



1. CALL TO ORDER

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

Others in attendance were City Manager, Michael Wilkes, Deputy City Manager, Susan Sherman, and City Attorney, Ron Shaver.

2. EXECUTIVE SESSION

Consideration of motion to recess into an executive session to discuss the following items:

- A.** For consultation 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 a development agreement. Motion by Campbell, seconded by McCoy 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), pertaining to a development agreement for 45 minutes. The motion carried with the following vote:

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

Councilmember Vogt arrived at 6:16 and joined the Executive Session.

Councilmember Brownlee arrived at 6:19 and joined the Executive Session.

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

3. RECONVENE FROM EXECUTIVE SESSION

Mayor Bacon said there would be a motion out of Executive Session at the end of the council meeting.

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

5. PLEDGE OF ALLEGIANCE**6. SPECIAL BUSINESS****A.** Proclamation recognizing John Allison Day.

Mayor Bacon presented Mr. Allison with the proclamation. Mr. Allison thanked Mayor Bacon and the Council for their commitment to the community.

Mayor Bacon asked the City Clerk to take a roll call since Councilmember Campbell was joining the meeting virtually. All members of the Council were present.

B. Proclamation recognizing Public Service Recognition Week.

Mayor Bacon presented the proclamation to Kari Bingham-Gutierrez, Library Customer Service Supervisor. Ms. Bingham-Gutierrez thanked the Council on behalf of City staff.

C. Consideration of Resolution No. 21-1030 appointing members to the Planning Commission.

Dean Vakas, Planning Commission Chairman, introduced the newly appointed members and presented them with a certificate of appointment.

Motion by Campbell, seconded by Vogt, to approve Resolution No. 21-1030. The motion carried with the following vote:

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

D. Acceptance of a petition and consideration of Resolution 21-1031 authorizing the creation of benefit district for public improvements on behalf of Cedar Creek Development Company, LLC for the improvement of College Boulevard, Clare Road, and Cedar Creek Parkway

Tim Danneberg, Director of External Affairs and Issue Management, Nate Baldwin, City Engineer, and Gina Riekhof, with Gilmore and Bell, gave a presentation regarding the proposed benefit districts. Mr. Danneberg gave an overview of the timeline. Mr. Baldwin outlined the districts and Ms. Riekhof shared how the districts were formed.

Councilmember Mickelson asked why there were two benefit districts. Ms. Riekhof said they are separate in the master plan, but

were put together in this proposal to achieve a larger project.

Councilmember Brownlee asked how the cost compared to other benefit districts and Ms. Riekhof said there have been others in the area that are similar, but there are different factors. Ms. Brownlee said there are some with lower numbers and asked for an explanation. Ms. Riekhof explained some of the changes in the cost are because of the additional property included.

Ms. Brownlee asked how the cost compares to other street projects and Mr. Baldwin said they estimated the cost on bid tabulations from other projects. Ms. Brownlee then asked what is the standard percentage of contribution from the City and the developer. Ms. Riekhof said that usually the City and developer share the cost of bridges 50-50. She said the City's contribution for this project was to off set the cost of the bridge.

Councilmember Gilmore asked about the timeline for this project. He asked about the process and how the City determined the amounts. He also asked if the amounts in the proposal were maximum amounts and Mr. Baldwin said they were.

Councilmember McCoy asked about the public safety issue of only one way in and one way out of the subdivision. Mr. Baldwin said that was currently the case and there were also no street lights or curbing. He said the bike lanes and sidewalks would be added as well as improved sight distance.

Councilmember Vogt asked why it had not already been done and Mr. Baldwin said this benefit district area goes back to the 2001 master plan. Ms. Vogt noted that the City would oversee the work being done on College but asked about the work on Bluestem. Mr. Baldwin said the City would still have oversight, but would not be hiring the engineer, etc. He said they would still have to submit plans to be approved by the City.

Councilmember Vogt asked if benefit districts were common and Ms. Riekhof said they are very common in Kansas and there is a

similar concept in Missouri. She said she didn't have experience in other states.

Mayor Bacon asked about how they knew where to draw the boundaries and Ms. Riekhof explained the process they had used.

Mayor Bacon said even though this was not a public hearing, the Council had allocated time for the residents and their representatives to speak.

Jim Orr, 4800 Rainbow Blvd., spoke in opposition to the benefit district.

Greg Musil, 5250 W 116th Pl., spoke in opposition to the benefit district.

Jeff Carey, 10750 S. Carbondale, spoke in opposition to the benefit district.

Bill Mann, 24543 W. 110th St., spoke in opposition to the benefit district.

Mark Huggins, 426 S. Kansas, spoke in opposition to the benefit district.

Dean Vakas, 26702 W. 109th, spoke in opposition to the benefit district.

Mayor Bacon thanked everyone who had spoken. He also thanked staff for the FAQ's they had made available.

