



City of Olathe City Council
100 E. Santa Fe | Council Chamber
Tuesday | September 16, 2025 | 7:00 PM

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. PLEDGE OF ALLEGIANCE

Mayor Bacon noted that Consent Item R was being removed at staff's request and would be considered at a later date.

3. SPECIAL BUSINESS

A. Consideration of Resolution No. 25-1079 reappointing members to the Board of Code Review

Mayor Bacon introduced Jerry Bachar, chairman of the board. Mr. Bachar introduced the members being reappointed and the Mayor presented each with a certificate.

Motion by Vogt, seconded by Gilmore, to approve Resolution No. 25-1079. The motion carried by the following vote:

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

B. Proclamation recognizing Sept. 15 - Oct. 15 as Hispanic Heritage Month

Mayor Bacon read and presented the proclamation to Nieves Uria, a longtime Olathe resident and community volunteer. Ms. Uria shared her appreciation for the recognition.

C. Proclamation recognizing September 21-27, 2025 as Family Week

Mayor Bacon read and presented the proclamation to Jaymi Schap and Tim Kruse from CTC and Johnson County Mental Health. Ms. Schap and Mr. Kruse both shared about the upcoming activities of the Communities That Care organization.

4. 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.

Mayor Bacon reminded the Council that item R was removed at Staff's request to be considered at a late date.

Councilmember Felter asked for items C and P to be removed and considered separately.

Councilmember Schoonover said he would also like for item P to be removed and considered separately.

Approval of the Consent Agenda

Motion by Vogt, seconded by Gilmore, to approve the Consent Agenda with the exception of items C, P and R. 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 September 2, 2025.
approved.
- B.** Consideration of renewal license(s) as recommended by the City Clerk.
approved.
- C.** Consideration of Resolution No. 25-1080 establishing the official newspapers of the City.
Councilmember Felter asked for item C to be removed and considered separately so she could acknowledge the new reporter from Johnson County Post in attendance.

Motion by Vogt, seconded by Gilmore, to approve Resolution No. 25-1080. The motion carried by the following vote:

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

- D.** Consideration of Resolution No. 25-1081 for the Assignment and Assumption of Lease Agreements from 175 Commerce Center One, LLC to Amazon.com Services, LLC.
approved.
- E.** Consideration of Consent Calendar.
approved.

- F. Consideration of Engineer's Estimate, acceptance of bids and award of contract to Phoenix Concrete, LLC for construction of the 2025 Sidewalk Construction Project, PN 3-C-072-25.
approved.
- G. Consideration of Engineer's Estimate, acceptance of bids and award of contract to Leath & Sons, Inc. for construction of the Brougham Village Sanitary Sewer Rehabilitation & Improvements Project, PN 1-R-002-22.
approved.
- H. Consideration of an Interlocal Agreement with Johnson County Park and Recreation District (JCPRD) for site access and reimbursement of funds for the Cedar Creek Trail, Phase III, Project, PN 4-C-009-24.
approved.
- I. Consideration of additional contract spending authority with Kaw Valley Engineering for geotechnical and testing services for the Engineering Division of Infrastructure.
approved.
- J. Consideration of renewal of contract to GSC Lighting and Supply for the purchase of streetlight poles and bases for Traffic Division.
approved.
- K. Consideration of renewal of contract to GSC Lighting and Supply for the purchase of streetlight supplies for Traffic Division.
approved.
- L. Consideration of renewal of contract Border States Industries Inc for the purchase of LED lighting for Traffic Division.
approved.
- M. Consideration of renewal of contract to Border States Industries Inc for the purchase of streetlight supplies for Traffic Division.
approved.
- N. Consideration of the renewal of contract with Alliance Workforce Inc. for temporary staffing for Solid Waste yard waste collection and Traffic Operations and Maintenance.
approved.
- O. Consideration of award of contract to The Goodyear Tire and Rubber Company dba Goodyear Commercial Tire and Service Centers for the purchase of tires, tubes and related supplies and services.
approved.
- P. Consideration of Guaranteed Maximum Price Amendment 1 to the agreement with Nabholz Construction for Phase 1 Demolition construction management services for the Animal Shelter project, PN 6-C-007-23.

Councilmembers Felter and Schoonover asked for item P to be removed and considered separately.

Councilmember Felter said she wanted to note that this item is to consider the demolition of the current building at this location and that new construction will be considered later.

