

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

1. CALL TO ORDER

2. EXECUTIVE SESSION

Motion by Randall, seconded by Bacon, to recess into an executive session for 25 minutes under the attorney-client privilege exception to the Kansas Open Meetings Law to discuss the following items. Passed 7-0.

- A. Discussion of the acquisition of real property in northwest Olathe for sewer utility purposes.
- B. Discussion of matters which would be deemed privileged in an attorney-client relationship pertaining to a development agreement in north Olathe.

The meeting recessed at 6:32 p.m.

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 6:58 p.m.

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

4. BEGIN TELEVISED SESSION

5. PLEDGE OF ALLEGIANCE

The American Legion Earl Collier Post 153 Color Guard presented the colors as part of our Veterans Day observance.

Mayor Copeland announced daylight saving time will end this Sunday.

Fire Battalion Chief, Ken Keiter, reminded the audience to replace the batteries in fire alarms in conjunction with the end of daylight saving time.

6. SPECIAL BUSINESS

PROCLAMATIONS

- A. Proclamation designating November 11, 2010, as "Veterans Day."

Mayor Copeland presented the proclamation to American Legion Post Commander, Alan Cunningham and Veterans of Foreign Wars Past Post Commander, Ross Seales.

AWARDS

- B. Presentation of service award to Delores Harding, Board of Housing Commissioners.

Mayor Copeland presented the service award to Ms. Harding.

APPOINTMENTS

- C. Resolution No. 10-1065 appointing John Keifer the Board of Housing Commissioners was considered.

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

- D. Consideration of Resolution No. 10-1066 appointing John Almeida to the Planning Commission was considered.

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

AWARDS

- E. Recognition of 2010-2011 Olathe Teen Council members.

Mayor Copeland recognized member of the 2010-2011 Olathe Teen Council.

7. PUBLIC HEARINGS

BUDGET

- A. A public hearing to correct a clerical error regarding the City of Olathe 2011 budget was opened.

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

- B. Ordinance No. 10-73 adopting the revised City of Olathe 2011 budget was considered.

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

8. CONSENT AGENDA

Councilmember Ryckman requested Item G be considered separately.

Motion by Randall, seconded by Bacon, to approve the consent agenda with the exception of Item G. Passed 7-0.

MINUTES

- A. Council meeting minutes of October 19, 2010, were considered and approved.

PROJECTES

- B. Consent Calendar.

1. Change Orders

None

PROJECTS

2. Project Completion Certificates

- a. Heritage Trail, was considered and approved.
- b. 2010 Collector Street Mill & Overlay, was considered and approved.
- c. Oregon Trail Park Renovation, was considered and approved.
- d. Police Building Expansion, was considered and approved.

3. Final Payment to Contractors

- a. Heritage Trail, was considered and approved.

Final Payment -	\$	44,431.39
Original Contract Amount -	\$	747,490.25
Paid-To-Date -	\$	801,883.37
Change Orders -	\$	98,824.57
Final Contract Amount -	\$	846,314.76
Contractor – Mega Industries		

- b. 2010 Collector Street Mill & Overlay, was considered and approved.

Final Payment -	\$	390,247.75
Original Contract Amount -	\$	310,079.75
Paid-To-Date -	\$	0.00
Change Orders -	\$	80,168.00
Final Contract Amount -	\$	390,247.75
Contractor – Superior Bowen Asphalt Co.		

Change Orders were for the contractor to pave streets that the Street Division didn't have time to complete.

- c. Oregon Trail Park Renovation, was considered and approved.

Final Payment -	\$	18,670.01
Original Contract Amount -	\$	2,623,418.00
Paid-To-Date -	\$	2,730,193.74
Change Orders -	\$	125,467.10
Final Contract Amount -	\$	2,748,885.17
Contractor – Feyerherm Construction		

PROJECTS

d. Police Building Expansion

Final Payment -	\$	666,111.41
Original Contract Amount -	\$	12,891,931.00
Paid-To-Date -	\$	12,249,822.59
Change Orders -	\$	24,003.00
Final Contract Amount -	\$	12,915,934.00
Contractor – Turner Construction		

4. Final Payment to Consultants

None

LICENSES

- C. Cereal malt beverage license applications for calendar year 2011 and one application for the remainder of the 2010 year were considered and approved.
- D. Drinking establishment applications for 54TH St. Grill and Bar, Buffalo Wild Wings Grill and Bar, Johnny's Tavern Ridgeview, Mission Bowl `N Olathe and Zio's Italian Kitchen and a private club license application for American Legion Post #153 were considered and approved.

