

The Olathe City Council met in regular session at 6:30 p.m. with Mayor Copeland presiding. Councilmembers Montgomery, Bacon, Campbell, Huttman and Vogt were present. Councilmember Randall was absent. Also present were City Manager Wilkes and City Attorney Glinstra.

1. **CALL TO ORDER**
2. **BEGIN TELEVISED SESSION – 7:00 P. M.**
3. **POSTING OF THE COLORS BY AMERICAN LEGION EARL COLLIER POST 153 COLOR GUARD**
4. **PLEDGE OF ALLEGIANCE**

The American Legion Earl Collier Post 153 Color Guard led the audience in the Pledge of Allegiance.

5. **SPECIAL BUSINESS**

PROCLAMATIONS

- A. Proclamation designating November 11, 2007, as “Veterans Day.”

Gary and Barbara Lammers, parents of Sgt. Matt Lammers of Olathe, accepted the proclamation. Bob Williams, Commander of the American Legion Earl Collier Post 153, spoke on the organization’s behalf.

- B. Proclamation designating November 11-17, 2007, as “Children’s Book Week.”

Kate Caps, Olathe Children’s Librarian, accepted the proclamation.

AWARDS

- C. Recognition of the partnerships in designating a historic site and signage commemorating the event.

Bob Courtney, Olathe Historical Society, spoke about the historic signage and unveiled the sign dedicated to (Kansas City Road) brick laying competition in 1925. He indicated this signage will be placed in the vicinity of Kansas City Road and Poplar Street.

- D. Presentation of 2007 County-Wide Leadership in Aging Award to the Olathe Taxi Coupon Program.

Carlton McNair, Chairman of the County’s Commission on Aging, and John Seymour, Board Member and former Chairman, appeared to present the award.

6. **PUBLIC HEARINGS**

PROJECTS

- A. A public hearing concerning the levying assessments to pay for the construction of Greenwood Lane, Project Nos. 3-B-031 and 5-B-019, was opened.

No one appeared.

Motion by Bacon, seconded by Vogt, to close the hearing. Passed 6-0.

PROJECTS

- B. Ordinance No. 07-109 levying assessments to pay for the construction of Greenwood Lane, Project Nos. 3-B-031 and 5-B-019, was considered.

Motion by Bacon, seconded by Vogt, to approve. Passed 6-0.

7. CONSENT AGENDA

Councilmember Montgomery requested separate consideration of items H and M.

Councilmember Vogt requested separate consideration of item E.

Motion by Bacon, seconded by Campbell, to approve the consent agenda with the noted exceptions. Passed 6-0.

MINUTES

- A. Council meeting minutes of October 16, 2007, were considered and approved.

PROJECTS

- B. Consideration of the Consent Calendar

1. Change Orders

None

2. Project Completion Certificates

- a. Olathe Entertainment District I & II, Street & Storm Sewers, Project No. 31006D, was considered and approved.
- b. Prairie Brook 3rd & 4th Plat, Sanitary Sewer, Project No. 12806D, was considered and approved.
- c. Cedar Creek 26th, Sanitary Sewers, Project No. 15505D, was considered and approved.
- d. Harold Street Wastewater Treatment Plant Influent Pump Replacement, Project No. 15805C, was considered and approved.
- e. Iowa Street Improvements, Street, Project No. 30106C, was considered and approved.
- f. Iowa Street Stormwater Improvements, Storm Sewers, Project No. 20107C, was considered and approved.

PROJECTS

- g. 2006 Sanitary Sewer Rehabilitation, Contract #4, Sanitary Sewers, Project No. 10106C, was considered and approved.
- h. 2006 Waterline Rehabilitation, Contract #3, Waterlines, Project No. 50106C, was considered and approved.

3. Final Payment to Contractors

- a. Harold Street WWTP Influent Pump Replacement, Project No. 15805C, was considered and approved.

Final Payment -	\$	9,738.90
Original Contract Amount -	\$	169,646.00
Paid-To-Date -	\$	159,907.10
Change Orders -	\$	0.00
Final Contract Amount -	\$	169,646.00
Contractor -	Grimm Construction	

- b. Iowa Street Improvements, Project No. 30106C, 20107C 10106C & 50106C, was considered and approved.

Final Payment -	\$	127,278.36
Original Contract Amount -	\$	681,640.20
Paid-To-Date -	\$	586,287.94
Change Orders -	\$	31,926.10
Final Contract Amount -	\$	681,640.20
Contractor -	Miles Excavating, Inc.	

