

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

1. **CALL TO ORDER**
2. **BEGIN TELEVISED SESSION**
3. **PLEDGE OF ALLEGIANCE**
4. **SPECIAL BUSINESS**

**AWARDS**

- A. Presentation of Olathe Community Pride Award to Maron Moore.

Mrs. Moore was present to accept the award.

5. **CONSENT AGENDA**

Councilmember Campbell requested Item K be discussed at a future study session.

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

**MINUTES**

- A. Council meeting minutes of November 20, 2007 were considered and approved.

**PLATS**

- B. Final plat, P-07-092, requesting approval for Olathe Elementary School No. 34 on 12.46652± acres, containing one (1) lot; located in the vicinity of 125<sup>th</sup> Street and Canyon Drive, was considered and approved. Owner: Jim Houghton, USD No. 233. Applicant: Greg Thomason, USD No. 233. Planning Commission recommends approval, 7-0.
- C. Final plat, P-07-093, requesting approval for Northshore Estates, 5<sup>th</sup> Plat, on 37.5198± acres, containing 33 lots and five (5) tracts; located in the vicinity of Highland Circle and Oakcrest Lane, was considered and approved. Owner/Applicant: Ronald A. Mather, Member, Cedar Creek Development Co. Planning Commission recommends approval, 7-0.

**SPECIAL USE PERMITS**

- D. Resolution No. 07-1143, SU-07-018, requesting for approval of a renewal of a special use permit for Johnny's Tavern on 0.15± acres, containing one (1) lot; located at 10384 Ridgeview, was considered and approved. Owner/Applicant: Louie Riederer. Planning Commission recommends approval, 8-0.
- E. Resolution No. 07-1144, SU-07-019, requesting approval of a special use permit for a juvenile intake assessment center temporary building on 5.65± acres, containing one (1) lot; located at 905 West Spruce, was considered and approved. Owner: Board of County Commissioners. Planning Commission recommends approval, 8-0.

**SPECIAL USE PERMITS**

- F. Resolution No. 07-1145, SU-07-020, requesting approval of a special use permit renewal for Hertz Car Rental on 0.81± acres, containing one (1) lot; located at 1904 E. Santa Fe Drive, was considered and approved. Owner/Applicant: Matthew C. Beaven, Hertz. Planning Commission recommends approval, 8-0.

**AGREEMENTS**

- G. The insurance and liability agreement between the City of Olathe and Corporate Ridge Owners Association for installation and maintenance of seasonal banners was considered and approved. Planning Commission recommends approval, 7-0.

**LICENSES**

- H. Calendar year 2008 cereal malt beverage licenses were considered and approved.

**PROJECTS**

- I. An agreement with Overland Park for the widening of 143<sup>rd</sup> Street from Quivira to Switzer, P.N. 3-C-010-07, was considered and approved.

**POLICIES**

- J. Resolution No. 07-1146 regarding the City's Transportation Development District Policy was considered and approved.
- K. Resolution No. 07-1147 regarding the City's Industrial Revenue Bond and Tax Abatement Policy was **REMOVED FOR SEPARATE CONSIDERATION**.
- L. Resolution No. 07-1148 regarding the City's Tax Increment Financing policy was considered and approved.

**BONDS**

- M. Resolution No. 07-1149 authorizing the offering for sale of Water and Sewer System Revenue Bonds, Series 2008, of the City of Olathe, Kansas, was considered and approved.

**BUDGET**

- N. Recommendation from the Public Art & Culture Commission concerning the purchase of public art and allocation of funds was considered and approved.

**CONTRACTS**

- O. Extension of contract with CDW-Government for computer hardware, software, and peripherals were considered and approved.

**CONTRACTS**

- P. Acceptance of bids and award of contract to Key Equipment & Supply Company for a sewer vacuum truck was considered and approved.
- Q. Acceptance of bids and award of contract to Total Fire Group for fire safety gear was considered and approved.

**EXPENSES**

- R. Business expense statement for Judge Jon Willard's training at the ADA Judicial Division Traffic Court Seminar in Seattle Washington was considered and approved.
- S. Business expense statements for Councilmember's Larry Campbell, Kathleen Huttman, Bob Montgomery and Jim Randall, for expenses incurred to attend the National League of Cities Conference and Exposition in New Orleans, LA Nov. 14 - 17, 2007, were considered and approved.

**ITEMS FOR SEPARATE CONSIDERATION:**

**POLICIES**

- Item K: Resolution No. 07-1147 regarding the City's Industrial Revenue Bond and Tax Abatement Policy was considered.

Motion by Campbell, seconded by Bacon, to place the item on a future study session. Passed 7-0.

Mayor Copeland wished his father a Happy Birthday.

**6. NEW BUSINESS – PLANNING/MUNICIPAL SERVICES**

**ANNEXATIONS**

- A. An Annexation Agreement with Life Church for approximately 35.84± acres located at the southeast corner of 159<sup>th</sup> Street and Lone Elm Road was considered. Applicant: Life Church.

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

- B. Ordinance No. 07-119, ANX-07-008, requesting approval of a voluntary annexation of approximately 35.84± acres located at the southeast corner of 159<sup>th</sup> Street and Lone Elm Road was considered. Applicant: Life Church.