Councilmember Brownlee asked if unimproved land had to be included and why. Ms. Riekhof said case law indicated it had to be included if it could be built on. Ms. Brownlee asked about tract A that was pointed out and Ms. Riekhof said there is a difference between water/sewer verses road improvements but they would do more investigation.

Councilmember Campbell said he thought this item warrants more work. He suggested it be delayed to allow staff to look at all the issues. He said he would look at removing flood plains, the HOA owned property, and possible phasing. He also wondered if it would help to have more of a contribution from the City, but he also believed in growth paying for itself. He said he believed the City has a fair system, but thought two weeks to allow staff to look at this would be good.

Councilmember Mickelson asked if a two week delay would help staff be able to address some of the questions that had been raised. City Manager, Michael Wilkes, said staff could work with the developer during a two week delay. Mr. Mickelson asked if residents would be involved in the discussions and Mr. Wilkes said they would have some discussions.

Mayor Bacon asked if it would be acceptable to add item E to the motion and table both item D and E. Mr. Campbell and Ms. Vogt said that was acceptable to them.

Mayor Bacon asked that staff provide as much information as possible on the website.

Motion by Campbell, seconded by Vogt, to table Resolution No. 21-1031 for consideration at the next council meeting. The motion carried by the following vote:

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

- E.** Acceptance of a petition and consideration of Resolution 21-1032 authorizing the creation of a benefit district for public improvements on behalf of Cedar Creek Development Company, LLC for the improvement of Bluestem Parkway and 107th Terrace.

Motion by Campbell, seconded by Vogt, to table resolution No. 21-1032 to be considered at the next council meeting. The motion carried by the following vote:

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

7. CONSENT AGENDA

Motion by Campbell, seconded by Vogt, to approve the consent agenda. 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 April 20, 2021.
Approved
- B.** Consideration of Resolution No. 21-1033 appointing a member to the Board of Zoning Appeals.
Approved
- C.** Consideration of O.M.C. 2.40.060, Resolution No. 07-1030 (City Council Policy A-5) request for the naming of two new neighborhood parks. The park next to Indian Creek Library new name Indian Creek Park and the second park located at 11795 S. Langley St. to Woodland Hills Park.
Approved
- D.** Request for the acceptance of the dedication of land for public easements for a final plat of Van Duss Industrial Park, Second Plat (FP21-0006) containing one (1) lot and three (3) tracts on approximately 57.17 acres; located along the south side of W. 167th Street just east of Hedge Lane. Planning Commission approved the plat 6 to 0.
Approved
- E.** Request for the acceptance of the dedication of land for public easements for a final plat of Courts at Stonebridge, Second Plat (FP21-0011) containing four (4) tracts on approximately 9.29 acres; located south of 167th Street just east of Mur-Len Road. Planning Commission approved the plat 5 to 0.
Approved
- F.** Request for the acceptance of the dedication of land for public right-of-way for a final plat of Evergreen Grove (FP21-0015) containing one (1) lot on 1.31 acres; located along the south side of 143rd Street just east Red Bird Street. Planning Commission approved the plat 5 to 0.
Approved
- G.** Consideration of a pilot program for private street participation in the Olathe Street Preservation Program.
Approved
- H.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Pyramid Contractors, Inc. for construction of the Mill Creek, Prairie to Cedar, Phase 1, Stormwater Improvements Project, PN 2-C-030-18.

Approved

- I. Consideration of Agreement No. 55-21 with the Kansas Department of Transportation (KDOT) for funding the construction inspection of the Interstate 35 and 119th Street Interchange Reconfiguration Project, PN 3-C-026-16.

Approved

- J. Consideration of Supplemental Agreement No. 1 with Black and Veatch Corporation for design of the WTP2: Electrical Modifications and Improvements Project, PN 5-C-028-20, and the WTP2: Chemical Feed Modification Project, PN 5-C-026-20.

Approved

- K. Consideration of an easement conveyance from the City of Olathe to Evergy Metro, Inc. for the Fire Station #8 Project, PN 6-C-009-18.

Approved

- L. Consideration of Professional Services Agreement with George Butler Associates, Inc. for design of the Provence Village Neighborhood Streets Improvement Project, PN 3-R-003-22.

Approved

- M. Acceptance of renewal of contract with Secure e-Cycle for electronic waste recycling for the Solid Waste Division of Infrastructure.

Approved

- N. Consideration of renewal of contract with Granicus, Inc., for website redesign, hosting and associated digital components to improve the online user experience.

Approved

- O. Consideration of renewal of contract with Level One, LLC for utility bill printing, mailing and online presentment for the Customer Service Division.

Approved

- P. Acceptance of bid and consideration of award of contract to Pishny Real Estate Services LLC dba Pishny Restoration Services for the restoration of the Olathe Cemetery Chapel.