Mike Sirna shared the details of the need for the demolition.

Councilmember Schoonover also said he supported this item for demolition and would like additional presentations in the coming weeks regarding the proposed new construction.

Councilmember Vogt said she knows there will be more opportunities to discuss the new animal shelter project.

Motion by Vogt, seconded by Gilmore, to approve Consent Agenda item P. The motion carried by the following vote:

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

- Q.** Consideration of additional contract spending authority with Electric Corporation of America.
approved.
- R.** Consideration of Agreement with Project One Studio for the design and fabrication of a sculpture for the 119th St & Northgate Roundabout.
This item was removed from the Consent Agenda at Staff's request to be considered at a later date.

5. NEW BUSINESS

- A.** Consideration of Ordinance No. 25-32 (RZ25-0007), requesting approval of a rezoning from the RUR (County Rural) District to the C-2 (Community Center) and M-2 (General Industrial) Districts for 175th Lone Elm Center on approximately 145.78 acres, located northeast of W. 175th Street and Lone Elm Road. Planning Commission's motion to approve the rezoning failed 2 to 5.
Senior Planner, Jessica Schuler, provided a presentation to the Council. Charlie Love, Chief Development Engineer, also provided additional information regarding the roadway improvements and traffic studies in the area. Fire Chief, Jeff DeGraffenreid, provided information regarding the fire department's capacity to respond to

this type of business.

Curtis Petersen with Polsinelli law firm, representing the applicant, spoke on behalf of the developer and provided specific information regarding plans for the project.

Councilmember Vakas asked for clarification about the safety regarding the ammonia refrigerant. Mr. Petersen said there has never been an ammonia leak with this company's facilities.

Councilmember Schoonover, asked if Olathe doesn't approve this project if Lineage will go to Spring Hill. Mr. Petersen said there was tremendous interest with neighboring cities, but would not directly address what discussions have been had with others.

Mayor Bacon asked who the operator of this facility will be. Mr. Petersen said there is a confidential tenant but Lineage is the owner and is responsible for the facility.

Councilmember Vakas asked about zoning and future usage in this area. Mr. Petersen said there would continue to be commercial development in the area. Mr. Vakas also asked about truck traffic. He asked about controlling the truck traffic and how that would be managed. Mr. Petersen said in general the trucks would come and go for loading and unloading.

Councilmember Felter said she believed there were additional plans for truck parking. Mr. Petersen said there are plans for 30 trucks to park while waiting. Dr. Felter said she did believe there is a shortage of truck parking throughout the region. She said there is a need to ensure Lineage is aware that trucks cannot park and back up on Lone Elm. She also mentioned she liked the visual slides even though she doesn't like the height of the building.

Councilmember Vakas asked Police Chief, Mike Butaud, about truck parking issues. Chief Butaud said they had responded to trucks that were staged on another street and engaged with management with Lineage and they are receptive to finding a solution.

Doug Doerfler, an Olathe resident, spoke regarding the rezoning.

Jeff Walters, an Olathe resident, spoke regarding the rezoning.

Brain Sweetman, an Olathe resident, spoke regarding the rezoning.

Nancy Halpin-Sadick, an Olathe resident, spoke regarding the rezoning.

Kendal Cook, an Olathe resident, spoke regarding the rezoning.

Councilmember Vakas asked if there had been a fire in another location. Jessica Schuller said there had been a building in another location but it was built in a different time with different materials.

Councilmember Vakas also asked if they would also be approving the preliminary site plan along with the rezoning. Ms. Schuller said yes. He asked about the timeline and Mr. Petersen said it would be at least two years for construction and phase two would be several years beyond that. He also asked about the commercial zoning on the corner and Ms. Schuller said there is no planned use at this time but zoning is proposed for C-2.

Councilmember Schoonover asked about homes that are in the area out side of the Nottington Creek neighborhood and Ms. Schuller said that a portion remains in the County. He asked about a piece of land across the road to the North of the neighborhood and Ms. Schuller said it had been annexed and retains County zoning. Mr. Schoonover asked what the surrounding land use was designated at the time Nottington Creek was annexed in 2005. Ms. Schuller said it was designated as future growth area but in 2007 it became business park and commercial.

Mr. Schoonover asked Chief DeGraffenreid about the mutual aid agreements that are in place with surrounding areas. Chief DeGraffenreid explained the agreement says that whoever is closest will respond.

