

The Olathe City Council met in regular session at 6:32 p.m. with Mayor Copeland presiding. Councilmembers Bacon, Campbell and Ryckman were present. Councilmembers Montgomery, Randall and Vogt were absent. Also present were City Manager Wilkes and City Attorney Glinstra.

1. CALL TO ORDER

2. EXECUTIVE SESSION

Motion by Bacon, seconded by Campbell, to recess into an executive session for 25 minutes under the attorney-client privilege and security measures exceptions to the Kansas Open Meetings Law to discuss the following items. Passed 4-0.

- A. Discussion of matters which would be deemed privileged in an attorney-client relationship pertaining to a development agreement.
- B. Issues relating to the security measures involving the City's public bodies, public buildings or facilities of the City or the information systems of the City which if the discussion of such matters were in the open would jeopardize such security measures.

The meeting recessed at 6:33 p.m.

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 7:00 p.m.

Councilmember Vogt was present.

Mayor Copeland announced action would be taken on the executive session items at the end of the meeting.

4. BEGIN TELEVISED SESSION

5. PLEDGE OF ALLEGIANCE

Cub Scout Pack #3203 from Countryside Elementary School led the Pledge of Allegiance.

Mayor Copeland announced discussion item no. 3, results of the City Council Program Prioritization Survey, in the Planning Session of the agenda was removed and will be rescheduled at a later meeting.

6. SPECIAL BUSINESS

AWARDS

- A. Presentation of 2010 Digital Cities Survey Award.

Mayor Copeland presented the award to Information Technology Director Chris Kelly.

Councilmember Randall arrived at 7:08 p.m.

PROCLAMATIONS

- B. Proclamation designating March, 2011, as “Women’s History Month.”

Mayor Copeland presented the proclamation to the Tomahawk Chapter of the Daughters of the American Revolution.

- C. Proclamation designating April, 2011, as “Fair Housing Month.”

Mayor Copeland presented the proclamation to Human Relations Commission Chairperson Tabitha Davis.

7. CONSENT AGENDA

Councilmember Bacon requested Item G be removed for separate consideration.

Motion by Randall, seconded by Bacon, to approve the consent agenda with the exception of Item G. Passed 6-0.

MINUTES

- A. Council meeting minutes of March 1, 2011, were considered and approved.

PLATS

- B. Final plat, P-11-001, for McBride Townhomes Addition on 0.892± acres; located at Kansas City Road and Spruce Street was considered and approved. Applicant: Ron Lawrenz/Lawrenz Construction. Owner: John & Staci Newhouse. Planning Commission recommends approval 7-0.

LICENSES

- C. Drinking establishment license applications for Comfort Suites, Fronteras Mexican Restaurant and Cantina, Minsky’s Pizza, Uncle Buck’s Grill and a private club license application for Olathe VFW Post #2993 were considered and approved.
- D. A pawnbroker license application for Heartland Pawn and Jewelry was considered and approved.

APPOINTMENTS

- E. Resolution No. 11-1013 reappointing members to the Olathe Historic Preservation Board was considered and approved.

CONTRACTS

- F. Renewal of the annual maintenance contract with Accela Government Software, Inc., for Permits Plus software for the Planning, Codes and Building Inspection Divisions was considered and approved.

BONDS

- G. Resolution No. 11-1014 setting the amount of general obligation bonds to be issued in calendar year 2011 under the authority of Charter Ordinance No. 60 and repealing Resolution No. 11-1005 was **REMOVED FOR SEPARATE CONSIDERATION.**

REAL ESTATE

- H. A Real Estate Contract authorizing the sale of 14741 S. Caenen Lane to Jeffrey A. Lipp and Loan M. Lipp was considered and approved.
- I. A Permanent Utility Easement with Olathe Medical Center for location of electrical lines in the City's Right-of-Way was considered and approved.

TRAVEL

- J. Travel authorization for two (2) Planning Commission members to attend the 2011 American Planning Association (APA) National Planning Conference in Boston Massachusetts on April 9 through April 12, 2011, was considered and approved.

EXPENSES

- K. A business expense statement for City Manager Michael Wilkes for expenses incurred to attend National League of Cities Congressional Cities Conference in Washington, D.C., March 13 -15, 2011, was considered and approved.

ITEMS FOR SEPARATE CONSIDERATION:

BONDS

- Item G: Resolution No. 11-1014 setting the amount of general obligation bonds to be issued in calendar year 2011 under the authority of Charter Ordinance No. 60 and repealing Resolution No. 11-1005 was considered.

Councilmember Bacon was concerned that projects were limited to only those listed.

The City Attorney explained flexibility existed to address additional projects.

Motion by Bacon, seconded by Vogt, to approve. Passed 6-0.

8. NEW BUSINESS – PLANNING

ZONING

- A. Ordinance No. 11-05, RZ-11-001, of a zoning change from County IP-2 to MP-2 and revised preliminary development plan for OMB Guns on 4.99± acres; located at 15765 South Keeler Street was considered. Applicant: Eric Hughes/Strickland Construction. Owner: John S. Ralph III/RDIT Building Management, LLC. Planning Commission recommends approval 5-2.

Planning Manager Dave Clements provided an overview of the zoning and plan for OMB Guns.

Rolland Hendricks, 19004 W. 159TH Street, expressed concerns with noise, hours of operation and drainage.

Architect Chris Hafner of Davidson Architecture and Engineering answered questions for the Council regarding sound and decibel levels and construction standards to address sound levels.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 11-05, RZ-11-001. Passed 6-0.

