

The Olathe City Council met in special session for the rescheduled regular session of January 4, 2011, at 6:37 p.m. with Mayor Copeland presiding. Councilmembers Randall, Ryckman and Vogt were present. Councilmembers Montgomery, Bacon and Campbell 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 Randall, seconded by Vogt, to recess into an executive session for 20 minutes under the attorney-client privilege exception to the Kansas Open Meetings Law to discuss the following item. Passed 4-0.

- A. Matters which would be deemed privileged in an attorney-client relationship pertaining to legal issues involved in an environmental maintenance agreement for the Chemical Commodities site.

The meeting recessed at 6:38 p.m.

Councilmember Bacon arrived at 6:40 p.m.

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 7:00 p.m.

AGREEMENTS

- A. Matters which would be deemed privileged in an attorney-client relationship pertaining to legal issues involved in an environmental maintenance agreement for the Chemical Commodities site.

Councilmember Randall announced no action was needed following the discussion.

4. BEGIN TELEVISED SESSION – 7:00 P. M.

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

PROCLAMATIONS

- A. Proclamation designating January 17, 2011, as “Dr. Martin Luther King, Jr. Day.”

Vivian Avery, Human Relations Commissioner and Chairperson of the Martin Luther King Day Committee, accepted the proclamation.

AWARDS

- B. Recognition of Boy Scouts for Eagle Scout service projects completed for the City of Olathe.

Bradley Garcia and Evan Nielson were recognized for their Eagle Scout service projects.

Mayor Copeland reminded citizens of the Snow Brigade Program and encouraged participation.

7. **CONSENT AGENDA**

Councilmember Vogt requested Item I be considered separately.

Motion by Randall, seconded by Bacon, to approve the consent agenda with the exception of Item I. Passed 5-0.

MINUTES

- A. Council meeting minutes of December 7 and 14, 2010, were considered and approved.

PROJECTS

- B. Consent Calendar

1. Change Orders

None.

2. Project Completion Certificates

- a. K-7, Dennis to 56 Highway – 36606C, was considered and approved.
- b. Lakeshore Meadows Lift Station and Force Main – 1-B-009-07, was considered and approved.
- c. Scooter's Coffee House – 5-D-007-10, was considered and approved.
- d. Old 56 Hwy Bridge over Cedar Creek – 3-C-044-07, was considered and approved.
- e. Misc. Home Demolitions – 20100C & 37197C, was considered and approved.
- f. Forest Hills Estates 3rd Plat – 3-D-092-08, was considered and approved.
- g. 152nd St. South to Marion – 3-B-076-08 & 5-B-049-08, was considered and approved.
- h. OMC: 153rd Street Irrigation & Landscaping – 36706B, was considered and approved.
- i. OMC: North-South Street Irrigation & Landscaping – 36806B, was considered and approved.
- j. South Indian Creek Trail – 4-C-014-09, was considered and approved.

PROJECTS

3. Final Payment to Contractors

- a. K-7, Dennis to 56 Highway – 36606C, was considered and approved.

Final Payment -	\$	25,569.79
Original Contract Amount -	\$	170,601.45
Paid-To-Date -	\$	150,631.55
Change Orders -	\$	5,599.89
Final Contract Amount -	\$	176,201.34
Contractor – Miller Paving		

- b. Old 56 Hwy Bridge over Cedar Creek – 3-C-044-07, was considered and approved.

Final Payment -	\$	612,986.74
Original Contract Amount -	\$	817,277.90
Paid-To-Date -	\$	254,951.06
Change Orders -	\$	50,659.90
Final Contract Amount -	\$	867,937.80
Contractor – Bryan Ohlmeier Construction		

Change Orders included additional mill and overlay from bridge to 151st Street.

- c. Misc. Home Demolitions – 20100C & 37197C, was considered and approved.

Final Payment -	\$	4,922.45
Original Contract Amount -	\$	90,646.00
Paid-To-Date -	\$	93,526.55
Change Orders -	\$	7,803.00
Final Contract Amount -	\$	98,449.00
Contractor – Harvey Brothers Trucking & Wrecking		

- d. Lakeshore Meadows Lift Station & Force Main - 1-B-009-07, was considered and approved.

Final Payment -	\$	14,840.25
Original Contract Amount -	\$	379,415.00
Paid-To-Date -	\$	394,009.00
Change Orders -	\$	29,434.25
Final Contract Amount -	\$	408,849.25
Contractor – Ron Weers Construction		

Change Orders included a Power Phase Converter for the Lift Station and other minor field modifications.

PROJECTS

- e. OMC: North-South Street & OMC: 153rd Street Irrigation – 36806B/36706B, was considered and approved.

Final Payment -	\$	11,816.36
Original Contract Amount -	\$	234,722.30
Paid-To-Date -	\$	244,510.94
Change Orders -	\$	1,605.00
Final Contract Amount -	\$	236,327.30
Contractor – Curby’s Lawn & Garden		

- f. 152nd Street South to Marion - 3-B-076-08, was considered and approved.

