

The Regular Session was called to order at 6:40 p.m. by Mayor Copeland. Present were Councilmembers Vogt, Campbell, Randall, and Bacon. Absent were Councilmembers Huttman and Montgomery. Also present were City Manager Wilkes and City Attorney Glinstra.

1. CALL TO ORDER

2. EXECUTIVE SESSION

Consideration of motion to recess into an executive session under the attorney-client privilege, real property acquisition, and personnel exceptions to the Kansas Open Meetings Law to consider the following items:

LAWSUITS

- A. Discussion of matters which would be considered as privileged in an attorney-client relationship pertaining to claims made by Ames Construction Company.

Motion by Bacon, seconded by Randall, to recess into Executive Session for 5 minutes. Passed 5-0.

The meeting recessed at 6:41 p.m.

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 6:46 p.m.

LAWSUITS

- A. Discussion of matters which would be considered as privileged in an attorney-client relationship pertaining to claims made by Ames Construction Company was considered

Motion by Randall, seconded by Bacon, to direct staff to proceed as discussed in executive session. Passed 5-0.

The meeting recessed at 6:57 p.m. until 7:00 p.m.

Councilmember Montgomery arrived at 6:55 p.m.

4. BEGIN TELEVISED SESSION

5. PLEDGE OF ALLEGIANCE

Mayor Copeland announced tomorrow is Olathe's 151st anniversary and officially concludes the year-long celebration. He thanked all the members of the Committee on behalf of the City Council.

6. SPECIAL BUSINESS

PROCLAMATION

- A. March 2008 was proclaimed as "National Purchasing Month."

The proclamation was accepted by Judy Meisel, Purchasing Manager, accompanied by Purchasing staff.

PRESENTATIONS

- B. Checks were presented to the Mayor's Christmas Tree fund .

Mayor Christmas Tree Fund Board members Ruth Nelson, Ron Jackson, Sandy Feeney, Laurie Minard, Harlan Parker, Jean Garten, Jim Hutchinson, and Mark Burstead were present.

Representatives from Northview Elementary School, Olathe North High School, and Olathe South High School were present and recognized for fundraising campaigns benefiting the Mayor's Christmas Tree fund.

Beneficiaries receiving checks from the Mayor's Christmas Tree fund were Catholic Charities, Children's Shoe Fund, and Court-Appointed Special Advocates for Children, Cypress Recovery, Kansas Foster & Adoptive Children, KVC Behavioral Health Care, Salvation Army, and TLC for Children and Families.

RECOGNITION

- C. Donations for the Special Populations Bus were recognized.

The Director of Parks and Recreation and the Recreation Program Manager spoke about the bus and the fundraising campaign. The Special Population Chorus performed a song for the Council.

7. PUBLIC HEARINGS

WEEDS

- A. A public hearing to consider levying assessments to collect unpaid city expenditures for weed mowing and debris removal was opened.

No one appeared.

Motion by Randall, seconded by Bacon, to close hearing. Passed 6-0.

- B. Ordinance No. 08-12 levying assessments to collect city expenditures for weed mowing and debris removal was considered.

Motion by Randall, seconded by Bacon, to approve. Passed 6-0.

ECONOMIC DEVELOPMENT

- C. A public hearing regarding the advisability of establishing a Neighborhood Revitalization Area and adopting a Neighborhood Revitalization Plan was opened.

No one appeared.

Motion by Randall, seconded by Bacon, to close hearing. Passed 6-0.

- D. Resolution No. 08-1021 establishing a Neighborhood Revitalization Area and adopting a Neighborhood Revitalization Plan was considered.

Motion by Randall, seconded by Bacon, to approve. Passed 6-0.

8. CONSENT AGENDA

Staff requested Item K be removed for consideration on March 4, 2008.

Motion by Randall, seconded by Bacon, to approve with the noted exception. Passed 6-0.

MINUTES

- A. Council meeting minutes of February 5 and 12, 2008 were considered and approved.

PROJECTS

- B. The Consent Calendar was considered and approved.

1. CHANGE ORDERS

- a. Santa Fe, West of Ridgeview Grade Separation, Project No. 38299C, was considered and approved.

