

The Olathe City Council met in regular session at 7:00 p.m. with Mayor Copeland presiding. Councilmembers Montgomery, Bacon, Campbell, Ryckman 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. **PLEDGE OF ALLEGIANCE**
4. **SPECIAL BUSINESS**

**AWARDS**

- A. Presentation of the International City County Management Association's Community Partnership Award for 2009 and the Center for Performance Measurement Certificate Award.

Tim Danneberg, Communications Director, introduced Courtney Christensen, City Manager of Mission Hills and Kansas Association of City Management Board member; Dan Richardson, CEO, K-State Olathe Innovation Campus; and Jan Katterhenry, CFO and Gary Micheel, Facilities Project Manager, for the Kansas Bioscience Authority.

Councilmember Randall arrived at 7:07 p.m.

Mayor Copeland received the awards on behalf of the City of Olathe.

5. **PUBLIC HEARINGS**

**BUDGET**

- A. A public hearing to increase the 2009 Budget expenditure authority for the Solid Waste and Fire Levy funds was opened.

Norm Bowers, 733 W. Loula Street, spoke in support of the budget amendment regarding solid waste and recycling.

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

- B. Ordinance No. 09-57 increasing the 2009 Budget expenditure authority for the Solid Waste and Fire Levy funds was considered.

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

**WEEDS**

- C. A public hearing to consider levying assessments to collect unpaid city expenditures for weed mowing and debris removal.

No one appeared.

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

**WEEDS**

- D. Ordinance No. 09-58 levying assessments to collect city expenditures for weed mowing and debris removal was considered.

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

**6. CONSENT AGENDA**

Mayor Copeland announced that Item I was removed at the request of the lender and Item M was removed at the request of staff for further evaluation.

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

**MINUTES**

- A. Council meeting minutes of November 3 and 10, 2009 were considered and approved.

**PROJECTS**

- B. Consent Calendar
  - 1. Change Orders
    - a. None
  - 2. Project Completion Certificates
    - a. West Village, Sanitary Sewer, Project No. 1-D-081-09, was considered and approved.
    - b. 2009 Pavement Milling & Concrete Curb Replacement, (Contract #4), Project No. 30109C, was considered and approved.
  - 3. Final Payment to Contractors
    - a. 2009 Pavement Milling & Concrete Curb Replacement, (Contract #4), Project No. 30109C, was considered and approved.

Final Payment -	\$	155,405.12
Original Contract Amount -	\$	438,910.00
Paid-To-Date -	\$	418,657.88
Change Orders -	\$	135,153.00*
Final Contract Amount -	\$	574,063.00
Contractor -		Freeman Construction

\*Change Order #2 approved by Council on September 1, 2009 included the addition of six streets to the local pavement milling and concrete curb replacement contract in the amount of \$132,934.

4. Final Payment to Consultants

- a. None

**LICENSES**

- C. Cereal malt beverage license applications for calendar year 2009 and 2010 were considered and approved.
- D. Drinking establishment and private club license applications were considered and approved.

**PROJECTS**

- E. An Engineering Agreement with BHC Rhodes to provide on-call engineering services for the Miscellaneous Stormwater projects, PN 20205C, was considered and approved.

**POLICIES**

- F. Resolutions Nos. 09-1099, 09-1100 and 09-1101 approving the City's Tax Abatement, Transportation Development District and Tax Increment Financing policies were considered and approved.

**PROJECTS**

- G. Resolution 09-1102 authorizing the application for a State Revolving Fund (SRF) Loan to fund construction portion of the Cedar Creek Wastewater Treatment Plant Expansion, Project No. 1-C-004-07, was considered and approved.
- H. Award of construction contract to K&W Underground for fiber construction project number 7-C-032-09, was considered and approved.

**HOUSING REHAB**

- I. A mortgage subordination request from an owner-occupied housing rehabilitation participant at 1105 E. Cedar Street. **REMOVED BY REQUEST OF THE LENDER.**

**CONTRACTS**

- J. Acceptance of bid and award of contract to Fry & Associates for the purchase and installation of rubberized playground surfacing for playground areas at Black Bob, Cedar Lake, and Two Trails Parks for the Parks & Recreation Department was considered and approved.
- K. Acceptance of bids and award of contracts to Olathe Ford, Diamond International, Shawnee Mission Ford, Ed Bozarth Chevrolet, Inc., and Dick Smith Ford for the purchase of vehicles for 2010 was considered and approved.
- L. Acceptance of bids and award of contracts to Becker Tires & Treading, Tire Centers LLC, Cross-Midwest Tires, Inc., Wingfoot Commercial Tire Systems LLC and Heartland Tires & Treads for the purchase of tires and tubes, and the removal of scrap tires for the Vehicle Maintenance Division of Municipal Services was considered and approved.

