

The Olathe City Council met in regular session at 7:00 p.m. with Mayor Copeland presiding. Councilmembers Montgomery, Bacon, Campbell, Randall, Ryckman and Vogt were present. City Manager Wilkes was absent. Also present were Assistant City Manager Sherman and City Attorney Glinstra.

1. CALL TO ORDER

2. POSTING OF THE COLORS BY AMERICAN LEGION EARL COLLIER POST 153 COLOR GUARD

3. PLEDGE OF ALLEGIANCE

4. SPECIAL BUSINESS

AWARDS

- A. Recognition of City Clerk Debra Gragg.

Mayor Copeland on behalf of the Olathe City Council expressed appreciation for Debra's service and congratulated her on her retirement.

Diane Costello, Vice President for Leadership and Development of the Olathe Chamber of Commerce, presented Debra with the Servant Leadership Award for her leadership and contributions to the community.

PROCLAMATIONS

- B. Proclamation designating September 16, 2009, as "American Legion Day."

Alan Cunningham, Post Commander, American Legion Earl Collier Post 153, accepted the proclamation.

- C. Proclamation designating September 20-26, 2009, as "National Rehabilitation Awareness Week."

Cindy Carter, Outpatient Rehab Manager at Olathe Medical Center, accepted the proclamation.

AWARDS

- D. Recognition of Wastewater Treatment Facility Awards.

Municipal Service Director Don Seifert overviewed the four awards. The awards were presented to Joe Foster, Wastewater Superintendent. Mr. Foster was also presented with the Water Pollution Control Federation William D. Hatfield Award.

5. 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.

WEEDS

- B. Ordinance No. 09-46 levying assessments to collect city expenditures for weed mowing and debris removal was considered.

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

6. CONSENT AGENDA

Councilmember Bacon requested item L be considered separately.

Councilmember Vogt requested item I, K and S be considered separately.

Motion by Randall, seconded by Bacon, to approve the consent agenda with the noted exceptions. Passed 7-0.

MINUTES

- A. Council meeting minutes of September 1, 2009 were considered and approved.

PROJECTS

- B. Consent Calendar
1. Change Orders
 - a. None
 2. Project Completion Certificates
 - a. Persimmon Hill Sewer Ext., Sanitary Sewer, Project No. 1-D-072-08, was considered and approved.
 - b. ERL Industrial Park, Storm Sewers, Project No. 3-D-057-07, was considered and approved.
 - c. ERL Industrial Park, Street, Project No. 3-D-057-07, was considered and approved.
 - d. Chestnut Street, Sanitary Sewer, Street, Waterlines & Storm Sewers, Project No. 30108C, was considered and approved.
 - e. 2009 Sanitary Sewer Rehabilitation (CIPP), Sanitary Sewer, Project No. 1-C-057-09 (Contract #1), was considered and approved.

PROJECTS

3. Final Payment to Contractors

- a. Chestnut Street, Project No. 30108C, was considered and approved.

Final Payment -	\$	25,498.45
Original Contract Amount -	\$	1,100,930.70
Paid-To-Date -	\$	1,138,544.85
Change Orders -	\$	63,112.60
Final Contract Amount -	\$	1,164,043.30
Contractor - Freeman Concrete Construction		

- b. Indian Creek Channel Improvements, Project No. 20999C, was considered and approved.

Final Payment -	\$	6,895.50
Original Contract Amount -	\$	65,755.00
Paid-To-Date -	\$	62,059.50
Change Orders -	\$	3,200.00
Final Contract Amount -	\$	68,955.00
Contractor - Midland Wrecking, Inc.		

- c. 2009 Sewer Maintenance (CIPP) (Submitted by Utilities) , was considered and approved.

