

The Olathe City Council met in regular session at 7:05 p.m. with Mayor Copeland presiding. Councilmembers Bacon, Campbell, Huttman and Vogt were present. Councilmembers Montgomery and Randall were absent. Also present were City Manager Wilkes and City Attorney Glinstra.

1. CALL TO ORDER

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

3. PLEDGE OF ALLEGIANCE

The Girl Scouts from Troop 5099, Mahaffie Elementary School led the Pledge of Allegiance.

4. SPECIAL BUSINESS

PROCLAMATIONS

- A. Proclamation designating October 21-27, 2007, as “Friends of the Library Week.”

Peggy Ingle accepted the proclamation on behalf of the Friends of the Olathe Public Library.

- B. Proclamation designating October 14-20, 2007, as “Teen Read Week.”

Angela Parks and members of the Teen Library Club accepted the proclamation.

- C. Proclamation designating October 14-20, 2007, as “National High School Activities Week.”

Jim Ater, Director of Athletics and Activities for the Olathe School District, accepted the proclamation.

5. PUBLIC HEARINGS

BONDS

- A. A public hearing on a request by Rose Construction Co., Inc. regarding issuance of industrial revenue bonds and tax abatement for the Parkside Business Center was opened.

No one appeared.

Motion by Bacon, seconded by Campbell, to close the hearing. Passed 5-0.

- B. Resolution No. 07-1118 expressing the intent to issue industrial revenue bonds to the benefit of Rose Construction Co., Inc. for the Parkside Business Center.

Motion by Bacon, seconded by Campbell, to approve. Passed 5-0.

6. CONSENT AGENDA

Motion by Bacon, seconded by Vogt, to approve the consent agenda. Passed 5-0.

MINUTES

- A. Consideration of Council meeting minutes of October 2, 2007, were considered and approved.

PROJECTS

- B. Consideration of the Consent Calendar

1. Change Orders

- a. Parkside Business Center, Project No. 31506B, was considered and approved.

Change Order No. 2 increases the contract by \$59,267.50.
(See attached explanation and copy of change order).

2. Project Completion Certificates

- a. Heather Ridge 2nd, Street, Project No. 34404D, was considered and approved.
- b. Avignon Apts., Storm Sewers, Project No. 31405D, was considered and approved.
- c. Avignon Apts., Street, Project No. 31405D, was considered and approved.
- d. Heather Ridge 2nd, Storm Sewers, Project No. 34404D, was considered and approved.
- e. S.M.H. Sanitary Main, Sanitary Sewers, Project No. 1-D-017-07, was considered and approved.
- f. 2007 Cedar Niles Blvd., Mill & Overlay, Street, Contract #4, Project No. 30107C, was considered and approved.
- g. 131st & 141st Street, Improvements, Street, Contract #7, Project No. 30107C, was considered and approved.
- h. Nottingham Creek 3rd & 4th, Street, Project No. 34505D, was considered and approved.

PROJECTS

3. Final Payment to Contractors

- a. 2007 Cedar Niles Blvd., Mill & Overlay, Project No. 30107C, was considered and approved.

Final Payment -	\$	280.00
Original Contract Amount -	\$	254,500.00
Paid-To-Date -	\$	146,572.25
Change Orders -	\$	(107,647.75)
Final Contract Amount -	\$	146,852.25
Contractor -	Holland Construction, Inc.	

- b. 131st & 141st Street Improvements, Project No. 30107C, was considered and approved.

Final Payment -	\$	104,287.18
Original Contract Amount -	\$	238,575.05
Paid-To-Date -	\$	123,540.97
Change Orders -	\$	(10,746.90)
Final Contract Amount -	\$	227,828.15
Contractor -	Miller Paving & Construction	