Approved

8. NEW BUSINESS

- A. Consideration of Ordinance No. 21-17, RZ21-0003, requesting approval for rezoning from C-2 (Community Center) and R-1 (Residential Single-Family) Districts to R-3 (Residential Low-Density Multifamily) District and preliminary site development plan for College Ridge Apartments on approximately 41.09 acres; located at the southwest corner of College Boulevard and Ridgeview Road. Planning

Commission recommends approval 7 to 0.

Senior Planner, Jessica Schuller gave a presentation regarding the proposed rezoning.

Councilmember Mickelson asked about tree preservation. Ms. Schuller showed the map and explained the requirements. Mr. Mickelson then asked about the line of sight and Ms. Schuller showed the map with the elevations noted.

Mr. McCoy asked about the timeline for the project to begin and Ms. Schuller said that would be a question for the applicant.

Councilmember Vogt asked if a tree survey would be required in the area where the buildings would be built and Ms. Schuller said the trees in the northwest corner would be removed. Ms. Vogt said it would be appalling to have the trees removed from the whole area and wanted to make sure the applicant was addressing that issue.

Councilmember Vogt also asked about stormwater run-off into Mill Creek. Ms. Schuller said a stormwater study had been submitted. Transportation Manager, Chet Belcher, said the trail was 6 feet below the area. Ms. Vogt asked who is responsible and Mr. Belcher said they had asked for a concept design and before moving ahead Johnson County would have to sign off on the plans. Ms. Vogt questioned the impact and Mr. Belcher said they would have to meet or exceed requirements. Ms. Vogt said she knew this property would be challenging to build on, but at the end of the day didn't want to see the area destroyed.

Councilmember Vogt asked why the four story building was proposed right on the corner and Ms. Schuller said they believed it would fit in with surrounding development. Ms. Vogt asked about a left hand turn and Ms. Schuller said there would be one in the north bound lane. Ms. Vogt asked if there was going to be a signal and Mr. Belcher said they did not anticipate needing one.

Councilmember Vogt asked about sidewalks within the project and Ms. Schuller said there was sidewalk connectivity, outdoor seating

and connections to trails.

Councilmember Brownlee asked about the development to the east. Ms. Schuller said it had been zoned for a business park in 2005 and the maximum height is four stories. Ms. Brownlee asked if a development had been approved for this location and Ms. Schuller said nothing has been approved, but it is allowed with the current zoning.

John Peterson, with Polsinelli, represented the applicant and gave a short overview of the project. He also provided further explanations to some of the Council's questions and concerns.

Councilmember Vogt asked why the four story part of the complex was being built right at the street and Mr. Peterson said the shorter buildings would be closer to the single family homes. He also said they believed the visual impact would be less since it would be behind a retaining wall.

Councilmember Vogt asked about the trash chutes and Mr. Peterson said it was where the residents could drop their trash to a bin in the basement for removal.

Councilmember Brownlee asked what material would be used on the buildings and Mr. Peterson said it would meet or exceed the City's requirements. Ms. Schuller said it was a mix of materials.

Councilmember Brownlee asked about the market of owner occupied units and Mr. Peterson said the market was very strong for rentals.

Councilmember Gilmore asked about the timeline and Mr. Peterson said they hoped to begin by the end of the year.

Mayor Bacon asked if all buildings would have elevators and Mr. Peterson said they would. He also asked about a pet area and Mr. Peterson said that was planned.

Mr. Peterson said they would come back with a report regarding trees. Councilmember Vogt agreed that was acceptable.

Motion by Campbell, seconded by Vogt, to approve Ordinance No. 21-17. The motion carried with the following vote:

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

- B.** Consideration of Ordinance No. 21-18, RZ21-0006, requesting approval for a zoning amendment to Ordinance 06-54 and a revised preliminary site development plan for Charlie's Car Wash on approximately 2.13 acres; located at 13512 S. Black Bob Road. Planning Commission recommends approval 7-0.

Mayor Bacon asked how visible the outside self-service vacuum stations would be from the street and Mr. Moore said they would be located 10 feet below the street level.

Motion by Campbell, seconded by Vogt, to approve Ordinance No. 21-18. The motion carried with the following vote:

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

- C.** Consideration of Ordinance No. 21-19, RZ21-0007, requesting approval for rezoning from C-2 (Community Center) District to D (Downtown Core) District and preliminary site development plan for Olathe Downtown Library on approximately 3.05 acres; located at 250 E. Santa Fe Street. Planning Commission recommends approval 7 to 0.

Councilmember Brownlee asked for a presentation.

Senior Planner, Emily Carrillo, gave a short presentation.

Councilmember Campbell asked if this was an improved zoning and Ms. Carrillo said it aligns with the other downtown zoning.

