bacon reconvened the regular city council meeting at 9:50 PM.

Councilmember Felter rejoined the council at the dais.

- C.** Request for the acceptance of the dedication of land for public easements and public street right-of-way for a final plat of Pathway at Heritage Park (FP23-0027), containing fifteen (15) lots and five (5) tracts on approximately 10.83 acres, located northeast of 159th Street and S. Black Bob Road. Planning Commission approved the plat 8 to 0.

Mayor Bacon stated that while this item is not a public hearing that he would allow public comments to be made because of the increased public interest.

Marvin Peck, 15698 S Blackfeather, Olathe, spoke against the item and had concerns about the use of tax funds for the project.

Christina Ashie-Guidry, Director of Policy and Planning, United Community Services of Johnson County, spoke in favor of the project to help with the shortage of affordable housing in Olathe.

Mayor Bacon asked for clarification on the difference between the 950K and one million dollars of assistance. Chris Grunewald, Deputy City Attorney, stated the 950K was an allotment of ARPA money and was previously approved by the county. He added, the million dollars is in reference to item D on the agenda about federal HOME funds that the county has control over, but is seeking council support on.

Councilmember Mickelson asked why the city council needed to vote on the HOME funds if the county will be making the decision on if HOME funds will be used on the Habitat for Humanity project. Mr. Grunewald stated the item would allow the council to provide a statement of support for the project if the HOME funds item passes.

Councilmember Gillmore added the resolution would show further support of the project to the county as they make their decision on what projects receive the federal funding.

Mayor Bacon voiced concerns about lot 14 and how narrow it is compared to other lots. Senior Planner, Emily Carrillo stated unless the lot is under 7200 sq feet it does not require individual review of the proposed structure on it.

Councilmember Felter noted the council was on item C, not item D. Mayor Bacon stated that was correct and a few questions heard were for item D.

Councilmember Felter asked if any deviations from the UDO were requested. The applicant stated, no.

Councilmember Vogt asked if the existing church would remain. The applicant stated, yes.

Lindsay Hicks, Habitat for Humanity, 1423 E Linwood Blvd, Kansas City, MO, fielded questions from councilmembers, including clarification on if the housing could be limited to individuals that work in Olathe, what the application process was like, and concerns about the upkeep and maintenance of the homes and land.

Councilmember Gilmore asked clarifying questions on how the Habitat for Humanity process works, including who owns the house and land. Ms. Hicks provided an explanation to the council.

Motion by Gilmore, seconded by Vogt, to approve the acceptance of dedication of land for public easements and right-of-way for a final plat of Pathway at Heritage Park, FP23-0027, as presented. The motion carried by the following vote:

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

- D.** Consideration of Resolution 23-1082 expressing support for Johnson County applying federal HOME funds to support an affordable housing development in south Olathe.

Councilmember Mickelson asked for further clarification on why the process for HOME funds included voting on an item that has never come before the council. Deputy City Attorney, Chris Grunewald, provided details on a baseline agreement from 2004 that allows the county to have ultimate authority on projects.

City Manager, Michael Wilkes stated there was a level of transparency that the county was interested in on the item to make sure that the City of Olathe was ok with the allocation of funds to the project. He added that the city wants to have a process in place for future allocations of funds, similar to processes already used by the council.

Councilmember Felter stated she is struggling with not allowing

other organizations to apply for the funding and felt like the communication was botched. She added there needs to be a competitive RFP type grant process going forward.

Councilmember Vogt asked if the funds were part of CDBG and how much will remain after the one million dollars. Mr. Grunewald stated the funds were not part of CDBG and there would be approximately \$142,000 remaining.

Motion by Gilmore, seconded by Vogt, to approve Resolution No. 23-1082 as presented. The motion carried by the following vote:

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

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

Councilmembers, Mayor Bacon, and City Manager, Michael Wilkes, thanked Councilmembers Mickelson and McCoy for thier service on the council.

Councilmember Mickelson stated it was an honor to serve on the council and serve the citizens.

Councilmember McCoy stated it has been an honor to serve and appreciated the opportunity to serve as one of the liaisons for the municipal judges.

Councilmember Felter stated Inclusion Connection suffered damage to their building due to a car driving into it and asked people to consider donating to them.

Mayor Bacon thanked everyone who attended the Mayor's Christmas Tree lighting. He also thanked the Olathe Community Prayer Breakfast for the donation of \$8,250.00 to the Mayor's Children's Fund.

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

## **10. GENERAL ISSUES AND CONCERNS OF CITIZENS**

Persons wanting to speak regarding a general concern must sign up no later than 30 minutes prior to the beginning of the City Council meeting. A person may sign up by notifying the City Clerk by calling 913-971-8521, emailing CCO@Olatheks.gov or in person at City Hall. The Council has allocated up to 3 minutes per speaker, and up to 30 minutes total for this portion of the meeting.

Lisa Salmen, 19930 W 117th Ter, spoke against the proposed closure of the

Woodland Rd and Northgate Rd railroad crossing.

## **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. Quarterly Procurement Report  
Report accepted
2. Report on work with GLMV Architecture, Inc. for site evaluation services for the Future Fire Stations Land Procurement project, PN 7-C-041-22.  
Report accepted

### **B. DISCUSSION ITEMS**

1. Discussion of the 2024 State Legislative Program.  
Director of External Affairs & Issues Management, Tim Danneberg, provided a presentation to the council.

## **12. ADDITIONAL ITEMS**

Councilmembers McCoy, Gilmore, Vogt and Essex wished everyone a Merry Christmas.

Councilmember Mickelson stated the city needs to be clear with the county that they botched the HOME funds item and asked City Manager, Michael Wilkes, to make sure they are aware of it. He also wished everyone a Merry Christmas and Happy New Year.

City Manager, Michael Wilkes, wished everyone a Merry Christmas.

Mayor Bacon wished a Merry Christmas to all.

## **13. ADJOURNMENT**

The meeting adjourned at 11:02 PM.

Eric Strimple  
Assistant City Clerk