REZONING

- B. Ordinance No. 11-06, RZ-11-002, of a rezoning from M-1 to M-2 on 1.29281± acres; located at 1407 East Spruce Street was considered. Applicant/Owner: Perry Kessler/1407 Spruce LLC. Planning Commission recommends approval 7-0.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 11-06, RZ-11-002. Passed 6-0.

9. NEW BUSINESS - ADMINISTRATION

CONTRACTS

- A. Extending the Wellness Clinic hours by 10 hours per week was considered.

Assistant Human Resources Director Mary Miller and Health and Wellness Coordinator Anita Dickey provided an overview describing the savings and benefit of the program and the proposed expansion.

Councilmembers expressed great satisfaction and support for the program and expansion.

Motion by Randall, seconded by Bacon, to approve. Passed 6-0.

10. NEW CITY COUNCIL BUSINESS

Councilmember Ryckman announced the opening and dedication of Heritage Trail and groundbreaking for Manor Park on Saturday, March 26, 2011, at 9:00 a.m. at the site of the future park located at 15355 S. Alcan St.

Councilmember Randall commented on an article regarding smoking bans and the benefit of the reduction of particulate matter with no negative economic impact.

Mayor Copeland commended the Olathe Youth Symphony on the recent performance and national recognition.

11. END OF TELEVISED SESSION

12. GENERAL ISSUES AND CONCERNS OF CITIZENS

None

13. CONVENE FOR PLANNING SESSION

A. REPORTS:

BONDS

1. Report on a request by KH Jensen (on behalf of Sun Life Assurance of Canada) for issuance of industrial revenue bonds and tax abatement for a new light industrial facility in the I-35 Logistics Park development was accepted.

REAL ESTATE

2. Report on a Real Estate Contract authorizing the sale of 1000 S. Palmer Drive to William J. Hager and Sandra D. Hager was accepted.
3. Report on a Real Estate Contract authorizing the sale of 15809 W. 131st Street to Kevin and Annastacia Venator was accepted.

B. DISCUSSION ITEMS:

BUDGET

1. Library expansion options were discussed.

Library Director Emily Baker and Library Board President Dana Lambert made a presentation regarding the proposed library expansion.

Councilmembers asked about considerations for a new facility at other sites as opposed to expansion of the Indian Creek Library.

Ms. Baker and Ms. Lambert described the Board's considerations for additional facilities and expansions and advised the decision was based on financial limitations and the construction of the Indian Creek Branch for expansion.

The meeting recessed at 9:00 p.m. for five minutes.

The meeting reconvened at 9:07 p.m.

The consensus of the Council was for city staff and library staff to review resources and present opportunities and options prior to consideration of the 2012 budget.

PUBLIC ART

2. Sculpture selection for the 2011 Downtown Outdoor Sculpture Exhibit program in the Original Town Core Area was discussed.

Assistant to the Parks and Recreation Director Teresa Wilson provided a presentation for the recommended sculptures.

Councilmembers expressed concern for access and placement of some pieces with regard to safety and allowed staff the flexibility of placement accordingly.

The consensus of the Council for selection of the alternate was for the piece named Avoidance.

The sculpture exhibit item will be presented to Council for action at the April 5TH meeting.

PROJECTS

3. Discussion of the results of the City Council Program Prioritization Survey **WAS REMOVED FROM THE AGENDA.**

PROJECTS

4. The 2011 capital projects were discussed.

Public Works, Planning and Environmental Services Director Ron Norris provided a review of changes as a result of funding opportunities with authorization for the 127TH (Black Bob to Pflumm) and U.S. 169/K-7 and 159TH Street projects to be presented to Council at the April 5TH meeting.

14. ADDITIONAL ITEMS

Councilmember Campbell said he would like to see the property in the area of 160TH and Mur-Len included in the library facilities review.

Mayor Copeland described the activities and achievements at the National League of Cities Congressional Cities Conference in Washington, D.C. last week.

Mayor Copeland also announced the Johnson County Charter Commission would be holding a meeting hosted by the city in the Council Chamber on March 29TH at 7:00 p.m.

15. EXECUTIVE SESSION ITEMS FROM OPENING OF THE MEETING

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 approve an extension to the developer's agreement for the Global Sports, LLC project. Passed 6-0.

SECURITY MEASURES

- B. Issues relating to the security measures involving the City's public bodies, public buildings or facilities of the City or the information systems of the City were considered.

Councilmember Randall announced no action was necessary and the Council accepted staffs report.

16. EXECUTIVE SESSION

Motion by Randall, seconded by Bacon, to recess into an executive session for 30 minutes under the personnel exception to the Kansas Open Meetings Law to discuss the following item. Passed 6-0.

A. Annual evaluation of the Municipal Court Judge.

The meeting recessed at 10:00 p.m. for a 5 minute break with the executive session to begin at 10:05 p.m.

The meeting reconvened at 10:35 p.m. with Councilmember Vogt absent.

Motion by Randall, seconded by Ryckman, to recess again into executive session for 10 minutes. Passed 5-0.

The meeting recessed at 10:36 p.m.

17. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 10:47 p.m.

PERSONNEL

A. Annual evaluation of the Municipal Court Judge was considered.

Councilmember Randall announced the annual review of the Municipal Judge was completed and he has done an admirable job this year. The Council especially likes his drive for efficiency, cost cutting and process improvement with the savings from these efforts being significant.

The City Auditor's annual review was completed at a previous meeting and it was announced that his performance was also outstanding.

As a result, the appropriate adjustments will be made to their salaries and the Council is proud to continue their employment.

Motion by Randall, seconded by Bacon, to make the appropriate adjustments to the salaries of the Municipal Judge and City Auditor. Passed 5-0.

18. ADJOURNMENT

The meeting adjourned at 10:50 p.m.

Donald P. Howell

City Clerk