



City of Olathe City Council
260 E. Santa Fe | Downtown Library - Flex
Box Theater
Tuesday | May 6, 2025 | 7:00 PM

1. CALL TO ORDER

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

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

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

3. PLEDGE OF ALLEGIANCE

4. SPECIAL BUSINESS

- A. Presentation of the Leading the Way Award to the City of Olathe
Chris Tatham, ETC CEO, spoke about the significance of receiving the recognition for five years and presented the award to the city.
- B. Proclamation recognizing May 5-10 as Public Service Recognition Week.
Mayor Bacon read and presented the proclamation to Elree Paige, Custodian.

Mr. Paige thanked the mayor and council for the recognition.

- C. Recognition of 2025 Olathe Civic Academy graduates.
Megan Spence, Civic Academy Coordinator, introduced the 2025 Civic Academy graduates.

Graduate, Sandy Blake, spoke about what the participants learned during the academy and praised city staff for the work they do in the city.

Mayor Bacon presented the graduates with a Certificate of Recognition.

- D. Recognition of Teen Council seniors.
Mayor Bacon presented the senior members of the Teen Council

with Certificates of Recognition. Each senior shared their plans for next year.

5. PUBLIC HEARINGS

- A. Public Hearing and Consideration of Resolution No. 25-1030 on a request by Blue Springs Safety Storage South, LLC and assigns (Building 1) for an issuance request for industrial revenue bonds and tax phase-in resolution for a single series project. The project will entail the construction of a 62,000 square foot industrial facility at the northeast corner of 167th St and US 169 Highway.

Kathryn Messer, Financial Strategy Manager, provided a presentation to the council.

Mayor Bacon opened the public hearing. No 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, Felter, and Essex

Absent: Vakas

Motion by Vogt, seconded by Gilmore, to approve resolution 25-1030 as presented. The motion carried by the following vote:

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

Absent: Vakas

- B. Public Hearing and Consideration of Resolution No. 25-1031 and First Amendment to Annexation Agreement on a request by Aspen Funds, LLC and assigns for an issuance request for industrial revenue bonds and tax phase-in for a master resolution over a business park. The project will entail the construction of approximately six buildings totaling approximately 1,092,315 SF on approximately 98 acres located in the southeast corner of Hedge Lane and 167th St.

Kathryn Messer, Financial Strategy Manager, provided a presentation to the council.

Mayor Bacon stated that with all the job creation from this project, road improvements will be needed in this area.

Mayor Bacon opened the public hearing. No 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, Felter, and Essex

Absent: Vakas

Motion by Vogt, seconded by Gilmore, to approve Resolution 25-1031 and the First Amendment to Annexation Agreement as presented. The motion carried by the following vote:

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

Absent: Vakas

- C.** Public Hearing and Consideration of Resolution No. 25-1032 on a request by Aspen Funds, LLC and assigns for a development and construction of the first phase project (Building 1), a 217,685 square foot speculative industrial facility located near the southeast corner of Hedge Lane and 167th Street.

Mayor Bacon opened the public hearing. No 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, Felter, and Essex

Absent: Vakas

Motion by Vogt, seconded by Gilmore, to approve resolution 25-1032 as presented. The motion carried by the following vote:

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

Absent: Vakas

6. 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.

Councilmember Felter asked for items I and W to be pulled and considered separately.

Councilmember Schoonover asked for item F to be pulled and considered separately.

Councilmember Gilmore asked for item G to be pulled and considered separately.

