

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

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

Jordan Brunk, Boy Scout Troop 201, led the audience in the pledge of allegiance.

Councilmember Campbell arrived at 7:02 p.m.

**3. SPECIAL BUSINESS**

**AWARDS**

- A. Recognition of the Olathe National Education Association for its donation to the Recreation Scholarship Program.

Larry Spotts, Olathe NEA President, accepted the certificate of appreciation.

**PROCLAMATIONS**

- B. Proclamation designating October 5-11, 2008 as "Fire Prevention Week."

Assistant Chief Tim Richards and Fire Captain Mike Hall were present to accept the proclamation. The community was invited to attend the Fire Department Open House on Sunday, October 12, 2008 at Fire Station No. 1.

- C. Proclamation designating October 20-24, 2008 as "Disability Awareness Week."

Mark Gash, Chairman of the Persons with Disabilities Advisory Board, accepted the proclamation. Member Brian Elsen made brief comments.

**4. PUBLIC HEARINGS**

**BONDS**

- A. A public hearing on a request by Deere & Company for issuance of industrial revenue bonds and tax abatement for a multi-story office building project on the east side of Ridgeview Road between 106<sup>th</sup> Street and College Boulevard was opened.

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

- B. Resolution No. 08-1092 expressing the intent to issue industrial revenue bonds and tax abatement on behalf of Deere & Company for its multi-story office building project on the east side of Ridgeview Road between 106<sup>th</sup> Street and College Boulevard was considered.

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

## 5. CONSENT AGENDA

Councilmember Campbell requested Item D be considered separately.

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

### MINUTES

- A. Council meeting minutes of September 16 and September 23, 2008 were considered and approved.

### PROJECTS

- B. Consent Calendar for October 7, 2008.
1. Change Orders
    - a. 2008 Pavement Milling & Curb & Gutter, Project No. 30108C – 5, was considered and approved.  
  
Change Order No. 1 increases the contract amount by \$69,791.95.
  2. Project Completion Certificates
    - a. 119<sup>th</sup> & Greenwood, Traffic Signal Modification, Project No. 32905D, was considered and approved.
    - b. Whitetail 1<sup>st</sup>, Sanitary Sewers, Project No. 16105D, was considered and approved.
    - c. Avignon Apartments, Street Lights, Project No. 31405D, was considered and approved.
    - d. 115<sup>th</sup> Terrace, Street, Project No. 3-D-001-07, was considered and approved.
    - e. 115<sup>th</sup> Terrace, Storm Sewers, Project No. 3-D-001-07, was considered and approved.
    - f. Johnson Co Communication Center, Waterline, Project No. 5-D-042-07, was considered and approved.
    - g. Corporate Ridge 7th, Waterlines, Project No. 54706D, was considered and approved.
    - h. K-7 Hwy & Old 56 Hwy, Streets, Project No. 30107C (Contract 2) , was considered and approved.
    - i. 2008 Pavement Milling & Curb & Gutter, Streets, Project No. 30108C - 5, was considered and approved.
    - j. 119<sup>th</sup> Street Tech Park, Waterlines, Project No. 5-D-039-07, was considered and approved.

**PROJECTS**

- k. Prairie View, Phase 2, Sanitary Sewer, Project No. 13503B, was considered and approved.

3. Final Payment to Contractors

- a. K-7 Hwy & Old 56 Hwy, Streets, Project No. 30107C (Contract 2) , was considered and approved.

Final Payment -	\$	18,994.52
Original Contract Amount -	\$	233,769.75
Paid-To-Date -	\$	198,970.88
Change Orders -	\$	(15,804.35)
Final Contract Amount -	\$	217,965.40
Contractor -		O'Donnell & Sons

- b. 2008 Pavement Milling & Curb & Gutter, Project No. 30108C - 5, was considered and approved.

Final Payment -	\$	88,055.54
Original Contract Amount -	\$	271,459.65
Paid-To-Date -	\$	253,196.06
Change Orders -	\$	69,791.95
Final Contract Amount -	\$	341,251.60
Contractor -		Miller Paving & Construction, LLC

- c. Prairie View Sanitary Sewer, Phase II, Project No. 13503B, was considered and approved.

