

The Olathe City Council met in regular session at 7:00 p.m. with Mayor Copeland presiding. Councilmembers Montgomery, Bacon, Randall and Vogt were present. Councilmembers Huttman and Campbell were absent. Also present were City Manager Wilkes and City Attorney Glinstra.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

Spencer Arrowood, Boy Scout Troop 522, led the audience in the Pledge of Allegiance.

Mayor Copeland announced tonight is National Night Out and spoke about the success of the program which involves committed residents who help keep the neighborhoods safe and maintain a sense of community.

Mayor Copeland also spoke about recent thefts of copper from streetlight poles. He asked the community to call the Police Department if activity around streetlight poles is observed.

Mayor Copeland announced Item F is removed from the agenda and will be considered at a future date.

3. SPECIAL BUSINESS

AWARDS

- A. Recognition of Kansas Master Teacher Ronda Hassig.

Ronda Hassig, library media specialist at Harmony Middle School – Blue Valley School District, was present for the recognition.

- B. Recognition of Olathe high school state champions.

The Mayor presented “City of Champion” awards to the following:

Girls Soccer – Olathe East High School Team
Girls Track and Field – Olathe East High School Team
Girls Track and Field, High Jump – Ashley Reid, Olathe East High School

4. PUBLIC HEARINGS

BUDGET

- A. A public hearing to hear comments regarding the proposed City of Olathe 2009 Budget was opened.

The Budget Manager briefly addressed the proposed 2009 budget timelines.

The Mayor opened the hearing.

Jim McMullen, 24032 W. 112th Court, Director of Student Services with U.S.D. # 233, stated concerns with the proposed reduction of eight (8) school resource officers and the impacts to the school district. He asked the City Council to reconsider directing the eight officers and one supervisor back to the program.

Joseph Forlenza, 10750 S. Oakcrest Lane, spoke about the street maintenance budget and suggested implementing employees and resources to step up and get the improvements made. He stated there needs to be a creative way to make these needed improvements.

Bob Shands, 2921 Jamestown, member of the Human Relations Commission, stated concern with the diversity program within the 2009 budget year. He asked the Americana Jubilee be continued and funded.

Rita Ashley, 13235 Kimberly Circle, president of the U.S.D. 233 Board of Education, requested the Council meet with the Board to discuss staffing and safety in regards to the school resource officers.

Motion by Randall, seconded by Bacon, to close the hearing. Passed 5-0.

BONDS

- B. A Public Hearing on a request by KH Jensen for issuance of industrial revenue bonds and tax abatement for the 156th & Hwy 56 industrial park project was opened.

Motion by Randall, seconded by Bacon, to close the hearing. Passed 5-0.

- C. Resolution No. 08-1068 expressing the intent to issue industrial revenue bonds and tax abatement on behalf of KH Jensen for its 156th & Hwy 56 industrial park project was considered.

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

- D. A public hearing on a request by Garmin International, Inc., for issuance of industrial revenue bonds and tax abatement for the expansion of the existing manufacturing plant at 151st Street & Ridgeview Road was opened.

Motion by Randall, seconded by Bacon, to close the hearing. Passed 5-0.

- E. Resolution No. 08-1069 expressing the intent to issue industrial revenue bonds and tax abatement on behalf of Garmin International, Inc., for its expansion of the existing manufacturing plant at 151st Street & Ridgeview Road was considered.

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

DEANNEXATION

- F. A public hearing concerning de-annexation of part of the East one-half of Section 10, Township 14 South, Range 23 East was opened.

Motion by Randall, seconded by Bacon, to close the hearing. Passed 5-0.

- G. Ordinance No. 08-71 pertaining to a petition requesting exclusion of land from the corporate boundaries of the City of Olathe was considered. Applicant: Curtis Holland, Polsinelli Shalton Flanigan Suelthaus.

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

5. CONSENT AGENDA

Motion by Randall, seconded by Bacon, to approve the consent agenda as presented with Item F removed. Passed 5-0.

MINUTES

- A. Council meeting minutes of July 15 and 29, 2008, were considered and approved.

PROJECTS

- B. Consent Calendar

1. Change Orders

- a. None

2. Project Completion Certificates

- a. Brentwood Plaza, Sanitary Sewer, Project No. 17306D, was considered and approved.
- b. Fairfield @ Heritage Park 3rd, Street, Project No. 3-D-054-07, was considered and approved.
- c. Fairfield @ Heritage Park 3rd, Storm Sewers, Project No. 3-D-054-07, was considered and approved.
- d. Fairfield @ Heritage Park 2nd, Street, Project No. 32606D, was considered and approved.
- e. Coffee Creek Meadows 2nd, Storm Sewers, Project 32906D, was considered and approved.
- f. Coffee Creek Meadows 1st, Storm Sewers, Project 32406D, was considered and approved.
- g. Village of Forest Hills 1st. Street, Project 3-D-053-07, was considered and approved.
- h. Village of Forest Hills 1st. Storm Sewers, Project 3-D-053-07, was considered and approved.

