



1. CALL TO ORDER

2. EXECUTIVE SESSION

Consideration of motion to recess into an executive session to discuss the following items:

- A.** Personnel matters of non-elected personnel pursuant to the exception provided in K.S.A. 75-4319(b)(1) regarding establishing a performance plan for the City Auditor.

Staff Contact: Mary Ann Vassar

3. RECONVENE FROM EXECUTIVE SESSION

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

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

- A.** Consideration of Resolution No. 19-1043 reappointing members to the Planning Commission.

Staff Contact: Liz Ruback

- B.** Consideration of Resolution No. 19-1044 reappointing members to the Mahaffie Stagecoach Stop and Farm Foundation Board.

Staff Contact: Liz Ruback

- C.** Recognition of Susan Sherman for 30 Years with the City of Olathe.

Staff Contact: Liz Ruback

7. CONSENT AGENDA

The items listed below are considered to be routine by the City Council and may be approved in one motion. These may include items that have been reviewed by the City Council in a prior planning session. There will be no separate discussion unless a Councilmember requests that an item be removed from the consent agenda and considered separately.

- A. Consideration of approval of the City Council meeting minutes of June 4, 2019.

Staff Contact: Dianna Wright and David Bryant

- B. Consideration of a new drinking establishment license application for Bucky's Family Fun, located at 808 W. Old 56 Highway and renewal applications for Embassy Suites/J-Bar, located at 10401 S. Ridgeview Rd., Double Nickel Bar & Grill, located at 189 S. Rogers Rd., and Prairie Highlands Golf, located at 14695 S. Inverness St.

Staff Contact: Dianna Wright and Brenda Long

- C. Consideration of private club license renewal for Lumpy's Pub & Grub, located at 1505 E. 151st Street.

Staff Contact: Dianna Wright and Brenda Long

- D. Consideration of Resolution No. 19-1045 calling for a public hearing to levy assessments to collect unpaid city expenditures for mowing of weeds and removal of debris.

Staff Contact: Dianna Wright and David Bryant

- E. Acceptance of Agreement and associated terms for participation in the KCP&L Renewables Direct Program.

Staff Contact: Dianna Wright, Michael Meadors and Bob Reynolds

- F. Consideration of Consent Calendar.

Staff Contact: Mary Jaeger and Beth Wright

- G. Consideration of Resolution No. 19-1046 authorizing the Interstate 35 and 119th Street Interchange Reconfiguration Project, PN 3-C-026-16; and repealing Resolution No. 18-1101.

Staff Contact: Mary Jaeger and Beth Wright

- H. Consideration of Amendment No. 1 to the agreement with McCown Gordon Construction, LLC for construction of the Park Maintenance Facilities Improvements Project, PN 6-C-001-18.

Staff Contact: Mary Jaeger and Beth Wright

- I. Acceptance of bid and consideration of award of contract with Zoll Medical Corporation for Cardiac Monitors for the Olathe Fire Department.

Staff Contact: Jeff DeGraffenreid and Amy Tharnish

- J.** Acceptance of bid and consideration of award of contract to Sirius Computer Solutions for installation, implementation, and maintenance of two Dell/EMC Isilon storage clusters; one in each city data center.
Staff Contact: Mike Sirna and Amy Tharnish
- K.** Acceptance of bids and consideration of award of contracts to American Equipment Co. for the replacement and installation of vehicle bodies for 2019 City's fleet.
Staff Contact: Shawn Reynolds, Mary Jaeger and Amy Tharnish
- L.** Consideration of renewal of contract to JCI Industries, Inc. for mixer and propeller pump repair and service for the Environmental Services Division of the Public Works Department.
Staff Contact: Mary Jaeger and Amy Tharnish
- M.** Consideration of renewal of contract to Mid-American Signal, Inc. for the purchase of traffic signal and Advanced Traffic Management System (ATMS) supplies for the Traffic Division of Public Works.
Staff Contact: Mary Jaeger and Amy Tharnish
- N.** Acceptance of bid and consideration of award of contract to Foley Equipment Company for the replacement of a vibratory compactor/roller for the Street Maintenance Section of Public Works.
Staff Contact: Mary Jaeger and Amy Tharnish

8. NEW BUSINESS-PUBLIC WORKS

- A.** Consideration of Ordinance No. 19-26 regarding amendments to Chapter 18.30 and 18.50 of the Unified Development Ordinance (UDO18-0002B).
Staff Contact: Aimee Nassif and Shelby Ferguson

Action needed: Motion to approve (4 positive votes), deny (5 positive votes required), or return to Planning Commission.

9. NEW BUSINESS-ADMINISTRATION

- A.** Consideration of Ordinance Nos. 19-27, 19-28, 19-29, 19-30, 19-31, 19-32, 19-33, 19-34, 19-35, 19-36, and 19-37, regarding proposed amendments to Titles 15 and 16 of the Olathe Municipal Code concerning the adoption and amendment of the 2018 International Codes relating to building, residential, existing buildings, plumbing, mechanical, fuel gas, electrical, energy conservation, swimming pool, property maintenance and fire codes.
Staff Contact: Jeff DeGraffenreid and Mark Wassom

Action needed: Consider a motion to approve or deny.

- B.** Consideration of Resolution No. 19-1047 and Ordinance No. 19-38 authorizing the issuance and delivery of the general obligation improvement and refunding bonds, Series 232.

Staff Contact: Dianna Wright and Amy Tharnish

Action needed: Consider a motion to approve or deny.

- C.** Consideration of Resolution No. 19-1048 authorizing the issuance and delivery of \$54,910,000 principal amount of general obligation temporary notes, Series 2019-A.

Staff Contact: Dianna Wright and Amy Tharnish

Action needed: Consider a motion to approve or deny.

10. NEW CITY COUNCIL BUSINESS

11. END OF TELEVISED SESSION

12. GENERAL ISSUES AND CONCERNS OF CITIZENS

13. CONVENE FOR PLANNING SESSION

Reports are prepared for informational purposes and will be accepted as presented. There will be no separate discussion unless a Councilmember requests that a report be removed and considered separately.

A. REPORTS

- 1.** Report on 2018 external audit and Comprehensive Annual Financial Report.

Staff Contact: Dianna Wright and Amy Tharnish

B. DISCUSSION ITEMS

- 1.** Discussion on the W. 118th Street and Renner Boulevard Land Use Study (PLN19-0001), presented by Confluence. (20 mins)

Staff Contact: Aimee Nassif and Zach Moore

- 2.** Discussion on the Fire Training Center Improvements Project, PN 6-C-004-13. (15 mins)

Staff Contact: Mary Jaeger and Beth Wright

- 3.** Presentation of the Conditionally Approved 2020 Budget. (30 mins)

Staff Contact: Michael Wilkes and Matthew Randall

4. Library Activities and Initiatives. (15 mins)

Staff Contact: Emily Baker

14. ADDITIONAL ITEMS

15. ADJOURNMENT



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: City Manager's Office

STAFF CONTACT: Liz Ruback

SUBJECT: Consideration of Resolution No. 19-1043 reappointing members to the Planning Commission

ITEM DESCRIPTION:

Consideration of Resolution No. 19-1043 reappointing members to the Planning Commission

SUMMARY:

The attached resolution, reappointing members to the Planning Commission, is submitted for consideration by the City Council. The following individuals are recommended for reappointment:

<u>Name</u>	<u>Term Expiration</u>
Jose Munoz	6/22
Ryan Nelson	6/22
Barry Sutherland	6/22

FINANCIAL IMPACT:

N/A

ACTION NEEDED:

Consider motion to adopt a resolution reappointing members to the Planning Commission

ATTACHMENT(S):

6-18-19 Planning reappointments resolution

RESOLUTION NO. 19-1043

A RESOLUTION REAPPOINTING A MEMBER TO THE PLANNING COMMISSION.

WHEREAS, the Planning Commission was created by Kansas Statute 12-701 et seq. and Chapter 2.32 of the Olathe Municipal Code; and

WHEREAS, the Commission consists of nine (9) to eleven (11) members appointed for three (3) year staggered terms; and

WHEREAS, current members and terms of the Commission are as follows:

<u>Member</u>	<u>Initial Appointment</u>	<u>Current Term</u>
Chip Corcoran	1/16	4/17 - 4/20
Erin Davis (VACANT)	4/13	4/15 - 4/18
Ryan Freeman	9/14	4/17 - 4/20
Jeremy Fry	8/09	4/17 - 4/20
Jose Munoz	6/16	6/16 - 4/19
Ryan Nelson	1/13	4/16 - 4/19
Mike Rinke	8/09	4/15 - 4/18
Barry Sutherland	6/16	6/16 - 4/19
Dean Vakas	6/15	4/18 - 4/21; and

WHEREAS, the terms of Jose Munoz, Ryan Nelson and Barry Sutherland have expired; and

WHEREAS, the Governing Body finds that it is appropriate to reappoint Jose Munoz, Ryan Nelson and Barry Sutherland for additional three-year terms.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: That the reappointments be made so that membership is comprised as follows:

<u>Member</u>	<u>Initial Appointment</u>	<u>Current Term</u>
Chip Corcoran	1/16	4/17 - 4/20
Erin Davis (VACANT)	4/13	4/15 - 4/18
Ryan Freeman	9/14	4/17 - 4/20
Jeremy Fry	8/09	4/17 - 4/20
Jose Munoz	6/16	6/16 - 6/22
Ryan Nelson	1/13	4/16 - 6/22
Mike Rinke	8/09	4/15 - 4/18
Barry Sutherland	6/16	6/16 - 6/22
Dean Vakas	6/15	4/18 - 4/21

RESOLUTION NO. 19-1043

SECTION TWO: This Resolution shall take effect immediately.

ADOPTED by the Governing Body this 18th day of June 2019.

SIGNED by the Mayor this 18th day of June 2019.

Mayor

ATTEST:

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: City Manager's Office

STAFF CONTACT: Liz Ruback

SUBJECT: Consideration of Resolution No. 19-1044 reappointing members to the Mahaffie Stagecoach Stop and Farm Foundation Board

ITEM DESCRIPTION:

Consideration of Resolution No. 19-1044 reappointing members to the Mahaffie Stagecoach Stop and Farm Foundation Board

SUMMARY:

The attached resolution, reappointing members to the Mahaffie Stagecoach Stop and Farm Foundation Board, is submitted for consideration by the City Council. The following individuals are recommended for reappointment:

<u>Name</u>	<u>Term Expiration</u>
Phil Estes	6/23
Dick Holdman	6/23
Beverly Wittenborn	6/23

FINANCIAL IMPACT:

N/A

ACTION NEEDED:

Consider motion to adopt a reappoint members to the Mahaffie Stagecoach Stop and Farm Foundation Board

ATTACHMENT(S):

6-18-19 Mahaffie reappointments resolution

RESOLUTION NO. 19-1044

A RESOLUTION APPOINTING MEMBERS TO THE MAHAFFIE STAGECOACH STOP AND FARM FOUNDATION BOARD.

WHEREAS, the Olathe City Council approved amendments to the Articles of Incorporation and Bylaws of the Mahaffie Stagecoach Stop and Farm Foundation on August 5, 2003; and

WHEREAS, the Foundation is organized and shall be operated for the benefit of and to assist the functions and purposes of the Mahaffie Stagecoach Stop and Farm in Olathe; and

WHEREAS, the Foundation Board has been established to govern the business and affairs of the Foundation consistent with the Articles of Incorporation and Bylaws; and

WHEREAS, the Foundation Board shall consist of no less than nine (9) and no more than seventeen (17) members appointed for four-year staggered terms; and

WHEREAS, current members and terms of the Board are as follows:

<u>Member</u>	<u>Initial Appointment</u>	<u>Current Term</u>
Councilmember John Bacon	2/04	1/16 - 1/20
Don Bell	1/01	Honorary
Bob Courtney	10/03	1/17 - 1/21
Phil Estes	12/16	12/16 - 1/19
Jan Heinen	2/01	1/17-1/21
Barbara Hill	12/16	12/16 - 1/21
Dick Holdman	10/03	1/15 -1/19
Kelly Peetoom	11/15	1/17 - 1/21
Connie Snider	12/12	1/17 - 1/21
Councilmember Marge Vogt	1/01	1/17 - 1/21
Beverly Wittenborn	2/08	1/15 - 1/19
Cara Rinne	10/18	10/18 - 1/21; and

WHEREAS, the terms of Phil Estes, Dick Holdman and Beverly Wittenborn have expired; and

WHEREAS, the Governing Body finds that it is appropriate to reappoint Phil Estes, Dick Holdman and Beverly Wittenborn to additional four-year terms.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: That reappointments be made so that membership of the Mahaffie Stagecoach Stop and Farm Foundation Board is as follows:

<u>Member</u>	<u>Initial Appointment</u>	<u>Current Term</u>
Councilmember John Bacon	2/04	1/16 - 1/20
Don Bell	1/01	Honorary
Bob Courtney	10/03	1/17 - 1/21
Phil Estes	12/16	12/16 - 6/23
Jan Heinen	2/01	1/17-1/21
Barbara Hill	12/16	12/16 - 1/21
Dick Holdman	10/03	1/15 – 6/23
Kelly Peetoom	11/15	1/17 - 1/21
Connie Snider	12/12	1/17 - 1/21
Councilmember Marge Vogt	1/01	1/17 - 1/21
Beverly Wittenborn	2/08	1/15 – 6/23
Cara Rinne	10/18	10/18 - 1/21
Don Seifert	10/18	10/18 - 1/23

SECTION TWO: This Resolution shall take effect immediately.

ADOPTED by the Governing Body this 18th day of June 2019.

SIGNED by the Mayor this 18th day of June 2019.

Mayor

ATTEST:

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: City Manager's Office
STAFF CONTACT: Liz Ruback
SUBJECT: Recognition of Susan Sherman for 30 Years of Service

ITEM DESCRIPTION: Recognition of Susan Sherman for 30 Years of Service

SUMMARY: Council will recognize Assistant City Manager Susan Sherman for 30 years of service to the City of Olathe

FINANCIAL IMPACT: N/A

ACTION NEEDED: N/A

ATTACHMENT(S):



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Resource Management
STAFF CONTACT: Dianna Wright and David Bryant
SUBJECT: Approval of City Council Meeting Minutes

ITEM DESCRIPTION:
Consideration of approval of the City Council meeting minutes of June 4, 2019

SUMMARY:
Attached are the City Council meeting minutes of June 4, 2019 for Council consideration of approval.

FINANCIAL IMPACT:
None

ACTION NEEDED:
Approval of the City Council meeting minutes of June 4, 2019.

ATTACHMENT(S):
A. 06-04-19 Council Minutes



COUNCIL AUDIT COMMITTEE MEETING WITH EXTERNAL AUDITORS - 6:00 P.M. - 6:30 P.M.

Councilmembers Bacon, Randall, and Vogt attended the Council audit committee meeting with the external auditors.

1. CALL TO ORDER

Present: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

Others in attendance were City Manager Wilkes, Assistant City Manager Sherman and City Attorney Shaver.

2. EXECUTIVE SESSION - 6:33 P.M.

Consideration of motion to recess into an executive session under the real property acquisition exception to the Kansas Open Meetings Law to discuss the following items:

- A.** Recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) pertaining to a development agreement.

Motion by Randall and seconded by Campbell, to recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) pertaining to a development agreement for 25 minutes, resuming at 7:00 p.m. in the City Council Chamber.

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, and Vogt

Absent: Copeland

- B.** Recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) pertaining to a development agreement.

Motion by Randall and seconded by Campbell, to recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) pertaining to a development

agreement and a lease agreement. for 25 minutes, resuming at 7:00 p.m. in the City Council Chamber.

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, and Vogt

Absent: Copeland

Mayor Copeland arrived at 6:39 P.M.

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 7:00 p.m. in the Council Chambers.

Executive Session item A - Motion by Randall, seconded by Bacon, to authorize the City Attorney to finalize and the Mayor to execute a real estate agreement with Sunflower Olathe 1, LLC. Motion passed 7-0.

Executive Session item B - Motion by Randall, seconded by Bacon, to authorize the City Attorney to finalize and the Mayor to execute a real estate agreement and lease agreement with Milhaus, LLC. Motion passed 7-0.

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

Mayor Copeland called for a moment of silence to honor the twelve public servants who lost their lives last week in the tragic shooting in Virginia Beach, Virginia.

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

- A.** Proclamation designating June 2 - 8, 2019 as "National Garden Week." Mayor Copeland presented Olathe Garden and Civic Club President Margaret Endecott with the proclamation after reading into the record. Mr. Copeland congratulated Ms. Endecott on celebrating the club's 90th anniversary.
- B.** Presentation of the Street Maintenance Sales Tax (SMST) Finance Oversight Committee 2018 Annual Report by Chair Anne Oswald. Anne Oswald, Chair of the Street Maintenance Sales Tax Finance Oversight Committee, completed a presentation of the committee's annual report for 2018.
- C.** Presentation by Jeff Holsapple, Assistant County Appraiser, regarding the 2019 Revaluation Report.

Jeff Hosapple, Assistant Johnson County Appraiser completed a presentation of the 2019 revaluation report and answered Councilmembers questions.

7. PUBLIC HEARINGS

- A.** Consideration of a Public Hearing on a request by JDC North Olathe Properties, LLC for a master resolution for a business park and a first project under the master resolution for an industrial warehouse in the Olathe Commerce Park and for issuance of industrial revenue bonds and tax phase-in for the construction of a 21,400 square foot industrial warehouse located at the southeast corner of Dennis Avenue and the future Pine Street.

Mayor Copeland opened the public hearing and hearing no public comments entertained a motion to close the public hearing.

Motion by Randall, seconded by Bacon, to close the hearing. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

- B.** Consideration of Resolution No. 19-1039 establishing a Master Resolution expressing intent to issue Industrial Revenue bonds in one or more series and tax phase-in on behalf of JDC North Olathe Properties, LLC for the establishment of a business park located at the southeast corner of Dennis Avenue and the future Pine Street.

Motion by Randall, seconded by Bacon, to approve Resolution No. 19-1039. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

- C.** Consideration of Resolution No. 19-1040 expressing intent to issue industrial revenue bonds and tax phase-in on behalf of Carrier Services Plus, LLC under the Master Resolution for the phase I projects consisting of the construction of a 21,400 square foot industrial warehouse located at the southeast corner of Dennis Avenue and the future Pine Street.

Motion by Randall, seconded by Bacon, to approve Resolution No. 19-1040. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

8. CONSENT AGENDA

Motion by Councilmember Randall, seconded by Councilmember Bacon, to approve the Consent Agenda. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

- A.** Consideration of approval of the City Council meeting minutes of May 21, 2019.
Approved
- B.** Consideration of new cereal malt beverage license application for SAV Inc., d/b/a Fast Snack Pack 1, located at 12885 South Mur-Len Road.
Approved
- C.** Consideration of a drinking establishment license renewal for Crazy Good Eats, located at 16695A W. 151st Street.
Approved
- D.** Consideration of Resolution No. 19-1041 expressing the intent to issue industrial revenue bonds on behalf of Stag's Ridge, LLC near Santa Fe St. and K-7. (Sales Tax Exemption only)
Approved
- E.** Consideration of Resolution No. 19-1042 authorizing the public sale of General Obligation Temporary Notes, Series 2019-A; and General Obligation Improvement and Refunding Bonds, Series 232.
Approved
- F.** Acceptance of proposal and consideration of award of contract to PlanSource for the City's benefit administration platform.
Approved
- G.** Consideration of an updated Interlocal Agreement with the Eastern Kansas Multi-County Task Force for reciprocal fire investigation assistance.
Approved
- H.** Consideration of Consent Calendar.
Approved
- I.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Linaweaver Construction, Inc. for construction of the 2019 Cedar Creek Street Improvements, 110th Street Project, PN 3-R-004-19.
Approved
- J.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Wiedenmann, Inc. for construction of the Sunset Drive and Ridgeview Road Water Main Replacement, Phase 2, Project, PN 5-C-033-16.
Approved

- K.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Site Rite Construction Co. for construction of the Lakeview Avenue Sanitary Sewer Improvements Project, PN 1-C-024-18.
Approved
- L.** Consideration of renewal of contract to Building Crafts, Inc. for collector well cleaning services for the Environmental Services Division of Public Works.
Approved
- M.** Consideration of a Professional Services Agreement with HNTB Corporation for design of the Santa Fe, Ridgeview to Mur-Len, Improvements Project, PN 3-C-025-18.
Approved
- N.** Consideration of Change Order No. 2 to the contract with VF Anderson Builders, LLC for construction of the Lindenwood Road, 163rd to 167th, Benefit District Project, PN 3-B-078-17.
Approved
- O.** Acceptance of proposal and consideration of award of contract to Allegiant Technology for the citywide installation, implementation, and maintenance of the Avaya Phone System Upgrade for the Information Technology Services Department.
Approved
- P.** Acceptance of bid and consideration of award of contract to OPTO for the purchase of mobile shelving for the new Indian Creek Library.
Approved
- Q.** Acceptance of bid and consideration of award of contract to Logic, Inc. for the replacement of four adjustable frequency drives for the Environmental Services Division of Public Works.
Approved
- R.** Acceptance of bids and consideration to award contracts to Harcros Chemicals, Inc., Brenntag Mid South, Polydyne, Inc., Poet Ethanol Products, DPC Industries, Inc., Carus Corporation, PVS Technologies, Inc., Mississippi Lime Company, Nalco Company, Evoqua Water Technologies, LLC and Kemira Water Solutions, Inc. for water and wastewater treatment chemicals for the Environmental Services Division of Public Works.
Approved

9. NEW BUSINESS-PUBLIC WORKS

- A.** Consideration of Ordinance No. 19-20 authorizing payment by the City Treasurer of an eminent domain award and court appointed appraisers' fees in the eminent domain case of The City of Olathe, Kansas vs.

Sutherland Lumber Company of Kansas City, L.P., et al., Case No. 19CV00597, for the Santa Fe and Ridgeview Road Geometrics Improvements Project, PN 3-C-083-15.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-20. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

- B.** Consideration of Ordinance 19-21 amending Olathe Municipal Code Section 130.05.050 pertaining to utility and meter damage and repealing the existing section.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-21. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

- C.** Consideration of Ordinance No. 19-22 approving an engineer's survey and authorizing the acquisition of land for the 159th Street and Black Bob Road Improvements Project, PN 3-C-006-16.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-22. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

- D.** Consideration of Ordinance No. 19-23, RZ19-0005: Request approval for a rezoning from R-1 District to R-3 District and Preliminary Plan for Legacy Senior Residences II on 5.39± acres; located in the vicinity of the southwest corner of W. Harold Street and N. Parker Street. Planning Commission recommends approval 7 to 0.

Dan Fernandez, Planner II in the Planning Division of the Public Works Department, completed a presentation for this item.

Councilmember McCoy asked if the building would have elevators and Mr. Fernandez stated they would.

Councilmember Brownlee stated she noticed this has options for people with different income levels to apply for lower rent. Ms. Brownlee asked if our housing study took any of this into account.

Mr. Fernandez stated for this project he believed it did not, but staff would follow up with her.

Councilmember Bacon inquired if there were enough setback for the expansion of 127th and Harold Street if we wanted to widen into a divided arterial.

Mr. Fernandez stated it does.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-23. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

- E.** Request for the acceptance of the dedication of land for public easements and right-of-way for a final plat for Legacy Senior Residences II (FP19-0010) containing 1 lot 5.39± acres; located at the southwest corner of W. Harold Street and N. Parker Street. Planning Commission recommends approval 7 to 0.

Motion by Randall, seconded by Bacon, to approve the acceptance. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

- F.** Consideration of Ordinance No. 19-24, RZ18-0003: requesting approval for a rezoning from C-2 and M-1 Districts to PD (Planned District) and preliminary site development plan for Olathe Gateway II, a mixed-use development, on 50.94± acres; located at the southwest corner of 119th Street and Renner Boulevard. Planning Commission recommends approval 7 to 0.

Kim Hollingsworth, Senior Planner in the Planning Division of the Public Works Department, completed a presentation for this item.

Councilmember Vogt asked questions concerning the restricted uses and what downtown means.

Ms. Hollingsworth stated there are certain uses permitted in the Downtown District that we would not want to be permitted in the Gateway District.

Councilmember Vogt asked what those would be.

Ms. Hollingsworth stated industrial type uses.

Councilmember McCoy asked if groundbreaking would occur this

Fall.

Ms. Hollingsworth stated that would be fantastic but believed the applicant was still working through their timeline.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-24. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

- G.** Consideration of Ordinance No. 19-25, RZ17-0019: requesting a rezoning from RP-4 District to C-2 District and preliminary site development plan for Olathe Commons on 12.83± acres; located in the vicinity of 119th Street and Shannon Lane. Planning Commission recommends approval 7 to 0.

Dan Fernandez, Planner II, completed a presentation for this item.

Councilmember Brownlee asked if any of the retail chose to have drive-thru facilities if they would have to come back for permission or approval.

Mr. Fernandez stated not to City Council. Mr. Fernandez stated none are shown for this project, but should they come back and request a drive-thru, it would be considered a major change and would have to come back before the Planning Commission.

Councilmember Brownlee asked if we have any idea who might be coming in to any of the retail spots.

Mr. Fernandez stated he would defer to the applicant for this question.

John Petersen representing the applicant, Maecommon, LLC, stated he thought they did and believed one would be a medical type business and a few restaurants.

Councilmember Campbell asked if staff was familiar with a letter received from the engineer about the traffic study that was used being from 2013. Mr. Campbell asked if we are confident in the traffic study.

Chet Belcher, Transportation Manager in the Public Works Department stated staff is confident the traffic improvements will mitigate any increased traffic from the development.

Councilmember Randall asked if this would be an extension of Olathe Pointe.

Mr. Petersen said it is exactly.

Tom Kearney, 11918 S. Greenwood Street stated we do not need apartments, he believes we could do better and expressed concerns with trees being removed.

Mr. Fernandez at the invitation of the Mayor addressed Mr. Kearney's concerns. Mr. Fernandez stated the apartments had already been approved and what is on the agenda tonight concerns the commercial portion. Mr. Fernandez also indicated the majority of the tree buffers on the East and South side are being saved.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-25 and the preliminary site development plan. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

10. NEW CITY COUNCIL BUSINESS

Councilmember McCoy commented on the JDC North Olathe properties IRB item under the public hearing tonight stating the positive benefits from doing this.

Councilmember Randall reminded everyone about the 75th anniversary of Normandy on June 6 and to thank those who helped win that war and gave us our freedoms.

Councilmember Campbell stated the liaison committee to the judge met and he reported on the court security project and idea of doing away with credit card fees charged in the court. Mr. Campbell asked to be excused from the planning session as he was leaving town for an early morning meeting.

11. END OF TELEVISED SESSION

Councilmember Campbell left the meeting at 8:36 p.m.

12. GENERAL ISSUES AND CONCERNS OF CITIZENS

Robynn Andracsek, 11526 S. Roundtree Street, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the agenda.

Leticia Harmon, 12812 S. Widmer Street, Olathe and Policy Director for the ACLU of Kansas, spoke in support of a non-discrimination ordinance and provided Council with a handout concerning hate crimes and discrimination.

Angelica Wilcox, 12145 S. Black Bob Road, Apt. 102, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the agenda for the June 18 meeting.

Evan Lovelace, 12475 S. Ortega Drive, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the agenda.

Cassandra Peters, 1105 N. Walker Lane, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the agenda.

Lisa Lero, 410 E. Cedar Street, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the agenda for discussion.

Brett Hoedl, 17446 W. 161 Street, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the June 18 agenda.

Joan Gilson, 14282 W. 151st Terrace, No. 200, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the June 18 agenda.

Carolyn Finken-Dove, 610 N. Persimmon Drive, Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the next agenda.

Danielle Rawlings, 12211 S. Pine Street. Olathe, spoke in support of a non-discrimination ordinance and asked Council to place on the June 18

agenda.

Mayor Copeland stated to Council that they had received a recommendation from the Olathe Human Relations Commission earlier this year and Council had passed a resolution a few months ago asking Topeka to take it up and that has not happened. Mr. Copeland asked the Council what their pleasure was.

Councilmember Randall stated for him personally he would like to see this brought up after the November elections. Mr. Randall understands people are upset as it has been two years and six months, but he feels it has a better chance of succeeding if taken out of the political process and debated on as a non-political issue.

Councilmember McCoy stated we passed a resolution allowing mediation to take care of you and provide for you regardless of what you think. Mr. McCoy stated we have a Supreme Court that regardless of what we pass here supersedes whatever we do. Mr. McCoy said let's see what happens in the Fall and what the Supreme Court does.

Councilmember Vogt stated it is easy for her to move forward, but she wants this to be able to pass for them and she does not see the point of us, unless you want to know everybody's stand, but you can get that individually also by emailing or calling each one of us. Ms. Vogt said perhaps by November the decision will be made for us.

13. CONVENE FOR PLANNING SESSION

Reports are prepared for informational purposes and will be accepted as presented. There will be no separate discussion unless a Councilmember requests that a report be removed and considered separately.

A. REPORTS

1. A report on the annual mowing of weeds and removal of debris for levy assessments.

The report was accepted, and no presentation was given.

B. DISCUSSION ITEMS

1. Discussion regarding Proposed Amendments to Chapter 18.30 and 18.50 of the Unified Development Ordinance (UDO18-0002B).

Aimee Nassif, Chief Planning and Development Officer in the

Planning Division of the Public Works Department completed a presentation on amendments to Chapters 18.30 and 18.50 of the Unified Development Ordinance concerning quarries, blasting and vibrations.

Randy Kriesel, 24120 W. 167th Street, Olathe, stated he was not onboard with the proposed changes and gave his personal testimony concerning blasting vibrations. Mr. Kriesel asked why change something that has worked for twenty years.

14. ADDITIONAL ITEMS

Councilmember McCoy mentioned there are things we take for granted in Olathe and one is our composting facility. Mr. McCoy stated on a recent visit he asked a resident what they thought of it and the resident responded they thought it was great. Mr. McCoy stated our City does a lot of things that others don't do.

Councilmember Vogt inquired about tree preservation and if we are doing that routinely.

Ms. Nassif stated we do require this as part of our requirements.

Councilmember Vogt shared she had a citizen ask about art work and the teen area of the new library. Ms. Vogt asked if we are doing anything like a wall in the teen area.

Susan Sherman, Assistant City Manager, gave a quick update and indicated they were meeting on internal public art this week. Ms. Sherman stated the teen area did not have a lot of wall space, but they could put this in the mix and see what else they could do.

Councilmember Vogt asked if the City is doing general recycling other than Hedge Lane now.

Alan Shorthouse, Deputy Public Works Director in the Public Works Department, stated we have curbside as well.

Councilmember Randall stated the audit committee met prior to the Council

meeting tonight with the external auditors.

Councilmember Bacon added to the audit committee report that members would like to do a survey but understood it violates the Kansas Open Records Act.

Rrachele Breckenridge, Assistant City Attorney in the Legal Department, stated a survey does not violate KORA, but would be subject to KORA if anyone requested to see the results.

Councilmember Brownlee stated on the topic of public art, someone has been talking to her about whether the Council would consider more support for the community band. Ms. Brownlee stated she did not know if they have had those conversations and if it could be added to the list. Ms. Brownlee further stated she knew an ordinance had been approved prior to her arrival on the Council concerning public monies for public art and if it could be included in some manner. Ms. Brownlee stated on a more serious note, regardless of the topic that we cover the element of reasonable debate is that both sides thoughts and opinions have to be welcomed. Ms. Brownlee said this would apply whether it is the NDO, UDO, or whatever it is that both sides thoughts and opinions have to be welcomed and she does not think we have arrived there yet on the NDO. Ms. Brownlee said members of both sides of that debate should have their thoughts and opinions listened too and we are not there. Ms. Brownlee stated she has met with two people individually to try to dialogue some because she wondered if that might be more workable.

Councilmember Vogt believes there should be freedom and safety to speak.

Mayor Copeland stated he is not inclined to put something on the agenda that does not have support of the majority.

Councilmember Bacon stated he is fine with the Mayor's suggestion to hold off on an item until it gets support to pass.

15. ADJOURNMENT

The meeting adjourned at 10:00 p.m.

David F. Bryant III, MMC
Deputy City Clerk



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Resource Management

STAFF CONTACT: Dianna Wright and Brenda Long

SUBJECT: Consideration of a new drinking establishment license application for Bucky's Family Fun and renewal applications for Embassy Suites/J-Bar, Double Nickel Bar & Grill, and Prairie Highlands Golf.

ITEM DESCRIPTION:

Consideration of a new drinking establishment license application for Bucky's Family Fun, located at 808 W. Old 56 Highway and renewal applications for Embassy Suites/J-Bar, located at 10401 S. Ridgeview Rd., Double Nickel Bar & Grill, located at 189 S. Rogers Rd., and Prairie Highlands Golf, located at 14695 S. Inverness St.

SUMMARY:

The applications for the businesses noted below have been submitted for drinking establishment licenses in accordance with Title 7, Liquor Laws, of the Olathe Municipal Code (OMC). The applications are available in the City Clerk's office for review.

Bucky's Family Fun
808 W. Old 56 Highway
Olathe, Kansas 66061

Embassy Suites/J-Bar
10401 S. Ridgeview Rd.
Olathe, Kansas 66061

Double Nickel Bar & Grill
189 S. Rogers Rd.
Olathe, Kansas 66062

Great Life Kansas City, LLC
d/b/a Prairie Highlands Golf
14695 S. Inverness St.
Olathe, Kansas 66061

FINANCIAL IMPACT:

The license fee as established in Title 7 of the Olathe Municipal Code in the amount of \$500.00 for drinking establishments has been collected for the license applications.

ACTION NEEDED:

Approve these applications for a license as part of the consent agenda

ATTACHMENT(S):

- A. Bucky's Family Fun Staff Recommendations
 - B. Embassy Suites - J-Bar Staff Recommendations
 - C. Double Nickel Staff Recommendations
 - D. Prairie Highlands Golf Staff Recommendations
-

Brenda Long

From: Brenda Long
Sent: Wednesday, May 8, 2019 8:00 AM
To: Benjamin Laxton; Curtis Bowman; Dennis Pine; GIS Shared; James Gorham; Rachelle Breckenridge
Subject: Bucky's Family Fun
Attachments: DEL - Bucky's Family Fun 05-06-19.pdf

Tracking:	Recipient	Response
	Benjamin Laxton	Approve: 5/10/2019 10:53 AM
	Curtis Bowman	Approve: 5/14/2019 1:36 PM
	GIS Shared	Approve: 5/10/2019 9:46 AM
	James Gorham	Approved 5/30/19 2:25 PM
	Rachelle Breckenridge	Approved 5/31/19 10:03 AM

Please use the voting tab to make comments and recommendations for the attached new drinking establishment license application by, May 13.

[Brenda Long](#), Assistant City Clerk

(913) 971-8675 | OlatheKS.org

Resource Mgmt | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service



RECEIVED

MAY 06 2019

CITY OF OLATHE
CITY CLERK OFFICE

CITY OF OLATHE



DRINKING ESTABLISHMENT LIQUOR LICENSE APPLICATION

Date: May 2, 2019 Business Phone: 913-438-8440

Name of Applicant: Bucky's Family Fun

Business Address of Applicant: 808 Old W. 56 Highway, Olathe, Kansas 66061
City State Zip

E-mail Address of Applicant (optional): tuckduncanlaw@yahoo.com

Legal description of premises: See Attached

Owner of premises (if different than applicant): Maria Yazdani

Address of owner of premises: 13030 West 187th Street Bucyrus, Kansas 6601
City State Zip

Items required that must accompany this application:

- A. *Site Plan: Attach a drawing of the premises showing the location in relation to other buildings, structures, parking areas, public or private streets, and sidewalks within 200 feet. The site plan should include the number of parking spaces, seating capacity and number of employees servicing the largest shift.*
- B. *Copy of Kansas Liquor License Application*
- C. *Copy of renewed State of Kansas drinking establishment license (May be submitted separately after issuance by the state)*
- D. *License Fee (\$500.00 – 2 year licensing period)*

The biennial fee for Drinking Establishments authorized by K.S.A. Supp. 41-2622 is hereby established and fixed at **FIVE HUNDRED DOLLARS (\$500.00)**. All applications for new or renewal city licenses shall be submitted to the City Clerk for consideration by the Governing Body. No license fee shall be refunded for any reason.

TO THE BEST OF MY KNOWLEDGE, THE ABOVE INFORMATION IS CORRECT AND TRUTHFUL.

Name of Applicant (Print Please) REDAKTED

Signature [Signature]

Title Agent

State of Kansas

County of Shawnee

Notary [Signature]

Sworn and subscribed before me this

This 2nd day of May, 2019

SEAL
DIAnna Little
NOTARY PUBLIC
STATE OF KANSAS
MY APPT. EXPIRES 2-13-21

Cash Receipt



Receipt #: 46924
User: JOLENEP
Dept: CC
Date: 05/06/2019
Time: 8:58:56

CITY OF OLATHE - CITY CLERK CASH RECEIPT
PO BOX 768
OLATHE KS 66061

Customer: Bucky's Family Fun

THANK YOU FOR YOUR PAYMENT

ON BEHALF OF CITY TREASURER, DIANNA WRIGHT _____

Item	Description	Notes	Amount
DRINKING ESTAB	Bucky's Family Fun NEW	1020	\$500.00
Final Total Received			\$500.00

Brenda Long

From: Brenda Long
Sent: Tuesday, June 4, 2019 3:59 PM
To: Rachelle Breckenridge
Subject: DEL - Embassy Suites JBar 05-30-19
Attachments: DEL - Embassy Suites JBar 05-30-19.pdf

Tracking:	Recipient	Response
	Rachelle Breckenridge	Approve: 6/6/2019 5:30 PM

I have received all the required departmental approvals for the attached application. Please use the voting tab to provide your recommendations.

Brenda Long, Assistant City Clerk

(913) 971-8675 | OlatheKS.org

Resource Mgmt | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service



Brenda Long

From: Benjamin Laxton
Sent: Monday, June 3, 2019 8:02 AM
To: Brenda Long
Subject: RE: DEL - Embassy Suites JBar 05-30-19

Follow Up Flag: Follow up
Flag Status: Flagged

Brenda,

I recommend approval.

The most recent inspection is dated **05/13/2019** and is less than one (1) year from today's date.

There was no voting tab so I replied to your message.

Benjamin Laxton, P.E., *Fire Protection Engineer*

(913) 971-9849 | OlatheKS.org

Fire | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service



From: Brenda Long <BDLong@OLATHEKS.ORG>

Sent: May 31, 2019 8:11 AM

To: Benjamin Laxton <BALaxton@OLATHEKS.ORG>; Curtis Bowman <CBowman@OLATHEKS.ORG>; David Bryant <DFBryant@OLATHEKS.ORG>; Dennis Pine <DPine@OLATHEKS.ORG>; Dianna Wright <DSWright@OLATHEKS.ORG>; GIS Shared <GISShared@OLATHEKS.ORG>; James Gorham <JLGorham@OLATHEKS.ORG>; Jo Prochko <JProchko@OLATHEKS.ORG>; Rachelle Breckenridge <RRBreckenridge@OLATHEKS.ORG>

Subject: DEL - Embassy Suites JBar 05-30-19

Please use the voting tab to make comments and recommendations for the attached renewal drinking establishment license application by June 7th.

Brenda Long, *Assistant City Clerk*

(913) 971-8675 | OlatheKS.org

Resource Mgmt | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service



Brenda Long

From: Curtis Bowman
Sent: Friday, May 31, 2019 2:10 PM
To: Brenda Long
Subject: RE: DEL - Embassy Suites JBar 05-30-19

Follow Up Flag: Follow up
Flag Status: Flagged

I didn't have a voting tab but it's approved.



Sergeant Curtis Bowman – Professional Standards Unit
501 E. Old 56 Hwy, Olathe, KS 66061
Desk – (913) 971-7783
Email - cbowman@olatheks.org

From: Brenda Long
Sent: Friday, May 31, 2019 8:11 AM
To: Benjamin Laxton <BALaxton@OLATHEKS.ORG>; Curtis Bowman <CBowman@OLATHEKS.ORG>; David Bryant <DFBryant@OLATHEKS.ORG>; Dennis Pine <DPine@OLATHEKS.ORG>; Dianna Wright <DSWright@OLATHEKS.ORG>; GIS Shared <GISShared@OLATHEKS.ORG>; James Gorham <JLGorham@OLATHEKS.ORG>; Jo Prochko <JProchko@OLATHEKS.ORG>; Rachelle Breckenridge <RRBreckenridge@OLATHEKS.ORG>
Subject: DEL - Embassy Suites JBar 05-30-19

Please use the voting tab to make comments and recommendations for the attached renewal drinking establishment license application by June 7th.

[Brenda Long](#), Assistant City Clerk

(913) 971-8675 | OlatheKS.org

Resource Mgmt | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service



Brenda Long

From: GIS Shared
Sent: Tuesday, June 11, 2019 8:38 AM
To: Brenda Long
Cc: Jared Daniel
Subject: RE: DEL - Embassy Suites JBar 05-30-19

Follow Up Flag: Follow up
Flag Status: Flagged

There are no voting tabs to respond to on this e-mail. If there were I would click on the approve button for :

Embassy Suites/J Bar
10401 S Ridgeview Rd
Zoning BP (Zoning is good for this License because of the 18.50.020 Accessory Uses Structures code)
Ordinance 06-22
200ft School/Church Buffer clear

[Betsy Pike](#), GIS Tech

(913) 971-9105 | OlatheKS.org

Public Works | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service



From: Brenda Long
Sent: Friday, May 31, 2019 8:11 AM
To: Benjamin Laxton <BALaxton@OLATHEKS.ORG>; Curtis Bowman <CBowman@OLATHEKS.ORG>; David Bryant <DFBryant@OLATHEKS.ORG>; Dennis Pine <DPine@OLATHEKS.ORG>; Dianna Wright <DSWright@OLATHEKS.ORG>; GIS Shared <GISShared@OLATHEKS.ORG>; James Gorham <JLGorham@OLATHEKS.ORG>; Jo Prochko <JProchko@OLATHEKS.ORG>; Rachelle Breckenridge <RRBreckenridge@OLATHEKS.ORG>
Subject: DEL - Embassy Suites JBar 05-30-19

Please use the voting tab to make comments and recommendations for the attached renewal drinking establishment license application by June 7th.

[Brenda Long](#), Assistant City Clerk

(913) 971-8675 | OlatheKS.org

Resource Mgmt | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service




Brenda Long

From: James Gorham
Sent: Tuesday, June 4, 2019 9:13 AM
To: Brenda Long
Cc: David Binckley
Subject: RE: DEL - Embassy Suites JBar 05-30-19

Brenda,


Embassy Suites has contacted us and is planning to correct their code violations. Any questions let me know.

Thanks,

[James Gorham](#), CCEO
Community Enhancement Officer
(913) 971-9889 | [OlatheKS.org](#)
Fire | City of Olathe, Kansas
Setting the Standard for Excellence in Public Service


From: Brenda Long <BDLong@OLATHEKS.ORG>
Sent: Friday, May 31, 2019 8:11 AM
To: Benjamin Laxton <BALaxton@OLATHEKS.ORG>; Curtis Bowman <CBowman@OLATHEKS.ORG>; David Bryant <DFBryant@OLATHEKS.ORG>; Dennis Pine <DPine@OLATHEKS.ORG>; Dianna Wright <DSWright@OLATHEKS.ORG>; GIS Shared <GISShared@OLATHEKS.ORG>; James Gorham <JLGorham@OLATHEKS.ORG>; Jo Prochko <JProchko@OLATHEKS.ORG>; Rrachelle Breckenridge <RRBreckenridge@OLATHEKS.ORG>
Subject: DEL - Embassy Suites JBar 05-30-19

Please use the voting tab to make comments and recommendations for the attached renewal drinking establishment license application by June 7th.

[Brenda Long](#), Assistant City Clerk
(913) 971-8675 | [OlatheKS.org](#)
Resource Mgmt | City of Olathe, Kansas
Setting the Standard for Excellence in Public Service


Brenda Long

From: Dianna Wright
Sent: Friday, May 31, 2019 12:33 PM
To: Brenda Long
Subject: RE: DEL - Embassy Suites JBar 05-30-19
Attachments: Embassy Suites ltr.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Brenda, I couldn't find the voting tab (probably because I'm working remotely). This is approved and the correspondence is attached.

From: Brenda Long <BDLong@OLATHEKS.ORG>
Sent: Friday, May 31, 2019 8:11 AM
To: Benjamin Laxton <BALaxton@OLATHEKS.ORG>; Curtis Bowman <CBowman@OLATHEKS.ORG>; David Bryant <DFBryant@OLATHEKS.ORG>; Dennis Pine <DPine@OLATHEKS.ORG>; Dianna Wright <DSWright@OLATHEKS.ORG>; GIS Shared <GISShared@OLATHEKS.ORG>; James Gorham <JLGorham@OLATHEKS.ORG>; Jo Prochko <JProchko@OLATHEKS.ORG>; Rrachele Breckenridge <RRBreckenridge@OLATHEKS.ORG>
Subject: DEL - Embassy Suites JBar 05-30-19

Please use the voting tab to make comments and recommendations for the attached renewal drinking establishment license application by June 7th.

[Brenda Long](#), Assistant City Clerk

(913) 971-8675 | OlatheKS.org

Resource Mgmt | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service





To: Brenda Long, Assistant City Clerk
From: Dianna Wright, Director of Resource Management
Subject: Liquor License Renewal
Date: May 31, 2019

Resource Management is in receipt of HOA Hospitality, INC (dba Embassy Suites/J Bar) liquor license renewal application.

In accordance with Title 7 section 7.06.020 and in reviewing the Statement of Gross Receipts for HOA Hospitality, Inc (dba Embassy Suites/J Bar), I hereby determine that the application meets the requirements as set forth by the above reference section.

Should you require any additional information please do not hesitate to let me know.

RECEIVED

MAY 30 2019

CITY OF OLATHE



CITY OF OLATHE DRINKING ESTABLISHMENT LICENSE APPLICATION
CITY CLERK OFFICE

Date: 04-09-2019 Business Phone: 309-797-9300
Name of Applicant: Embassy Suites / JBar
Business Address of Applicant: 10401 S Ridgeview Rd Olathe KS 66501
City State Zip
E-mail Address of Applicant (optional): glemon@hoari.com
Legal description of premises: Attached

Owner of premises (if different than applicant): HOA Hospitality Inc Operator
Address of owner of premises: 1501 River Drive Moline IL 61265
City State Zip

Items required that must accompany this application:

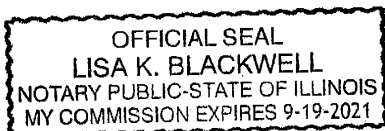
- A. **Site Plan:** Attach a drawing of the premises showing the location in relation to other buildings, structures, parking areas, public or private streets, and sidewalks within 200 feet. The site plan should include the number of parking spaces, seating capacity and number of employees servicing the largest shift.
- B. **Copy of Kansas Liquor License Application**
- C. **Copy of renewed State of Kansas drinking establishment license (May be submitted separately after issuance by the state)**
- D. **License Fee (\$500.00 – 2 year licensing period)**

The biennial fee for Drinking Establishments authorized by K.S.A. Supp. 41-2622 is hereby established and fixed at **FIVE HUNDRED DOLLARS (\$500.00)**. All applications for new or renewal city licenses shall be submitted to the City Clerk for consideration by the Governing Body. No license fee shall be refunded for any reason.

TO THE BEST OF MY KNOWLEDGE, THE ABOVE INFORMATION IS CORRECT AND TRUTHFUL.

Michael L Whalen
Name of Applicant (Print Please)
[Signature]
Signature
President KCO
Title

State of Illinois
County of Rock Island
[Signature]
Notary



SEAL

Sworn and subscribed before me this
This 20th day of April, 2019

Cash Receipt



Receipt #: 47165
User: JOLENEP
Dept: CC
Date: 05/30/2019
Time: 9:45:33

CITY OF OLATHE - CITY CLERK CASH RECEIPT
PO BOX 768
OLATHE KS 66061

Customer: Heart of America

THANK YOU FOR YOUR PAYMENT

ON BEHALF OF CITY TREASURER, DIANNA WRIGHT _____

Item	Description	Notes	Amount
DRINKING ESTAB	Embassy Suites JBar RENEW	40023737	\$500.00
Final Total Received			\$500.00

Brenda Long

From: Brenda Long
Sent: Friday, May 24, 2019 1:39 PM
To: Benjamin Laxton; Curtis Bowman; David Bryant; Dennis Pine; Dianna Wright; GIS Shared; James Gorham; Jo Prochko; Rachelle Breckenridge
Subject: DEL - Double Nickel 05-16-19
Attachments: DEL - Double Nickel 05-16-19.pdf

Tracking:	Recipient	Response
	Benjamin Laxton	Approve: 5/25/2019 11:26 AM
	Curtis Bowman	Approve: 5/28/2019 7:34 AM
	Dianna Wright	Approve: 5/24/2019 2:45 PM
	GIS Shared	Approve: 5/28/2019 3:08 PM
	James Gorham	Approve: 5/30/2019 2:24 PM
	Rachelle Breckenridge	Approve: 6/10/2019 4:28 PM

Please use the voting tab to make comments and recommendations for the attached renewal drinking establishment license application by May 30.

Brenda Long, Assistant City Clerk

(913) 971-8675 | OlatheKS.org

Resource Mgmt | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service





To: Brenda Long, Assistant City Clerk
From: Dianna Wright, Director Resource Management
Subject: MArmstong LLC (dba Double Nickel) Liquor License
Renewal
Date: May 24, 2019

Resource Management is in receipt of MArmstrong, LLC (dba Double Nickel) liquor license renewal application. In reviewing their application, Double Nickel failed to meet the gross sales requirement pertaining to food established in OMC Section 7.06.020, which states drinking establishments desiring to provide food service to unaccompanied minors must also comply with the provisions outlined in Section 7.02.030C. OMC Section 7.02.030C requires establishments to derive at least fifty percent (50%) of its gross receipts in each calendar year from the sale of food in order to permit those under the age of twenty-one (21) to remain on the premises without a parent or guardian.

Given the provisions of OMC Section 7.02.030C and the gross food sales receipts presented on their application of 30%, Double Nickel would be restricted from allowing those under the age of twenty-one (21) to remain on the premises without a parent or guardian.

Should you require any additional information please do not hesitate to let me know.

RECEIVED

MAY 16 2019

CITY OF OLATHE
CITY CLERK OFFICE

CITY OF OLATHE

DRINKING ESTABLISHMENT LICENSE APPLICATION



Date: 4-13-2019 Business Phone: 913-782-4140

Name of Applicant: Mary D Armstrong

Business Address of Applicant: 1895 Rogers Rd City Olathe State KS Zip 66062

E-mail Address of Applicant (optional): 1895RogersRd@gmail.com

Legal description of premises: M Armstrong LLC
DBA Double Nickel Bar and Grill

Owner of premises (if different than applicant): _____

Address of owner of premises: _____ City _____ State _____ Zip _____

Items required that must accompany this application:

- A. Site Plan: Attach a drawing of the premises showing the location in relation to other buildings, structures, parking areas, public or private streets, and sidewalks within 200 feet. The site plan should include the number of parking spaces, seating capacity and number of employees servicing the largest shift.
- B. Copy of Kansas Liquor License Application
- C. Copy of renewed State of Kansas drinking establishment license (May be submitted separately after issuance by the state)
- D. License Fee (\$500.00 – 2 year licensing period)

The biennial fee for Drinking Establishments authorized by K.S.A. Supp. 41-2622 is hereby established and fixed at **FIVE HUNDRED DOLLARS (\$500.00)**. All applications for new or renewal city licenses shall be submitted to the City Clerk for consideration by the Governing Body. No license fee shall be refunded for any reason.

TO THE BEST OF MY KNOWLEDGE, THE ABOVE INFORMATION IS CORRECT AND TRUTHFUL.

Mary D Armstrong
Name of Applicant (Print Please)

Mary D Armstrong
Signature

owner
Title

State of Kansas

County of Johnson

Janet S. Hepler-Good
Notary

Sworn and subscribed before me this

This 16 day of May, 2019



Cash Receipt

Receipt #: 47043
User: BRENDADL
Dept: CC
Date: 05/16/2019
Time: 11:46:41



CITY OF OLATHE - CITY CLERK CASH RECEIPT
PO BOX 768
OLATHE KS 66061

Customer: Double Nickel

THANK YOU FOR YOUR PAYMENT

ON BEHALF OF CITY TREASURER, DIANNA WRIGHT _____

Item	Description	Notes	Amount
DRINKING ESTAB	Double Nickel	21058	\$500.00
Final Total Received			\$500.00

Brenda Long

From: Brenda Long
Sent: Wednesday, May 29, 2019 11:44 AM
To: Benjamin Laxton; Curtis Bowman; David Bryant; Dennis Pine; Dianna Wright; GIS Shared; James Gorham; Jo Prochko; Rachelle Breckenridge
Subject: Prairie Highlands
Attachments: DEL - Prairie Highlands GC 05-29-19.pdf

Tracking:	Recipient	Response
	Benjamin Laxton	Approve: 6/3/2019 8:06 AM
	Curtis Bowman	Approve: 5/30/2019 7:14 AM
	Dianna Wright	Approve: 5/29/2019 12:14 PM
	GIS Shared	Approve: 6/04/2019 3:56 PM
	James Gorham	Approve: 6/10/2019 3:06 PM
	Rachelle Breckenridge	Approve: 6/10/2019 4:25 PM

Please use the voting tab to make comments and recommendations for the attached renewal drinking establishment license application by June 5th.

[Brenda Long](#), Assistant City Clerk

(913) 971-8675 | OlatheKS.org

Resource Mgmt | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service





To: Brenda Long, Assistant City Clerk
From: Dianna Wright, Director of Resource Management
Subject: Liquor License Renewal
Date: May 29, 2019

Resource Management is in receipt of Great Life Kansas City, LLC (dba Prairie Highlands Golf Course) liquor license renewal application. In reviewing their application, Great Life Kansas City, LLC (dba Prairie Highlands Golf Course) failed to meet the gross sales requirement pertaining to food established in OMC Section 7.06.020, which states drinking establishments desiring to provide food service to unaccompanied minors must also comply with the provisions outlined in Section 7.02.030C. OMC Section 7.02.030C requires establishments to derive at least fifty percent (50%) of its gross receipts in each calendar year from the sale of food in order to permit those under the age of twenty-one (21) to remain on the premises without a parent or guardian.

Given the provisions of OMC Section 7.02.030C and the gross food sales receipts presented on their application of 39%, Great Life Kansas City, LLC (dba Prairie Highlands Golf Course) would be restricted from allowing those under the age of twenty-one (21) to remain on the premises without a parent or guardian.

Should you require any additional information please do not hesitate to let me know.

CITY OF OLATHE

DRINKING ESTABLISHMENT LICENSE APPLICATION



Date: 5/1/19 Business Phone: 913-856-7235
Name of Applicant: Great Life Kansas City, LLC d/b/a Prairie Highlands Golf
Business Address of Applicant: 14695 S. Inverness St. Olathe, KS 66061
City State Zip

E-mail Address of Applicant (optional): _____

Legal description of premises: 14695 S Inverness St. Olathe, KS

Owner of premises (if different than applicant): Heartland Golf Development, LLC

Address of owner of premises: 6431 Sagamore Rd. Mission Hills, KS 66208
City State Zip

Items required that must accompany this application:

- A. **Site Plan:** Attach a drawing of the premises showing the location in relation to other buildings, structures, parking areas, public or private streets, and sidewalks within 200 feet. The site plan should include the number of parking spaces, seating capacity and number of employees servicing the largest shift.
- B. **Copy of Kansas Liquor License Application**
- C. **Copy of renewed State of Kansas drinking establishment license (May be submitted separately after issuance by the state)**
- D. **License Fee (\$500.00 – 2 year licensing period)**

The biennial fee for Drinking Establishments authorized by K.S.A. Supp. 41-2622 is hereby established and fixed at **FIVE HUNDRED DOLLARS (\$500.00)**. All applications for new or renewal city licenses shall be submitted to the City Clerk for consideration by the Governing Body. No license fee shall be refunded for any reason.

TO THE BEST OF MY KNOWLEDGE, THE ABOVE INFORMATION IS CORRECT AND TRUTHFUL.

Julie Kempker
Name of Applicant (Print Please)

[Signature]
Signature

CFO
Title

State of Kansas

County of Johnson

[Signature]
Notary

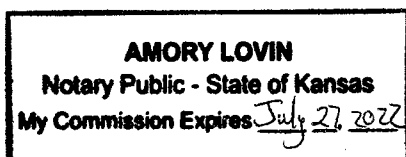
Sworn and subscribed before me this

This 17th day of May, 2019

RECEIVED

MAY 29 2019

CITY OF OLATHE
CITY CLERK OFFICE



SEAL

Cash Receipt

Receipt #: 47148
User: JOLENEP
Dept: CC
Date: 05/29/2019
Time: 9:03:24



CITY OF OLATHE - CITY CLERK CASH RECEIPT
PO BOX 768
OLATHE KS 66061

Customer: Prairie Highlands GC

THANK YOU FOR YOUR PAYMENT

ON BEHALF OF CITY TREASURER, DIANNA WRIGHT _____

Item	Description	Notes	Amount
DRINKING ESTAB	Prairie Highlands GC RENEW	13483	\$500.00
Final Total Received			\$500.00



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Resource Management

STAFF CONTACT: Dianna Wright and Brenda Long

SUBJECT: Consideration of private club license renewal for Lumpy's Pub & Grub, located at 1505 E. 151st Street.

ITEM DESCRIPTION:

Consideration of private club license renewal for Lumpy's Pub & Grub, located at 1505 E. 151st Street.

SUMMARY:

The application for the business noted below has been submitted for a private club license in accordance with Title 7, Liquor Laws, of the Olathe Municipal Code (OMC). The application is available in the City Clerk's office for review.

- Lumpy's Pub & Grub
1505 E. 151st Street
Olathe, KS 66062
-

FINANCIAL IMPACT:

The license fee as established in Title 7 of the Olathe Municipal Code in the amount of \$500.00 for a private club has been collected for this license application.

ACTION NEEDED:

Approve the application for a license as part of the consent agenda.

ATTACHMENT(S):

- A. Lumpy's Pub & Grub Staff Recommendations

Brenda Long

From: Brenda Long
Sent: Monday, May 20, 2019 3:09 PM
To: Benjamin Laxton; Curtis Bowman; David Bryant; Dennis Pine; GIS Shared; James Gorham; Jo Prochko; Rachelle Breckenridge
Subject: PCL - Lumpy's 05-20-19
Attachments: PCL - Lumpy's 05-20-19.pdf

Tracking:	Recipient	Response
	Benjamin Laxton	Approve: 5/21/2019 7:19 PM
	Curtis Bowman	Approve: 5/28/2019 7:31 AM
	GIS Shared	Approve: 5/28/2019 7:31 AM
	James Gorham	Approve: 5/28/2019 10:28 AM
	Rachelle Breckenridge	Approve: 6/13/2019 1:44 PM

Please use the voting tab to make comments and recommendations for the attached application by May 28th.

Thank you.

Brenda Long, Assistant City Clerk

(913) 971-8675 | OlatheKS.org

Resource Mgmt | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service



RECEIVED

MAY 20 2019

CITY OF OLATHE



CITY OF OLATHE
CITY CLERK OFFICE

PRIVATE CLUB LICENSE APPLICATION

Date: 5-6-19 Business Phone: 913-7826302

Name of Applicant: Lumpy's Pub & Grub

Business Address of Applicant: 1505 E 151 St Olathe, KS 66062
City State Zip

E-mail Address of Applicant (optional): Lumpy.s@sbcglobal.net

Legal description of premises: McGregor Interest Industrial LLC
L+4 EUE OLC 6724

Owner of premises (if different than applicant): _____

Address of owner of premises: 216 W7 Edgerton KS 66021
City State Zip

Items required that must accompany this application:

- A. **Site Plan:** Attach a drawing of the premises showing the location in relation to other buildings, structures, parking areas, public or private streets, and sidewalks within 200 feet. The site plan should include the number of parking spaces, seating capacity and number of employees servicing the largest shift.
- B. **Copy of Kansas Liquor License Application**
- C. **Copy of renewed State of Kansas Private Club license (May be submitted separately after issuance by the state)**
- D. **License Fee (\$500.00 – 2-year licensing period)**

The biennial fee for Private Clubs authorized by K.S.A. Supp. 41-2622 is hereby established and fixed at **FIVE HUNDRED DOLLARS (\$500.00)**.

All applications for new or renewal city licenses shall be submitted to the City Clerk for consideration by the Governing Body. No license fee shall be refunded for any reason.

TO THE BEST OF MY KNOWLEDGE, THE ABOVE INFORMATION IS CORRECT AND TRUTHFUL.

Dianna Provence
Name of Applicant (Print Please)

Dianna Provence
Signature

President, owner
Title

State of KS

County of Johnson

Margaret Varney
Notary

Sworn and subscribed before me this

This 8 day of May, 2019

SEAL



Cash Receipt

Receipt #: 47072
User: JOLENEP
Dept: CC
Date: 05/20/2019
Time: 10:47:01



CITY OF OLATHE - CITY CLERK CASH RECEIPT
PO BOX 768
OLATHE KS 66061

Customer: Lumpy's

THANK YOU FOR YOUR PAYMENT

ON BEHALF OF CITY TREASURER, DIANNA WRIGHT _____

Item	Description	Notes	Amount
PRIVATE CLUB	Lumpy's RENEW	6288	\$500.00
Final Total Received			\$500.00



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Resource Management

STAFF CONTACT: Dianna Wright and David Bryant

SUBJECT: Consideration of Resolution No. 19-1045 calling for a public hearing to levy assessments to collect unpaid city expenditures for mowing of weeds and removal of debris.

ITEM DESCRIPTION:

Consideration of Resolution No. 19-1045 calling for a public hearing to levy assessments to collect unpaid city expenditures for mowing of weeds and removal of debris

SUMMARY:

The attached resolution calls for a public hearing to levy assessments against lots, pieces and parcels of land located in the City of Olathe, Kansas, to collect unpaid city expenditures for the mowing of weeds and removal of debris.

The city has provided the services necessary for the upkeep of property as indicated on the attached resolution. The owners have been sent proper invoices and notices and the accounts have not been paid.

This year's proceedings include 148 parcels for \$65,049.26. The amounts certified for collection with Johnson County Records and Tax Administration in past years are as follows:

2018: 107 parcels for \$ 30,035.14
2017: 97 parcels for \$ 49,194.13
2016: 142 parcels for \$ 58,085.51
2015: 128 parcels for \$ 51,605.55
2014: 194 parcels for \$103,328.00

Approval of this resolution will set the public hearing for July 16, 2019. The Council will be provided an assessment ordinance for consideration on August 6, 2019. The ordinance will be to consider levying assessments to collect the costs and expenses incurred by the city for mowing of weeds and removal of debris in accordance with Sections 6.06.130 and 6.09.120 of the Olathe Municipal Code.

FINANCIAL IMPACT:

These proceedings address the collection of expenses for properties, which currently total \$65,049.26.

ACTION NEEDED:

Approve Resolution No. 19-1045 setting a public hearing for July 16, 2019.

ATTACHMENT(S):

A. Resolution No. 19-1045

RESOLUTION NO. 19- 1045

A RESOLUTION CALLING FOR A PUBLIC HEARING TO CONSIDER THE LEVYING OF ASSESSMENTS AGAINST LOTS, PIECES AND PARCELS OF LAND LOCATED IN THE CITY OF OLATHE, KANSAS, TO COLLECT UNPAID CITY EXPENDITURES FOR THE MOWING OF WEEDS AND REMOVAL OF DEBRIS.

WHEREAS, the city of Olathe, Kansas, pursuant to Chapters 6.06 and 6.09 of the Olathe Municipal Code, did cause debris to be removed and/or weeds to be mowed on the property below; and

WHEREAS, the city caused to be kept an accurate record of the costs and expenses incurred by the city in removal of said debris and/or weed mowing of said weeds; and

WHEREAS, statements of the cost and expenses incurred by the city were sent to the record owners of said property described below; and

WHEREAS, said property owners have failed to pay such statements within thirty (30) days after such statements were sent; and

WHEREAS, Sections 6.06.130 and 6.09.120 of the Olathe Municipal Code authorize the city to levy a special service assessment upon the lots, pieces and parcels of property upon which said debris was removed and/or said weeds were mowed in order to collect the costs and expenses incurred by the city.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: That a public hearing to consider the levying of assessments on the following described property in order to collect unpaid city expenditures to remove debris and/or mow weeds shall be held on the 16th day of July 2019, at 7:00 p.m. in the Council Chamber of the Olathe City Hall, 100 E. Santa Fe, Olathe, Kansas:

OWNER	DESCRIPTION	AMOUNT
ABP FUNDING LLC 11040 OAKMONT OVERLAND PARK KS 66210	DF231312-2001 12-13-23 SW1/4 EX BG SW CR N 1/2 SW1/4 N 1299.31' E 2651.95' S 1312.6' W 2655.83' EX 10.06 AC EX .1779 AC EX .1211 AC EX .22 AC IN ST & EX 4 TRS PLATTED 18.48453 AC 15.26331 AC 4.80 AC & 16.15217 AC & EX 1.946 AC IN ST 12.77499 ACS M/L	\$500.00
BNSF ATTN: DIVISION MANAGER 4515 KANSAS AVE KANSAS CITY KS 66106	DF231323-4013 23-13-23 PT N 1/2 SE 1/4 SELY OF A LINE BEG 730' N SE COR N 1/2 SE 1/4 SWLY ON ST/L 1056.3' TO PT ON S/L N 1/2 SE 1/4 773.8' W SE COR 3.9 ACRES M/L OLC-0162 0001	\$375.00

WESTAR ENERGY INC 818 KANSAS TOPEKA KS 66601	DF231324-2008 24-13-23 BG SE CR SW1/4 W 420'X N 230' EX .19 AC & EX .0436 AC 1.9864 ACS M/L OLC 173 1	\$125.00
BNSF ATTN: DIVISION MANAGER 4515 KANSAS AVE KANSAS CITY KS 66106	DF231324-2009 24-13-23 4/10 A NW COR SW 1/4 .40 ACRE OLC-0175	\$750.00
LIGHT, ROBERT 29025 W 95TH DE SOTO KS 66018	DF231332-2021 32-13-23 W 1/2 SW1/4 EX 1.925 AC EX 4 AC EX 4 AC EX .75 AC EX .075 AC EX 1.458 AC EX .469 AC IN ST EX .778 AC IN ST & EX 38.24248 AC PLATTED 28.30252 ACS M/L OLC 274 5	\$250.00
JDC NORTH OLATHE PROPERTIES 4520 MADISON KANSAS CITY MO 64112	DF231335-4001 35-13-23 W 57 AC SE1/4 W OF RR EX 2.26 AC & ALL LTS 28 & 29 & S 1/2 23 VAC OFF & HAW EX 2.008 AC EX 23.5 AC & EX 6.507 AC & EX 15.386 AC PLATTED 15.339 ACS M/L	\$625.00
FOR THE FINEST CONSTRUCTION PO BOX 3720 OLATHE KS 66063	DF231335-4019 35-13-23 PT SE1/4 N 200' BLK 10 BELMONT (VAC PLAT) EX .787 AC & EX .068 AC .407 ACS M/L	\$156.25
WEDGE, RICHARD PO BOX 127 KETCHUM OK 74349	DF231336-1002 36-13-23 BG CTR/L CEDAR ST 305' E W/L SW1/4 NW1/4 E 240.45' TO CRK NLY 60' NE 107'NW 100' NE 50.1' TO N/L SW1/4 NW1/4 W 195.4' S 297' TO BG 1.79 ACS EX S 25' IN ST OLC-0343	\$250.00
BNSF ATTN: DIVISION MANAGER 4515 KANSAS AVE KANSAS CITY KS 66106	DF231336-2022 36-13-23 ALL RR RWY THRU SW1/4 OLC 370	\$750.00
JONES, LOREN JONES, CHRISTINA 16474 W 158TH TER OLATHE KS 66062	DP00390000 0018 ARLINGTON PARK FIRST PLAT LT 18 OLC 680 18	\$437.50
TESMER, SHAWN TESMER, DUPREE R 2116 E ARROWHEAD CIR OLATHE KS 66062	DP00500004 0015 ARROWHEAD LT 15 BLK 4 OLC 670 5 4 15	\$187.50
ENOCHS, DARREN 900 S DIANE OLATHE KS 66061	DP00500007 0008 ARROWHEAD LT 8 BLK 7 OLC 670 5 7 8	\$125.00
TITAN FISH ONE, LLC 8349 MONTICELLO RD SHAWNEE KS 66227	DP00760000 0001 ASBURY CENTRE LT 1 OLC 469 1	\$2,187.50

TITAN FISH ONE, LLC 8349 MONTICELLO RD SHAWNEE KS 66227	DP00760000 0002 ASBURY CENTRE LT 2 OLC 469 2	\$1,375.00
JACOBSON-CAMPBELL 8349 MONTICELLO RD SHAWNEE KS 66227	DP00760000 0T0A ASBURY CENTRE TRACT A OLC 469 A	\$1,437.50
JOHN, DEREK 10423 W 56TH SHAWNEE KS 66203	DP01000001 0005 AVALON LOT 5 BLK 1 OLC-3432	\$187.50
JOHN, DEREK 10423 W 56TH SHAWNEE KS 66203	DP01000001 0006 AVALON LOT 6 BLK 1 OLC-3433	\$250.00
SANDERS, NEAL R 15907 W 150TH ST OLATHE KS 66062	DP02700000 0119 BELLA VISTA LT 119 OLC 658 1 119	\$437.50
BRITTANY DEV 12553 S HAGAN LN OLATHE KS 66062	DP05400000 0T0A BRITTANY PLACE TRACT A OLC 375 1A TA	\$2,250.00
BRANSON, KATHY 1141 E YESTERYEAR ST OLATHE KS 66062	DP05500000 0119 BRITTANY YESTERYEAR 3RD PLAT LT 119 OLC 166 2 119	\$242.50
MITTAL, NEERAJ 2020 20TH ST SANTA MONICA CA 90404	DP05500000 0120 BRITTANY YESTERYEAR 3RD PLAT LT 120 OLC 166 2 120	\$234.00
BROWN, JENNIFER 14140 S CONSTANCE CT OLATHE KS 66062	DP06500000 0046 BROOKFIELD LT 46 OLC 198 46	\$135.00
MCDANIEL, MICHAEL 15220 W 152ND CIR OLATHE KS 66062	DP06800006 0010 BROUGHAM VILLAGE LT 10 & SE 6.22' LT 11 BLK 6 OLC 683A 6 10	\$125.00
ZETHRAEUS FAMILY TRUST 4490 ENCINAL CANYON MALIBU CA 90265	DP10000011 0003A BURRIS & OCHEL TREES ADDITION LT 3 BLK 11 EX W 1/2 OLC 2360	\$280.00
PALACIOS, KATHY 814 E PARK ST OLATHE KS 66061	DP10000011 0007B BURRIS & OCHEL TREES ADDITION E 90' LT 7 EX N 45' & E 90' LT8 BLK 11 OLC 2368	\$125.00
HARDER, ARTHUR 412 S MAHAFFIE ST OLATHE KS 66061	DP10000015 0002 BURRIS & OCHEL TREES ADDITION LT 2 BLK 15 OLC 2421	\$125.00
FORD, TIM 901 E PARK ST OLATHE KS 66061	DP10000019 0005C BURRIS & OCHEL TREES ADDITION W 53' LT 5 BLK 19 OLC 2469A	\$125.00
HARDMAN, MARSHA 200 S NORMANDY DR OLATHE KS 66061	DP10700000 0127 CAMDEN PLACE N 10' LT 127 & ALL LT 128 OLC 287 1 128	\$125.00

MACLACHLAN, D 629 W OAK ST OLATHE KS 66061	DP14000002 0004 COLLIVER ADDITION ALL LT 4 & W 2' LT 5 BLK 2 OLC 4293	\$395.00
HARDIN, TINA 3505 W 38TH AVE DENVER CO 80211	DP14000002 0014 COLLIVER ADDITION LT 14 BLK 2 OLC 4303	\$390.00
NABI, MAHMUDUN 12916 S RAINTREE DR OLATHE KS 66062	DP18500000 0198 DEVONSHIRE PHASE II LT 198 OLC 615 6 198	\$187.50
CREEK, LINDSEY 804 S TROOST ST OLATHE KS 66061	DP22000001 0002 EDGEMERE AN ADDITION TO THE CITY OF OLATHE LT 2 BLK 1 OLC 4458	\$375.00
STANFIELD, DAVID STANFIELD, ELAINE 1155 W DENNIS AVE OLATHE KS 66061	DP23500001 0014 ELSTON PARK LT 14 BLK 1 BG NE CR S 180' W 182' N 69.61' TO SE/L LT 13 NE 44.62' N ALG E/L79.09' TO NE CR LT 13 E 150' TO BG OLC 301 1 1 14	\$125.00
DELICH, W.E. DELICH, MARY JO 15311 W 144TH TER OLATHE KS 66062	DP23650000 0054 ESTATES OF ASHTON 2ND PLAT LT 54 OLC 654 54	\$125.00
MARTINEZ, DANIEL 508 N IOWA ST OLATHE KS 66061	DP24000000 0016 FAIRVIEW LOT 16 OLC-3776	\$40.00
NONHAVETH, TOM 316 N LOGAN ST OLATHE KS 66061	DP24000000 0143 FAIRVIEW LT 143 EX S 27' & S 37' LT 144 OLC 3906	\$125.00
MILLS, JAMES 420 N LOGAN ST OLATHE KS 66061	DP24000000 0151A FAIRVIEW N 20' OF LOT 151 & S 40' OF LOT 152 OLC 3915 1	\$125.00
DONAHUE, JOE PO BOX 3720 OLATHE KS 66063-3720	DP24000000 0196 FAIRVIEW LT 196 EX N 81.48' OLC 3946	\$250.00
WILLIAMSON, ANDY 723 YOEKE TONGANOXIE KS 66086	DP24000000 0196 FAIRVIEW LT 196 EX N 81.48' OLC 3946	\$125.00
FORD, TIM 901 E PARK ST OLATHE KS 66061	DP24000000 0224 FAIRVIEW W 150.75' LT 224 OLC 722	\$125.00
MEL LATORRE PROPERTIES I, LLC C/O BEV RAINWATER 706 W CEDAR ST OLATHE KS 66061	DP24100000 0001 FAIRVIEW HILLS LOT 1 OLC-0733 0001	\$20.00
RODRIGUEZ, ALFREDO 9400 BRADSHAW ST LENEXA KS 66215	DP27000000 0008 FREDRICKSON'S ADDITION LT 8 OLC 4234	\$217.50

SRE HOLDINGS LLC 21088 W 114TH TER OLATHE KS 66061	DP28000003 0010 GAS LIGHT ACRES LOT 10 BLK 3 OLC- 0622B0003 0010	\$125.00
SRE HOLDINGS LLC 21088 W 114TH TER OLATHE KS 66061	DP28000004 0011 GAS LIGHT ACRES LT 11 EX W .2' & W .4' LT 12 BLK 4 OLC 622B 4 11	\$250.00
TIN MAN PROPERTIES KANSAS PO BOX 874 OLATHE KS 66051	DP28000005 0005 GAS LIGHT ACRES LOT 5 BLK 5 OLC- 0622B0005 0005	\$125.00
LAUBINGER, DWAYNE 1006 W VIRGINIA LN OLATHE KS 66061	DP29000000 000A GOVERNORS COURT NORTH CERT OF SURVEY OF PT LT 1 AS REC IN BK1074 P 727 TRACT A OLC 301 1A 1C A	\$187.50
DONAHUE, ASHLEY PO BOX 3720 OLATHE KS 66063	DP30000003 0004 HAVENCROFT LOT 4 BLK 3 OLC	\$375.00
FOR THE FINEST CONSTRUCTION PO BOX 3720 OLATHE KS 66063	DP30000003 0004 HAVENCROFT LOT 4 BLK 3 OLC	\$470.71
FOR THE FINEST CONSTRUCTION PO BOX 3720 OLATHE KS 66063	DP30000003 0014 HAVENCROFT LOT 14 BLK 3 OLC-	\$437.50
HESLIP, ANTONY 1425 E SHERIDAN ST OLATHE KS 66062	DP30000006 0003B HAVENCROFT NWLY 47.5' LT 3 BLK6 OLC 638 3B	\$125.00
CLIFTON, SHARON L TRUST 1581 AMERIPRISE FINANCIAL CTR MINNEAPOLIS MN 55474	DP30000014 0006 HAVENCROFT LT 6 BLK 14 BG NE CR S 42.45' W 120' TO W/L N 42.45' E 120' TO POB OLC 634 14 6	\$125.00
BRUBAKER TRUST, LARRY HAROLD S BRUBAKER -TRUSTEE 18902 W 98TH TER LENEXA KS 66220	DP30000014 0028A HAVENCROFT W 39' LT 28 & E 2' LT 29 BLK 14 OLC 634 14 28A	\$617.50
STOECKLE, L 16621 W 145TH TER OLATHE KS 66062	DP30000042 0008 HAVENCROFT LT 8 BLK 42 OLC 663 4 42 8	\$187.50
PRIETO, VICTOR 16645 W 147TH ST OLATHE KS 66062	DP30000046 0002 HAVENCROFT LT 2 BLK 46 OLC 663 4 46 2	\$2,416.25
JENSEN, MARILYN C/O FRED JENSEN 6401 W 138TH TER 915 OVERLAND PARK KS 66223	DP31100002 0006C HAYES' ADDITION TO OLATHE (NORTH OF LOULA) BG 90.5' W NELT 6 BLK 2 S 250' X W 43' OLC 2166A	\$375.00

MCCURLEY, LARRY 1037 E DOVER CIR OLATHE KS 66061	DP36300000 0010 HUNTINGTON HEIGHTS LT 10 OLC 194 4 10	\$125.00
STEPHENS, EDWARD 1025 E DOVER CIR OLATHE KS 66061	DP36300000 0019 HUNTINGTON HEIGHTS LT 19 OLC 194 4 19	\$312.50
HIATT, JUNELLA PO BOX 2719 OLATHE KS 66063	DP36300000 0023 HUNTINGTON HEIGHTS LT 23 OLC 194 4 23	\$112.50
YU, XIAOQIANG ZHAN, WENYAN 6700 HIGH DR MISSION HILLS KS 66208	DP38500000 0037 LAKEHURST LT 37 OLC 364 1 37	\$312.50
AMES, BRIAN 731 S HAMILTON ST OLATHE KS 66061	DP39000000 0007B LAKE SIDE ACRES E 150' LT 7 EX S 75' OLC 358 7 1	\$125.00
SCHOCK, LOUISE 735 S HAMILTON ST OLATHE KS 66061	DP39000000 0007C LAKE SIDE ACRES S 75' E 150' LT 7 OLC 358 7 2	\$1,037.26
KILE, KELLY KILE, PATRICIA 1037 E HUNTINGTON PL OLATHE KS 66061	DP39000000 0012C LAKE SIDE ACRES PT LT 12 BG 34.98' S NW CR S 40.02' E 260.40' N 41' W 260.96' TO POB	\$125.00
AZAZ FAMILY INVESTMENTS 8826 SANTA FE OVERLAND PARK KS 66212	DP39000000 0020A LAKE SIDE ACRES LT 20 EX E 150' & EX BG 150' W NE CR W 88' X S 125' & EX BG SW CR E 125' X N 76' OLC 358 20	\$1,012.50
MCDONALDS CORPORATION 15920 W 87TH ST LENEXA KS 66219	DP39800000 0001 LARSON'S PLAZA LT ONE OLC 600 1 1	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0013 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 13 OLC 246C 13	\$125.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0013 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 13 OLC 246C 13	\$125.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0015 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 15 OLC 246C 15	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0016 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 16 OLC 246C 16	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0017 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 17 OLC 246C 17	\$250.00

LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0018 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 18 OLC 246C 18	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0019 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 19 OLC 246C 19	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0020 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 20 OLC 246C 20	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0021 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 21 OLC 246C 21	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0022 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 22 OLC 246C 22	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0023 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 23 OLC 246C 23	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0031 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 31 OLC 246C 31	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0032 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 32 OLC 246C 32	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0035 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 35 OLC 246C 35	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0038 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 38 OLC 246C 38	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0042 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 42 OLC 246C 42	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0044 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 44 OLC 246C 44	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0045 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 45 OLC 246C 45	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0046 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 46 OLC 246C 46	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0049 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 49 OLC 246C 49	\$250.00

LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0050 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 50 OLC 246C 50	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0051 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 51 OLC 246C 51	\$250.00
LINKS OF PRAIRIE HIGHLANDS 15954 MUR-LEN RD 207 OLATHE KS 66062	DP40850000 0052 LINKS OF PRAIRIE HIGHLANDS 1ST PLAT LT 52 OLC 246C 52	\$250.00
PROVAS HOME INVESTMENT INC 1418 NW SHERIDAN RD A LAWTON OK 73505	DP42600000 0084 MAPLE BROOK PARK 2ND PLAT LT 84 OLC 162 84	\$375.00
FOR THE FINEST CONSTRUCTION PO BOX 3720 OLATHE KS 66063	DP47000000 0009 MILLBROOKE LOT 9 OLC-0346 0009	\$718.78
FLORES-VILLEDA, VICTOR FLORES-MADRIS, WENDY 900 S MONTCLAIRE DR OLATHE KS 66061	DP47200000 0071 MONTCLAIR (MONTCLAIRE) LT 71 OLC 303 71	\$125.00
MERIDIAN TITLE COMPANY 64 E 6400 S SALT LAKE CITY UT 84107	DP47500000 0001 MOORE BUSINESS PARK FIRST PLAT LT 1 EX BG NE CR S 46.19'NW 58.18' W 502.01' SW 166.50'& 51.57' TO E RTWY/L MOORE AVEN 65.52' TO NW CR LT 1 E 755.79' TO POB OLC 617 6 1	\$1,000.00
CRANE, GARY 620 N WOODLAND RD OLATHE KS 66061	DP48000000 0101 MULBERRY HILLS LOT 101 OLC-0182 0101	\$360.00
DIAZ, PATRICIA 402 W SANTA FE ST OLATHE KS 66061	DP50000000 0001A NONEMAKER ADDITION S 2' LT 1 & LT 2 OLC 4455F 1A	\$125.00
CONSUEGRA, ALEXIS 12803 W 109TH ST OVERLAND PARK KS 66210	DP50000000 0003 NONEMAKER ADDITION LOT 3 OLC- 4455F0003	\$250.00
WILKINS, CHARLES 817 S GRANT ST OLATHE KS 66061	DP50000000 0005 NONEMAKER ADDITION LOT 5 OLC- 4455F0005	\$125.00
DOBBELS, CHARLES 1404 E 123RD ST OLATHE KS 66061	DP50400002 0025 NORTH RIDGE SUBDIVISION FIRST PLAT LT 25 BLK 2 OLC 582 3 2 25	\$125.00
HUGGINS, ROGER HUGGINS, ELEANOR 617 N WATER ST OLATHE KS 66061	DP52000002 0011 OLATHE LT 11 BLK 2 OLC 27	\$437.50

MUPR 3 ASSETS LLC 5001 PLAZA ON THE LAKE AUSTIN TX 78746	DP52000009 0003C OLATHE N 85' W 34.5' LT 3 & N 85' LTS 4 & 5 BLK 9 OLC 158	\$765.00
BNSF ATTN: DIVISION MANAGER 4515 KANSAS AVE KANSAS CITY KS 66106	DP52000012 0002 OLATHE LTS 2 THRU 6 E 1/2 LT 7 ALL LT 10 W 50' LTS 11 12 1516 19 & 20 ALL LTS 13 14 17 18 & 21 THRU 26 & VAC ADJ ALLEYS BLK 12 OLC 222	\$375.00
GENESIS INV 2111 E SANTA FE ST 267 OLATHE KS 66062	DP52000023 0007 OLATHE LT 7 BLK 23 & E 1/2 VAC ALLEY ADJ OLC 437	\$125.00
POPLAR STREET LLC 10850 WILSHIRE BLVD LOS ANGELES CA 90024	DP52000026 0008 OLATHE ALL LTS 8 & 11 & E 1/2 VAC ALLEY ADJ & N 1/2 VAC ALLEY ADJ BLK 26 OLC 482 2 BOTA 06 5444 TX	\$507.00
LATORRE, W LATORRE INVESTMENTS LLC 14708 S MUR LEN RD OLATHE KS 66062	DP52000038 0012 OLATHE LTS 11 & 12 BLK 38 OLC 831	\$125.00
AULD, BLAIR HAYES 306 W 1ST ST OPOLIS KS 66760	DP52000038 0018 OLATHE LTS 18 & 21 BLK 38 OLC 837	\$125.00
AULD, BLAIR HAYES 306 W 1ST ST OPOLIS KS 66760	DP52000038 0024 OLATHE LT 24 & W 25' LT 25 BLK 38 OLC 844	\$1,219.83
GVG INVESTMENTS LLC 5133 NW KALIVAS RIVERSIDE MO 64150	DP52000071 0001 OLATHE LT 1 EX N 90' LTS 7 8 11 12 13 14 15 & 16 & ALL VAC ALLEYS ADJ EX N 1/2 VAC ALLEY ADJ LT 3 BLK 71 OLC 1697	\$562.50
MAECOMMON 250 E 96TH ST INDIANAPOLIS IN 46240	DP53200000 0003A OLATHE COMMONS SECOND PLAT PT LT 3 LYG WITHIN ICMB CONT AREAOLC 103 2A 3A	\$125.00
A L & L SERVICES, INC ANDRES LOREDO 44 W CONCORD KANSAS CITY MO 64112	DP54300000 0003 OLATHE STATE BANK ADDITION LT 3 OLC 620 2 33 3	\$187.50
DUCK, MARK 12604 S LOCUST ST OLATHE KS 66062	DP54500000 0027 OLATHE TRAILS LT 27 OLC 605 27	\$125.00
G1 REAL ESTATE LLC PO BOX 7262 OVERLAND PARK KS 66207	DP55000003 0006 OLATHE VIEW S 5' LT 6 & ALL LT7 BLK 3 EX S 35.96' OLC 3068 32	\$1,347.50
444KSA VENTURES, LLC 444 S KANSAS AVE OLATHE KS 66061	DP59000001 0006 PILCHER PLACE LTS 3 6 & 7 BLK 1 & W1/2 VAC ALLEY ADJ OLC 1925	\$2,082.50

NORTH, JULIE 461 S CHERRY ST OLATHE KS 66061	DP59000001 0009 PILCHER PLACE LT 9 BLK 1 & E1/2 VAC ALLEY ADJ OLC-1929	\$1,701.45
LITTLE LION ENTERPRISES 21098 W 120TH OLATHE KS 66061	DP59190000 0162 PRAIRIE HIGHLANDS FOURTH PLAT LT 162 OLC 245M 162	\$1,895.00
JIMENEZ, MARIA 397 W JOHNSTON ST OLATHE KS 66061	DP59300000 0010 PRAIRIE MEADOWS LT 10 OLC 207 1 10	\$187.50
HALL, RYAN 1000 S PITT ST OLATHE KS 66061	DP60200000 0034 PROVENCE VILLAGE LOTS 34 & 35 OLC- 0035	\$375.00
FRIEDLINE, JASON 11963 S MONROE ST OLATHE KS 66061	DP60200000 0164 PROVENCE VILLAGE LOT 164 OLC-0164	\$555.00
WORCESTER INVESTMENTS 5133 NW KALIVAS DR RIVERSIDE MO 64150	DP63000001 0005 RIDGEVIEW ADDITION TO THE CITY OF OLATHE KANSAS BLOCKS 1 TO 4 INCLUSIVE LT 5 BLK 1 OLC 2639 5	\$375.00
WORCESTER TOWNHOMES 1220 WASHINGTON ST KANSAS CITY MO 64105	DP63000001 0010 RIDGEVIEW ADDITION TO THE CITY OF OLATHE KANSAS BLOCKS 1 TO 4 INCLUSIVE LT 10 BLK 1 OLC 2639 10	\$250.00
WORCESTER TOWNHOMES 1220 WASHINGTON ST KANSAS CITY MO 64105	DP63000002 0006 RIDGEVIEW ADDITION TO THE CITY OF OLATHE KANSAS BLOCKS 1 TO 4 INCLUSIVE LT 6 BLK 2 OLC 2639 16	\$600.00
LOREDO, ANDRES LOREDO, FABIOLA 44 W CONCORD KANSAS CITY MO 64112	DP63000003 000C3 RIDGEVIEW ADDITION TO THE CITY OF OLATHE KANSAS BLOCKS 1 TO 4 INCLUSIVE S 92.5' E 210' LT C BLK 3 OLC 2639 26B	\$250.00
WORCESTER TOWNHOMES 1220 WASHINGTON ST KANSAS CITY MO 64105	DP63000004 0006 RIDGEVIEW ADDITION TO THE CITY OF OLATHE KANSAS BLOCKS 1 TO 4 INCLUSIVE LT 6 BLK 4 OLC 2639 32	\$750.00
WORCESTER TOWNHOMES 1220 WASHINGTON ST KANSAS CITY MO 64105	DP63000004 0007 RIDGEVIEW ADDITION TO THE CITY OF OLATHE KANSAS BLOCKS 1 TO 4 INCLUSIVE LT 7 BLK 4 OLC 2639 33	\$895.00
WORCESTER TOWNHOMES 1220 WASHINGTON ST KANSAS CITY MO 64105	DP63000004 0012 RIDGEVIEW ADDITION TO THE CITY OF OLATHE KANSAS BLOCKS 1 TO 4 INCLUSIVE LT 12 BLK 4 OLC 2639 38	\$695.00
JOSEPH, KARLA 301 S CENTRAL ST OLATHE KS 66061	DP6310000A 0002 RIDGEVIEW ADDITION NO. 2 TO THE CITY OF OLATHE KANSAS BLOCKS A, B, C AND D LT 2 BLK A OLC 2637 2	\$655.00

PORTILLO, ELIADIMIR 316 S CHESTER ST OLATHE KS 66061	DP6320000G 0012 RIDGEVIEW ADDITION NO. 3 TO THE CITY OF OLATHE KANSAS LT 12 EX N 5.9' & N 5.9' LT 13 BLK G OLC 641B 29	\$125.00
KELSO, JERRY BARNES, BRENT A. 13810 W 131ST TER OLATHE KS 66062	DP63400001 0027 RESURVEY AND REPLAT OF RIDGEVIEW ADDITION NO. 4 W 4' LT 26 & LT 27 BLK 1 OLC 637 27	\$375.00
A & J TOTAL SERVICES 1505 E STATE ROUTE 2 CLEVELAND MO 64734	DP63500005 0006 RIDGEVIEW SOUTH LOT 6 BLK 5 OLC-0339 0066	\$250.00
WILDER, KARA 904 S HUNTER DR OLATHE KS 66061	DP63500007 0008 RIDGEVIEW SOUTH LT 8 BLK 7 EX SE 8' OLC 339 97	\$125.00
CONYBEAR, DONALD 1121 W ELM ST OLATHE KS 66061	DP65000000 0022 ROLLING RIDGE LOT 22 OLC-0299 0022	\$375.00
KNOWLTON, DONALD 531 S RIDGE OLATHE KS 66061	DP65100000 0009 ROLLING RIDGE SOUTH LOT 9 OLC-0301 0009	\$90.00
KROUT, KRISTINA 916 S VIRGINIA LN OLATHE KS 66061	DP65100000 0220 ROLLING RIDGE SOUTH LOT 220 OLC-0301 0220	\$625.00
ROLLING RIDGE SOUTH HOMES C/O RICHARD ENOCHS 10100 SANTA FE DR STE 301 OVERLAND PARK KS 66212	DP65100000 0254 ROLLING RIDGE SOUTH LOT 254 OLC-0301 0254	\$500.00
SAWYER, JAMES 702 E POPLAR ST OLATHE KS 66061	DP68000004 0016 SANTA FE HEIGHTS LTS 16 & 17 BLK 4 EX W 59' OLC 3615	\$810.00
BECK EQUITIES 323 MOJAVE WEST ST LAKE QUIVIRA KS 66217	DP68300000 0011 SAXONY LT 11 OLC 290 11	\$125.00
BECK EQUITIES 323 MOJAVE WEST ST LAKE QUIVIRA KS 66217	DP68300000 0013 SAXONY LT 13 OLC 290 13	\$67.50
PRASAD, KRISHNA PRASAD, SAROJ 13904 STONEFIELD LN CLIFTON VA 22024	DP68500003 0046 SCARBOROUGH LT 46 BLK 3 OLC 674 3 46	\$875.00
MCDERMOTT, MICHAEL 7913 NW POTOMAC KANSAS CITY MO 64152	DP71720000 0002 SPRUCE INDUSTRIAL PARK LT 2	\$125.00
ATER, RONALD 588 W LOULA OLATHE KS 66061	DP72000002 0008A STEPHENSON'S ADDITION TO OLATHE (STEVENSONS ADDITION) S 173' W 140' LT 8 BLK 2 OLC 3301	\$3,405.97

RANGEL, ROAN 9627 GRANDVIEW ST OVERLAND PARK KS 66212	DP72100002 0005C STEVENSONS SECOND ADDITION W 70' N 1/2 LT 5 & E 10' N 1/2 LT 6 BLK 2 OLC 3331A	\$125.00
JULIAN, SHANNON 11174 S AMINDA ST OLATHE KS 66061	DP72960000 0151 SYMPHONY HILLS II LT 151 OLC 263 12 151	\$312.50
BNSF ATTN: DIVISION MANAGER 4515 KANSAS AVE KANSAS CITY KS 66106	DP73000000 0232 TAFT PARK ALL VAC LOTS 232 THRU 248 EX LT 232 OLC 4797	\$375.00
SALISBURY, BRUCE SALISBURY, JOYCE M. 14116 S LOCUST ST OLATHE KS 66062	DP73500001 0027 TARA LT 27 & S 1' LT 28 BLK 1 OLC 651 4 1 27	\$187.50
DOLCE PROPERTIES 11835 ROE AVE 128 LEAWOOD KS 66211	DP73880000 0007 THE VILLAGES OF SUNNYBROOK ESTATES 6TH PLAT LT 7 OLC 83 5 7	\$312.50
DOLCE PROPERTIES 11835 ROE AVE 128 LEAWOOD KS 66211	DP73880000 0008 THE VILLAGES OF SUNNYBROOK ESTATES 6TH PLAT LT 8 OLC 83 5 8	\$1,562.50
DOLCE PROPERTIES 11835 ROE AVE 128 LEAWOOD KS 66211	DP73880000 0T0C THE VILLAGES OF SUNNYBROOK ESTATES 6TH PLAT TRACT C EX BG NE CR LT 5 SUNNYBROOK W 267.51' NW 153.20' NE 64.19' SE 375.52' SE CUR LF 7' SE 47.60' TO POB OLC 83 5 C	\$187.50
VAUGHAN, BARBARA VAUGHAN, FREDDIE JOSEPH 12195 S TIMBERLANE BLVD OLATHE KS 66061	DP74100000 0018 TIMBERLANE ACRES TRACTS 18 & 19 EX BG SE CR TRACT 18 NW 4.77' TO PT 30' W E/L NW1/4 24-13-25 N TO PT N/L TRACT 19 E 1.63' TO NE CR TRACT 19 S TO POB & VAC TIMBERLANE BLVD BG SE CR TRACT 17 W 65.66' N 75.72' NW CUR LF 130.83' TO W/L TRACT 18 SE 206.25' TO W RTWY/L NELSON RD S 33.45' SW 14.15' W 17.86' TO POB OLC 169 18	\$312.50
PALACIOS, GONZALO 1200 E LOULA ST OLATHE KS 66061	DP77000001 0017 WALDRON PLACE LOTS 17 & 18 BLK 1 OLC 2551	\$125.00
YARSULIK, STEPHEN 69 FELTON ST HUDSON MA 01749	DP77000002 0001 WALDRON PLACE LT 1 & E 11.5' LT 2 BLK 2 & N 1/2 VAC ALLEY ADJ ON S OLC 2559 1	\$520.00
GILLIAM, SAMUEL GILLIAM, RENE 1093 SUNKEN MEADOW SPRING GROVE VA 23881	DP77000003 0014 WALDRON PLACE LOT 14 BLK 3 OLC-2598	\$348.95

CALDERON, RAUL 1213 E LOULA ST OLATHE KS 66061	DP77000006 0004 WALDRON PLACE ALL LT 4 & E 20'LT 5 & VAC ALLEY ADJ ON S BLK 6 OLC 2628	\$407.81
WOJIE, GASHAW 633 N IOWA ST OLATHE KS 66061	DP79000008 0006A WOODSIDE BG 3' N & 38.25' E SW CR LT 6 BLK 8 NE 99.17' & 13.27' TO N/L E 35.88' TO NE CR S 87' W 105.95' TO POB	\$125.00
AVRM 5, LLC 5001 PLAZA ON THE LAKE AUSTIN TX 78746	DP79000010 0006 WOODSIDE LOT 6 BLK 10 OLC-0208 0010 0006	\$250.00

SECTION TWO: That a notice of such public hearing, substantially in the form described below shall be published once in the official city newspaper at least ten (10) days prior to the public hearing and shall also be mailed to each property owner of record of the property described above:

NOTICE OF PUBLIC HEARING

A public hearing to consider levying assessments on the following described lots, pieces and parcels of land in order to collect unpaid city expenditures for the removal of debris and/or mowing of weeds shall be held in the Council Chamber of the Olathe City Hall, 100 E. Santa Fe, Olathe, Kansas, at 7:00 p.m., on the 16th day of July, 2019.

(Description of Property)

Written or oral objections will be considered at such meeting.

City Clerk

(Seal)

ADOPTED by the Council this 18th day of June 2019.

SIGNED by the Mayor this 18th day of June 2019.

Mayor

ATTEST:

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Resource Management
STAFF CONTACT: Dianna Wright, Michael Meadors and Bob Reynolds
SUBJECT: KCP&L Renewables Direct Program Agreement

ITEM DESCRIPTION:
Acceptance of Agreement and associated terms for participation in the KCP&L Renewables Direct Program.

SUMMARY:
This program avails KCP&L customers the opportunity to allocate a percentage of energy through a renewable resource. Currently the primary resource is anticipated as being wind generated power. City participation in this program will provide both economic (overall rate reduction) and sustainability (clean energy vs. power plant resources) benefits. The agreement has four 5-year renewal increments for a total term of 20 years.

Per the KCP&L Model Chart (see attached) estimated annual savings at an elected 5-year term and 100% of total consumption (3,000 Kw.) offset equal \$7,008 annually.

Note: Due to territory designations, KCP&L provides roughly 40% of the total Olathe electric utility service for our facilities with the majority (60%) being Westar accounts. Although potential exists for future Westar participation; at present, Westar Renewables Direct is not open for enrollment. The future participation into the Westar program, which constitutes a larger share of Olathe electrical utility accounts, will be guided by the performance of the KCP&L program.

FINANCIAL IMPACT:
Program participation is anticipated to provide annual reduction in KCP&L electric utility expenditures of \$7,008.

ACTION NEEDED:
Approval of Direct Renewables Program Agreement

ATTACHMENT(S):
A. KCP&L: Olathe Model Chart
B. Renewables Direct KS Information Packet
C. Renewables Direct Participation Agreement - City of Olathe

Customer: City of Olathe					
Annual Offset (%)	100%	75%	50%	25%	Custom Capacity
Qualifying Energy Use (kWh)	11,270,976.00	11,270,976.00	11,270,976.00	11,270,976.00	11,270,976.00
Subscribed Cap. (kW)	3,063.43	2,297.57	1,531.72	765.86	3,000.00
Fuel Savings					
Avg Fuel Costs (\$)	\$ 236,039.28	\$ 236,039.28	\$ 236,039.28	\$ 236,039.28	\$ 236,039.28
Renewables Direct Fuel (\$)	\$ 228,800.81	\$ 171,600.61	\$ 114,400.41	\$ 57,200.20	\$ 224,063.28
Est. Total Fuel Cost (\$)	\$ 228,800.81	\$ 230,610.43	\$ 232,420.05	\$ 234,229.67	\$ 228,950.69
Est. Fuel Savings (\$)	\$ 7,238.47	\$ 5,428.85	\$ 3,619.24	\$ 1,809.62	\$ 7,088.59
Est. Fuel Savings (%)	3.07%	2.30%	1.53%	0.77%	3.00%
Total Bill Savings					
Actual Bill (\$)	\$ 1,423,509.00	\$ 1,423,509.00	\$ 1,423,509.00	\$ 1,423,509.00	\$ 1,423,509.00
Green Tariff Bill (\$)	\$ 1,416,270.53	\$ 1,418,080.15	\$ 1,419,889.76	\$ 1,421,699.38	\$ 1,416,420.41
Est. Bill Savings (\$)	\$ 7,238.47	\$ 5,428.85	\$ 3,619.24	\$ 1,809.62	\$ 7,088.59
Est. Bill Savings (%)	0.51%	0.38%	0.25%	0.13%	0.50%
kWh Difference					
All-In Energy Cost (\$/kWh)	\$ 0.1263	\$ 0.1263	\$ 0.1263	\$ 0.1263	\$ 0.1263
RD All-In Energy Cost (\$/kWh)	\$ 0.1257	\$ 0.1258	\$ 0.1260	\$ 0.1261	\$ 0.1257
Capacity Factor	42%				
Est. RPC (\$/kWh)	\$ 0.0203				
Current ECA (\$/kWh)	\$ 0.0209				



Energy companies

Renewables Direct

Businesses large and small benefit from renewables

Renewables Direct is a new program that allows commercial and industrial customers to offset a percentage of their energy usage through a renewable resource. This program is designed to provide large customers a path toward their sustainability goals with the abundant, affordable renewable energy of Kansas and Missouri.

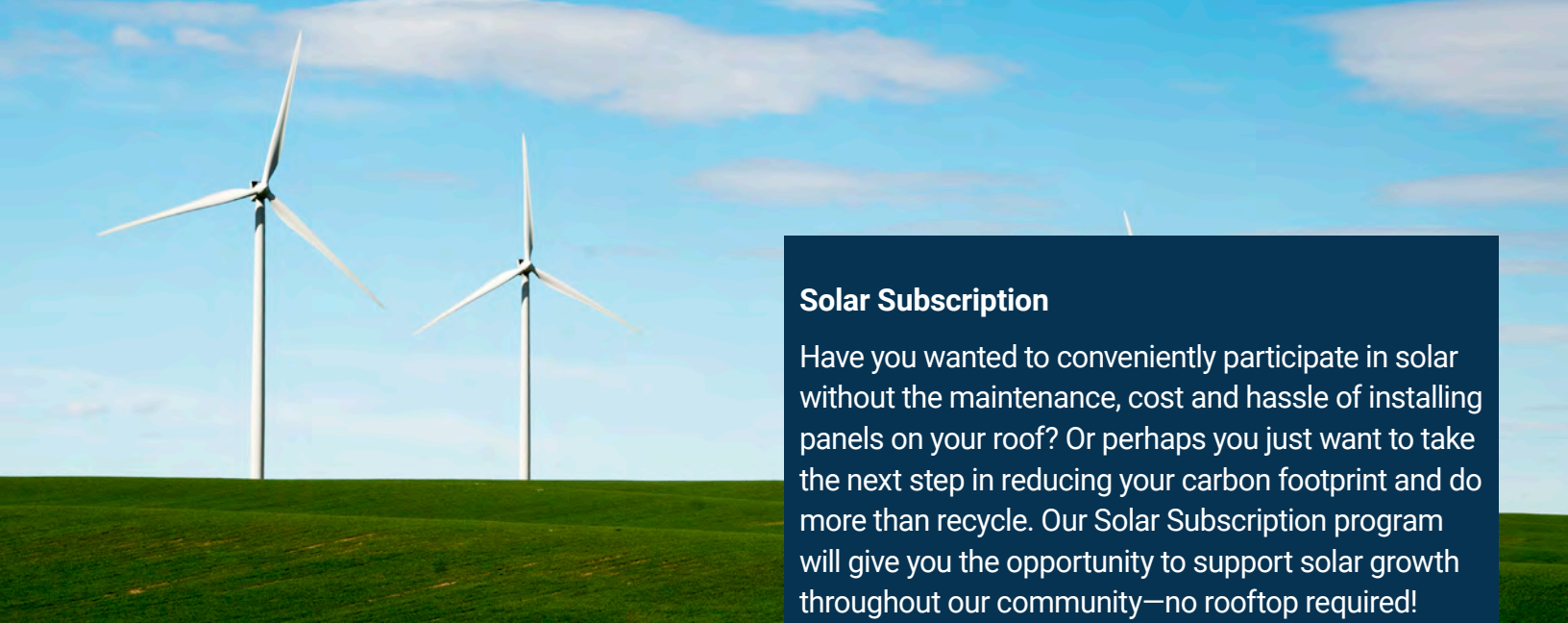
Benefits to your business

- Renewable-sourced electricity at a price that reflects the cost of generation and delivery
- Cost-effective and customer friendly opportunities, all while providing clean energy to the grid
- The ability to claim a portion of the energy generated by the renewable source as their own and retain all of the renewable attributes
- Structure to add projects in the future to keep up with the growing appetite for renewable sources of our customers
- Hundreds of jobs are expected to be created for the construction and maintenance of the wind farm

Why renewables?

- Energy that fits your goals
- Fixed subscription charge
- Create new jobs
- Keep power local





A commitment to renewables is a commitment to economic and sustainability growth. In conjunction with our other economic tools, our Renewables Direct program can help attract and retain businesses in Kansas and Missouri. Our program offers cost-effective and customer friendly opportunities, all while providing clean energy to the grid. We recognize the role clean energy plays in attracting and retaining new business to the community, and we're here to help!

For more information about Evergy companies' renewable programs, please email Renewables@kcpl.com.



Evergy companies

Solar Subscription

Have you wanted to conveniently participate in solar without the maintenance, cost and hassle of installing panels on your roof? Or perhaps you just want to take the next step in reducing your carbon footprint and do more than recycle. Our Solar Subscription program will give you the opportunity to support solar growth throughout our community—no rooftop required!

Visit kcpl.com/solarsubscription or westarenergy.com/communitysolar to learn more.

Net Metering and Solar Rebates

Our Net Metering program encourages the use of solar technology, a renewable energy resource that has a positive impact on the planet. Customers who choose to be net metered will receive a one-for-one energy credit for excess energy that is exported to the grid. In addition, our rebate incentives in Missouri further encourage investment in solar energy by providing a rebate for customer-owned solar resources.

Visit kcpl.com/solar to learn more.

Westar Wind

Westar Wind is an easy, affordable means of supporting renewable energy and the development of wind power sources throughout Kansas. Choose to have more of your energy coming from wind resources, from 1–100% of your usage.

Visit westarenergy.com/wind to learn more.

Energy Efficiency

KCP&L currently offers an array of tools and programs to help you reduce your general energy usage, saving you money in your Missouri home or business.

Visit kcpl.com/energyefficiency to learn more.



Renewables Direct FAQ

What is Renewables Direct?

Renewables Direct is the program name for the Renewable Energy Rider Tariff (RER Tariff) approved by the Kansas Corporation Commission (KCC) in 2018. The program allows commercial and industrial customers to offset some or all of their energy usage through a renewable resource. This program is designed to provide large customers a path toward their sustainability goals with renewable energy. The RER tariff is available for viewing at kcpl.com/tariffs.

How do I sign up or receive more information?

Contact our Renewable Energy team at renewables@kcpl.com or your Customer Solutions Manager for more information. Your name will be added to a waiting list in the order it is received. This waiting list will be used to determine participation order once the renewable resource is ready. To enroll in the program, you will be required to complete a Participation Agreement.

What if the program receives more subscriptions than can be served by the given resource?

When the final resource is obtained, all customers on the waiting list will receive a portion of the available resource based on the proportion of their subscription request to the total resource size. Any unserved capacity associated with your subscription will remain on the waiting list for a future resource procurement or

if capacity becomes available. The wait list will be used to determine participation for the future resource. Contact our Renewable Energy team at renewables@kcpl.com or your Customer Solutions Manager for wait list information.

What are the program charges? Will this affect my demand charge?

The program is designed to replace the fuel factor charge on your bill, shown as the ECA, with a lower per-kWh price of no more than 2.0 cents per kWh known as the Renewable Participation Charge (RPC). The replacement will be based on the total number of kWh you use in a month and how many kWhs your subscription generates in the same month. If your share of the resource does not generate enough kWh to cover all of your energy usage in a month, then the remaining kWhs will be billed with the ECA instead of the RPC.

How will I be billed?

Each month, you will be billed at the Renewables Direct RPC rate of no more than 2.0 cents per kWh for your share of the renewable resource production, planned to be a wind facility for the initial offering. All remaining usage will be charged at the standard fuel factor rate.

Is it possible the cost of my bill will decrease because of my participation?

Yes, it is expected that the Renewable Participation Charge will be lower than

KCP&L's current fuel factor rate which would lead to costs savings for those participating in Renewables Direct.

Do I own the renewable resource?

No. KCP&L will procure a renewable resource through a Power Purchase Agreement (PPA) for a resource to serve those who subscribe to the program.

Is this program the same as a PPA?

No, but it is similar. The energy generated by this program will be added to KCP&L's energy mix and will not go directly to your location. However, by participating, you will receive a similar fixed-cost benefit like a PPA.

How much of the renewable resource can I subscribe to?

You can subscribe to offset up to 100% of your annual energy usage.

Where will the renewable resource be located?

The location is yet to be determined. KCP&L will pick a location that provides the most potential market value for the output from the resource while also reducing risk exposure.

How large will the resource be?

The resource initially will be sized appropriately to support subscribed capacity of at least 100 MW and up to 200 MW.

What is the minimum participation period?

Five-year participation is the minimum required. You may sign a 5, 10, 15 or 20-year Participation Agreement.

What if I want to reduce/increase my shares?

If you wish to adjust your shares due to increases or decreases in electric demand, you may request such adjustment in writing from KCP&L. You will be responsible for any additional cost incurred to facilitate the adjustment. Also, if your annual usage falls below your subscribed amount, KCP&L may at its sole discretion reduce your shares. Should capacity be available if you request to expand your subscription, KCP&L will amend your Participation Agreement. Any changes to your subscription will be made after notifying you.

What happens if I move to another location within the same KCP&L jurisdiction?

You may request transfer of your subscription, provided the total kWh of the subscribed amount is equal to or less than the new location's average annual historical usage. If it exceeds the allowed usage, the subscription may be adjusted down.

What if I move to another location within a different KCP&L jurisdiction?

Transfer of subscriptions between jurisdictions will not be allowed. Your subscription will be terminated, but to avoid fees you may, without penalty, transfer service to another account that is within the same KCP&L jurisdiction.

I have locations in both Kansas and Missouri. Is the program the same in both states? Can I participate in both states?

Although the program has different components between the states, you can participate through separate Participation Agreements, in both Kansas and Missouri if you meet the eligibility standards and there is capacity available.

Can I terminate my Participation Agreement before the expiration of the originally agreed to term?

Yes. You must first notify KCP&L in writing of your request to terminate. However, you also will be required to pay a Termination Fee to KCP&L for any associated costs and administration associated with the termination as outlined in the RER Tariff.

What happens at the end of the 20-year term?

At the end of the 20-year term, KCP&L will evaluate customer interest, resource availability, and market conditions to determine whether or not to procure a new resource to extend the program. If conditions do not support obtaining a new resource, then the program will terminate.

Do I own the renewable energy credits (RECs) for my portion of this resource?

No, but you have right to claim the environmental benefit of the RECs. The RECs produced by your portion of the resource will be retired by KCP&L on your behalf. If you desire ownership, the RECs may be transferred to you with all transfer costs borne by you.

Who gets to claim the environmental benefits of this project?

As a Renewables Direct participant, you can claim the full environmental benefits for your share of the program with the transfer/retirement of RECs.

Does participation in this program qualify me as a net metering or cogeneration customer?

No, this program is different from our net metering and other renewable programs.

Is the renewable energy I support through the Renewables Direct program delivered directly to my business?

No. The energy produced is not sent directly to your business, but is added into KCP&L's power system and will offset the traditional energy production associated with your usage.

Is there a calculator or spreadsheet I can use to help me determine my future expense?

No, but you can contact our Renewables Energy team at renewables@kcpl.com or your Customer Solutions Manager for rate calculation.

How will you decide to expand the program?

KCP&L must demonstrate 90% subscription of the resource for a minimum of two years before additional renewable subscriptions are offered. As this participation can be maintained and upon KCC approval, additional renewable resources may be added to the program.



Eergy companies

KANSAS CITY POWER & LIGHT COMPANY

(Name of Issuing Utility)

Replacing Schedule _____ Sheet _____

Rate Areas No. 2 & 4

(Territory to which schedule is applicable)

which was filed _____

No supplement or separate understanding
shall modify the tariff as shown hereon.Sheet 1 of 4 Sheets**RENEWABLE ENERGY RIDER
Schedule RER****AVAILABILITY:**

This service is available at points on the Company's existing distribution facilities for customers wishing to be served with renewable energy resources.

APPLICABILITY:

Renewable Energy Rider Service is available for customers with an average monthly peak demand of greater than 200 kW accepting service under any tariff subject to the Energy Cost Adjustment (ECA).

Customer accounts receiving Unmetered, Lighting, Net Metering, or Time-of-Use Service are ineligible for this Program while participating in those service agreements. This schedule is not available to restricted rate schedules or backup, breakdown, standby, supplemental, short term, resale or shared electric service.

CHARACTER OF SERVICE:

Customers participating in this service will pay a fixed rate for the term of the agreement as a substitute for charges under the ECA for the renewable energy purchased. Any usage beyond the agreed amount under this service will be billed at the current authorized ECA rate. The monthly amount subscribed will be a fixed kW amount in 200 kW increments up to 1,000 kW, and in 500 kW increments thereafter.

The Company will work with the customer to determine an appropriate amount of renewable energy to place under contract. At the end of each calendar year, any excess generation will be credited to the customers' bill at 80% of the Renewable Participation Charge rate. Those customers with recurring excess generation may have their contracted amount reduced to better match their usage.

Alternating current, 60 hertz, at the voltage and phase of the Company's established transmission or distribution system most available to the service location.

Issued: December 13, 2018
Month Day Year

Effective: December 20, 2018
Month Day Year

By: /s/ Darrin R. Ives Vice President
Title

KANSAS CITY POWER & LIGHT COMPANY

(Name of Issuing Utility)

Replacing Schedule _____ Sheet _____

Rate Areas No. 2 & 4

(Territory to which schedule is applicable)

which was filed _____

No supplement or separate understanding
shall modify the tariff as shown hereon.Sheet 2 of 4 Sheets**RENEWABLE ENERGY RIDER
Schedule RER (Continued)****APPLICATION:**

Renewable Energy Rider Service shall be available on a first-come, first-served basis until the Company's allocation of renewable generating capacity and its associated renewable energy credits have been assigned. All customers receiving service under this schedule must enter into a written Application/Agreement for this service.

If customer interest exceeds a Purchase Power Agreement (PPA) limit, participation would be allocated to each customer proportional to their expressed interest. The limit will be re-evaluated if or when the PPA limit is reached and additional subscriptions resulting from a subsequent PPA will be made available at the sole discretion of the Company.

Customers applying, but not allowed to subscribe due to a PPA limit, will be placed on a waiting list and may be offered the opportunity to subscribe if subscription cancellations or forfeitures occur.

NET MONTHLY BILL:

Energy purchased under this service will be billed at the Renewable Participation Charge as a substitute for the ECA. Customer usage exceeding the customer selected volume of usage purchased through this tariff will be subject to the then current ECA.

Renewable Participation Charge Defined by Project (Renewable Resource Details section)

All charges, adjustments, and surcharges, except the ECA, will be billed at the standard rates applicable to the customer's rate class.

Issued: December 13, 2018
Month Day Year

Effective: December 20, 2018
Month Day Year

By: /s/ Darrin R. Ives Vice President
Title

KANSAS CITY POWER & LIGHT COMPANY

(Name of Issuing Utility)

Replacing Schedule _____ Sheet _____

Rate Areas No. 2 & 4

(Territory to which schedule is applicable)

which was filed _____

No supplement or separate understanding
shall modify the tariff as shown hereon.

Sheet 3 of 4 Sheets

RENEWABLE ENERGY RIDER
Schedule RER (Continued)

DEFINITIONS AND CONDITIONS:

1. Service hereunder is subject to the Company's General Terms and Conditions as approved by the Kansas Corporation Commission and any modification subsequently approved.
2. All provisions of this rate schedule are subject to changes made by order of the regulatory authority having jurisdiction.
3. Agreements under this Program are available for enrollment for twenty-year terms. Lesser terms of five-year, ten-year, and fifteen-years will be allowed and cost premium added to the twenty-year rate. Customers subscribing to more than 20% of the renewable resource will be required to commit to a minimum term of ten years. At the end of a given Participation Agreement term, subscribers will be offered an option to renew their participation prior to offering available capacity to new customers.
4. Customers may maintain participation in this program when relocating facilities or service within the Company's territory.
 - A. The Customer without penalty may transfer service to another account that is within the Company's service territory and is either (i) currently not covered by an Participation Agreement, or (ii) is covered by a Participation Agreement for only a part of its eligible usage, in either case only to the extent the consumption at the new account under (i) or the eligible unsubscribed usage at an account that had already been receiving service under (ii) is sufficient to accommodate the transfer; or
 - B. At the Customer's written request, the Company will attempt to find another interested Customer that meets the Company's eligibility requirements and is willing to accept transfer of service (or that part which cannot be transferred to another Customer account) for the remainder of the term of the subscription at issue; or
 - C. If option A. or B. is not applicable as to some or all the Participation Agreement at issue, the Customer will continue to be obligated to pay for, or be eligible to receive, the monthly adjustment as to that part of the service that was not transferred; or
 - D. If option A. or B. is not applicable and in lieu of option C., the Customer may terminate service for the account at issue upon payment of the Termination Fee, which is as follows:
 - a) The average of the Customer's Monthly Renewable Adjustment for the preceding 12 months (or all preceding months, if less than 12) times the number of months remaining in the term; if this value is less than or equal to zero (e.g., a credit to Customer), then the Termination Fee is zero, and in no event shall the Customer receive a net credit from Company for terminating service under this Rider.

Issued: December 13, 2018
Month Day Year

Effective: December 20, 2018
Month Day Year

By: /s/ Darrin R. Ives Vice President
Title

KANSAS CITY POWER & LIGHT COMPANY

(Name of Issuing Utility)

Replacing Schedule _____ Sheet _____

Rate Areas No. 2 & 4

(Territory to which schedule is applicable)

which was filed _____

No supplement or separate understanding
shall modify the tariff as shown hereon.

Sheet 4 of 4 Sheets

**RENEWABLE ENERGY RIDER
Schedule RER (Continued)**

DEFINITIONS AND CONDITIONS: (Continued)

5. This price is fixed and will not rise or fall with changes to ECA.
6. Renewable energy credits associated with the purchased renewable energy under this service will be delivered to the customer.

RENEWABLE RESOURCE DETAILS:

Project Name	Capacity Available	Contract Term	In-Service Date	Fixed Price

Issued: December 13, 2018
Month Day Year

Effective: December 20, 2018
Month Day Year

By: /s/ Darrin R. Ives Vice President
Title

Kansas City Power and Light Company

Renewables Direct Participation Agreement for Kansas Customers

This Renewables Direct Participation Agreement (the "Agreement") is entered into on this _____ day of _____, 20____ between Kansas City Power and Light Company (the "Company") and City of Olathe (the "Customer") for electric energy to be purchased from a renewable energy resource ("Resource 1") under the Company's Renewable Energy Rider Tariff (the "RER Tariff").

Recitals

WHEREAS, the Customer desires to purchase, and the Company desires to provide, electric energy that is generated by Resource 1; and

WHEREAS, the Customer expects that the Customer will, during the term of this Agreement, have an average monthly peak demand of greater than 200 kW; and

WHEREAS, the Customer acknowledges and understands that participation in this Agreement is a voluntary choice by the Customer and is governed by the RER Tariff as approved by, and as may be changed from time to time by, the Kansas Corporation Commission (the "KCC").

Agreement

The Customer and the Company agree:

1. RER Tariff Subscription

- a. The Customer agrees to offset its traditional electric energy usage by the Customer's pro rata share from Resource 1 which the Customer agrees shall be a fixed monthly kilowatt (kW) amount of 3,000 kW.
- b. Subject to the terms and conditions set forth in this Agreement and the RER Tariff, the Company hereby grants the Customer a subscription to the electric energy output proportionate to the above kW share for the applicable term identified herein.
- c. The Customer agrees to the following payment terms:
 - i. Substitution of the Energy Cost Adjustment ("ECA") Surcharge with a fixed charge not to exceed \$0.020 per kWh generated by the Customer's pro rata share from Resource 1 plus an administration charge of \$0.0003 per kWh for less than twenty-year Participation Agreements and billed as the Renewable Participation Charge (the "RPC").
 - ii. The amount of energy subscribed to above will be a pro rata share based upon a fixed kW amount in 200 kW increments up to 1,000 kW and with additional increments in 500 kW thereafter, which will be converted to a pro rata share of Resource 1. The Customer will receive no additional capacity credit for their subscription.
 - iii. All charges, adjustments and surcharges, except the ECA, will be billed at the standard rates applicable to the Customer's rate class.
 - iv. Customers will receive a forecasted RPC credit, based on Resource 1's generating forecast, of their pro rata share's expected annual production spread evenly across

each month of the year. The Customer's usage and corresponding RPC substitution of the ECA will be trued-up at the end of the year with any additional ECA recovery billed to the Customer. Any true-up will be applied to the first bill, occurring after January 15, of each calendar year. This bill may also reflect an RPC annual credit adjustment based on Resource 1's year-prior actual generation.

- v. Excess energy generated by the Customer's pro rata share from Resource 1 and unused by the Customer in the calendar year will be credited to the Customer's bill at 80% of the RPC.

- 1. At the Company's discretion, and due to unforeseen Customer circumstances, such as a force majeure event, the Company may allow for RPC credits not utilized in a particular calendar year to be applied to the next calendar year.

- vi. Information pertaining to all accounts will be provided in Appendix A.

- 1. The Company may elect to credit the accounts list in Appendix A starting with the account that has the highest energy usage and working through the smallest.

- vii. Customers with recurring excess generation from this Agreement will have their contracted amount reduced to better match their usage at the Company's discretion.

- d. The Company will not be held responsible for unforeseen or force majeure events that impact Resource 1's energy generation.

- 2. The term of this agreement shall be selected from either paragraph 2.a. or 2.b. below:

- a. The agreed-upon term is (select only one):

- i. Five (5) years ☒
 - ii. Ten (10) years ☐
 - iii. Fifteen (15) years ☐
 - iv. Twenty (20) years ☐

- b. The agreed-upon term of N/A, which is the term remaining on the power purchase agreement (the "PPA") through which the Company obtained Resource 1.

- c. Subject to the termination provisions contained in this Agreement, Customer shall have the right to renew this agreement for three (3) successive five (5) year periods ("Renewal Terms") on the same terms and conditions as set forth herein and in the RER Tariff. This Agreement shall automatically be extended for each successive Renewal Term unless Customer notifies Company in writing of its intention not to renew at least one hundred and eighty (180) days prior to the expiration date of the then current Term.

- 3. Additional Terms and Conditions

- a. Service hereunder is subject to the Company's RER Tariff and General Terms and Conditions as approved, and as may be changed from time to time, by the KCC.
 - b. The Customer understands that if the minimum program enrollment level is not met, as outlined in the RER Tariff, then Resource 1 will not be procured, and this Agreement will be void.

- c. The Customer shall have the option to terminate this Agreement should the final RPC be higher than stated in Section 1.c.i. by providing written notice within 90 days of being notified of the finalized RPC.
- d. The Customer also understands that the RPC under this Agreement is based upon the procurement of Resource 1 and may be different than other RPC established for future resources.
- e. All provisions of the RER Tariff in which this Agreement relies upon are subject to changes made by order of the regulatory authority having jurisdiction.
- f. The Customer being served or having been served under this Agreement waives all rights to any billing adjustments arising from a claim that the Customer's service would be or would have been at a lower cost had it not participated in the Agreement.
- g. The Customer may maintain participation in this program when relocating facilities or service within Company's Kansas service territory.
- h. At the Customer's request and cost, the Company will transfer the Renewable Energy Credits (RECs) associated with the Customer's subscription on an annual basis. Should the Customer not make a request for transfer, the Company will retire the associated RECs on the Customer's behalf annually to a nationally recognized renewable energy tracking system and provide a statement to Customer stating the volume of RECs retired on Customer's behalf, all at no additional cost to Customer.
- i. The RPC price outlined within this Agreement is fully fixed and will not rise or fall with changes to the ECA. The RPC price stated in this Agreement shall not be changed by Company during the term of this Agreement. Should the KCC or a party other than the Company increase the RPC fixed charge under this Agreement, Company shall provide ninety (90) days written notice to Customer, and Customer shall have the option of providing thirty (30) days notice to Company to cancel this Agreement without penalty or cost to Customer.
- j. If the Customer ceases all operations within Company's service territory during the term of this Agreement, this Agreement will terminate upon final billing. Any remaining excess energy generated by Resource 1 within the last billing period will be credited to the Customer's bill at 80% of the Renewable Participation Charge.

By: _____

Michael E. Copeland, Mayor

ATTEST: _____

City Clerk

(Seal)

APPROVED AS TO FORM: _____

City Attorney

Date: _____

Kansas City Power and Light Company

Representative/Title: Kim Winslow, Director, Energy Solutions

Signed: _____

Date: _____

Appendix A

[TO BE INSERTED BY COMPANY]



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Public Works
STAFF CONTACT: Mary Jaeger/Beth Wright
SUBJECT: Consideration of Consent Calendar

ITEM DESCRIPTION:
Consideration of Consent Calendar.

SUMMARY:
Consent Calendar consists of Project Completion Certificates, Change Orders and Final Pay Estimates for Public Works projects.

FINANCIAL IMPACT:
N/A

ACTION NEEDED:
Approve Consent Calendar for June 18, 2019.

ATTACHMENT(S):
A: Consent Calendar
B: Change Orders

City Council Information Sheet

Date: June 18, 2019

ISSUE: Consent Calendar for: June 18, 2019**DEPARTMENT:** Public Works**SUMMARY:****1) PROJECT COMPLETION CERTIFICATES**

- a) 119th and Black Bob Road Geometric Improvements – 3-C-030-17 – Street
- b) Boulder Hills 1st Plat – 3-D-013-17 – Street
- c) Woods of Forest View – 5-D-036-17 – Waterlines
- d) The Woods at Prairie Haven – 1-D-033-17 – Sanitary Sewer
- e) Cedar Ridge Reserve – 3-D-125-17 – Street
- f) Hidden Lake Estates – 3rd Plat – 1-D-016-18 – Sanitary Sewer

2) CHANGE ORDERS

- a) 119th and Black Bob Road Geometric Improvements – 3-C-030-17

3) FINAL PAYMENT TO CONTRACTORS

- a) 119th and Black Bob Road Geometric Improvements – 3-C-030-17

Final Payment	\$	6,418.57
Paid to Date	\$	203,338.98
Original Contract Amount	\$	196,012.25
Total Change Orders	\$	13,745.30
Change Order 1: \$13,670.80 (3/13/19)		
Change Order 2: \$ 74.50 (6/18/19)		
Final Contract Amount	\$	209,757.55
Contractor – McAnany Construction, Inc.		

Submitted by: Mary Jaeger, Director / Beth Wright, Deputy Director

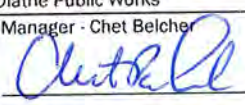



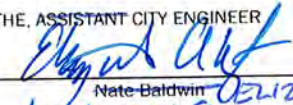
CHANGE ORDER NO: 2 Final PROJECT NAME: Black Bob & 119th St Geometric Improvements
 CITY PROJECT NO. 3-C-030-17
 CONTRACT DATE: 7/10/18 ENCUMBRANCE NO. 700931
 CONTRACTOR: McAnany Construction, Inc.
 ENGINEER: City of Olathe

ITEM#	DESCRIPTION	BID QTY	REVISED QUANTITY	UNIT	UNIT PRICE	TOTAL
15	8' Concrete Sidewalk	24	27	LF	\$51.40	\$154.20
28	6" Solid White Lane Line HPS 8 Multi-Polymer Pavement Marking	247	216.00	LF	\$0.90	(\$27.90)
29	6" Solid White X-Walk Line Preformed Thermoplastic Pavement Marking	480	416.00	LF	\$1.40	(\$89.60)
30	24" Solid White Stop Line Preformed Thermoplastic Pavement Marking	78	85.00	LF	\$5.40	\$37.80

DOCUMENTS SUPPORTING THIS CHANGE ORDER ARE TO BE ATTACHED

The Original Contract Sum \$196,012.25
 Net change by Previous Change Orders \$13,670.80
 The Contract Sum Prior to This Change Order Was \$209,683.05
 The Contract Sum Shall be (Increased) (Decreased) by This Change Order \$74.50
 The New Contract Sum With All Approved Change Orders Will Be \$209,757.55
 Original Contract Time N/A days
 The Contract time Will Be (Increased) (Decreased) (Unchanged) By N/A days
 The Contract Time With All Approved Change Orders is N/A days
 The Day of Substantial Completion as of the Date of This Change Order Therefore is N/A

RECOMMENDED City of Olathe Public Works Project Manager - Chet Belcher
 APPROVED McAnany Construction Inc. Contractor
 By:  By: 
 Date: _____ Date: 6/6/19

APPROVED CITY OF OLATHE, ASSISTANT CITY ENGINEER
 By:  ELIZABETH A. WRIGHT
 Date: 6-6-2019

By: _____ AGREEMENT TO THIS _____ day of _____ 2019
 City Clerk



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Public Works

STAFF CONTACT: Mary Jaeger / Beth Wright

SUBJECT: Project funding authorization for the Interstate 35 and 119th Street Interchange Reconfiguration Project, PN 3-C-026-16.

ITEM DESCRIPTION:

Consideration of Resolution No. 19-1046 authorizing the Interstate 35 and 119th Street Interchange Reconfiguration Project, PN 3-C-026-16; and repealing Resolution No. 18-1101.

SUMMARY:

The Interstate 35 and 119th Street interchange carries over 50,000 vehicles per day and is heavily congested in the AM and PM peak hour. On April 5, 2016, Council authorized the I-35 & 119th Street Interchange Preliminary Engineering Project to determine the necessary project scope and costs associated with improvements to this location. Preliminary engineering identified a diverging diamond interchange and modifications to the 119th Street corridor between Renner Boulevard and Strang Line Road as the most cost effective, long term solution to traffic congestion in this area. On November 6, 2018, Council reauthorized the I-35 Highway and 119th Street Interchange Improvements Project to provide funding for final design of the project to provide the City with a more competitive application for project funding through FHWA's Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grants program.

Staff is currently working on a BUILD grant application that is due on July 15, 2019. To provide the best application for grant funding consideration, the Federal Highway Administration (FHWA) recommends the applicant demonstrates a firm financial commitment. Authorization of the full project amount will demonstrate to the FHWA that the City of Olathe has the financial wherewithal to construct this important project.

BUILD grant awards will be announced in October 2019. If the City of Olathe is selected for a BUILD grant, construction of this project will begin in 2021.

FINANCIAL IMPACT:

Proposed funding for the Interstate 35 and 119th Street Interchange Reconfiguration Project includes:

General Obligation Bonds	\$13,000,000
Kansas Department of Transportation	\$ 5,000,000
<u>BUILD Transportation Discretionary Grant</u>	<u>\$10,000,000</u>
Total	\$28,000,000

ACTION NEEDED:

Approval of Resolution No. 19-1046 authorizing the Interstate 35 and 119th Street Interchange Reconfiguration Project, PN 3-C-026-16; and repealing Resolution No. 18-1101.

MEETING DATE: 6/18/2019

ATTACHMENT(S):

- A: Resolution
- B: Project Fact Sheet
- C: Project Location Map

RESOLUTION NO. 19-1046

A RESOLUTION AUTHORIZING THE INTERSTATE 35 AND 119TH STREET INTERCHANGE RECONFIGURATION PROJECT, PN 3-C-026-16, AND FURTHER REPEALING RESOLUTION NO. 18-1101.