Final Payment -	\$	27,110.09
Original Contract Amount -	\$	509,484.00
Paid-To-Date -	\$	421,144.55
Change Orders -	\$	(61,229.36)
Final Contract Amount -	\$	448,254.64
Contractor -		GRM Enterprises, LLC

4. Final Payment to Consultants

- a. Harold St. WWTP UV System & BNR/Solids Assessment, Project No. 15206C (Submitted by OMS - Utilities), was considered and approved.

Final Payment -	\$	1,000.00
Original Contract Amount -	\$	240,500.00
Paid-To-Date -	\$	489,500.00
Amendments -	\$	250,000.00
Final Contract Amount -	\$	490,500.00
Consultant -		Black & Veatch

**PLATS**

- C. Final plat, P-08-048, requesting approval for Coffee Creek Meadows, 6<sup>th</sup> Plat on 0.15809± acres, containing two (2) lots; located at 16460-16464 Laurelwood Street, was considered and approved. Applicant/owner: Collin Acuff, Acuff Homes Co., Inc. Planning Commission recommends approval, 6-0.

**WEEDS**

- D. Resolution No. 08-1093 calling for a public hearing to levy assessment to collect unpaid city expenditures for mowing of weeds and removal of debris was **REMOVED FOR SEPARATE CONSIDERTION.**

**PROJECTS**

- E. Offer made to Manuel J. Baraban and Lois N. Baraban, Trustee(s) d/b/a/ Mannie's Bonding Company, for acquisition of permanent street and utility easement and temporary construction easement for the Santa Fe Streetscape project, PN 30804, was considered and approved.

**AGREEMENTS**

- F. A bridge maintenance agreement with the K-State Olathe Innovation Campus, Inc. and the Kansas Bioscience Authority, was considered and approved.

**BONDS**

- G. Resolution No. 08-1094 authorizing the execution and delivery of the conveyance of certain real and personal property in connection with the City's Industrial Revenue Bonds (Allied Signal Inc. Project) Series P, 1007 and the Series R, 1997, was considered and approved.

**AGREEMENTS**

- H. A sub-recipient agreement with Kansas City Area Transportation Authority (KCATA) for a 2008 Job Access Reverse Commute Grant for Olathe's Work Tax Coupon Program was considered and approved.
- I. A sub-recipient agreement with Kansas City Area Transportation (KCATA) for a 2008 New Freedom grant for Olathe's Taxi Coupon programs was considered and approved.

**CONTRACTS**

- J. Award of contract to Office Depot for the purchase of office supplies was considered and approved.
- K. Extension of contract with Olathe News for advertising services was considered and approved.
- L. Acceptance of proposals and award of contract to Donald S. Smith, Timothy J. Arehart, Amy R. Mitchell, Attorneys-At-Law for Public Defender Services for the Municipal Court was considered and approved.
- M. Acceptance of bids and award of contract to HD Supply Waterworks for the purchase of locking meter lids for the Utilities Division of Municipal Services was considered and approved.

### **CONTRACTS**

- N. Acceptance of bids and award of contracts to Becker Tire, Cross-Midwest Tire, Inc., Don's Tire & Supply, Inc. and Wingfoot Commercial Tire Systems, LLC for the purchase of tires and tubes and removal of scrap tires for the Vehicle Maintenance Division of Municipal Services was considered and approved.

### **EXPENSES**

- O. Business expense statement for Councilmember Marge Vogt for expenses incurred to attend the Transportation Infrastructure and Services Steering Committee Meeting in Laramie, WY, September 4-6, 2008, was considered and approved.
- P. Business expense statement for Councilmember Kathleen Huttman for expenses incurred to attend the "Greenest Region in the Nation" sustainability workshop in Grand Lake, Colorado, September 6-11, 2008, was considered and approved.
- Q. Business expense statement of City Manager Michael Wilkes for expenses incurred to attend the Greater Kansas City Chamber of Commerce Leadership Exchange in Nashville, Tennessee, September 21-23, 2008, was considered and approved.

