

The Olathe City Council met in regular session at 6:30 p.m. with Mayor Copeland presiding. Councilmembers Montgomery, Bacon, Wittenborn, Randall, Huttman and Vogt were present. Councilmember Bacon was absent. Also present were City Manager Wilkes and City Attorney Glinstra.

1. CALL TO ORDER

2. EXECUTIVE SESSION – 6:30 P. M.

Motion by Randall, seconded by Wittenborn, to recess into an executive session under the real property exception to the Kansas Open Meetings Act to consider the following item. Passed 6-0.

- A. Discussion of acquisition of property for the Indian Creek Channel Improvements at Frontier Park project, PN 20999.

The meeting recessed at 6:31 p.m.

Councilmember Bacon arrived at 6:40 p.m.

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 6:55 p.m.

Councilmembers Randall and Montgomery were absent.

REAL ESTATE

- A. Acquisition of property for the Indian Creek Channel Improvements at Frontier Park project, PN 20999, was considered.

Motion by Bacon, seconded by Vogt, to bring the item back in two weeks with more information. Passed 5-0.

Councilmember Randall returned at 6:57 p.m.

Councilmember Montgomery returned at 6:59 p.m.

4. BEGIN TELEVISED SESSION – 7:00 P. M.

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

AWARDS

- A. Recognition and acceptance of United States flag flown over United States Capitol on February 20, 2007 for the citizens of Olathe on the occasion of Olathe's 150th Anniversary.

150TH Anniversary Committee Co-Chairs Mike Haskin and Marlene Natoli presented the flag to the mayor.

Mr. Haskin announced upcoming events and invited the community to join the meetings.

AWARDS

- B. Recognition of Konni Knabe for receipt of the Distinguished Recreation Programmer Award.

Recreation Superintendent Brad Clay overviewed Ms. Knabe's activities.

Konnie Knabe, Recreation Program Manager, accepted the award.

- C. Recognition of Rusty Shadoin for receipt of the Field Supervisor Award for 2006 from the American Public Works Association.

Thomas Speck, Deputy Director of Municipal Services, introduced David Bries, Utility Maintenance Superintendent, and Rusty Shadoin, Utilities Maintenance Supervisor Wastewater.

Mr. Speck spoke of the accomplishment of Mr. Shadoin, who in turn, accepted the award.

APPOINTMENTS

- D. Resolution No. 07-1023 appointing a member to the Sister Cities Committee was considered.

Motion by Randall, seconded by Bacon, to appoint Tony Vargas. Passed 7-0.

- E. Resolution No. 07-1024 reappointing members to the Parks and Recreation Foundation Board was considered.

Motion by Randall, seconded by Bacon, to reappointing Shawn Caton, Jennifer Doyle and Todd McGinn. Passed 7-0.

7. PUBLIC HEARINGS

ECONOMIC DEVELOPMENT

- A. A public hearing on the advisability of creating the Ridgeview Falls Transportation Development District, the intent to levy a sales tax, and

Motion by Randall, seconded by Bacon, to close the hearing. Passed 7-0.

8. CONSENT AGENDA

MINUTES

- A. Council meeting minutes of March 6, 2007, were considered and approved.

PROJECS

B. Consent Calendar

1. Change Orders

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

Change Order No. 8 increases the contract amount by \$26,987.31.

Change Order No. 9 increases the contract amount by \$102,000.00.

2. Project Completion Certificates

- a. Prairie Farms II, Final Completion, Sanitary Sewer, Project No. 16305D, was considered and approved.
- b. Prairie Farms II, Final Completion, Storm Sewers, Project No. 32205D, was considered and approved.
- c. Prairie Farms II, Final Completion, Street, Project No. 32205D, was considered and approved.
- d. The Greens @ Prairie Highlands, Final Completion, Waterlines, Project No. 53505D, was considered and approved.
- e. The Greens @ Prairie Highlands, Final Completion, Storm Sewers, Project No. 34605D, was considered and approved.
- f. 143rd Street Waterline, Phase I, Substantial Completion, Waterlines, Project No. 53405C, was considered and approved.

3. Final Payment to Contractors

- a. None

4. Final Payment to Consultants

- a. None

PLATS

- C. Final plat, P-07-001, requesting approval of three (3) lots, 0.80026± acre, of Meadows of Forest View, 4th Plat (replat of part of Tract D, Meadows of Forest View, 2nd Plat); located at 125th Street and Clare Road, was considered and approved. Owner/Applicant: 119/7 Roadside Partners, LLC, Darol Rodrock. Planning Commission recommends approval, 7-0.

