



City of Olathe City Council
260 E. Santa Fe | Downtown Library - Flex
Box Theater
Tuesday | April 1, 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 and City Attorney, Ron Shaver.

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

3. PLEDGE OF ALLEGIANCE

4. SPECIAL BUSINESS

- A. Consideration of Resolution No. 25-1026 appointing a member to the Olathe Historic Preservation Board.

Mayor Bacon introduced Tom Kearney, board chair. Mr. Kearney introduced Emma Plankers as the new board member.

Mayor Bacon presented Ms. Plankers with a Certificate of Appointment to the Olathe Historic Preservation Board.

Ms. Plankers thanked the mayor and council for the opportunity to serve on the board.

Motion by Vogt, seconded by Gilmore, to approve Resolution No. 25-1026. The motion carried by the following vote:

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

- B. Proclamation recognizing April 2025 as Volunteer Month.

Mayor Bacon read and presented the proclamation to members of the Olathe Teen Council.

Caden Perkins, thanked the mayor and council for recognizing Volunteer Month. He also mentioned some upcoming service projects in the community.

C. Presentation of Johnson County 2025 Appraisals.

Kara Endicott, Johnson County Interim County Appraiser, provided a brief presentation to the council.

Councilmember Gilmore asked if apartments are added to the appraisal totals once completed or during construction. Ms. Endicott stated they are added once completed.

Councilmember Schoonover asked clarifying questions about the number of new construction permits vs. the growth percentages shown. Ms. Endicott explained sometimes contractors pull permits but do not start the projects which can cause the numbers not to match up. Councilmember Schoonover also asked questions about the trends the county is seeing in affordable housing. Ms. Endicott stated that it is all about the supply, causing the sale prices to go up causing the homes to become worth more than the 300k mark for affordable housing.

Councilmember Vakas asked for more information on Olathe apartments and their price points. Ms. Endicott stated she would send the information to the council.

Councilmember Felter asked what the rate of appeals was this year. Ms. Endicott stated there were approximately 6700 appeals out of 230k parcels in the county.

Councilmember Vogt asked if any new houses were under 300k in Johnson County. Ms. Endicott stated there were not.

Mayor Bacon asked how the county tracks private home sales. Ms. Endicott stated that the county gets that information from the state.

5. PUBLIC HEARINGS

Persons wanting to speak regarding a public hearing are asked to sign up prior to the beginning of the City Council meeting. A person may sign up by notifying the City Clerk by calling 913-971-8521 or emailing CCO@Olatheks.gov by 5:00 PM or in person at City Hall no later than 30 minutes prior to the start of the meeting. Each speaker is allowed up to 5 minutes to address the City Council.

A. Public hearing and consideration of Ordinance No. 25-07 regarding the

creation of a community improvement district and the levy of a community improvement district sales tax pursuant to K.S.A. 12-6a26 et seq. (the 114-126 N. Cherry Street CID).

Mayor Bacon opened a public hearing.

No public comments were heard.

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

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

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 25-07. The motion carried by the following vote:

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

- B.** Public Hearing and Consideration of Resolution No. 25-1027 on request by Cherry Santa Fe, LLC for \$7,031,629 for issuance of industrial revenue bonds for the construction of a 10,859 sq ft multi-tenant restaurant/retail project at 114-126 N Cherry Street.

Mayor Bacon opened a public hearing.

No public comments were heard.

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

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

Motion by Vogt, seconded by Gilmore, to approve Resolution No. 25-1027. The motion carried by the following vote:

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

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 Vakas asked for item E to be pulled and considered separately.

Councilmember Felter asked for item J 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 E and J. 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 the March 18, 2025 council meeting and the March 24, 2025 Special Call 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 Business Expense Statement for the City Manager, Michael Wilkes and Councilmembers Vogt and Vakas to attend the National League of Cities Congressional City Summit conference in Washington, DC, on March 9-12.
approved.
- E. Directing the Mayor, acting as Community Fund Chair, to authorize an expenditure of \$12,500 for a Community Fund Feasibility Study to support activities/projects outlined in the fund creation ordinance.
Councilmember Vakas asked for staff to provide additional information about the variety of other funds the city has and asked to see them. Mr. Vakas also stated that he wanted to make sure the city wasn't telling the consultant the answer that they want to hear and questioned if the fund is needed. Tim Danneberg, External Affairs and Issues Management Director, stated the council has been clear that they would want to get the community's feedback to see if there was a desire for a fund like this.

Mayor Bacon, asked if the \$12,500.00 is looking at the animal shelter or if this will be used to look for funds for other projects. Mr. Danneberg stated the city is in the process of completing a study for the animal shelter and we are piggybacking off of the study at a reduced rate to see if there is a desire by the community for a community fund to be established.