PROJECTS

- E. Inter-local Agreement with Johnson County Stormwater Management Advisory Council (SMAC) for funding construction of 147th & Brougham Stormwater Improvements, PN 2-C-011-10, was considered and approved.
- F. Inter-local Agreement with Johnson County Stormwater Management Advisory Council (SMAC) for funding construction of Harmony View Stormwater Improvements, PN 20100C, was considered and approved.
- G. Award of professional services contract to CH2MHill for the Cedar Creek and Indian Creek Basins, Sanitary Sewer Rehabilitation Master Plans, Project No. 1-C-080-10, was **REMOVED FOR SEPARATE CONSIDERATION.**

BONDS

- H. Resolution No. 10-1067 authorizing the offering for sale of Water and Sewer System Revenue Bonds, Series 2010C, was considered and approved.

PROJECTS

- I. A real estate contract with Stanley-Clarkson Partnership for acquisition of property and offers for acquisition of temporary and permanent easements for the South Cedar Creek Benefit District; PN 1-B-077-10, was considered and approved.
- J. An offer made to Roman Catholic Archdiocese of Kansas City in Kansas for acquisition of permanent easements for the Ridgeview Road, 175th Street to 7,100' North Project; PN 34405B, was considered and approved.

AGREEMENTS

- K. Annual renewal of agreements with FMH and Aetna for 2011 employee benefits plan year were considered and approved.

ECONOMIC DEVELOPMENT

- L. Resolution No. 10-1068 calling and providing for the giving of notice of a public hearing to consider adoption of the Heart of America Tax Increment Financing Redevelopment Project Plan was considered and approved.

REAL ESTATE

- M. Resolution No. 10-1069 ratifying the acquisition and demolition of property using Neighborhood Stabilization Program funds on behalf of the Board of Trustees of the City of Olathe Land Bank and authorizing the sale of property in the Land Bank was considered and approved.

ITEMS FOR SEPARATE CONSIDERATION:

PROJECTS

- Item G. Award of professional services contract to CH2MHill for the Cedar Creek and Indian Creek Basins, Sanitary Sewer Rehabilitation Master Plans, Project No. 1-C-080-10, was considered.

Councilmember Ryckman requested a description of the project.

Ron Norris, Director of Public Works, Planning and Environmental Services, described the infiltration problems and how the project addresses those circumstances, preserves assets and minimizes costs.

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

9. NEW BUSINESS - PLANNING

SEWER ENLARGEMENTS

- A. Resolution No. 10-1070 requesting the City's consent to the enlargement of Consolidated Main Sewer District (vicinity of the southeast corner of College Boulevard and Lone Elm Road) was considered.

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

10. NEW CITY COUNCIL BUSINESS

11. END OF TELEVISED SESSION

12. GENERAL ISSUES AND CONCERNS OF CITIZENS

Chris Welch, 318 N. Walnut, expressed concern with road closures near at railroad crossings.

Staff described the closures as a negotiated process with the railroad as part of the quiet zone project that included the use of surveys and safety concerns.

Mark Sheldon, 1021 N. Crest Drive, Director of Coaching for Kansas Youth Soccer, spoke in support of the Olathe Multi-Sports Complex.

13. EXECUTIVE SESSION

Motion by Randall, seconded by Bacon, to return to executive session for 15 minutes under the attorney-client privilege exception to the Kansas Open Meetings Law to discuss a development agreement in north Olathe. Passed 7-0.

The meeting recessed at 7:48 p.m.

The meeting reconvened at 8:04 p.m. with Mayor Copeland and Councilmembers Campbell, Randall and Ryckman present.

Motion by Randall, seconded by Campbell, to recess again into executive session for 15 minutes. Passed 4-0.

The meeting recessed at 8:05 p.m.

14. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 8:19 p.m.

REAL ESTATE

- A. Acquisition of real property in northwest Olathe for sewer utility purposes was considered.

Motion by Randall, seconded by Bacon, to authorize staff to negotiate a real estate contract for the purchase of property for sewer utility purposes and approve Resolution No. 10-1071 authorizing bonds to pay for the acquisition and treatment plant improvements as discussed in executive session. Passed 7-0.

AGREEMENTS

- B. A development agreement in north Olathe was considered.

Motion by Randall, seconded by Bacon, to finalize the development agreement and bring the item back for Council approval. Passed 7-0.

15. ADJOURNMENT

The meeting adjourned at 8:27 p.m.



City Clerk