4. Final Payment to Consultants

None

PLATS

- C. Final plat, P-07-058, for The Woods at Southglen, Fifth Plat, on 9.18± acres, located in the vicinity of 119th Street and Clare Road, was considered and approved. Applicant: Ronald Mather, Cedar Creek Development Company. Planning Commission recommends approval, by a vote of 8-0.
- D. Final plat, P-07-059, for Fallbrook, 5th Plat, on 14.83± acres, containing 48 lots and 2 lots; located in the vicinity of 110th Terrace and Barker Road, was considered and approved. Owner/Applicant: Mark Hoelting. Planning Commission recommends approval by a vote of 8-0.
- E. Final plat, P-07-060, for Austin Park, 2nd Plat, on 15.92± acres, containing 50 lots and 10 tracts; located in the vicinity of 170th Terrace and Ridgeview Road, was considered and approved. Owner/Applicant: Greg Prieb, The Palisades Group. Planning Commission recommends approval by a vote of 8-0.
- F. Final plat, P-07-062, for The Cottages at Foxfield, Second Plat, on 9.19± acres, located in the vicinity of 117th Street & Lone Elm Road, was considered and approved. Owner/Applicant: Paul Robben, Foxfield Associates. Planning Commission recommends approval, by a vote of 8-0.

PLATS

- G. Final plat, P-07-063, for The Woods at Southglen, Sixth Plat, on 8.5± acres, located in the vicinity 119th Street and Clare Road, was considered and approved. Owner/Applicant: Ronald Mather, Cedar Creek Development Company. Planning Commission recommends approval, by a vote of 8-0.
- H. Final plat, P-07-074, for Maplebrook Park, 4th Plat, on 1.13± acres; located in the vicinity of 123rd Court and Iowa Street, was considered and approved. Owner/Applicant: Tom Langhofer, Maple Brook Park Partners, LLC. Planning Commission recommends approval, by a vote of 8-0.
- I. Final plat, P-07-075, for Cedar Creek Village I, 28th Plat on 6.09± acres; located in the vicinity of 103rd Street and Bluestem Parkway, was considered and approved. Owner/Applicant: Ronald Mather, Member of Cedar Creek Development Co., Inc. Planning Commission recommends approval, by a vote of 8-0.
- J. Final plat, P-07-076, for Olathe Commons, 2nd Plat, on 12.592± acres; located in the vicinity of the southwest corner of 119th Street and Greenwood, was considered and approved. Owner: Maefield Development Co. Applicant: John D. Petersen, Polsinelli Shalton Flanigan Suelthaus. Planning Commission recommends approval, by a vote of 8-0.

BONDS

- K. Resolution No. 07-1119 authorizing the issuance and delivery of temporary notes, Series 2007-C, was considered and approved.
- L. Resolution No. 07-1120 assigning the interest in industrial revenue bonds (Grayson Enterprise Series 2007 C) from Grayson Enterprise, LLC to JER, LLC, was considered and approved.

PROJECTS

- M. Acceptance of a Petition and Resolution No. 07-1121 authorizing the creation of a benefit district to construct Greenwood Lane from 134th to 133rd. PNs 3-B-031 and 5-B-019, was considered and approved.
- N. Engineer's estimate, acceptance of bids, and consideration of award of contract to Luttrell Construction Company for the construction of Blackfoot Drive Between 133rd Street and 134th Place, PN 33106b, was considered and approved.
- O. A transportation enhancement agreement to enable the city to receive federal funds for bike lanes on 127th Street from Mur-Len to Black Bob, No. 30606c, was considered and approved.
- P. Resolution No. 07-1122 authorizing the mayor to sign an Authority to Award Contract for commitment of city funds, for structural steel for Lone Elm Interchange, PN 37197, from the Kansas Department of Transportation (KDOT), was considered and approved.

PROJECTS

- Q. An offer made to Olathe Trail Riders, Inc. for street right-of-way and easements needed for the 167th Street, Ridgeview Road to Black Bob Road Project; PN 33605, was considered and approved.

CONTRACTS

- R. Acceptance of proposals and award of contract to Southern Uniform & Equipment to provide body armor for the Police Department was considered and approved.
- S. Extension of the contract with Custom Lighting Services for electrical lighting maintenance was considered and approved.
- T. Acceptance of proposals and award of contract to Dell for desktop management software was considered and approved.
- U. Acceptance of bids and award of contracts for the purchase of 2008 model year vehicles for various City departments to Shawnee Mission Ford, KCR International, Dick Smith Ford, Roberts Auto Plaza, and Odessa Chrysler, was considered and approved.