### **ITEMS FOR SEPARATE CONSIDERATION:**

#### **WEEDS**

- Item D: Resolution No. 08-1093 calling for a public hearing to levy assessment to collect unpaid city expenditures for mowing of weeds and removal of debris was considered.

Councilmember Campbell stated he removed the items to address the charges and times charged to the mowing or debris removal.

Councilmembers requested a report about the current status of the properties.

The Director of Development Services indicated there is some federal funding available for addressing economic recovery for items such as this; staff is investigating.

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

### **6. NEW BUSINESS - PLANNING**

#### **REZONING**

- A. Ordinance No. 08-99, RZ-08-020, requesting approval to amend the RP-3 zoning and preliminary site development plan for McBride's Townhomes on 0.89± acres; located at the southwest corner of Kansas City Road and Spruce Street, was considered. Applicant: Clint Steward, Taylor Design Group, P.A. Owner: Randy Hamm/Ron Lawrenz. Planning Commission recommends approval, 6-0.

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

### **REZONING**

- B. Ordinance No. 08-100, RZ-08-021, requesting approval of a rezoning from AG to BP and a preliminary development plan for Corporate Ridge, Phase II on 36.49± acres; located on Ridgeview Road, one-half mile north of College Boulevard, was considered. Applicant: Judd Claussen, P.E., Phelps Engineering, Inc. Owner: Shekhar Challa, Olathe Retail Partners, LLC. Planning Commission recommends approval, 6-0.

The Senior Planner overviewed the development plan which incorporates the existing environment (pond and trees). He indicated sidewalks would be constructed within the area as well. He informed the Council the application is requesting the Council remove Planning Commission Stipulation C-8 of the preliminary plan.

Laura Houston, Holland Basham Architects, Omaha, NE, explained the reasoning for using a metal panel with composite backing, adding this material is an architectural accent material.

Councilmember Vogt stated she is supportive of the panels as architectural accents.

Ms. Houston noted the panel would also enclose the roof-top mechanics.

Ms. Vogt asked about the interconnectivity of the sidewalks within the business park. The Senior Planner stated there is good internal circulation within this project, but still not connected to the Lenexa side.

Councilmember Huttman indicated she was very supportive of the project by the architects and the Gold Leeds certification.

Councilmember Bacon asked if the applicant was okay with the stipulation as written.

The representatives from John Deere indicated the consultants looked at other alternatives, but found no real advantage. He stated the company would like to have "formal" removal of the stipulation.

Motion by Vogt, seconded by Bacon, to approve the ordinance and delete Stipulation C-8 of the final site development plan. Passed 7-0.

### **PLATS**

- C. Final plat, P-08-042, requesting approval for Corporate Ridge, Phase II, First Plat on 36.49± acres; located on Ridgeview Road, one-half mile north of College Boulevard, was considered. Applicant: Richard Muller, OPUS Northwest, LLC. Owner: Shekhar Challa, Olathe Retail Partners, LLC. Planning Commission recommends approval, 6-0.

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

**REZONING**

- D. Ordinance No. 08-101, RZ-08-022, requesting approval of a rezoning from R-1, RP-1, and RR to RP-1 and a preliminary plat for Hidden Lake of Cedar Creek on 310± acres; located north of College Boulevard and east of Cedar Creek Parkway, was considered. Applicant: David A. Rinne, P.L.S., Schlagel & Associates, P.A. Owner: Ronald A. Mather, Member, Cedar Creek Development Co., Inc. Planning Commission recommends approval, 6-0.

The Assistant Development Services Director stated within the boundaries of the overlay, no change would be made to the minimum lot sizes.

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

**7. NEW BUSINESS - ADMINISTRATION**

**MUNICIPAL CODES**

- A. Ordinance No. 08-102 amending Olathe Municipal Code Sections 7.02.040 pertaining to Consumption on Public Property and 7.02.050 pertaining to Possession on Public Property was considered.

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

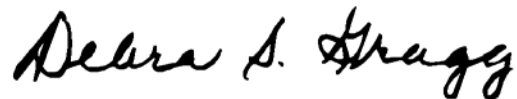
**8. NEW CITY COUNCIL BUSINESS**

None

**9. ADJOURNMENT**

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

The meeting adjourned at 8:10 p.m.



City Clerk