

The Olathe City Council met in regular session at 6:30 p.m. with Mayor Copeland presiding. Councilmembers Montgomery, Campbell, Ryckman and Vogt were present. Councilmember Randall and Bacon were 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 Campbell, to recess into an executive session for 25 minutes under the real property and attorney-client privilege exceptions to the Kansas Open Meetings Law to consider the following items. Passed 5-0.

- A. Acquisition of property in southwest Olathe.
- B. Matters which would be deemed privileged in an attorney-client relationship pertaining to a development agreement.

The meeting recessed at 6:31 p.m.

Councilmember Bacon arrived at 6:32 p.m.

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 7:00 p.m.

REAL ESTATE

- A. Acquisition of property in southwest Olathe was considered.

AGREEMENTS

- B. Matters which would be deemed privileged in an attorney-client relationship pertaining to a development agreement were considered.

The reports of staff for both executive session items were considered together.

Motion by Copeland, seconded by Campbell, to accept the reports of staff. YEA: Campbell, Ryckman, Vogt, Copeland and Montgomery. NAY: Bacon. Passed 5-1.

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

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

AWARDS

- A. Presentation of Community Pride Award to Clifton and Jackie Bencke.

Kevin Corbett, Director of Parks and Recreation, introduced the Bencke's and Mayor Copeland presented the award.

Councilmember Randall arrived at 7:13 p.m.

AWARDS

- B. Recognition of the Olathe National Education Association for their donation to the Recreation Scholarship Program.

Teresa Wilson, Assistant to the Director of Parks and Recreation, introduced Olathe NEA President Larry Spotts and Mayor Copeland presented the certificate of appreciation on behalf of the City Council.

PROCLAMATIONS

- C. Proclamation designating October 19-23, 2009, as "Disability Awareness Week."

Tim Danneberg, Communications Director, introduced Mark Gash, Chairman of the Olathe Persons with Disabilities Advisory Board and Mayor Copeland presented the proclamation.

APPOINTMENTS

- D. Consideration of Resolution No. 09-1090 appointing members to the Human Relations Commission.

Motion by Randall, seconded by Bacon, to appoint Nathan Van De Voorde and re-appoint Bill Kelly and Kathy Mangino to the Human Relations Commission. Passed 7-0.

7. CONSENT AGENDA

Councilmember Vogt requested Item B be considered separately.

Councilmember Bacon requested Item D 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 15, 2009 were considered and approved.

PROJECTS

- B. The Consent Calendar was **removed for separate consideration.**

LICENSES

- C. Drinking establishment license applications for Olathe Lanes East and Mi Ranchito were considered and approved.

PROJECTS

- D. The consulting agreement with Terra Technologies, Inc. for the testing and monitoring of the Coffee Creek wetlands, PN 2-C-009-09, was **removed for separate consideration.**
- E. Resolution No. 09-1091 amending Resolution No. 08-1002 for the total funding of the Old 56 Bridge over Cedar Creek project, PN 3-C-044-07, was considered and approved.

BONDS

- F. Resolution No. 09-1092 setting the amount of general obligation bonds to be issued in calendar year 2009 under the authority of Charter Ordinance No. 60 and repealing Resolution No. 09-1029 was considered and approved.
- G. Resolution No. 09-1093 authorizing the public sale of general obligation temporary notes, Series, 2009-B, was considered and approved.

CONTRACTS

- H. A contract with the Johnson County Sheriffs Department to provide police emergency dispatching services within the city boundaries of Olathe was considered and approved.
- I. Acceptance of bids and award of contract to Key Equipment and Supply Company for the purchase of a sewer jet truck with foaming machine for the Wastewater Division of the Municipal Services Department was considered and approved.
- J. Acceptance of proposal and award of contract to iXtend, Inc., for managed services for the Information Technology Services Department was considered and approved.

ITEMS FOR SEPARATE CONSIDERATION:

PROJECTS

Item B: The Consent Calendar was considered.