WHEREAS, the City of Olathe, Kansas ("City") has by appropriate proceedings hereto had, designated and established certain streets in the City as main trafficways under the authority of K.S.A. 12-685 *et seq.* (the "Act"); and

WHEREAS, the City has the authority under the Act to improve main trafficways located in the City and issue its general obligation bonds to pay the costs thereof; and

WHEREAS, 119th Street in the City has been designated as a main trafficway pursuant to Section 10.10.010 of the Olathe Municipal Code and the Act; and

WHEREAS, the Governing Body of the City deems it necessary to make improvements to the interchange at Interstate 35 and 119th Street.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Pursuant to the Act, the Governing Body hereby authorizes the Interstate 35 and 119th Street Interchange Reconfiguration Project; PN 3-C-026-16 (the "Project"). The Project will improve the capacity of the interchange and ramps. The Project will modify the layout of the existing bridge over I-35 to accommodate a diverging diamond configuration. The Project also includes widening and other modifications to 119th Street between Renner Road and Strang Line Road. The bridge to the west of I-35 over the BNSF railroad tracks will be widened, multi-modal improvements will be made to accommodate pedestrian traffic, and all other work necessary to complete the Project.

SECTION TWO: The cost of the Project shall not exceed \$28,000,000, exclusive of issuance and interest costs for temporary financing. The funds to pay for the design phase of the Project shall come from the following sources:

General Obligation Bonds	\$13,000,000
Kansas Department of Transportation	\$ 5,000,000
BUILD Transportation Discretionary Grant	<u>\$10,000,000</u>
TOTAL	\$28,000,000

Included in the Project costs are preliminary and final design, land acquisition, utility coordination and relocation, staff time, construction, construction inspection, and such other necessary work as is needed to complete the Project.

SECTION THREE: The City intends to reimburse itself for capital expenditures made on or after the date which is 60 days before the date of this Resolution in connection with the Project, pursuant to Treasury Regulation § 1.150-2, with the proceeds of bonds and/or notes in the maximum principal amount of \$13,000,000 exclusive of issuance costs and any interest costs for temporary financing.

SECTION FOUR: Resolution No. 18-1101 is hereby repealed.

SECTION FIVE: This Resolution shall take effect immediately.

ADOPTED by the Governing Body this 18th day of June, 2019.

SIGNED by the Mayor this 18th day of June, 2019.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney



Project Fact Sheet
Interstate 35 and 119th Street Interchange
Reconfiguration Project
3-C-026-16
June 18, 2019

Project Manager: Beth Wright / Therese Vink

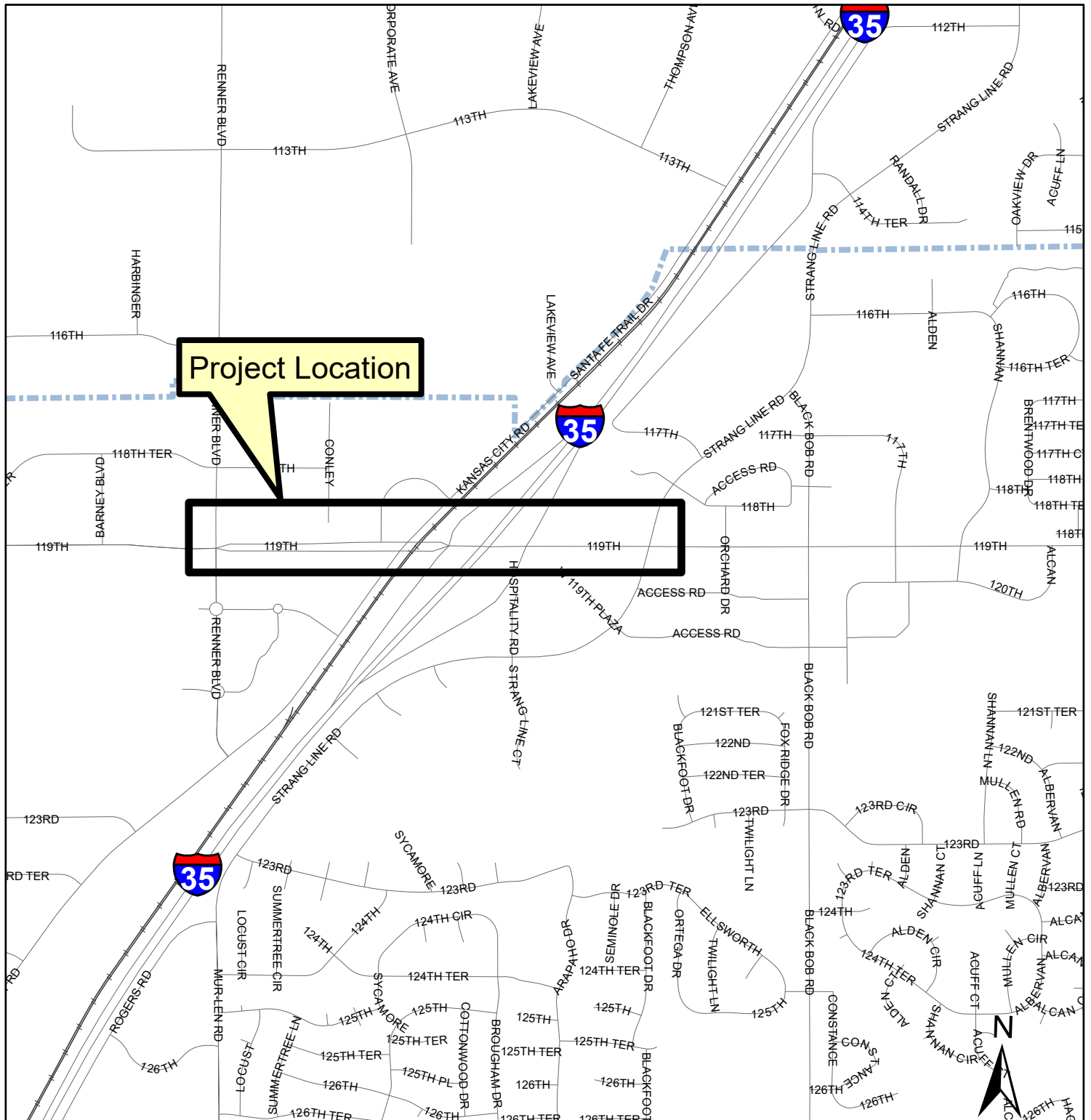
Description: This project will include the design of the re-configuration of the Interstate 35 and 119th Street interchange to a diverging diamond interchange and the widening of, and associated improvements to, 119th Street between Renner Road and Strang Line Road. These improvements will include multi-modal improvements to accommodate pedestrian traffic and widening of the existing bridge over the BNSF railroad.

Justification: This project is needed to address the additional capacity needs in the area.

Comments: An application for a BUILD Grant is being prepared and submitted for construction of this project. If the City of Olathe is selected for a BUILD grant, construction of this project will begin in 2021.

Schedule:	Item	Date
Design:	RFQ	05/13/2016
	Consultant Selection	09/06/2016
	Preliminary Design	12/28/2018
	BUILD Grant Application	07/15/2019
Council Actions:	Date	Amount
Report on the Prelim Eng.	03/15/2016	N/A
Project Authorization	04/05/2016	\$1,500,000
PSA with HNTB	09/06/2016	\$561,100
Supp. No 1 with HNTB	01/09/2018	\$903,475
Project Authorization	11/06/2018	\$3,250,000
Supp. No 2 with HNTB	11/06/2018	\$997,200
Project Authorization	06/18/2019	\$28,000,000
Funding Sources:	Amount	CIP Year
GO Bonds	\$13,000,000	2022
KDOT	\$5,000,000	2021
BUILD Grant	\$10,000,000	2022
Expenditures:	Budget	Amount to Date
Staff	\$335,000	\$22,692
Design	\$2,800,000	\$1,532,873
Utilities	\$600,000	\$0
Land Acquisition	\$4,000,000	\$0
Construction	\$16,665,000	\$0
Construction Inspection	\$800,000	\$0
Other Project Costs	\$900,000	\$3,807
<u>Contingency</u>	<u>\$1,900,000</u>	<u>\$0</u>
Total	\$28,000,000	\$1,559,372

Interstate 35 and 119th Street Interchange Reconfiguration Project PN 3-C-026-16 Project Location Map





City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Public Works

STAFF CONTACT: Mary Jaeger / Beth Wright

SUBJECT: Amendment to the agreement with McCown Gordon Construction for construction of the Park Maintenance Facilities Improvements Project, PN 6-C-001-18.

ITEM DESCRIPTION:

Consideration of Amendment No. 1 to the agreement with McCown Gordon Construction, LLC for construction of the Park Maintenance Facilities Improvements Project, PN 6-C-001-18.

SUMMARY:

The Parks Operations division is currently located at 404 N. K-7 Highway (K-7 Highway and Spruce Street). Due to redevelopment opportunities at this location, the City has determined it necessary to construct a new facility for this division. This project is for the planning, design and construction of new office space, shop space, and site storage space. The site for this project is the recently acquired property west of, and adjacent to, the City's Public Works campus.

On November 6, 2018, City Council approved the Design-Build Agreement with McCown Gordon Construction LLC (McCown Gordon) for the Park Maintenance Facilities Improvements Project. Initial approval of the Agreement authorized design and preconstruction services as well as established the design-builder fees for the construction phase. As part of their preconstruction services, McCown Gordon partnered with staff and our design team throughout the design phase to advise on matters affecting cost, materials and quality, schedule, constructability, etc. The preconstruction phase concludes with McCown Gordon providing the city with a Guaranteed Maximum Price (GMP) for the construction of this project

To expedite the construction schedule, the GMP is being divided into two packages. This first GMP is for site improvements and the pre-engineered building structure. The second GMP will address the building shell and interior, and will be presented to City Council for consideration later this summer. Amendment No. 1 to the Agreement establishes a Guaranteed Maximum Price of \$5,459,527 for this phase of construction.

The Park Maintenance Facilities Improvements Project design and construction schedule tentatively accommodates a May 2020 closing date for the sale of the existing Spruce St. campus.

The following is the schedule of upcoming activities for this project:

- Complete Package 2 Design - Building Construction Summer 2019
 - Council Approval of GMP Contract for Package 2 Summer 2019
 - Substantial Completion/Occupancy/Move-In Spring 2020
-

MEETING DATE: 6/18/2019

FINANCIAL IMPACT:

Funding for the Park Maintenance Facilities Improvements Project includes:

Cash	\$ 2,000,000
<u>GO Bonds</u>	<u>\$ 9,500,000</u>
Total	\$11,500,000

ACTION NEEDED:

Approval of Amendment No. 1 to the agreement with McCown Gordon Construction, LLC for construction of the Park Maintenance Facilities Improvements Project, PN 6-C-001-18.

ATTACHMENT(S):

A: Amendment No.1
B: Project Fact Sheet
C: Project Location Map



Design-Build Contract Amendment

For Use with DBIA Document No. 525, *Standard Form of Agreement Between Owner and Design-Builder – Lump Sum* (2010 Edition) and DBIA Document No. 530, *Standard Form of Agreement Between Owner and Design-Builder – Cost Plus Fee with an Option for A Guaranteed Maximum Price* (2010 Edition)

Amendment Number: 01	Amendment Effective Date: (if blank, use the date when executed by both parties)
Project: Olathe Parks Maintenance Facility 56 Hwy & S. Robinson Dr. Olathe, KS 66061	Design-Builder's Project No: 01-07-0929
	Date of Agreement: November 6, 2018
Owner: The City of Olathe, Kansas P.O. Box 768 Olathe, Kansas 66051	Design-Builder: McCownGordonConstruction 850 Main Street Kansas City, Missouri 64105

Scope of Amendment:
(describe here or refer to attached
document)

Exhibit A.1 - Narrative and GMP
Exhibit B.1 - Construction Schedule
Exhibit C.1 - Contract Document Log

By executing this Amendment, Owner and Design-Builder agree to modify the Agreement as stated above. Upon execution, this Amendment becomes a Contract Document issued in accordance with DBIA Document No. 535, *Standard Form of General Conditions of Contract Between Owner and Design-Builder*, (2010 Edition). There is no change in the Contract Price or Contract Time.

OWNER:

By: _____
Printed Name: _____
Title: _____
Date: _____

DESIGN-BUILDER:

By: JEFFREY P. PLACK
Printed Name: Plack
Title: CFO
Date: 6.12.2019

EXHIBIT A.1 – NARRATIVE AND GMP

CITY OF OLATHE | OLATHE PARKS MAINTENANCE FACILITY | OLATHE, KS
CONTRACT AMENDMENT NO. 01. | 06/12/2019

EXECUTIVE SUMMARY

This Guaranteed Maximum Price (GMP) Contract Amendment 01 Proposal is the first of two amendments for the construction of a 23,500 square foot floor slab with a 6,900 square foot mezzanine for the total 30,400 square foot of PEMB on an approximate 4-acre site. Contract Amendment No. 01 is based on documents in Bid Package #1: Site Infrastructure, Site, Footings and Foundation and PEMB as developed by the Clark Enersen Partners and its respective consultants and as identified in the Contract Document log provided in Exhibit C.1 with modifications set forth in the clarifications and exclusions below.

GMP COST SUMMARY

Our Contract Amendment No. 01 is based on the below items:

- The current GMP Contract Amount is **\$418,600** (DBIA 530 Standard Form of Agreement Between Owner and Design-Builder dated November 6, 2018)
- The GMP Proposal for this Contract Amendment per scope and Contract Documents is **\$5,040,927.**

The new project GMP would be set at **\$5,459,527** based on the previously approved DBIA 530 and the addition of this Contract Amendment No. 1.

Contract Amendment No. 01 is based on the entire project being awarded to MGC including the scope within this Contract Amendment and the future Contract Amendments which will include, but not limited to the Core and Shell, and Interior Finishes. If the entire project is not awarded to MGC, these costs will need to be modified accordingly.

SCHEDULE OF ALLOWANCES

The following allowances are included within the project will be tracked and managed as the project progress. If additional funds beyond the allowance are required, change orders will incorporate these additional funds. If there are remaining funds, all remaining funds will be re-allocated within the project until the project is completed, at which point any saving will be returned to the owner.

- | | |
|--|----------|
| 1. Conduit for fiber optic cabling (fiber optic cabling others): | \$25,000 |
|--|----------|

EXHIBIT A.1 – NARRATIVE AND GMP

CITY OF OLATHE | OLATHE PARKS MAINTENANCE FACILITY | OLATHE, KS
CONTRACT AMENDMENT NO. 01. | 06/12/2019

DOCUMENTATION

This estimate is based on the following information:

Description	Author	Reference Date
Geotechnical Report	Terracon	04/17/2019
Design Development Package (PEMB)	The Clark Enersen Partners	04/16/2019
Mass Excavation Specifications	The Clark Enersen Partners	05/15/2019
Footing and Foundations Package	The Clark Enersen Partners	05/17/2019
Addendum #1	The Clark Enersen Partners	05/22/2019
Addendum #2	The Clark Enersen Partners	05/31/2019
CAD Grading File	SK Design Group, Inc.	06/03/2019

SCHEDULE

See attached schedule (Exhibit B.1), which is based on the execution of this document and the receipt of a Notice to Proceed (NTP) by June 18, 2019. The Substantial Completion date will be established in future exhibits once all scopes are bid and durations have been confirmed.

Schedule is based on receipt of permits as outline in the attached schedule.

CLARIFICATIONS

1. The GMP #1 includes a 7" thick slab on grade. If additional reinforcement or slab thickness is required to accommodate a radiant heating floor system, cost adjustments will be included in a future GMP Amendment.
2. Earthwork to be completed in accordance to the Overall Grading Plan which does not include earthwork or grading for the future connection to Old 56
3. All excess soil is to remain on site, pricing does not include haul-off of excess soils
4. Trench excavation for the Site Utilities will be performed by means of blasting for rock removal
5. Design and Preconstruction Fee cost based on the percentages outlined in the DBIA 530 are included based on a proposed adjusted design build budget of \$9,829,471 for an adjusted design fee totaling \$647,228. Design and Preconstruction Fees will be adjusted accordingly in future Contract Amendments based on any changes to the total construction value.
6. General Conditions for the site infrastructure, site, and building foundations are included. General Conditions for the building and remaining scopes of work will be included in future amendments.
7. Please note, due to recent natural disasters and pending tariffs, certain uncontrollable and currently unknown cost impacts and/or schedule delays relating to material procurement may be incurred that could impact this proposed Contract Amendment price and schedule. While we will work diligently to mitigate potential impacts (which we are currently working to understand), these potential impacts may be unavoidable and as such we reserve our right to make claim for potential cost and/or schedule impacts relating to this issue.

EXHIBIT A.1 – NARRATIVE AND GMP

CITY OF OLATHE | OLATHE PARKS MAINTENANCE FACILITY | OLATHE, KS
CONTRACT AMENDMENT NO. 01. | 06/12/2019

GENERAL

Inclusions

1. McCownGordon Construction Performance and Payment bonds are included
2. Construction contingency is for use by the Construction Manager (CM) to complete the GMP and may be used for such items as scope gaps, acceleration, etc. as required to complete the project and meet obligations of the schedule and design documents
3. Costs included in the GMP are not included as line item allowances; these costs are included for use by the CM to track the cost of the work items as required. Individual cost may overrun, under run, or be used for other items not specifically outlined as a cost item, as required to complete the work.
4. The Construction Schedule is based on the work being performed during normal business hours.

Exclusions

1. Soft costs and development fees that are not clearly defined
2. Relocation of any unforeseen, existing utilities
3. Hazardous materials abatement & testing (if encountered)
4. Special inspections and construction testing expenses
5. Building permit and plan review fees
6. City excise tax, park & recreation fee or traffic impact fee assessments
7. Temporary seeding

GMP AMENDMENT NO.1

OLATHE PUBLIC WORKS | OLATHE PARKS MAINTENANCE FACILITY | OLATHE, KS
| 06/12/2019

#	DESCRIPTION	GMP Amendment No. 1	NOTES
1.A	General Conditions	254,465	
1.B	Allowances	25,000	
1.C	Final Cleanup	12,243	
2.B	Earthwork	436,360	
2.C	Utilities	957,835	
2.D	Site Concrete	202,318	
2.E	Asphalt Paving	492,553	
3.A	Flatwork & Structural Concrete	845,491	
13.A	Special Construction (Metal Building)	1,094,434	
	5% Design Contingency	0	
	3% Construction Contingency	129,618	
	Design and Engineering	647,228	
	Contract Administration	83,550	
	3.95% Design-Builders Fee	215,648	
	1.15 % Performance & Payment Bonds	62,784	
SUBTOTALS			
		\$5,459,527	

EXHIBIT B.1

ID	Task Mode	Outline Level	WBS	Task Name	Duration	Start	Finish	O	N	D	Half 1, 2019					Half 2, 2019					Half 1, 2020					Half 2, 2020								
											J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
68			3.5.2.2	Footing/foundation reinforcing	10 days	Wed 6/19/19	Tue 7/2/19																											
69			3.5.2.3	Utilities	10 days	Wed 6/19/19	Tue 7/2/19																											
70			3.5.2.4	Remaining submittals	20 days	Wed 8/7/19	Wed 9/4/19																											
71			2.5.3	Shop Drawing Approval	81 days	Fri 5/24/19	Wed 9/18/19																											
72			3.5.3.1	Pre-engineered metal building (PEMB)	10 days	Fri 5/24/19	Fri 6/7/19																											
73			3.5.3.2	Footing/foundation reinforcing	5 days	Wed 7/3/19	Wed 7/10/19																											
74			3.5.3.3	Utilities	10 days	Wed 7/3/19	Wed 7/17/19																											
75			3.5.3.4	Remaining submittals	10 days	Thu 9/5/19	Wed 9/18/19																											
76			2.5.4	Fabrication/Delivery	101 days	Mon 6/10/19	Wed 10/30/19																											
77			3.5.4.1	Pre-engineered metal building (PEMB)	60 days	Mon 6/10/19	Tue 9/3/19																											
78			3.5.4.2	Footing/foundation reinforcing	10 days	Thu 7/11/19	Wed 7/24/19																											
79			3.5.4.3	Utilities	15 days	Thu 7/18/19	Wed 8/7/19																											
80			3.5.4.4	Remaining procurement	30 days	Thu 9/19/19	Wed 10/30/19																											
81			1.6	Construction	212 days	Thu 6/27/19	Tue 4/28/20																											
82			2.6.1	Quality	60 days	Thu 6/27/19	Fri 9/20/19																											
83			3.6.1.1	Pre-Install Meetings	60 days	Thu 6/27/19	Fri 9/20/19																											
84			4.6.1.1.1	Pre-Installation meetings on various scopes throughout project	60 days	Thu 6/27/19	Fri 9/20/19																											
85			2.6.2	Site Infrastructure	91 days	Thu 6/27/19	Mon 11/4/19																											
86			3.6.2.1	Mobilize	2 days	Thu 6/27/19	Fri 6/28/19																											
87			3.6.2.2	Install erosion control	3 days	Mon 7/1/19	Wed 7/3/19																											
88			3.6.2.3	Strip & stockpile topsoil	3 days	Fri 7/5/19	Tue 7/9/19																											
89			3.6.2.4	Cut/Fill & balance site	10 days	Thu 7/11/19	Fri 7/26/19																											
90			3.6.2.6	Rough grading for new roads	7 days	Fri 7/26/19	Mon 8/5/19																											
91			3.6.2.7	Storm sewer installation	15 days	Thu 8/8/19	Fri 8/30/19																											
92			3.6.2.8	Sanitary sewer installation	15 days	Tue 9/3/19	Thu 9/26/19																											
93			3.6.2.9	Water line installation	10 days	Fri 9/27/19	Fri 10/11/19																											
94			3.6.2.16	Fine Grade for Asphalt Pavement	3 days	Mon 10/14/19	Wed 10/16/19																											
95			3.6.2.17	Curb & Gutter	6 days	Thu 10/17/19	Thu 10/24/19																											
96			3.6.2.18	Backfill Behind Curb & Gutter	3 days	Fri 10/25/19	Tue 10/29/19																											
97			3.6.2.19	Asphalt Pavement Roads	3 days	Wed 10/30/19	Fri 11/1/19																											
98			3.6.2.20	Traffic Marking	1 day	Mon 11/4/19	Mon 11/4/19																											
99			2.6.11	Building Site	170 days	Mon 7/22/19	Mon 3/23/20																											
100			3.6.11.25	Building pad sub grade w/ LVM	3 days	Mon 7/22/19	Thu 7/25/19																											
101			3.6.11.26	Light Pole Bases	1 day	Mon 10/14/19	Mon 10/14/19																											
102			3.6.11.27	Under Ground Electric	5 days	Tue 10/15/19	Mon 10/21/19																											
103			3.6.11.28	Curb & Gutter	10 days	Tue 12/10/19	Mon 12/30/19																											
104			3.6.11.33	Backfill Behind Curb & Gutter	3 days	Tue 12/31/19	Fri 1/3/20																											
105			3.6.11.29	Concrete Pavement on Site	5 days	Mon 1/6/20	Mon 1/13/20																											
106			3.6.11.30	Asphalt Pavement on Site	2 days	Mon 3/9/20	Tue 3/10/20																											
107			3.6.11.34	Pavement Markings	1 day	Wed 3/11/20	Wed 3/11/20																											
108			3.6.11.31	Sidewalks	3 days	Tue 12/10/19	Thu 12/12/19																											
109			3.6.11.35	Site Signage	1 day	Fri 12/13/19	Fri 12/13/19																											
110			3.6.11.32	Landscaping	5 days	Mon 3/16/20	Mon 3/23/20																											
111			2.6.3	Foundations/Underground work	23 days	Fri 7/26/19	Fri 8/30/19																											
112			3.6.3.1	Footings & Foundations	7 days	Fri 7/26/19	Mon 8/5/19																											
113			3.6.3.2	Under slab Plumbing/Electrical	10 days	Wed 8/7/19	Wed 8/21/19																											
114			3.6.3.3	Slab-on-grade	7 days	Fri 8/16/19	Tue 8/27/19																											
115			3.6.3.4	Cure Slab On Grade	3 days	Wed 8/28/19	Fri 8/30/19																											
116																																		



Current Drawings

Drawing No.	Drawing Title	Revision No.	Drawing Date	Received Date	Set
Civil					
C2.01	Overall Layout Plan	1	05/31/2019		Addendum No. 02 (05/31/19)
C2.11	Site Utility Profiles	1	05/31/2019		Addendum No. 02 (05/31/19)
C2.51	Drainage Area Map	1	05/31/2019		Addendum No. 02 (05/31/19)
C3.01	Roadway Grading Plan	0	04/16/2019		DD3 Drawings (04/16/19)
C3.02	Detention Grading Plan	0	05/31/2019		Addendum No. 02 (05/31/19)
C3.03	Erosion Control Plan Phase 2	0	05/31/2019		Addendum No. 02 (05/31/19)
C3.10	Erosion Control Details -1	0	05/31/2019		Addendum No. 02 (05/31/19)
C3.11	Erosion Control Details - 2	0	05/31/2019		Addendum No. 02 (05/31/19)
C4.01	Site Utility Plan	0	05/31/2019		Addendum No. 02 (05/31/19)
C4.02	Public Road Plan and Profile -1	0	05/31/2019		Addendum No. 02 (05/31/19)
C4.03	Public Road Plan and Profile - 2	0	05/31/2019		Addendum No. 02 (05/31/19)
C4.05	Overall Grading Plan	0	05/31/2019		Addendum No. 02 (05/31/19)
C4.10	Public Road Details -1	1	05/31/2019		Addendum No. 02 (05/31/19)
C4.21	Public Storm Sewer Plan & Profile -1	0	05/31/2019		Addendum No. 02 (05/31/19)
C4.22	Public Storm Sewer Plan Si Profile - 2	0	05/31/2019		Addendum No. 02 (05/31/19)
C4.23	Public Storm Sewer Plan & Profile - 3	0	05/31/2019		Addendum No. 02 (05/31/19)
C4.30	Storm Sewer Details -1	0	05/31/2019		Addendum No. 02 (05/31/19)
C4.31	Storm Sewer Details - 2	0	05/31/2019		Addendum No. 02 (05/31/19)
C5.01	Public Sanitary Sewer Extension Cover	1	05/31/2019		Addendum No. 02 (05/31/19)
C5.05	Sanitary Sewer Plan & Profile -1	1	05/31/2019		Addendum No. 02 (05/31/19)
C5.06	Sanitary Sewer Plan & Profile - 2	1	05/31/2019		Addendum No. 02 (05/31/19)
C5.07	Sanitary Sewer Plan & Profile - 3	1	05/31/2019		Addendum No. 02 (05/31/19)
C5.10	Public Sanitary Sewer Details	1	05/31/2019		Addendum No. 02 (05/31/19)
C6.01	Public WaterMain Extension Cover	1	05/31/2019		Addendum No. 02 (05/31/19)
C6.02	Public WaterMain Plan and Profile -1	1	05/31/2019		Addendum No. 02 (05/31/19)
C6.03	Public WaterMain Plan and Profile - 2	1	05/31/2019		Addendum No. 02 (05/31/19)
C6.04	Public WaterMain Plan and Profile - 3	1	05/31/2019		Addendum No. 02 (05/31/19)
C6.05	Public WaterMain Plan and Profile - 4	1	05/31/2019		Addendum No. 02 (05/31/19)
C6.06	Public WaterMain Plan and Profile - 5	1	05/31/2019		Addendum No. 02 (05/31/19)
C6.10	Public WaterMain Details	1	05/31/2019		Addendum No. 02 (05/31/19)
General					
G000	Title Sheet and Drawing Index	1	05/22/2019		Addendum No. 01 (05/22/19)
G0.00	Title Sheet & Drawing Index	0	04/16/2019		DD3 Drawings (04/16/19)
G0.01	General Notes, Symbols & Abbreviations	0	04/16/2019		DD3 Drawings (04/16/19)
G0.10	Code Compliance Plan	0	04/16/2019		DD3 Drawings (04/16/19)



Current Specifications

Number	Description	Revision	Issued Date	Received Date	Set
00 - Procurement and Contracting Requirements					
00 00 00 - 1	Appendix	1	05/22/19		Addendum No. 01
00 00 03	Project Manual	0	05/15/19		Mass Excavation Package
00 00 03 - 1	Table of Content	1	05/17/19		Footing & Foundation Package
00 70 70 - 1	Geotechnical Data	0	05/15/19		Mass Excavation Package
01 - General Requirements					
01 10 00 - 1	Summary	1	05/17/19		Footing & Foundation Package
01 25 00 - 1	Substitution Procedures	1	05/17/19		Footing & Foundation Package
01 26 00 - 1	Contract Modification Procedures	1	05/17/19		Footing & Foundation Package
01 29 00 - 1	Payment Procedures	1	05/17/19		Footing & Foundation Package
01 31 00 - 1	Project Management and Coordination	1	05/17/19		Footing & Foundation Package
01 33 00 - 1	Submittal Procedures	1	05/17/19		Footing & Foundation Package
01 40 00 - 1	Quality Requirements	1	05/17/19		Footing & Foundation Package
01 50 00 - 1	Temporary Facilities and Controls	1	05/17/19		Footing & Foundation Package
01 57 13 - 1	Temporary Erosion and Sediment Control SWPPP	0	05/15/19		Mass Excavation Package
01 73 00 - 1	Execution	1	05/17/19		Footing & Foundation Package
01 77 00 - 1	Closeout Procedures	1	05/17/19		Footing & Foundation Package
01 78 23 - 1	Operation and Maintenance Data	1	05/17/19		Footing & Foundation Package
01 78 39 - 1	Project Record Documents	1	05/17/19		Footing & Foundation Package
01 79 00 - 1	Demonstration and Training	1	05/17/19		Footing & Foundation Package
1 - 1 - Unknown					
1	Project Manual	1	05/17/19		Footing & Foundation Package
2 - 2 - Unknown					
2	Geotechnical Engineering Report	1	05/17/19		Footing & Foundation Package
3 - 3 - Unknown					
3	Introduction	1	05/17/19		Footing & Foundation Package
03 - Concrete					
03 30 00 - 1	Cast In Place Concrete	0	05/17/19		Footing & Foundation Package
04 - Masonry					
04 22 00 - 1	Concrete Unit Masonry	0	05/17/19		Footing & Foundation Package
4 - 4 - Unknown					
4	Project Description	1	05/17/19		Footing & Foundation Package
05 - Metals					
05 31 00 - 1	Steel Decking	0	05/17/19		Footing & Foundation Package
5 - 5 - Unknown					



Number	Description	Revision	Issued Date	Received Date	Set
5	Geotechnical Overview	1	05/17/19		Footing & Foundation Package
6 - 6 - Unknown					
6	Earthwork	1	05/17/19		Footing & Foundation Package
7 - 7 - Unknown					
7	Grading and Drainage	1	05/17/19		Footing & Foundation Package
8 - 8 - Unknown					
8	Floor Slabs	1	05/17/19		Footing & Foundation Package
9 - 9 - Unknown					
9	Pavements	1	05/17/19		Footing & Foundation Package
10 - Specialties					
10	General Comments	1	05/17/19		Footing & Foundation Package
11 - Equipment					
11	Figures	1	05/17/19		Footing & Foundation Package
12 - Furnishings					
12	Attachments	1	05/17/19		Footing & Foundation Package
13 - Special Construction					
13	Exploration and Testing Procedures	1	05/17/19		Footing & Foundation Package
1300 - 1	Asphaltic Concrete Pavement	0	05/22/19		Addendum No. 01
14 - Conveying Equipment					
14	Site Location and Exploration Plans	0	05/17/19		Footing & Foundation Package
1400 - 1	Portland Cement Concrete Pavement	0	05/22/19		Addendum No. 01
15 - RESERVED FOR FUTURE EXPANSION					
15	Exploration Results	1	05/17/19		Footing & Foundation Package
16 - RESERVED FOR FUTURE EXPANSION					
16	Boring Log No.. B-1	0	05/17/19		Footing & Foundation Package
17 - RESERVED FOR FUTURE EXPANSION					
17	Boring Log No.. B-2	1	05/17/19		Footing & Foundation Package
18 - RESERVED FOR FUTURE EXPANSION					
18	Boring Log No.. B-3	1	05/17/19		Footing & Foundation Package
19 - RESERVED FOR FUTURE EXPANSION					
19	Boring Log No.. B-4	2	05/17/19		Footing & Foundation Package
20 - RESERVED FOR FUTURE EXPANSION					
20	Boring Log No.. B-5	1	05/17/19		Footing & Foundation Package
2000 - 1	Concrete Construction	0	05/22/19		Addendum No. 01
21 - Fire Suppression					
21	Boring Log No.. B-6	1	05/17/19		Footing & Foundation Package
22 - Plumbing					
22	Boring Log No.. B-7	1	05/17/19		Footing & Foundation Package
23 - Heating, Ventilating, and Air Conditioning (HVAC)					



Number	Description	Revision	Issued Date	Received Date	Set
23	Boring Log No.. B-8	1	05/17/19		Footing & Foundation Package
24 - RESERVED FOR FUTURE EXPANSION					
24	Boring Log No.. B-9	1	05/17/19		Footing & Foundation Package
25 - Integrated Automation					
25	Boring Log No.. B-10	1	05/17/19		Footing & Foundation Package
26 - Electrical					
26	Boring Log No.. B-11	1	05/17/19		Footing & Foundation Package
27 - Communications					
27	Supporting Information	1	05/17/19		Footing & Foundation Package
28 - Electronic Safety and Security					
28	General Notes	1	05/17/19		Footing & Foundation Package
29 - RESERVED FOR FUTURE EXPANSION					
29	Unified Soil Classificattio System	1	05/17/19		Footing & Foundation Package
30 - RESERVED FOR FUTURE EXPANSION					
30	Description of Rock Properties	1	05/17/19		Footing & Foundation Package
3000 - 1	Sanitary Sewers	0	05/22/19		Addendum No. 01
31 - Earthwork					
31	Boring Log No. B-8	0	05/15/19		Mass Excavation Package
31 00 00 - 1	Earthwork (Maintenance Facility Site)	1	05/22/19		Addendum No. 01
31 10 00 - 1	Site Clearing	0	05/15/19		Mass Excavation Package
31 20 00 - 1	Earth Moving	0	05/15/19		Mass Excavation Package
3100 - 1	Sanitary Sewer Manholes	0	05/22/19		Addendum No. 01
32 - Exterior Improvements					
32	Boring Log No. B-9	0	05/15/19		Mass Excavation Package
32 13 13 - 1	Concrete Paving	0	05/22/19		Addendum No. 01
32 17 23 - 1	Pavement Markings	0	05/22/19		Addendum No. 01
33 - Utilities					
33	Boring Log No. B-10	0	05/15/19		Mass Excavation Package
33 11 00 - 1	Water Utility Distribution Piping	0	05/22/19		Addendum No. 01
33 31 00 - 1	Sanitary Utility Sewerage Piping	0	05/22/19		Addendum No. 01
33 41 00 - 1	Storm Utility Drainage Piping	0	05/15/19		Mass Excavation Package
34 - Transportation					
34	Boring Log No. B-11	0	05/15/19		Mass Excavation Package
35 - Waterway and Marine Construction					
35	Supporting Information	0	05/15/19		Mass Excavation Package
36 - RESERVED FOR FUTURE EXPANSION					
36	General Notes	0	05/15/19		Mass Excavation Package
37 - RESERVED FOR FUTURE EXPANSION					
37	Unified Soil Classification Systems	0	05/15/19		Mass Excavation Package



Printed on Tue Jun 11, 2019 at 01:12 pm CDT

Job #: 1-07-0929 Olathe Parks Maint Facility

Olathe, Kansas

Number	Description	Revision	Issued Date	Received Date	Set
38 - RESERVED FOR FUTURE EXPANSION					
38	Description of Rock Properties	0	05/15/19		Mass Excavation Package
39 - RESERVED FOR FUTURE EXPANSION					
39	Stormwater Pollution Prevention Plan (SWPPP)	0	05/15/19		Mass Excavation Package
60 - 60 - Unknown					
6000 - 1	Water Lines	0	05/22/19		Addendum No. 01
66 - 66 - Unknown					
66061	Olathe, Kansas	0	05/17/19		Footing & Foundation Package
91 - 91 - Unknown					
9100 - 1	Pavement Markings	0	05/22/19		Addendum No. 01
AD - AD - Unknown					
ADD1 - 1	General	0	05/22/19		Addendum No. 01



Printed on Tue Jun 11, 2019 at 01:11 pm CDT

Job #: 1-07-0929 Olathe Parks Maint Facility

Olathe, Kansas

Drawing No.	Drawing Title	Revision No.	Drawing Date	Received Date	Set
Landscape					
L2.01	Site Layout Plan	1	05/31/2019		Addendum No. 02 (05/31/19)
L3.00	Maintenance Facility Site Grading Plan	0	05/22/2019		Addendum No. 01 (05/22/19)
L3.01	Site Grading Plan	0	05/31/2019		Addendum No. 02 (05/31/19)
L3.02	Maintenance Facility Erosion Control Plan	0	05/31/2019		Addendum No. 02 (05/31/19)
L4.01	Site Planting Plan	0	05/31/2019		Addendum No. 02 (05/31/19)
L6.01	Maintenance Facility Site Details	1	05/31/2019		Addendum No. 02 (05/31/19)
Mechanical					
M0.00	Mechanical Abbreviations, Symbols & Notes	0	04/16/2019		DD3 Drawings (04/16/19)
M0.01	Mechanical Site Plan	0	05/31/2019		Addendum No. 02 (05/31/19)
M1.01	First Floor HVAC Plans	0	04/16/2019		DD3 Drawings (04/16/19)
M1.02	Mezzanine HVAC Plan	0	04/16/2019		DD3 Drawings (04/16/19)
M2.01	Below Floor Plumbing Plans	0	04/16/2019		DD3 Drawings (04/16/19)
M2.02	First Floor Plumbing Plans	0	04/16/2019		DD3 Drawings (04/16/19)
M3.01	Enlarged Mechanical Room Plans	0	04/16/2019		DD3 Drawings (04/16/19)
M3.02	Mechanical Roof Plan	0	04/16/2019		DD3 Drawings (04/16/19)
M4.01	Heating Water Piping Schematic	0	04/16/2019		DD3 Drawings (04/16/19)
M4.02	Plumbing Systems Piping Schematics	0	04/16/2019		DD3 Drawings (04/16/19)
Structural					
S0.00	Structural Notes	1	05/22/2019		Addendum No. 01 (05/22/19)
S1.01	Footing & Foundation Plan	0	05/22/2019		Addendum No. 01 (05/22/19)
S1.01	Footing & Foundation Plan	1	05/31/2019		Addendum No. 02 (05/31/19)
S2.01	Framing Plan	1	05/22/2019		Addendum No. 01 (05/22/19)
S3.01	TOP & BOT.	2	05/31/2019		Addendum No. 02 (05/31/19)
Architectural					
A0.00	Wall Type Schedule & Details	0	04/16/2019		DD3 Drawings (04/16/19)
A0.01	Typical Interior Stud Framing Details	0	04/16/2019		DD3 Drawings (04/16/19)
A1.10	First Floor Orientation Plan	1	05/22/2019		Addendum No. 01 (05/22/19)
A1.11	First Floor Plan -Area A	0	04/16/2019		DD3 Drawings (04/16/19)
A1.12	First Floor Plan -Area B & Area C	0	05/31/2019		Addendum No. 02 (05/31/19)
A1.13	Mezzanine Floor Plan	0	04/16/2019		DD3 Drawings (04/16/19)
A1.20	First Floor Reflected Ceiling Plan	0	04/16/2019		DD3 Drawings (04/16/19)
A1.21	Mezzanine Reflected Ceiling Plan	0	04/16/2019		DD3 Drawings (04/16/19)
A1.30	Roof Plan	0	04/16/2019		DD3 Drawings (04/16/19)
A2.10	Exterior Elevations	0	04/16/2019		DD3 Drawings (04/16/19)
A3.10	Building Cross Sections	0	04/16/2019		DD3 Drawings (04/16/19)
A5.10	Vertical Circulation Enlarged Plans & Sections	0	04/16/2019		DD3 Drawings (04/16/19)
A6.10	Enlarged Restroom Plans, Elevations, Schedule & Details	0	04/16/2019		DD3 Drawings (04/16/19)
A6.20	Interior Elevations	0	04/16/2019		DD3 Drawings (04/16/19)



Printed on Tue Jun 11, 2019 at 01:11 pm CDT

Job #: 1-07-0929 Olathe Parks Maint Facility

Olathe, Kansas

Drawing No.	Drawing Title	Revision No.	Drawing Date	Received Date	Set
A6.40	Door Schedule, Door Types, Frame Types	0	04/16/2019		DD3 Drawings (04/16/19)
ADD2 - 1	Addendum No. 2 Drawing Changes 1 of 2	0	05/31/2019		Addendum No. 02 (05/31/19)
ADD2 - 2	Addendum No. 2 Drawing Changes 2 of 2	0	05/31/2019		Addendum No. 02 (05/31/19)
Electrical					
E0.00	Electrical Abbreviations, Symbols Legend & General Notes	0	04/16/2019		DD3 Drawings (04/16/19)
E0.01	Electrical Site Plan - North	0	04/16/2019		DD3 Drawings (04/16/19)
E1.01	First Floor Lighting Plan	0	04/16/2019		DD3 Drawings (04/16/19)
E1.02	Second Floor Lighting Plan	0	04/16/2019		DD3 Drawings (04/16/19)
E2.01.A	First Floor Power & Auxiliary Systems Plan - Area A	0	04/16/2019		DD3 Drawings (04/16/19)
E2.01.B	First Floor Power & Auxiliary Systems Plan - Area B	0	04/16/2019		DD3 Drawings (04/16/19)
E2.01.C	First Floor Power & Auxiliary Systems Plan - Area C	0	04/16/2019		DD3 Drawings (04/16/19)
E2.02	Second Floor Power & Auxiliary Systems Plan	0	04/16/2019		DD3 Drawings (04/16/19)
E3.01	Electrical One Line Diagram	0	04/16/2019		DD3 Drawings (04/16/19)
E4.01	Electrical Schedules	0	04/16/2019		DD3 Drawings (04/16/19)
E5.01	Electrical Details	0	04/16/2019		DD3 Drawings (04/16/19)
E5.02	Electrical Details	0	04/16/2019		DD3 Drawings (04/16/19)
Fire Protection					
F1.10	First Floor Finishes Plan Area - A, Finish Schedule and Finishes Legend	0	04/16/2019		DD3 Drawings (04/16/19)
F1.11	First Floor Finishes Plan - Area B & Area C, Second Floor Finishes Plan -Area A & Area B	0	04/16/2019		DD3 Drawings (04/16/19)
FS1.01	Fire Suppression Plan	0	04/16/2019		DD3 Drawings (04/16/19)



Project Fact Sheet
Park Maintenance Facilities Improvements Project
PN 6-C-001-18
June 18, 2019

Project Manager: Beth Wright / Chad Foster

Description: This project is for the design and construction of a new Park Maintenance Facilities and associated site infrastructure on land west of and adjacent to the City's Public Works campus.

Justification: The Parks Operations division is currently located 404 N. K-7 Highway. Due to a redevelopment opportunity with the property, the City has determined it is necessary to construct a new facility for this division.

Schedule:	Item	Date
Programming		12-31-2018
Contract Award – Design-Build Team		11-6-2018
Design & Guaranteed Maximum Price (GMP)	Site & Structural Steel	6-18-2019
	Buildings	Summer 2019
Construction Start		Summer 2019
Construction Completion		Spring 2020

Council Actions:	Date	Amount
Authorization – Park Maintenance	11-6-2018	\$5,000,000
Authorization – Infrastructure	11-6-2018	\$2,450,000
Design-Build Agreement	11-6-2018	\$418,600
Authorization Presentation	3-19-2019	N/A
Authorization Presentation	4-16-2019	N/A
Project Design Presentation	5-7-2019	N/A
Authorization	5-21-2019	\$11,500,00
GMP Amendment No. 1	6-18-2019	\$5,459,527

Funding Sources:	Amount	CIP Year
Cash	\$2,000,000	2019
General Obligation Bonds	\$9,500,000	2021

Expenditures:	Budget	Amount to Date
Staff Costs	\$230,000	\$29,275
Planning and Design Services	\$700,000	\$233,061
Site Infrastructure & Building Construction	\$8,425,000	\$0
Inspection/Testing	\$140,000	\$0
FF&E/IT/Miscellaneous & Contingency	\$1,380,000	\$561
Materials for Site Structures	\$625,000	\$0
Total	\$11,500,000	\$262,897

**PARK MAINTENANCE FACILITIES IMPROVEMENTS PROJECT
PN 6-C-001-18
PROJECT LOCATION MAP**





City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Resource Management

STAFF CONTACT: Jeff DeGraffenreid/Amy Tharnish

SUBJECT: Acceptance of bid and consideration of award of contract with Zoll Medical Corporation for Cardiac Monitors for the Olathe Fire Department.

ITEM DESCRIPTION:

Acceptance of bid and consideration of award of contract with Zoll Medical Corporation for Cardiac Monitors for the Olathe Fire Department

SUMMARY:

The current fleet of Phillips cardiac monitors used by the first responders throughout the county and in Olathe are no longer supported and replacement parts are no longer available. Johnson County held the previous cooperative contract for the metro area for cardiac monitors and have since had to competitively issue a new RFP to find a new company to provide the necessary equipment and services. Johnson County's MedAct awarded the new cooperative contract to Zoll Medical Corporation (HGAC contract# EE08-17).

An effort to standardize on equipment throughout the county will ensure inter-operability, as well as, information transference in a more seamless and efficient manner and will potentially save more lives. Currently patients will experience at least one transfer between first responders to MedAct before finally being transferred to the nearest hospital. During each transfer, citizens have to be fully detached from one cardiac monitoring system (including cables) to be hooked up to the next monitor and reattached with new cables. Precious time and data are lost between each transfer. With the new Zoll cardiac monitors, patients can keep their cables attached to them and simply be connected to the next monitors. Additionally, there are Bluetooth and cellular data transference capabilities between the Zoll monitors so that no data is lost between any of the transfers. The data is real-time and can also be sent directly to the hospitals. Hospitals now have a chance to anticipate the needs of the patients before they even make it to the front doors of the emergency rooms.

Added benefits of the Zoll monitors are carbon monoxide and oxygen saturation detection. Whole families can be tested to determine if they need to be sent to the hospital immediately and firefighters can be easily and quickly monitored during their rehab. The monitors are portable devices and can be used to determine vitals, cardio vert or to defibrillate patients. These devices will be used for each and every medical call.

The current fleet of monitors have a trade-in value of \$170,000.

The monitors will be an addition to the VERF. VERF fund balance will cover the initial purchase, and the department will pay a double lease fee back into the VERF.

Staff recommends award of contract with Zoll Medical Corporation.

FINANCIAL IMPACT:

Estimated expenditure will be \$640,000 and is supported by the Vehicle Equipment Fund.

ACTION NEEDED:

Award of contract to Zoll Medical Corporation for cardiac monitors for the Olathe Fire Department.

ATTACHMENT(S):

MEETING DATE: 6/18/2019

None.



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Resource Management

STAFF CONTACT: Mike Sirna/ Amy Tharnish

SUBJECT: Acceptance of bid and consideration of award of contract to Sirius Computer Solutions for installation, implementation, and maintenance of two Dell/EMC Isilon storage clusters; one in each city data center.

ITEM DESCRIPTION:

Acceptance of bid and consideration of award of contract to Sirius Computer Solutions for installation, implementation, and maintenance of two Dell/EMC Isilon storage clusters; one in each city data center.

SUMMARY:

The multiple current storage platforms in use by the City are at capacity limits and has reached the end of their supportable life. Acquiring new data storage equipment is necessary to maintain operations of all City departments. The Infrastructure Team within the Information Technology Department reviewed the capabilities of multiple storage platforms to identify the solution that will achieve the goals of low cost, long term, on-premise storage and the ability to migrate selected data to cloud storage providers where applicable. The proposed solution provides long term storage, access of files, and supporting data that includes files, application data, police body camera videos, police in-car videos, fire apparatus videos, and training materials.

The State of Minnesota acted as lead agency and competitively bid and awarded a contract to Dell EMC for the purchase of Computer Equipment: Storage Related Peripherals & Services. The State of Kansas is a Participating State that is authorized to utilize this contract. (NASPO contract# MNWNC-109/ State of Kansas Contract# 40403A).

A quote was provided by Sirius Computer Solutions, a local, assigned distributor of Dell EMC, based off of the cooperative agreement which exceeded the COOP contract's discounted pricing.

Staff recommends award of contract to Sirius Computer Solutions.

FINANCIAL IMPACT:

Estimated fiscal expenditure is \$500,000 over five (5) years of which will be funded by the Technology Fund.

ACTION NEEDED:

Acceptance of bid and consideration of award of contract to Sirius Computer Solutions.

ATTACHMENT(S):

None



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Resource Management

STAFF CONTACT: Shawn Reynolds/Mary Jaeger/Amy Tharnish

SUBJECT: Acceptance of bids and consideration of award of contracts to American Equipment Co. for the replacement and installation of vehicle bodies for 2019 City's fleet.

ITEM DESCRIPTION:

Acceptance of bids and consideration of award of contracts to American Equipment Co. for the replacement and installation of vehicle bodies for 2019 City's fleet.

SUMMARY:

American Equipment submitted a quote through Kansas City, Missouri Contract# EV2260 for the purchase and installation of four (4) bodies to be installed onto the following:

- Items #1 and 2: On April 2, 2019, the Council authorized the purchase of the cab and chassis for two vehicles in the amount of \$112,252.00. Actual cost for the cab and chassis for both vehicles totals \$55,784.00 and the body for both vehicles with American Equipment is \$69,194.00. The total cost for both vehicles is \$123,978.00. These are replacement vehicles and will be used by the Police Department for the Animal Control Unit.
- Item #3: On April 2, 2019, the Council approved the purchase of the cab and chassis in the amount of \$85,597.00. The body for this vehicle is \$89,344.00, total vehicle cost is \$174,941. This is a replacement and will be used by the Public Works for Street Maintenance.
- Item #4: On April 2, 2019, the Council approved the purchase of the cab and chassis in the amount of \$85,597.00. The body for this vehicle is \$89,344.00, total vehicle cost is \$174,941. This is a replacement and will be used by the Public Works for Utility Maintenance.

Staff recommends award to American Equipment for the purchase of vehicle bodies to be installed on the replacement vehicles for Animal Control, Public Works Street Maintenance and Utility Maintenance.

The two (2) 1 Ton Pickups (Animal Control Units) are fully amortized and have paid \$121,931 through lease fees into the VERF.

The Dump Bodies (Public Works) are fully amortized and have paid \$188,295 through lease fees into the VERF.

FINANCIAL IMPACT:

\$247,882 for the purchase of vehicle bodies. Funding will come from the Vehicle Equipment Replacement Fund

ACTION NEEDED:

MEETING DATE: 6/18/2019

Award of contract to American Equipment Co. for the replacement and installation of four (4) vehicle bodies.

ATTACHMENT(S):
A. Quotes



EQUIPMENT CO.

3250 Harvester Road

Kansas City, Kansas 66115

(Phone) 913-342-1450 (Fax) 913-342-1377

sales@americanequipment.us

QUOTATION

DATE	Quotation #
4/10/2019	041019/2RK

NAME / ADDRESS
City of Olathe Accounting Division P. O. Box 768 Olathe, KS 66051-0768

TO CONFIRM ORDER
Quote Accepted by _____
Date _____
P.O. # _____

LEAD TIME		TERMS	REP	FOB	PHONE	FAX #		
		Due on Rece...	REK		913-971-6020	913-971-9491		
QTY	ITEM	DESCRIPTION				U/M	COST	Total
1	300	Pricing based on City of Kansas City, MO Contract # EV2260: Equipment to mount on 2019 Ford F-350 56" CA single rear wheel with factory bed delete. Deerskin ACCM6G Animal Control Unit: Included Equipment - LED s/t/t and back-up lights - 1-12 Volt Exhaust Fan installed in the roof of the unit to exhaust heat from each compartment. Each fan is 800 CFM which exceeds manufactures rating. - 6-LED Interior lights installed in each compartment with switch mounted in the cab of the vehicle. - 3-Swinging partitions installed in compartments and can be opened to create a pass through compartment between each side of the unit. - Backup Alarm- - Secondary Safety Doors–These doors are located inside the primary door and are constructed of 125 aluminum with ¾” holes punched for ventilation and a catch pole cutout. - Air Conditioning System-Unit is 18,900 BTU with add on compressor to truck engine. (Rangers, S-10’s, Toyotas, etc are not adaptable to brackets for added compressors.) - Auxiliary Heating- A 20,000 BTU directional air louvered heater. - Rear Flood Lights (2) 4 X 6 LED floodlights mounted on the rear of the unit. - Dead Animal Pan-This is available to fit the rear compartments only. It is constructed of aluminum and has four					34,597.00	34,597.00
Quoted by Ryan Keith					Total			



EQUIPMENT CO.

3250 Harvester Road

Kansas City, Kansas 66115

(Phone) 913-342-1450 (Fax) 913-342-1377

sales@americanequipment.us

QUOTATION

DATE	Quotation #
4/10/2019	041019/2RK

NAME / ADDRESS
City of Olathe Accounting Division P. O. Box 768 Olathe, KS 66051-0768

TO CONFIRM ORDER
Quote Accepted by _____
Date _____
P.O. # _____

LEAD TIME	TERMS	REP	FOB	PHONE	FAX #		
	Due on Rece...	REK		913-971-6020	913-971-9491		
QTY	ITEM	DESCRIPTION			U/M	COST	Total
		<p>raised sides and handles on each end can be fitted in the rear compartments for loading dead animals.</p> <p>- Deerskin Lift System-Slide out cage housed in curb side front compartment to assist in lifting large animals. - Powered by an 1800# 12 volt, cable winch, the cage lowers to curb height and is capable of lifting 200 pounds.</p> <p>- Dead Animal Box with Lift Gate-Located in the rear center of the unit, with an electric lift gate capable of lifting 1000 pounds.</p> <p>- Door Checks-Mounted inside the cage attached to the primary door, used to hold the door in open position while loading/unloading animals.</p> <p>- Digital Thermometer-Mounted on dash of truck with the probe located inside animal unit to monitor temperature while vehicle is in use.</p> <p>- Installation onto customer supplied chassis</p> <p>Options:</p> <p>- Floor drains - add \$117.00 per compartment (not available in lift compartment)</p> <p>- Perforated floor grate - add \$141.00 per compartment (not available in lift compartment)</p>					
Quoted by Ryan Keith				Total		\$34,597.00	

This quote is valid for 30 days. Applicable taxes not included.



EQUIPMENT CO.

3250 Harvester Road

Kansas City, Kansas 66115

(Phone) 913-342-1450 (Fax) 913-342-1377

sales@americanequipment.us

QUOTATION

DATE	Quotation #
3/13/2019	031319/52RK

NAME / ADDRESS
City of Olathe Accounting Division P. O. Box 768 Olathe, KS 66051-0768

TO CONFIRM ORDER
Quote Accepted by _____
Date _____
P.O. # _____

LEAD TIME		TERMS	REP	FOB	PHONE	FAX #	
		Due on Rece...	REK		913-971-6020	913-971-9491	
QTY	ITEM	DESCRIPTION			U/M	COST	Total
1	300	Pricing based on City of Kansas City, MO Contract # EV2260: Warren WAR700-10 Stainless Steel Dump Body: <ul style="list-style-type: none">- 1/2 cab shield with tarper provisions- stainless loop on top of tailgate for removal- Pro-Vision b/u camera- mudflaps in front with chains and behind with FAST FLAPS rear tires- b/u alarm- Draw-Tite 5500 electric trailer brake controller- 3/4" pull-plate with 15 ton pintle set @ 30" to center, d-rings, carabiner for break-away cable- 7 pole RV style trailer plug- recessed oval s/t/t, b/u and strobes lights in corner post- LED amber min lightbars mounted on each side of cab shield- Stainless EZ-STEP III bolted on driver side front- stainless step inside of bed in caroner per spec- stainless grab handles per spec- stainless steel winches on each side with winch bar- Pull-Tarp Super Shield system tarper with side arms- Force America central hydraulic system- schedule 80 pipe run to rear for spreader per specs- Truck-Lite # 50400 junction box @ rear- OnSpot auto tire chain system Henke 41R11 11' snowplow: <ul style="list-style-type: none">- 12" rubber deflector- JOMA articulating cutting edges with curb guards				89,344.00	89,344.00
Quoted by Ryan Keith					Total		



EQUIPMENT CO.

3250 Harvester Road

Kansas City, Kansas 66115

(Phone) 913-342-1450 (Fax) 913-342-1377

sales@americanequipment.us

QUOTATION

DATE	Quotation #
3/13/2019	031319/52RK

NAME / ADDRESS
City of Olathe Accounting Division P. O. Box 768 Olathe, KS 66051-0768

TO CONFIRM ORDER
Quote Accepted by _____
Date _____
P.O. # _____

LEAD TIME	TERMS	REP	FOB	PHONE	FAX #
	Due on Rece...	REK		913-971-6020	913-971-9491
QTY	ITEM	DESCRIPTION	U/M	COST	Total
1	300	Pricing based on City of Kansas City, MO Contract # EV2260: Warren WAR700-10 Stainless Steel Dump Body: <ul style="list-style-type: none">- 1/2 cab shield with tarper provisions- stainless loop on top of tailgate for removal- Pro-Vision b/u camera- mudflaps in front with chains and behind with FAST FLAPS rear tires- b/u alarm- Draw-Tite 5500 electric trailer brake controller- 3/4" pull-plate with 15 ton pintle set @ 30" to center, d-rings, carabiner for break-away cable- 7 pole RV style trailer plug- recessed oval s/t/t, b/u and strobes lights in corner post- LED amber min lightbars mounted on each side of cab shield- Stainless EZ-STEP III bolted on driver side front- stainless step inside of bed in caroner per spec- stainless grab handles per spec- stainless steel winches on each side with winch bar- Pull-Tarp Super Shield system tarper with side arms- Force America central hydraulic system- schedule 80 pipe run to rear for spreader per specs- Truck-Lite # 50400 junction box @ rear- OnSpot auto tire chain system Henke 41R11 11' snowplow: <ul style="list-style-type: none">- 12" rubber deflector- JOMA articulating cutting edges with curb guards		89,344.00	89,344.00
Quoted by Ryan Keith				Total	



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Resource Management

STAFF CONTACT: Mary Jaeger/Amy Tharnish

SUBJECT: Consideration of renewal of contract to JCI Industries, Inc. for mixer and propeller pump repair and service for the Environmental Services Division of the Public Works Department.

ITEM DESCRIPTION:

Consideration of renewal of contract to JCI Industries, Inc. for mixer and propeller pump repair and service for the Environmental Services Division of the Public Works Department.

SUMMARY: In May 2016, the City of Kansas City Missouri competitively issued a bid and awarded a cooperative purchase contract to JCI Industries, Inc. for pump repair and service. As part of the bid, JCI Industries, Inc. agreed to provide products and/or services to any municipality, governmental public utility, or any member of Mid-America Regional Council which allows the City of Olathe to accept and award this cooperative purchase contract.

This contract is used for OEM repair and replacement of mixers and propeller pumps that support the BNR Wastewater Treatment process.

This is a time and materials agreement and pricing remains firm and fixed throughout the agreement period. The KCMO contract is currently in the third year with options for one-year renewals through May 2022.

FINANCIAL IMPACT:

\$200,000.00 to be paid from the Environmental Services operating budget.

ACTION NEEDED:

Consideration of renewal of contract to JCI Industries, Inc. for mixer and propeller pump repair and service.

ATTACHMENT(S):

None



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Resource Management

STAFF CONTACT: Mary Jaeger/Amy Tharnish

SUBJECT: Consideration of renewal of contract to Mid-American Signal, Inc. for the purchase of traffic signal and Advanced Traffic Management System (ATMS) supplies for the Traffic Division of Public Works.

ITEM DESCRIPTION:

Consideration of renewal of contract to Mid-American Signal, Inc. for the purchase of traffic signal and Advanced Traffic Management System (ATMS) supplies for the Traffic Division of Public Works.

SUMMARY: Mid American Signal, Inc. is the sole distributor for the Kansas City area for RENO A&E, and Wavetronix products.

Traffic signal supplies are used in the maintenance and repair of traffic signals, school crossing beacons, and other related equipment throughout the City.

ATMS supplies are used in the maintenance of traffic surveillance camera equipment which assists in monitoring traffic flow and provides video detection of vehicle presence and speed to traffic signal controllers. In addition, the fiber backbone of the traffic signal network provides connection of City buildings to the main server. The Police Department may use the cameras for monitoring safety.

Staff recommends renewal of the contract to Mid-American Signal, Inc for a one (1)-year term with options to extend for additional contract periods.

FINANCIAL IMPACT:

Anticipated expenditures for the contract term are \$150,000. Funding will come from the Transportation operating budget.

ACTION NEEDED:

Consideration of renewal of contract to Mid-American Signal, Inc. for the purchase of traffic signal and Advanced Traffic Management System (ATMS) supplies for the Traffic Division of Public Works.

ATTACHMENT(S):

None



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Resource Management

STAFF CONTACT: Mary Jaeger/Amy Tharnish

SUBJECT: Acceptance of bid and consideration of award of contract to Foley Equipment Company for the replacement of a roller for the Street Maintenance Section of Public Works.

ITEM DESCRIPTION:

Acceptance of bid and consideration of award of contract to Foley Equipment Company for the replacement of a vibratory compactor/roller for the Street Maintenance Section of Public Works

SUMMARY:

The proposed roller unit will replace a 2009 Caterpillar CB 434D vibratory compactor/roller unit. The new unit, a 2020 Caterpillar CB34B, will be utilized by the Street Maintenance Section and will allow staff to perform asphalt maintenance and repair work with less disruption to traffic flow.

Sourcewell competitively bid and awarded a contract to Caterpillar, Inc. for the purchase of Heavy Construction Equipment with Related Accessories, Attachments and Supplies (contract# 032119-CAT). A quoted based off the cooperative agreement was solicited from Foley Equipment company, an Olathe dealer of Caterpillar equipment.

Staff recommends award of contract to Foley Equipment Company.

The roller is being replaced as a part of the regular vehicle replacement process. It is fully amortized, and the lease fees paid into the VEF fully cover the replacement cost.

FINANCIAL IMPACT:

\$52,911.00 to be paid from the Vehicle Equipment Replacement Fund.

ACTION NEEDED:

Acceptance of bid and consideration of award of contract to Foley Equipment Company.

ATTACHMENT(S):

A. Quotation

Foley Equipment Company, 1550 S. West Street, Wichita, KS 67213 Phone:(316) 943-4211

PURCHASER	CITY OF OLATHE			
STREET ADDRESS	PO BOX 768			
S O L D	CITY/STATE	OLATHE, KS	COUNTY	JOHNSON
	POSTAL CODE	66051-0768	PHONE NO.	913 971 8600
T O	CUSTOMER CONTACT:	EQUIPMENT	CHAD COURTOIS	
		PRODUCT SUPPORT	CHAD COURTOIS	
	INDUSTRY CODE:	LEGISLATIVE BODIES	PRINCIPAL WORK CODE	
		(CITY/COUNTY) (9121)		
CUSTOMER NUMBER	018918	Sales Tax Exemption # (if applicable)	KS6XLFHVA1	CUSTOMER PO NUMBER
PAYMENT TERMS: (All terms and payments are subject to Finance Company - OAC approval)				
T E R M S	NET PAYMENT ON RECEIPT OF INVOICE	<input checked="" type="checkbox"/>	NET ON DELIVERY	<input type="checkbox"/>
	CASH WITH ORDER	\$0.00	BALANCE TO FINANCE	\$0.00
	PAYMENT PERIOD		PAYMENT AMOUNT	\$0.00
			CONTRACT INTEREST RATE	0.00
			NUMBER OF PAYMENTS	0
			OPTIONAL BUY-OUT	
DESCRIPTION OF EQUIPMENT ORDERED / PURCHASED				
MAKE: TBA	MODEL: CB34B	YEAR: TBA		
STOCK NUMBER: SGN0543	SERIAL NUMBER: OXB400853			
CB34B UTILITY COMPACTOR	367-6625	PRODUCT LINK INSTALLATION	463-3787	
ENGINE, TIER 4F, STAGE 4	367-6580	PRODUCT LINK, CELLULAR PL641	454-5454	
PROPEL, STANDARD	456-2578			
PUMP, PROPEL, STANDARD	367-6593			
OIL, HYDR, FACTORY FILLED	367-6636			
LIGHTING PACKAGE, STANDARD	432-6053			
SEAT, WITH SAFETY SWITCH	364-2277			
BELT, SEAT, 2" SUSPENSION	376-7962			
SUPPORT, SLIDING FOR SEAT	364-2279			
ROPS, FOLDABLE	367-6629			
TRAVEL CONTROL, DUAL LEVER	367-6538			
INSTRUCTIONS, NORTH AMERICAN	364-2281			
SERIALIZED TECHNICAL MEDIA KIT	421-8926			
ROLL ON-ROLL OFF	0G-0044			
SWITCH, BATTERY DISCONNECT	364-2297			
TRADE-IN EQUIPMENT		SELL PRICE	\$71,744.00	
MODEL: _____	YEAR: _____	SN: _____		
PAYOUT TO: _____	AMOUNT: _____	PAID BY: _____		
MODEL: _____	YEAR: _____	SN: _____		
PAYOUT TO: _____	AMOUNT: _____	PAID BY: _____		
MODEL: _____	YEAR: _____	SN: _____		
PAYOUT TO: _____	AMOUNT: _____	PAID BY: _____		
MODEL: _____	YEAR: _____	SN: _____		
PAYOUT TO: _____	AMOUNT: _____	PAID BY: _____		
ALL TRADE-INS ARE SUBJECT TO EQUIPMENT BEING IN "AS INSPECTED CONDITION" BY VENDOR AT TIME OF DELIVERY OF REPLACEMENT MACHINE PURCHASE ABOVE.		ACH Information:		
PURCHASER HEREBY SELLS THE TRADE-IN EQUIPMENT DESCRIBED ABOVE TO THE VENDOR AND WARRANTS IT TO BE FREE AND CLEAR OF ALL CLAIMS, LIENS, MORTGAGES AND SECURITY INTEREST EXCEPT AS SHOWN ABOVE.		Bank = Wells Fargo NA		
		ABA number 121000248		
		Account number 4121956387		
		Email remittance advice to ACHPMTS@foleyeq.com		
<input checked="" type="checkbox"/> CATERPILLAR EQUIPMENT WARRANTY		<input type="checkbox"/> USED EQUIPMENT WARRANTY		
INITIAL _____		INITIAL _____		
The customer acknowledges that he has received a copy of the Foley Equipment Company/Caterpillar Warranty and has read and understood said warranty. Scheduled oil sampling (S.O.S.) is mandatory with this warranty. The customer is responsible for taking oil samples at designated intervals from all power train components and failure to do so may result in voiding the warranty. Warranty applicable including expiration date where necessary:				
12 months unlimited hours				
36 Month / 1500 Hour Premier Warranty with Travel				
CSA:				
NOTES: Attached pricing based on 2019 Sourcewell / Caterpillar national agreement # 032119-CAT				

☐ By checking this box, the assignment denoted in item No. 9 on the back of the contract applies. ☒ By checking this box, the assignment denoted in item No. 9 on the back of the contract does not apply.

This order is not valid until approved by Sales Manager

THIS AGREEMENT IS SUBJECT TO THE TERMS AND CONDITIONS ON THE REVERSE

Foley Equipment Company

PURCHASER

ORDER RECEIVED BY

John Pamperin

APPROVED AND ACCEPTED ON

REPRESENTATIVE

CITY OF OLATHE

PURCHASER

SALES MANAGER BY

SIGNATURE

TITLE

TERMS AND CONDITIONS

- 1.Seller reserves the right to accept or reject this order and shall not be required to give any reason for non-acceptance.
- 2.This order, when accepted by Seller, shall become a binding contract, but shall be subject to strikes, lockouts, accidents, fire, delays in manufacturing or transportation, acts of God, embargoes, or governmental action, or any other causes beyond the control of the Seller, whether the same as or different from the matters and things hereinbefore enumerated, and any of said causes shall absolutely absolve the Seller from any liability to the buyer under the terms hereof.
- 3.Unless the equipment is paid in full in cash at the time of delivery, Seller retains and Buyer hereby grants to Seller a purchase-money security interest in the equipment, including all accessories, spare parts, special fittings, and tools thereof, and all additions, accessions, increases, improvements, renewals, substitutions, or replacements thereof (collectively, the "Collateral"), together with all proceeds from any sale or other disposition of all or any part of the Collateral to secure the full amount owed therefore, together with all interest, fees, and penalties. Unless Buyer shall execute a separate security agreement with Seller covering the Collateral, this Agreement shall constitute a security agreement for the Collateral. Promptly upon request, Buyer agrees to execute a note or other evidence of Buyer's indebtedness for the Collateral, which shall only constitute evidence of such indebtedness and not a payment or satisfaction of such indebtedness. Promptly upon request, Buyer shall, at its expense, do any act and execute, acknowledge, deliver, file, register, record, and ratify all documents requested by Seller, in Seller's discretion, to perfect Seller's security interest in the Collateral, including but not limited to, any financing statements. Buyer hereby irrevocably appoints Seller its attorney-in-fact, which such appointment shall be coupled with an interest, to do such acts and to execute and file all such documents on Buyer's behalf, which power is coupled with an interest, and which power is delegable by Seller. Buyer acknowledges that Seller's signature or the signature of its delegate on such documents to be the same as Buyer's own for all purposes and with the present intent to authenticate the document. Buyer represents and warrants to Seller that (a) Buyer has the power to make, deliver, and perform under this Agreement, (b) the person executing this Agreement is authorized to do so on behalf of Buyer, (c) this Agreement constitutes a valid obligation of Buyer, legally binding upon it and enforceable in accordance with its terms; (d) all credit, financial, and other information submitted to Seller in connection with this Agreement is and shall be true, correct, and complete; (e) the Buyer: if an individual, has his or her principal residence in Kansas or Missouri, or in state otherwise indicated on the front of this order, if a registered entity, is registered under the laws of the State of Kansas or Missouri, or in state otherwise indicated on front of this order; if a non-registered entity, has its principal place of business in Kansas or Missouri, or in state otherwise indicated on front of this order; (f) Buyer's name set forth on the front of this Agreement is Buyer's full, legal name; and (g) the Collateral is and shall remain located in the State of Kansas or Missouri or state otherwise indicated on the front of this order. A breach by Buyer in the terms, representations, or warranties of this Agreement or the terms of any invoice for the equipment hereunder, including but not limited to, failure to pay in full the amount owed for the equipment within the time periods stated herein or on any such invoice, shall constitute an event of default, and all amounts owing to Seller shall be immediately due, and Seller shall have all rights and remedies in law or in equity, including but not limited to, the Kansas or Missouri Uniform Commercial Code, and as set forth herein.
- 4.Unless Shipment is provided by Seller, the Seller's responsibility for shipment ceases upon delivery to the transportation company and any claims for shortages, delays or damages occurring thereafter shall be made by the Buyer direct to the transportation company. Any claims against the Seller for shortages in shipments shall be made within fifteen days after receipt of shipment
- 5.The Buyer agrees that this order shall not be countermanded by him, and that when it is accepted (and until the execution and delivery of the contract or contracts and Note or Notes required to consummate the sale as above specified) it will cover all agreements between the parties relative to this transaction, and that the Seller is not bound by any representative or terms made by any agent relative to this transaction which are not embodied herein.
- 6.DISCLAIMER OF WARRANTIES AND LIMITATION OF LIABILITY. Buyer understands and agrees that Seller is not the manufacturer of the Equipment; the Equipment is of a size, design, capacity, description, and manufacture selected by Buyer; Buyer is satisfied that the Equipment is suitable and fit for its intended purposes, including without limitation compliance with air quality or other environmental requirements. Buyer is solely responsible to know, understand, and comply with all requirements applicable to the jurisdictions where the Equipment will be used. The Equipment described herein as "new" is sold subject to such warranties as are made in writing by the manufacturer of the Equipment thereof. Except to the extent a special warranty is made by Seller in writing and executed by Seller's authorized representative, SELLER MAKES NO REPRESENTATIONS OR WARRANTIES CONCERNING THE EQUIPMENT, MATERIALS CONTAINED IN THE EQUIPMENT, OR BUYER'S USE THEREOF, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR TITLE. SELLER SHALL NOT BE LIABLE TO BUYER OR ANY THIRD PARTY FOR CONSEQUENTIAL, INCIDENTAL, SPECIAL, EXEMPLARY, OR PUNITIVE DAMAGES ARISING OUT OF OR RELATED TO THE TRANSACTION CONTEMPLATED HEREUNDER, WHETHER AN ACTION BASED ON CONTRACT, TORT (INCLUDING NEGLIGENCE OR STRICT LIABILITY), OR ANY OTHER LEGAL THEORY, INCLUDING, BUT NOT LIMITED TO, LOSS OF ANTICIPATED PROFITS, OR BENEFITS OF USE OR LOSS OF BUSINESS, EVEN IF SELLER IS APPRISED OF THE LIKELIHOOD OF SUCH DAMAGES OCCURRING. THE MAXIMUM EXTENT OF SELLER'S LIABILITY TO BUYER SHALL BE THE TOTAL AMOUNT OF ANY PAYMENTS MADE BY BUYER TO SELLER.
- 7.Consumer Laws. The laws of certain jurisdictions prohibit the limitation of certain warranties and the remedies and damages for the breach of such warranties. If any provision of this Agreement is in conflict with any statute or rule of law of any state or district in which jurisdiction may lie for enforcement, then such provision shall be deemed null and void to the extent but only to the extent that it may conflict therewith; and the remaining provisions hereof shall not be invalidated, but may be reformed by the court to the extent necessary to protect the rights of the parties.
- 8.If this equipment is being rented with an option to purchase, all service and repairs performed on this machine must be in accordance with the manufacturer's recommendation, using parts only from the manufacturer of this machine. Buyer agrees that Buyer is responsible to obtain all insurance coverage for equipment while it is being rented from seller. Buyer agrees to be bound by the terms of any rental agreement with the seller of the equipment in addition to terms of this agreement.
9. Notice is hereby given that Foley Equipment Company has assigned its rights under this sales contract to CATD Exchange Services, LLC to sell the rental equipment described herein and, if applicable, to purchase trade-in property described herein.
10. In the event this machine is equipped with Product Link, I understand data concerning this machine, its condition, and its operation is being transmitted by Product Link to Caterpillar Inc., its affiliates (Caterpillar), and/or its dealers to better serve me and to improve upon Caterpillar products and services. The information transmitted may include: machine serial number, machine location, and operational data, including but not limited to: fault codes, emissions data, fuel usage, service meter hours, software and hardware version numbers, and installed attachments. Caterpillar will not sell or rent collected information to any other third party and will exercise reasonable efforts to keep the information secure. Caterpillar Inc. recognizes and respects customer privacy. I agree to allow this data to be accessed by Caterpillar and/or its dealers.

Buyer's Initials _____



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Public Works, Planning Division

STAFF CONTACT: Aimee Nassif, Chief Planning and Development Officer; Shelby Ferguson, Planning Consultant

SUBJECT: Consideration of Ordinance No. 19-26 regarding amendments to Chapters 18.30 and 18.50 of the *Unified Development Ordinance* (UDO18-0002B)

ITEM DESCRIPTION:

Consideration of Ordinance No. 19-26 regarding amendments to Chapter 18.30 and 18.50 of the *Unified Development Ordinance* (UDO18-0002B).

SUMMARY:

This item was presented to Council as a discussion item on June 4, 2019. Staff has prepared draft Ordinance 19-26 (Attachment A) which contains changes to Chapters 18.30 and 18.50 of the Unified Development Ordinance (UDO). On June 4, 2019, staff presented proposed updates to Chapter 18.50. pertaining to blasting activity at quarries and mines as well as chapter updates for non-blasting vibration standards at industrial sites in Chapter 18.30. Recommended language for consideration is as follows:

1. Chapter 18.30 Development Standards

Section 18.30.190 Performance Standards (non-blasting)

- i. Subsection C.1: clarify which zoning districts and uses are subject to subsection C.
- ii. Subsection C.1: include a duration of time for how long ground vibration can be transmitted.
- iii. Subsection C.2: include a provision that the city may request the owner or operator to install a measuring system if necessary.
- iv. Subsection C.3: clarify the standards for non-blasting vibration. .
- v. Subsection C.3: remove formula for computing vibration.
- vi. Subsection C.4: remove unnecessary verbiage.
- vii. Subsection C.5: update and move exception language to new subsection C.4.

2. Chapter 18.50 Supplemental Use Regulations
Section 18.50.160 Quarries and Mines

- i. Subsection B: add language referencing the Title 16 of Municipal Code (NFPA) as the required standard. Also explain that if a stricter standard exists such as in a special use permit, the stricter standard applies.
- ii. Subsection D.1.b: clarify setback requirements for above ground operations.
- iii. Subsection D.4: remove unnecessary verbiage.
- iv. New subsection D.5: add and clarify setback requirements removed from subsection D.4.
- v. Subsection F: remove existing vibration standards for consistency with Title 16 of the Municipal Code.

These recommended updates are a result of several months of work, research and collaboration with various stakeholders. We believe this work has resulted in a set of recommendations which reflect best practices, improve consistency between code sections, and ensure the City's goals and direction specific to blasting operations and vibration standards.

While staff did not receive full consensus on every proposed update, it does align with feedback and comments from the group majority. Comments shared by Mr. Randy Kriesel at the June 4, 2019 meeting are consistent with prior comments made by Mr. Kriesel at earlier Council meetings and in emails sent to staff. Mr. Kriesel did send an email dated June 5, 2019 regarding the three-consecutive-minute limit for vibration from non-blasting events.

Our research uncovered that cities which do identify a specified time period in their code, many times use a three (3) minute duration. Cities such as Fridley, Minnesota and Orangetown, New York do implement the three (3) minutes as a consecutive three (3) minute duration. Johnson County requires a three (3) minute duration and does not specify in its zoning code whether the three-minute limit for a non-blasting event is a period of consecutive three (3) minutes or not. When we inquired, Johnson County advised that they have no record of having to enforce this section of Code so they would determine whether it is consecutive minutes on a case-by-case basis. Local municipalities such as Bonner Springs, Overland Park, Shawnee, and Lenexa do not have any time period identified and are either unsure of how they would address a complaint or stated it would be on a case-by-case basis. To provide transparency in our regulations and standards, staff recommends a three (3) consecutive minute standard. To our knowledge, there have not been any complaints received by the City pertaining to non-blasting vibrations. We will continue to monitor this and if an issue arises with this time duration, staff will prepare any necessary amendments for your consideration.

MEETING DATE: 6/18/2019

Attachment A is a draft ordinance with the proposed updates to Chapters 18.30 and 18.50 of the UDO. Attachment B is a copy of the previous CAI prepared for the June 4, 2019 meeting. The Planning Commission recommended approval of all proposed UDO updates associated with Chapter 18.50.160 on November 26, 2018, by a vote of 7-0.

FINANCIAL IMPACT:

None

ACTION NEEDED:

Adopt Ordinance No. 19-26 (UDO-0002B) regarding amendments to Chapters 18.30 and 18.50 of the *Unified Development Ordinance*.

ATTACHMENT(S):

- A. Ordinance No. 19-26 (UDO-0002B)
- B. June 4, 2019 CAI for UDO18-0002B with attachments

ORDINANCE NO. 19-**26**

AN ORDINANCE AMENDING SECTIONS 18.01.020, 18.30.190, AND 18.50.160, OF THE OLATHE MUNICIPAL CODE PERTAINING TO THE UNIFIED DEVELOPMENT ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

WHEREAS, on June 17, 2014, the Governing Body of the City of Olathe adopted Ordinance No. 14-39, the *Unified Development Ordinance*; and

WHEREAS, the Governing Body directed staff and the Planning Commission to proceed with consideration of amendments to the *Unified Development Ordinance* on an annual basis; and

WHEREAS, proposed amendments (UDO18-0002) to the *Unified Development Ordinance* were reviewed at a planning session with the Governing Body on August 21, 2018; and

WHEREAS, proposed amendments were discussed at a Planning Commission workshop on October 8, 2018; and

WHEREAS, on October 22, 2018 the Planning Commission held a public hearing and recommended approval of sections 18.30.190, 18.40.40110.G.5, 18.40.150F.4, 18.40.160 and 18.50.160 as presented, however did not recommend approval of sections 18.40.110.G.1-5 and 18.40.150.F.2 & 3.; and

WHEREAS, on November 1, 2018 the Governing Body reviewed the Planning Commission recommendation and remanded the proposed amendments back to the Planning Commission for further discussion; and

WHEREAS, on November 26, 2018 the Planning Commission reviewed and reconsidered the proposed amendments and recommended approval; and

WHEREAS, on December 4, 2018 the Governing Body reviewed the Planning Commission recommendation and requested staff continue to work on the updates and schedule a study session when ready to proceed; and

WHEREAS, proposed amendments pertaining to Chapters 18.30 and 18.50 were removed from UDO18-0002 and became UDO18-0002B; and

WHEREAS, on June 4, 2019 the Governing Body reviewed UDO18-0002B, the proposed amendments to Chapter 18.30 pertaining to non-blasting vibration standards and Chapter 18.50 pertaining to operations at quarries and mines; and

WHEREAS, the Governing Body reviewed staff's recommendation for new amendments associated with Chapter 18.30.190 and concurs with these recommendations; and

WHEREAS, the Governing Body reviewed the Planning Commission recommendation for proposed amendments to Chapter 18.50.160 and concurs with these recommendations.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 18.01.020 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.01.020 Marked Copies of Ordinance on File. There shall not be less than three

(3) copies of the Unified Development Ordinance, adopted by reference in Section 18.01.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, marked or stamped “Official Copies as Incorporated by Ordinance No. 14-39, as amended by Ordinance No. 15-16, Ordinance No. 16-20, Ordinance No. 16-51, Ordinance No. 17-01, Ordinance No. 17-52, Ordinance 18-48 [and Ordinance no. 19-26](#),” and open to inspection by the public at all reasonable hours. The police department, municipal judges, and all other departments of the City charged with the enforcement of the Unified Development Ordinance shall be supplied, at the cost of the City, with such number of official copies of such ordinance as may be deemed expedient.”

SECTION TWO: Section 18.30.190 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.30.190 Performance Standards

In some districts, performance standards capable of quantitative measurement are established. Except to the extent modified in the specific zoning district regulations, the following general provisions apply to measure compliance with those performance standards.

A. Noise

See Noise Control Ordinance (Chapter [6.18](#) of the Municipal Code).

B. Smoke and Particulate Matter

1. The Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines, shall be used to determine the density of equivalent opacity of smoke. The Ringlemann number indicated as the performance standard in certain zoning districts refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed.

2. Within the M-1, M-2 and M-3 zoning districts, no use shall be permitted or operated so that smoke darker than Ringlemann No. 1 is produced from any vent, stack or chimney. However, emission of smoke darker than Ringlemann No. 2 is allowed for a duration of up to four (4) minutes during any eight (8) hour period if the emission is located no closer than two hundred fifty (250) feet from property zoned AG, any residential zoning district, N, or the residential areas of planned developments.

3. Particulate matter emissions, in excess of the threshold limit values caused by the wind from open storage areas, yards, roads, etc., within lot lines shall be kept to a minimum by appropriate landscaping, paving, oiling, wetting and other means, or shall be eliminated.

C. Vibration

1. ~~No use within a quarry or use within properties zoned~~ Within the M-1, M-2 and M-3 ~~zoning districts, no use~~ may generate any ground-transmitted vibration ~~in~~ for three (3) consecutive minutes or more in duration in any one hour in excess of one tenth (.10) inch per second measured at the property line, or in excess of two-one hundredths (.02) inch per second measured at any residential property line. These values may be multiplied by two (2) for impact vibrations, i.e., discrete vibration pulsations not exceeding one (1) second in duration and having a pause of at least one (1) second between pulses. Vibrations are measured in particle velocity and are to be measured at the property line or other designated location.

2. A three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions shall be used to measure vibrations. Upon request of the City, the owner or operator of a use subject to this section will install said measuring system at the property line of the use or on the residential property of a complainant with the property owner's consent.

3. The vibration maximums indicated as the performance standard in certain zoning districts ~~may~~ must be measured directly with suitable instrumentation in accordance with the International Society of Explosive Engineers (ISEE) Field Practice Guidelines for Blasting Seismographs or other applicable guidelines for this type of measurement. ~~or computed on the basis of displacement and frequency. When computed, the following formula shall be used:~~

$$PV = 6.28 F \times D$$

~~Where:~~

~~PV = particle velocity, inches per second~~

~~F = vibration frequency, cycles per second~~

~~D = single amplitude displacement of the vibration,
inches~~

~~4. The maximum particle velocity shall be in the maximum vector sum of three mutually perpendicular components recorded simultaneously.~~

~~5. Unless specifically indicated to the contrary in the zoning district regulations, vibration resulting from temporary construction activity that occurs between 7:00 AM and 7:00 PM is exempt from the indicated performance standard.~~

4. The provisions of this subsection shall not apply to vibration from:

- a) the operation of motor vehicles, trains, and aircraft; or
- b) temporary construction activity that occurs between 7:00 AM and 7:00 PM; or
- c) blasting at a quarry or mine regulated under Section 18.50.160.

D. Glare

See Lighting (Section [18.30.135](#)).

1. Within the M-1, M-2 and M-3 districts, direct or sky-reflected glare, from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

E. Heat

Within the M-1, M-2 and M-3 districts, heat from furnaces, processing equipment, or other devices shall be contained so that the temperature of air or materials is raised no more than five (5) degrees Fahrenheit as measured at all property lines.

F. Emissions

Within the M-1, M-2 and M-3 districts, the maximum rate of emission of dust and other particulate matter from all sources within the boundaries of any lot or tract shall not exceed one (1) pound per hour per acre of lot area.

G. Air Contaminants (such as Odors and Fumes)

Within the M-1, M-2 and M-3 districts, the emission of air contaminants created by industrial processes shall comply with the Kansas Air Quality Act, K.S.A. § [65-3002](#) and any adopted state regulations. All air contaminants shall be contained so that no odors or fumes may be sensed at the property line of any residential zoning district.

H. Electrical Issues

Within the M-1, M-2 and M-3 districts, activity which creates any off-site electrical disturbance, or contributes to interference with electronic signals (including television and radio broadcasting transmissions) shall be prohibited.

I. Toxic or Flammable Liquids

Storage of toxic or flammable liquids such as gasoline, oil or grease, where not stored underground, shall occur in such a manner that a secondary storage system is provided with capacity as specified by the Fire Code."

SECTION THREE: Section 18.50.160 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"18.50.160 Quarries and Mines

Purpose. This section regulates the externalities of quarries.

A. Applicability

This section applies to mines or quarries.

B. Generally

All ~~M~~mines and quarries shall follow all Federal, State, and ~~local Olathe Municipal Code guidelines~~ and requirements, including those found in Title 16 of the Olathe Municipal Code as well as requirements found in any special use permit governing a specific site. for blasting and vibration. In the event that multiple requirements exist, including those for blasting and vibration, the stricter standard shall be controlling over the land use activity on the site.

C. Roads

1. Proposed quarry operations shall provide or have direct access to a public road.
2. Public and private roads shall be hard-surfaced and built to carry the heavy loads that are generated from quarry operations.

D. Setbacks for Above-Ground Operations

1. All above-ground operations shall be located at least:
 - a. One hundred (100) feet from any property line except as provided below.
 - b. One thousand (1,000) feet from an existing residence or the nearest property line of a residentially zoned property, whichever achieves the greatest overall setback.

2. The Planning Commission or Governing Body may reduce the property line setback where it abuts a highway or railroad right-of-way by up to fifty (50) percent.

3. The Planning Commission or Governing Body may reduce the residential setback by up to ninety (90) percent if the applicant shows that compliance with the City ordinances related to noise, dust, visibility and operations will adequately protect the residents from the above-ground operations, or upon approval of the residence owner.

4. The above setbacks may be increased upon the City's determination that wider setbacks are warranted ~~in order~~ to mitigate adverse impacts. ~~All above-ground operations located next to existing mine or quarry operations require no setback, and may be immediately adjacent.~~

5. A setback for above-ground operation is not required when the operation is located contiguous to another existing mine or quarry operation.

E. Setbacks for Below-Ground Operations

All below-ground operations shall be located at least two hundred (200) feet from the nearest property line, measured laterally.

~~F. Vibration~~

~~1. Ground-transmitted vibration shall not exceed two-tenths (0.20) inches per second at the property line or two-hundredths (0.02) inches per second measured at any residential property line.~~

~~2. These values may be multiplied by two (2) for impact vibrations; i.e., discrete vibration pulsations not exceeding one (1) second in duration and having a pause of at least one (1) second between pulses. (Ord. 16-51 § 3, 2016) "~~

SECTION FOUR: Existing sections 18.01.020, 18.30.190, and 18.50.160, are hereby specifically repealed.

SECTION FIVE: This Ordinance shall take effect from and after its publication as provided by law.

PASSED by the Governing Body this 18th day of June 2019.

SIGNED by the Mayor this 18th day of June 2019.

Mayor

ATTEST:

City Clerk
(Seal)

APPROVED AS TO FORM:

City Attorney

DEPARTMENT: Public Works, Planning Division

STAFF CONTACT: Aimee Nassif, Chief Planning and Development Officer; Shelby Ferguson, Planning Consultant

SUBJECT: UDO18-0002B Amendments to Chapters 18.30 and 18.50

ITEM DESCRIPTION:

Discussion regarding Proposed Amendments to Chapter 18.30 and 18.50 of the *Unified Development Ordinance* (UDO18-0002B).

SUMMARY:

On December 4, 2018, staff presented updates to the Unified Development Ordinance (UDO) pertaining to Chapters 18.30, 18.40, and 18.50 for consideration. During the meeting, several speakers addressed the Council with concerns involving updates from these chapters pertaining to development plans, plats, and vibration standards. As a result, the Council requested further staff review and collaboration with community stakeholders. Specifically, City Council requested that information from other municipalities be gathered, that discussions continue with stakeholders to determine the best way to address the needs of the residents, and that staff revise the proposed language to address vibration standards for other industrial uses and activities other than quarries.

Since that time, staff has separated these updates into two separate projects; one dealing with vibration standards for industrial uses and quarries (Chapters 18.30 and 18.50, respectively) and another for development plans and plats (Chapter 18.40). While work is being completed on Chapter 18.40, this evening staff is prepared to present updated findings and draft language for Chapters 18.30 and 18.50.

When staff presented proposed language regarding quarry blasting vibrations to Council in December 2018, two main recommendations existed for the quarry blasting provision in UDO Section 18.50.160: first, updating the setback requirement; and second, removing UDO standards inconsistent with the national blasting standard adopted by Title 16 of the Olathe Municipal Code for Fire Prevention. Recommendations for updates to this Chapter have not changed since the December discussion and this language is included in this report for your consideration. Regarding vibration for industrial uses other than quarries and mines, for the past several months, staff has researched the issues to respond to the feedback from Council in December 2018. Staff has completed additional local and national research, conducted various stakeholder meetings and additional discussions with industry representatives, and completed research to determine best practices, improve consistency between code sections, and ensure alignment with the City's goals and direction specific to blasting and vibrations.

Attachment A is a result of collaboration with community stakeholders and additional research. Recommended language for Section 18.30.190 which has changed since our last meeting with the City Council is shown in green text. As stated previously, recommendations for Section 18.50.160 remain unchanged.

1. 18.30.190 Performance Standards – Vibration

Section 18.30.190.C. of the UDO provides performance standards for all activities in any industrial district. However, blasting specific to quarries and mines has its own set of requirements under a different chapter (Ch. 18.50). To improve readability, staff recommends adding language directing the reader to the chapter applicable to quarries and mines.

- In addition, staff has added language here to improve transparency in requirements pertaining to when a situation may be considered a nuisance. Specifically, a duration of time (3 consecutive minutes) has been added, and an exception for motor vehicles, trains and aircraft incorporated in.

While the values for ground vibration currently exist within the UDO, collaboration from our stakeholder meetings resulted in a collective understanding that the duration of time should be updated and clearer. This 3-consecutive-minutes time period is also consistent with how other local (and nonlocal) municipalities regulate vibrations. This research will be shared during staff's presentation before the Council.

Review of this chapter also provided an opportunity to clarify when placement of a vibration measuring system is required for any industrial user or site. Industrial zoned properties are not automatically required to install a measuring system, but instead may be asked by the City to install one if deemed necessary due to complaints received by the City.

Lastly, through our stakeholder meetings, we learned that language for how to measure vibration is currently out of date. Therefore, staff recommends removing existing language and replacing it with a reference to the International Society of Explosive Engineers (ISEE) Field Practice Guidelines For Blasting Seismographs and other applicable guidelines. The ISEE guide is referenced and adhered to for seismographs associated with both non-blasting and blasting activities.

2. 18.50.160 Quarries and Mines – Blasting

Updates for this Chapter remain unchanged from what was previously recommended in December.

As previously presented, staff recommends applying the national blasting standard adopted by Title 16 of the Olathe Municipal Code for Fire Prevention to quarrying and mining operations. The National Fire Protection Association blasting standards (NFPA 495) establish blasting vibration limits for structures, with the drywall construction limit being 0.75 ips (inches per second), and the plaster construction limit being 0.50 ips.

These NFPA limits already adopted by the City of Olathe protect against structural damage and do not represent a nuisance standard. When desired, stricter requirements for nuisance (or zoning) can be applied to a site-specific operation with the governing Special Use Permit (SUP). Staff's recommended language from December 2018 clarifies that an SUP may include stricter vibration limits. This is consistent with current, active SUP regulations as well as how other municipalities address these concerns.

Lastly, to improve readability, staff recommends clarifying the setback requirement to state that it is measured from the residential property line.

In addition to this report, staff has prepared an updated presentation to provide additional details during the meeting on June 4, 2019.

A list of current updates for your consideration for the following sections of the UDO are as follows:

1. Chapter 18.30 Development Standards

Section 18.30.190 Performance Standards

- i. Subsection C.1 clarify which zoning districts and uses are subject to subsection C.
- ii. Subsection C.1 add a duration of time for how long ground vibration can be transmitted.
- iii. Subsection C.2 add language to clarify the city may request the owner or operator to install a measuring system.

- iv. Subsection C.3 add language to clarify what standards the measuring system for vibration should adhere to.
- v. Subsection C.3 remove formula for computing vibration.
- vi. Subsection C.4 remove unnecessary verbiage.
- vii. Subsection C.5 update and move exemption language to new subsection C.4.
- viii. New subsection C.4 add language for activities exempt from vibration standards of subsection C.
- ix. New subsection C.4 add language directing the reader to Section 18.50.160.

2. Chapter 18.50 Supplemental Use Regulations

Section 18.50.160 Quarries and Mines

- i. Subsection B add language referencing the Title 16 of Municipal Code (NFPA) requirements which must be followed.
- ii. Subsection D.1.b clarify setback requirements for above ground operations.
- iii. Subsection D.4 remove unnecessary verbiage.
- iv. New subsection D.5 add and clarify setback requirements removed from subsection D.4.
- v. Subsection F remove vibration standards for consistency with Title 16 of the Municipal Code.

Included in this packet you will find a comment letter provided by Randy Kriesel pertaining to concerns with a test blast that occurred on October 19, 2018. No additional letters have been received in response to the updated draft language since our collaboration meetings and discussions with the stakeholders. Staff has also provided copies of this packet to all stakeholder that have been engaged with.

Attachment A contains all the proposed updates for Chapters 18.30 and 18.50. Attachment B is a copy of the previous CAI prepared for the December 4, 2018 meeting. The Planning Commission recommended approval of all proposed UDO updates associated with Chapter 18.50.160 on November 26, 2018 by a vote of 7-0.

FINANCIAL IMPACT:

None

ACTION NEEDED:

1. Discuss the proposed amendments. Unless otherwise directed, staff will place Ordinance No. 19-XX (UDO-0002B), on the June 18, 2019 City Council agenda for formal consideration.

ATTACHMENT(S):

- A. UDO Chapters with redline draft
- B. December 4, 2018 City Council Packet
- C. Public Comment from Mr. Kriesel_04-08-19

18.30.190 Performance Standards

In some districts, performance standards capable of quantitative measurement are established. Except to the extent modified in the specific zoning district regulations, the following general provisions apply to measure compliance with those performance standards.

A. Noise

See Noise Control Ordinance (Chapter [6.18](#) of the Municipal Code).

B. Smoke and Particulate Matter

1. The Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines, shall be used to determine the density of equivalent opacity of smoke. The Ringlemann number indicated as the performance standard in certain zoning districts refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed.
2. Within the M-1, M-2 and M-3 zoning districts, no use shall be permitted or operated so that smoke darker than Ringlemann No. 1 is produced from any vent, stack or chimney. However, emission of smoke darker than Ringlemann No. 2 is allowed for a duration of up to four (4) minutes during any eight (8) hour period if the emission is located no closer than two hundred fifty (250) feet from property zoned AG, any residential zoning district, N, or the residential areas of planned developments.
3. Particulate matter emissions, in excess of the threshold limit values caused by the wind from open storage areas, yards, roads, etc., within lot lines shall be kept to a minimum by appropriate landscaping, paving, oiling, wetting and other means, or shall be eliminated.

C. Vibration

~~1. Vibration standards for any use, other than quarries and mines, are found within this section. For minimum standards for quarry and mine operations, see section 18.50.160 of this UDO.~~

1. ~~No use within a quarry or use within properties zoned M-1, M-2 and M-3. Within the M-1, M-2 and M-3 zoning districts, no use~~ may generate any ground-transmitted vibration ~~in for three (3) consecutive minutes or more in duration in any one hour in~~ excess of one tenth (.10) inch per second measured at the property line, or in excess of two-one hundredths (.02) inch per second measured at any residential property line. These values may be multiplied by two (2) for impact vibrations, i.e., discrete vibration pulsations not exceeding one (1) second in duration and having

a pause of at least one (1) second between pulses. Vibrations are measured in particle velocity and are to be measured at the property line or other designated location.

2. A three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions shall be used to measure vibrations. Upon request of the City, the owner or operator of a use subject to this section will install said measuring system at the property line of the use or on the residential property of a complainant with the property owner's consent.

3. The vibration maximums indicated as the performance standard in certain zoning districts ~~may must~~ be measured directly with suitable instrumentation in accordance with the International Society of Explosive Engineers (ISEE) Field Practice Guidelines For Blasting Seismographs or other applicable guidelines for this type of measurement. ~~or computed on the basis of displacement and frequency. When computed, the following formula shall be used:~~

$$PV = 6.28 F \times D$$

~~Where:~~

~~PV = particle velocity, inches per second~~

~~F = vibration frequency, cycles per second~~

~~D = single amplitude displacement of the vibration, inches~~

~~**4.** The maximum particle velocity shall be in the maximum vector sum of three mutually perpendicular components recorded simultaneously.~~

~~**5.** Unless specifically indicated to the contrary in the zoning district regulations, vibration resulting from temporary construction activity that occurs between 7:00 AM and 7:00 PM is exempt from the indicated performance standard.~~

4. The provisions of this subsection shall not apply to vibration from:

a. the operation of motor vehicles, trains, and aircraft; or

b. temporary construction activity that occurs between 7:00 AM and 7:00 PM; or

c. blasting at a quarry or mine regulated under Section 18.50.160.

D. Glare

See Lighting (Section [18.30.135](#)).

1. Within the M-1, M-2 and M-3 districts, direct or sky-reflected glare, from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

E. Heat

Within the M-1, M-2 and M-3 districts, heat from furnaces, processing equipment, or other devices shall be contained so that the temperature of air or materials is raised no more than five (5) degrees Fahrenheit as measured at all property lines.

F. Emissions

Within the M-1, M-2 and M-3 districts, the maximum rate of emission of dust and other particulate matter from all sources within the boundaries of any lot or tract shall not exceed one (1) pound per hour per acre of lot area.

G. Air Contaminants (such as Odors and Fumes)

Within the M-1, M-2 and M-3 districts, the emission of air contaminants created by industrial processes shall comply with the Kansas Air Quality Act, K.S.A. § [65-3002](#) and any adopted state regulations. All air contaminants shall be contained so that no odors or fumes may be sensed at the property line of any residential zoning district.

H. Electrical Issues

Within the M-1, M-2 and M-3 districts, activity which creates any off-site electrical disturbance, or contributes to interference with electronic signals (including television and radio broadcasting transmissions) shall be prohibited.

I. Toxic or Flammable Liquids

Storage of toxic or flammable liquids such as gasoline, oil or grease, where not stored underground, shall occur in such a manner that a secondary storage system is provided with capacity as specified by the Fire Code.

18.50.160 Quarries and Mines

Purpose. This section regulates the externalities of quarries.

A. Applicability

This section applies to mines or quarries.

B. Generally

All ~~M~~mines and quarries shall follow all Federal, State, and ~~local Olathe Municipal Code guidelines~~ and requirements, including those found in Title 16 of the Olathe Municipal Code as well as requirements found in any special use permit governing a specific site. for blasting and vibration. In the event that multiple requirements exist, including those for blasting and vibration, the stricter standard shall be controlling over the land use activity on the site.

C. Roads

1. Proposed quarry operations shall provide or have direct access to a public road.
2. Public and private roads shall be hard-surfaced and built to carry the heavy loads that are generated from quarry operations.

D. Setbacks for Above-Ground Operations

1. All above-ground operations shall be located at least:
 - a. One hundred (100) feet from any property line except as provided below.
 - b. One thousand (1,000) feet from an existing residence or the nearest property line of a residentially zoned property, whichever achieves the greatest overall setback.
2. The Planning Commission or Governing Body may reduce the property line setback where it abuts a highway or railroad right-of-way by up to fifty (50) percent.

3. The Planning Commission or Governing Body may reduce the residential setback by up to ninety (90) percent if the applicant shows that compliance with the City ordinances related to noise, dust, visibility and operations will adequately protect the residents from the above-ground operations, or upon approval of the residence owner.

4. The above setbacks may be increased upon the City's determination that wider setbacks are warranted ~~in order~~ to mitigate adverse impacts. ~~All above-ground operations located next to existing mine or quarry operations require no setback, and may be immediately adjacent.~~

5. A setback for above-ground operation is not required when the operation is located contiguous to another existing mine or quarry operation.

E. Setbacks for Below-Ground Operations

All below-ground operations shall be located at least two hundred (200) feet from the nearest property line, measured laterally.

~~F. Vibration~~

~~1. Ground-transmitted vibration shall not exceed two-tenths (0.20) inches per second at the property line or two-hundredths (0.02) inches per second measured at any residential property line.~~

~~2. These values may be multiplied by two (2) for impact vibrations; i.e., discrete vibration pulsations not exceeding one (1) second in duration and having a pause of at least one (1) second between pulses. (Ord. 16-51 § 3, 2016)~~

DEPARTMENT: Public Works, Planning Division

STAFF CONTACT: Aimee Nassif, Chief Planning and Development Officer; Shelby Ferguson, Planning Consultant

SUBJECT: UDO18-0002 Amendments to Chapters 18.30, 18.40, 18.50

ITEM DESCRIPTION:

Consideration of Ordinance 18-XX (UDO18-0002) for *Unified Development Ordinance* Amendments.

SUMMARY:

On November 26, 2018, the Planning Commission considered updates to the *Unified Development Ordinance (UDO)* pertaining to Chapters 18.30, 18.40 and 18.50. The November 26th meeting was a result of the City Council's November 1st request that the Planning Commission reconsider its October 22nd recommendation regarding UDO18-0002.

Staff's recommendations presented on November 26th were a result of collaboration with community stakeholders which began in August 2018. Staff's recommendations for reconsideration presented to the Planning Commission on November 26 are as follows:

1. Chapter 18.40 Procedures

a. Section 18.40.110 Site Development Plans

- i. Subsection (G.1) add language expiring preliminary site development plans, if a final development plan is not approved within two (2) years.
- ii. Subsection (G.2) add language requiring a phasing pattern for site development plans which include multiple lots.
- iii. Subsection (G.3) add language clarifying the applicant must submit and obtain approval for a final site development plan within the designated time period for the plan to remain valid.
- iv. Subsection (G.4) add the word "construction" to clarify construction must commence following approval and issuance of building permit.
- v. Subsection (G.5) clarify the review authority for site development plan time period extensions.
- vi. Subsection (G.5) clarify how a preliminary or final development plans expiration time period may be extended.

b. Section 18.40.150 Preliminary Plat

- i. Subsection (F.2) add language allowing the applicant to request a one (1) year extension on for preliminary plats, approved administratively.
- ii. Subsection (F.3) strengthen and clarify phasing plan requirements for preliminary plats over forty (40) acres.

Updates to the UDO for the expiration of preliminary plans and plats (18.40 Procedures) were originally presented to the City Council on June 19, 2018. On August 21, 2018 updates for vibration standards for Quarries and Mines (18.30 Development Standards and 18.50 Supplemental Use Regulations) were presented. After the June and August meetings, staff continued to research and seek input from community stakeholders.

The procedures updates will streamline the process, provide for additional time extensions, and clarify requirements for plans and plats. The amendments pertaining to quarries and mines will remove inconsistency in blasting regulations, consolidate all quarry and mine operation standards in a single section of code and clarify language for setbacks when near residential property lines.

Staff informed all stakeholders who had been engaged with us regarding future meeting dates and submission deadlines for agenda packets. Written comments received by staff were included in the November 26 Planning Commission packet pertaining to these updates.

While City Council requested specific sections of the UDO updates be reconsidered, for administrative purposes, all amendments, including those recommended for approval by the Planning Commission in October, have remained as a single, comprehensive UDO package known as UDO18-0002.

The following is the list of all UDO updates for consideration as part of UDO18-0002:

1. Chapter 18.30 Development Standards

Section 18.30.190 Performance Standards

- i. Subsection (C) add language directing the reader to Section 18.50.160.
- ii. Subsection (C) renumber section within subsection C.

2. Chapter 18.40 Procedures

a. Section 18.40.110 Site Development Plans.

- i. Subsection (D.1.a) remove inconsistent language pertaining to notice requirements.
- ii. Subsection (D.1.b) add language clarifying notice requirements for preliminary site plans.
- iii. Subsection (G.1) add language expiring preliminary site development plans if a final development plan is not approved within five (5) years.
- iv. Subsection (G.2) add language requiring a phasing pattern for site development plans over forty (40) acres.
- v. Subsection (G.3) add language clarifying the applicant must submit and obtain approval for a final site development plan within the designated time period for the plan to remain valid.
- vi. Subsection (G.4) add the word “construction” to clarify construction must commence following approval and issuance of building permit.
- vii. Subsection (G.5) clarify the review authority for site development plan time period extensions.
- viii. Subsection (G.5) clarify how a preliminary or final development plans expiration time period may be extended.
- ix. Subsection (G.5) remove inconsistent language pertaining to RP-1 plats and plans.

b. Section 18.40.150 Preliminary Plat.

- i. Subsection (F.2) add language allowing the applicant to request a one (1) year extension on for preliminary plats, approved administratively.
- ii. Subsection (F.2) add language stating that time period for a preliminary plat resets with submittal and approval of each final plat for any phase on the preliminary plat.
- iii. Subsection (F.3) strengthen and clarify phasing plan requirements for preliminary plats over forty (40) acres.

- iv. Subsection (F.4) remove inconsistent language pertaining to RP-1 plats and plans.

c. Section 18.40.160 Final Plat.

- i. Subsection (E.1.b) clarify that final plats must conform to all requirements of the UDO.

3. Chapter 18.50 Supplemental Use Regulations
Section 18.50.160

- i. Subsection (B) add language referencing Title 16 of Municipal Code requirements shall be followed.
- ii. Subsection (D.1.b) increase setback requirements for above ground operations.
- iii. Subsection (D.4) remove unnecessary verbiage.
- iv. Subsection (D.5) add and clarify setback requirements removed from subsection D.4.
- v. Subsection (F) remove vibration standards for consistency with Title 16 of the Municipal Code.

After staff's presentation to the Planning Commission on November 26th, the Planning Commission discussed staff's recommendations. Commissioner Rinke noted that he was not in favor of removing a nuisance standard from the UDO pertaining to vibration levels for blasting at quarries and mines. The Planning Commission recommended approval by a vote of 7-0 of UDO18-0002 as presented. Attachment A is the Ordinance for UDO18-0002 which contains the red-line version of all amendments for consideration. The subsequent attachments provide a history of this process, including previous red-lines, public comments, and staff reports.

FINANCIAL IMPACT:

None

ACTION NEEDED:

1. Approve Ordinance No. 18-XX regarding the 2018 Update to the City of Olathe Unified Development Ordinance (UDO18-0002).
-

ATTACHMENT(S):

- A. Ordinance No. 18-XX (UDO18-0002)
- B. November 26, 2018 Planning Commission Packet
- C. November 26, 2018 Planning Commission Meeting Minutes
- D. October 22, 2018 Planning Commission Packet
- E. October 22, 2018 Planning Commission Meeting Minutes

ORDINANCE NO. 18-59

AN ORDINANCE AMENDING SECTIONS 18.01.020, 18.30.190, 18.40.110, 18.40.150, 18.40.160, AND 18.50.160, OF THE OLATHE MUNICIPAL CODE PERTAINING TO THE UNIFIED DEVELOPMENT ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

WHEREAS, on June 17, 2014, the Governing Body of the City of Olathe adopted Ordinance No. 14-39, the *Unified Development Ordinance*; and

WHEREAS, the Governing Body directed staff and the Planning Commission to proceed with consideration of amendments to the Unified Development Ordinance on an annual basis; and

WHEREAS, proposed amendments (UDO18-0002) to the *Unified Development Ordinance* were reviewed at a planning session with the Governing Body on June 19, 2018 and August 21, 2018; and

WHEREAS, proposed amendments to the *Unified Development Ordinance* were discussed at a Planning Commission workshop on October 8, 2018; and

WHEREAS, on October 22, 2018 the Planning Commission held a public hearing and recommended approval as presented for sections 18.30.190, 18.40.40110.G.5, 18.40.150F.4, 18.40.160 and 18.50.160 and recommend no updates for sections 18.40.110.G.1-5 and 18.40.150.F.2 & 3; and

WHEREAS, on November 1, 2018, the Governing Body returned UDO-18-0002 to the Planning Commission for reconsideration ; and

WHEREAS, on November 26, 2018, the Planning Commission reviewed and reconsidered the proposed amendments and recommended approval of the amendments as presented at that meeting; and

WHEREAS, the Governing Body reviewed the Planning Commission's November 26, 2018 recommendation and concurs with its recommendation.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 18.01.020 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"18.01.020 Marked Copies of Ordinance on File. There shall not be less than three (3) copies of the Unified Development Ordinance, adopted by reference in Section 18.01.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, marked or stamped "Official Copies as Incorporated by Ordinance No. 14-39, as amended by Ordinance No. 15-16, Ordinance No. 16-20, Ordinance No. 16-51, Ordinance No. 17-01, Ordinance No. 17-52, Ordinance 18-48 [and Ordinance No. 18-59](#)," and open to inspection by the public at all reasonable hours. The police department, municipal judges, and all other departments of the City charged with the enforcement of the Unified Development Ordinance shall be supplied, at the cost of the City, with such number of official copies of such ordinance as may be deemed expedient."

SECTION TWO: Section 18.30.190 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.30.190 Performance Standards

In some districts, performance standards capable of quantitative measurement are established. Except to the extent modified in the specific zoning district regulations, the following general provisions apply to measure compliance with those performance standards.

A. Noise

See Noise Control Ordinance (Chapter [6.18](#) of the Municipal Code).

B. Smoke and Particulate Matter

1. The Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines, shall be used to determine the density of equivalent opacity of smoke. The Ringlemann number indicated as the performance standard in certain zoning districts refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed.
2. Within the M-1, M-2 and M-3 zoning districts, no use shall be permitted or operated so that smoke darker than Ringlemann No. 1 is produced from any vent, stack or chimney. However, emission of smoke darker than Ringlemann No. 2 is allowed for a duration of up to four (4) minutes during any eight (8) hour period if the emission is located no closer than two hundred fifty (250) feet from property zoned AG, any residential zoning district, N, or the residential areas of planned developments.
3. Particulate matter emissions, in excess of the threshold limit values caused by the wind from open storage areas, yards, roads, etc., within lot lines shall be kept to a minimum by appropriate landscaping, paving, oiling, wetting and other means, or shall be eliminated.

C. Vibration

1. Vibration standards for any use, other than quarries and mines, are found within this section. For minimum standards for quarry and mine operations, see section 18.50.160 of this UDO.

~~12.~~ Within the M-1, M-2 and M-3 zoning districts, no use may generate any ground-transmitted vibration in excess of one tenth (.10) inch per second measured at the property line, or in excess of two-one hundredths (.02) inch per second measured at any residential property line. These values may be multiplied by two (2) for impact vibrations, i.e., discrete vibration pulsations not exceeding one (1) second in duration and having a pause of at least one (1) second between pulses.

Vibrations are measured in particle velocity and are to be measured at the property line or other designated location.

32. A three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions shall be used to measure vibrations.

43. The vibration maximums indicated as the performance standard in certain zoning districts may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = particle velocity, inches-per second

F = vibration frequency, cycles-per second

D = single amplitude displacement of the vibration,
inches

54. The maximum particle velocity shall be in the maximum vector sum of three mutually perpendicular components recorded simultaneously.

65. Unless specifically indicated to the contrary in the zoning district regulations, vibration resulting from temporary construction activity that occurs between 7:00 AM and 7:00 PM is exempt from the indicated performance standard.

D. Glare

See Lighting (Section [18.30.135](#)).

1. Within the M-1, M-2 and M-3 districts, direct or sky-reflected glare, from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

E. Heat

Within the M-1, M-2 and M-3 districts, heat from furnaces, processing equipment, or other devices shall be contained so that the temperature of air or materials is raised no more than five (5) degrees Fahrenheit as measured at all property lines.

F. Emissions

Within the M-1, M-2 and M-3 districts, the maximum rate of emission of dust and other particulate matter from all sources within the boundaries of any lot or tract shall not exceed one (1) pound per hour per acre of lot area.

G. Air Contaminants (such as Odors and Fumes)

Within the M-1, M-2 and M-3 districts, the emission of air contaminants created by industrial processes shall comply with the Kansas Air Quality Act, K.S.A. § [65-3002](#) and any adopted state regulations. All air contaminants shall be contained so that no odors or fumes may be sensed at the property line of any residential zoning district.

H. Electrical Issues

Within the M-1, M-2 and M-3 districts, activity which creates any off-site electrical disturbance, or contributes to interference with electronic signals (including television and radio broadcasting transmissions) shall be prohibited.

I. Toxic or Flammable Liquids

Storage of toxic or flammable liquids such as gasoline, oil or grease, where not stored underground, shall occur in such a manner that a secondary storage system is provided with capacity as specified by the Fire Code.”

SECTION THREE: Section 18.40.110 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.40.110 Site Development Plans

Purpose: A site development plan is a process that allows City staff and the Planning Commission to review significant developments and uses to ensure that they comply with the zoning and development standards in this title, have appropriate design and infrastructure, and comply with any conditions of rezoning, preliminary subdivision plat, or special use permit approval.

A. Applicability

1. A preliminary site development plan is required for:

a. Any application to rezone property:

(1) to a district that allows nonresidential uses or multifamily or two-family dwellings,
or

(2) to an “A,” “R-1” or “R-2” district where the applicant is proposing a nonresidential development

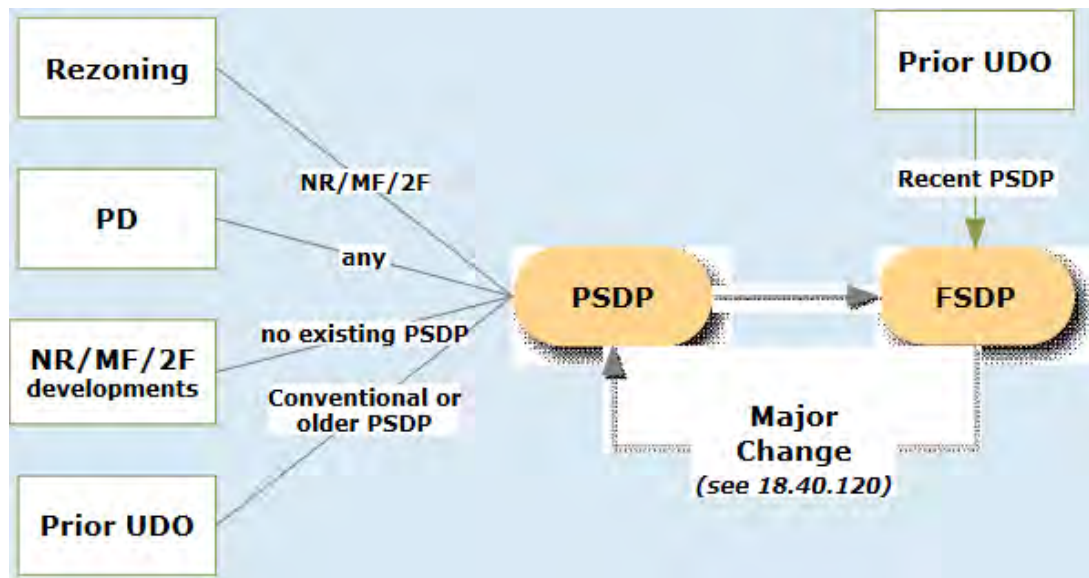
b. All nonresidential uses, or developments with multifamily or two-family dwellings unless a preliminary site development plan for the proposed development was already approved as part of the existing zoning district, and

c. Any application for approval of a planned development district.

2. If a property is subject to an approved and unexpired preliminary site development plan, a **final site development plan** is required before a building permit application is filed.

B. Initiation

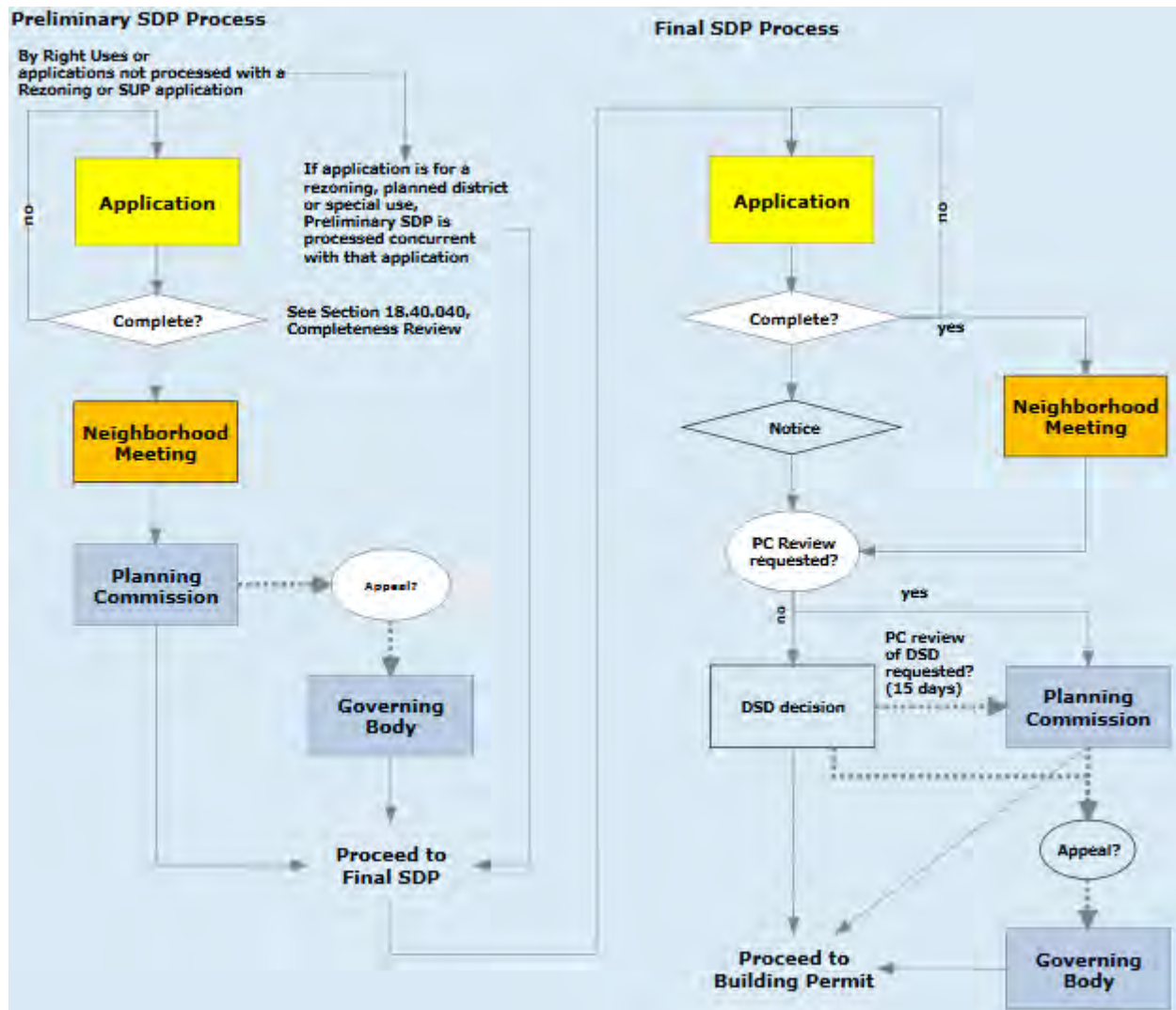
1. Preliminary and final site development plans shall be filed with the Planning Official, and shall include the information required by Chapter [18.94](#).



Editor’s Note: This diagram referenced “Substantial Change” in Section [18.40.120](#). This terminology has been changed to “Major Change” to match the text of that section.

2. A neighborhood meeting is required for a preliminary and final site development plan (see Section [18.40.030](#)).

C. Review Process



D. Decision

1. Preliminary Site Development Plan Decision

a. If the application involves a use that is **permitted by right** in the applicable zoning district, the Planning Commission will approve, conditionally approve, or deny a preliminary site development plan. ~~Notice to surrounding property owners is required (see Section 18.40.050.B).~~ The Planning Commission will render a decision within 30 days, unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.

b. If the application involves a **planned district**, a **rezoning**, or a **special use**, the preliminary site development plan is processed and approved as part of that application.

[Notice to surrounding property owners is required \(see Section 18.40.050.B\)](#). The preliminary site development plan may be revised and resubmitted during the review period for the planned district/conditional rezoning or special use permit application review period and approved as part of the conditions of approval. In that case, the Approving Authority is the agency that approves that rezoning or special use.

2. Final Site Development Plan Decision

a. Authority

A final site development plan is approved by the Planning Official, unless the applicant requests Planning Commission review.

b. Planning Official Decisions

If the Planning Official renders a decision on the application:

- (1) The Planning Official shall render its determination within thirty (30) days after the applicant submits a complete application (see Section [18.40.040](#)), unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.
- (2) If the Planning Official fails to render a timely decision, the applicant or a surrounding property owner may request Planning Commission review (see subsection [D.2.c](#), below).
- (3) If the applicant or surrounding property owner does not request Planning Commission review, the Planning Official's determination is final.
- (4) If an administrative review application is without communication from the applicant for more than six (6) months, the applicant will be required to submit a new application and fees for the final site development plan review to continue.

c. Planning Commission Review

- (1) The Planning Commission reviews the final site plan if the applicant asks the Planning Commission to review the final site plan within fifteen (15) days of the date of the Planning Official's decision.
- (2) The Planning Commission will consider the application without a public hearing.
- (3) The Planning Commission may approve, approve with conditions, or deny the preliminary or final site development plan.

(4) The Planning Commission shall render its decision within 30 days after the applicant requests a review. The Planning Commission may extend the time for making a decision if requested by the applicant.

E. Approval Criteria

1. The following criteria apply to the approval, conditional approval or denial of a preliminary site development plan:

- a. The plan complies with all applicable requirements of Chapters [18.15](#), [18.20](#), and [18.30](#), and
- b. The plan represents an overall development pattern that is consistent with the Comprehensive Plan, the Major Street Map and other adopted planning policies.

2. A final site development plan is approved if it is consistent with the preliminary site development plan as approved, including all conditions of approval, and complies with all applicable requirements of this title. A final site development plan shall not modify or expand the approved preliminary site development plan, except as provided in Section [18.40.120](#).

F. Subsequent Applications

1. When an application for preliminary or final site plan is withdrawn by the applicant or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
2. An application for a major modification to the withdrawn or denied application may be submitted at any time.

G. Scope of Approval

1. Approved [preliminary site development plans](#) or final site development plans are valid for [five](#) ~~(5)~~ ~~2-two~~ years after ~~final~~ [date of](#) approval.

[2. When a preliminary site development plan containing a gross land area in excess of forty \(40\) acres is submitted for approval, the applicant will indicate the anticipated development or phasing pattern for final development. For developments which will be built in phases with a gross area less than forty \(40\) acres the City may require submittal of a phasing plan. The phasing plan for development shall include the following:](#)

- a) [Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically \(to avoid confusion with lot numbers\), and identify approximate area, number of lots in each phase, total area and buildable area per phase. All phasing maps shall be drawn at the same scale. The](#)

final phasing plan map should be drawn at the same scale as the preliminary site plan map.

- b) Any deviation from the approved phasing may be approved administratively by the Planning Official.

3. If the applicant fails to submit and obtain approvals for a final site development plan within the time period required in subsection G.1, above, the preliminary site development plan becomes null and void unless the time period is extended.

~~24.~~ If the ~~landowner~~ applicant fails to commence construction by means of issuance of a building permit ~~the planned development~~ within the time period required in subsection G.1, above, the final site development plan becomes null and void unless the time period is extended.

~~35.~~ The ~~Approving Authority~~ Chief Planning and Development Officer may extend the time period of a preliminary or final development plan upon written ~~application request~~ by the ~~landowner~~ applicant. Unless otherwise required in a condition of approval, the ~~Approving Authority~~ Chief Planning and Development Officer may extend the time period administratively without a public hearing. The ~~Approving Authority~~ Chief Planning and Development Officer shall extend the time period of either site development plan for up to ~~six (6)~~ twelve (12) months. ~~After this time period or at the time the original extension is requested,~~ Upon written request by the applicant, the ~~Approving Authority~~ Governing Body may extend the preliminary or final site development plan for any length of time for cause.

~~46.~~ The applicant may revise an approved final site development plan as provided in Section 18.40.120.

~~5. Any preliminary plat or preliminary development plan for a single-family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014), where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.~~

H. Appeals

The applicant or aggrieved party may appeal the disapproval of a preliminary or final site development plan by the Planning Commission to the Governing Body. The applicant shall file a notice of appeal with the Planning Official within ten (10) days following the decision.

I. Recordkeeping

The Planning Division and the applicant shall maintain copies of the preliminary and final site development plan approvals, and all supporting documentation.

J. Abandonment of Final Site Development Plan

1. If the applicant abandons any part of a site development plan, then the applicant shall notify the City in writing.
2. If any part of a final site development plan is abandoned, no development shall take place on the property until a new final site development plan is approved. (Ord. 17-52 §§ 22, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 15-16 § 3, 2015)”

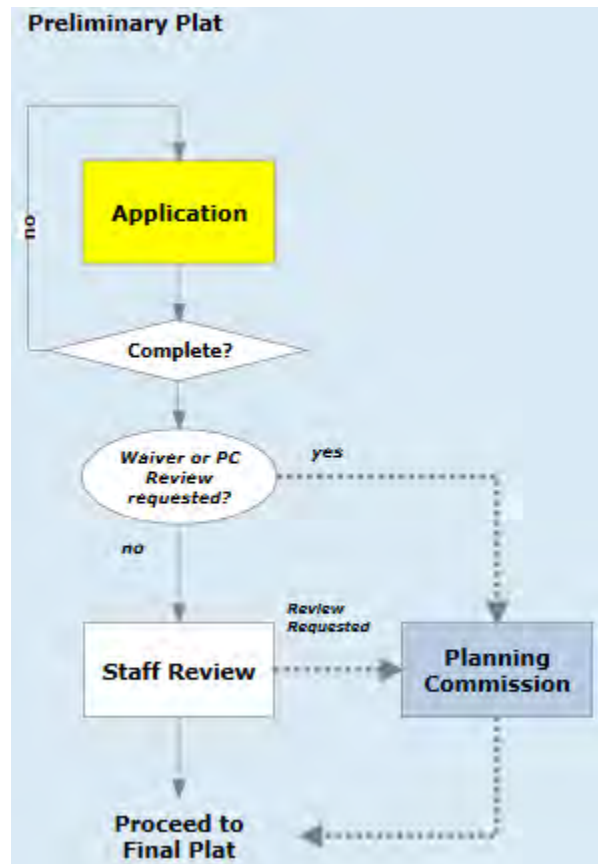
SECTION FOUR: Section 18.40.150 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.40.150 Preliminary Plat

Purpose: The preliminary plat process examines the major features and elements of a proposed plat. This process determines whether the plat conforms to this title and the Comprehensive Plan, and any conditions of approval.

A. Applicability

1. The Planning Commission must approve a preliminary plat before a final plat application is filed.
2. A preliminary plat is not considered a “plat” for purposes of KSA [12-752](#). Instead, the preliminary plat is a preapplication process that is designed to ensure that that plat conforms to all applicable requirements of this title. The applicant may request that the City waive the preliminary plat process and proceed directly to the final plat process.



B. Initiation

1. An application for preliminary plat approval is filed with the Planning Official. Preapplication is required.
2. An applicant may substitute a preliminary development plan for a preliminary plat if the preliminary development plan contains all information required for preliminary plats as set forth in Chapter [18.94](#).
3. A neighborhood meeting is required (see Section [18.40.030](#))

↔ *Cross-Reference:* [18.40.020](#) (*Preapplication*)

C. Completeness Review

See Section [18.40.040](#), Completeness Review.

D. Approval Criteria

The Approving Authority shall approve the preliminary plat if it finds that the following criteria are satisfied:

1. The proposed preliminary plat conforms to the requirements of Chapter [18.30](#), the applicable zoning district regulations and any other applicable provisions of the Municipal Code, subject only to acceptable rule exceptions.
2. The subdivision represents an overall development pattern that is consistent with the Comprehensive Plan, Major Street Map, Access Management Plan, and applicable corridor studies and plans.
3. The plat contains a sound, well-conceived parcel and land subdivision layout which is consistent with good land planning and site engineering design principles.
4. The spacing and design of proposed curb cuts, driveway approaches and intersection locations is consistent with the Access Management Plan, good traffic engineering design and public safety considerations.
5. The plat conforms to any existing, unexpired and valid conditions of rezoning, special use permit or site development plan approval.
6. All submission requirements are satisfied.

E. Subsequent Applications

1. When a preliminary plat application is withdrawn or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
2. A new plat application showing major modifications and/or revisions to the withdrawn or denied plat application may be submitted at any time.

F. Scope of Approval

1. Approval of a preliminary plat does not constitute acceptance of the subdivision, but authorizes preparation of the final plat. No improvements shall take place in the subdivision prior to approval and recording of the final plat and submittal and approval of street, sanitary sewer, water line and storm sewer construction plans by the City Engineer.
2. Preliminary plat approval is effective for a period of two (2) years, ~~except approval of a final plat for any phase specifically indicated on the preliminary plat shall renew the two (2) year time period.~~ Where a final plat for the subdivision is not submitted for approval within the two (2) year time period, the preliminary plat becomes null and void and the developer shall resubmit a new preliminary plat for approval subject to the then effective regulations.

The Chief Planning and Development Officer may, upon written request by the applicant, administratively grant a one (1) year time extension. Consideration for a time extension shall be based upon, but not limited to:

- a) the developer's ability to adhere to any changes in the Olathe Municipal Code or other applicable regulations, that would impact the proposed development; or
 - b) if the developer demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.
3. When a preliminary plat containing a gross land area in excess of forty (40) acres is submitted for approval, the applicant ~~will~~ **may** indicate the **anticipated development or phasing pattern** for final platting. The applicant may receive an extension of the one (1) year time limit for submission of the final plat if each phase is constructed in accordance with the original phasing plan and subsequent final plats comply with all applicable regulations at the time of final platting. For developments which will be built in phases with a gross area less than forty (40) acres the City may require submittal of a phasing plan. The phasing plan for development shall include the following:
 - a) Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with

lot numbers), and identify approximate area, number of lots in each phase, total area and buildable area per phase. All phasing maps shall be drawn at the same scale. The final phasing plan map should be drawn at the same scale as the preliminary plat map.