2. PROJECT COMPLETION CERTIFICATES

- a. Austin Meadows 3rd Plat, Storm Sewers, Project No. 32206D, was considered and approved.
- b. Huntford Force Main, Sanitary Sewers, Project No. 11604D, was considered and approved.
- c. 2007 Sanitary Sewer Manhole Rehab, Sanitary Sewers, Project No. 1-C-002-07, was considered and approved.
- d. Harrison Street & Us 56 Hwy Traffic Signal Reconstruction, Street, Project No. 30803C, was considered and approved.
- e. 159th & Ridgeview Signalization, Project No. 31303C & 159th & Lindenwood Signalization, Project No. 30904C , was considered and approved.
- f. Heritage Crossings, 1st Plat, Sanitary Sewers, Project No. 14906D, was considered and approved.
- g. 151st, Pflumm to Quivira, Street, Project No. 38099C, was considered and approved.

PROJECTS

3. FINAL PAYMENT TO CONTRACTORS

- a. 2007 Sanitary Sewer Manhole Rehabilitation, Project No. 1-C-002-07, was considered and approved.

Final Payment -	\$	9,151.53
Original Contract Amount -	\$	52,147.50
Paid-To-Date -	\$	63,614.38
Change Orders -	\$	20,618.42
Final Contract Amount -	\$	72,765.92
Contractor -	Dobson Davis Company	

- b. Harrison Street & Us 56 Hwy Traffic Signal Reconstruction, Project No. 30803C, was considered and approved.

Final Payment -	\$	61,093.12
Original Contract Amount -	\$	348,640.00
Paid-To-Date -	\$	341,707.68
Change Orders -	\$	54,160.80
Final Contract Amount -	\$	402,800.80
Contractor -	Teague Electric Construction	

- c. Harrison St & US 56 Hwy Traffic Signal Reconstruction, Project No. 31306C, was considered and approved.

Final Payment -	\$	193,070.00
Original Contract Amount -	\$	286,200.00
Paid-To-Date -	\$	100,080.00
Change Orders -	\$	6,950.00
Final Contract Amount -	\$	293,150.00
Contractor -	Wildcat Concrete Services, Inc.	

- d. 151st, Pflumm to Quivira, Project No. 38099C, was considered and approved.

Final Payment -	\$	17,194.79
Original Contract Amount -	\$	5,635,962.80
Paid-To-Date -	\$	5,638,533.98
Change Orders -	\$	19,765.97
Final Contract Amount -	\$	5,655,728.77
Contractor -	APAC-Kansas, Inc.	

4. FINAL PAYMENT TO CONSULTANTS

- a. 151st, Pflumm to Quivira, Project No. 38099C, was considered and approved.

Final Payment -	\$	628.00
Original Contract Amount -	\$	435,893.00
Paid-To-Date -	\$	493,817.00
Amendments -	\$	58,552.00
Final Contract Amount -	\$	494,445.00
Consultant -	HNTB	

PLATS

- C. Final plat, P-08-001, requesting approval for Greenwood Business Center on 4.3± acres; located at the northeast corner of Greenwood and 134th Place, was considered and approved. Applicant/Owner: Paul Licausi, LS Commercial Real Estate.
- D. Final plat, P-08-002, requesting approval for Brighton's Landing, 3rd Plat, on 12.268± acres; located in the vicinity of 114th Terrace and Redbud Lane, was considered and approved. Applicant/Owner: Mickey Vena, Brighton's Landing, LLC.

LICENSES

- E. Cereal malt beverage license applications were considered and approved.
- F. Massage therapy establishment applications were considered and approved.

PROJECTS

- G. Award of contract to Cutting Edge Excavating, Inc. for the construction of Olathe Medical Center: North Sewer, PN 17406B, was considered and approved.
- H. Award of contract to Blacktop Paving & Construction, LLC for the construction of Olathe Medical Center: North/South Street & Olathe Medical Center: 153rd Street, PNs 36806B, 5-B-041-07, 36706B, and 5-B-040-07, was considered and approved.
- I. An engineering services agreement with Affinis Corporation for the 2008 Street Rehabilitation Program, PN 30108C, was considered and approved.
- J. An engineering services agreement with George Butler Associates for the 2008 Street Rehabilitation Program, PNs 30108C, 30107C was considered and approved.
- K. Resolution No. 08-1022, amending Resolution No. 06-1114 for the total funding of the Santa Fe Streetscape, PN 30804, **will be considered on the March 4th City Council agenda.**
- L. An interlocal agreement with the City of Overland Park for the 133rd Street and Pflumm Road signals, PN 31306, was considered and approved.
- M. Resolution No. 08-1023 authorizing Clairborne and Rogers Road signal, PN 35599, was considered and approved.
- N. A change order with Pyramid Construction on the Dennis Avenue Bridge over Little Cedar Creek, PN 33704C, was considered and approved.
- O. An agreement with Allenbrand-Drews & Associates for the Provision of Surveying Services, PN 80308, was considered and approved.
- P. An agreement with Kaw Valley Engineering, Inc. for the Provision of Primary Geotechnical and Testing Services, PN 80508, was considered and approved.

