

The Olathe City Council met in regular session at 6:35 p.m. with Mayor Copeland presiding. Councilmembers Montgomery, Bacon, Campbell, Randall and Vogt were present. Councilmember Huttmann 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 Vogt, seconded by Montgomery, to recess into an executive session for 25 minutes under the real property acquisition and attorney-client privilege exceptions to the Kansas Open Meetings Law to consider the following items. Passed 6-0.

A. Matters that would be privileged in an attorney-client relationship pertaining to a development agreement and the acquisition of property in central Olathe.

B. Acquisition of property in southwest Olathe.

The meeting recessed at 6:36 p.m.

Councilmember Huttmann arrived at 6:37 p.m.

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 6:57 p.m.

A. Matters that would be privileged in an attorney-client relationship pertaining to a development agreement and the acquisition of property in central Olathe were considered.

Motion by Randall, seconded by Bacon, to take no action. Passed 7-0.

B. Acquisition of property in southwest Olathe.

Motion by Randall, seconded by Bacon, to accept the presentation made in executive session. Passed 7-0.

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

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

AWARDS

A. Presentation by Bob Drummond, President and CEO, TLC for Children and Families, LLC.

Bob Drummond was present to thank the Council for its support of TLC and to display a rendering of the future facility.

PROCLAMATIONS

- B. Proclamation designating May 18-24, 2008, as “National Public Works Week.”

Rick Biery, Public Works Director, accepted the proclamation.

AWARDS

- C. Recognition of Teen Council and CO-PILOT (City of Olathe Placing Investment in Leaders of Tomorrow) Internship Program Seniors.

The Youth Programs Specialist introduced the item and informed the Council of the graduating seniors.

Devin Smith offered comments and thanked the Council for the support of the Teen Council.

Members graduating from the Co-Pilot program were recognized.

APPOINTMENTS

- D. Resolution No. 08-1050 appointing a member to the Mahaffie Stagecoach Stop an Farm Foundation Board was considered.

Motion by Randall, seconded by Bacon, to approve appointing Ashley Holverson to the Mahaffie Stagecoach Stop and Farm Board. Passed 7-0.

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.

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

- B. Ordinance No. 08-58 levying assessments to collect city expenditures for weed mowing and debris removal was considered.

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

8. CONSENT AGENDA

Motion by Randall, seconded by Bacon, to approve as presented.

Councilmember Bacon stated he only wanted to ask a question about Items H and K. He asked if the funds are available and is the Council living within the budget. The City Manager stated it was unknown to him, but noted he imagined everything is fine. He indicated the budget is prepared to allow for training expenses and due to unknown training meetings is provided with enough funds to allow for these types of meetings.

The motion was approved 7-0.

MINUTES

- A. Council meeting minutes of May 6, 2008, were considered and approved.

PROJECTS

- B. Consent Calendar

1. Change Orders

- a. None

2. Project Completion Certificates

- a. Olathe Senior Residence, Sanitary Sewer, Project No. 13401D, was considered and approved.

- b. Olathe Senior Residence, Street, Project No. 34101D, was considered and approved.

- c. Olathe Senior Residence, Waterlines, Project No. 53101D, was considered and approved.

- d. Corporate Ridge 6th Plat, Lot 8, Phase 2, Waterlines, Project No. 5-D-022-07, was considered and approved.

- e. Pflumm Road and 149th Street Storm Drainage, Berm Construction (Earthwork), Project No. 20205C, was considered and approved.

- f. Edgemere Dr, & Wabash Ter., Storm Sewers, Project No. 20105C, was considered and approved.

- g. Edgemere Dr., Street, Contract #8, Project No. 30107C, was considered and approved.

3. Final Payment to Contractors

- a. Pflumm Road and 149th Street Storm Drainage, Project No. 20205C, was considered and approved.

Final Payment -	\$	1,081.65
Original Contract Amount -	\$	21,633.00
Paid-To-Date -	\$	20,551.35
Change Orders -	\$	0.00
Final Contract Amount -	\$	21,633.00
Contractor -		Mill Valley Excavating, LLC

- b. Edgemere & Wabash Street & Storm, Project No. 20105C & 30107C, was considered and approved.

Final Payment -	\$	35,097.11
Original Contract Amount -	\$	379,636.25
Paid-To-Date -	\$	397,520.07
Change Orders -	\$	52,980.93
Final Contract Amount -	\$	432,617.18
Contractor -		Kansas Heavy Construction, LLC

4. Final Payment to Consultants

a. None

AGREEMENTS

- C. An Inter-Local Agreement with the Johnson County Board of County Commissioners to participate in the Transportation Coordinating Council (TTC) was considered and approved.

BONDS

- D. Resolution No. 08-1051 consenting to a subordination of fee to mortgage agreement in connection with the City's industrial revenue bonds (The Gerson Companies Projects), Series 2001A and B, was considered and approved.

AGREEMENTS

- E. Resolution No. 08-1052 clarifying the procedures for termination of the Neighborhood Revitalization Master Interlocal Agreement was considered and approved.