- b) Any deviation from the approved phasing may be approved administratively by the Planning Official.

~~4. Any preliminary plat or preliminary development plan for a single family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014), where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.~~

G. Recordkeeping

A preliminary plat application is not recorded. The Planning Official will maintain a record of approved preliminary plats. The applicant must maintain a copy of the approved preliminary plat, including any attachments. (Ord. 17-52 §§ 25, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 02-54 § 2, 2002)”

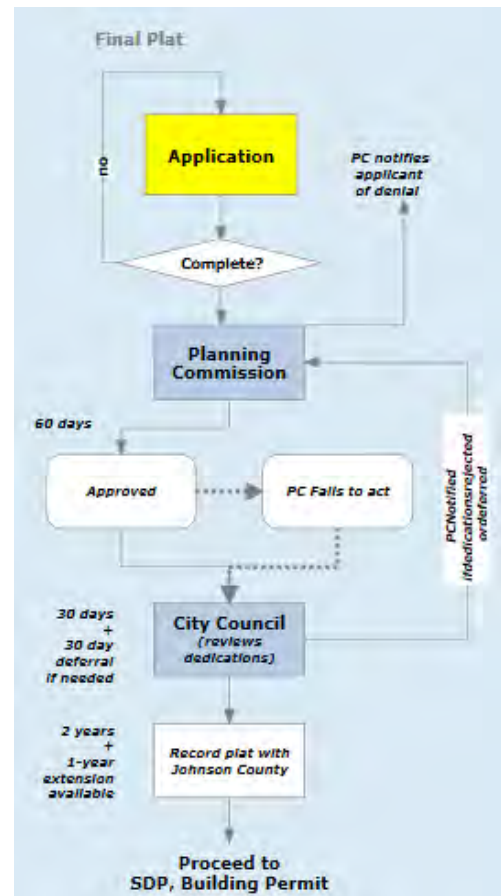
SECTION FIVE: Section 18.40.160 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

“18.40.160 Final Plat

Purpose: This section establishes the process to approve formal plats for recording with the Johnson County register of deeds.

A. Applicability

1. This section applies to any formal plat application. Final plat applications are filed after the preliminary plat is approved.
2. The applicant may file a final plat without first seeking preliminary plat approval. However, in that case the applicant must strictly observe all requirements of this title and may not request a modification of any standards established in Chapter [18.30](#). In addition, the Planning Commission will deny the plat if it does not conform to all applicable requirements within the statutory period for approving a plat.



B. Initiation

An application for final plat approval is filed with the Planning Official.

C. Completeness Review

See § [18.40.040](#) Completeness Review.

D. Decision

1. The Planning Commission will consider the final plat without a public hearing, unless the applicant requests a public hearing.
2. The Planning Commission may approve, approve with conditions, or deny the final plat.
3. The Planning Commission shall render its decision within 60 days after its first meeting after the plat is submitted to the Planning Official. If the Planning Commission fails to timely render its decision, the plat is deemed approved.
4. If the final plat is approved or the Planning Commission fails to render a timely decision, the Planning Official shall issue a certificate upon demand.
5. If the Planning Commission finds that the plat does not conform to subsection [E](#) below, it shall notify the owner or owners of that fact. The notice shall be in writing and shall specify in detail the reasons the plat does not conform to subsection E.
6. If the plat conforms to subsection E, the Planning Commission chair shall endorse on the plat the fact that the plat has been submitted to and approved by the Planning Commission. The secretary of the Planning Commission shall attest the chair's signature.
7. After the final plat is approved, the applicant shall submit it to the Governing Body for review if land is proposed to be dedicated for public purposes. The Governing Body shall approve or disapprove the dedication of land for public purposes within thirty (30) days after the first meeting of the Governing Body following the date of the submission of the plat to the City Clerk. The Governing Body may defer action for an additional thirty (30) days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional filing fees shall be assessed during that period. The Governing Body shall advise the Planning Commission of its reasons for any deferral or disapproval of any dedication. Acceptance of lands and easements dedicated for public purposes that are approved by the Governing Body shall be endorsed on the plat by the Mayor. The City Clerk shall attest the Mayor's signature. (*Ord. 02-54 § 2, 2002*)
8. No plat shall be filed with the Register of Deeds office unless it bears the endorsement that the land dedicated to public purposes is approved by the Governing Body.

9. All conditions to approval of a subdivision by the Planning Commission or the acceptance of dedications of land by the Governing Body, and all waivers granted by the Planning Commission, shall be clearly stated on the final plat prior to its recording. (*Ord. 02-54 § 2, 2002*)

E. Approval Criteria

1. The Planning Commission shall approve a final plat if it determines that:
 - a. The final plat substantially conforms to the approved preliminary plat and any applicable conditions of approval.
 - b. The plat conforms to all applicable requirements of the Municipal Code [and Unified Development Ordinance](#), subject only to approved waivers.
2. If the applicant chooses not to submit a preliminary plat, the final plat is subject to the criteria for approving a preliminary plat and to subsection 1, above.

F. Subsequent Applications

1. A new plat application showing major modifications and/or revisions to the withdrawn or denied plat application may be submitted at any time.

G. Scope of Approval

1. After the Governing Body endorses its acceptance of lands and easements dedicated for public purposes, the final plat shall be recorded with the Register of Deeds of Johnson County as provided by law. No plat shall be recorded with the Register of Deeds prior to its endorsement by the Mayor.
2. After the applicant provides public improvements assurances and records the final plat, the applicant may construct the improvements shown on the plat and proceed to the building permit approval process.

H. Recordkeeping

1. Final plats shall be recorded with the Register of Deeds office within two (2) years following Governing Body approval of land dedicated to public purposes. Final plats which are not timely recorded are null and void.
2. No plat shall be recorded before the applicant submits satisfactory assurances for construction of public improvements.

I. Final Plat Extensions

1. Requests for final plat extension shall be made in writing to the Planning Official prior to the two (2) year expiration date provided above. Final plat extensions may only be granted by one of the following:

a. The Planning Official may administratively grant a one (1) year extension if no changes are made to any City ordinance, regulation or approved plans that would require a change in the final plat. The applicant may appeal the Planning Official's denial of an extension to the Planning Commission.

b. The Planning Commission, upon appeal from the Planning Official's decision to deny a final plat extension, may grant the one (1) year extension upon finding that the extension will not impact the City's ability to administer current ordinances or regulations.

2. Final plat extensions are subject to all current excise taxes and/or development fees at the time of the extension approval. (Ord. 15-16 §3, 2015)"

SECTION SIX: Section 18.50.160 of the Olathe Municipal Code (Unified Development Ordinance) is hereby amended to read as follows:

"18.50.160 Quarries and Mines

Purpose. This section regulates the externalities of quarries.

A. Applicability

This section applies to mines or quarries.

B. Generally

All ~~M~~mines and quarries shall follow all Federal, State, and local Olathe Municipal Code guidelines ~~and~~ requirements, including those found in Title 16 of the Olathe Municipal Code as well as requirements found in any special use permit governing a specific site. ~~for blasting and vibration. In the event that multiple requirements exist, including those for blasting and vibration, the stricter standard shall be controlling over the land use activity on the site.~~

C. Roads

1. Proposed quarry operations shall provide or have direct access to a public road.
2. Public and private roads shall be hard-surfaced and built to carry the heavy loads that are generated from quarry operations.

D. Setbacks for Above-Ground Operations

1. All above-ground operations shall be located at least:
 - a. One hundred (100) feet from any property line except as provided below.
 - b. One thousand (1,000) feet from an existing residence or [the nearest property line of](#) a residentially zoned property, [whichever achieves the greatest overall setback](#).
2. The Planning Commission or Governing Body may reduce the property line setback where it abuts a highway or railroad right-of-way by up to fifty (50) percent.
3. The Planning Commission or Governing Body may reduce the residential setback by up to ninety (90) percent if the applicant shows that compliance with the City ordinances related to noise, dust, visibility and operations will adequately protect the residents from the above-ground operations, or upon approval of the residence owner.
4. The above setbacks may be increased upon the City's determination that wider setbacks are warranted ~~in order~~ to mitigate adverse impacts. ~~All above-ground operations located next to existing mine or quarry operations require no setback, and may be immediately adjacent.~~
- [5. A setback for above-ground operation is not required when the operation is located contiguous to another existing mine or quarry operation.](#)

E. Setbacks for Below-Ground Operations

All below-ground operations shall be located at least two hundred (200) feet from the nearest property line, measured laterally.

~~F. Vibration~~

- ~~1. Ground-transmitted vibration shall not exceed two-tenths (0.20) inches per second at the property line or two-hundredths (0.02) inches per second measured at any residential property line.~~
- ~~2. These values may be multiplied by two (2) for impact vibrations; i.e., discrete vibration pulsations not exceeding one (1) second in duration and having a pause of at least one (1) second between pulses. (Ord. 16-51 § 3, 2016) "~~

SECTION SEVEN: Existing sections 18.01.020, 18.30.190, 18.40.110, 18.40.150, 18.40.160 and 18.50.160, are hereby specifically repealed.

SECTION EIGHT: This Ordinance shall take effect from and after its publication as provided by law.

PASSED by the Governing Body this 4th day of December 2018.

SIGNED by the Mayor this 4th day of December 2018.

Mayor

ATTEST:

City Clerk
(Seal)

APPROVED AS TO FORM:

City Attorney



Staff Report

Planning Commission Meeting: November 26, 2018

Application:	<u>UDO18-0002: Unified Development Ordinance Amendments</u>
Applicant:	City of Olathe, Public Works – Planning Services
Staff Contact:	Aimee Nassif, Chief Planning and Development Officer Shelby Ferguson, Planning Consultant

PROJECT OVERVIEW:

On October 22, 2018, a public hearing was held for staff to present a series of annual updates to the Unified Development Ordinance (UDO). During the meeting, community stakeholders spoke regarding several of these chapter updates. After much discussion, the Planning Commission recommended that the series of updates proceed to City Council for further review and discussion. A motion then passed by a vote of 4-2 to approve UDO18-0002 as presented for sections 18.30.190, 18.40.110.D, 18.40.110.G.5, 18.40.150.F.4, 18.40.160, and 18.50.160 while not recommending the proposed changes to sections 18.40.110.G.1 - 5 and 18.40.150.F.2 & 3.

Since the public hearing, staff continued working on the issues of concern at the hearing and met with those community stakeholders involved. On November 1st, Planning staff shared with City Council the results of the October 22nd Planning Commission meeting and the information that staff gathered from the stakeholders after the October 22nd meeting.

After discussing this information, the City Council directed the Planning Commission to reconsider its motion on UDO18-0002 to specifically address suggestions of staff and the development community pertaining to those sections not recommended by the Planning Commission.

As you know, the only changes that the Planning Commission originally did not recommend pertained to procedures for plans and plats found in Chapter 18.40. However, the entire package of UDO amendments in UDO18-0002 is being presented simply so that this project can continue to move through the process as a single, unified project. Therefore, staff's recommended language for the other chapters of UDO pertaining to final plats and quarries/mines (blasting), which the Planning Commission did recommend approval on, is part of this package but not being recommended for further review or changes.

This staff report is organized as follows. First, immediately below is a list and brief description of each of those updates as presented October 22, 2018. Those sections originally recommended by the Planning Commission to be removed from this series of updates are also provided below with "strikethrough" formatting. Next, the report reviews the UDO updates which the Planning Commission recommended for approval at the October 22 Public Hearing. Then, the report covers the UDO updates which the Planning Commission did not recommend for approval at the October 22 Public Hearing. In that section, Staff discusses some additional changes to these provisions. Finally, the report summarizes all of Staff's recommended UDO updates.

Again, the same chapters which were presented at the October 22 Public Hearing are being presented this evening (November 26, 2018) for reconsideration with staff recommendations.

1. Chapter 18.30 Development Standards

a. Section 18.30.190 Performance Standards

- i. Subsection (C) add language directing the reader to Section 18.50.160.
- ii. Subsection (C) renumber section within subsection C.

2. Chapter 18.40 Procedures

a. Section 18.40.110 Site Development Plans

- i. Subsection (D.1.a) remove inconsistent language pertaining to notice requirements.
- ii. Subsection (D.1.b) add language clarifying notice requirements for preliminary site plans.
- ~~iii. Subsection (G.1) add language expiring preliminary site development plans, if a final development plan is not approved within two (2) years.~~
- ~~iv. Subsection (G.2) add language requiring a phasing pattern for site development plans which include multiple lots.~~
- ~~v. Subsection (G.3) add language clarifying the applicant must submit and obtain approval for a final site development plan within the designated time period for the plan to remain valid.~~
- ~~vi. Subsection (G.4) add the word "construction" to clarify construction must commence following approval and issuance of building permit.~~
- ~~vii. Subsection (G.5) clarify the review authority for site development plan time period extensions.~~

~~viii. Subsection (G.5) clarify how a preliminary or final development plans expiration time period may be extended.~~

ix. Subsection (G.5) remove inconsistent language pertaining to RP-1 plats and plans.

b. Section 18.40.150 Preliminary Plat

~~i. Subsection (F.2) add language allowing the applicant to request a one (1) year extension on for preliminary plats, approved administratively.~~

~~ii. Subsection (F.3) strengthen and clarify phasing plan requirements for preliminary plats over forty (40) acres.~~

iii. Subsection (F.4) remove inconsistent language pertaining to RP-1 plats and plans.

c. Section 18.40.160 Final Plat

i. Subsection (E.1.b) clarify that final plats must conform to all requirements of the UDO.

3. Chapter 18.50 Supplemental Use Regulations

a. Section 18.50.160 Quarries and Mines

i. Subsection (B) add language referencing Title 16 of Municipal Code requirements shall be followed.

ii. Subsection (D.1.b) increase setback requirements for above ground operations.

iii. Subsection (D.4) remove unnecessary verbiage.

iv. Subsection (D.5) add and clarify setback requirements removed from subsection (D.4).

v. Subsection (F) remove vibration standards for consistency with Title 16 of the Municipal Code.

UDO UPDATES RECOMMENDED FOR APPROVAL AT THE OCT. 22 PUBLIC HEARING:

Staff will begin the discussion with the UDO Updates recommended for approval by the Planning Commission on October 22, 2018. As stated previously in this report, no changes or updates are being presented or recommended for these sections.

1. Quarries and Mines

Chapter 18.30. Development Standards

18.30.190 Performance Standards

Recommendation: Add language to direct the reader to Section 18.50.160 for specific performance standards for operation of quarries and mines.

Reason: Section 18.30.190 of the UDO provides performance standards for activities in industrial districts. To improve readability and remove inconsistencies, staff recommends adding language directing the reader to Section 18.50.160 so that all standards specifically pertaining to quarries and mines are found in a single section of code.

Staff is not recommending any changes from what was originally presented and recommended for approval by the Planning Commission on October 22, 2018.

2. Blasting

Chapter 18.50. Supplemental Use Regulations

18.50.160 Quarries and Mines

Recommendation: Update vibration standards and setback language pertaining to quarries and mines in Section 18.50.160.

Reason: Staff collaborated with staff from the Public Works Department, the Fire Department, and Legal Department, and researched local communities, state regulations, the City Technical Specifications and the National Fire Protection Association (NFPA) Code. Staff is recommending referencing Title 16 of the Olathe Municipal Code for Fire Prevention for vibration standards for blasting as part of quarrying and mining operations. NFPA 495 establishes blasting vibration standards for structures and for drywall construction, sets the limit at .75 ips (inches per second), and for plaster construction, sets the limit at .50 ips.

Staff is not recommending any changes from what was originally presented and recommended for approval by the Planning Commission on October 22, 2018.

Included in this packet you will find a new comment letter provided by Randy Kriesel which the City received on November 19, 2018. Additional information and previous comments can be found in the Planning Commission October 22, 2018 meeting packet provided at the following link: <https://www.olatheks.org/government/boards-commissions-committees/planning-commission/planning-commission-documents/2018-planning-commission-packets>

3. Notification Requirements for Preliminary Site Development Plans

Chapter 18.40. Procedures

18.40.110.D.1 Site Development Plans

Recommendation: Clarify when public notice is necessary for preliminary site development plans.

Reason: Currently Section 18.40.110.D.1 states under “decision” that a public notice is required for preliminary site development plans if the use is permitted by right. Public hearings are only required for items related to a change in use such as rezonings or special use permits. This is not standard practice and would cause significant delays for the development community.

Staff is not recommending any changes from what was originally presented and recommended for approval by the Planning Commission on October 22, 2018.

4. Expiration of Prelim. Plans and Time Extensions for Plans and Plats

Chapter 18.40. Procedures

18.40.110.G Site Development Plans and 18.40.150.F Preliminary Plats

Recommendation: Remove inconsistent language pertaining to RP-1 plats and plans by deleting existing Sections 18.40.110.G.5 and 18.40.150.F.4.

Reason: Sections 18.40.110.G.5 and 18.40.150.F.4 currently state that only RP-1 zoned plans and plats expire and reference a date of June 2014 as that was the date of original adoption of the UDO. In addition, other language found here causes confusion because this requirement applies regardless of district boundaries

Staff is not recommending any changes from what was originally presented and recommended for approval by the Planning Commission on October 22, 2018.

5. Final Plats

Chapter 18.40. Procedures

18.40.160 Final Plat

Recommendation: Add language to Section 18.40.160.E.1.b to clarify all plats are required to meet UDO requirements.

Reason: Currently within the approval criteria for preliminary plats the UDO states preliminary plats are to conform to the development standards within Chapter 18.30. However final plats do not include specific language for conforming to the UDO. Language has been added to clarify final plats are also required to conform to the current standards and requirements set within the UDO.

Staff is not recommending any changes from what was originally presented and recommended for approval by the Planning Commission on October 22, 2018.

UDO UPDATES AND STAFF RECOMMENDATIONS PERTAINING TO SECTIONS NOT RECOMMENDED FOR APPROVAL AT THE OCT. 22 PUBLIC HEARING:

The following UDO updates were not recommended for approval by the Planning Commission, and staff is now presenting these provisions again for reconsideration. Several sections have been updated since the original meeting in October and those changes are provided below. These changes derive from continued discussions and meetings staff had following the October public hearing with community stakeholders and City Council.

6. Expiration of Prelim. Plans and Time Extensions for Plans and Plats

Chapter 18.40. Procedures

18.40.110.G.1 Site Development Plans

Recommendation: Add an expiration date on preliminary site development plans (not simply those zoned RP-1) if a final development plan is not approved within **five (5)** years.

Reason: Currently, preliminary development plans are the only type of plan or plat which does not have an expiration date associated with it. Including one helps to ensure compliance with current code regulations which can be difficult to maintain if long periods of time lapse between approvals and commencement of construction.

Original Recommendation: Originally, the recommendation was to have a two (2) year expiration period with these. Since our meeting, Staff is recommending the language be updated so that the time period for expiration if a final development plan is not submitted and approved be five (5) years. Staff has shared this update with community stakeholders that we have been in contact with throughout the process. While the desire from them would be for no time period to be established, a five (5) year term was one of the original, collaborative suggestions from the group.

7. Commencement of Construction

Chapter 18.40. Procedures

18.40.110.G.4 Site Development Plans

Recommendation: Clarified what is meant by commencement of construction.

Reason: Currently, final site development plans become null and void if the time period expires before development commences. Staff has defined commencement to mean the start of construction, which is defined as the issuance of a building permit.

Original Recommendation: Staff is not recommending any changes from what was originally presented and recommended for approval by the Planning Commission on October 22, 2018.

8. Time-Period Renewal for Preliminary Plats

Chapter 18.40. Procedures

18.40.150.F.2 Preliminary Plats

Recommendation: Add language to allow clock to reset with each final plat approved for a phased development. Preliminary plats currently expire in two (2) years if a final plat has not been submitted and approved by the City. However, for large scale developments, this can be problematic as phasing is typical with these.

Reason: This language will assist the development community by allowing the time period to reset with each phase and will also allow the City the means to ensure that current UDO requirements are met with each phase so that the best quality development is constructed.

Original Recommendation: This was not originally presented before the Planning Commission in October. However, from further collaborations with the development community and our stakeholder group, this language has been drafted and recommended for your consideration.

Included in this packet you will find a new comment letter provided by Grata Development which the City received on October 25, 2018.

9. Streamlined Administrative Review Process for Preliminary Plat Extensions

Chapter 18.40. Procedures

18.40.150.F.2 Preliminary Plat

Recommendation: Add language to allow a streamlined, administrative review extension for preliminary plats.

Reason: Section 18.40.150.F.2 currently states preliminary plats expire after two (2) years where a final plat has not been submitted for approval. Language does not currently exist in code to allow for any extensions for preliminary plats. After hearing concerns from the development community, staff has added language to allow a one (1) year extension be granted administratively.

Original Recommendation: Staff is not recommending any changes from what was originally presented and recommended for approval by the Planning Commission on October 22, 2018. This language is necessary to allow for time extensions as all other plans and plats allow for time extensions as well.

10. Phasing Requirements for Site Development Plans and Preliminary Plats

Chapter 18.40. Procedures

18.40.110.G.2 Site Development Plans and 18.40.150.F.3 Preliminary Plats

Recommendation: Update and clarify the requirements for development phasing pertaining to preliminary plats for multiple lot developments.

Reason: The UDO requires preliminary plats containing a gross land area in excess of forty (40) acres to submit a phasing pattern at the time of approval for final platting. Staff is recommending that information be included to explain what should be submitted to the City pertaining to how the phasing will occur and that updates or amendments to phasing plans may be considered. In addition, staff recommends that phasing information be required as part of the preliminary plan process as well. This will assist in making decisions pertaining to development proposals and how the ultimate site layout will develop. Also, in this section we are updating the language to reflect that phasing plans are required for development in excess of 40 acres, but phasing information may also be required for smaller developments if directed by the City. This is reflective of our current practice and will be consistent for both plans and plats.

Original Recommendation: Originally, staff recommended that phasing be explained by means of a narrative or a phasing plan. In response to concerns from the development community and working with them after the October meeting, staff is recommending that information be provided by means of a phasing plan only. Also, staff has now included language to explain that updates to the phasing of a development can be made for the City to review and is providing flexibility in the standard related to 40 acres or more criteria.

STAFF RECOMMENDATION:

To summarize the project before you, Staff continued to collaborate with the development community since the public hearing in October and has provided updated language on sections pertaining to preliminary plats, development phasing and preliminary plans. We believe that these updated recommendations address the major concerns expressed by the development community that we have heard from, as well as achieve the goals of the City. As presented, the impact to plans and plats would result in the following:

Document Type	Expiration	Action Needed Before Expiration	Extension Method
Preliminary Plats	2 years	Submittal of final plat.	Clock resets 2 years for every final plat approval in a phased development. Or, renewal administratively reviewed for one (1) year
Final Plats	2 years	Record after approval.	Administratively reviewed/renewed for one (1) year.
Preliminary Development Plans	5 years	Submittal of final development plan.	Renewal administratively reviewed for up to twelve (12) months, Or renewal for any length of time by the Governing Body.
Final Development Plans	2 years	Commence construction.	Renewal administratively reviewed for up to twelve (12) months, Or renewal for any length of time by the Governing Body.

Language previously recommended for approval by the Planning Commission is also being presented and no additional changes are being requested or recommended by Staff. Staff recommends approval of the proposed amendments to the *Unified Development Ordinance (UDO)*, as detailed in the attached UDO Amendments Exhibit for the following Chapters and associated subsections herein: 18.30.190, 18.40.110, 18.40.150, 18.40.160, and 18.50.160. Below is also a list of specific amendments being presented and recommended for approval.

1. Chapter 18.30 Development Standards

a. Section 18.30.190 Performance Standards

- i. Subsection (C) add language directing the reader to Section 18.50.160.
- ii. Subsection (C) renumber section within subsection C.

2. Chapter 18.40 Procedures

a. Section 18.40.110 Site Development Plans

- i. Subsection (D.1.a) remove inconsistent language pertaining to notice requirements.
- ii. Subsection (D.1.b) add language clarifying notice requirements for preliminary site plans.
- iii. Subsection (G.1) add language expiring preliminary site development plans if a final development plan is not approved within five (5) years.
- iv. Subsection (G.2) add language requiring a phasing pattern for site development plans containing forty (40) acres.
- v. Subsection (G.3) add language clarifying the applicant must submit and obtain approval for a final site development plan within the designated time period for the plan to remain valid.
- vi. Subsection (G.4) add the word “construction” to clarify construction must commence following approval and issuance of building permit.
- vii. Subsection (G.5) clarify the review authority for site development plan time period extensions.
- viii. Subsection (G.5) clarify how a preliminary or final development plans expiration time period may be extended.
- ix. Subsection (G.5) remove inconsistent language pertaining to RP-1 plats and plans.

b. Section 18.40.150 Preliminary Plat

- i. Subsection (F.2) add language allowing the applicant to request a one (1) year extension on for preliminary plats, approved administratively.
- ii. Subsection (F.2) add language stating that time period for a preliminary plat resets with submittal and approval of each final plat for any phase of the preliminary plat.

- iii. Subsection (F.3) strengthen and clarify phasing plan requirements for preliminary plats over forty (40) acres.
- iv. Subsection (F.4) remove inconsistent language pertaining to RP-1 plats and plans.

c. Section 18.40.160 Final Plat

- i. Subsection (E.1.b) clarified final plats must conform to all requirements of the UDO.

3. Chapter 18.50 Supplemental Use Regulations

a. Section 18.50.160 Quarries and Mines

- i. Subsection (B) add language referencing Title 16 of Municipal Code requirements shall be followed.
- ii. Subsection (D.1.b) increase setback requirements for above ground operations.
- iii. Subsection (D.4) remove unnecessary verbiage
- iv. Subsection (D.5) add and clarify setback requirements removed from subsection (D.4).
- v. Subsection (F) remove vibration standards for consistency with Title 16 of the Municipal Code.

Attached please find a copy of the redline version of the updated sections, a quick reference exhibit, as well as comment letters from individuals in the community as discussed previously in this report. Additional information and previous comments can be found in the Planning Commission October 22, 2018 meeting packet provided at the following link: <https://www.olatheks.org/government/boards-commissions-committees/planning-commission/planning-commission-documents/2018-planning-commission-packets>

18.30.190 Performance Standards

In some districts, performance standards capable of quantitative measurement are established. Except to the extent modified in the specific zoning district regulations, the following general provisions apply to measure compliance with those performance standards.

A. Noise

See Noise Control Ordinance (Chapter [6.18](#) of the Municipal Code).

B. Smoke and Particulate Matter

1. The Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines, shall be used to determine the density of equivalent opacity of smoke. The Ringlemann number indicated as the performance standard in certain zoning districts refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed.
2. Within the M-1, M-2 and M-3 zoning districts, no use shall be permitted or operated so that smoke darker than Ringlemann No. 1 is produced from any vent, stack or chimney. However, emission of smoke darker than Ringlemann No. 2 is allowed for a duration of up to four (4) minutes during any eight (8) hour period if the emission is located no closer than two hundred fifty (250) feet from property zoned AG, any residential zoning district, N, or the residential areas of planned developments.
3. Particulate matter emissions, in excess of the threshold limit values caused by the wind from open storage areas, yards, roads, etc., within lot lines shall be kept to a minimum by appropriate landscaping, paving, oiling, wetting and other means, or shall be eliminated.

C. Vibration

[1. Vibration standards for any use, other than quarries and mines, are found within this section. For minimum standards for quarry and mine operations, see section 18.50.160 of this UDO.](#)

~~12.~~ Within the M-1, M-2 and M-3 zoning districts, no use may generate any ground-transmitted vibration in excess of one tenth (.10) inch per second measured at the property line, or in excess of two-one hundredths (.02) inch per second measured at any residential property line. These values may be multiplied by two (2) for impact vibrations, i.e., discrete vibration pulsations not exceeding one (1) second in duration and having a pause of at least one (1) second between

pulses. Vibrations are measured in particle velocity and are to be measured at the property line or other designated location.

32. A three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions shall be used to measure vibrations.

43. The vibration maximums indicated as the performance standard in certain zoning districts may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = particle velocity, inches-per second

F = vibration frequency, cycles-per second

D = single amplitude displacement of the vibration,
inches

54. The maximum particle velocity shall be in the maximum vector sum of three mutually perpendicular components recorded simultaneously.

65. Unless specifically indicated to the contrary in the zoning district regulations, vibration resulting from temporary construction activity that occurs between 7:00 AM and 7:00 PM is exempt from the indicated performance standard.

D. Glare

See Lighting (Section [18.30.135](#)).

1. Within the M-1, M-2 and M-3 districts, direct or sky-reflected glare, from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

E. Heat

Within the M-1, M-2 and M-3 districts, heat from furnaces, processing equipment, or other devices shall be contained so that the temperature of air or materials is raised no more than five (5) degrees Fahrenheit as measured at all property lines.

F. Emissions

Within the M-1, M-2 and M-3 districts, the maximum rate of emission of dust and other particulate matter from all sources within the boundaries of any lot or tract shall not exceed one (1) pound per hour per acre of lot area.

G. Air Contaminants (such as Odors and Fumes)

Within the M-1, M-2 and M-3 districts, the emission of air contaminants created by industrial processes shall comply with the Kansas Air Quality Act, K.S.A. § [65-3002](#) and any adopted state regulations. All air contaminants shall be contained so that no odors or fumes may be sensed at the property line of any residential zoning district.

H. Electrical Issues

Within the M-1, M-2 and M-3 districts, activity which creates any off-site electrical disturbance, or contributes to interference with electronic signals (including television and radio broadcasting transmissions) shall be prohibited.

I. Toxic or Flammable Liquids

Storage of toxic or flammable liquids such as gasoline, oil or grease, where not stored underground, shall occur in such a manner that a secondary storage system is provided with capacity as specified by the Fire Code.

18.40.110 Site Development Plans

Purpose: A site development plan is a process that allows City staff and the Planning Commission to review significant developments and uses to ensure that they comply with the zoning and development standards in this title, have appropriate design and infrastructure, and comply with any conditions of rezoning, preliminary subdivision plat, or special use permit approval.

A. Applicability

1. A preliminary site development plan is required for:

a. Any application to rezone property:

(1) to a district that allows nonresidential uses or multifamily or two-family dwellings, or

(2) to an "A," "R-1" or "R-2" district where the applicant is proposing a nonresidential development

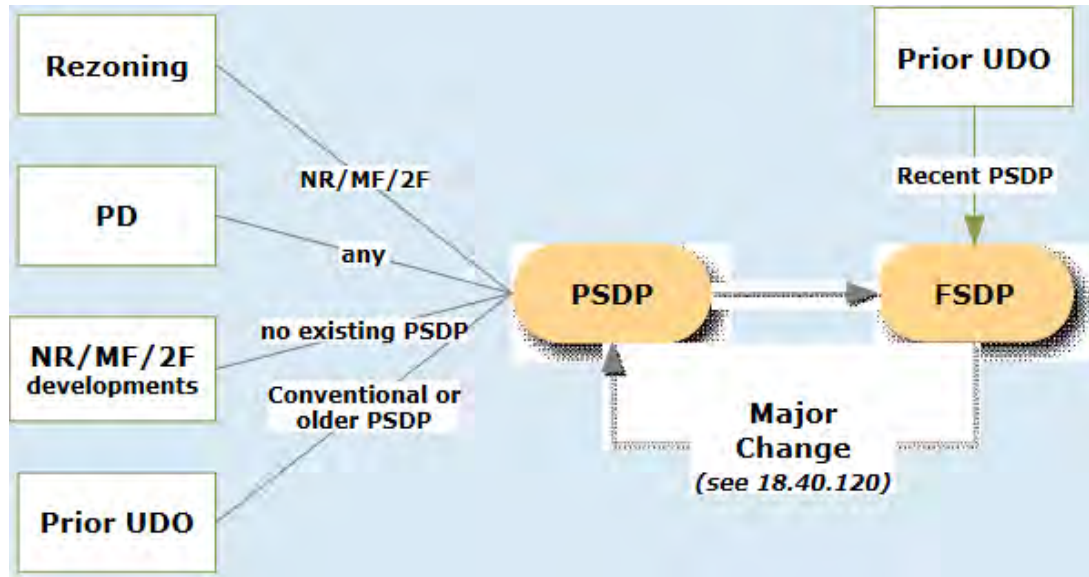
b. All nonresidential uses, or developments with multifamily or two-family dwellings unless a preliminary site development plan for the proposed development was already approved as part of the existing zoning district, and

c. Any application for approval of a planned development district.

2. If a property is subject to an approved and unexpired preliminary site development plan, a **final site development plan** is required before a building permit application is filed.

B. Initiation

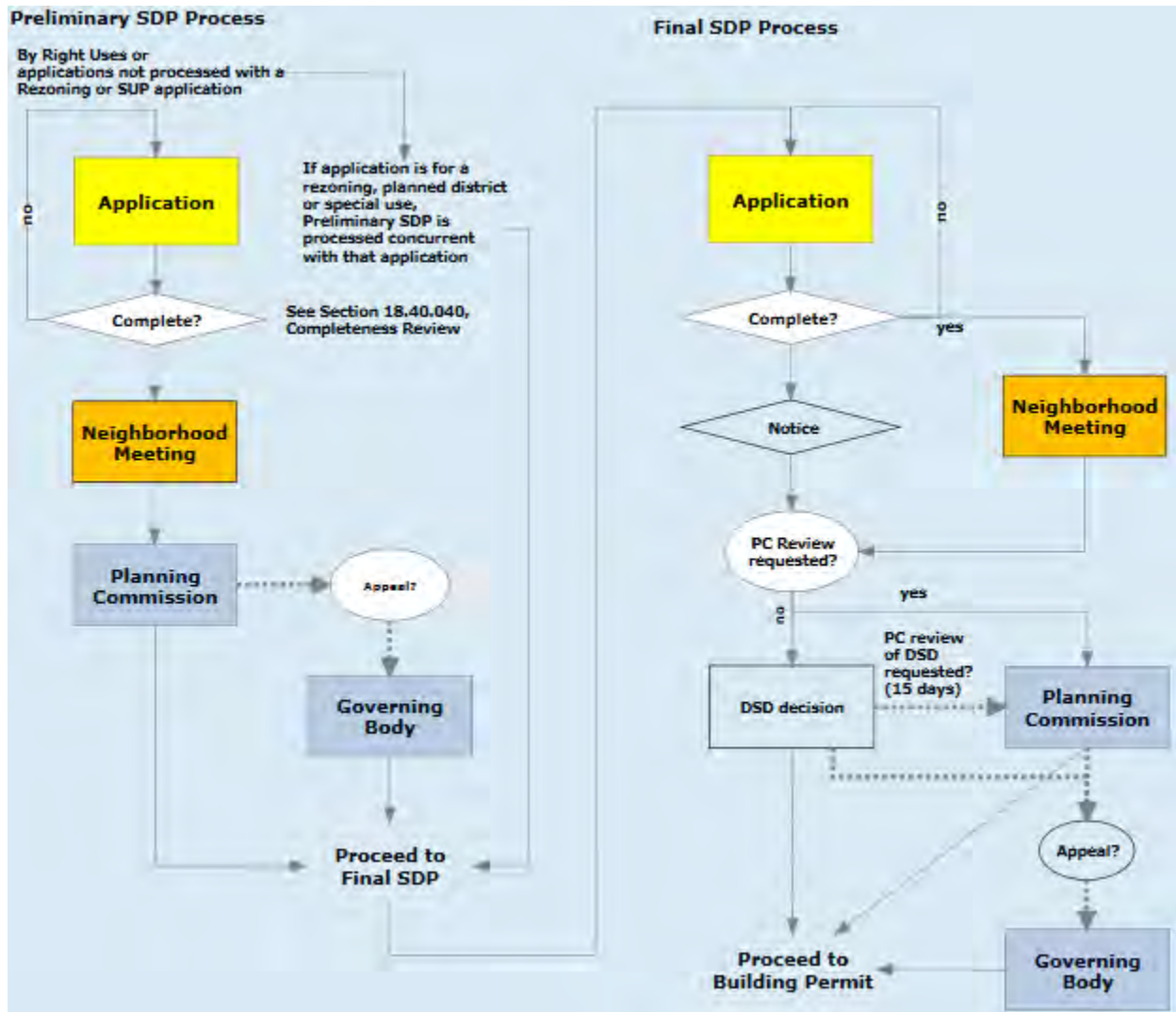
1. Preliminary and final site development plans shall be filed with the Planning Official, and shall include the information required by Chapter [18.94](#).



Editor's Note: This diagram referenced "Substantial Change" in Section [18.40.120](#). This terminology has been changed to "Major Change" to match the text of that section.

2. A neighborhood meeting is required for a preliminary and final site development plan (see Section [18.40.030](#)).

C. Review Process



D. Decision

1. Preliminary Site Development Plan Decision

- a. If the application involves a use that is **permitted by right** in the applicable zoning district, the Planning Commission will approve, conditionally approve, or deny a preliminary site development plan. ~~Notice to surrounding property owners is required (see Section 18.40.050.B).~~ The Planning Commission will render a decision within 30 days, unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.

b. If the application involves a **planned district**, a **rezoning**, or a **special use**, the preliminary site development plan is processed and approved as part of that application. [Notice to surrounding property owners is required \(see Section 18.40.050.B\)](#). The preliminary site development plan may be revised and resubmitted during the review period for the planned district/conditional rezoning or special use permit application review period and approved as part of the conditions of approval. In that case, the Approving Authority is the agency that approves that rezoning or special use.

2. Final Site Development Plan Decision

a. Authority

A final site development plan is approved by the Planning Official, unless the applicant requests Planning Commission review.

b. Planning Official Decisions

If the Planning Official renders a decision on the application:

- (1)** The Planning Official shall render its determination within thirty (30) days after the applicant submits a complete application (see Section [18.40.040](#)), unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.
- (2)** If the Planning Official fails to render a timely decision, the applicant or a surrounding property owner may request Planning Commission review (see subsection [D.2.c](#) below).
- (3)** If the applicant or surrounding property owner does not request Planning Commission review, the Planning Official's determination is final.
- (4)** If an administrative review application is without communication from the applicant for more than six (6) months, the applicant will be required to submit a new application and fees for the final site development plan review to continue.

c. Planning Commission Review

- (1) The Planning Commission reviews the final site plan if the applicant asks the Planning Commission to review the final site plan within fifteen (15) days of the date of the Planning Official's decision.
- (2) The Planning Commission will consider the application without a public hearing.
- (3) The Planning Commission may approve, approve with conditions, or deny the preliminary or final site development plan.
- (4) The Planning Commission shall render its decision within 30 days after the applicant requests a review. The Planning Commission may extend the time for making a decision if requested by the applicant.

E. Approval Criteria

1. The following criteria apply to the approval, conditional approval or denial of a preliminary site development plan:
 - a. The plan complies with all applicable requirements of Chapters [18.15](#), [18.20](#), and [18.30](#), and
 - b. The plan represents an overall development pattern that is consistent with the Comprehensive Plan, the Major Street Map and other adopted planning policies.
2. A final site development plan is approved if it is consistent with the preliminary site development plan as approved, including all conditions of approval, and complies with all applicable requirements of this title. A final site development plan shall not modify or expand the approved preliminary site development plan, except as provided in Section [18.40.120](#).

F. Subsequent Applications

1. When an application for preliminary or final site plan is withdrawn by the applicant or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
2. An application for a major modification to the withdrawn or denied application may be submitted at any time.

G. Scope of Approval

1. Approved preliminary site development plans or final site development plans are valid for ~~two~~five (25) years after ~~final~~ date of approval.

~~2. When a preliminary site development plan containing multiple lots is submitted for approval; the applicant will indicate the anticipated development or phasing pattern for final development. The phasing pattern for development shall include:~~ When a preliminary site development plan containing a gross land area in excess of forty (40) acres is submitted for approval, the applicant will indicate the anticipated development or phasing pattern for final development. For developments which will be built in phases with a gross area less than forty (40) acres the City may require submittal of a phasing plan. The phasing plan for development shall include the following:

- a) Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers), and identify approximate area, number of lots in each phase, total area and buildable area per phase. All phasing maps shall be drawn at the same scale. The final phasing plan map should be drawn at the same scale as the preliminary site plan map.
- b) Any deviation from the approved phasing may be approved administratively by the Planning Official.

3. If the applicant fails to submit and obtain approvals for a final site development plan within the time period required in subsection G.1, above, the preliminary site development plan becomes null and void unless the time period is extended.

~~24.~~ If the ~~landowner~~ applicant fails to commence construction by means of issuance of a building permit ~~the planned development~~ within the time period required in subsection G.1, above, the final site development plan becomes null and void unless the time period is extended.

~~35.~~ The ~~Approving Authority~~ Chief Planning and Development Officer may extend the time period of a preliminary or final development plan upon written ~~application request~~ by the ~~landowner applicant~~. Unless otherwise required in a condition of approval, the ~~Approving Authority~~ Chief Planning and Development Officer may extend the time period administratively without a public hearing. The ~~Approving Authority~~ Chief Planning and Development Officer shall extend the time period of either site development plan for up to ~~six (6)~~ twelve (12) months. ~~After~~

~~this time period or at the time the original extension is requested,~~ Upon written request by the applicant, the ~~Approving Authority~~ Governing Body may extend the preliminary or final site development plan for any length of time for cause.

~~46.~~ The applicant may revise an approved final site development plan as provided in Section 18.40.120.

~~5. Any preliminary plat or preliminary development plan for a single family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014), where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.~~

H. Appeals

The applicant or aggrieved party may appeal the disapproval of a preliminary or final site development plan by the Planning Commission to the Governing Body. The applicant shall file a notice of appeal with the Planning Official within ten (10) days following the decision.

I. Recordkeeping

The Planning Division and the applicant shall maintain copies of the preliminary and final site development plan approvals, and all supporting documentation.

J. Abandonment of Final Site Development Plan

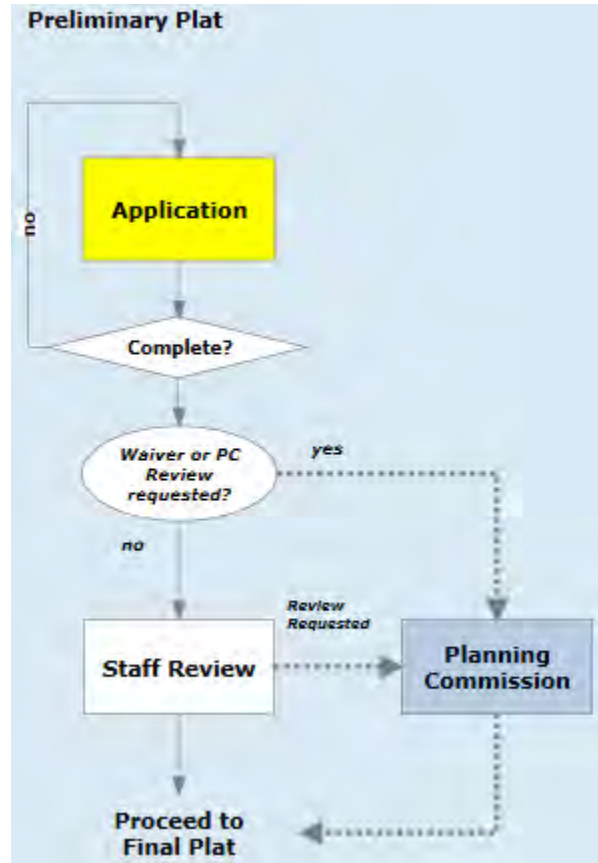
1. If the applicant abandons any part of a site development plan, then the applicant shall notify the City in writing.
2. If any part of a final site development plan is abandoned, no development shall take place on the property until a new final site development plan is approved. (*Ord. 17-52 §§ 22, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 15-16 § 3, 2015*)

18.40.150 Preliminary Plat

Purpose: The preliminary plat process examines the major features and elements of a proposed plat. This process determines whether the plat conforms to this title and the Comprehensive Plan, and any conditions of approval.

A. Applicability

1. The Planning Commission must approve a preliminary plat before a final plat application is filed.
2. A preliminary plat is not considered a "plat" for purposes of KSA [12-752](#). Instead, the preliminary plat is a preapplication process that is designed to ensure that that plat conforms to all applicable requirements of this title. The applicant may request that the City waive the preliminary plat process and proceed directly to the final plat process.



B. Initiation

1. An application for preliminary plat approval is filed with the Planning Official. Preapplication is required.
2. An applicant may substitute a preliminary development plan for a preliminary plat if the preliminary development plan contains all information required for preliminary plats as set forth in Chapter [18.94](#).
3. A neighborhood meeting is required (see Section [18.40.030](#))

⇒ Cross-Reference: [18.40.020](#) (Preapplication)

C. Completeness Review

See Section [18.40.040](#), Completeness Review.

D. Approval Criteria

The Approving Authority shall approve the preliminary plat if it finds that the following criteria are satisfied:

1. The proposed preliminary plat conforms to the requirements of Chapter [18.30](#), the applicable zoning district regulations and any other applicable provisions of the Municipal Code, subject only to acceptable rule exceptions.
2. The subdivision represents an overall development pattern that is consistent with the Comprehensive Plan, Major Street Map, Access Management Plan, and applicable corridor studies and plans.
3. The plat contains a sound, well-conceived parcel and land subdivision layout which is consistent with good land planning and site engineering design principles.
4. The spacing and design of proposed curb cuts, driveway approaches and intersection locations is consistent with the Access Management Plan, good traffic engineering design and public safety considerations.
5. The plat conforms to any existing, unexpired and valid conditions of rezoning, special use permit or site development plan approval.
6. All submission requirements are satisfied.

E. Subsequent Applications

1. When a preliminary plat application is withdrawn or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
2. A new plat application showing major modifications and/or revisions to the withdrawn or denied plat application may be submitted at any time.

F. Scope of Approval

1. Approval of a preliminary plat does not constitute acceptance of the subdivision, but authorizes preparation of the final plat. No improvements shall take place in the subdivision

prior to approval and recording of the final plat and submittal and approval of street, sanitary sewer, water line and storm sewer construction plans by the City Engineer.

2. Preliminary plat approval is effective for a period of two (2) years, ~~except approval of a final plat for any phase specifically indicated on the preliminary plat shall renew the two (2) year time period.~~ Where a final plat for the subdivision is not submitted for approval within the two (2) year time period, the preliminary plat becomes null and void and the developer shall resubmit a new preliminary plat for approval subject to the then effective regulations.

The Chief Planning and Development Officer may, upon written request by the applicant, administratively grant a one (1) year time extension. Consideration for a time extension shall be based upon, but not limited to:

- a) the developer's ability to adhere to any changes in the Olathe Municipal Code or other applicable regulations, that would impact the proposed development; or
- b) if the developer demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

3. When a preliminary plat containing a gross land area in excess of forty (40) acres is submitted for approval, the applicant ~~will~~ **may** indicate the **anticipated development or phasing pattern** for final platting. The applicant may receive an extension of the one (1) year time limit for submission of the final plat if each phase is constructed in accordance with the original phasing plan and subsequent final plats comply with all applicable regulations at the time of final platting. For developments which will be built in phases with a gross area less than forty (40) acres the City may require submittal of a phasing plan. The phasing plan for development shall include the following:

- a) Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers), and identify approximate area, number of lots in each phase, total area and buildable area per phase. All phasing maps shall be drawn at the same scale. The final phasing plan map should be drawn at the same scale as the preliminary plat map.
- b) Any deviation from the approved phasing may be approved administratively by the Planning Official.

~~4. Any preliminary plat or preliminary development plan for a single family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014),~~

~~where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.~~

G. Recordkeeping

A preliminary plat application is not recorded. The Planning Official will maintain a record of approved preliminary plats. The applicant must maintain a copy of the approved preliminary plat, including any attachments. (Ord. 17-52 §§ 25, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 02-54 § 2, 2002)

18.40.160 Final Plat

Purpose: This section establishes the process to approve formal plats for recording with the Johnson County register of deeds.

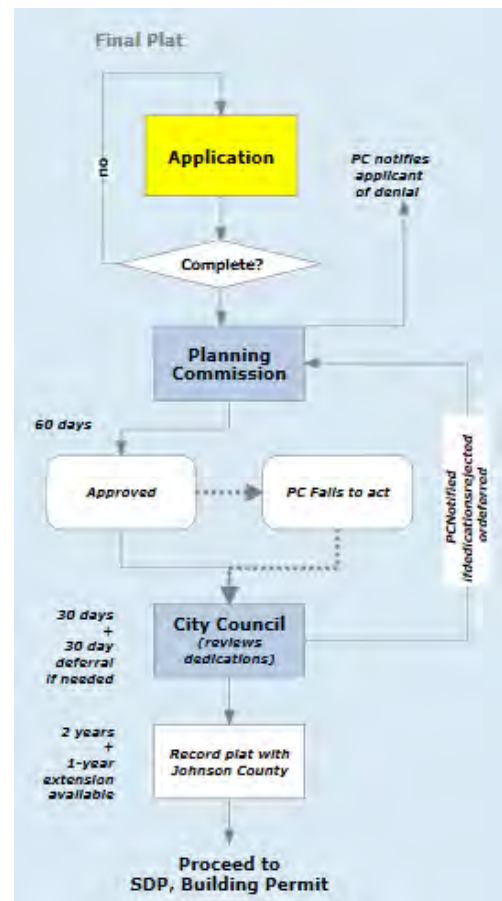
A. Applicability

1. This section applies to any formal plat application. Final plat applications are filed after the preliminary plat is approved.
2. The applicant may file a final plat without first seeking preliminary plat approval. However, in that case the applicant must strictly observe all requirements of this title and may not request a modification of any standards established in Chapter [18.30](#). In addition, the Planning Commission will deny the plat if it does not conform to all applicable requirements within the statutory period for approving a plat.

B. Initiation

An application for final plat approval is filed with the Planning Official.

C. Completeness Review



See § [18.40.040](#) Completeness Review.

D. Decision

- 1.** The Planning Commission will consider the final plat without a public hearing, unless the applicant requests a public hearing.
- 2.** The Planning Commission may approve, approve with conditions, or deny the final plat.
- 3.** The Planning Commission shall render its decision within 60 days after its first meeting after the plat is submitted to the Planning Official. If the Planning Commission fails to timely render its decision, the plat is deemed approved.
- 4.** If the final plat is approved or the Planning Commission fails to render a timely decision, the Planning Official shall issue a certificate upon demand.
- 5.** If the Planning Commission finds that the plat does not conform to subsection [E](#) below, it shall notify the owner or owners of that fact. The notice shall be in writing and shall specify in detail the reasons the plat does not conform to subsection E.
- 6.** If the plat conforms to subsection E, the Planning Commission chair shall endorse on the plat the fact that the plat has been submitted to and approved by the Planning Commission. The secretary of the Planning Commission shall attest the chair's signature.
- 7.** After the final plat is approved, the applicant shall submit it to the Governing Body for review if land is proposed to be dedicated for public purposes. The Governing Body shall approve or disapprove the dedication of land for public purposes within thirty (30) days after the first meeting of the Governing Body following the date of the submission of the plat to the City Clerk. The Governing Body may defer action for an additional thirty (30) days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional filing fees shall be assessed during that period. The Governing Body shall advise the Planning Commission of its reasons for any deferral or disapproval of any dedication. Acceptance of lands and easements dedicated for public purposes that are approved by the Governing Body shall be endorsed on the plat by the Mayor. The City Clerk shall attest the Mayor's signature. *(Ord. 02-54 § 2, 2002)*
- 8.** No plat shall be filed with the Register of Deeds office unless it bears the endorsement that the land dedicated to public purposes is approved by the Governing Body.

9. All conditions to approval of a subdivision by the Planning Commission or the acceptance of dedications of land by the Governing Body, and all waivers granted by the Planning Commission, shall be clearly stated on the final plat prior to its recording. (Ord. 02-54 § 2, 2002)

E. Approval Criteria

1. The Planning Commission shall approve a final plat if it determines that:
 - a. The final plat substantially conforms to the approved preliminary plat and any applicable conditions of approval.
 - b. The plat conforms to all applicable requirements of the Municipal Code [and Unified Development Ordinance](#), subject only to approved waivers.
2. If the applicant chooses not to submit a preliminary plat, the final plat is subject to the criteria for approving a preliminary plat and to subsection 1, above.

F. Subsequent Applications

1. A new plat application showing major modifications and/or revisions to the withdrawn or denied plat application may be submitted at any time.

G. Scope of Approval

1. After the Governing Body endorses its acceptance of lands and easements dedicated for public purposes, the final plat shall be recorded with the Register of Deeds of Johnson County as provided by law. No plat shall be recorded with the Register of Deeds prior to its endorsement by the Mayor.
2. After the applicant provides public improvements assurances and records the final plat, the applicant may construct the improvements shown on the plat and proceed to the building permit approval process.

H. Recordkeeping

1. Final plats shall be recorded with the Register of Deeds office within two (2) years following Governing Body approval of land dedicated to public purposes. Final plats which are not timely recorded are null and void.
2. No plat shall be recorded before the applicant submits satisfactory assurances for construction of public improvements.

I. Final Plat Extensions

1. Requests for final plat extension shall be made in writing to the Planning Official prior to the two (2) year expiration date provided above. Final plat extensions may only be granted by one of the following:

a. The Planning Official may administratively grant a one (1) year extension if no changes are made to any City ordinance, regulation or approved plans that would require a change in the final plat. The applicant may appeal the Planning Official's denial of an extension to the Planning Commission.

b. The Planning Commission, upon appeal from the Planning Official's decision to deny a final plat extension, may grant the one (1) year extension upon finding that the extension will not impact the City's ability to administer current ordinances or regulations.

2. Final plat extensions are subject to all current excise taxes and/or development fees at the time of the extension approval. (*Ord. 15-16 §3, 2015*)

18.50.160 Quarries and Mines

Purpose. This section regulates the externalities of quarries.

A. Applicability

This section applies to mines or quarries.

B. Generally

All ~~M~~mines and quarries shall follow all Federal, State, and local ~~Olathe Municipal Code guidelines~~ and requirements, including those found in Title 16 of the Olathe Municipal Code as well as requirements found in any special use permit governing a specific site. for blasting and vibration. In the event that multiple requirements exist, including those for blasting and vibration, the stricter standard shall be controlling over the land use activity on the site.

C. Roads

1. Proposed quarry operations shall provide or have direct access to a public road.
2. Public and private roads shall be hard-surfaced and built to carry the heavy loads that are generated from quarry operations.

D. Setbacks for Above-Ground Operations

1. All above-ground operations shall be located at least:
 - a. One hundred (100) feet from any property line except as provided below.
 - b. One thousand (1,000) feet from an existing residence or the nearest property line of a residentially zoned property, whichever achieves the greatest overall setback.
2. The Planning Commission or Governing Body may reduce the property line setback where it abuts a highway or railroad right-of-way by up to fifty (50) percent.

3. The Planning Commission or Governing Body may reduce the residential setback by up to ninety (90) percent if the applicant shows that compliance with the City ordinances related to noise, dust, visibility and operations will adequately protect the residents from the above-ground operations, or upon approval of the residence owner.

4. The above setbacks may be increased upon the City's determination that wider setbacks are warranted ~~in order~~ to mitigate adverse impacts. ~~All above-ground operations located next to existing mine or quarry operations require no setback, and may be immediately adjacent.~~

5. A setback for above-ground operation is not required when the operation is located contiguous to another existing mine or quarry operation.

E. Setbacks for Below-Ground Operations

All below-ground operations shall be located at least two hundred (200) feet from the nearest property line, measured laterally.

~~F. Vibration~~

~~1. Ground-transmitted vibration shall not exceed two-tenths (0.20) inches per second at the property line or two-hundredths (0.02) inches per second measured at any residential property line.~~

~~2. These values may be multiplied by two (2) for impact vibrations; i.e., discrete vibration pulsations not exceeding one (1) second in duration and having a pause of at least one (1) second between pulses. (Ord. 16-51 § 3, 2016)~~



2018 UDO Updates – Quick Reference Exhibit
Planning Commission Meeting November 26, 2018

1. Chapter 18.30 Development Standards

a. Section 18.30.190 Performance Standards

- i. Subsection (C) add language directing the reader to Section 18.50.160.
- ii. Subsection (C) renumber section within subsection C.

2. Chapter 18.40 Procedures

a. Section 18.40.110 Site Development Plans.

- i. Subsection (D.1.a) remove inconsistent language pertaining to notice requirements.
- ii. Subsection (D.1.b) add language clarifying notice requirements for preliminary site plans.
- iii. Subsection (G.1) add language expiring preliminary site development plans if a final development plan is not approved within five (5) years.
- iv. Subsection (G.2) add language requiring a phasing pattern for site development plans over forty (40) acres.
- v. Subsection (G.3) add language clarifying the applicant must submit and obtain approval for a final site development plan within the designated time period for the plan to remain valid.
- vi. Subsection (G.4) add the word “construction” to clarify construction must commence following approval and issuance of building permit.
- vii. Subsection (G.5) clarify the review authority for site development plan time period extensions.
- viii. Subsection (G.5) clarify how a preliminary or final development plans expiration time period may be extended.

- ix. Subsection (G.5) remove inconsistent language pertaining to RP-1 plats and plans.

b. Section 18.40.150 Preliminary Plat.

- i. Subsection (F.2) add language allowing the applicant to request a one (1) year extension on for preliminary plats, approved administratively.
- ii. Subsection (F.2) add language stating that time period for a preliminary plat resets with submittal and approval of each final plat for any phase on the preliminary plat.
- iii. Subsection (F.3) strengthen and clarify phasing plan requirements for preliminary plats over forty (40) acres.
- iv. Subsection (F.4) remove inconsistent language pertaining to RP-1 plats and plans.

c. Section 18.40.160 Final Plat.

- i. Subsection (E.1.b) clarify that final plats must conform to all requirements of the UDO.

3. Chapter 18.50 Supplemental Use Regulations

a. Section 18.50.160

- i. Subsection (B) add language referencing Title 16 of Municipal Code requirements shall be followed.
- ii. Subsection (D.1.b) increase setback requirements for above ground operations.
- iii. Subsection (D.4) remove unnecessary verbiage.
- iv. Subsection (D.5) add and clarify setback requirements removed from subsection D.4.
- v. Subsection (F) remove vibration standards for consistency with Title 16 of the Municipal Code.

Shelby Ferguson

From: Cynthia Kriesel <cann@vfemail.net>
Sent: Monday, November 19, 2018 9:25 AM
To: Aimee Nassif
Cc: Planning Contact; Shelby Ferguson
Subject: UDO 18-0002 - New information comments to be included in packet (RE: UDO 18-0002 Planning Commission Agenda)

Here are my new comments for the UDO 18-0002 Packet:

The proposed language changes to 18.30.190 and 18.50.160 would inappropriately remove all vibration restrictions related to non-blasting vibrations. The current language is applicable to vibrations from all quarry operations (including accessory uses), which includes non-blasting vibration producing activities such as:

- Rock Crushing
- Rock Drilling
- Rock Hammering
- Rock Loading/Dumping
- Heavy Machinery Generated Vibrations
- Accessory use vibrations, such as landfill compacting (applicable to quarries with landfill as an accessory use)

Title 16 of the Olathe Municipal Code does not have any restrictions applicable to non-blasting vibrations. There are no requirements in the existing quarry special use permits that address/restrict these types of vibrations (the permits rely on the existing UDO language for limiting those vibrations). So by completely removing the 0.02 inch per second residential property line vibration limit for quarry operations, the draft language would allow unlimited vibration levels at residential property for non-blasting vibrations produced by quarries.

Keeping the 0.02 limit in 18.50.160 is especially important since the UDO allows quarries on AG zoned property, and 18.30.190 does not apply to AG zoning. In addition, the 0.02 limit in 18.050.160 needs to be clarified to make sure it is clear that it means “peak” vibrations, which is what people feel. If not clarified, it could be argued to be non-enforceable in the future (as it has been in the past).

Also I note that Staff’s stated reason for the vibration language change in 18.30.190 is “... so that all standards specifically pertaining to quarries and mines are found in a single section of code.” But what about the other 18.30 development standards that should apply to quarries and mines (Noise, Smoke and Particulate Matter, Glare, Heat, Emissions, Air Contaminants, Electrical Issues, & Toxic or Flammable Liquids)? To follow Staff’s stated reason for the vibration language change, those other development standards also need to be covered in 18.50.160 to get them into a single section of code for quarries and mines. Those performance standards also need to be in 18.50.160 in order to cover all quarries, including those on AG zoned property (18.30 doesn’t cover AG zoned property), or alternatively 18.50.160 could refer back to the 18.30 for those performance standards.

Regards,

Randy Kriesel

24120 West 167th Street
Olathe, KS 66061
November 19, 2018

From: Aimee Nassif [mailto:AENassif@OLATHEKS.ORG]

Sent: Friday, November 09, 2018 3:41 PM

To: Cynthia Kriesel; TG Hamm; Waters, David (LG); Jacob Scherer; Pete Heaven (pheaven@spencerfane.com); Courtney Reyes; Todd Allenbrand; Mark Huggins; Brett Richter

Cc: Shelby Ferguson

Subject: UDO 18-0002 Planning Commission Agenda

On October 22, 2018, the Olathe Planning Commission held a public hearing regarding several proposed amendments to the Olathe Unified Development Ordinance (UDO 18-0002). After much discussion and hearing from several speakers from the development community, the Planning Commission voted 4-2 to recommend approval of UDO 18-0002 to the City Council, but requested that staff's recommendations regarding procedures for plans and plats (UDO 18.40.110) (UDO 18.40.150) be struck.

After the meeting, staff met with some of the members of the development community in an another attempt to reach a consensus on language for UDO 18.40 that would meet the needs of the stakeholders as well as accomplish the City's development goals.

On November 1st, Planning staff shared the results of the October 22nd Planning Commission meeting and the information that staff gathered from the stakeholders with the City Council. The City Council directed the Planning Commission to reconsider its motion on UDO 18-0002 to specifically address suggestions of staff pertaining to those sections stricken by the Planning Commission.

Staff intends to present suggestions regarding procedures for plans and plats (UDO 18.40.110) (UDO 18.40.150) to the Planning Commission for consideration at its November 26th meeting.

The only sections that Planning Commission recommended striking were in Chapter 18.40, but those sections are/were part of a larger comprehensive update to the UDO. Therefore, the entire package of UDO amendments in UDO 18-0002 will be returning to the Planning Commission on November 26th. Staff will focus on reconsideration of the updates regarding procedures for plans and plats (UDO 18.40.110) (UDO 18.40.150), and the result will be incorporated into the larger, comprehensive update known as UDO 18-0002, so that all the amendments may continue through the process together.

The packet for the November 26 meeting will be completed and distributed on Wednesday, November 21. If you have any new information that you would like included in the packet, please provide that to planning by close of business Monday, November 19.

A link to the previous packet with all the documents provided previously for that meeting will be provided to the Planning Commission.

Thank you

Aimee Nassif, Chief Planning & Dev Officer

(913) 971-8746 | OlatheKS.org

Public Works | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service



Virus-free. www.avast.com

October 25, 2018

Dear City Council Members,

Grata Development (formerly Day3) is a Residential and commercial developer with 2 active residential developments Boulder Creek (170th and Murlen) and Boulder Hills (175th & Lackman) and an active Commercial Development at 167th and Murlen. We also have 462 acres in Olathe that are currently undeveloped. We are writing to you regarding the newly proposed changes to the Unified Development Ordinance (UDO), specifically concerning the expiration of preliminary and final plats. Over the past few months, our staff has had the opportunity to meet with members of staff both individually and as members of the Kansas City Home Builders Association Roundtable. We have been working diligently to understand the changes to the UDO and how they might impact our business. We have reached the conclusion that the proposal to add expiration dates to preliminary and final plats is detrimental to our businesses and detrimental to future residential and commercial development in Olathe.

It is our desire for you to consider the below facts during your contemplation of these changes:

- A preliminary plat is an agreement between the city and the developer memorializing the developer's vision for the project and how it fits into the requirements of the city.
- Plat expirations discourage large master planned communities, by introducing significant uncertainty and risk on the later phases of development.
- Plat expirations significantly complicate financing for larger developments by introducing the risk of increased government interference in the later phases, which results in decreased profitability.
- Developers make decisions on when to start developments based exclusively on market conditions. Expirations are more likely to cause development to stop rather than start sooner.
- Plat expirations will add additional bureaucracy to an already cumbersome process and extra work for city staff.
- Expirations add uncertainty which has a significant negative impact on property value.

As a group of community minded developers, we are requesting the following considerations:

- If construction has begun on the first phase or final plat of a preliminary plan or plat, they should never expire.
- Preliminary plats should not expire.
- Any extensions granted should be at least 5 years in length.
- Properties that currently have a preliminary plan in place should be grandfathered into any changes in ordinance.

Olathe has had regulations that encourage developers to listen closely to market demand and build homes and developments that meet the needs of these consumers. Consumers have responded to this value proposition at an astounding rate. Never has this been more apparent than the past ten years, while the City of Olathe has been leading Johnson County in residential building permits. Implementation of these changes limit the developers' ability to respond to market demand.

We have made significant investments in Olathe and would like to work with you to create a wonderful place to live and work. However, the proposed changes will discourage development and significantly hinder our ability to achieve that goal.

Sincerely,



Travis Schram
President



Jon Burrell
Majority Owner



MINUTES

Planning Commission Meeting: November 26, 2018

Application:	<u>UDO18-0002</u> : Unified Development Ordinance Amendments
--------------	--

Aimee Nassif, Chief Planning and Development Officer, provided an overview of this item. She said since the last meeting on October 22nd, staff has continued to communicate with stakeholders and the development community. She noted that UDO updates were recommended to proceed forward on October 22nd, striking out updates to 18.40.110 and 18.40.150. Ultimately, City Council has asked the Planning Commission reconsider those items removed,

Ms. Nassif noted that the first section deals with preliminary plans and final plans. The original recommendation was that preliminary plans have an expiration period of two years after date of approval. Staff is recommending this be increased to five years.

The second section for reconsideration deals with commencement of construction. Ms. Nassif noted that staff's recommendation has not changed, and they are recommending approval as previously presented.

The third section for reconsideration has to do with preliminary plat expiration after two years. After further discussion with stakeholders following the October 22nd hearing, language has been updated to allow the clock for preliminary plats to renew upon approval of a final plat. This will encourage and promote phasing for large developments. Also, there was a clause written previously where the developer could ask for time extension. That language was struck out on October 22nd, but staff recommends it be put back because preliminary plats should have an ability for an extension. Preliminary plats, final plats and final development plans all have a two-year expiration point. Preliminary plans have five years, which is what is new. And then, every plan or plat has a caveat for time extension or renewal for a developer to ask for. Also, the time extension allowance was increased from six months to 12 months for final development plan.

Comm. Sutherland asked Ms. Nassif to define "commencing construction." She responded that commencing construction begins at issuance of the building permit. **Comm. Freeman** asked if the chart would be included in the UDO; Ms. Nassif said a summary may be included in our development manual being drafted.

Ms. Nassif then addressed phasing plans. Currently, preliminary plans require a phasing pattern. She noted that members of the development community had concerns voiced at the October 22nd meeting regarding if their proposed phasing plan changes. She said Section B has been updated at the request of the development community noting that any deviation from the approved phasing plan may be approved administratively and requirement for a narrative removed at the stakeholder's request. She then provided charts outlining an overview of all the amendments as part of UDO18-0002.

Chair Vakas appreciates the time that everyone has devoted to this process. He noted that this is not a public hearing and any public comment would be heard on December 4 by City Council. **Comm. Fry** also said he appreciates the work and effort that staff and City Council put into this process. **Comm. Rinke** asked how the development community has reacted to the latest proposal. **Ms. Nassif** hopes they are satisfied, many of the new recommendations have come directly from the development community, and staff has appreciated all their input and work with us. **Comm. Rinke** wished to go on the record, saying that for quarries and blasting he would like to see some type of vibration limit at lower limits than the .75. However, he is supportive of sending this forward to City Council.

There being no other comments, **Chair Vakas** called for a motion.

Motion by Comm. Fry, seconded by Comm. Sutherland, to recommend approval of UDO18-0002, as follows:

Staff recommends approval of the proposed amendments to the *Unified Development Ordinance (UDO)*, as detailed in the UDO Amendments Exhibit for the following Chapters and associated subsections herein: 18.30.190, 18.40.110, 18.40.150, 18.40.160, and 18.50.160. Below is also a list of specific amendments being presented and recommended for approval.

1. Chapter 18.30 Development Standards

a. Section 18.30.190 Performance Standards

- i. Subsection (C) add language directing the reader to Section 18.50.160.
- ii. Subsection (C) renumber section within subsection C.

2. Chapter 18.40 Procedures

a. Section 18.40.110 Site Development Plans

- i. Subsection (D.1.a) remove inconsistent language pertaining to notice requirements.
- ii. Subsection (D.1.b) add language clarifying notice requirements for preliminary site plans.
- iii. Subsection (G.1) add language expiring preliminary site development plans if a final development plan is not approved within five (5) years.
- iv. Subsection (G.2) add language requiring a phasing pattern for site development plans containing forty (40) acres.
- v. Subsection (G.3) add language clarifying the applicant must submit and obtain approval for a final site development plan within the designated time period for the plan to remain valid.
- vi. Subsection (G.4) add the word “construction” to clarify construction must commence following approval and issuance of building permit.
- vii. Subsection (G.5) clarify the review authority for site development plan time period extensions.
- viii. Subsection (G.5) clarify how a preliminary or final development plans expiration time period may be extended.
- ix. Subsection (G.5) remove inconsistent language pertaining to RP-1 plats and plans.

b. Section 18.40.150 Preliminary Plat

- i. Subsection (F.2) add language allowing the applicant to request a one (1) year extension on for preliminary plats, approved administratively.
- ii. Subsection (F.2) add language stating that time period for a preliminary plat resets with submittal and approval of each final plat for any phase of the preliminary plat.
- iii. Subsection (F.3) strengthen and clarify phasing plan requirements for preliminary plats over forty (40) acres.
- iv. Subsection (F.4) remove inconsistent language pertaining to RP-1 plats and plans.

c. Section 18.40.160 Final Plat

- i. Subsection (E.1.b) clarified final plats must conform to all requirements of the UDO.

3. Chapter 18.50 Supplemental Use Regulations

a. Section 18.50.160 Quarries and Mines

- i. Subsection (B) add language referencing Title 16 of Municipal Code requirements shall be followed.
- ii. Subsection (D.1.b) increase setback requirements for above ground operations.
- iii. Subsection (D.4) remove unnecessary verbiage
- iv. Subsection (D.5) add and clarify setback requirements removed from subsection (D.4).
- v. Subsection (F) remove vibration standards for consistency with Title 16 of the Municipal Code.

Aye: Sutherland, Freeman, Nelson, Rinke, Fry, Corcoran, Vakas (7)

No: (0)

Motion was approved 7-0.



Staff Report

Planning Commission Meeting: October 22, 2018

Application:	<u>UDO18-0002</u>: Unified Development Ordinance Amendments
Applicant:	City of Olathe, Public Works – Planning Services
Staff Contact:	Aimee Nassif, Chief Planning and Development Officer Shelby Ferguson, Planning Consultant

Overview:

Presented this evening are major areas of updates to the *Unified Development Ordinance* (UDO). Those are for 18.40 procedures for phasing and time expirations and 18.30 and 18.50 pertaining to quarry operations. The first section to be discussed in this report is procedures.

18.40 Procedures

City staff began working on several UDO updates this past summer. After discussions on several cases which had been zoned or platted many years ago and then researching what other municipalities require, staff discussed updating section 18.40 with the governing body. To ensure that older developments, once ready to proceed with platting meet current UDO standards, language for preliminary plats was drafted. This 2-year proposed time matches the time period currently allowed in the UDO for all other plans and plats.

On August 13, 2018 the Planning Division held a Planning Commission workshop and a public hearing on several UDO updates. Many of the updates were simple in nature pertaining to landscape screening and site design layout. However, within the proposed updates staff recommended amendments to Section 18.40 Procedures regarding the expiration of preliminary site development plans. At the time of the public hearing the proposed amendments were intended to bring consistency to the review of plats and plans.

On June 27, staff met with the Home Builder's Association (HBA) on a variety of items which included providing conceptual language for these UDO updates previously discussed with the City Council. Subsequently, we heard from one member of the HBA who expressed concern and asked that preliminary plans have an extended period of 7 years in lieu of 2 years.

On August 13 a workshop was held with the Planning Commission followed by a public hearing. During the public hearing, representatives of the HBA addressed the Planning Commission and expressed concern with the proposed updates to Section 18.40.110 regarding the addition of a two (2) year time expiration for preliminary development plans. Following discussion, the Planning Commission voted to hold the public hearing until a later date to allow staff to continue collaborating with the development community.

Since that time staff has spoken with the HBA and other members of the development community on numerous occasions and met formerly with these stakeholders on: June 27, August 14, August 20, and September 11 on this area of the UDO as well as other future updates as well. Individuals who have participated with us include Pete Heaven, Amy Grant, Mark Huggins and Todd Allenbrand. Throughout these conversations, the development community has continued to express concern with expirations on preliminary plans.

According to those opposed, two (2) year expiration for preliminary plans could result in uncertainties with project approvals, along with concerns for the developer's ability to receive financial guarantees from lenders. Staff has appreciated all the feedback we have received from the community (and other departments as well). From these discussions, to address other concerns we heard from them, we have updated other sections of the UDO that were not originally being addressed. We believe these additional updates will streamline and improve the review process. Some of the language below specifically came from examples shared in these meetings that staff incorporated (such as that from Pete Heaven). This includes:

1. Making time extensions administrative reviews 12 months for final plans and preliminary plans in lieu of 6 months.
2. Providing an option for greater (even unlimited) extensions for final and preliminary plans by the Governing Body.
3. Updated existing language allowing for extensions of preliminary plats which did not otherwise exist.
4. Provided language stating what is necessary in order to be considered for an extension from suggestions provided at our stakeholder meetings.
5. Added language to clarify phasing requirements for large developments (over 40 acres).

18.30 and 18.50 Quarries, Mines, and Blasting

Staff has also been collaborating with key stakeholders in the quarry and mining industry to update inconsistencies in the UDO pertaining to vibration standards for quarry and mine operations and blasting.

Staff previously presented draft language to City Council on August 21st where it was determined additional research and collaboration with key stakeholders was necessary before moving forward with the proposed amendments. During this meeting there was one speaker, Randy Kriesel, who spoke in opposition of removing the ground vibration standard from section 18.50.160.

Since that time, staff has completed research on local, state, and national regulations along with collaborating with several stakeholders. In addition to working with other city staff, and meetings, discussions have occurred with Randy Kriesel, representatives of HAMM Inc., Vibra-Tech, and Brett Richter with Buckley Powder for completion of this draft for your review. All these individuals have provided helpful feedback and information to staff as we've worked through this process.

On September 7th staff met with representatives from HAMM Inc., who are the new owners of the quarry operations located at 159th and S. Clare to discuss the updates. Following a workshop with the Planning Commission on October 8, staff met with Mr. Randy Kriesel on October 12th to discuss the proposed drafts. At this meeting Mr. Kriesel expressed concerns with the proposed setback language, the removal of the .02 ips ground vibration standards from Section 18.50.160 and recommended that individuals schedule a time to experience a blast.

Out of these discussions and our research, staff is presenting draft language which removes the inconsistency in blasting regulations, locates all quarry and mine operation standards in a single section of code, and clarifies language pertaining to setbacks when near residential properties.

The following is a summary of UDO Section updates which we are recommending as the part of this round's updates. A quick reference exhibit for all recommendations can be found attached, along with a red-line version of the updates and revisions. Please note that the quick reference exhibit has update categories by the relevant Chapter and Section of the UDO.

UDO Amendments

1. Quarries and Mines

Section 18.30. Development Standards

18.30.190 Performance Standards

- a) **Recommendation:** Add language to point the reader to Section 18.50.160 for specific performance standards for operation of quarries and mines.

Reason: Section 18.30.190 of the UDO provides performance standards for activities in industrial districts. While quarries and mines are found in industrial districts, the UDO provides its own separate chapter on regulations for quarries and mines. To improve readability and remove inconsistencies, staff recommends adding language directing the reader to Section 18.50.160 so that all standards specifically pertaining to quarries and mines are found in a single section of code.

Section 18.50. Supplemental Use Regulations

18.50.160 Performance Standards

- a) **Recommendation:** Update vibration standards and setback language pertaining to quarries and mines in Section 18.50.160.

Reason: Staff collaborated with Public Works, the Fire Department, and Legal Department and researched local communities, state regulations, the City Technical Specifications and the National Fire Protection Association (NFPA) Code, to draft these updates for your review.

As part of our research, staff has identified three (3) surrounding communities Lenexa, Shawnee and Overland Park to have a vibration standard lower than the proposed .75 ips; which is .02 ips at the residential property line however there are no active quarries in these communities. However, Johnson County, Douglas County, and Bonner Springs all do have active quarries and follow the standards of NFPA 495.

The updated reference to Title 16 of the Olathe Municipal Code for Fire Prevention will require operation of quarries and mines to follow vibration standards for blasting set forth in the National Fire Protection Association (NFPA 495) which states blasting vibration standards for structures of drywall shall use a limit of .75 ips and structures of plaster shall use a limit of .50 ips.

The vibration standards in NFPA and adopted by the City of Olathe are for structural damage and not a nuisance standard. If a nuisance (or zoning) standard is desired, language is included in the redline stating that additional or

stricter requirements may be applied to a site-specific operation within the governing Special Use Permit (SUP). This is consistent with current, active SUP regulations as well as how other municipalities address these operations.

Included in this packet you will find a comment letter provided by Randy Kriesel. No additional documentation since the Planning Commission workshop has been provided however we have provided copies of this packet to all stakeholders that we have been engaged with.

Since the Planning Commission workshop, staff has received comments from both Randy Kriesel and HAMM Inc., which we have used to update the draft. First, staff has removed the proposed setback increase (from areas that are not residential) as it is handled by the special use permit language and can be determined on a case by case basis. Secondly, staff clarified the intent of the setback requirement from residential property to improve readability.

2. Procedures (Expiration of Prelim. Plans and Time Extensions for Plans and Plats)

Section 18.40. Procedures

18.40.110 Site Development Plans

- a) **Recommendation:** Clarify when public notice is necessary for preliminary site development plans.

Reason: Currently Section 18.40.110 states under “decision” a public notice is required for preliminary site development plans if the use is permitted by right. However, this would delay the review process by several months and is also not current practice unless associated with a rezoning or special use permit.

- b) **Recommendation:** Add an expiration date on preliminary site development plans (not simply those zoned RP-1) if a final development plan is not approved within two (2) years.

Reason: Currently Section 18.40.110.G states that final development plans expire after a 2-year time period. This is to ensure compliance with current code regulations which can be difficult to maintain if long periods of time lapse between approvals and commencement of construction. However, preliminary site development plans have no such time expiration. Language is proposed to add an expiration period similar to that of all other plans and plat types.

Despite numerous conversations, the development community remains concerned with this language and have proposed a longer time. Our research has found that other communities have time limitations of two (2) years or as short as 12 months. However, there are many communities in the area that do not have such a requirement at all. A table outlining our neighboring communities time limits is provided showing our research. We have also provided a table which shows the time expiration period required for all other plans and plats by these same communities.

Table 1. Neighboring Communities Preliminary Plan Expirations

	12 mths	15 mths	18 mths	2 yrs	4 yrs	5 yrs	
Olathe				X			-
OP							n/a
Lenexa							n/a
Shawnee							n/a
Leawood							n/a
Gardner				X			-
Mission							n/a
De Soto							n/a
Fairway	X						-
Prairie Village							n/a
Edgerton							n/a
Merriam							n/a
Roeland Park							n/a
Spring Hill							n/a
KCK	X						-
KCMO				X			-

Table 2. Neighboring Communities Other Plats and Plans Expirations

	12 mths	15 mths	18 mths	2 yrs	4 yrs	5 yrs
Olathe				All		
OP	-	-	FP, FSP	-	-	-
Lenexa		-	-	All	-	-
Shawnee	PP	-	-	FP, FSP		
Leawood	-	-	-	-	-	FP, FSP
Gardner	-	-	PP	FP, FSP	-	-
Mission	-	-	FP	-	-	-
De Soto	PP	-	SP	-	-	FP (SF)
Fairway	FSP	-	-	-	-	FP (SF)
Prairie Village	-	-	-	-	-	-
Edgerton	PP, FP	-	-	-	-	PUD
Merriam	PP, SP	-	-	-	-	-
Roeland Park	-	FP	FSP	-	-	-
Spring Hill	PP, SP	-	-	-	-	-
KCK	All	-	-	-	-	-
KCMO	FSP	-	-	PP	FP	-

FP – Final Plat
PP – Preliminary Plat
FSP – Final Site Plan

SP – Site Plan (*No distinction between Prelim and Final*)
PUD – Planned Unit Development

In response to concerns, we have added language which would allow for a streamlined, administrative approval of requests for extensions. Staff is also not proposing a limit to the number of extensions that can be requested or approved. We are also proposing that applicants are able to seek Governing Body approval for time periods beyond 12 months. Staff has attached each draft iteration of the plans and plats language, to provide a comprehensive overview of how the proposed amendments have evolved through our discussions with the development community.

During our conversations with the development community we received a letter from Farmers Bank of Kansas City supporting their customers in requesting a 7-year expiration on preliminary plats, this letter is attached for your reference. We have also included letters from Gary Kerns of the HBA and anticipate others would like to participate in the public hearing discussions.

Staff was hopeful that with the other updates and streamline process that this would have addressed all of the development community concerns. Our goal was to update the code to ensure UDO standards are met, while still providing for a streamline process which would not result in delays or issues. Since we have been discussing this for several months now, we felt it was important to proceed forward with the amendments so that you may hear directly from the community and we may receive your recommendation and continue these discussions with the governing body.

- c) **Recommendation:** Remove inconsistent language pertaining to RP-1 plats and plans.

Reason: Sections 18.40.110.G.5 and 18.40.150.F.4 currently state that only RP-1 zoned plans and plats expire and reference a date of June 2014 as that was the date of original adoption of the UDO. In addition, other language found in these same sections causes confusion because it does not identify that the time restriction applies only to a certain zoning district; it actually is applicable regardless of district boundaries

18.40.150 Preliminary Plat

- a) **Recommendation:** Add language to allow a streamlined, administrative review extension for preliminary plats.

Reason: Section 18.40.150 currently states preliminary plats expire after two (2) years where a final plat has not been submitted for approval. After hearing concerns from the development community, staff has added language to allow a one (1) year extension be granted administratively.

- b) **Recommendation:** Strengthen and clarify the requirements for development phasing pertaining to preliminary plats.

Reason: The UDO requires preliminary plats containing a gross land area in excess of forty (40) acres to submit a phasing pattern at the time of approval for final platting. The added language provides clarity to the developer and staff for review as to what should be included and what the expectation is for development phasing.

18.40.160 Final Plat

- a) **Recommendation:** Add language to clarify all plats are required to meet requirements of the UDO.

Reason: Currently within the approval criteria for preliminary plats the UDO states preliminary plats are to conform to the development standards within Chapter 18.30. However final plats do not include specific language for conforming to the UDO. Language has been added to clarify final plats are also required to conform to the current standards and requirements set within the UDO.

Staff Recommendation:

Staff recommends approval of the proposed amendments to the *Unified Development Ordinance (UDO)*, as detailed in the attached UDO Amendments Exhibit for the following Chapters and associated subsections herein: 18.30.190, 18.40.110, 18.40.150, 18.40.160, and 18.50.160.

It should be noted that when this round of updates was originally presented in August it included updates to Section 18.40.110 pertaining to vested rights. We are in the midst of further research and discussion on this section, so it has been removed from this round of UDO amendments and will return at a later date.

Attached please find a copy of the redline version of the updated sections, a quick reference exhibit, as well as comment letters from individuals in the community as discussed previously in this report.

We appreciate the feedback we have received and look forward to continuing to collaborate with the community.

18.30.190 Performance Standards

In some districts, performance standards capable of quantitative measurement are established. Except to the extent modified in the specific zoning district regulations, the following general provisions apply to measure compliance with those performance standards.

A. Noise

See Noise Control Ordinance (Chapter [6.18](#) of the Municipal Code).

B. Smoke and Particulate Matter

1. The Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines, shall be used to determine the density of equivalent opacity of smoke. The Ringlemann number indicated as the performance standard in certain zoning districts refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed.
2. Within the M-1, M-2 and M-3 zoning districts, no use shall be permitted or operated so that smoke darker than Ringlemann No. 1 is produced from any vent, stack or chimney. However, emission of smoke darker than Ringlemann No. 2 is allowed for a duration of up to four (4) minutes during any eight (8) hour period if the emission is located no closer than two hundred fifty (250) feet from property zoned AG, any residential zoning district, N, or the residential areas of planned developments.
3. Particulate matter emissions, in excess of the threshold limit values caused by the wind from open storage areas, yards, roads, etc., within lot lines shall be kept to a minimum by appropriate landscaping, paving, oiling, wetting and other means, or shall be eliminated.

C. Vibration

[1. Vibration standards for any use, other than quarries and mines, are found within this section. For minimum standards for quarry and mine operations, see section 18.50.160 of this UDO.](#)

~~12.~~ Within the M-1, M-2 and M-3 zoning districts, no use may generate any ground-transmitted vibration in excess of one tenth (.10) inch per second measured at the property line, or in excess of two-one hundredths (.02) inch per second measured at any residential property line. These values may be multiplied by two (2) for impact vibrations, i.e., discrete vibration pulsations not exceeding one (1) second in duration and having a pause of at least one (1) second between

pulses. Vibrations are measured in particle velocity and are to be measured at the property line or other designated location.

32. A three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions shall be used to measure vibrations.

43. The vibration maximums indicated as the performance standard in certain zoning districts may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = particle velocity, inches-per second

F = vibration frequency, cycles-per second

D = single amplitude displacement of the vibration,
inches

54. The maximum particle velocity shall be in the maximum vector sum of three mutually perpendicular components recorded simultaneously.

65. Unless specifically indicated to the contrary in the zoning district regulations, vibration resulting from temporary construction activity that occurs between 7:00 AM and 7:00 PM is exempt from the indicated performance standard.

D. Glare

See Lighting (Section [18.30.135](#)).

1. Within the M-1, M-2 and M-3 districts, direct or sky-reflected glare, from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

E. Heat

Within the M-1, M-2 and M-3 districts, heat from furnaces, processing equipment, or other devices shall be contained so that the temperature of air or materials is raised no more than five (5) degrees Fahrenheit as measured at all property lines.

F. Emissions

Within the M-1, M-2 and M-3 districts, the maximum rate of emission of dust and other particulate matter from all sources within the boundaries of any lot or tract shall not exceed one (1) pound per hour per acre of lot area.

G. Air Contaminants (such as Odors and Fumes)

Within the M-1, M-2 and M-3 districts, the emission of air contaminants created by industrial processes shall comply with the Kansas Air Quality Act, K.S.A. § [65-3002](#) and any adopted state regulations. All air contaminants shall be contained so that no odors or fumes may be sensed at the property line of any residential zoning district.

H. Electrical Issues

Within the M-1, M-2 and M-3 districts, activity which creates any off-site electrical disturbance, or contributes to interference with electronic signals (including television and radio broadcasting transmissions) shall be prohibited.

I. Toxic or Flammable Liquids

Storage of toxic or flammable liquids such as gasoline, oil or grease, where not stored underground, shall occur in such a manner that a secondary storage system is provided with capacity as specified by the Fire Code.

18.50.160 Quarries and Mines

Purpose. This section regulates the externalities of quarries.

A. Applicability

This section applies to mines or quarries.

B. Generally

All ~~M~~mines and quarries shall follow all Federal, State, and ~~local Olathe Municipal Code guidelines~~ and requirements, including those found in Title 16 of the Olathe Municipal Code as well as requirements found in any special use permit governing a specific site. for blasting and vibration. In the event that multiple requirements exist, including those for blasting and vibration, the stricter standard shall be controlling over the land use activity on the site.

C. Roads

1. Proposed quarry operations shall provide or have direct access to a public road.
2. Public and private roads shall be hard-surfaced and built to carry the heavy loads that are generated from quarry operations.

D. Setbacks for Above-Ground Operations

1. All above-ground operations shall be located at least:
 - a. One hundred (100) feet from any property line except as provided below.
 - b. One thousand (1,000) feet from an existing residence or the nearest property line of a residentially zoned property, whichever achieves the greatest overall setback.
2. The Planning Commission or Governing Body may reduce the property line setback where it abuts a highway or railroad right-of-way by up to fifty (50) percent.

3. The Planning Commission or Governing Body may reduce the residential setback by up to ninety (90) percent if the applicant shows that compliance with the City ordinances related to noise, dust, visibility and operations will adequately protect the residents from the above-ground operations, or upon approval of the residence owner.

4. The above setbacks may be increased upon the City's determination that wider setbacks are warranted ~~in order~~ to mitigate adverse impacts. ~~All above-ground operations located next to existing mine or quarry operations require no setback, and may be immediately adjacent.~~

5. A setback for above-ground operation is not required when the operation is located contiguous to another existing mine or quarry operation.

E. Setbacks for Below-Ground Operations

All below-ground operations shall be located at least two hundred (200) feet from the nearest property line, measured laterally.

~~F. Vibration~~

~~1. Ground-transmitted vibration shall not exceed two-tenths (0.20) inches per second at the property line or two-hundredths (0.02) inches per second measured at any residential property line.~~

~~2. These values may be multiplied by two (2) for impact vibrations; i.e., discrete vibration pulsations not exceeding one (1) second in duration and having a pause of at least one (1) second between pulses. (Ord. 16-51 § 3, 2016)~~

18.40.110 Site Development Plans

Purpose: A site development plan is a process that allows City staff and the Planning Commission to review significant developments and uses to ensure that they comply with the zoning and development standards in this title, have appropriate design and infrastructure, and comply with any conditions of rezoning, preliminary subdivision plat, or special use permit approval.

A. Applicability

1. A preliminary site development plan is required for:

a. Any application to rezone property:

(1) to a district that allows nonresidential uses or multifamily or two-family dwellings, or

(2) to an "A," "R-1" or "R-2" district where the applicant is proposing a nonresidential development

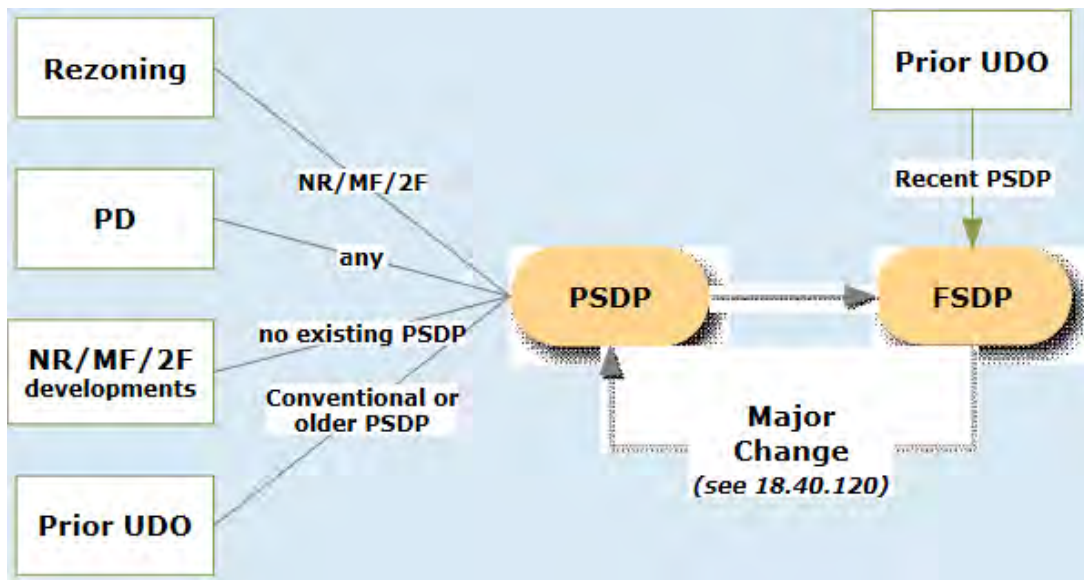
b. All nonresidential uses, or developments with multifamily or two-family dwellings unless a preliminary site development plan for the proposed development was already approved as part of the existing zoning district, and

c. Any application for approval of a planned development district.

2. If a property is subject to an approved and unexpired preliminary site development plan, a **final site development plan** is required before a building permit application is filed.

B. Initiation

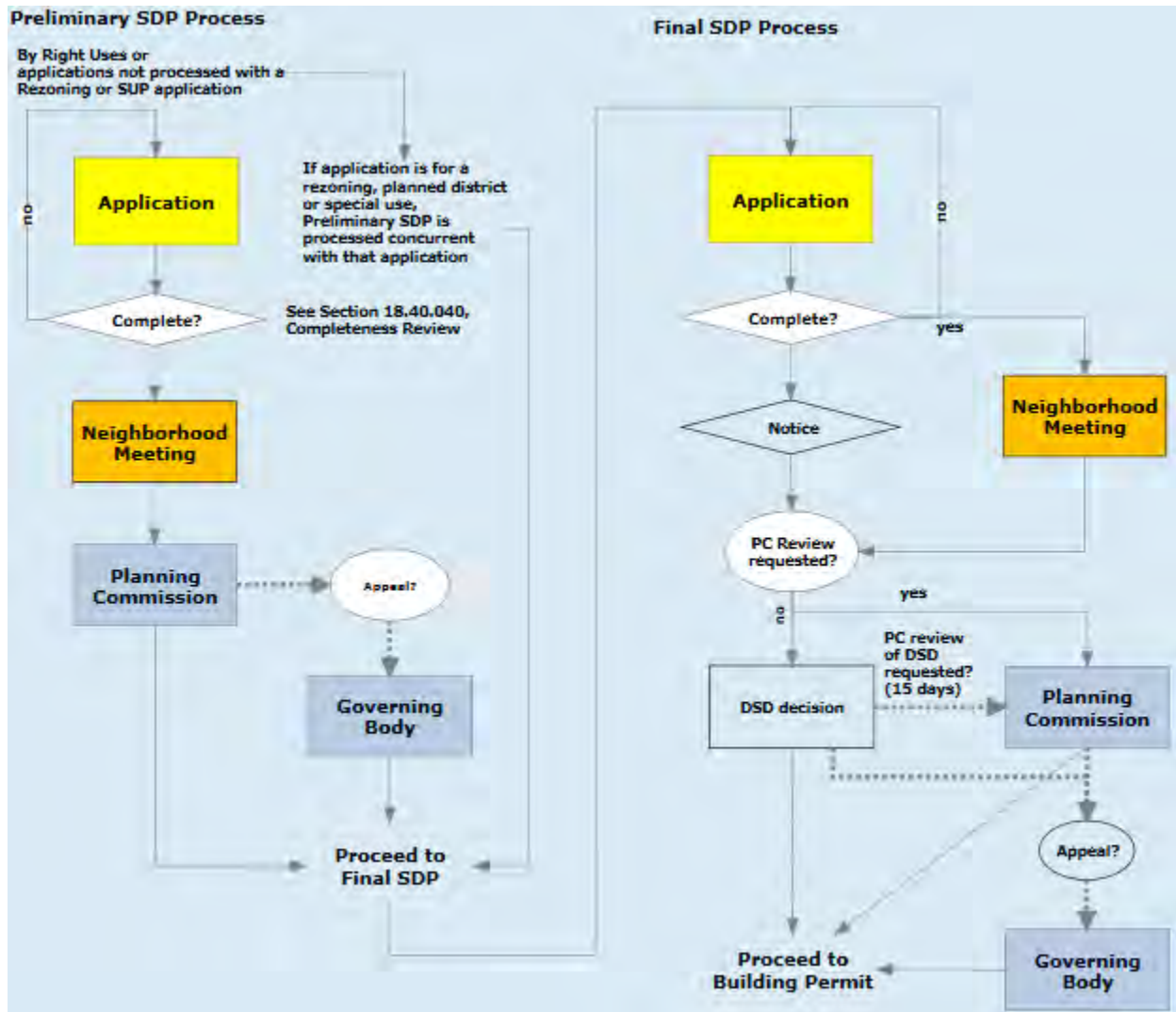
1. Preliminary and final site development plans shall be filed with the Planning Official, and shall include the information required by Chapter [18.94](#).



Editor's Note: This diagram referenced "Substantial Change" in Section [18.40.120](#). This terminology has been changed to "Major Change" to match the text of that section.

2. A neighborhood meeting is required for a preliminary and final site development plan (see Section [18.40.030](#)).

C. Review Process



D. Decision

1. Preliminary Site Development Plan Decision

a. If the application involves a use that is **permitted by right** in the applicable zoning district, the Planning Commission will approve, conditionally approve, or deny a preliminary site development plan. ~~Notice to surrounding property owners is required (see Section 18.40.050.B).~~ The Planning Commission will render a decision within 30 days, unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.

b. If the application involves a **planned district**, a **rezoning**, or a **special use**, the preliminary site development plan is processed and approved as part of that application. [Notice to surrounding property owners is required \(see Section 18.40.050.B\)](#). The preliminary site development plan may be revised and resubmitted during the review period for the planned district/conditional rezoning or special use permit application review period and approved as part of the conditions of approval. In that case, the Approving Authority is the agency that approves that rezoning or special use.

2. Final Site Development Plan Decision

a. Authority

A final site development plan is approved by the Planning Official, unless the applicant requests Planning Commission review.

b. Planning Official Decisions

If the Planning Official renders a decision on the application:

- (1)** The Planning Official shall render its determination within thirty (30) days after the applicant submits a complete application (see Section [18.40.040](#)), unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.
- (2)** If the Planning Official fails to render a timely decision, the applicant or a surrounding property owner may request Planning Commission review (see subsection [D.2.c](#) below).
- (3)** If the applicant or surrounding property owner does not request Planning Commission review, the Planning Official's determination is final.
- (4)** If an administrative review application is without communication from the applicant for more than six (6) months, the applicant will be required to submit a new application and fees for the final site development plan review to continue.

c. Planning Commission Review

- (1) The Planning Commission reviews the final site plan if the applicant asks the Planning Commission to review the final site plan within fifteen (15) days of the date of the Planning Official's decision.
- (2) The Planning Commission will consider the application without a public hearing.
- (3) The Planning Commission may approve, approve with conditions, or deny the preliminary or final site development plan.
- (4) The Planning Commission shall render its decision within 30 days after the applicant requests a review. The Planning Commission may extend the time for making a decision if requested by the applicant.

E. Approval Criteria

1. The following criteria apply to the approval, conditional approval or denial of a preliminary site development plan:
 - a. The plan complies with all applicable requirements of Chapters [18.15](#), [18.20](#), and [18.30](#), and
 - b. The plan represents an overall development pattern that is consistent with the Comprehensive Plan, the Major Street Map and other adopted planning policies.
2. A final site development plan is approved if it is consistent with the preliminary site development plan as approved, including all conditions of approval, and complies with all applicable requirements of this title. A final site development plan shall not modify or expand the approved preliminary site development plan, except as provided in Section [18.40.120](#).

F. Subsequent Applications

1. When an application for preliminary or final site plan is withdrawn by the applicant or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
2. An application for a major modification to the withdrawn or denied application may be submitted at any time.

G. Scope of Approval

1. Approved preliminary site development plans or final site development plans are valid for two (2) years after ~~final~~ date of approval.

2. When a preliminary site development plan containing multiple lots is submitted for approval; the applicant will indicate the anticipated development or phasing pattern for final development. The phasing pattern for development shall include:

- a) Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers), and identify approximate area, number of lots in each phase, total area and buildable area per phase. All phasing maps shall be drawn at the same scale. The final phasing plan map should be drawn at the same scale as the preliminary site plan map.
- b) A narrative description or table that describes each phase and its associated improvements. In addition, the narrative or table shall demonstrate that each phase would comprise a "stand-alone" development which, should no subsequent phases be constructed, would meet or exceed the standards of this ordinance.

3. If the applicant fails to submit and obtain approvals for a final site development plan within the time period required in subsection G.1, above, the preliminary site development plan becomes null and void unless the time period is extended.

~~24.~~ If the ~~landowner~~ applicant fails to commence construction by means of an issued building permit ~~the planned development~~ within the time period required in subsection G.1, above, the final site development plan becomes null and void unless the time period is extended.

~~35.~~ The ~~Approving Authority~~ Chief Planning and Development Officer may extend the time period of a preliminary or final development plan upon written ~~application request~~ by the ~~landowner~~ applicant. Unless otherwise required in a condition of approval, the ~~Approving Authority~~ Chief Planning and Development Officer may extend the time period administratively without a public hearing. The ~~Approving Authority~~ Chief Planning and Development Officer shall extend the time period of either site development plan for up to ~~six (6)~~ twelve (12) months. ~~After this time period or at the time the original extension is requested,~~ Upon written request by the applicant, the ~~Approving Authority~~ Governing Body may extend the preliminary or final site development plan for any length of time for cause.

~~46.~~ The applicant may revise an approved final site development plan as provided in Section [18.40.120](#).

~~5. Any preliminary plat or preliminary development plan for a single-family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014), where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.~~

H. Appeals

The applicant or aggrieved party may appeal the disapproval of a preliminary or final site development plan by the Planning Commission to the Governing Body. The applicant shall file a notice of appeal with the Planning Official within ten (10) days following the decision.

I. Recordkeeping

The Planning Division and the applicant shall maintain copies of the preliminary and final site development plan approvals, and all supporting documentation.

J. Abandonment of Final Site Development Plan

1. If the applicant abandons any part of a site development plan, then the applicant shall notify the City in writing.
2. If any part of a final site development plan is abandoned, no development shall take place on the property until a new final site development plan is approved. (*Ord. 17-52 §§ 22, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 15-16 § 3, 2015*)

18.40.150 Preliminary Plat

Purpose: The preliminary plat process examines the major features and elements of a proposed plat. This process determines whether the plat conforms to this title and the Comprehensive Plan, and any conditions of approval.

A. Applicability

1. The Planning Commission must approve a preliminary plat before a final plat application is filed.
2. A preliminary plat is not considered a "plat" for purposes of KSA [12-752](#). Instead, the preliminary plat is a preapplication process that is designed to ensure that that plat conforms to all applicable requirements of this title. The applicant may request that the City waive the preliminary plat process and proceed directly to the final plat process.

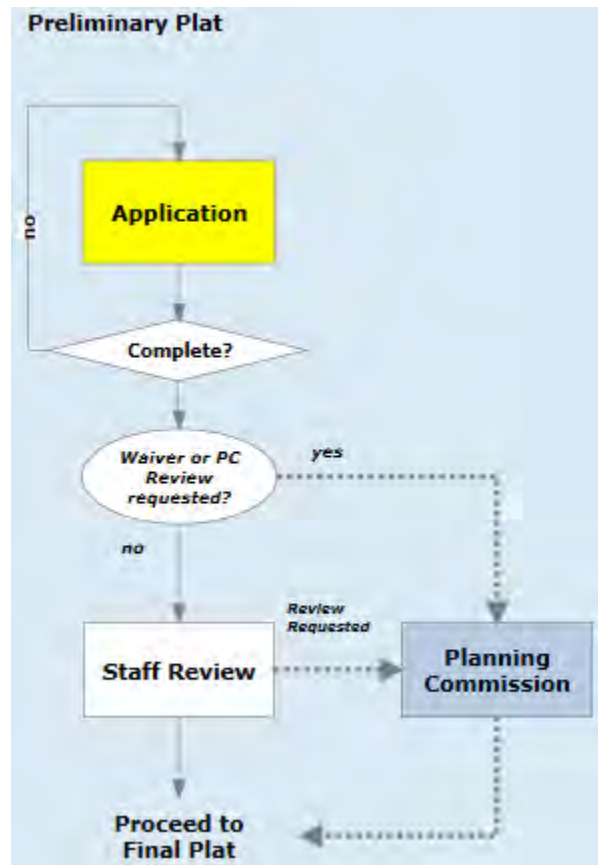
B. Initiation

1. An application for preliminary plat approval is filed with the Planning Official. Preapplication is required.
2. An applicant may substitute a preliminary development plan for a preliminary plat if the preliminary development plan contains all information required for preliminary plats as set forth in Chapter [18.94](#).
3. A neighborhood meeting is required (see Section [18.40.030](#))

⇒ Cross-Reference: [18.40.020](#) (Preapplication)

C. Completeness Review

See Section [18.40.040](#), Completeness Review.



D. Approval Criteria

The Approving Authority shall approve the preliminary plat if it finds that the following criteria are satisfied:

1. The proposed preliminary plat conforms to the requirements of Chapter [18.30](#), the applicable zoning district regulations and any other applicable provisions of the Municipal Code, subject only to acceptable rule exceptions.
2. The subdivision represents an overall development pattern that is consistent with the Comprehensive Plan, Major Street Map, Access Management Plan, and applicable corridor studies and plans.
3. The plat contains a sound, well-conceived parcel and land subdivision layout which is consistent with good land planning and site engineering design principles.
4. The spacing and design of proposed curb cuts, driveway approaches and intersection locations is consistent with the Access Management Plan, good traffic engineering design and public safety considerations.
5. The plat conforms to any existing, unexpired and valid conditions of rezoning, special use permit or site development plan approval.
6. All submission requirements are satisfied.

E. Subsequent Applications

1. When a preliminary plat application is withdrawn or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
2. A new plat application showing major modifications and/or revisions to the withdrawn or denied plat application may be submitted at any time.

F. Scope of Approval

1. Approval of a preliminary plat does not constitute acceptance of the subdivision, but authorizes preparation of the final plat. No improvements shall take place in the subdivision prior to approval and recording of the final plat and submittal and approval of street, sanitary sewer, water line and storm sewer construction plans by the City Engineer.

2. Preliminary plat approval is effective for a period of two (2) years. Where a final plat for the subdivision is not submitted for approval within the two (2) year time period, the preliminary plat becomes null and void and the developer shall resubmit a new preliminary plat for approval subject to the then effective regulations. The Chief Planning and Development Officer may, upon written request by the applicant, administratively grant a one (1) year time extension.
Consideration for a time extension shall be based upon, but not limited to:

- a) the developer's ability to adhere to any changes in the Olathe Municipal Code or other applicable regulations, that would impact the proposed development; or
- b) if the developer demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

3. When a preliminary plat containing a gross land area in excess of forty (40) acres is submitted for approval, the applicant will ~~may~~ indicate the **anticipated development or phasing pattern** for final platting. The applicant may receive an extension of the one (1) year time limit for submission of the final plat if each phase is constructed in accordance with the original phasing plan and subsequent final plats comply with all applicable regulations at the time of final platting. The phasing pattern for development shall include the following:

- a) Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers), and identify approximate area, number of lots in each phase, total area and buildable area per phase. All phasing maps shall be drawn at the same scale. The final phasing plan map should be drawn at the same scale as the preliminary plat map.
- b) A narrative description or table that describes each phase and its associated improvements. In addition, the narrative or table shall demonstrate that each phase would comprise a "stand-alone" development which, should no subsequent phases be constructed, would meet or exceed the standards of this ordinance.

~~4. Any preliminary plat or preliminary development plan for a single family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014), where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.~~

G. Recordkeeping

A preliminary plat application is not recorded. The Planning Official will maintain a record of approved preliminary plats. The applicant must maintain a copy of the approved preliminary plat, including any attachments. (*Ord. 17-52 §§ 25, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 02-54 § 2, 2002*)

18.40.160 Final Plat

Purpose: This section establishes the process to approve formal plats for recording with the Johnson County register of deeds.

A. Applicability

1. This section applies to any formal plat application. Final plat applications are filed after the preliminary plat is approved.
2. The applicant may file a final plat without first seeking preliminary plat approval. However, in that case the applicant must strictly observe all requirements of this title and may not request a modification of any standards established in Chapter [18.30](#). In addition, the Planning Commission will deny the plat if it does not conform to all applicable requirements within the statutory period for approving a plat.



B. Initiation

An application for final plat approval is filed with the Planning Official.

C. Completeness Review

See § [18.40.040](#) Completeness Review.

D. Decision

1. The Planning Commission will consider the final plat without a public hearing, unless the applicant requests a public hearing.
2. The Planning Commission may approve, approve with conditions, or deny the final plat.

3. The Planning Commission shall render its decision within 60 days after its first meeting after the plat is submitted to the Planning Official. If the Planning Commission fails to timely render its decision, the plat is deemed approved.
4. If the final plat is approved or the Planning Commission fails to render a timely decision, the Planning Official shall issue a certificate upon demand.
5. If the Planning Commission finds that the plat does not conform to subsection E below, it shall notify the owner or owners of that fact. The notice shall be in writing and shall specify in detail the reasons the plat does not conform to subsection E.
6. If the plat conforms to subsection E, the Planning Commission chair shall endorse on the plat the fact that the plat has been submitted to and approved by the Planning Commission. The secretary of the Planning Commission shall attest the chair's signature.
7. After the final plat is approved, the applicant shall submit it to the Governing Body for review if land is proposed to be dedicated for public purposes. The Governing Body shall approve or disapprove the dedication of land for public purposes within thirty (30) days after the first meeting of the Governing Body following the date of the submission of the plat to the City Clerk. The Governing Body may defer action for an additional thirty (30) days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional filing fees shall be assessed during that period. The Governing Body shall advise the Planning Commission of its reasons for any deferral or disapproval of any dedication. Acceptance of lands and easements dedicated for public purposes that are approved by the Governing Body shall be endorsed on the plat by the Mayor. The City Clerk shall attest the Mayor's signature. (*Ord. 02-54 § 2, 2002*)
8. No plat shall be filed with the Register of Deeds office unless it bears the endorsement that the land dedicated to public purposes is approved by the Governing Body.
9. All conditions to approval of a subdivision by the Planning Commission or the acceptance of dedications of land by the Governing Body, and all waivers granted by the Planning Commission, shall be clearly stated on the final plat prior to its recording. (*Ord. 02-54 § 2, 2002*)

E. Approval Criteria

1. The Planning Commission shall approve a final plat if it determines that:
 - a. The final plat substantially conforms to the approved preliminary plat and any applicable conditions of approval.

b. The plat conforms to all applicable requirements of the Municipal Code [and Unified Development Ordinance](#), subject only to approved waivers.

2. If the applicant chooses not to submit a preliminary plat, the final plat is subject to the criteria for approving a preliminary plat and to subsection 1, above.

F. Subsequent Applications

1. A new plat application showing major modifications and/or revisions to the withdrawn or denied plat application may be submitted at any time.

G. Scope of Approval

1. After the Governing Body endorses its acceptance of lands and easements dedicated for public purposes, the final plat shall be recorded with the Register of Deeds of Johnson County as provided by law. No plat shall be recorded with the Register of Deeds prior to its endorsement by the Mayor.

2. After the applicant provides public improvements assurances and records the final plat, the applicant may construct the improvements shown on the plat and proceed to the building permit approval process.

H. Recordkeeping

1. Final plats shall be recorded with the Register of Deeds office within two (2) years following Governing Body approval of land dedicated to public purposes. Final plats which are not timely recorded are null and void.

2. No plat shall be recorded before the applicant submits satisfactory assurances for construction of public improvements.

I. Final Plat Extensions

1. Requests for final plat extension shall be made in writing to the Planning Official prior to the two (2) year expiration date provided above. Final plat extensions may only be granted by one of the following:

a. The Planning Official may administratively grant a one (1) year extension if no changes are made to any City ordinance, regulation or approved plans that would require a change in the final plat. The applicant may appeal the Planning Official's denial of an extension to the Planning Commission.

- b.** The Planning Commission, upon appeal from the Planning Official's decision to deny a final plat extension, may grant the one (1) year extension upon finding that the extension will not impact the City's ability to administer current ordinances or regulations.
- 2.** Final plat extensions are subject to all current excise taxes and/or development fees at the time of the extension approval. (*Ord. 15-16 §3, 2015*)



2018 UDO Updates – Quick Reference Exhibit Planning Commission Meeting October 22, 2018

1. Chapter 18.30 Development Standards

a. Section 18.30.190 Performance Standards

- i. Subsection (C) add language directing the reader to Section 18.50.160.
- ii. Subsection (C) renumber section within subsection C.

2. Chapter 18.40 Procedures

a. Section 18.40.110 Site Development Plans.

- i. Subsection (D.1.a) remove inconsistent language pertaining to notice requirements.
- ii. Subsection (D.1.b) add language clarifying notice requirements for preliminary site plans.
- iii. Subsection (G.1) add an expiration date on preliminary site development plans, if a final development plan is not approved within two (2) years.
- iv. Subsection (G.2) include language to require a phasing pattern for site development plans include multiple lots.
- v. Subsection (G.3) include language clarifying the applicant must submit and obtain approval for a final site development plan within the designated time period for the plan to remain valid.
- vi. Subsection (G.4) add the word “construction” to clarify construction must commence following approval and issuance of building permit.
- vii. Subsection (G.5) clarify review authority for site development plan time period extensions.
- viii. Subsection (G.5) update to clarify preliminary or final development plans expiration time period may be extended.
- ix. Subsection (G.5) remove inconsistent language pertaining to RP-1 plats and plans.

b. Section 18.40.150 Preliminary Plat.

- i. Subsection (F.2) add language to allow the applicant to request a one (1) year extension on for preliminary plats, approved administratively.
- ii. Subsection (F.3) strengthen and clarify phasing plan requirements for preliminary plats over forty acres.
- iii. Subsection (F.4) remove inconsistent language pertaining to RP-1 plats and plans.

c. Section 18.40.160 Final Plat.

- i. Subsection (E.1.b) clarified final plats must conform to all requirements of the UDO.

3. Chapter 18.50 Supplemental Use Regulations

a. Section 18.50.160

- i. Subsection (B) add in language referencing Title 16 of Municipal Code requirements shall be followed.
- ii. Subsection (D.1.b) increase setback requirements for above ground operations.
- iii. Subsection (D.4) remove unnecessary verbiage
- iv. Subsection (D.5) add and clarify setback requirements removed from subsection D.4.
- v. Subsection (F) remove vibration standards for consistency with Title 16 of the Municipal Code.

18.40.110 Site Development Plans

Purpose: A site development plan is a process that allows City staff and the Planning Commission to review significant developments and uses to ensure that they comply with the zoning and development standards in this title, have appropriate design and infrastructure, and comply with any conditions of rezoning, preliminary subdivision plat, or special use permit approval.

A. Applicability

1. A preliminary site development plan is required for:

a. Any application to rezone property:

(1) to a district that allows nonresidential uses or multifamily or two-family dwellings,
or

(2) to an "A," "R-1" or "R-2" district where the applicant is proposing a nonresidential development

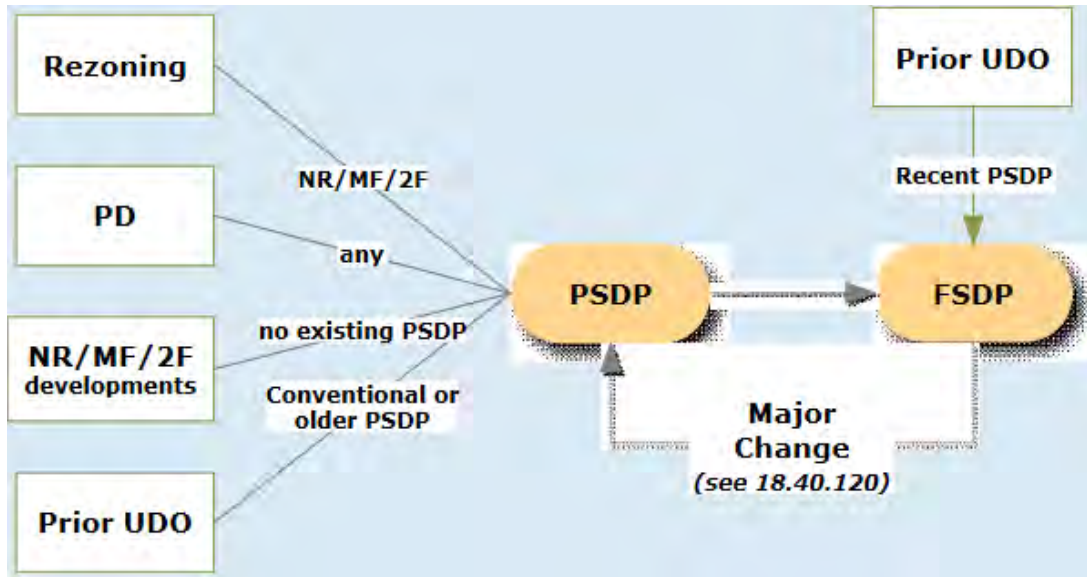
b. All nonresidential uses, or developments with multifamily or two-family dwellings unless a preliminary site development plan for the proposed development was already approved as part of the existing zoning district, and

c. Any application for approval of a planned development district.

2. If a property is subject to an approved and unexpired preliminary site development plan, a **final site development plan** is required before a building permit application is filed.

B. Initiation

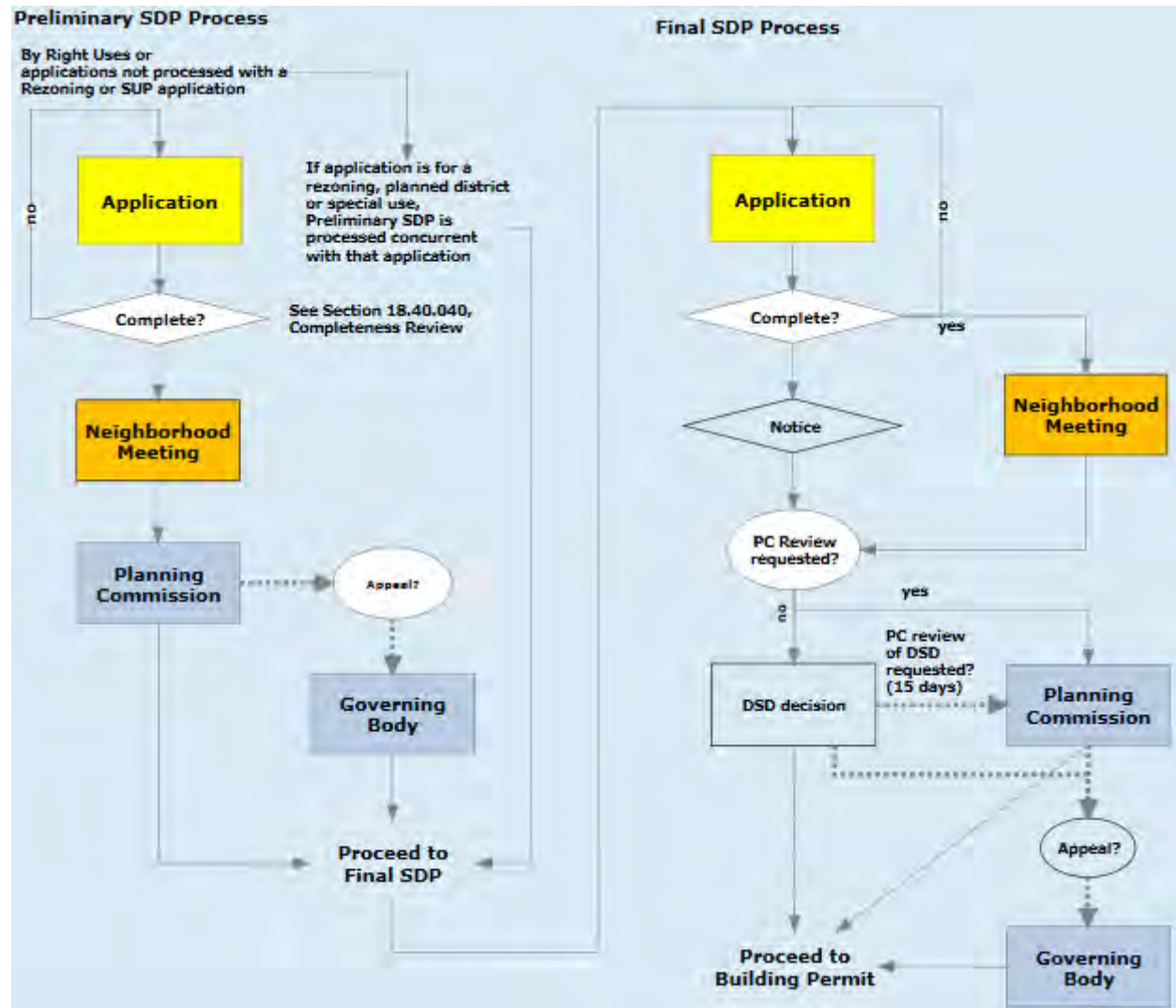
1. Preliminary and final site development plans shall be filed with the Planning Official, and shall include the information required by Chapter [18.94](#).



Editor's Note: This diagram referenced "Substantial Change" in Section [18.40.120](#). This terminology has been changed to "Major Change" to match the text of that section.

2. A neighborhood meeting is required for a preliminary and final site development plan (see Section [18.40.030](#)).

C. Review Process



D. Decision

1. Preliminary Site Development Plan Decision

- a. If the application involves a use that is **permitted by right** in the applicable zoning district, the Planning Commission will approve, conditionally approve, or deny a preliminary site development plan. Notice to surrounding property owners is required (see Section [18.40.050.B](#)). The Planning Commission will render a decision within 30 days, unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.

b. If the application involves a **planned district**, a **rezoning**, or a **special use**, the preliminary site development plan is processed and approved as part of that application. The preliminary site development plan may be revised and resubmitted during the review period for the planned district/conditional rezoning or special use permit application review period and approved as part of the conditions of approval. In that case, the Approving Authority is the agency that approves that rezoning or special use.

2. Final Site Development Plan Decision

a. Authority

A final site development plan is approved by the Planning Official, unless the applicant requests Planning Commission review.

b. Planning Official Decisions

If the Planning Official renders a decision on the application:

- (1)** The Planning Official shall render its determination within thirty (30) days after the applicant submits a complete application (see Section [18.40.040](#)), unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.
- (2)** If the Planning Official fails to render a timely decision, the applicant or a surrounding property owner may request Planning Commission review (see subsection [D.2.c](#) below).
- (3)** If the applicant or surrounding property owner does not request Planning Commission review, the Planning Official's determination is final.
- (4)** If an administrative review application is without communication from the applicant for more than six (6) months, the applicant will be required to submit a new application and fees for the final site development plan review to continue.

c. Planning Commission Review

- (1)** The Planning Commission reviews the final site plan if the applicant asks the Planning Commission to review the final site plan within fifteen (15) days of the date of the Planning Official's decision.

- (2) The Planning Commission will consider the application without a public hearing.
- (3) The Planning Commission may approve, approve with conditions, or deny the preliminary or final site development plan.
- (4) The Planning Commission shall render its decision within 30 days after the applicant requests a review. The Planning Commission may extend the time for making a decision if requested by the applicant.

E. Approval Criteria

- 1. The following criteria apply to the approval, conditional approval or denial of a preliminary site development plan:
 - a. The plan complies with all applicable requirements of Chapters [18.15](#), [18.20](#), and [18.30](#), and
 - b. The plan represents an overall development pattern that is consistent with the Comprehensive Plan, the Major Street Map and other adopted planning policies.
- 2. A final site development plan is approved if it is consistent with the preliminary site development plan as approved, including all conditions of approval, and complies with all applicable requirements of this title. A final site development plan shall not modify or expand the approved preliminary site development plan, except as provided in Section [18.40.120](#).

F. Subsequent Applications

- 1. When an application for preliminary or final site plan is withdrawn by the applicant or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
- 2. An application for a major modification to the withdrawn or denied application may be submitted at any time.

G. Scope of Approval

- 1. Approved [preliminary site development plans or](#) final site development plans are valid for two (2) years after ~~final~~[date of](#) approval.
- 2. If the landowner fails to commence ~~construction the planned development~~ within the time period required in subsection [G.1](#), above, the [final](#) site development plan becomes null and void unless the time period is extended.

3. If the landowner fails to submit and obtain approvals for a final site development plan within the time period required in subsection G.1, above, the preliminary site development plan becomes null and void unless the time period is extended.

~~3~~4. The Approving Authority may extend the time period of a preliminary or final development plan upon written application by the landowner. Unless otherwise required in a condition of approval, the Approving Authority may extend the time period without a public hearing. The Approving Authority shall extend the site development plan for up to six (6) months. After this time period or at the time the original extension is requested, the Approving Authority may extend the site development plan for any length of time for cause.

~~4~~5. The applicant may revise an approved final site development plan as provided in Section 18.40.120.

~~5. Any preliminary plat or preliminary development plan for a single-family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014), where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.~~

H. Appeals

The applicant or aggrieved party may appeal the disapproval of a preliminary or final site development plan by the Planning Commission to the Governing Body. The applicant shall file a notice of appeal with the Planning Official within ten (10) days following the decision.

I. Recordkeeping

The Planning Division and the applicant shall maintain copies of the preliminary and final site development plan approvals, and all supporting documentation.

J. Abandonment of Final Site Development Plan

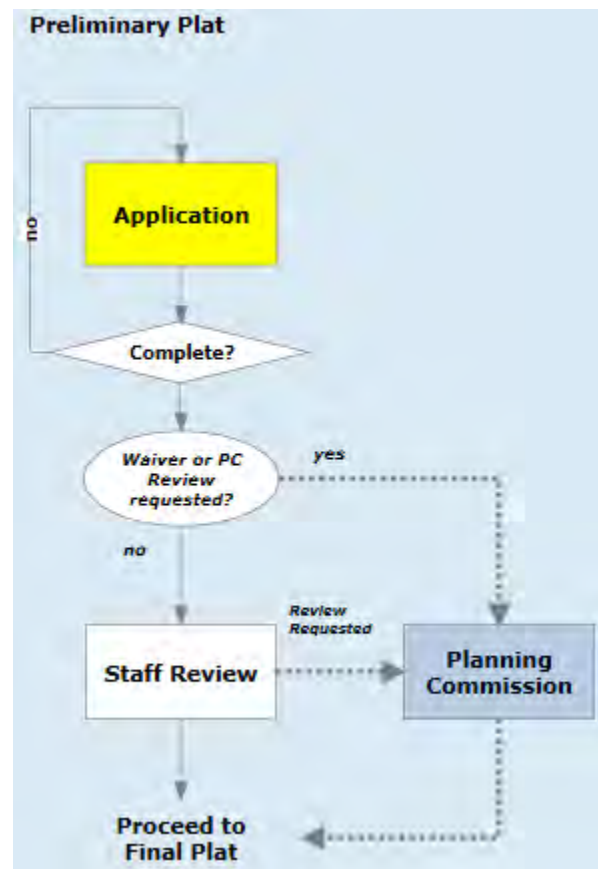
1. If the applicant abandons any part of a site development plan, then the applicant shall notify the City in writing.
2. If any part of a final site development plan is abandoned, no development shall take place on the property until a new final site development plan is approved. (*Ord. 17-52 §§ 22, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 15-16 § 3, 2015*)

18.40.150 Preliminary Plat

Purpose: The preliminary plat process examines the major features and elements of a proposed plat. This process determines whether the plat conforms to this title and the Comprehensive Plan, and any conditions of approval.

A. Applicability

1. The Planning Commission must approve a preliminary plat before a final plat application is filed.
2. A preliminary plat is not considered a "plat" for purposes of KSA [12-752](#). Instead, the preliminary plat is a preapplication process that is designed to ensure that that plat conforms to all applicable requirements of this title. The applicant may request that the City waive the preliminary plat process and proceed directly to the final plat process.



B. Initiation

1. An application for preliminary plat approval is filed with the Planning Official. Preapplication is required.
2. An applicant may substitute a preliminary development plan for a preliminary plat if the preliminary development plan contains all information required for preliminary plats as set forth in Chapter [18.94](#).
3. A neighborhood meeting is required (see Section [18.40.030](#))

↔ Cross-Reference: [18.40.020](#) (Preapplication)

C. Completeness Review

See Section [18.40.040](#), Completeness Review.

D. Approval Criteria

The Approving Authority shall approve the preliminary plat if it finds that the following criteria are satisfied:

1. The proposed preliminary plat conforms to the requirements of Chapter [18.30](#), the applicable zoning district regulations and any other applicable provisions of the Municipal Code, subject only to acceptable rule exceptions.
2. The subdivision represents an overall development pattern that is consistent with the Comprehensive Plan, Major Street Map, Access Management Plan, and applicable corridor studies and plans.
3. The plat contains a sound, well-conceived parcel and land subdivision layout which is consistent with good land planning and site engineering design principles.
4. The spacing and design of proposed curb cuts, driveway approaches and intersection locations is consistent with the Access Management Plan, good traffic engineering design and public safety considerations.
5. The plat conforms to any existing, unexpired and valid conditions of rezoning, special use permit or site development plan approval.
6. All submission requirements are satisfied.

E. Subsequent Applications

1. When a preliminary plat application is withdrawn or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
2. A new plat application showing major modifications and/or revisions to the withdrawn or denied plat application may be submitted at any time.

F. Scope of Approval

1. Approval of a preliminary plat does not constitute acceptance of the subdivision, but authorizes preparation of the final plat. No improvements shall take place in the subdivision prior to approval and recording of the final plat and submittal and approval of street, sanitary sewer, water line and storm sewer construction plans by the City Engineer.

2. Preliminary plat approval is effective for a period of two (2) years. Where a final plat for the subdivision is not submitted for approval within the two (2) year time period, the preliminary plat becomes null and void and the developer shall resubmit a new preliminary plat for approval subject to the then effective regulations.

3. When a preliminary plat containing a gross land area in excess of forty (40) acres is submitted for approval, the applicant may indicate the **anticipated development or phasing pattern** for final platting. The applicant may receive an extension of the one (1) year time limit for submission of the final plat if each phase is constructed in accordance with the original phasing plan and subsequent final plats comply with all applicable regulations at the time of final platting.

~~4. Any preliminary plat or preliminary development plan for a single-family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014), where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.~~

G. Recordkeeping

A preliminary plat application is not recorded. The Planning Official will maintain a record of approved preliminary plats. The applicant must maintain a copy of the approved preliminary plat, including any attachments. (*Ord. 17-52 §§ 25, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 02-54 § 2, 2002*)

(This page intentionally left blank)

18.40.110 Site Development Plans

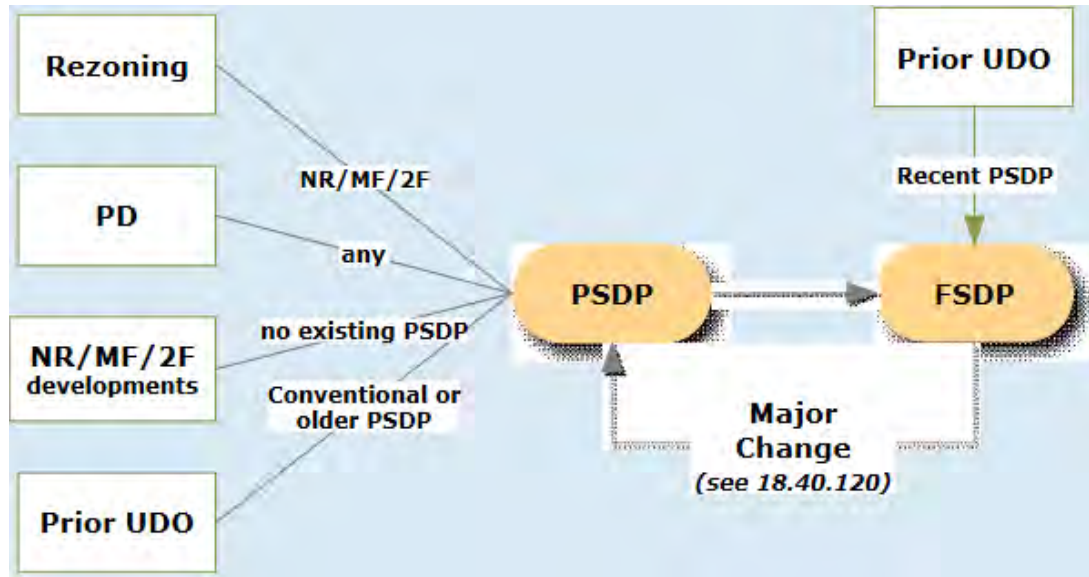
Purpose: A site development plan is a process that allows City staff and the Planning Commission to review significant developments and uses to ensure that they comply with the zoning and development standards in this title, have appropriate design and infrastructure, and comply with any conditions of rezoning, preliminary subdivision plat, or special use permit approval.