PROJECTS

- Q. An engineering services agreement with George Butler Associates for the improvements to the Old 56 Bridge over Cedar Creek, PN 3-C-044-07, was considered and approved.
- R. An interlocal agreement with the Board of County Commissioners of Johnson County, Kansas for CARS funding for the public Improvement of Interchange Lone Elm Road to I-35, PN 37197c, was considered and approved.
- S. Four real estate contracts for the acquisition of property for the Indian Creek Channel Improvements at Frontier Park Project; PN 20999, were considered and approved.

BONDS

- T. Resolution No. 08-1024 consenting to the delivery of a Subordination of Fee to Mortgage Instrument in connection with the City's Industrial Revenue Bonds (Network Integration Services II Project), Series 2006, was considered and approved.

AGREEMENTS

- U. Declaration for Participation in Firefighters Relief Fund was considered and approved.

CONTRACTS

- V. An extension of contract with O'Reilly Automotive for automotive parts and supplies for the Vehicle Maintenance Division of Municipal Services was considered and approved.
- W. Award of contract to Stanard & Associates, Inc., for promotional testing services for the Olathe Police Department was considered and approved.
- X. Award of contract to Downing Sales and Service, Inc. for the purchase of two automated side loader trucks for the Solid Waste Division of Municipal Services was considered and approved.

GRANTS

- Y. The 2008 Subrecipient Agreements for the Community Development Block Grant projects were considered and approved.

TRAVEL

- Z. A travel authorization for one (1) Olathe Human Relations Commissioner to attend the United States Department of Housing and Urban Development National Policy Conference was considered and approved.

EXPENSES

- AA. A business expense statement of City Manager for expenses incurred for hotel site visits in Chicago, IL Feb 3 – 5, 2008 was considered and approved.

9. NEW BUSINESS - PLANNING

REZONING

- A. Ordinance No. 08-13, RZ-07-046, requesting approval of an amendment to the RP-3 zoning for Stratton Oaks West II, on 9.64± acres; located in the vicinity of the southeast corner of College Boulevard and Woodsonia Drive, was considered. Applicant: Kevin Downey, Stratton Oaks West, Inc.

Motion by Randall, seconded by Bacon, to approve. Passed 6-0.

PLATS

- B. Final plat, P-07-100, requesting approval for Stratton Oaks West II, on 4.61± acres; located in the vicinity of the southeast corner of College Boulevard and Woodsonia Drive, was considered. Applicant/Owner: Kevin Downey, Stratton Oaks West, Inc.

Motion by Randall, seconded by Bacon, to approve. Passed 6-0.

10. NEW BUSINESS - ADMINISTRATION

MUNICIPAL CODES

- A. Ordinance No. 08-14 amending sections of Title 5, in particular Chapter 5.36 pertaining to Massage Therapy, was considered.

Staff recommended striking language, unless such conviction occurred at least five years prior to the date of the application; in Section 5.36.080 (c), ending the section after however.

Motion by Bacon, seconded by Vogt, to approve Ord. 08-14 with amendment to Section 5.36.080 to read as follows: *(c) The applicant, if an individual; or the manager or other person principally in charge of the operation of the business, has been convicted of any crime which would make any person ineligible to receive a license hereunder;*. Passed 6-0.

11. NEW CITY COUNCIL BUSINESS

Councilmember Vogt recognized a good job by Public Works staff with their assistance to a citizen at Avignon with needs which were addressed.

12. ADJOURNMENT OF REGULAR SESSION

Motion by Randall, seconded by Bacon, to adjourn. Passed 6-0.

The meeting adjourned at 8:04 p.m.

13. GENERAL ISSUES AND CONCERNS OF CITIZENS

Norm Bowers, 733 E. Loula, addressed the Council by indicating Johnson County is contemplating termination of the south metro route running south of Olathe into Missouri. He stated there is broad support, but not much attendance with positive comments at meetings. Mr. Bowers requested city participation at the February 21, 2008 Commission meeting.

City Clerk