Final Payment -	\$	24,822.33
Original Contract Amount -	\$	890,633.80
Paid-To-Date -	\$	964,255.47
Change Orders -	\$	98,444.00
Final Contract Amount -	\$	989,077.80
Contractor – Cutting Edge Excavating		

Change Orders included rock excavation and clay liner at the detention basin. Project 100% Benefit District.

- g. South Indian Creek Trail – 4-C-014-09, was considered and approved.

Final Payment -	\$	69,038.74
Original Contract Amount -	\$	514,445.55
Paid-To-Date -	\$	505,698.70
Change Orders -	\$	65,291.89
Final Contract Amount -	\$	579,737.44
Contractor – Heartland Contractors		

Change Orders included rehabilitation of poor base materials, addition of ADA ramp, regarding of additional area and pipe routing.

4. Final Payment to Consultants

None

LICENSES

- C. Cereal malt beverage license applications for calendar year 2011 were considered and approved.

- D. Drinking establishment license applications for Chapala, Granite City Food and Brewery, Jumpin’ Catfish Restaurant, Olive Garden Italian Restaurant and a private club license application for Shooters were considered and approved.

PROJECTS

- E. Engineer's estimate, acceptance of bids and award of contract to Whiting Turner Contracting for the South Cedar Creek Phase I Sewer Benefit District, Project No. 1-B-077-10, was considered and approved.

AGREEMENTS

- F. Resolution No. 11-1001 authorizing acceptance of supplemental agreement no. 1 to agreement 570 and Resolution No. 11-1002 for agreement 182-10 for Congestion Mitigation and Air Quality Funds from the Kansas Department of Transportation for air quality improvements to the City's fleet was considered and approved.

TAX CREDITS

- G. Resolution No. 11-1003 authorizing the Mayor to sign a letter of support to pursue Section 42 Low Income Housing Tax Credits for the Millcreek Senior Apartments, LLC project was considered and approved.

REAL ESTATE

- H. Resolution No. 11-1004 authorizing the Chairperson of the Board of Trustees of the City of Olathe Land Bank to convey certain real property owned by the City of Olathe Land Bank to Heartland Habitat for Humanity, Inc. was considered and approved.

CONTRACTS

- I. Acceptance of proposal and award of contract to Concentra Medical Services for the annual requirements for employee physicals and workers compensation, injury treatment, and drug testing services was **REMOVED FOR SEPARATE CONSIDERATION.**

TRAVEL

- J. Travel request authorization for Councilmembers and Michael Wilkes to attend National League of Cities Congressional Cities Conference in Washington, D. C. March 12 - 16, 2011, was considered and approved.

EXPENSES

- K. Business expense statements for Ron Ryckman and Marge Vogt for expenses incurred to attend National League of Cities Congress of Cities and Exposition in Denver, CO November 30 – December 4, 2010, were considered and approved.

ITEMS FOR SEPARATE CONSIDERATION:

CONTRACTS

- Item I: Acceptance of proposal and award of contract to Concentra Medical Services for the annual requirements for employee physicals and workers compensation, injury treatment, and drug testing services was considered.

Councilmember Vogt requested additional information regarding the need for the additional services.

Assistant Director of Human Resources Mary Miller described the limitation of services currently available using WINS resulting in the need for the contract with Concentra.

8. NEW BUSINESS - PLANNING

REZONING

- A. Ordinance No. 11-01, RZ-10-015 requesting approval of a zoning amendment for CP-2 District on 5.01± acres; located at 12080 South Strang Line Road, was considered. Applicant/Owner: Kirk Whalen/Heart of America Group. Planning Commission recommends approval 6-0.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 11-01, RZ-10-015. Passed 5-0.

PLATS

- B. Final plat, P-10-031 for a replat of Lots 1 and 2, 119 Plaza, Fourth Plat on 5.0098± acres; located at 12080 South Strang Line Road, was considered. Applicant/Owner: Dan Oliver/Heart of America Group. Planning Commission recommends approval 6-0.

Motion by Randall, seconded by Bacon, to approve final plat P-10-031. Passed 5-0.

9. NEW BUSINESS - ADMINISTRATION

ECONOMIC DEVELOPMENT

- A. A Redevelopment Agreement for the Heart of America TIF and CID project was considered.

Motion by Randall, seconded by Bacon, to approve the redevelopment agreement. Passed 5-0.

10. NEW CITY COUNCIL BUSINESS

The City Council applauded crews for snow removal efforts.

Mayor Copeland announced Martin Luther King Day celebration activities scheduled for January 13TH and 14TH.

11. END OF TELEVISED SESSION

12. GENERAL ISSUES AND CONCERNS OF CITIZENS

Mark and Gisso Welsh, 17580 S. Brockway, expressed concerns with the amount of train traffic and whistles from area railroads.

Staff will contact the Welsh's to discuss the matter.

13. CONVENE FOR PLANNING SESSION

- A. Discussion regarding the community center.

Parks and Recreation Director Kevin Corbett and Project Manager Jeff Blakeman reviewed the history of the Community Center and described the project, location, design process and timeline.

The Council was excited the plan that was presented for the Community Center with consensus to proceed.

14. ADJOURNMENT

The meeting adjourned at 8:58 p.m.



City Clerk