Approval of the Consent Agenda

Motion by Vogt, seconded by Gilmore, to approve the Consent Agenda with the exception of items F, G, I, and W. The motion carried by the following vote:

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

Absent: Vakas

- A.** Consideration of approval of the City Council meeting minutes of the April 15, 2025 council meeting.
approved.
- B.** Consideration of new license(s) as recommended by the City Clerk.
approved.
- C.** Consideration of renewal license(s) as recommended by the City Clerk.
approved.
- D.** Consideration of Travel Request Authorization for City Manager, Michael Wilkes and Councilmembers Vakas, Essex, Felter, Schoonover, and Mayor Bacon to visit congressional delegates in Washington, DC, May 13-15.
approved.
- E.** Consideration of a Business Expense Statement for the City Manager Michael Wilkes to attend a Transforming Local Government conference from April 6 to April 9.
approved.
- F.** Consideration of Travel Request Authorization for Municipal Judge Kenney to travel to Kissimmee, FL to attend the All Rise conference. Councilmember Schoonover asked for this item to be pulled and considered separately. Mr. Schoonover thanked Judge Kenney for the work she does and noted that the municipal court is working to implement a treatment court.

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

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

Absent: Vakas

- G.** Consideration of a Real Estate Contract with Falco, LLC for the sale of 1114 E. Santa Fe Street. Councilmember Gilmore asked for this item to be pulled and considered separately. Mr. Gilmore stated he has an objection to the eminent domain proceedings that were used to acquire the adjacent property and will be voting no.

Motion by Vogt, seconded by Felter, that this agenda item be approved.
The motion carried by the following vote:

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

No: Gilmore

Absent: Vakas

- H. Consideration of Resolution No. 25-1033 expressing the intent to issue industrial revenue bonds on behalf of KidsTLC Inc, at 15940 College Boulevard, Lenexa, Kansas (Sales Tax Exemption Only).
approved.
- I. Consideration of Resolution No. 25-1034 expressing the intent to issue industrial revenue bonds on behalf of Montage Apartments at Mur-Len, LLC at 1051 N Mur-Len Rd, Olathe Kansas (Sales Tax Exemption Only).
Councilmember Felter pulled the item for separate consideration, emphasizing the need for a comprehensive policy covering all forms of commerce, including sales tax exemptions for multifamily housing. She later noted a previous developer was denied a similar incentive and stressed the importance of a fair, consistent policy.

Councilmember Schoonover shared concerns, stating that if the city offers incentives for multifamily housing, the project should meet a specific need such as affordable housing. While sympathetic to the developer, he said he could not support the item because it doesn't address a housing need for Olathe.

Councilmember Vogt highlighted that the developer has worked on the project for five years and that a prior council had supported it as a unique development not currently found in Olathe. She emphasized it is more than just a multifamily housing project and thanked the developer's representative for being available for questions. She recognized the time spent working towards this project.

Councilmember Gilmore asked whether the tax exemption applied only to materials for the residential portion and not the commercial

part. Economic Development Director, Jamie Robichaud, confirmed that it did. Councilmember Gilmore also asked if the item could be tabled and considered at a future meeting. City Attorney, Ron Shaver, confirmed it could.

City Manager, Michael Wilkes, explained that the property was previously considered for a community center, but the council shifted focus to commercial use. When commercial efforts failed, a new developer emerged with a mixed-use proposal. With a CID no longer an option, the sales tax exemption was proposed. He added that the exemption would total approximately \$260,000 if materials were purchased in Olathe.

Chris Mattix with Rouse Frets White Goss Gentile Rhodes, P.C., attorney for the applicant, said the project originally began as a CID proposal and requires significant infrastructure improvements. In response to a question from Councilmember Schoonover, Mr. Mattix clarified that the apartments would be market-rate.

Motion by Schoonover, seconded by Gilmore, to table item I for two weeks. The motion carried by the following vote:

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

Absent: Vakas

- J.** Request for the acceptance of the dedication of the land for public easements and public street right-of-way for a final plat for Heritage Ranch, Third Plat (FP25-0008), containing 30 lots and three (3) tracts on approximately 16.87 acres, located southwest of W. 159th Street and S. Black Bob Road. Planning Commission approved the plat 7 to 0. approved.
- K.** Request for the acceptance of the dedication of the land for public easements and public street right-of-way for a final plat for Heritage Ranch, Fourth Plat (FP25-0009), containing 49 lots and two (2) tracts on approximately 19.25 acres, located southwest of W. 159th Street and S. Black Bob Road. Planning Commission approved the plat 7 to 0. approved.
- L.** Request for the acceptance of the dedication of the land for public