Final Payment -	\$	263,304.30
Original Contract Amount -	\$	275,874.10
Paid-To-Date -	\$	0.00
Change Orders -	\$	(12,569.80)
Final Contract Amount -	\$	263,304.30
Contractor - SAK Construction, LLC		

4. FINAL PAYMENT TO CONSULTANTS

- a. None

PLATS

- C. Final plat, P-09-015, requesting approval for Prairie Brook 6th Plat; on 9.4± acres; located in the vicinity of Clare Road & 108th Street, was considered and approved. Owner: Clay Blair, Dean/Prairie Brook LLC. Planning Commission recommends approval, 7-0.
- D. Acceptance of right-of-way for a replat of The Greens at Prairie Highlands, Third Plat, containing 67 lots on 18.5 acres was considered and approved.

LICENSES

- E. A cereal malt beverage license was considered and approved.
- F. Drinking establishment license applications were considered and approved.

APPOINTMENTS

- G. Approval of appointments to the Convention and Visitors Bureau Advisory Council was considered and approved.

PROJECTS

- H. Resolution No. 09-1085 authorizing the Mayor to sign an agreement with the Kansas Department of Transportation (KDOT) and approval of Supplement No. 2 between the city of Olathe and Kansas Department of Transportation to Agreement No. 113-03 for funding of the construction of the elevated rail project from east of Ridgeview Road approximately 8,000 feet to south of Loula Street, PN 38299c, was considered and approved.
- I. A Supplemental Engineering Agreement with Camp Dresser & McKee, Inc. to provide design services for the last phase of the Watershed Preferred Alternatives Study, PN 20207C, **WAS REMOVED FOR SEPARATE CONSIDERATION.**
- J. Resolution No. 09-1089 authorizing the Mayor to sign and agreement No. 44-09 with the Kansas Department of Transportation (KDOT) to accept no more than \$80,000 for the construction of the Bus Shelters projects and authorize the Mayor to sign the agreement, PN 30804C, was considered and approved.

ANIMALS

- K. Resolution No. 09-1086 allowing for the hunting of deer with bow and arrow as part of Olathe's Urban Deer Management Ordinance, **WAS REMOVED FOR SEPARATE CONSIDERATION.**
- L. The Facility Conservation Improvement Program (FCIP) Performance Contract Agreement with Johnson Controls, Inc. **WAS REMOVED FOR SEPARATE CONSIDERATION.**

HOUSING REHAB

- M. A mortgage subordination request from an owner-occupied housing rehabilitation participant at 725 S. Stevenson Street was considered and approved.

PERSONNEL

- N. Resolution No. 09-1087 supporting the housing authority in accepting an additional 100 vouchers and the hiring of one full time employee was considered and approved.

CONTRACTS

- O. Award of contract to Athco, L.L.C., Inc., for the purchase and installation of playground equipment and surfacing at Quailwood Park for the Parks and Recreation Department was considered and approved.
- P. Award of contract to Concentra Medical Centers for the annual requirements for employee physicals and workers compensation, injury treatment, and drug testing services was considered and approved.

CONTRACTS

- Q. Award of contract to Lockton Companies L.L.C. for insurance brokerage services was considered and approved.
- R. Extension of contract with Dell Marketing LP for the purchase of computer equipment was considered and approved.
- S. Award of contract to Rehrig Pacific Company for the purchase of recycling carts for the Solid Waste Division of the Municipal Services Department, **WAS REMOVED FOR SEPARATE CONSIDERATION.**
- T. Award of contract to Van Wall Equipment for the purchase of a tractor, brush hog, standard bucket, and grapple bucket for the Solid Waste Division of the Municipal Services Department was considered and approved.

TRAVEL

- U. Authorization for Judge Jon S. Willard to attend the American Bar Association Judicial Division Traffic Court Seminar, October 13-16, in Providence, Rhode Island was considered and approved.
- V. Authorization for Councilmembers and the City Manager to attend the League of Kansas Municipalities 2009 Annual Conference in Topeka, KS October 3 - 6, 2009, was considered and approved

ITEMS FOR SEPARATE CONSIDERATION:

PROJECTS

- Item I: A Supplemental Engineering Agreement with Camp Dresser & McKee, Inc. to provide design services for the last phase of the Watershed Preferred Alternatives Study, PN 20207C, was considered.