A. Applicability

1. A **preliminary site development plan** is required for:
 - a. Any application to rezone property:
 - (1) to a district that allows nonresidential uses or multifamily or two-family dwellings, or
 - (2) to an "A," "R-1" or "R-2" district where the applicant is proposing a nonresidential development
 - b. All nonresidential uses, or developments with multifamily or two-family dwellings unless a preliminary site development plan for the proposed development was already approved as part of the existing zoning district, and
 - c. Any application for approval of a planned development district.
2. If a property is subject to an approved and unexpired preliminary site development plan, a **final site development plan** is required before a building permit application is filed.

B. Initiation

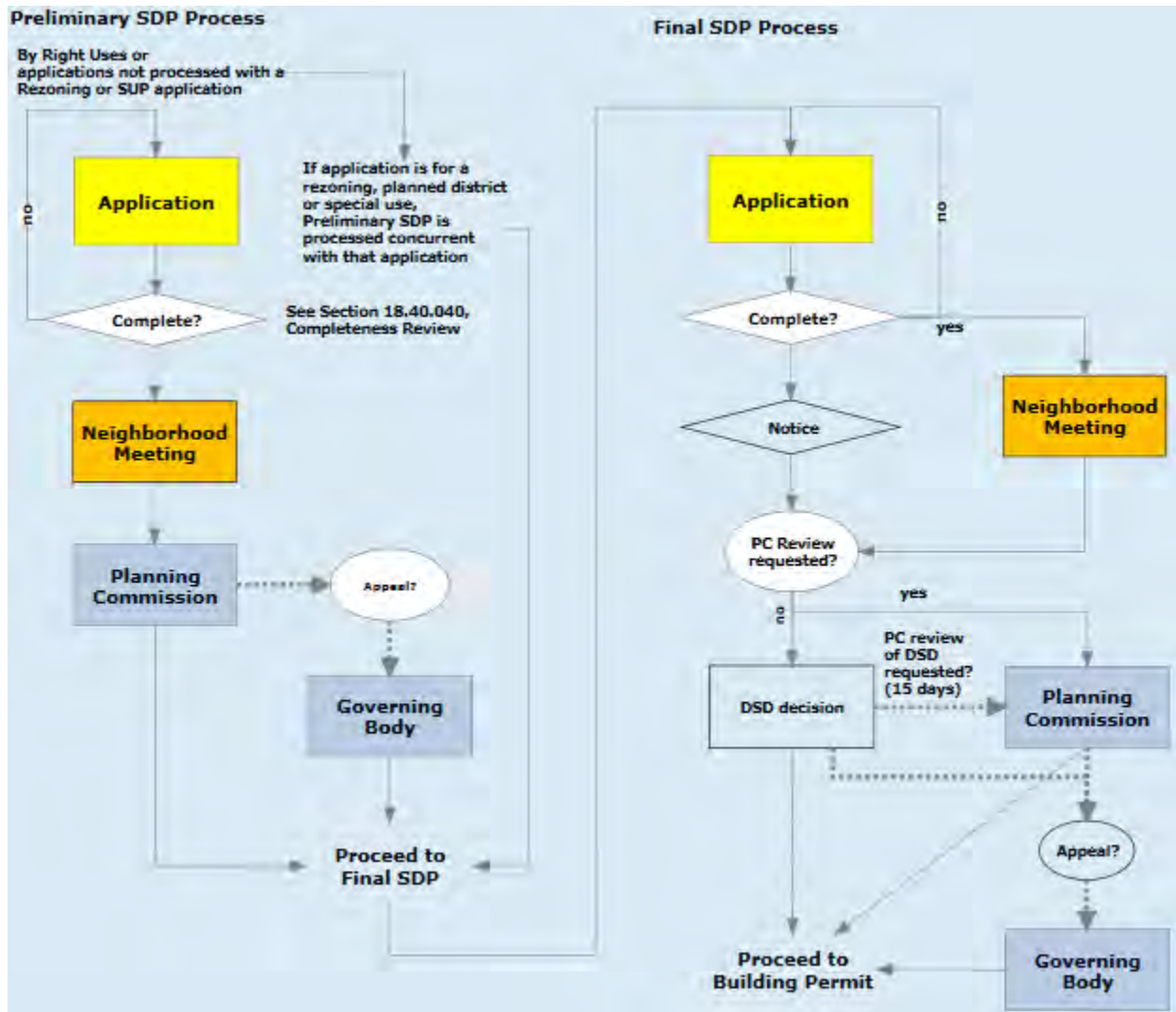
1. Preliminary and final site development plans shall be filed with the Planning Official, and shall include the information required by Chapter [18.94](#).



Editor's Note: This diagram referenced "Substantial Change" in Section [18.40.120](#). This terminology has been changed to "Major Change" to match the text of that section.

2. A neighborhood meeting is required for a preliminary and final site development plan (see Section [18.40.030](#)).

C. Review Process



D. Decision

1. Preliminary Site Development Plan Decision

- a. If the application involves a use that is **permitted by right** in the applicable zoning district, the Planning Commission will approve, conditionally approve, or deny a preliminary site development plan. ~~Notice to surrounding property owners is required (see Section 18.40.050.B).~~ The Planning Commission will render a decision within 30 days, unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.

b. If the application involves a **planned district**, a **rezoning**, or a **special use**, the preliminary site development plan is processed and approved as part of that application. Notice to surrounding property owners is required (see Section 18.40.050.B). The preliminary site development plan may be revised and resubmitted during the review period for the planned district/conditional rezoning or special use permit application review period and approved as part of the conditions of approval. In that case, the Approving Authority is the agency that approves that rezoning or special use.

2. Final Site Development Plan Decision

a. Authority

A final site development plan is approved by the Planning Official, unless the applicant requests Planning Commission review.

b. Planning Official Decisions

If the Planning Official renders a decision on the application:

- (1) The Planning Official shall render its determination within thirty (30) days after the applicant submits a complete application (see Section [18.40.040](#)), unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.
- (2) If the Planning Official fails to render a timely decision, the applicant or a surrounding property owner may request Planning Commission review (see subsection [D.2.c](#) below).
- (3) If the applicant or surrounding property owner does not request Planning Commission review, the Planning Official's determination is final.
- (4) If an administrative review application is without communication from the applicant for more than six (6) months, the applicant will be required to submit a new application and feeds for the final site development plan review to continue.

c. Planning Commission Review

- (1) The Planning Commission reviews the final site plan if the applicant asks the Planning Commission to review the final site plan within fifteen (15) days of the date of the Planning Official's decision.
- (2) The Planning Commission will consider the application without a public hearing.
- (3) The Planning Commission may approve, approve with conditions, or deny the preliminary or final site development plan.
- (4) The Planning Commission shall render its decision within 30 days after the applicant requests a review. The Planning Commission may extend the time for making a decision if requested by the applicant.

E. Approval Criteria

1. The following criteria apply to the approval, conditional approval or denial of a preliminary site development plan:
 - a. The plan complies with all applicable requirements of Chapters [18.15](#), [18.20](#), and [18.30](#), and
 - b. The plan represents an overall development pattern that is consistent with the Comprehensive Plan, the Major Street Map and other adopted planning policies.
2. A final site development plan is approved if it is consistent with the preliminary site development plan as approved, including all conditions of approval, and complies with all applicable requirements of this title. A final site development plan shall not modify or expand the approved preliminary site development plan, except as provided in Section [18.40.120](#).

F. Subsequent Applications

1. When an application for preliminary or final site plan is withdrawn by the applicant or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
2. An application for a major modification to the withdrawn or denied application may be submitted at any time.

G. Scope of Approval

1. Approved [preliminary site development plans or](#) final site development plans are valid for two (2) years after ~~final~~-[date of](#) approval.

2. When a preliminary site development plan containing multiple lots is submitted for approval; the applicant will indicate the anticipated development or phasing pattern for final development. The phasing pattern for development shall include:

- a) Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers), and identify approximate area, number of lots in each phase, total area and buildable area per phase. All phasing maps shall be drawn at the same scale. The final phasing plan map should be drawn at the same scale as the preliminary site plan map.
- b) A narrative description or table that describes each phase and its associated improvements. In addition, the narrative or table shall demonstrate that each phase would comprise a "stand-alone" development which, should no subsequent phases be constructed, would meet or exceed the standards of this ordinance.

3. If the landowner fails to submit and obtain approvals for a final site development plan within the time period required in subsection G.1, above, the preliminary site development plan becomes null and void unless the time period is extended.

~~24.~~ If the landowner fails to commence construction ~~the planned development~~ within the time period required in subsection G.1, above, the final site development plan becomes null and void unless the time period is extended.

~~35.~~ The ~~Approving Authority~~ Chief Planning and Development Officer may extend the time period of a preliminary or final development plan upon written application by the landowner. Unless otherwise required in a condition of approval, the ~~Approving Authority~~ The Chief Planning and Development Officer may extend the time period without a public hearing. The ~~Approving Authority~~ Chief Planning and Development Officer shall extend the site development plan for up to six (6) months. After this time period or at the time the original extension is requested, the Approving Authority may extend the site development plan for any length of time for cause.

~~46.~~ The applicant may revise an approved final site development plan as provided in Section 18.40.120.

~~5. Any preliminary plat or preliminary development plan for a single-family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014), where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.~~

H. Appeals

The applicant or aggrieved party may appeal the disapproval of a preliminary or final site development plan by the Planning Commission to the Governing Body. The applicant shall file a notice of appeal with the Planning Official within ten (10) days following the decision.

I. Recordkeeping

The Planning Division and the applicant shall maintain copies of the preliminary and final site development plan approvals, and all supporting documentation.

J. Abandonment of Final Site Development Plan

- 1.** If the applicant abandons any part of a site development plan, then the applicant shall notify the City in writing.
- 2.** If any part of a final site development plan is abandoned, no development shall take place on the property until a new final site development plan is approved. (*Ord. 17-52 §§ 22, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 15-16 § 3, 2015*)

18.40.150 Preliminary Plat

Purpose: The preliminary plat process examines the major features and elements of a proposed plat. This process determines whether the plat conforms to this title and the Comprehensive Plan, and any conditions of approval.

A. Applicability

1. The Planning Commission must approve a preliminary plat before a final plat application is filed.
2. A preliminary plat is not considered a "plat" for purposes of KSA [12-752](#). Instead, the preliminary plat is a preapplication process that is designed to ensure that that plat conforms to all applicable requirements of this title. The applicant may request that the City waive the preliminary plat process and proceed directly to the final plat process.

B. Initiation

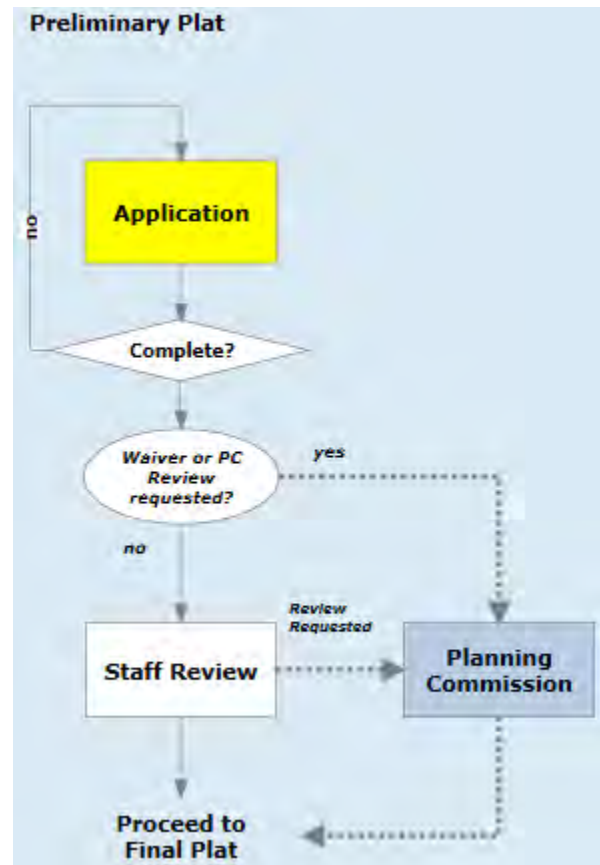
1. An application for preliminary plat approval is filed with the Planning Official. Preapplication is required.
2. An applicant may substitute a preliminary development plan for a preliminary plat if the preliminary development plan contains all information required for preliminary plats as set forth in Chapter [18.94](#).
3. A neighborhood meeting is required (see Section [18.40.030](#))

⇒ Cross-Reference: [18.40.020](#) (Preapplication)

C. Completeness Review

See Section [18.40.040](#), Completeness Review.

D. Approval Criteria



The Approving Authority shall approve the preliminary plat if it finds that the following criteria are satisfied:

1. The proposed preliminary plat conforms to the requirements of Chapter [18.30](#), the applicable zoning district regulations and any other applicable provisions of the Municipal Code, subject only to acceptable rule exceptions.
2. The subdivision represents an overall development pattern that is consistent with the Comprehensive Plan, Major Street Map, Access Management Plan, and applicable corridor studies and plans.
3. The plat contains a sound, well-conceived parcel and land subdivision layout which is consistent with good land planning and site engineering design principles.
4. The spacing and design of proposed curb cuts, driveway approaches and intersection locations is consistent with the Access Management Plan, good traffic engineering design and public safety considerations.
5. The plat conforms to any existing, unexpired and valid conditions of rezoning, special use permit or site development plan approval.
6. All submission requirements are satisfied.

E. Subsequent Applications

1. When a preliminary plat application is withdrawn or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
2. A new plat application showing major modifications and/or revisions to the withdrawn or denied plat application may be submitted at any time.

F. Scope of Approval

1. Approval of a preliminary plat does not constitute acceptance of the subdivision, but authorizes preparation of the final plat. No improvements shall take place in the subdivision prior to approval and recording of the final plat and submittal and approval of street, sanitary sewer, water line and storm sewer construction plans by the City Engineer.

2. Preliminary plat approval is effective for a period of two (2) years. Where a final plat for the subdivision is not submitted for approval within the two (2) year time period, the preliminary plat becomes null and void and the developer shall resubmit a new preliminary plat for approval subject to the then effective regulations.

3. Development rights shall vest upon the requirement set forth in Section 18.60.070 in accordance with provisions of KSA 12-764.

~~3~~4. When a preliminary plat containing a gross land area in excess of forty (40) acres is submitted for approval, the applicant will~~may~~ indicate the **anticipated development or phasing pattern** for final platting. The phasing pattern for development shall include the following:

c) Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers), and identify approximate area, number of lots in each phase, total area and buildable area per phase. All phasing maps shall be drawn at the same scale. The final phasing plan map should be drawn at the same scale as the preliminary plat map.

d) A narrative description or table that describes each phase and its associated improvements. In addition, the narrative or table shall demonstrate that each phase would comprise a "stand-alone" development which, should no subsequent phases be constructed, would meet or exceed the standards of this ordinance.

The applicant may receive an extension of the one (1) year time limit for submission of the final plat if each phase is constructed in accordance with the original phasing plan and subsequent final plats comply with all applicable regulations at the time of final platting.

~~4. Any preliminary plat or preliminary development plan for a single family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014), where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.~~

G. Recordkeeping

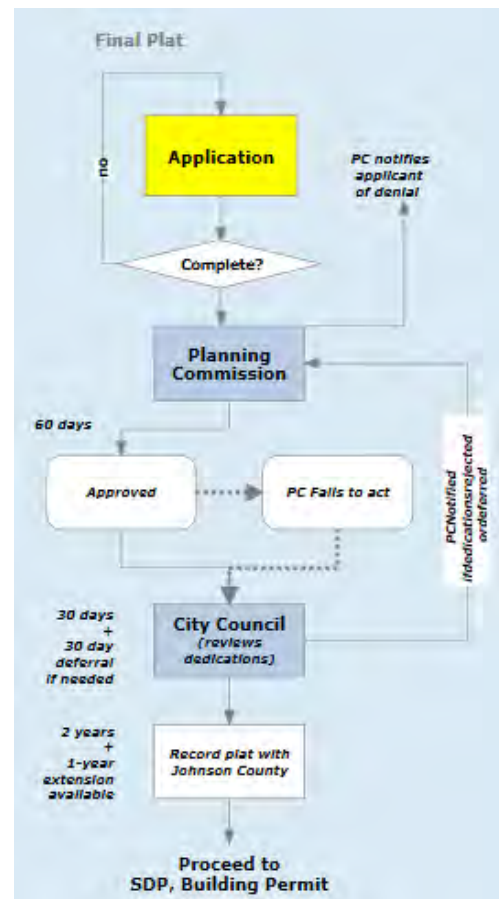
A preliminary plat application is not recorded. The Planning Official will maintain a record of approved preliminary plats. The applicant must maintain a copy of the approved preliminary plat, including any attachments. (*Ord. 17-52 §§ 25, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 02-54 § 2, 2002*)

18.40.160 Final Plat

Purpose: This section establishes the process to approve formal plats for recording with the Johnson County register of deeds.

A. Applicability

1. This section applies to any formal plat application. Final plat applications are filed after the preliminary plat is approved.
2. The applicant may file a final plat without first seeking preliminary plat approval. However, in that case the applicant must strictly observe all requirements of this title and may not request a modification of any standards established in Chapter [18.30](#). In addition, the Planning Commission will deny the plat if it does not conform to all applicable requirements within the statutory period for approving a plat.



B. Initiation

An application for final plat approval is filed with the Planning Official.

C. Completeness Review

See § [18.40.040](#) Completeness Review.

D. Decision

1. The Planning Commission will consider the final plat without a public hearing, unless the applicant requests a public hearing.
2. The Planning Commission may approve, approve with conditions, or deny the final plat.

3. The Planning Commission shall render its decision within 60 days after its first meeting after the plat is submitted to the Planning Official. If the Planning Commission fails to timely render its decision, the plat is deemed approved.
4. If the final plat is approved or the Planning Commission fails to render a timely decision, the Planning Official shall issue a certificate upon demand.
5. If the Planning Commission finds that the plat does not conform to subsection E below, it shall notify the owner or owners of that fact. The notice shall be in writing and shall specify in detail the reasons the plat does not conform to subsection E.
6. If the plat conforms to subsection E, the Planning Commission chair shall endorse on the plat the fact that the plat has been submitted to and approved by the Planning Commission. The secretary of the Planning Commission shall attest the chair's signature.
7. After the final plat is approved, the applicant shall submit it to the Governing Body for review if land is proposed to be dedicated for public purposes. The Governing Body shall approve or disapprove the dedication of land for public purposes within thirty (30) days after the first meeting of the Governing Body following the date of the submission of the plat to the City Clerk. The Governing Body may defer action for an additional thirty (30) days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional filing fees shall be assessed during that period. The Governing Body shall advise the Planning Commission of its reasons for any deferral or disapproval of any dedication. Acceptance of lands and easements dedicated for public purposes that are approved by the Governing Body shall be endorsed on the plat by the Mayor. The City Clerk shall attest the Mayor's signature. (*Ord. 02-54 § 2, 2002*)
8. No plat shall be filed with the Register of Deeds office unless it bears the endorsement that the land dedicated to public purposes is approved by the Governing Body.
9. All conditions to approval of a subdivision by the Planning Commission or the acceptance of dedications of land by the Governing Body, and all waivers granted by the Planning Commission, shall be clearly stated on the final plat prior to its recording. (*Ord. 02-54 § 2, 2002*)

E. Approval Criteria

1. The Planning Commission shall approve a final plat if it determines that:
 - a. The final plat substantially conforms to the approved preliminary plat and any applicable conditions of approval.

b. The plat conforms to all applicable requirements of the Municipal Code [and Unified Development Ordinance](#), subject only to approved waivers.

2. If the applicant chooses not to submit a preliminary plat, the final plat is subject to the criteria for approving a preliminary plat and to subsection 1, above.

F. Subsequent Applications

1. A new plat application showing major modifications and/or revisions to the withdrawn or denied plat application may be submitted at any time.

G. Scope of Approval

1. After the Governing Body endorses its acceptance of lands and easements dedicated for public purposes, the final plat shall be recorded with the Register of Deeds of Johnson County as provided by law. No plat shall be recorded with the Register of Deeds prior to its endorsement by the Mayor.

2. After the applicant provides public improvements assurances and records the final plat, the applicant may construct the improvements shown on the plat and proceed to the building permit approval process.

H. Recordkeeping

1. Final plats shall be recorded with the Register of Deeds office within two (2) years following Governing Body approval of land dedicated to public purposes. Final plats which are not timely recorded are null and void.

2. No plat shall be recorded before the applicant submits satisfactory assurances for construction of public improvements.

I. Final Plat Extensions

1. Requests for final plat extension shall be made in writing to the Planning Official prior to the two (2) year expiration date provided above. Final plat extensions may only be granted by one of the following:

a. The Planning Official may administratively grant a one (1) year extension if no changes are made to any City ordinance, regulation or approved plans that would require a change in the final plat. The applicant may appeal the Planning Official's denial of an extension to the Planning Commission.

- b.** The Planning Commission, upon appeal from the Planning Official's decision to deny a final plat extension, may grant the one (1) year extension upon finding that the extension will not impact the City's ability to administer current ordinances or regulations.
- 2.** Final plat extensions are subject to all current excise taxes and/or development fees at the time of the extension approval. (*Ord. 15-16 §3, 2015*)

(This page intentionally left blank)

18.40.110 Site Development Plans

Purpose: A site development plan is a process that allows City staff and the Planning Commission to review significant developments and uses to ensure that they comply with the zoning and development standards in this title, have appropriate design and infrastructure, and comply with any conditions of rezoning, preliminary subdivision plat, or special use permit approval.

A. Applicability

1. A **preliminary site development plan** is required for:

a. Any application to rezone property:

(1) to a district that allows nonresidential uses or multifamily or two-family dwellings,
or

(2) to an "A," "R-1" or "R-2" district where the applicant is proposing a nonresidential development

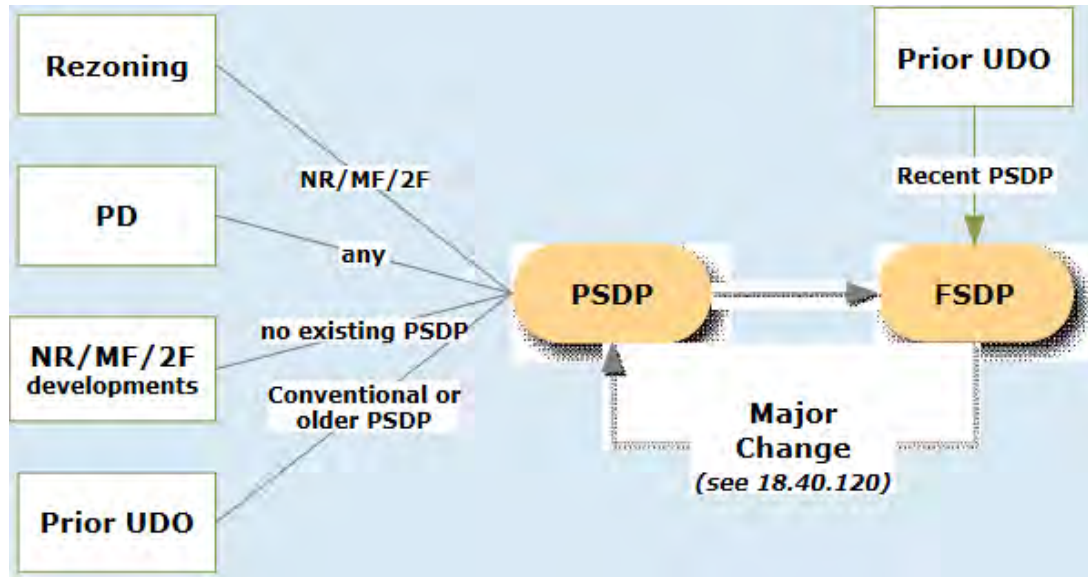
b. All nonresidential uses, or developments with multifamily or two-family dwellings unless a preliminary site development plan for the proposed development was already approved as part of the existing zoning district, and

c. Any application for approval of a planned development district.

2. If a property is subject to an approved and unexpired preliminary site development plan, a **final site development plan** is required before a building permit application is filed.

B. Initiation

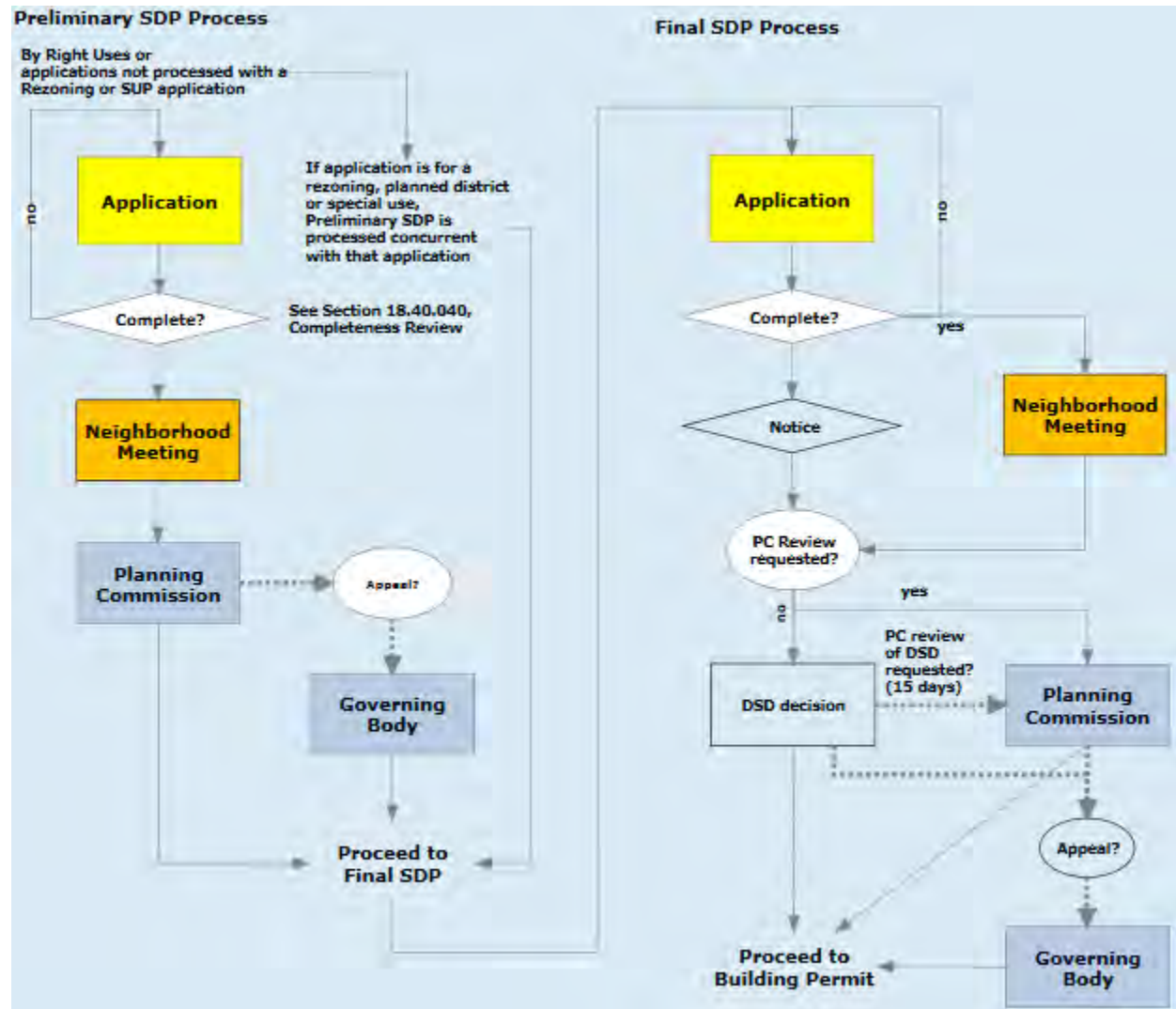
1. Preliminary and final site development plans shall be filed with the Planning Official, and shall include the information required by Chapter [18.94](#).



Editor's Note: This diagram referenced "Substantial Change" in Section [18.40.120](#). This terminology has been changed to "Major Change" to match the text of that section.

2. A neighborhood meeting is required for a preliminary and final site development plan (see Section [18.40.030](#)).

C. Review Process



D. Decision

1. Preliminary Site Development Plan Decision

- a. If the application involves a use that is **permitted by right** in the applicable zoning district, the Planning Commission will approve, conditionally approve, or deny a preliminary site development plan. ~~Notice to surrounding property owners is required (see Section 18.40.050.B).~~ The Planning Commission will render a decision within 30 days, unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.

b. If the application involves a **planned district**, a **rezoning**, or a **special use**, the preliminary site development plan is processed and approved as part of that application. [Notice to surrounding property owners is required \(see Section 18.40.050.B\)](#). The preliminary site development plan may be revised and resubmitted during the review period for the planned district/conditional rezoning or special use permit application review period and approved as part of the conditions of approval. In that case, the Approving Authority is the agency that approves that rezoning or special use.

2. Final Site Development Plan Decision

a. Authority

A final site development plan is approved by the Planning Official, unless the applicant requests Planning Commission review.

b. Planning Official Decisions

If the Planning Official renders a decision on the application:

- (1) The Planning Official shall render its determination within thirty (30) days after the applicant submits a complete application (see Section [18.40.040](#)), unless the applicant requests additional time in order to revise the application. The applicant may revise the application during this review period without resubmitting the application and paying new filing fees.
- (2) If the Planning Official fails to render a timely decision, the applicant or a surrounding property owner may request Planning Commission review (see subsection [D.2.c](#) below).
- (3) If the applicant or surrounding property owner does not request Planning Commission review, the Planning Official's determination is final.
- (4) If an administrative review application is without communication from the applicant for more than six (6) months, the applicant will be required to submit a new application and fees for the final site development plan review to continue.

c. Planning Commission Review

- (1) The Planning Commission reviews the final site plan if the applicant asks the Planning Commission to review the final site plan within fifteen (15) days of the date of the Planning Official's decision.
- (2) The Planning Commission will consider the application without a public hearing.
- (3) The Planning Commission may approve, approve with conditions, or deny the preliminary or final site development plan.
- (4) The Planning Commission shall render its decision within 30 days after the applicant requests a review. The Planning Commission may extend the time for making a decision if requested by the applicant.

E. Approval Criteria

1. The following criteria apply to the approval, conditional approval or denial of a preliminary site development plan:
 - a. The plan complies with all applicable requirements of Chapters [18.15](#), [18.20](#), and [18.30](#), and
 - b. The plan represents an overall development pattern that is consistent with the Comprehensive Plan, the Major Street Map and other adopted planning policies.
2. A final site development plan is approved if it is consistent with the preliminary site development plan as approved, including all conditions of approval, and complies with all applicable requirements of this title. A final site development plan shall not modify or expand the approved preliminary site development plan, except as provided in Section [18.40.120](#).

F. Subsequent Applications

1. When an application for preliminary or final site plan is withdrawn by the applicant or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
2. An application for a major modification to the withdrawn or denied application may be submitted at any time.

G. Scope of Approval

1. Approved preliminary site development plans or final site development plans are valid for two (2) years after ~~final~~ date of approval.

2. When a preliminary site development plan containing multiple lots is submitted for approval; the applicant will indicate the anticipated development or phasing pattern for final development. The phasing pattern for development shall include:

- a) Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers), and identify approximate area, number of lots in each phase, total area and buildable area per phase. All phasing maps shall be drawn at the same scale. The final phasing plan map should be drawn at the same scale as the preliminary site plan map.
- b) A narrative description or table that describes each phase and its associated improvements. In addition, the narrative or table shall demonstrate that each phase would comprise a "stand-alone" development which, should no subsequent phases be constructed, would meet or exceed the standards of this ordinance.

3. If the applicant fails to submit and obtain approvals for a final site development plan within the time period required in subsection G.1, above, the preliminary site development plan becomes null and void unless the time period is extended.

~~24.~~ If the ~~landowner~~ applicant fails to commence construction by means of an issued building permit ~~the planned development~~ within the time period required in subsection G.1, above, the final site development plan becomes null and void unless the time period is extended.

~~35.~~ The ~~Approving Authority~~ Chief Planning and Development Officer may extend the time period of a preliminary or final development plan upon written ~~application request~~ by the ~~landowner~~ applicant. Unless otherwise required in a condition of approval, the ~~Approving Authority~~ Chief Planning and Development Officer may extend the time period administratively without a public hearing. The ~~Approving Authority~~ Chief Planning and Development Officer shall extend the time period of either site development plan for up to ~~six (6)~~ twelve (12) months. ~~After this time period or at the time the original extension is requested,~~ Upon written request by the applicant, the ~~Approving Authority~~ Governing Body may extend the preliminary or final site development plan for any length of time for cause.

~~46.~~ The applicant may revise an approved final site development plan as provided in Section [18.40.120](#).

~~5. Any preliminary plat or preliminary development plan for a single-family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014), where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.~~

H. Appeals

The applicant or aggrieved party may appeal the disapproval of a preliminary or final site development plan by the Planning Commission to the Governing Body. The applicant shall file a notice of appeal with the Planning Official within ten (10) days following the decision.

I. Recordkeeping

The Planning Division and the applicant shall maintain copies of the preliminary and final site development plan approvals, and all supporting documentation.

J. Abandonment of Final Site Development Plan

1. If the applicant abandons any part of a site development plan, then the applicant shall notify the City in writing.
2. If any part of a final site development plan is abandoned, no development shall take place on the property until a new final site development plan is approved. (*Ord. 17-52 §§ 22, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 15-16 § 3, 2015*)

18.40.150 Preliminary Plat

Purpose: The preliminary plat process examines the major features and elements of a proposed plat. This process determines whether the plat conforms to this title and the Comprehensive Plan, and any conditions of approval.

A. Applicability

1. The Planning Commission must approve a preliminary plat before a final plat application is filed.
2. A preliminary plat is not considered a "plat" for purposes of KSA [12-752](#). Instead, the preliminary plat is a preapplication process that is designed to ensure that that plat conforms to all applicable requirements of this title. The applicant may request that the City waive the preliminary plat process and proceed directly to the final plat process.

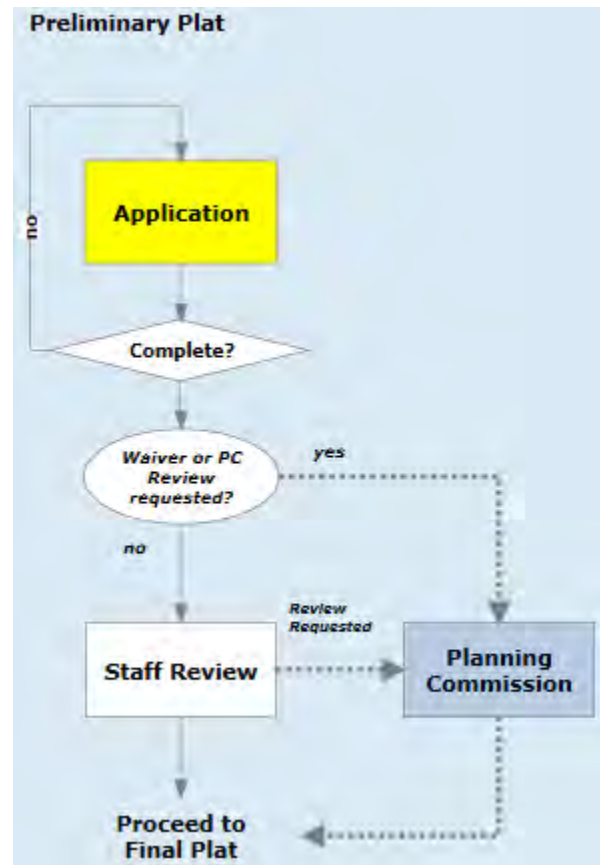
B. Initiation

1. An application for preliminary plat approval is filed with the Planning Official. Preapplication is required.
2. An applicant may substitute a preliminary development plan for a preliminary plat if the preliminary development plan contains all information required for preliminary plats as set forth in Chapter [18.94](#).
3. A neighborhood meeting is required (see Section [18.40.030](#))

⇒ Cross-Reference: [18.40.020](#) (Preapplication)

C. Completeness Review

See Section [18.40.040](#), Completeness Review.



D. Approval Criteria

The Approving Authority shall approve the preliminary plat if it finds that the following criteria are satisfied:

1. The proposed preliminary plat conforms to the requirements of Chapter [18.30](#), the applicable zoning district regulations and any other applicable provisions of the Municipal Code, subject only to acceptable rule exceptions.
2. The subdivision represents an overall development pattern that is consistent with the Comprehensive Plan, Major Street Map, Access Management Plan, and applicable corridor studies and plans.
3. The plat contains a sound, well-conceived parcel and land subdivision layout which is consistent with good land planning and site engineering design principles.
4. The spacing and design of proposed curb cuts, driveway approaches and intersection locations is consistent with the Access Management Plan, good traffic engineering design and public safety considerations.
5. The plat conforms to any existing, unexpired and valid conditions of rezoning, special use permit or site development plan approval.
6. All submission requirements are satisfied.

E. Subsequent Applications

1. When a preliminary plat application is withdrawn or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
2. A new plat application showing major modifications and/or revisions to the withdrawn or denied plat application may be submitted at any time.

F. Scope of Approval

1. Approval of a preliminary plat does not constitute acceptance of the subdivision, but authorizes preparation of the final plat. No improvements shall take place in the subdivision prior to approval and recording of the final plat and submittal and approval of street, sanitary sewer, water line and storm sewer construction plans by the City Engineer.

2. Preliminary plat approval is effective for a period of two (2) years. Where a final plat for the subdivision is not submitted for approval within the two (2) year time period, the preliminary plat becomes null and void and the developer shall resubmit a new preliminary plat for approval subject to the then effective regulations. The Chief Planning and Development Officer may, upon written request by the applicant, administratively grant a one (1) year time extension.
Consideration for a time extension shall be based upon, but not limited to:

- a) the developer's ability to adhere to any changes in the Olathe Municipal Code or other applicable regulations, that would impact the proposed development; or
- b) if the developer demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

3. When a preliminary plat containing a gross land area in excess of forty (40) acres is submitted for approval, the applicant will ~~may~~ indicate the **anticipated development or phasing pattern** for final platting. The applicant may receive an extension of the one (1) year time limit for submission of the final plat if each phase is constructed in accordance with the original phasing plan and subsequent final plats comply with all applicable regulations at the time of final platting. The phasing pattern for development shall include the following:

- a) Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers), and identify approximate area, number of lots in each phase, total area and buildable area per phase. All phasing maps shall be drawn at the same scale. The final phasing plan map should be drawn at the same scale as the preliminary plat map.
- b) A narrative description or table that describes each phase and its associated improvements. In addition, the narrative or table shall demonstrate that each phase would comprise a "stand-alone" development which, should no subsequent phases be constructed, would meet or exceed the standards of this ordinance.

~~4. Any preliminary plat or preliminary development plan for a single family subdivision in an existing RP-1 District approved prior to the effective date of this ordinance (June 17, 2014), where no final plat or plan has been approved, shall be considered expired and subject to a new application and the provisions of this ordinance.~~

G. Recordkeeping

A preliminary plat application is not recorded. The Planning Official will maintain a record of approved preliminary plats. The applicant must maintain a copy of the approved preliminary plat, including any attachments. (*Ord. 17-52 §§ 25, 41, 2017; Ord. 16-20 § 4, 2016; Ord. 02-54 § 2, 2002*)

18.40.160 Final Plat

Purpose: This section establishes the process to approve formal plats for recording with the Johnson County register of deeds.

A. Applicability

1. This section applies to any formal plat application. Final plat applications are filed after the preliminary plat is approved.
2. The applicant may file a final plat without first seeking preliminary plat approval. However, in that case the applicant must strictly observe all requirements of this title and may not request a modification of any standards established in Chapter [18.30](#). In addition, the Planning Commission will deny the plat if it does not conform to all applicable requirements within the statutory period for approving a plat.



B. Initiation

An application for final plat approval is filed with the Planning Official.

C. Completeness Review

See § [18.40.040](#) Completeness Review.

D. Decision

1. The Planning Commission will consider the final plat without a public hearing, unless the applicant requests a public hearing.
2. The Planning Commission may approve, approve with conditions, or deny the final plat.

3. The Planning Commission shall render its decision within 60 days after its first meeting after the plat is submitted to the Planning Official. If the Planning Commission fails to timely render its decision, the plat is deemed approved.
4. If the final plat is approved or the Planning Commission fails to render a timely decision, the Planning Official shall issue a certificate upon demand.
5. If the Planning Commission finds that the plat does not conform to subsection E below, it shall notify the owner or owners of that fact. The notice shall be in writing and shall specify in detail the reasons the plat does not conform to subsection E.
6. If the plat conforms to subsection E, the Planning Commission chair shall endorse on the plat the fact that the plat has been submitted to and approved by the Planning Commission. The secretary of the Planning Commission shall attest the chair's signature.
7. After the final plat is approved, the applicant shall submit it to the Governing Body for review if land is proposed to be dedicated for public purposes. The Governing Body shall approve or disapprove the dedication of land for public purposes within thirty (30) days after the first meeting of the Governing Body following the date of the submission of the plat to the City Clerk. The Governing Body may defer action for an additional thirty (30) days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional filing fees shall be assessed during that period. The Governing Body shall advise the Planning Commission of its reasons for any deferral or disapproval of any dedication. Acceptance of lands and easements dedicated for public purposes that are approved by the Governing Body shall be endorsed on the plat by the Mayor. The City Clerk shall attest the Mayor's signature. (*Ord. 02-54 § 2, 2002*)
8. No plat shall be filed with the Register of Deeds office unless it bears the endorsement that the land dedicated to public purposes is approved by the Governing Body.
9. All conditions to approval of a subdivision by the Planning Commission or the acceptance of dedications of land by the Governing Body, and all waivers granted by the Planning Commission, shall be clearly stated on the final plat prior to its recording. (*Ord. 02-54 § 2, 2002*)

E. Approval Criteria

1. The Planning Commission shall approve a final plat if it determines that:
 - a. The final plat substantially conforms to the approved preliminary plat and any applicable conditions of approval.

b. The plat conforms to all applicable requirements of the Municipal Code [and Unified Development Ordinance](#), subject only to approved waivers.

2. If the applicant chooses not to submit a preliminary plat, the final plat is subject to the criteria for approving a preliminary plat and to subsection 1, above.

F. Subsequent Applications

1. A new plat application showing major modifications and/or revisions to the withdrawn or denied plat application may be submitted at any time.

G. Scope of Approval

1. After the Governing Body endorses its acceptance of lands and easements dedicated for public purposes, the final plat shall be recorded with the Register of Deeds of Johnson County as provided by law. No plat shall be recorded with the Register of Deeds prior to its endorsement by the Mayor.

2. After the applicant provides public improvements assurances and records the final plat, the applicant may construct the improvements shown on the plat and proceed to the building permit approval process.

H. Recordkeeping

1. Final plats shall be recorded with the Register of Deeds office within two (2) years following Governing Body approval of land dedicated to public purposes. Final plats which are not timely recorded are null and void.

2. No plat shall be recorded before the applicant submits satisfactory assurances for construction of public improvements.

I. Final Plat Extensions

1. Requests for final plat extension shall be made in writing to the Planning Official prior to the two (2) year expiration date provided above. Final plat extensions may only be granted by one of the following:

a. The Planning Official may administratively grant a one (1) year extension if no changes are made to any City ordinance, regulation or approved plans that would require a change in the final plat. The applicant may appeal the Planning Official's denial of an extension to the Planning Commission.

- b.** The Planning Commission, upon appeal from the Planning Official's decision to deny a final plat extension, may grant the one (1) year extension upon finding that the extension will not impact the City's ability to administer current ordinances or regulations.
- 2.** Final plat extensions are subject to all current excise taxes and/or development fees at the time of the extension approval. (*Ord. 15-16 §3, 2015*)

Shelby Ferguson

From: Cynthia Kriesel <cann@vfemail.net>
Sent: Friday, October 12, 2018 4:16 PM
To: Shelby Ferguson
Cc: Aimee Nassif
Subject: UDO18-0002 Public Comments Regarding Quarries
Attachments: 2016 email handout.pdf; Other places vibration limits handout.pdf; OSMRE and FHA Handout.pdf; OSMRE Slides Handout.pdf

Shelby,

Thank you for meeting with me this afternoon and confirming that the intent of the revised setback language is to maximize quarry operation setbacks from residential property and residences. As I stated in the meeting, I would like to see a draft, as soon as possible, of what the new proposed setback language is to achieve this intent.

Regarding quarry vibrations, attached to this email are pdf scans of the four handouts that I gave you during our meeting today. I want to again stress the importance of doing a test blast prior to changing or eliminating the 0.02 ips residential property vibration limit for quarry blasts. That is the only way that City representatives can experience in a residence what the higher proposed vibrations will feel like and determine whether or not a change is appropriate.

Please make sure that this email and all attachments become part of the UDO18-0002 packet.

Regards,

Randy Kriesel
24120 West 167th Street
Olathe, KS 66061
October 12, 2018
Cell Phone: 913-269-8959



Virus-free. www.avast.com

Cynthia Kriesel

From: Cynthia Kriesel [cann@vfemail.net]
Sent: Sunday, September 11, 2016 10:01 PM
To: 'Amy Kynard'; 'David Knopick'
Cc: 'Chris Grunewald'; 'Rachelle Breckenridge'
Subject: RE: Proposed changes to Chapters 18.20 and 18.50 of the Unified Development Ordinance

Amy, Dave,

I downloaded the packet for the September 12, 2016 public hearing and saw the letter regarding the UDO text amendments from the law firm representing APAC. In the letter they claim that the current UDO vibration provisions "are not based on good science, or objective criteria." This claim is false because there nationally recognized standards that address criteria for annoyance caused by vibrations. These standards were looking at vibration annoyance caused by construction activities, but many cities have adopted the vibration annoyance approach to strictly limit ground transmitted vibrations from any uses. The vibration limit in the Olathe UDO for residential property is appropriate in order to avoid annoyance to residents (and not just address personal safety and/or damage to structures, which is what the standards referenced in the letter are concerned with). Some cities are even stricter than Olathe and prohibit any "measurable" ground transmitted vibrations on residential property.

The criteria used in determining vibration annoyance inside a building depend on the type of activities, as well as time of day. Conservative design criteria used for assessing human sensitivity to vibration during construction activities have been developed by the International Organization for Standardization (ISO) and the American National Standards Institute (ANSI). These criteria levels are shown in the following table.

Building Use Category	Maximum Vibration Velocity (inches/second)	Notes
Hospital and critical areas	0.005	
Residential (nighttime)	0.007	
Residential (daytime)	0.01	Also applies to churches, schools, hotels, and theaters
Office	0.02	Also applies to commercial establishments
Factory	0.03	Also applies to industrial establishments

Source: ISO Standard 2631 (1974) and ANSI Standard S3.29-2001.

I also noted that the letter extends an offer to meet with city representatives to provide information on "the appropriate standards" from their perspective. If possible, I would like to participate in any such discussions. If my participation is not possible, I would request a similar meeting with the city so that I can expand upon the information that I provided herein.

Regards,

Randy Kriesel

From: Cynthia Kriesel [mailto:cann@vfemail.net]
Sent: Wednesday, August 31, 2016 3:15 PM
To: 'Amy Kynard'; 'David Knopick'
Cc: 'Chris Grunewald'; 'Rachelle Breckenridge'
Subject: RE: Proposed changes to Chapters 18.20 and 18.50 of the Unified Development Ordinance

ISO 2631 Mechanical vibration and shock -- Evaluation of human exposure to whole-body vibration

***ANSI S3.29* Guide To The Evaluation Of Human Exposure To Vibration In Buildings**

**OFFICE of SURFACE MINING
RECLAMATION and ENFORCEMENT**

U.S. Department of the Interior

<https://www.osmre.gov/resources/blasting.shtm>

“OSMRE recognizes that people are sensitive to blasting vibrations and can feel blasts that are as little as 2% of the legal vibration limits. Thus, blasting that shakes their homes, but is within legal limits, may often annoy people. Depending on person’s sensitivity, any given blast may be offensive. While OSMRE does not regulate this annoyance, the regulations do recognize that people need advance warning. To help minimize annoyance, the rules require warning signals (audible to residents within ½ mile) that alert the public of impending blasts. The meaning of the signals and the specific blasting times are provided in a blasting schedule notice that is mailed to residents within ½-mile of any blasting. Additionally, homeowners can ask questions about the blasting during the pre-blasting survey of their home (available to residents within ½ mile of coal mining permit boundaries).”

OSMRE also has an online presentation entitled “Controlling the Adverse Effects of Blasting” which states the following.

<https://www.osmre.gov/resources/blasting/docs/WYBlasterCertModules/8AdverseEffectsBlasting.pdf>

Past experience in human response to blasting has revealed that persons inside structures can detect, and will object to, air and ground vibration levels far below those that could damage structures.

FACTS:

- Low amplitude airblast (110 to 117 dB) can cause glass window panes and mid-walls to rattle, generating noise inside structures.
- Above 117 dB to 120 dB, airblast may cause some annoyance and fright.
- Ground vibrations as low as 0.02 ips are perceptible to residents inside structures.
- Low frequency ground vibration events are most annoying to people

[This is the OSMRE Table for blasting vibrations]

Distance (D) from the blasting site, in feet	Maximum allowable peak particle velocity (V max) for ground vibration, in inches/ second ¹	Scaled-distance factor to be applied without seismic monitoring ² (Ds)
0 to 300	1.25	50
301 to 5,000	1.00	55
5,001 and beyond	0.75	65

¹ Ground vibration shall be measured as the particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions. The maximum allowable peak particle velocity shall apply to each of the three measurements.

² Applicable to the scaled-distance equation of Paragraph (d) (3) (i) of this Section.

Other Federal Organizations

<https://www.fhwa.dot.gov/engineering/geotech/pubs/012844.pdf>

Rock Blasting and Overbreak Control (Federal Highway Administration)

In discussing blasting vibrations, the document states **“The annoyance and fear associated with it begins at levels much lower than the damage level for structures.”**

The document also discusses “non-damaging” effects of blasting vibrations and states:

“many other effects occur that are disconcerting and alarming to persons who feel and hear the vibration. Some of these effects are:

- Walls and floors vibrate and make noise.
- Pipes and duct work may rattle.
- Loose objects, plates, etc., may rattle.
- Objects may slide over a table or shelf, and may fall off.
- Chandeliers and hanging objects may swing.
- Water may ripple and oscillate.
- Noise inside a structure is greatly amplified over noise outside.
- Vibration is very disturbing to occupants. “

10.6 SENSITIVITY TO VIBRATION

Human beings are remarkably sensitive to vibration. If this were not so, the vibration problem would scarcely exist. The explosives technology of today insures that most operations are conducted in a safe manner. In relatively few cases is there a significant probability of damage.

Since vibration is felt in practically all cases, the reaction to this sensation is one of curiosity, concern, and even fear. Hence, it is important to understand something about human response to vibration which depends on vibration levels, frequency and duration. In addition to these physical factors, it is important to keep in mind that human response is a highly subjective phenomenon.

Human response has been investigated by many researchers. One of the early investigations was by Reiher and Meister, Berlin, 1931. Other investigations were made by Goldman, 1948, and Wiss and Parmelee, 1974. A composite of these investigators' results was presented graphically in the U. S. Bureau of Mines RI 8507, Siskind, et al, 1980. This composite is represented here in Figure 10.28.

The human response curves are all similar and highly subjective in that the response is a mixture of physiological and psychological factors individual to each person. Based on these curves, a very simple and practical set of human responses can be designated as follows:

TABLE 10.10 HUMAN RESPONSE

RESPONSE	PARTICLE VELOCITY	DISPLACEMENT AT 10 Hz	DISPLACEMENT AT 40 Hz
Noticeable	0.02 in/s	0.00032 in	0.00008 in
Troublesome	0.2 in/s	0.0032 in	0.0008 in
Severe	0.7 in/s	0.011 in	0.0028 in

Vibration is a fact of daily life which one regularly experiences but is seldom aware of. This type of vibration has been designated cultural vibration. Generally, it elicits no reaction from the person affected.

Other vibration that contrasts sharply, because it is not part of the daily experience but is unusual, has been designated acultural. It surprises a person, is disturbing, and causes an acute awareness.

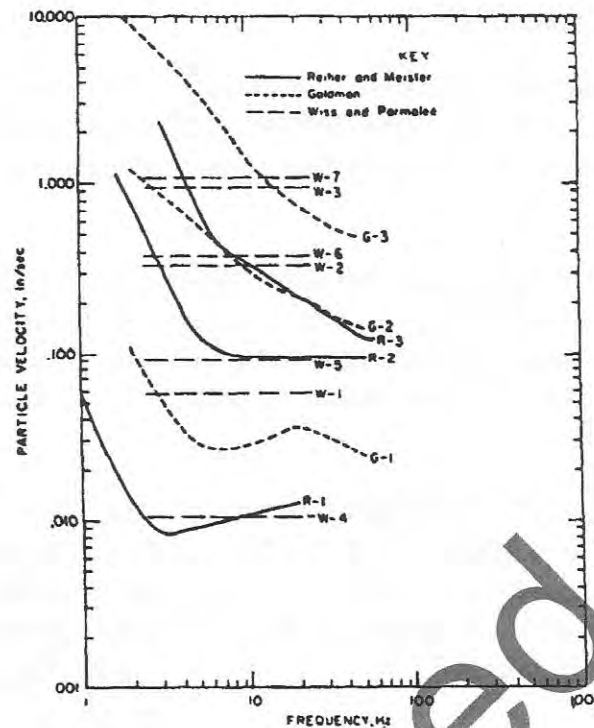


Figure 10.28 Human Response To Vibration (RI 8507)

Some example of cultural and acultural vibration are listed in the following:

CULTURAL VIBRATION

Automobile
Commuter Train
Household
Industrial Plant or Office
Airplane

Common Denominator:
No reaction

ACULTURAL VIBRATION

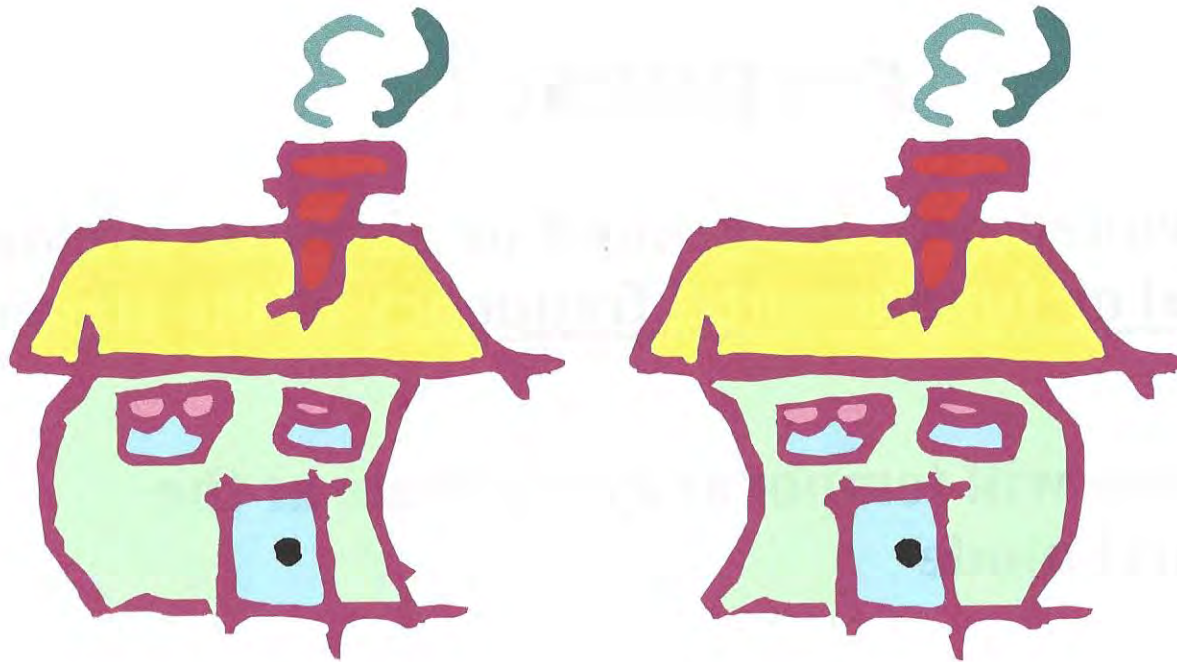
Blasting
Pile Driving
Impact Machinery
Jack Hammer
Forging Hammers

Common Denominator:
Persons react because these vibrations
are unfamiliar, disturbing

Blasting is definitely acultural for the average person. The annoyance and fear associated with it begin at levels much lower than the damage level for structures.

<https://www.osmre.gov/resources/blasting/docs/ATF/OSMREResponsibilitiesATF.pdf>

Mid-wall response



Move like a drum and result in rattling (noise) of loose objects on, or resting against walls.

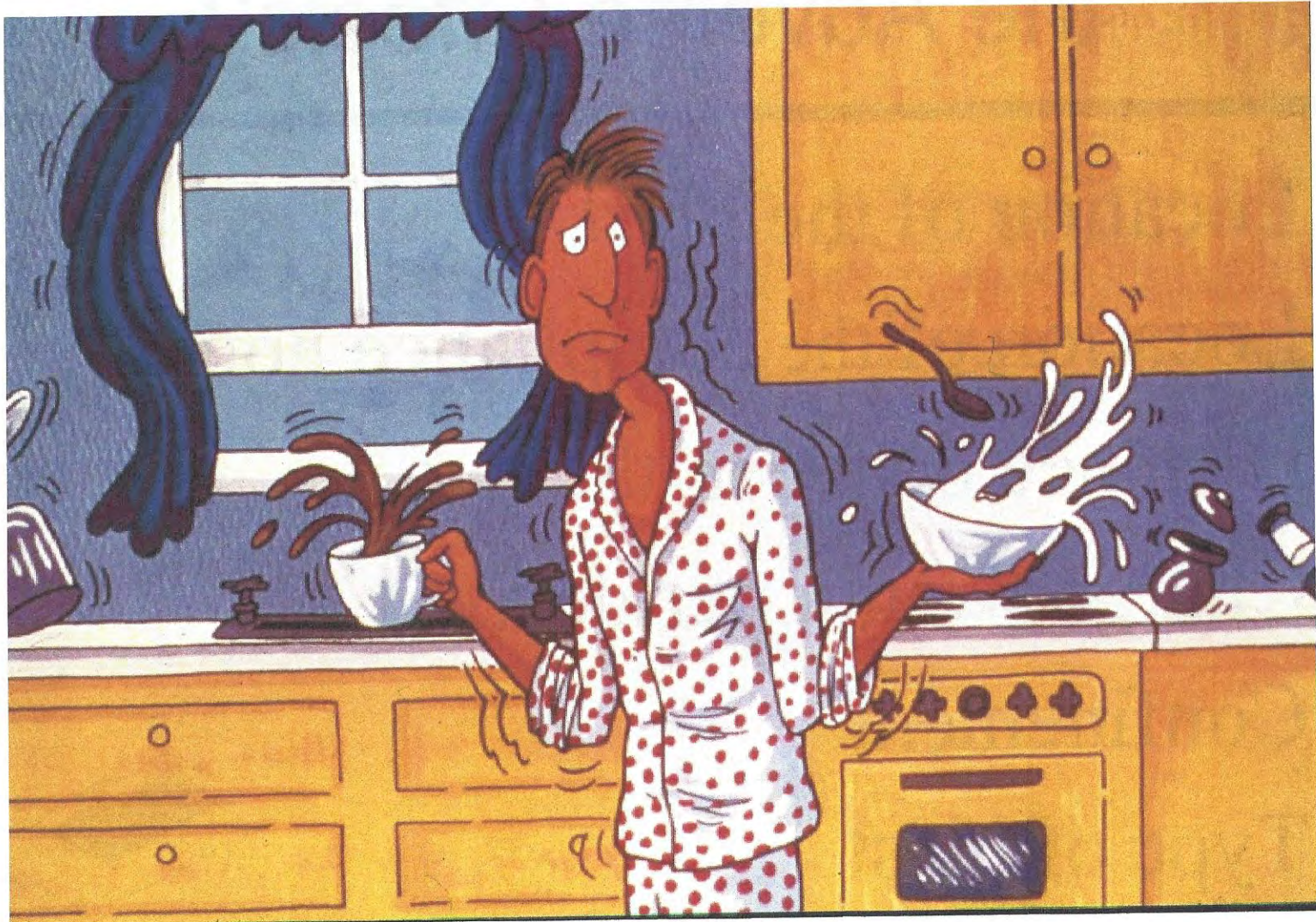
Motions do not result in wall cracking. But the noise can startle occupants, promoting the perception of structure damage.

What is the worst case scenario of response?

When the frequency of the ground or air pulse is close to the natural or fundamental frequency of the structure

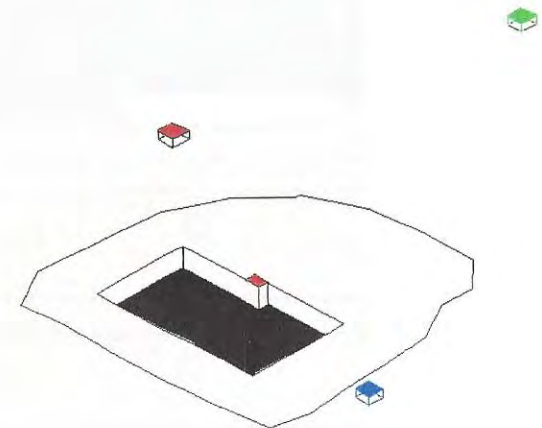
- the structure will temporarily resonate at the fundamental mode
- the time duration of structure shaking may be far longer than that of the ground
- structures may exhibit an amplification of the ground excitations

When the house shakes, owners are Annoyed or Fear Damage



What are the Most Important Parameters in Evaluating the Adverse Effects?

- Location of the blast
- Location of the compliance house
- Distance between the two
- Charge weight per delay
- Confinement
- Type of blast



Other places that impose .02 inch per second or less vibration limit at residential property.

Beloit, Kansas (near Salina)

Mohave County, Arizona

Albemarle County, Virginia (.015 inch per second)

Fairfax County, Virginia

Grand Forks, North Dakota

Utica, New York

Sugar Land, Texas

Lake Stevens, Washington

Carrboro, North Carolina

Chanceford Township, Pennsylvania

Fawn Township, Pennsylvania

McHenry, Illinois

Pittsfield Township, Michigan

State of New Jersey **(In any residential area, the peak particle velocity shall not exceed 0.02 inches per second during the hours of 7:00 A.M. to 9:00 P.M. and shall not exceed 0.01 inches per second during the hours of 9:00 P.M. to 7:00 A.M.)**

From: [Karen Hooven](#)
To: [Michael Copeland](#)
Cc: [Aimee Nassif](#)
Subject: FW: UDO Changes Proposed for Olathe, KS
Date: Tuesday, August 21, 2018 11:35:25 AM

From: Jacinda Zerr <jzerr@farmersbankks.com>
Sent: Friday, August 17, 2018 9:34 AM
To: Michael Copeland <MCopeland@OLATHEKS.ORG>
Subject: UDO Changes Proposed for Olathe, KS

Mayor Mike Copeland,

We have been contacted by several of our customers for whom we provide development financing in the city of Olathe. They have asked us to voice our recommendations regarding the recent proposed Olathe UDO changes. In supporting these customers, we are asking you to consider a 7 year sunset with a 2 to 4 year extension in regards to the period in which a preliminary plan will be in effect.

Please contact me with questions you might have and I could give you details of the Olathe developments we are currently financing.

Sincerely,

Jacinda Zerr

Market President
Farmers Bank of Kansas City
14231 Metcalf Ave.
Overland Park, KS 66223
Direct # 913-387-5563
NMLS# 646380

At Farmers Bank of Kansas City, our customers are our #1 priority. We work hard to make sure we offer the latest in financial services along with the kind of customer service you expect from a community bank. We are a financially strong and stable institution prepared for the future!

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly

prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).



HOME BUILDERS ASSOCIATION
OF GREATER KANSAS CITY



**National
Association
of Home
Builders**

600 EAST 103RD STREET • KANSAS CITY, MISSOURI 64131-4300 • (816) 942-8800 • FAX (816) 942-8367 • www.kchba.org

October 16, 2018

Chairman Vakas and Members of the Planning Commission, thank you for the opportunity to submit testimony on the 2018 Olathe Unified Development Ordinance amendments, 18.40.110. The Home Builders Association of Greater Kansas City is proud to be the voice of the local housing industry. Comprising approximately 800 member companies, the HBA represents an industry that supports over 20,000 local jobs and contributes more than \$1.5 billion to both short and long-term economic growth in the region.

The Home Builders Association greatly values our relationship with Olathe's local government as we share the common goals of promoting new economic growth, homeownership, affordable housing and strong communities.

Below is the KCHBA's recommended standards on the Site Development Plans:

18.40.110.G – Scope of Approval

18.40.110.G.1 There should not be an expiration on preliminary site development plans, but if one must be put in place it should be no less than a 7-year expiration.

We believe that a preliminary site plan expiration would be detrimental to Olathe's economic growth and development. The current system being utilized allows developers to develop and build based on market-driven demands, and when planning for the future provides a more stable business environment for long-term investment in Olathe.

As Olathe has been the highest permitting city in Johnson County for the last 10 years, the HBA recognizes and appreciates that the city has put forth a great effort to work collectively and harmoniously with local builders and developers to provide a platform for booming economic development. We urge you to keep our stance in mind when considering the adoption of the 2018 Olathe Unified Development Ordinance amendments.

Thank you for your consideration.

Sincerely,

Gary Kerns
President
Home Builders Association of Greater Kansas City



MINUTES

Planning Commission Meeting: October 22, 2018

Application:	<u>UDO18-0002: Unified Development Ordinance Amendments</u>
Applicant:	City of Olathe, Public Works – Planning Services
Staff Contact:	Aimee Nassif, Chief Planning and Development Officer Shelby Ferguson, Planning Consultant

Aimee Nassif, Chief Planning and Development Officer, appeared before the Planning Commission to present updates to the Unified Development Ordinance, including Section 18:40 for procedures, plans and plats, and 18.30 and 18.50, which involve quarries and mines. She reminded commissioners that 18.40 was before them at the August 13th meeting and due to discussion on Chapter Section 18.40, the public hearing was held to allow additional community collaboration with staff. Staff collaborated with stakeholders and looked to other municipalities to see what they are doing in these two areas since that time.

Ms. Nassif noted that the UDO updates continue to be a work in progress and community engagement and collaboration is ongoing. Discussions are ongoing regarding several sections, mainly focusing on expiration of preliminary plans and staff is looking for feedback before proceeding to City Council.

Following **Ms. Nassif's** presentation, she said she was available for questions. Ms. Nassif also advised that staff is looking for feedback and input from the Planning Commission so that staff can proceed to City Council to update them on all the community engagement, recommendation from the Planning Commission, and seek direction on how to proceed. **Comm. Fry** commended the City and staff for their efforts in trying to find compromises. Comm. Fry asked how this moved on to City Council. Ms. Nassif responded that tonight, staff is looking for a recommendation from the Planning Commission, which she will take to City Council. Comm. Fry asked Ms. Nassif to explain why the City wants preliminary plans to expire. Ms. Nassif responded that all other plans and plats have an expiration timeframe, and it is a good way to have a touchpoint back to the community. Also, because codes are updated annually, it is important to make sure that new development meets current code standards. Comm. Fry asked if Ms. Nassif thought there was a reason it was written to not have an expiration date when the UDO was revised. Ms. Nassif responded in the early 1990s, preliminary plans expired in one year. Later, expiration dates were removed. Now, after looking at the community's vision, it is thought that they should include an expiration date.

Vice-Chairman Rinke asked if someone who has a preliminary plan that doesn't expire will be grandfathered in the future. **Ms. Nassif** said there is no language to grandfather them however they can request an extension. Vice-Chairman Rinke asked about vibration standards for quarries. Ms. Nassif replied that existing special use permits are set at a .30.

Comm. Nelson asked if other developments have been held up because of a development that has not begun yet. **Ms. Nassif** developers do watch to see what sort of development is happening throughout the municipality as they market and lease ground space.

Chair Vakas opened the public hearing. **Randy Kriesel**, 24120 West 167th Street, approached the podium. Mr. Kriesel continues to be concerned about vibrations when blasting at the quarries. He stressed that the UDO amendments would not protect them from the effects of blasting. He closed by saying that the vibration change would be detrimental to the quality of life for those in his neighborhood. **Ms. Nassif** noted that Mr. Kriesel was correct, that one measurement is .75.

David Waters, Attorney, Lathrop Gage Law Firm, appeared on behalf of the Hamm Company, which operates two quarries. He and his clients support staff's recommendations and thanks them for making stakeholders a part of that process. **Chair Vakas** asked if vibration standards were lowered, what the impact would be in the blasting schedule. Mr. Waters said the lower the standard, the more blasting would need to occur.

Pete Heaven, Attorney, 9401 Indian Creek Parkway, Overland Park, appeared on behalf of Rodrock Homes, Rodrock Development, Prieb Homes and Blakeley Development. Mr. Heaven suggested that the proposed amendments won't accomplish what the staff believes they will. He believes the results will be catastrophic. He said the language in the current UDO works perfectly. Mr. Heaven expressed concern with several updates included in Section 18.40 including the expiration of preliminary plans and the updated language for final plats. **Comm. Munoz** asked Mr. Heaven if, in summarizing his comments, he wished to keep the UDO language the same. Mr. Heaven said yes.

Harold Phelps, Phelps Engineering, 1270 North Winchester, Olathe, approached the podium. He appreciated Mr. Heaven's comments and believed he outlined the major concerns of the development community. He notes that if the ordinance is passed, it would create work for engineers, but they want to support their clients, helping them get the best plan that works for everyone.

Travis Schram, President, Grata Development, 11282 S. Belmont Street, Olathe, approached the podium. He addressed the process and said it feels like there is a rush in the timetable. He does not feel this issue is ready to go to City Council. He is concerned about continuing to develop in Olathe. He does not want expirations on plans to change. **Comm. Fry** asked Mr. Schram to explain his objections. Mr. Schram said each phase needs to be a stand-alone development, which would eliminate the need for phasing, in general. **Ms. Nassif** said the area Comm. Fry is talking about exists in code today and is not being changed. Preliminary plats in excess of 40 acres are required to have a phasing plan. The code change defines what a phasing plan means. **Comm. Fry** is trying to understand if that change is supported by the development community. **Ms. Nassif** said the change is that preliminary plans have a phasing plan, as well, so as to have the ability to anticipate what is to come. **Chair Vakas** called for a motion to close the public hearing.

Motion by Vice-Chairman Rinke, seconded by Comm. Sutherland, to close the public hearing.

Motion passed 6-0.

Vice-Chairman Rinke noted that many of the comments received this evening are from residential developers. He asked Ms. Nassif if the same rule applied to commercial developers. **Ms. Nassif** said it does. Mr. Rinke asked if there are issues with both commercial and residential, and if the proposal would only apply to commercial developers and leave existing rules in place for residential. Ms. Nassif recommended that the rules be consistent as much as possible for both the residential and commercial developers.

Comm. Nelson asked Ms. Nassif to speak to the issue of conforming to the UDO versus conforming to the municipal code. **Ms. Nassif** said currently, other sections of the UDO state that those documents shall adhere to a certain section or sections of the UDO. For final plats, that is

the only document that doesn't reference that it should adhere to the UDO, which is why that language was being added.

Comm. Fry said he struggles with the purpose of the amendments and whether they are worth the potential detrimental effects. He is not comfortable moving the amendments on to City Council and proposes striking UDO amendments 18.40.110.B and 18.40.150.A and B. **Vice-Chairman Rinke** said he is not comfortable voting to approve if such a motion is made to that effect. Regarding the quarry, Vice-Chairman Rinke said he is comfortable leaving it at .02.

Comm. Nelson asked if there have been other neighbors who have expressed concern about the quarries and blasting. **Ms. Nassif** responded that there has been feedback from a variety of stakeholders over the last several months.

Chair Vakas noted that this conversation has been going on for many months and appreciates the collaboration between the development communities and quarry operators and City staff. He is not uncomfortable with the proposal as submitted but believes there are issues on the exploration of preliminary site development plans. He believes City Council needs to weigh in on that issue. Personally, he would like to send something forward to City Council, with the understanding that it's going to Council for discussion, not necessarily approval or disapproval.

Comm. Sutherland had a question about 18.40.150.B regarding phasing plans. He asked if a developer would have to come back if a phasing plan changed. **Ms. Nassif** said there is no information in the UDO that explains what a phasing plan is. She said it is not the intent for them to have to come back unless the plan itself changed.

Comm. Nelson feels that this issue has reached an impasse and the potential to bring to conclusion is non-existent at this level. **Chair Vakas** called for a motion.

Motion by Comm. Fry, seconded by Comm. Sutherland, to recommend approval of UDO18-0002, per staff recommendations, as amended:

Staff recommends approval of the proposed amendments to the *Unified Development Ordinance (UDO)*, as detailed in the attached UDO Amendments Exhibit for the following Chapters and associated subsections herein: 18.30.190, 18.40.110, 18.40.150, 18.40.160, and 18.50.160.

Motion includes striking staff recommendation 18.40.110.B and staff recommendation 18.40.150.A and B.

Comm. Nelson is concerned that Comm. Fry is striking a recommendation, not language.

Aye: Sutherland, Fry, Munoz, Vakas (4)

No: Rinke, Nelson (2)

Motion was approved 4-2.

Shelby Ferguson

From: Cynthia Kriesel <cann@gmx.us>
Sent: Monday, April 08, 2019 3:25 PM
To: Shelby Ferguson
Cc: Aimee Nassif
Subject: UDO18-002 (B) Public Comment - RE: What date did the quarry test blast take place

Shelby,

Thanks for the reply. Please include this email in the packet for the City Council related to UDO18-002 (B) as a public comment from me related to vibration & quarry ordinance update.

Based upon the public records that were sent to me in November for the October blasting vibrations, the October 19 blast only used a fraction of the amount of explosives that the other blasts used (Records Request 19937). Here is the data that the City provided to me that includes the pounds of explosives (per hole) for each blast.

Events

Time	Activity	Shot Type	Location	Distance	Max Lbs	SD	PPV	Fre
10/10/2018 1:42 pm	101018	Production Shot	16655 South Orchard Dr	4,159	123.00	375.00	N/T	N/T
10/10/2018 1:42 pm	101018	Production Shot	Relocated West Property Line	3,152	123.00	284.16	N/T	N/T
10/10/2018 1:42 pm	101018	Production Shot	Quick Service	4,117	123.00	371.18	N/T	N/T
10/19/2018 11:00 am	101918	Production Shot	16655 South Orchard Dr	4,032	61.00	516.30	N/T	N/T
10/19/2018 11:00 am	101918	Production Shot	Relocated West Property Line	2,997	61.00	383.75	N/T	N/T
10/19/2018 11:00 am	101918	Production Shot	Quick Service	3,964	61.00	507.56	N/T	N/T
10/25/2018 12:18 pm	102518	Production Shot	16655 South Orchard Dr	4,203	119.00	385.25	N/T	N/T
10/25/2018 12:18 pm	102518	Production Shot	Quick Service	4,062	119.00	372.34	N/T	N/T
10/25/2018 12:18 pm	102518	Production Shot	Relocated West Property Line	3,078	119.00	282.12	0.0330	31.1
10/29/2018 1:10 pm	102918	Production Shot	Relocated West Property Line	2,978	252.00	187.57	N/T	N/T
10/29/2018 1:10 pm	102918	Production Shot	Quick Service	3,881	252.00	244.45	N/T	N/T
10/29/2018 1:10 pm	102918	Production Shot	16655 South Orchard Dr	3,720	252.00	234.36	N/T	N/T
10/5/2018 2:30 pm	100518	Production Shot	Relocated West Property Line	3,612	132.00	314.38	N/T	N/T
10/5/2018 2:30 pm	100518	Production Shot	16655 South Orchard Dr	4,299	132.00	374.15	N/T	N/T
10/5/2018 2:30 pm	100518	Production Shot	Quick Service	4,520	132.00	393.42	N/T	N/T
11/9/2018 12:29 pm	110918	Production Shot	Relocated West Property Line	2,531	136.00	217.03	0.0530	26.1
11/9/2018 12:29 pm	110918	Production Shot	Quick Service	3,514	136.00	301.32	0.0300	18.1
11/9/2018 12:29 pm	110918	Production Shot	16655 South Orchard Dr	3,718	136.00	318.82	0.0280	20.1

As you can see, the 61 pounds of explosives used on October 19 was much less than any the other blasts (approximately 25% to 50% of the amount used for the other blasts), and therefore was not representative of a typical blast event. I again request that an appropriate test blast be scheduled prior to changing the UDO. The test should be designed to generate the higher vibration levels that staff is proposing as the limit for blasting vibrations at residences. The City representatives may use my house to experience what the vibrations feel like in a residential structure.

Regards,


Randy Kriesel
24120 West 167th Street
Olathe, KS 66061
913-884-6702
April 8, 2019

From: Shelby Ferguson [mailto:SAFerguson@OLATHEKS.ORG]
Sent: Monday, April 08, 2019 10:15 AM
To: Cynthia Kriesel; Aimee Nassif
Subject: RE: What date did the quarry test blast take place

Randy,

The quarry test blast took place on Friday October 19, 2018 at 11 am.

Thanks,

[Shelby Ferguson](#), *Planning Consultant*
(913) 971-8661 | [OlatheKS.org](#)
Public Works | City of Olathe, Kansas
Setting the Standard for Excellence in Public Service


From: Cynthia Kriesel <cann@gmx.us>
Sent: Monday, April 08, 2019 9:51 AM
To: Aimee Nassif <AENassif@OLATHEKS.ORG>
Cc: Shelby Ferguson <SAFerguson@OLATHEKS.ORG>
Subject: What date did the quarry test blast take place

Aimee,

I don't remember whether you mentioned the date of the quarry test blast. If you did, I have forgotten. Please let me know the date and approximate time of the test blast that took place.

Thank you,

Randy Kriesel



Virus-free. www.avast.com



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Fire

STAFF CONTACT: Jeff DeGraffenreid / Mark Wassom

SUBJECT: Proposed amendments to Titles 15 and 16 of the Olathe Municipal Code concerning the adoption and amendment of the 2018 International Codes relating to building, residential, existing buildings, plumbing, mechanical, fuel gas, electrical, energy conservation, swimming pool, property maintenance and fire codes.

ITEM DESCRIPTION:

Consideration of Ordinance Nos. 19-27, 19-28, 19-29, 19-30, 19-31, 19-32, 19-33, 19-34, 19-35, 19-36, and 19-37, regarding proposed amendments to Titles 15 and 16 of the Olathe Municipal Code concerning the adoption and amendment of the 2018 International Codes relating to building, residential, existing buildings, plumbing, mechanical, fuel gas, electrical, energy conservation, swimming pool, property maintenance and fire codes

SUMMARY:

The City currently uses the 2012 Edition of the International Codes related to building, residential, existing buildings, plumbing, mechanical, fuel gas, electrical, energy conservation, swimming pool, property maintenance and fire codes. These editions with local amendments were adopted in April of 2013.

Maintaining current codes is important to support safety, innovation, development, resilience and sustainability. The model codes are updated every three years. The jurisdictions in Johnson County have traditionally adopted every other edition, so the local code updates are done on a six-year cycle. Other cities in the County and across the nation have adopted or will be adopting these same codes. Having consistent codes throughout the county and region helps architects, engineers, developers and builders design and construct projects more efficiently. Staff participated in multiple task groups focused on consistency in codes across the region dating back to the Spring of 2018. These groups include the Johnson County Building Officials Association Code Committee and the metro wide Code Adoption Task Force sponsored by the Metro Fire Chief's Association. These meetings were also attended by the Home Builder's Association and other interested parties.

The proposed adoption and amendment of the 2018 International Codes was presented to the council on April 2 and May 7, 2019. Between presentations, staff also met with and discussed amendments with many of the council members to address questions and to provide additional information. Based upon input provided by the Council during presentations and discussions, we have made two revisions to the ordinances previously proposed. We have added the appendix covering Radon Control to the adoption ordinance in the International Residential Code. This will require passive radon control systems to be added to residences during construction rather than during resale as is commonly done at this time. We also updated the proposed Energy Conservation Code to the 2018 Edition. Current amendments are retained so that the industry can continue using the current approach to many aspects of energy conservation that have proven to be appropriate for this region. Revisions for the Energy Code provisions were made in the International Residential Code and the International Energy Conservation Code.

The Board of Code Review reviewed and met concerning the code adoption on several occasions during the review process. During their latest meeting on Tuesday, June 11th, they reviewed the proposed adoption and

MEETING DATE: 6/18/2019

amendments, including the latest modifications to the radon control provisions and the 2018 Energy Code adoption. The Board voted on a motion to recommend approval of the proposed adoption and amendment of the 2018 codes which passed 5-0.

We recommend a transition period between the adoption and the effective date of the codes to allow designers and builders to adapt to the updated requirements. The proposed effective date is September 1, 2019 as indicated in each ordinance.

FINANCIAL IMPACT:

None

ACTION NEEDED:

Consider a motion to approve or deny.

ATTACHMENT(S):

- A: Ordinance 19-27 - Chapter 15.02 - Building Code
- B: Ordinance 19-28 - Chapter 15.04 - Residential Code
- C: Ordinance 19-29 - Chapter 15.06 - Existing Building Code
- D: Ordinance 19-30 - Chapter 15.08 - Plumbing Code
- E: Ordinance 19-31 - Chapter 15.10 - Mechanical Code
- F: Ordinance 19-32 - Chapter 15.12 - Fuel Gas Code
- G: Ordinance 19-33 - Chapter 15.14 - Electrical Code
- H: Ordinance 19-34 - Chapter 15.16 - Energy Conservation Code
- I: Ordinance 19-35 - Chapter 15.20 - Swimming Pool and Spa Code
- J: Ordinance 19-36 - Chapter 15.22 - Property Maintenance Code
- K: Ordinance 19-37 - Chapter 16.05 - Fire Code

ORDINANCE NO. 19-27

AN ORDINANCE PERTAINING TO THE OLATHE BUILDING CODE; ADDING CERTAIN SECTIONS; AMENDING OLATHE MUNICIPAL CODE SECTIONS 15.02.020, 15.02.030, 15.02.050, 15.02.060, 15.02.070, 15.02.080, 15.02.100, 15.02.130, 15.02.140, 15.02.160, 15.02.170, 15.02.180, 15.02.200, 15.02.210, 15.02.230, 15.02.240, 15.02.260, 15.02.270, 15.02.280, 15.02.300, 15.02.310, 15.02.320, 15.02.350, 15.02.370, 15.02.390, AND 15.02.395 AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING SECTIONS 15.02.090, 15.02.290, 15.02.330, 15.02.340, 15.02.360, 15.02.380, 15.02.400, CHAPTER 2.74, SECTIONS 2.74.010 THROUGH 2.74.050, INCLUSIVE, AND CHAPTER 15.24, SECTIONS 15.24.010 THROUGH 15.24.060, INCLUSIVE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 15.02.020 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.020 Code Adopted.

The ~~2012~~ 2018 International Building Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-~~5795~~ is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.02.030 through and including 15.02.430.”

SECTION TWO: Section 15.02.030 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.030 Marked Copies of Code on File.

There shall be not less than one (1) copy of the code adopted by reference in Section 15.02.020 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. ~~12-41~~ 19-27” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. ~~The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.”~~

SECTION THREE: Section 15.02.050 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.050 Section [A] 101.1 Amended – Title.

Subsection [A] 101.1 of the International Building Code is hereby amended to read as follows:

[A] 101.1 Title. The ~~2012~~ 2018 International Building Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.02 shall be known as the Building Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Building Code.”

SECTION FOUR: Section 15.02.060 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.060 Subsection [A] 101.2.1 Amended – Appendices.

Subsection [A] 101.2.1 of the International Building Code is hereby amended to read as follows:

[A] 101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

[A] 101.2.1.1 Appendices adopted. The following appendices are hereby adopted as part of this code:

[Appendix B: Board of Appeals](#)

Appendix C: Group U – Agricultural Buildings

Appendix E: Supplementary Accessibility Requirements”

SECTION FIVE: Section 15.02.070 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.070 Subsection [A] 101.4.3 Amended – ~~Plumbing~~ Reference Standards.

Subsection [A] 101.4 of the International Building Code is hereby amended to read as follows:

[A] 101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference.

[A] 101.4.1 Gas. The provision of the International Fuel Gas code; as adopted by the City and set forth in Chapter 15.12 of the Olathe Municipal Code shall apply to the installation of gas piping from the point of delivery, gas appliances

and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

[A] 101.4.2 Mechanical. The provision of the International Mechanical code; as adopted by the City and set forth in Chapter 15.10 of the Olathe Municipal Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air-condition and refrigeration systems, incinerators and other energy-related systems.

~~Subsection [A] 101.4.3 of the International Building Code is hereby amended to read as follows:~~

[A] 101.4.3 Plumbing. The provisions of the International Plumbing Code (as adopted by the City and set forth in Chapter 15.08 of the Olathe Municipal Code) shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the Johnson County, Kansas Environmental Sanitary Code, 2004 edition, as adopted by the City shall apply to private sewage disposal systems.

[A] 101.4.4 Property maintenance. The provisions of the International Property Maintenance Code; as adopted by the City and set forth in Chapter 15.22 of the Olathe Municipal Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

[A] 101.4.5 Fire prevention. The provisions of the International Fire Code; as adopted by the City and set forth in Chapter 16.05 of the Olathe Municipal Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures of premises; and from the construction, extension, repair, alteration or removal of fire suppression systems, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operations.

[A] 101.4.6 Energy. The provisions of the International Energy Conservation Code; as adopted by the City and set forth in Chapter 15.16 of the Olathe Municipal Code shall apply to all matters governing the design and construction of building for energy efficiency.

[\[A\] 101.4.7 Existing Buildings.](#) The provisions of the International Existing Building Code (as adopted by the City in accordance with Chapter 15.06 of the Olathe Municipal Code) shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings.

SECTION SIX: Section 15.02.080 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.080 Subsections ~~[A] 101.4.7,~~ [A] 101.4.8, and [A] 101.4.9 Added – Electrical, and Swimming Pools and Spas, ~~and Existing Buildings.~~

Subsections ~~[A] 101.4.7,~~ [A] 101.4.8, and [A] 101.4.9 are hereby added to the International Building Code and shall read as follows:

[A] 101.4.7–8 Electrical. The provisions of the National Electrical Code (as adopted by the City ~~in accordance with~~ and set forth in Chapter 15.14 of the Olathe Municipal Code) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

[A] 101.4.8–9 Swimming Pools and Spas. The provisions of the International Swimming Pool & Spa Code; ~~(as adopted by the City in accordance with~~ and set forth in Chapter ~~15.20~~ 15.20 of the Olathe Municipal Code) shall apply to the installation of swimming pools, hot tubs, spas, and fixed in-place wading pools, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

~~[A] 101.4.9 Existing Buildings. The provisions of the International Existing Building Code (as adopted by the City in accordance with Chapter 15.06 of the Olathe Municipal Code) shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings.~~

~~15.02.090 Section [A] 102.4 Amended – Referenced Codes and Standards.~~

~~Section [A] 102.4 of the International Building Code is hereby amended to read as follows:~~

~~[A] 102.4 Referenced Codes and Standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections [A] 102.4.1 and [A] R102.4.2.~~

~~[A] 102.4.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the most restrictive provisions shall apply.~~

~~[A] 102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the most restrictive provisions, as applicable, shall take precedence over all other provisions."~~

SECTION SEVEN: Section 15.02.100 of the Olathe Municipal Code is hereby amended to read as follows:

"15.02.100 Section [A] 103.1 Amended – Creation of enforcement agency.

Section [A] 103.1 of the International Building Code is hereby amended to read as follows:

[A] 103.1 Creation of enforcement agency. The department of building safety is hereby established within the jurisdiction under the direction of the Building Official. The Community Risk Reduction Section – Building Codes Division within the Olathe Fire Department shall be established as the department of building safety where referenced by this Code. The function of the division shall be the implementation, administration and enforcement of the provisions of this Code. ~~The Chief Building Official in charge of the Building Code Division for the City shall be the designated enforcement officer of this code, and is herein referred to as the "building official." The term "Code Official," "authority having jurisdiction," and/or "Code Administrator" shall be used synonymously with the term "building official" and the term "Building Code Division" shall be used synonymously with the term "Department of Building Safety."~~

SECTION EIGHT: Section 15.02.130 of the Olathe Municipal Code is hereby amended to read as follows:

"15.02.130 Subsection [A] 105.1.3 Added – County license required.

Section [A] 105.1.3 is hereby added to the International Building Code and shall read as follows:

[A] 105.1.3 County license required. All persons undertaking work which requires a permit as provided in Section 105, or seeking to obtain that permit from the City, are required to have a currently valid Johnson County contractor's license. That ~~County~~ license shall have been issued by the County in accordance with the provisions of the Johnson County Contractors Licensing Program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the Contractor Licensing Review Board as authorized by said County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

Exceptions:

1. The owner of a single-family dwelling shall be allowed to secure a permit to construct, alter, or repair said home provided the following conditions are met:

A. The homeowner currently occupies the dwelling or will occupy the residence once the construction has been completed.

B. The homeowner undertakes the work themselves.

2. The Building Official may waive the provisions of this section where it can be established that no license exists for the installation, alteration, or repair of a certain type of work requiring a permit, or due to other unique circumstances.”

SECTION NINE: Section 15.02.140 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.140 Section [A] 105.2 Amended – Work exempt from permit.

Section [A] 105.2 of the International Building Code is hereby amended to read as follows:

[A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 200 square feet. ~~(18.58 m2).~~

2. ~~Re-siding the dwelling or structure with materials other than stucco or EIFS.~~ Fences not over seven (7) feet in height.

3. Oil derricks.

4. Retaining walls that are not over 4 feet ~~(1,219 mm)~~ in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons ~~(18,925 L)~~ and the ratio of height to diameter or width is not greater than 2:1.

6. Sidewalks and driveways not more than 30 inches ~~(762 mm)~~ above adjacent grade, and not over any basement or story below and are not part of an accessible route. [Right-of-way permits are required for sidewalk or driveway installation or replacement in the public right-of-way.](#)

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches ~~(610 mm)~~ deep, are not greater than 5,000 gallons ~~(18,925 L)~~ and are installed entirely above ground.

10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

11. Swings and other playground equipment accessory to detached one- and two-family dwellings.

12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches ~~(1,372 mm)~~ from the exterior wall and do not require additional support.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches ~~(1,753 mm)~~ in height.

[14. Re-roofing.](#)

[15. Decks not exceeding two hundred \(200\) square feet in area that are not more than thirty \(30\) inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4](#)

Electrical:

1. Repairs and maintenance: Minor repair work, including: the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles; listed cord and plug connected temporary decorative lighting; reinstallation of attachment plug receptacles but not the outlet; repair or replacement of branch circuit over current devices of the required capacity in the same location; electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, and are not part of a fire alarm system.

2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television

transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

~~4. The installation of portable generators, complying with National Electric Code Section 250.34 (A), used to provide temporary power.~~

Gas:

1. Portable heating appliance, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter ~~its~~ approval of equipment or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. Portable fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, sinks and lavatories in the same location, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

[A] 105.2.1 Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

[A] 105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

[A] 105.2.3 Public Service Agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.”

SECTION TEN: Section 15.02.160 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.160 Subsections [A] 105.3.3, [A] 105.3.4, and [A] 105.3.5 Added – Potable water certification, Fire protection certification, and Connection to public sewer.

Subsections [A] 105.3.3, [A] 105.3.4, and [A] 105.3.5 are hereby added to the International Building Code and shall read as follows:

[A] 105.3.3 Potable water certification. A permit shall not be issued until written evidence is presented to the Building Official certifying the availability of satisfactory potable water supply. Applicants that are within areas under the jurisdiction of a duly constituted water utility shall submit a connection permit or notice of intent to supply water service from the water utility having jurisdiction. Applicants from areas that are not within an area under the jurisdiction of a duly constituted water utility shall submit a certificate from the Johnson County Health Director that the proposed water supply meets the required standards for health and safety.

Exception: On structures other than one- and two-family dwellings, the Building Official may issue a building permit prior to receiving the connection permit or notice of intent to supply water service specified in Section [A] 105.3.3 if all the following conditions are met:

1. A written document acceptable to the City is provided to the Building Official describing the unusual circumstances preventing the issuance of such connection permit.

2. Documentation acceptable to the City is provided showing the status of the application to the water utility having jurisdiction.

3. The applicant verifies in writing, in a form acceptable to the City, an acknowledgment and understanding that the permit required in Section [A] 105.3.3 must be provided to the Building Codes Division prior to any form of final inspection being conducted by the City and prior to any temporary or final certificate of occupancy being issued by the City.

4. The Building Official is satisfied that all pertinent information has been provided and that issuance of a building permit under these circumstances would be in full compliance with the intent and purpose of this code.

[A] 105.3.4 Fire protection certification. A permit for construction shall not be issued until written evidence is presented to the Building Official certifying the availability of satisfactory [fire protection water supply and](#) hydrant locations. Applicants that are within areas under the jurisdiction of a duly constituted water utility, shall submit a statement from the utility certifying that the proposed fire protection system conforms to the regulations of the district. The water supply and hydrants shall also comply with the requirements of Section [A] 507 and Appendices B and C of the International Fire Code (as adopted by the City in accordance with Chapter 16.05 of the Olathe Municipal Code).

[A] 105.3.5 Connection to public sewer. No building permit for any structure or building to be located within a legally created sewer district in the City in which sanitary sewage will, or may, originate shall be issued a permit until and unless the applicant, or their agent, has previously applied for and received from the sewage utility having jurisdiction, an outside sanitary sewer construction and connection permit as required by the rules and regulations of the sewage utility having jurisdiction.

Exception: On structures other than one- and two-family dwellings, the Building Official may issue a building permit prior to receiving the sanitary sewer permit if all the following conditions are met:

1. A written document acceptable to the City is provided to the Building Official describing the unusual circumstances preventing the issuance of such connection permit.

2. Documentation acceptable to the City is provided showing the status of the application to the sewage utility having jurisdiction.

3. The applicant verifies in writing, in a form acceptable to the City, an acknowledgment and understanding that the permit required in Section [A] 105.3.5 must be provided to the Building Code Division prior to any form of final inspection being conducted by the City and prior to any temporary or final occupancy permit being issued by the City.

4. The Building Official is satisfied that all pertinent information has been provided and that issuance of a building permit under these circumstances would be in full compliance with the intent and purpose of this code.

[A] 105.3.5.1 Private sewage disposal facilities. Where a public sewer is not available, a private sewage disposal system designed and constructed in accordance with the Johnson County, Kansas Environmental Sanitary Code and approved by the Johnson County Environmental Department shall be acceptable.”

SECTION ELEVEN: Section 15.02.170 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.170 Subsection [A] 105.3.6 Added – Application for permit to move a building or other structure.

Section [A] 105.3.6 is hereby added to the International Building Code and shall read as follows:

[A] 105.3.6 Application for permit to move a building or other structure. Application for a permit shall be made to move a building or other structure over, along or across any highway, street, road or alley in the City. A move permit application shall include the information required in Sections [A] 105.3.6.1 or [A] 105.3.6.2. The application shall be made not less than fourteen (14) calendar days prior to the commencement of the move. Buildings or structures shall not be lifted off their existing foundation until a permit to move the building or structure has been secured.

Exception: Camping trailers are specifically excluded from this requirement, and no permit shall be required for moving any house, building, mobile home, modular home or structure exclusively upon Interstate 35 Highway.

[A] 105.3.6.1 Moving buildings or structures within or into the City limits. A permit for a foundation, or a new single family or a remodel permit shall be secured prior to the issuance of a permit to move a building or structure onto property within the City limits. The foundation shall be constructed prior to the building or structure being moved. All applications for permits to move buildings or structures within the City limits of Olathe or into the City shall include the following information:

1. A complete building permit application.
2. Building permit fee per Section [A] 109.
3. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number and type of escort vehicles.
4. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving, including a diagram of how the structure will be loaded and supported during the move.
5. A map showing the route of the move.

~~6. A deposit of a sum of money equal to twice the amount of the estimated City expense enumerated in the cost estimates included in the submitted route approval letters from the Police and Public Works Departments.~~

~~7~~6. Letter from the Police Department approving the date, time and route of the move and including an estimate of costs for police services, to include escort service for the move.

~~8~~7. Letter from the Public Works Department approving the date, time and route of the move and including an estimate of the expense that will be incurred in removing and replacing any facilities belonging to the City or any other property of the City, the removal and replacement of which will be required by reason of the moving of the building through the City, together with the cost of materials necessary to be used in making such removals and replacements.

~~9~~8. Bond or cash deposit per Section [A] 105.3.6.3.

~~10~~9. Certificate of Insurance per Section [A] 105.3.6.4.

~~11~~10. Certificate of Ownership or Entitlement. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he/she is entitled to move the building.

~~12~~11. A copy of the state highway move permit, if applicable.

~~13~~12. A letter or electronic communication from any utility agency having overhead lines along the proposed route indicating that they have approved the route.

~~14~~13. Written permission from the Olathe agency having jurisdiction to trim trees in the public right-of-way necessary to provide clearance for the move along the proposed route.

~~15~~14. If being moved off a site within the City limits, letters from all utility agencies verifying that all utilities have been disconnected, i.e. gas, electric, water,

sewer. A verbal or electronic communication from the utility agency is acceptable in lieu of a letter.

~~46~~15. If being moved off a site within the City limits, a Tax Certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes, liens, and any City charges against the same are paid in full.

~~47~~16. If being moved off a site within the City limits, a letter signed by the property owner that the site will have the original foundation demolished, all excavations filled to existing grade, and all debris cleared to return the site to a safe and sanitary condition within 30 days. The letter will include a timeline for these actions and an agreement that a four (4) foot fence will be provided around any open foundation or excavation and that erosion and sediment control measures shall be put in place as needed and shall remain in place until vegetation has been established.

~~48~~17. If being moved off a site within the City limits, a plot plan, sealed by a Kansas design professional, showing the property or lot where the building or structure is to be removed from and including a legal description of the property.

~~49~~18. A plot plan, sealed by a Kansas design professional, showing the property or lot where the building or structure is to be moved to and including a legal description of the property.

~~20~~19. Letter from the water utility having jurisdiction certifying the availability of the water supply per Section [A] 105.3.3.

~~24~~20. Verification from the Fire Department of a satisfactory fire hydrant location per Section [A] 105.3.4.

~~22~~21. Sewer permit from the utility having jurisdiction, or a septic tank or holding tank permit from the Johnson County Environmental Department as specified per Section [A] 105.3.5.

~~23~~22. Verification from the Planning Services Division that the building or structure to be moved is architecturally compatible with adjacent buildings or structures in the area where the building or structure is to be moved.

~~24~~23. Verification by the Building Codes Division that the building or structure meets current adopted codes and standards.

~~25~~24. Any additional information which the City shall find necessary to make a fair determination of whether a permit should be issued.

[A] 105.3.6.2 Buildings or structures being moved out of the City or passing through the City. All permit applications for moving buildings or structures out of or through the City shall include the following information:

1. A complete building permit application.
2. Building permit fee per Section [A] 109.
3. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number and type of escort vehicles.
4. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving, including a diagram of how the structure will be loaded and supported during the move.
5. A map showing the route of the move.
- ~~6. A deposit of a sum of money equal to twice the amount of the estimated City expense enumerated in the cost estimates included in the submitted route approval letters from the Police and Public Works Departments.~~
- ~~7~~6. Letter from the Police Department approving the date, time and route of the move and including an estimate of costs for police services, to include escort service for the move.
- ~~8~~7. Letter from the Public Works Department approving the date, time and route of the move and including an estimate of the expense that will be incurred in removing and replacing any facilities belonging to the City or any other property of the City, the removal and replacement of which will be required by reason of the moving of the building through the City, together with the cost of materials necessary to be used in making such removals and replacements.
- ~~9~~8. Bond or cash deposit per Section [A] 105.3.6.3.
- ~~10~~9. Certificate of Insurance per Section [A] 105.3.6.4.
- ~~11~~10. Certificate of Ownership or Entitlement. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building.
- ~~12~~11. A copy of the state highway move permit, if applicable.
- ~~13~~12. A copy of the move permit from the next jurisdiction that the structure will enter when leaving the Olathe City limits.
- ~~14~~13. A letter or electronic communication from any utility agency having overhead lines along the proposed route indicating that they have approved the route.

~~45~~14. Written permission from the Olathe agency having jurisdiction to trim trees in the public right-of-way necessary to provide clearance for the move along the proposed route.

~~46~~15. If being moved off a site within the City limits, letters from all utility agencies verifying that all utilities have been disconnected, i.e. gas, electric, water, sewer. A verbal or electronic communication from the utility agency is acceptable in lieu of a letter.

~~47~~16. If being moved off a site within the City limits, a Tax Certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes, liens, and any City charges against the same are paid in full.

~~48~~17. If being moved off a site within the City limits, a letter signed by the property owner that the site will have the original foundation demolished, all excavations filled to existing grade, and all debris cleared to return the site to a safe and sanitary condition within 30 days. The letter will include a timeline for these actions and an agreement that a four foot fence will be provided around any open foundation or excavation and that erosion and sediment control measures shall be put in place as needed and shall remain in place until vegetation has been established.

~~49~~18. If being moved off a site within the City limits, a plot plan, sealed by a Kansas design professional, showing the property or lot where the building or structure is to be removed from and including a legal description of the property.

~~20~~19. Any additional information which the City shall find necessary to make a fair determination of whether a permit should be issued.

[A] 105.3.6.3 General Deposit.

1. Bond. An application hereunder shall be accompanied by a bond, essentially in the form shown below, executed by a bonding or surety company authorized to do business in the state of Kansas in the amount of Five Thousand Dollars (\$5,000.00), conditioned upon the assurance that this and other applicable ordinances and laws will be complied with. Such bond shall run to the City for the use and benefit of any person or persons intended to be protected thereby and shall be conditioned on the payment of any damage to public or private property and the payment for any damages or losses resulting from any malfeasance, misfeasance, or non-feasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted. Bond forms should be substantially in the following form:

CITY OF OLATHE, KANSAS

HOUSE, BUILDING AND STRUCTURE PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, _____, as Principal, _____ and as Surety, are held and firmly bound unto the City of Olathe, Kansas, in the penal sum of Five Thousand and No/100 Dollars (\$5,000.00), to the payment of which will be made we hereby bind ourselves, our heirs, executors, administrators, and successors, severally and firmly by these presents.

DATED this _____ day of, _____ 20_____, for the period of one year ending the _____ day of _____, 20_____.

THE CONDITION of the foregoing obligation is such that **WHEREAS**, said principal desires to move houses, buildings and/or structures over and along the public streets or ways, roads, alleys or sidewalks in the City of Olathe, Kansas, this bond is conditioned that said person, firm or corporation shall perform all covenants, conditions and obligations pertaining to the moving of the house, building or structure and the compliance with all City codes pertaining to said house, building and/or structure, and shall hold the City harmless against all claims, loss or damage which it may sustain or suffer by reason of any breach of said permit by said principal, or by reason of any injury to persons or property occasioned by the action of said principal or his employees.

IN TESTIMONY WHEREOF, said principal has duly executed these presents and said surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized agent or agents, all as of the date and year first above written.

Principal

(Seal)

Surety

2. Any person filing an application hereunder may, in lieu of the bond required above, deposit with the City Clerk a cash deposit in the sum of Five Thousand Dollars (\$5,000.00) as an indemnity for any damage which the City may sustain by reason of damage or injury to any highway, street or alley, sidewalk, fire hydrant or other property of the City, which may be caused by or be incidental to the removal of any building over, along or across any street in the City and to indemnify the City against any claim of damages to persons or private property, and to satisfy any claims by private individuals arising out of, caused by or incidental to the moving of any building over, along or across any street in the City.

[A] 105.3.6.4 Certificate of Insurance. The applicant shall file with the City a certificate of insurance, demonstrating evidence of satisfactory Commercial General Liability and Automobile Liability insurance. No permit shall be issued until such evidence is filed. Policies of insurance must contain the following limits of protection and conditions:

1. Commercial General Liability insurance on an occurrence basis in amounts no less than \$500,000 bodily injury and property damage per occurrence.
2. Automobile Liability insurance in an amount no less than \$250,000 bodily injury each person / \$500,000 bodily injury each occurrence / \$250,000 property damage each occurrence; or \$500,000 bodily injury and property damage combined single limit.

The City will only accept coverage from an insurance carrier meeting these criteria:

- a. Is licensed to do business in the state of Kansas;
- b. Carries a Best's policyholder and financial rating of A- or better;
- c. Carries at least a Class VIII financial rating; or
- d. Is a company mutually agreed upon by the City and the applicant.

The City shall be notified in writing not less than thirty (30) days prior to cancellation or material modification of any policy provisions.

~~[A] 105.3.6.5 Duties of Chief Building Official. Upon receipt of the application the Chief Building Official or designee shall:~~

- ~~1. Check and verify that all application, fee and deposit requirements have been complied with;~~
- ~~2. Endorse the application to indicate applicant compliance with contents, requirements and forward to other City agencies for concurrence/approval as appropriate.~~
- ~~3. Deposit all fees and cash deposits with the Director of Resource Management or designee.~~
- ~~4. Hold all bonds and/or insurance policies until either denial of application or final resolution of the move and any damages that may result therefrom.~~
- ~~5. Issue the permit upon return of application approval by the departments listed in subparagraph 2. above.~~
- ~~6. In the event the permit is refused, return to the applicant all deposits, bonds and insurance policies (permit fees shall not be returned).~~
- ~~7. Inspection. The Building Official may direct inspection of the building to determine whether the standards for issuance of a permit are met.~~

~~8. Standards for Issuance. The Building Official shall refuse to issue a permit if he/she finds:~~

~~a. The building is too large to move without endangering persons or property in the City;~~

~~b. The building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the City;~~

~~c. The building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the City;~~

~~d. The applicant's equipment is unsafe and that persons and property would be endangered by its use;~~

~~e. That zoning or other ordinances would be violated by the building in its new location;~~

~~f. That for any other reason persons or property in the City would be endangered by the moving of the building.~~

~~9. Return upon allowance for expense. After the building has been removed, the Chief Building Official shall furnish the Director of Resource Management or designee with a written statement of all expenses incurred in removing and replacing all property belonging to the City, and of all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the City. Provided however, that if any wires, poles, lamps or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the cost of removing the same. The Director of Resource Management shall return to the applicant all deposits after deduction of sum sufficient to pay for all of the costs and expenses and for all damage done to property of the City by reason of the removal of the building. The return of deposits shall be made no later than thirty (30) days after completion of the move. Permit fees deposited with the application shall not be returned.~~

~~10. Designate Streets for Moving. The Chief Building Official may designate streets for moving buildings or he/she may modify the applicant's proposed route and moving dates and hours in order to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets. The Building Official may require the planking of any street, bridge or culvert, or any part thereof, to support the building being moved to prevent damage. Further, the Building Official may, at his/her discretion, inspect the progress of moving the building to ensure compliance with the provisions of this chapter.~~

~~[A] 105.3.6.6 Duties of Director of Resource Management.~~

~~1. Deposit all monies received into the City general operating fund.~~

~~2. The Director of Resource Management or designee shall return to the applicant all deposits after deduction of sum sufficient to pay for all of the costs and expenses and for all damage done to property of the City by reason of the removal of the building. The return of deposits shall be made no later than thirty (30) days after completion of the move. Permit fees deposited with the application shall not be returned.~~

~~[A] 105.3.6.7 Duties of Police Chief.~~

~~1. The Police Chief or designee shall review the application and, if concurring, indicate the same thereon and assign police escort as may be required. If nonconcurring, return the application with reasons for recommended disapproval.~~

~~2. Upon completion of the movement of the building and the termination of any police escort, notify the Chief Building Official of all police services costs.~~

~~[A] 105.3.6.8 Duties of City Attorney. The City Attorney or designee shall review the application for legal sufficiency and signify approval or in the event of recommended disapproval submit reasons therefor.~~

[A] 105.3.6.95 Duties of Permittee Conditions of the permit. In addition to other provisions of the Code, the permit holder shall be responsible for compliance with the following: ~~Every permittee under this chapter shall:~~

1. Use of Streets. Use only those streets and routes as approved by the permit.
2. Notify of Revised Moving Time. Notify the Chief Building Official in writing at least forty-eight (48) hours prior to the move of any desired change in the date, hour, or route of the move as proposed in the application. All changes must be approved by the Chief Building Official before initiating the move.
3. Notify of Damage. Notify the Chief Building Official in writing of any and all damage done to public and private property within 24 hours after the damage or injury has occurred.
4. Street Occupancy Period. Remove the building from the City streets after twenty-four (24) hours of such occupancy. No building or structure or any part of any building or structure being moved shall be left in the parkway, street, or on the dedicated right-of-way line between the curb and the front property line of any lot.
5. Comply with Governing Law. Comply with the building code, the fire code, the zoning ordinance and all other applicable ordinances and laws upon relocating the building in the City.

~~6. Pay Expense of Officer. Pay the expense of any officer that may be ordered by the Police Chief or designee to accompany the movement of the building to protect the public from injury.~~

76. Clear Old Premises. Within 30 days demolish original foundation, remove all rubbish and materials, and fill all excavations to existing grade at the original

building site so that the premises are left in a safe and sanitary condition. Any open foundation or excavation shall be protected by a four foot fence. Erosion and sediment control measures shall be put in place as needed and shall remain in place until vegetation has been established.

~~87.~~ Remove Service Connection. See that the sewer line is plugged with a stopper, the water shut off, and the meter returned to the City water office. Permittee shall notify the gas and electric service companies to remove their services.

~~98.~~ Permit Aboard Moving Vehicle. Ensure that at all times while the moving or towing vehicle is engaged in moving the building, the permit and route of travel are in the possession of the vehicle operator and available for inspection by City authorities.

~~409.~~ Railroad Crossings. Notify railroad officials of times, location and direction of crossing of all railroad tracks on the route of travel.

~~44~~~~10.~~ Compliance with Moving Provisions. Be responsible for furnishing its own escort and for complying with all provisions contained in Section [A] 105.3.6.10.

[A] 105.3.6.~~406~~ General Provisions. The following general provisions shall be complied with during the moving of any building within the limits of the City of Olathe:

1. Escort Vehicles. The movement of all buildings within the City shall be protected by two (2) escort vehicles to be provided by the permittee. Each escort vehicle shall have a ~~rotating~~ flashing amber light ~~eight inches (8") in diameter~~ mounted on the top of the escort vehicle in such a manner that it is readily visible in all directions at a distance of not less than eight hundred feet (800'), and it shall have attached to the top of said vehicle an "OVERSIZE LOAD" sign. Such sign shall be yellow with black lettering. The sign shall be fourteen inches (14") in height and sixty inches (60") in length. The lettering is to be eight inches (8") high and have a one and one-eighth inch (1-1/8") stroke and it must be readily visible from a distance of five hundred feet (500'). One escort vehicle shall precede the building being moved and the other shall follow it.

2. Warning Flags. The building being moved shall have red flags not less than eighteen inches (18") square attached to each corner of the building at all times it is in transit.

3. Display Lights. Cause red lights to be displayed during the night time on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building. Night time is from thirty (30) minutes after sunset to thirty (30) minutes before sunrise.

[A] 105.3.6.~~41~~7 Enforcement.

1. The Chief Building Official or designee and Police Chief or designee shall enforce and carry out the requirements of this chapter.
2. Permittee Liable for Expense above Deposit. The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the City Attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.
3. Original Premises Left Unsafe. The City shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition, where permittee does not comply with the requirements of this chapter, and the cost thereof shall be charged against the general deposit. In lieu thereof the City may levy a special assessment in accordance with the provisions of Section [A] 116.6.

[A] 105.3.6.~~42~~8 Penalties. Any person violating any of the provisions of this code shall be subject to the penalties as stipulated in Section [A] 114.4.

[A] 105.3.6.~~43~~9 Liability. The requirements stated in this code shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to an improper moving of buildings on the City's streets. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any move. Acceptance of the permit by the permittee will be prima facie evidence that the permittee assures full compliance with all requirements contained in this chapter, and assumes all responsibility for injury to persons or damages to public or private property, and further agrees to hold the City immune from all suits, claims and damages arising from the movement of the building."

SECTION TWELVE: Section 15.02.171 is hereby added to the Olathe Municipal Code to read as follows:

"15.02.171 Subsection [A] 105.5.1 Added – Renewal of permit upon expiration.

Subsection [A] 105.5.1 is hereby added to the International Building Code and shall read as follows:

[A] 105.5.1 Renewal of permit upon expiration. Once a permit has expired for any reason, the permit may not be renewed, and work may not recommence until the payment in full of a new permit fee based upon the value of the work remaining to complete the project."

SECTION THIRTEEN: Section 15.02.175 is hereby added to the Olathe Municipal Code to read as follows:

“15.02.175 Subsection [A] 107.1.1 Added – One- and Two-Family Dwellings

Subsection [A] 107.1.1 is hereby added to the International Building Code and shall read as follows:

[A] 107.1.1 One- and Two-Family Dwellings. Construction documents for new residential structures designed in accordance with the International Residential Code shall be prepared by a design professional duly registered in the State of Kansas. The drawings shall bear the professional seal(s) of the design professional(s).

Exception: The Building Official is authorized to waive the submission of construction documents and other data when it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.”

SECTION FOURTEEN: Section 15.02.178 is hereby added to the Olathe Municipal Code to read as follows:

15.02.178 Subsection [A] 107.2.9 Added – Code Footprint

Subsection [A] 107.2.9 is hereby added to the International Building Code and shall read as follows:

[A] 107.2.9 Code Footprint. The construction documents submitted with an application for permit for certain occupancies as defined in 107.2.9.1 shall include a code footprint document as defined in K.A.R. 22-1-7. The same shall be submitted to the Office of the Kansas State Fire Marshall as required by K.A.R. 22-1-7.

[A] 107.2.9.1 Occupancies requiring a code footprint. A code footprint shall be created for all new construction, renovation, or change in occupancy for any of the following types of buildings:

1. Group A assembly occupancies with an occupant load greater than 2,000 persons;

2. Group E educational occupancies, including any day-care facility with an occupant load greater than 24 persons;

3. Group B business occupancies at any community college, area vocational school, vocation technical school, technical college, or any institution under the governance of the state board of regents;

4. Group A assembly occupancy mixed with a Group E educational occupancy or a Group I institutional occupancy;

5. Group I institutional occupancy, including any state or other governmental entity's detention facilities, and any occupancy physically attached to a Group I occupancy regardless of fire barrier separation;

6. Group R-1 or R-2 residential occupancy that is three or more stories in height, including basements, or more than 12,000 square feet in area, and any R-4 occupancy

[A] 107.2.9.2 Information Required. The following shall be required on all code footprints.

1. A graphic bar scale and north directional indicator;
2. A complete building floor plan, with a clear identification of new, remodeled, and existing portions;
3. Identification of all permanent partitions, taller than six (6) feet;
4. A label with plain text, keynotes, or legends for each room and space;
5. The occupant load of assembly rooms and total occupant load for each floor level;
6. Identification of openings and ratings of stair and shaft enclosures;
7. Identification of openings and ratings of corridors and openings;
8. Identification of occupancy and area separations;
9. Identification of all horizontal exit arrangements, exit passageways, and smoke compartments;
10. Identification of all required exterior exits and exit capacity;
11. The location of the central fire alarm control panel and any remote annunciator panels;
12. The location of each fire department supply connections;
13. The location of fire department access roads and fire hydrants;
14. The distances to property line and exposures;
15. Identification of any special hazards or conditions; and
16. The location of any anticipated future additions.

[A] 107.2.9.2.1 Narrative information. The following narrative information shall be required on each code footprint submitted:

1. The project construction purpose: new, addition, change in use, renovation, or other;

2. The reason for submittal: new construction, new licensure, certificate of occupancy or plan of correction for existing code deficiencies;
3. The code or codes used;
4. The street address, city, state, zip code, and county of the building;
5. The name, address, city, state, zip code, phone number, and fax number of the owner;
6. The date developed and any revision dates;
7. The name, address, city, state, zip code, phone number, and fax number of the designer;
8. The designer's seal (RA or PE)
9. The name of the responding fire service;
10. The name of the local building inspection department;
11. Each occupancy group and type;
12. The type of construction;
13. The structural code requirements, including the following:
 - (a) The total floor area of each occupancy, both actual and allowable;
 - (b) Height and area limitations, both actual and allowable; and
 - (c) Structural fire ratings, both actual and allowable;
14. Identification of active fire safety features, including the following:
 - (a) The type of automatic suppression systems and locations;
 - (b) The fire alarm signaling systems;
 - (c) Emergency lighting and power features; and
 - (d) The smoke control system;
15. Water supply requirements of the facility for fire suppression; and
16. Alternative methods of design or construction, or both."

SECTION FIFTEEN: Section 15.02.180 of the Olathe Municipal Code is hereby amended to read as follows:

"15.02.180 Section [A] 109.2 Amended – Schedule of permit fees.

Section [A] 109.2 of the International Building Code is hereby amended to read as follows:

[A] 109.2 Schedule of permit fees. Permit fees. On buildings, structures, electrical, gas, mechanical, plumbing, fire alarm and fire suppression systems or alterations requiring a permit, a fee for each permit shall be paid as required. Permit fees for all applications shall be established by a resolution of the Governing Body. Permit fees may be reviewed on an annual basis and revised as necessary by adoption of a new resolution. Copies of the current resolution establishing permit fees shall be on file in the City Clerk's office."

SECTION SIXTEEN: Section 15.02.193 is hereby added to the Olathe Municipal Code to read as follows:

"15.02.193 Section [A] 109.6 Amended-Refunds

Section [A] 109.6 of the International Building Code is hereby amended to read as follows:

[A] 109.6 Refunds. The building official may authorize refunds of permit fees paid under the following circumstances:

1. Any fee paid which was erroneously paid or collected; or
2. A permit fee paid when no work has commenced under a permit issued in accordance with this code, provided the request is received within 180 days after the issuance of the permit."

SECTION SEVENTEEN: Section 15.02.200 of the Olathe Municipal Code is hereby amended to read as follows:

"15.02.200 Section 111.3 Amended – Temporary Certificate of Occupancy.

Section 111.3 of the International Building Code is hereby amended to read as follows:

SECTION 111

CERTIFICATE OF OCCUPANCY

~~[A] 111.1 Use and occupancy. No change in the character, use or occupancy classification of land or of a building shall be made, nor shall any new or old building or structure or portion thereof be so occupied or used until the Chief Building Official has issued a certificate of occupancy certifying that such building or use complies with all regulations of Title 15 of the Olathe Municipal Code, the Unified Development Ordinance and all other ordinances and regulations applicable thereto. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances.~~

~~Exception: Certificates of occupancy are not required for work exempt from permits under Section [A] 105.2.~~

~~[A] 111.1.1 Change in Use. Changes in the character or use of a building shall not be made except as specified in the International Existing Building Code.~~

~~[A] 111.2 Certificate issued. After the Building Official conducts the final inspection of the building, structure, and grounds and finds no violations of the provisions of this code and the Unified Development Ordinance, the Chief Building Official shall issue a Certificate of Occupancy which shall contain the following:~~

- ~~1. The building permit number.~~
- ~~2. The address of the structure.~~
- ~~3. The name and address of the owner.~~
- ~~4. A description of that portion of the structure for which the certificate is issued.~~
- ~~5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.~~
- ~~6. The name of the Building Official.~~
- ~~7. The edition of the code under which the permit was issued.~~
- ~~8. The use and occupancy, in accordance with the provisions of Chapter 3.~~
- ~~9. The type of construction as defined in Chapter 6.~~
- ~~10. The design occupant load.~~
- ~~11. If an automatic sprinkler system is provided, whether the sprinkler system is required.~~
- ~~12. Any special stipulations and conditions of the building permit.~~

[A] 111.3 Temporary occupancy. ~~A Temporary Certificate of Occupancy may be issued by the Building Official for the use of a portion or portions of a building or structure prior to the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. Such temporary certificate shall be issued only for a specified period of time and shall specifically state the item or items needed to be completed before a Certificate of Occupancy shall be issued. [The](#)~~

Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. There is hereby established a fee for issuance of a temporary certificate of occupancy. The fee shall be adopted by the Governing Body of the City by resolution.

[A] 111.3.1 Unlawful occupancy. It shall be unlawful for any person, firm or corporation that has been issued a Temporary Certificate of Occupancy to occupy or to allow the occupancy of a building or structure beyond the time specified in the temporary certificate without completing the item or items needed to be completed and obtaining a Certificate of Occupancy.

[A] 111.3.2 Extensions. The building official is authorized to grant one or more extensions of time, for periods not more than 30 days each upon written request prior to the expiration of the temporary certificate of occupancy. There is hereby established a fee for renewal of a temporary certificate of occupancy. The fee shall be adopted by the Governing Body of the City by resolution.~~[A] 111.4 Revocation. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.~~

~~[A] 111.5 Record. A record of all Certificates of Occupancy shall be on file in the office of the Building Official and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the land or building affected by such Certificate of Occupancy.~~

~~[A] 111.6 Posting. The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official."~~

SECTION EIGHTEEN: Section 15.02.201 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

"15.02.201 Subsection 111.5, and 111.6 Added – Record and posting of eCertificate of eOccupancy.

Subsections 111.5 and 111.6 are hereby added to the International Building Code and shall read as follows:

[A] 111.5 Record. A record of all Certificates of Occupancy shall be on file in the office of the Building Official and copies shall be furnished upon request to

any person having a proprietary or tenancy interest in the land or building affected by such Certificate of Occupancy.

[A] 111.6 Posting. The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.”

SECTION NINETEEN: Section 15.02.210 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.210 Section 113 Amended – Board of Appeals.

Section 113 of the International Building Code is hereby amended to read as follows:

[A] 113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code; there shall be and is hereby created a board of appeals; hereinafter known as the “Board of Code Review.” The Board of Code Review shall be empowered to carry out these and other such duties as defined in Section B101 of this Code.

[A] 113.2 Limitation of authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provision of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

[A] 113.3 Qualification and Procedures. Refer to Appendix B of this Code for information pertaining to membership, qualifications and procedures of the Board of Code Review.

SECTION 113

BOARD OF APPEALS

~~[A] 113.1 Board of Code Review. A Board of Code Review shall be established and empowered to act as the Board of Appeals in order to determine suitability of alternate materials, methods of construction and to provide for reasonable interpretation of the code and to perform all other such duties as defined in Chapter 2.74 of the Olathe Municipal Code.~~

~~[A] 113.2 Procedures for Conduct of Hearing Appeals.~~

~~A. Hearing. The Board shall conduct all hearings.~~

~~B.—Record. A record of the entire proceedings shall be made by audio recording, or by any other means of permanent recording determined to be appropriate by the Board.~~

~~C.—Continuances. The Board may grant continuances for good cause shown.~~

~~D.—Oaths. In any proceedings under this chapter, the Board, or any Board member, has the power to administer oaths and affirmations to certify to official acts.~~

~~E.—Reasonable Dispatch. The Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.~~

~~[A] 113.3 Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information:~~

~~You are hereby notified that a hearing will be held before the Board of Code Review at _____, on the day of _____, 20____, at the hour of _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.~~

~~[A] 113.4 Conduct of Hearing.~~

~~A.—Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.~~

~~B.—Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.~~

~~C.—Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.~~

~~D.—Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.~~

~~E. Rights of Parties. Each party shall have these rights, among others:~~

~~1. To call and examine witnesses on any matter relevant to the issues of the hearing;~~

~~2. To introduce documentary and physical evidence;~~

~~3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;~~

~~4. To impeach any witness regardless of which party first called him/her to testify;~~

~~5. To rebut the evidence against him/her;~~

~~6. To represent himself/herself or to be represented by anyone of his/her choice who is lawfully permitted to do so.~~

~~F. Official Notice.~~

~~1. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Board or departments and ordinances of the City or rules and regulations of the Board.~~

~~2. Parties to be notified. Parties at the hearing shall be informed of the matters to be noticed, and these matters shall be noted on the record, referred to therein, or appended thereto.~~

~~3. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board.~~

~~4. Inspection of the premises. The Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that~~

~~a. notice of inspection shall be given to the parties before the inspection is made,~~

~~b. the parties are given an opportunity to be present during the inspection, and~~

~~c. the Board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board or hearing examiner.~~

~~[A] 113.5 Method and Form of Decision.~~

~~A. Hearing Before the Board. When a contested case is heard before the Board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.~~

~~B. Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.~~

~~[A] 113.6 Effective Date of Decision. The effective date of the decision shall be as stated therein.~~

~~[A] 113.7 Filing Fee. Filing fees for all appeals to the Board of Appeals shall be established by resolution of the Governing Body."~~

SECTION TWENTY: Section 15.02.230 of the Olathe Municipal Code is hereby amended to read as follows:

"15.02.230 Section [A] 114.5 Added – Correcting damage to public facilities.

Section [A] 114.5 is hereby added to the International Building Code and shall read as follows:

[A] 114.5 Correcting Damage to Public Facilities.

[A] 114.5.1 Responsible Party. The person, firm or corporation in whose name a building permit is issued will be responsible for the repair of any damage to public facilities which occurs as a result of construction activities covered by such permit.

[A] 114.5.2 Definitions. For the purposes of this section, public facilities shall be defined to include but not be limited to sanitary sewer pipes and manholes, storm sewer pipes and inlets, waterlines, valves, fire hydrants, water meters, curbs, sidewalks and pavement, which facilities are located on the property in question or in easements immediately adjacent thereto.

[A] 114.5.3 Notice of Corrective Action. Whenever such damage is discovered, the responsible permit holder shall be given written notice of what corrective action is necessary and what period of time is specified for completing the corrective action.

[A] 114.5.4 When City to Perform Work. If the responsible party fails to complete the repair work within the specified time, the City may cause the

necessary work to be done and the permit holder shall reimburse the City for the costs incurred in completing said repair work.

[A] 114.5.5 Refusal of Ppermits for-Nnoncompliance. The City may refuse to issue permits to anyone who has been billed for the cost of making such repairs but has refused to pay such costs. The full amount due under this section shall constitute a debt to the City. An action for collection thereof may be commenced in the name of the City in any court having jurisdiction of the cause.

[A] 114.5.6 Not Rresponsible for Pprior Ddamage. The permittee shall not be held responsible for damage which existed prior to the commencement of such construction activity. The permit applicant shall make a thorough inspection of the site prior to beginning construction and notify the building inspector of any such pre-existing damage of which he becomes aware.

[A] 114.5.7 Appeal. Any party aggrieved by a decision of the building inspector hereunder may appeal said decision to the Board of Code Review, and any pending enforcement action shall be suspended until final determination by said board.”

SECTION TWENTY-ONE: Section 15.02.240 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.240 Subsection [A] 116.1.1 Added – Immediate Hazard Procedures Authorized.

Subsection [A] 116.1.1 is hereby added to the International Building Code and shall read as follows:

[A] 116.1.1 Immediate Hhazard Pprocedures Aauthorized. When, in the opinion of the Building Official, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay and such action may, under such circumstances, be taken without prior notice to or hearings of the owners, agents, lienholders, and occupants. The cost of any such action shall be assessed against the property and paid in the manner provided by Section 116.6.3.”

SECTION TWENTY-TWO: Section 15.02.260 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.260 Subsection 305.2.3 Amended – Care being provided in a dwelling unit in compliance with ~~K.S.A. § 65-508~~ State Regulations.

Subsection 305.2.3 of the International Building Code is hereby amended to read as follows:

305.2.3 Care being provided in a dwelling unit in compliance with ~~K.S.A. § 65-508~~ with State laws and licensing programs. A facility such as the above within a dwelling unit that is providing custodial care in compliance with ~~K.S.A. § 65-508~~ State laws and licensing programs shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code for One and Two-Family Dwellings as adopted by the City in accordance with Chapter 15.04 of the Olathe Municipal Code.”

SECTION TWENTY-THREE: Section 15.02.270 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.270 Subsection 308.~~6.5~~ 5.4 ~~Added~~ Amended. – Care being provided in a dwelling unit in compliance with ~~K.S.A. § 65-508~~ State regulations.

Subsection 308.~~6.5~~ 5.4 ~~is hereby added to~~ of the International Building Code and shall read as follows:

308.~~6.5~~ 5.4 Care being provided in a dwelling unit in compliance with ~~K.S.A. § 65-508~~ State laws and licensing programs. A facility such as the above within a dwelling unit that is providing custodial care in compliance with ~~K.S.A. § 65-508~~ State laws and licensing programs shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code for One and Two-Family Dwellings as adopted by the City in accordance with Chapter 15.04 of the Olathe Municipal Code.”

SECTION TWENTY-FOUR: Section 15.02.280 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.280 Subsection 310.~~5.1~~ 4.3 ~~Exception~~ Added – Care facilities within a dwelling unit in compliance with State laws and licensing programs.

Subsection 310.~~5.1~~ 4.3 ~~Exception~~ is hereby added to the International Building Code and shall read as follows:

310.~~5.1~~ 4.3 Care facilities within a dwelling in compliance with State laws and licensing programs. Care facilities in a single family dwelling in compliance with State laws and licensing programs are permitted to comply with the International Residential Code for One- and Two-Family Dwellings as adopted by the City in accordance with Chapter 15.04 of the Olathe Municipal Code. ~~Exception: Where custodial care is provided in compliance with K.S.A. § 65-508.~~

~~15.02.290 Subsection [F] 901.6.4 Added – Qualifications of inspection, testing and maintenance personnel.~~

~~Subsection [F] 901.6.4 is hereby added to the International Building Code and shall read as follows:~~

~~[F] 901.6.4 Qualifications of inspection, testing and maintenance personnel. All personnel performing any inspection, testing or maintenance of any fire protection system shall be qualified. Where such inspection, testing and maintenance are performed by an outside service company, the company shall be appropriately licensed in accordance with the Office of the Kansas State Fire Marshal."~~

SECTION TWENTY-FIVE: Section 15.02.281 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

"15.02.281 Section 423.5 Added – Storm Protection Area Required

Section 423.5 is hereby added to the International Building Code and shall read as follows:

423.5 Storm protection area required. All Group R-1, R-2, R-3, R-4, I-1 and I-2 occupancies of any occupant load shall have a storm protection area constructed in accordance with ICC 500 or shall have a basement. Sub-surface areas located beneath concrete stoops with or without doors are considered equivalent to a basement. Such areas shall be provided with ventilation in accordance with applicable code requirements.

Exception: Storm shelters are not required for existing buildings or for repairs, alterations or additions for existing buildings when the area of work is less than 50% of the building area.

423.5.1 Required occupant capacity. The required occupant capacity of the storm protection area in all Group R and I occupancies shall be calculated as private dwellings per Table 403.3.1.1 of the International Mechanical Code as adopted and amended. Where approved by the building official, the required occupant capacity of the storm protection area shall be permitted to be reduced by the occupant capacity of any existing storm protection area on the site."

SECTION TWENTY-SIX: Section 15.02.294 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

"15.02.294 Subsection 903.2.9(6) Added – Group S-1 self-service storage automatic sprinkler system.

Subsection 903.2.9(6) is hereby added to the International Building Code and shall read as follows:

6. A Group S-1 self-service storage facility (mini-storage) exceeds 2,500 square feet (232m²).

SECTION TWENTY-SEVEN: Section 15.02.295 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

“15.02.295 Subsection [F] 903.3.1.2.1. Amended – Balconies and decks

Subsection [F] 903.3.1.2.1 of the International Building Code is hereby amended to read as follows:

[F] 903.3.1.2.1. Balconies and decks. Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units and sleeping units, regardless of construction type, provided that there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.”

SECTION TWENTY-EIGHT: Section 15.02.296 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

“15.02.296 Subsection 903.3.1.2.3 Amended – Attics

Subsection [F] 903.3.1.2.3 of the International Building Code is hereby amended to read as follows.