4. Final Payment to Consultants

- a. None

PLATS

- C. Final plat, P-07-038, requesting approval for 119th Street Tech Park Fifth Addition, on 7.26± acres, containing one (1) lot; located on the northwest corner of 119th Street and Renner Boulevard, was considered and approved. Owner/Applicant: Neil Karbank, Karbank Enterprises, LLC. Planning commission recommends approval, 6-0.
- D. Consideration of final plat, P-07-078, requesting approval for Blackbob Marketplace II, 3rd Plat, on 1.85± acres, containing two (2) lots; located in the vicinity of 138th Street and Black Bob Road, was considered and approved. Owner/Applicant: Blackbob Outparcel, LLC. Applicant: Andrew D. Ledger, Southwest Investment Group, Inc. Planning Commission recommends approval, 6-0.

ANNEXATION

- E. Resolution 07-1126 adopting the revised City Annexation Policy was **considered separately**.

WEEDS

- F. Resolution No. 07-1127 calling for a public hearing to levy assessments to collect unpaid city expenditures for mowing of weeds and removal of debris was considered and approved.

PROJECTS

- G. Engineer's estimate, acceptance of bids, and of award of contract to Cobra Contractors, LLC for the construction of the Rolling Ridge Trail, PN 41200c, was considered and approved.
- H. Resolution 07-1128 authorizing funding for street improvements for 143rd Street from Quivira to Switzer, PN 3-C-010-07, was **considered separately**.
- I. Resolution No. 07-1129 authorizing funding of the signal reconstruction project at the intersection of 151st and Brentwood, PN 3-C-066-07, was considered and approved.
- J. An Agreement with Bi-State Construction related to the signal reconstruction project at the intersection of 151st and Brentwood, PN 3-C-066-07, was considered and approved.

BONDS

- K. Resolution No. 07-1130 consenting to the delivery of a First Supplemental Lease Agreement and the release of a portion of the project site in connection with the City's Industrial Revenue Bonds (Davidow Investments, L.L.C. Project), Series 1999, was considered and approved.
- L. Resolution No. 07-1131 consenting to an assignment of Lease Agreement, Bonds and related bond documents from MaeRenner, LLC to CRP-2 Acquisitions, LLC, in connection with the City's Taxable Industrial Revenue Bonds (Davidow Investments, L.L.C. Project), Series 1999, was considered and approved.

POLICIES

- M. Resolution No. 07-1132 regarding the City's benefit district policy was **considered separately**.

AGREEMENTS

- N. An agreement extending public defender services for the year 2008 with Timothy J. Arehart and Donald S. Smith was considered and approved.

CONTRACTS

- O. Award of contract renewals to AT&T for telephone circuits to city campus facilities was considered and approved.
- P. Acceptance of bids and of award of contract to Diversified Electric Company for removal of old generator and fuel tank and the connection to the City Hall Generator for the Information Technology Services Department (Santa Fe Building) was considered and approved.

EXPENSES

- Q. The business expense statement for City Manager Michael Wilkes for expenses incurred to attend the International City Managers Association (ICMA) Conference in Pittsburgh, PA from October 6 - 10, 2007, was considered and approved.

TRAVEL

- R. Authorization for City Manager, Michael Wilkes to attend the Kansas Association of City Managers (KACM) Conference in Pittsburg, Kansas from November 7 - 9, 2007, was considered and approved.

PROJECTS

- S. Resolution 07-1133, creating a project and authorizing funding for the Elevated Storage Tank, 151st & Mur-Len, Project No. 5-C-011-07, was considered and approved.

ITEMS FOR SEPARATE CONSIDERATION:

ANNEXATION

- Item E. Resolution 07-1126 adopting the revised City Annexation Policy was considered.

Councilmember Vogt indicated she requested this item be pulled to share information with the community.

The Senior Planner overviewed the history, input, and guidance considered during this process.

He noted the main purpose for the policy is use as a tool for sustainable growth.

Councilmember Bacon spoke about the areas annexed which are rural in nature. The Senior Planner stated the City could adopt the County's regulations within these areas until urban development occurs (generally plats).

Motion by Vogt, seconded by Bacon, to approved. Passed 6-0.

PROJECTS

- Item H. Resolution 07-1128 authorizing funding for street improvements for 143rd Street from Quivira to Switzer, PN 3-C-010-07, was considered.