Councilmember Vogt asked for an update of this project.

The City Engineer indicated the City was awarded \$2,750,000 based upon studied. She stated the plans will be on hold to compete for additional funding.

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

ANIMALS

- Item K: Resolution No. 09-1086 allowing for the hunting of deer with bow and arrow as part of Olathe's Urban Deer Management Ordinance was considered.

Councilmember Vogt informed the Council she pulled this item to vote separately as in the past.

Motion by Randall, seconded by Bacon, to approve. YEA: Randall, Ryckman, Copeland, Montgomery, Bacon, and Campbell. NAY: Vogt. Passed 6-1.

AGREEMENTS

Item L. The Facility Conservation Improvement Program (FCIP) Performance Contract Agreement with Johnson Controls, Inc. was considered.

Councilmember Bacon questioned the schedule of savings.

The Assistant Director of Municipal Services addressed the savings.

Councilmember Bacon requested the City Auditor review the project during the lifetime to ensure the savings as noted are met.

The Assistant Director of Municipal Services indicated the financing portion of the project would be considered on October 6.

The City Auditor indicated he would review the item prior to October 6.

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

CONTRACTS

Item S: Award of contract to Rehrig Pacific Company for the purchase of recycling carts for the Solid Waste Division of the Municipal Services Department, was considered.

Councilmember Vogt asked about the recycling carts, noting she has received concerns from citizens. She asked if the small bins could be used.

The Director of Municipal Services stated that more information will be sent out at the end of October. He stated the details provided would include collection times and recyclable items available for pick up. He stated the carts will be standard for residences and would be voluntary for the residents. The carts will be available in November.

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

7. NEW BUSINESS - PLANNING

ANNEXATIONS

A. Ordinance No. 09-47, ANX-09-001, requesting approval of annexation of approximately 0.6± acres of right-of-way (ROW) in the vicinity of 143rd Street and Cedar Niles Road was considered.

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

B. Ordinance No. 09-48, ANX-09-002, requesting approval of annexation of approximately 3.84± acres of right-of-way (ROW) in the vicinity of 175th Street and Ridgeview Road was considered.

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

WARDS

- C. Ordinance No. 09-49 requesting approval of a ward boundary realignment along a section of Mur-Len Road in the vicinity of 167th Street between 159th Street and 175th Street was considered.

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

SPECIAL USE PERMITS

- D. Resolution No. 09-1088, SU-09-006, requesting approval of a special use permit keeping of seven (7) domestic pets on less than three (3) acres located at 17324 W 161st Street. Owner/Applicant: Ernie and Robin Vila, located at 17324 W 161st Street was considered.

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

8. NEW BUSINESS - ADMINISTRATION

CONTRACTS

- A. Award of contract to Physio-Control, Inc. for the purchase of Medtronic LifePak defibrillator/monitors for the Fire Department was considered.

The Fire Division Chief overviewed the request and explained how the units would be used on calls.

The Mayor stated these units are expensive, but worth the cost for the community, adding many lives have been saved with the use of units similar to these.

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

APPOINTMENTS

- B. Designation of voting delegates at the League of Kansas Municipalities Annual Business and Policy Session in Topeka, Kansas on Tuesday, October 6, 2009 was considered.

Councilmember Campbell stated he would be available to attend the meeting and volunteered to be an alternate.

Motion by Randall, seconded by Bacon, to approve the recommended delegates and to add Larry Campbell as an alternate. Passed 7-0.

9. NEW CITY COUNCIL BUSINESS

Councilmember Ryckman informed the audience of this weekend's Aquafest event. He also noted viewers can view re-broadcasts of the Johnson County Old Settler's Celebration on Comcast Channel 7 and Time-Warner Channel 99.

Councilmember Vogt stated she received historical information (from the 1960's) from Jim Loftus and would be getting in touch with him.

Councilmember Montgomery encouraged everyone to spend time and shopping dollars in Olathe.

10. ADJOURNMENT

The meeting adjourned at 7:58 p.m.

Donald P. Howell

Deputy City Clerk