[F] 903.3.1.2.3 Attics. Attic protection shall be provided as follows:

1. Attics that are used or intended for living purposes or storage shall be protected by an automatic sprinkler system.

2. Where fuel-fired equipment is installed in an unsprinklered attic, not fewer than one quick-response intermediate temperature sprinkler shall be installed above the equipment.

3. Where located in a building of Type III, Type IV or Type V construction, regardless of height, attics shall comply with one of the following:

a) Provide automatic sprinkler system protection.

b) Construct the attic using noncombustible materials.

c) Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the International Building Code.

d) Fill the attic with noncombustible insulation.”

SECTION TWENTY-NINE: Section 15.02.297 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

“15.02.297 Subsection [F] 903.3.1.2.4 Added – Attached garages

Subsection [F] 903.3.1.2.4 is hereby added to the International Building Code and shall read as follows:

[F] 903.3.1.2.4 Attached garages. Fire sprinkler protection shall be provided in attached garages.”

SECTION THIRTY: Section 15.02.298 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

“15.02.298 Subsection [F] 903.3.1.3.1 Added – Attached garages

Subsection [F] 903.3.1.3.1 is hereby added to the International Building code and shall read as follows:

903.3.1.3.1 Attached garages. Fire sprinkler protection shall be provided in attached garages.”

SECTION THIRTY-ONE: Section 15.02.299 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

“15.02.299 Subsection 903.3.5.3 Added – Main control valves

Subsection [F] 903.3.5.3 is hereby added to the International Building code and shall read as follows:

[F] 903.3.5.3 Main control valves. Water supply lines for automatic sprinkler systems shall be provided with a control valve located on the riser. The valve shall be capable of isolating the underground fire service main from the automatic sprinkler system.

[F] 903.3.5.3.1 Main control valve access. The main control valve shall be accessible. To be considered accessible, a clear space three (3) feet wide by three (3) feet by seven (7) feet high shall be provided in front of the valve. Access to the clear space shall be provided by an unobstructed aisle not less than three (3) feet wide and seven (7) feet high. The valve shall be operable from the floor level.”

SECTION THIRTY-TWO: Section 15.02.300 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.300 Subsection [F] 903.4.1 Amended – Monitoring.

Subsection [F] 903.4.1 of the International Building Code is hereby amended to read as follows:

[F] 903.4.1 Monitoring. Alarm, water flow, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved UL-listed central station as defined in NFPA 72, or, when

approved by the fire code official, shall sound an audible signal at a constantly attended location. The fire alarm system installed to transmit such signals shall be considered a building fire alarm system and shall be documented as a UL-certificated central station service system. In occupancies required to be equipped with a fire alarm system, the control and backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

Exceptions:

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.

2. Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. ~~In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.~~

3. Backflow prevention device valves located in an exterior, underground vault may be chained and locked in the open position in lieu of electronic tamper switches where approved by the fire code official.

SECTION THIRTY-THREE: Section 15.02.310 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.310 Subsection [F] 903.4.2 Amended – Alarms.

Subsection [F] 903.4.2 of the International Building Code is hereby amended to read as follows:

[F] 903.4.2 Alarms. One exterior audible/visual device shall be connected to every automatic sprinkler system in an approved location. Such sprinkler water-flow devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Interior alarm notification appliances shall be installed as required by Section [F] 903.4.2.1.

[F] 903.4.2.1 ~~Notification devices~~ Waterflow alarm notification. Where an automatic fire sprinkler system is installed in a building, and a fire alarm system is not otherwise required by this code, an occupant notification system shall be provided in accordance with 907.5. ~~audible and visible notification appliances shall be installed throughout the building as follows:~~

Exceptions:

~~1. Audible notification appliances shall be installed so as to be audible at 15 dB above average sound pressure level throughout the building.~~

~~2. Visible notification appliances shall be installed in all public and common use areas, restrooms and corridors in accordance with the spacing requirements of NFPA 72.~~

~~3~~ 1. Visible notification devices can be eliminated in normally unoccupied portions of buildings where permitted by the fire code official.

~~Exception:~~ 2. The requirements of this section do not apply to Group R-3 occupancies.”

SECTION THIRTY-FOUR: Section 15.02.311 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

“15.02.311 Subsection [F] 903.4.3 Amended – Floor control valves.

Subsection [F] 903.4.3 of the International Building Code is hereby amended to read as follows:

[F] 903.4.3 Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor for buildings three (3) or more stories in height.”

SECTION THIRTY-FIVE: Section 15.02.320 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.320 Subsection [F] 907.6.5 ~~6~~ Amended – Monitoring.

Subsection [F] 907.6.5 of the International Building Code is hereby amended to read as follows:

[F] 907.6.5 ~~6~~ Monitoring. Fire alarm systems required by this chapter or by the International Building Code shall be monitored by an approved supervising station in accordance with NFPA 72. An Underwriters Laboratories (UL) Fire Alarm certificate shall be issued by the UL listed fire alarm contractor for all newly installed fire alarm system or existing fire alarm systems included in any existing building involved in any construction project involving a building permit. Any fire alarm system involved in one (1) or more false alarms within the same calendar year shall be subject to a fee in accordance with Section 16.07.070 of the Olathe Municipal Code. Any fire alarm system involved in four (4) or more false alarms within the same calendar year will be required to meet the monitoring requirements of new fire alarm systems, including the issuance of a UL fire alarm certificate. The Fire Department shall maintain a listing of approved UL listed fire alarm contractors.

Exception: Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section [F] 907.2.~~44~~10.

2. Smoke detectors in Group I-3 occupancies.

3. Automatic sprinkler systems in one- and two-family dwellings.”

SECTION THIRTY-SIX: Section 15.02.350 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.350 ~~Subsection~~ Section [F] 912.3.~~4~~ ~~Added~~ Amended – Fire department connections hose threads.

~~Subsection~~Section [F] 912.3.~~4~~ ~~is hereby added to~~ of the International Building Code is hereby amended and shall read as follows:

[F] 912.~~3.4~~ ~~Fire department connections~~ Fire hose threads. The fire department connection shall be a four-inch (4") Storz quick coupling connector.”

SECTION THIRTY-SEVEN: Section 15.02.355 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

“15.02.355 Section [F] 912.4 Amended – Access.

Section [F] 912.4 of the International Building Code is hereby amended to read as follows.

[F] 912.4 Access – Immediate access to fire department connections, not less than three (3) feet in width, shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable object. Access to fire department connections shall be approved by the fire code official.”

SECTION THIRTY-EIGHT: Section 15.02.370 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.370 Section ~~4030~~ 1031 Added – Physical Security.

Section ~~4030~~ 1031 is hereby added to the International Building Code and shall read as follows:

SECTION ~~4030~~1031

PHYSICAL SECURITY

~~4030~~1031.1 Purpose. The purpose of this section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

~~4030~~1031.1.1 Scope. The provisions of this section shall apply to all new residential structures and to alterations, additions and repairs to existing residential structures as stipulated in Chapter 34 and in the

International Existing Building Code as adopted by the City in accordance with Chapter 15.06 of the Olathe Municipal Code.

~~4030~~1031.2 **Doors.** Except for vehicular access doors, all exterior swinging doors of residential buildings and attached garages, including the doors leading from the garage area into the dwelling unit, shall comply with Sections 1030.2.1 through 1030.2.5 for the type of door installed.

~~4030~~1031.2.1 **Wood doors.** Where installed, exterior wood doors shall be of solid core construction such as high-density particleboard, solid wood, or wood block core with a minimum thickness of one and three-fourths inches (1 $\frac{3}{4}$ ") at any point. Doors with panel inserts shall be solid wood. The panels shall be a minimum of one (1) inch thick. The tapered portion of the panel that inserts into the groove of the door shall be a minimum of one-quarter inch (1/4") thick. The groove shall be a dado groove or applied molding construction. The groove shall be a minimum of one-half inch (1/2") in depth.

~~4030~~1031.2.2 **Steel doors.** Where installed, exterior steel doors shall be a minimum thickness of 24 gauge.

~~4030~~1031.2.3 **Fiberglass doors.** Fiberglass doors shall have a minimum skin thickness of one-sixteenth inch (1/16") and have reinforcement material at the location of the deadbolt.

~~4030~~1031.2.4 **Double doors.** Where installed, the inactive leaf of an exterior double door shall be provided with flush bolts having an engagement of not less than one inch into the head and threshold of the doorframe.

~~4030~~1031.2.5 **Sliding doors.** Where installed, exterior sliding doors shall comply with all of the following requirements:

A. Sliding door assemblies shall be installed to prevent the removal of the panels and the glazing from the exterior with the installation of shims or screws in the upper track.

B. All sliding glass doors shall be equipped with a secondary locking device consisting of a metal pin or a surface mounted bolt assembly. Metal pins shall be installed at the intersection of the inner and outer panels of the inside door and shall not penetrate the frame's exterior surface. The surface mounted bolt assembly shall be installed at the base of the door.

~~4030~~1031.3 **Door frames.** The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with

Sections ~~1030~~1031.3.1 through ~~1030~~1031.3.3 for the type of assembly installed.

~~1030~~1031.3.1 **Wood frames.** Wood door frames shall comply with all of the following requirements:

A. All exterior door frames shall be set in frame openings constructed of double studding or equivalent construction, including garage doors, but excluding overhead doors. Door frames, including those with sidelights, shall be reinforced in accordance with ASTM F476-84 Grade 40.

B. In wood framing, horizontal blocking shall be placed between studs at the door lock height for three (3) stud spaces or equivalent bracing on each side of the door opening.

~~1030~~1031.3.2 **Steel frames.** All exterior door frames shall be constructed of 18 gauge or heavier steel, and reinforced at the hinges and strikes. All steel frames shall be anchored to the wall in accordance with manufacturer specifications. Supporting wall structures shall consist of double studding or framing of equivalent strength. Frames shall be installed to eliminate tolerances inside the rough opening.

~~1030~~1031.3.3 **Door jambs.** Door jambs shall be installed with solid backing in a manner so that no void exists between the strike side of the jamb and the frame opening for a vertical distance of twelve inches (12") each side of the strike. Filler material shall consist of a solid wood block. Door stops on wooden jambs for in-swinging doors shall be of one-piece construction. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike.

~~1030~~1031.4 **Door hardware.** Exterior door hardware shall comply with Sections 1030.4.1 through 1030.4.6.

~~1030~~1031.4.1 **Hinges.** Hinges for exterior door hardware shall comply with the following:

A. At least two (2) screws, three inches (3") in length, penetrating at least one inch (1") into wall structure shall be used. Solid wood fillers or shims shall be used to eliminate any space between the wall structure and door frame behind each hinge.

B. Hinges for out-swinging doors shall be equipped with mechanical interlock to preclude the removal of the door from the exterior.

~~1030~~1031.4.2 **Strike plates.** Exterior door strike plates shall be a minimum of eighteen (18) gauge metal with four (4) offset screw holes. Strike plates shall be attached to wood with not less than three-inch (3")

screws, which shall have a minimum of one inch (1") penetration into the nearest stud. Note: For side lighted units, refer to section R328.4.6.

~~4030~~1031.4.3 Escutcheon plates. All exterior doors shall have escutcheon plates or wraparound door channels installed around the lock protecting the door's edge.

~~4030~~1031.4.4 Locks. Exterior doors shall be provided with a locking device complying with one of the following: Single Cylinder Deadbolt shall have a minimum projection of one inch (1"). The deadbolt shall penetrate at least three-fourths inch (3/4") into the strike receiving the projected bolt. The cylinder shall have a twist-resistant, tapered hardened steel cylinder guard. The cylinder shall have a minimum of five (5) pin tumblers, shall be connected to the inner portion of the lock by solid metal connecting screws at least one-fourth inch (1/4") in diameter and two and one-fourth inches (2 1/4") in length. Bolt assembly (bolt housing) unit shall be of single piece construction. All deadbolts shall meet ANSI grade 2 specifications.

~~4030~~1031.4.5 Entry vision and glazing. All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. The view may be provided by a door viewer having a field of view of not less than one hundred eighty degrees (180°) through windows or through view ports.

~~4030~~1031.4.6 Side lighted entry doors. Side light door units shall have framing of double stud construction or equivalent construction complying with Sections ~~4030~~ 1031.3.1, ~~4030~~ 1031.3.2 and ~~4030~~ 1031.3.3. The doorframe that separates the door opening from the side light, whether on the latch side or the hinge side, shall be double stud construction or equivalent construction complying with Sections ~~4030~~ 1031.3.1 and ~~4030~~ 1031.3.2. Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

~~4030~~1031.5 Street numbers. Street numbers shall comply with Section 501.2.

~~4030~~1031.6 Exterior lighting. Exterior lighting shall comply with the Section 210-70 of the National Electric Code as adopted by the City in accordance with Chapter 15.14 of the Olathe Municipal Code.

~~4030~~1031.7 Alternate material and methods of construction. The provisions of this section are not intended to prevent the use of any material or method of construction not specifically prescribed by this section, provided any such alternate has been approved by the enforcing authority, nor is it the intention of this section to exclude any sound method of

structural design or analysis not specifically provided for in the section. The materials, methods of construction, and structural design limitations provided for in this section shall be used, unless the enforcing authority grants an exception. The enforcing authority is authorized to approve any such alternate provided they find the proposed design, materials, and methods of work to be at least equivalent to those prescribed in the section in quality, strength, effectiveness, burglary resistance, durability, and safety.”

SECTION THIRTY-NINE: Section 15.02.390 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.390 Section ~~4203.4~~1202.1 Amended – General.

Section ~~4203.4~~1202.1 of the International Building Code is hereby amended to read as follows:

~~4203.4~~1202.1 General. Buildings shall be provided with natural ventilation in accordance with Section ~~4203.4~~1202.5, or mechanical ventilation in accordance with the International Mechanical Code. Where the air infiltration rate in a dwelling unit is less than 3 air changes per hour when tested with a blower door at a pressure 0.2 inch w.c. (50 Pa) in accordance with Section 402.4.1.2 of the International Energy Conservation Code - Residential Provisions, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403 of the International Mechanical Code. Ambulatory care facilities and Group 1-2 occupancies shall be ventilated by mechanical means in accordance with Section 407 of the International Mechanical Code.

SECTION FORTY: Section 15.02.391 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

15.02.391 Section 1612.3 Amended – Establishment of flood hazard areas

Section 1612.3 of the International Building code is hereby amended to read as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard area, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for Johnson county Kansas and incorporated Areas” dated August 3, 2009, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions

thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

SECTION FORTY-ONE: Section 15.02.395 of the Olathe Municipal Code is hereby amended to read as follows:

“15.02.395 Section ~~3009~~3001.6 Added – Certificate of Inspection.

Section 3001.6 of the International Building Code is hereby added and shall read as follows.

3001.6 Certificate of Inspection. Each elevator, escalator, and dumbwaiter shall be tested by a certified elevator inspector/tester at the time of installation, repair, or remodel prior to placing the equipment in service. The test report shall be submitted to the Building Official prior to issuance of the Certificate of Occupancy for the building or area of work.

~~Section 3009 is hereby added to the International Building Code and shall read as follows:~~

~~3009.1 Certificate of Inspection. Prior to operation of each elevator, escalator, and dumbwaiter, a Certificate of Inspection shall be issued by the Building Official after receiving the required test report and elevator certification fee. The Certificate of Inspection shall be on display within the elevator or attached to the escalator or dumbwaiter or be available for public inspection in the office of the building operator. The effective date of this Section is January 1, 2017.~~

~~3009.1.1 Testing. Each elevator, escalator, and dumbwaiter shall be tested by a certified elevator tester at the time of installation, repair, or remodel, and said tester shall submit the test report and elevator certification fee to the Building Official to obtain a Certificate of Inspection.~~

~~.1.2 Elevator Certification Fee. There is hereby established a fee for issuance of a Certificate of Inspection for an elevator, escalator, or dumbwaiter that has been inspected and tested by a certified elevator tester on behalf of the City pursuant to this Section. The testing fee shall be adopted by the Governing Body of the City by resolution.”~~

SECTION FORTY-TWO: Section 15.02.401 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

“15.02.401 Section B101 Amended – Board of Code Review.

Section B101 of the International Building Code is hereby amended as follows.

B101.1 Duties and Responsibilities. The Board of Code Review shall have the following function, duties and responsibilities:

1. To review, evaluate and make recommendations to the Governing Body of the City of Olathe on the adoption or amendment of building, residential, plumbing, mechanical, fuel gas, electrical, energy conservation, property maintenance, fire and other adopted codes as outlined in Municipal Code Chapters 15 and 16
2. To receive, evaluate and determine the suitability of materials and methods of construction alternate to those established by the building, residential, plumbing, mechanical, fuel gas, electrical, energy conservation, property maintenance, fire and other adopted codes as outlined in Municipal Code Chapters 15 and 16.
3. To review and provide interpretations of the provisions of the building, residential, plumbing, mechanical, fuel gas, electrical, energy conservation, property maintenance, fire and other adopted codes as outlined in Municipal Code Chapters 15 and 16.
4. To receive requests and render a decision to mitigate specific provisions of the various codes which create practical difficulties in their enforcement.
5. To advise the Governing Body of the City of Olathe on other such matters as may be requested by the Governing Body.

B101.2 Membership of Board. The members of the Board of Code Review shall be appointed by the Mayor with the consent and approval of the remainder of the Governing Body as follows:

1. Two for 4 years; three for 3 years; two for 2 years.
2. Thereafter, each new member shall serve for 4 years or until a successor has been appointed.
3. The expiration date of the terms for members shall be September 1st of the appropriate year for each member. Vacancies, occurring before the expiration of a term shall be filled in the manner of the original appointment for the remainder of the unexpired term.

B101.2.1 Ex-officio members. The Chief Building Official, Chief Planning and Development Officer, and City Engineer shall serve as ex-officio, nonvoting members. Ex-officio members shall serve as long as they remain employees of the city in the appropriate position.

B101.2.2 Qualifications. The Board shall consist of seven (7) members. One member shall be a master electrician; one member shall be a master plumber; one member shall be a master mechanical installer; one member shall be a professional licensed engineer and/or architect; one member shall be a builder and/or contractor, and two members shall be persons who by training and experience are qualified to pass on matters pertaining to building construction.

B101.2.3 Rules and procedures. The Board may make and establish such reasonable by-laws, rules and regulations, as may be necessary for their own governance for the full and complete execution of their duties and responsibilities; provided such rules and regulations do not conflict with procedures established by other chapters of this code or other codes adopted by reference by city ordinance. The board may form itself into sub-committees composed of no less than three members for the purpose of reviewing and rendering decisions pursuant to the duties and responsibilities described in B101.1.

B101.2.4 Chairperson. The members of the Board shall, by majority vote, elect from among the appointed members a chairperson or vice-chairperson.

B101.2.5 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest. The mayor, with the consent of the remainder of the Governing Body, may remove any member appointed by the mayor for a good and sufficient cause.

B101.2.6 Secretary. The ex-officio member whose responsibility includes enforcement of the code being questioned shall act as secretary to record the proceedings of the meeting and decisions rendered.

B101.2.7 Compensation. The members of the Board of Code Review shall serve without compensation.

B101.3 Application. Applications for appeal shall be obtained from the building official. Applications shall be filed within 20 days after notice has been served.

B101.3.1 Filing Fee. Filing fees for all appeals to the Board of Code Review shall be established by resolution of the Governing Body.

B101.4 Notice of Meeting. The board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic meetings.

B101.4.1 Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information.

You are hereby notified that a hearing will be held before the Board of Code Review at _____, on the day of _____, 20____; at the hour of _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will

be given full opportunity to cross-examine all witnesses testifying against you.

B101.5 Procedures. The Board shall conduct all hearing and shall utilize the general procedures described herein. The procedures shall not require compliance with strict rules of evidence and witnesses but shall mandate that only relevant information be received. General or special meetings may be held at such time as the chairperson may direct. A majority of the members of the board shall constitute a quorum for the transaction of business.

B101.5.1 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.

B101.5.2 Record. A record of the entire proceedings shall be made by audio recording, or by any other means of permanent recording determined to be appropriate by the Board.

B101.5.3 Continuances. The Board may grant continuances for good cause shown. When five members are not present to hear an appeal, either the applicant of the appellant's representative shall have the right to request a postponement of the hearing.

B101.5.4 Oaths. In any proceedings under this chapter, the Board, or any Board member, has the power to administer oaths and affirmations to certify to official acts.

B101.5.5 Reasonable Dispatch. The Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

B101.5.6 Evidence.

1. Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.
2. Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

3. Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

B101.5.7 Rights of Parties. Each party shall have these rights, among others;

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him/her to testify;
5. To rebut the evidence against him/her;
6. To represent himself/herself or to be represented by anyone of his/her choice who is lawfully permitted to do so.

B101.5.8 Official Notice.

B101.5.8.1 What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Board or departments and ordinances of the City or rules and regulations of the Board.

B101.5.8.2 Parties to be notified. Parties at the hearing shall be informed of the matters to be noticed, and these matters shall be noted on the record, referred to therein, or appended thereto.

B101.5.8.3 Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board.

B101.5.8.4 Inspection of the premises. The Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that

1. Notice of inspection shall be given to the parties before the inspection is made.
2. The parties are given an opportunity to be present during the inspection, and
3. The Board shall state for the record upon completion of the inspection the material facts observed, and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board or hearing examiner.

B101.6 Method and Form of Decision. The board shall modify or reverse the decision of the building official by a concurring vote of two-thirds of its members.

B101.6.1 Hearing Before the Board. When a contested case is heard before the Board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.

B101.6.2 Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant and to the building official personally or sent to them by certified mail, postage prepaid, return receipt requested.

B101.6.3 Effective Date of Decision. The effective date of the decision shall be as stated therein.

B101.6.4 – Administration. The building official shall take immediate action in accordance with the decision of the board.”

SECTION FORTY-THREE: Existing Sections 15.02.020, 15.02.030, 15.02.050, 15.02.060, 15.02.070, 15.02.080, 15.02.090, 15.02.100, 15.02.130, 15.02.140, 15.02.160, 15.02.170, 15.02.180, 15.02.200, 15.02.210, 15.02.230, 15.02.240, 15.02.260, 15.02.270, 15.02.280, 15.02.290, 15.02.300, 15.02.310, 15.02.320, 15.02.330, 15.02.340, 15.02.350, 15.02.360, 15.02.370, 15.02.380, 15.02.390, 15.02.395, 15.02.400, Chapter 2.74, Sections 2.74.010 through 2.74.050, inclusive, and Chapter 15.24, Sections 15.24.010 through 15.24.060, inclusive, are hereby repealed.

SECTION FORTY-FOUR: This Ordinance shall be published as provided by law and shall take effect September 1, 2019 and be in force from and after that date.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

ORDINANCE NO. 19-28

AN ORDINANCE PERTAINING TO THE OLATHE RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS; ADDING CERTAIN SECTIONS; AMENDING OLATHE MUNICIPAL CODE SECTIONS 15.04.010, 15.04.020, 15.04.040, 15.04.050, 15.04.070, 15.04.080, 15.04.100, 15.04.130, 15.04.160, 15.04.170, 15.04.180, 15.04.190, 15.04.220, 15.04.230, 15.04.270, 15.04.330, 15.04.360, 15.04.370, 15.04.390, 15.04.400, 15.04.410, 15.04.420, 15.04.430, 15.04.470, 15.04.480, 15.04.490, AND 15.04.530, AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING 15.04.060, 15.04.090, 15.04.110, 15.04.120, 15.04.140, 15.04.150, 15.04.200, 15.04.210, 15.04.240, 15.04.250, 15.04.300, 15.04.320, 15.04.330, 15.04.340, 15.04.350, 15.04.380, 15.04.460, 15.04.510, AND 15.04.520.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 15.04.010 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.010 Code Adopted.

The ~~2012~~ 2018 International Residential Code for One- and Two-Family Dwellings, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-~~5795~~ is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.04.030 through and including 15.04.560.”

SECTION TWO: Section 15.04.020 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.020 Marked Copies of Code on File.

There shall be not less than one (1) copy of the code adopted by reference in Section 15.04.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. ~~12-42~~ 19-28” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. ~~The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.”~~

SECTION THREE: Section 15.04.040 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.040 ~~Section R101.2 Exception 3 Added – Scope~~ Section R101.1 Amended – Title.

Section R101.2 1 of the ~~Exception 3 is hereby added to the~~ International Residential Code for One- and Two-Family Dwellings ~~and shall read~~ is hereby amended to read follows:

~~R101.2 Scope.~~

~~Exceptions:~~

~~3. Swimming pools, hot tubs, and spas shall be constructed in accordance with the International Swimming Pool and Spa Code as adopted by the City in accordance with Chapter 15.20 of the Olathe Municipal Code.~~

R101.1 Title. The 2018 International Residential Code for One- and Two-Family Dwellings and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.04 shall be known as the Residential Building Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Residential Building Code.”

SECTION FOUR: Section 15.04.045 is hereby added to the Olathe Municipal Code to read as follows:

“15.04.045 Subsection R101.2.1 Added – Care Facilities in a Dwelling.

Subsection R101.2.1 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R101.2.1 Care facilities in a dwelling. The provisions of this code shall apply to the use and occupancy of care facilities in a dwelling, not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height, that are an accessory use of the dwelling unit in compliance with all of the following:

1. Care facility operations are in compliance with applicable state laws and licensing programs.
2. Approved fire extinguishers are provided.
3. Approved flashlights are provided.

4. Approved secondary means of egress doors, including landings and stairs from any story used for care.

5. The smoke alarm and carbon monoxide alarms comply with requirements for new construction.

6. The dwelling unit principal residents are the primary care providers.”

SECTION FIVE: Section 15.04.050 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.050 Section R101.4 Added – Administration.

Section R101.4 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R101.4 Administration. The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the **2012** International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code.”

SECTION SIX: Section 15.04.070 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.070 Section R102.5 Amended – Appendices.

Section R102.5 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R102.5 Appendices. Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

R102.5.1 Appendices adopted. The following appendices are adopted as part of this code:

Appendix E – Manufactured Housing Used as Dwellings

[Appendix F – Radon Control Methods](#)

[Appendix G – Piping Standards for Various Applications](#)

Appendix H – Patio Covers

~~Appendix J – Existing Buildings and Structures~~

Appendix K – Sound Transmission

Appendix O – Automatic Vehicular Gates”

SECTION SEVEN: Section 15.04.080 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.080 Sections R103 through R114 Deleted – Chapter 1 Part 2 – Administration and Enforcement.

Sections R103 through R114 of the International Residential Code for One- and Two-Family Dwellings are hereby deleted.

SECTION EIGHT: Section 15.04.100 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.100 Table R301.2(1) Amended – Climatic and Geographic Design Criteria.

Table R301.2(1) of the International Residential Code for One- and Two-Family Dwellings is hereby deleted and a new table amended R301.2(1) is added to read as follows:

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

Ground Snow Load	Wind Design		Seismic Design Category ^f	Subject to Damage From			Winter Design Temperature	Ice — Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
	Speed ^d (mph)	Topographic effects ^k		Weathering ^a	Frost line depth ^b	Termite ^c					
20	90	No	A	Severe	36"	Moderate to Heavy	6° F	No	8/3/2009	1,000	54.7° F

WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM		
SPEED ^d (mph)	TOPOGRAPHIC EFFECTS ^k	SPECIAL WIND REGION ^l	WIND-BORNE DEBRIS ZONE ^m		WEATHERING ^a	FROST LINE DEPTH ^b	TERMITE ^c
115	NO	NO	NO	A	SEVERE	36-INCHES	YES

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA – CONTINUED.

WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
---------------------------------	--	----------------------------	---------------------------------	-------------------------------

6° F	YES	8/3/2009	1000	54.8° F.
----------------------	---------------------	--------------------------	----------------------	--------------------------

~~For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.~~

~~a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., “negligible,” “moderate” or “severe”) for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.~~

a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, “negligible,” “moderate” or “severe” for concrete as determined from Figure R301.2(4). The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.

~~b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.~~ Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)(5)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local weather climates or local weather experience as determined by the Building Official. [Also see Figure R301.2(1).]

f. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBFM, or other flood hazard map adopted by the authority having jurisdiction, as ~~may be~~ amended.

h. In accordance with Sections R905.~~2.7.1~~1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° ~~Fahrenheit~~)." ~~at www.ncdc.noaa.gov/fpsf.html.~~

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° Fahrenheit)" ~~at www.ncdc.noaa.gov/fpsf.html.~~

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise the jurisdiction shall indicate "NO" in this part of the table.

l. In accordance with Figure R301.2(5)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the windborne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

n. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figure R301.2(6)."

SECTION NINE: Section 15.04.130 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.130 Section R302.3 Amended – Two-family dwellings.

Section R302.3, [Exceptions 1 and 2, and Section R302.3.1](#) - of the International Residential Code for One- and Two-Family Dwellings ~~is~~[are](#) hereby [deleted and a new section R302.3 is added to](#) ~~amended to~~ read as follows:

R302.3 Two-family dwellings. Dwelling units in two-family dwellings shall be separated in accordance with the requirements of townhouses as set forth in [section R302.2 of](#) this code.”

SECTION TEN: Section 15.04.160 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.160 Section R303.4 Amended – Mechanical ventilation.

Section R303.4 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

303.4 Mechanical ventilation. Where the air infiltration rate of a dwelling unit is less than 3 air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M~~1507.3~~[1505.4](#).”

SECTION ELEVEN: Section 15.04.170 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.170 Section R306.5 Added – New single-family dwelling toilet facilities.

Section R306.5 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R306.5 New single-family dwelling toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public right-of-way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the ~~Building Official~~ [building official](#) to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a Temporary Certificate of Occupancy.”

SECTION TWELVE: Section 15.04.179 is hereby added to the Olathe Municipal Code to read as follows:

“15.04.179 Section R309.6 Added – Residential Driveways.

Section R309.6 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R309.6 Residential driveways. Residential concrete and asphalt driveway slabs shall be a minimum of four inches nominal thickness. The driveway shall have a constant slope so as to avoid ponding of water. The slope shall be away from the house or building or drain by means approved by the building official.”

SECTION THIRTEEN: Section 15.04.180 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.180 Section R310.4 ~~6~~ Amended. – ~~Emergency escape and rescue required~~ Alterations or repairs of existing basements.

Section R310.~~4~~6 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

~~R310.1 Emergency escape and rescue required. Basements and every sleeping room shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1,118 mm) measured from the finished floor to the bottom of the clear opening. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.~~

~~Exceptions:~~

~~1. Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m2).~~

~~2.~~ **R310.6 Alterations or repairs of existing basements.** Dwellings for which the building permit for the initial construction of that dwelling was issued prior to September 15, 2001, are exempt from ~~the above requirement~~ the emergency escape and rescue opening

requirements for subsequent basement remodels; provided, however, that exemption shall only apply if the basement has not been expanded subsequent to September 15, 2001, or that basement does not at any time contain any sleeping areas. ~~;~~ cConversion of any habitable area to a sleeping area at any time will trigger the emergency escape and rescue requirements ~~set forth above~~ in R310.1. All currently existing openings that provide for emergency escape and rescue, regardless of whether or not they comply with ~~the above escape and rescue requirements,~~ R310.1, cannot be removed or altered without bringing the basement into full compliance with the minimum requirements of this section, regardless of when building permits for the dwelling were issued.

~~R310.1.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.530 square meters).~~

~~Exception: Grade floor openings shall have a minimum net clear opening of 5 square feet (0.465 square meters).~~

~~R310.1.2 Minimum opening height. The minimum net clear opening height shall be 24 inches (610 mm).~~

~~R310.1.3 Minimum opening width. The minimum net clear opening width shall be 20 inches (508 mm).~~

~~R310.1.4 Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge."~~

SECTION FOURTEEN: Section 15.04.190 of the Olathe Municipal Code is hereby amended to read as follows:

"15.04.190 Section R313 Amended – Automatic Fire Sprinkler Systems.

Section R313 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

SECTION R313

AUTOMATIC FIRE SPRINKLER SYSTEMS

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in new townhouses containing three or more connected dwellings.

Exception: An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

R313.1.1 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904 or NFPA 13D.

R313.2 One- and two-family dwellings automatic fire sprinkler systems. Automatic residential fire sprinkler systems are not required in one- and two-family dwellings; however, systems may be provided on a voluntary basis.

R313.2.1 Design and installation. Where provided, automatic residential fire sprinkler systems for one- and two-family dwellings shall be designed and installed in accordance with Section P2904 or NFPA 13D.

~~R303.1 Townhouse automatic fire sprinkler systems. If an automatic sprinkler system is installed in townhouses, then the automatic residential fire sprinkler system shall be designed and installed in accordance with Section P2904 or NFPA 13R.~~

~~R313.2 One- and two-family dwellings automatic fire sprinkler systems. If an automatic residential fire sprinkler system is installed in a one- and two-family dwelling, then the automatic residential fire sprinkler system shall be designed and installed in accordance with Section P2904 or NFPA 13D."~~

SECTION FIFTEEN: Section 15.04.195 is hereby added to the Olathe Municipal Code to read as follows:

"15.04.195 Section R314.3 – Amended – Smoke Alarm Location.

Section R314.3 of the International Residential Code for One- and Two-Family Dwellings is hereby amended and shall read as follows:

R314.2 Location. Smoke alarms shall be installed in the following locations and in accordance with Chapter 29 of NFPA 72:

1. In each sleeping room.
2. Outside of each separate sleeping area in the immediate vicinity of the bedrooms within 21 ft of any door to a sleeping room, with the distance measured along a path of travel.
3. On each additional story of the dwelling, including basements and habitable attics and not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

4. Smoke alarms shall be installed not less than 3 feet horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by this section.

5. Smoke alarms shall be installed not less than 3 feet horizontally from a supply register of a forced air heating or cooling system, or from the tip of the blade of a ceiling fan unless this would prevent placement of a smoke alarm required by this section.

6. Ceiling mounted smoke alarms shall be installed not less than 4-inches horizontally from a wall or other vertical obstruction. Wall mounted smoke alarms shall be installed not less than 4-inches, and not more than 12-inches from the ceiling.

7. Smoke alarms shall be installed in locations where they are accessible for testing and maintenance without special equipment.”

SECTION SIXTEEN: Section 15.04.220 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.220 Section R319.42, R319.3, and R319.4 AddedAmended – Address numbers illuminated, posted during construction and supplemental address identification for townhomes.

Sections R319.42, R319.3, and R319.4 are hereby added to ~~of~~ the International Residential Code for One- and Two-Family Dwellings ~~is hereby amended to~~ and shall read as follows:

~~R319.1 Address numbers. Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Where access is by means of a private road and the building address cannot be viewed from the public right-of-way, a monument, pole or other sign or means shall be used to identify the structure.~~

R319.2 Illumination. All buildings shall have the ability to illuminate the address numbers during the hours of darkness from a power source connected to the house electrical system or other approved source of illumination.

R319.3 Numbers displayed during construction. Prior to beginning construction of any building for which a number is required, address numbers shall be posted in a conspicuous place on the front of

the lot and shall be maintained throughout construction until the permanent address numbers are installed.

R319.4 Townhome supplemental address identification. In addition to the requirements in Sections R319.1 through R319.3, townhomes with exterior electrical meter banks and/or disconnect switches shall have supplemental address number identification at the electrical equipment to identify the address served by the equipment. Identification shall be permanently installed in an approved manner. Characters shall contrast with their background and shall have be a minimum of 1-inch in height.”

SECTION SEVENTEEN: Section 15.04.229 is hereby added to the Olathe Municipal Code to read as follows:

“15.02.229 Section 323.2 Added – Storm Protection Area Required.

Section 323.2 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

323.2 Storm protection area required. All residential occupancies of any occupant load shall have a storm protection area constructed in accordance with ICC 500 or shall have a basement. Sub-surface areas located beneath concrete stoops with or without doors are considered equivalent to a basement. Such areas shall be provided with ventilation in accordance with applicable code requirements.

Exception: Storm shelters are not required for existing buildings or for repairs, alterations or additions for existing buildings when the area of work is less than 50% of the building area.

323.2.1 Required occupant capacity. The required occupant capacity of the storm protection area in all residential occupancies shall be calculated as private dwellings per Table 403.3.1.1 of the International Mechanical Code as adopted and amended. Where approved by the building official, the required occupant capacity of the storm protection area shall be permitted to be reduced by the occupant capacity of any existing storm protection area on the site.”

SECTION EIGHTEEN: Section 15.04.230 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.230 Section ~~R324~~R328 Added – Physical Security.

Section ~~R324~~R328 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

SECTION ~~R324~~R328

PHYSICAL SECURITY

R324R328.1 Purpose. The purpose of this section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

R324R328.1.1 Scope. The provisions of this section shall apply to all new residential structures and to alterations, additions and repairs to existing residential structures as stipulated in Appendix J.

R324R328.2 Doors. Except for vehicular access doors, all exterior swinging doors of residential buildings and attached garages, including the doors leading from the garage area into the dwelling unit, shall comply with Sections **R324R328.2.1** through **R324R328.2.5** for the type of door installed.

R324R328.2.1 Wood doors. Where installed, exterior wood doors shall be of solid core construction such as high-density particleboard, solid wood, or wood block core with a minimum thickness of one and three-fourths inches ($1\frac{3}{4}$ ") at any point. Doors with panel inserts shall be solid wood. The panels shall be a minimum of one (1) inch thick. The tapered portion of the panel that inserts into the groove of the door shall be a minimum of one-quarter inch ($1/4$ ") thick. The groove shall be a dado groove or applied molding construction. The groove shall be a minimum of one-half inch ($1/2$ ") in depth.

R324R328.2.2 Steel doors. Where installed, exterior steel doors shall be a minimum thickness of 24 gauge.

R324R328.2.3 Fiberglass doors. Fiberglass doors shall have a minimum skin thickness of one-sixteenth inch ($1/16$ ") and have reinforcement material at the location of the deadbolt.

R324R328.2.4 Double doors. Where installed, the inactive leaf of an exterior double door shall be provided with flush bolts having an engagement of not less than one inch into the head and threshold of the doorframe.

R324R328.2.5 Sliding doors. Where installed, exterior sliding doors shall comply with all of the following requirements:

1. Sliding door assemblies shall be installed to prevent the removal of the panels and the glazing from the exterior with the installation of shims or screws in the upper track.
2. All sliding glass doors shall be equipped with a secondary locking device consisting of a metal pin or a surface mounted bolt assembly. Metal pins shall be installed at the intersection of the

inner and outer panels of the inside door and shall not penetrate the frame's exterior surface. The surface mounted bolt assembly shall be installed at the base of the door.

R324R328.3 Door frames. The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with Sections **R324R328.3.1** through **R324R328.3.3** for the type of assembly installed.

R324R328.3.1 Wood frames. Wood door frames shall comply with all of the following requirements:

1. All exterior door frames shall be set in frame openings constructed of double studding or equivalent construction, including garage doors, but excluding overhead doors. Door frames, including those with sidelights, shall be reinforced in accordance with ASTM F476-84 Grade 40.

2. In wood framing, horizontal blocking shall be placed between studs at the door lock height for three (3) stud spaces or equivalent bracing on each side of the door opening.

R324R328.3.2 Steel frames. All exterior door frames shall be constructed of 18 gauge or heavier steel and reinforced at the hinges and strikes. All steel frames shall be anchored to the wall in accordance with manufacturer specifications. Supporting wall structures shall consist of double studding or framing of equivalent strength. Frames shall be installed to eliminate tolerances inside the rough opening.

R324R328.3.3 Door jambs. Door jambs shall be installed with solid backing in a manner so that no void exists between the strike side of the jamb and the frame opening for a vertical distance of twelve inches (12") each side of the strike. Filler material shall consist of a solid wood block. Door stops on wooden jambs for in-swinging doors shall be of one-piece construction. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike.

R324R328.4 Door hardware. Exterior door hardware shall comply with Sections **R324R328.4.1** through **R324R328.4.6**.

R324R328.4.1 Hinges. Hinges for exterior door hardware shall comply with the following:

1. At least two (2) screws, three inches (3") in length, penetrating at least one inch (1") into wall structure shall be used. Solid wood fillers or shims shall be used to eliminate any space between the wall structure and door frame behind each hinge.

2. Hinges for out-swinging doors shall be equipped with mechanical interlock to preclude the removal of the door from the exterior.

R324R328.4.2 Strike plates. Exterior door strike plates shall be a minimum of eighteen (18) gauge metal with four (4) offset screw holes. Strike plates shall be attached to wood with not less than three inch (3") screws, which shall have a minimum of one inch (1") penetration into the nearest stud. Note: For side lighted units, refer to Section R328.4.6.

R324R328.4.3 Escutcheon plates. All exterior doors shall have escutcheon plates or wraparound door channels installed around the lock protecting the door's edge.

R324R328.4.4 Locks. Exterior doors shall be provided with a locking device complying with one of the following:

Single Cylinder Deadbolt shall have a minimum projection of one inch (1"). The deadbolt shall penetrate at least three-fourths inch (3/4") into the strike receiving the projected bolt. The cylinder shall have a twist-resistant, tapered hardened steel cylinder guard. The cylinder shall have a minimum of five (5) pin tumblers, shall be connected to the inner portion of the lock by solid metal connecting screws at least one-fourth inch (1/4") in diameter and two and one-fourth inches (2 1/4") in length. Bolt assembly (bolt housing) unit shall be of single piece construction. All deadbolts shall meet ANSI grade 2 specifications.

R324R328.4.5 Entry vision and glazing. All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. The view may be provided by a door viewer having a field of view of not less than one hundred eighty degrees (180°) through windows or through view ports.

R324R328.4.6 Side lighted entry doors. Side light door units shall have framing of double stud construction or equivalent construction complying with Sections **R324R328.3.1**, **R324R328.3.2** and **R324R328.3.3**. The doorframe that separates the door opening from the side light, whether on the latch side or the hinge side, shall be double stud construction or equivalent construction complying with Sections **R324R328.3.1** and **R324R328.3.2**. Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

R324R328.5 Street numbers. Street numbers shall comply with Section

~~R324~~R328.6 **Exterior lighting.** Exterior lighting shall comply with Section E3903.3.

~~R324~~R328.7 **Alternate material and methods of construction.** The provisions of this section are not intended to prevent the use of any material or method of construction not specifically prescribed by this section, provided any such alternate has been approved by the enforcing authority, nor is it the intention of this section to exclude any sound method of structural design or analysis not specifically provided for in the section. The materials, methods of construction, and structural design limitations provided for in this section shall be used, unless the enforcing authority grants an exception. The enforcing authority is authorized to approve any such alternate provided they find the proposed design, materials, and methods of work to be at least equivalent to those prescribed in the section in quality, strength, effectiveness, burglary resistance, durability, and safety.”

SECTION NINETEEN: Section 15.04.260 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.260 Subsections R403.1.1.1 and R403.1.1.2 Added – Continuous footing reinforcement & Column pads.

Subsections R403.1.1.1 and R403.1.1.2 are hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R403.1.1.1 Continuous footing reinforcement. Continuous footings for basement foundation walls shall have minimum reinforcement consisting of not less than two ~~No~~no. 4 bars, uniformly spaced, located a minimum 3 inches (3") clear from the bottom of the footing.

R403.1.1.2 Column pads. Column pads shall be designed to support the imposed design load based upon allowable soil bearing capacity. Column pads shall be a minimum of 24 inches by 24 inches and 8 inches deep (24" x 24" x 8"). Reinforcement shall consist of a minimum of three (3) No. 4 bars each way, uniformly spaced.”

SECTION TWENTY: Section 15.04.270 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.270 Subsection R403.1.6.2~~Exception—4~~ Added – Foundation anchorage.

Subsection R403.1.6.2~~Exception—4~~ is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R403.1.6.2~~Foundation anchorage~~ **Anchor bolt spacing.**

~~Exceptions:~~

~~4.~~ The spacing of anchor bolts or foundation anchor straps shall be ~~reduced to a~~ a maximum of 3 feet (3') on center ~~for basement foundation walls.~~ Where a foundation design is utilized in accordance with section F404.1.1 of this code; the location of the anchor bolts shall be specified."

SECTION TWENTY-ONE: Section 15.04.275 is hereby added to the Olathe Municipal Code to read as follows:

"15.04.275 Subsection R404.1.1 Amended – Design required.

Subsection R404.1.1 of the International Residential Code for One- and Two-Family Dwellings is hereby amended and shall read as follows:

R404.1.1 Design required. A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the conditions listed below exist:

1. Walls are subject to hydrostatic pressure from ground water.
2. Walls supporting more than 48 inches (48") of unbalanced backfill that do not have permanent lateral support at the top and bottom.
3. Sites containing CH, MH, OL, or OH soils as identified in Table R405.1.
4. Foundation walls exceeding ten feet (10') in height, measured from the top of the wall to the bottom of the slab.
5. Lots identified on the subdivision grading plan as having more than six feet (6') of fill or having a finished slope steeper than 4 horizontal to 1 vertical before grading.
6. Footings and foundations with existing fill soils below the footing level.
7. Sloping lots steeper than 4 to 1 before grading.
8. Lots where some footings will bear on soil and others will bear on rock.
9. Areas where problems have historically occurred.
10. Stepped footing and foundation walls."

SECTION TWENTY-TWO: Section 15.04.289 is hereby added to the Olathe Municipal Code to read as follows:

“15.04.289 Subsection R506.1.1 Added – Design required.

Subsection R506.1.1 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R506. 1.1 Design required. A design in accordance with accepted engineering practice shall be provided for concrete floors when the limitations for fill material set forth in Section R506.2.1 are exceeded.”

SECTION TWENTY-THREE: Section 15.04.290 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.290 Subsection R506.~~2.5~~3 Added – Basement floor slab isolation.

Subsection R506.~~2.5~~3 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R506.~~2.5~~3 Basement floor slab isolation. Basement floor slabs shall be isolated from column pads, interior columns and interior bearing walls to facilitate differential movement. Nonbearing walls supported on basement floor slabs shall be provided with a minimum one-inch (1") expansion joint to facilitate differential movement between the floor slab and the floor framing above. Isolation and/or an expansion joint is not required within six inches (6") of the exterior walls.”

SECTION TWENTY-FOUR: Section 15.04.315 is hereby added to the Olathe Municipal Code to read as follows:

“15.04.315 Subsection R807.1.1 Added – Attic Access Latch.

Subsection R807.1.1 is hereby added to the International Residential Code and shall read as follows.

R807.1.1 Attic Access Latch. Attic access openings located in a garage shall be equipped with latches or a hinge and latch such that the access door is secured closed when not in use.”

SECTION TWENTY-FIVE: Section 15.04.325 is hereby added to the Olathe Municipal Code to read as follows:

“15.04.325 Section 1101.1 Amended – Scope.

Section 1101.1, in the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows.

N1101.1 Scope. This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

SECTION TWENTY-SIX: Section 15.04.360 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.360 Table N1102.1.42 (R402.1.1.2) Amended – Insulation and Fenestration Requirements by Component.

Table N1102.1.42 (R402.1.1.2) of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

TABLE N1102.1.42 (R402.1.42)

INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT ^a

Climate Zone	Fenestration U-Factor ^b	Skylight U-Factor ^b	Glazed Fenestration SHGC ^b	Ceiling R-Value ^g	Wood Frame Wall R-Value	Mass Wall R-Value ^f	Floor R-Value ^e	Basement Wall R-Value ^c	Slab R-Value & Depth ^d	Crawl Space Wall R-Value ^c
4	0.32 5	0.5 55	0.4 0	49	13	8/13	19	10/13	NR	10/13

For SI: 1 foot – 304.8 mm.

NR = Not Required

a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. “10/13” means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls.

d. For heated slabs, R-5 insulation shall be provided under the full slab area and shall be added to the ~~required~~-slab edge. ~~R-values for heated slabs~~

e. Or insulation sufficient to fill the framing cavity, R-19 minimum.

f. The second R-value applies when more than half the insulation is on the interior of the mass wall.

g. Loose-fill-insulation shall be installed at the rate recommended by the manufacturer’s statement “so many bags per 1000 sq ft”. Where the pitch of the roof restricts the “minimum thickness” at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater

compacted density to a point where the “minimum thickness” can be achieved. An alternative is to install high-density batts around the perimeter edge per N1102.2.”

SECTION TWENTY-SEVEN: Section 15.04.370 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.370 Subsection ~~N1102.2.8.1~~ N1102.2.9.1 ~~(R402.2.8.1)~~ (R402.2.9.1) Added – Concrete and masonry basement walls.

Subsection ~~N1102.2.8.1~~ N1102.2.9.1 ~~(R402.2.8.1)~~ (R402.2.9.1) is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

~~N1102.2.8.1~~ N1102.2.9.1 ~~(R402.2.8.1)~~ (R402.2.9.1) Concrete and masonry basement walls. Insulation is not required for concrete or masonry portions of basement walls of one- and two-family dwellings which are not adjacent to nor form a common wall with finished space and are more than 50 percent (50%) below grade. Such common walls shall be insulated whenever the adjacent interior space is finished.”

SECTION TWENTY-EIGHT: Section 15.04.390 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.390 Subsection N1102.4.1.2 (R402.4.1.2) Amended – Testing.

Subsection N1102.4.~~2.4~~1.2 (R402.4.1.2) of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

N1102.4.1.2 (R402.4.1.2) Testing. Where required by the Building Official, the building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (~~50~~ Pascals). ~~Where required by the Building Official, t~~Testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the Building Official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed; beyond the intended weather stripping or other infiltration control measures:

2. Dampers including exhaust, intake, makeup, air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;

3. Interior doors, if installed at the time of the test, shall be open;

4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;

5. Heating and cooling systems, if installed at the time of the test shall be turned off; and

6. Supply and return registers, if installed at the time of the test, shall be fully open."

SECTION TWENTY-NINE: Section 15.04.400 of the Olathe Municipal Code is hereby amended to read as follows:

"Subsection ~~N1103.2.2~~ N1103.3.2 ~~(R403.2.2)~~(R403.3.2) of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

~~N1103.2.2~~ N1103.3.2 ~~(R403.2.2)~~(R403.3.2) **Sealing (Mandatory).** Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with Section M1601.4.1 of this code."

Exceptions:

~~1. Air impermeable spray foam products shall be permitted to be applied without additional joint seals.~~

~~2. Where a duct connection is made that is partially inaccessible, three screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.~~

~~3. Continuously welded and locking type longitudinal joints and seams in ducts operating at static pressures less than two inches (2") of water column (500 Pa) pressure classification shall not require additional closure systems.~~

~~Where required by the Code Official, duct tightness shall be verified by either of the following:~~

~~1. Postconstruction test: Total leakage shall be less than or equal to 4 cfm (113.3L/min) per 100 square feet (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across~~

~~the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.~~

~~2. Rough-in test: Total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 square feet (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm (85 L/min) per 100 square feet (9.29 m²) of conditioned floor area.~~

~~Exceptions:~~

~~1. The total leakage test is not required for ducts and air handlers located entirely within the building thermal envelope.~~

~~2. On the postconstruction test, it is permissible to test for "leakage to the outdoors" versus a "total leakage." Leakage to the outdoors shall be less than or equal to 8 cfm per 100 square feet of conditioned floor area.~~

SECTION THIRTY: Section 15.04.408 is hereby added to the Olathe Municipal Code to read as follows:

"15.04.408 Subsection N1103.3.3 Amended– Duct testing.

Subsection N1103.3.3 of the International Residential Code for One-and Two-Family Dwellings is hereby amended to read as follows.

N1103.3.3 (R403.3.3) Duct testing. Where required by the Building Official, ducts shall be pressure tested to determine air leakage by one of the following methods:

1. Rough-in test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure if installed at the time of the test. Registers shall be taped or otherwise sealed during the test.

2. Postconstruction test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. Registers shall be taped or otherwise sealed during the test.

Exceptions:

1. A duct air-leakage test shall not be required where the ducts and air handlers are located entirely within the building thermal envelope.

2. A duct air-leakage test shall not be required for ducts serving heat or energy recovery ventilators that are not integrated with ducts serving heating or cooling systems.”

SECTION THIRTY-ONE: Section 15.04.409 is hereby added to the Olathe Municipal Code to read as follows:

“15.04.409 Subsection N1103.3.4 Amended– Duct leakage.

Subsection N1103.3.4 of the International Residential Code for One-and Two-Family Dwellings is hereby amended to read as follows.

N1103.3.4 (R403.3.4) Duct leakage (Prescriptive). The total leakage of the ducts, where measured in accordance with Section R403.3.3, shall be as follows:

1. Rough-in test: The total leakage shall be less than or equal to 4 cubic feet per minute (113.3 L/min) per 100 square feet (9.29 m²) of conditioned floor area where the air handler is installed at the time of the test. Where the air handler is not installed at the time of the test, the total leakage shall be less than or equal to 3 cubic feet per minute (85 L/min) per 100 square feet (9.29 m²) of conditioned floor area.

2. Postconstruction test: Total leakage shall be less than or equal to 4 cubic feet per minute {113.3 L/min) per 100 square feet (9.29 m²) of conditioned floor area. On the postconstruction test, it is permissible to test for “leakage to the outdoors” versus a “total leakage.” Leakage to the outdoors shall be less than or equal to 8 cfm per 100 square feet of conditioned floor area.”

SECTION THIRTY-TWO: Section 15.04.410 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.410 Subsection N1103.2.3.5 (R403.2.3.5) DeletedAmended— Building cavities (Mandatory).

Subsection N1103.2.3.5 (R403.2.3.5) of the International Residential Code for One- and Two-Family Dwellings is hereby ~~deleted~~ amended to read as follows:

N1103.3.5 (R403.3.5) Building cavities (Mandatory). Building framing cavities are permitted to be used as return air ducts or plenums.”

SECTION THIRTY-THREE: Section 15.04.420 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.420 Subsection N1103.4.25.3 (R403.4.25.3) DeletedAmended – Hot water pipe insulation (Prescriptive).

Subsection N1103.4.25.3 (R403.4.25.3) of the International Residential Code for One- and Two-Family Dwellings is hereby ~~deleted~~ amended to read as follows.

N1103.5.3 (R403.5.3) Hot water pipe insulation (Prescriptive).
Insulation for hot water piping with a thermal resistance, R-value, of not less than R-3 shall be applied to the following:

1. Piping located outside the conditioned space.
2. Piping located under a floor slab.
3. Buried piping.”

SECTION THIRTY-FOUR: Section 15.04.430 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.430 Section N1104.1 (R404.1) Amended – Lighting equipment (Mandatory).

Section N1104.1 (R404.1) of the International Residential Code for One- and Two-Family Dwellings is hereby deleted and replaced with a new Section N1104 ~~amended~~ to read as follows:

SECTION N1104 (R404)

LIGHTING SYSTEMS (MANDATORY)

N1104.1 (R404.1) Lighting equipment (Mandatory). Fuel gas lighting systems shall not have continuously burning pilot lights.”

SECTION THIRTY-FIVE: Section 15.04.433 is hereby added to the Olathe Municipal Code to read as follows:

“15.04.433 Section N1106.6.4 (R406.4) Amended – ERI-based compliance.

Section N1106.6.4 (R406.4) of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

N1106.4 ERI-based compliance. Compliance based on an ERI analysis requires that the rated design be shown to have an ERI less than or equal to the appropriate value of 80 when compared to the ERI reference design. Where on-site renewable energy is included for compliance using the ERI analysis of Section N1106.4, the building shall meet the mandatory requirements of Section N1106.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4.”

SECTION THIRTY-SIX: Section 15.04.470 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.470 Subsection P2905.4.21 Amended – ~~Water service installation.~~ Separation of water service and building sewer.

Subsection P2905.4.26.4.1 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

P2906.4.1 Separation of water service and building sewer. Trenching, pipe installation and backfilling shall be in accordance with Section P2604. Where water service piping is installed within 5-feet of the water service, the installation shall comply with the provisions provided by the appropriate authority having jurisdiction.

Exceptions.

1. The required separation distance shall not apply where a water service pipe crosses a sewer pipe, provided that the water service is sleeved to a point not less than 5 feet (1524 mm) horizontally from the sewer pipe centerline on both sides of such crossing. The sleeve shall be of pipe materials indicated in Table P2906.4, P3002.1(2) or P3002.2.

2. The required separation distance shall not apply where the bottom of the water service pipe that is located within 5 feet (1524 mm) of the sewer is not less than 12 inches (305 mm) above the highest point of the top of the building sewer.

~~P2905.4.2 Water service installation. Trenching, pipe installation and backfilling shall be in accordance with Section P2604. Where the building sewer is installed within 5 feet (1,524 mm) of the water service, the installation shall comply with the provisions provided by the appropriate authority having jurisdiction.~~

~~Exception: The required separation distance shall not apply where a water service pipe crosses a sewer pipe, provided that the water service pipe is sleeved not less than 5 feet (1,524 mm), horizontally from the sewer pipe centerline, on both sides of the crossing with pipe materials listed in Table P2905.4, P3002.1(1), P3002.1(2), or P3002.2."~~

SECTION THIRTY-SEVEN: Section 15.04.480 of the Olathe Municipal Code is hereby amended to read as follows:

"15.04.480 Subsections 3002.2.42 and 3002.2.23 Added – Drainage pipe in filled ground and sanitary and storm sewers.

Subsections 3002.2.42 and 3002.2.23 are hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

P3002.2.42 Drainage pipe in filled ground. Where a building drain is installed on filled or unstable ground, the drainage pipe shall conform to one of the standards for ABS plastic pipe, cast-iron pipe, copper or copper-alloy tubing, or PVC plastic pipe listed in Table P3002.1(2).

P3002.2.23 Sanitary and storm sewers. Where separate systems of sanitary drainage and storm drainage are installed in the same property, the sanitary and storm building sewers or drains shall be permitted to be laid side by side in one trench if approved by the appropriate authority having jurisdiction."

SECTION THIRTY-EIGHT: Section 15.04.485 is hereby added to the Olathe Municipal Code to read as follows:

"15.04.485 Subsection P3005.2.2 Amended – Cleanouts on building sewers.

Subsection P3005.2.2 of the International Residential Code for One- and Two-Family Dwellings is hereby amended and shall read as follows:

P3005.2.2 Cleanouts on building sewers. Cleanouts on building sewers shall be located as required by the appropriate authority having jurisdiction."

SECTION THIRTY-NINE: Section 15.04.490 of the Olathe Municipal Code is hereby amended to read as follows:

"15.04.490 Section E3902.2 ~~Exceptions 1 and 2 Added~~ Amended – Garage and accessory building receptacles.

Section E3902.2 ~~Exceptions 1 and 2 are~~ of the hereby added to the International Residential Code for One- and Two-Family Dwellings is hereby amended and shall read as follows:

E3902.2 Garage and accessory building receptacles. 125-volt, single-phase, 15- or 20-ampere receptacles installed in garages and grade-level portions of unfinished accessory buildings used for storage or work areas shall have ground-fault circuit-interrupter protection for personnel. [210.8(A)(2)]

Exceptions:

1. ~~Receptacles that are not readily accessible such~~ A dedicated ceiling mounted receptacle for a garage door opener.

2. A single receptacle supplied by a dedicated branch circuit that is located and identified for specific use by a cord- and plug-connected appliance such as a refrigerator or freezer.

3. A dedicated receptacle supplying a permanently installed fire alarm or security alarm system.

4. A dedicated receptacle supplying a sump pump.”

SECTION FORTY: Section 15.04.500 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.500 Section E3902.5 ~~Exceptions 2 and 3 Added~~ Amended – Unfinished basement receptacles.

Section 3902.5 ~~Exceptions 2 and 3 are hereby added to~~ of the International Residential Code for One- and Two-Family Dwellings is hereby amended and shall read as follows:

E3902.5 Unfinished basement receptacles. 125-volt, single-phase, 15- and 20-ampere receptacles installed in unfinished basements shall have ground-fault circuit- interrupter protection for personnel. For purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms. [210.8(A)(5)]

Exceptions:

1. A receptacle supplying only a permanently installed fire alarm or burglar alarm system.

2. A single receptacle supplying a permanently installed sump pump.

3. A single receptacle supplied by a dedicated branch circuit that is located and identified for specific use by a cord- and plug-connected appliance such as a refrigerator or freezer.

4. Receptacles installed in accordance with these exceptions shall not be considered as meeting the requirement of Section E3901.9. [210.8(A)(5) Exception].”

SECTION FORTY-ONE: Section 15.04.530 of the Olathe Municipal Code is hereby amended to read as follows:

“15.04.530 Section AE6087 Added – Severe Storm Safety Measures for Mobile and Modular Homes and Subdivisions.

Section AE6087 is hereby added to Appendix E of the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

SECTION AE6087

SEVERE STORM SAFETY MEASURES FOR MOBILE AND MODULAR HOMES AND SUBDIVISIONS

AE6087.1 Securing mobile homes to ground by approved devices:

From April 1, 1997, any newly installed mobile home which is occupied or inhabited by a person as a dwelling, office or commercial space shall be secured to the ground by tie downs and ground anchors, of a type and mode of installation which at a minimum meet the requirements of KSA 75-1227 through and including 75-1233., unless such mobile home is secured to the ground on a permanent foundation.

AE6087.2 Required storm sheltering for mobile home parks: From and after April 1, 1997, all newly-constructed mobile home parks or mobile home subdivisions are required to have storm shelters. Any mobile home park in existence prior to April 1, 1997, which is expanded to include additional acreage, will be required to construct approved storm shelters.

AE6087.2.1 Construction of Storm Shelters: Storm shelters shall protect their inhabitants from physical injury by 260 mile per hour tornado winds and shall be constructed in accordance with the ICC/NSSA-500 Standard on the Design and Construction of Storm Shelters.

AE6087.2.2 Total storm shelter space: Storm shelters shall provide at least 17.5 square feet of sheltered space for each mobile home lot.

AE6087.2.3 Distance between shelters: A storm shelter must be within 600 feet walking distance of all mobile home park residents.

AE6087.2.4 Multi-use of storm shelters: Storm shelters used as multi-purpose structures will be subject to all applicable building codes.

AE6087.2.5 Dedicated storm shelters: Storm shelters dedicated to sheltering, used for no other purpose, and approved as such by the Building Code Division, shall be subject only to the special code requirements of dedicated storm shelters.

AE6087.2.6 Provisions for persons with physical disabilities: Storm shelters shall be fully accessible to persons with physical disabilities in accordance with Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1) as adopted by the City in accordance with Chapter 15.24 of the Olathe Municipal Code.

AE6087.2.7 Ventilation: Shelters shall have adequate ventilation in accordance with the International Mechanical Code as adopted by the City in accordance with Chapter 15.10 of the Olathe Municipal Code.

AE6087.2.8 Utilities: Shelters shall provide adequate lighting in accordance with the International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code.

AE6087.2.9 Exits: Shelters shall provide an adequate number of exits. in accordance with the International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code.

AE6087.2.10 Restroom facilities: Restroom facilities are optional, but if provided must meet the minimum requirements of the International Plumbing Code as adopted by the City in accordance with Chapter 15.08 of the Olathe Municipal Code.

AE6087.2.11 Accessibility: Shelters must be accessible 24 hours a day. The mobile home park owner, or such owner's designated agent or representative, shall be responsible for making the storm shelter accessible and usable in times of need.

AE6087.3 Disclosure: Mobile home parks which do not have approved storm sheltering must disclose orally and in writing in the sales or rental agreement that no sheltering is available in such park. Mobile home parks which do have approved storm sheltering must disclose orally and in writing in the sales or rental agreement that sheltering is available. A map showing the location of the shelter(s) and policies for use shall be supplied to the applicant as part of the sales or rental agreement.

AE6087.4 Registration of existing shelters: Every owner or operator or any mobile home park required to have storm sheltering shall submit a site plan and a written statement setting out the number of mobile home spaces in such park and a description of the existing shelter. This submission will be made upon application for a building permit."

SECTION FORTY-TWO: Section 15.04.535 is hereby added to the Olathe Municipal Code to read as follows

“15.04.535 Section AO103.3 Added – Emergency Operation

Section AO103.3 is hereby added to the International Residential Control and shall read as follows:

AO103.3.6 Emergency Operation. The installation of vehicular gates across a fire apparatus access road shall be approved by the fire code official and shall have an approved means of emergency operation. The gates and emergency operation shall be maintained operational and shall comply with the following.

1. Where electrically or mechanically controlled, gates shall be capable of being operated to the full open position by emergency responders under normal power and during a loss of power to the operating mechanism.

2. Electrical or mechanical operated gates shall be capable of being unlocked or opened with an approved fire department “Knox” county keyed cylinder installed at an accessible location on the entry side of the gate. The operated switch shall bypass the release mechanism to allow the gate to be operated by emergency response personnel.

3. In addition to an approved key cylinder operation device, gates shall be equipped with audible release mechanism to operate with an emergency siren yelp tone.

4. Keypads or other entry devices installed on gates shall not interfere with the operation of either the approved key cylinder or emergency response audible release.”

SECTION FORTY-THREE: Existing Sections 15.04.010, 15.04.020, 15.04.040, 15.04.050, 15.04.060, 15.04.070, 15.04.080, 15.04.090, 15.04.100, 15.04.110, 15.04.120, 15.04.130, 15.04.140, 15.04.150, 15.04.160, 15.04.170, 15.04.180, 15.04.190, 15.04.200, 15.04.210, 15.04.220, 15.04.230, 15.04.240, 15.04.250, 15.04.270, 15.04.300, 15.04.320, 15.04.330, 15.04.340, 15.04.350, 15.04.360, 15.04.370, 15.04.380, 15.04.390, 15.04.400, 15.04.410, 15.04.420, 15.04.430, 15.04.460, 15.04.470, 15.04.480, 15.04.490, 15.04.510, 15.04.520, and 15.04.530 are hereby repealed.

SECTION FORTY-FOUR: This Ordinance shall be published as provided by law and shall take effect September 1, 2019 and be in force from and after that date.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

ORDINANCE NO. 19-29

AN ORDINANCE PERTAINING TO THE OLATHE EXISTING BUILDING CODE; ADDING SECTION 15.06.031; AMENDING OLATHE MUNICIPAL CODE SECTIONS 15.06.010, 15.06.020, 15.06.040, AND 15.06.050, AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING SECTION 15.06.060.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 15.06.010 of the Olathe Municipal Code is hereby amended to read as follows:

“15.06.010 Code Adopted.

The ~~2012~~ 2018 International Existing Building Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-~~5795~~ is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.06.030 through and including 15.06.100.”

SECTION TWO: Section 15.06.020 of the Olathe Municipal Code is hereby amended to read as follows:

“15.06.020 Marked Copies of Code on File.

There shall be not less than one (1) copy of the code adopted by reference in Section 15.06.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. ~~42-43~~ 19-29 with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. ~~The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.”~~

SECTION THREE: Section 15.06.031 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.06.031 Section [A] 101.1 Amended – Title.

Subsection [A] 101.1 of the International Existing Building Code is hereby amended to read as follows:

[A] 101.1 Title. The 2018 International Existing Building Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.06, shall be known as the Existing Building Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Existing Building Code.”

SECTION FOUR: Section 15.06.040 of the Olathe Municipal Code is hereby amended to read as follows:

“15.06.040 Section [A] 101.6 Amended – Appendices.

Section 101.6 of the International Existing Building Code is hereby amended to read as follows:

[A] 101.6 Appendices. ~~Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.~~ The Code Official is authorized to require retrofit of buildings, structures or individual structural members in accordance with the appendices of this code if such appendices have been individually adopted.

[A] 101.6.1 Appendices adopted. The following appendices are adopted as part of this code:

Appendix B – Supplementary Accessibility Requirements for Existing Buildings and Facilities

Appendix C – Guidelines for the Wind Retrofit of Existing Buildings

SECTION FIVE: Section 15.06.050 of the Olathe Municipal Code is hereby amended to read as follows:

“15.06.050 Section [A] 101.8 Added – Administration.

Section [A] 101.8 is hereby added to the International Existing Building Code and shall read as follows:

[A] 101.8 Administration. The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the ~~2012~~ International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code.”

SECTION SIX: Existing Sections 15.06.010, 15.06.020, 15.06.040, 15.06.050, and 15.06.060 are hereby repealed.

SECTION SEVEN: This Ordinance shall be published as provided by law and shall take effect September 1, 2019 and be in force from and after that date.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

ORDINANCE NO. 19-30

AN ORDINANCE PERTAINING TO THE OLATHE PLUMBING CODE; ADDING SECTIONS 15.08.083, 15.08.085, 15.08.087, 15.08.241; AMENDING OLATHE MUNICIPAL CODE SECTIONS 15.08.010, 15.08.020, 15.08.040, 15.08.050, 15.08.060, 15.08.080, 15.08.090, 15.08.100, 15.08.130, 15.08.160, 15.08.170, 15.08.180, 15.08.190, 15.08.200, 15.08.210, 15.08.220, 15.08.240, 15.08.250, 15.08.260, 15.08.270, AND 15.08.280 AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING SECTIONS 15.08.110, 15.08.150, AND 15.08.230.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 15.08.010 of the Olathe Municipal Code is hereby amended to read as follows:

“15.08.010 Plumbing Code Adopted.

The ~~2012~~ 2018 International Plumbing Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-~~5795~~ is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.08.030 through and including 15.08.310.”

SECTION TWO: Section 15.08.020 of the Olathe Municipal Code is hereby amended to read as follows:

“15.08.020 Marked Copies of Code on File.

There shall be not less than one (1) copy of the code adopted by reference in Section 15.08.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. ~~12-44~~ 19-30 with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. ~~The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.~~”

SECTION THREE: Section 15.08.031 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.08.050 Section [A] 101.1 Amended – Title.

Subsection [A] 101.1 of the International Building Code is hereby amended to read as follows:

[A] 101.1 Title. The 2018 International Plumbing Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.08, shall be known as the Plumbing Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Plumbing Code.”

SECTION FOUR: Section 15.08.040 of the Olathe Municipal Code is hereby amended to read as follows:

“15.08.040 Section [A] 101.5 Added – Appendices.

Section [A] 101.5 is hereby added to the International Plumbing Code and shall read as follows:

[A] 101.5 Appendices. Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

[A] 101.5.1 Appendices adopted. The following appendices are adopted as part of this code:

Appendix C – ~~Vacuum Drainage System~~ Structural Safety

Appendix E – Sizing of Water Piping System

~~Appendix F – Structural Safety”~~

SECTION FIVE: Section 15.08.050 of the Olathe Municipal Code is hereby amended to read as follows:

“15.08.050 Section [A] 101.6 Added – Administration.

Section [A] 101.6 is hereby added to the International Plumbing Code and shall read as follows:

[A] 101.6 Administration. The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the ~~2012~~ International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code.”

SECTION SIX: Section 15.08.060 of the Olathe Municipal Code is hereby amended to read as follows:

“15.08.060 Section [A] 102.8.3 ~~Amended – Referenced codes and standards.~~ Added – Water and sewer utility provider standards.

Subsection [A] 102.8.3 of the is hereby added to the International Plumbing Code ~~is hereby amended to~~ and shall read as follows:

[A] 102.8.1 – Water and sewer utility provider standards. Service lines and connections to water and sewer utility systems shall also comply with standards and requirements of the utility provider. Where differences occur between provisions of this code and the utility provider requirements, the most restrictive provisions shall apply.

~~[A] 102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 14 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections [A] 102.8.1 and [A] 102.8.2.~~

~~[A] 102.8.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the most restrictive provisions shall apply.~~

~~[A] 102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the most restrictive provisions, as applicable, shall take precedence over all other provisions."~~

SECTION SEVEN: Section 15.08.080 of the Olathe Municipal Code is hereby amended to read as follows:

"15.08.080 Section 305.4.1 Amended – Sewer depth.

Section 305.4.1 of the International Plumbing Code is hereby amended to read as follows:

305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be installed not less than the depth required by the appropriate authority having jurisdiction at the point of septic system connection. Building sewers shall be installed not less than the depth specified by the appropriate authority having jurisdiction.

SECTION EIGHT: Section 15.08.083 is hereby added to the Olathe Municipal Code and shall read as follows:

"15.08.083 Section 308.10 Amended – Thermal Expansion Tanks

Section 308.10 of the International Plumbing Code is hereby amended to read as follows:

308.10 Thermal expansion tanks. A thermal expansion tank shall be supported in accordance with the manufacturer's instructions."

SECTION NINE: Section 15.08.085 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.08.085 Table 403.1, Footnote ‘e’ Amended – Service Sinks.

Table 403.1, footnote ‘e’ of the International Plumbing Code is hereby amended to read as follows.

Table 403.1, Footnote e. For business and mercantile classifications with an occupant load of 15 or fewer, service sinks shall not be required. For other occupancies, a service sink may not be required, at the discretion of the building official if deemed unnecessary due to the size, type, use or finish of the space.”

SECTION TEN: Section 15.08.087 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.08.087 Section 410.4 Amended – Drinking Fountain Substitutions.

Section 410.4 of the International Plumbing Code is hereby amended to read as follows:

410.4 Drinking Fountain Substitution – In occupancies where drinking fountains are required, the following substitutions are permitted:

1. Group S, B and M occupancies with less than 25 occupants. Drinking fountains are not required where a break room sink, water dispenser or bottled water dispenser are provided in compliance with accessible reach ranges in ICC/ANSI A117.1.
2. Where restaurants provide drinking water free of charge, drinking fountains shall not be required.
3. In other occupancies, water dispensers shall be permitted to be substituted for not more than 50% of the required number of drinking fountains.”

SECTION ELEVEN: Section 15.08.090 of the Olathe Municipal Code is hereby amended to read as follows:

“15.08.090 Section 608.67 Amended – Cross Connection Control.

Section 608.67 of the International Plumbing Code is hereby amended to read as follows:

608.67 Cross connection control.

~~A.~~ Cross connections shall be prohibited, except where approved ~~protective~~ backflow prevention assemblies, backflow prevention devices, or other approved means or methods are installed to protect the potable water supply.

~~1.~~**608.7.1 Private Water Supplies.** Cross connections between a private water supply and a potable public supply shall be prohibited.

~~B.~~**608.7.2 Water Delivery.** The ~~Administrative Authority~~ Water Utility is hereby authorized to refuse to deliver or terminate the delivery of water through pipes and mains to any premises when a condition exists which might lead to the contamination of the public water supply system and may continue to refuse the delivery of water to the premises until the condition is remedied.

~~C.~~**608.7.3 Testing.** The premise owner or responsible person shall have the backflow prevention assembly tested by a certified backflow assembly tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter. Said backflow assembly tester shall complete and submit to the water purveyor annual test reports within fourteen (14) days of the annual test date. Failure to supply the required test reports may result in termination of water services or inspection and/or testing of said backflow prevention assembly by appropriately certified City personnel or a certified contractor authorized to conduct inspections and/or tests of backflow assemblies on behalf of the City.

~~D.~~**608.7.4 Fees.** There is hereby established a testing fee for each test City personnel or a certified contractor conducts on behalf of the City pursuant to this section. The testing fee shall be adopted by the Governing Body of the City by resolution.

~~E.~~**608.7.5 Property Owner Assistance Program.** ~~1. Financial Assistance~~ For homes in the City of Olathe Water utility service area that were constructed before 1993 without a backflow prevention device, financial assistance in the form of partial reimbursement for the cost of installing a backflow prevention system shall be provided to property owners who comply with the procedure as set out in this section. Such reimbursement amount shall be in the amount and subject to the terms set out in this section.

~~2.~~**608.7.5.1 Procedure.**

~~a.~~ The property owner shall have the backflow prevention system installed by a plumber or other approved competent contractor, through self-help or other means at his/her discretion.

~~b.~~ All work shall be done in a workmanlike manner and shall comply with the minimum standards of design for backflow prevention systems.

~~c.~~**608.7.5.2 Certification of Installation.** The plumber or other approved competent contractor or property owner shall provide written certification that the installation has been completed.

~~d.~~ **608.7.5.3 Reimbursement.** After compliance with this chapter is verified upon receipt of the written installation certification and an invoice for the installation of the backflow prevention system, the City shall reimburse half, ~~(1/2)~~ or 50% of the actual cost not to exceed ~~the following maximum amount payable~~ \$500.00 based on a valid invoice. If the property owner completes the work, only the cost of materials will be reimbursed.

~~Backflow Prevention System Property Owner Assistance Program~~

~~City Pays Property Owner Pays Maximum City Contribution~~

~~50% 50% \$500.00~~

~~3.~~ **608.7.5.4 Testing.** Once the backflow prevention system is installed, it shall be tested annually as outlined in subsections ~~C. and D. above~~ 607.7.3 and 607.7.4.

~~F.~~ **608.7.6 Interference.** It shall be unlawful for any person to interfere with a public officer or agent of the City in performing his or her duties pursuant to this chapter whether investigating or abating violations.

~~G. Penalty. Any person who interferes with an officer or agent of the City pursuant to this chapter may be punished as provided in Section 15.08.050 of this chapter.~~

~~H. Any action of the Administrative Authority pursuant to this section is subject to review in accordance with Section 15.08.050 of this chapter."~~

SECTION TWELVE: Section 15.08.100 of the Olathe Municipal Code is hereby amended to read as follows:

"15.08.100 Subsection 608.15.4 Exception Added – Protection by a Vacuum Breaker.

Subsection 608.15.4 Exception is hereby added to the International Plumbing Code and shall read as follows:

608.15.4 Protection by a vacuum breaker.

Exception: If under the City of Olathe's ~~waste~~water jurisdiction, ~~openings and outlets shall be protected by atmospheric type or pressure-type vacuum breakers. The~~ the critical level of the vacuum breaker shall be set a minimum of 12 inches above the flood level rim of the fixture or device. ~~Fill valves shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors.~~ Pipe-applied vacuum breakers shall be installed no less than 12 inches above the flood level rim of the fixture, receptor or device served."

SECTION THIRTEEN: Section 15.08.130 of the Olathe Municipal Code is hereby amended to read as follows:

“15.08.130 Section 703.2 Amended – Drainage pipe in filled ground.

Section 703.2 of the International Plumbing Code is hereby amended to read as follows:

703.2 Drainage pipe in filled ground. Where a building drain is installed on filled or unstable ground, the drainage pipe shall conform to one of the standards for ABS plastic pipe, cast-iron pipe, copper or copper-~~ally~~alloy tubing, or PVC plastic pipe listed in Table 702.3.

SECTION FOURTEEN: Section 15.08.160 of the Olathe Municipal Code is hereby amended to read as follows:

“15.08.160 Subsection 708.~~3.1.2~~ Amended – Building sewers.

Subsection 708.~~3.1.2~~ of the International Plumbing Code is hereby amended to read as follows:

708.~~3.1.2~~ Building sewers. Building sewers shall be provided with cleanouts located as required by the appropriate authority having jurisdiction.”

SECTION FIFTEEN: Section 15.08.170 of the Olathe Municipal Code is hereby amended to read as follows:

“15.08.170 Section 903.1 Amended – Roof extension.

Section 903.1 of the International Plumbing Code is hereby amended to read as follows:

903.1 Roof Extension. ~~All~~Open vent pipes that extend through a roof shall be terminated ~~at least~~ not less than six inches (6") above the roof.~~7~~
~~except that w~~Where a roof is to be used for any purpose other than weather protection, the vent extensions shall ~~be run at least~~ terminate not less than seven feet (7') above the roof.”

SECTION SIXTEEN: Section 15.08.180 of the Olathe Municipal Code is hereby amended to read as follows:

“15.08.180 Section 1003.1 Amended – Where Required.

Section 1003.1 of the International Plumbing Code is hereby amended to read as follows:

1003.1 Where required. Interceptors and separators shall be provided to prevent the discharge of oil, grease, sand and other substances harmful or hazardous to the public sewer, the private sewage system or the

sewage treatment plant or processes. Interceptors and separators shall be provided, installed, inspected, and maintained as required by the appropriate authority having jurisdiction.”

SECTION SEVENTEEN: Section 15.08.190 of the Olathe Municipal Code is hereby amended to read as follows:

“15.08.190 Subsection 1003.1.1 Added – Grease interceptors required.

Subsection 1003.1.1 is hereby added to the International Plumbing Code and shall read as follows:

1003.1.1 Grease interceptors required. If under the City of Olathe’s wastewater jurisdiction, new food service facilities that begin operation after February 15, 2010 must install an exterior, ~~L~~large-~~C~~capacity ~~G~~grease ~~I~~interceptor that complies with the design requirements of Sections 1003.3.1 through 1003.3.5. Food service facilities in operation prior to February 15, 2010 shall be allowed to operate existing grease interceptors, provided they are maintained in compliance with the required pumping schedule outlined in Section 1003.3.4-3.5.5 However, if the facility is found to be contributing fats, oils or grease in quantities sufficient to necessitate increased maintenance of the sanitary sewer system to prevent line blockages, backups or overflows, existing grease interceptor(s) must be replaced. If it is deemed that those facilities that consist of ~~S~~smaller, ~~P~~point-of-~~U~~se ~~G~~grease ~~I~~interceptors cannot meet the sewer system requirements with improved maintenance, they must be replaced by the exterior ~~L~~large-~~C~~capacity ~~G~~grease ~~I~~interceptors as outlined in Section 1003.3.45.”

SECTION EIGHTEEN: Section 15.08.200 of the Olathe Municipal Code is hereby amended to read as follows:

“15.08.200 Subsection 1003.1.2 Added – Point of use grease interceptors.

Subsection 1003.1.2 is hereby added to the International Plumbing Code and shall read as follows:

1003.1.2 Point of use grease interceptors. Point of use grease interceptors shall refer to hydromechanical or automatic removal as defined by the International Plumbing Code. If under the City of Olathe’s wastewater jurisdiction, the Chief Building Official, or designee, may allow the use of ~~P~~point of ~~U~~se ~~G~~grease ~~I~~interceptors in the following cases:

A. A food service facility retrofit of a building that did not previously include a food service facility.

B. A new food service facility moving into space previously occupied by another food service facility.

C. Low fats, oils and grease-producing food service facilities such as churches, day care, etc.

In order for a Point of Use Grease Interceptor to be considered, a formal Request for Code Modification must be submitted for review to the Chief Building Official or designee. ~~All new food service facilities are subject to the same requirements to submit information per Section 15.08.250. When allowed, Point of Use Interceptors shall meet the following requirements: Made of light weight, non-corrosive material; accessible solids screening basket; accessible, cleanable flow control device; automatic skimmer, heat element; and a visible, easily removable grease collection container."~~

SECTION NINETEEN: Section 15.08.210 of the Olathe Municipal Code is hereby amended to read as follows:

"15.08.210 Subsection 1003.3.1 Amended – Grease interceptors.

Subsection 1003.3.1 of the International Plumbing Code is hereby amended to read as follows:

1003.3.1 Grease interceptors and automatic grease removal devices required. ~~If under the City of Olathe's wastewater jurisdiction, grease interceptors shall be attached to the building sewer line and shall be connected to all interior fixtures that may introduce grease into the sanitary sewer system. Interior fixtures to be piped to the grease interceptor shall include but are not limited to: Three-compartment sinks, mop sinks, dishwashers, floor drains in food preparation and storage areas, and any other fixture determined to be a potential source of grease. Dishwashing machines with a booster heater shall include a cold water solenoid-operated valve or similar device that mixes cold water with the discharged hot water from the machine. Wastewater from toilets, restroom sinks, and other similar fixtures shall not be piped to the grease interceptor under any circumstances.~~

A grease interceptor or automatic grease removal device shall be required to receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas, such as in restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias and clubs. Fixtures and equipment shall include, but not be limited to pot sinks, pre-rinse sinks; soup kettles or similar devices; wok stations; floor drains or sinks into which kettles are drained; automatic hood wash units and

dishwashers without pre-rinse sinks. Dishwashing machines with a booster heater shall include a cold-water solenoid-operated valve or similar device that mixes cold water with the discharged hot water from the machine. Grease interceptors and automatic grease removal devices shall receive waste only from fixtures and equipment that allow fats, oils or grease to be discharged. Wastewater from toilets, restroom sinks, and other similar fixtures shall not be piped to the grease interceptor under any circumstances. Where lack of space or other constraints prevent the installation or replacement of a grease interceptor, one or more grease interceptors shall be permitted to be installed on or above the floor and upstream of an existing grease interceptor."

SECTION TWENTY: Section 15.08.220 of the Olathe Municipal Code is hereby amended to read as follows:

"15.08.220 Subsection 1003.3.2.1 ~~Amended~~ Added– Food waste grinders prohibited.

Subsection 1003.3.2.1 of the International Plumbing Code is hereby ~~amended~~added and shall to read as follows:

1003.3.2.1 Food waste grinders prohibited. If under the City of Olathe's wastewater jurisdiction, food waste grinders are prohibited at new food service facilities. Food service facilities in operation prior to February 15, 2010 shall be allowed to operate existing food waste grinders pursuant to Olathe Municipal Code Section 14.10.010 pertaining to Waste Matter."

SECTION TWENTY-ONE: Section 15.08.240 of the Olathe Municipal Code is hereby amended to read as follows:

"15.08.240 Subsection 1003.3.45.1.1 ~~Amended~~ Added – Large-capacity grease interceptor sizing.

Subsection 1003.3.45.1.1 of the International Plumbing Code is hereby ~~amended to~~ added and shall read as follows:

1003.3.45.1.1 Large-capacity grease interceptor sizing. If under the City of Olathe's wastewater jurisdiction, external, Large-Capacity grease interceptor sizing must be sufficient to provide a 30-minute peak hydraulic detention time, calculated based on contributing plumbing fixture units. The professional engineer (licensed in the State of Kansas) responsible for the design of the grease interceptor shall submit signed and sealed calculations indicating the number of plumbing fixture units, the plumbing plan, the maximum contributing hydraulic flow rate of these fixtures, and the volume of tank required to provide the 30-minute detention.

The minimum capacity of any single grease interceptor unit shall be one thousand (1,000) gallons and the maximum capacity shall be two thousand (2,000) gallons. Where sufficient capacity cannot be achieved with a single unit, installation of grease interceptors in series shall be required. In order for ~~M~~multiple connections (from multiple food service facilities) to one external, ~~L~~large-~~C~~capacity ~~G~~grease ~~I~~interceptor will to be considered if the owner of each connecting contributors? properties submits an acceptable maintenance agreement , a formal request for Code Modification must be submitted to the Chief Building Official or designee for review. All new connections are subject to the same requirements to submit information per Section 1003.3.5.1.1. When allowed, the owner of the interceptor shall be responsible for all cleaning, pumping, record-keeping and maintenance requirements pursuant to 1003.3.5.5."

SECTION TWENTY-TWO: Section 15.08.241 is hereby added to the Olathe Municipal Code and shall read as follows

15.08.241 Subsection 1003.3.5.3, Added – Grease interceptor requirements.

Subsection 1003.3.5.3 of the International Plumbing Code is hereby added and shall read as follows:

1003.3.5.3 Grease interceptors and automatic grease removal devices. If under the City of Olathe's wastewater jurisdiction, grease interceptors shall be installed below ground in a location outside the facility which is easily accessible for cleaning, inspection and sampling. The interceptor shall have a minimum of two compartments and shall be capable of separation and retention of grease and storage of settled solids. The interceptor shall have a manhole at surface grade over each compartment to facilitate inspection, cleaning and maintenance, including pumping."

SECTION TWENTY-THREE: Section 15.08.250 of the Olathe Municipal Code is hereby amended to read as follows:

"15.08.250 Subsection 1003.3.~~4.35.4~~ Added – Construction standards and inspections.

Subsection 1003.3.~~4.35.4~~ is hereby added to the International Plumbing Code and shall read as follows:

1003.3.~~4.35.4~~ Construction standards and inspections. If under the City of Olathe's wastewater jurisdiction, the connection of the building sewer to the large-capacity interceptor shall conform to applicable plumbing codes as well as to the Olathe Technical Specifications and Design Criteria for Public Improvements ~~m~~Manual as adopted in the Unified Development Ordinance. The ~~I~~interceptor and connections to the interceptor shall be

made gas tight and water tight. Interceptor shall be acceptance tested in accordance with Section 3100 – Sanitary Sewer Manholes of the Olathe Technical Specifications and Design Criteria for Public Improvements ~~m~~Manual. The applicant, or agent, for the sewer connection permit shall notify the Public Works Department of the City when the building sewer or any interceptor is installed or connected to the public sanitary sewer and is ready for inspection prior to back filling. Any deviation from the requirements of this subsection may result in the uncovering and inspection of the sewer line or any interceptor or other pretreatment equipment at the applicant's expense."

SECTION TWENTY-FOUR: Section 15.08.260 of the Olathe Municipal Code is hereby amended to read as follows:

"15.08.260 Subsection 1003.3.4.45.5 Added – Pumping, cleaning and maintenance.

Subsection 1003.3.~~4.45.5~~ is hereby added to the International Plumbing Code and shall read as follows:

1003.3.4.45.5 Pumping, cleaning and maintenance. If under the City of Olathe's wastewater jurisdiction, each food service facility shall be responsible for pumping, cleaning and maintaining its grease interceptor(s) in good working condition. Each food service facility shall have its exterior large-capacity grease interceptor(s) pumped before the combined thickness of the floatable fats, oils and grease and settleable solids exceed 25% of the total liquid depth of the grease interceptor, or at least once every ninety (90) days ~~unless~~ If it is determined that a more frequent pumping schedule is needed to meet the 25% rule, the food service facility ~~All food service facilities requiring a greater than 90-day frequency of hauling shall implement kitchen BMPs as defined in Section 1003.3. .4.45.6 More frequent pumping may be required by the City based on the following criteria:~~

~~The grease interceptor must be pumped before the combined thickness of the floatable fats, oils and grease and settleable solids exceed 25% of the total liquid depth of the grease interceptor.~~

A sanitary disposal contractor, licensed in Johnson County, Kansas, must be used to provide pumping, cleaning and disposal services. Pumping shall include the removal of all contents from the interceptor, including grease, floating materials, gray water, bottom sludge and solids. Cleaning shall include removal of solids from the walls, floors, baffles and pipe work in the interceptor.

It shall be the responsibility of each food service facility to verify that the interceptor is properly cleaned out and that all fittings and fixtures inside the interceptor are in good working condition. The ~~owner~~ food service facility must

maintain a written log of the pumping record that includes copies of any receipts for repairs or maintenance to the interceptor(s), including pumping and cleaning on site. This log and any receipts shall be made available upon request.”

SECTION TWENTY-FIVE: Section 15.08.270 of the Olathe Municipal Code is hereby amended to read as follows:

“15.08.270 Subsection 1003.3.4.5 Added – Recommended food service facility Best Management Practices (BMPs).

Subsection 1003.3.4.5 is hereby added to the International Plumbing Code and shall read as follows:

1003.3.4.5 Recommended food service facility Best Management Practices (BMPs). If under the City of Olathe’s wastewater jurisdiction, these BMPs are recommended for all food service facilities and shall be instituted in any food service facility where ~~a greater than 90-day frequency of hauling is required:~~ pumping more frequently than each 90-days is required as described in 1003.3.5.5:

A. Do not discharge grease or greasy food particles into the drains. Scrape grease and greasy food particles off of plates, pots, cooking equipment and utensils before washing. Discard the waste into the trash.

B. Recycle waste grease from fryers and woks using a “yellow grease” recycling barrel or bin.

C. Train food service facility workers and ~~complete-and-update~~ create updated fats, oil and grease kitchen BMP training logs, including names and dates, showing that employees are trained and are implementing the fats, oils and grease kitchen BMPs.”

SECTION TWENTY-SIX: Section 15.08.280 of the Olathe Municipal Code is hereby amended to read as follows:

“15.08.280 Section 1202.1 Amended – Nonflammable medical gases.

Section 1201.1 of the International Plumbing Code is hereby amended to read as follows:

1202.1 Nonflammable Medical Gases.

~~1. On and after January 1, 2011, n~~No person shall install, improve, repair, maintain or inspect a medical gas piping system ~~within a county or city~~ unless such person is: (a) ~~is~~ licensed under the provisions of K.S.A. 12-1508 et seq., and amendments thereto; and (b) ~~is e~~ certified under the appropriate professional qualifications standards ~~or standards of ASSE Series 6000~~. All installers shall obtain a proper permit ~~from the county or city in which the medical gas is being installed~~ for installation or modification

of medical gas systems. All inspections shall be ~~done~~ performed by a third-party agency certified under the appropriate professional qualifications ~~standard or~~ standards ~~of ASSE Series 6000~~ for medical gas systems inspectors. ~~and a~~ All documentation of the inspections and certifications of installers and inspectors shall be provided to the ~~county or city~~ Building Official prior to any occupancy of the building or ~~until~~ portion of the building in which the medical gas piping has been installed ~~until an occupancy permit is issued.~~

~~2.~~ As used in this ~~sub~~section, “medical gas piping” means the piping used solely to transport gases used for medical purposes at a health care facility.”

SECTION TWENTY-SEVEN: Existing sections 15.08.010, 15.08.020, 15.08.040, 15.08.050, 15.08.060, 15.08.080, 15.08.090, 15.08.100, 15.08.110, 15.08.130, 15.08.150, 15.08.160, 15.08.170, 15.08.180, 15.08.190, 15.08.200, 15.08.210, 15.08.220, 15.08.230, 15.08.240, 15.08.250, 15.08.260, 15.08.270, and 15.08.280 are hereby repealed.

SECTION TWENTY-EIGHT: This Ordinance shall be published as provided by law and shall take effect September 1, 2019 and be in force from and after that date.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

ORDINANCE NO. 19-31

AN ORDINANCE PERTAINING TO THE OLATHE MECHANICAL CODE; ADDING SECTION 15.10.031, AMENDING OLATHE MUNICIPAL CODE SECTIONS 15.10.010, 15.10.020, 15.10.040, 15.10.060 AND 15.10.080 AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING SECTION 15.10.050.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 15.10.010 of the Olathe Municipal Code is hereby amended to read as follows:

“15.10.010 Code Adopted.

The ~~2012~~ 2018 International Mechanical Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-~~5795~~ is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.10.030 through and including 15.10.110.”

SECTION TWO: Section 15.10.020 of the Olathe Municipal Code is hereby amended to read as follows:

“15.10.020 Marked Copies of Code on File.

There shall be not less than one (1) copy of the code adopted by reference in Section 15.10.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. ~~42-45~~ 19-31 with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. ~~The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.~~”

SECTION THREE: Section 15.10.031 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.10.031 Section [A] 101.1 Amended - Title.

Section [A] 101.1 of the International Mechanical Code is hereby amended to read as follows:

[A] 101.1 Title. The 2018 International Mechanical Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.10 shall be known as the Mechanical Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Mechanical Code.”

SECTION FOUR: Section 15.10.040 of the Olathe Municipal Code is hereby amended to read as follows:

“15.10.040 Section [A] 101.5 Added – Administration.

Section [A] 101.5 is hereby added to the International Mechanical Code and shall read as follows:

[A] 101.5 Administration. The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the ~~2012~~ International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code.”

SECTION FIVE: Section 15.10.060 of the Olathe Municipal Code is hereby amended to read as follows

“15.10.060 Section [A] 102.12 Added – State Boiler Inspector.

Section [A] 102.12 is hereby added to the International Mechanical Code and shall read as follows:

[A] 102.12 State Boiler Inspector. Where permits are issued and portions of the work require inspection and approval of boilers and pressure vessels by the state of Kansas, those portions of the work will comply with the state requirements in lieu of compliance with the technical provisions of this code. ~~Contact the State Boiler Inspector at the Kansas Department of Human Resources for complete information regarding state requirements.~~ State approval is generally required for all boilers that require permits.

Exceptions:

1. Boilers serving individual dwelling units and their accessory structures.
2. Boilers serving apartment houses with less than five (5) ~~families~~ dwelling units.
3. ~~Pressure vessels that do not exceed 15 cubic feet and 250 psi~~ Boilers and pressure vessels located on farms and used solely for agriculture or horticulture purposes.

~~Or~~

4. Pressure vessels that do not exceed: 15psi of any size; 15 cubic feet and 250psi; or 1-1/2 cubic feet and 600psi.

5. Boilers which are equipped with pressure and temperature safety relief valves approved by the American Society of Mechanical Engineers or the National Board of Boiler and Pressure Vessel Inspectors, ~~if none of the following limitations are~~ that do not exceed: a heat input of 200,000 BTUH, a water temperature of 210 degrees Fahrenheit, or a nominal water capacity of 85 gallons.

~~1. A heat input of 200,000 BTUH.~~

~~2. With a water temperature of 210 degrees Fahrenheit.~~

~~3. A nominal water capacity less than 85 gallons."~~

SECTION SIX: Section 15.10.080 of the Olathe Municipal Code is hereby amended to read as follows

"15.10.080 Section 401.2 Amended – Ventilation required.

Section 401.2 of the International Mechanical Code is hereby amended to read as follows:

401.2 Ventilation required. Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403. Where the air infiltration rate in a dwelling unit is less than 3 air changes per hour when tested with a blower door at a pressure of 0.2-inch water column (50 Pa) in accordance with Section R402.4.1.2 of the International Energy Conservation Code, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403."

SECTION SEVEN: Existing sections 15.10.010, 15.10.020, 15.10.040, 15.10.050, 15.10.060 and 15.10.080 are hereby repealed.

SECTION EIGHT: This Ordinance shall be published as provided by law and shall take effect September 1, 2019 and be in force from and after that date.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

ORDINANCE NO. 19-32

AN ORDINANCE PERTAINING TO THE OLATHE FUEL GAS CODE; ADDING SECTION 15.12.031, AMENDING OLATHE MUNICIPAL CODE SECTIONS 15.12.010, 15.12.020, and 15.12.040, AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING SECTION 15.12.050.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 15.12.010 of the Olathe Municipal Code is hereby amended to read as follows:

“15.12.010 Code Adopted.

The ~~2012~~ 2018 International Fuel Gas Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-~~5795~~ is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.12.030 through and including 15.12.090.”

SECTION TWO: Section 15.12.020 of the Olathe Municipal Code is hereby amended to read as follows:

“15.12.020 Marked Copies of Code on File.

There shall be not less than one (1) copy of the code adopted by reference in Section 15.12.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. ~~12-48~~ 19-32” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. ~~The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.”~~

SECTION THREE: Section 15.12.031 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.12.031 Section [A] 101.1 Amended - Title.

Section [A] 101.1 of the International Fuel Gas Code is hereby amended to read as follows:

[A] 101.1 Title. The 2018 International Fuel Gas Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.10 shall be known as the Fuel Gas Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Fuel Gas Code.”

SECTION FOUR: Section 15.12.040 of the Olathe Municipal Code is hereby amended to read as follows:

“15.12.040 Section [A] 101.6 Added – Administration.

Section [A] 101.6 is hereby added to the International Fuel Gas Code and shall read as follows:

[A] 101.6 Administration. The administrative and enforcement provisions for this Code shall be those provisions of Chapter 1 of the ~~2012~~ International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code.”

SECTION FIVE: Existing sections 15.12.010, 15.12.020, 15.12.040, and 15.12.050 are hereby repealed.

SECTION SIX: This Ordinance shall be published as provided by law and shall take effect September 1, 2019 and be in force from and after that date.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

ORDINANCE NO. 19-33

AN ORDINANCE PERTAINING TO THE OLATHE ELECTRICAL CODE; AMENDING OLATHE MUNICIPAL CODE SECTIONS 15.14.010, 15.14.020, 15.14.040, 15.14.050, AND 15.14.060, AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING SECTIONS 15.14.070, AND 15.14.080, 15.14.090.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 15.14.010 of the Olathe Municipal Code is hereby amended to read as follows:

“15.14.010 Code Adopted.

NFPA 70, the National Electrical Code, ~~2011~~ 2017 Edition, published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02169-7471 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.14.040 through and including 15.14.120.”

SECTION TWO: Section 15.14.020 of the Olathe Municipal Code is hereby amended to read as follows:

“15.14.020 Marked Copies of Code on File.

There shall be not less than one (1) copy of the code adopted by reference in Section 15.14.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. ~~12-46~~ 19-33 with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. ~~The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.~~”

SECTION THREE: Section 15.14.040 of the Olathe Municipal Code is hereby amended to read as follows:

“15.14.040 Section 90.4 ~~(A) Added~~ Amended – Administration.

Section 90.4 ~~(A) is hereby added to~~ of the National Electrical Code is hereby deleted, and a new Section 90.4 is added and shall read as follows:

90.4 (A) Administration. The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the ~~2012~~ International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code.

90.4.1 Title. The 2017 National Electrical Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.14 shall be known as the Electrical Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Electrical Code.”

SECTION FOUR: Section 15.14.050 of the Olathe Municipal Code is hereby amended to read as follows:

“15.14.050 Subsection 210.8 (A) (2) Exceptions ~~1 and 2~~ Added – GFCI protection for garage and accessory building receptacles.

Subsection 210.8 (A) (2) Exceptions ~~1 and 2~~ are hereby added to the National Electrical Code and shall read as follows:

210.8 (A) (2) GFCI protection for garage and accessory building receptacles.

Exceptions to (A) (2): The following conditions shall not be required to have ground-fault circuit-interrupter protection:

1. ~~Receptacles that are not readily accessible such as a~~ A dedicated ceiling mounted receptacle for a garage door opener.

2. A single receptacle supplied by a dedicated branch circuit that is located and identified for specific use by a cord- and plug-connected appliance such as a refrigerator or freezer.

3. A dedicated receptacle supplying a permanently installed fire alarm or security alarm system.

4. A dedicated receptacle supplying a sump pump.”

SECTION FIVE: Section 15.14.060 of the Olathe Municipal Code is hereby amended to read as follows:

“15.14.060 Subsection 210.8 (A) (5) Exceptions ~~2 and 3~~ Added Amended – ~~GFCI protection for garage and accessory building receptacles~~ Unfinished portions or areas of the basement not intended as habitable rooms.

Subsection 210.8 (A) (5) Exceptions ~~2 and 3~~ in the National Electric Code are hereby ~~added~~ amended to ~~the National Electrical Code and shall~~ read as follows:

210.8 (A) (5) ~~GFCI protection for unfinished basement receptacles~~ Unfinished portions or areas of the basement not intended as habitable rooms.

Exceptions to (A) (5): The following conditions shall not be required to have ground-fault circuit-interrupter protection:

1. A receptacle supplying only a permanently installed fire alarm or burglar alarm system.

2. A single receptacle supplying a permanently installed sump pump.

3. A single receptacle supplied by a dedicated branch circuit that is located and identified for specific use by a cord- and plug-connected appliance such as a refrigerator or freezer.

Receptacles installed under exception to 210.8 (A) (5) shall not be considered as meeting the requirements of 210.52 (G)."

SECTION SIX: Existing sections 15.14.010, 15.14.020, 15.14.040, 15.14.050, 15.14.060, 15.14.070, 15.14.080, and 15.14.090 are hereby repealed.

SECTION SEVEN: This Ordinance shall be published as provided by law and shall take effect September 1, 2019 and be in force from and after that date.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

ORDINANCE NO. 19-34

AN ORDINANCE PERTAINING TO THE OLATHE ENERGY CONSERVATION CODE; ADDING SECTIONS 15.16.031, 15.16.131, 15.16.266, 15.16.268, AND 15.16.295; AMENDING OLATHE MUNICIPAL CODE SECTIONS 15.16.010, 15.16.020, 15.16.060, 15.16.070, 15.16.110, 15.16.140, 15.16.180, 15.16.190, 15.16.220, 15.16.230, 15.16.250, 15.16.260, 15.16.270, 15.16.280, AND 15.16.290 AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING SECTIONS 15.16.040, 15.16.100, 15.16.120, 15.16.150, 15.16.170, AND 15.16.240.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 15.16.010 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.010 Code Adopted.

The ~~2012~~2018 International Energy Conservation Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-~~5795~~ is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.16.030 through and including 15.16.320.”

SECTION TWO: Section 15.16.020 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.020 Marked Copies of Code on File.

There shall be not less than one (1) copy of the code adopted by reference in Section 15.16.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. ~~42-47~~ 19-34 with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. ~~The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.~~”

SECTION THREE: Section 15.16.031 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.16.031 Section C101.1 Amended – Title.

Section C101.1 of the International Energy Conservation Code is hereby amended and shall read as follows:

C101.1 Title. The 2018 International Energy Conservation Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.16 shall be known as the Energy Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Energy Code.”

SECTION FOUR: Section 15.16.060 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.060 Section C104 Deleted – ~~Inspections~~ Fees.

Section C104 of the International Energy Conservation Code is hereby deleted.”

SECTION FIVE: Section 15.16.070 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.070 Section ~~C107~~C105 Deleted – ~~Fees~~ Inspections.

Section ~~C107~~C105 of the International Energy Conservation Code is hereby deleted.”

SECTION SIX: Section 15.16.110 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.110 Subsection C402.~~3-24.2~~ Deleted – Minimum skylight fenestration area.

Subsection 402.~~3-24.2~~ of the International Energy Conservation Code is hereby deleted.”

SECTION SEVEN: Section 15.16.131 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.16.131 Section R101.1 Amended – Title.

Section R101.1 of the International Energy Conservation Code is hereby amended and shall read as follows:

R101.1 Title. The 2018 International Energy Conservation Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.16 shall be known as the Energy Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Energy Code.”

SECTION EIGHT: Section 15.16.140 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.140 Section R101.2 Exception Added – Scope.

Section R101.2 Exception is hereby added to the International Energy Conservation Code and shall read as follows:

R101.2 Scope.

Exception: ~~Residential structures certified to meet or exceed the energy efficiency standards of the 2009 International Energy Conservation Code through a simulated energy performance analysis conducted by a nationally certified energy auditor (for example, a HERS rating of 85 or lower) shall be exempted from the requirements of this code. The energy auditor shall present their national certification credentials for review and approval by the Building Official prior to issuance of the permit, and no Certificate of Occupancy shall be issued for the structure until documentation from the auditor certifying 2009 International Energy Conservation Code performance compliance is submitted to and approved by the Building Official.~~ The energy efficiency of detached one-and two-family dwellings and townhouses not more than three (3) stories above grade plane in height shall be governed by the provisions of the International Residential Code as adopted in Municipal Code Chapter 15.04.”

SECTION NINE: Section 15.16.180 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.180 Section R104 Deleted – ~~Inspections~~ Fees.

Section R104 of the International Energy Conservation Code is hereby deleted.”

SECTION TEN: Section 15.16.190 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.190 Section ~~R107~~ R105 Deleted – ~~Fees~~ Inspections.

Section ~~R107~~ R105 of the International Energy Conservation Code is hereby deleted.”

SECTION ELEVEN: Section 15.16.220 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.220 Table R402. ~~4.1~~ 1.2 Amended – Insulation and Fenestration Requirements by Component.

Table R402.4.1.2 of the International Energy Conservation Code is hereby amended to read as follows:

TABLE R402.4.1.2

INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT ^a

Climate Zone	Fenestration U-Factor ^b	Skylight U-Factor ^b	Glazed Fenestration SHGC ^b	Ceiling R-Value ^g	Wood Frame Wall R-Value	Mass Wall R-Value ^f	Floor R-Value ^e	Basement Wall R-Value ^c	Slab R-Value & Depth ^d	Crawl Space Wall R-Value ^c
4	0. 35 ³²	0.55	0.4	49	13	13-Aug	19	13-Oct	NR	13-Oct

For SI: 1 foot = 304.8 mm.

NR = Not Required

a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls.

d. For heated slabs, R-5 insulation shall be provided under the full slab area and shall be added to the ~~required~~ slab edge. ~~R-values for heated slabs~~.

e. Or insulation sufficient to fill the framing cavity, R-19 minimum.

f. The second R-value applies when more than half the insulation is on the interior of the mass wall.

g. Loose-fill insulation shall be installed at the rate recommended by the manufacturer's statement "so many bags per 1,000 sq ft." Where the pitch of the roof restricts the "minimum thickness" at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the "minimum thickness" can be achieved. An alternative is to install high-density batts around the perimeter edge per R402.2."

SECTION TWELVE: Section 15.16.230 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.230 Subsection ~~R402.2.8.1~~R402.2.9.1 Added – Concrete and masonry basement walls.

Subsection ~~R402.2.8.1~~R402.2.9.1 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

~~R402.2.8.1~~R402.2.9.1 Concrete and masonry basement walls. Insulation is not required for concrete or masonry portions of basement walls of one- and two-family dwellings which are not adjacent to nor form a common wall with finished space and are more than 50 percent (50%) below grade. Such common walls shall be insulated whenever the adjacent interior space is finished.”

SECTION THIRTEEN: Section 15.16.250 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.250 Subsection R402.4.1.2 Amended – Testing.

Subsection R402.4.1.2 of the International Energy Conservation Code is hereby amended to read as follows:

R402.4.1.2 Testing. Where required by the Building Official, the building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). ~~Where required by the Building Official, t~~Testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the Building Official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather stripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and

6. Supply and return registers, if installed at the time of the test, shall be fully open.”

SECTION FOURTEEN: Section 15.16.260 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.260 Subsection R403.2-23.2 Amended – Sealing (Mandatory).

Subsection R403.2-23.2 of the International Energy Conservation Code is hereby amended to read as follows:

R403.2-23.2 Sealing (Mandatory). Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with Section M1601.4.1 of the International Residential Code for One- and Two-Family Dwellings, as adopted by the City in accordance with Chapter 15.04 of the Olathe Municipal Code.

Exceptions:

~~1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.~~

~~2. Where a duct connection is made that is partially inaccessible, three screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.~~

~~3. Continuously welded and locking-type longitudinal joints and seams in ducts operating at static pressures less than two inches (2") of water column (500 Pa) pressure classification shall not require additional closure systems.~~

~~Where required by the Code Official, duct tightness shall be verified by either of the following:~~

~~1. Postconstruction test: Total leakage shall be less than or equal to 4 cfm (113.3L/min) per 100 square feet (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.~~

~~2. Rough-in test: Total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 ft² square feet (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm (85 L/min) per 100 square feet (9.29m²) of conditioned floor area.~~

Exceptions:

~~1. The total leakage test is not required for ducts and air handlers located entirely within the building thermal envelope.~~

~~2. On the postconstruction test, it is permissible to test for “leakage to the outdoors” versus a “total leakage.” Leakage to the outdoors shall be less than or equal to 8 cfm per 100 square feet of conditioned floor area.~~

~~1. Postconstruction test: Total leakage shall be less than or equal to 4 cfm (113.3L/min) per 100 square feet (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer’s air handler enclosure. All register boots shall be taped or otherwise sealed during the test.~~

~~2. Rough in test: Total leakage shall be less than or equal to 4 cfm (113.3L/min) per 100 ft² square feet (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the system, including the manufacturer’s air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm (85 L/min) per 100 square feet (9.29m²) of conditioned floor area.~~

Exceptions:

~~1. The total leakage test is not required for ducts and air handlers located entirely within the building thermal envelope.~~

~~2. On the postconstruction test, it is permissible to test for “leakage to the outdoors” versus a “total leakage.” Leakage to the outdoors shall be less than or equal to 8 cfm per 100 square feet of conditioned floor area.”~~

SECTION FIFTEEN: Section 15.16.266 is hereby added to the Olathe Municipal Code to read as follows:

“15.16.266 Subsection R403.3.3 Amended– Duct testing.

Subsection R403.3.3 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows.

R403.3.3 Duct testing. Where required by the Building Official, ducts shall be pressure tested to determine air leakage by one of the following methods:

1. Rough-in test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the system,

including the manufacturer's air handler enclosure if installed at the time of the test. Registers shall be taped or otherwise sealed during the test.

2. Postconstruction test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. Registers shall be taped or otherwise sealed during the test.

Exceptions:

1. A duct air-leakage test shall not be required where the ducts and air handlers are located entirely within the building thermal envelope.

2. A duct air-leakage test shall not be required for ducts serving heat or energy recovery ventilators that are not integrated with ducts serving heating or cooling systems."

SECTION SIXTEEN: Section 15.16.268 is hereby added to the Olathe Municipal Code to read as follows:

"15.16.268 Subsection R403.3.4 Amended– Duct leakage.

Subsection R403.3.4 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows.

R403.3.4 Duct leakage (Prescriptive). The total leakage of the ducts, where measured in accordance with Section R403.3.3, shall be as follows:

1. Rough-in test: The total leakage shall be less than or equal to 4 cubic feet per minute (113.3 L/min) per 100 square feet (9.29 m²) of conditioned floor area where the air handler is installed at the time of the test. Where the air handler is not installed at the time of the test, the total leakage shall be less than or equal to 3 cubic feet per minute (85 L/min) per 100 square feet (9.29 m²) of conditioned floor area.

2. Postconstruction test: Total leakage shall be less than or equal to 4 cubic feet per minute {113.3 L/min) per 100 square feet (9.29 m²) of conditioned floor area. On the postconstruction test, it is permissible to test for "leakage to the outdoors" versus a "total leakage." Leakage to the

outdoors shall be less than or equal to 8 cfm per 100 square feet of conditioned floor area.”

SECTION SEVENTEEN: Section 15.16.270 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.270 Subsection R403.~~2.33.5 Deleted~~ Amended– Building cavities (mandatory).

Subsection R403.~~2.33.5~~ of the International Energy Conservation Code is hereby ~~deleted~~ amended to read as follows:

R403.3.5 Building cavities (Mandatory). Building framing cavities are permitted to be used as return air ducts or plenums.”

SECTION EIGHTEEN: Section 15.16.280 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.280 Subsection R403.~~4.25.3 Deleted~~ Amended– Hot water pipe insulation (Prescriptive).

Subsection R403.~~4.25.3~~ of the International Energy Conservation Code is hereby ~~deleted~~ amended to read as follows:

R403.5.3 Hot water pipe insulation (Prescriptive). Insulation for hot water piping with a thermal resistance, R-value, of not less than R-3 shall be applied to the following:

1. Piping located outside the conditioned space.
2. Piping located under a floor slab.
3. Buried piping.”

SECTION NINETEEN: Section 15.16.290 of the Olathe Municipal Code is hereby amended to read as follows:

“15.16.290 Section R404.~~1 Deleted~~ Amended – Lighting equipment (Mandatory).

Section R404.~~1~~ of the International Energy Conservation Code is hereby ~~deleted and replaced with a new Section R404~~ amended to read as follows:

SECTION R404

LIGHTING SYSTEMS (MANDATORY)

R404.1 Lighting equipment (mandatory). Fuel gas lighting systems shall not have continuously burning pilot lights.

SECTION TWENTY: Section 15.16.295 is hereby added to the Olathe Municipal Code and shall read as follows:

"15.16.295 Section R406.4 Amended – ERI-based Compliance.

Section R406.4 of the International Energy Conservation Code is hereby amended and shall read as follows.

R406.4 ERI-based compliance. Compliance based on an ERI analysis requires that the rated design be shown to have an ERI less than or equal to the appropriate value of 80 when compared to the ERI reference design. Where on-site renewable energy is included for compliance using the ERI analysis of Section R406.4, the building shall meet the mandatory requirements of Section R406.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4. of the International Residential Code for One- and Two- Family Dwellings."

SECTION TWENTY-ONE: Existing sections 15.16.010, 15.16.020, 15.16.040, 15.16.060, 15.16.070 15.16.100, 15.16.110, 15.16.120, 15.16.140, 15.16.150, 15.16.170, 15.16.180, 15.16.190, 15.16.220, 15.16.230, 15.16.240, 15.16.250, 15.16.260, 15.16.270, 15.16.280, and 15.16.290 are hereby repealed.

SECTION TWENTY-TWO: This Ordinance shall be published as provided by law and shall take effect September 1, 2019 and be in force from and after that date.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

ORDINANCE NO. 19-35

AN ORDINANCE PERTAINING TO THE OLATHE SWIMMING POOL AND SPA CODE; ADDING SECTIONS 15.20.031 AND 15.20.065; AMENDING OLATHE MUNICIPAL CODE SECTIONS 15.20.010, 15.20.020, 15.20.040, 15.20.060, 15.20.070, AND 15.20.080 AND REPEALING THE EXISTING SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 15.20.010 of the Olathe Municipal Code is hereby amended to read as follows:

“15.20.010 Code Adopted.

The ~~2012~~ 2018 International Swimming Pool and Spa Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-~~5795~~ is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.20.030 through and including 15.20.110.”

SECTION TWO: Section 15.20.020 of the Olathe Municipal Code is hereby amended to read as follows:

“15.20.020 Marked Copies of Code on File.

There shall be not less than one (1) copy of the code adopted by reference in Section 15.20.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. ~~42-49~~ 19-35 with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. ~~The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.~~”

SECTION THREE: Section 15.20.031 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.20.031 Section 101.1 Amended – Title

Section 101.1 of the International Swimming Pool and Spa Code is hereby amended and shall read as follows:

[A] 101.1 Title. The 2018 International Swimming Pool and Spa Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.20 shall be known as the Swimming Pool and Spa Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Pool Code.”

SECTION FOUR: Section 15.20.040 of the Olathe Municipal Code is hereby amended to read as follows:

“15.20.040 Section 101.5 Added – Administration.

Section 101.5 is hereby added to the International Swimming Pool and Spa Code and shall read as follows:

101.5 Administration. The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the ~~2012~~ International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code.”

SECTION FIVE: Section 15.20.060 of the Olathe Municipal Code is hereby amended to read as follows:

“15.20.060 Subsection 305.2.1 Amended – Barrier height and clearances.

Subsection 305.2.1 of the International Swimming Pool and Spa Code is hereby amended to read as follows:

305.2.1 Barrier heights and clearances. Barrier heights and clearances shall be in accordance with all of the following:

1. Every semi-public or public swimming pool built shall be surrounded by a fence at least six (6) feet height. The type of fence material and the location of the fence shall be approved by the Building Official.

2. The top of the barrier for pools constructed on lots of buildings governed by the International Residential Code shall be not less than forty-eight (48) inches above grade. All other barriers shall be not less than seventy-two (72) inches above grade where measured on the side of the barrier that faces away from the ~~aquatic-vessel-pool or spa~~. Such height shall exist around the entire perimeter of the ~~vessel barrier~~ and for a distance of ~~3-feet where~~ thirty-six (36) inches measured horizontally from the outside of the required barrier.

3. The vertical clearance between grade and the bottom of the barrier shall not exceed two (2) inches ~~(51-mm)~~ for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the ~~vessel-pool or spa~~.

4. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not exceed four (4) inches ~~(102 mm)~~ where measured on the side of the required barrier that faces away from the ~~vessel~~ pool or spa.

5. Where the top of the ~~vessel~~ pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the ~~vessel~~ pool or spa structure. Where the barrier is mounted on the top of the ~~vessel~~ pool or spa, the vertical clearance between the top of the ~~vessel~~ pool or spa and the bottom of the barrier shall not exceed four (4) inches ~~(102 mm)~~.”

SECTION SIX: Section 15.20.065 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.20.065 Section 305.4 Amended – Structure wall as a barrier.

Section 305.4 of the International Pool and Spa Code is hereby amended and shall read as follows.

305.4 Structure wall as a barrier. Where a wall of a dwelling or structure serves as part of the barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. For one- and two-family dwellings, operable basement and grade level windows having a lock height of less than forty-eight (48)-inches above the indoor finished floor and all doors shall have a whole house security system, or other approved alarm that produces an audible warning when the window or door is opened.

2. In other than one- and two-family dwellings, operable windows having a sill height of less than forty-eight (48) inches above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. In dwellings or structures not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located fifty-four (54) inches or more above the finished floor. In dwellings or structures required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than fifty-four (54) inches and not less than forty-eight (48) inches above the finished floor.

3. A safety cover that is listed and labeled in accordance with ASTM F1346 is installed for the pools and spas.

4. An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item 1, 2 or 3 as applicable.”

SECTION SEVEN: Section 15.20.070 of the Olathe Municipal Code is hereby amended to read as follows:

“15.20.070 Subsection 321.1.1 Added – ~~Maintenance~~–or Lighting operation.

Subsection 321.1.1 is hereby added to the International Swimming Pool and Spa Code and shall read as follows:

321.1.1 ~~Maintenance~~–or Lighting operation. No artificial lighting shall be maintained or operated in connection with any swimming pool herein authorized in such manner as to be a nuisance or annoyance to the neighboring properties.”

SECTION EIGHT: Section 15.20.080 of the Olathe Municipal Code is hereby amended to read as follows:

“15.20.080 Section 401.1 Amended – Public swimming pools.

Section 401.1 of the International Swimming Pool and Spa Code is hereby amended to read as follows:

401.1 Public swimming pools. The provisions of this chapter shall apply to public swimming pools. Public swimming pools covered in this chapter include Class A, Class B, Class C, ~~and~~ Class E, and Class F pools.

401.1.1 Lifeguard required. All semi-public or public pools which make a charge for membership, admission, season ticket or for training shall provide a sufficiently skilled individual to act as lifeguard and supervisor at all times.

401.1.2 Hours of operation. All semi-public or public swimming pools shall not operate or be used between the hours of 10:30 PM and 6:00 AM.

401.1.3 Operation as a nuisance prohibited. All swimming pools herein authorized shall be used, maintained and operated in a manner that shall not constitute a public nuisance in the neighborhood where operated, and any continued infringement thereof or unreasonable noises shall constitute a public nuisance.

401.1.4 Safety equipment – inspection. Each pool, whether private, semi-public or public shall furnish safety equipment as may be

required by the State Board of Health or the Code Official. All pools may be inspected by the City.”

SECTION NINE: Existing sections 15.20.010, 15.20.020, 15.20.040, 15.20.060, 15.20.070, and 15.20.080 are hereby repealed.

SECTION TEN: This Ordinance shall be published as provided by law and shall take effect September 1, 2019 and be in force from and after that date.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

ORDINANCE NO. 19-36

AN ORDINANCE PERTAINING TO THE OLATHE PROPERTY MAINTENANCE CODE; ADDING SECTIONS 15.22.031, 15.22.035, 15.22.043, 15.22.047, 15.22.063, 15.22.072, 15.22.073, 15.22.075, 15.22.076, 15.22.078, 15.22.083, 15.22.085, 15.22.086, 15.22.105, 15.22.123, AND 15.22.124; AMENDING OLATHE MUNICIPAL CODE SECTIONS 15.22.010, 15.22.020, 15.22.040, 15.22.050, 15.22.060, 15.22.070, 15.22.080, 15.22.090, AND 15.22.100 AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING SECTIONS 15.22.110 AND 15.22.125 AND CHAPTER 15.38, SECTIONS 15.38.010 THROUGH 15.38.270, INCLUSIVE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 15.22.010 of the Olathe Municipal Code is hereby amended to read as follows:

“15.22.010 Code Adopted.

The ~~2012~~ 2018 International Property Maintenance Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-~~5795~~ is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.22.030 through and including 15.22.140.”

SECTION TWO: Section 15.22.020 of the Olathe Municipal Code is hereby amended to read as follows:

“15.22.020 Marked Copies of Code on File.

There shall be not less than one (1) copy of the code adopted by reference in Section 15.22.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. ~~12-50~~ 19-36 with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. ~~The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official~~

~~copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.”~~

SECTION THREE: Section 15.22.031 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.22.031 Section 101.1 Amended – Title.

Section 101.1 of the International Property Maintenance code is hereby amended to read as follows.

[A] 101.1 Title. The 2018 International Property Maintenance Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.22 shall be known as the Property Maintenance Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Property Maintenance Code.”

SECTION THREE: Section 15.22.035 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.22.035 Section 101.2 Amended – Scope.

Section 101.2 of the International Property Maintenance Code is hereby amended to read as follows.

101.2 Scope. The Governing Body finds that there exists structures and lands within the City which have a blighting influence on surrounding properties and neighborhoods. These structures and lands cause blight because walls, sidings or exteriors are not painted or properly maintained; there is inadequate maintenance of building trim, windows, doors roofing, guttering foundations and detached structures; and there exists unsightly stored or parked material, equipment, supplies, machinery, inoperable trucks or automobiles, or parts thereof, upon the property. The Governing Body further deems it necessary to require or cause such structures and lands to be adequately maintained. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises. It constitutes minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner’s authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.”

SECTION FOUR: Section 15.22.040 of the Olathe Municipal Code is hereby amended to read as follows:

“15.22.040 Section 103.1 Amended Deleted—Department of Property Maintenance Inspection-General.”

Section 103.1 of the International Property Maintenance Code is hereby ~~deleted~~ amended and shall read as follows.

[A] 103.1 Creation of enforcement agency. The department of property maintenance is hereby created within the jurisdiction under the direction of the Chief Building Official. The Community Risk Reduction Section – Community Enhancement Division within the Olathe Fire Department shall be established as the department of property maintenance where referenced by this Code.”

SECTION FIVE: Section 15.22.043 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.22.043 Section 103.2 Deleted – Appointment.”

Section [A] 103.2 of the International Property Maintenance Code is hereby deleted.”

SECTION SIX: Section 15.22.047 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.22.047 Section 103.5 Deleted – Fees.”

Section [A] 103.5 of the International Building Code is hereby deleted.”

SECTION SEVEN: Section 15.22.050 of the Olathe Municipal Code is hereby amended to read as follows:

“15.22.050 Section 106.1 Amended – ~~Violations~~Unlawful Acts.”

Section 106.1 of the International Property Maintenance Code is hereby amended to read as follows:

~~SECTION 106~~

~~VIOLATIONS~~

106.1 Unlawful acts. It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code or any order issued by the Building Official hereunder. ~~Any person violating the provisions of this section shall be guilty of a misdemeanor for each day such violation continues and shall be punished as provided in Section 1.16.010 of the Olathe Municipal Code.~~

SECTION EIGHT: Section 15.22.060 of the Olathe Municipal Code is hereby amended to read as follows:

“15.22.060 Section ~~107.5~~106.4 Amended – Penalties.

Section ~~107.5~~106.4 of the International Property Maintenance Code is hereby amended to read as follows:

~~**107.5106.4 Violation Penalties.** Any person, firm or corporation violating the provisions of this code, or fail to comply with any of the requirements thereof, shall be guilty of a misdemeanor and subject to penalties for the first conviction by a fine of not more than Two Hundred Fifty Dollars (\$250.00); for a second conviction within two (2) years thereafter such person shall be punished by a fine of not more than Five Hundred Dollars (\$500.00); and upon a third or subsequent conviction within two (2) years after the first conviction such person shall be punished by a fine of not more than One Thousand Dollars (\$1000.00). Any person who violates the provisions of this code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor for each day such violation continues. Penalties for noncompliance with orders and notices shall be as set forth in Section 1.16.010 of the Olathe Municipal Code.”~~

SECTION NINE: Section 15.22.063 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.22.063 Section 107.2 Amended – Form.

Section 107.2 of the International Property Maintenance Code is hereby amended to read as follows.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following.

1. Be in writing
2. Include a description of the property sufficient for identification of the owner's property.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the structure or premise into compliance with the provisions of this code.
 - (a). Unless specified otherwise in 107.2.4(b) or 301.4, the order shall stipulate that all required permits be secured therefore, and the work physically commenced within sixty (60) days, weather permitting, from the date of the notice and order and completed within such time as the code official shall determine is reasonable under all the circumstances.
 - (b). For nuisance, sanitation, health and safety violations including, but not limited to provisions in 302.1, 302.2, 302.4, 302.5, 302.8, 302.9 and Chapters 4, 5, 6, and 7; the order shall stipulate the violation must be corrected within (10) days from the date of the notice and order.
5. Inform the property owner or owner's authorized agent of the right to appeal.
6. Provide the owner or authorized agent with an information sheet listing the programs available to the public to help defray the costs of remedying a violation.
7. Include a statement of the right to file a lien in accordance with Section 106.3."

SECTION TEN: Section 15.22.070 of the Olathe Municipal Code is hereby amended to read as follows:

"15.22.070 Section 111 Amended – Means of Appeal.

Section 111 of the International Property Maintenance Code is hereby repealed and replaced with a new Section 111 ~~amended~~ to read as follows:

SECTION 111

~~MEANS OF APPEAL~~

BOARD OF APPEALS

[A] 111.1 Applications for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

[A] 111.2 Board of Appeals established. An application for appeals of orders, decisions or determinations made by the code official shall be made to the Board of Code Review as established and described in Olathe Municipal Code Section 15.02.210.

~~111.1 Board of Code Review. A Board of Code Review shall be created and empowered to act as an appeals board in order to provide reasonable interpretation of the provisions of this code, to mitigate specific provisions of this code which creates practical difficulties in their enforcement, and to hear appeals provided for hereunder. Copies of all rules of procedures adopted by the board shall be delivered to the Chief Building Official, who shall make them accessible to the public.~~

~~111.2 Procedures for Conduct of Hearing Appeals.~~

~~A. Hearing. The board shall conduct all hearings.~~

~~B. Record. A record of the entire proceedings shall be made by audio recording, or by any other means of permanent recording determined to be appropriate by the board.~~

~~C. Continuances. The board may grant continuances for good cause shown.~~

~~D. Oaths. In any proceedings under this chapter, the board, or any board member, has the power to administer oaths and affirmations to certify to official acts.~~

~~E. Reasonable Dispatch. The board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.~~

~~111.3 Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information:~~

~~You are hereby notified that a hearing will be held before the Board of Code Review at _____, on the day of _____, 20____, at the hour of _____.~~

~~_____~~, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.

~~111.4 Conduct of Hearing.~~

~~A. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.~~

~~B. Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.~~

~~C. Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.~~

~~D. Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.~~

~~E. Rights of Parties. Each party shall have these rights, among others:~~

~~1. To call and examine witnesses on any matter relevant to the issues of the hearing;~~

~~2. To introduce documentary and physical evidence;~~

~~3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;~~

~~4. To impeach any witness regardless of which party first called him/her to testify;~~

~~5. To rebut the evidence against him/her;~~

~~6. To represent himself/herself or to be represented by anyone of his/her choice who is lawfully permitted to do so.~~

~~F. Official Notice.~~

~~1. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by~~

~~the courts of this state or of official records of the board or departments and ordinances of the City or rules and regulations of the board.~~

~~2. Parties to be notified. Parties at the hearing shall be informed of the matters to be noticed, and these matters shall be noted on the record, referred to therein, or appended thereto.~~

~~3. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the board.~~

~~4. Inspection of the premises. The board may inspect any building or premises involved in the appeal during the course of the hearing, provided that~~

~~a. notice of inspection shall be given to the parties before the inspection is made,~~

~~b. the parties are given an opportunity to be present during the inspection, and~~

~~c. the board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the board or hearing examiner.~~

~~111.5 Method and Form of Decision.~~

~~A. Hearing Before the Board. When a contested case is heard before the board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.~~

~~B. Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.~~

~~C. Effective Date of Decision. The effective date of the decision shall be as stated therein."~~

SECTION ELEVEN: Section 15.22.072 is hereby added to the Olathe Municipal Code and shall read as follows:

"15.22.072 Section 301.4 Added – Repairs after casualty damage.

Section 301.4 is hereby added to the International Property Maintenance Code and shall read as follows.

301.4 Repairs after casualty damage. Within a period of ninety (90) days after casualty damage to any premises, the owner and operator shall take the following steps.

(A) Contract for the repair and restoration of damage areas and removal of debris.

(B) Contract for the demolition and removal of any part of the premises not to be repaired and restored and for the removal of debris in connection therewith.

Should an adjustment of insurance claims take longer than ninety (90) days, the Building Official or their designee may grant an extension in the period of time needed to comply with this section.

SECTION TWELVE: Section 15.22.073 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.22.073 Section 301.5 Added – Repairs.

Section 301.5 is hereby added to the International Property Maintenance Code and shall read as follows.

301.5 Repairs. - All repairs shall utilize materials compatible with the remaining undamaged surfaces and recognized as acceptable materials pursuant to the Building Code or Unified Development Ordinance.”

SECTION THIRTEEN: Section 15.22.075 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.22.075 Section 302.1.1 Added – Animal sanitation.

Section 302.1.1 is hereby added to the International Property Maintenance Code and shall read as follows.

302.1.1 Animal Sanitation. No excessive accumulation of animal waste shall be permitted on any property. Animal wastes shall not be disposed of in an open ditch or storm drain. Property owners or occupants of land shall be responsible for the proper burial or disposal of dead animals.”

SECTION FOURTEEN: Section 15.22.076 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.22.076 Section 302.1.2 Added – Unsanitary premises.

Section 302.1.2 is hereby added to the International Property Maintenance Code and shall read as follows.

302.1.2 Unsanitary premises. No owner, occupant or other person shall allow the accumulation of garbage or refuse on any land which causes or creates a foul, unhealthy or offensive smell, or in which disease-carrying insects, rodents or other vermin may breed, or may reasonably be expected to breed. For the purposes of this section the word “garbage” shall mean animal and vegetable waste resulting from the handling, preparation, cooking, storage, or consumption of food. The word “refuse” shall mean all putrescible and non-putrescible solid wastes, including garbage, rubbish, debris, ashes, street cleanings, dead animals, abandoned or inoperable automobiles, abandoned or inoperable household appliances, movable furniture not designed for or modified to withstand the elements and outdoor use, and industrial wastes.”