PLATS

- D. Final plat, P-07-003, requesting approval of 17 lots and four (4) tracts, 18.58± acres, of Parkview, 1st Plat; located on the northeast corner of K-7 Highway and Harold Street, was considered and approved.
Owner/Applicant: Eller Developments, Inc., Megan Tjernagel. Planning Commission recommends approval, 8-0.

LICENSES

- E. A massage therapy establishment license was considered and approved.

PROJECTS

- F. An Agreement between the city of Olathe and Turner Construction for preliminary services for the design-build of the downtown Parking Garage Expansion, PN 40799, was considered and approved.
- G. An agreement with WaterOne for the main line extension on 167th Street, Ridgeview Road to one-half mile west, PN 50506B, was considered and approved.
- H. An agreement with WaterOne for the main line extension on 167th Street, Ridgeview Road to Black Bob, PN 52305B, was considered and approved.
- I. Two agreements with Kansas City Power and Light (KCPL) for the relocation of power lines along Mur-Len, from 164th to 167th; Phase 1 of Mur-Len, from 175th to 164th Street, PN 35504B, were considered and approved.
- J. An agreement with Atmos Energy for the installation of gas lines along Mur-Len Road, 175th Street to 164th Street, PN 35504B, was considered and approved.
- K. An agreement with Atmos Energy for the installation of gas lines along 167th Street, Ridgeview Road to one-half mile west, PN 30906B, was considered and approved.

CONTRACTS

- L. Award of contract to AT&T for telephone circuit providing the Police Department separate, dedicated access to the internet was considered and approved.
- M. Application, acceptance of bid and award of contract to Beaver Construction for a housing rehabilitation deferred loan applicant at 708 E. Park was considered and approved.
- N. Application, acceptance of bid and award of contract to ATNJ Inc. for a housing rehabilitation deferred loan applicant at 454 E. Cedar was considered and approved.
- O. Acceptance of bids and award of contract to Mid America Coach, Inc., for a wheelchair bus for Neighborhood & Human Services was considered and approved.

CONTRACTS

- P. Acceptance of bids and award of contract to Matula Services, LLC and Kool Nites Limousine, Inc. for bus services for the Parks and Recreation Department was considered and approved.
- Q. Acceptance of bids and award of a contract to American Equipment Company for two truck bodies and snow plows for the Parks Department and the Street Division of Public Works was considered and approved.
- R. Acceptance of bids and awards of contract to DuPree Landscaping & Lawn Care, Inc., S&F Mowing/R&R Mowing, LLC, and Custom Lawn & Landscape, Inc. for mowing services city-wide were **REMOVED FOR SEPARATE CONSIDERATION.**
- S. Acceptance of bids and of awards of contract to Crowley Construction and Cornerstone Concrete, Inc., for concrete installation and repair services was considered and approved.
- T. Acceptance of bids and awards of contract to Nalco Company; Ethanol Products CO₂; Carbon Central; Ashland, Inc.; Kemira Water Solutions; Siemens Water Technologies Corp.; Brenntag Mid South; Thatcher Company of Montana; G. S. Robins; Mississippi Lime; Harcros Chemicals, Inc.; Univar USA, Inc. for the estimated annual purchase of water treatment chemicals for the Water Production and Wastewater Divisions of the Municipal Services Department was considered and approved.
- U. Acceptance of bids and awards of contract to Turn-Key Mobile for the purchase of Panasonic notebook computers for the Police and Fire Departments was considered and approved.
- V. Acceptance of bids and awards of contract to MSI System Integrators for Cisco SmartNet Maintenance (router and switch maintenance) Contract was considered and approved.
- W. Acceptance of bids and award of contract to MSI, Inc., for Cisco equipment for various city locations was considered and approved.
- X. Extension of the contract with Diversified Electric for the estimated annual requirement for electrician services was considered and approved.
- Y. Acceptance of bid and award of contract to Blue Valley Public Safety, Inc. for the purchase of outdoor warning sirens was considered and approved.
- Z. Acceptance of bids and award of contract to Zoll Medical for the purchase of AutoPulse units for the Fire Department was considered and approved.

AGREEMENTS

- AA. Approval to participate in a cooperative purchase agreement for the purchase of protective fire clothing from Total Fire Group was considered and approved.

CONTRACTS

- BB. Acceptance of bid and award of contract to ACS Firehouse for medical reporting software for the Fire Department was considered and approved.

APPOINTMENTS

- CC. Appointments to the Economic Development Advisory Council and Convention and Visitors Bureau Advisory Council were considered and approved.