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

**VACATIONS**

- C. Ordinance No. 07-132, VAC-07-013, requesting approval of a vacation of a drainage easement on Lot 66 of Heritage Park Estates, 1<sup>st</sup> Plat; located at 15297 S. Greenwood Street was considered. Owner/Applicant: Rick Cauthon. Planning Commission recommends approval, 8-0.

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

**MUNICIPAL CODES**

- D. Ordinance Nos. 07-120, 07-121, 07-122, 07-123, 07-124, 07-125, 07-126, 07-127, 07-128, 07-129, 07-130 and 07-131, requesting approval to amend sections of the Olathe Municipal Code Titles 14, 15, and 16 pertaining to updates of the International Building Codes relating to building, fire, residential, plumbing, mechanical, fuel gas, property maintenance, and electrical codes were considered.

The Director of Development Services overviewed the process for codes adoption.

The Fire Chief overviewed the proposed code for residential fire sprinklers.

Councilmember Huttman asked about property insurance reduction for homeowners with the required sprinklers. The Fire Chief indicated it would depend upon the various companies, but would be similar to reductions for fire and burglar alarms, adding the reductions could range from 5% to 30%.

The Fire Chief addressed other questions concerning the fire sprinklers. He noted that leakage of the system is not generally an issue. He stated the determination for sprinkler heads is noted per square foot, but generally limited to one per room.

Councilmember Montgomery questioned if the inspections for the sprinklers would incur additional costs. The Fire Chief noted it would be part of the inspection process. Mr. Montgomery asked if homes remodeling would require the sprinklers. The response was no, adding that if an addition is made which meets the requirements, the addition could be subject.

Councilmember Randall questioned the number of homes in the City of Overland Park meeting the fire sprinkler code. Staff will provide information to the Council.

Motion by Vogt, seconded by Randall, to approve.

Mayor Copeland spoke about the data regarding the number of homes requiring the sprinklers by neighboring cities. He questioned what would happen if this item was postponed for two weeks. Staff indicated the matter could be delayed for two weeks without any issue, noting the effective date is January 1, 2008.

Councilmember Randall withdrew his second; Councilmember withdrew her motion.

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

- E. Ordinance No. 07-133 requesting approval to amend sections of Chapter 6 of the Olathe Municipal Code pertaining to solid waste connection fees was considered.

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

#### **MUNICIPAL CODES**

- F. Ordinance No. 07-134 requesting approval to amend sections of Chapter 13 of the Olathe Municipal Code pertaining to system development fees and water main extensions was considered.

Councilmember Montgomery questioned the trigger for the fees for water main extension.

The Director of Public Works stated there is a yearly review. He added the increase for high-use wastewater users was discussed at the budget session last summer.

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

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

### **PROJECTS**

- A. Acceptance of a petition and Resolution No. 07-1150 authorizing the creation of a benefit district to pay the cost for the construction of Life Church Sanitary Sewer, Project, No. 1-B-040, was considered.

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

- B. An engineering services agreement with Allenbrand-Drews & Associates, Inc. for the design of a gravity sanitary sewer to connect Life Church to the Upper Cedar Creek Sewer, PN 1-B-040, was considered.

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

### **MUNICIPAL CODES**

- C. Ordinance No. 07-135 amending sections of the Olathe Public Offense Code and repealing the existing sections was considered.

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

- D. Ordinance No. 07-136 amending sections of the Olathe Traffic Ordinance and repealing the existing sections was considered.

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

### **BONDS**

- E. Ordinance No. 07-137 authorizing issuance of industrial revenue bonds for the Pike Enterprises, LLC (Power Control Devices Project) was considered.

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

### **FEES**

- F. Resolution No. 07-1151 requesting approval of the 2008 fee schedule was considered.

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

## 8. NEW CITY COUNCIL BUSINESS

Councilmember Campbell stated he wanted to clarify comments about tax abatements. He stated he appreciated the change to address tax abatements, adding each project should be evaluated on its merit. He stated some projects could deserve higher abatements. He stated he favors information regarding abatements with appraisal percentages.

Councilmember Randall asked if the railroad tracks on Santa Fe, adjacent to the County Jail, are fixed. The Public Works Director stated the improvements are interim due to other project schedules. He stated the railroad was requested to complete a one-time "right" fix. He stated he has no firm dates for repairs, but would contact the railroad again and report.

Mayor Copeland asked about the status of College Boulevard and the Elevated Rail projects. The Public Works Director stated that College Boulevard should open on December 19 or 20. He stated the elevated railroad project is going well, adding the contractor is preparing to install the rails. He stated the next step would be to connect the old rail to the new rail and allow trains to ride upon one set, then the second set will be completed. He added the final step is to improve the roadway which is scheduled for completion in early spring.

Councilmember Vogt asked when the train whistles would stop blowing at College Boulevard. Staff indicated when all the construction crews complete the work.

Councilmember Huttman stated streetlights are out in the area of 151<sup>st</sup> and Pflumm.

Ms. Huttman asked about the status of the parking garage. The Public Works Director stated the project is on schedule and the scheduled opening is mid-February.

Councilmember Bacon requested staff contact the Council when the first train is ready to travel on the elevated rail. The Public Works Director stated there may not be much time between the notification and the actual switch, but staff would do their best to notify the Council.

## 9. ADJOURNMENT

Motion by Randall, seconded by Bacon, to adjourn.

The meeting adjourned at 8:25 p.m.



City Clerk