

The Olathe City Council met in regular session at 7:01 p.m. with Mayor Copeland presiding. Councilmembers Montgomery, Bacon, Campbell, Randall and Ryckman were present. Also present were City Manager Wilkes and Deputy City Attorney Shaver.

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

**AWARDS**

- A. Recognition of 2011 Impact Award presented to the City of Olathe by the *Kansas City Business Journal*.

Mayor Copeland presented the award to Mary Miller for the Olathe Works Well Health and Wellness Program.

5. **CONSENT AGENDA**

Mayor Copeland announced the removal of consent agenda item L by request of staff.

Councilmember Ryckman requested Item N be considered separately.

Motion by Randall, seconded by Bacon, to approve the consent agenda with the exception of Items L and N. Passed 7-0.

**MINUTES**

- A. Council meeting minutes of December 6, 2011, was considered and approved.

**PROJECTS**

- B. Consent Calendar
  1. Change Orders
    - a. None
  2. Project Completion Certificates
    - a. 124<sup>th</sup> Terr. Storm Sewer Rehabilitation – 2-C-002-10, was considered and approved.
    - b. Woodland Road Drainage Improvements – 20205C - #14, was considered and approved.
    - c. 115<sup>th</sup> St and Ridgeview Left Turn Lane & 116<sup>th</sup> St and Ridgeview Signalization – 3-C-020-10, was considered and approved.

- d. 127<sup>th</sup> Street Landscape Improvements – 30606C, was considered and approved.
- e. Clare Road Waterline – 5-C-074-10, was considered and approved.
- f. 15515 S. Keeler St. Storm Drainage Improvements – 20205C - #12, was considered and approved.
- g. 15110 S. Oakmont St. Storm Drainage Improvements – 20205C - #12, was considered and approved.
- h. Resurrection West – 3-D-019-10, was considered and approved.
- i. Solid Waste Parking Lot Improvements – 6-C-001-11, was considered and approved.

3. Final Payment to Contractors

- a. 127<sup>th</sup> Street Landscape Improvements Project – 30606C, was considered and approved.

Final Payment -	\$	31,000.00
Original Contract Amount -	\$	95,000.00
Paid-To-Date -	\$	61,864.00
Change Orders -	\$	-2,136.00
Final Contract Amount -	\$	92,864.00
Contractor – Arbor Masters Tree & Landscaping		

- b. 124<sup>th</sup> Terr. Storm Sewer Rehabilitation Project – 2-C-002-10, was considered and approved.

Final Payment -	\$	4,354.05
Original Contract Amount -	\$	87,081.00
Paid-To-Date -	\$	82,726.95
Change Orders -	\$	0.00
Final Contract Amount -	\$	87,081.00
Contractor – Cohorst Enterprises		

- c. Woodland Road Drainage Improvements Project – 20505C - #14, was considered and approved.

Final Payment -	\$	5,918.38
Original Contract Amount -	\$	76,614.55
Paid-To-Date -	\$	75,399.17
Change Orders -	\$	4,703.00
Final Contract Amount -	\$	81,317.55
Contractor – Harbour Construction, Inc		

- d. Clare Road Waterline Project – 5-C-074-10, was considered and approved.

Final Payment -	\$	20,881.84
Original Contract Amount -	\$	420,343.30
Paid-To-Date -	\$	395,776.46
Change Orders -	\$	-3,685.00
Final Contract Amount -	\$	416,658.30

Contractor – Linaweaver Construction, Inc

- e. 15515 S. Keeler St. Storm Drainage Improvements Project – 20205C - #12, was considered and approved.

Final Payment -	\$	3,387.23
Original Contract Amount -	\$	40,415.00
Paid-To-Date -	\$	40,015.40
Change Orders -	\$	2,987.63
Final Contract Amount -	\$	43,402.63

Contractor – Charlie Brunner Excavating

- f. 15110 S. Oakmont St. Storm Drainage Improvements Project – 20205C - #12, was considered and approved.