Councilmember Montgomery asked about the Future Street Improvement Fund. The City Engineer stated it is the same as the Street Excise Fund.

Councilmember Huttman questioned the timing of 143rd, Quivira to Pflumm. The City Engineer stated there is a priority due to the topography at Caenan Lane, but it will need to fit into the Capital Improvements Program's schedule.

Motion by Bacon, seconded by Huttman, to approve. Passed 6-0.

POLICIES

- Item M. Resolution No. 07-1132 regarding the City's benefit district policy was considered.

Councilmember Montgomery requested future changes in policies be presented in red-line format. Mr. Montgomery questioned several portions of the policy in regards to assessment prior to construction and donation of right-of-way.

Councilmember Huttman suggested revisiting this item at a future Study Session.

Motion by Bacon, seconded by Vogt, to table the matter until after review at Study Session.

Mayor Copeland informed the public of the grand opening celebration for Fire Station No. 7 earlier in the evening.

Motion by Bacon, seconded by Vogt, to table the item after consideration at a study session. Passed 6-0.

8. NEW BUSINESS - PLANNING

REZONING

- A. Ordinance No. 07-110, RZ-07-023, requesting approval of a rezoning from R-1 and County RUR to BP for the Kansas State University/Kansas Bioscience Authority, on 101.656± acres; located in the vicinity of Lone Elm Road and College Boulevard was considered. Owner/Applicant: David Rinne, Schlagel & Associates. Planning Commission recommends approval, 6-0.

The Current Planner overviewed the project.

Matt Austin, Polsinelli Shalton Welte Suelthaus, representing the Kansas Bio-Science Authority, appeared and introduced the representatives from Kansas State University and the Kansas Bio-Science Authority.

Bob Krause, Kansas State University, thanked the Council for its efforts leading to tonight's action.

Dr. Dan Richardson, CEO for the K-State Olathe Innovation Campus, Inc., spoke to the Council about the future for this project area.

Motion by Bacon, seconded by Huttman, to approve. Passed 6-0.

- B. Ordinance No. 07-111, RZ-07-027, requesting approval of rezoning from C-0, CP-0 to R-1 for Cedar Creek Village I, on 23.88 acres, containing 43 lots and one (1) tract; located in the vicinity of Cedar Creek Parkway and Valley Parkway was considered. Owner/Applicant: Ronald Mather, Cedar Creek Development. Planning Commission recommends approval, 6-0.

The Current Planner overviewed the request by the applicant and decision of the Planning Commission.

Councilmember Campbell asked if this would lead to more changes from commercial to residential. The area location of the request was reviewed.

Councilmember Bacon asked about a potential interchange in the vicinity. The Public Works Director addressed. He spoke about the challenges of the topography on the Olathe side of K-10 which would hamper construction of an interchange.

Councilmember Vogt stated concern changing the zoning in regards to taxing purposes.

Dan Foster, Schlagel & Associates, representing the applicant overviewed the request and compared to earlier developments. He spoke about the challenges to construct Valley Parkway according to the earlier master plans due to the topography. He noted the alignment change would better support this piece to residential rather than commercial. It was noted there could be commercial between K-10 and the residential area. He also indicated this land is about 30 feet higher than K-10, so highway traffic should not be an issue with residential properties. He asked for Council support and stated his client would be willing to exchange this 23 acres from residential to commercial at another location within the Cedar Creek community.

Councilmember Campbell indicated he is supportive and noted this piece is smaller than he believed.

Motion by Bacon, seconded by Montgomery, to approve. Passed 6-0.

PLATS

- C. Final plat, P-07-081, requesting approval for Camelot Reserve, 2nd Plat on 35.27± acres, 87 lots and one (1) tract; located in the vicinity of 107th and Longview Street was considered. Owner/Applicant: Don Bell, Sr., Bell Development Co. Planning Commission recommends approval, 6-0.

Motion by Campbell, seconded by Vogt, to approve. YEA: Campbell, Vogt, Huttmann, and Montgomery. NAY: None. ABSTAIN: Bacon and Copeland. Passed 4-0-2.

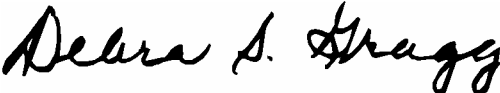
9. NEW CITY COUNCIL BUSINESS

None

10. ADJOURNMENT

The meeting adjourned at 8:39 p.m.

Motion by Bacon, seconded by Vogt, to adjourn. Passed 6-0.



City Clerk