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

- Yes:** Essex, Bacon, Vogt, Gilmore, Schoonover, Felter, and Vakas
- F.** Request for the acceptance of the dedication of the land for public easements and public street right-of-way for a final plat of Parkside Reserve, 3rd Plat (FP25-0002), containing 15 lots and two (2) tracts on approximately 13.79 acres, located southwest of S. Black Bob Road and W. 167th Street. Planning Commission approved the plat 9 to 0. approved.
 - G.** Request for the acceptance of the dedication of the land for public easements and public street right-of-way for a final plat for Prairie Farms XV (FP25-0004), containing 52 lots and four (4) tracts on approximately 21.28 acres, located northwest of W. Sheridan Street and S. Canyon Drive. Planning Commission approved the plat 9 to 0. approved.
 - H.** Request for the acceptance of the dedication of the land for public easements for a final plat for Lyonz Den Townhomes (FP25-0005), containing one (1) lot on approximately 0.89 acres, located southwest of E. Spruce Street and E. Kansas City Road. Planning Commission approved the plat 9 to 0. approved.
 - I.** Consideration of Resolution No. 25-1028 authorizing the City of Olathe's project requests for inclusion in the 2026-2030 County Assistance Road System (CARS) Program.
approved.
 - J.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Donelson Construction Company, LLC for construction of the 2025 MAQS Micro Surface Project, PN 3-P-008-25.
Councilmember Felter asked for clarification on what the project is.
Nate Baldwin, City Engineer, provided an explanation to council.

Councilmember Vogt asked for clarification on the cost of the project material. Mr. Baldwin provided the council with information on the cost of this project compared to a traditional mill and overlay project.

Councilmember Schoonover noted the project location map provided had two different colors noted, with one being for the micro surface and the other being for a pressure pave and asked what the

difference was in material. Mr. Baldwin provided clarification on the two types of material.

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

- Yes:** Bacon, Vogt, Gilmore, Schoonover, Felter, Vakas, and Essex
- K.** Consideration of an Agreement with Johnson County for funding the Stormwater CCTV Inspection Project, PN 2-R-004-25.
approved.
 - L.** Consideration of an Agreement with Garney Companies, Inc. for pre-construction phase services for the Cedar Creek WWTP Expansion Phase 2, PN 1-C-013-25, and the Cedar Creek WWTP Solids Handling Rehabilitation Projects, PN 1-C-025-25.
approved.
 - M.** Consideration of a Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. for design of the Cedar Creek Wastewater Treatment Plant Expansion Phase 2, PN 1-C-013-25, and Cedar Creek Wastewater Treatment Plant Solids Handling Rehabilitation Projects, PN 1-C-025-25.
approved.
 - N.** Consideration of an Agreement with Garney Companies, Inc. for pre-construction phase services for the Super Critical Water Oxidation Pilot Project, PN 1-C-019-25.
approved.
 - O.** Consideration of a Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. for design and inspection of the Super Critical Water Oxidation Pilot Project, PN 1-C-019-25.
approved.
 - P.** Consideration of Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. for design of the Spruce and Parker Geometric Improvements Project, PN 3-C-078-25.
approved.
 - Q.** Consideration of award of contract to Crossland Heavy Contractors to support routine and emergency repair and maintenance at Environmental Services' facilities.
approved.
 - R.** Consideration of award of contract to Camm Construction for the Transfer Station Expansion, Phase I, Project No. 6-C-023-20.
approved.

- S. Consideration of renewal of contract to Kansas Land Management, LLC for mowing services approved.
- T. Consideration of purchasing IT infrastructure equipment from CDWG. approved.
- U. Consideration of renewal of contract with Dell Marketing L.P. for computer equipment, peripherals, and related services. approved.

7. NEW BUSINESS

- A. Consideration of Ordinance No. 25-09 approving an engineer's survey and authorizing the acquisition of land for the I-35 & Santa Fe Interchange Reconstruction/Santa Fe Corridor (Ridgeview to Mur-Len) improvement project [City Project No. 3-C-025-18].

Mayor Bacon asked about the status of the land acquisitions. Ron Shaver, City Attorney, stated all parcels are in active negotiations, and the city will continue working with the property owners.

Councilmember Vogt asked when the deadline was for acquiring all the property. Mr. Shaver stated the goal is mid-2025.

Councilmember Schoonover asked for clarification on how the process works to acquire properties. Mr. Shaver stated the city has to follow the Kansas Eminent Domain Procedure Act if there is a need to acquire the property by condemnation. Before that the city follows the Federal Uniform Relocation Act.

Mayor Bacon asked if the city has identified all the needed property for the project. Nate Baldwin, City Engineer, says the layout of the improvements is almost done, and he feels the city is in the process of acquiring the land needed.

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 25-09. The motion carried by the following vote:

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

8. NEW CITY COUNCIL BUSINESS

Councilmember Schoonover stated that March 31st was Trans Day of Visibility.

Councilmember Felter stated that five board members of the Mayor's Children's Fund stepped down after many years of service, and she thanked them for their service. Dr. Felter also noted that Teen Council applications are currently being accepted.

Councilmember Vakas thanked the police department for all the hard work they do to keep Olathe safe.

