



1. CALL TO ORDER

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

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. PRESENTATION OF COLORS - American Heritage Girls Honor Guard

The American Heritage Girls Honor Guard presented the colors for the installation ceremony.

4. PLEDGE OF ALLEGIANCE

5. SPECIAL BUSINESS

A. Installation of Municipal Judge Jill Kenney.

Mayor Bacon administered the oath of office for Municipal Judge, Jill Kenney.

Judge Kenney thanked the city council and introduced her family.

Judge McElhinney presented Judge Kenney with her robe and with an engraved gavel.

B. Proclamation designating February 2023 as Black History Month.

Mayor Bacon presented and read the proclamation to Vivian and John Avery.

Mrs. Avery thanked the council and the mayor for presenting the proclamation to them and spoke on what Black History Month meant to her.

C. Proclamation designating February 7, 2023 as Ed Eilert Appreciation Day.

Mayor Bacon read and presented the proclamation to Ed Eilert.

Mr. Eilert thanked the mayor and council for the recognition. He added it was a pleasure to work with the city to build a community.

D. Presentation by ETC Institute on the results of the 2022 DirectionFinder Survey.

ETC Institute CEO, Chris Tatham, presented the DirectionFinder survey results to the council.

Councilmember Gilmore asked if the national average was based on just ETC clients or a true national average. Mr. Tatham stated it is a true national average.

Councilmember McCoy stated the council is fact driven and always wants to make sure they are taking care of the citizens by maximizing the tax dollars spent.

Councilmember Vogt wanted citizens to know the council is listening to them and will use this data as they move into the 2024 budget.

Councilmember Mickelson noted the work on east/west traffic and mentioned the projects in the works to help with the issues.

Mayor Bacon asked if the water results are just for the city serviced properties or include WaterOne customers too. Mr. Tatham stated it includes just the City of Olathe customers.

All councilmembers thanked city staff for their hard work they provide for the citizens of Olathe.

6. PUBLIC HEARING

Persons wanting to speak regarding a public hearing 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.org or in person at City Hall. Each speaker is allowed up to 5 minutes to address the City Council.

A. Public hearing and consideration of Resolution No. 23-1015 for a request by Sunflower Olathe 1, LLC for issuance for industrial revenue bonds and tax phase-in for the construction of a 21,000 square feet office building on two parcels, totaling 0.48 acres located near the southwest corner of Santa Fe and Kansas Avenue.

Mayor Bacon opened the public hearing and Director of Economy, Jamie Robichaud, provided a short presentation on the proposed project.

Charlotte O'Hara, 15712 Windser Street, Overland Park, KS, spoke against issuing industrial revenue bonds.

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

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

Absent: Felter

Councilmember Mickelson asked what the intention was for the building, if it would be sold or owned and rented out.

Aaron Mesmer with Block Real Estate Services, provided some clarifying information on the proposed intentions. He stated it could be any of those situations, including the potential of selling a portion of the building. Mr. Mesmer also noted that the outline that was presented to the council only showed the proposed building location and not the full parcel. He also noted the abatement information was slightly off.

Councilmember Gilmore asked staff if the Resolution was accurate with the information Mr. Mesmer noted, or if it changed the Resolution in any way. Ms. Robichaud stated it would not change the Resolution.

Mayor Bacon stated development downtown is difficult by the railroad tracks and is excited to see this project move forward if approved.

Motion by Gilmore, seconded by Vogt, to approve Resolution No. 23-1015 as presented. The motion carried with the following vote:

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

Absent: Felter

7. CONSENT AGENDA

Approval of the Consent Agenda

Motion by Council Member Gilmore, seconded by Council Member Vogt, to approve the Consent Agenda with the exception of item N. The motion carried by the following vote:

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

Absent: Felter

- A.** Consideration of approval of the City Council meeting minutes for the January 17, 2023 meeting.
approved.
- B.** Consideration of cereal malt beverage applications for calendar year 2023.
approved.
- C.** Consideration of a renewal drinking establishment application.
approved.
- D.** Request for the acceptance of the dedication of land for public easements for a final plat of Replat of Lakeview Ridge, 1st Plat (FP22-0048), containing twenty-two (22) lots and six (6) tracts on approximately 11.06 acres; located north of W. 143rd Street and west of Houston Street. Planning Commission approved plat 7 to 0.
approved.
- E.** Consideration and approval of Resolution 23-1016 authorizing payment to the Olathe Chamber of Commerce for reimbursement of expenses for the Economic Development Strategic Plan
approved.
- F.** Consideration of Consent Calendar.
approved.
- G.** Consideration of a Utility Agreement with Evergy Metro, Inc., for the 135th and Greenwood Geometric Improvements Project, PN 3-C-108-22.
approved.
- H.** Consideration of Supplemental Agreement No. 4 with Burns & McDonnell Engineering Company, Inc. for design of the Vertical Well Field Improvements Project, PN 5-C-031-18.
approved.
- I.** Consideration of Landscape Architect's Estimate, acceptance of bids and award of contract to Hometown Lawn L.L.C. for landscaping of the Sheridan and Ridgeview Roundabout, PN 3-C-058-19.
approved.
- J.** Consideration of an Agreement with Willowbrooke Villas Homeowners Association, Inc. for participation in Olathe Private Street Preservation Program.
approved.

- K.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to McAnany Construction, Inc. for construction of the 2023 Local and Collector Street Mill and Overlay Project - Group B, PN 3-P-009-23.
approved.
- L.** Consideration of Relocation and Reimbursement Agreement with ATMOS Energy Corporation for the Black Bob Arterial Mill and Overlay Project, PN 3-P-001-23.
approved.
- M.** Consideration of award of contract to Challenger Teamwear and Olathe T-Shirt & Trophy for printed and embroidered t-shirts for Parks and Recreation.
approved.
- N.** Acceptance and consideration of award of contract to Avaap U.S.A. LLC for Workday Application Managed Services (AMS) production support. Councilmember McCoy asked for clarification on what AVAAP was. Quality of Life Director, Mike Sirna, stated it is the implementation partner for the Workday project and they will be providing the ongoing support for the system. Mr. Sirna added the \$300,000 is for a three year contract.

Councilmember Mickelson stated the information provided mentioned going with AVAAP for ongoing support was cheaper than going directly through Workday. He asked if the exact amount of savings was known. Mr. Sirna stated he did not have the amount with him.

Motion by Gilmore, seconded by Vogt, to approve Item N as presented. Motion carried with the following vote.

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

Absent: Felter

8. NEW BUSINESS

- A.** Consideration of Ordinance No. 23-04 (VAC22-0005), requesting approval of a vacation of a utility easement for Western Flyer; located on Lot 4 of Olathe Industrial Tracts Second Plat at 1225 W. Pittman Street. Planning Commission recommends approval 7 to 0.
Motion by Gilmore, seconded by Vogt, to approve Ordinance No. 23-04 related to VAC22-0005 . The motion carried by the following vote:
- Yes:** Mickelson, McCoy, Bacon, Vogt, Gilmore, and Essex

Absent: Felter

- B.** Consideration of Ordinance No. 23-05 levying special assessments for the Monticello Road, 167th Street to Erickson Street, improvements project (PN 3-B-036-22).

Motion by Gilmore, seconded by Vogt, to approve Ordinance No. 23-05 as presented . The motion carried by the following vote:

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

Absent: Felter

9. NEW CITY COUNCIL BUSINESS

Councilmember McCoy stated he and his wife will celebrate 47 years of marriage on Valentine's Day. He also thanked the Fire Department and Police Department for all their hard work.

Councilmember Gilmore asked staff for clarification on who looked at the audit report from the state that Ms. O'Hara spoke about earlier in the evening because it was submitted to Olathe for comment and no comments were provided. He also noted that the audit report had no recommendations to provide to cities for guidance. Additionally, he asked staff to look at other municipalities around the United States to see if any have a policy funding projects for established businesses based on the amount of IRBs provided to new businesses.

City Manager, Michael Wilkes, stated this practice is common for established businesses that expand within the city, and the city continues to give incentives for growth.

Councilmember Vogt added to Mr. Wilkes statement noting that existing businesses do not have to have the same amount of investments to get an IRB. Mr. Wilkes stated, yes, there is a tiered approach used.

Councilmember Essex suggested citizens check out the city's social media pages to read the Black History Month stories about influential people from Olathe.

City Manager, Michael Wilkes, thanked the council for their leadership, allowing staff to do what is needed to do in the community. He also thanked staff for going the extra mile for the citizens.