- 1. Change Orders
 - a. None
- 2. Project Completion Certificates
 - a. Greens @ Prairie Highlands II, Street, Project No. 3-D-008-07
 - b. Forest Hills Estates 2nd, Street, Project No. 3-D-062-07
 - c. Forest Hills Estates 2nd, Storm Sewers, Project No. 3-D-062-07
 - d. KH Jensen, Street, Street, Project No. 3-D-072-07
 - e. 167th, Ridgeview to 2,645' West, Street & Storm Sewers, Project No. 30906B
 - f. 119th St Tech Park, Street, Project No. 3-D-065-07

PROJECTS

3. Final Payment to Contractors
 - a. 167th, Ridgeview to 2,645' West, Project No. 30906B

Final Payment -	\$	26,168.17
Original Contract Amount -	\$	1,146,551.19
Paid-To-Date -	\$	1,265,503.01
Change Orders -	\$	145,119.99
Final Contract Amount -	\$	1,291,671.18
Contractor -		Blacktop Paving
4. Final Payment to Consultants
 - a. None

Councilmember Vogt asked about the change orders and payments for the 167TH (Ridgeview – 2,645' W.) Project No. 30906B in the Final Payment to Contractors section of the consent calendar.

The Public Works Director explained the reason for the change orders and costs based on conditions beyond the contractors control.

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

PROJECTS

Item D: The consulting agreement with Terra Technologies, Inc. for the testing and monitoring of the Coffee Creek wetlands, PN 2-C-009-09, was considered.

Councilmember Bacon questioned the need to spend \$80,000 for this kind of project, doesn't understand the need for the expense and prefers ponds or lakes for detention facilities.

Councilmember Vogt asked about the schedule and educational opportunities for the project and spoke in support of the project.

The Public Works Director described the project and provided information regarding the water quality improvement component of the project, the project's history, schedule and informed that the project includes a trail system for educational uses for the wetlands.

Councilmember Ryckman asked what happens after the five year testing and monitoring study is complete and expressed a desire for improved communication of information with the public for this kind of project if it is to be expanded for future use.

The Public Works Director indicated that it would remain regional detention using wetlands and what's learned from the study will help make determinations about water quality improvement and the future use of wetlands as detention facilities.

Councilmember Campbell asked about the bid process.

The Public Works Director stated the professional services selection process was used to select the contractor.

Mayor Copeland asked about the urgency of acting on the project tonight and if it could be tabled to have questions answered and the projects history provided.

The Public Works Director indicated the schedule would allow it.

Motion by Bacon, seconded by Randall, to table the item for two weeks. Passed 7-0.

8. NEW BUSINESS - PLANNING

REZONING

- A. Ordinance No. 09-50, RZ-09-007, for approval of a rezoning from M-2 to C-3; for New Again Furniture on 0.19± acres; located at 900 E. Santa Fe Street was considered. Applicant: Todd Allenbrand/Payne & Brockway, P.A. Owner: Mike Rogers/Rogers LLC. Planning Commission recommends approval, 8-0.

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

VACATIONS

- B. Ordinance No. 09-51, VAC-09-002, requesting approval of a vacation of a street right-of-way located on Timberlane Boulevard was considered. Owner/Applicant: City of Olathe. Planning Commission recommends approval, 8-0.

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

9. NEW BUSINESS – MUNICIPAL SERVICES

AGREEMENTS

- A. Ordinance No. 09-52 authorizing a financial agreement between Bank of America and the city of Olathe to fund the Municipal Services Facility Conservation Improvement Project (FCIP) was considered.

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

10. NEW BUSINESS - ADMINISTRATION

PROJECTS

- A. Ordinance 09-53 approving an engineer's survey and authorizing the acquisition of land for the BNSF West Track Quiet Zone project; No. 30506C, was considered.

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

11. NEW CITY COUNCIL BUSINESS

The City Council wished a Happy 50TH Birthday to City Manager Michael Wilkes.

12. ADJOURNMENT OF REGULAR SESSION

The meeting adjourned at 8:00 p.m.

13. GENERAL ISSUES AND CONCERNS OF CITIZENS

Foreign exchange student, Aidai Almazkyzy from Kyrgyzstan, attending Olathe South addressed the City Council and described how much she appreciated being in Olathe and the educational opportunities available to her in the exchange student program.

Donald P. Howell

City Clerk