Motion by Campbell, seconded by Vogt, to approve Ordinance No. 21-19. The motion carried with the following vote:

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

- D.** Consideration of Ordinance No. 21-20 and Resolution No. 21-1034 authorizing the issuance, delivery, form and details of approximately \$38,300,000 principal amount of Water and Sewer System Improvement and Refunding Revenue Bonds, Series 2021.

Motion by Campbell, seconded by Vogt, to approve Ordinance No. 21-20 and Resolution No. 21-1034. The motion carried with the following vote:

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

9. NEW CITY COUNCIL BUSINESS

Councilmember Mickelson clarified his comment regarding involving the residents in communication about the proposed benefit districts. He said he believed the neighborhoods had organized themselves very well and thought a representative could be involved.

Councilmember McCoy said he was pleased to see the downtown apartments well underway. He said he is looking forward to seeing the Library get started.

Councilmember Vogt said she believed when the benefit district policy was reviewed, they should consider eliminating residential areas from being included in a benefit district.

Councilmember Gilmore said he was looking forward to that conversation. He also said he had driven by Garmin and was impressed with the new fencing that has gone up. Nate Baldwin, City Engineer, said the fencing was a part of the Mahaffie, project.

Mayor Bacon announced that the City of Olathe had earned the ETC Institute Leading the Way award for the second year in a row. He thanked residents for taking time to fill out the surveys, providing the City with a valuable tool.

10. END OF TELEVISED SESSION

11. GENERAL ISSUES AND CONCERNS OF CITIZENS

None

12. 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. DISCUSSION ITEMS

1. 2021 State Legislative Recap. (15 minutes)
Tim Danneberg, Director of External Affairs and Issue Management, introduced Natalie Bright, the City's lobbyist, and she gave an update on the 2021 State legislative session.

Mayor Bacon asked if the web notice Ms. Bright had referred to meant that newspaper publications could be eliminated. Ms. Bright said that was regarding Star Bonds. However, Mr. Danneberg said the trend is moving away from newspaper publications.

2. Presentation on the Truth in Taxation, Property Tax Transparency Law. (30 minutes)

Dianna Wright, Director of Economy, gave a presentation on the Truth in Taxation, Property Tax Transparency Law.

Councilmember Gilmore thanked Ms. Wright for the presentation and asked if she would send the Council her slide presentation.

Councilmember Campbell also thanked Ms. Wright and asked if new construction and annexations were excluded and Ms. Wright said not under the new legislation.

Ms. Wright said it did not take a vote of the public, but a vote of the Council and a public notice to exceed the revenue neutral.

Councilmember Mickelson asked for clarification on capturing growth and Ms. Wright gave more explanation.

Councilmember Brownlee asked if this meant there was a later date for the budget to be filed. Ms. Wright said yes if the City increases the revenue but the filing deadline would stay the same if the City was revenue neutral. Ms. Wright said the County Clerk will send the tax bills and the notices. Ms. Brownlee asked if this was in place now and Ms. Wright said it was.

Councilmember Vogt said she believed residents will think they are raising their taxes and she sees this as anti-growth.

Councilmember Gilmore said he was glad Ms. Wright had shown projections.

Councilmember Vogt said they needed to educate the public.

Mayor Bacon asked if the information the County would be sending would be specific to property. Ms. Wright said it would be and everyone, including the County, was trying to figure out how this would all work.

Ms. Wright said everyone was working to understand and would be working closely with the County.

Mayor Bacon said maybe it would be a good thing but thought it would take a lot of hard work.

Ms. Wright said she would share additional information as she had it.

Councilmember Brownlee suggested using Olathe Link, Zoom meetings, etc. to educate the public.

3. Infrastructure Focus Area Update. (20 minutes)

Mayor Bacon asked for this department report to be brought back at the next council meeting due to the length of the meeting.

13. EXECUTIVE SESSION

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), pertaining to a development agreement for 15 minutes. The motion carried with the following vote:

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

14. RECONVENE FROM EXECUTIVE SESSION

Motion by Campbell, seconded by Vogt, to direct staff to proceed with the strategies as discussed by the City Council. The motion carried with the following vote:

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

15. ADDITIONAL ITEMS

Councilmember Campbell said he would like to see the City increase efforts on Home Rule. He also said he appreciated what Councilmember Vogt had to say about tree preservation, but wanted to suggest that it be addressed as a policy, knowing trees would have to be cut for some projects.

Councilmember McCoy mentioned the solar charging stations the City had installed with grants and said he believed they would be an asset for citizens.

Mayor Bacon said he was unsure the charging stations would be efficient and believed they could be more expensive than fuel.

Mayor Bacon also mentioned that May is Asian American and Pacific Islander Heritage Month.

14. ADJOURNMENT

The meeting was adjourned at 10:57 PM.

Brenda D. Long
City Clerk