Final Payment -	\$	1,332.40
Original Contract Amount -	\$	6,304.00
Paid-To-Date -	\$	4,431.60
Change Orders -	\$	-540.00
Final Contract Amount -	\$	5,764.00

Contractor – Charlie Brunner Excavating

- g. Solid Waste Parking Lot Improvements Project – 6-C-001-11, was considered and approved.

Final Payment -	\$	23,353.13
Original Contract Amount -	\$	229,025.35
Paid-To-Date -	\$	210,178.22
Change Orders -	\$	4,506.00
Final Contract Amount -	\$	233,531.35

Contractor – Amino Brothers

- h. 115<sup>th</sup> & Ridgeview Left Turn Lane & 116<sup>th</sup> & Ridgeview Traffic Signalization Project – 3-C-020-10, was considered and approved.

Final Payment -	\$	18,323.42
Original Contract Amount -	\$	193,282.35
Paid-To-Date -	\$	193,770.08
Change Orders -	\$	18,811.15
Final Contract Amount -	\$	212,093.50

Contractor – McAnany Construction

4. Final Payment to Consultants

- a. None

**SPECIAL USE PERMIT**

- C. Resolution No. 11-1075, for a special use permit, SU-11-011, for a kennel with outdoor dog runs, Y BAR H Dog Day Care, on 0.37± acres; located at 1030 East Santa Fe Street, was considered and approved. Applicant: Dennis Young/Y BAR H Outpost & Pet. Owner: Sandi Jones.

**LICENSES**

- D. Cereal malt beverage licenses for calendar year 2012 were considered and approved.
- E. Drinking establishment licenses for Chili's Grill and Bar, Chipotle Mexican Grill and Granite City Food and Brewery were considered and approved.

**CONTRACTS/AGREEMENTS**

- F. The water purchase contract and water service territory agreement between Rural Water District #7 and the City of Olathe was considered and approved.

**BONDS**

- G. Resolution No. 11-1076 consenting to the assignment of interest in the City's industrial revenue bonds (Series 2004) from MW Lawn & Landscape, Inc. to Wintertime Investments, LLC was considered and approved.

**POLICIES**

- H. Resolution No. 11-1077 establishing an annexation policy for the City was considered and approved.

**BONDS**

- I. Resolution No. 11-1078 consenting to a subordination of fee to mortgage agreement, estoppel certificate, and amendment of bond documents for the Creekside Partners, LLC (The Gardens at Creekside, Series 2007) IRB project was considered and approved.

**INSURANCE**

- J. The commercial insurance package for 2012 property, liability, and excess coverage was considered and approved.

**CONTRACTS**

- K. Acceptance of bids and award of contract to Qwest Communications Company, LLC, d/b/a CenturyLink, QCC, for the purchase of Avaya telephone equipment for the Information Technology Services Department was considered and approved.
- L. Acceptance of bids and consideration of award of contracts to Boone Brothers Roofing and Buck Roofing & Construction, LLC, for roof replacements at the Animal Shelter, Fire Stations 3 & 7, and various buildings at Black Bob Park for the Facilities Maintenance Division of the Parks & Recreation Department was **REMOVED FROM THE AGENDA.**

**CONTRACTS**

- M. Acceptance of proposals and award of contract to Kaw Valley Engineering, Inc., for geotechnical and testing services for the Public Works Department was considered and approved.
- N. Acceptance of bid and consideration of award of contract to Conrad Fire Equipment for a 100' aerial fire apparatus for the Fire Department was **REMOVED FOR SEPARATE CONSIDERATION.**
- O. Renewal of contracts to The Land Company Real Estate Services, Inc. and Right-of-Way Management Consultant Group for land acquisition services for the City were considered and approved.

**APPOINTMENTS**

- P. Resolution No. 11-1079 appointing members to the Olathe Public Library Joint Task Force was considered and approved.

**TRAVEL**

- Q. Authorization for the City Manager to attend the Alliance for Innovation Board Meeting in Phoenix, AZ, January 27-28, 2012, was considered and approved.

