

The Regular Session was called to order at 6:33 p.m. by Mayor Copeland. Present were Councilmembers Vogt, Huttman, Bacon, Randall, Campbell, and Montgomery. Also present were City Manager Wilkes and City Attorney Glinstra.

1. CALL TO ORDER

2. EXECUTIVE SESSION

ECONOMIC DEVELOPMENT

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

Motion by Randall, seconded by Bacon, to recess into executive session for 20 minutes. Passed 7-0.

The meeting recessed at 6:35 p.m.

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 7:00 p.m. with Councilmember Campbell absent.

4. BEGIN TELEVISED SESSION

Councilmember Campbell arrived at 7:05 p.m.

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

AWARDS

- A. The K-10 Association Service Award was presented to Mayor Michael Copeland.

APPOINTMENTS

- B. Resolution No. 08-1056 reappointing members to the Library Board was considered.

Motion by Randall, seconded by Bacon, to approve reappointing Wes McCoy and Tom Hutcheson. Passed 7-0.

AWARDS

- C. The 2008 Olathe Civic Academy graduates were recognized.

Plaques were presented to the graduates. Class representative Eric Green made comments regarding the experiences of the program.

7. PUBLIC HEARINGS

PROJECTS

- A. A public hearing concerning the levying of assessments to pay for the cost to construct 143rd Street - Cedar Niles to Lakeshore, PN 3-B-002-08, was opened.

No one appeared.

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

- B. Ordinance No. 08-62 concerning the levying of assessments to pay for the cost to construct 143rd Street - Cedar Niles to Lakeshore, PN 3-B-002-08, was considered.

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

8. CONSENT AGENDA

Motion by Randall, seconded by Bacon, to accept the Consent Agenda. Passed 7-0.

MINUTES

- A. Council meeting minutes of June 3, 2008 were considered and approved.

ANNEXATION

- B. An annexation agreement for property at 175th and Hedge Lane was considered and approved. Owner/Applicant: Legacy Christian Church / Polsinelli Shalton Flanigan Suelthaus.

- C. Resolution No. 08-1057, ANX-08-001, requesting the Board of County Commissions to determine that the annexation of property at 175th and Hedge Lane will not negatively impact the growth of the area was considered and approved.

PROJECTS

- D. Award of contract to Artisan Earthworks for the construction of the Woodland Road turn lanes benefit district, PN 3b-048-07, was considered and approved.
- E. Award of contract to Freeman Concrete Construction for the construction of the Chestnut Street Improvements, PN 30108C Contract 3, was considered and approved.
- F. Award of contract to O'Donnell and Sons Construction Company, Inc. for the construction of the 2008 Arterial Mill and Overlay Project, PN 30108C Contract 1, was considered and approved.
- G. An Agreement with Hoefler Wysocki Architects for design services for the Police Building Expansion project, PN 6-C-001-07, was considered and approved.

PROJECTS

- H. Award of contract to O'Donnell & Sons Construction, Inc. for the construction of the KLINK 1R Resurfacing, K-7 at Old 56 Highway Intersection, PN 30107C - Contract 2, was considered and approved.
- I. Resolution No. 08-1058 authorizing a survey and description of land or interest to be condemned for widening, constructing, reconstructing and maintaining 127th Street from Mur-Len Road to Black Bob Road, PN 30606C, was considered and approved.

CONTRACTS

- J. Award of contract to Landscape Structures, Inc., for purchase and installation of a playground at Mill Creek Park for the Parks Department was considered and approved.
- K. Extension of a professional services contract for ground water modeling to support water appropriation applications for Collector Well 5 was considered and approved.

TRAVEL

- L. A business expense statement for Councilmember Marge Vogt for expenses incurred to attend the Transportation Infrastructure and Services Steering Committee Meeting in Schaumburg, IL May 29 - 31, 2008 was considered and approved.

9. NEW BUSINESS – PLANNING

PLATS

- A. Final plat, P-08-015, requesting approval for Black Bob 151 Shops – Hy-Vee on 38.2± acres; located south of 151st Street and east of Black Bob, was considered. Applicant: Bob Johnson, The R.H. Johnson Company. Owner: Lyn Intrater, Goldberg Family Partnership, L.P.

The Assistant Director of Public Works overviewed the reasoning for the Council approval. He informed the Council staff met with the applicant to redraw access points for existing business access. He spoke about the location of frequent southbound accidents.

He informed the Council of two options for Black Bob Road. He stated the first (Option A) would be for a typical arterial intersection, noting the improvements would cost approximately \$2,000,000, and spoke of the financial constraints. He also addressed an interim solution to the full improvement and spoke about potential access road on the west side and about a traffic signal at the entrance to Hy-Vee. The Assistant Director of Public Works spoke about another option (Option B) with the installation of S-type medians. He stated this would change egress patterns, but not the ingress and would provide for more left-turn stacking the intersection. He noted this would address access and safety.

The Council was informed the applicant would still pay the excise fees and install the traffic signal; adding the City and applicant would enter into an agreement for participation in the extra safety improvements with an expiration of 2010 in the event of no activity on the site.

Councilmember Montgomery stated he was supportive of interim improvements with an eventual frontage road on the west side. He asked about additional costs. Staff indicated the participation by the City would be limited to \$200,000.00.

Councilmember Bacon stated concern with the current volume of traffic due to park activities to the south. She suggested contacting the area businesses about participation in a Transportation Development District. The Assistant Director of Public Works stated that was talked about with the applicant at the meetings and noted the applicant is not interested in participating in a transportation development district.

Councilmember Huttman suggested striping a left-turn lane and adding signage noting the lanes. Staff indicated this could be done, but stated this is not the best way to address.

