

The Regular Session was called to order at 6:32 p.m. by Mayor Copeland. Present were Councilmembers Vogt, Randall, Huttman, Campbell, and Montgomery. Absent was Councilmember Bacon. 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 real property acquisition exception to the Kansas Open Meetings Law to consider:

**ACQUISITION**

- A. Discussion of acquisition of property for stormwater control in the Westview area.

Motion by Randall, seconded by Montgomery, to convene into executive session for 10 minutes. Passed 6-0.

The meeting recessed at 6:47 p.m.

**3. RECONVENE FROM EXECUTIVE SESSION**

The meeting reconvened at 6:54 p.m.

**ACQUISITION**

- A. Discussion of acquisition of property for stormwater control in the Westview area was considered.

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

The meeting recessed until 7:00 p.m.

**4. BEGIN TELEVISED SESSION – 7:00 p.m.**

**5. PLEDGE OF ALLEGIANCE**

**6. SPECIAL BUSINESS**

- A. April 27-May 3, 2008 was proclaimed as “Law Enforcement Week.”

The Chief of Police and Citizens Police Advisory Council accepted the proclamation.

- B. April 21-25, 2008 was proclaimed as “Arbor Week.”

The City Arborist accepted the proclamation. The City Arborist was also recognized for receiving the State Forester Award.

- B. May 5-9, 2008 was proclaimed as “Drinking Water Week.”

The assistance Water Production Supervisor accepted the proclamation.

The Mayor and Council took a moment to recognize Assistant City Manager Tom Brymer for his service to the City of Olathe.

## 7. PUBLIC HEARINGS

### PROJECTS

- A. A public hearing concerning the levying assessment to pay the costs for widening Woodland Road, Project No. 3-B-048-07, was opened.
- No one appeared.
- Motion by Randall, seconded by Vogt, to close hearing. Passed 6-0.
- C. Ordinance No. 08-30 amending Ordinance No. 07-36 levying assessments to pay the costs for the widening Woodland Road, Project No. 3-B-048-07, was considered.
- Motion by Randall, seconded by Montgomery, to approve. Passed 6-0.
- D. A public hearing concerning the levying of assessments to pay for the costs of construction of sanitary sewer to serve 143<sup>rd</sup> Sanitary Sewer Lakeshore Meadows, PN 1-B-001-07, was opened.
- No one appeared.
- Motion by Randall, seconded by Montgomery, to close hearing. Passed 6-0.
- E. Ordinance No. 08-31 levying assessments to pay the costs for construction of a sanitary sewer to serve 143<sup>rd</sup> Sanitary Sewer Lakeshore Meadows, PN 1-B-001-07, was considered.
- Motion by Randall, seconded by Montgomery, to approve. Passed 6-0.

## 8. CONSENT AGENDA

Motion by Randall, seconded by Vogt, to approve the consent agenda as presented. Passed 6-0.

### MINUTES

- A. Council meeting minutes of April 1 and 8, 2008 were considered and approved.

### PLATS

- B. Final plat, P-08-007, requesting approval for Shadow Ridge V on 2.31± acres; containing five (5) lots, located north of 143<sup>rd</sup> Street and west of Hedge Lane, was considered and approved. Applicant: Tom Degregorio, Cimarron Homes, LLC. Owner: Steve Shumate, SJS Management Services, Inc.

### PROJECTS

- C. Award of contract to Miles Excavating for the construction of Phase III of the Burlington Northern Santa Fe Elevated Structure, PN 38299, was considered and approved.

**PROJECTS**

- D. Award of contract to Miles Excavating for the construction of the Santa Fe & Brougham Geometric Improvements, PN 34606C, was considered and approved.
- E. award of contract to Miles Excavating for the construction of the Santa Fe & Lindenwood Geometric Improvements, PN 34706C, was considered and approved.
- F. A Consultant Non-Federal–Aid three party agreement for construction engineering services between the Kansas Department of Transportation, HNTB and the City of Olathe for the construction of the Lone Elm Interchange Project, PN 37197C, was considered and approved.
- G. Resolution No. 08-1140 giving Authority to Award Contract Commitment of City Funds for the construction of the Lone Elm Interchange, PN 37197, was considered and approved.
- H. Resolution No. 08-1141 amending the cost sections of Resolution No. 08-1034 authorizing the creation of a benefit district to construct 143rd Street, Cedar Niles to Lakeshore, Project No. 3-B-002-08, was considered and approved.
- I. Resolution No. 08-1142 amending Resolution 02-1027 pertaining to the improvement of Woodland Road from K-10 Highway to Northgate Street; Project No. 35999C, was considered and approved.
- J. Resolution No. 08-1143 amending Section Forty of Resolution No. 07-1151 (the 2008 Fee Resolution) pertaining to towing charges was considered and approved.

**AGREEMENTS**

- K. An agreement for detaching property within Johnson County Rural Fire District #3 was considered and approved.
- L. Renewal of emergency water sales agreement between the City of Olathe and WaterOne was considered and approved.

