

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

1. CALL TO ORDER

2. EXECUTIVE SESSION – 6:30 P. M.

Motion by Vogt, seconded by Montgomery, recess into an executive session for 20 minutes under the attorney-client privilege exception to the Kansas Open Meetings Law to consider the following item. Passed 5-0.

- A. Discussion of matters which would be deemed privileged in an attorney-client relationship pertaining to a development agreement.

The meeting recessed at 6:31 p.m.

Councilmember Bacon arrived at 6:31 p.m.

The meeting reconvened at 6:51 p.m. with Councilmember Randall present along with Mayor Copeland and Councilmembers Montgomery and Vogt.

Motion by Randall, seconded by Vogt, to recess again into executive session for five minutes. Passed 4-0.

The meeting recessed at 6:52 p.m.

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 6:59 p.m.

Mayor Copeland announced the executive session would continue at the end of the meeting.

4. BEGIN TELEVISED SESSION

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

AWARDS

- A. Recognition of Victor Glover for receiving the National Forum for Black Public Administrators (NFBPA) "Marks of Excellence" Award.

Victor Glover, Human Relations Manager, was recognized.

- B. Recognition of the Olathe National Education Association for their donation to the Recreation Scholarship Program.

Members of the Olathe National Education Association were present for recognition of the ONEA.

PROCLAMATIONS

- C. Proclamation designating October, 2010, as “Down Syndrome Awareness Month.”

Mayor Copeland presented to the proclamation to Jonathan and Rachel Mast.

7. CONSENT AGENDA

Motion by Randall, seconded by Bacon, to approve the consent agenda as presented. Passed 7-0.

MINUTES

- A. Council meeting minutes of October 5 and 12, 2010, were considered and approve.

PROJECTS

- B. Consent Calendar.
 - 1. Change Orders
 - a. 2010 Collector Street Mill & Overlay; Project No. 3-R-007-10, was considered and approved.

Change Order No. 2 increases the contract amount by \$77,468.00
 - 2. Project Completion Certificates
 - a. None.
 - 3. Final Payment to Contractors
 - a. None.
 - 4. Final Payment to Consultants
 - a. Highlands of Southglen; Project No. 1-B-052-08, was considered and approved.

Final Payment -	\$	505.00
Original Contract Amount -	\$	96,700.00
Paid-To-Date -	\$	89,384.50
Change Orders -	\$	0.00
Final Contract Amount -	\$	89,889.50
Consultant – GBA		

PROJECTS

- b. Miscellaneous Water Systems Modeling, was considered and approved.

Final Payment -	\$	1,150.00
Original Contract Amount -	\$	11,500.00
Paid-To-Date -	\$	10,350.00
Change Orders -	\$	0.00
Final Contract Amount -	\$	11,500.00
Consultant – Carollo		

- c. Miscellaneous Sanitary Sewer Systems Modeling, was considered and approved.

Final Payment -	\$	960.00
Original Contract Amount -	\$	12,000.00
Paid-To-Date -	\$	11,040.00
Change Orders -	\$	0.00
Final Contract Amount -	\$	12,000.00
Consultant – Carollo		

LICENSES

- C. Drinking establishment and private club license applications for Holiday Inn, Hooters, Johnny Brusco’s New York Style Pizza, LongHorn Steakhouse, Red Lobster and Mulligan’s Bar and Grill were considered and approved.

CONTRACTS

- D. Acceptance of proposals and award of contract to Key Equipment and Supply Co. for the purchase of closed circuit television inspections software for sewer inspection for the Wastewater Division was considered and approved.
- E. Acceptance of bids and award of contract to The Wilson Group for Parkview Manor boiler replacement for the Housing Services Division was considered and approved.

8. NEW BUSINESS - PLANNING

UNIFIED DEVELOPMENT ORDINANCE

- A. Ordinance No. 10-68, UDO-10-003, requesting approval of amendments to the Unified Development Ordinance (UDO), Chapter 18.12, Applications and Procedures was considered. Owner/Applicant: City of Olathe. Planning Commission recommends approval 5-0.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 10-68. YEA: Copeland, Bacon, Campbell, Randall, Ryckman and Vogt. NAY: Montgomery. Passed 6-1.

9. NEW BUSINESS - ADMINISTRATION

MUNICIPAL CODES

- A. Ordinance No. 10-69 amending Olathe Municipal Code Chapter 5.05 pertaining to Special Event Permit was considered.

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

- B. Ordinance No. 10-70 amending the Olathe Traffic Ordinance was considered.

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

- C. Ordinance No. 10-71 amending the Olathe Public Offense Code was considered.

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

APPOINTMENTS

- D. Designation of Councilmember Larry Campbell as the voting delegate and Councilmember John Bacon as the alternate to represent the City of Olathe at the business session at the National League of Cities (NLC) 2010 Congress of Cities and Exposition, in Denver, CO on December 4, 2010, was considered.

Motion by Randall, seconded by Bacon, designating Councilmember Larry Campbell voting delegate and Councilmember John Bacon as alternate to the NLC Congress of Cities and Exposition in Denver, CO. Passed 7-0.

STREETS

- E. Ordinance No. 10-72 authorizing the temporary street closures for inactive developments was considered.

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

10. NEW CITY COUNCIL BUSINESS

Mayor Copeland announced the Human Relations Commission and The Great Mall of the Great Plains has partnered with various sponsors and community organizations to offer the Olathe Cultural Festival on Saturday, October 23RD from 12:00 p.m. to 8:00 p.m. at The Great Mall of the Great Plains.

11. END OF TELEVISED SESSION

12. EXECUTIVE SESSION – 6:30 P. M.

Councilmember Montgomery left the meeting at 7:44 p.m.

Motion by Randall, seconded by Bacon, to recess into an executive session for 15 minutes under the attorney-client privilege exception to the Kansas Open Meetings Law to discuss matters pertaining to a development agreement. Passed 6-0.

The meeting recessed at 7:45 p.m.

Councilmember Montgomery returned at 7:45 p.m.

The meeting reconvened at 8:02 p.m. with Mayor Copeland and Councilmembers Randall, Vogt and Montgomery present.

Motion by Randall, seconded by Vogt, to recess again into executive session for 20 minutes. Passed 4-0.

The meeting recessed at 8:02 p.m.

13. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 8:27 p.m. with all members present.

AGREEMENTS

- A. Matters which would be deemed privileged in an attorney-client relationship pertaining to a development agreement were considered.

Motion by Randall, seconded by Bacon, to authorize staff to make an offer and bring back any revised agreement for further action. Passed 7-0.

12. GENERAL ISSUES AND CONCERNS OF CITIZENS

None

13. ADJOURNMENT

The meeting adjourned at 8:34 p.m.

Donald P. Howell

City Clerk