PROJECTS

- i. Alexander Square, Waterlines, Project No. 5-D-047-07, was considered and approved.
- j. Olathe Elementary No. 34, Waterlines, Project No. 5-D-043-07, was considered and approved.
- k. Cedar Creek Village 26th Plat, Street, Project No. 36205D, was considered and approved.
- l. Woods at Southglen 4th, Street, Project No. 37306D, was considered and approved.
- m. Woods at Southglen 5th & 6th, Storm Sewers, Project No, 3-D-056-07, was considered and approved.
- n. Woods at Southglen 5th & 6th, Street, Project No, 3-D-056-07, was considered and approved.
- o. OMC North Sanitary Sewer, Project No. 17406B, was considered and approved.
- p. Life Church Benefit District, Sanitary Sewer, Project No. 1-B-040-07, was considered and approved.

3. Final Payment to Contractors

- a. OMC North Sanitary Sewer, Project No. 17406B, was considered and approved.

Final Payment -	\$	11,893.25
Original Contract Amount -	\$	113,436.50
Paid-To-Date -	\$	107,039.25
Change Orders -	\$	5,496.00
Final Contract Amount -	\$	118,932.50
Contractor -		Cutting Edge Excavating, Inc.

- b. Life Church Benefit District, Project No. 1-B-040-07, was considered and approved.

Final Payment -	\$	1,995.73
Original Contract Amount -	\$	234,977.00
Paid-To-Date -	\$	202,981.27
Change Orders -		(30,000.00)
Final Contract Amount -	\$	204,977.00
Contractor -		BRW Construction

4. Final Payment to Consultants

- a. None

PLATS

- C. Final plat, P-08-029, for Indian Trails Center, 2nd Plat on 3.411± acres, containing 2 lots; located south of 151st Street and east of Ridgeview Road, was considered and approved. Applicant/Owner: Walt Clements, K-150, LLC. Planning Commission recommends approval by a vote of 7-0.

LICENSES

- D. A pawnbroker/precious metal dealer license application was considered and approved.

PLANNING

- E. Resolution No. 08-1070 approving an Amended Master Plan for the creation of benefit districts for arterial street improvements in the Cedar Creek Development was considered and approved.
- F. Acceptance of a petition and consideration of Resolution No. 08-1071 authorizing the creation of a benefit district to construct Cedar Creek Parkway, Project No. 3-B-075-xx and 5-B-048-xx was **removed and not considered**.

PROJECTS

- G. Acceptance of a petition and Resolution No. 08-1072 (Exhibit A) authorizing the creation of a benefit district to construct a sanitary sewer extension for Highlands of Southglen, Project No. 1-B-052-xx, was considered and approved.

BONDS

- H. Resolution No. 08-1073 setting the amount of general obligation bonds to be issued in calendar year 2008 under the authority of Charter Ordinance No. 60 and repealing Resolution No. 08-1015 was considered and approved.

PROJECTS

- I. Resolution No. 08-1074 authorizing the construction of Greenwood Street adjacent to the park at 116th Street and Greenwood Street, PN 3-D-009-07, was considered and approved.
- J. Resolution No. 08-1075 authorizing funding for the Police Building Expansion, PN 6-C-001-07, was considered and approved.
- K. An amendment to the Agreement with Camp Dresser & McKee, Inc. for Phase II design services for the Olathe Watershed Preferred Alternatives Study, PN 20207C, was considered and approved.
- L. An Agreement with MKEC Engineering for construction engineering services of Heritage Pedestrian/Bicycle Trail, PN 40403C, was considered and approved.
- M. A settlement offer in the *Gary Rogers v. City of Olathe, Kansas* case; PN 51604, was considered and approved.

BONDS

- N. Resolution No. 08-1076 consenting to a subordination of fee to mortgage agreement for the 4HM Properties, LLC (Rose Construction) Industrial Revenue Bond project in the Kansas City Road Business Park was considered and approved.
- O. Resolution No. 08-1077 consenting to a subordination of fee to mortgage agreement for the R & S Ventures, LLC (City Properties, Series C) Industrial Revenue Bond project in the Mahaffie Business Park was considered and approved.

PROJECTS

- P. Acceptance of bids and award of contracts to Underground Solutions for pipe materials and to TT Technologies for pipe bursting equipment rental for the Frisco Lake Sewer Rehabilitation Project, PN 1-C-003-07, was considered and approved.

CONTRACTS

- Q. Acceptance of proposals and award of contract to Industrial Roofing, Inc. for roof replacement at Fire Station No. 2 was considered and approved.

EXPENSES

- R. Business expense statements for Sister Cities Committee members Ruth Nelson and Rick Miller for the Sister Cities International Conference in Kansas City, Missouri, July 16-19, 2008, was considered and approved.

TRAVEL

- S. Authorization for Municipal Judge, Jon Willard to travel to Topeka for Kansas Law Enforcement class on Legal Issues in Car Stops was considered and approved.

6. NEW BUSINESS - PLANNING

PLANNING

- A. Ordinance No. 08-72, CPA-08-01, requesting approval to adopt the May 2008 "Comprehensive Plan Review" amending the Future Land Use Map of the Olathe Comprehensive Plan was considered. Applicant: City of Olathe. Planning Commission recommends approval, 5-0.