SECTION FIFTEEN: Section 15.22.078 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.22.078 Section 302.3 Amended – Hard surfaces, walkways and driveways.

Section 302.3 of the International Property Maintenance Code is hereby amended and shall read as follows.

302.3 Hard surfaces, sidewalks and driveways. Hard surfaces, sidewalks, walkways, stairs, driveways, parking lots and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. For the purposes of this section, the term “safety hazard” shall include but not be limited to a paved surface which is broken, buckled, heaved, collapsed or missing to the degree that vehicles using the surface are at risk of being damaged or pedestrians walking on the surface are at risk of falling or tripping.”

SECTION SIXTEEN: Section 15.22.080 of the Olathe Municipal Code is hereby amended to read as follows:

“15.22.080 Section 302.4 Amended ~~Deleted–ExteriorPropertyAreas~~ Land Maintenance.

Section 302.4 of the International Property Maintenance Code is hereby ~~deleted~~ repealed and replaced with a new Section 302.4 to read as follows:

302.4 Land Maintenance. Land, whether vacant or occupied by structures, shall be maintained in such manner to be free of conditions that constitute health and safety hazards, encourage abuse and trespassing by others, create a blighting effect in the neighborhood or otherwise adversely affect adjacent properties.”

SECTION SEVENTEEN: Section 15.22.083 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.22.083 Section 302.7 Amended – Accessory Structures.

Section 302.7 of the International Property Maintenance Code is hereby amended to read as follows.

302.7 Accessory structures. Accessory structures, including detached garages, outbuildings, sheds, fences, and walls, shall be maintained structurally sound and in good repair. Areas that are leaning, buckling, sagging or deteriorating shall be repaired or replaced with materials compatible with the undamaged portions of the fence or removed.

Such screening shall be constructed and maintained in accordance with applicable City codes and shall be adequate to prevent substantial viewing of the enclosed objects from any place within the adjacent property or any structure located on that property.

Notwithstanding any other applicable provisions, permitted items, objects or structures shall occupy no more than twenty percent (20%) of the allowable outside storage area. In measuring the area occupied by such items, objects or structures to determine if the permitted twenty percent (20%) is exceeded, a rectangle shall be constructed to include all points where any such item, object or structure is located, and the area shall be calculated to include all that area within the rectangle. This method of calculating area shall not apply to those items specifically authorized in subsections (a), (b) or (c) above.”

SECTION EIGHTEEN: Section 15.22.085 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.22.085 Section 302.8 Amended – Outdoor storage – one- and two-family dwellings.

Section 302.8 of the International Property Maintenance Code is hereby repealed, and a new Section 302.8 is added and shall read as follows.

“302.8 Outdoor Storage - One and Two-Family Dwellings. No property owner or resident shall allow the placement, storage, installation or construction of any item, object or structure on any property zoned or used for a single-family or two-family residence except as specifically and explicitly permitted by this section. The following items, objects or structures are permitted:

(A) Any item, object or structure permitted under the applicable provisions of the Unified Development Ordinance and Municipal Code, in full compliance with the authorizing provision. The intent of this subsection is to permit only those items specifically permitted under the applicable zoning district regulations or the applicable accessory use regulations.

(B) Authorized trash containers stored and maintained in compliance with the requirements of Chapter 6.04 of the Olathe Municipal Code.

(C) Firewood, neatly stacked, provided that such storage shall not occur at any location on the property that is closer to a street than the nearest primary wall surface of the residence. For the purposes of this section, “primary wall surface” shall mean any exterior wall surface of the residence that is visible from the street and not perpendicular to the street, but excluding porches, carports and minor building projections such as fireplaces or bay windows.

All other items. Any item, object or structure not specifically authorized in subsections (a), (b) or (c) must be located within a fully enclosed structure, or within the back yard and substantially screened from view from any adjacent property.

The Chief Planning Official may approve mature landscape materials as an acceptable screen if they determine that it provides the substantial equivalent of approved fence or wall materials. Materials for a fence or wall shall be of a type, material and quality compatible with the immediate neighborhood, as determined by the Chief Planning Official. Such screening shall be constructed and maintained in accordance with applicable City codes and shall be adequate to prevent substantial viewing of the enclosed

objects from any place within the adjacent property or any structure located on that property.

Notwithstanding any other applicable provisions, permitted items, objects or structures shall occupy no more than twenty percent (20%) of the allowable outside storage area. In measuring the area occupied by such items, objects or structures to determine if the permitted twenty percent (20%) is exceeded, a rectangle shall be constructed to include all points where any such item, object or structure is located, and the area shall be calculated to include all that area within the rectangle. This method of calculating area shall not apply to those items specifically authorized in subsections (a), (b) or (c) above."

SECTION NINETEEN: Section 15.22.086 is hereby added to the Olathe Municipal Code and shall read as follows:

"15.22.086 Section 302.9 Amended – Outdoor storage – other property.

Section 302.9 of the International Property Maintenance Code is hereby repealed, and a new Section 302.9 is added and shall read as follows.

302.9 Outdoor storage – other property. No property owner or occupant shall allow the placement, storage, installation or construction of any item, sales inventory, object or structure on any property other than that property zoned or used for a single-family or two-family residence except as specifically and explicitly permitted by this section. The following items, objects or structures are permitted:

(A) Any item, sales inventory, object or structure permitted under the applicable provisions of the Unified Development Ordinance and Municipal Code, in full compliance with the authorizing provision. The intent of this subsection is to permit only those items specifically permitted under the applicable zoning district regulations or the applicable accessory use regulations.

(B) Authorized trash containers stored and maintained in compliance with the requirements of Chapter 6.04 of the Olathe Municipal Code."

SECTION TWENTY: Section 15.22.090 of the Olathe Municipal Code is hereby amended to read as follows:

“15.22.090 Section 303 ~~Deleted~~Amended – Swimming Pools, Spas and Hot Tubs.

Section 303 of the International Property Maintenance Code is hereby ~~deleted~~amended and shall read as follows:

SECTION 303

SWIMMING POOLS, SPAS, HOT TUBS, PONDS AND RESERVOIRS

303.1. Pools of water. Ponds, reservoirs, swimming pools, hot tubs or other receptacles of water shall be maintained in a clean and sanitary conditions and in good repair. They shall be maintained free of trash, debris, garbage or other effluvia, and shall not serve as breeding ground for insects or other vectors.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier. Barrier height shall meet the requirements of the Swimming Pool and Spa Code. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that com-plies with ASTM F1346 shall be exempt from the provisions of this section.”

SECTION TWENTY-ONE: Section 15.22.100 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.22.100 Section 304.5 ~~Deleted~~ Amended ~~Exterior—Structure~~
Foundation.**

Section 304.5 of the International Property Maintenance Code is hereby ~~deleted~~amended and shall read as follows. (Ord. 12-50 § 2, 2012.)

304.5 Foundation walls. Foundation walls shall be maintained plumb and higher than the adjacent ground level. They shall be free from open cracks, breaks and holes except for necessary ventilation holes. If ventilation holes are needed, the holes shall be adequately screened to prevent entry by rodents and other pests. The foundation elements shall fully support the structure as intended. Any repair or replacement necessitated by this section shall be accomplished with materials that are compatible with the remaining foundation.”

SECTION TWENTY-TWO: Section 15.22.105 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.22.105 Section 304.14 Amended – Insect Screens.

Section 304.14 of the International Property Maintenance Code is hereby amended and shall read as follows.

304.14 Insect screens. During the period from May 1 to September 30, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.”

SECTION TWENTY-THREE: Section 15.22.123 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.22.123 Section 602.3 Amended – Heat Supply.

Section 602.3 of the International Property Maintenance Code is hereby amended and shall read as follows.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guestroom during the period from October 1 to April 30, shall provide facilities capable of maintaining a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum

room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.”

SECTION TWENTY-FOUR: Section 15.22.124 is hereby added to the Olathe Municipal Code and shall read as follows:

“15.22.124 Section 602.4 Amended – Occupiable Work Spaces.

Section 602.4 of the International Property Maintenance Code is hereby amended and shall read as follows.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be provided with active or passive space heating systems capable of maintaining an indoor temperature of not less than 68°F at a point three (3) feet above the floor on the design heating day.

Exceptions: Space heating systems are not required for:

1. Interior spaces where the primary purpose of the space is not associated with human comfort.
2. Group F, H, S or U occupancies.
3. Areas in which persons are primarily engaged in vigorous activities.”

SECTION TWENTY-FIVE: Existing sections 15.22.010, 15.22.020, 15.22.040, 15.22.050, 15.22.060, 15.22.070, 15.22.080, 15.22.090, 15.22.100 15.22.110, 15.22.125, and Chapter 15.38, Sections 15.38.010 through 15.38.270, inclusive are hereby repealed.

SECTION TWENTY-FIVE: This Ordinance shall be published as provided by law and shall take effect September 1, 2019 and be in force from and after that date.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.

ORDINANCE NO. 19-37

AN ORDINANCE PERTAINING TO THE OLATHE FIRE CODE; ADDING SECTIONS 16.05.075, 16.05.101, 16.05.135, 16.05.145, 16.05.155, 16.05.175, 16.05.185, 16.05.192, 16.05.194, 16.05.196, 16.05.198, 16.05.205, 16.05.212, 16.05.215, 16.05.217, 16.05.282, 16.05.284, 16.05.285, 16.05.286, 16.05.288, 16.05.289, 16.05.305, 16.05.341, 16.05.351, 16.05.361, 16.05.373, 16.05.375, 16.05.377, 16.05.381, 16.05.385, 16.05.405, AND 16.05.440; AMENDING OLATHE MUNICIPAL CODE SECTIONS 16.05.010, 16.05.020, 16.05.030, 16.05.050, 16.05.060, 16.05.065, 16.05.070, 16.05.140, 16.05.150, 16.05.180, 16.05.190, 16.05.200, 16.05.210, 16.05.220, 16.05.250, 16.05.260, 16.05.270, 16.05.280, 16.05.290, 16.05.300, 16.05.340, 16.05.370, AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING SECTIONS 16.05.080, 16.05.090, 16.05.100, 16.05.110, 16.05.120, 16.05.130, 16.05.160, 16.05.240, 16.05.320, 16.05.330, 16.05.350, 16.05.360, 16.05.410, AND 16.05.420.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 16.05.010 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.010 Fire Code Adopted.

The ~~2012~~ 2018 International Fire Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-~~5795~~ is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 16.05.030 through and including 16.05.~~430~~440.”

SECTION TWO: Section 16.05.020 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.020 Marked Copies of Code on File.

There shall be not less than one (1) copy of the code adopted by reference in Section kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. ~~12-52~~ 19-37 with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. ~~The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance~~

~~shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient."~~

SECTION THREE: Section 16.05.030 of the Olathe Municipal Code is hereby amended to read as follows:

"16.05.030 Fire Department Inspection Division – Established Duties.

The Fire Code shall be enforced by the Community Risk ~~Management Division~~ Reduction Section in the Fire Department of the City of Olathe, which is established and ~~which~~ shall be operated under the supervision of the ~~chief~~ Chief of the Fire Department."

SECTION FOUR: Section 16.05.050 of the Olathe Municipal Code is hereby amended to read as follows:

"16.05.050 Subsection [A] 101.2.1 Amended – Appendices.

Subsection [A] 101.2.1 of the International Fire Code is hereby amended to read as follows:

[A] 101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

[A] 101.2.1.1 Appendices ~~B, C, and D~~ Adopted. The following appendices contained in the International Fire Code are hereby adopted:

Appendix B – Fire Flow Requirements for Buildings

Appendix C – Fire Hydrant Locations and Distribution

Appendix D – Fire Apparatus Access Roads

[Appendix H – Hazardous Materials Management Plan \(HMMP\) and Hazardous Materials Inventory Statement \(HMIS\) Instructions](#)

[Appendix I – Fire Protection Systems – Noncompliant Conditions](#)"

SECTION FIVE: Section 16.05.060 of the Olathe Municipal Code is hereby amended to read as follows:

"16.05.060 Section [A] 102.7 Amended – Referenced codes and standards.

Subsection [A] 102.7 of the International Fire Code is hereby amended to read as follows:

[A] 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80 except as provided in Section [A] 102.7.3, and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections [A] 102.7.1 and [A] 102.7.2.

[A] 102.7.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the most restrictive provisions shall apply.

[A] 102.7.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the most restrictive provisions, as applicable, shall take precedence over all other provisions.

[A] 102.7.3 Amended codes and standards. The ~~standard reference numbers~~ [edition of the](#) ~~of the~~ following codes and standards shall apply in lieu of the standard reference number of the same codes and standards listed in Chapter 80:

~~NFPA 13-2013 (Installation of Sprinkler Systems)~~

~~NFPA 13D-2013 (Installation of Sprinkler Systems in One and Two-family Dwellings and Manufactured Homes)~~

~~NFPA 13R-2013 (Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height)~~

~~NFPA 24-2013 (Installation of Private Fire Service Mains and Their Appurtenances)~~

~~NFPA 72-2013 (National Fire Alarm Code)~~

1. [NFPA 495-2013](#) (Explosive Materials Code) [as adopted and amended by the State of Kansas – Office of the Kansas State Fire Marshal in Kansas Administrative Regulations \(K.A.R.\) 22-4-5.](#)

[A] 102.7.3.1 Explosive Materials Code. [NFPA 495-2013 is further amended as follows:](#)

(1) Each citation in NFPA 495 to the following Standards shall mean the edition adopted by reference in Chapter 16.05 of the Olathe Municipal Code:

(A) NFPA 13, “Standard for the Installation of Sprinkler Systems”; and

(B) NFPA 70, “National Electric Code.”

(C) NFPA 1123, “Code for Fireworks Display”;

(D) NFPA 1124, “Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles”; and

(E) NFPA 1126, “Standard for the Use of Pyrotechnics Before a Proximate Audience.”

(3) Each citation of NFPA 1, “Fire Code,” shall be replaced by “the 2018 International Fire Code (IFC) as adopted and amended in Chapter 16.05 of the Olathe Municipal Code.”

(4) Each citation of NFPA 5000, “Building Construction and Safety Code,” shall be replaced by “the 2018 International Building Code (IBC) as adopted and amended in Chapter 15.02 of the Olathe Municipal Code.”

~~(a)~~

~~The following provisions shall be excluded from NFPA 495-2013:~~

~~(1) All material before chapter 1 and all annexes;~~

~~(2) chapters 2, 8, and 12;~~

~~(3)~~

~~(A) The last sentence of section 1.3.1;~~

~~(B) Sections 1.4 through 1.4.3; and~~

~~(C) Section 1.6;~~

~~(4)~~

~~(A) The last sentence of section 3.1;~~

~~(B) Section 3.2.1; and~~

~~(C) Sections 3.2.3 through 3.2.7;~~

~~(5)~~

~~(A) Section 4.1.7;~~

~~(B) Sections 4.2.3.1 through 4.2.3.3;~~

~~(C) Sections 4.7.2 through 4.7.4;~~

~~(D) Section 4.8.2; and~~

~~(E) Section 4.10.2;~~

~~(6) Section 5.2.13.2;~~

~~(7)~~

~~(A) Sections 6.3 through 6.3.5; and~~

~~(B) Sections 6.6 through 6.6.8;~~

~~(8) Sections 7.3 through 7.3.2;~~

~~(9) Section 10.3.8.1;~~

~~(10) Section 11.4.3;~~

~~(11) Section 13.1.2; and~~

~~(12)~~

~~(A) Sections 14.1 through 14.3.8;~~

~~(B) Sections 14.4.1 through 14.4.4; and~~

~~(C) Sections 14.4.8 through 14.5.9.~~

~~(b) The following modifications shall be made to NFPA 495-2013:~~

~~(1) Section 1.3.2 shall be replaced with the following: "This code shall not apply to the transportation and use of military explosives by federal or state military agencies, nor shall this code apply to the use of explosive materials by federal, state, or municipal agencies while engaged in public safety functions, except that state and municipal agencies shall be subject to the storage, recordkeeping, and permitting requirements of this code."~~

~~(2) In section 1.3.5, the phrase "as defined in NFPA 1122, Code for Model Rocketry; NFPA 1125, Code for the Manufacture of Model Rocket and High Power Rocket Motors; and NFPA 1127, Code for High Power Rocketry" shall be deleted.~~

~~(3) The following text shall be added after section 1.3.6:~~

~~"This code shall not apply to small arms ammunition and components of small arms ammunition, but this code shall apply to the manufacture of smokeless propellants and black powder substitutes and to smokeless propellants and black powder substitutes not designed for use in small arms ammunition.~~

~~"This code shall not apply to commercially manufactured black powder in quantities not to exceed fifty pounds, percussion caps, safety and pyrotechnical fuses, quills, quick and slow matches, and friction primers, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms as defined in 18 U.S.C. § 921(a)(16) or in antique devices exempted from the term "destructive device" in 18 U.S.C. § 921(a)(4).~~

~~“This code shall not apply to the use, storage, or transportation of precursor chemicals used for agricultural purposes other than blasting, or to fertilizers and fertilizer materials regulated by the Kansas department of agriculture pursuant to K.S.A. 2-1201 et seq., and amendments thereto, except that thefts of ammonium nitrate shall be reported to the office of the state fire marshal and to a local law enforcement authority within 24 hours of discovering the theft.”~~

~~(4) In section 3.2.2, the definition of “Authority Having Jurisdiction (AHJ)” shall be replaced with the following: “The state fire marshal or designee, except when the context indicates that the term is referring to a local fire department or law enforcement agency.”~~

~~(5) In section 3.3.8, the definition of blasting agent shall be replaced with the following: “Any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive, provided that the finished product, as mixed for use or shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.”~~

~~(6) Section 3.3.20 shall be replaced with the following: “Explosive. Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term shall also include two or more precursor chemicals sold or possessed together that if mixed or combined would constitute a binary explosive.”~~

~~(7) Section 3.3.49 shall be replaced with the following: “Small arms ammunition and components of small arms ammunition. Small arms ammunition or cartridge cases, primers, or smokeless propellants designed for use in small arms, including percussion caps, and 3/32 inch and other external burning pyrotechnic hobby fuses. The term shall not include black powder, but shall include black powder substitutes provided the propellant is a component of small arms ammunition.”~~

~~(8) Section 4.2.1 shall be replaced with the following: “No person shall be in possession of explosive materials, or conduct an operation or activity requiring the use of explosive materials, or perform or supervise the loading and firing of explosive materials without first obtaining the correct permit or permits from the state fire marshal.”~~

~~(9) Section 4.2.4 shall be replaced with the following: “Each permitted manufacturer, distributor, and user in the state shall maintain continuous general liability coverage that includes coverage for intentional blasting of not less than \$1,000,000 from an insurance company authorized by the Kansas insurance department to do business in Kansas and shall annually provide proof of this insurance to the state fire marshal.”~~

~~(10) Section 4.3.1 shall be replaced with the following sentence: “Before a person conducts an operation or activity that uses explosive materials in the state, the person shall obtain a user permit from the state fire marshal.”~~

~~(11) Section 4.3.2 shall be replaced with the following sentence: “Before an individual performs or supervises the loading and firing of explosive materials in the state, that individual shall obtain the appropriate permit to blast, as specified in Table 4.3.2, from the state fire marshal, except that this requirement shall not apply to a trainee who is acting under the direct supervision of and is being trained by the holder of a blaster permit.”~~

~~(12) The following classes of blasting permits shall be added to table 4.3.2:~~

Class	Category	Blasting Permitted
P1	Public Safety Bomb Technician	Blasting by a bomb technician acting on behalf of the state or a political or taxing subdivision in a public safety capacity
P2	Public Safety Explosive Breacher	Explosive breaching by a person acting on behalf of the state or a political or taxing subdivision in a public safety capacity

~~(13) The following text shall be added after section 4.3.2:~~

~~“4.3.3 Permit to Manufacture. Before a person manufactures explosive materials in the state, that person shall obtain a manufacturer permit from the state fire marshal. A holder of a manufacturer permit shall not be required to obtain a distributor or user permit.~~

~~“4.3.4 Permit to Distribute. Before a person engages in the business of distributing explosive materials within the state, that person shall obtain a distributor permit from the state fire marshal, except that this requirement shall not apply to common carriers or to an out-of-state person who distributes explosive materials to the holder of a manufacturer or distributor permit. “Distributing” shall mean the selling, issuing, giving, transferring, or other disposing of. A holder of a distributor permit shall not be required to obtain a user permit.~~

~~“4.3.5 Handler Permit. Before an individual, other than the holder of a blaster permit, actually or constructively possesses explosive materials in the state, that individual shall obtain a handler permit from the state fire marshal, except that a handler permit shall not be required to handle explosive materials under the direct supervision of the holder of a blaster permit. “Direct supervision” shall mean that the holder of the blaster permit is physically present and overseeing the actions of the employee. Actual possession shall include the physical handling of explosive materials. Permitted handlers may include individuals who load or unload vehicles, trainees, magazine keepers, drillers, stemmers and sales staff.~~

~~“4.3.6 Storage Permit. Before a person stores explosive materials in the state, that person shall obtain a site-specific storage permit. The storage permit may be temporary or permanent. A permanent storage permit shall be valid for no longer than three years. A temporary storage permit shall be valid for no longer than 90 days, but the permit holder may apply to the office of the state fire marshal to renew the permit one time for no longer than an additional 90 days. Before either storage permit will be issued, the person shall obtain a manufacturer, distributor, or user permit from the state fire marshal, any explosive permit required by the bureau of alcohol, tobacco, firearms and explosives, and a certification from the fire department with jurisdiction over the area where the storage site will be located that the proposed storage of explosive materials will not violate any local laws.”~~

~~(14) Section 4.4.2.1 shall be replaced with the following: “Each applicant shall complete a blaster training program and pass a qualifying examination in the category of blasting for which application is made. The blaster training program and qualifying examination shall be approved in advance by the office of the state fire marshal. To be approved by the office of the state fire marshal, a blaster training program or blaster refresher course shall provide training on the following topics, as applicable to the category of blasting for which application is made: the requirements of this code; federal explosives law and regulations; and industry standards related to the safe use, storage, and transportation of explosive materials.”~~

~~(15) Section 4.4.2.2 shall be replaced with the following: “To be approved by the office of the state fire marshal, a qualifying examination shall test the applicant’s knowledge of the following topics, as applicable to the category of blasting for which application is made: the requirements of this code; federal explosives law and regulations; and industry standards related to the safe use, storage, and transportation of explosive materials.”~~

~~(16) Section 4.4.5 shall be replaced with the following: “Each person whose permit to blast has been revoked shall be required to complete a blaster~~

~~training program and pass a qualifying examination as a condition of reinstatement of the permit. The blaster training program and qualifying examination shall be approved in advance by the office of the state fire marshal."~~

~~(17) Section 4.4.6 shall be replaced with the following: "Each person whose permit to blast has lapsed for a period of one year or longer shall be required to complete a blaster training program and pass a qualifying examination as a condition of renewal of the permit. The blaster training program and qualifying examination shall be approved in advance by the office of the state fire marshal."~~

~~(18) The following text shall be added after section 4.4.6:~~

~~"If the holder of a blaster or handler permit ceases to be employed by a permitted manufacturer, distributor, or user, the blaster or handler shall notify the office of the state fire marshal within five business days, and the individual's permit shall be placed on inactive status. The individual shall not blast or handle explosive materials while the permit is on inactive status. Before resuming work with a permitted manufacturer, distributor, or user, the blaster or handler shall notify the office of the state fire marshal, and the permit shall be returned to active status. However, if the permit has been on inactive status for at least one year, the holder shall complete an approved blaster refresher class for a blaster permit or an approved explosive safety course for a handler permit before the permit is returned to active status."~~

~~"4.4.6.1 Requirement for a Handler Permit. Before applying for or renewing a handler permit, an individual shall complete an explosive safety course approved by the state fire marshal. The explosive safety course shall provide training on the safe handling, storage, and transportation of explosive materials."~~

~~(19) Sections 4.5.1 and 4.5.2 shall be replaced with the following sentence: "The holder of any permit or permits issued pursuant to this code shall maintain a copy of the permit or permits at all sites where explosive materials are stored or used and in any vehicle used to transport explosive materials."~~

~~(20) Section 4.6.2 shall be replaced with the following sentence: "An individual shall be at least 18 years old before applying for a handler permit and at least 21 years old before applying for a blaster permit."~~

~~(21) In section 4.7.1(3), "is a fugitive from justice" shall be replaced with "has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding."~~

~~(22) Section 4.8.1.1 shall be replaced with the following sentence: "Permit holders shall keep records in accordance with 27 C.F.R. Part 555, Subpart G, as adopted by reference in Subsection [A] 102.7.3.1.(d), herein."~~

~~(23) Section 4.10.1 shall be replaced with the following: "When an application for renewal is filed with the office of the state fire marshal before expiration of the current permit, the existing permit shall not expire until the state fire marshal has taken final action upon the application for renewal or, if the state fire marshal's action is unfavorable, until the last day for seeking judicial review of the state fire marshal's action or a later date fixed by the reviewing court."~~

~~(24) The following sentence shall be added after section 4.10.3: "Before applying for renewal, the holder of a blaster permit shall complete a blaster refresher course approved by the state fire marshal and the holder of a handler permit shall complete an explosive safety course approved by the state fire marshal."~~

~~(25) Section 5.4.4.1.2 shall be replaced with the following: "The integrity of the fences and gates shall be checked at least annually."~~

~~(26) In section 5.4.7, the phrase "and the IAPMO Uniform Mechanical Code" shall be deleted.~~

~~(27) Section 9.7.2 shall be replaced with the following: "All magazines containing explosive materials shall be opened and inspected at maximum intervals of seven days to determine whether there has been unauthorized or attempted entry into the magazines or whether there has been unauthorized removal of the magazines or their contents."~~

~~(28) The following sentence shall be added before section 10.1: "A holder of a user permit shall notify the AHJ at least 48 hours before beginning blasting operations at a site and before resuming blasting operations at a site if those operations have been suspended or discontinued for more than six months."~~

~~(29) Section 10.1.19.1(2) shall be replaced with the following: "Compliance with the safe distances in safety library publication 20, "safety guide for the prevention of radio frequency radiation hazards in the use of commercial electric detonators (blasting caps)," published by the institute of makers of explosives (IME) and dated December 2011, parts II and III of which are hereby adopted by reference, with the exception of all text before table 1 and pages 36 through 38."~~

~~(30) Section 11.1.1 shall be replaced with the following: "This chapter shall apply to buildings and other structures. As used in this chapter, "buildings~~

~~and other structures” shall mean dwellings, public buildings, schools, places of worship, and commercial or institutional buildings.”~~

~~(31) In section 11.1.3, all text after “with” shall be replaced with “the international society of explosives engineers’ “ISEE performance specifications for blasting seismographs,” 2011 edition.”~~

~~(32) In section 11.1.4, the phrase “2009 edition” shall be added at the end of the sentence.~~

~~(33) The following text shall be added after section 11.1.4:~~

~~“The blaster in charge or designee shall conduct a preblast survey of all buildings and structures within a scaled distance of 35 ft/lbs^{1/2} from the blast site, except that a preblast survey shall not be required for a building or structure if the owner refuses permission or if the owner does not respond after three documented attempts to obtain permission.~~

~~“Where blasting seismographs are used, the permitted user shall maintain the seismograph recording and accompanying records for at least three years. These records shall include the maximum ground vibration and acoustics levels recorded, the specific location of the seismograph equipment, its distance from the detonation of the explosives, the date and time of the recording, the name of the individual responsible for operation of the seismograph equipment, the type of seismograph instrument, its sensitivity, and the calibration signal or certification date of the last calibration.”~~

~~(34) Section 11.2.3 shall be replaced with the following sentence: “The ground vibration limit for underground utilities, pipelines, fiber optic lines, and similar buried engineered structures shall be five inches per second.”~~

~~(35) Section 11.4.2 shall be replaced with the following: “Reasonable precautions shall be taken to prevent flyrock from being propelled from the blast site onto property not contracted by the blasting operation or onto property for which the owner has not provided a written waiver to the blasting operation.”~~

~~(36) The following text shall be added at the end of chapter 11:~~

~~“The blaster in charge shall ensure that a record of each use of explosives is made, and this record shall be retained for at least three years by the permitted user. The record shall include:~~

~~“(A) The name and permit number of the permitted user;~~

~~“(B) the location, date, and time of the detonation;~~

~~“(C) the name and permit number of the blaster in charge;~~

~~“(D) the type of materials blasted;~~

~~“(E) the type of explosives used;~~

~~“(F) the weight of each explosive product used and the total weight of explosives used;~~

~~“(G) the maximum weight of explosives detonated within any eight-millisecond period;~~

~~“(H) the initiation system, including the number of circuits and the timer interval, if a sequential timer is used;~~

~~“(I) the type of detonator and delay periods used, in milliseconds;~~

~~“(J) the sketch of delay pattern, including decking;~~

~~“(K) the distance and scaled distance, if applicable, to the nearest building or structure;~~

~~“(L) the location of the nearest building or structure, using the best available information; and~~

~~“(M) if bore holes are used, the number of bore holes, burden, and spacing; the diameter and depth of bore holes; and the type and length of stemming.”~~

~~(37) Section 13.1.1 shall be replaced with the following sentence: “Two or more precursor chemicals that would constitute a binary explosive if mixed or combined shall be stored and used in the same manner as other explosive materials.”~~

~~(38) Section 13.4.2 shall be replaced with the following: “Thefts of precursor chemicals during transportation, storage, and use shall be reported to the office of the state fire marshal, the bureau of alcohol, tobacco, firearms and explosives, and a local law enforcement agency.”~~

~~c~~

~~(1) Each citation in NFPA 495 to the following codes shall mean the edition adopted by reference in Chapter 16.05 of the Olathe Municipal Code:~~

~~(A) NFPA 13, “standard for the installation of sprinkler systems”; and~~

~~(B) NFPA 70, “national electric code.”~~

~~(2) Each citation in NFPA 495 to the following codes shall mean the edition adopted by reference in Chapter 16.05 of the Olathe Municipal Code:~~

~~(A) NFPA 1123, “code for fireworks display”;~~

~~(B) NFPA 1124, “code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles”; and~~

~~(C) NFPA 1126, “standard for the use of pyrotechnics before a proximate audience.”~~

~~(3) Each citation of NFPA 1, “fire code,” shall be replaced by “the 2012 International Fire Code (IFC) as adopted by reference in Chapter 16.05 of the Olathe Municipal Code.”~~

~~(4) Each citation of NFPA 5000, “building construction and safety code,” shall be replaced by “the 2012 International Building Code (IBC) as adopted by reference in Chapter 15.02 of the Olathe Municipal Code.”~~

~~(d) 27 C.F.R. part 555, subpart G, as in effect on April 27, 2012, is hereby adopted by reference, with the following modifications:~~

~~(1) 27 C.F.R. 555.121(b), 555.122, 555.123(f), 555.124(f), 555.125(a), (b)(2), and (b)(6), 555.126, and 555.129 are not adopted.~~

~~(2) In 27 C.F.R. 555.121(c), the last sentence shall be deleted.~~

~~(3) In 27 C.F.R. 555.127, all text after “end of the day” shall be deleted.~~

~~(4) In 27 C.F.R. 555.128, the last sentence shall be replaced with the following sentence: “Copies of the records shall be delivered to the office of the state fire marshal within 30 days following the discontinuance of the business or operations.”~~

~~(5) Wherever the term “Director, Industry Operations” appears in subpart G, this term shall be replaced with “state fire marshal.”~~

~~(6) Each reference to a “licensed manufacturer” shall mean a “person with a state manufacturer permit.” Each reference to a “licensed dealer” shall mean a “person with a state distributor permit.”~~

~~(7) Each reference to a “limited permit” shall be deleted.~~

~~(e) Each existing user permit and each existing blaster permit issued by the state fire marshal shall be deemed valid and shall remain effective until the permit’s expiration date, unless the permit is revoked or suspended before then.”~~

SECTION SIX: Section 16.05.065 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.065 Subsection [A] 102.13 Added - Home child daycares.

Subsection [A] 102.13 is hereby added to the International Fire Code and shall read as follows.

[A] 102.13 – Home child daycares. Home child daycares shall meet the requirements of the Johnson County, Kansas Home Daycare Handbook – ~~2013~~2018 Edition. These homes shall be inspected and approved by the Fire Department before children are allowed to occupy the home. The home shall be inspected by the Fire Department at least once every two years following the initial inspection.”

SECTION SEVEN: Section 16.05.070 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.070 Section 103.1 ~~Deleted~~ Amended – Department of Fire Prevention.

Section 103.1 of the International Fire Code is hereby ~~deleted~~ amended to read as follows.

[A] 103.1 – General. The department of fire prevention is established within the jurisdiction under the direction of the fire code official. The Community Risk Reduction Section – Fire Prevention Division within the Olathe Fire Department shall be established as the department of fire prevention where referenced by this Code. The function of the Division shall be the implementation, administration and the enforcement of the provisions of this Code.”

SECTION EIGHT: Section 16.05.075 is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.075 Subsection [A] 105.1.7 Added – County license required.

Subsection [A] 105.1.7 is hereby added to the International Building Code and shall read as follows:

[A] 105.1.7 County license required. All persons undertaking work which requires a permit as provided in Section 105.7, or seeking to obtain that permit from the City, are required to have a currently valid Johnson County contractor’s license. That County license shall have been issued by the County in accordance with the provisions of the Johnson County Contractors Licensing Program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the

Contractor Licensing Review Board as authorized by said County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

Exceptions:

1. The owner of a single-family dwelling shall be allowed to secure a permit to construct, alter, or repair said home provided the following conditions are met:

A. The homeowner currently occupies the dwelling or will occupy the residence once the construction has been completed.

B. The homeowner undertakes the work themselves.

2. The Fire Code Official may waive the provisions of this section where it can be established that no license exists for the installation, alteration, or repair of a certain type of work requiring a permit, or due to other unique circumstances.

SECTION NINE: Section 16.05.101 is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.101 Section 105.6 Amended – Required operational permits.

Section 105.6 of the International Fire Code is hereby deleted and replaced with a new Section 105.6 to read as follows.

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.6.

105.6.1 Amusement buildings. An operational permit is required to operate a special amusement building.

105.6.2 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 56.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606.

105.6.3 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in

excess of the amounts listed in Table 105.6.3 and as described in this section. Hazardous materials permits shall be posted in a conspicuous location on the premises. A hazardous materials permit will be issued by the Fire Department on an annual basis.

TABLE 105.6.3
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

<u>TYPE OF MATERIAL</u>	<u>AMOUNT</u>
<u>Combustible Liquids</u>	<u>See Section 105.6.3.3</u>
<u>Corrosive Materials</u>	
<u>Gases</u>	<u>See Section 105.6.3.1</u>
<u>Liquids</u>	<u>55 gallons</u>
<u>Solids</u>	<u>1000 pounds</u>
<u>Cryogenic Fluids</u>	<u>See Section 105.6.3.2</u>
<u>Explosive Materials</u>	<u>See Section 105.5.2</u>
<u>Flammable Materials</u>	
<u>Gases</u>	<u>See Section 105.6.3.1</u>
<u>Liquids</u>	<u>See Section 105.6.3.3</u>
<u>Solids</u>	<u>100 pounds</u>
<u>Highly Toxic Materials</u>	<u>Any amount</u>
<u>Organic Peroxides</u>	
<u>Liquids</u>	
<u>Class I</u>	<u>Any amount</u>
<u>Class II</u>	<u>Any amount</u>
<u>Class III</u>	<u>1 gallon</u>
<u>Class IV</u>	<u>2 gallons</u>
<u>Class V</u>	<u>No permit required</u>
<u>Solids</u>	
<u>Class I</u>	<u>Any amount</u>
<u>Class II</u>	<u>Any amount</u>
<u>Class III</u>	<u>10 pounds</u>
<u>Class IV</u>	<u>20 pounds</u>
<u>Class V</u>	<u>No permit required</u>
<u>Oxidizing Materials</u>	
<u>Gases</u>	<u>See Section 105.6.3.1</u>
<u>Liquids</u>	
<u>Class 4</u>	<u>Any amount</u>
<u>Class 3</u>	<u>1 gallon</u>
<u>Class 2</u>	<u>10 gallons</u>
<u>Class 1</u>	<u>55 gallons</u>
<u>Solids</u>	
<u>Class 4</u>	<u>Any amount</u>
<u>Class 3</u>	<u>10 pounds</u>

<u>Class 2</u>	<u>100 pounds</u>
<u>Class 1</u>	<u>500 pounds</u>
<u>Pyrophoric Materials</u>	<u>Any amount</u>
<u>Toxic Materials</u>	
<u>Gases</u>	<u>See Section 105.6.3.1</u>
<u>Liquids</u>	<u>10 gallons</u>
<u>Solids</u>	<u>100 pounds</u>
<u>Unstable (Reactive Materials)</u>	
<u>Liquids</u>	
<u>Class 4</u>	<u>Any amount</u>
<u>Class 3</u>	<u>Any amount</u>
<u>Class 2</u>	<u>5 gallons</u>
<u>Class 1</u>	<u>10 gallons</u>
<u>Solids</u>	
<u>Class 4</u>	<u>Any amount</u>
<u>Class 3</u>	<u>Any amount</u>
<u>Class 2</u>	<u>50 pounds</u>
<u>Class 1</u>	<u>100 pounds</u>
<u>Water Reactive Materials</u>	
<u>Liquids</u>	-
<u>Class 3</u>	<u>Any Amount</u>
<u>Class 2</u>	<u>5 gallons</u>
<u>Class 1</u>	<u>55 gallons</u>
<u>Solids</u>	
<u>Class 3</u>	<u>Any amount</u>
<u>Class 2</u>	<u>50 pounds</u>
<u>Class 1</u>	<u>500 pounds</u>

105.6.3.1 Compressed gases. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.3.1.

Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

TABLE 105.6.3.1
PERMIT AMOUNTS FOR COMPRESSED GASES

<u>TYPE OF GAS</u>	<u>AMOUNT</u> <u>(cubic feet at NTP)</u>
<u>Carbon dioxide used in enrichment systems</u>	<u>875 (100 lbs.)</u>

<u>Carbon dioxide used in insulated liquid carbon dioxide beverage dispensing applications</u>	<u>875 (100 lbs.)</u>
<u>Corrosive</u>	<u>200</u>
<u>Flammable (except cryogenic fluids and liquefied petroleum gases)</u>	<u>200</u>
<u>Highly toxic materials</u>	<u>Any amount</u>
<u>Inert and simple asphyxiant</u>	<u>6,000</u>
<u>Oxidizing (including oxygen)</u>	<u>504</u>
<u>Pyrophoric</u>	<u>Any amount</u>
<u>Toxic materials</u>	<u>Any amount</u>

105.6.3.2 Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.3.2.

Exception: Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

TABLE 105.6.3.2
PERMIT AMOUNTS FOR CRYOGENIC FLUIDS

<u>TYPE OF CRYOGENIC MATERIAL</u>	<u>INSIDE BUILDING (GALLONS)</u>	<u>OUTSIDE BUILDING (GALLONS)</u>
<u>Flammable</u>	<u>More than 1</u>	<u>60</u>
<u>Inert</u>	<u>60</u>	<u>500</u>
<u>Oxidizing (including oxygen)</u>	<u>10</u>	<u>50</u>
<u>Physical or health hazard not indicated above</u>	<u>Any Amount</u>	<u>Any Amount</u>

105.6.3.3 Flammable and combustible liquids. An operational permit is required:

1. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:

1.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition.

1.2. The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

2. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

3. To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.

Exception: Fuel oil and used motor oil used for space heating or water heating.

105.6.3.4 HPM facilities. An operational permit is required to store, handle or use hazardous production materials.

105.6.3.5 LP-gas. An operational permit is required for the storage and use of LP-gas.

Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3.

105.6.4 Mobile food preparation vehicles. A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors.

Exception: A valid permit from a county or metropolitan Kansas City area mobile food preparation vehicle inspection program may be approved by the fire code official in lieu of a separate City permit.

105.6.5 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Applications for open burning shall be obtained and submitted to the Olathe Fire Department before the fire is set and shall be in such form and contain such information as required by the Fire Department.

Exception: Recreational fires.

105.6.6 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure or a tent having an area in excess of 900 square feet.

SECTION TEN: Section 16.05.135 is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.135 Section 109 Amended – Board of Appeals

Section 109 of the International Fire Code is amended to read as follows:

SECTION 109
BOARD OF APPEALS

[A] 109.1 Board of Appeals established. An application for appeals of orders, decisions or determinations made by the fire code official shall be made to the Board of Code Review as established in Olathe Municipal Code Section 15.02.210.

Sections 109.2 and 109.3 of the International Fire Code are hereby deleted.”

SECTION ELEVEN: Section 16.05.140 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.140 Section [A] ~~109~~110.4 Amended – Violation penalties.

Section [A] ~~109~~110.4 of the International Fire Code is hereby amended to read as follows:

[A] ~~109~~110.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500), or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”

SECTION TWELVE: Section 16.05.145 is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.145 Section [A] 112.4 Amended – Unlawful continuance

Section [A] 112.4 of the International Fire Code is amended to read as follows.

[A] 112.4 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.”

SECTION THIRTEEN: Section 16.05.150 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.150 Section 307 Amended – Open burning, Recreational Fires and Portable Outdoor Fireplaces.

Section 307 of the International Fire Code is hereby amended to read as follows:

SECTION 307

OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with Sections 307.1.1 through 307.5.

307.1.1 Prohibited open burning. Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

Exception: Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.

307.1.2 Nature of material being burned. Open burning is limited to natural and ordinary combustible materials. The burning of heavy smoke producing materials, including leaves, is prohibited. No processed or demolition debris construction wood products shall be burned.

307.1.3 Meteorological conditions. Open burning shall not be initiated until at least one hour after sunrise and shall be extinguished at least two hours prior to sunset. Burning shall be restricted to periods when surface wind speed is ~~more than 5 m.p.h. and~~ less than 15 m.p.h.

~~307.1.4 Commercial open burning operations. All commercial open burning permits will be required to have an air curtain destructor and pit.~~

307.1.5.4 Open burning operations near airports. All burning operations within 1 mile of an airport must obtain approval from the airport authority prior to the burning.

307.1.5 Commercial open burning operations. Commercial open burning is defined as burning conducted on a commercial property, not including agricultural open burning described in 307.1.7. All commercial open burning permits will be required to have an air curtain destructor and pit.

307.1.6 Agricultural open burning operations. Agricultural burning is defined as the burning of vegetation such as grass, woody species, crop residue and other dry plant growth for agricultural purposes. 307.1.7 Residential open burning operations. Residential open burning is defined as burning land clearance materials on a one- or two-family residential property.

307.1.7 Residential open burning operations. Residential open burning is defined as burning land clearance materials on a one- or two-family residential property.

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application of such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Exception. Permits are not required for recreational fires or portable outdoor fireplaces used in accordance with the manufacturer's instructions. Fires exempt from permits must still comply with Sections 307.1.2, 307.3, 307.4 and 307.5.

307.2.1 Authorization. Where required by state or local law or regulation, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. Approvals from the Johnson County Health and Environment – Air Quality Division shall be included with the burn permit application where applicable.

307.2.2 Permit validity. Open burning permits have an operational period of up to three (3) days as noted on the permit unless restricted by state or local authorities. Permits shall not be transferable.

307.3 Extinguishment authority. When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation.

307.4 Location. The location for open burning shall not be less than distances specified in Section 307.4 for the type of open burn being conducted.

307.4.1 Residential open burning. The location for residential open burning shall not be less than one hundred (100) feet from any structure, vehicle, fence or public roadway. The open burning shall not be within two hundred (200) feet of any structure which is not on the same property.

Exception: Fires in approved containers that are not less than thirty (30) feet from a structure or public roadway; and not less than one hundred (100) feet from any structure which is not on the same property.

~~2. The minimum required distance from a structure or public roadway shall be fifty (50) feet where the pile size is three (3) feet or less in diameter and two (2) feet or less in height.~~

307.4.12 Commercial open burning. The location for commercial open burning shall not be less than ~~one thousand~~ five hundred (4,000 500) feet from any structure or public roadway, and provisions shall be made to prevent the fire from spreading to within ~~one thousand~~ five hundred (4,000 500) feet from any structure or public roadway.

307.4.3 Agricultural open burning. The location for agricultural open burning shall not be less than two hundred (200) feet from any structure or public roadway, and provisions shall be made to prevent the fire from spreading to within two hundred (200) feet of any structure or roadway.

Exception. Where it is not feasible to maintain agricultural burning two hundred (200) feet from public roadways or structures on the same property, the fire code official shall have the authority to reduce setback requirements for special cases after verifying that adequate safety controls are in place.

307.4.2 Bonfires. A bonfire shall not be conducted within fifty (50) feet of a structure, public road or combustible material. Conditions which could cause a fire to spread with fifty (50) feet of a structure, public road or combustible material shall be eliminated prior to ignition. Bonfire dimensions shall not exceed six (6) feet in diameter and six (6) feet in height.

307.4.3 Recreational fires. Recreational fires shall not be conducted within twenty-five (25) feet of a structure or combustible material. Conditions which would cause a fire to spread within twenty-five (25) feet of a structure or combustible material shall be eliminated prior to ignition.

307.4.4 Portable outdoor fireplaces and firepits, Portable outdoor fireplaces and firepits shall be used In accordance with the manufacturer's instructions and shall not be operated on a combustible deck or within fifteen (15) feet of a structure or combustible material.

Exception: Portable outdoor fireplaces and firepits used at one- and two-family dwellings shall be used in accordance with the manufacturer's instructions.

307.5 Attendance. Open burning, bonfires, recreational fires and the use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one (1) portable fire extinguisher complying with

Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

SECTION FOURTEEN: Section 16.05.155 is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.155 Subsection 308.1.4 Amended – Open-flame cooking devices

Subsection 308.1.4 of the International Fire Code is hereby amended to read as follows.

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be stored or operated on combustible balconies or within ten (10) feet of combustible construction.

Exceptions:

1. Cooking equipment associated with one- and two-family dwellings and townhomes.

2. Other than one-and two-family dwellings and townhomes, where buildings, balconies and decks are protected by an automatic sprinkler system, gas fueled cooking devices are permitted.”

SECTION FIFTEEN: Section 16.05.175 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.175 Subsection 310.7.1 Added - Smoke receptacles required

Subsection 310.7.1 of the International Fire Code is hereby added and shall read as follows.

310.7.1 Smoking receptacles required. Owners of commercial and multi-family properties, where smoking is permitted, shall be responsible for providing approved receptacles for discarding smoking materials in locations approved by the fire code official.”

SECTION SIXTEEN: Section 16.05.180 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.180 Subsection 312.~~1.1~~ 4 Added – Protection of utility equipment.

Subsection 312.~~1.1~~4 is hereby added to the International Fire Code and shall read as follows:

312.4.14 Protection of utility equipment. Where meters and equipment supplying electricity or fuel gas are located adjacent to parking spaces or vehicular driveways, they shall be protected from physical damage.”

SECTION SEVENTEEN: Section 16.05.185 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.185 Table 315.7.6(1) Amended – Separation distance between wood pallet stacks and buildings.

Table 315.7.6(1) of the International Fire Code is hereby amended to read as follows.

TABLE 315.7.6(1)
SEPARATION DISTANCE BETWEEN WOOD PALLET STACKS AND BUILDINGS

<u>WALL CONSTRUCTION</u>	<u>OPENING TYPE</u>	<u>WOOD PALLET SEPARATION DISTANCE (feet)</u>		
		<u>≤ 50 PALLETS</u>	<u>51-200 PALLETS</u>	<u>>200 PALLETS</u>
<u>Masonry</u>	<u>None</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>Masonry</u>	<u>Fire-rated glazing with open sprinklers</u>	<u>2</u>	<u>5</u>	<u>20</u>
<u>Masonry</u>	<u>Fire-rated glazing</u>	<u>10</u>	<u>15</u>	<u>20</u>
<u>Masonry</u>	<u>Plain glass with open sprinklers</u>	<u>10</u>	<u>15</u>	<u>20</u>
<u>Noncombustible</u>	<u>None</u>	<u>10</u>	<u>15</u>	<u>20</u>
<u>Wood with open sprinklers</u>	<u>---</u>	<u>10</u>	<u>15</u>	<u>20</u>
<u>Wood with open sprinklers</u>	<u>None</u>	<u>15</u>	<u>30</u>	<u>90</u>
<u>Any</u>	<u>Plain glass</u>	<u>15</u>	<u>30</u>	<u>90</u>

SECTION EIGHTEEN: Section 16.05.190 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.190 Section 403.3 12.3 Amended – Crowd managers.

Section 403.12.3 of the International Fire Code is hereby amended to read as follows:

403.12.3 Crowd managers. Where facilities or events involve a gathering of more than 1000 people, crowd managers shall be provided by the property owner, occupant or event organizer in accordance with Sections 403.12.3.1 through 403.12.3.3.

Exception: The fire code official may, based on the nature of the event, require the owner or event organizer to use fire department personnel as crowd managers.

403.12.3.1 Number of crowd managers. Not fewer than four trained crowd managers, and not fewer than one trained crowd manager for each 250 persons or portion thereof, shall be provided for the gathering.

Exceptions:

1. Where approved by the fire code official, open-air outdoor events with open egress in any direction, and no restriction of access or egress, such as fences or barricades, do not require crowd managers.

2. The number of crowd managers is permitted to be reduced where, in the opinion of the fire code official, the fire protection provided by the facility and the nature of the event warrant a reduction.

403.12.3.2 Training. Training for crowd managers shall be approved.

403.12.3.3 Duties. The duties of crowd managers shall include, but not be limited to:

1. Conduct an inspection of the area of responsibility and identify and address any egress barriers.

2. Conduct an inspection of the area of responsibility to identify and mitigate any fire hazards.

3. Verify compliance with all permit conditions, including those governing pyrotechnics and other special effects.

4. Direct and assist the event attendees in evacuation during an emergency.

5. Assist emergency response personnel where requested.

6. Other duties required by the fire code official.

7. Other duties as specified in the fire safety plan.

~~403.3 Crowd managers. Trained crowd managers shall be provided for facilities or events where more than one thousand (1,000) persons congregate. The minimum number of crowd managers shall be established at a ratio of one crowd manager to every two hundred fifty (250) persons.~~

~~Where approved by the fire code official, the ratio of crowd managers shall be permitted to be reduced where the facility is equipped throughout with an approved automatic sprinkler system or based upon the nature of the event. The fire code official may, based on the nature of the event, require the event to use Fire Department personnel as crowd managers.”~~

SECTION NINETEEN: Section 16.05.192 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.192 Section 405.2 Exception Added – Emergency Drills in Public Schools

Section 405.7 Exception is hereby added to the International Fire Code and shall read as follows.

Exception: Group E occupancies conducting fire, emergency and tornado drills in accordance with K.A.R. 22-18.2.”

SECTION TWENTY: Section 16.05.194 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.194 Section 407.5 Amended – Hazardous Materials Inventory Statement

Section 407.5 of the International Fire Code is amended to read as follows.

407.5 Hazardous Materials Inventory Statement. Permit applications for Group H occupancies or facilities requiring an operational permit for hazardous materials as described by Section 105.6 shall include a Hazardous Materials Inventory Statement (HMIS) in accordance with Section 5001.5.2.”

SECTION TWENTY-ONE: Section 16.05.196 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.196 Section 407.6 Amended – Hazardous Materials Management Plan

Section 407.6 of the International Fire Code is amended to read as follows.

407.6 Hazardous Materials Management Plan. Permit applications for Group H occupancies or facilities requiring an operational permit for hazardous materials as described by Section 105.6 shall include a Hazardous Materials

Management Plan (HMMP) in accordance with Section 5001.5.1. The fire code official is authorized to accept a similar plan required by other regulations.

SECTION TWENTY-TWO: Section 16.05.198 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.198 Section 503.1 Amended – Fire apparatus access roads

Section 503.1 of the International Fire Code is amended to read as follows.

503.1 Where required. Fire apparatus access roads shall be provided, constructed and maintained in accordance with this Section and Appendix D.”

SECTION TWENTY-THREE: Section 16.05.200 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.200 Section 503.3.1 Marking.

Subsection 503.3.1 is hereby added to ~~of~~ the International Fire Code ~~is hereby amended~~ and shall ~~to~~ read as follows:

~~503.3 Marking. Where required by the Fire Department, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.~~

503.3.1 Marking requirements. ~~Each separate f~~ Fire lane signage, which may consist of one sign or a combination of signs, shall ~~have a cumulative minimum size of ninety six (96) square inches and contain the “No Parking” words or symbol with the words “Fire Lane” located directly beneath the “No Parking” words or symbol.~~ Each sign or combination of signs are required to be uniformly mounted between ~~two feet eight~~ 48 inches (~~2’8 4’ 0”~~) to ~~seven feet zero~~ 84 inches (7’0”) above grade to the bottom of the sign, and so located not to obstruct pedestrian traffic. The sign or combination of signs shall be mounted within six feet (6’) of the curb or pavement and are required to face or run parallel with oncoming vehicular traffic. The sign or combinations of signs may be mounted on the building, pole base or any other structure provided the signage meets the setback and height requirements indicated above. The sign or combination of signs are required to be spaced no more than one hundred feet (100’) apart. In addition, the curb, or pavement if a curb is absent, is required to be marked with a solid yellow stripe that runs the entire length of the fire lane.

Furthermore, ~~the~~ exceeding ~~of any~~the standards intended to inform the public of the location of a fire lane shall not affect the enforcement of this section.

SECTION TWENTY-FOUR: Section 16.05.205 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.205 Section 503.6 Amended – Security gates

Section 503.6 of the International Fire Code is hereby amended to read as follows:

503.6 Security Gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official and shall have an approved means of emergency operation. The gates and emergency operation shall be maintained operational and shall comply with the following.

1. Where electrically or mechanically controlled, gates shall be capable of being operated to the full open position by emergency responders under normal power and during a loss of power to the operating mechanism.

2. Electrical or mechanical operated gates shall be capable of being unlocked or opened with an approved fire department “Knox” county keyed cylinder installed at an accessible location on the entry side of the gate. The operated switch shall bypass the release mechanism to allow the gate to be operated by emergency response personnel.

3. In addition to an approved key cylinder operation device, gates shall be equipped with audible release mechanism to operate with an emergency siren yelp tone.

4. Keypads or other entry devices installed on gates shall not interfere with the operation of either the approved key cylinder or emergency response audible release.”

SECTION TWENTY-FIVE: Section 16.05.210 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.210 Subsection 505.1.1 ~~Added~~AmendedSecondary address numbers
Address identification.

~~Subsection 505.1.1 is hereby added to of~~ the International Fire Code is hereby amended and shall read as follows:

505.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Where required by the fire official, the address numbers shall be illuminated by an approved light source. The fire code official is authorized to require address identification in additional approved locations to facilitate emergency response. Address identification shall be maintained.

505.1.1 Address identification characters. Address characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than four (4) inches high with a minimum stroke width of 1/2 inch for residential occupancies. Each character shall be not less than six (6) inches high with a minimum stroke width of one (1) inch for commercial occupancies.

505.1.12 Secondary address numbers. Multi-tenant retail shopping centers in which tenant spaces have secondary entry doors from the exterior façade of the building and have paved vehicle access adjacent to such doors shall have approved numbers or addresses placed on or adjacent to each door. Secondary address numbers shall be a minimum of four inches (4") in height.

505.1.3 Buildings under construction. Prior to beginning construction of any building for which an address number is required, numbers shall be posted in a conspicuous place on the front of the lot and shall be maintained throughout construction until the permanent address numbers are installed.

SECTION TWENTY-SIX: Section 16.05.212 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.212 Section 506.1 Amended – Where required.

Section 506.1 of the International Fire Code is hereby amended to read as follows. Subsections 506.1.1 and 506.1.2 are retained as written.

506.1 Where required. Where access to or within a new or existing structure or area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. Approved key boxes are required to be installed on any building that has a fire alarm system and/or a fire suppression system that is monitored by an approved central station. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. Location and mounting height shall be coordinated with the fire code official."

SECTION TWENTY-SEVEN: Section 16.05.215 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

16.05.215 Subsection 507.1.1 Added – Water distribution system impairment

Subsection 507.1.1 is hereby added to the International Fire Code and shall read as follows.

507.1.1 Water distribution system impairment. Water districts serving areas within the City of Olathe shall notify the fire code official and the Emergency Communications Center of any impairment in their water distribution system; including repairs, main breaks, pump failures or other interruptions of water supply that may affect water supply for fire control purposes."

SECTION TWENTY-EIGHT: Section 16.05.217 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

"16.05.217 Subsection 507.5.1 Amended – Fire hydrant systems.

Subsection 507.5.1.1 of the International Fire Code is hereby amended and shall read as follows:

507.5.1.1 Hydrant for fire department connections. Buildings equipped with a fire sprinkler or standpipe system installed in accordance with Section 903 or 905 respectively shall have a fire hydrant within 100 feet of the fire department connection(s).

Exception: The distance shall be permitted to exceed 100 feet for special cases where approved by the fire code official."

SECTION TWENTY-NINE: Section 16.05.220 of the Olathe Municipal Code is hereby amended to read as follows:

"16.05.220 Subsection 507.5.2-17 Added – Hydrants — ColorFire hydrant color.

Subsection 507.5.~~2.4.7~~ is hereby added to the International Fire Code and shall read as follows:

507.5.~~2.4.7~~ Hydrants – Color. All hydrants shall be painted and highly visible. Public hydrants shall comply with the color specifications of the responsible water district. Private fire hydrants shall be painted red in color.”

SECTION THIRTY: Section 16.05.250 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.250 Subsection 901.4.5.1 ~~Amended~~Added–Appearance—of equipment Nonoperational equipment.

Subsection 901.4.5.1 ~~of is hereby added to~~ the International Fire Code ~~is hereby amended to~~ and shall read as follows:

901.4.5 Nonoperational equipment. Any fire protection equipment that is no longer required and has been approved for removal from service by the fire code official ~~in service~~ shall be removed from the building or structure.”

SECTION THIRTY-ONE: Section 16.05.260 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.260 Subsection 901.4.7 Added – Existing installations – supervision.

Subsection 901.4.7 is hereby added to the International Fire Code and shall read as follows:

901.4.7 Existing installations – supervision. All existing fire suppression and fire alarm systems shall be supervised in conformance with Sections 903.4 and 907.~~96.6~~.”

SECTION THIRTY-TWO: Section 16.05.270 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.270 Subsection 901.6.3.2 Added – Test documentation.

Subsection 901.6.3.2 is hereby added to the International Fire Code and shall read as follows:

901.6.3.2 Test documentation. When required inspection, testing or maintenance occurs on any existing fire protection system, applicable testing documentation shall be submitted to the fire code official within thirty (30) days of completion through an approved third-party inspection reporting system. Reporting parties ~~shall pay any~~ are responsible for fees associated with ~~that service~~ record of submission to the City’s third-party service provider.”

SECTION THIRTY-THREE: Section 16.05.280 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.280 Subsection 901.6.4 Added – Qualifications of inspection, testing and maintenance personnel.

Subsection 901.6.4 is hereby added to the International Fire Code and shall read as follows:

901.6.4 Qualifications of inspection, testing and maintenance personnel. All personnel performing **any** inspection, testing or maintenance of any fire protection system shall be qualified. Where such inspection, testing and maintenance is performed by an outside service company, the company shall be appropriately licensed in accordance with the Office of the Kansas State Fire Marshal.”

SECTION THIRTY-FOUR: Section 16.05.282 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.282 Subsection 903.2.9(6) Added – Group S-1 self-service storage automatic sprinkler system.

Subsection 903.2.9(6) is hereby added to the International Fire Code and shall read as follows:

6. A Group S-1 self-service storage facility (mini-storage) exceeds 2,500 square feet (232m²)”

SECTION THIRTY-FIVE: Section 16.05.284 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.284 Subsection 903.3.1.2.1 Amended – Balconies and decks

Subsection 903.3.1.2.1 of the International Fire Code is hereby amended to read as follows:

[F] 903.3.1.2.1 Balconies and decks. Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units and sleeping units, regardless of construction type, provided that there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

SECTION THIRTY-SIX: Section 16.05.285 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.285 Subsection 903.3.1.2.3 Amended – Attics

Subsection 903.3.1.2.3 of the International Fire Code is hereby amended to read as follows.

903.3.1.2.3 Attics. Attic protection shall be provided as follows:

1. Attics that are used or intended for living purposes or storage shall be protected by an automatic sprinkler system.

2. Where fuel-fired equipment is installed in an unsprinklered attic, not fewer than one (1) quick-response intermediate temperature sprinkler shall be installed above the equipment.

3. Where located in a building of Type III, Type IV or Type V construction, attics shall comply with one of the following:

3.1. Provide automatic sprinkler system protection.

3.2. Construct the attic using noncombustible materials.

3.3. Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the International Building Code.

3.4. Fill the attic with noncombustible insulation.”

SECTION THIRTY-SEVEN: Section 16.05.286 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.286 Subsection 903.3.1.2.4 Added – Attached garages

Subsection 903.3.1.2.4 is hereby added to the International Fire Code and shall read as follows:

903.3.1.2.4 Attached garages. Fire sprinkler protection shall be provided in attached garages.”

SECTION THIRTY-EIGHT: Section 16.05.288 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.288 Subsection 903.3.1.3.1 Added – Attached garages

Subsection 903.3.1.3.1 is hereby added to the International Fire Code and shall read as follows:

903.3.1.3.1 Attached garages. Fire sprinkler protection shall be provided in attached garages.”

SECTION THIRTY-NINE: Section 16.05.289 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.289 Subsection 903.3.5.3 Added – Main Control Valves

Subsection 903.3.5.3 is hereby added to the International Fire Code and shall read as follows.

903.3.5.3 Main control valves. Water supply lines for automatic sprinkler systems shall be provided with a control valve located on the riser. The valve shall be capable of isolating the underground fire service main from the automatic sprinkler system.

903.5.3.3.1 Main control valve access. The main control valve shall be accessible. To be considered accessible, a clear space 3 feet by 3 feet by 7 feet high shall be provided in front of the valve. Access to the clear space shall be provided by an unobstructed aisle not less than 3 feet wide and 7 feet high. The valve shall be operable from the floor level.”

SECTION FORTY: Section 16.05.290 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.290 Subsection 903.4.1 Amended – Monitoring.

Subsection 903.4.1 of the International Fire Code is hereby amended to read as follows:

903.4.1 Monitoring. Alarm, ~~waterflow~~, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved UL-listed central station as defined in NFPA 72, or, when approved by the fire code official, shall sound an audible signal at a constantly attended location. The fire alarm system installed to transmit such signals shall be considered a building fire alarm system and shall be documented as a UL-certificated central station service system. In occupancies required to be equipped with a fire alarm system, the control and backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

Exceptions:

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.

2. Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. ~~In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.~~

3. Backflow prevention device valves located in an exterior, underground vault may be chained and locked in the open position in lieu of electronic tamper switches where approved by the fire code official."

SECTION FORTY-ONE: Section 16.05.300 of the Olathe Municipal Code is hereby amended to read as follows:

"16.05.300 Subsection 903.4.2 Amended – Alarms.

Subsection 903.4.2 of the International Fire Code is hereby amended to read as follows:

903.4.2 Alarms. One all-weather horn/strobe shall be connected to every automatic sprinkler system on the exterior of the building above the Fire Department connection or in an approved location. Such sprinkler system water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Interior alarm notification appliances shall be installed as required by Section 903.4.2.1.

903.4.2.1 ~~Notification devices~~ Waterflow alarm notification. Where an automatic fire sprinkler system is installed in a building; and a fire alarm system is not otherwise required by this code, an occupant notification system shall be provided in accordance with 907.5. ~~audible and visible notification appliances shall be installed throughout the building as follows:~~

~~1. Audible notification appliances shall be installed so as to be audible at 15 dBA above sound pressure level throughout the building.~~

~~2. Visible notification appliances shall be installed in all public and common use areas, restrooms and corridors in accordance with the spacing requirements of NFPA 72.~~

Exceptions:

1.~~3~~. Visible notification devices can be eliminated in normally unoccupied portions of buildings where permitted by the fire code official.

2.~~Exception~~: The requirements of this section do not apply to Group R-3 occupancies.

SECTION FORTY-TWO: Section 16.05.305 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.305 Subsection 903.4.3 Amended – Floor control valves

Subsection 903.4.3 of the International Fire Code is hereby amended to read as follows:

903.4.3 Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor for buildings three (3) or more stories in height.”

SECTION FORTY-THREE: Section 16.05.340 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.340 Subsection Section 912.3.4 ~~Added — Fire Department connections.~~ Amended Fire hose connections.

~~Subsection~~ Section 912.3.4 ~~is hereby added to~~ of the International Fire Code is hereby amended and shall read as follows:

912.3.4 Fire ~~Department—connections~~ hose connections. The fire department connection shall be a four inch (4") Storz quick coupling connector.”

SECTION FORTY-FOUR: Section 16.05.341 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.341 Section 912.4 Amended – Access

Section 912.4 of the International Fire Code is hereby amended to read as follows.

912.4 Access – Immediate access to fire department connections, not less than 3-feet in width, shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable object. Access to fire department connections shall be approved by the fire code official.

SECTION FORTY-FIVE: Section 16.05.351 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.351 Subsection 1103.5.1 – Group A-2

Subsection 1103.5.1 of the International Fire Code is hereby amended to read as follows.

1103.5.1 Group A-2. Where alcoholic beverages are consumed in a Group A-2 occupancy having an occupant load of 300 or more, the fire area containing the Group A-2 occupancy shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1. The sprinkler system shall be installed and in service by December 31, 2020.”

SECTION FORTY-SIX: Section 16.05.361 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.361 Subsection 1103.5.1 – Group I-2

Subsection 1103.5.1 of the International Fire Code is hereby amended to read as follows.

1103.5.3 Group I-2, Condition 2. In addition to the requirements of Section 1103.5.2, existing buildings of Group I-2, Condition 2 occupancy shall be equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1. The automatic sprinkler system shall be installed and in service by December 31, 2020.”

SECTION FORTY-SEVEN: Section 16.05.370 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.370 Section 1104.24 Deleted – Egress path markings.

Section 1104.24 of the International Fire Code is hereby deleted.”

SECTION FORTY-EIGHT: Section 16.05.373 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.373 Section 3103.2 – Amended - Approval required

Section 3103.2 of the International Fire Code is hereby amended to read as follows.

3103.2 Approval required. Tents and membrane structures having an area in excess of 900 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.”

SECTION FORTY-NINE: Section 16.05.375 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.375 Section 3310.1 Amended – Access for firefighting

Section 3310.1 of the International Fire Code is hereby amended to read as follows.

3310.1 Required access. Approved vehicle access for firefighting shall be provided to all construction or demolition sites and shall be available for use before vertical construction begins. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections provided in accordance with Section 3313. For buildings or facilities without construction standpipes, vehicle access shall be provided as required by Section 5.3.1.1. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

Exception: The fire code official is authorized to reduce temporary access requirements for projects of Type I or Type II construction."

SECTION FIFTY: Section 16.05.377 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

"16.05.377 Section 5607.4 Amended – Restricted hours

Section 5607.4 of the International Fire Code is hereby amended to read as follows.

5607.4 Restricted hours. Surface-blasting operations shall only be conducted between 8:30 a.m. and 4:30 p.m., Monday through Friday. Blasting may be permitted on Saturday with the approval of the fire code official."

SECTION FIFTY-ONE: Section 16.05.381 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

"16.05.381 Subsection 5704.2.13.1 Amended – Underground tanks out of service for one year.

Subsection 5704.2.13.1 of the International Fire Code is hereby amended to read as follows.

5704.2.13.1 Underground tanks. Underground tanks taken out of service shall comply with Sections 5704.2.13.1.1 through 5704.2.13.1.4.

5704.2.13.1.1 Temporarily out of service. Underground tanks temporarily out of service shall have the fill line, gauge opening, vapor return and pump connection secure against tampering. Vent lines shall remain open and be maintained in accordance with Sections 5704.2.7.3 and 5704.2.7.4.

5704.2.13.1.2 Out of service for 90 days. Underground tanks not used for a period of 90 days shall be safeguarded in accordance with all the following or be removed in accordance with Section 5704.2.14:

1. Flammable or combustible liquids shall be removed from the tank.
2. All piping, including fill line, gauge opening, vapor return and pump connection, shall be capped or plugged and secured from tampering.
3. Vent lines shall remain open and be maintained in accordance with Sections 5704.2.7.3 and 5704.2.7.4.

5704.2.13.1.3 Out of service for one year. Underground tanks that have been out of service for a period of one year or more shall be removed from the ground in accordance with Section 5704.2.14.

5704.2.13.1.4 Reinstallation of underground tanks. Tanks that are to be reinstalled for flammable or combustible liquid service shall be in accordance with this chapter, ASME Boiler and Pressure Vessel Code (Section VIII), API 12-P, API 1615, UL 58 and UL 1316.”

SECTION FIFTY-TWO: Section 16.05.385 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.385 Establishment of Limitations on Flammable Cryogenic Fluids.

The limits referred to in Section 5806.2 of the International Fire Code in which storage of flammable cryogenic fluids in stationary containers is prohibited are established as follows: any residential, commercial, or M-1 zoning district.

SECTION FIFTY-THREE: Section 16.05.405 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

“16.05.405 Table D103.4 Amended – Requirements for dead-end fire apparatus roads

Table D103.4 of the International Fire Code is hereby amended to read as follows:

TABLE D103.4
REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS
ROADS

<u>LENGTH</u> <u>(ft)</u>	<u>WIDTH</u> <u>(ft)</u>	<u>TURNAROUNDS REQUIRED</u> <u>IN ACCORDANCE WITH FIGURE D103.1</u>
<u>0-150</u>	<u>20</u>	<u>None Required</u>
<u>151-500</u>	<u>20</u>	<u>120-ft Hammerhead, or</u> <u>60-ft "Y", or</u> <u>78-ft diameter cul-de-sac without island, or</u> <u>96-ft diameter cul-de-sac with island</u>
<u>501-750</u>	<u>26</u>	<u>120-ft Hammerhead, or</u> <u>60-ft "Y", or</u> <u>78-ft diameter cul-de-sac without island, or</u> <u>96-ft diameter cul-de-sac with island</u>
<u>Over 750</u>	<u>Special approval required”</u>	

SECTION FIFTY-FOUR: Section 16.05.430 of the Olathe Municipal Code is hereby amended to read as follows:

“16.05.430 Liability.

The requirements stated in this chapter shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to defective construction installations. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any installation.”

SECTION FIFTY-FIVE: Section 16.05.440 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code and shall read as follows:

"16.05.440 Severability.

If any part or parts of this chapter shall be held to be invalid such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid."

SECTION FIFTY-SIX: Existing sections 16.05.010, 16.05.020, 16.05.030, 16.05.050, 16.05.060, 16.05.065, 16.05.070, 16.05.080, 16.05.090, 16.05.100, 16.05.110, 16.05.120, 16.05.130, 16.05.140, 16.05.150, 16.05.160, 16.05.180, 16.05.190, 16.05.200, 16.05.210, 16.05.220, 16.05.240, 16.05.250, 16.05.260, 16.05.270, 16.05.280, 16.05.290, 16.05.300, 16.05.320, 16.05.330, 16.05.340, 16.05.350, 16.05.360, 16.05.370, 16.05.410, AND 16.05.420 are hereby repealed.

SECTION FIFTY-SEVEN: This Ordinance shall be published as provided by law and shall take effect September 1, 2019 and be in force from and after that date.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Resource Management

STAFF CONTACT: Dianna Wright/Amy Tharnish

SUBJECT: Consideration of Resolution No. 19-1047 and Ordinance No. 19-38 authorizing the issuance and delivery of the general obligation improvement and refunding bonds, Series 232.

ITEM DESCRIPTION:

Consideration of Resolution No. 19-1047 and Ordinance No. 19-38 authorizing the issuance and delivery of the general obligation improvement and refunding bonds, Series 232.

SUMMARY:

As approved by the City Council on June 4, 2019, bids will be received by the City on June 18, 2019, from prospective buyers of the general obligation improvement bonds, Series 231. Accordingly, the best bid rates will be distributed at the City Council meeting.

Series 232 will be used to fund 11 projects in the approximate amount of \$12,658,209. Series 2312 includes 10-year debt structured for level annual debt service. Series 232 will also be used to refund a portion of the City's outstanding Series 215 and Series 219 general obligation bonds, in the approximate amount of \$9,650,000 and \$2,190,000, respectively. The refunding will not extend the life of the bonds and is structured for level annual savings.

In addition to the best bid approval required above, the City's bond counsel, Gilmore & Bell, has prepared Ordinance No. 19-38 which serves to authorize the issuance and delivery of the bonds, and provides for the levy and collection of annual tax for the payment of the principal and interest for bond Series 232. Resolution No. 19-1047 sets the form and details of and authorizes the delivery of bond Series 232.

Draft copies of the above-mentioned ordinance and resolution are attached. The final versions of these documents will be available at the City Council meeting once the bids have been received and the best bid has been determined.

Standard and Poor's Corporation and Fitch have both reaffirmed the City's general obligation ratings of AA+.

FINANCIAL IMPACT:

The balance of outstanding general obligation bonds after this issue will be approximately \$198,275,000 plus costs of issuing the Series 232 Bonds.

ACTION NEEDED:

Approval of Resolution 19-1047 to authorize the sale and delivery of \$24,675,000 principal amount of general obligation improvement and refunding bonds, Series 232 and approval of Ordinance No. 19-38 to authorize issuance of general obligation bonds, Series 232.

MEETING DATE: 6/18/2019

ATTACHMENT(S):
Draft Ordinance No. 19-38 and Resolution No. 19-1047

SERIES 232 BOND ORDINANCE AND RESOLUTION

- A. Excerpt of Minutes of Meeting approving sale, approving Ordinance/Bond Resolution
- B. Ordinance
- C. Ordinance Summary for Publication
- D. Bond Resolution

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF OLATHE, KANSAS
HELD ON JUNE 18, 2019**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit:

Present: _____

Absent: _____

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

The Director of Resource Management reported that pursuant to the Notice of Sale, bids for the purchase of General Obligation Improvement and Refunding Bonds, Series 232, dated July 18, 2019, of the City had been received. A tabulation of said bids is set forth as ***EXHIBIT A*** hereto.

Thereupon, the governing body reviewed and considered the bids and it was found and determined that the bid of _____, _____, _____, was the best bid for the Bonds, a copy of which is attached hereto as ***EXHIBIT B***.

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 232, OF THE CITY OF OLATHE, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

Thereupon, Councilmember _____ moved that said Ordinance be passed. The motion was seconded by Councilmember _____. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: _____

Nay: _____

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 19-__ was signed and approved by the Mayor and attested by the Clerk and the Ordinance or a summary thereof was directed to be published one time in the official newspaper of the City.

Thereupon, there was presented a Resolution entitled:

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 232, OF THE CITY OF OLATHE, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 19-__ OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Thereupon, Councilmember _____ moved that said Resolution be adopted. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____

Nay: _____

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 19-____ and was signed by the Mayor and attested by the Clerk.

* * * * *

(Other Proceedings)

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Olathe, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

City Clerk

EXHIBIT A
(BID TABULATION)

EXHIBIT B
(BID OF PURCHASER)

ORDINANCE NO. 19-__

OF

THE CITY OF OLATHE, KANSAS

PASSED

JUNE 18, 2019

**GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS
SERIES 232**

ORDINANCE NO. 19-38

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 232, OF THE CITY OF OLATHE, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the City of Olathe, Kansas (the “City”) is a city of the first class and political subdivision, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to K.S.A. 10-101 to 10-125, inclusive, K.S.A. 12-685 *et seq.*, Charter Ordinance No. 74 of the Issuer and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the City has authorized the following improvements (the “Improvements”) to be made in the City, to-wit:

<u>Project Number</u>	<u>Project Name</u>	<u>Authorizing Ord./Res.</u>	<u>Authority</u>	<u>Amount*</u>
3-C-037-13	143rd Street, Pflumm to Quivira	14-1065	Charter Ord. No. 74	\$1,678,209.06
3-C-001-15	College Blvd, Lone Elm to Woodland	15-1020	K.S.A. 12-685 <i>et seq.</i>	2,500,000.00
3-P-000-19	Street Preservation Program	19-1007	Charter Ord. No. 74	1,000,000.00
3-TS-000-19	Traffic Signals	19-1008	Charter Ord. No. 74	620,000.00
3-R-000-19	Street Reconstruction Program	18-1078	Charter Ord. No. 74	5,100,000.00
3-C-072-19	Sidewalk Construction	19-1005	Charter Ord. No. 74	80,000.00
3-G-000-19	Bridge Repair	19-1004	Charter Ord. No. 74	250,000.00
3-C-093-19	Miscellaneous ADA Sidewalk Repair	19-1002	Charter Ord. No. 74	300,000.00
3-C-037-19	ATMS Replacement & Repair	19-1003	Charter Ord. No. 74	100,000.00
6-C-009-18	Fire Station #8 Land	18-1095	Charter Ord. No. 74	230,000.00
7-C-001-19	Municipal Court Security Enhancements	18-1107	Charter Ord. No. 74	800,000.00
Total:				<u>\$12,658,209.06</u>

; and

WHEREAS, the governing body of the City is authorized by law to issue general obligation bonds of the City to pay a portion of the costs of the Improvements; and

WHEREAS, the City previously issued and has outstanding the Refunded Bonds and is authorized by K.S.A. 10-427 *et seq.* to issue general obligation refunding bonds of the City for the purpose of refunding the Refunded Bonds; and

WHEREAS, in order to achieve interest cost savings through early redemption of the Refunded Bonds and provide an orderly plan of finance for the City, it has become desirable and in the best interest of the City and its inhabitants to refund the Refunded Bonds; and

WHEREAS, the governing body of the City has advertised the sale of the Bonds in accordance with the law hereby awards the sale of such Bonds to the best bidder.

*Improvement costs to be financed with proceeds of the Bonds; excludes Costs of Issuance.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-427 *et seq.*, K.S.A. 10-620 *et seq.*, K.S.A. 12-685 *et seq.*, Charter Ordinance No. 74 of the Issuer and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time.

“Bond and Interest Fund” means the Bond and Interest Fund of the City for its general obligation bonds.

“Bond Resolution” means the resolution to be adopted by the governing body of the City prescribing the terms and details of the Bonds and making covenants with respect thereto.

“Bonds” means the City’s General Obligation Improvement and Refunding Bonds, Series 232, dated July 18, 2019, authorized by this Ordinance.

“City” means the City of Olathe, Kansas.

“Clerk” means the duly appointed and acting Clerk of the City or, in the Clerk’s absence, the duly appointed Deputy, Assistant or Acting Clerk.

“Improvements” means the improvements referred to in the preamble to this Ordinance and any Substitute Improvements.

“Mayor” means the duly elected and acting Mayor of the City or, in the Mayor’s absence, the duly appointed and/or elected Vice Mayor, Mayor Pro Tem or Acting Mayor of the City.

“Ordinance” means this Ordinance authorizing the issuance of the Bonds.

“Refunded Bonds” means collectively: (a) the Series 215 Bonds maturing in the years 2020 and 2028 to 2030, inclusive, in the aggregate principal amount of \$9,360,000; and (b) the Series 219 Bonds maturing in the years 2020 to 2023, inclusive, in the aggregate principal amount of \$2,135,000.

“Refunded Notes” means a portion of the Series 2018-A Notes maturing on August 1, 2019 in the aggregate principal amount of \$26,735,000.

“Series 215 Bonds” means the City’s General Obligation Bonds, Series 215, dated May 27, 2010.

“Series 219 Bonds” means the City’s General Obligation Refunding Bonds, Series 219, dated May 26, 2011.

“Series 2018-A Notes” means the City’s General Obligation Temporary Notes, Series 2018- A, dated July 19, 2018.

“State” means the State of Kansas.

“Substitute Improvements” means the substitute or additional improvements of the City authorized in the manner set forth in the Bond Resolution.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Improvement and Refunding Bonds, Series 232, of the City in the principal amount of \$[PRINCIPAL AMOUNT], for the purpose of providing funds to: (a) pay the costs of the Improvements; (b) pay the costs of issuance of the Bonds; (c) refund the Refunded Bonds; and (d) retire the Refunded Notes.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 4. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Bond Resolution hereafter adopted by the governing body of the City.

Section 5. Levy and Collection of Annual Tax. The governing body of the City shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the paying agent for the Bonds. The proceeds derived from said taxes and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes and/or assessments are collected.

Section 6. Further Authority. The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 7. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 8. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City, approval by the Mayor and publication of the Ordinance or a summary thereof in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by the governing body of the City on June 18, 2019 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

Mayor

ATTEST:

City Clerk

(PUBLISHED IN THE *OLATHE NEWS* ON JUNE __, 2019)

SUMMARY OF ORDINANCE NO. 19-____

On June 18, 2019, the governing body of the City of Olathe, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 232, OF THE CITY OF OLATHE, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

The Series 232 Bonds approved by the Ordinance are being issued in the principal amount of \$[PRINCIPAL AMOUNT] to finance certain internal improvements in the City and refund previously issued general obligation bonds of the City, and constitute general obligations of the City payable as to both principal and interest, to the extent necessary, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 100 East Santa Fe. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <http://www.olatheks.org/government/city-clerk/public-notices>.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: June 18, 2019.

City Attorney

RESOLUTION NO. 19-____

OF

THE CITY OF OLATHE, KANSAS

ADOPTED

JUNE 18, 2019

**GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS
SERIES 232**

TABLE OF CONTENTS

ARTICLE I DEFINITIONS

Section 101.	Definitions of Words and Terms.....	1
--------------	-------------------------------------	---

ARTICLE II AUTHORIZATION AND DETAILS OF THE BONDS

Section 201.	Authorization of the Bonds.	9
Section 202.	Description of the Bonds.....	9
Section 203.	Designation of Paying Agent and Bond Registrar.	10
Section 204.	Method and Place of Payment of the Bonds.	10
Section 205.	Payments Due on Saturdays, Sundays and Holidays.	11
Section 206.	Registration, Transfer and Exchange of Bonds.....	11
Section 207.	Execution, Registration, Authentication and Delivery of Bonds.	12
Section 208.	Mutilated, Lost, Stolen or Destroyed Bonds.	13
Section 209.	Cancellation and Destruction of Bonds Upon Payment.....	13
Section 210.	Book-Entry Bonds; Securities Depository.	13
Section 211.	Nonpresentment of Bonds.....	14
Section 212.	Preliminary and Final Official Statement.	15
Section 213.	Sale of the Bonds.	15
Section 214.	Authorization of Escrow Agreement.	15

ARTICLE III REDEMPTION OF BONDS

Section 301.	Redemption by Issuer.....	16
Section 302.	Selection of Bonds to be Redeemed.....	17
Section 303.	Notice and Effect of Call for Redemption.	18

ARTICLE IV SECURITY FOR BONDS

Section 401.	Security for the Bonds.....	19
Section 402.	Levy and Collection of Annual Tax; Transfer to Debt Service Account.	19

ARTICLE V ESTABLISHMENT OF FUNDS AND ACCOUNTS

DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501.	Creation of Funds and Accounts.....	20
Section 502.	Deposit of Bond Proceeds.....	20
Section 503.	Application of Moneys in the Improvement Fund.	21
Section 504.	Substitution of Improvements; Reallocation of Proceeds.	21
Section 505.	Application of Moneys in Debt Service Account.	21
Section 506.	Application of Moneys in the Rebate Fund.	22
Section 507.	Deposits and Investment of Moneys.....	22
Section 508.	Application of Moneys in the Escrow Fund.	22
Section 509.	Verification of Certified Public Accountant.	23

ARTICLE VI DEFAULT AND REMEDIES

Section 601.	Remedies.....	23
Section 602.	Limitation on Rights of Owners.....	23
Section 603.	Remedies Cumulative.	23

ARTICLE VII DEFEASANCE

Section 701.	Defeasance.	24
--------------	------------------	----

ARTICLE VIII TAX COVENANTS

Section 801.	General Covenants.	24
Section 802.	Survival of Covenants.....	25

ARTICLE IX CONTINUING DISCLOSURE REQUIREMENTS

Section 901.	Disclosure Requirements.	25
Section 902.	Failure to Comply with Continuing Disclosure Requirements.	25

ARTICLE X MISCELLANEOUS PROVISIONS

Section 1001.	Annual Audit.....	25
Section 1002.	Amendments.	26
Section 1003.	Notices, Consents and Other Instruments by Owners.....	27
Section 1004.	Notices.	27
Section 1005.	Electronic Transactions.....	27
Section 1006.	Further Authority.	27
Section 1007.	Severability.	28
Section 1008.	Governing Law.	28
Section 1009.	Effective Date.	28

EXHIBIT A – FORM OF BONDS.....	A-1
---------------------------------------	------------

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

RESOLUTION NO. 19-1047

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 232, OF THE CITY OF OLATHE, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 19-38 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Issuer has passed the Ordinance authorizing the issuance of the Bonds; and

WHEREAS, the Ordinance authorized the governing body of the Issuer to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds; and

WHEREAS, the City of Olathe, Kansas (the “Issuer”) is a city of the first class and political subdivision, duly created, organized and existing under the Constitution and laws of the State.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Bond Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-427 *et seq.*, K.S.A. 10-620 *et seq.*, K.S.A. 12-685 *et seq.*, Charter Ordinance No. 74 of the Issuer and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time.

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

“Beneficial Owner” of the Bonds includes any Owner of the Bonds and any other Person who, directly or indirectly has the investment power with respect to such Bonds.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Bond Payment Date” means any date on which principal of or interest on any Bond is payable.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

“Bond Registrar” means the Treasurer of the State of Kansas, Topeka, Kansas, and any successors and assigns.

“Bond Resolution” means this resolution relating to the Bonds.

“Bonds” or **“Bond”** means the General Obligation Improvement and Refunding Bonds, Series 232, authorized and issued by the Issuer pursuant to the Ordinance and this Bond Resolution.

“Business Day” means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC and any successor nominee of DTC.

“City” means the City of Olathe, Kansas.

“Clerk” means the duly appointed and/or elected Clerk or, in the Clerk’s absence, the duly appointed Deputy Clerk or Acting Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder by the United States Department of the Treasury.

“Costs of Issuance” means all costs of issuing the Bonds, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, all expenses incurred in connection with receiving ratings on the Bonds, and any premiums or expenses incurred in obtaining municipal bond insurance on the Bonds.

“Dated Date” means July 18, 2019.

“Debt Service Account” means the Debt Service Account for General Obligation Improvement and Refunding Bonds, Series 232 created within the Bond and Interest Fund pursuant to **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody’s or Standard & Poor’s that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“Director of Resource Management” means acting Director of Resource Management, or in the Director of Resource Management’s absence, the duly appointed and/or elected Acting Director of Resource Management of the Issuer.

“Disclosure Undertaking” means the Continuing Disclosure Undertaking, dated as of the Dated Date, relating to certain obligations contained in the SEC Rule.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Escrow Agent” means UMB Bank, Kansas City, Missouri, and its successors and assigns.

“Escrow Agreement” means the Escrow Trust Agreement, dated as of the Dated Date, between the Issuer and the Escrow Agent.

“Escrow Fund” means the Escrow Fund for Refunded Bonds referred to in *Section 501* hereof.

“Escrowed Securities” means the direct, noncallable obligations of the United States of America, as described in the Escrow Agreement.

“Event of Default” means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Bond Resolution (other than the covenants relating to continuing disclosure requirements contained herein and in the Disclosure Undertaking) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Bonds then Outstanding.

“Federal Tax Certificate” means the Issuer’s Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Financeable Costs” means the amount of expenditure for an Improvement which has been duly authorized by action of the governing body of the Issuer to be financed by general obligation bonds, less: (a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Fitch” means Fitch Ratings, a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Fitch” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Funds and Accounts” means funds and accounts created pursuant to or referred to in *Section 501* hereof.

“Improvement Fund” means the Improvement Fund for General Obligation Improvement and Refunding Bonds, Series 232 created pursuant to *Section 501* hereof.

“Improvements” means the improvements referred to in the preamble to the Ordinance and any Substitute Improvements.

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Bond Resolution.

“Interest Payment Date(s)” means the Stated Maturity of an installment of interest on any Bond which shall be April 1 and October 1 of each year, commencing October 1, 2019.

“Issue Date” means the date when the Issuer delivers the Bonds to the Purchaser in exchange for the Purchase Price.

“Issuer” means the City and any successors or assigns.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor” means the duly elected and acting Mayor, or in the Mayor’s absence, the duly appointed and/or elected Vice Mayor, Mayor Pro Tem or Acting Mayor of the Issuer.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

City Hall
100 East Santa Fe
Olathe, Kansas 66061
Fax: (913) 971-6283

(b) To the Paying Agent at:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Fax: (785) 296-6976

(c) To the Purchaser:

- (d) To the Rating Agency(ies):

Fitch Ratings
One State Street Plaza
New York, New York 10004

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

- (e) To the Escrow Agent at:

UMB Bank
1010 Grand Blvd.
Kansas City, Missouri 64106

or such other address as is furnished in writing to the other parties referenced herein.

“Notice Representative” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Bond Registrar and Paying Agent, the Director of Bond Services.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.
- (e) With respect to the Escrow Agent, the Manager of the Corporate Trust Department.

“Official Statement” means Issuer’s Official Statement relating to the Bonds.

“Ordinance” means Ordinance No. 19-___ of the Issuer authorizing the issuance of the Bonds, as amended from time to time.

“Outstanding” means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

- (a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Bonds deemed to be paid in accordance with the provisions of *Article VII* hereof; and
- (c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

“Owner” when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register. Whenever consent of the Owners is required pursuant to the terms of this Bond Resolution, and the Owner of the Bonds, as set forth on the Bond Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Bonds.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means State Treasurer, and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer’s temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody’s or Standard & Poor’s; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Purchase Price” means the principal amount of the Bonds plus accrued interest to the date of delivery[, plus a reoffering premium of \$_____] [,less an underwriting discount of \$_____].

“Purchaser” means _____, _____, _____, the original purchaser of the Bonds, and any successor and assigns.

“Rating Agency” means any company, agency or entity that provides, pursuant to request of the Issuer, financial ratings for the Bonds.

“Rebate Fund” means the Rebate Fund for General Obligation Improvement and Refunding Bonds, Series 232 created pursuant to *Section 501* hereof.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” means, when used with respect to any Bond to be redeemed, the date fixed for the redemption of such Bond pursuant to the terms of this Bond Resolution.

“Redemption Price” means, when used with respect to any Bond to be redeemed, the price at which such Bond is to be redeemed pursuant to the terms of this Bond Resolution, including the applicable

redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Refunded Bonds” means collectively: (a) the Series 215 Bonds maturing in the years 2020 and 2028 to 2030, inclusive, in the aggregate principal amount of \$9,360,000; and (b) the Series 219 Bonds maturing in the years 2020 to 2023, inclusive, in the aggregate principal amount of \$2,135,000.

“Refunded Bonds Paying Agent” means the respective paying agent for each series of the Refunded Bonds as designated in the respective Refunded Bonds Resolution, and any successor or successors at the time acting as paying agent for any of the Refunded Bonds.

“Refunded Bonds Redemption Date” means collectively, October 1, 2019, for the Series 215 Bonds and the Series 219 Bonds.

“Refunded Bonds Resolution” means each ordinance and resolution which authorized the Refunded Bonds.

“Refunded Notes” means a portion of the Series 2018-A Notes maturing on August 1, 2019 in the aggregate principal amount of \$26,735,000.

“Refunded Notes Paying Agent” means the paying agent for the Refunded Notes as designated in the Refunded Notes Resolution, and any successor or successors at the time acting as paying agent of the Refunded Notes.

“Refunded Notes Redemption Date” means August 1, 2019.

“Refunded Notes Resolution” means the resolution which authorized the Refunded Notes.

“Replacement Bonds” means Bonds issued to the Beneficial Owners of the Bonds in accordance with *Section 210* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Series 215 Bonds” means the City’s General Obligation Bonds, Series 215, dated May 27, 2010.

“Series 219 Bonds” means the City’s General Obligation Refunding Bonds, Series 219, dated May 26, 2011.

“Series 2018-A Notes” means the City’s General Obligation Temporary Notes, Series 2018-A, dated July 19, 2018.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor’s” or “S&P” means S&P Global Ratings, a division of S&P Global Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities

rating agency, Standard & Poor's shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

"State" means the state of Kansas.

"State Treasurer" means the duly elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

"Stated Maturity" when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

"Substitute Improvements" means the substitute or additional improvements of the Issuer described in *Article V* hereof.

[**"Term Bonds"** means the Bonds scheduled to mature in the year 20__.]

[**"20__ Term Bonds"** means the Bonds scheduled to mature in the year 20__.]

"Treasurer" means the duly appointed and/or elected Treasurer of the Issuer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

"United States Government Obligations" means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

"Verification Report" means the verification report referenced in *Article V* hereof relating to the sufficiency of money and obligations deposited in the Escrow Fund to be applied in accordance with the Escrow Agreement.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. The Bonds have been previously authorized and directed to be issued pursuant to the Ordinance in the principal amount of \$[PRINCIPAL AMOUNT], for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) pay Costs of Issuance; (c) to refund the Refunded Bonds; and (d) retire the Refunded Notes.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in an Authorized Denomination, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated as of the Dated Date, shall become due in the amounts, on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in *Article III* hereof, and shall bear interest at the rates per annum as follows:

SERIAL BONDS

<u>Stated Maturity</u> <u>October 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>	<u>Stated Maturity</u> <u>October 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
2020	\$	%	2026	\$	%
2021			2027		
2022			2028		
2023			2029		
2024			2030		
2025					

[TERM BONDS

<u>Stated Maturity</u> <u>October 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
20__	\$ _____	_____%]

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as **EXHIBIT A** or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The State Treasurer is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Bonds.

The Issuer will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Bond Registrar by (a) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 206. Registration, Transfer and Exchange of Bonds. The Issuer covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Bond Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The Issuer and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to **Article III** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to this **Article II**.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the Issuer by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the Clerk, and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Bond Registrar for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Bond Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Issuer, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the Issuer and the Paying Agent may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Bond Resolution equally and ratably with all other Outstanding Bonds.

Section 209. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Bonds; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in this Section. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds; or

(b) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name of and authenticate and deliver Replacement Bonds to the Beneficial Owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Bond Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the Issuer, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Bonds. The cost of printing, registration, authentication, and delivery of Replacement Bonds shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Bond Registrar receives written evidence satisfactory to the Bond Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in an Authorized Denominations and form as provided herein.

Section 211. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part

under this Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. The Preliminary Official Statement dated June __, 2019, is hereby ratified and approved. For the purpose of enabling the Purchaser to comply with the requirements of Section (b)(1) of the SEC Rule, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Section (b)(1) of the SEC Rule, and the appropriate officers of the Issuer are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the SEC Rule.

The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Director of Resource Management hereby authorized to execute the Official Statement as so supplemented, amended and completed, and the use and public distribution of the Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Bonds. The sale of the Bonds to the Purchaser is hereby approved and confirmed. The Mayor and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Bonds shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Bond Resolution), upon payment of the Purchase Price.

Section 214. Authorization of Escrow Agreement. The Issuer is hereby authorized to enter into the Escrow Agreement and the Mayor and Clerk are hereby authorized and directed to execute the Escrow Agreement with such changes therein as such officials may deem appropriate, for and on behalf of and as the act and deed of the Issuer. The Escrow Agent is hereby authorized to carry out, on behalf of the Issuer, the duties, terms and provisions of the Escrow Agreement, and the Escrow Agent, the Purchaser and Bond Counsel are authorized to take all necessary actions for the subscription and purchase of the Escrowed Securities described therein, including, if necessary, the subscription for United States Treasury Securities – State and Local Government Series.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer.

Optional Redemption. At the option of the Issuer, Bonds maturing on October 1, 2028, and thereafter, will be subject to redemption and payment prior to their Stated Maturity on October 1, 2027, and thereafter, as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the Redemption Date.

[**Mandatory Redemption.** [(a) [20__] Term Bonds.] The [20__] Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in **Article IV** hereof which are to be deposited into the Debt Service Account shall be sufficient to redeem, and the Issuer shall redeem on October 1 in each year, the following principal amounts of such [20__] Term Bonds:

**Principal
Amount**
\$

Year

*

*Final Maturity

[(b) [20__] Term Bonds. The [20__] Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in **Article IV** hereof which are to be deposited into the Debt Service Account shall be sufficient to redeem, and the Issuer shall redeem on October 1 in each year, the following principal amounts of such [20__] Term Bonds:

**Principal
Amount**
\$

Year

[____]*

*Final Maturity]

[(c) 20__ Term Bonds.] The 20__ Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in **Article IV** hereof which are to be deposited into the Debt Service Account shall be sufficient to redeem, and the Issuer shall redeem on October 1 in each year, the following principal amounts of such 20__ Term Bonds:

**Principal
Amount**
\$

Year

20__*

*Final Maturity]

[At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the Issuer may: (1) deliver to the Paying Agent for cancellation Term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Term Bonds subject to mandatory redemption on said mandatory Redemption Date from any Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the Issuer under this Section for any Term Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection. Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the Issuer to redeem Term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Term Bonds of the same Stated Maturity as designated by the Issuer, and the principal amount of Term Bonds to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the Issuer intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the Issuer will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with, with respect to such mandatory redemption payment.]

Section 302. Selection of Bonds to be Redeemed.

Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the Bond Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption a minimum Authorized Denomination of face value shall be treated as though it were a separate Bond of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. [The foregoing provisions of this paragraph shall not apply in the case of any mandatory redemption of Term Bonds hereunder, and Term Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the Issuer and whether or not the Paying Agent holds moneys available and sufficient to effect the required redemption.]

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar and the State Treasurer. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the Owners of said Bonds. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and
- (e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

For so long as the Securities Depository is effecting book-entry transfers of the Bonds, the Bond Registrar shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice from the Bond Registrar, the Securities Depository, a Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, the Issuer shall provide such notices of redemption as are required by the Disclosure Undertaking. Further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 402. Levy and Collection of Annual Tax; Transfer to Debt Service Account. The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if

any, and interest on the Bonds as the same become due by, to the extent necessary, levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be transferred to the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due, taking into account any scheduled mandatory redemptions, and the fees and expenses of the Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the Treasury of the Issuer the following Funds and Accounts:

- (a) Improvement Fund for General Obligation Improvement and Refunding Bonds, Series 232.
- (b) Debt Service Account for General Obligation Improvement and Refunding Bonds, Series 232 (within the Bond and Interest Fund).
- (c) Rebate Fund for General Obligation Improvement and Refunding Bonds, Series 232.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Bond Resolution so long as the Bonds are Outstanding.

In addition to the Funds and Accounts described above, the Escrow Agreement establishes the following Funds and Accounts to be held and administered by the Escrow Agent in accordance with the provisions of the Escrow Agreement:

- (a) Escrow Fund for Refunded Bonds.
- (b) Costs of Issuance Account for General Obligation Improvement and Refunding Bonds, Series 232.

Section 502. Deposit of Bond Proceeds. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds as follows:

- (a) All accrued interest, if any, received from the sale of the Bonds shall be deposited in the Debt Service Account.

(b) The sum of \$[_____] shall be deposited in the Improvement Fund.

(c) The sum of \$[_____] shall be transferred to the Escrow Agent for deposit in the Costs of Issuance Account and applied in accordance with the Escrow Agreement.

(d) The remaining balance of the proceeds derived from the sale of the Bonds shall be transferred to the Escrow Agent and deposited in the Escrow Fund and applied in accordance with the Escrow Agreement.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying the costs of the Improvements, in accordance with the plans and specifications therefor approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable and approved by the governing body of the Issuer; (b) paying interest on the Bonds during construction of the Improvements; (c) paying Costs of Issuance; (d) transferring any amounts to the Rebate Fund required by this *Article V*; and (e) retiring the Refunded Notes.

Upon completion of the Improvements, any surplus remaining in the Improvement Fund shall be deposited in the Debt Service Account.

Section 504. Substitution of Improvements; Reallocation of Proceeds.

(a) The Issuer may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Bonds provided the following conditions are met: (1) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been duly authorized by the governing body of the Issuer in accordance with the laws of the State; (2) a resolution or ordinance authorizing the use of the proceeds of the Bonds to pay the Financeable Costs of the Substitute Improvement has been duly adopted by the governing body of the Issuer pursuant to this Section; (3) the Attorney General of the State has approved the amendment made by such resolution or ordinance to the transcript of proceedings for the Bonds to include the Substitute Improvements; and (4) the use of the proceeds of the Bonds to pay the Financeable Cost of the Substitute Improvement will not adversely affect the tax-exempt status of the Bonds under State or federal law.

(b) The Issuer may reallocate expenditure of Bond proceeds among all Improvements financed by the Bonds; provided the following conditions are met: (1) the reallocation is approved by the governing body of the Issuer; (2) the reallocation shall not cause the proceeds of the Bonds allocated to any Improvement to exceed the Financeable Costs of the Improvement; and (3) the reallocation will not adversely affect the tax-exempt status of the Bonds under State or federal law.

Section 505. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said

funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Bond Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the Bonds shall be transferred and paid into the Bond and Interest Fund.

Section 506. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Bonds shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Bond Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Bonds.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States: (a) which has a main or branch office located in the Issuer; or (b) if no such entity has a main or branch office located in the Issuer, with such an entity that has a main or branch office located in the county or counties in which the Issuer is located. All such depositories shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account other than the Escrow Fund may be invested in accordance with this Bond Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction of the Improvements, earnings on the investment of such funds may, be credited to the Debt Service Account.

Section 508. Application of Moneys in the Escrow Fund. Under the Escrow Agreement, the Escrow Agent will apply moneys in the Escrow Fund to purchase the Escrowed Securities and to establish an initial cash balance in accordance with the Escrow Agreement. The cash and Escrowed Securities held in the Escrow Fund will be applied by the Escrow Agent solely in the manner authorized by the Escrow

Agreement. All money deposited with the Escrow Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in the Escrow Agreement.

Section 509. Verification of Certified Public Accountant. Prior to or concurrently with the issuance and delivery of the Bonds and the creation of the Escrow Fund, the Issuer shall obtain a Verification Report from an independent certified public accountant that such accountant has verified the accuracy of the calculations that demonstrate that the money and obligations required to be deposited with the Escrow Agent pursuant to this *Article V* and the Escrow Agreement, together with the earnings to accrue thereon, will be sufficient for the timely payment of the principal of, redemption premium, if any, and interest on the Refunded Bonds in accordance with the Escrow Agreement.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Bond Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any

such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Bond Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Bonds shall, subject to any determination in such action or proceeding or applicable law of the State, be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Bonds, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Bonds, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with **Article III** hereof. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Bond Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor, Clerk and Director of Resource Management are hereby authorized and

directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to *Article VII* hereof or any other provision of this Bond Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Undertaking, the provisions of which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section. Notwithstanding any other provision of this Bond Resolution, failure of the Issuer to comply with its covenants contained in the preceding section shall not be considered an Event of Default under this Bond Resolution.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Bonds, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Bond Resolution, the Issuer shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Bonds or of this Bond Resolution, may be amended or modified at any time in any respect by ordinance or resolution of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Bond;
- (c) permit preference or priority of any Bond over any other Bond; or
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Bond Resolution.

Any provision of the Bonds or of this Bond Resolution may, however, be amended or modified by ordinance or resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Bonds among Improvements, to provide for Substitute Improvements, to conform this Bond Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Bond Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution or ordinance adopted by the governing body of the Issuer amending or supplementing the provisions of this Bond Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental ordinance or resolution, if any, and a certified copy of this Bond Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or resolution or of this Bond Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the ordinance or resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Bond Resolution which affects the duties or obligations of the Paying Agent under this Bond Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Bond Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Bond Resolution, Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Section 1004. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1005. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Section 1006. Further Authority. The officers and officials of the Issuer, including the Mayor and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Bond Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1007. Severability. If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

Section 1008. Governing Law. This Bond Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1009. Effective Date. This Bond Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body of the Issuer on June 18, 2019.

(SEAL)

Mayor

ATTEST:

City Clerk

EXHIBIT A
(FORM OF BONDS)

**REGISTERED
NUMBER** __

**REGISTERED
\$**

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation (“DTC”), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

**UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF JOHNSON
CITY OF OLATHE
GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BOND
SERIES 232**

**Interest
Rate:**

**Maturity
Date:**

**Dated
Date: July 18, 2019**

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Olathe, in the County of Johnson, State of Kansas (the “Issuer”), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, unless called for redemption prior to the Maturity Date, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable semiannually on April 1 and October 1 of each year, commencing October 1, 2019 (the “Interest Payment Dates”), until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price of this Bond shall be paid at maturity or upon earlier redemption to the person in whose name this Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of this Bond at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the “Paying Agent” and “Bond Registrar”). The interest payable on this Bond on any Interest Payment Date shall be paid to the person in whose name this Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date(s)

for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the Interest Payment Date. Such interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Bonds shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Bond Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Bond Resolution.

Authorization of Bonds. This Bond is one of an authorized series of Bonds of the Issuer designated "General Obligation Improvement and Refunding Bonds, Series 232," aggregating the principal amount of \$[PRINCIPAL AMOUNT] (the "Bonds") issued for the purposes set forth in the Ordinance of the Issuer authorizing the issuance of the Bonds and the Resolution of the Issuer prescribing the form and details of the Bonds (collectively, the "Bond Resolution"). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-427 *et seq.*, K.S.A. 10-620 *et seq.*, K.S.A. 12-685 *et seq.*, Charter Ordinance No. 74 of the Issuer and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Bonds constitute general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Redemption Prior to Maturity. The Bonds are subject to redemption prior to maturity, as set forth in the Bond Resolution.

Book-Entry System. The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Bond Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature or with respect to each form of Bonds, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository's participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Bond Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Bond Registrar will not be responsible or liable for such transfers of payments

or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements among the Issuer, the Bond Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE BOND RESOLUTION, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Bond may be transferred or exchanged, as provided in the Bond Resolution, only on the Bond Register kept for that purpose at the principal office of the Bond Registrar, upon surrender of this Bond, together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Bond Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Bonds are issued in fully registered form in Authorized Denominations.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the hereinafter defined Bond Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed by the manual or facsimile signature of its Mayor, and attested by the manual or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

CITY OF OLATHE, KANSAS

[(Facsimile Seal)]

By: _____ (facsimile)
Mayor

ATTEST:

By: _____ (facsimile)
City Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Improvement and Refunding Bonds, Series 232, of the City of Olathe, Kansas, described in the within-mentioned Bond Resolution.

Registration Date: _____

Treasurer of the State of Kansas,
Topeka, Kansas
as Bond Registrar and Paying Agent

By: _____

Registration Number: _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF JOHNSON)

The undersigned, Clerk of the City of Olathe, Kansas, does hereby certify that the within Bond has been duly registered in my office according to law as of July 18, 2019.

WITNESS my hand and official seal.

(Facsimile Seal)

By: _____ (facsimile)
City Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

JAKE LATURNER, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in the office of the State Treasurer, and that this Bond was registered in such office according to law on _____.

WITNESS my hand and official seal.

(Facsimile Seal)

By: _____
Treasurer of the State of Kansas

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Bonds:

GILMORE & BELL, P.C.
2405 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108

(PRINTED LEGAL OPINION)



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Resource Management

STAFF CONTACT: Dianna Wright/Amy Tharnish

SUBJECT: Consideration of Resolution No. 19-1048 authorizing the issuance and delivery of \$54,910,000 principal amount of general obligation temporary notes, Series 2019-A.

ITEM DESCRIPTION:

Consideration of Resolution No. 19-1048 authorizing the issuance and delivery of \$54,910,000 principal amount of general obligation temporary notes, Series 2019-A.

SUMMARY:

As approved by the City Council on June 4, 2019, bids will be received by the City on June 18, 2019, from prospective buyers of the general obligation Temporary Notes, Series 2019-A. Accordingly, the best bid rates will be distributed at the City Council meeting.

In addition to the best bid approval required above, the City's bond counsel, Gilmore & Bell, has prepared Resolution No. 19-1048 that sets the form and details of, and serves to authorize the issuance and delivery of Temporary Note Series 2019-A.

A draft copy of the above-mentioned resolution is attached. The final version of this document will be available at the City Council meeting once the bids have been received and the best bids have been determined.

Standard and Poor's Corporation and Fitch have assigned the City a rating of SP-1+ and F1+, respectively, for short term financing.

FINANCIAL IMPACT:

Series 2018-A Notes in the amount of \$26,735,000 will mature on August 1, 2019. The balance of outstanding temporary notes, which includes the sale of Series 2019-A Notes, will be approximately \$54,910,000.

ACTION NEEDED:

Approval of Resolution No. 19-1048 to authorize issuance and delivery of \$54,910,000 principal amount of general obligation temporary notes, Series 2019-A.

ATTACHMENT(S):

Draft Resolution No. 19-1048

GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2019-A

- A. Excerpt of Minutes of Meeting approving sale, approving Note Resolution
 - B. Note Resolution
-

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF OLATHE, KANSAS
HELD ON JUNE 18, 2019**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit:

Present:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

The Director of Resource Management reported that pursuant to the Notice of Sale, bids for the purchase of General Obligation Temporary Notes, Series 2019-A, dated July 18, 2019, of the City had been received. A tabulation of said bids is set forth as *Exhibit A* hereto.

Thereupon, the governing body reviewed and considered the bids and it was found and determined that the bid of _____, _____, _____ was the best bid for the Notes, a copy of which is attached hereto as *Exhibit B*.

Thereupon, there was presented a Resolution entitled:

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2019-A, OF THE CITY OF OLATHE, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Thereupon, Councilmember _____ moved that said Resolution be adopted. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea:

Nay:

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 19-____ and was signed by the Mayor and attested by the Clerk.

* * * * *

On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Olathe, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

City Clerk

EXHIBIT A
(BID TABULATION)

EXHIBIT B

(BID OF PURCHASER)

RESOLUTION NO. 19-____

OF

THE CITY OF OLATHE, KANSAS

ADOPTED

JUNE 18, 2019

**GENERAL OBLIGATION TEMPORARY NOTES
SERIES 2019-A**

RESOLUTION

TABLE OF CONTENTS

ARTICLE I DEFINITIONS

Section 101. Definitions of Words and Terms.....	2
--	---

ARTICLE II AUTHORIZATION AND DETAILS OF THE NOTES

Section 201. Authorization of the Notes.....	9
Section 202. Description of the Notes.	9
Section 203. Designation of Paying Agent and Note Registrar.....	10
Section 204. Method and Place of Payment of the Notes.....	10
Section 205. Payments Due on Saturdays, Sundays and Holidays.....	11
Section 206. Registration, Transfer and Exchange of Notes.....	11
Section 207. Execution, Registration, Authentication and Delivery of Notes.....	12
Section 208. Mutilated, Lost, Stolen or Destroyed Notes.....	12
Section 209. Cancellation and Destruction of Notes Upon Payment.....	13
Section 210. Book-Entry Notes; Securities Depository.....	13
Section 211. Nonpresentment of Notes.....	14
Section 212. Preliminary and Final Official Statement.	14
Section 213. Sale of the Notes.	15

ARTICLE III REDEMPTION OF NOTES

Section 301. No Redemption of Notes.....	15
--	----

ARTICLE IV SECURITY FOR NOTES

Section 401. Security for the Notes.	15
Section 402. Levy and Collection of Annual Tax.....	15

ARTICLE V ESTABLISHMENT OF FUNDS AND ACCOUNTS

DEPOSIT AND APPLICATION OF NOTE PROCEEDS

Section 501. Creation of Funds and Accounts.....	16
Section 502. Deposit of Note Proceeds.....	16
Section 503. Application of Moneys in the Improvement Fund.....	16
Section 504. Substitution of Improvements; Reallocation of Proceeds.....	16
Section 505. Application of Moneys in Debt Service Account.	17
Section 506. Application of Moneys in the Rebate Fund.	17
Section 507. Deposits and Investment of Moneys.....	17

ARTICLE VI DEFAULT AND REMEDIES

Section 601. Remedies.....	18
Section 602. Limitation on Rights of Owners.....	18
Section 603. Remedies Cumulative.	18

ARTICLE VII DEFEASANCE

Section 701. Defeasance.....	19
------------------------------	----

ARTICLE VIII TAX COVENANTS

Section 801. General Covenants.....	19
Section 802. Survival of Covenants.....	19

ARTICLE IX CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements.....	20
Section 902. Failure to Comply with Continuing Disclosure Requirements.....	20

ARTICLE X MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit.....	20
Section 1002. Amendments.....	20
Section 1003. Notices, Consents and Other Instruments by Owners.....	21
Section 1004. Notices.....	22
Section 1005. Electronic Transactions.....	22
Section 1006. Further Authority.....	22
Section 1007. Severability.....	22
Section 1008. Governing Law.....	22
Section 1009. Effective Date.....	22

EXHIBIT A – FORM OF NOTES

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

RESOLUTION NO. 19-1048

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2019-A, OF THE CITY OF OLATHE, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the City of Olathe (the “Issuer”) is a city of the first class and political subdivision, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to the provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Issuer has caused the following improvements (collectively, the “Improvements”) to be made in the City, to-wit:

<u>Project Number</u>	<u>Project Name</u>	<u>Authorizing Ord./Res.</u>	<u>Authority</u>	<u>Amount*</u>
3-C-106-17	119th and Blackbob Geometric Improvements	17-1013	K.S.A. 12-685 <i>et seq.</i>	\$185,914.33
3-C-105-12	151st Street and Mur-len Geometric Improvements with Signal	16-1089	K.S.A. 12-685 <i>et seq.</i>	2,291,321.61
3-C-006-16	159th Street and Blackbob Road Improvements	18-1069	K.S.A. 12-685 <i>et seq.</i>	1,759,986.60
3-C-001-15	College Blvd, Lone Elm to Woodland	15-1020	K.S.A. 12-685 <i>et seq.</i>	3,442,098.44
3-C-026-16	I-35 and 119th Street Interchange Preliminary Engineering	18-1101	K.S.A. 12-685 <i>et seq.</i>	3,272,438.55
3-C-024-16	K-7 Highway, Santa Fe to Old 56 Highway	18-1024	K.S.A. 12-685 <i>et seq.</i>	5,765,422.03
3-C-083-15	Santa Fe and Ridgeview Geometric Improvements	18-1102	K.S.A. 12-685 <i>et seq.</i>	5,325,637.16
3-C-106-17	Santa Fe and Blackbob Geometric Improvements	17-1014	K.S.A. 12-685 <i>et seq.</i>	415,849.49
3-C-084-17	Lone Elm Road, Old 56 to 151st Street Improvements	18-1083	K.S.A. 12-685 <i>et seq.</i>	5,265,139.61
3-C-107-17	Mahaffie Circle Improvements	18-1117	Charter Ord. No. 74	959,570.05
3-C-107-17	119th and Pflumm Geometric Improvements	18-1048	K.S.A. 12-685 <i>et seq.</i>	879,918.32
3-C-071-18	159th Street and Pflumm Road Improvements	18-1028	K.S.A. 12-685 <i>et seq.</i>	132,214.42
3-C-022-18	Woodland Road, K-10 to College Blvd Improvements	18-1023	K.S.A. 12-685 <i>et seq.</i>	3,748,787.79
3-C-041-18	Lindenwood Road, 163rd to 167th Improvements	17-1069	K.S.A. 12-6a01 <i>et seq.</i>	1,815,066.06
3-B-078-17	151st and Ridgeview Geometric Improvements	17-1076	K.S.A. 12-685 <i>et seq.</i>	1,363,484.13
1-B-014-18	Lone Elm Commerce Center Sanitary Sewer Improvement	18-1071	K.S.A. 12-6a01 <i>et seq.</i>	450,000.00

**Improvement costs to be financed with proceeds of the Notes; excludes Costs of Issuance.*

6-C-009-18	Fire Station #8	18-1094	Charter Ord. No. 74	3,754,084.62
6-C-001-18	Park Maintenance Facilities	19-1036	Charter Ord. No. 74	9,182,295.45
3-C-025-18	Santa Fe, Ridgeview to Mur-len Improvements	19-1018	K.S.A. 12-685 <i>et seq.</i>	400,000.00
6-C-004-13	Fire Training Center	18-1119	Charter Ord. No. 74	2,996,023.94
6-C-026-19	Envision Olathe Implementation	19-1012	Charter Ord. No. 74	500,000.00
TBD	Park Street Land Acquisition	19-1038	Charter Ord. No. 74	303,000.00
TBD	Conley Street Land Acquisition	19-19	Article 12, § 5 of Constitution	<u>500,000.00</u>
Total:				\$54,708,252.59

; and

WHEREAS, the governing body of the Issuer is authorized by law to issue general obligation bonds to pay a portion of the costs of the Improvements; and

WHEREAS, it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Improvements prior to the completion thereof and the issuance of the Issuer's general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issuer pursuant to the Act; and

WHEREAS, the Issuer has previously issued the following temporary notes to temporarily finance a portion of the costs of the Improvements (the "Existing Notes"):

<u>Series</u>	<u>Dated Date</u>	<u>Maturity Date</u>	<u>Original Amount</u>	<u>Outstanding Amount</u>
2018-A	July 19, 2018	August 1, 2019	\$26,735,000	\$26,735,000

WHEREAS, all aspects of the Improvements will not be completed prior to the maturity date of the Existing Notes and it is necessary for the Issuer to provide cash funds to meet its obligations on a portion of the Existing Notes by the issuance of additional temporary notes of the Issuer pursuant to the Act; and

WHEREAS, the Issuer proposes to issue its temporary notes to pay a portion of the costs of the Improvements and to retire a portion of the Existing Notes; and

WHEREAS, the governing body of the Issuer has advertised the sale of the Notes and at a meeting held in the usual meeting place on this date, awarded the sale of such Notes to the best bidder; and

WHEREAS, the governing body of the Issuer hereby finds and determines that it is necessary for the Issuer to authorize the issuance and delivery of the Notes in the principal amount of \$[PRINCIPAL AMOUNT] to pay a portion of the costs of the Improvements and refund a portion of the Existing Notes.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Note Resolution shall have the meanings

hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

“Act” means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, specifically including K.S.A. 10-123, K.S.A. 10-620 *et seq.*, K.S.A. 12-685 *et seq.*, K.S.A. 12-6a01 *et seq.*, Charter Ordinance No. 74 of the Issuer and Article 12, Section 5 of the Constitution of the State of Kansas, all as amended and supplemented from time to time.

“Authorized Denomination” means \$5,000 or any integral multiples thereof.

“Beneficial Owner” of the Notes includes any Owner of the Notes and any other Person who, directly or indirectly has the investment power with respect to any of the Notes.

“Bond and Interest Fund” means the Bond and Interest Fund of the Issuer for its general obligation bonds.

“Bond Counsel” means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

“Business Day” means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

“Cede & Co.” means Cede & Co., as nominee of DTC.

“City” means the City of Olathe, Kansas.

“Clerk” means the duly appointed and acting Clerk of the City or, in the Clerk’s absence, the duly appointed Deputy, Assistant or Acting Clerk of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

“Costs of Issuance” means all costs of issuing the Notes, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, and all expenses incurred in connection with receiving ratings on the Notes.

“Dated Date” means July 18, 2019.

“Debt Service Account” means the Debt Service Account for General Obligation Temporary Notes, Series 2019-A (within the Bond and Interest Fund) created pursuant to **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments and interest payments on the Notes for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

“Defaulted Interest” means interest on any Note which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody’s or Standard & Poor’s that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

“Derivative” means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

“Director of Resource Management” means acting Director of Resource Management, or in the Director of Resource Management’s absence, the duly appointed and/or elected Acting Director of Resource Management of the Issuer.

“Disclosure Undertaking” means the Continuing Disclosure Undertaking, dated as of the Dated Date, relating to certain obligations contained in the SEC Rule.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors and assigns, including any successor securities depository duly appointed.

“DTC Representation Letter” means the Blanket Letter of Representation from the Issuer and the Paying Agent to DTC which provides for a book-entry system, or any agreement between the Issuer and Paying Agent and a successor securities depository duly appointed.

“Event of Default” means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Notes shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Notes shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Notes or in this Note Resolution (other than the covenants relating to continuing disclosure requirements) on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Notes then Outstanding.

“Federal Tax Certificate” means the Issuer’s Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

“Financeable Costs” means the amount of expenditure for an Improvement which has been duly authorized by action of the governing body of the Issuer to be financed by general obligation bonds, less: (a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

“Fiscal Year” means the twelve month period ending on December 31.

“Fitch” means Fitch Ratings, a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Fitch” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer

“Funds and Accounts” means funds and accounts created by or referred to in *Section 501* hereof.

“Improvement Fund” means the Improvement Fund for General Obligation Temporary Notes, Series 2019-A created by *Section 501* hereof.

“Improvements” means the improvements referred to in the preamble to this Note Resolution and any Substitute Improvements.

“Independent Accountant” means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Note Resolution.

“Interest Payment Date” means the Maturity of the Note.

“Issue Date” means the date when the Issuer delivers the Notes to the Purchaser in exchange for the Purchase Price.

“Issuer” means the City and any successors or assigns.

“Maturity” when used with respect to any Note means the date on which the principal of such Note becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

“Mayor” means the duly elected and acting Mayor, or in the Mayor’s absence, the duly appointed and/or elected Vice Mayor, Mayor Pro Tem or Acting Mayor of the Issuer.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Note Payment Date” means any date on which principal of or interest on any Note is payable.

“Note Register” means the books for the registration, transfer and exchange of Notes kept at the office of the Note Registrar.

“Note Registrar” means the Treasurer of the City of Olathe, Kansas and its successors and assigns.

“Note Resolution” means this resolution relating to the Notes.

“Notes” means the General Obligation Temporary Notes, Series 2019-A, authorized and issued by the Issuer pursuant to this Note Resolution.

“Notice Address” means with respect to the following entities:

(a) To the Issuer at:

City Clerk
City Hall
100 East Santa Fe
Olathe, Kansas 66061

(b) To the Paying Agent at:

City Treasurer
City Hall
100 East Santa Fe
Olathe, Kansas 66061

(c) To the Purchaser:

(d) To the Rating Agency(ies):

Fitch Ratings
One State Street Plaza
New York, New York 10004

S&P Global Ratings, a division of S&P Global Inc.
55 Water Street, 38th Floor
New York, New York 10004

“Notice Representative” means:

- (a) With respect to the Issuer, the Clerk.
- (b) With respect to the Note Registrar and Paying Agent, the Treasurer.
- (c) With respect to any Purchaser, the manager of its Municipal Bond Department.
- (d) With respect to any Rating Agency, any Vice President thereof.

“Official Statement” means Issuer’s Official Statement relating to the Notes.

“Outstanding” means, when used with reference to the Notes, as of a particular date of determination, all Notes theretofore authenticated and delivered, except the following Notes:

- (a) Notes theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Notes deemed to be paid in accordance with the provisions of *Article VII* hereof; and
- (c) Notes in exchange for or in lieu of which other Notes have been authenticated and delivered hereunder.

“Owner” when used with respect to any Note means the Person in whose name such Note is registered on the Note Register. Whenever consent of the Owners is required pursuant to the terms of this Note Resolution, and the Owner of the Notes, as set forth on the Note Register, is Cede & Co., the term Owner shall be deemed to be the Beneficial Owner of the Notes.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the Treasurer of the City of Olathe, Kansas and any successors and assigns.

“Permitted Investments” shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer’s temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody’s or Standard & Poor’s; (i) investments and shares or units of a money market fund

or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

“Person” means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Purchase Price” means the principal amount of the Notes plus accrued interest to the date of delivery[, plus a reoffering premium of \$_____, less an underwriting discount of \$_____].

“Purchaser” means _____, _____, _____, the original purchaser of the Notes, and any successors and assigns.

“Rating Agency” means any company, agency or entity that provides financial ratings for the Notes.

“Rebate Fund” means the Rebate Fund for General Obligation Temporary Notes, Series 2019-A created pursuant to *Section 501* hereof.

“Record Dates” for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

“Redemption Date” when used with respect to any Note to be redeemed means the date fixed for the redemption of such Note pursuant to the terms of this Note Resolution.

“Redemption Price” when used with respect to any Note to be redeemed means the price at which such Note is to be redeemed pursuant to the terms of this Note Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Refunded Notes” means a portion of the Series 2018-A Notes maturing on August 1, 2019 in the aggregate principal amount of \$26,735,000.

“Refunded Notes Paying Agent” means the paying agent for the Refunded Notes as designated in the Refunded Notes Resolution, and any successor or successors at the time acting as paying agent of the Refunded Notes.

“Refunded Notes Redemption Date” means August 1, 2019.

“Refunded Notes Resolution” means the resolution which authorized the Refunded Notes.

“Replacement Notes” means Notes issued to the Beneficial Owners of the Notes in accordance with *Article II* hereof.

“SEC Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

“Securities Depository” means, initially, DTC, and its successors and assigns.

“Series 2018-A Notes” means the Issuer’s General Obligation Temporary Notes, Series 2018-A, dated July 19, 2018.

“Special Record Date” means the date fixed by the Paying Agent pursuant to *Article II* hereof for the payment of Defaulted Interest.

“Standard & Poor’s” or “S&P” means S&P Global Ratings, a division of S&P Global Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor’s shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” means the state of Kansas.

“State Treasurer” means the duly elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

“Stated Maturity” when used with respect to any Note or any installment of interest thereon means the date specified in such Note and this Note Resolution as the fixed date on which the principal of such Note or such installment of interest is due and payable.

“Substitute Improvements” means the substitute or additional improvements of the Issuer described in *Article V* hereof.

“Treasurer” means the duly appointed and/or elected Treasurer or, in the Treasurer’s absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE NOTES

Section 201. Authorization of the Notes. There shall be issued and hereby are authorized and directed to be issued the General Obligation Temporary Notes, Series 2019-A, of the Issuer in the principal amount of \$[PRINCIPAL AMOUNT], for the purpose of providing funds to: (a) pay a portion of the costs of the Improvements; (b) pay Costs of Issuance; and (c) refund a portion of the Existing Notes.

Section 202. Description of the Notes. The Notes shall consist of fully registered notes in Authorized Denominations, and shall be numbered in such manner as the Note Registrar shall determine.

All of the Notes shall be dated as of the Dated Date, shall become due in the amounts on the Stated Maturity, without option of prior redemption and payment, and shall bear interest at the rates per annum as follows:

Stated Maturity	Principal	Annual Rate
<u>August 1</u>	<u>Amount</u>	<u>of Interest</u>
2020	\$(PRINCIPAL	_____ %
	AMOUNT]	

The Notes shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent Interest Payment Date to which interest has been paid on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Notes, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as **EXHIBIT A** or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Note Registrar. The Treasurer of the City of Olathe, Kansas, is hereby designated as the Paying Agent for the payment of principal of and interest on the Note and Note Registrar with respect to the registration, transfer and exchange of Notes.

The Issuer will at all times maintain a Paying Agent and Note Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Note Registrar by (a) filing with the Paying Agent or Note Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Note Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and Note Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Note Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Note Registrar.

Every Paying Agent or Note Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Notes. The principal of, or Redemption Price, if any, and interest on the Notes shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of and interest on each Note shall be paid at Maturity to the Person in whose name such Note is registered on the Note Register at the Maturity thereof, upon presentation and surrender of such Note at the principal office of the Paying Agent. Such amounts shall be paid to the Owner of such Note as shown on the Note Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Owner; or (b) in the case of a payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Notes, by electronic transfer to such Owner upon written notice given to the Note Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Note shall cease to be payable to the Owner of such Note on the relevant Record Date and shall be payable to the Owner in whose name such Note is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Note and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first class mail, postage prepaid, to each Owner of a Note entitled to such notice at the address of such Owner as it appears on the Note Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Notes and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Note Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Note Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Note Payment Date, and no interest shall accrue for the period after such Note Payment Date.

Section 206. Registration, Transfer and Exchange of Notes. The Issuer covenants that, as long as any of the Notes remain Outstanding, it will cause the Note Register to be kept at the office of the Note Registrar as herein provided. Each Note when issued shall be registered in the name of the Owner thereof on the Note Register.

Notes may be transferred and exchanged only on the Note Register as provided in this Section. Upon surrender of any Note at the principal office of the Note Registrar, the Note Registrar shall transfer or exchange such Note for a new Note or Notes in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Note that was presented for transfer or exchange.

Notes presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Note Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Notes is exercised, the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Note Resolution. The Issuer shall pay the fees and expenses of the Note Registrar for the registration, transfer and exchange of Notes provided for by this Note Resolution and the cost of printing a reasonable supply of registered note blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Note Registrar, are the responsibility of the Owners of the Notes. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Notes.

The Issuer and the Note Registrar shall not be required to register the transfer or exchange of any Note during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Article II** hereof.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Note is registered on the Note Register as the absolute Owner of such Note, whether such Note is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Note and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Note Registrar, the Note Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Notes then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Note Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Notes. Each of the Notes, including any Notes issued in exchange or as substitutions for the Notes initially delivered, shall be executed for and on behalf of the Issuer by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the Clerk and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and directed to prepare and execute the Notes in the manner herein specified, and to cause the Notes to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Notes shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. The Notes shall be countersigned by the manual or facsimile signature of the Clerk and the seal of the Issuer shall be affixed or imprinted adjacent thereto following registration of the Notes by the Treasurer of the State of Kansas. In case any officer whose signature appears on any Notes ceases to be such officer before the delivery of such Notes, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Note may be signed by such persons who at the actual time of the execution of such Note are the proper officers to sign such Note although at the date of such Note such persons may not have been such officers.

The Mayor and Clerk are hereby authorized and directed to prepare and execute the Notes as herein specified, and when duly executed, to deliver the Notes to the Note Registrar for authentication.

The Notes shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as **EXHIBIT A** hereof, which shall be manually executed by an authorized officer or employee of the Note Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Notes that may be issued hereunder at any one time. No Note shall be entitled to any security or benefit under this Note Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Note Registrar. Such executed certificate of authentication upon any Note shall be conclusive evidence that such Note has been duly authenticated and delivered under this Note Resolution. Upon authentication, the Note Registrar shall deliver the Notes to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Notes. If (a) any mutilated Note is surrendered to the Note Registrar or the Note Registrar receives evidence to its satisfaction of the

destruction, loss or theft of any Note, and (b) there is delivered to the Issuer and the Note Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Note Registrar that such Note has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Note Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Note, a new Note of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Note has become or is about to become due and payable, the Issuer, in its discretion, may pay such Note instead of issuing a new Note.

Upon the issuance of any new Note under this Section, the Issuer may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Note issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Note Resolution equally and ratably with all other Outstanding Notes.

Section 209. Cancellation and Destruction of Notes Upon Payment. All Notes that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Notes so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Book-Entry Notes; Securities Depository. The Issuer and Paying Agent have entered into a DTC Representation Letter with DTC. The Notes shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no Beneficial Owner will receive certificates representing their respective interests in the Notes, except in the event the Note Registrar issues Replacement Notes as provided in this Section. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Notes to the Participants until and unless the Note Registrar authenticates and delivers Replacement Notes to the Beneficial Owners as described in the following paragraph.

The Issuer may decide, subject to the requirements of the Operational Arrangements of DTC (or a successor Securities Depository), and the following provisions of this section to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository):

(a) If the Issuer determines (1) that the Securities Depository is unable to properly discharge its responsibilities, or (2) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (3) that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Notes; or

(b) if the Note Registrar receives written notice from Participants having interests in not less than 50% of the Notes Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Notes being issued to any Owner other than Cede & Co. is no longer in the best interests of the Beneficial Owners of the Notes, then the Note Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Note Registrar shall register in the name of and authenticate and deliver Replacement Notes to the Beneficial Owners or

their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (a)(1) or (a)(2) of this paragraph, the Issuer, with the consent of the Note Registrar, may select a successor securities depository in accordance with the following paragraph to effect book-entry transfers.

In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Note. Upon the issuance of Replacement Notes, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Note Registrar, to the extent applicable with respect to such Replacement Notes. If the Securities Depository resigns and the Issuer, the Note Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with the following paragraph, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to Owners, as provided herein. The Note Registrar may rely on information from the Securities Depository and its Participants as to the names of the Beneficial Owners of the Notes. The cost of printing, registration, authentication, and delivery of Replacement Notes shall be paid for by the Issuer.