Mayor Bacon noted the temporary library location at K-7/Santa Fe Street, will be closing later this month in preparations of the new library opening.

10. END OF TELEVISED SESSION

11. 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.org 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.

Patty Lanter, 10559 S Millstone Dr., spoke against the proposed development at 105th St. and Woodland Rd.

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. REPORTS

1. Report regarding the Olathe Public Library and Johnson County Library evaluating the possibility of eliminating late fines for customers when returning library materials after their due date. Councilmember McCoy spoke against the proposal of removing fines for library material.

Director of Quality of Life, Mike Sirna, stated the study to remove fines started in 2022. The study looked at what it would do to the budget and logistics of the Olathe library working separate from Johnson County. If the county approves to go fine free, fees would be determined by where the item was rented from.

Councilmember Mickelson asked clarifying questions on what it would cost if Olathe had a different policy and asked staff to provide that information. Mr. Sirna stated staff would provide that information.

Mayor Bacon asked for clarification on what the incentive would be if there was no fine. Mr. Sirna stated if the item was

not returned they would still be subject to the cost of the item to replace it. Customer Service Manager, Mary Swabb, added that two weeks after the item was due the individual would be charged for the item.

Councilmember McCoy asked if the item would be brought back to vote on. City Manager, Michael Wilkes stated the item did not need to because it was an administrative item. Councilmember McCoy, stated he wanted to see the item come back for a vote.

Councilmember Vogt asked if the dollar amount lost that was provided separated out the fines and the cost of purchasing a lost item again. Ms. Swabb stated, yes.

Councilmember Mickelson stated for clarification that the removal of fines was for the first two weeks, then a fee for the missing item would be charged. Following that charge, if the item was returned the following week the cost of the item would be removed. Ms. Swabb stated, yes.

Councilmember Gilmore feels with how integrated the city is with Johnson County that the city would need a good reason to do something different than Johnson County.

Councilmember Essex asked if there were outstanding fees that have not been paid for after the item has been charged to the person. Ms. Swabb stated there was currently approximately \$400k in unpaid fees.

Report accepted

B. DISCUSSION ITEMS

1. Discussion of the 2023 Downtown Outdoor Sculpture Exhibit. Olathe Public Art Committee Chair, Chelsy Walker, provided a brief presentation to the council on the proposed art pieces for 2023.

Councilmember Vogt asked if a decision has been made on where the art will be yet, Ms. Walker stated, no.

Councilmember Mickelson stated the "Be Kind" piece needs to be where there is good foot traffic. Councilmember Mickelson also noted the piece on Northgate is quite large so the piece that replaces it can't be too small. He asked clarifying questions about the lack of local artist.

Councilmember McCoy asked if there are any current pieces we plan to purchase. Ms. Walker stated this year, there are none that have the longevity needed for being purchased.

Councilmember Gilmore asked clarifying questions on having 9 spots available, but only 8 pieces suggested. Analyst II Renee Rush, stated that is just showing the available sites for the 8 pieces.

2. Chamber of Commerce Annual Update provided by Chamber CEO Tim McKee.

Olathe Chamber of Commerce CEO, Tim McKee, provided a presentation updating the council on the Chamber's work.

Councilmember Mickelson asked about vacant property and if the Chamber helps to fill them. Mr. McKee stated they spend a lot of time trying to fill vacant sites.

Councilmember Gilmore stated that the Chamber is part of the fabric of Olathe.

Mr. McKee stated that there will be a renewed focus on bringing development downtown.

Councilmember Vogt stated having the Chamber downtown should help with that since developers will see downtown again.

Councilmember McCoy asked when the Chamber will move to the new library. Mr. McKee stated the week after Easter.

13. ADDITIONAL ITEMS

Councilmember Gilmore stated he thinks the city needs to incentivize downtown development more.

Councilmember McCoy stated that Aimee Nassif is leaving the Planning Department and thanked her for all she has done. He also noted he has received quite a few calls and messages about the light issue on 119th Street. City Engineer, Nate Baldwin, stated that staff has reached out to the contractor to have them come take a look at them.

Mayor Bacon stated that KDOT had a meeting about the K10 expansion and should have a recommendation within the next year.

14. ADJOURNMENT

The meeting was adjourned at 9:28 P.M.

Eric Strimple
Assistant City Clerk