**EXPENSES**

- R. Business expense statement for Council member, Jim Randall for expenses incurred to attend National League of Cities Congress of Cities and Exposition in Phoenix, AZ, November 9-12, 2011, was considered and approved.

**ITEMS FOR SEPARATE CONSIDERATION:**

**CONTRACTS**

- Item N: Acceptance of bid and award of contract to Conrad Fire Equipment for a 100' aerial fire apparatus for the Fire Department was considered.

Councilmember Ryckman said he was pleased with the efforts, procedure and consideration by staff prior to presentation to the Council for action.

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

**6. NEW BUSINESS - PLANNING**

**PLATS**

- A. Final plat, P-11-034, for WEBCO Manufacturing on 27.14± acres; located in the vicinity of 161<sup>st</sup> Street and Vista Street was considered. Applicant: Gary Rettman/WEBCO Manufacturing, Inc. Owner: Brett Worlow/Foodbrands Supply Chain Services, Inc.

Motion by Randall, seconded by Bacon, to approve final plat P-11-034. Passed 7-0.

**PLANNING**

- B. Ordinance No. 11-57, CPA-11-01, for the Comprehensive Plan Annual Review amending the City's Comprehensive Plan was considered. Applicant: City of Olathe Public Works Department, City Planning Division.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 11-57, CPA-11-01. Passed 7-0.

- C. Appeal of a decision by the Planning Commission on a revised site development plan for PR-11-018, Church of the Resurrection West, Phase 1 on 9.72± acres; located at 24000 West Valley Parkway; Applicant: Michael J. Heule, AIA. Helix Architecture & Design; Owner: Richard Cooper, Church of the Resurrection-United Methodist. Planning Commission made a motion to approve-resulted in a 3-3 vote. Motion was not approved. (Dave Clements)

Motion by Randall, seconded by Bacon, to approve PR-11-018.

Motion by Montgomery to amend and remove stipulation no. 8 that no future extension shall be granted for the use of the modular unit so the city may have flexibility in the future if needed. The motion died for lack of a second.

The vote on the motion to approve PR-11-018 passed 7-0.

**7. NEW BUSINESS - ADMINISTRATION**

**BONDS**

- A. Ordinance No. 11-56 authorizing issuance of hospital facility revenue bonds for the Olathe Medical Center, Inc., project was considered.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 11-56. Passed 7-0.

**8. NEW CITY COUNCIL BUSINESS**

The City Council wished everyone Merry Christmas and Happy New Year.

**9. END OF TELEVISED SESSION**

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

John Crespi, 16001 W. 144<sup>th</sup> St., appeared to express concern with the care of a dog at a neighboring property. Mr. Crespi requested changes to regulations to require better care for animals and expanded authority for animal control officers for enforcement.

Nick Hadley representing the Kansas City Star, 1729 Grand Blvd., Kansas City, MO 64108, appeared to speak with regard to designation of the official newspaper. Mr. Hadley indicated that the Olathe News would continue to be published on Saturdays even with the introduction of the 913 Johnson County News Magazine.

**11. CONVENE FOR PLANNING SESSION**

**A. REPORTS**

**MUNICIPAL CODES**

1. Report on designation of the official newspaper of the City.

The Council requested the following information: 1) Circulation for The Legal Record; 2) Legal interpretation of “published” and associated requirements; 3) Printed copies of The Legal Record and locations where the publication is available; and 4) Terms of the price agreement with the Olathe News.

**AGREEMENTS**

2. Report on 2012 Agreement for Taxi Coupon Transportation Program Services was accepted.

**B. DISCUSSION ITEMS**

**FIRE DEPARTMENT**

1. Presentation of the Fire Department’s initiatives and activities.

Fire Chief, Dr. Jeff DeGraffenreid, presented an overview of the Fire Department.

**12. ADJOURNMENT**

The meeting adjourned at 9:37 p.m.

*Donald P. Howell*

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City Clerk