In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the Issuer may appoint a successor Securities Depository provided the Note Registrar receives written evidence satisfactory to the Note Registrar with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Note Registrar upon its receipt of a Note or Notes for cancellation shall cause the delivery of Notes to the successor Securities Depository in appropriate denominations and form as provided herein.

Section 211. Nonpresentment of Notes. If any Note is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Note have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Note shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Note, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Note Resolution or on, or with respect to, said Note. If any Note is not presented for payment within four (4) years following the date when such Note becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Note, and such Note shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 212. Preliminary and Final Official Statement. For the purpose of enabling the Purchaser to comply with the requirements of Section (b)(1) of the SEC Rule, the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be “final” as of its date, except for the omission of such information as is permitted by Section (b)(1) of the SEC Rule, and the appropriate officers of the Issuer are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirements of the SEC Rule.

The Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Director of Resource Management is hereby authorized to execute the final Official Statement as so supplemented, amended and completed, and the use and public distribution of the final Official Statement by the Purchaser in connection with the reoffering of the Notes is hereby authorized. The proper officials of the Issuer are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the Issue Date.

The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Notes sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the SEC Rule and Rule G-32 of the Municipal Securities Rulemaking Board.

Section 213. Sale of the Notes. The sale of the Notes to the Purchaser is hereby ratified and confirmed. The Mayor and Clerk are hereby authorized to execute the official bid form submitted by the Purchaser. Delivery of the Notes shall be made to the Purchaser on the Issue Date (which shall be as soon as practicable after the adoption of this Note Resolution), upon payment of the Purchase Price.

ARTICLE III

REDEMPTION OF NOTES

Section 301. No Redemption of Notes. The Notes shall not be subject to optional redemption and payment prior to their Stated Maturity.

ARTICLE IV

SECURITY FOR NOTES

Section 401. Security for the Notes. The Notes shall be general obligations of the Issuer payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of certain public improvements, in part from the proceeds of general obligation bonds of the Issuer, and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Notes as the same become due.

Section 402. Levy and Collection of Annual Tax. The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Notes as the same become due, if necessary, by levying and collecting the necessary taxes and/or assessments upon all of the taxable tangible property within the Issuer in the manner provided by law.

The taxes and/or assessments referred to above shall be extended upon the tax rolls and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes and/or assessments shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be deposited in the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Notes as and when the same become due, and the fees and expenses of the Paying Agent.

If at any time said taxes and/or assessments are not collected in time to pay the principal of or interest on the Notes when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the Issuer and to reimburse said general funds for money so expended when said taxes and/or assessments are collected.

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF NOTE PROCEEDS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Notes, there shall be created within the Treasury of the Issuer the following Funds and Accounts:

- (a) Improvement Fund for General Obligation Temporary Notes, Series 2019-A.
- (b) Debt Service Account for General Obligation Temporary Notes, Series 2019-A.
- (c) Rebate Fund for General Obligation Temporary Notes, Series 2019-A.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Note Resolution so long as the Notes are Outstanding.

Section 502. Deposit of Note Proceeds. The net proceeds received from the sale of the Notes shall be deposited simultaneously with the delivery of the Notes in the Improvement Fund.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying the costs of the Improvements, in accordance with the plans and specifications therefor approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable and approved by the governing body of the Issuer; (b) retiring the Refunded Notes; (c) paying Costs of Issuance; and (d) transferring any amounts to the Rebate Fund required by this *Article V* or the Federal Tax Certificate. Upon completion of the Improvements, any surplus remaining in the Improvement Fund shall be deposited in the Debt Service Account.

Section 504. Substitution of Improvements; Reallocation of Proceeds.

(a) The Issuer may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Notes provided the following conditions are met: (1) the Substitute Improvement and the issuance of general obligation bonds to pay the cost of the Substitute Improvement has been duly authorized by the governing body of the Issuer in accordance with the laws of the State; (2) a resolution or ordinance authorizing the use of the proceeds of the Notes to pay the Financeable Costs of the Substitute Improvement has been duly adopted by the governing body of the Issuer pursuant to this Section; (3) the Attorney General of the State has approved the amendment made by such resolution or ordinance to the transcript of proceedings for the Notes to include the Substitute Improvements; and (4) the use of the proceeds of the Notes to pay the Financeable Cost of the Substitute Improvement will not adversely affect the tax-exempt status of the Notes under State or federal law.

(b) The Issuer may reallocate expenditure of Note proceeds among all Improvements financed by the Notes; provided the following conditions are met: (1) the reallocation is approved by the governing body of the Issuer; (2) the reallocation shall not cause the proceeds of the Notes allocated to any

Improvement to exceed the Financeable Costs of the Improvement; and (3) the reallocation will not adversely affect the tax-exempt status of the Notes under State or federal law.

Section 505. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Notes as and when the same become due and the usual and customary fees and expenses of the Note Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Notes and the fees and expenses of the Note Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent, if other than the Issuer, in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Note Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Notes are no longer entitled to enforce payment of the Notes or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Note Resolution and shall be held by the Paying Agent for the benefit of the Owners of the Notes entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the indebtedness for which the Notes were issued shall be transferred and paid into the Bond and Interest Fund.

Section 506. Application of Moneys in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Federal Tax Certificate. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Federal Tax Certificate), for payment to the United States of America, and neither the Issuer nor the Owner of any Notes shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Federal Tax Certificate.

(b) The Issuer shall periodically determine the arbitrage rebate, if any, under Code § 148(f) of the Code in accordance with the Federal Tax Certificate, and the Issuer shall make payments to the United States of America at the times and in the amounts determined under the Federal Tax Certificate. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Notes and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be deposited into the Bond and Interest Fund.

(c) Notwithstanding any other provision of this Note Resolution, including in particular *Article VII* hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this Section and the Federal Tax Certificate shall survive the defeasance or payment in full of the Notes.

Section 507. Deposits and Investment of Moneys. Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States: (a) which has a main or branch office located in the Issuer; or (b) if no such entity has a main or branch office located in the Issuer, with such an entity that has a main or branch office located in the county or counties in which the Issuer is located. All such depositories shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds

and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

Moneys held in any Fund or Account may be invested in accordance with this Note Resolution and the Federal Tax Certificate in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction of the Improvements, earnings on the investment of such funds may be credited to the Debt Service Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Note Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Notes. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Notes at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Notes similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Note Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the Issuer, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Notes.

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Notes shall be for the equal benefit, protection, and security of the Owners of any or all of the Notes, all of which Notes shall be of equal rank and without preference or priority of one Note over any other Note in the application of the funds herein pledged to the payment of the principal of and the interest on the Notes, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Note Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Notes.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Note shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Notes by this Note Resolution

may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Notes shall, subject to any determination in such action or proceeding or applicable law of the State, be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Notes, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Note Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Notes or scheduled interest payments thereon so paid and discharged. Notes, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Note Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Notes or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Notes and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Notes, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Notes, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Note Resolution.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Notes; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor, Director of Resource Management and Clerk are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Notes will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Notes pursuant

to **Article VII** hereof or any other provision of this Note Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

CONTINUING DISCLOSURE REQUIREMENTS

Section 901. Disclosure Requirements. The Issuer hereby covenants with the Purchaser and the Beneficial Owners to provide and disseminate such information as is required by the SEC Rule and as further set forth in the Disclosure Undertaking, the provisions of which are incorporated herein by reference. Such covenant shall be for the benefit of and enforceable by the Purchaser and the Beneficial Owners.

Section 902. Failure to Comply with Continuing Disclosure Requirements. In the event the Issuer fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any Beneficial Owner may make demand for such compliance by written notice to the Issuer. In the event the Issuer does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy, as the Purchaser and/or any Beneficial Owner shall deem effectual to protect and enforce any of the duties of the Issuer under such preceding section.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1001. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of the financial statements of the Issuer for the preceding Fiscal Year by an Independent Accountant. Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Notes, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner. As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Note Resolution, the Issuer shall promptly cure such deficiency.

Section 1002. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Notes or of this Note Resolution, may be amended or modified at any time in any respect by resolution or ordinance of the Issuer with the written consent of the Owners of not less than a majority in principal amount of the Notes then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Note;
- (b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Note;

- (c) permit preference or priority of any Note over any other Note; or
- (d) reduce the percentage in principal amount of Notes required for the written consent to any modification or alteration of the provisions of this Note Resolution.

Any provision of the Notes or of this Note Resolution may, however, be amended or modified by resolution or ordinance duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Notes at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Note Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Notes among Improvements, to provide for Substitute Improvements, to conform this Note Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Notes or of this Note Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution or ordinance adopted by the governing body of the Issuer amending or supplementing the provisions of this Note Resolution and shall be deemed to be a part of this Note Resolution. A certified copy of every such amendatory or supplemental resolution or ordinance, if any, and a certified copy of this Note Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Note or a prospective purchaser or owner of any Note authorized by this Note Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or ordinance or of this Note Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution or ordinance of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Notes then Outstanding. It shall not be necessary to note on any of the Outstanding Notes any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Notes or this Note Resolution which affects the duties or obligations of the Paying Agent under this Note Resolution.

Section 1003. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Notes, if made in the following manner, shall be sufficient for any of the purposes of this Note Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

- (a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Notes, the amount or amounts, numbers and other identification of Notes, and the date of holding the same shall be proved by the Note Register.

In determining whether the Owners of the requisite principal amount of Notes Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Note Resolution, Notes owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Note Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Notes which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Notes so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Notes and that the pledgee is not the Issuer.

Section 1004. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Note Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 1005. Electronic Transactions. The issuance of the Notes and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Section 1006. Further Authority. The officers and officials of the Issuer, including the Mayor and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Note Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1007. Severability. If any section or other part of this Note Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Note Resolution.

Section 1008. Governing Law. This Note Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1009. Effective Date. This Note Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body of the Issuer on June 18, 2019.

(SEAL)

Mayor

ATTEST:

City Clerk

**EXHIBIT A
(FORM OF NOTES)**

**REGISTERED
NUMBER _____**

**REGISTERED
\$ _____**

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York Corporation ("DTC"), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

**UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF JOHNSON
CITY OF OLATHE
GENERAL OBLIGATION TEMPORARY NOTE
SERIES 2019-A**

**Interest
Rate:**

**Maturity
Date:** August 1, 2020

**Dated
Date:** July 18, 2019

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Olathe, in the County of Johnson, State of Kansas (the "Issuer"), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable at maturity on August 1, 2020 (the "Interest Payment Date"), until the Principal Amount has been paid.

Method and Place of Payment. The principal or redemption price and interest thereon of this Note shall be paid at maturity to the person in whose name this Note is registered at the maturity date thereof, upon presentation and surrender of this Note at the principal office of the Treasurer of the City of Olathe, Kansas Olathe, Kansas (the "Paying Agent" and "Note Registrar"). Such amounts shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the

Note Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of a payment to Cede & Co. by electronic transfer to such Owner upon written notice given to the Note Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. The principal or redemption price of and interest on the Notes shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Note Resolution.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Note Resolution.

Authorization of Notes. This Note is one of an authorized series of Notes of the Issuer designated “General Obligation Temporary Notes, Series 2019-A,” aggregating the principal amount of \$[PRINCIPAL AMOUNT] (the “Notes”) issued for the purposes set forth in the Resolution of the Issuer authorizing the issuance of the Notes (the “Note Resolution”). The Notes are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-101 *et seq.*, specifically including K.S.A. 10-123, K.S.A. 10-620 *et seq.*, K.S.A. 12-685 *et seq.*, K.S.A. 12-6a01 *et seq.*, Charter Ordinance No. 74 of the City, and Article 12, Section 5 of the Constitution of the State of Kansas, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Notes constitute general obligations of the Issuer payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of certain public improvements, in part from the proceeds of general obligation bonds of the Issuer, and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby pledged for the payment of the principal of and interest on this Note and the issue of which it is a part as the same respectively become due.

Redemption Prior to Maturity. The Notes are **not** subject to redemption prior to maturity.

Book-Entry System. The Notes are being issued by means of a book-entry system with no physical distribution of note certificates to be made except as provided in the Note Resolution. One Note certificate with respect to each date on which the Notes are stated to mature or with respect to each form of Notes, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Notes by the Securities Depository’s participants, beneficial ownership of the Notes in Authorized Denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The Issuer and the Note Registrar will recognize the Securities Depository nominee, while the Registered Owner of this Note, as the owner of this Note for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Note, (ii) notices and (iii) voting. Transfer of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfer of principal, interest and any redemption premium payments to beneficial owners of the Notes by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer and the Note Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Note, notwithstanding the provision hereinabove contained,

payments of principal of, redemption premium, if any, and interest on this Note shall be made in accordance with existing arrangements among the Issuer, the Note Registrar and the Securities Depository.

Transfer and Exchange. EXCEPT AS OTHERWISE PROVIDED IN THE NOTE RESOLUTION, THIS GLOBAL NOTE MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY. This Note may be transferred or exchanged, as provided in the Note Resolution, only on the Note Register kept for that purpose at the principal office of the Note Registrar, upon surrender of this Note together with a written instrument of transfer or authorization for exchange satisfactory to the Note Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Note or Notes in any Authorized Denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Note Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Notes and the cost of a reasonable supply of note blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Note is registered on the Note Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes. The Notes are issued in fully registered form in Authorized Denominations.

Authentication. This Note shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the hereinafter defined Note Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Note Registrar.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Note have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the Issuer, including this series of notes, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Note to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

CITY OF OLATHE, KANSAS

[(Facsimile Seal)]

By: (manual or facsimile)
Mayor

ATTEST:

By: (manual or facsimile)
City Clerk

This General Obligation Temporary Note shall not be negotiable unless and until countersigned below following registration by the Treasurer of the State of Kansas.

(Facsimile Seal)

(manual or facsimile)
City Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Note is one of a series of General Obligation Temporary Notes, Series 2019-A, of the City of Olathe, Kansas, described in the within-mentioned Note Resolution.

Registration Date: _____

City Treasurer, Olathe, Kansas,
as Note Registrar and Paying Agent

By: _____

Registration Number: _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF JOHNSON)

The undersigned, Clerk of the City of Olathe, Kansas, does hereby certify that the within Note has been duly registered in my office according to law as of July 18, 2019.

WITNESS my hand and official seal.

(Facsimile Seal)

(facsimile)
City Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

JAKE LATURNER, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Note has been filed in the office of the State Treasurer, and that this Note was registered in such office according to law on _____.

WITNESS my hand and official seal.

(Seal)

By: _____
Treasurer of the State of Kansas

NOTE ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Note to which this assignment is affixed in the outstanding principal amount of \$_____, standing in the name of the undersigned on the books of the Note Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Note on the books of said Note Registrar with full power of substitution in the premises.

Dated _____

Name

Social Security or
Taxpayer Identification No.

Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Notes:

GILMORE & BELL, P.C.

Attorneys at Law
2405 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108

(PRINTED LEGAL OPINION)



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Resource Management

STAFF CONTACT: Dianna Wright/Amy Tharnish

SUBJECT: Report on 2018 external audit and Comprehensive Annual Financial Report

ITEM DESCRIPTION:

Report on 2018 external audit and Comprehensive Annual Financial Report

SUMMARY:

The CPA firm of Mize Houser & Company P.A. has completed the City's annual audit for the year ended December 31, 2018. The audit addressed items contained in the attached documents: Comprehensive Annual Financial Report (CAFR), Single Audit Report, and Auditor Communications.

Mize Houser has issued an unqualified opinion of the City's financial statements. This means that the financial statements are presented fairly in all material respects.

The City has received the Certificate of Excellence in Financial Reporting from the Government Finance Officers Association (GFOA) for the 2017 CAFR, and is submitting the 2018 CAFR for review in this program. The City has been recognized with this award for the past 40 consecutive years.

The CAFR is included as an electronic attachment. Bound copies will be available at the Council Meeting on June 18th. An electronic copy of the CAFR will be available on the City's website after the Council Meeting.

The Single Audit Report addresses the City's compliance with federal grants. There were no financial statement findings.

Auditor Communications is a summary of the audit for the Mayor, Council, and Management as required by auditing standards.

A representative of Mize Houser will be present at Tuesday night's meeting to answer any questions regarding these reports.

FINANCIAL IMPACT:

No direct impact; however, the unqualified opinion is critical for ensuring that the City maintains its favorable bond ratings.

ACTION NEEDED:

Receive report, no action required.

ATTACHMENT(S):

A. Comprehensive Annual Financial Report (CAFR)

MEETING DATE: 6/18/2019

B. Single Audit Report

C. Auditor Communications

City of Olathe, Kansas

2018 Comprehensive Annual

Financial Report

For Year Ended December 31, 2018



City of Olathe, Kansas

Comprehensive Annual Financial Report

Year Ended December 31, 2018

Principal Officials

Mayor

Michael Copeland

City Council

John Bacon

Karin Brownlee

Larry Campbell

Wesley McCoy

Jim Randall

Marge Vogt

City Manager

J. Michael Wilkes

Assistant City Manager

Susan E. Sherman

City Clerk

Emily Vincent

Legal Counsel

Ronald R. Shaver

Prepared by Department of Resource Management

Dianna Wright, Director Resource Management

Amy Tharnish, CPA, Assistant Director Finance Services

Loretta Morgan, Accounting Manager

Scott McDonald, Senior Accountant



City of Olathe, Kansas
Comprehensive Annual Financial Report
Year Ended December 31, 2018

Table of Contents

	Page
Introductory Section	
Letter of Transmittal	iii
GFOA Certificate of Achievement	vii
Organizational Chart	viii
Financial Section	
Report of Independent Auditor	1
Management's Discussion and Analysis	3
Basic Financial Statements:	
Government-wide Financial Statements:	
Statement of Net Position	13
Statement of Activities	14
Fund Financial Statements:	
Balance Sheet - Governmental Funds	16
Reconciliation of the Balance Sheet of Governmental Funds to the	
Statement of Net Position	17
Statement of Revenues, Expenditures, and Changes in Fund	
Balances - Governmental Funds	18
Reconciliation of the Statement of Revenues, Expenditures, and Changes	
in Fund Balances of Governmental Funds to the Statement of Activities	19
Statement of Revenues, Expenditures, and Changes in Fund Balance	
Budget and Actual - Budgetary Basis - General Fund	21
Statement of Net Position - Proprietary Funds	22
Statement of Revenues, Expenses, and Changes in Fund Net Position -	
Proprietary Funds	25
Statement of Cash Flows - Proprietary Funds	26
Notes to the Basic Financial Statements	31
Required Supplementary Information:	
Schedule of Changes in the City's Total KPERS OPEB Net Liability and Related Ratio.....	79
Schedule of Changes in the City's Total OPEB Net Liability and Related Ratio.....	80
Schedule of Net Pension Liability.	81
Schedule of Agency Contributions.	82
Notes to Required Supplementary Information.	82
Other Supplementary Information:	
Combining and Individual Fund Statements and Schedules	
Nonmajor Governmental Funds:	
Combining Balance Sheet - Nonmajor Governmental Funds	88
Combining Statement of Revenues, Expenditures, and Changes in Fund	
Balances - Nonmajor Governmental Funds	90

City of Olathe, Kansas
Table of Contents (continued)

	Page
Budgetary Schedules:	
Schedule of Revenues, Expenditures, and Changes in Fund Balance	
Budget and Actual - Budgetary Basis - General Fund	95
Combining Schedule of Revenues, Expenditures, and Changes in Fund Balances -	
Budget and Actual - Budgetary Basis - Budgeted Special Revenue Funds	96
Schedule of Revenues, Expenditures, and Changes in Fund Balance -	
Budget and Actual - Budgetary Basis - Park Sales Tax Fund	99
Schedule of Revenues, Expenditures, and Changes in Fund Balance -	
Budget and Actual - Budgetary Basis - Street Maintenance Sales Tax Fund	100
Schedule of Revenues, Expenditures, and Changes in Fund Balance -	
Budget and Actual - Budgetary Basis - Debt Service Fund	101
Schedule of Revenues, Expenditures, and Changes in Fund Balance	
Budget and Actual - Budgetary Basis - Special Tax Financing Fund	102
Combining Schedule of Revenues, Expenditures, and Changes in Net Position	
Budget and Actual - Budgetary Basis - Enterprise Funds	103
Combining Schedule of Revenues, Expenditures, and Changes in Net Position	
Budget and Actual - Budgetary Basis - Internal Service Funds	104
Internal Service Funds:	
Combining Statement of Net Position	110
Combining Statement of Revenues, Expenses, and Changes in Net Position	111
Combining Statement of Cash Flows.	113
Discretely Presented Component Units	
Combining Statement of Net Position	117
Combining Statement of Revenues, Expenses, and Changes in Net Position	118
 Statistical Section	
Net Position by Component	123
Changes in Net Position.	124
Fund Balances, Governmental Funds.	126
Changes in Fund Balances, Governmental Funds.	127
Tax and Special Assessment Revenues by Source, Governmental Funds.	128
Taxable Sales by Category.	129
Direct and Overlapping Sales Tax Rates	130
Assessed and Estimated Actual Value of Taxable Property.	131
Property Tax Rates.	132
Principal Property Tax Payers	133
Property Tax Levies and Collections	134
Special Assessment Collections	135
Ratios of Outstanding Debt by Type	136
Ratios of Net General Bonded Debt Outstanding.	137
Direct and Overlapping Governmental Activities Debt	138
Legal Debt Margin Information	139
Pledged Revenue Coverage	140
Demographic and Economic Statistics	141
Principal Employers	142
City Government Employees by Function/Program	143
Operating Indicators by Function/Program	144
Capital Asset Statistics by Function/Program	145
Water and Sewer Information	146
Risk Management Fund	149

Introductory Section



June 3, 2019

Honorable Mayor, Members of the City Council, and Citizens of the City of Olathe, Kansas

Finance Services is pleased to present the Comprehensive Annual Financial Report (CAFR) of the City of Olathe, Kansas (the City), for the fiscal year ended December 31, 2018.

The responsibility for accuracy, completeness, and fairness of the data presented, including all disclosures, rests with the City. We believe the report, as presented, is accurate in all material aspects and is presented in a manner designed to fairly set forth the financial position and results of the City, on a Government-wide and Fund basis. It is our belief that all disclosures necessary to enable the reader to gain an understanding of the City's financial activities have been included. To enhance the reader's understanding of these financial statements, note disclosures have been included as an integral part of this document.

This report was prepared by the City's Finance Services staff in accordance with generally accepted accounting principles (GAAP), which are uniform minimum standards and guidelines for financial accounting and reporting in the United States. This report is intended to provide sufficient information to permit the assessment of stewardship and accountability and to demonstrate legal compliance.

The City's financial statements have been audited by Mize Houser & Company PA (the Auditor) as required by K.S.A. 75-1122. The goal of the independent audit is to provide reasonable assurance that the financial statements of the City for fiscal year ended December 31, 2018 are free of material misstatement. The independent audit involved examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; assessing the accounting principles used and significant estimates made by management; and evaluating the overall financial statement presentation. The Auditor concluded, based upon the audit, that there was a reasonable basis for rendering an unmodified opinion that the City's financial statements for the fiscal year ended December 31, 2018, are fairly presented in conformity with GAAP. The Auditor's report is presented as the first component of the financial section of this report.

The independent audit of the financial statements of the City was part of a broader, federally mandated "Single Audit" designed to meet the special needs of Federal grantor agencies. The standards governing Single Audit engagements require the independent auditor to report not only on the fair presentation of the financial statements, but also on the audited government's internal controls and compliance with legal requirements, with special emphasis on internal controls and compliance with legal requirements involving the administration of federal awards. These reports are available in the City's separately issued Single Audit Report. The costs of a control should not exceed the benefits to be derived. The objective is to provide reasonable, rather than absolute assurance, that the financial statements are free of any material misstatements.

GAAP requires that management provide a narrative introduction, overview, and analysis to accompany the basic financial statements in the form of Management's Discussion and Analysis (MD&A). This letter of transmittal is designed to complement the MD&A and should be read in conjunction with it. The City's MD&A can be found immediately following the report of the Auditor.

In evaluating the City as a reporting entity, management has considered all potential component units. Determination of whether an entity is controlled by, or dependent on, the City is made on the basis of budget adoption, taxing authority, outstanding debt secured by revenues or general obligations of the City, or the City's obligation to fund any deficit that may occur. As required by GAAP, the City has included the Olathe Public Housing Authority's activities in its financial statements as a discretely presented component unit.

Profile of the City

Olathe has always been an important destination – just as it is today. Among its earliest visitors were those who traveled the Santa Fe Trail, whether they were turn-of-the-century freighters ferrying cargo to the Southwest, farm families on the move to Oregon, or stagecoach travelers stopping at Mahaffie Stagecoach Stop and Farm while making their way west. Olathe played a vital role in Western expansion as the site where three historic trails – the Santa Fe, Oregon, and California trails – converged.

The City was founded in 1857. Its name was derived from the Shawnee Indian word for “beautiful” and is pronounced “o-LAY-tha.” The City operates under a Council-Manager form of government. The mayor is elected at-large for a four-year term. Four of the six council members are elected on a non-partisan basis by wards for four-year terms. The other two council members are elected on a non-partisan basis by the city at large for a four-year term. The City Manager is appointed by the Mayor and City Council as the chief administrative officer of the City and is charged with the efficient and effective administration of the City.

As a city in a free state, Olathe was the scene of Civil War clashes. After the war, businesses opened, churches and cultural centers were built, and the community flourished. Olathe is home to Mid-America Nazarene University, the largest private college in the State, and the Kansas School for the Deaf, a 15-acre campus founded in 1861. Today, Olathe is a full-service community operating its own water, wastewater, and refuse programs as well as a full array of public safety, public works, and development and support services.

Olathe has encountered tremendous growth over the last several decades and evolved into the dynamic community it is today. Olathe is the county seat of Johnson County, Kansas, the Greater Kansas City area’s most affluent and fastest-growing county. Olathe’s strong and steady growth began about 50 years ago. Olathe was still a small, rural town in the 1960s with a population of just over 10,000. Olathe began to experience a tremendous amount of growth that continues today; adding nearly 30,000 new residents between 1990 and 2000. The City estimates the 2018 population to be 141,116 making it the second largest city in Johnson County and the fourth largest city in the State. Olathe has blossomed not only into a full-blown city, but also a strong suburban community in the southwest portion of the metropolitan Kansas City area.

The City is also financially accountable for a legally separate housing authority; which is reported as a component unit in the City’s financial statements.

Expenditures are authorized in a budget, approved by the City Council, as required by State Statute. Expenditures cannot exceed the budgeted amount for each fund. Budgetary control is maintained through the use of an encumbrance system. As purchase orders are issued, corresponding amounts of appropriations are reserved with the use of encumbrances, for later payment, so that appropriations may not be overspent. Kansas Statutes also require unencumbered cash to be on hand before an obligation can be incurred. Budget-to-actual comparisons are provided in this report for each individual fund for which an appropriated budget has been adopted.

Factors Affecting Financial Condition

Local economy The City is a fast-growing community with an average of almost six new residents every day. The recent expansion of industrial and commercial businesses provides new jobs for local and regional residents. The City has transformed from a bedroom community into a force in the Kansas City Metropolitan Area. It continues to be an attractive location for both families and businesses. Some recent City awards include Tree City USA designation for the 36th consecutive year, 2019 Healthiest Employer by the Kansas City Business Journal, Gold Level Healthy KC Certified, American Public Works Association Reaccreditation, and Commission on Fire Accreditation International Accredited Agency. At the end of 2018, the City’s unemployment rate was 2.5% compared to 3.1% for the State of Kansas and the national rate of 3.9%.

Long-term financial planning The City prepares a five-year Capital Improvement Plan (CIP). The CIP includes estimated costs for constructing, upgrading, and replacing the City’s physical infrastructures. The fiscal year 2019-2023 CIP includes project costs totaling an estimated \$434 million. Of the \$124 million of funding for 2019, 54% is projected to come from funding sources other than General Obligation Debt (i.e., cash and

intergovernmental revenues). In preparing the capital budget, needs are assessed, public improvements are prioritized, and costs are projected. This budget is reviewed biannually as projects are re-prioritized and the financial condition of the City is evaluated. The City has been building fund balance in the Debt Service Fund for several years. This will keep the mill levy rate fairly constant as several major projects are bonded (Indian Creek Library, Street Reconstruction, 143rd Street, Pflumm to Quivira, and the Lake Olathe/Park Master Plan).

In addition to the infrastructure projects contained in the CIP, the City works closely with the Olathe Chamber of Commerce to aggressively promote economic development by attracting companies to locate or relocate facilities to Olathe. Retail Manufacturing/Warehouse and Office development continues to grow throughout the City. In 2018, nearly 120,000 square feet of new space opened for an investment of \$136 million and over 255,000 square feet of office/technology/medical space opened for an investment of \$45.8 million.

Other City additions and expansions include:

- The opening of Wahlburgers, a 5,325 square foot restaurant with a \$1 million investment.
- The construction of a new Hobby Lobby store with 55,000 square feet and a \$3 million investment.
- The opening of Discount Tire, a 10,337 square foot facility with a \$1 million investment.
- The construction of a 750,000 square foot manufacturing and distribution facility on the Garmin Campus, a \$102 million investment.
- The construction of a new Terracon Headquarters facility with 78,000 square feet and a \$30 million investment.
- A new Johnson County Courthouse is being constructed in downtown Olathe. Demolition began late 2017. The project is expected to be completed in 2021. This will be a \$182 million investment.
- Construction began on the new Olathe Indian Creek Library located in a former HyVee. The new library will be close to 48,000 square feet with a \$19 million investment.

Relevant financial policies The Organizational Scorecard (Scorecard) is a tool that helps to align business activities with strategic priorities. It allows management to plan and monitor program results from four perspectives: Satisfied Customer, Financially Strong, Effective Organization, and Engaged Workforce. The City's Scorecard helps manage progress toward strategic targets, promote continuous improvement in efficiency, and provide better service delivery and value for tax dollars invested.

Fiscal principles have also been established to ensure the City meets its responsibility to citizens to carefully account for public funds, manage municipal finances wisely, and plan for adequate funding of City services and improvements. These principles provide the framework for day-to-day decision making and are the foundation for long term financial stability. Fiscal principles are reviewed by the City Manager and finance staff on a periodic basis to ensure the City is prepared for changing circumstances and economic conditions. The fiscal principles are listed below.

1. The City will continuously evaluate its financial position to ensure stability of the City to its citizens.
2. The City will minimize the use of long-term debt to finance major projects to avoid placing debt on future tax payers.
3. The City will provide a balanced revenue structure which is responsive to economic conditions.
4. The budget will be prepared in a way that all current revenues will pay the costs of all current expenditures (balanced budget).
5. The City Council will hold public hearings which will allow public input on budgetary spending.
6. The budget will establish legal fund level spending limits.
7. The budget will establish maintenance reserves to allow for maintenance of capital assets.
8. The budget will apply one-time cash revenues to non-recurring expenditures.
9. The budget will address major capital improvement priorities which have been prioritized by the City Council.
10. The City will maintain City services through innovative budgeting procedures and fiscal management to maintain the current mill levy rate.

Major initiatives Stewardship has allowed the City to remain on solid financial footing. Being financially resilient has allowed the City to maintain its fund balance at the Council target of 30%. It has met maintaining the mill levy which has been constant since 1990 and remains so in the 2019 budget. It has allowed the City to be viewed very favorably by rating agencies. The City enjoys AA+ rating with Standard and Poor's and Fitch. Stewardship has also led the City to invest in its assets to ensure costs are planned for and controlled over the entire journey rather than draining reserves or neglecting maintenance. In 2014, Olathe voters approved a 3/8 cent sales tax to ensure streets are maintained at the most cost-effective level. The 2019 budget increases cash going to that program to stay ahead of the street maintenance curve.

Providing excellent services at an excellent value has been and continues to be a consistent driver for the City. While citizen satisfaction remains exceptionally high, the trend of employees per 1,000 residents continues to decline. Rather than relying solely on additional manpower, the City has achieved those results through community partnerships, public engagement, fostering a culture of innovation and excellences within its employees, and technology. The 2018 DirectionFinder survey results demonstrate the City continues to be a leader in the Kansas City metro and the nation in overall satisfaction as rated by residents. The survey shows the majority of residents in Olathe (68%) are satisfied with the overall value received for the taxes and fees.

Awards and Acknowledgements

The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Olathe for its Comprehensive Annual Financial Report (CAFR) for the fiscal year ended December 31, 2017. The Certificate of Achievement is a prestigious national award recognizing conformance with the highest standards for preparation of state and local government financial reports.

To be awarded a Certificate of Achievement, a government unit must publish an easily readable and efficiently organized comprehensive annual financial report (CAFR), whose contents conform to program standards. Such CAFR must satisfy both GAAP and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. The City has received a Certificate of Achievement for the last 40 consecutive years. We believe our current CAFR continues to conform to the Certificate of Achievement Program requirements and we are submitting it to the GFOA to determine its eligibility for another certificate.

The preparation of this report could not have been accomplished without the professional, efficient and dedicated services of the staff of the Resource Management Department. We want to express our appreciation to all members of the department that contributed to its preparation. Special thanks are extended to Loretta Morgan (Accounting Manager) and Scott McDonald (Senior Accountant), for their primary role in preparation of this CAFR. We would also like to thank the City Council and City Manager for the direction and support necessary to plan and conduct the financial operations of the City in a responsible, sound manner. Finally, we would like to extend the City's thanks to Mize Houser & Company PA for the cooperation and professional assistance provided during the audit of the City's 2018 financial records.

Respectfully submitted,



Dianna Wright
Director of Resource Management



Amy Tharnish, CPA
Assistant Director of Finance Services



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**City of Olathe
Kansas**

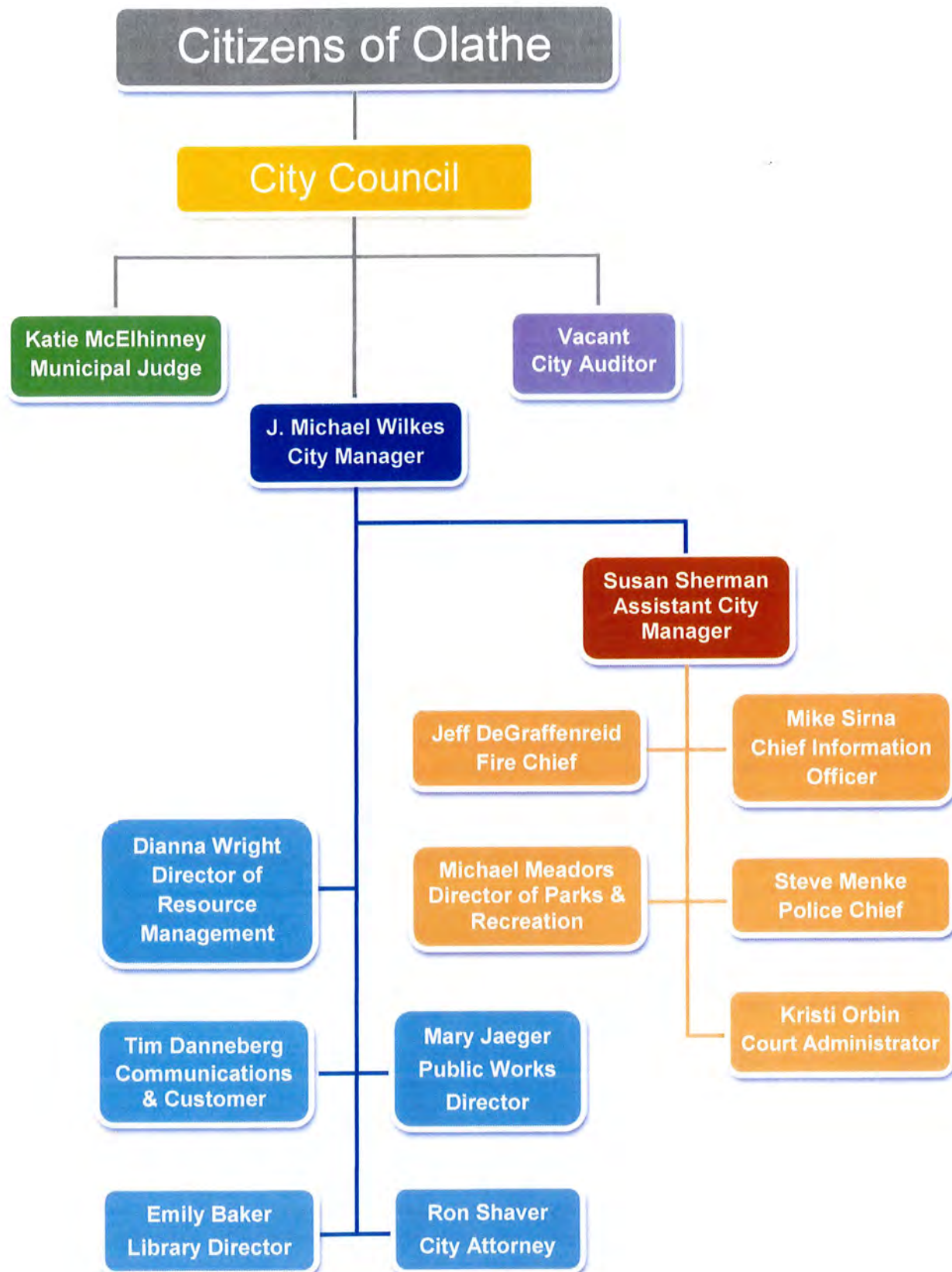
For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

December 31, 2017

Christopher P. Morill

Executive Director/CEO

Organizational Chart



Financial Section

INDEPENDENT AUDITOR'S REPORT

To the Honorable Mayor and
Members of the City Council
City of Olathe, Kansas

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Olathe, Kansas (the City), as of and for the year ended December 31, 2018, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on the financial statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States and the *Kansas Municipal Audit and Accounting Guide*. Those standards require we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Olathe, Kansas, as of December 31, 2018, and the respective changes in financial position, and, where applicable, cash flows thereof and the respective budgetary comparison for the general fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

Change in Accounting Principle

As described in Note 18 to the financial statements, the City implemented GASB 75 for the KPERS other postemployment benefits during the current year. As a result of the implementation, a restatement was made to the net position at December 31, 2017. Our opinion is not modified with respect to this matter.

Prior Period Restatement

As discussed in Note 18 to the financial statements, certain errors in amounts previously reported as of December 31, 2017, were discovered by management of the City during the current year. Accordingly, these amounts have been restated in the December 31, 2018, financial statements now presented, and adjustments have been made to net position to correct the error. Our opinion is not modified with respect to these matters.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis, the Other Postemployment Benefit Schedules, the Schedule of Net Pension Liability, and the Schedule of Agency Contributions be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The introductory section, combining and individual nonmajor fund financial statements and schedules, and statistical tables as listed in the table of contents are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The combining and individual nonmajor fund financial statements and budgetary comparison schedules are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying account and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

The introductory and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated June 3, 2019, on our consideration of the City's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, and grants agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

Mike Houser: Company PA

Certified Public Accountants
Lawrence, Kansas
June 3, 2019

Management's Discussion and Analysis

As management of the City of Olathe (City), we offer readers of the City's financial statements this narrative overview and analysis of the financial activities of the City for the fiscal year ended December 31, 2018. We encourage readers to consider the information presented here in conjunction with additional information that we have furnished in our letter of transmittal which can be found on pages iii – vi of this report, the City's basic financial statements which begin on page 13, and the related notes to the basic financial statements which begin on page 31.

Financial Highlights

- The assets and deferred outflows of resources of the City exceeded its liabilities and deferred inflows of resources as of December 31, 2018 by \$850,048,416 (net position). Of this amount, \$19,214,165 (unrestricted net position) may be used to meet the City's ongoing obligations.
- The City's total net position increased by \$44,634,950. Governmental donated capital assets were \$7,544,581 and business-type donated capital assets were \$2,813,011. Sales tax increased \$2,177,318 over 2017. Part of the reason for the increase is a large increase in the amount of use tax collected in 2018 compared to 2017.
- As of December 31, 2018, the City's governmental funds reported combined ending fund balances of \$155,037,372, an increase of \$20,835,094 from the prior year. The primary reason for the overall increase in fund balance of the City's governmental funds was attributable to the issuance of general obligation bonds of \$34,170,000.
- At December 31, 2018, the fund balance for the general fund was \$30,513,568 or 31.0% of general fund revenues.
- The City's total debt, including temporary notes, increased by \$32,874,704 during 2018 to a total of \$411,325,713. The key factor in this increase was issuance of \$34,170,000 of general obligation debt and \$11,580,000 of revenue bonds.
- The Net OPEB Liability as of the close of 2018 is \$26,265,984.
- The Net KPERS OPEB Liability as of the close of 2018 is \$1,965,338.
- The Net Pension Liability as of the end of the year is \$75,531,640.

Overview of the Financial Statements

This discussion and analysis are intended to serve as an introduction to the City's basic financial statements. The City's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the basic financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

Government-wide financial statements

The government-wide financial statements are designed to provide readers with a broad overview of the City's finances, in a manner similar to a private-sector business.

The statement of net position presents information on all of the City's assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating.

The statement of activities presents information showing how the City's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned, but unused vacation leave).

Both of the government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The government activities of the City include general government, public safety, public works, and community services. The business-type activities of the City include water and sewer and solid waste.

The government-wide financial statements include not only the City (known as the primary government), but also the legally separate entity for which the City is financially accountable. Financial information for the discretely presented component unit (Olathe Public Housing Authority) is reported separately from the financial information presented for the primary government.

Fund financial statements

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into two categories: governmental funds and proprietary funds.

Governmental funds

Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of the governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental fund balance sheet and governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between the governmental funds and governmental activities.

The City maintains 19 individual governmental funds. Information is presented separately in the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances for the General Fund, Debt Service Fund, Capital Projects Fund, and Special Tax Financing Fund (debt service), all of which are considered to be major funds. Data from the other 15 governmental funds are combined into a single, aggregated presentation. Individual fund data for each of these nonmajor governmental funds is provided in the form of combining statements on pages 88 – 91 of this report.

The City adopts an annual appropriated budget for the General Fund. A budgetary comparison statement has been provided for this fund to demonstrate compliance with this budget.

Proprietary funds

The City maintains two different types of proprietary funds. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. The City uses enterprise funds to account for its water and sewer operations and solid waste operation. Internal service funds are an accounting device used to accumulate and allocate costs internally among the City's various functions. The City uses internal service funds to account for its central garage, risk management, vehicle replacement, personal computer replacement activities, and building maintenance. These five services predominantly benefit governmental rather than business-type functions. Therefore, they have been included with the governmental activities in the government-wide financial statements.

Proprietary fund financial statements provide the same type of information as the government-wide financial statements, only in more detail. The internal service funds are combined into a single, aggregated presentation in the proprietary fund financial statements. Individual fund data for the internal service funds is provided in the form of combining statements on pages 110 – 113 of this report.

Notes to the Basic Financial Statements

The notes to the basic financial statements begin on page 31. They provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

Government-wide Financial Analysis

As noted earlier, net position may serve over time as a useful indicator of the City's financial position. In the case of the City, assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources by \$850,048,416 at December 31, 2018. The City's net position increased by \$44,634,950. Governmental activities increased net position by \$38,399,517 while business-type activities increased net position by \$6,235,433 in 2018.

	Governmental Activities		Business-type Activities		Totals	
	2018	2017	2018	2017	2018	2017
Current and other assets	\$ 289,584,991	\$ 275,792,101	\$ 73,216,534	\$ 61,764,923	\$ 362,801,525	\$ 337,557,024
Capital assets	678,019,607	644,633,414	356,726,341	356,593,197	1,034,745,948	1,001,226,611
Total assets	967,604,598	920,425,515	429,942,875	418,358,120	1,397,547,473	1,338,783,635
Deferred outflows of resources	16,054,290	13,902,894	2,139,376	2,114,218	18,193,666	16,017,112
Long-term liabilities	326,994,318	297,408,778	132,744,120	124,792,983	459,738,438	422,201,761
Other liabilities	51,029,203	54,321,225	1,895,821	1,059,510	52,925,024	55,380,735
Total liabilities	378,023,521	351,730,003	134,639,941	125,852,493	512,663,462	477,582,496
Deferred inflows of resources	52,474,488	48,634,204	554,773	410,693	53,029,261	49,044,897
Net position						
Invested in capital assets	468,020,359	428,374,947	239,764,049	244,073,175	707,784,408	672,448,122
Restricted	116,031,761	78,369,300	7,018,082	6,196,232	123,049,843	84,565,532
Unrestricted	(30,891,241)	27,219,955	50,105,406	43,939,745	19,214,165	71,159,700
Total net position	\$ 553,160,879	\$ 533,964,202	\$ 296,887,537	\$ 294,209,152	\$ 850,048,416	\$ 828,173,354

By far the largest portion of the City's net position (83.3%) reflects its investments in capital assets (e.g., land, buildings, infrastructure, machinery, and equipment); less any related debt used to acquire those assets that is still outstanding. The City uses these capital assets to provide services to citizens; consequently, these are not available for future spending. Although the City's investments in its capital assets is reported net of related debt, it should be noted that the resources needed to repay the debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

A portion of the City's net position, \$123,049,843 (14.5%), represents resources that are subject to external restrictions on how they may be used. Future debt service payments of \$30,870,137 are restricted. This increased \$25,910,107 over the prior year. The City had been building up reserves in the Debt Service Fund to pay for future anticipated debt payments.

The remaining balance of the net position of \$19,214,165 ((\$30,891,241) governmental activities and \$50,105,406 business-type activities) is unrestricted and may be used to meet the City's ongoing obligations to citizens and creditors.

**City of Olathe, Kansas
Changes in Net Position**

	Governmental Activities		Business-type Activities		Totals	
	2018	2017	2018	2017	2018	2017
Revenues:						
Program revenues:						
Charges for services	\$ 25,199,448	\$ 23,218,619	\$ 62,059,667	\$ 58,660,934	\$ 87,259,115	\$ 81,879,553
Operating grants and contributions	2,548,814	2,691,260	-	-	2,548,814	2,691,260
Capital grants and contributions	17,409,373	38,451,050	2,813,011	3,286,002	20,222,384	41,737,052
General revenues:						
Property taxes	51,746,347	47,021,050	-	-	51,746,347	47,021,050
Other taxes	84,323,828	82,007,947	-	-	84,323,828	82,007,947
Interest	3,013,147	1,512,957	861,184	477,905	3,874,331	1,990,862
Other	4,497,232	2,443,044	1,341,098	1,307,433	5,838,330	3,750,477
Total revenues	<u>188,738,189</u>	<u>197,345,927</u>	<u>67,074,960</u>	<u>63,732,274</u>	<u>255,813,149</u>	<u>261,078,201</u>
Expenses:						
General government	31,670,765	30,659,017	-	-	31,670,765	30,659,017
Public safety	53,518,929	51,947,482	-	-	53,518,929	51,947,482
Public works	45,025,053	61,820,535	-	-	45,025,053	61,820,535
Community services	16,270,619	16,667,781	-	-	16,270,619	16,667,781
Interest on long-term debt	7,294,666	7,906,438	-	-	7,294,666	7,906,438
Water and sewer	-	-	43,452,685	41,493,532	43,452,685	41,493,532
Solid waste	-	-	13,945,482	12,863,072	13,945,482	12,863,072
Total expenses	<u>153,780,032</u>	<u>169,001,253</u>	<u>57,398,167</u>	<u>54,356,604</u>	<u>211,178,199</u>	<u>223,357,857</u>
Excess before transfers	<u>34,958,157</u>	<u>28,344,674</u>	<u>9,676,793</u>	<u>9,375,670</u>	<u>44,634,950</u>	<u>37,720,344</u>
Transfers	<u>3,441,360</u>	<u>137,682</u>	<u>(3,441,360)</u>	<u>(137,682)</u>	<u>-</u>	<u>-</u>
Change in net position	<u>38,399,517</u>	<u>28,482,356</u>	<u>6,235,433</u>	<u>9,237,988</u>	<u>44,634,950</u>	<u>37,720,344</u>
Net position, beginning of year,						
as previously reported	533,964,202	505,481,846	294,209,152	284,971,164	828,173,354	790,453,010
Prior period adjustment	(19,202,840)	-	(3,557,048)	-	(22,759,888)	-
Net position, beginning of year, restated	<u>514,761,362</u>	<u>505,481,846</u>	<u>290,652,104</u>	<u>284,971,164</u>	<u>805,413,466</u>	<u>790,453,010</u>
Net position, end of year	<u>\$ 553,160,879</u>	<u>\$ 533,964,202</u>	<u>\$ 296,887,537</u>	<u>\$ 294,209,152</u>	<u>\$ 850,048,416</u>	<u>\$ 828,173,354</u>

Governmental activities

Governmental revenues decreased \$8,607,738 or 4% over the prior year. Taxes increased by \$7,041,178. Capital grants and contributions decreased \$21,041,677.

Governmental expenses decreased \$15,221,221 or 9.0%. General government activities increased \$1,011,748. Public Safety increased \$1,571,448. Public works expenses decreased \$16,795,482. Community services increased \$397,162. Part of the decrease in public works is because of an increase in Construction in Progress.

Business-type activities

Business-type activities increased the City's net position by \$6,235,433. A key element of the changes between 2017 and 2018 was capital contributions from developers. This continues to be a major source of revenue for the Water and Sewer Utility. Capital contributions increased net position by \$2,813,011 in 2018.

Financial Analysis of the City's Funds

As noted earlier, the City uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds

The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

The general fund is the main operating fund of the City. At the end of 2018, unassigned fund balance of the general fund was \$30,139,831 and the total fund balance was \$30,513,568 which is 30.6% and 31.0% of the total general fund revenues, respectively.

The fund balance of the City's general fund increased by \$1,473,040 during 2018. The revenues increased by \$5,180,937 (5.6%). Sales tax is the main reason for the increase. Sales tax increased \$1,885,282 (3.8%). Expenditures increased by \$5,338,566 (6.3%).

The debt service fund has a total fund balance of \$50,958,820. \$27,287,996 of which is restricted for the payment of debt service. The net increase in the fund balance during the current year in debt service was \$3,261,422. The increase was caused by an increase in property tax revenue.

The capital projects fund increased its fund balance by \$16,228,942 during 2018. Due to the increased economy, the City has increased capital projects. The capital projects fund issued \$21,470,000 more in general obligation bonds in 2018 than in 2017.

The special tax financing levy fund has a restricted fund balance of \$6,233,267 at the end of 2018. The fund balance decreased by \$741,058 during the year. The primary reason for the decrease is paying off some of the debt early.

Proprietary funds

The City's proprietary funds financial statements provide the same type of information found in the government-wide financial statements, but in more detail.

Unrestricted net position of the Water and Sewer Fund at the end of 2018 was \$45,770,655; and the Solid Waste Fund was \$(1,547,168). The total change in net position for the Water and Sewer Utility and Solid Waste were \$7,183,684 and \$(1,774,591), respectively. Other factors concerning the finances of these funds have already been addressed in the discussion of the City's business-type activities.

General Fund Budgetary Highlights

During the year, revenues were more than budgetary estimates by \$3,178,239 (3.3%). Property tax \$393,172 more than budget due to an increased valuation. Charges for services were \$1,002,318 more than budget. This was due to higher than anticipated development related charges for services being received. Total expenditures were less than budgetary estimates by \$23,190,645 (20.4%). As part of the budgeting process the City budgets for a contingency reserve for unforeseen expenditures. Of the total difference in the budgeted expenditures, \$23,034,809 is due to the restricted reserve. Public safety was over budget by \$1,286,737 (2.6%) due to overtime costs.

Capital Asset and Debt Administration

Capital assets

The City's investment in capital assets for its governmental and business-type activities as of December 31, 2018, totaled \$1,034,745,948 (net of accumulated depreciation). This investment in capital assets includes land, buildings, improvements, vehicles and equipment, park and pool facilities, storm sewers, bridges, streets, and water and sewer lines. More detailed information about the City's capital assets is presented in Note 5 to the Basic Financial Statements.

City of Olathe, Kansas Capital Assets

	Governmental Activities		Business-type Activities		Totals	
	2018	2017	2018	2017	2018	2017
Land	\$ 109,198,405	\$ 104,004,549	\$ 4,622,031	\$ 4,622,031	\$ 113,820,436	\$ 108,626,580
Other nondepreciable assets	67,145	66,365	-	-	67,145	66,365
Land improvements	76,240	111,634	-	-	76,240	111,634
Buildings	112,336,740	114,754,239	33,778,295	33,778,295	146,115,035	148,532,534
Machinery & equipment	73,546,149	77,086,594	4,838,406	4,883,811	78,384,555	81,970,405
Swimming pools	10,021,514	10,021,514	-	-	10,021,514	10,021,514
Water system	-	-	209,901,704	206,847,183	209,901,704	206,847,183
Sewer system	-	-	202,543,397	199,753,310	202,543,397	199,753,310
Infrastructure	804,534,352	789,817,570	-	-	804,534,352	789,817,570
Books and materials	4,150,084	4,010,351	-	-	4,150,084	4,010,351
Construction in progress	111,808,070	61,655,731	23,867,627	22,316,081	135,675,697	83,971,812
Total capital assets	1,225,738,699	1,161,528,547	479,551,460	472,200,711	1,705,290,159	1,633,729,258
Less accumulated depreciation	547,719,092	516,895,133	122,825,119	115,607,514	670,544,211	632,502,647
Total capital assets (net)	\$ 678,019,607	\$ 644,633,414	\$ 356,726,341	\$ 356,593,197	\$ 1,034,745,948	\$ 1,001,226,611

Major additions to the capital assets this year include:

- Land at Santa Fe & Ridgeview
- Stormwater Improvement Sheridan & Winerbrook
- Machinery & Equipment – Hazmat Truck

Long-term debt

As of December 31, 2018, the City had total bonded debt outstanding of \$311,589,653. Of this amount, \$199,950,000 is comprised of debt backed by the full faith and credit of the City and \$24,754,653 is special obligation tax increment financing debt and transportation development district debt payable solely from the specific TIF or TDD revenues. The remainder of the City's debt represents bonds secured solely by specific revenue sources (i.e., revenue bonds). More detailed information about the City's long-term debt is presented in Note 6 to the basic financial statements.

City of Olathe, Kansas Outstanding Debt General Obligation and Revenue Bonds

	Governmental Activities		Business-type Activities		Totals	
	2018	2017	2018	2017	2018	2017
General obligation bonds	\$ 190,005,000	\$ 178,555,000	\$ 9,945,000	\$ 11,195,000	\$ 199,950,000	\$ 189,750,000
Special obligation bonds	24,754,653	28,091,571	-	-	24,754,653	28,091,571
Revenue bonds	-	-	86,885,000	78,705,000	86,885,000	78,705,000
Total	<u>\$ 214,759,653</u>	<u>\$ 206,646,571</u>	<u>\$ 96,830,000</u>	<u>\$ 89,900,000</u>	<u>\$ 311,589,653</u>	<u>\$ 296,546,571</u>

The City's total debt, including temporary notes, increased by \$13,607,505 (3.7%) during 2018. The City issued \$27,118,915 of temporary notes and \$34,170,000 of general obligation bonds in 2018.

The rating for the City's general obligation bonds is a "AA+" rating from Standard & Poor's (S&P) and from Fitch Ratings (Fitch). The rating for the Water and Sewer Utility revenue bonds is a "AA" rating from S&P.

State statutes limit the amount of general obligation debt a government entity may issue to 30% of its total assessed valuation. The current debt limitation for the City is \$630,366,375 which is significantly in excess of the City's outstanding general obligation bonds.

Certain other financial information and operating data regarding the City is available in the Official Statement dated June 19, 2018 related to the City's General Obligation Series 231, and General Obligation Temporary Notes Series 2018-A. The financial information and operating data contained in these Official Statements are incorporated herein by reference.

Economic Factors and Next Year's Budget

Olathe is Listening – Based on Council expectation, the City is in its strongest position to date to listen to taxpayers. While the DirectionFinder survey continues to play the most critical role in identifying taxpayer priorities, the City has become more adept at obtaining and measuring data, creating and implementing new feedback tools, and ensuring the community has ample avenues to provide their guidance on how their tax dollars should be invested.

Olathe is Safe – National rankings and accreditations continue to show Olathe is a very safe city, and taxpayers fully expect it to remain so. The budget and CIP focus on public safety, adding a

new fire station in west Olathe to support growth and demand, as well as eight fire fighters to fully staff it. It includes a new fire training center, creating cost and time savings for critical staff training in Olathe, as well as two new community enhancement officers.

Olathe is Moving – The budget and CIP include important infrastructure projects addressing traffic flow and congestion and maintenance of City assets. This includes additional funding for the City's annual street maintenance program and 18 major street improvement projects for traffic congestion and maintenance. The budget also includes 10 stormwater projects and a maintenance technician to assess culverts and other street crossings.

Olathe is Active – The budget and CIP include parks and trails enhancements to align with the voter-approved park sales tax. Those include the redevelopment of Lake Olathe and improvements to Cedar Lake Park, improvement to Lone Elm Park, and the new Cedar Creek Streamway Trail. To maintain the investments in Lake Olathe, the budget includes two dedicated park maintenance positions. It also includes two positions to construct and maintain the growing inventory of medians and entry features throughout the City. With the opening of the new Indian Creek Library, the budget includes resources to support the active and programmed library space of today and tomorrow.

Requests for information

This financial report is designed to provide a general overview of the City's finances for all those with an interest in the City's finances. Questions concerning any information provided in this report or requests for additional financial information should be addressed to the Department of Resource Management, City of Olathe, 100 E. Santa Fe, Olathe, Kansas 66061. The Olathe Public Housing Authority does not issue separate financial statements.

Basic Financial Statements

City of Olathe, Kansas
Statement of Net Position
December 31, 2018

	Primary Government			Discretely Presented Component Unit
	Governmental Activities	Business-type Activities	Total	
Assets				
Cash, cash equivalents, and investments	\$ 170,073,606	\$ 52,695,399	\$ 222,769,005	\$ 686,379
Cash held by trustee or restricted	14,788,763	7,018,082	21,806,845	-
Receivables (net of allowance)				
Taxes	64,596,480	-	64,596,480	-
Special assessments	33,319,452	-	33,319,452	-
Accounts	619,961	6,661,692	7,281,653	47,638
Accrued interest	2,045,375	-	2,045,375	-
Loans	3,858,829	-	3,858,829	-
Internal balances	(5,881,919)	5,881,919	-	-
Due from other governments	5,736,988	-	5,736,988	-
Inventories and other prepaid items	416,456	959,442	1,375,898	-
Capital assets:				
Land and construction in progress	221,073,620	28,489,658	249,563,278	442,111
Other capital assets, net of accumulated depreciation	456,945,987	328,236,683	785,182,670	2,047,217
Other assets	11,000	-	11,000	-
Total assets	<u>967,604,598</u>	<u>429,942,875</u>	<u>1,397,547,473</u>	<u>3,223,345</u>
Deferred Outflows of Resources				
Deferred pension	15,153,394	1,876,241	17,029,635	-
Deferred KPERS OPEB	122,289	62,353	184,642	-
Deferred amounts on refunding	778,607	200,782	979,389	-
Total deferred outflows of resources	<u>16,054,290</u>	<u>2,139,376</u>	<u>18,193,666</u>	<u>-</u>
 Total assets and deferred outflows of resources	<u>\$ 983,658,888</u>	<u>\$ 432,082,251</u>	<u>\$ 1,415,741,139</u>	<u>\$ 3,223,345</u>
Liabilities				
Accounts and other current liabilities	\$ 16,600,659	\$ 1,466,947	\$ 18,067,606	\$ 159,575
Interest payable	7,309,629	147,924	7,457,553	-
Temporary notes	27,118,915	-	27,118,915	-
Deposits	-	280,950	280,950	-
Unearned revenue	-	-	-	4,965
Noncurrent liabilities:				
Due within one year	55,252,822	8,793,994	64,046,816	-
Due in more than one year	206,073,078	114,086,904	320,159,982	56,176
Net pension liability	65,668,418	9,863,222	75,531,640	-
Total liabilities	<u>378,023,521</u>	<u>134,639,941</u>	<u>512,663,462</u>	<u>220,716</u>
Deferred Inflows of Resources				
Property taxes levied for a subsequent period	49,915,479	-	49,915,479	-
KPERS pension	1,556,973	327,751	1,884,724	-
KPERS OPEB	113,673	57,810	171,483	-
OPEB	888,363	169,212	1,057,575	-
Total Deferred Inflows of Resources	<u>52,474,488</u>	<u>554,773</u>	<u>53,029,261</u>	<u>-</u>
Net Position				
Net investment in capital assets	468,020,359	239,764,049	707,784,408	2,489,328
Restricted for:				
Debt service	66,158,958	7,018,082	73,177,040	-
Public safety	372,367	-	372,367	-
Capital improvements	37,224,373	-	37,224,373	-
Community services	8,076,338	-	8,076,338	-
General government	4,199,725	-	4,199,725	-
Unrestricted	(30,891,241)	50,105,406	19,214,165	513,301
Total net position	<u>553,160,879</u>	<u>296,887,537</u>	<u>850,048,416</u>	<u>3,002,629</u>
 Total liabilities, deferred inflows of of resources, and net position	<u>\$ 983,658,888</u>	<u>\$ 432,082,251</u>	<u>\$ 1,415,741,139</u>	<u>\$ 3,223,345</u>

See accompanying notes to the basic financial statements

City of Olathe, Kansas
Statement of Activities
For the Year Ended December 31, 2018

Functions / Programs	Expenses	Program Revenues			Net (Expense) Revenue
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	
Primary government					
Governmental activities					
General government	\$ 31,670,765	\$ 5,052,358	\$ 1,603,002	\$ -	\$ (25,015,405)
Public safety	53,518,929	3,512,133	497,101	61,380	(49,448,315)
Public works	45,025,053	10,731,989	47,400	17,158,754	(17,086,910)
Community services	16,270,619	5,902,968	401,311	189,239	(9,777,101)
Interest on long-term debt	7,294,666	-	-	-	(7,294,666)
Total governmental activities	<u>153,780,032</u>	<u>25,199,448</u>	<u>2,548,814</u>	<u>17,409,373</u>	<u>(108,622,397)</u>
Business-type activities					
Water and sewer	43,452,685	48,608,113	-	2,813,011	7,968,439
Solid waste	13,945,482	13,451,554	-	-	(493,928)
Total business-type activities	<u>57,398,167</u>	<u>62,059,667</u>	<u>-</u>	<u>2,813,011</u>	<u>7,474,511</u>
Total primary government	<u>\$ 211,178,199</u>	<u>\$ 87,259,115</u>	<u>\$ 2,548,814</u>	<u>\$ 20,222,384</u>	<u>\$ (101,147,886)</u>
Nonmajor discretely presented component unit					
Olathe Public Housing Authority	<u>\$ 4,368,605</u>	<u>\$ 439,829</u>	<u>\$ 3,600,928</u>	<u>\$ 81,598</u>	<u>\$ (246,250)</u>

See accompanying notes to the basic financial statements

City of Olathe, Kansas
Statement of Activities
For the Year Ended December 31, 2018

	Primary Government			Discretely Presented Component Unit
	Governmental Activities	Business-type Activities	Total	
Changes in net position				
Net (expense) revenue	<u>\$ (108,622,397)</u>	<u>\$ 7,474,511</u>	<u>\$ (101,147,886)</u>	<u>\$ (246,250)</u>
General revenues				
Taxes:				
Property taxes, levied for general purpose	32,422,305	-	32,422,305	-
Property taxes, levied for debt service	19,324,042	-	19,324,042	-
Sales tax	70,529,222	-	70,529,222	-
Franchise taxes	12,009,645	-	12,009,645	-
Transient guest tax	1,784,961	-	1,784,961	-
Unrestricted investment earnings	3,013,147	861,184	3,874,331	1,015
Miscellaneous	4,497,232	1,341,098	5,838,330	36,969
Transfers - internal activities	3,441,360	(3,441,360)	-	-
Total general revenues and transfers	<u>147,021,914</u>	<u>(1,239,078)</u>	<u>145,782,836</u>	<u>37,984</u>
Change in net position	<u>38,399,517</u>	<u>6,235,433</u>	<u>44,634,950</u>	<u>(208,266)</u>
Net position - beginning of year, as previously stated	533,964,202	294,209,152	828,173,354	3,195,419
Prior period adjustments	(19,202,840)	(3,557,048)	(22,759,888)	15,476
Net position - beginning of year, restated	<u>514,761,362</u>	<u>290,652,104</u>	<u>805,413,466</u>	<u>3,210,895</u>
Net position - end of year	<u>\$ 553,160,879</u>	<u>\$ 296,887,537</u>	<u>\$ 850,048,416</u>	<u>\$ 3,002,629</u>

See accompanying notes to the basic financial statements

City of Olathe, Kansas
Balance Sheet
Governmental Funds
December 31, 2018

		Debt Service			Other	Total
	General	Debt Service	Special Tax Financing	Capital Projects	Governmental Funds	Governmental Funds
Assets						
Cash, cash equivalents, and investments	\$ 27,908,363	\$ 34,919,350	\$ 4,810,336	\$ 63,707,717	\$ 24,008,614	\$ 155,354,380
Cash held by trustee	-	13,684,457	1,104,306	-	-	14,788,763
Receivables (net of allowance)						
Taxes	29,686,269	18,469,019	4,308,084	-	12,133,108	64,596,480
Accounts	49,351	-	-	-	570,610	619,961
Accrued interest	2,045,375	-	-	-	-	2,045,375
Special assessments	-	33,319,452	-	-	-	33,319,452
Loans	-	-	-	-	3,858,829	3,858,829
Due from other funds	1,255,683	-	-	-	-	1,255,683
Due from other governments	111,943	-	-	4,069,494	1,555,551	5,736,988
Prepaid assets	6,011	-	-	-	85,330	91,341
Total assets and deferred outflows of resources	<u>\$ 61,062,995</u>	<u>\$ 100,392,278</u>	<u>\$ 10,222,726</u>	<u>\$ 67,777,211</u>	<u>\$ 42,212,042</u>	<u>\$ 281,667,252</u>
Liabilities and Fund Balances						
Liabilities						
Accounts payable	\$ 7,098,760	\$ -	\$ 489,459	\$ 1,494,223	\$ 550,574	\$ 9,633,016
Accrued payroll	4,462,240	-	-	-	-	4,462,240
Due to other funds	-	-	-	1,474,780	1,255,683	2,730,463
Temporary notes	-	-	-	27,118,915	-	27,118,915
Total liabilities	<u>11,561,000</u>	<u>-</u>	<u>489,459</u>	<u>30,087,918</u>	<u>1,806,257</u>	<u>43,944,634</u>
Deferred Inflows of Resources						
Property taxes levied for a subsequent period	18,876,331	18,469,019	3,500,000	-	9,070,129	49,915,479
Unavailable revenue - intergovernmental	100,000	-	-	1,200,472	492,760	1,793,232
Unavailable revenue - special assessments	-	30,964,439	-	-	-	30,964,439
Unavailable revenue - other	12,096	-	-	-	-	12,096
Total deferred inflows of resources	<u>18,988,427</u>	<u>49,433,458</u>	<u>3,500,000</u>	<u>1,200,472</u>	<u>9,562,889</u>	<u>82,685,246</u>
Fund balances						
Nonspendable	6,011	-	-	-	85,330	91,341
Restricted	-	27,287,996	6,233,267	36,488,821	14,583,982	84,594,066
Committed	-	-	-	-	16,173,584	16,173,584
Assigned	367,726	23,670,824	-	-	-	24,038,550
Unassigned	30,139,831	-	-	-	-	30,139,831
Total fund balances	<u>30,513,568</u>	<u>50,958,820</u>	<u>6,233,267</u>	<u>36,488,821</u>	<u>30,842,896</u>	<u>155,037,372</u>
Total liabilities, deferred inflows of resources, and fund balances	<u>\$ 61,062,995</u>	<u>\$ 100,392,278</u>	<u>\$ 10,222,726</u>	<u>\$ 67,777,211</u>	<u>\$ 42,212,042</u>	<u>\$ 281,667,252</u>

See accompanying notes to the basic financial statements

City of Olathe, Kansas
Reconciliation of the Balance Sheet of Governmental Funds
To the Statement of Net Position
December 31, 2018

Total fund balance - all governmental funds \$ 155,037,372

Amounts reported for governmental activities in the statement of net position are different because

Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds. 678,019,607

Land and construction in progress	\$	221,073,620
Capital assets being depreciated		1,004,665,079
Accumulated depreciation		(547,719,092)

Some liabilities, including bonds payable and compensated absences, are not due and payable in the current period and, therefore, are not reported in the funds. (334,303,947)

Interest payable		(7,309,629)
Noncurrent liabilities:		
Due within one year		
General obligation bonds		(36,672,888)
Special obligation bonds		(16,374,653)
Capitalized leases		(951)
Compensated absences		(2,204,330)
Due in more than one year		
General obligation bonds		(172,403,726)
Special obligation bonds		(8,380,000)
Compensated absences		(1,955,043)
Net OPEB liability		(23,334,309)
Pension liability		(65,668,418)

Long-term assets or deferred outflows of resources are not available to pay current period expenditures and are therefore deferred in the fund statements. 46,265,048

Special assessments		30,964,439
Deferred refunding		778,607
Deferred outflows - pension		15,153,395
Deferred outflows - KPERS OPEB		122,288
Deferred inflows - KPERS pension		(1,556,973)
Deferred inflow - OPEB		(888,363)
Deferred inflows - KPERS OPEB		(113,673)
Deferred inflows - other		12,096
Due from other governments		1,793,232

Internal service funds are used by management to charge costs of certain activities, such as insurance, purchasing, and fleet maintenance to certain funds. The assets and liabilities of certain internal service funds are included in governmental activities in the statement of net position. 8,142,799

Internal service fund capital assets, net		(23,867,674)
Internal service fund compensated absences		141,894
Internal service fund net position		37,750,498
Internal service fund due to business-type		(5,881,919)

Net position of governmental activities \$ 553,160,879

See accompanying notes to the basic financial statements

City of Olathe, Kansas
Statement of Revenues, Expenditures, and Changes in Fund Balances
Governmental Funds
For the Year Ended December 31, 2018

		Debt Service			Other	Total
	General	Debt Service	Special Tax Financing	Capital Projects	Governmental Funds	Governmental Funds
Revenues						
Taxes:						
Property	\$ 19,844,209	\$ 19,324,042	\$ 3,717,015	\$ -	\$ 8,861,081	\$ 51,746,347
Sales	51,558,306	346,118	3,113,800	-	15,510,998	70,529,222
Franchise	12,009,645	-	-	-	-	12,009,645
Transient guest	-	-	397,695	-	1,387,266	1,784,961
Special assessments	-	5,453,398	-	-	-	5,453,398
Intergovernmental	980,257	-	-	11,297,654	5,563,891	17,841,802
Licenses and permits	2,858,757	-	-	-	-	2,858,757
Fines, forfeitures, and penalties	3,002,155	-	-	-	154,474	3,156,629
Charges for services	6,561,137	-	-	-	12,622,925	19,184,062
Use of money and property	596,109	798,607	92,522	704,879	455,447	2,647,564
Miscellaneous	1,000,185	85,595	-	2,627,635	488,351	4,201,766
Total revenues	<u>98,410,760</u>	<u>26,007,760</u>	<u>7,321,032</u>	<u>14,630,168</u>	<u>45,044,433</u>	<u>191,414,153</u>
Expenditures						
Current:						
General government	22,303,959	49,362	99,800	-	7,850,929	30,304,050
Public safety	49,666,849	-	-	-	472,813	50,139,662
Public works	10,849,650	-	-	-	2,183,616	13,033,266
Community services	7,619,589	-	-	-	6,975,272	14,594,861
Capital improvements	-	-	3,758,742	65,911,996	-	69,670,738
Debt service:						
Principal retirements	2,671	22,720,000	3,336,918	-	-	26,059,589
Interest and fiscal charges	208	7,246,683	866,630	299,324	-	8,412,845
Total expenditures	<u>90,442,926</u>	<u>30,016,045</u>	<u>8,062,090</u>	<u>66,211,320</u>	<u>17,482,630</u>	<u>212,215,011</u>
Excess of revenues over (under) expenditures	<u>7,967,834</u>	<u>(4,008,285)</u>	<u>(741,058)</u>	<u>(51,581,152)</u>	<u>27,561,803</u>	<u>(20,800,858)</u>
Other financing sources (uses)						
Issuance of general obligation bonds	-	-	-	34,170,000	-	34,170,000
Bond premium	-	-	-	4,160,857	-	4,160,857
Transfers in	6,889,869	7,269,707	-	31,633,765	498,640	46,291,981
Transfers out	(13,384,663)	-	-	(2,154,528)	(27,447,695)	(42,986,886)
Total other financing sources (uses)	<u>(6,494,794)</u>	<u>7,269,707</u>	<u>-</u>	<u>67,810,094</u>	<u>(26,949,055)</u>	<u>41,635,952</u>
Net changes in fund balances	<u>1,473,040</u>	<u>3,261,422</u>	<u>(741,058)</u>	<u>16,228,942</u>	<u>612,748</u>	<u>20,835,094</u>
Fund balances - beginning of year	<u>29,040,528</u>	<u>47,697,398</u>	<u>6,974,325</u>	<u>20,259,879</u>	<u>30,230,148</u>	<u>134,202,278</u>
Fund balances - end of year	<u>\$ 30,513,568</u>	<u>\$ 50,958,820</u>	<u>\$ 6,233,267</u>	<u>\$ 36,488,821</u>	<u>\$ 30,842,896</u>	<u>\$ 155,037,372</u>

See accompanying notes to the basic financial statements

City of Olathe, Kansas
Reconciliation of the Statement of Revenues,
Expenditures, and Changes in Fund Balances of Governmental Funds
To the Statement of Activities
For the Year Ended December 31, 2018

Net change in fund balances - all governmental funds \$ 20,835,094

Amounts reported for governmental activities in the statement of activities are different because

Governmental funds report capital outlay as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlay exceeded depreciation in the current period. 30,537,975

Capital outlay	\$ 68,185,174	
Depreciation	(37,647,199)	

The issuance of long-term debt provides current financial resources to governmental funds, but issuing debt increase long-term liabilities in the statement of net assets. Repayment of debt principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net assets. This is the amount by which proceeds exceeded repayments. (13,273,304)

Principal payments	22,139,589	
Proceeds of general obligation bonds	(34,170,000)	
Payment to refund bond escrow	3,920,000	
Premium	(4,160,857)	
OPEB	(888,363)	
KPERS OPEB	(113,673)	

Some expenses in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds. 1,072,287

Compensated absences	72,983	
Pension	(153,783)	
Interest expense	1,153,087	

Revenues in the statement of activities that do not provide current financing resources are not reported as revenues in the funds. (3,517,887)

Special assessments	(10,567,391)	
Donated capital assets	7,544,581	
Deferred refunding	(181,074)	
Capital grant	(314,003)	

Internal service funds are used by management to charge costs of certain activities, such as insurance, purchasing, and fleet maintenance to certain funds. The net revenue (expense) of certain internal service funds is reported with governmental activities. 2,745,352

Change in net position of governmental activities \$ 38,399,517

See accompanying notes to the basic financial statements



City of Olathe, Kansas
Statement of Revenues, Expenditures, and Changes in Fund Balance
General Fund
Budget and Actual - Budgetary Basis
For the Year Ended December 31, 2018

	Budget	Actual	Variance Positive (Negative)
Revenues			
Taxes:			
Property	\$ 19,451,037	\$ 19,844,209	\$ 393,172
Sales	51,588,549	51,558,306	(30,243)
Franchise	12,180,000	12,009,645	(170,355)
Intergovernmental	964,176	980,257	16,081
Licenses and permits	2,088,940	2,858,757	769,817
Fines, forfeitures, and penalties	2,491,500	3,002,155	510,655
Charges for services	5,558,819	6,561,137	1,002,318
Use of money and property	282,000	596,109	314,109
Miscellaneous	627,500	1,000,185	372,685
Total revenues	<u>95,232,521</u>	<u>98,410,760</u>	<u>3,178,239</u>
Expenditures			
General government	32,535,860	9,300,081	23,235,779
Administration	3,167,630	2,940,348	227,282
Legal	1,689,688	1,665,421	24,267
Information technology services	4,510,286	4,019,395	490,891
Resource management	3,380,288	3,214,736	165,552
Public safety	49,373,289	50,660,025	(1,286,736)
Public works	10,791,830	11,027,474	(235,644)
Community services	7,738,624	7,669,369	69,255
Contingency	500,000	-	500,000
Total expenditures	<u>113,687,495</u>	<u>90,496,849</u>	<u>23,190,646</u>
Excess of revenues over expenditures	<u>(18,454,974)</u>	<u>7,913,911</u>	<u>26,368,885</u>
Other financing sources (uses)			
Transfers in	6,889,869	6,889,869	-
Transfers out	(11,908,704)	(13,384,663)	(1,475,959)
Total other financing sources (uses)	<u>(5,018,835)</u>	<u>(6,494,794)</u>	<u>(1,475,959)</u>
Net change in fund balance	<u>\$ (23,473,809)</u>	<u>1,419,117</u>	<u>\$ 24,892,926</u>
Fund balance - beginning of year - budget basis		28,726,725	
Fund balance - end of year - budget basis		30,145,842	
Encumbrances incurred and outstanding		367,726	
Fund balance - end of year - GAAP basis		<u>\$ 30,513,568</u>	

City of Olathe, Kansas
Statement of Net Position
Proprietary Funds
December 31, 2018

	Business-type Activities - Enterprise Funds			Governmental Activities -
	Major			
	Water and Sewer Fund	Solid Waste Fund	Total	Internal Service Funds
Assets				
Current assets:				
Cash and cash equivalents	\$ 51,683,250	\$ 1,012,149	\$ 52,695,399	\$ 14,719,226
Accounts receivable (net of allowance)	5,131,588	1,530,104	6,661,692	-
Inventories and other prepaid items	959,442	-	959,442	325,115
Total current assets	57,774,280	2,542,253	60,316,533	15,044,341
Noncurrent assets:				
Restricted assets:				
Cash and cash equivalents	7,018,082	-	7,018,082	-
Due from other funds	-	-	-	1,474,780
Other	-	-	-	11,000
Total restricted assets	7,018,082	-	7,018,082	1,485,780
Capital assets:				
Capital assets not being depreciated				
Land	3,338,799	1,283,232	4,622,031	-
Construction in progress	23,867,627	-	23,867,627	-
Total capital assets not being depreciated	27,206,426	1,283,232	28,489,658	-
Capital assets being depreciated				
Buildings	33,778,295	-	33,778,295	-
Machinery and equipment	3,086,328	1,752,078	4,838,406	58,255,778
Water system	209,901,704	-	209,901,704	-
Sewer system	202,543,397	-	202,543,397	-
Total capital assets being depreciated	449,309,724	1,752,078	451,061,802	58,255,778
Less accumulated depreciation	(121,593,856)	(1,231,263)	(122,825,119)	(34,388,104)
Total capital assets (net of accumulated depreciation)	354,922,294	1,804,047	356,726,341	23,867,674
Total noncurrent assets	361,940,376	1,804,047	363,744,423	25,353,454
Total assets	419,714,656	4,346,300	424,060,956	40,397,795
Deferred Outflows of Resources				
Deferred pension	1,292,878	583,363	1,876,241	-
Deferred KPERS OPEB	43,301	19,052	62,353	-
Deferred amounts on refunding	200,782	-	200,782	-
Total deferred outflows of resources	1,536,961	602,415	2,139,376	-
Total assets and deferred outflows of resources	\$ 421,251,617	\$ 4,948,715	\$ 426,200,332	\$ 40,397,795

See accompanying notes to the basic financial statements

City of Olathe, Kansas
Statement of Net Position
Proprietary Funds
December 31, 2018

	Business-type Activities - Enterprise Funds			Governmental Activities -
	Major			Internal Service Funds
	Water and Sewer Fund	Solid Waste Fund	Total	
Liabilities				
Current liabilities:				
Accounts and claims payable	\$ 1,454,900	\$ 12,047	\$ 1,466,947	\$ 2,494,403
Interest payable	147,924	-	147,924	-
Compensated absences	502,338	182,385	684,723	106,175
Current portion of general obligation bonds	1,295,000	-	1,295,000	-
Current portion of capital leases	1,479,570	-	1,479,570	-
Current portion of revolving loan	1,326,010	-	1,326,010	-
Current portion of revenue bonds	4,008,691	-	4,008,691	-
Total current liabilities	10,214,433	194,432	10,408,865	2,600,578
Noncurrent liabilities:				
Compensated absences	276,175	60,695	336,870	35,719
General obligation bonds	8,650,000	-	8,650,000	-
Capital leases, net	2,549,498	-	2,549,498	-
Revolving loan, net	13,674,379	-	13,674,379	-
Revenue bonds, net	83,979,144	-	83,979,144	-
Net KPERS OPEB liability	482,261	212,195	694,456	-
Net OPEB liability	3,151,919	1,050,638	4,202,557	-
Net pension liability	6,849,460	3,013,762	9,863,222	-
Deposit	280,950	-	280,950	11,000
Total noncurrent liabilities	119,893,786	4,337,290	124,231,076	46,719
Total liabilities	130,108,219	4,531,722	134,639,941	2,647,297
Deferred Inflows of Resources				
KPERS pension	227,604	100,147	327,751	-
KPERS OPEB	40,146	17,664	57,810	-
OPEB	126,909	42,303	169,212	-
Total deferred inflows of resources	394,659	160,114	554,773	-
Net position				
Net investment in capital assets	237,960,002	1,804,047	239,764,049	23,867,674
Restricted for bond requirements	7,018,082	-	7,018,082	-
Unrestricted	45,770,655	(1,547,168)	44,223,487	13,882,824
Total net position	290,748,739	256,879	291,005,618	37,750,498
Total liabilities and net position	\$ 421,251,617	\$ 4,948,715		\$ 40,397,795

Reconciliation to government-wide statement of net position:

Adjustments to reflect the consolidation of internal service fund activities related to enterprise funds

Net position of business-type activities

5,881,919

\$ 296,887,537

See accompanying notes to the basic financial statements



City of Olathe, Kansas
Statement of Revenues, Expenses, and Changes in Fund Net Position
Proprietary Funds
For the Year Ended December 31, 2018

	Business-type Activities - Enterprise Funds			Governmental Activities -
	Major			
	Water and Sewer Fund	Solid Waste Fund	Total	Internal Service Funds
Operating revenues				
Charges for services	\$ 48,608,113	\$ 13,451,554	\$ 62,059,667	\$ 36,498,026
Intergovernmental	-	-	-	500
Miscellaneous	1,222,269	118,829	1,341,098	-
Total operating revenues	<u>49,830,382</u>	<u>13,570,383</u>	<u>63,400,765</u>	<u>36,498,526</u>
Operating expenses				
Water production	5,215,260	-	5,215,260	-
Wastewater treatment	5,879,008	-	5,879,008	-
Water and sewer maintenance	4,701,896	-	4,701,896	-
Administration and general	16,246,346	4,460,202	20,706,548	21,986,547
Equipment maintenance	-	-	-	6,475,325
Sanitation expense	-	5,799,949	5,799,949	-
Transfer station expense	-	4,036,468	4,036,468	-
Depreciation	7,162,367	100,643	7,263,010	5,262,276
Total operating expenses	<u>39,204,877</u>	<u>14,397,262</u>	<u>53,602,139</u>	<u>33,724,148</u>
Operating income	<u>10,625,505</u>	<u>(826,879)</u>	<u>9,798,626</u>	<u>2,774,378</u>
Nonoperating revenues (expenses)				
Interest income	828,896	32,288	861,184	365,583
Interest expense	(4,622,368)	-	(4,622,368)	-
Gain from sale of equipment	-	-	-	295,466
Total nonoperating revenues (expenses)	<u>(3,793,472)</u>	<u>32,288</u>	<u>(3,761,184)</u>	<u>661,049</u>
Net income (loss) before transfers and capital contributions	6,832,033	(794,591)	6,037,442	3,435,427
Transfers in	514,610	-	514,610	966,582
Transfers out	(2,975,970)	(980,000)	(3,955,970)	(830,317)
Capital contributions	2,813,011	-	2,813,011	-
Change in net position	<u>7,183,684</u>	<u>(1,774,591)</u>	<u>5,409,093</u>	<u>3,571,692</u>
Net position - beginning of year, as previously reported	286,192,206	2,961,367		37,224,307
Prior period adjustments	<u>(2,627,151)</u>	<u>(929,897)</u>		<u>(3,045,501)</u>
Net position - beginning of year, restated	283,565,055	2,031,470		34,178,806
Net position - end of year	<u>\$ 290,748,739</u>	<u>\$ 256,879</u>		<u>\$ 37,750,498</u>
Reconciliation to government-wide statement of activities:				
Adjustment to reflect the consolidation of internal service funds activities related to enterprise funds.			<u>826,340</u>	
Change in net position of business-type activities			<u>\$ 6,235,433</u>	

See accompanying notes to the basic financial statements

City of Olathe, Kansas
Statement of Cash Flows
Proprietary Funds
For the Year Ended December 31, 2018

	Business-type Activities - Enterprise Funds			Governmental Activities -
	Major			
	Water and Sewer Fund	Solid Waste Fund	Total	Internal Service Funds
Cash Flows from Operating Activities				
Receipts from customers and users	\$ 49,700,106	\$ 13,678,436	\$ 63,378,542	\$ 36,316,574
Payments to suppliers	(19,018,082)	(9,209,669)	(28,227,751)	(25,602,930)
Payments to employees	(11,705,669)	(5,137,112)	(16,842,781)	(2,849,413)
Net cash provided by (used in) operating activities	18,976,355	(668,345)	18,308,010	7,864,231
Cash Flows from Noncapital Financing Activities				
Transfers from other funds	514,610	-	514,610	966,582
Transfers to other funds	(2,975,970)	(980,000)	(3,955,970)	(830,317)
Net cash provided by (used in) noncapital financing activities	(2,461,360)	(980,000)	(3,441,360)	136,265
Cash Flows from Capital and Related Financing Activities				
Acquisitions and construction of capital assets	(4,791,550)	-	(4,791,550)	(3,611,614)
Proceeds from sales of capital assets	-	-	-	295,466
Proceeds from revenue bonds	11,580,000	-	11,580,000	-
Principal paid on revenue bonds	(3,400,000)	-	(3,400,000)	-
Principal paid on general obligation bonds	(1,250,000)	-	(1,250,000)	-
Interest paid on revenue bonds	(3,698,015)	-	(3,698,015)	-
Interest paid on general obligation bonds	(345,056)	-	(345,056)	-
Principal paid on revolving loans	(1,360,716)	-	(1,360,716)	-
Interest paid on revolving loans	(460,028)	-	(460,028)	-
Principal paid on capital lease	(1,391,764)	-	(1,391,764)	-
Interest paid on capital lease	(114,771)	-	(114,771)	-
Net cash (used in) capital and related financing activities	(5,231,900)	-	(5,231,900)	(3,316,148)
Cash Flows from Investing Activities				
Interest received	828,896	32,288	861,184	365,583
Net cash provided by investing activities	828,896	32,288	861,184	365,583
Net increase (decrease) in cash and cash equivalents	12,111,991	(1,616,057)	10,495,934	5,049,931
Cash and cash equivalents - beginning of year	46,589,341	2,628,206	49,217,547	9,669,295
Cash and cash equivalents - end of year	<u>\$ 58,701,332</u>	<u>\$ 1,012,149</u>	<u>\$ 59,713,481</u>	<u>\$ 14,719,226</u>

See accompanying notes to the basic financial statements

City of Olathe, Kansas
Statement of Cash Flows
Proprietary Funds
For the Year Ended December 31, 2018

	Business-type Activities - Enterprise Funds			Governmental Activities -
	Major			
	Water and Sewer Fund	Solid Waste Fund	Total	Internal Service Funds
Reconciliation of operating income to net cash provided by (used in) operating activities				
Operating income	\$ 10,625,505	\$ (826,879)	\$ 9,798,626	\$ 2,774,378
Adjustments to reconcile operating income to cash provided by (used in) operating activities				
Depreciation	7,162,367	100,643	7,263,010	5,262,276
Changes in assets and liabilities				
(Increase) decrease in receivables	(130,276)	108,053	(22,223)	-
(Increase) in deferred outflow - pension	(20,028)	(8,814)	(28,842)	-
(Increase) decrease in inventories	(107,114)	-	(107,114)	(24,524)
Decrease in due from other funds	-	-	-	183,418
Increase (decrease) in accounts and claims payable	852,968	(39,176)	813,792	(376,297)
Increase in net pension liability	541,238	14,655	555,893	-
(Decrease) in deferred inflows	104,826	26,181	131,007	-
Increase in net OPEB liability	(163,835)	(54,612)	(218,447)	-
Increase in compensated absences	110,704	11,604	122,308	44,980
Total adjustments	8,350,850	158,534	8,509,384	5,089,853
Net cash provided by (used in) operating activities	<u>\$ 18,976,355</u>	<u>\$ (668,345)</u>	<u>\$ 18,308,010</u>	<u>\$ 7,864,231</u>
Noncash investing capital and financing activities:				
Contributed capital assets	\$ 2,813,011	\$ -	\$ 2,813,011	\$ -

See accompanying notes to the basic financial statements



Notes to the Basic Financial Statements

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

1. Summary of Significant Accounting Policies

The City of Olathe, Kansas (the City) was incorporated February 20, 1857 under the provisions of K.S.A. 12-101, et seq. The City operates under a Council-Manager form of government and provides the following services as authorized by its charter: public safety (police and fire), highways and streets, sanitation, health and social services, culture/recreation, education, public improvements, water and sewer, planning and zoning, and general administrative services.

This summary of significant accounting policies of the City is presented to assist in understanding the City's basic financial statements. The basic financial statements and notes are representations of the City's management, which is responsible for their integrity and objectivity. These accounting policies conform to accounting principles generally accepted in the United States of America (GAAP) as applicable to local governments and have been consistently applied in the preparation of the basic financial statements. The following is a summary of the more significant policies:

a. Reporting Entity

An elected seven member council (including the Mayor) governs the City. As required by GAAP, the financial statements present data for all departments and funds of the City, including all boards and commissions (the primary government, herein referred to as the City) and a component unit, an entity for which the City is considered to be financially accountable.

The determination of financial accountability includes consideration of a number of criteria including: (1) the appointment of a voting majority of an entity's governing authority and the ability of the primary government to impose its will on the entity, (2) the potential for the entity to provide specific financial benefits to, or impose specific financial burdens on, the primary government, and (3) the entity's fiscal dependency on the primary government.

b. Individual Component Unit Disclosures

Discretely Presented Component Unit – The discretely presented component unit is presented in a separate column in the government-wide financial statements to emphasize it is legally separate from the primary government.

The Olathe Public Housing Authority (the Authority) is a separate legal entity governed by a seven member board, which is appointed by the City Council. Although City employees perform administration of various programs, management of the Authority has responsibility for its own operations. The City provides a significant portion of the Authority's support and property. The Authority does not issue separate financial statements.

c. Basis of Presentation – Fund Accounting

The accounting system is organized and operated on a fund basis. A fund is defined as a fiscal and accounting entity with a self-balancing set of accounts, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

The City's funds are grouped into two broad fund categories for basic financial statement presentation purposes. Governmental funds include the general, special revenue, debt service, and the capital projects funds. Proprietary funds include enterprise and internal service funds.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

d. Basis of Accounting

Government-wide Financial Statements

The statement of net position and the statement of activities display information about the City (the primary government) as a whole. Internal service funds and other interfund activities are eliminated to avoid “doubling up” revenues and expenses. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support. Likewise, the primary government is reported separately from the legally separate component unit for which the primary government is financially accountable.

The government-wide financial statements are prepared using the economic resources measurement focus and the accrual basis of accounting. This is the same approach used in the preparation of the proprietary fund financial statements, but differs from the manner in which governmental fund financial statements are prepared. Therefore, each of the governmental fund financial statements includes a reconciliation with brief explanations to better identify the relationship between the governmental fund’s statements and the government-wide statements.

The government-wide statement of activities presents a comparison between expenses and program revenues for each program of the governmental activities. Expenses are specifically associated with a service, program, or department and are therefore clearly identifiable to a particular function. Program revenues include charges paid by the recipients of the goods or services offered by the programs and grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues are presented as general revenues. The comparison of program revenues and expenses identifies the extent to which each program is self-financing or draws from the general revenues of the City.

Fund Financial Statements

Fund financial statements report detailed information about the City. The focus of governmental fund financial statements is on major funds rather than reporting funds by type. Each major fund is presented in a separate column. The major individual enterprise funds are reported as separate columns in the proprietary fund financial statements. Nonmajor funds are aggregated and presented in a single column on the governmental and proprietary fund financial statements.

The City reports the following major governmental funds:

General

The General Fund is the main operating fund of the City. It accounts for all financial resources of the general government, except those accounted for and reported in another fund.

Debt Service

The Debt Service Fund accounts for the accumulation of resources for, and the payment of, long-term general obligation debt principal, interest, and related costs.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Special Tax Financing

The Special Tax Financing Fund accounts for ad valorem and sales tax monies received from the increased assessed values of the tax increment financing (TIF) districts and its sales activities, the transportation development district (TDD) sales activities, and the Community Improvement District (CID) sales activities. This fund is considered a debt service fund.

Capital Projects

The Capital Projects Fund accounts for the financing and construction of street improvement projects, water and sewer improvement projects, and various other citywide improvement projects.

The City reports the following major proprietary funds:

Water and Sewer

The Water and Sewer Fund accounts for the activities of the sewage treatment plant, sewage pumping stations, collection systems, and the water distribution system.

Solid Waste

The Solid Waste Fund accounts for the provision of solid waste collection and disposal services to the residents and businesses of the City.

Proprietary Funds

Proprietary funds use the flow of economic resources measurement focus and the accrual basis of accounting. Under this method, revenues are recorded when earned and expenses are recorded at the time liabilities are incurred. All assets and liabilities (whether current or noncurrent) associated with a proprietary fund's activities are included on its statement of net assets.

Proprietary funds include the following fund types:

Enterprise Funds account for operations that are financed and operated in a manner similar to private business enterprises, as the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges.

Internal Service Funds account for the financing of goods and services, such as insurance and fleet management, provided to other departments or agencies of the City on a cost reimbursement basis.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the City's enterprise funds and of the City's internal service funds are charges for services. Operating expenses for enterprise funds and internal service funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Governmental Funds

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized as they are both measurable and available to finance the City's current operations.

"Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal year. Significant revenues, which are considered susceptible to accrual, include property taxes, sales taxes, franchise taxes, interest, and certain state and federal grants and entitlements. Expenditures, including capital outlays, are recorded in all nonproprietary fund types when the related liability is both measurable and incurred except for general obligation debt principal and interest which are reported as expenditures in the year due.

In applying the susceptible-to-accrual concept to intergovernmental revenues, the legal and contractual requirements of the numerous individual programs are used as guidance. There are, however, essentially two types of these revenues. In one, monies must be expended on the specific purposes or project before any amounts will be paid to the City; therefore, revenues are recognized based on the expenditures recorded. In the other, monies are virtually unrestricted as to purpose of expenditure and nearly irrevocable, i.e., revocable only for failure to comply with prescribed compliance requirements. These resources are reflected as revenues at the time of receipt or earlier if they meet the measurable and available criteria.

Licenses and permits, fines and forfeitures, charges for services and miscellaneous revenues are recorded when received in cash because they are generally not measurable until actually received.

In accordance with state statutes, projects financed in part by special assessments are financed through issuance of general obligation bonds of the City and are retired from the Debt Service Fund. Special assessments are recorded as unearned revenues in the year the assessments are levied. Special assessments paid in full prior to the issuance of bonds are recorded as revenue in the capital project fund. Special assessments received after the issuance of bonds are recorded as revenue in the Debt Service Fund.

e. Cash and Cash Equivalents

In the statement of cash flows for the proprietary funds, cash and cash equivalents include cash held in financial institutions and investments with original maturities less than three months.

f. Accounts Receivable

Accounts receivable result primarily from water, sewer, and sanitation services accounted for in the Water and Sewer Fund and the Solid Waste Fund (Enterprise Funds).

g. Inventories and Other Prepaid Items

Inventories are stated at cost using the first-in/first out (FIFO) method. Inventories of governmental funds are recorded as expenditures when consumed rather than when purchased.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Certain payments represent costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

h. Capital Assets

Capital assets, which include property, plant, equipment, and infrastructure assets (e.g. streets, traffic signals, sewers, and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the government as assets with an initial, individual cost at or above the capitalization threshold listed below and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated acquisition value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized.

Major outlays for capital assets and improvements are capitalized as projects are constructed.

Capital assets of the primary government, as well as the component units, are depreciated using the straight-line method over the following estimated useful lives:

		Capitalization Threshold
Buildings and improvements	40 years	\$ 100,000
Vehicles and equipment	4 - 20 years	5,000
Water system	75 years	50,000
Sewage system	75 years	50,000
Streets	20 years	100,000
Storm sewer	40 years	25,000
Traffic signals	30 years	25,000
Land	Not Depreciated	25,000

i. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position includes a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and will not be recognized as an outflow of resources (expense/expenditure) until then. The City has three items that qualify for reporting in this category. One is the deferred charge on refunding reported in the government-wide statement of net position. A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt. In addition, there is the deferred change in proportion dealing with OPEB and pensions and contributions made after the measurement date. These represent a consumption of net position that applies to future periods and is not recognized as an outflow of resources until then.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and will not be recognized as an inflow of resources (revenue) until that time. The City has

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

nonexchange revenue transactions where a receivable has been recorded because property taxes were levied, but the resources cannot be used until a future period. This item has been reported as deferred inflow on the government-wide statement of net position. In addition, nonexchange revenue transactions for intergovernmental, special assessments, and loan related transactions have receivables recorded, but resources are not available on the modified accrual basis and therefore are recorded as deferred inflows in the governmental funds. Also a deferred inflow of resources dealing with OPEB and pension is reported for the differences between expected and actual experience, the net difference between projected and actual earnings on pension investments, and changes of assumptions.

j. Budgets and Budgetary Accounting

Applicable Kansas statutes require budgets be legally adopted for all funds unless exempt by a specific statute. Specific funds exempt from legally adopted budgets are all federal and state assistance funds and capital projects funds. Specific special revenue funds exempt from legally adopted budgetary requirements include the Reimbursable Programs, Grants, and Cemetery Funds. Controls over spending in funds which are not subject to legal budgets are maintained by the use of the internal spending limits established by management.

Funds requiring legally adopted budgets are the General, Fire Levy, Motor Fuel Tax, Library Operating, Economic Development and Tourism, Special Park and Recreation, Special Alcohol, Storm Water, Park Sales Tax, Street Maintenance Sales Tax, Recreation, Special Tax Financing, Debt Service, Water and Sewer, Solid Waste, and all Internal Service Funds.

The annual operating budgets are prepared using the modified accrual basis of accounting, modified further by the encumbrance method of accounting. Revenues are recognized on the modified accrual basis. Expenditures include disbursements, accounts payable, and encumbrances.

Encumbrances are commitments of funds for unperformed contracts for goods and services. Encumbrance accounting is used, to the extent necessary, to ensure effective budgetary control and accountability and to facilitate effective cash planning and control in governmental funds. Encumbered appropriations which will be honored at year-end are included with the fund balance classifications to which resources had already been classified. If the balance had not been previously classified (general fund only), it is included within assigned. Subsequent year's appropriations will provide the authority to complete these transactions; they do not constitute either expenditures or liabilities of the fund.

All unencumbered appropriations lapse at year-end. Accordingly, the actual data presented in the budgetary comparison statements include encumbrances and, consequently, differ from the expenditure data presented in the basic financial statements prepared in accordance with GAAP.

The Debt Service Fund budget is prepared to provide a basis for a level ad valorem tax levy through the tax year life of the outstanding debt. Therefore, the timing of the amounts levied for the principal reduction does not necessarily correspond to the timing of the payment of principal maturities.

The statutes provide for the following sequence and timetable in the adoption of budgets:

- (1) Preparation of the budget for the succeeding calendar year on or before August 1 of each year.
- (2) Publication of the proposed budget on or before August 5 of each year.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

(3) A minimum of 10 days notice of a public hearing, published in a local newspaper on or before August 15 of each year on the proposed budget.

(4) Adoption of the final budget on or before August 25 of each year.

Kansas statutes permit transferring budgeted amounts between line items within an individual fund; however, such statutes prohibit creating expenditures in excess of the total amount of the adopted budget of expenditures of individual funds. The City Manager can transfer appropriations within a fund without the approval of the governing body; however, total appropriations are not to exceed the fund's total budgeted amount.

k. Retirement Plans

Substantially all full-time City employees are members of the Kansas Public Employees Retirement System (KPERS) or the Kansas Police and Fire Retirement Plan (KP&F) (a cost-sharing multiple-employer public employee retirement system). The City's policy is to fund all pension costs accrued; such costs are determined annually by the State.

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pension expense, information about the fiduciary net position of the KPERS, and additions to/deductions from KPERS fiduciary net position have been determined on the same basis as they are reported by KPERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

l. Compensated Absences

The City's policy permits employees to accumulate a maximum of 8 weeks of vacation time. Accumulated unpaid vacation for the governmental funds is included as a liability in the government-wide financial statements. Accumulated unpaid vacation for proprietary funds is included as a liability in both the fund and government-wide financial statements.

The City's policy permits employees to accumulate an unlimited amount of sick leave. The current policy is to compensate employees for 25% of unused accumulated sick leave based on a maximum of 960 hours upon retirement. The employee must be eligible for KPERS or KP&F retirement to qualify.

m. Interfund Transactions

Permanent reallocation of resources between funds of the reporting entity is classified as interfund transfers. For purpose of the statement of activities, all interfund transfers between individual governmental funds have been eliminated.

n. Equity Classifications

In the government-wide statements, equity is shown as net position and classified into three components:

(1) Net investment in capital assets – consisting of capital assets including restricted capital assets, net of accumulated depreciation and reduced by the outstanding balances of any bonds, mortgages notes, or other borrowings that are attributable to the acquisitions, construction, or improvements of those assets.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

(2) Restricted net position – consisting of net position with constraints placed on their use either by (1) external groups such as creditors, grantors, contributors, or laws or regulations of other governments; or (2) law through constitutional provisions or enabling legislation. The City first utilizes restricted resources to finance qualifying activities.

(3) Unrestricted net position – All other net position that does not meet the definition of “restricted” or “net investment in capital assets.”

In the governmental funds, equity is shown as fund balance and classified into five components:

- (1) Nonspendable – inherently nonspendable
- (2) Restricted – externally enforceable limitations on use
- (3) Committed – self – imposed limitations set in place prior to the end of the period at the highest level of decision making
- (4) Assigned – limitation resulting from intended use
- (5) Unassigned – residual net resources

o. Use of Estimates

The preparation of financial statements in conformity with GAAP requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

p. New Accounting Standards Adopted

For the year ended December 31, 2018, the City implemented GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans*. The objective of this Statement is to improve accounting and financial reporting by state and local governments for postemployment benefits other than pensions (other postemployment benefits or OPEB). It also improves information provided by state and local governmental employers about financial support for OPEB that is provided by other entities..

For the year ended December 31, 2018, the City implemented GASB Statement No.85, *Omnibus 2017*. The objective of this Statement is to address practice issues that have been identified during implementation and application of certain GASB Statements. This Statement addresses a variety of topics including issues related to blending component units, goodwill, fair value measurement and application, and postemployment benefits (pensions and other postemployment benefits (OPEB)).

For the year ended December 31, 2018, the City implemented GASB Statement No. 86, *Certain Debt Extinguishment Issues*. The objective of this Statement is to improve consistency in accounting and financial reporting for in-substance defeasance of debt by providing guidance for transactions in which cash and other monetary assets acquired with only existing resources – resources other than the proceeds of refunding debt- are placed in an irrevocable trust for the sole purpose of extinguishing debt.. This Statement also improves accounting and financial reporting for prepaid insurance on debt that is extinguished and notes to financial statement for debt that is defeased in substance.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

2. Deposits and Investments

The City combines idle cash from all funds for the purpose of increasing income through investment activities. Investments are carried at fair value, which approximates cost. Interest income on investments and appreciation/depreciation in fair value investments are allocated to the governmental fund types and proprietary fund types on the basis of average monthly cash balances. State statutes authorize the City to invest in fully collateralized or fully insured money market accounts, time deposits, the State of Kansas Municipal Investment Pool, direct debt securities of the United States, and fully collateralized repurchase agreements. The State of Kansas Municipal Investment Pool is operated by the State Treasurer and is not a SEC registered pool. The Pooled Money Investment Board (PMIB) provides the regulatory oversight for this pool. The fair value of the City's position in the pool is the same as the value of the City's pool shares.

Facts and Assumptions – The City holds investments that are measured at fair value on a recurring basis. Since investing is not a core part of the City's mission, the City determines that the disclosures related to these investments only need to be disaggregated by major type. The City chooses a narrative format for the fair value disclosures.

The City categorizes its fair value measurements within the fair value hierarchy established by GAAP. The hierarchy is based on the valuation inputs used to measure the fair value of the assets. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs.

The City has the following recurring fair value measurements as of December 31, 2018:

Government Agencies of \$30.8 million are valued using quoted market prices (Level 2 inputs).
U.S. Treasury Notes of \$14.9 million are valued using quoted market prices (Level 2 inputs).
State investment pool of \$5.9 million are valued using net asset value (Level 2 inputs).

Interest Rate Risk and Reconciliation of Cash and Investments to the Statement of Net Position – As a means of limiting its exposure to fair value losses arising from rising interest rates, the City's investment policy limits its investment maturities to less than four years. Listed as follows are the City's investments with maturity dates.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Cash, Cash Equivalents, and Investments	Maturities	Fair Value
State investment pool - overnight	6 months or less	\$ 5,873,382
Government Agency	10-Oct-19	4,999,251
Government Agency	10-Apr-19	4,966,800
Government Agency	28-Sep-20	5,002,700
Government Agency	24-Oct-19	9,867,500
Government Agency	30-Dec-19	987,690
Government Agency	15-Oct-20	5,027,570
Treasury Note	31-Jan-20	4,927,750
Treasury Note	31-Mar-19	9,977,420
Total investments		51,630,063
Certificates of deposit		147,500,000
Cash held by trustee		14,788,763
Restricted cash deposits		7,018,082
Unrestricted cash deposits		23,638,942
Total cash, cash equivalents, and investments		<u>\$ 244,575,850</u>

Credit Risk – State law limits investments to Temporary Notes of the City, Collateralized Certificates of Deposit, Collateralized Repurchase Agreements, U.S. Treasury Obligations, the Kansas Municipal Investment Pool, Commercial Bank Savings Accounts, U.S. Government Agency Securities, U.S. Government Sponsored Corporation's Instruments, and Multiple Client Investment Pools. The City's policy on credit risk follows state statutes. As of December 31, 2018, City funds not held in depository accounts had been invested in Certificates of Deposit, Government Sponsored Corporation Instruments, Guaranteed Investment Contracts, and the Kansas Municipal Investment Pool (rated AAf/S1 by Standard & Poor's).

Concentration of Credit Risk – At December 31, 2018, of total cash and investment, the City invested \$147.5 million, or 60%, in certificates of deposit, \$30.8 million or 13% in Government Sponsored Corporation's Instruments ((FNMA (35%), FHLMC (17%), FFCB (16%) and FHLB (32%)) – (all rated Aaa by Moody's)), \$14.9 million or 6% in Treasury Notes, \$5.9 million or 2% in the Kansas Municipal Investment Pool, and \$23.6 million, or 10%, in unrestricted cash deposit accounts. The City also has \$21.8 million or 9% of cash that is held by trustee or restricted.

Custodial Credit Risk – For deposits or investments, custodial credit risk is the risk that, in the event of the failure of the bank or counterparty, the City will not be able to recover the value of its deposits, investments, or collateral securities that are in the possession of an outside party. The City's policy for deposits and investments follows state statutes. At December 31, 2018, all of the City's deposits were fully insured by federal depository insurance or otherwise collateralized by securities held in the City's name. The City has \$30,851,511 of Government Agencies and \$14,905,170 of U.S. Treasury Notes that are held by the investment counterparty.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

3. Taxes and Special Assessments

Taxes and special assessments revenue by fund type, including interest and penalties, as of December 31, 2018 are as follows:

	Major			Other	
	General	Debt Service	Special Tax Financing	Governmental Funds	Total
Property tax	\$ 19,844,209	\$ 19,324,042	\$ 3,717,015	\$ 8,861,081	\$ 51,746,347
Sales tax	51,558,306	346,118	3,113,800	15,510,998	70,529,222
Franchise tax	12,009,645	-	-	-	12,009,645
Transient guest tax	-	-	397,695	1,387,266	1,784,961
Special assessment	-	5,453,398	-	-	5,453,398
	<u>\$ 83,412,160</u>	<u>\$ 25,123,558</u>	<u>\$ 7,228,510</u>	<u>\$ 25,759,345</u>	<u>\$ 141,523,573</u>

Taxes and special assessments receivable by fund type as of December 31, 2018 are as follows:

	Major			Other	
	General	Debt Service	Special Tax Financing	Governmental Funds	Total
Property tax	\$ 18,876,330	\$ 18,469,019	\$ 3,500,000	\$ 9,070,129	\$ 49,915,478
Sales tax	9,155,733	-	702,081	2,719,496	12,577,310
Franchise tax	1,654,206	-	-	-	1,654,206
Transient guest tax	-	-	106,003	343,483	449,486
Special assessment	-	33,319,452	-	-	33,319,452
	<u>\$ 29,686,269</u>	<u>\$ 51,788,471</u>	<u>\$ 4,308,084</u>	<u>\$ 12,133,108</u>	<u>\$ 97,915,932</u>

The City's Property tax is levied each November 1 on the assessed value as of the prior January 1 for all property located in the City. November 1 also serves as the lien date. The assessed values are established by the Johnson County Assessor. The assessed value for property (excluding motor vehicle) located in the City as of November 1, 2017 on which the 2018 levy was based was \$1,901,252,000.

The City's property tax levies per \$1,000 assessed valuation for the year ended December 31, 2018 were as follows:

Fund	Levy
General	\$ 9.925
Special revenue	4.770
Debt service	9.711
	<u>\$ 24.406</u>

The City's property taxes for 2018 were assessed in November of 2017 and distributed to the City in 2018 in accordance with state statutes. Property taxes are due in total by December 31 following the levy date, or they may be paid in equal installments if paid by December 20 (first installment) and the following May 10 (second installment).

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

State statutes prohibit the County Treasurer from distributing taxes collected in the year levied prior to January 1 of the ensuing year. Therefore taxes levied in the current year are recorded as taxes receivable and deferred inflows of resources at year-end and are recognized as revenue, net of estimated uncollectible and delinquent amounts, in the year they become due.

4. Intergovernmental Receivables and Revenue

Amounts due from other governments as of December 31, 2018 are as follows:

	<u>Major</u>		<u>Other</u>	
	<u>General</u>	<u>Capital Projects</u>	<u>Governmental Funds</u>	<u>Total</u>
Federal				
Department of Housing and Urban Development	\$ -	\$ -	\$ 395,116	\$ 395,116
State				
Department of Revenue	100,000	-	1,137,046	1,237,046
Department of Transportation	11,943	1,070,359	-	1,082,302
Local				
Kansas City Area Transportation Authority	-	-	21,094	21,094
MARC	-	-	2,295	2,295
Johnson County	-	2,999,135	-	2,999,135
	<u>\$ 111,943</u>	<u>\$ 4,069,494</u>	<u>\$ 1,555,551</u>	<u>\$ 5,736,988</u>

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Intergovernmental revenues for the year ended December 31, 2018 consisted of the following:

	Major		Internal Service Vehicle Replacement	Other Governmental Funds	Total
	General	Capital Projects			
Federal					
Department of Housing and Urban Development	\$ -	\$ -	\$ -	\$ 383,903	\$ 383,903
Department of Justice	-	-	-	61,380	61,380
State					
Liquor Tax	499,198	-	-	998,396	1,497,594
State Highway Connecting Links	47,400	-	-	-	47,400
Special Highway	-	-	-	3,744,715	3,744,715
Library State Aid	-	-	-	38,972	38,972
Department of Aging	-	-	-	66,436	66,436
Department of Wildlife and Parks	-	-	-	5,102	5,102
Department of Transportation	-	2,464,490	500	24,453	2,489,443
County					
Street improvements	-	8,833,164	-	-	8,833,164
Herritage Trust	-	-	-	8,738	8,738
Local					
MARC	-	-	-	38,989	38,989
Kansas City Area Transportation Authority	-	-	-	192,807	192,807
Unified School District 233	433,659	-	-	-	433,659
	<u>\$ 980,257</u>	<u>\$ 11,297,654</u>	<u>\$ 500</u>	<u>\$ 5,563,891</u>	<u>\$ 17,842,302</u>

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

5. Capital Assets

Capital Asset activity for the year ended December 31, 2018 was as follows:

	Restated Beginning of Year	Additions	Retirements	End of Year
Governmental activities				
Capital assets, not being depreciated				
Land	\$ 104,004,549	\$ 5,261,936	\$ 68,080	\$ 109,198,405
Art collection	20,845	-	-	20,845
Kansas Room Collection / Genealogy	45,520	780	-	46,300
Construction in progress	61,655,731	58,148,943	7,996,604	111,808,070
Total capital assets, not being depreciated	<u>165,726,645</u>	<u>63,411,659</u>	<u>8,064,684</u>	<u>221,073,620</u>
Capital assets being depreciated				
Land improvements	111,634	-	35,394	76,240
Buildings	114,754,239	-	2,417,499	112,336,740
Machinery and equipment	73,618,433	4,508,849	4,581,133	73,546,149
Swimming pools	10,021,514	-	-	10,021,514
Infrastructure	789,817,570	14,716,782	-	804,534,352
Books and materials	4,010,351	464,408	324,675	4,150,084
Total capital assets being depreciated	<u>992,333,741</u>	<u>19,690,039</u>	<u>7,358,701</u>	<u>1,004,665,079</u>
Less accumulated depreciation for				
Land improvements	(65,866)	(3,773)	(35,394)	(34,245)
Buildings	(33,293,147)	(2,738,844)	(1,479,821)	(34,552,170)
Machinery and equipment	(45,311,855)	(6,215,573)	(4,560,690)	(46,966,738)
Swimming pools	(6,214,497)	(516,482)	-	(6,730,979)
Infrastructure	(428,562,520)	(27,777,927)	-	(456,340,447)
Books and materials	(3,024,588)	(394,600)	(324,675)	(3,094,513)
Total accumulated depreciation	<u>(516,472,473)</u>	<u>(37,647,199)</u>	<u>(6,400,580)</u>	<u>(547,719,092)</u>
Total capital assets being depreciated, net	<u>475,861,268</u>	<u>(17,957,160)</u>	<u>958,121</u>	<u>456,945,987</u>
Governmental activities capital assets, net	<u>\$ 641,587,913</u>	<u>\$ 45,454,499</u>	<u>\$ 9,022,805</u>	<u>\$ 678,019,607</u>

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

	Beginning of Year	Additions	Retirements	End of Year
Business-type activities				
Capital assets, not being depreciated				
Land	\$ 4,622,031	\$ -	\$ -	\$ 4,622,031
Construction in progress	22,316,081	5,397,645	3,846,099	23,867,627
Total capital assets, not being depreciated	26,938,112	5,397,645	3,846,099	28,489,658
Capital assets being depreciated				
Buildings	33,778,295	-	-	33,778,295
Machinery and equipment	4,883,811	-	45,405	4,838,406
Water system	206,847,183	3,054,521	-	209,901,704
Sewer system	199,753,310	2,790,087	-	202,543,397
Total capital assets being depreciated	445,262,599	5,844,608	45,405	451,061,802
Less accumulated depreciation for				
Buildings	(12,523,109)	(813,001)	-	(13,336,110)
Machinery and equipment	(2,823,137)	(406,845)	(45,405)	(3,184,577)
Water system	(58,184,084)	(3,423,255)	-	(61,607,339)
Sewer system	(42,077,184)	(2,619,909)	-	(44,697,093)
Total accumulated depreciation	(115,607,514)	(7,263,010)	(45,405)	(122,825,119)
Total capital assets being depreciated, net	329,655,085	(1,418,402)	-	328,236,683
Business-type activities capital assets, net	\$ 356,593,197	\$ 3,979,243	\$ 3,846,099	\$ 356,726,341
Component unit				
Capital assets, not being depreciated				
Land	\$ 442,111	\$ -	\$ -	\$ 442,111
Total capital assets, not being depreciated	442,111	-	-	442,111
Capital assets being depreciated				
Buildings and improvements	8,679,390	45,361	109,000	8,615,751
Machinery and equipment	238,495	2,304	13,363	227,436
Total capital assets being depreciated	8,917,885	47,665	122,363	8,843,187
Less accumulated depreciation for				
Buildings	(6,457,615)	(237,671)	(109,000)	(6,586,286)
Machinery and equipment	(219,099)	(3,874)	(13,289)	(209,684)
Total accumulated depreciation	(6,676,714)	(241,545)	(122,289)	(6,795,970)
Total capital assets being depreciated, net	2,241,171	(193,880)	74	2,047,217
Component units capital assets, net	\$ 2,683,282	\$ (193,880)	\$ 74	\$ 2,489,328

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Depreciation expense was charged to functions/programs of the primary government as follows:

Government activities

General government	\$ 764,374
Public safety	1,351,812
Public works	28,991,153
Community services	1,277,584
Capital assets held by the government's internal service funds are charged to the various functions based on their usage of assets	<u>5,262,276</u>
Total depreciation expense for governmental activities	<u><u>\$ 37,647,199</u></u>

Business-type activities

Water and sewer	\$ 7,162,367
Solid Waste	100,643
Total depreciation expense for business-type activities	<u><u>\$ 7,263,010</u></u>

6. Debt

Short-term debt

The following is a summary of the short-term debt transactions of the City for the year ended December 31, 2018.

	<u>Beginning of Year</u>	<u>Additions</u>	<u>Retirements</u>	<u>End of Year</u>	<u>Due in One Year</u>
Governmental					
Temporary notes	<u>\$ 27,477,203</u>	<u>\$ 27,118,915</u>	<u>\$ 27,477,203</u>	<u>\$ 27,118,915</u>	<u>\$ 27,118,915</u>

	<u>Interest Rate</u>	<u>Maturity Date</u>	<u>End of Year</u>
Temporary Notes			
Street and sidewalk improvements	3.00%	1-Aug-19	<u><u>\$ 27,118,915</u></u>

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Long-term debt

The following is a summary of long-term debt transactions for the year ended December 31, 2018.

	Beginning of Year	Prior Period Adjustment	Beginning of Year Restated	Additions	Retirements	End of Year	Due in One Year
Governmental							
General obligation bonds	\$ 178,555,000	\$ -	\$ 178,555,000	\$ 34,170,000	\$ 22,720,000	\$ 190,005,000	\$ 34,480,000
Special obligations bonds	28,091,571	-	28,091,571	-	3,336,918	24,754,653	16,374,653
Capitalized leases	3,622	-	3,622	-	2,671	951	951
Compensated absences	4,041,410	-	4,041,410	3,594,490	3,476,527	4,159,373	2,204,330
Net KPERS OPEB liability	-	1,339,546	1,339,546	318,425	387,089	1,270,882	-
Net OPEB liability	8,375,748	14,834,525	23,210,273	290,394	1,437,240	22,063,427	-
	<u>219,067,351</u>	<u>16,174,071</u>	<u>235,241,422</u>	<u>38,373,309</u>	<u>31,360,445</u>	<u>242,254,286</u>	<u>53,059,934</u>
Add: bond issuance premium	16,893,850	-	16,893,850	4,160,857	1,981,136	19,073,571	2,193,014
Deduct: bond discount	(2,083)	-	(2,083)	-	(126)	(1,957)	(126)
Total governmental debt	<u>235,959,118</u>	<u>16,174,071</u>	<u>252,133,189</u>	<u>42,534,166</u>	<u>33,341,455</u>	<u>261,325,900</u>	<u>55,252,822</u>
Business-type							
General obligation bonds	11,195,000	-	11,195,000	-	1,250,000	9,945,000	1,295,000
Revenue bonds	78,705,000	-	78,705,000	11,580,000	3,400,000	86,885,000	3,855,000
KDHE revolving loan	16,361,106	-	16,361,106	-	1,360,717	15,000,389	1,326,010
Capitalized leases	5,432,563	-	5,432,563	-	1,403,495	4,029,068	1,479,570
Compensated absences	899,285	-	899,285	1,229,589	1,107,281	1,021,593	684,723
Net KPERS OPEB liability	-	731,424	731,424	56,221	93,189	694,456	-
Net OPEB liability	1,595,380	2,825,624	4,421,004	55,313	273,760	4,202,557	-
	<u>114,188,334</u>	<u>3,557,048</u>	<u>117,745,382</u>	<u>12,921,123</u>	<u>8,888,442</u>	<u>121,778,063</u>	<u>8,640,303</u>
Add: bond issuance premium	1,260,773	-	1,260,773	499,532	205,263	1,555,042	201,614
Deduct: bond discount	(434,419)	-	(434,419)	(66,024)	(48,236)	(452,207)	(47,923)
Total business-type debt	<u>115,014,688</u>	<u>3,557,048</u>	<u>118,571,736</u>	<u>13,354,631</u>	<u>9,045,469</u>	<u>122,880,898</u>	<u>8,793,994</u>
Total primary government	<u>\$ 350,973,806</u>	<u>\$ 19,731,119</u>	<u>\$ 370,704,925</u>	<u>\$ 55,888,797</u>	<u>\$ 42,386,924</u>	<u>\$ 384,206,798</u>	<u>\$ 64,046,816</u>

Projects financed in part by special assessments are financed by the issuance of general obligation bonds of the City and are backed by the full faith and credit of the City, and are included within the General Obligation Bonds and are retired from the Debt Service Fund.

Upon authorization for the issuance of general obligation bonds for certain improvements, Kansas law permits temporary financing of such improvements by the issuance of general obligation notes. General obligation notes issued may not exceed the aggregate amount of bonds authorized, are interest bearing, and have a maturity date not later than four years from the date of issuance of such general obligation notes.

Compensated absences and OPEB liabilities have typically been liquidated by the General, Water and Sewer, Solid Waste, and Central Garage Funds.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Bonds

	Original Issue	Original Issue Interest Rate	Maturity Date	End of Year
General Obligation Bonds				
Governmental activities				
2009 Series 212 improvement bonds	\$ 21,650,000	2.00 - 4.25	1-Oct-29	\$ 2,345,000
2009 Series 213 improvement bonds	1,360,000	1.75 - 4.60	1-Oct-19	165,000
2010 Series 215 improvement bonds	44,930,000	3.00 - 5.00	1-Oct-30	12,200,000
2010 Series 216 improvement bonds	1,203,000	1.50 - 4.30	1-Oct-20	275,000
2010 Series 217 improvement bonds	7,015,000	1.00 - 4.30	1-Oct-20	1,505,000
2011 Series 218 improvement bonds	28,100,000	2.00 - 5.00	1-Oct-31	14,545,000
2011 Series 219 refunding	8,835,000	0.50 - 3.50	1-Oct-23	2,690,000
2012 Series 221 refunding and improvement	6,505,000	2.00 - 2.375	1-Oct-24	3,230,000
2013 Series 222 refunding and improvement	27,330,000	2.00 - 5.00	1-Oct-33	19,510,000
2014 Series 223 improvement bonds	9,315,000	1.50 - 5.00	1-Oct-24	7,885,000
2014 Series 224 refunding	4,260,000	3.00 - 4.00	1-Oct-20	1,060,000
2014 Series 225 improvement bonds	12,905,000	1.00 - 3.90	1-Sep-35	11,840,000
2015 Series 226 improvement bonds	11,695,000	2.50 - 5.00	1-Oct-25	7,875,000
2015 Series 227 refunding	8,290,000	2.00 - 4.00	1-Oct-27	4,860,000
2016 Series 228 refunding and improvement	25,315,000	0.98 - 2.54	1-Oct-31	21,365,000
2016 Series 229 improvement	5,765,000	0.90 - 2.55	1-Oct-26	4,745,000
2017 Series 230 refunding and improvement	27,525,000	2.50 - 5.00	1-Oct-29	26,525,000
2018 Series 231 improvement bonds	34,170,000	4.00 - 5.00	1-Oct-28	34,170,000
				<u>176,790,000</u>
Refunded Debt				
2010 Series 215 improvement bonds	44,930,000	3.00 - 5.00	1-Oct-30	13,215,000
				<u>190,005,000</u>
Business-type activities				
2011 Series 220 refunding	17,510,000	2.00 - 4.00	1-Jul-25	9,945,000
Total General Obligation Bonds				<u>\$ 199,950,000</u>
	Original Issue	Original Issue Interest Rate	Maturity Date	End of Year
Governmental activities				
Special Obligation Bonds				
2006 Series Olathe Gateway TIF	\$ 13,030,000	4.75 - 5.00	1-Mar-26	\$ 8,206,682
2006 Series Olathe Gateway TDD	9,195,000	4.75 - 5.00	1-Dec-28	7,222,971
2007 Series West Village TIF	16,565,000	5.00 - 5.50	1-Sep-26	9,325,000
				<u>\$ 24,754,653</u>

2006 Olathe Gateway TIF

The City has pledged 100% of the incremental increase in ad valorem tax revenues and 100% of the incremental increase in the City's sales tax revenues to repay the \$13,030,000 in tax increment financing bonds issued in December 2006 to finance the redevelopment of the Olathe Gateway. The bonds are payable solely from the incremental ad valorem and sales taxes generated by Olathe Gateway. Incremental taxes were projected to produce \$21,199,063, payable through March 2026. As of December 31, 2018, total principal and interest remaining on the bonds was \$11,084,511. For 2018, principal and interest paid and total incremental tax revenues were \$815,000 and \$817,077, respectively.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Due to the insufficiency of funds to cover the principal on the Bonds for the September 1, 2011, debt service payment, the Trustee has determined that an “event of default” has occurred under the Indenture and has declared the principal of all bonds outstanding and the interest accrued thereon to be immediately due and payable. The Bonds are special, limited obligations of the City. Neither the Bonds nor the interest thereon constitute a general obligation or indebtedness of, nor is the payment thereof guaranteed by the City.

2006 Olathe Gateway TDD

The City has pledged 100% of the transportation development district sales tax (1%) on the selling of tangible personal property or rendering or furnishing of services within the transportation district to repay the \$9,195,000 in transportation development district bonds issued in December 2006 to finance the redevelopment of the Olathe Gateway. The bonds are payable solely from the transportation development district tax revenue generated by Olathe Gateway. Incremental taxes were projected to produce \$19,042,625 over the life of the bonds. As of December 31, 2018, total principal and interest remaining on the bonds was \$9,928,590, payable through December 2028. For 2018, principal and interest paid and total incremental tax revenues were \$257,600 and \$281,768, respectively.

Due to the insufficiency of funds to cover the principal on the Bonds for the June 1, 2011, debt service payment, the Trustee has determined that an “event of default” has occurred under the Indenture and has declared the principal of all bonds outstanding and the interest accrued thereon to be immediately due and payable. The Bonds are special, limited obligations of the City. Neither the Bonds nor the interest thereon constitute a general obligation or indebtedness of, nor is the payment thereof guaranteed by the City.

2007 West Village TIF

The City has pledged 100% of the incremental increase in ad valorem tax revenues and 100% of the incremental increase in the City’s sales tax revenues to repay the \$16,565,000 in tax increment financing bonds issued in July 2007 to finance the redevelopment of the West Village. The bonds are payable solely from the incremental ad valorem and sales taxes generated by the West Village. Incremental taxes were projected to produce \$32,108,898 over the life of the bonds. As of December 31, 2018, total principal and interest remaining on the bonds was \$11,560,109, payable through September 2026. For 2018, principal and interest and total incremental tax revenues were \$1,690,785 and \$1,411,158, respectively.

	Original Issue	Original Issue Interest Rate	Maturity Date	End of Year
Business-type activities				
Revenue Bonds				
2009 Water and Sewer System revenue bonds	\$ 3,110,000	2.00 - 4.600	1-Jul-29	\$ 1,925,000
2010 Water and Sewer System revenue bonds	6,540,000	0.60 - 5.800	1-Jul-30	4,115,000
2010 Water and Sewer System revenue bonds	8,050,000	1.00 - 5.700	1-Jul-35	6,120,000
2010 Water and Sewer System revenue bonds	36,280,000	1.00 - 6.000	1-Jul-36	28,640,000
2012 Water and Sewer System revenue bonds	9,585,000	2.00 - 3.000	1-Jul-32	7,030,000
2015 Water and Sewer System revenue bonds	18,895,000	2.00 - 5.000	1-Jul-35	16,710,000
2017 Water and Sewer System revenue bonds	11,340,000	3.00 - 4.000	1-Jul-37	10,765,000
2018 Water and Sewer System revenue bonds	11,580,000	3.00 - 5.000	1-Jul-38	11,580,000
Total revenue bonds				<u><u>\$ 86,885,000</u></u>

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

KDHE revolving loans

The City entered into a loan agreement with KDHE for the Cedar Creek Wastewater Treatment Plant Sludge Project. The loan was entered into on July 16, 2003 with an interest rate of 2.69% and a maximum amount of \$2,207,863. As of December 31, 2018, \$2,207,863 had been drawn on this loan and the payback amount was \$793,428. Principal payments of \$119,249 were made in 2018. The payback period for the amount of the loan remaining is 20 years. The loan payment began in 2005 when the project was completed.

The City entered into a loan agreement with KDHE for the Cedar Creek Wastewater Treatment Plant Pump Station Project. The loan was entered into on March 7, 2006 with an interest rate of 2.42% and a maximum amount of \$768,500. As of December 31, 2018, \$768,500 had been drawn on this loan and the payback amount was \$386,985. Principal payments of \$42,852 were made in 2018. The payback period for the amount of the loan remaining is 20 years. The loan payment began in 2007 when the project was completed.

The City entered into a loan agreement with KDHE for the 42" Finished Water Transmission Project. The loan was entered into on November 13, 2007 with an interest rate of 3.11% and a maximum amount of \$16,883,916. As of December 31, 2018, \$16,883,916 had been drawn on this loan and the payback amount was \$10,831,372. Principal payments of \$892,561 were made in 2018. The payback period for the amount of the loan remaining is 20 years. The loan payment began in 2009 when the project was completed.

The City entered into a loan agreement with KDHE for the Cedar Creek Wastewater Treatment Plant Expansion Project. The loan was entered into on March 9, 2009 with an interest rate of 2.55% and a maximum amount of \$4,221,984. As of December 31, 2018, \$4,221,984 had been drawn on this loan and the payback amount was \$2,988,604. Principal payments of \$229,057 were made in 2018. The payback period for the amount of the loan remaining is 20 years. The loan payment began in 2010 when the project was completed.