- easements and public street right-of-way for a final plat for The Greens at Prairie Highlands, 8th Plat (FP25-0010), containing 22 lots and one (1) tract on approximately 7.97 acres, located southeast of W 143rd Street and S Saint Andrews Avenue. Planning Commission approved the plat 9 to 0.
approved.
- M. Request for acceptance of the dedication of land for public easements and public street right-of-way for a final plat of Parkside Reserve, Fifth Plat (FP25-0013), containing 14 lots and three (3) tracts on approximately 4.86 acres, located southwest of S. Black Bob Road and W. 167th Street. Planning Commission approved the plat 7 to 0.
approved.
- N. Consideration of Resolution No. 25-1035, SU25-0001, requesting approval of a special use permit for motor vehicle rentals for Avis Car Rental, on approximately 0.70 acres; located at 1529 E. Spruce Street. Planning Commission recommends approval 9-0.
approved.
- O. Consideration of Amendment No. 3 with Crossland Heavy Contractors, Inc. for construction of the West Cedar Creek Sewer Interceptor Project, 1-C-011-24.
approved.
- P. Consideration of a Master Agreement for Professional Services with Lamp Rynearson, Inc. for Water and Sanitary Sewer Rehabilitation and Improvements Program On-Call Engineering Services.
approved.
- Q. Consideration of a Master Agreement for Professional Services with TREKK Design Group, LLC, for Water and Sanitary Sewer Rehabilitation and Improvements Program On-Call Engineering Services.
approved.
- R. Consideration of a Master Agreement for Professional Services with George Butler Associates, Inc. for Water and Sanitary Sewer Rehabilitation and Improvements Program On-Call Engineering Services.
approved.
- S. Consideration of a Professional Services Agreement with George Butler Associates, Inc. for design of the 135th Street (Indian Creek Trail to Pflumm Road) Arterial Mill and Overlay Project, PN 3-P-001-26.
approved.
- T. Consideration of a Professional Services Agreement with HNTB Corporation for design of the Old 56 Highway (Chestnut Street to

- Mahaffie Street) Arterial Mill and Overlay Project, PN 3-P-002-26, the Kansas Avenue (Spruce Street to Harold Street) Arterial Mill and Overlay Project, PN 3-P-003-26, and the 119th Street (Sunset Drive to Ridgeview Road) Arterial Mill and Overlay Project, PN 3-P-004-26.
- approved.
- U.** Consideration of renewal of contracts for water and wastewater treatment chemicals for the Environmental Services Division of Infrastructure.
- approved.
- V.** Consideration of renewal of contract with Key Equipment & Supply Company Inc., for the purchase of replacement Compressed Natural Gas (CNG) automated side loaders for the Solid Waste Division of Infrastructure.
- approved.
- W.** Consideration of annual spend authorization with Paymentus Group, Inc (dba Paymentus Corporation) for payment processing services.
- Councilmember Felter pulled the item to allow for clarification on the fees associated to processing credit cards.

Erin Vader, Exceptional Services Director, provided clarification to the council on the fees and noted the city has used Paymentus since 2014 when it was decided to absorb the convenience fees charged.

Councilmember Felter suggested the council have staff investigate all cost similar to this fee and see if the fees should be passed onto the customer or if there are ways to encourage behavior changes by the customers to lessen the convenience fees paid by the city. Dr. Felter would like to look at this further during the budget process.

Councilmember Vogt agreed that she would like to look at it during the budget process.

Councilmember Gilmore asked to see what sister cities are doing with their fees when it comes back for discussion.

Mayor Bacon stated he was in favor of absorbing the fees and feels it is good customer service to do so.