Councilmember Randall left at 7:50 p.m. and returned at 7:52 p.m.

Ms. Huttman stated she favors erring on the side of caution, but is not supportive of the improvements. She stated she preferred striping and signage to allow the developer to move forward.

Councilmember Bacon indicated the Council's policy of allowing development to pay for self. He stated the matter should wait until the funds are available for a four-lane arterial.

Councilmember Vogt stated she was supportive of the interim improvements (Option B), which would help the situation.

Councilmember Montgomery stated the interim improvements are a waste of money.

Motion by Campbell, seconded by Bacon, to deny pending findings of fact.

The applicant stated the reason for tonight's action is to approve the plat, not a rezoning and talked about state deadlines for approval. He stated he wants the project to move forward and he is supportive of staff's noted Option B. He noted this is a good compromise between Hy-Vee and the City.

Mayor Copeland asked the City Attorney if the City is out of time to approve based upon the Statute. The City Attorney addressed, noting there is still time under the statute's regulations.

The Assistant Director of Public Works stated that with the interim improvements, traffic movements will be enhanced.

Councilmember Campbell stated there is always concern about decisions made today and the reality of three to five years in the future. He questioned the differences in cost to make it right, now. The response was \$1,750,000 for Plan B. Mr. Campbell asked how long the improvements would last. Staff indicated that is unknown.

Mr. Campbell asked if the developer could be required to make the internal improvements sooner. Staff stated possibly, but noted currently the improvements must be made when any additional improvements are made within the specified area.

Mr. Campbell withdrew his motion. Councilmember Bacon withdrew his second.

Councilmember Randall asked staff based upon experience is Plan B the best solution. Staff indicated in the affirmative.

Motion by Randall, seconded by Vogt, to approve. YEA: Vogt, Copeland, Randall, and Huttman. NAY: Montgomery, Bacon, and Campbell.
Passed 4-3.

10. NEW BUSINESS - ADMINISTRATION

PROJECTS

- A. Ordinance No. 08-63 approving and authorizing payment by the City Treasurer of a condemnation award and court-appointed appraisers' fees in the eminent domain case of *City of Olathe, Kansas v. Gary L. Carnivale, et al.*, Case No. 08 CV 01383 for the Woodland Road from Northgate to K-10 Highway Improvement Project; PN 35999C, was considered.

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

ECONOMIC DEVELOPMENT

- B. A hotel conference center project was presented.

Tim McKee, Olathe Area Chamber of Commerce, informed the Council of a new full-service hotel development which will be located at K-10 and Ridgeview Road. He stated this is a very exciting project and very much anticipated by many of the corporate businesses in Olathe.

Mr. McKee provided the historical timeline and the project qualifications according to the Request for Proposal.

David Harrison, General Manager for Opus Northwest, talked about the positive impacts this project will bring to the community.

David Mashburn, Hammons Hotels and Resorts, spoke about the company's vision of the project and shared a video highlighting the company and Mr. Hammon's years of accomplishments. The Council was informed the audience the hotel will be custom built so he had no renderings, but did display a site plan.

Mr. Mashburn provided the following facts about the project: The hotel will be constructed under the Embassy Suites flag, with 11 stories and 315 suites. It will be good for corporate events as well as for weekend family destination. The hotel will have the signature atrium and 80,000 square feet of meeting space, which will have the largest amount in the metropolitan area. The main ballroom will house 2,000 persons and the junior ballroom will house 500 persons. The hotel will also include breakout spaces, a restaurant and sports bar, internet café with gift shop. Mr. Mashburn indicated the project completion will occur approximately two years following the ground opening.

The report on the hotel was well received.

AGREEMENTS

Motion by Randall, seconded by Huttman, to approve the development agreement with JQH Development, LLC, Opus Northwest, and the City. Passed 7-0.

Mayor Copeland indicated the Council discussed a development agreement in Executive Session earlier tonight and informed the audience it would now be considered.

11. NEW CITY COUNCIL BUSINESS

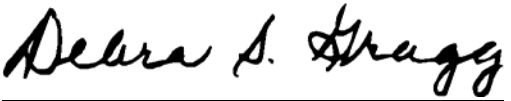
Councilmember Randall spoke about the recent illegal sign pick-up blitz by City Staff. He asked for staff to explain the process. The Director of Development Services informed the Council eight (8) teams spent three hours on Friday picking up signs illegally placed within the City's rights-of-way. He indicated many calls were made to sign owners in advance of the day. He directed citizens to contact City Staff with questions or concerns.

12. ADJOURNMENT OF REGULAR SESSION

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

The Regular Session adjourned at 8:57 p.m.

The meeting adjourned at



City Clerk

13. GENERAL ISSUES AND CONCERNS OF CITIZENS

BUDGET

- A. A public comment session regarding the proposed 2009 budget and Capital Improvements Plan was considered.

Bee Ellington, 13814 S. Pflumm #107, spoke about the volunteers for art and culture events in Olathe. She stated she is particularly interested in outdoor public sculptures in downtown Olathe. She asked the Council to continue support for the arts during the budget process.

Myron Chaffee, 13814 S. Pflumm # 107, thanked the Council for its past support of the arts and public culture events. He urged the Council to continue supporting this in the upcoming budget.

Mike Haskin asked the Council for support of the performing arts. He stressed the importance to the community and for the quality of life. He asked the Council to keep this in their mind during the discussions of the budget.

George Davis, 212 W. Poplar Street, informed the Council he is part of the Central Core Neighborhood and Community Garden. He expressed concern with the postage cuts which address communications with the various neighborhood groups. He spoke about the accomplishments of the Committee members and the donations by members to fund postage, printing, and for the ice cream social event. He asked the Council to consider funding of \$10,000 for the community neighborhoods to continue communications.