TRAVEL

- DD. Authorization for Sister Cities Committee members to attend the 2007 Sister Cities International Conference in Fort Lauderdale, Florida, July 18 – 21, 2007, was considered and approved.

ITEMS FOR SEPARATE CONSIDERATION:

CONTRACTS

- Item R: Acceptance of bids and awards of contract to DuPree Landscaping & Lawn Care, Inc., S&F Mowing/R&R Mowing, LLC, and Custom Lawn & Landscape, Inc. for mowing services city-wide were considered.

Councilmember Wittenborn asked for clarification of rough mowing. The Parks and Recreation Director indicated in the past years, the mowing contract provided for mowing along the rights-of-way and did not address the interior. He noted the rough mowing would include more of the interior areas than in the past.

Motion by Wittenborn, seconded by Bacon, to approve. Passed 7-0.

9. NEW BUSINESS - PLANNING

REZONING

- A. Ordinance No. 07-17, RZ-06-030, requesting approval to rezone 14.34± acres from County RUR to RP-1; located on the southeast corner of 115th Terrace and Woodland Road, was considered. Owner/Application: Olathe USD No. 233, Greg Thomason. Planning Commission recommends approval, 7-0.

The Assistant City Planner informed the Council the Planning Commission heard and recommended approval of the rezoning and plat. He added no protest petitions were received. He indicated there has been some concern noted with the current bicycle lanes. He also referred to the two documents placed on the Council dais earlier, listing recommendations for revised stipulations for the rezoning and accompanying plat.

Councilmember Bacon asked if Woodland Road is a half-arterial. The Assistant Public Works Director indicated Woodland Road is constructed as a wide collector street. He indicated future developments will be required to dedicate for arterial roadway.

Mr. Bacon stated he believes it is a mistake to place an elementary school on a potential divided arterial.

The Assistant Public Works Director noted staff worked with the school district. Mr. Bacon asked if there were written comments for review. The response was no.

Mr. Bacon asked if there is a policy regarding the placement of schools within the city. The Assistant City Planner indicated the city has no policy.

Councilmember Vogt stated this is a difficult decision since the school district has been working on this for several years. Ms. Vogt asked staff about the nationwide trends. Staff stated the schools, nationwide, are being constructed along arterials and collectors.

Ms. Vogt stated concern with pedestrian accessibility. Staff addressed the stipulations concerning sidewalks, bicycle and turn lanes.

Councilmember Huttman asked about the site plan – how far is the set back? Staff noted it is approximately 120' from Woodland Road. Ms. Huttman stated the school district has a Board which works with its staff. She added she would have to trust, or have a comfort level, with both staffs.

Councilmember Wittenborn asked staff to outline the traffic flow from Woodland Road and internal circulation. Staff reviewed with the site plan depiction.

Greg Thomason, Unified School District No. 233, appeared and indicated staff from Hollis Miller and Payne & Brockway were present.

Mr. Bacon asked Mr. Thomason when the last school was constructed along an arterial. The response was recently an elementary school was construction along 167th, west of Ridgeview and along Quivira Road. Mr. Bacon asked Mr. Thomason if the school district had a policy about construction of schools along arterial roadways. Mr. Thomason stated there is no policy.

Dale Crawford, 512 N. Curtis, stated he is a member of the Johnson County Bicycle Club. He stated the club has concerns with the elimination of bike lanes. He stated it is the club's desire to impress the importance of the bike lanes, adding this is the only viable route north to the outside of the city.

Nan Burkhart stated she is a resident at the corner of 114th and Lone Elm and is a bicyclist adding she also has concerns with the elimination of bicycle lanes. She asked the city to retain the lanes.

Cheryl Daily, 11460 S. Pine, stated she, or other residents within the neighborhood, have no issue with the rezoning. She noted the concern is with the traffic, adding crosswalks, turn lanes and crossing guards need to be in place from the opening.

Deann Biaza, 11984 W. 116th Court, stated concern for children's safety and potential of no crossing guards.

Lora Turnbull, 505 N. Curtis, stated she is a cyclist. She noted concern with the bike lanes indicated within the proposed improvements and plat design.

Councilmember Montgomery spoke of the traffic plan of March 8. He noted the need to add back in accommodations for bicycles.

Mayor Copeland asked if there are any obligations for bicycle lanes with federal grant funds. The Assistant Public Works Director stated the city received no federal funding for bicycle lanes for Woodland Road.