### **CONTRACTS**

- M. Acceptance of proposals and award of contracts to United Office Supply, Inc. for the purchase of tables and office chairs, and to Teknion LLC for the purchase of modular furnishings for the addition to Police Headquarters. **REMOVED BY REQUEST OF STAFF.**

### **EXPENSES**

- N. Business expense statement for Judge Jon Willard's training at the American Bar Association Judicial Traffic Court Seminar in Providence, Rhode Island on October 13-17, 2009, was considered and approved.

## **7. NEW BUSINESS - ADMINISTRATION**

### **MUNICIPAL CODES**

- A. Ordinance No. 09-59 amending the Olathe Public Offense Code was considered.

Councilmember Bacon expressed concern with Section 9.12.020 pertaining to knives opened by centrifugal thrust or movement and the potential of having legislators re-evaluate the law.

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

Mayor Copeland directed the Communications Director to add it to the Council's legislative agenda for discussion.

- B. Ordinance No. 09-60 amending the Olathe Traffic Ordinance was considered.

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

## **8. NEW CITY COUNCIL BUSINESS**

Councilmember Ryckman offered information for expanded target groups for H1N1 vaccinations.

Councilmember Bacon wished the viewers and citizens Happy Thanksgiving.

Councilmember Randall joined Mr. Bacon in Happy Thanksgiving wishes.

Councilmember Vogt expressed concern with recovery of funds for property maintenance assessments for an increasing number of properties owned by mortgage companies as a result of foreclosures.

Tracy Howell, City Clerk, described the assessment process and an additional procedure added at the beginning of the year to provide for increased disclosure of property maintenance assessments resulting in improved collections from parties responsible for the assessment so it is not passed on to future property owners.

Councilmember Montgomery wished everyone Happy Thanksgiving.

Mayor Copeland expressed appreciation for the first joint ceremony for recognition and remembrance of veterans held by the American Legion and Veteran's of Foreign Wars. The Mayor also announced the closure of city offices on Thursday and Friday for the Thanksgiving holiday and delay of trash collection for one day during that period.

**9. END OF THE TELEVISED SESSION**

**10. GENERAL ISSUES AND CONCERNS OF CITIZENS**

Ms. Paula Burnetta-Carter, 1027 N. Buchanan Street, appeared and expressed concerns about cost increases in the city's recycling program. Ms. Carter presented information regarding costs of other cities and recycling procedures for other cities while requesting Olathe review and revise recycling procedures and reverse the increase in costs.

Don Seifert, Municipal Services Director, responded to the concerns expressed by Ms. Carter and provided the information requested by Council at the November 10<sup>TH</sup> City Council meeting. He provided a history of the action leading to the improvements in the recycling program and how it was incorporated into the budget process.

**11. CONVENE FOR PLANNING SESSION**

A. Discussion regarding the City's Community Improvement District policy.

Ron Shaver, Assistant City Attorney, presented the proposed CID policy and explained the CID Act allows cities and counties broad discretion to create special taxing districts to fund private and public improvements through the proceeds of either special assessments or a special sales tax.

He described the deviations established in the city policy from the CID Act where; 1) The City will issue its general obligation bonds to finance special assessment-funded CID projects but will not issue its general obligation bonds to finance sales tax CID projects; 2) The City will allow reimbursement of public infrastructure and ongoing public maintenance and operational costs but will discourage reimbursement of certain private development and ongoing private maintenance and operational costs; and 3) The City will give preference to projects which show a substantial public benefit that would not be derived without creation of a CID to offset certain project costs.

Consensus of the Council was to proceed and the policy will be brought to the Council for action on December 1, 2009.

**12. RECONSIDERATON OF THE CONSENT AGENDA**

Councilmember Campbell requested the consent agenda be reconsidered.

Motion by Copeland, seconded by Montgomery, to reconsider the consent agenda. Passed 7-0.

Motion by Campbell, seconded by Copeland, to approve the consent agenda. Passed 7-0.

**12. ADJOURNMENT**

The meeting adjourned at 9:00 p.m.

*Donald P. Howell*

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City Clerk