

The Olathe City Council met in regular session at 6:38 p.m. with Mayor Copeland presiding. Councilmembers Bacon, Campbell, Huttman and Vogt were present. Councilmembers Montgomery and Randall 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 Huttman, seconded by Campbell to recess into an executive session for 15 minutes under the attorney-client privilege exception to the Kansas Open Meetings Law to consider the following item. Passed 5-0.

- A. Discussion of matters which would be deemed confidential in an attorney-client relationship pertaining to potential litigation for developer/contractor violations.

The meeting recessed at 6:39 p.m.

Councilmember Montgomery arrived at 6:40 p.m.

**3. RECONVENE FROM EXECUTIVE SESSION**

The meeting reconvened at 6:58 p.m. and was continued to the end of the meeting.

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

**5. PLEDGE OF ALLEGIANCE**

**6. SPECIAL BUSINESS**

**AWARDS**

- A. Presentation of service award to former Planning Commissioner Jeff Creighton.

Planning Chair Tom Marsh made brief comments about Mr. Creighton's service on the Planning Commission.

Mayor Copeland presented Mr. Creighton with a service award plaque and thanked him for his years of service to the Community.

**PROCLAMATIONS**

- B. Proclamation designating August 5, 2008 as "National Night Out."

Officer Bob Ahsens spoke briefly about the event. Representatives from Target spoke about their company's participation in National Night Out. Mayor Copeland presented them with the Proclamation.

**APPOINTMENTS**

- C. Resolution No. 08-1059 appointing members to the Planning Commission was considered.

Motion by Bacon, seconded by Montgomery, to approve reappointing Paul Ling and appointing Greg Harrelson to the Planning Commission. Passed 6-0.

## 7. CONSENT AGENDA

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

### MINUTES

- A. Council meeting minutes of June 17, 2008, were considered and approved.

### PROJECTS

- B. Consent Calendar

1. Change Orders

- a. Mur-Len, 164<sup>th</sup> to 175<sup>th</sup>, Project No. 35504B, was considered and approved.

Change Order No. 4 increases the contract amount by \$ 37,300.00.

2. Project Completion Certificates

- a. Santa Marta, Storm Sewers, Project No. 36105D, was considered and approved.
- b. Santa Marta, Street, Project No. 36105D, was considered and approved.
- c. Lakeshore Meadows 2<sup>nd</sup>, Sanitary Sewer, Project No. 11706D, was considered and approved.
- d. Lakeshore Meadows 2<sup>nd</sup>, Waterlines, Project No. 5-D-024-07, was considered and approved.

3. Final Payment to Contractors

- a. None

4. Final Payment to Consultants

- a. 148<sup>th</sup> Street, West of Lakeshore, Project No. 33405B & 52205B, was considered and approved.

Final Payment -	\$	7,925.35
Original Contract Amount -	\$	54,341.63
Paid-To-Date -	\$	46,416.28
Amendments -	\$	0.00
Final Contract Amount -	\$	54,341.63
Contractor -		Payne & Brockway

**PLATS**

- C. Final plat, P-08-019, for Ridgeview Falls, 8<sup>TH</sup> Plat on 2.624± acres; located at the northeast corner of 119<sup>TH</sup> & Ridgeview, was considered and approved. Applicant/Owner: Walt Clements, Ridgeview Falls, LLC. Planning Commission recommends approval, 5-0.

**AGREEMENTS**

- D. Renewal of Cedar Creek Median Landscape Maintenance Agreement was considered and approved.

**PROJECTS**

- E. Engineers estimate, acceptance of bids and consideration of award of contract to Custom Lighting Services, LLC for the construction of Rogers Road and Clairborne Road Signal, PN 35599, was considered and approved.
- F. Engineer's estimate, acceptance of bids and consideration of award of contract to Wildcat Concrete Services, Inc. for the construction of College Boulevard and Woodland Road Signal, PN 35999c, was considered and approved.
- G. Agreement with Turner Construction Company for construction management services for the Police Building Expansion project, PN 6-C-001-07, was considered and approved.
- H. Engineer's estimate, acceptance of bids and consideration of award of contract to Miller Paving & Construction for 108<sup>th</sup> Street Improvements, PN 30108C-2, was considered and approved.

**BONDS**

- I. Resolution No. 08-1060 consenting to the assignment of a lease agreement and related bond documents from S & Q Development Co., L.L.C. to R & S Ventures, L.L.C. in connection with the City's Industrial Revenue Bonds (City Properties Project, Series C) was considered and approved.