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

REZONING

- B. Ordinance No. 08-73, RZ-08-014, requesting approval of rezoning from AG to BP for Ridgeview Corporate Centre on 32.5941± acres; located north of College Boulevard, east of Ridgeview was considered. Applicant: Curtis Holland, Polsinelli Shalton Flanigan Suelthaus, PC. Owner: Olathe Retail Partners, LLC. Planning Commission recommends approval by a vote of 6-1.

The Assistant City Planner overviewed the project indicating this would be a multi-story office facility in the northeast corner of College and Ridgeview. He stated staff recommended reduction of setback, but the Planning Commission did not fully support. He noted this project is in substantial compliance with the UDO. He noted this meets the criteria of the Ridgeview Road Corridor.

Councilmember Randall left at 7:38 p.m. and returned at 7:41 p.m.

Councilmember Vogt asked about the pedestrian friendliness. The Assistant City Planner stated the applicant did an excellent job with the sidewalk connection plan.

Motion by Randall, seconded by Vogt, to approve. Passed 5-0.

REZONING

- C. Ordinance No. 08-74, RZ-08-015, requesting approval of an amendment to the CP-2 zoning for Olathe Gateway, for the Hilton Garden Inn Hotel, on 34.1± acres; located south of 119th Street, east of Renner, was considered. Applicant: John D. Petersen, Polsinelli Shalton Flanigan Suelthaus, PC. Owner: Mark Siffin, MaeGrace, LLC. Planning Commission recommends approval by a vote of 7-0.

The Senior Planner stated this rezoning request is to allow for a change in the development plan for Olathe Gateway at 119th and Renner. He stated the applicant is asking for a small change on six acres to accommodate a three-story hotel. He stated hotels and restaurants are appropriate for the location.

The Senior Planner overviewed the proposed building and addressed the proposed roofing material consisting of metal shake shingles.

The Council was informed staff recommends approval.

Mayor Copeland asked what the City could do to make this location easier to access. The City Manager indicated staff will look into the matter.

Steven Oliver, architect and Leeds representative, spoke about the internal way-finding plan and addressed the Leeds certification and roofing materials.

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

ANNEXATION

- D. An annexation agreement with Legacy Christian Church and BK Properties, LLC for approximately 228.6 acres located at the northwest corner of 175th Street and Hedge Lane was considered.

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

Councilmember Montgomery stated concern with salary and job expectations with a few recent industrial revenue bond projects with associated tax abatements. He stated he wants higher salaries and increased jobs if abatements are offered.

ANNEXATION

- E. Ordinance No.08-75, ANX-08-001, requesting approval to annex approximately 228.6± acres located at the northwest corner of 175th Street and Hedge Lane in conformity with the provisions of K.S.A. 12-520c and all amendments thereto was considered.

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

7. NEW BUSINESS - ADMINISTRATION

ECONOMIC DEVELOPMENT

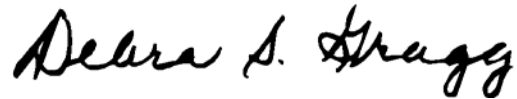
- A. Ordinance No. 08-76 removing certain real property from the West Phase TIF District and terminating tax increment financing with respect to the remaining property was considered.

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

8. ADJOURNMENT OF REGULAR SESSION

Motion by Randall, seconded by Bacon, to adjourn. Passed 5-0.

The meeting adjourned at 8:11 p.m.



City Clerk

GENERAL ISSUES AND CONCERNS OF CITIZENS

Doyle and Pat Hutzell, 1300 Winterbrook, were present to speak about the recent flooding issues at their residence. Mr. Hutzell asked the Council to consider the health issues, clean up, regulation of traffic flow, and maintenance to vehicles and equipment experienced by many within the neighborhood.

Mrs. Hutzell stated they have lived in the home since 1982 and spoke about past flooding events and noted they have been before the Council three times this year; with two flooding situations this summer. It was stated this is a dangerous situation and indicated they need help.

The City Engineer addressed the recent storm within the area and noted 7.8 inches were received in a very short period and indicated the design standard is to construct for 100-year flood events. She also spoke about the contract with Camp, Dresser & McKee for the Olathe Watershed Preferred Alternatives Study which was approved earlier this evening.

Councilmember Montgomery asked if the City purchases a house, can the City be reimbursed with SMAC (Stormwater Management Advisory Committee) funds.

Councilmember Randall left at 8:32 p.m. and returned at 8:38 p.m.

John Freeman, 1212 S. Winterbrook, spoke about neighborhood issues during storm events.

Kelly Bartels, 1302 S. Winterbrook Drive, displayed pictures of the (Indian) creek and noted additional concerns from last week's flood. She asked the Council for support.

The City Manager stated the need to have staff determine recommendations and options.

Mr. Doyle stated he didn't want to move but due to the continuing flooding issues he would entertain a buy-out.

Mayor Copeland questioned if the City could do anything during noted events or notification of potential storm events to known impacted areas.