Assistant City Manager Brymer addressed the time-frame needed by the school district for construction of this school. He stated the request of the presented stipulations would allow staff flexibility to accommodate the school and traffic issues.

Councilmember Vogt asked if the flexibility would include that the accommodations be made according to the ASHTO guidelines.

Mayor Copeland summarized the requested actions as follows: approve the rezoning, approve the site plan with flexibility so we're not designing roads and sidewalks from the dais, but rather give staff the ability to work with the various interest groups to come to a win-win solution.

Councilmember Randall questioned how this will impede the traffic upon Woodland Road. He stated concern with the request or demand from the school district to place the city in a box. He noted concern with safety, schedule and bicycle lanes. He stated there is a need for more cooperation between the city and school district.

The Assistant City Planner stated Item e, within the proposed amendment, could be placed with Item b, making it part of the benefit district.

Motion by Randall, seconded by Wittenborn, to approve the ordinance, amending Stipulation e to read "Bicycle accommodations shall be provided on Woodland Road." YEA: Wittenborn, Randall, Huttman, and Copeland. NAY: Montgomery, Bacon, and Vogt. Passed 4-3.

Ms. Vogt indicated the application process for funding under the Safe Routes to School is still open and encourage the city and school district to work together to find funding for the infrastructure improvements.

PLATS

- B. Final plat, P-06-144, requesting approval of one (1) lot, 16.61263± acres, of Olathe Elementary School No. 33; located on the southeast corner of 115th Terrace and Woodland Road, was considered. Owner/Applicant: Olathe USD No. 233, Greg Thomason/Jim Houghton. Planning Commission recommends approval, 8-0.

Motion by Randall, seconded by Bacon, to approve the plat with the following amendments to Planning Commission stipulation a and addition of stipulation h as follows: a) The property is subject to a required street excise fee of \$141,466.88. In lieu of the street excise fee, the property has require improvements for Woodland Road as follows: (1) southbound left-turn lane at 115th Terrace; (2) northbound right and left-turn lanes on Woodland Road at 115th Terrace; (3) northbound right-turn lane and southbound left-turn lane at the southern access drive. These required improvements for Woodland Road may be included as part of the benefit district for 115th Terrace. and (h) Bicycle accommodations shall be provided on Woodland Road. YEA: Wittenborn, Randall, Huttmann, and Copeland. NAY: Bacon, Vogt, and Montgomery. Passed 4-3.

PLANNING

- C. Appeal of the Planning Commission's decision of PR-07-008 to deny the final site development plan for Starbucks at Olathe Gateway located on the southeast corner of 119th Street and Renner Road was considered. Owner: MaeGrace, LLC, Mark Siffin. Applicant: Polsinelli Shalton Flanigan Suelthaus, John D. Petersen. Planning Commission recommends denial, 7-0.

The Assistant City Planner updated the Council on the appeal request and of revised designs submitted after the Planning Commission meeting. He stated the concern of the Planning Commission was in regard to the elevations. He informed the Council the revised site plan was reviewed by staff and noted the plan is better than the original. The Assistant City Planner informed the Council staff is supportive of the revised plans.

Councilmember Randall complimented the Planning Commission for making decisions based on city standards.

Motion by Randall, seconded by Bacon, to approve the appeal request. Passed 7-0.

10. NEW BUSINESS - ADMINISTRATION

BONDS

- A. Ordinance No. 07-18 authorizing issuance of industrial revenue bonds and tax abatement for the Prieb Properties, LLC, project was considered.

Motion by Randall, seconded by Bacon, to approve. YEA: Randall, Huttmann, Vogt, Copeland, Bacon and Wittenborn. ABSTAIN: Montgomery. Passed 6-0-1.

11. NEW CITY COUNCIL BUSINESS

Councilmember Wittenborn informed the viewers of the public input session for the 2008 budget process. She encouraged viewers to obtain more information through the city's website and come to the sessions.

Councilmember Bacon reminded viewers to vote in the upcoming election.

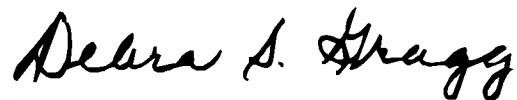
Councilmember Randall stated it is good to go to other communities, adding this allows him to realize how great this city really is.

Councilmember Montgomery stated some businesses in the downtown area are questioning the downtown parking garage process. The city will host a forum for the merchants to address the parking concerns.

12. ADJOURNMENT OF REGULAR SESSION

Motion by Randall, seconded by Bacon, to adjourn. Passed 7-0.

The meeting adjourned at 9:00 p.m.



City Clerk