**CONTRACTS**

- J. Acceptance of proposals and award of contract to Brian Clark & Associates for the Cedar Creek Area Plan for the Development Services Department was considered and approved.
- K. Revision and extension of contracts for janitorial services with Riteway Maintenance & Supply L.L.C. and Right-Way Janitorial, Inc. was considered and approved.

**8. NEW BUSINESS - PLANNING**

**REZONING**

- A. Ordinance No. 08-64, RZ-08-011, requesting approval of a rezoning from IP2 (County Zoning) to MP-2 for Temp-Con, Inc. on 2.005± acres; located at 15670 S. Keller, was considered. Applicant/Owner: Jerry Bain, Temp-Con, Inc. Planning Commission recommends approval, 5-0.

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

**PLATS**

- B. Final plat, P-08-018, for Temp-Con, Inc. on 2.005± acres; located at 15670 S. Keller, was considered. Applicant/Owner: Jerry Bain, Temp-Con, Inc. Planning Commission recommends approval, 5-0.

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

**REZONING**

- C. Ordinance No. 08-65, RZ-08-012, requesting approval of a rezoning from AG to CP-2 for Prairie Trails West II on 6.18± acres; located at 15002 and 15008 S. Black Bob Rd, was considered. Applicant: Trent Percival, Dennis J. Eskie & Associates. Owner: Mr. & Mrs. Phillip Duffy and Mr. & Mrs. Don Beckstresser. Planning Commission recommends approval, 5-0.

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

**9. NEW BUSINESS - ADMINISTRATION**

**MUNICIPAL CODES**

- A. Ordinance 08-66 adding Chapter 10.14 to the Olathe Municipal Code pertaining to the immobilization of vehicles and Resolution No. 08-1061 adding Section Forty One A to Resolution 07-1151 (the fee resolution) establishing the vehicle immobilization fee was considered.

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

**BONDS**

- B. Resolution No. 08-1062 assigning the interest in industrial revenue bonds from KH Jenson, LLC to Sun Life Assurance Company of Canada was considered.

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

- C. Ordinance No. 08-67 authorizing issuance of industrial revenue bonds for the Sun Life Assurance Company of Canada warehouse and distribution facility project was considered.

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

- D. Resolution No. 08-1063 assigning a portion of the interest in industrial revenue bonds for the Parkside Business Park project from Rose Construction Co., Inc. to Rose Development Co., Inc. was considered.

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

- E. Ordinance No. 08-68 authorizing issuance of industrial revenue bonds for the Rose Development Co., Inc. project in Parkside Business Park was considered.

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

**MUNICIPAL CODES**

- F. Ordinance 08-69 repealing current and adding a Chapter 12.21 of the Olathe Municipal Code pertaining parks and recreational areas.

The Director of Parks and Recreation informed the Council this ordinance updates hours, regulations, and licensing for functions in association with Parks and Recreation programs.

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

**10. NEW CITY COUNCIL BUSINESS**

Councilmember Vogt wished everyone a Happy Fourth of July and to stay in Olathe to enjoy the fireworks. She announced the Independence Day Celebration at Mahaffie Stagecoach Stop and Farm on July 5, 2008.

**11. EXECUTIVE SESSION – 6:30 P. M.**

Motion by Bacon, seconded by Montgomery, to recess into an executive session for 5 minutes under the attorney-client privilege exception to the Kansas Open Meetings Law to consider the following item. Passed 6-0.

- A. Discussion of matters which would be deemed confidential in an attorney-client relationship pertaining to potential litigation for developer/contractor violations.

The meeting recessed at 7:44 p.m.

**12. RECONVENE FROM EXECUTIVE SESSION**

The meeting reconvened at 8:02 p.m.

**LEGAL**

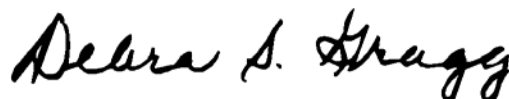
- A. Matters which would be deemed confidential in an attorney-client relationship pertaining to potential litigation for developer/contractor violations were considered.

Motion by Bacon, seconded by Montgomery, to direct staff to proceed as discussed in executive session. Passed 6-0.

**13. ADJOURNMENT OF REGULAR SESSION**

Motion by Bacon, seconded by Montgomery, to adjourn. Passed 6-0.

The meeting adjourned at 8:03 p.m.



City Clerk

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

Robert Dostal, 901 E. Wabash, spoke to the Council about concerns in his neighborhood and home regarding crime and damage to vehicles/home. He left a written letter with the City Clerk and requested the Council address his concerns in writing.