**CONTRACTS**

- M. Award of contract to Municipal Services Bureau for the collection of delinquent court fines and fees for the Municipal Court was considered and approved.
- N. Award of contract to Municipal & Financial Services Group/George Butler Associates to provide a water and sewer fund rate study for the Municipal Services Department was considered and approved.
- O. Award of contract to Rexel, Inc., CED Renshouse, GSC Lighting and Supply, Voss Lighting, and Kansas City Electrical Supply for the annual purchase of streetlight supplies for the Traffic Maintenance Division was considered and approved.

**CONTRACTS**

- P. Award of contract to Grimm Construction for furnishing and installing a fine grit classifier at Water Plant No. 2 was considered and approved.
- Q. Award of contracts to Champion Brands, LLC, Universal Lubricants, LLC, and Heathwood Oil Co., Inc. for the annual requirements for lubricants for the Vehicle Maintenance Division of Municipal Services was considered and approved.
- R. Award of contract for the annual requirements of polymer water treatment chemicals with Polydyne, Inc for the Water Production and Wastewater Divisions of Municipal Services was considered and approved.
- S. Extension of contracts with Alamar Uniforms, Marlow White Uniform Co., Southern Uniforms, and Jay's Uniforms for the annual requirements for Police Uniforms was considered and approved.
- U. Extension of contract with Diversified Electric for the annual requirements for electrician services city-wide was considered and approved.

**TRAVEL**

- V. Authorization for Councilmembers and City Manager to attend the National League of Cities and Exposition, November 11-15, 2008 in Orlando, Florida was considered and approved.

**9. NEW BUSINESS - PLANNING**

**VACATIONS**

- A. Ordinance No. 08-32, VAC-08-001, requesting approval of a vacation of an abandoned water line easement located south of Dennis Avenue and west of Robinson Drive, was considered. Applicant: Mike Latka, City of Olathe.

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

**REZONING**

- B. Ordinance No. 08-33, RZ-08-003, requesting approval of a rezoning from AG to CP-2 for Shops at Fairfield Village on 11.23± acres; located in the vicinity of the southeast corner of 167<sup>th</sup> Street and Mur-Len, was considered. Applicant: Pete Oppermann, Oppermann Land Design. Owner: Renner 160 LLC.

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

- C. Ordinance No. 08-34, RZ-08-005, requesting approval of a rezoning from C-2 and AG to CP-2 for College Center on 36.1± acres; located south of College Boulevard and east of K-7 Highway, was considered. Applicant/Engineer: Roger Cassity, Phelps Engineering. Owner: Jim Coyle, Highway 7, LLC.

The Senior Planner indicated the property is currently zoned C-2 and AG with request to rezone to CP-2. He stated the reason for the planned district was to provide for design control for the office and retail uses. He displayed maps and depictions of elevations/landscaping. He stated this meets the K-7 Corridor Plan and informed the Council staff is supportive.

The Senior Planner spoke about the public hearing before the Planning Commission. He indicated three residents from Stratton Oaks spoke to the Commissioners regarding traffic concerns for 113<sup>th</sup> Street and Woodsonia.

Councilmember Randall questioned what development lies east of Stratton Oaks if traveled by 113<sup>th</sup> Street. Staff indicated the property is vacant, but zoned for office use. Mr. Randall asked about the design/intent of 113<sup>th</sup> Street. Staff noted it was designed for interconnection between the developments.

Councilmember Huttman asked if any screening would be provided for lighting adjacent to the residential development. The Senior Planner stated, yes; adding the service areas will be screened and the parking areas would be bermed and have retaining walls. He stated the facilities would be required to meet the City's noise ordinance.

John Peterson, Polsinelli Law Firm, representing the applicant, stated presented to them was a very complete staff report and he noted the support of the Planning Commission. He addressed the Planning Commission meeting which included discussion of traffic concerns by the neighbors. Mr. Peterson stated generally most of the traffic would be exiting at the south for northbound and eastbound routes. He stated traffic models indicate at full buildout, the traffic level is rated as C. Mr. Peterson noted the property was zoned C-2 for almost 20 years.

Judith Zivanovic, 11288 E. Aminda Street, stated she moved to Stratford Oaks for the quietness. She stated this project will be detrimental to the residential area. She stated the residential area is an island between commercial areas. Ms. Zivanovic stated concern with traffic exiting into a residential neighborhood. She also noted concern with the lanes decreasing on Woodsonia at College. She asked the Council to achieve its goals without impacting residents of Stratford Oaks.

Carolyn Price, 11129 S. Aminda, stated when she was looking in the area, she was informed the property to the west would be residential. She stated concern with funneling traffic to Rockford where its intersection with College has poor visibility and will have increased traffic accidents.

The Assistant City Traffic Engineer stated the traffic study looked at peak hours and full build out of the project area. He stated Woodsonia is built to carry a full load and added the Kansas State Bio-Science Center and potential uses to the south were factored. He stated the intersection of Woodsonia and College would be signaled when the traffic counts trigger.

Councilmember Huttman addressed the entrance off College Boulevard (just off K-7). She asked if this entrance would alleviate traffic southbound on Woodsonia. Staff indicated yes, this would allow entry into the shopping center on the internal streets, and then exit from the shopping center onto Woodsonia. She asked if staff is comfortable with the design. The response was yes; they worked with the Kansas Department of Transportation and received its approval.