Mayor Bacon also thanked the police department. Mr. Bacon stated that on April 18th, the city will be hosting "Celebrate Olathe Spring Fling" in the county square, which will include bounce houses, face painting and more.

9. END OF LIVE STREAMED SESSION

10. GENERAL ISSUES AND CONCERNs OF CITIZENS

Persons wanting to speak regarding a general concern must sign up prior to the beginning of the City Council meeting. A person may sign up by notifying the City Clerk by calling 913-971-8521, or emailing CCO@Olatheks.gov by 5:00 PM or in person at City Hall until 30 minutes prior to the start of the meeting. The Council has allocated up to 3 minutes per speaker, and up to 30 minutes total for this portion of the meeting.

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 on water fluoridation within the City of Olathe's water services area.**

Councilmember Vakas asked for a presentation from staff.

Michelle Probasco, Environment Services Manager, provided a presentation to the council.

Councilmember Schoonover asked how many concerns the city has received. Ms. Probasco stated that two citizens have reached out with concerns.

Councilmember Essex stated at the state level there are strong opinions on both sides and noted the state does not

have a mandate and it is left to the local governments to make a decision.

Mayor Bacon asked about the studies being conducted by the National Toxicology Program (NTP). Ms. Probasco stated there is not enough information on where kids are getting the fluoride, whether just from water or other sources.

Councilmember Gilmore stated after reading the material, he feels that a decision shouldn't be made until the courts weigh in on their findings.

Councilmember Vogt stated that the American Dental Association, along with the US Public Health Service, feels that .7 was the acceptable level of fluoride that was safe.

Councilmember Vakas asked if bottled water has fluoride in it. Ms. Probasco stated it would depend on where it was bottled. Mr. Vakas also asked if a water softener would remove the fluoride. Ms. Probasco stated it would not remove it.

Report Accepted

2. Report on the Status of the Santa Fe, Ridgeview to Mur-Len, Improvements Project, PN 3-C-025-18.
Nate Baldwin, City Engineer, provided a presentation to the council.

Councilmember Schoonover asked about the sequencing of the KDOT portion of the project. Mr. Baldwin stated the city is still working with them on the scheduling at this time.

Councilmember Gilmore asked if there would be access to I-35 while this project was being done. Mr. Baldwin stated the goal is to have access to I-35 while the project is being completed as much as possible.

Councilmember Vogt asked about access for the businesses on Santa Fe Street along with notifications to the citizens. Mr.

Baldwin stated there is currently a construction website and that conversations are ongoing with the community.

Report Accepted

B. DISCUSSION ITEMS

1. Chamber of Commerce Annual Update provided by Chamber CEO Tim McKee. (20 Minutes)

Tim McKee, Olathe Chamber of Commerce CEO, and Kelly Peetoom, Convention and Visitors Bureau Vice President, provided a presentation to the council.

12. EXECUTIVE SESSION

- A. Recess into an executive session for consultation with the City Attorney to discuss matters that are deemed privileged in the attorney-client relationship pertaining to an annexation agreement pursuant to the exception provided in K.S.A. 75-4319(b)(2).

Motion by Vogt, seconded by Gilmore to recess into an executive session for consultation with the City Attorney to discuss matters that are deemed privileged in the attorney-client relationship pertaining to an annexation agreement pursuant to the exception provided in K.S.A. 75-4319(b)(2), for 15 minutes, returning to the Downtown Library Flexbox at 9:17 PM. The motion carried by the following vote:

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

Motion by Vogt, seconded by Gilmore to recess into an executive session for consultation with the City Attorney to discuss matters that are deemed privileged in the attorney-client relationship pertaining to an annexation agreement pursuant to the exception provided in K.S.A. 75-4319(b)(2), for an additional 10 minutes, returning to the Downtown Library Flexbox at 9:18 PM. The motion carried by the following vote:

Yes: Bacon, Vogt, Gilmore, and Felter

Absent: Schoonover, Vakas, and Essex

- B. Personnel matters of non-elected personnel pursuant to the exception provided in K.S.A. 75-4319(b)(1) regarding the evaluation of a Municipal Judge.

Motion by Vogt, seconded by Gilmore, to recess into executive session to discuss personnel matters of non-elected personnel pursuant to the exception provided in K.S.A. 75-4319(b)(1) regarding the evaluation of Municipal Judge Katie McElhinney, for 20 minutes, returning to the Downtown Library Flexbox at 9:49 PM. The motion carried by the

following vote:

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

13. RECONVENE FROM EXECUTIVE SESSION

Motion by Vogt, seconded by Gilmore on item A, to authorize the City Attorney to finalize an annexation agreement for formal consideration by the governing body. The motion carried by the following vote:

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

On Item B, Mayor Bacon stated Judge McElhinney is doing a great job.

14. ADDITIONAL ITEMS

Councilmember Vogt stated the city manager's review will be May 6th.

Mayor Bacon stated Thursday night the Police Awards reception will take place.

15. ADJOURNMENT

The meeting adjourned at 9:53 PM.

Eric Strimple
Assistant City Clerk