Councilmember Essex asked Mr. Petersen about the number of trucks and the discrepancies with numbers. Mr. Petersen said the numbers were 250 in and 250 out. Ms. Essex asked Charlie Love about the concern with the road condition on Lone Elm and asked about when it would be addressed. Mr. Love said the City evaluates and addresses the condition of roads on a regular basis. He said there was an area that was overlaid in 2018 and they are continuing to collect data to determine what needs to be done in the future. Ms. Essex said she wants the City to pay attention and address the road needs.

Councilmember Felter asked about the scope of the project and when the road repairs are scheduled to be made. Mr. Love said that in 1997 the County built the road with a shoulder. He said that because of the addition of pavement, the City would have to add shoulders to prevent a two inch drop. He said the shoulder is not intended to be a drivable surface.

Councilmember Felter asked Ms. Schuller about the permitted height and Ms. Schuller said it is permitted by right in the City's code. She also asked about the amount of ammonia and Mr. Peterson clarified the difference between the pounds and gallons. Dr. Felter asked Chief DeGraffenreid about the height of ladders the City's fire department uses. The Chief said the standard in the United States is 100 foot ladders. She also asked about an evacuation and how that would be handled. Chief DeGraffenreid provided additional information regarding safety measures. She also asked about fire coverage in that area and Chief DeGraffenreid provided information and said there is a fire station planed for the future in this area. She asked about the number of times the Olathe Fire Department had responded to areas in Spring Hill. Chief DeGraffenreid said he would provide information for the Council. Dr. Felter asked if there had ever been a safety sales tax proposed and Chief DeGraffenreid said he didn't know of that.

Councilmember Vakas asked additional questions about the area north of the subdivision. Ms. Schuller said she anticipated

warehouse type use. Mr. Vakas asked what would happen if a residential developer looked at this area and Ms. Schuller said the future land use map would dictate what could go there.

Councilmember Vogt asked about the Comp Plan and the Land Use Plan in 2000. She said she thought this was designated commercial even though there was different terminology at that time. Ms. Schuller said that in 2000 it was designated as future growth area and it was between 2005 and 2007 that the maps began to change from future growth to commercial. Ms. Vogt asked if the designs have been started for improvements on the roads in the area. Mr. Love said the designs have not been completed and Ms. Vogt reminded everyone that the Council would have the ability to control the designs in the future. Ms. Vogt also asked about the fire station that will be coming and Chief DeGraffenreid said it would be fire station number 10. Ms. Vogt asked if Chief DeGraffenreid believed the City is equipped and he said they are recognized as a competent department and are highly trained for emergencies.

Councilmember Vakas asked about sales tax and said that the County is wanting to renew a public safety sales tax. He said that it would be a great way to fund more safety measures in the area.

Mayor Bacon asked about Spring Hill standards and if they would be able to develop this property. Chet Belcher, Chief Community Development Officer, said Spring Hill is currently using the 2006 building code and 2005 electrical code. He also said Olathe is currently on the 2018 and working toward implementing the 2024 building code.

Mayor Bacon said he believes this area has always been considered a part of Olathe and would be remiss in allowing Spring Hill to annex it.

Councilmember Felter shared her thoughts on the project and the future of this area. She said it isn't a question of if this project will happen but it is more about who will control it.

Councilmember Gilmore thanked everyone for their input this evening. He said he believed there is commercial coming to this area, and it is the reality of the market. He said their responsibility is also to bring jobs to the area since this is designated an employment area. He was surprised that the Planning Commission recommended denial.

Councilmember Schoonover said he wanted everyone to know he had heard them, and that it is something he has struggled with and wouldn't want it in his backyard. He also said the zoning has changed over the years and he thinks there are other places the project could be built. He indicated he planned to vote no.

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 25-32. The motion carried by the following vote:

Yes: Bacon, Vogt, Gilmore, Felter, and Vakas

No: Schoonover, and Essex

At 9:23 P.M., Mayor Bacon said the Council would take a five minute break and then reconvened at 9:28 P.M.

- B.** Consideration of Ordinance No. 25-33 adopting the 2026 City of Olathe Budget.

Clara Bernauer provided a short presentation for the Council.

Councilmember Vakas thanked staff for all their work on the budget. He said there had been several budget workshops providing information to the public. He suggested there could be a different process in the coming years. He also would like to see the City address the rising cost of taxes specifically for seniors.