Councilmember Randall asked about closing off 113<sup>th</sup> Street. The Assistant City Traffic Engineer stated it would funnel the shopping center traffic onto Woodsonia, but then it would impact the residential community's access to the shopping facility. Mr. Randall asked when the intersection of College and Woodsonia would be signalized. The Assistant City Traffic Engineer stated it would depend upon the traffic volumes.

Councilmember Huttman asked about pedestrian connectivity. The Senior Planner addressed and indicated there would be sidewalks within and into the center. He also spoke about a future trail to the south which will continue past K-7 Highway and landscaping around the site.

Councilmember Randall left at 8:34 p.m. and returned at 8:36 p.m.

Councilmember Montgomery left at 8:37 p.m. and returned at 8:38 p.m.

Mayor Copeland asked about truck restrictions for unloading. Staff stated this matter would be addressed under the zoning restrictions.

Councilmember Randall stated that given this is currently zoned commercial and access to the neighborhood, it seems this is the best use plan for the area.

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

#### **MUNICIPAL CODE**

- D. Ordinance Nos. 08-35, 08-36, 08-37, 08-38, 08-39, 08-40, 08-41, 08-42, 08-43, 08-44, 08-45, 08-46, 08-47, and 08-48 requesting approval to amend sections of the Olathe Municipal Code Titles 14, 15, and 16 pertaining to updates of the International Building Codes relating to building, fire, residential, plumbing, mechanical, fuel gas, property maintenance, and electrical codes, were considered.

The Chief Building Inspector provided the history of this process to date. He spoke about the process and the recommendations from the Board of Code Review which included phasing in/staggering of implementations, keeping fire flows as current requirements; keeping building permit expiration dates as is. He stated the Board of Code Review took no actions in regards to consistency of codes to neighboring communities; meeting notification; awareness, and involvement. The Chief Building Inspector informed the Council of the phasing-in recommendations which are: for most of the codes – 90 days; for foundation standards – January 1, 2009, and energy code – July 1, 2009.

The meeting recess for video tape break at 8:55 p.m.

The meeting reconvened at 9:02 p.m.

Don Peters, 21918 W. 119<sup>th</sup> Terrace, spoke about the importance of adopting new codes. He read a letter from the neighborhood regarding building codes. He asked for Council's support of the codes.

Brian Rodrock, 12647 Hemlock, Overland Park, KS, commended the Council for actions from last December. He stated his support of the codes adoption.

Councilmember Montgomery stated his appreciation for the phasing-in of the codes. He asked about the kind of notice that would be sent to applicants when building permits for non-use. Staff addressed the actions would be complaint driven. He suggested reviewing this again in December to see what is happening.

Councilmember Huttman stated favor with holding the implementation.

Motion by Montgomery, seconded by Campbell, to table until December 1, 2008.

Councilmember Vogt asked what the impacts would be. Staff indicated the current codes would be used.

Larry Lisbona, Member of the Board of Code Review, addressed the background of the Board's meetings. He stated most of the attendees were residential builders. He noted their concerns were in regards to current stock and how the changes would affect those houses. He informed the Council the builders were informed by Staff and Board members the new codes would not be retroactive.

Councilmember Vogt asked how long would this continue.

Councilmember Montgomery asked Mr. Rodrock if this would be help.

Councilmember Campbell called the question.

Mayor Copeland responded by indicating to allow Mr. Rodrock to respond.

Mr. Rodrock indicated it would be a benefit to current builders in the City and also help to resolve matters through '08 into '09.

The Chief Building Inspector readdressed the meetings.

Mayor Copeland called for the vote.

The vote on the motion was YEA: Huttman, Vogt, Montgomery, and Campbell. NAY: Randall and Copeland. Passed 4-2.

## **10. NEW BUSINESS - ADMINISTRATION**

### **BONDS**

- A. Ordinance No. 08-49 authorizing issuance of Industrial Revenue Bonds for Corporate Ridge, L.L.C. project, was considered.

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

- B. Ordinance No. 08-50 authorizing issuance of industrial revenue bonds for the Karbank Enterprises, L.L.C. project, was considered.

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

**MUNICIPAL CODE**

- C. Ordinance No. 08-51 amending Section 10.01.033 of the Olathe Traffic Ordinance regarding maximum speed limits in school zones, was considered.

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

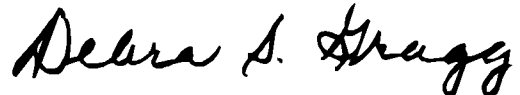
**11. NEW CITY COUNCIL BUSINESS**

Councilmember Vogt informed the viewers of the upcoming Civil War on the Border at Mahaffie Stagecoach Stop and Farm for April 19 and 20.

Ms. Vogt informed her constituents along the 127<sup>th</sup> Street neighborhood from Black Bob to Mur-Len of the April 17, 2008 meeting at Pioneer Trail Jr. High regarding the expansion of the roadway and those directly impacted.

**12. ADJOURNMENT OF REGULAR SESSION**

The meeting adjourned at 9:26 p.m.



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City Clerk