CONTRACTS

- F. Acceptance of bids and award of contracts to Nalco Company; Carbon Central; Kemira Water Solutions; Brenntag Mid South; G. S. Robins; Mississippi Lime; Harcros Chemicals, Inc.; Univar USA, Inc.; Carus Phosphates, Inc.; POET Ethanol Products for the estimated annual purchase of water treatment chemicals for the Water Production and Wastewater Divisions of the Municipal Services Department were considered and approved.
- G. Extension of the contracts with Holland Quarry, Shawnee Rock Company, Johnson County Aggregates, Bazin Excavating d/b/a Edgerton Quarry, Hunt Martin Materials, APAC-Kansas, Inc., Asphalt Sales Co., Inc., Superior Bowen, Inc., and O'Donnell & Sons Construction for the annual supply of rock and asphalt products were considered and approved.
- TRAVEL**
- H. Travel request authorizations for Councilmember Marge Vogt to attend the Transportation Infrastructure and Services (TIS) Steering Committee Meetings May 29 – 31, 2008 in Schaumburg, IL and Sept. 4-6, 2008, in Laramie, WY, was considered and approved.
- I. Authorization for Mayor Michael Copeland to attend the Greater Kansas City Chamber Leadership Exchange in Nashville, Tennessee, September 21-23, 2008, was considered and approved.

TRAVEL

- J. Authorization for Sister Cities Committee members to attend the 2008 Sister Cities International Conference in Kansas City, Missouri, July 16-19, was considered and approved.
- K. Authorization for Councilmember Huttman to attend the The Greenest Region in the Nation Kansas City Regional Mayors, County Executives and Climate Change Workshop in Grand Lake, Colorado, from September 7-11, 2008, was considered and approved.

9. NEW BUSINESS - PLANNING

REZONING

- A. Ordinance No. 08-52, RZ-08-002, requesting approval of a rezoning from C-3 to MP-2 for Spruce Industrial Park on 14± acres; located in the vicinity of the northeast corner of Santa Fe and Spruce Street, was considered. Applicant: Rich Muller, Opus Northwest, LLC. Owner: Larry & Patricia Van Tuyl, V.T. Inc. Planning Commission recommends approval, 6-1.

The Assistant Director of Development Services and Planning Manager spoke about the project and overviewed the Planning Commission meeting where this matter was considered and he spoke about the intersection improvement requested to address the Members concerns. He informed the Council the applicant desires to amend language in two of the Planning Commission stipulations and add an additional stipulation.

Rich Muller, Opus, requested the following changes in the noted stipulations (the revisions are in italics): (6) Prior to a certificate of occupancy for any building, the *north east corner of the* intersection of Spruce Street and Ridgeview Road shall be modified with a minimum 50-foot curb radii.; (7) *The final plat shall include dedication to the city of the* required public street right-of-way for the *north east corner of* Ridgeview Road and Spruce Street.; and (8) *Prior to publishing the zoning ordinance, the applicant and the City shall negotiate an agreement for the costs of acquiring the required street right-of-way for the south east corner of Ridgeview Road and Spruce Street.*

The Assistant Director of Development Services indicated staff is okay with the requests of the applicant.

Michael McDermott, owner of Grass Pad, spoke about the height of the buildings which will be located near the elevated rail. He stated this will be a visual block to the businesses on Rawhide, the frontage road. He requested the set back be back further than 77 feet.

David Harrison, Opus, addressed the concerns noted by Mr. McDermott. He stated a push back of 77' would hamper development of the building.

Mayor Copeland asked if the location remained C-3, what would be the allowed setbacks, would this hurt the City? The Assistant Director of Development Services stated this will not really change and is unsure of the setback requirements at this time, adding the planned district will provide the City with more control over project design.

Councilmember Huttman stated the UDO indicates a minimum setback of 15' and the MP-2 request is requiring 20' so this is pushing it back.

Motion by Randall, seconded by Bacon, to approve with revised stipulations. Passed 7-0.

REZONING

- B. Ordinance No. 08-54, RZ-08-006, requesting approval of an amendment to the CP-2 zoning for Walgreen's on 6.93± acres; located south of 151st Street and east of Ridgeview Road, was considered. Applicant/Owner: Walter Clements, K-150, LLC. Planning Commission recommends approval, 7-0.

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

10. NEW CITY COUNCIL BUSINESS

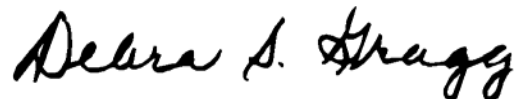
Councilmember Randall announced the ribbon cutting ceremony for Wal-Mart on the west side of Olathe is set for 7:30 a.m. the next morning. He stated Wal-Mart has employed more than 350 persons for this location.

Councilmember Vogt spoke of last week's Carfree Challenge Bike Week. She stated the top team in the metropolitan area was Garmin with 191 participants. She also stated the city had a few participants.

11. ADJOURNMENT

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

The meeting adjourned at 7:43 p.m.



City Clerk