Motion by Vogt, seconded by Gilmore, to approve item W as presented.

The motion carried by the following vote:

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

Absent: Vakas

- X.** Consideration of renewal of contract to Millgoal Enterprises LLC for mowing services.
approved.

7. NEW BUSINESS

- A.** Consideration of Ordinance No. 25-12 (RZ25-0002), requesting approval of a rezoning from the CTY AG (County Agricultural) District to the AG (Agricultural) District and a preliminary development plan for Olathe Range on approximately 95.6 acres, located northwest of W. 167th Street and Interstate 35. Planning Commission recommended approval 9 to 0.

Nathan Jurey, Senior Planner, provided a presentation to the council.

Mike Butaud, Police Chief, thanked the council for supporting this item.

Councilmember Felter asked if any citizens had concerns about noise. Chief Butaud stated no.

Motion by Vogt, seconded by Gilmore, to approve ordinance 25-12 as presented. The motion carried by the following vote:

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

Absent: Vakas

- B.** Consideration of Resolution No. 25-1036 authorizing a survey and description of land or interest to be condemned for the Quivira Road, 143rd to 151st, Improvements Project, PN 3-C-011-24.

Nate Baldwin, City Engineer, provided a presentation to the council.

Mayor Bacon asked about bicycle lane access to the north of the project. Mr. Baldwin stated he would look into it and update the council.

Motion by Vogt, seconded by Gilmore, to approve resolution 25-1036. The motion carried by the following vote:

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

Absent: Vakas

- C. Consideration of Ordinance No. 25-13 approving an engineer's survey and authorizing the acquisition of land for the Quivira Road, 143rd to 151st, Improvements Project, PN 3-C-011-24.

Motion by Vogt, seconded by Gilmore, to approve ordinance 25-13. The motion carried by the following vote:

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

Absent: Vakas

8. NEW CITY COUNCIL BUSINESS

Councilmember Felter stated Ensor Fest is Saturday, May 10th.

Councilmember Vogt thanked staff for everything they do to provide high-quality services to citizens. Ms. Vogt also noted it is National Nurses Week.

Councilmember Essex stated that the staff does amazing work for the citizens of Olathe. Ms. Essex also noted that Deputy Director, Beth Wright, was recognized as Woman of the Year by the Woman's Transportation Seminar's Kansas City Chapter.

Councilmember Schoonover welcomed City Auditor, Caitlin Clark. Mr. Schoonover also asked for staff to look into the removal of city sales tax on groceries and other essentials.

Mayor Bacon mentioned that May is Asian American and Pacific Islanders Month. He also thanked the Mayor's Food Drive committee and the sponsors who helped make the event a success. Mayor also welcomed City Auditor, Caitlin Clark to the city.

9. END OF LIVE STREAMED SESSION

10. GENERAL ISSUES AND CONCERNs OF CITIZENS

No comments heard.

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. Report regarding the proposed repeal of Chapter 5.24 of the

Olathe Municipal Code pertaining to taxicabs.

Report accepted.

2. Quarterly Procurement Report

Report accepted.

B. DISCUSSION ITEMS

1. 2025 State Legislative session Recap.

External Affairs & Issues Management Director, Tim Danneberg, introduced Natalie Bright, the lobbyist for the City of Olathe. Ms. Bright then presented to the council.

Councilmember Essex thanked Ms. Bright for her hard work during the session.

Mayor Bacon asked clarifying questions about the childcare bill. Ms. Bright provided details on the bill.

12. ADDITIONAL ITEMS

Councilmember Essex stated that a citizen has asked the city to look at the air rifle ordinances.

Councilmember Vogt thanked Councilmember Essex for her hard work balancing the needs of citizens as a Councilmember and as a State Representative.

Councilmember Felter thanked Councilmember Essex for her work on making sure the concerns of Olathe are heard.

13. ADJOURNMENT

The meeting adjourned at 9:06 PM.

Eric Strimple
Assistant City Clerk