Councilmember Felter thanked staff for their work and the information they had been provided. She said she believed the council can address rising costs on a local level.

Councilmember Vogt also thanked staff for all the work. She said

she was glad they had been able to decrease the mill in past years and is proud of that. She said she wants to keep Olathe affordable and wants to look for additional savings in the future. She said it is a challenge to balance the needs of the community with the issues that require the City to exceed revenue neutral.

Councilmember Vakas clarified some of his previous comments regarding tax rebates for seniors.

Councilmember Essex thanked staff for all their work. She said she wanted to address comments regarding taxes at the state level. She said she believed property tax is in the hands of the counties and municipalities. She said she is proud of what the City is doing with the rebate programs that have been implemented.

Councilmember Gilmore said he believed the City could do more and would not support the budget. He said they have failed to provide direction at the start of the budget season. He said he thinks if they would have exercised restraint in the past, they would be in a better place today.

Mayor Bacon thanked the staff for the work on the budget. He said he recognizes everything takes money and believes the staff and the council does a good job.

Motion by Vogt, seconded by Felter, to approve Ordinance No. 25-33. The motion carried by the following vote:

Yes: Bacon, Vogt, Schoonover, Felter, and Vakas

No: Gilmore, and Essex

- C.** Consideration of Resolution No. 25-1082 adopting the 2026-2030 Capital Improvement Plan.

Mayor Bacon mentioned there were a few things in the CIP that the Council will have an opportunity weigh in on more fully at a later time.

Councilmember Schoonover agreed with this and said he would support the CIP at this time.

Motion by Vogt, seconded by Felter, to approve Resolution No. 25-1082. The motion carried by the following vote:

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

- D. Consideration of Resolution No. 25-1083 establishing a "Comprehensive Listing of Fees and Charges."

Mayor Bacon said he was pleased to hear about the additional discount provided for utilities.

Motion by Vogt, seconded by Gilmore, to approve Resolution No. 25-1083. The motion carried by the following vote:

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

6. GENERAL ISSUES AND CONCERNS OF CITIZENS

Kate Guimbellot, an Olathe resident, spoke about continued flooding issues.

Councilmember Felter asked for clarifying information from Ms. Guimbellot.

Janice Walters, an Olathe resident, spoke about the rezoning and the Nottington Creek subdivision.

7. 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 by Aspen Funds, LLC and assigns for a request for a master resolution for industrial revenue bonds and tax phase-in for the construction of twelve buildings totaling approximately 2,281,488 SF on approximately 150 acres located in the southwest corner of Hedge Lane and 175th St.

Report accepted.

B. DISCUSSION ITEMS

1. Discussion on City Auditor activities and upcoming survey for 2025-2026 Audit Plan.
Caitlin Clark, City Auditor, provided a presentation of the auditor activities and audit plan.

Councilmember Gilmore said they are thrilled with her work.

Mr. Gilmore asked when they could expect a full report and

Ms. Clark said she would recommend the draft not be on the agenda until the Council had seen it and had an opportunity to respond.

Councilmember Schoonover said it has been great working with Ms. Clark.

Councilmember Vakas also said he is glad for Ms. Clark to be a part of the team.

Mayor Bacon thanked Ms. Clark for her work.

8. ADDITIONAL ITEMS

Councilmember Vakas reminded everyone that the Olathe Civic Academy is currently accepting applications.

Councilmember Felter said she is advocating that the City strategize for parking solutions for truck traffic. She also congratulated the Ignite Hope Outreach on their successful golf tournament.

Councilmember Schoonover mentioned the mutual aid with jurisdictions and how Olathe benefits as others do. He expressed his concerns with surrounding cities that do not have updated codes and would like additional information. He also talked about the Lone Elm interchange and that KDOT had been in Lenexa regarding the latest plans. He said he would like to invite them back to share with the Council and learn more about the project. Mr. Schoonover shared that it was Voter Registration day and encouraged everyone to get registered. He also noted that there was an instance of political violence in the country and while there was disagreement in the room he wanted to encourage everyone to listen and try to understand each other.

City Attorney, Ron Shaver, introduced Amanda Stanley, the City's new Deputy City Attorney.

Mayor Bacon reminded everyone to purchase their ticket for Eggstravaganza, a Mayor's Children's Fund event.

9. ADJOURNMENT

The meeting was adjourned at 10:36 P.M.

Brenda D. Swearingian
City Clerk