PROJECTS

- V. Resolution No. 07-1124 for 127th Street Bicycle Lanes (Black Bob to Pflumm) and Resolution No. 07-1125 for Meadowlane Trail authorizing two proposed applications to be submitted for federal Transportation Enhancement Program (TEP) funding to the Kansas Department of Transportation (KDOT) was considered and approved.

7. NEW BUSINESS - PLANNING

UNIFIED DEVELOPMENT ORDINANCE

- A. Ordinance No. 07-105, UDO-07-002, requesting approval of an amendment to the Unified Development Ordinance, Section 18.68, Subdivisions & Lot Splits, was considered. Applicant: City of Olathe. Planning Commission recommends approval by a vote of 8-0. Action needed: Concur and approve, deny (5 positive votes required), or return to the Planning Commission.

Motion by Bacon, seconded by Vogt, to approve. Passed 5-0.

REZONING

- B. Ordinance No. 07-106, RZ-07-035, requesting approval of a rezoning from C-O to BP for Corporate Ridge, 11th Plat, Site K, on 29± acres; located south of K-10 Highway and east of Ridgeview Road, was considered. Owner: Richard Stephens, W&S Joint Venture. Applicant: Bret Sheffield, Opus Northwest, LLC. Planning Commission recommends approval by a vote of 8-0.

Motion by Bacon, seconded by Huttmann, to approve. Passed 5-0.

PLATS

- C. Final plat, P-07-072, for Corporate Ridge, 11th Plat, lots 14 & 15 on 29± acres; located south of K-10 Highway and east of Ridgeview Road was considered. Owner: Richard Stephens, W&S Joint Venture. Applicant: Dave Harrison, Opus Northwest, LLC. Planning Commission recommends approval by a vote of 8-0.

Motion by Bacon, seconded by Huttmann, to approve. Passed 5-0.

- D. Final plat, P-07-073, for Corporate Ridge, 10th Plat, Lot 13, on 25± acres; located south of K-10 Highway and east of Ridgeview Road was considered. Owner/Applicant: Dave Harrison, Opus Northwest, LLC. Planning Commission recommends approval, by a vote of 8-0.

Motion by Bacon, seconded by Huttmann, to approve. Passed 5-0.

REZONING

- E. Ordinance No. 07-107, RZ-07-032, requesting approval of a rezoning from M-1 and CP-3 to MP-2 for Combs Storage on 0.59± acres, containing one lot; located at 624 E. Dennis Avenue, was considered. Owner: Richard Combs. Applicant: Kevin Combs. Planning Commission recommends approval by a vote of 8-0.

Motion by Bacon, seconded by Vogt, to approve. Passed 5-0.

SPECIAL USE PERMITS

- F. Resolution No. 07-1123, SU-07-016, requesting approval of a special use permit for a City water tank on 2.4345± acres; located at 15285 S. Mur-Len Road was considered. Owner: Carl Wooderson, Jr. Applicant: Don Seifert, City of Olathe Municipal Services. Planning Commission recommends approval by a vote of 8-0.

Councilmember Bacon asked if a park was pledged for the area along with this use.

Don Seifert, Municipal Services Director, replied that open space would be provided along with park amenities.

Mr. Bacon also requested the posting of a sign to provide notice of the forthcoming water tank.

Motion by Bacon, seconded by Vogt, to approve. Passed 5-0.

8. NEW BUSINESS - ADMINISTRATION

PROJECTS

- A. Ordinance No. 07-108 approving and authorizing payment by the City Treasurer of a condemnation award and court-appointed appraisers' fees in the eminent domain case of The City of Olathe, Kansas v. Michael L. Ganoe, et al., Case No. 07 CV 06429 and approving payment therefore in the Dennis Avenue Bridge Project; PN 33704C, was considered.

Motion by Bacon, seconded by Vogt, to approve. Passed 5-0.

9. NEW CITY COUNCIL BUSINESS

None

10. ADJOURNMENT OF REGULAR SESSION

Motion by Bacon, seconded by Vogt, to adjourn. Passed 5-0.

The meeting adjourned at 7:43 p.m.

Donald P. Howell

Deputy City Clerk