Annual debt service requirements to maturity for Governmental Activities are as follows:

Year	General Obligation Bonds		Governmental Activities Special Obligation Bonds		Totals	
	Principal	Interest	Principal	Interest	Principal	Interest
2019	\$ 21,265,000	\$ 6,151,742	\$ 16,374,653	\$ 6,081,373	\$ 37,639,653	\$ 12,233,115
2020	19,955,000	5,420,107	1,025,000	445,469	20,980,000	5,865,576
2021	17,675,000	4,713,847	1,110,000	388,380	18,785,000	5,102,227
2022	16,870,000	4,030,847	1,205,000	326,659	18,075,000	4,357,506
2023	16,980,000	3,411,016	1,300,000	259,600	18,280,000	3,670,616
2024 - 2028	67,125,000	8,613,326	3,740,000	317,076	70,865,000	8,930,402
2029 - 2033	15,145,000	1,692,778	-	-	15,145,000	1,692,778
2034 - 2035	1,775,000	104,520	-	-	1,775,000	104,520
	<u>176,790,000</u>	<u>34,138,183</u>	<u>24,754,653</u>	<u>7,818,557</u>	<u>201,544,653</u>	<u>41,956,740</u>
Due within one year	21,265,000	6,151,742	16,374,653	6,081,373	37,639,653	12,233,115
Due in more than one year	<u>\$ 155,525,000</u>	<u>\$ 27,986,441</u>	<u>\$ 8,380,000</u>	<u>\$ 1,737,184</u>	<u>\$ 163,905,000</u>	<u>\$ 29,723,625</u>

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Annual debt service requirements to maturity for Business-type Activities are as follows:

Year	Business-type Activities							
	General Obligation Bonds		Revenue Bonds		KDHE Revolving Loan		Totals	
	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest
2019	\$ 1,295,000	\$ 320,056	\$ 3,855,000	\$ 3,757,198	\$ 1,326,010	\$ 434,078	\$ 6,476,010	\$ 4,511,332
2020	1,330,000	274,731	3,980,000	3,600,816	1,369,707	394,655	6,679,707	4,270,202
2021	1,370,000	221,531	4,115,000	3,435,261	1,414,855	353,924	6,899,855	4,010,716
2022	1,435,000	180,431	4,280,000	3,260,153	1,461,503	311,839	7,176,503	3,752,423
2023	1,475,000	137,381	4,425,000	3,090,386	1,509,702	268,357	7,409,702	3,496,124
2024 - 2028	3,040,000	141,412	24,675,000	12,409,461	7,607,607	667,378	35,322,607	13,218,251
2029 - 2033	-	-	25,695,000	6,930,347	311,005	5,961	26,006,005	6,936,308
2034 - 2038	-	-	15,860,000	1,569,384	-	-	15,860,000	1,569,384
	9,945,000	1,275,542	86,885,000	38,053,006	15,000,389	2,436,192	111,830,389	41,764,740
Due within one year	1,295,000	320,056	3,855,000	3,757,198	1,326,010	434,078	6,476,010	4,511,332
Due in more than one year	\$ 8,650,000	\$ 955,486	\$ 83,030,000	\$ 34,295,808	\$ 13,674,379	\$ 2,002,114	\$ 105,354,379	\$ 37,253,408

The City has pledged future water customer revenues, net of specified operating expenses, to repay \$86,885,000 (\$1,925,000 Series 2009, \$4,115,000 Series 2010A, \$6,120,000 Series 2010B, \$28,640,000 Series 2010C, \$7,030,000 Series 2012, \$16,710,000 Series 2015, \$10,765,000 Series 2017, and \$11,580,000 Series 2018) in water system revenue bonds. Proceeds from the bonds provide financing for several new improvements to the City's water and sewer system. The bonds are payable solely from water customer net revenues and are payable through 2037. The total principal and interest remaining to be paid on the bonds is \$124,938,006. Principal and interest paid for the current year were \$3,400,000 and \$3,698,015, respectively.

Water & Sewer Revenue Bonds						
Fiscal Year	Revenues	Current Expenses	Net Revenue Available for Debt Service	Principal Requirement	Interest Requirement	Coverage
2018	\$ 50,659,278	\$ 31,706,303	\$ 18,952,975	\$ 3,400,000	\$ 3,698,015	2.67

In July 2018, the City issued General Obligation Bonds Series 231 in the amount of \$34,170,000 for the purpose of funding various municipal improvements and pay principal and interest on certain temporary notes of the City. The bonds mature serially on October 1, 2019 through October 1, 2028.

K.S.A. 10-308 restricts the level of the authorized and outstanding bonded indebtedness of the City to not more than 30% of the assessed valuation of the City. For purposes of calculating the legal debt margin of the City, the following types of bonds are excluded from the total indebtedness of the City: (a) bonds issued for the purpose of acquiring, enlarging, extending, or improving any storm or sanitary sewer system or any municipal utility, and (b) bonds issued to pay for the costs of improvements to intersections of streets and alleys or that portion of any street immediately in front of City or school district property.

As of December 31, 2018, based on the assessed valuation as of December 15, 2018 of \$2,101,221,249, the general obligation debt limit was \$630,366,375 which, after reduction for outstanding eligible general obligation bonds and notes totaling \$213,470,000, and increases for exempt projects financed with outstanding general obligation bonds and notes totaling \$54,723,101 and amounts available for debt service of \$37,274,363, provides a general obligation debt margin of \$508,893,839.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Capitalized Leases

Governmental activities:

9.50% interest lease on a copy machine, payable in monthly principal and interest payments of \$194 through May 2019

End of Year
\$ 951

Business-type activities:

9.50% interest lease for a copy machine, payable in monthly principal and interest payments of \$132 through August 2019

\$ 1,018

4.07% interest lease for fitness equipment, payable in monthly principal and interest payments of \$948 through August 2020

20,461

2.350% interest lease for water meters, payable in quarterly principal and interest payments ranging from \$477,397 to \$321,419 starting in February 2012 through February 2023

4,007,589

Total capital leases for business-type activities

\$ 4,029,068

The assets acquired through capital leases are as follows:

	Governmental Activities	Business-type Water & Sewer
Asset:		
Machinery and equipment	\$ 665,541	\$ 1,344,972
Water system	-	12,876,265
Less: Accumulated depreciation	(664,937)	(6,654,185)
Total	<u>\$ 604</u>	<u>\$ 7,567,052</u>

Annual debt service requirements to maturity are as follows:

Year	Governmental Activities Payments	Business-type Activities Payments	Total Payments
2019	\$ 974	\$ 1,561,643	\$ 1,562,617
2020	-	1,603,143	1,603,143
2021	-	1,003,849	1,003,849
	974	4,168,635	4,169,609
Less interest	23	139,567	139,590
Total	<u>\$ 951</u>	<u>\$ 4,029,068</u>	<u>\$ 4,030,019</u>

7. Refunded Debt

In 2017, the City refunded certain debt by placing the proceeds of new bonds in an irrevocable trust to provide for all future debt service payments on old debt using a crossover advance refunding bond issue. For reporting purposes, under a crossover advance refunding bond issue, the original issue (refunded bonds) is not considered defeased until they are retired. As with advance refunding bond issues, the proceeds of the crossover advance refunding bonds are placed into an escrow account. However, unlike

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

other types of advance refunding, the escrow account in a crossover advance refunding transaction is not immediately dedicated to debt service principal and interest payments on the refunded debt. Instead the resources in the escrow account are used temporarily to meet debt service requirements on the refunding bonds. Only at a later date, known as the "crossover date" are the resources in the escrow account dedicated exclusively to the payment of principal and interest on the refunded debt. Crossover refunding does not result in the defeasance of debt prior to the crossover date. The City has recorded in the appropriate financial statements the outstanding debt of both the refunding and the refunded issues which are not considered defeased. At December 31, 2018, the following crossover advance refunding bonds are recorded as liabilities on the entity-wide statement of net position:

	<u>Refunding Issue (Date)</u>	<u>Debt Series Refunded</u>	<u>Debt Outstanding</u>
General Obligation	Series 230 (2017)	215	\$ 13,215,000

For Series 230, the reduction in debt service payments is \$2,539,882. The economic gain on the transaction is \$2,242,777.

8. Fund Balances

In the fund financial statements, governmental funds report fund balance in five different classifications.

- a. **Nonspendable.** Assets legally or contractually required to be maintained or are not in spendable form. Such constraint is binding until the legal requirement is repealed or the amounts become spendable.
- b. **Restricted.** Assets with externally imposed constraints, such as those mandated by creditors, grantors, and contributors, or laws and regulations. Such constraint is binding unless modified or rescinded by the applicable external body, laws, or regulations.
- c. **Committed.** Assets with a purpose formally imposed by ordinance by the City Council, binding unless modified or rescinded by the City Council.
- d. **Assigned.** Assets constrained by the expressed written intent of the City Council (only possible if any fund balance is budgeted to be used in the next year), City Manager, Director of Resource Management, or designee. The designee is only allowed to assign for the purpose of encumbrances. Various people are allowed to approve encumbrances based upon the dollar amount per the City Council approved Purchasing Policy. Encumbrances shall be considered as assigned unless they specifically meet the requirements to be restricted or committed.
- e. **Unassigned.** All amounts not included in the other fund balance classifications. The general fund shall be the only fund to report positive unassigned fund balance. All other governmental funds may report negative unassigned fund balance.

For unrestricted fund balance, committed amounts should be reduced first, followed by assigned amounts, followed by unassigned amounts. It is the goal of the City to maintain a minimum fund balance in the general fund of 15% of revenues, with an annual target of 30% of revenues. The following chart details the components of fund balance for the City at December 31, 2018.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

City of Olathe, Kansas
Components of Fund Balance
December 31, 2018

	Major				Nonmajor	
	General	Debt Service	Special Tax Financing	Capital Projects	Other Governmental Funds	Total Governmental Funds
Fund Balances:						
Non Spendable:	\$ 6,011	\$ -	\$ -	\$ -	\$ 85,330	\$ 91,341
Restricted for:						
Debt service	-	27,287,996	6,233,267	-	-	33,521,263
Public safety - fire levy	-	-	-	-	221,613	221,613
Public safety - reimbursable programs	-	-	-	-	77,360	77,360
Public safety - grants	-	-	-	-	73,394	73,394
Public works - motor fuel tax	-	-	-	-	1,151,678	1,151,678
Public works - Street Maintenance						
Sales Tax	-	-	-	-	783,874	783,874
Public works - Capital projects	-	-	-	36,488,821	-	36,488,821
Community services - special alcohol	-	-	-	-	964,719	964,719
Community services - Park sales tax	-	-	-	-	2,681,659	2,681,659
Community services - grants	-	-	-	-	4,251,729	4,251,729
Community services - reimbursable programs	-	-	-	-	178,231	178,231
General government - reimbursable programs	-	-	-	-	763,182	763,182
General government - reimbursable programs	-	-	-	-	30,420	30,420
General government - library	-	-	-	-	3,406,123	3,406,123
Committed to:						
Public works - storm water	-	-	-	-	1,720,061	1,720,061
Public works - future street improvement	-	-	-	-	9,815,705	9,815,705
Community services - special park & recreation	-	-	-	-	2,218,573	2,218,573
Community services - Recreation	-	-	-	-	813,250	813,250
Community services - Cemetary	-	-	-	-	644,312	644,312
General government - Economic Development	-	-	-	-	961,683	961,683

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

City of Olathe, Kansas
Components of Fund Balance
December 31, 2018

	Major				Nonmajor	
	General	Debt Service	Special Tax Financing	Capital Projects	Other Governmental Funds	Total Governmental Funds
Fund Balances:						
Assigned to:						
Debt service	-	23,670,824	-	-	-	23,670,824
Public safety - encumbrances	33,840	-	-	-	-	33,840
Public works - encumbrances	251,888	-	-	-	-	251,888
Community services - encumbrances	65,661	-	-	-	-	65,661
General government encumbrances	16,337	-	-	-	-	16,337
Unassigned:	30,139,831	-	-	-	-	30,139,831
Total fund balances:	<u>\$30,513,568</u>	<u>\$50,958,820</u>	<u>\$ 6,233,267</u>	<u>\$ 36,488,821</u>	<u>\$30,842,896</u>	<u>\$ 155,037,372</u>

9. Interfund Activities

Interfund transactions for the year were as follows:

	Transfer to						
	Major				Internal Service Funds	Other Governmental Funds	
Transfers from	General	Debt Service	Capital Projects	Water & Sewer			Total
General	\$ -	\$ 5,595,414	\$ 7,661,499	\$ -	\$ -	\$ 127,750	\$ 13,384,663
Capital Projects	-	689,918	-	514,610	950,000	-	2,154,528
Other Governmental Funds	6,889,869	984,375	19,185,979	-	16,582	370,890	27,447,695
Proprietary Funds							
Water and sewer	-	-	2,975,970	-	-	-	2,975,970
Solid Waste	-	-	980,000	-	-	-	980,000
Internal Service Funds	-	-	830,317	-	-	-	830,317
Total proprietary funds	-	-	4,786,287	-	-	-	4,786,287
Totals	<u>\$ 6,889,869</u>	<u>\$ 7,269,707</u>	<u>\$ 31,633,765</u>	<u>\$ 514,610</u>	<u>\$ 966,582</u>	<u>\$ 498,640</u>	<u>\$ 47,773,173</u>

Transfers are used to (1) move revenues from the fund that statute or budget requires to collect them to the fund that statute or budget requires to expend them, (2) move receipts restricted to debt service from funds collecting the receipts to the debt service fund as debt service payments are due, and (3) use unrestricted revenues collected in various funds to finance various programs accounted for in other funds in accordance with budgetary authorization. Any transfers within the government funds have been eliminated in the government-wide statement of activities.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Interfund receivable/payable balances as of December 31, 2018 were as follows:

	<u>Receivables</u>	<u>Payables</u>
Fund Statements		
General	\$ 1,255,683	\$ -
Other governmental funds		1,255,683
Vehicle replacement	1,474,780	
Capital projects	-	1,474,780
	<u>\$ 2,730,463</u>	<u>\$ 2,730,463</u>
Government-Wide Statements		
Governmental	\$ 5,881,919	\$ -
Business-type	-	5,881,919

10. Pension Plans

The City participates in the Kansas Public Employees Retirement System (KPERS) and the Kansas Police and Firemen's Retirement System (KP&F). Both are part of a cost-sharing, multiple-employer defined benefit pension plan as defined in Governmental Accounting Standards Board Statement No. 67, *Financial Reporting for Pensions*. The pension plan is administered by KPERS, a body corporate and an instrumentality of the State of Kansas. KPERS provides benefit provisions to the following statewide pension groups under one plan, as provided by K.S.A. 74, article 49 (1) public employees (which includes State/School employees and local employees), (2) Police and Firemen, and (3) judges. Substantially all public employees in Kansas are covered by KPERS. Participation by local political subdivisions is optional, but irrevocable once elected. KPERS issues a stand-alone comprehensive annual financial report which is available on the KPERS website at www.kpers.org or may be obtained by writing to KPERS (611 S. Kansas Avenue, Suite 100, Topeka, Kansas 66603-3803) or by calling 1-888-275-5737.

Benefits

Benefits are established by statute and may only be changed by the General Assembly. Members (except Police and Firemen) with ten or more years of credited service, may retire as early as age 55 (Police and Firemen may be age 50 with 20 years of credited service), with an actuarially reduced monthly benefit. Normal retirement is at age 65, age 62 with ten years of credited service, or whenever a members combined age and years of credited service equal 85 "points" (Police and Firemen normal retirement ages are 60 with 15 years of credited service, age 55 with 20 years, age 50 with 25 years, or any age with 36 years of service). Monthly retirement benefits are based on a statutory formula that includes final average salary and years of service. When ending employment, members may withdraw their contributions from their individual accounts, including interest. Members who withdraw their accumulated contributions lose all rights and privileges of membership.

Members choose one of seven payment options for their monthly retirement benefits. At retirement, a member may receive a lump-sum payment of up to 50% of the actuarial present value of the member's lifetime benefit. The monthly retirement benefit is then permanently reduced based on the amount of the lump sum. Benefit increases, including ad hoc post-retirement increases, must be passed into law by the Kansas Legislature. Benefit increases are under the authority of the Legislature and the Governor of the State of Kansas.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

The 2012 Kansas Legislature made changes affecting new hires, current members, and employers. A new KPERS 3 cash balance retirement plan for new hires starting January 1, 2015 was created. Normal retirement age for KPERS 3 is 65 with five years of service or 60 with 30 years of service. Early retirement is available at age 55 with ten years of service with a reduced benefit. Monthly benefit options are an annuity benefit based on the account balance at retirement.

For all pension coverage groups, the accumulated contributions and interest are deposited into and disbursed from the membership accumulated reserve fund as established by K.S.A. 74-4922.

Contributions

Member contributions are established by state law and are paid by the employee according to the provisions of Section 414 (h) of the Internal Revenue Code. State law provides that the employer contribution rates are determined based on the results of an annual actuarial valuation. The contributions and assets of all groups are deposited in the KPERS Fund established by K.S.A. 74-4921. All of the retirement systems are funded on an actuarial reserve basis.

For fiscal years beginning in 1995, Kansas legislation established statutory limits on increases in contribution rates for KPERS employers. Annual increases in the employer contribution rates related to subsequent benefit enhancements are not subject to these limitations. The statutory cap increase over the prior year contribution rate is 1.2% of total payroll for the fiscal year ended June 30, 2018.

The actuarially determined employer contribution rate and statutory contribution rate for local government employees are both 8.39%. The actuarially determined employer contribution rate and statutory contribution rate for police and firemen are both 20.09%. Member contribution rates as a percentage of eligible compensation for the fiscal year ended June 30, 2018 are 6% for local government employees and 7.15% for police and firemen.

Employer Allocations

Although KPERS administers one cost-sharing multiple-employer defined pension plan, separate (sub) actuarial valuations are prepared to determine the actuarial determined contribution rate by group. Following this method, the measurement of the collective net pension liability, deferred outflows of resources, deferred inflows of resources, and pension expense are determined separately for each group in the plan. To facilitate the separate (sub) actuarial valuations, KPERS maintains separate accounts to identify additions, deductions, and fiduciary net position applicable to each group. The allocation percentages presented for each group in the schedule of employer and nonemployer allocations are applied to amounts presented in the schedules of pension amounts by employer and nonemployer.

The allocation percentages for the City's share of the collective pension amounts as of June 30, 2018 and 2017 were based on the ratio of its contributions to the total of the employer and nonemployer contribution group for the fiscal years ended June 30, 2018 and 2017, respectively. The contributions used exclude contributions made for prior service, excess benefits, and irregular payments. At June 30, 2018, the City's proportion was 6.912% (2.092% for local government employees and 4.820% for police and firemen) which was an increase of 0.404% from its proportion measured at June 30, 2017.

Net Pension Liability

As of December 31 2018 and 2017 the City reported a liability of \$75,531,640 (\$29,158,100 for local government employees and \$46,373,540 for police and firemen) and \$71,227,955 (\$28,925,745 for local government employees and \$42,302,210 for police and firemen), respectively, for its proportionate share of the net pension liability.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

The total pension liability was determined by an actuarial valuation as of December 31, 2017, which was rolled forward to June 30, 2018, using the following actuarial assumptions:

Inflation	2.75%
Salary increases, including wage increases	3.50 to 12.00%, including inflation
Long-term rate of return, net of investment expense, and including price inflation	7.75%

Mortality rates were based on the RP-2014 Mortality Tables, with age setbacks and age set forwards as well as other adjustments based on different membership groups. Future mortality improvements are anticipated using Scale MP-2016.

The actuarial assumptions used in the December 31, 2017 valuation were based on the results of an actuarial experience study conducted for the period January 1, 2013 through December 31, 2015. The experience study is dated November 18, 2016.

The long term expected rate of return of pension plan investments was determined using a building block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense, and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage. Best estimates of arithmetic real rates of return for each major asset class as of the most recent experience study, dated November 18, 2016, as provided by KPERS investment consultant, are summarized in the following table:

Asset Class	Long-Term Target Allocation	Long-Term Expected Real Rate of Return
Global equity	47.00%	6.85%
Fixed income	13.00%	1.25%
Yield driven	8.00%	6.55%
Real return	11.00%	1.71%
Real estate	11.00%	5.05%
Alternatives	8.00%	9.85%
Short-term investments	2.00%	-0.25%
Total	100.00%	

Discount Rate

The discount rate used to measure the total pension liability was 7.75%. The projection of cash flows used to determine the discount rate was based on member and employer contributions as outlined below:

In KPERS, the State/School and Local groups do not necessarily contribute the full actuarial determined rate. Based on legislation first passed in 1993 and subsequent legislation, the employer contribution rates certified by the Board may not increase by more than the statutory cap. The statutory cap for Fiscal Year 2018 was 1.2 percent.

In recent years, the Legislature has made several changes to statutory rates that deviate from the scheduled contribution increases set under the caps established in 2012 for State/School group. Under 2015SB 4, the previously certified State/School statutory rate for Fiscal Year 2015 of 11.27 percent was

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

reduced to 8.65 percent for the last half of the fiscal year as part of the Governor's Allotment. The same session, SB 228 recertified statutory rates for the State/School group to 10.91 percent for Fiscal Year 2016 and 10.81 percent for Fiscal Year 2017 in anticipation of the issuance of \$1 billion in pension obligation bonds. Legislation in the 2016 session (SB 161) provided for the delay of up to \$100 million in State and School contributions to the Pension Plan. Legislation passed by the 2017 Legislature removed the repayment provisions included in SB 161.

In addition, 2017 S Sub. For Sub. HB 2052 delayed \$64.1 million in Fiscal Year State/School contributions to be repaid over 20 years in level dollar installments. The first year payment of \$6.4 million was received in July 2017 and appropriations for Fiscal Year 2018 were made at the statutory contribution rate of 12.01 percent for State/School group. Additional legislation in the 2017 Session (S Sub for HB 2002) provided for a reduction of \$194 million from the previously certified contribution rate of 13.21 percent in the State/School contributions for Fiscal Year 2019. Like the Fiscal Year 2017 reduction, it is to be paid back over a 20 year period, beginning in Fiscal Year 2020. Therefore, both reductions will be accounted for as long-term receivable by the Pension Plan. The 2018 Legislature passed House Sub for Sen Bill 109, that provided additional funds for the school group of \$56 million in Fiscal Year 2018 and \$138 million in Fiscal Year 2019.

Based on employer contribution history as described above, it is a reasonable estimate that the State/School groups contribution rate may not be certified at the statutory rate. It has been assumed that contribution rates will be made within the same range as have been seen in the past few years, between 11 to 12 percent. Using this assumption actuarial modeling indicates that employer contribution rates for the State/School group are sufficient to avoid a depletion date.

Sensitivity of the City Proportionate Share of the Net Pension Liability to Changes in the Discount Rate

The following presents the City's proportionate share of the net pension liability as of June 30, 2018 calculated using the discount rate of 7.75%, as well as what the City's proportionate share of the net pension liability would be if it were calculated using a discount rate that is one percentage point lower (6.75%) or one percentage point higher (8.75%) than the current rate:

	1% Decrease (6.75%)	Discount Rate (7.75%)	1% Increase (8.75%)
Local government	\$ 42,764,608	\$ 29,158,100	\$ 17,659,373
Police and Firemen	66,091,516	46,373,540	29,865,248
Total	<u>\$ 108,856,124</u>	<u>\$ 75,531,640</u>	<u>\$ 47,524,621</u>

Pension Expense

For the year ended December 31, 2018, the City recognized pension expense of \$9,929,940 (\$3,133,670 local government employees and \$6,796,270 for police and firemen), which includes the changes in the collective net pension liability, projected earning on pension plan investments, and the amortization of deferred outflows of resources and deferred inflows of resources for the current period.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Deferred Outflows of Resources and Deferred Inflows of Resources

At December 31, 2018, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources Local Government	Deferred Inflows of Resources Local Government	Deferred Outflows of Resources Police and Firemen	Deferred Inflows of Resources Police and Firemen	Total Deferred Outflows of Resources	Total Deferred Inflows of Resources
Differences between actual and expected experience	\$ 105,273	\$ 826,210	\$ 2,833,554	\$ 214,251	\$ 2,938,827	\$ 1,040,461
Net differences between projected and actual earnings on investments	682,099	-	1,206,874	-	1,888,973	-
Changes in assumptions	1,262,670	140,415	2,441,999	127,993	3,704,669	268,408
Changes in proportion	1,988,566	2,145	2,328,075	573,710	4,316,641	575,855
Contributions after measurement date	1,549,133	-	2,631,392	-	4,180,525	-
Total	\$ 5,587,741	\$ 968,770	\$ 11,441,894	\$ 915,954	\$ 17,029,635	\$ 1,884,724

Contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the subsequent year. The remaining amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year Ended December 31:	Local Government	Police and Firemen
2019	\$ 1,699,846	\$ 3,550,956
2020	1,070,654	2,429,021
2021	(48,262)	754,170
2022	296,559	981,511
2023	51,041	178,890
Thereafter	-	-

11. Commitments and Contingent Liabilities

Reimbursable Developer's Cost

The City has pledged revenues (property tax and sales tax) from development areas to repay eligible developers' costs associated with each project. These obligations represent redeveloper project costs that have been certified as eligible for reimbursement from the incremental taxes attributable to each project. The City is only obligated for the amounts of incremental taxes received attributable to the projects. Any deficiencies are the responsibility of the developer. The remaining certified project costs to be repaid as of December 31, 2018 totaled \$26,504,337.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Encumbrances

Listed below are the encumbrances by fund for the City as of December 31, 2018.

	<u>Major</u>	<u>Nonmajor</u>	
		<u>Other</u>	
	<u>General</u>	<u>Governmental</u>	<u>Total</u>
		<u>Funds</u>	<u>Governmental</u>
			<u>Funds</u>
Restricted for:			
Community services	\$ -	\$ -	\$ -
General government	-	-	-
Committed to:			
Public works	-	178,746	178,746
Community services	-	15,679	15,679
Assigned to:			
Public safety	33,840	-	33,840
Public works	251,888	-	251,888
Community services	65,661	-	65,661
General government	16,337	-	16,337
Total encumbrances	<u>\$ 367,726</u>	<u>\$ 194,425</u>	<u>\$ 562,151</u>

Commitments

As of December 31, 2018, uncompleted capital project authorizations compared with project costs from inception (excluding expenditures for general obligation notes, general obligation note interest, note and bond issuance costs and transfers of unused funds back to the funding source) were as follows:

	<u>Project</u>	<u>Costs - Project</u>
	<u>Authorizations</u>	<u>Inception to</u>
		<u>December 31, 2018</u>
Street improvements	\$ 235,257,636	\$ 149,897,532
Citywide improvements	163,808,394	122,437,225
Water and sewer lines	108,331,367	74,668,442
	<u>\$ 507,397,397</u>	<u>\$ 347,003,199</u>

The City has entered into an agreement with Johnson County Indian Creek Middle Basin Main Sewer District No. 1 (the Sewer District) for the transportation and treatment of sewage. The agreement, which is effective for a period of 99 years from August 28, 1984, provides for the transportation of sewage to the county treatment plant and sets billing standards. The City will be billed by the Sewer District for operation, and maintenance, and capital improvements costs in the same manner as other Sewer District users. The City will then be responsible for allocating these costs to City property owners.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

The City has estimated the costs to be billed under the agreement for the next three years to be as follows:

	Operation and Maintenance	Capital Improvements	Total
2019	\$ 3,250,527	\$ 913,264	\$ 4,163,791
2020	3,599,959	972,809	4,572,768
2021	3,986,955	1,036,236	5,023,191

Litigation

There are claims and/or lawsuits to which the City is a party as a result of law enforcement activities, injuries and various other matters and complaints arising in the ordinary course of City activities. The City's management and legal counsel anticipate that potential claims against the City not covered by insurance would not materially affect the financial position of the City.

12. Risk Management

The City's risk management activities are reported separately in an Internal Service Fund. The City's risk management activities cover both the primary reporting unit and discretely presented component unit, the Authority. The insurance programs administered are property and various types of liability. The City uses a commercial insurance program with various levels of coverage.

The City has a deductible of \$25,000 per occurrence for all property damage losses, \$25,000 per occurrence for auto liability and auto property losses, \$25,000 per occurrence for general liability losses, \$25,000 per occurrence for police liability losses, and \$25,000 per occurrence for public official liability losses. The City's deductible would be limited to \$25,000 should more than one line of coverage be involved in any single occurrence/event. The City maintains a loss reserves fund for pending claims and for claims incurred, but not reported. The City believes that there is no potential liability as of December 31, 2018 which will exceed coverage and the funds reserved. There were no significant reductions in insurance coverage during 2018. No significant settlements in excess of insurance coverage have been paid in the last three years.

Effective January 1, 1998, the City was granted a self-insured permit by the Kansas Workers' Compensation Division. The City had previously been a member of a self-insured pool for 11 years. As a stand-alone workers' compensation self-insured, the City must comply with very strict procedural and funding standards monitored by the Kansas Workers' Compensation Division. The City has recorded a liability of \$926,209 that represents the estimated future cost of claims made and claims incurred, but not reported at December 31, 2018. All is considered due within one year and is included in accounts and claims payable in the Statement of Net Position.

Changes in the balances of workers' compensation claims liabilities during the past two years are as follows:

	Beginning of Year	Additions	Deletions	End of Year
2017	\$ 1,088,963	\$ 954,717	\$ 725,313	\$ 1,318,367
2018	1,318,367	338,061	730,219	926,209

Employee health and dental insurances are self-insured by the City. The City has an accrued liability for various insurance claims payable including claims incurred, but not yet paid of \$977,000 at December 31, 2018. All is considered due within one year and is included in accounts and claims payable in the Statement of Net Position.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Changes in the balances of health and dental insurance claims liabilities during the past two years are as follows:

	<u>Beginning of Year</u>	<u>Additions</u>	<u>Deletions</u>	<u>End of Year</u>
2017	\$ 735,000	\$14,988,093	\$ 14,745,093	\$ 978,000
2018	978,000	13,636,698	13,637,698	977,000

The risk management claims payable are based on claims adjusters' and management's evaluations and a third party administrator's review of experience with respect to the probable number and nature of claims arising from losses that have been incurred, but not reported. The liability includes the estimated ultimate cost of settling the claims, including incremental costs, the effects of inflation and other societal and economic factors. Other nonincremental costs are not included in the basis of estimating the liability.

13. Landfill Closure

In October 1993, the City ceased landfill operations. In 1994, the City sold \$1,015,000 of Solid Waste Revenue Bonds to finance closure and postclosure costs of the landfill and to construct a transfer station for waste collection and distribution to a regional landfill.

The Environmental Protection Agency (EPA), through the Kansas Department of Health and Environment, requires the former site to be capped. This cap must be inspected for erosion, and the ground water samples must be tested annually. The City has obtained an environmental engineer study of the landfill to evaluate the ultimate postclosure liability to be accrued at December 31, 1995 in accordance with EPA regulations, state regulations and GASB Statement No. 18, "Accounting for Municipal Solid Waste Landfill Closure and Solid Waste Enterprise Fund". Based on the information from the study no liability has been accrued at December 31, 2018. The postclosure care costs will be expensed as incurred. The City will continue to evaluate the ultimate postclosure care cost annually. In the event that a material liability is estimated, the City will accrue the liability at that financial statement date. Total current cost of landfill closure and postclosure care is an estimate and subject to changes resulting from inflation, deflation, technology, or changes in applicable laws or regulations.

14. Postemployment Benefits Other than Pension Benefits (OPEB)

Plan Description

The City's health plan is self-funded. The City has a single employer plan for retirees health benefit. The benefit plan is authorized by Personnel Code Article III, Section 4 Group Insurance B and K.S.A. 12-5040. Retirees have the option to continue with the City plan and pay the monthly premium. Retirees who retire under the KPERS requirements are eligible for benefits. The City offers major medical health insurance, prescription coverage, and dental insurance. The City's OPEB liability is normally liquidated in the General Fund, the Water and Sewer Fund, and the Solid Waste Fund. Retiree health coverage is provided for under Kansas Statute 12-5040.

Retirees and spouses have the same benefits as active employees. Retiree coverage terminates either when the retiree becomes covered under another employer health plan or when the retiree reaches Medicare eligibility age which is currently age 65. Spousal coverage is available until the retiree becomes covered under another employer health plan, attains Medicare eligibility age, or dies.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Funding Policy

The current plan is financed on a pay as you go basis. The retirees pay the same premium established for active employees. The City did not contribute to the plan.

At January 1, 2018, the following employees were covered by the benefit terms:

Active employees	854
Retirees and covered spouses	204
	<u>1,058</u>

The total OPEB liability of \$26,265,984 was measured as of December 31, 2018 and was determined by an actuarial valuation as of that date.

The total OPEB liability in the December 31, 2018 actuarial valuation was determined using the following assumptions and other inputs, applied to all periods in the measurement, unless otherwise specified.

Valuation date	January 1, 2018
Actuarial cost method	Entry age normal as a level percentage of payroll
Interest	2.50%
Salary increase	3.50%
Discount rate	3.68%
Healthcare cost trend rate	Medical & Pharmacy: 6.50% for 2018, decreasing 0.25% per year to an ultimate rate of 4.50% for 2026 and later years

The discount rate was based on an index rate for S&P Municipal Bond 20 year High Grade and the Fidelity GO AA-20 Years indexes.

Mortality rates were based on the Society of Actuaries RPH-2014 adjusted to 2006 Disabled Retiree Mortality Table with Scale MP-2018 Full Generational Improvement.

Changes in the total OPEB liability are as follows:

OPEB Liability - Beginning of Year	\$ 27,631,277
1. Service Cost	1,102,462
2. Interest Cost	903,255
3. Changes in Benefit Terms	(484,927)
4. Differences between actual and expected experience	(280,939)
5. Changes in assumptions and inputs	(894,144)
6. Benefit payments (Employer Contributions)	1,711,000
Net Changes (1+2+3+4+5-6)	<u>(1,365,293)</u>
OPEB Liability - End of Year	<u>\$ 26,265,984</u>

The following presents the total OPEB liability of the City, as well as what the City's total OPEB liability would be if it were calculated using the discount rate that is one percentage point lower (2.68% or one percentage point higher (4.68%) than the current discount rate.

	1% Decrease	Discount Rate	1% Increase
	2.68%	3.68%	4.68%
Total OPEB Liability	<u>\$ 28,223,902</u>	<u>\$ 26,265,984</u>	<u>\$ 24,448,629</u>

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

The following presents the total OPEB liability of the City, as well as what the City's total OPEB liability would be if it were calculated using healthcare cost trend rates that are one percentage point lower or one percentage point higher than the current cost trend rate.

	1% Decrease	Current Trend Assumption	1% Increase
Total OPEB Liability	\$ 23,866,913	\$ 26,265,984	\$ 29,041,175

For the year ended December 31, 2018, the City recognized OPEB expense of \$1,403,282.

Deferred Inflows of Resources.

At December 31, 2018 the City reported deferred inflows related to OPEB from the following sources:

	Deferred Inflows of Resources
Changes in Assumptions	\$ 804,730
Differences between expected and actual experience	252,845
Total	<u>\$ 1,057,575</u>

Amounts reported as deferred inflows of resources will be recognized in OPEB expense as follows:

Year Ended December 31,	Deferred Inflows of Resources
2019	\$ (117,508)
2020	(117,508)
2021	(117,508)
2022	(117,508)
2023	(117,508)
2024 & thereafter	(470,035)
	<u>\$ (1,057,575)</u>

15. Other Postemployment Benefits – KPERS

Plan Description

The City participates in a multiple-employer defined benefit other postemployment benefit (OPEB) plan (the Plan) which is administered by the Kansas Public Employees Retirement System (KPERS). The Plan provides long-term disability benefits and a life insurance benefit for disabled members to KPERS members, as provided by K.S.A. 74-04927. The Plan is administered through a trust held by KPERS that is funded to pay annual benefit payments. However, because the trust's assets are used to pay employee benefits other than OPEB, the trust does not meet the criteria in paragraph 4 of GASB Statement No. 75, Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions. Accordingly, the Plan is considered to be administered on a pay-as-you-go basis.

Benefits

Benefits are established by statute and may be amended by the KPERS Board of Trustees. The Plan provides long-term disability benefits equal to 60 percent (prior to January 1, 2006 66 2/3 percent) of annual compensation, offset by other benefits. Members receiving long-term disability benefits also receive credit towards their KPERS retirement benefits and have their group life insurance coverage continued under the waiver of premium provision.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

The monthly long-term disability benefit is 60percent of the member's monthly compensation, with a minimum of \$100 and a maximum of \$5,000. The monthly benefit is subject to reduction by deductible sources of income, which include Social Security primary disability or retirement benefits, workers compensation benefits, other disability benefits from any other sources by reason of employment, and earnings from any form of employment. If the disability begins before age 60, benefits are payable while the disability continues until the member's 65th birthday or retirement date whichever occurs first. If the disability begins after age 60, benefits are payable while the disability continues, for a period of five years or until the member retires, whichever occurs first. Benefit payments for disabilities caused or contributed to by substance abuse or non-biologically based mental illnesses are limited to the shorter of the term of the disability or 24 months per lifetime.

The death benefit paid to beneficiaries of disabled members is 150% of the grater of 1) the member's annual rate of compensation at the time of disability, or 2) the members `previous 12 months of compensation at the time of the last date on payroll. If the member has been disabled for five or more years, the annual compensation or salary rate at the time of death will be indexed using the consumer price index, less one percentage point, to compute the death benefit. If a member is diagnosed as terminally ill with a life expectancy of 12 months or less, the member may be eligible to receive up to 100% of the death benefit rather than having the benefit paid to the beneficiary. If a member retires or disability benefits end, the member may convert the group life insurance coverage to an individual insurance policy.

Employees covered by benefit terms

At December 31, 2017, the valuation date, the following employees were covered by the benefit terms:

Active employees	600
Disabled members	19
	<u>619</u>

Total OPEB Liability

The City's total KPERS OPEB liability of \$1,965,338 reported as of December 31, 2018 was measured as of June 30, 2018 and was determined by an actuarial valuation as of December 31, 2017, which was rolled forward to June 30, 2018 using the following actuarial assumptions:

Valuation date	31-Dec-17
Acturial cost method	Entry age normal
Interest	2.75%
Salary increase	3.00%
Discount rate	3.87%

The discount rate was based on the bong buyer general obligation 20-bond municipal index.

Mortality rates were based on the RP 2014 Mortality Tables, with age setbacks and age set forwards as well as other adjustments based on different membership groups. Future mortality improvements are anticipated using Scale MP-2016.

The actuarial assumptions used in the December 31, 2017 valuation were based on the results of an actuarial experiences study for the period of Jun1, 2014 through June 30, 2016. Other demographic assumptions are set to be consistent with the actuarial assumptions reflected in the December 31, 2017 KPERS pension valuation.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

OPEB Liability - June 30, 2017	\$ 2,070,970
Service Cost	139,314
Interest Cost	75,802
Effect of economic/demographic gains or losses	(109,329)
Effect of assumptions changes or inputs	(23,958)
Benefit payments (Employer Contributions)	187,461
Net Changes	<u>(105,632)</u>
OPEB Liability - End of Year	<u><u>\$ 1,965,338</u></u>

Sensitivity of the total KPERS OPEB liability to changes in the discount rate

The following presents the total KPERS OPEB liability of the City, as well as what the City's total KPERS OPEB liability would be if it were calculated using a discount rate that is 1 percentage point lower (2.87%) or 1 percentage point higher (4.87%) than the current discount rate.

	1% Decrease 2.87%	Discount Rate 3.87%	1% Increase 4.87%
Total OPEB Liability	\$ 2,047,276	\$ 1,965,338	\$ 1,884,547

Sensitivity of the total KPERS OPEB liability to changes in the healthcare cost trend rates

The following presents the total KPERS OPEB liability of the City calculated using the current healthcare cost trend rates as well as what the City's total KPERS OPEB liability would be if it were calculated using trend rates that are 1 percentage point lower or 1 percentage point higher than the current trend rates. The reader should note that healthcare trend rates do not affect the liabilities related to the long-term disability benefits sponsored by KPERS, but this exhibit is provided as it is a required disclosure under GASB 75.

	1% Decrease	Healthcare Cost Trend Rates	1% Increase
Total OPEB Liability	\$ 1,965,338	\$ 1,965,338	\$ 1,965,338

For the year ended June 30, 2018, the City recognized OPEB expense of \$194,596.

Deferred Outflows of Resources and Deferred Inflows of Resources

At December 31, 2018, the city reported deferred inflows and outflows related to OPEB from the following sources:

	Deferred Inflows of Resources	Deferred Outflows of Resources
Changes in Assumptions	\$ 73,437	\$ -
Differences between expected and actual experience	98,046	-
Subtotal	171,483	-
Contributions subsequent to the measurement date	-	184,642
Total	<u><u>\$ 171,483</u></u>	<u><u>\$ 184,642</u></u>

\$184,642 reported as deferred outflows of resources related to KPERS OPEB results from City contributions subsequent to the measurement date will be recognized of the net OPEB liability in the year ended December 31, 2019. Amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Year Ended December 31,	Deferred Inflows of Resources
2019	\$ (20,519)
2020	(20,519)
2021	(20,519)
2022	(20,519)
2023	(20,519)
2024 & thereafter	(68,888)
	<u>\$ (171,483)</u>

16. Tax Abatements

Property Tax Abatements

The City provides property tax abatements pursuant to and subject to the terms of Section 13 of Article 11 of the Kansas Constitution or K.S.A. 12-1740 et seq. and 79-201a. (the "Economic Development Revenue Bond Act" (EDRB Act). The purpose of the EDRB Act is to promote, stimulate, and develop the general welfare and economic prosperity of the State of Kansas. Cities are authorized by the EDRB Act to issue economic development revenue bonds, the proceeds of which shall be used for paying all or part of the cost of purchasing, acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging, or remodeling facilities for agricultural, commercial, hospital, industrial, natural resources, recreational development and manufacturing purposes. The EDRB Act defines the term facility to include a site and the necessary site preparation, structures, easements, rights-of-way, and appurtenances necessary and convenient to the facility being financed.

Property tax abatements are authorized by and subject to the terms of K.S.A. 79-201a, which provides that facilities financed pursuant to the EDRB Act are, upon issuance of the economic development revenue bonds (EDRBs), exempt from real property taxation for a period of ten calendar years after the calendar year in which the revenue bonds are issued. Pursuant to the EDRB Act the City may execute agreements which may provide for payment in lieu of taxes and provide for an origination fee and for the actual costs of administering and supervising the bond issue.

Issuance of EDBRs and approval of tax abatements are also subject to City Resolution No. 16-1003, establishing policies relating to industrial revenue bonds and property tax abatements. Resolution No. 16-1003 recognizes that it is essential to stimulate economic growth and development for industries and businesses to provide services, employment, and tax revenues for the benefit of the community. The Governing Body intends that all projects receiving property tax abatement meet the criteria that are detailed below.

- a. Employment – Wages: The amount and diversity of additional employment opportunities which would be provided shall be a primary consideration. The City expects all projects which receive a property tax abatement to produce a high quantity of jobs and or pay above average wages.
- b. Design Criteria: The City will, at its sole discretion, require higher design standards for the design of building and material used for projects receiving property tax abatement. Projects shall utilize construction material that meet or exceed the requirement set forth in the design guidelines as provided by the City's Planning Services Division. The project must be environmentally acceptable to the location intended as well as the surrounding area.
- c. Compatibility with Adopted City Plans: All projects shall be consistent with the City's Comprehensive Plan, any applicable corridor plans, and other plans of the City which may be relevant to the project. When evaluating proposed projects, the City will consider a variety of

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

factors to determine compliance, including compatibility of the location of the business with the land use and development plans of the City and the availability of existing infrastructure facilities and the essential public services.

The City will consider granting tax exemption incentives upon factual showing of direct economic benefit to the City through advancement of its economic development goals, including the creation of additional jobs and the stimulation of additional private investment. Before a tax exemption incentive is granted, a cost-benefit analysis report examining the costs and benefits to the public of the proposed tax exemption incentive is prepared. In addition, the City provides a public hearing notice and the City Council conducts a public hearing to consider the abatement. Any tax exemption granted pursuant to Resolution No. 16-1003 shall be accompanied by a performance agreement which is subject to annual review and determination by the Governing Body that the conditions qualifying the business for the exemption continue to exist. If the Governing Body finds the business is not in compliance, then the tax exemption may be modified pursuant to the performant agreement or eliminated as the Governing Body deems appropriate.

For the fiscal year ending December 31, 2018, the City abated ad valorem property taxes. Listed below are projects that individually exceed 4% of the City's total amount abated. The projects listed total over 50% of the total abatement amount.

Project Name	Garmin International
Project Description	Instrument/high-technology manufacturing
Approved Abatement	75% of ad valorem property taxes
2018 amount	\$545,171
Additional Commitment	N/A

Project Name	Sun Life Assurances/KH Jensen LLC
Project Description	Warehouse/office combination
Approved Abatement	50% of ad valorem property taxes
2018 amount	\$92,614
Additional Commitment	N/A

Project Name	US Bank
Project Description	Information services and data processing
Approved Abatement	55% of ad valorem property taxes
2018 amount	\$143,261
Additional Commitment	N/A

Project Name	TVH
Project Description	Warehouse
Approved Abatement	50% of ad valorem property taxes
2018 amount	\$134,276
Additional Commitment	N/A

Project Name	Sun Life Assurance
Project Description	Warehouse/office combination
Approved Abatement	50% of ad valorem property taxes
2018 amount	\$115,950
Additional Commitment	N/A

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Project Name	Himoinsa Power Systems, Inc
Project Description	Warehouse
Approved Abatement	50% of ad valorem property taxes
2018 amount	\$88,793
Additional Commitment	N/A

Tax Increment Financing

The City provides tax increment financing (TIF) for projects pursuant to and subject to the terms of K.S.A. 12-1770 (the TIF Act). The TIF Act authorizes the City to assist in the development and redevelopment of eligible areas within the City to promote, stimulate, and develop the general and economic welfare of the State of Kansas and its communities. The Governing Body recognizes that tax increment financing is an appropriate tool to utilize to provide services, employment, and tax revenues for the benefit of the community.

The TIF Act authorizes the City to apply the incremental increase in ad valorem property tax and other tax revenues to reimburse eligible project expenses. The increment increase is from a base established upon creation of a redevelopment district. The tax increment may be used to finance certain projects expenditures which are defined in the TIF Act. Tax increment revenues are available for a period of twenty years from the date of approval of a TIF project plan.

Approval of TIF financing is also subject to City Resolution No. 15-1089 which provides that the City will consider use of a TIF when a project meets the requirement of the TIF Act and which demonstrate a substantial and significant public benefit by constructing public improvement, in support of development that will, by creating new jobs and retaining existing employment, eliminate blight, strengthen the employment and economic base of the city, increase property values and tax revenues, reduce poverty, create economic stability, upgrade older neighborhoods, facilitate economic self-sufficiency, promote projects that are of community wide importance, and implement the Comprehensive Plan and economic development goals of the City.

The TIF Act and Resolution No. 15-1089 require creation of a redevelopment district (District). The District can only be established after completion of an eligibility study (as defined in the TIF Act), providing notice of and conducting a public hearing, and a finding by the Governing Body that the area of the proposed District meets criteria outlined in the TIF Act.

Authorization of eligible TIF project expenditures is accomplished through the adoption of a Project Plan. A Project Plan can only be established after completion of a feasibility study, providing notice of and conducting a public hearing on the Project Plan, and approval by the Governing Body. Additionally, all Project Plans approved by the City are subject to a development agreement between the City and the developer of the TIF. All development agreements entered by the City include performance milestones and provisions assuring that the redevelopment project is delivered as represented.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

For the fiscal year ending December 31, 2018, the City applied incremental revenues to TIF projects as follows:

Project Name	Olathe Gateway
Project Description	Development of shopping area / entertainment district anchored by Bass Pro.
Approved TIF	100% Ad valorem property tax increment and 100% incremental sales tax
2018 amount	\$1,242,300
Project Commitment	Development of shopping area / entertainment district
Additional Commitment	N/A
Project Name	West Village
Project Description	Development of shopping area anchored by Wal-Mart.
Approved TIF	100% Ad valorem property tax increment and incremental sales tax
2018 amount	\$1,690,785
Project Commitment	Development of shopping area
Additional Commitment	N/A
Project Name	Santa Fe and Ridgeview
Project Description	Redevelopment of shopping area anchored by Sutherland's.
Approved TIF	100% Ad valorem property tax increment and 50% incremental sales tax
2018 amount	\$76,735
Project Commitment	Redevelopment of shopping area
Additional Commitment	N/A
Project Name	Heritage Crossing
Project Description	Development of shopping area.
Approved TIF	100% Ad valorem property tax increment and 50% incremental sales tax.
2018 amount	\$50,471
Project Commitment	Development of shopping area
Additional Commitment	N/A
Project Name	Heart of America / Hilton Garden Inn
Project Description	Development of Hilton Garden Inn hotel
Approved TIF	100% Ad valorem property tax increment and 100% incremental sales tax
2018 amount	\$344,640
Project Commitment	Development of hotel
Additional Commitment	N/A
Project Name	Ancona Honda
Project Description	Redevelopment of car dealership
Approved TIF	100% Ad valorem property tax increment
2018 amount	\$30,729
Project Commitment	Redevelopment of car dealership
Additional Commitment	N/A
Project Name	Heart of America / Conference Center & Hotel
Project Description	Development of conference center and Embassy Suites Hotel
Approved TIF	100% Ad valorem property tax, 100% incremental sales tax, and 100% incremental transient guest tax
2018 amount	\$1,390,396
Project Commitment	Development of convention center and hotel.
Additional Commitment	N/A

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Project Name	Ridgeview Soccer Complex
Project Description	Development of soccer complex
Approved TIF	100% Ad valorem property tax, 100% incremental sales tax, and 100% incremental transient guest tax
2018 amount	\$8,971
Project Commitment	Development of soccer complex.
Additional Commitment	N/A

As of December 31, 2018, there were 48 issues of industrial revenue and multi-housing bonds outstanding. Outstanding issues had an aggregate outstanding amount totaling \$719,400,399 and a total assessed valuation of \$102,648,753.

17. Component Unit Condensed Financial Statements

The City has one discretely presented component unit – Olathe Housing Authority. Listed below are condensed financial statements for the component unit.

	Olathe Public Housing Authority
Total assets	\$ 3,223,345
Total liabilities and deferred inflows	220,716
Net Position	<u>\$ 3,002,629</u>
Expenses	\$ 4,368,605
Program revenues	4,122,355
Net program revenues	(246,250)
Other general revenues	37,984
Change in net position	(208,266)
Beginning net position, as previously reported	3,195,419
Restatement	15,476
Beginning net position, as restated	3,210,895
Ending net position	<u>\$ 3,002,629</u>

18. Change in Accounting Principle and Prior Period Adjustment

In 2018, the City adopted Government Accounting Standards Board Statement No. 75. The prior year ending net positions balances were restated to report the effect of the change in the accounting principles applied in the basic financial statements. In 2018, management of the City evaluated the capital assets of the Vehicle Replacement Fund. Management determined some of the capital assets were recorded incorrectly. The changes resulted in the following adjustments.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

Fund Statements	Water and Sewer Fund	Solid Waste Fund	Vehicle Replacement
Net KPERS OPEB liability	\$ (507,933)	\$ (223,491)	\$ -
Net OPEB liability	\$ (2,119,218)	\$ (706,406)	\$ -
Capital assets	\$ -	\$ -	\$ (3,468,161)
Accumulated Depreciation	\$ -	\$ -	\$ 422,660

Fund Statements	Water and Sewer Fund	Solid Waste Fund	Vehicle Replacement
Net position, December 31, 2017 as previously reported	\$ 286,192,206	\$ 2,961,367	\$ 31,340,060
Accounting change to record Due in more than one year			
Net pension liability	(507,933)	(223,491)	-
OPEB	(2,119,218)	(706,406)	-
Capital assets	-	-	(3,468,161)
Accumulated Depreciation	-	-	422,660
Net position, December 31, 2017 as restated	\$ 283,565,055	\$ 2,031,470	\$ 28,294,559

Government Wide Statements	Governmental Activities	Business-type Activities
Due in more than one year	\$ (1,339,546)	\$ (731,424)
OPEB	\$ (14,834,525)	\$ (2,825,624)
Capital assets	\$ (3,468,161)	\$ -
Accumulated Depreciation	\$ 422,660	\$ -

Government Wide Statements	Governmental Activities	Business-type Activities
Net position, December 31, 2017 as previously reported	\$ 533,964,202	\$ 294,209,152
Accounting change to record due in more than one year	(16,157,339)	(3,557,048)
Capital Assets	(3,468,161)	-
Accumulated Depreciation	422,660	-
Net position, December 31, 2017 as restated	\$ 514,761,362	\$ 290,652,104

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

19. Pending GASB Statements

As of the date of the audit report, the Government Accounting Standards Board (GASB) has issued the following statements not yet implemented by the City:

Statement Number 84, *Fiduciary Activities*, improves guidance regarding the identification of fiduciary activities for accounting and financial reporting purposes and how those activities should be reported. The statement establishes criteria for identifying fiduciary activities, with the focus of the criteria on (1) whether a government is controlling the assets of the fiduciary activity and (2) the beneficiaries with whom a fiduciary relationship exists. An activity meeting the criteria should be reported in a fiduciary fund. The requirements of this statement are effective for periods beginning after December 15, 2018.

Statement Number 87, *Leases*, requires recognition of certain lease assets and liabilities for leases that were previously classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the foundational principle that lease are financings of the right to use an underlying asset. Under this statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments' leasing activities. The requirements of this statement are effective for periods beginning after December 15, 2019.

Statement Number 88, *Certain Disclosures Related to Debt, including Direct Borrowings and Direct Placements*, improves the information that is disclosed in notes to government financial statements related to debt, including direct borrowings and direct placements. It also clarifies which liabilities governments should include when disclosing information related to debt. This statement defines debt for purposes of disclosure in notes to financial statements as a liability that arises from a contractual obligation to pay cash in one or more payments to settle an amount that is fixed at the date the contractual obligation is established. The requirements of this statement are effective for periods beginning after June 15, 2018.

Statement Number 89, *Accounting for Interest Cost Incurred before the End of a Construction Period*, establishes accounting requirements for interest cost incurred before the end of a construction period. This statement require that interest cost incurred before the end of a construction period be recognized as an expense in the period in which the cost is incurred for financial statement prepared using the economic resources measurement focus. As a result, interest cost incurred before the end of a construction period will not be included in the historical cost of a capital asset reported in a business-type activity or enterprise fund. The requirements of this statement are effective for periods beginning after December 15, 2019.

Statement Number 90, *Majority Equity Interest*, improves the consistency and comparability of reporting a government's majority equity interest in a legally separate organization and to improve the relevance of financial statement information for certain component units. It defines a majority equity interest and specifies that a majority equity interest in a legally separate organization should be reported as an investment if a government's holding of the equity interest meets the definition of a investment. The requirements of this state are effective for periods beginning after December 15, 2018.

City of Olathe, Kansas
Notes to the Basic Financial Statements
December 31, 2018

20. Subsequent Events

On February 20, 2019, the City issued \$3,225,000 of revenue bonds with interest rates ranging from 3.00% - 5.00% with a maturity date of October 1, 2038 for certain capital improvements of the stormwater system.

On April 18, 2019, the City issued \$16,630,000 of revenue bonds with interest rates ranging from 3.00% - 5.00% with a maturity date of July 1, 2039 for certain capital improvements of the water and sewer system and refunding revenue bonds.



**Required
Supplementary Information**

City of Olathe, Kansas
Required Supplementary Information
KPERS Other Postemployment Benefits
Schedule of Changes in the City's KPERS OPEB Net Liability and Related Ratios
Last Ten Fiscal Years*

Total Net OPEB liability	2018
Service cost	\$ 139,314
Interest	75,802
Benefit paid	(187,461)
Economic/demographi gains or losses	(109,329)
Changes in assumptions	(23,958)
Net change in total Net OPEB liability	(105,632)
Total Net OPEB liability - beginning of year	2,070,970
Total Net OPEB liability - end of year	<u><u>\$ 1,965,338</u></u>
 Covered payroll	 <u><u>\$ 34,666,148</u></u>
 Total Net OPEB liability as a percentage of covered payroll	 5.67%
 Actuarially determined contribution	 <u><u>\$ 374,465</u></u>
 Actual contribution	 <u><u>\$ 374,465</u></u>
 Contributions as a percentage of covered payroll	 1.08%

* Data became available with the inception of GASB 75 during fiscal year 2018, therefore 10 years of data is unavailable.

City of Olathe, Kansas
Required Supplementary Information
Other Postemployment Benefits
Schedule of Changes in the City's Total OPEB Net Liability and Related Ratios
Last Ten Fiscal Years*

Total Net OPEB liability	2018
Service cost	\$ 1,102,462
Interest	903,255
Benefit paid	(1,711,000)
Difference between expected and actual experience	(280,939)
Changes in assumptions	(894,144)
Changes in benefit terms	(484,927)
Net change in total Net OPEB liability	(1,365,293)
Total Net OPEB liability - beginning of year	27,631,277
Total Net OPEB liability - end of year	<u><u>\$ 26,265,984</u></u>
 Covered payroll	 <u><u>\$ 53,013,812</u></u>
 Total Net OPEB liability as a percentage of covered payroll	 49.55%
 Actuarially determined contribution	 <u><u>\$ 1,711,000</u></u>
 Actual contribution	 <u><u>\$ 1,711,000</u></u>
 Contributions as a percentage of covered payroll	 3.23%

* Data became available with the inception of GASB 75 during fiscal year 2018, therefore 10 years of data is unavailable.

City of Olathe, Kansas
Required Supplementary Information
Schedule of Net Pension Liability
Kansas Employees' Retirement System
Last Five Fiscal Years

Local Government	2014	2015	2016	2017	2018
Proportion of the Net Pension Liability	1.878112%	1.936294%	1.938338%	1.997006%	2.092001%
Proportionate share of the net pension liability	\$ 23,155,815	\$ 25,424,394	\$ 29,986,662	\$ 28,925,745	\$ 29,158,100
Covered payroll	34,408,016	35,530,007	33,922,111	36,032,058	41,149,580
Proportionate share of the net pension liability as a percentage of covered payroll	67.30%	71.56%	88.40%	80.28%	70.86%
Plan fiduciary net position as a percentage of total pension liability	66.60%	64.95%	65.09%	67.12%	68.88%

Police and Firemen	2014	2015	2016	2017	2018
Proportion of the Net Pension Liability	4.500889%	4.660566%	4.546739%	4.510839%	4.819524%
Proportionate share of the net pension liability	\$ 29,829,218	\$ 33,841,190	\$ 42,228,453	\$ 42,302,210	\$ 46,373,540
Covered payroll	22,291,450	23,177,996	23,547,099	24,530,506	26,495,886
Proportionate share of the net pension liability as a percentage of covered payroll	133.81%	146.01%	179.34%	172.45%	175.02%
Plan fiduciary net position as a percentage of total pension liability	66.60%	64.95%	65.09%	67.12%	68.88%

Note: Due to the city's implenting GASB 68, only five years of information is available.

City of Olathe, Kansas
Required Supplementary Information
Schedule of Agency Contributions
Kansas Employees' Retirement System
Last Five Fiscal Years

Local Government	2014	2015	2016	2017	2018
Required contribution	\$ 2,590,522	\$ 2,961,053	\$ 3,100,570	\$ 3,123,646	\$ 3,154,582
Contribution in relation to required contribution	2,590,522	2,961,053	3,100,570	3,123,646	3,154,582
Contribution deficiency	-	-	-	-	-
Covered payroll	34,764,813	35,723,597	34,689,897	36,369,668	41,613,279
Contributions as a percentage of covered payroll	7.45%	8.29%	8.94%	8.59%	7.58%

Police and Firemen	2014	2015	2016	2017	2018
Required contribution	\$ 3,764,718	\$ 4,378,971	\$ 4,515,855	\$ 4,446,415	\$ 4,794,549
Contribution in relation to required contribution	3,764,718	4,378,971	4,515,855	4,446,415	4,794,549
Contribution deficiency	-	-	-	-	-
Covered payroll	22,752,844	23,380,484	23,644,300	25,055,519	27,234,594
Contributions as a percentage of covered payroll	16.55%	18.73%	19.10%	17.75%	17.60%

Changes of benefit terms or assumptions

Changes of benefit terms. There were no changes to benefit terms in the plan for the year ended December 31, 2018

Changes of assumptions. The actuarial assumptions changes adopted by the Pension Plan for all groups based on the experience study:

- Price inflation assumption lowered from 3.00 percent to 2.75 percent
- Investment return assumption was lowered from 8.00 percent to 7.75 percent.
- General wage growth assumption was lowered from 4.00 percent to 3.5 percent
- Payroll growth assumption was lowered from 4.00 percent to 3.00 percent.

Nonmajor Governmental Funds

Nonmajor Governmental Funds

Special Revenue Funds

Fire Levy

To account for property taxes received for the fire department operations.

Motor Fuel Tax

To account for monies levied by the State of Kansas for the purpose of producing revenues to be used to defray in whole or in part the cost of constructing, altering, reconstructing, maintaining and repairing streets and highways.

Library Operating

To account for monies received from the annual tax levy and transfers to the Library Operating Fund for the operation of the Olathe Public Library.

Economic Development and Tourism

To account for monies provided from the transient guest tax for the purpose of funding economic development and tourism.

Special Park and Recreation

To account for monies provided by a state liquor taxation on private clubs and expended for the purchase, establishment, maintenance, or expansion of park and recreational services, programs and education.

Special Alcohol

To account for monies provided by a state liquor taxation on private clubs and expended for the purchase, establishment, maintenance or expansion of services or programs for alcoholism prevention and education.

Storm Water

To account for monies received from monthly residential and commercial fees for the enhancement of the City's storm water management system.



Nonmajor Governmental Funds

Special Revenue Funds

Reimbursable Programs

To account for miscellaneous donations for various designated purposes.

Grants Fund

To account for monies provided by various federal, state, and local granting agencies.

Recreation Fund

To account for recreation activities administered by the City. All activities necessary to provide such services are accounted for in this fund including, but not limited to, administration, concessions, aquatics and sports.

Cemetery

To account for monies received through the sale of cemetery lots and to be used for care of such lots.

Capital Projects Fund

Library Capital

To account for monies used for capital purchases of the Olathe Public Library

Park Sales Tax

To account for the one-eighth cent sales tax collected for the construction of various park projects.

Street Maintenance Sale Tax

To account for the three-eighth cent sales tax collected for the maintenance of streets.

Future Street Improvement

To account for monies provided by developers' deposits for future street improvements in proposed areas of development.

City of Olathe, Kansas
Combining Balance Sheet
Nonmajor Governmental Funds
December 31, 2018

	Special Revenue								
	Fire Levy	Motor Fuel Tax	Library Operating	Economic Development and Tourism	Special Park and Recreation	Special Alcohol	Stormwater	Reimbursable Programs	Grants Fund
Assets									
Cash, cash equivalents, and investments	\$ 221,613	\$ 214,632	\$ 2,692,147	\$ 618,200	\$ 2,218,857	\$ 964,719	\$ 1,167,127	\$ 1,026,459	\$ 381,783
Receivables (net of allowance)									
Accounts	-	-	-	-	-	-	554,601	-	16,009
Taxes	3,282,949	-	5,787,180	343,483	-	-	-	-	-
Loans	-	-	-	-	-	-	-	-	3,858,829
Due from other governments	-	937,046	-	-	100,000	100,000	-	-	418,505
Prepaid asset	-	-	85,330	-	-	-	-	-	-
Total assets	<u>\$ 3,504,562</u>	<u>\$ 1,151,678</u>	<u>\$ 8,564,657</u>	<u>\$ 961,683</u>	<u>\$ 2,318,857</u>	<u>\$ 1,064,719</u>	<u>\$ 1,721,728</u>	<u>\$ 1,026,459</u>	<u>\$ 4,675,126</u>
Liabilities									
Accounts payable	\$ -	\$ -	\$ 73,400	\$ -	\$ 284	\$ -	\$ 1,667	\$ 7,686	\$ 26,823
Due to other funds	-	-	-	-	-	-	-	-	-
Total liabilities	<u>-</u>	<u>-</u>	<u>73,400</u>	<u>-</u>	<u>284</u>	<u>-</u>	<u>1,667</u>	<u>7,686</u>	<u>26,823</u>
Deferred Inflows of Resources									
Deferred revenue - property taxes	3,282,949	-	5,787,180	-	-	-	-	-	-
Deferred revenue - intergovernmental	-	-	-	-	100,000	100,000	-	-	292,760
Total deferred inflows of resources	<u>3,282,949</u>	<u>-</u>	<u>5,787,180</u>	<u>-</u>	<u>100,000</u>	<u>100,000</u>	<u>-</u>	<u>-</u>	<u>292,760</u>
Fund balances									
Nonspendable	-	-	85,330	-	-	-	-	-	-
Restricted									
Public safety	221,613	-	-	-	-	-	-	77,360	73,394
Public works	-	1,151,678	-	-	-	-	-	-	-
Community services	-	-	-	-	-	964,719	-	178,231	4,251,729
General government	-	-	2,618,747	-	-	-	-	763,182	30,420
Committed									
Public works	-	-	-	-	-	-	1,720,061	-	-
Community services	-	-	-	-	2,218,573	-	-	-	-
General government	-	-	-	961,683	-	-	-	-	-
Unassigned	-	-	-	-	-	-	-	-	-
Total fund balances	<u>221,613</u>	<u>1,151,678</u>	<u>2,704,077</u>	<u>961,683</u>	<u>2,218,573</u>	<u>964,719</u>	<u>1,720,061</u>	<u>1,018,773</u>	<u>4,355,543</u>
Total liabilities, deferred inflows of resources, and fund balances	<u>\$ 3,504,562</u>	<u>\$ 1,151,678</u>	<u>\$ 8,564,657</u>	<u>\$ 961,683</u>	<u>\$ 2,318,857</u>	<u>\$ 1,064,719</u>	<u>\$ 1,721,728</u>	<u>\$ 1,026,459</u>	<u>\$ 4,675,126</u>

City of Olathe, Kansas
Combining Balance Sheet
Nonmajor Governmental Funds
December 31, 2018

	Special Revenue		Capital Projects				Total Nonmajor Governmental Funds
	Cemetery	Recreation	Library Capital	Park Sales Tax	Street Maintenance Sales Tax	Future Street Improvement	
Assets							
Cash, cash equivalents, and investments	\$ 666,892	\$ 1,231,384	\$ 787,376	\$ 2,001,720	\$ -	\$ 9,815,705	\$ 24,008,614
Receivables (net of allowance)							
Accounts	-	-	-	-	-	-	570,610
Taxes	-	-	-	679,939	2,039,557	-	12,133,108
Loans	-	-	-	-	-	-	3,858,829
Due from other governments	-	-	-	-	-	-	1,555,551
Prepaid asset	-	-	-	-	-	-	85,330
Total assets	<u>\$ 666,892</u>	<u>\$ 1,231,384</u>	<u>\$ 787,376</u>	<u>\$ 2,681,659</u>	<u>\$ 2,039,557</u>	<u>\$ 9,815,705</u>	<u>\$ 42,212,042</u>
Liabilities							
Accounts payable	\$ 22,580	\$ 418,134	\$ -	\$ -	\$ -	\$ -	\$ 550,574
Due to other funds	-	-	-	-	1,255,683	-	1,255,683
Total liabilities	<u>22,580</u>	<u>418,134</u>	<u>-</u>	<u>-</u>	<u>1,255,683</u>	<u>-</u>	<u>1,806,257</u>
Deferred Inflows of Resources							
Deferred revenue - property taxes	-	-	-	-	-	-	9,070,129
Deferred revenue - intergovernmental	-	-	-	-	-	-	492,760
Total deferred inflows of resources	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>9,562,889</u>
Fund balances							
Nonspendable	-	-	-	-	-	-	85,330
Restricted							
Public safety	-	-	-	-	-	-	372,367
Public works	-	-	-	-	783,874	-	1,935,552
Community services	-	-	-	2,681,659	-	-	8,076,338
General government	-	-	787,376	-	-	-	4,199,725
Committed							
Public works	-	-	-	-	-	9,815,705	11,535,766
Community services	644,312	813,250	-	-	-	-	3,676,135
General government	-	-	-	-	-	-	961,683
Unassigned	-	-	-	-	-	-	-
Total fund balances	<u>644,312</u>	<u>813,250</u>	<u>787,376</u>	<u>2,681,659</u>	<u>783,874</u>	<u>9,815,705</u>	<u>30,842,896</u>
Total liabilities, deferred inflows of resources, and fund balances	<u>\$ 666,892</u>	<u>\$ 1,231,384</u>	<u>\$ 787,376</u>	<u>\$ 2,681,659</u>	<u>\$ 2,039,557</u>	<u>\$ 9,815,705</u>	<u>\$ 42,212,042</u>

City of Olathe, Kansas
Combining Statement of Revenues, Expenditures
and Changes in Fund Balances
Nonmajor Governmental Funds
For the Year Ended December 31, 2018

	Special Revenue							
	Fire Levy	Motor Fuel Tax	Library Operating	Economic Development and Tourism	Special Park and Recreation	Special Alcohol	Stormwater	Reimbursable Programs
Revenues								
Taxes:								
Property	\$ 3,351,446	\$ -	\$ 5,423,294	\$ -	\$ -	\$ -	\$ -	\$ 86,341
Sales	-	-	-	-	-	-	-	-
Transient guest	-	-	-	1,387,266	-	-	-	-
Intergovernmental	-	3,744,715	-	-	499,198	499,198	-	-
Fines, forfeitures, and penalties	-	-	154,474	-	-	-	-	-
Charges for services	-	-	13,909	-	455,190	-	4,204,800	268,779
Use of money and property	-	1,354	32,153	-	32,840	13,216	19,275	2,468
Miscellaneous	-	-	942	-	-	-	400	214,770
Total revenues	<u>3,351,446</u>	<u>3,746,069</u>	<u>5,624,772</u>	<u>1,387,266</u>	<u>987,228</u>	<u>512,414</u>	<u>4,224,475</u>	<u>572,358</u>
Expenditures								
General government	-	-	5,081,821	1,551,600	-	-	445,625	409,921
Public safety	-	-	-	-	-	208,190	-	73,138
Public works	-	-	-	-	-	-	2,183,616	-
Community services	-	-	-	-	557,603	267,114	-	175,999
Total expenditures	<u>-</u>	<u>-</u>	<u>5,081,821</u>	<u>1,551,600</u>	<u>557,603</u>	<u>475,304</u>	<u>2,629,241</u>	<u>659,058</u>
Excess of revenues over (under) expenditures	<u>3,351,446</u>	<u>3,746,069</u>	<u>542,951</u>	<u>(164,334)</u>	<u>429,625</u>	<u>37,110</u>	<u>1,595,234</u>	<u>(86,700)</u>
Other financing sources (uses)								
Insurance proceeds	-	-	-	-	-	-	-	-
Transfers in	-	-	-	-	-	-	-	143,264
Transfers out	(3,345,609)	(3,544,260)	(355,376)	-	(400,000)	-	(1,459,581)	-
Total other financing sources (uses)	<u>(3,345,609)</u>	<u>(3,544,260)</u>	<u>(355,376)</u>	<u>-</u>	<u>(400,000)</u>	<u>-</u>	<u>(1,459,581)</u>	<u>143,264</u>
Net change in fund balances	<u>5,837</u>	<u>201,809</u>	<u>187,575</u>	<u>(164,334)</u>	<u>29,625</u>	<u>37,110</u>	<u>135,653</u>	<u>56,564</u>
Fund balances - beginning of year	215,776	949,869	2,516,502	1,126,017	2,188,948	927,609	1,584,408	962,209
Fund balances - end of year	<u>\$ 221,613</u>	<u>\$ 1,151,678</u>	<u>\$ 2,704,077</u>	<u>\$ 961,683</u>	<u>\$ 2,218,573</u>	<u>\$ 964,719</u>	<u>\$ 1,720,061</u>	<u>\$ 1,018,773</u>

City of Olathe, Kansas
Combining Statement of Revenues, Expenditures
and Changes in Fund Balances
Nonmajor Governmental Funds
For the Year Ended December 31, 2018

	Special Revenue			Capital Projects				Total Nonmajor Governmental Funds
	Grant Fund	Cemetery	Recreation	Library Capital	Park Sales Tax	Street Maintenance Sales Tax	Future Street Improvement	
Revenues								
Taxes:								
Property	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,861,081
Sales	-	-	-	-	3,878,210	11,632,788	-	15,510,998
Transient guest	-	-	-	-	-	-	-	1,387,266
Intergovernmental	781,808	-	-	38,972	-	-	-	5,563,891
Fines, forfeitures, and penalties	-	-	-	-	-	-	-	154,474
Charges for services	-	178,101	5,101,186	-	-	-	2,400,960	12,622,925
Use of money and property	178	10,062	23,817	-	52,124	128,396	139,564	455,447
Miscellaneous	208,234	-	-	64,005	-	-	-	488,351
Total revenues	990,220	188,163	5,125,003	102,977	3,930,334	11,761,184	2,540,524	45,044,433
Expenditures								
General government	42,498	-	-	319,464	-	-	-	7,850,929
Public safety	191,485	-	-	-	-	-	-	472,813
Public works	-	-	-	-	-	-	-	2,183,616
Community services	497,217	205,685	4,969,335	-	302,319	-	-	6,975,272
Total expenditures	731,200	205,685	4,969,335	319,464	302,319	-	-	17,482,630
Excess of revenues over (under) expenditures	259,020	(17,522)	155,668	(216,487)	3,628,015	11,761,184	2,540,524	27,561,803
Other financing sources (uses)								
Insurance proceeds	-	-	-	-	-	-	-	-
Transfers in	-	-	-	355,376	-	-	-	498,640
Transfers out	-	-	(215,514)	-	(4,316,375)	(13,127,000)	(683,980)	(27,447,695)
Total other financing sources (uses)	-	-	(215,514)	355,376	(4,316,375)	(13,127,000)	(683,980)	(26,949,055)
Net change in fund balances	259,020	(17,522)	(59,846)	138,889	(688,360)	(1,365,816)	1,856,544	612,748
Fund balances - beginning of year	4,096,523	661,834	873,096	648,487	3,370,019	2,149,690	7,959,161	30,230,148
Fund balances - end of year	\$ 4,355,543	\$ 644,312	\$ 813,250	\$ 787,376	\$ 2,681,659	\$ 783,874	\$ 9,815,705	\$ 30,842,896



Budgetary Schedules

City of Olathe, Kansas
Schedule of Revenues, Expenditures, and Changes in Fund Balance
General Fund
Budget and Actual - Budgetary Basis
For the Year Ended December 31, 2018

	Budget	Actual	Variance Positive (Negative)
Revenues			
Taxes:			
Property	\$ 19,451,037	\$ 19,844,209	\$ 393,172
Sales	51,588,549	51,558,306	(30,243)
Franchise	12,180,000	12,009,645	(170,355)
Intergovernmental	964,176	980,257	16,081
Licenses and permits	2,088,940	2,858,757	769,817
Fines, forfeitures, and penalties	2,491,500	3,002,155	510,655
Charges for services	5,558,819	6,561,137	1,002,318
Use of money and property	282,000	596,109	314,109
Miscellaneous	627,500	1,000,185	372,685
Total revenues	<u>95,232,521</u>	<u>98,410,760</u>	<u>3,178,239</u>
Expenditures			
General government	32,535,860	9,300,081	23,235,779
Administration	3,167,630	2,940,348	227,282
Legal	1,689,688	1,665,421	24,267
Information technology services	4,510,286	4,019,395	490,891
Resource management	3,380,288	3,214,736	165,552
Public safety	49,373,289	50,660,025	(1,286,736)
Public works	10,791,830	11,027,474	(235,644)
Community services	7,738,624	7,669,369	69,255
Contingency	500,000	-	500,000
Total expenditures	<u>113,687,495</u>	<u>90,496,849</u>	<u>23,190,646</u>
Excess of revenues over expenditures	<u>(18,454,974)</u>	<u>7,913,911</u>	<u>26,368,885</u>
Other financing sources (uses)			
Transfers in	6,889,869	6,889,869	-
Transfers out	(11,908,704)	(13,384,663)	(1,475,959)
Total other financing sources (uses)	<u>(5,018,835)</u>	<u>(6,494,794)</u>	<u>(1,475,959)</u>
Net change in fund balance	<u>\$ (23,473,809)</u>	<u>1,419,117</u>	<u>\$ 24,892,926</u>
Fund balance - beginning of year - budget basis		28,726,725	
Fund balance - end of year - budget basis		30,145,842	
Encumbrances incurred and outstanding		367,726	
Fund balance - end of year - GAAP basis		<u>\$ 30,513,568</u>	

City of Olathe, Kansas
Combining Schedule of Revenues, Expenditures
and Changes in Fund Balances
All Budgeted Special Revenue Funds
Budget and Actual - Budgetary Basis
For the Year Ended December 31, 2018

	Fire Levy Fund			Motor Fuel Tax Fund			Library Operating Fund		
	Budget	Actual	Variance - Positive (Negative)	Budget	Actual	Variance - Positive (Negative)	Budget	Actual	Variance - Positive (Negative)
Revenues									
Taxes	\$ 3,345,609	\$ 3,351,446	\$ 5,837	\$ -	\$ -	\$ -	\$ 5,227,523	\$ 5,423,294	\$ 195,771
Intergovernmental	-	-	-	3,544,260	3,744,715	200,455	-	-	-
Fines, forfeitures, and penalties	-	-	-	-	-	-	-	154,474	154,474
Charges for services	-	-	-	-	-	-	-	13,909	13,909
Use of money and property	-	-	-	-	1,354	1,354	5,000	32,153	27,153
Miscellaneous	-	-	-	-	-	-	207,000	942	(206,058)
Total revenues	<u>3,345,609</u>	<u>3,351,446</u>	<u>5,837</u>	<u>3,544,260</u>	<u>3,746,069</u>	<u>201,809</u>	<u>5,439,523</u>	<u>5,624,772</u>	<u>185,249</u>
Expenditures									
General government	-	-	-	-	-	-	5,718,571	5,081,821	636,750
Public safety	122,365	-	122,365	-	-	-	-	-	-
Public works	-	-	-	811,589	-	811,589	-	-	-
Community services	-	-	-	-	-	-	-	-	-
Total expenditures	<u>122,365</u>	<u>-</u>	<u>122,365</u>	<u>811,589</u>	<u>-</u>	<u>811,589</u>	<u>5,718,571</u>	<u>5,081,821</u>	<u>636,750</u>
Excess of revenues over/ (under) expenditures	<u>3,223,244</u>	<u>3,351,446</u>	<u>128,202</u>	<u>2,732,671</u>	<u>3,746,069</u>	<u>1,013,398</u>	<u>(279,048)</u>	<u>542,951</u>	<u>821,999</u>
Other financing sources (uses)									
Transfers in	-	-	-	-	-	-	-	-	-
Transfers out	(3,345,609)	(3,345,609)	-	(3,544,260)	(3,544,260)	-	-	(355,376)	(355,376)
Total other financing sources/(uses)	<u>(3,345,609)</u>	<u>(3,345,609)</u>	<u>-</u>	<u>(3,544,260)</u>	<u>(3,544,260)</u>	<u>-</u>	<u>-</u>	<u>(355,376)</u>	<u>(355,376)</u>
Net change in fund balances	<u>\$ (122,365)</u>	<u>5,837</u>	<u>\$ 128,202</u>	<u>\$ (811,589)</u>	<u>201,809</u>	<u>\$ 1,013,398</u>	<u>\$ (279,048)</u>	<u>187,575</u>	<u>\$ 466,623</u>
Fund balances - beginning of year - Budget basis		<u>215,776</u>			<u>949,869</u>			<u>2,516,502</u>	
Fund balances - end of year - Budget basis		<u>221,613</u>			<u>1,151,678</u>			<u>2,704,077</u>	
Encumbrances incurred and outstanding / Due to other fund		<u>-</u>			<u>-</u>			<u>-</u>	
Fund balances - end of year - GAAP basis		<u>\$ 221,613</u>			<u>\$ 1,151,678</u>			<u>\$ 2,704,077</u>	

City of Olathe, Kansas
Combining Schedule of Revenues, Expenditures
and Changes in Fund Balances
All Budgeted Special Revenue Funds
Budget and Actual - Budgetary Basis
For the Year Ended December 31, 2018

	Economic Development and Tourism			Special Park and Recreation Fund			Special Alcohol Fund		
	Budget	Actual	Variance - Positive (Negative)	Budget	Actual	Variance - Positive (Negative)	Budget	Actual	Variance - Positive (Negative)
Revenues									
Taxes	\$ 1,567,424	\$ 1,387,266	\$ (180,158)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Intergovernmental	-	-	-	466,743	499,198	32,455	466,743	499,198	32,455
Fines, forfeitures, and penalties	-	-	-	-	-	-	-	-	-
Charges for services	-	-	-	579,932	455,190	(124,742)	-	-	-
Use of money and property	-	-	-	-	32,840	32,840	4,440	13,215	8,775
Miscellaneous	-	-	-	11,950	-	(11,950)	-	-	-
Total revenues	<u>1,567,424</u>	<u>1,387,266</u>	<u>(180,158)</u>	<u>1,058,625</u>	<u>987,228</u>	<u>(71,397)</u>	<u>471,183</u>	<u>512,413</u>	<u>41,230</u>
Expenditures									
General government	2,711,135	1,551,600	1,159,535	-	-	-	-	-	-
Public safety	-	-	-	-	-	-	229,062	205,230	23,832
Public works	-	-	-	-	-	-	-	-	-
Community services	-	-	-	2,604,638	557,603	2,047,035	1,119,866	267,114	852,752
Total expenditures	<u>2,711,135</u>	<u>1,551,600</u>	<u>1,159,535</u>	<u>2,604,638</u>	<u>557,603</u>	<u>2,047,035</u>	<u>1,348,928</u>	<u>472,344</u>	<u>876,584</u>
Excess of revenues over (under) expenditures	<u>(1,143,711)</u>	<u>(164,334)</u>	<u>979,377</u>	<u>(1,546,013)</u>	<u>429,625</u>	<u>1,975,638</u>	<u>(877,745)</u>	<u>40,069</u>	<u>917,814</u>
Other financing sources (uses)									
Transfers in	-	-	-	-	-	-	-	-	-
Transfers out	-	-	-	(450,000)	(400,000)	50,000	-	-	-
Total other financing sources/(uses)	<u>-</u>	<u>-</u>	<u>-</u>	<u>(450,000)</u>	<u>(400,000)</u>	<u>50,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net change in fund balances	<u>\$ (1,143,711)</u>	<u>(164,334)</u>	<u>\$ 979,377</u>	<u>\$ (1,996,013)</u>	<u>29,625</u>	<u>\$ 2,025,638</u>	<u>\$ (877,745)</u>	<u>40,069</u>	<u>\$ 917,814</u>
Fund balances - beginning of year - Budget basis		<u>1,126,017</u>			<u>2,188,948</u>			<u>924,650</u>	
Fund balances - end of year - Budget basis		<u>961,683</u>			<u>2,218,573</u>			<u>964,719</u>	
Encumbrances incurred and outstanding / Due to other fund		<u>-</u>			<u>-</u>			<u>-</u>	
Fund balances - end of year - GAAP basis		<u>\$ 961,683</u>			<u>\$ 2,218,573</u>			<u>\$ 964,719</u>	

continued

City of Olathe, Kansas
Combining Schedule of Revenues, Expenditures
and Changes in Fund Balances
All Budgeted Special Revenue Funds
Budget and Actual - Budgetary Basis (continued)
For the Year Ended December 31, 2018

	Storm Water Fund			Recreation			Total		
	Budget	Actual	Variance - Positive (Negative)	Budget	Actual	Variance - Positive (Negative)	Budget	Actual	Variance - Positive (Negative)
Revenues									
Taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,140,556	\$ 10,162,006	\$ 21,450
Intergovernmental	-	-	-	-	-	-	4,477,746	4,743,111	265,365
Fines, forfeitures, and penalties	-	-	-	-	-	-	-	154,474	154,474
Charges for services	4,346,450	4,204,799	(141,651)	5,339,019	5,101,186	(237,833)	10,265,401	9,775,084	(490,317)
Use of money and property	17,000	19,275	2,275	4,981	23,817	18,836	31,421	122,654	91,233
Miscellaneous	-	400	400	-	-	-	218,950	1,342	(217,608)
Total revenues	<u>4,363,450</u>	<u>4,224,474</u>	<u>(138,976)</u>	<u>5,344,000</u>	<u>5,125,003</u>	<u>(218,997)</u>	<u>25,134,074</u>	<u>24,958,671</u>	<u>(175,403)</u>
Expenditures									
General government	-	-	-	-	-	-	8,429,706	6,633,421	1,796,285
Public safety	-	-	-	-	-	-	351,427	205,230	146,197
Public works	4,634,500	2,791,606	1,842,894	-	-	-	5,446,089	2,791,606	2,654,483
Community services	-	-	-	6,052,453	5,115,489	936,964	9,776,957	5,940,206	3,836,751
Total expenditures	<u>4,634,500</u>	<u>2,791,606</u>	<u>1,842,894</u>	<u>6,052,453</u>	<u>5,115,489</u>	<u>936,964</u>	<u>24,004,179</u>	<u>15,570,463</u>	<u>8,433,716</u>
Excess of revenues over (under) expenditures	<u>(271,050)</u>	<u>1,432,868</u>	<u>1,703,918</u>	<u>(708,453)</u>	<u>9,514</u>	<u>717,967</u>	<u>1,129,895</u>	<u>9,388,208</u>	<u>8,258,313</u>
Other financing sources (uses)									
Transfers in	-	-	-	-	-	-	-	-	-
Transfers out	(1,151,250)	(1,459,581)	(308,331)	(200,000)	(215,514)	(15,514)	(8,691,119)	(9,320,340)	(629,221)
Total other financing sources/(uses)	<u>(1,151,250)</u>	<u>(1,459,581)</u>	<u>(308,331)</u>	<u>(200,000)</u>	<u>(215,514)</u>	<u>(15,514)</u>	<u>(8,691,119)</u>	<u>(9,320,340)</u>	<u>(629,221)</u>
Net change in fund balances	<u>\$ (1,422,300)</u>	<u>(26,713)</u>	<u>\$ 1,395,587</u>	<u>\$ (908,453)</u>	<u>(206,000)</u>	<u>\$ 702,453</u>	<u>\$ (7,561,224)</u>	<u>67,868</u>	<u>\$ 7,629,092</u>
Fund balances - beginning of year - Budget basis		<u>1,568,028</u>			<u>2,478,351</u>			<u>11,968,141</u>	
Fund balances - end of year - Budget basis		<u>1,541,315</u>			<u>2,272,351</u>			<u>12,036,009</u>	
Encumbrances incurred and outstanding / Due to other fund		<u>178,746</u>			<u>(1,459,101)</u>			<u>(1,280,355)</u>	
Fund balances - end of year - GAAP basis		<u>\$ 1,720,061</u>			<u>\$ 813,250</u>			<u>\$ 10,755,654</u>	

City of Olathe, Kansas
Schedule of Revenues, Expenditures,
and Changes in Fund Balance
Budgeted Capital Projects Fund
Park Sales Tax Fund
Budget and Actual - Budgetary Basis
For the Year Ended December 31, 2018

	Budget	Actual	Variance - Positive (Negative)
Revenues			
Taxes	\$ 4,173,439	\$ 3,878,210	\$ (295,229)
Use of money and property	11,468	52,124	40,656
Total revenues	<u>4,184,907</u>	<u>3,930,334</u>	<u>(254,573)</u>
Expenditures			
General government	795,791	-	795,791
Community services	295,777	302,319	(6,542)
Total expenditures	<u>1,091,568</u>	<u>302,319</u>	<u>789,249</u>
Excess of revenues over (under) expenditures	<u>3,093,339</u>	<u>3,628,015</u>	<u>534,676</u>
Other financing sources (uses)			
Transfers out	(5,100,750)	(4,316,375)	784,375
Total other financing sources (uses)	<u>(5,100,750)</u>	<u>(4,316,375)</u>	<u>784,375</u>
Net change in fund balance	<u>\$ (2,007,411)</u>	<u>(688,360)</u>	<u>\$ 1,319,051</u>
Fund balance - beginning of year		3,370,019	
Fund balance - end of year		<u>\$ 2,681,659</u>	

City of Olathe, Kansas
Schedule of Revenues, Expenditures,
and Changes in Fund Balance
Budgeted Capital Projects Fund
Street Maintenance Sales Tax Fund
Budget and Actual - Budgetary Basis
For the Year Ended December 31, 2018

	Budget	Actual	Variance - Positive (Negative)
Revenues			
Taxes	\$ 12,525,318	\$ 11,632,788	\$ (892,530)
Use of money and property	35,000	128,396	93,396
Total revenues	<u>12,560,318</u>	<u>11,761,184</u>	<u>(799,134)</u>
Expenditures			
General government	<u>2,000,226</u>	-	<u>2,000,226</u>
Total expenditures	<u>2,000,226</u>	-	<u>2,000,226</u>
Excess of revenues over (under) expenditures	<u>10,560,092</u>	<u>11,761,184</u>	<u>1,201,092</u>
Other financing sources (uses)			
Transfers out	<u>(12,500,000)</u>	<u>(13,127,000)</u>	<u>(627,000)</u>
Total other financing sources (uses)	<u>(12,500,000)</u>	<u>(13,127,000)</u>	<u>(627,000)</u>
Net change in fund balance	<u>\$ (1,939,908)</u>	<u>(1,365,816)</u>	<u>\$ 574,092</u>
Fund balance - beginning of year		2,149,690	
Fund balance - end of year		<u>\$ 783,874</u>	

City of Olathe, Kansas
Schedule of Revenues, Expenditures,
and Changes in Fund Balance
Debt Service Fund
Budget and Actual - Budgetary Basis
For the Year Ended December 31, 2018

	Budget	Actual	Variance - Positive (Negative)
Revenues			
Taxes and special assessments	\$ 24,020,825	\$ 25,123,558	\$ 1,102,733
Use of money and property	166,475	552,189	385,714
Miscellaneous	153,500	85,595	(67,905)
Total revenues	<u>24,340,800</u>	<u>25,761,342</u>	<u>1,420,542</u>
Expenditures			
General operations	60,000	49,362	10,638
Debt service:			
Principal retirements	52,555,128	18,800,000	33,755,128
Interest	7,388,323	6,426,721	961,602
Total expenditures	<u>60,003,451</u>	<u>25,276,083</u>	<u>34,727,368</u>
Excess of revenues over (under) expenditures	(35,662,651)	485,259	36,147,910
Other financing sources			
Transfers in	8,258,230	7,269,707	(988,523)
Net change in fund balance	<u>\$ (27,404,421)</u>	<u>7,754,966</u>	<u>\$ 35,159,387</u>
Fund balance - beginning of year		<u>29,519,397</u>	
Fund balance - end of year			
Budget basis		37,274,363	
Cash held by trustee		13,684,457	
Fund balance - end of year-GAAP basis		<u>\$ 50,958,820</u>	

City of Olathe, Kansas
Schedule of Revenues, Expenditures,
and Changes in Fund Balance
Special Tax Financing Fund
Budget and Actual - Budgetary Basis
For the Year Ended December 31, 2018

	Budget	Actual	Variance - Positive (Negative)
Revenues			
Taxes and special assessments	\$ 7,915,000	\$ 7,228,510	\$ (686,490)
Use of money and property	5,000	92,522	87,522
Total revenues	<u>7,920,000</u>	<u>7,321,032</u>	<u>(598,968)</u>
Expenditures			
General operations	30,000	99,800	(69,800)
Capital improvements	4,915,000	3,758,742	1,156,258
Debt service	9,549,639	4,203,548	5,346,091
Total expenditures	<u>14,494,639</u>	<u>8,062,090</u>	<u>6,432,549</u>
Excess of revenues over (under) expenditures	<u>\$ (6,574,639)</u>	<u>(741,058)</u>	<u>\$ 5,833,581</u>
Fund balance - beginning of year		6,974,325	
Fund balance - end of year		<u>\$ 6,233,267</u>	

City of Olathe, Kansas
Combining Schedule of Revenues, Expenditures
and Changes in Net Position
Enterprise Funds
Budget and Actual - Budgetary Basis
For the Year Ended December 31, 2018

	Water and Sewer Fund			Solid Waste Fund			Total		
	Budget	Actual	Variance - Positive (Negative)	Budget	Actual	Variance - Positive (Negative)	Budget	Actual	Variance - Positive (Negative)
Revenues									
Water charges	\$ 23,597,129	\$ 24,972,710	\$ 1,375,581	\$ -	\$ -	\$ -	\$ 23,597,129	\$ 24,972,710	\$ 1,375,581
Sewer charges	19,106,465	19,910,448	803,983	-	-	-	19,106,465	19,910,448	803,983
Water and sewer connection charges	382,707	436,172	53,465	-	-	-	382,707	436,172	53,465
Sanitation charges and landfill fees	-	-	-	13,907,961	13,350,763	(557,198)	13,907,961	13,350,763	(557,198)
Use of money and property	205,745	296,487	90,742	24,790	133,080	108,290	230,535	429,567	199,032
Miscellaneous	1,116,412	1,066,268	(50,144)	61,024	118,829	57,805	1,177,436	1,185,097	7,661
Total revenues	<u>44,408,458</u>	<u>46,682,085</u>	<u>2,273,627</u>	<u>13,993,775</u>	<u>13,602,672</u>	<u>(391,103)</u>	<u>58,402,233</u>	<u>60,284,757</u>	<u>1,882,524</u>
Expenditures									
General operations	1,724,437	1,740,518	(16,081)	-	-	-	1,724,437	1,740,518	(16,081)
Public works	35,617,461	29,943,199	5,674,262	14,653,192	14,644,504	8,688	50,270,653	44,587,703	5,682,950
Debt service	11,119,983	12,071,863	(951,880)	-	-	-	11,119,983	12,071,863	(951,880)
Total expenditures	<u>48,461,881</u>	<u>43,755,580</u>	<u>4,706,301</u>	<u>14,653,192</u>	<u>14,644,504</u>	<u>8,688</u>	<u>63,115,073</u>	<u>58,400,084</u>	<u>4,714,989</u>
Excess of revenues over (under expenditures)	<u>(4,053,423)</u>	<u>2,926,505</u>	<u>6,979,928</u>	<u>(659,417)</u>	<u>(1,041,832)</u>	<u>(382,415)</u>	<u>(4,712,840)</u>	<u>1,884,673</u>	<u>6,597,513</u>
Other financing sources (uses)									
Transfers in	-	-	-	-	-	-	-	-	-
Transfers out	(3,279,000)	(3,681,358)	(402,358)	(1,230,000)	(980,000)	250,000	(4,509,000)	(4,661,358)	(152,358)
Net other financing sources (uses)	<u>(3,279,000)</u>	<u>(3,681,358)</u>	<u>(402,358)</u>	<u>(1,230,000)</u>	<u>(980,000)</u>	<u>250,000</u>	<u>(4,509,000)</u>	<u>(4,661,358)</u>	<u>(152,358)</u>
Net change in net position	<u>\$ (7,332,423)</u>	<u>(754,853)</u>	<u>\$ 6,577,570</u>	<u>\$ (1,889,417)</u>	<u>(2,021,832)</u>	<u>\$ (132,415)</u>	<u>\$ (9,221,840)</u>	<u>(2,776,685)</u>	<u>\$ 6,445,155</u>
Net position - beginning of year		8,934,973			3,509,059			12,444,032	
Net position - end of year		<u>\$ 8,180,120</u>			<u>\$ 1,487,227</u>			<u>\$ 9,667,347</u>	

City of Olathe, Kansas
Combining Schedule of Revenues, Expenditures
and Changes in Net Position
Internal Service Funds
Budget and Actual - Budgetary Basis
For the Year Ended December 31, 2018

	Central Garage			Risk Management			Vehicle Replacement		
	Budget	Actual	Variance - Positive (Negative)	Budget	Actual	Variance - Positive (Negative)	Budget	Actual	Variance - Positive (Negative)
Revenues									
Charge for services	\$ 6,787,876	\$ 6,593,054	\$ (194,822)	\$ 18,869,718	\$ 20,275,797	\$ 1,390,623	\$ 8,428,581	\$ 7,650,557	\$ (778,024)
Intergovernmental	-	-	-	-	-	-	-	500	500
Use of money and property	-	2,290	2,290	50,455	125,886	75,432	18,060	222,247	204,187
Total revenues	<u>6,787,876</u>	<u>6,595,344</u>	<u>(192,532)</u>	<u>18,920,173</u>	<u>20,401,683</u>	<u>1,466,055</u>	<u>8,446,641</u>	<u>7,873,304</u>	<u>(573,337)</u>
Expenditures									
General operations	-	-	-	24,655,715	18,830,972	5,824,743	10,291,294	7,191,856	3,099,438
Public works	6,913,803	6,433,343	480,460	-	-	-	-	-	-
Total expenditures	<u>6,913,803</u>	<u>6,433,343</u>	<u>480,460</u>	<u>24,655,715</u>	<u>18,830,972</u>	<u>5,824,743</u>	<u>10,291,294</u>	<u>7,191,856</u>	<u>3,099,438</u>
Excess of revenues over (under) expenditures	<u>(125,927)</u>	<u>162,001</u>	<u>287,928</u>	<u>(5,735,542)</u>	<u>1,570,711</u>	<u>7,306,253</u>	<u>(1,844,653)</u>	<u>681,448</u>	<u>2,526,101</u>
Other financing (uses)									
Transfers in	-	-	-	-	-	-	-	516,582	516,582
Transfers out	-	(152,000)	(152,000)	-	-	-	-	-	-
Net other financing (uses)	<u>-</u>	<u>(152,000)</u>	<u>(152,000)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>516,582</u>	<u>516,582</u>
Net change in net position	<u>\$ (125,927)</u>	<u>10,001</u>	<u>\$ 135,928</u>	<u>\$ (5,735,542)</u>	<u>1,570,711</u>	<u>\$ 7,306,253</u>	<u>\$ (1,844,653)</u>	<u>1,198,030</u>	<u>\$ 3,042,683</u>
Net position - beginning of year		6,325			4,569,172			717,124	
Net position - end of year		<u>\$ 16,326</u>			<u>\$ 6,139,883</u>			<u>\$ 1,915,154</u>	

City of Olathe, Kansas
Combining Schedule of Revenues, Expenditures
and Changes in Net Position
Internal Service Funds
Budget and Actual - Budgetary Basis
For the Year Ended December 31, 2018

	Personal Computer Replacement			Building Maintenance			Total		
	Budget	Actual	Variance - Positive (Negative)	Budget	Actual	Variance - Positive (Negative)	Budget	Actual	Variance - Positive (Negative)
Revenues									
Charge for services	\$ 1,080,785	\$ 1,180,318	\$ 99,533	\$ 1,618,099	\$ 1,106,419	\$ (511,680)	\$ 36,785,059	\$ 36,806,145	\$ 21,086
Intergovernmental	-	-	-	-	-	-	-	500	500
Interest income	3,510	13,662	10,152	-	1,498	1,498	72,025	365,583	293,558
Total revenues	<u>1,084,295</u>	<u>1,193,980</u>	<u>109,685</u>	<u>1,618,099</u>	<u>1,107,917</u>	<u>(510,182)</u>	<u>36,857,084</u>	<u>37,172,228</u>	<u>315,144</u>
Expenditures									
General operations	1,131,819	537,461	594,358	-	-	-	36,078,828	26,560,289	9,518,539
Public works	-	-	-	2,068,099	1,114,278	953,821	8,981,902	7,547,621	1,434,281
Total expenditures	<u>1,131,819</u>	<u>537,461</u>	<u>594,358</u>	<u>2,068,099</u>	<u>1,114,278</u>	<u>953,821</u>	<u>45,060,730</u>	<u>34,107,910</u>	<u>10,952,820</u>
Excess of revenues over (under) expenditures	<u>(47,524)</u>	<u>656,519</u>	<u>704,043</u>	<u>(450,000)</u>	<u>(6,361)</u>	<u>443,639</u>	<u>(8,203,646)</u>	<u>3,064,318</u>	<u>11,267,964</u>
Other financing (uses)									
Transfers in	-	-	-	450,000	450,000	-	450,000	966,582	516,582
Transfers out	(530,964)	(528,317)	2,647	-	-	-	(530,964)	(680,317)	(149,353)
Net other financing sources (uses)	<u>(530,964)</u>	<u>(528,317)</u>	<u>2,647</u>	<u>450,000</u>	<u>450,000</u>	<u>-</u>	<u>(80,964)</u>	<u>286,265</u>	<u>367,229</u>
Net change in net position	<u>\$ (578,488)</u>	<u>128,202</u>	<u>\$ 706,690</u>	<u>\$ -</u>	<u>443,639</u>	<u>\$ 443,639</u>	<u>\$ (8,284,610)</u>	<u>\$ 3,350,583</u>	<u>\$ 11,635,193</u>
Net position - beginning of year		530,899			-			5,823,520	
Net position - end of year		<u>\$ 659,101</u>			<u>\$ 443,639</u>			<u>\$ 9,174,103</u>	



Internal Service Funds

Internal Service Funds

Central Garage

To account for the costs of operating a maintenance facility for automotive equipment provided to other city departments. Such costs are billed to other departments at actual cost plus a fixed overhead factor. The automotive equipment itself is acquired by the various user departments which are responsible for financing replacement vehicles as necessary.

Risk Management

To account for the monies provided for health and dental, workers' compensation, property, casualty and other liability insurance coverage purchased by the City.

Vehicle Replacement

To account for monies provided by usage charges for future replacement of City vehicles.

Personal Computer Replacement

To account for monies provided by usage charges for future replacement of City personal computers.

Building Maintenance Fund

To account for monies provided by usage charges for future maintenance costs.

City of Olathe, Kansas
Combining Statement of Net Position
Internal Service Funds
December 31, 2018

	Central Garage	Risk Management	Vehicle Replacement	Personal Computer Replacement	Building Maintenance	Total
Assets						
Current assets						
Cash and cash equivalents	\$ 208,527	\$ 8,936,645	\$ 4,416,108	\$ 672,344	\$ 485,602	\$ 14,719,226
Inventories and prepaid assets	325,115	-	-	-	-	325,115
Total current assets	533,642	8,936,645	4,416,108	672,344	485,602	15,044,341
Noncurrent assets						
Restricted assets						
Due from other funds	-	-	1,474,780	-	-	1,474,780
Deposit	-	11,000	-	-	-	11,000
Total restricted assets	-	11,000	1,474,780	-	-	1,485,780
Capital assets	70,544	-	57,956,965	228,269	-	58,255,778
Less accumulated depreciation	(70,544)	-	(34,089,291)	(228,269)	-	(34,388,104)
Net capital assets	-	-	23,867,674	-	-	23,867,674
Total assets	\$ 533,642	\$ 8,947,645	\$ 29,758,562	\$ 672,344	\$ 485,602	\$ 40,397,795
Liabilities						
Current liabilities						
Accounts and claims payable	\$ 293,476	\$ 2,182,672	\$ 13,950	\$ -	\$ 4,305	\$ 2,494,403
Compensated absences	79,859	3,456	-	-	22,860	106,175
Total current liabilities	373,335	2,186,128	13,950	-	27,165	2,600,578
Noncurrent liabilities						
Deposit	-	11,000	-	-	-	11,000
Compensated absences	20,783	1,857	-	-	13,079	35,719
Total noncurrent liabilities	20,783	12,857	-	-	13,079	46,719
Total liabilities	394,118	2,198,985	13,950	-	40,244	2,647,297
Net position						
Net investment in capital assets	-	-	23,867,674	-	-	23,867,674
Unrestricted	139,524	6,748,660	5,876,938	672,344	445,358	13,882,824
Total net position	139,524	6,748,660	29,744,612	672,344	445,358	37,750,498
Total liabilities and net position	\$ 533,642	\$ 8,947,645	\$ 29,758,562	\$ 672,344	\$ 485,602	\$ 40,397,795

City of Olathe, Kansas
Combining Statement of Revenues, Expenses, and Changes in Net Position
Internal Service Funds
For the Year Ended December 31, 2018

	Central Garage	Risk Management	Vehicle Replacement	Personal Computer Replacement	Building Maintenance	Total
Operating revenues						
Intergovernmental	\$ -	\$ -	\$ 500	\$ -	\$ -	\$ 500
Charges for services	6,593,054	20,275,797	7,342,438	1,180,318	1,106,419	36,498,026
Total operating revenues	6,593,054	20,275,797	7,342,938	1,180,318	1,106,419	36,498,526
Operating expenses						
Administration and general	-	18,671,623	1,664,904	537,461	1,112,559	21,986,547
Depreciation	-	-	5,262,276	-	-	5,262,276
Equipment maintenance	6,475,325	-	-	-	-	6,475,325
Total operating expenses	6,475,325	18,671,623	6,927,180	537,461	1,112,559	33,724,148
Operating income (loss)	117,729	1,604,174	415,758	642,857	(6,140)	2,774,378
Nonoperating revenues (expenses)						
Interest income	2,290	125,886	222,247	13,662	1,498	365,583
Gain (loss) from sale of equipment	-	-	295,466	-	-	295,466
Total nonoperating revenues (expenses)	2,290	125,886	517,713	13,662	1,498	661,049
Net income (loss)	120,019	1,730,060	933,471	656,519	(4,642)	3,435,427
Transfers in	-	-	516,582	-	450,000	966,582
Transfers out	(152,000)	(150,000)	-	(528,317)	-	(830,317)
Net income (loss)	(31,981)	1,580,060	1,450,053	128,202	445,358	3,571,692
Net position - beginning of year, as previously reported	171,505	5,168,600	31,340,060	544,142	-	37,224,307
Prior period adjustments	-	-	(3,045,501)	-	-	(3,045,501)
Net position - beginning of year, restated	171,505	5,168,600	28,294,559	544,142	-	34,178,806
Net position - end of year	\$ 139,524	\$ 6,748,660	\$ 29,744,612	\$ 672,344	\$ 445,358	\$ 37,750,498



City of Olathe, Kansas
Combining Statement of Cash Flows
Internal Service Funds
For the Year Ended December 31, 2018

	Central Garage	Risk Management	Vehicle Replacement	Personal Computer Replacement	Building Maintenance	Total
Cash Flows from Operating Activities						
Receipts from customers and users	\$ 6,593,054	\$ 20,275,797	\$ 7,160,986	\$ 1,180,318	\$ 1,106,419	\$ 36,316,574
Payments to suppliers	(4,387,602)	(18,632,337)	(1,472,745)	(537,461)	(572,785)	(25,602,930)
Payments to employees	(1,924,319)	(425,564)	-	-	(499,530)	(2,849,413)
Net cash provided by (used in) operating activities	281,133	1,217,896	5,688,241	642,857	34,104	7,864,231
Cash Flows from Noncapital Financing Activities						
Transfers from other funds	-	-	516,582	-	450,000	966,582
Transfers to other funds	(152,000)	(150,000)	-	(528,317)	-	(830,317)
Net cash provided by (used in) noncapital financing activities	(152,000)	(150,000)	516,582	(528,317)	450,000	136,265
Cash Flows from Capital and Related Financing Activities						
Acquisitions and construction of capital assets	-	-	(3,611,614)	-	-	(3,611,614)
Proceeds from sale of capital assets	-	-	295,466	-	-	295,466
Net cash (used in) capital and related financing activities	-	-	(3,316,148)	-	-	(3,316,148)
Cash Flows from Investing Activities						
Interest received	2,290	125,886	222,247	13,662	1,498	365,583
Net cash provided by (used in) investing activities	2,290	125,886	222,247	13,662	1,498	365,583
Net increase (decrease) in cash and cash equivalents	131,423	1,193,782	3,110,922	128,202	485,602	5,049,931
Cash and cash equivalents - beginning of year	77,104	7,742,863	1,305,186	544,142	-	9,669,295
Cash and cash equivalents - end of year	\$ 208,527	\$ 8,936,645	\$ 4,416,108	\$ 672,344	\$ 485,602	\$ 14,719,226
Reconciliation of operating income (loss) to net cash provided by (used in) operating activities						
Operating income (loss)	\$ 117,729	\$ 1,604,174	\$ 415,758	\$ 642,857	\$ (6,140)	\$ 2,774,378
Adjustments to reconcile operating income (loss) to cash provided by (used in) operating activities						
Depreciation and amortization	-	-	5,262,276	-	-	5,262,276
Changes in assets and liabilities						
(Increase) in inventories and prepaid assets	(24,524)	-	-	-	-	(24,524)
(Increase) in due from other governments / other funds	-	-	183,418	-	-	183,418
Increase (decrease) in accounts and claims payable	174,537	(381,928)	(173,211)	-	4,305	(376,297)
Increase in compensated absences	13,391	(4,350)	-	-	35,939	44,980
Total adjustments	163,404	(386,278)	5,272,483	-	40,244	5,089,853
Net cash provided by (used in) operating activities	\$ 281,133	\$ 1,217,896	\$ 5,688,241	\$ 642,857	\$ 34,104	\$ 7,864,231



Discretely Presented Component Units

City of Olathe, Kansas
Combining Statement of Net Position
Discretely Presented Component Unit
December 31, 2018

	Olathe Public Housing Authority
Assets	
Cash and cash equivalents	\$ 686,379
Receivable	47,638
Capital assets, net of accumulated depreciation	2,489,328
Total assets	<u>\$ 3,223,345</u>
Liabilities and net position	
Liabilities	
Accounts payable	\$ 69,190
Accrued liabilities	90,385
Unearned revenue	4,965
Noncurrent liabilities:	56,176
Total liabilities	<u>220,716</u>
Net position	
Net invested in capital assets	2,489,328
Unrestricted	513,301
Total net position	<u>3,002,629</u>
Total liabilities and net position	<u>\$ 3,223,345</u>

City of Olathe, Kansas
Combining Statement of Revenues, Expenses,
and Changes in Net Position
Discretely Presented Component Unit
For the Year Ended December 31, 2018

	Olathe Public Housing Authority
Operating revenues	
Charges for services	\$ 439,829
Intergovernmental	3,682,526
Total operating revenues	<u>4,122,355</u>
Operating expenses	
Community services	4,368,605
Total operating expenses	<u>4,368,605</u>
Operating (loss)	(246,250)
Nonoperating revenues	
Unrestricted investment earnings	1,015
Miscellaneous	36,969
Total nonoperating revenues	<u>37,984</u>
Change in net position	<u>(208,266)</u>
Net position - beginning of year, as previously stated	3,195,419
Restatement	15,476
Net position - beginning of year, restated	<u>3,210,895</u>
Net position - end of year	<u><u>\$ 3,002,629</u></u>

Statistical Section

City of Olathe, Kansas Statistical Section

This part of the City of Olathe's Comprehensive Annual Financial Report (CAFR) presents detailed information as a context for understanding what the information in the financial statements and note disclosures say about the City's overall financial health.

Contents

Exhibit

Financial Trends

These schedules contain trend information to help the reader understand how the City's financial performance and well-being have changed over time.

1 - 5

Revenue Capacity

These schedules contain information to help the reader assess the City's most significant local revenue sources, sales tax and property tax.

6 - 12

Debt Capacity

These schedules present information to help the reader assess the affordability of the City's current levels of outstanding debt and the City's ability to issue additional debt in the future.

13 - 17

Demographic and Economic Information

These schedules offer demographic and economic indicators to help the reader understand the environment within which the City's financial activities take place.

18 - 19

Operating Information

These schedules contain service and infrastructure data to help the reader understand how the information in the City's financial report relates to the services the City provides and the activities it performs.

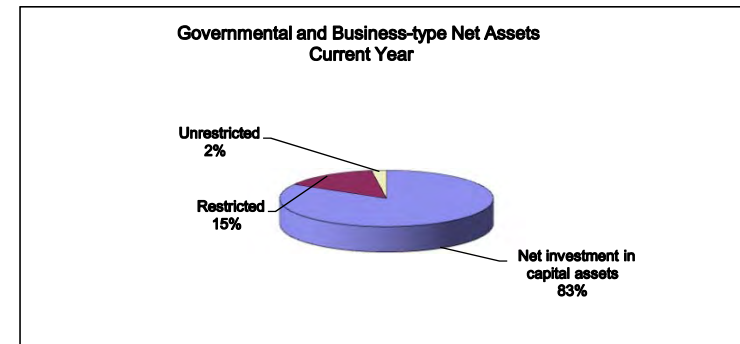
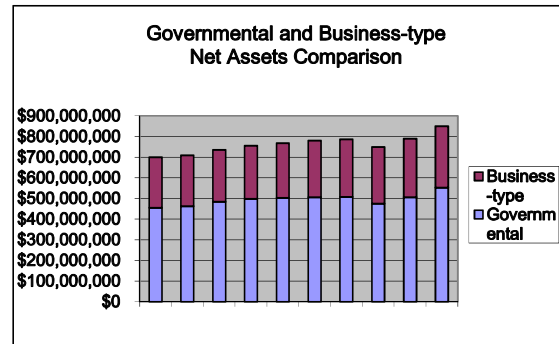
20 - 24

Source: Unless otherwise noted, the information in these schedules is derived from the comprehensive annual financial reports for the relevant year.



City of Olathe, Kansas
Net Position by Component
Last Ten Fiscal Years
(accrual basis of accounting)

	Fiscal Year									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Governmental activities										
Net investment in capital assets	\$ 297,492,212	\$ 319,933,077	\$ 356,108,246	\$ 370,080,499	\$ 386,512,735	\$ 370,692,154	\$ 405,739,543	\$ 412,629,059	\$ 428,374,947	\$ 468,020,359
Restricted	76,203,831	88,033,948	83,662,819	73,089,869	66,146,861	57,503,742	56,702,281	81,324,117	78,369,300	116,031,761
Unrestricted	89,312,519	75,553,774	57,707,288	60,248,106	54,031,890	78,729,704	11,859,425	11,528,670	27,219,955	(30,891,241)
Total governmental activities net position	<u>\$ 463,008,562</u>	<u>\$ 483,520,799</u>	<u>\$ 497,478,353</u>	<u>\$ 503,418,474</u>	<u>\$ 506,691,486</u>	<u>\$ 506,925,600</u>	<u>\$ 474,301,249</u>	<u>\$ 505,481,846</u>	<u>\$ 533,964,202</u>	<u>\$ 553,160,879</u>
Business-type activities										
Net investment in capital assets	\$ 228,819,361	\$ 227,495,313	\$ 228,011,260	\$ 225,571,867	\$ 232,476,327	\$ 239,782,857	\$ 244,478,470	\$ 240,994,461	\$ 244,073,175	\$ 239,764,049
Restricted	3,858,058	7,096,586	6,961,829	8,526,843	7,973,798	8,313,028	9,928,840	10,041,625	6,196,232	7,018,082
Unrestricted	13,943,156	17,429,714	23,210,572	30,414,894	33,057,503	32,283,790	21,204,555	33,935,078	43,939,745	50,105,406
Total business-type activities net position	<u>\$ 246,620,575</u>	<u>\$ 252,021,613</u>	<u>\$ 258,183,661</u>	<u>\$ 264,513,604</u>	<u>\$ 273,507,628</u>	<u>\$ 280,379,675</u>	<u>\$ 275,611,865</u>	<u>\$ 284,971,164</u>	<u>\$ 294,209,152</u>	<u>\$ 296,887,537</u>
Primary government										
Net investment in capital assets	\$ 526,311,573	\$ 547,428,390	\$ 584,119,506	\$ 595,652,366	\$ 618,989,062	\$ 610,475,011	\$ 650,218,013	\$ 653,623,520	\$ 672,448,122	\$ 707,784,408
Restricted	80,061,889	95,130,534	90,624,648	81,616,712	74,120,659	65,816,770	66,631,121	91,365,742	84,565,532	123,049,843
Unrestricted	103,255,675	92,983,488	80,917,860	90,663,000	87,089,393	111,013,494	33,063,980	45,463,748	71,159,700	19,214,165
Total primary government activities net position	<u>\$ 709,629,137</u>	<u>\$ 735,542,412</u>	<u>\$ 755,662,014</u>	<u>\$ 767,932,078</u>	<u>\$ 780,199,114</u>	<u>\$ 787,305,275</u>	<u>\$ 749,913,114</u>	<u>\$ 790,453,010</u>	<u>\$ 828,173,354</u>	<u>\$ 850,048,416</u>



City of Olathe, Kansas
Changes in Net Position
Last Ten Fiscal Years
(accrual basis of accounting)

	Fiscal Year									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Expenses										
Governmental activities:										
General government	\$ 21,386,706	\$ 22,633,081	\$ 22,104,286	\$ 21,758,241	\$ 22,936,723	\$ 22,648,134	\$ 22,935,349	\$ 29,698,687	\$ 30,659,017	\$ 31,670,765
Public safety	35,456,647	37,472,183	35,809,361	36,378,578	38,518,949	41,446,154	41,065,601	43,586,807	51,947,482	53,518,929
Public works	38,794,754	41,971,765	46,931,481	42,001,073	48,561,843	72,495,919	70,291,556	74,644,080	61,820,535	45,025,053
Community services	8,834,620	12,182,817	11,823,644	10,740,780	10,960,318	12,509,572	13,744,699	16,168,880	16,667,781	16,270,619
Development services	3,674,810	-	-	-	-	-	-	-	-	-
Interest on long-term debt	10,706,329	10,352,168	11,892,275	10,001,890	11,049,332	8,620,577	8,496,066	7,239,575	7,906,438	7,294,666
Total governmental activities	<u>118,853,866</u>	<u>124,612,014</u>	<u>128,561,047</u>	<u>120,880,562</u>	<u>132,027,165</u>	<u>157,720,356</u>	<u>156,533,271</u>	<u>171,338,029</u>	<u>169,001,253</u>	<u>153,780,032</u>
Business-type activities:										
Water and sewer	28,516,405	27,921,388	32,419,382	38,637,842	34,389,123	35,799,511	37,538,379	38,786,625	41,493,532	43,452,685
Solid waste	10,676,512	9,411,051	10,297,550	10,934,142	10,738,154	11,740,294	11,854,241	12,176,917	12,863,072	13,945,482
Total business-type activities	<u>39,192,917</u>	<u>37,332,439</u>	<u>42,716,932</u>	<u>49,571,984</u>	<u>45,127,277</u>	<u>47,539,805</u>	<u>49,392,620</u>	<u>50,963,542</u>	<u>54,356,604</u>	<u>57,398,167</u>
Total primary government expenses	<u>\$ 158,046,783</u>	<u>\$ 161,944,453</u>	<u>\$ 171,277,979</u>	<u>\$ 170,452,546</u>	<u>\$ 177,154,442</u>	<u>\$ 205,260,161</u>	<u>\$ 205,925,891</u>	<u>\$ 222,301,571</u>	<u>\$ 223,357,857</u>	<u>\$ 211,178,199</u>
Program Revenues										
Governmental activities:										
Charges for services										
General government	\$ 3,170,948	\$ 3,932,061	\$ 3,872,262	\$ 3,632,230	\$ 3,965,047	\$ 3,756,217	\$ 4,155,156	\$ 4,770,270	\$ 4,660,223	\$ 5,052,358
Public safety	3,920,737	3,845,049	4,129,741	4,557,513	4,523,774	4,537,798	4,315,123	4,191,244	3,091,130	3,512,133
Public works	3,847,801	4,403,430	4,664,605	6,536,730	5,688,762	7,772,860	7,558,545	8,064,710	9,472,541	10,731,989
Community services	1,321,447	1,744,871	2,114,043	2,300,397	2,380,047	3,709,630	4,780,084	5,524,930	5,994,725	5,902,968
Development services	322,142	-	-	-	-	-	-	-	-	-
Operating grants and contributions	2,363,067	2,183,878	2,331,708	2,110,344	2,277,453	2,338,420	2,642,863	2,798,886	2,691,260	2,548,814
Capital grants and contributions	19,581,268	37,416,271	25,256,895	12,379,269	20,204,382	21,906,462	27,214,326	47,057,319	38,451,050	17,409,373
Total governmental activities program revenue	<u>34,527,410</u>	<u>53,525,560</u>	<u>42,369,254</u>	<u>31,516,483</u>	<u>39,039,465</u>	<u>44,021,387</u>	<u>50,666,097</u>	<u>72,407,359</u>	<u>64,360,929</u>	<u>45,157,635</u>
Business-type activities:										
Charges for services										
Water and sewer	27,589,229	29,555,094	31,887,691	38,143,966	37,135,057	38,100,769	38,981,204	43,168,622	45,752,839	48,608,113
Solid waste	10,970,942	11,175,942	11,830,205	12,151,751	12,477,796	12,511,659	12,965,412	13,370,140	12,908,095	13,451,554
Operating grants and contributions	-	-	-	-	-	-	-	-	-	-
Capital grants and contributions	2,482,560	1,606,186	4,206,897	5,241,451	3,178,066	2,742,115	2,452,669	4,416,279	3,286,002	2,813,011
Total business-type activities program revenues	<u>41,042,731</u>	<u>42,337,222</u>	<u>47,924,793</u>	<u>55,537,168</u>	<u>52,790,919</u>	<u>53,354,543</u>	<u>54,399,285</u>	<u>60,955,041</u>	<u>61,946,936</u>	<u>64,872,678</u>
Total primary government program revenues	<u>\$ 75,570,141</u>	<u>\$ 95,862,782</u>	<u>\$ 90,294,047</u>	<u>\$ 87,053,651</u>	<u>\$ 91,830,384</u>	<u>\$ 97,375,930</u>	<u>\$ 105,065,382</u>	<u>\$ 133,362,400</u>	<u>\$ 126,307,865</u>	<u>\$ 110,030,313</u>
Net (expense)/revenue										
Governmental activities	\$ (84,326,456)	\$ (71,086,454)	\$ (86,191,793)	\$ (89,364,079)	\$ (92,987,700)	\$ (113,698,969)	\$ (105,867,174)	\$ (98,930,670)	\$ (104,640,324)	\$ (108,622,397)
Business-type activities	1,849,814	5,004,783	5,207,861	5,965,184	7,663,642	5,814,738	5,006,665	9,991,499	7,590,332	7,474,511
Total primary government net expense	<u>\$ (82,476,642)</u>	<u>\$ (66,081,671)</u>	<u>\$ (80,983,932)</u>	<u>\$ (83,398,895)</u>	<u>\$ (85,324,058)</u>	<u>\$ (107,884,231)</u>	<u>\$ (100,860,509)</u>	<u>\$ (88,939,171)</u>	<u>\$ (97,049,992)</u>	<u>\$ (101,147,886)</u>

City of Olathe, Kansas
Changes in Net Position
Last Ten Fiscal Years
(accrual basis of accounting)

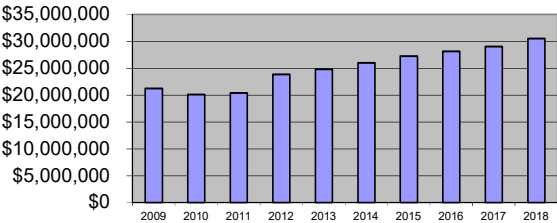
	Fiscal Year									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
General revenues and other changes in net position										
Governmental activities:										
Taxes										
Property taxes	\$ 39,530,183	\$ 38,567,592	\$ 37,388,645	\$ 37,803,773	\$ 36,970,133	\$ 38,287,765	\$ 40,134,797	\$ 43,336,975	\$ 47,021,050	\$ 51,746,347
Sales taxes	37,525,065	37,673,077	41,925,494	43,562,332	44,683,816	55,535,354	59,758,735	64,602,806	68,351,904	70,529,222
Franchise taxes	8,452,020	9,264,850	9,676,295	9,857,257	10,683,439	11,346,571	11,134,962	11,503,470	11,629,244	12,009,645
Other taxes	823,184	838,247	879,012	1,015,736	1,333,354	1,260,272	1,462,228	1,714,373	2,026,799	1,784,961
Investment earnings	2,762,325	98,681	961,178	1,462,684	378,433	642,836	602,315	862,779	1,512,957	3,013,147
Gain on sale of capital assets	-	-	-	-	-	-	-	-	-	-
Miscellaneous	3,499,966	5,092,981	1,419,911	2,118,260	2,318,868	6,671,826	1,825,250	2,165,115	2,443,044	4,497,232
Transfers	101,722	63,263	544,935	823,525	(107,331)	188,459	2,376,172	2,251,686	137,682	3,441,360
Total governmental activities	<u>92,694,465</u>	<u>91,598,691</u>	<u>92,795,470</u>	<u>96,643,567</u>	<u>96,260,712</u>	<u>113,933,083</u>	<u>117,294,459</u>	<u>126,437,204</u>	<u>133,122,680</u>	<u>147,021,914</u>
Business-type activities:										
Investment earnings	139,245	(50,857)	178,500	382,636	119,081	230,865	183,741	291,045	477,905	861,184
Gain on sale of capital assets	-	-	-	-	-	-	-	-	-	-
Miscellaneous	275,846	510,375	1,320,622	1,148,332	1,103,970	1,014,903	1,108,050	1,328,441	1,307,433	1,341,098
Transfers	(101,722)	(63,263)	(544,935)	(823,525)	107,331	(188,459)	(2,376,172)	(2,251,686)	(137,682)	(3,441,360)
Total business-type activities	<u>313,369</u>	<u>396,255</u>	<u>954,187</u>	<u>707,443</u>	<u>1,330,382</u>	<u>1,057,309</u>	<u>(1,084,381)</u>	<u>(632,200)</u>	<u>1,647,656</u>	<u>(1,239,078)</u>
Total primary government	<u>\$ 93,007,834</u>	<u>\$ 91,994,946</u>	<u>\$ 93,749,657</u>	<u>\$ 97,351,010</u>	<u>\$ 97,591,094</u>	<u>\$ 114,990,392</u>	<u>\$ 116,210,078</u>	<u>\$ 125,805,004</u>	<u>\$ 134,770,336</u>	<u>\$ 145,782,836</u>
Change in Net Position										
Governmental activities	\$ 8,368,009	\$ 20,512,237	\$ 6,603,677	\$ 7,279,488	\$ 3,273,012	\$ 234,114	\$ 11,427,285	\$ 27,506,534	\$ 28,482,356	\$ 38,399,517
Business-type activities	2,163,183	5,401,038	6,162,048	6,672,627	8,994,024	6,872,047	3,922,284	9,359,299	9,237,988	6,235,433
Total primary government	<u>\$ 10,531,192</u>	<u>\$ 25,913,275</u>	<u>\$ 12,765,725</u>	<u>\$ 13,952,115</u>	<u>\$ 12,267,036</u>	<u>\$ 7,106,161</u>	<u>\$ 15,349,569</u>	<u>\$ 36,865,833</u>	<u>\$ 37,720,344</u>	<u>\$ 44,634,950</u>

City of Olathe, Kansas
Fund Balances, Governmental Funds
Last Ten Fiscal Years
(modified accrual basis of accounting)

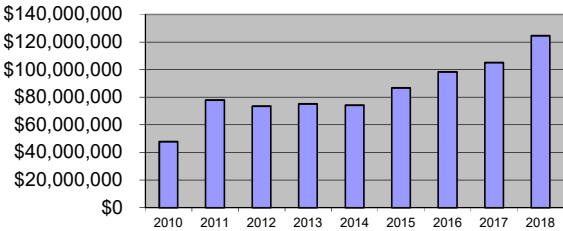
	Fiscal Year									
	2009	2010 (1)	2011	2012	2013	2014	2015	2016	2017	2018
General Fund										
Reserved	\$ 1,352,091	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Unreserved	19,881,271	-	-	-	-	-	-	-	-	-
Nonspendable	-	300,950	601,488	826,094	372,171	360,834	273,262	180,838	65,974	6,011
Assigned	-	1,803,838	604,793	423,495	691,195	575,716	308,646	408,916	313,803	367,726
Unassigned	-	17,999,342	19,204,392	22,614,927	23,714,931	25,029,566	26,653,214	27,547,843	28,660,751	30,139,831
Total general fund	<u>\$ 21,233,362</u>	<u>\$ 20,104,130</u>	<u>\$ 20,410,673</u>	<u>\$ 23,864,516</u>	<u>\$ 24,778,297</u>	<u>\$ 25,966,116</u>	<u>\$ 27,235,122</u>	<u>\$ 28,137,597</u>	<u>\$ 29,040,528</u>	<u>\$ 30,513,568</u>
All Other Governmental Funds										
Reserved	\$ 33,452,771	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Unreserved, reported in										
Special revenue funds	23,531,448	-	-	-	-	-	-	-	-	-
Capital projects fund	(44,296,712)	-	-	-	-	-	-	-	-	-
Nonspendable	-	-	-	-	-	-	80,154	73,797	89,632	85,330
Restricted	-	42,937,040	64,415,415	56,870,747	57,084,752	52,559,149	58,520,874	70,680,019	69,992,308	84,594,066
Committed	-	11,943,046	10,637,847	12,011,354	11,259,718	12,690,925	16,931,314	13,253,562	14,393,464	16,173,584
Assigned	-	1,150,000	3,092,000	4,919,000	6,868,058	9,059,939	11,339,204	14,427,463	20,686,346	23,670,824
Unassigned	-	(8,151,727)	(265,224)	(356,083)	-	-	-	-	-	-
Total all other governmental funds	<u>\$ 12,687,507</u>	<u>\$ 47,878,359</u>	<u>\$ 77,880,038</u>	<u>\$ 73,445,018</u>	<u>\$ 75,212,528</u>	<u>\$ 74,310,013</u>	<u>\$ 86,871,546</u>	<u>\$ 98,434,841</u>	<u>\$ 105,161,750</u>	<u>\$ 124,523,804</u>

(1) GASB 54 was implemented by the City in 2010.

General Fund Balance



All Other Governmental Funds

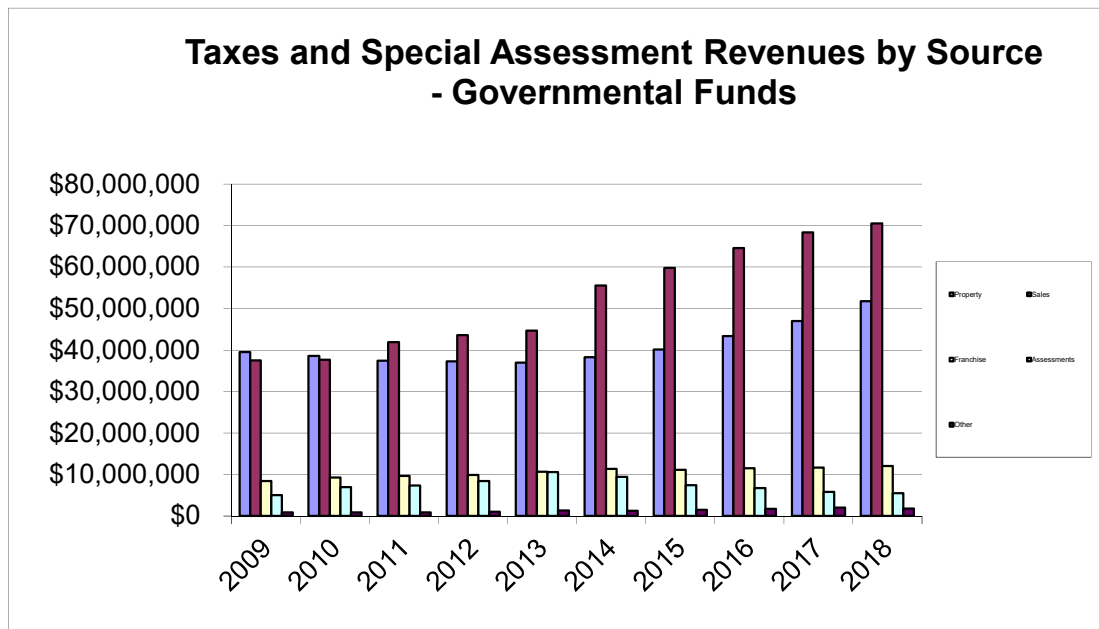


City of Olathe, Kansas
Changes in Fund Balances, Governmental Funds
Last Ten Fiscal Years
(modified accrual basis of accounting)

	Fiscal Year									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Revenues										
Taxes and special assessments	\$ 91,334,541	\$ 93,278,764	\$ 97,186,011	\$ 100,151,808	\$ 104,216,196	\$ 115,878,933	\$ 119,895,961	\$ 127,903,146	\$ 134,793,488	\$ 141,523,573
Intergovernmental	14,506,377	20,449,434	10,649,241	8,537,462	11,434,840	14,914,113	12,389,145	12,987,653	21,602,721	17,841,802
Licenses and permits	897,555	813,254	801,090	1,292,246	1,219,515	1,462,444	2,054,140	2,221,597	2,311,842	2,858,757
Fines, forfeitures, and penalties	3,375,876	3,323,570	3,605,967	4,102,130	4,028,710	3,973,992	3,866,565	3,861,676	2,766,930	3,156,629
Charges for services	8,309,644	9,788,587	10,373,594	11,632,494	11,309,405	14,340,069	14,888,203	16,467,881	18,139,856	19,184,062
Use of money and property	2,662,741	106,061	897,601	1,450,621	332,055	569,071	549,290	793,780	1,422,000	2,647,564
Miscellaneous	3,258,702	2,652,214	1,327,317	1,594,024	2,984,067	6,479,238	1,846,859	1,572,393	1,942,028	4,201,766
Total revenues	<u>124,345,436</u>	<u>130,411,884</u>	<u>124,840,821</u>	<u>128,760,785</u>	<u>135,524,788</u>	<u>157,617,860</u>	<u>155,490,163</u>	<u>165,808,126</u>	<u>182,978,865</u>	<u>191,414,153</u>
Expenditures										
General government	20,302,744	21,383,165	21,003,812	20,364,416	21,332,265	21,094,027	22,375,960	28,554,144	28,267,167	30,304,050
Public safety	34,293,288	35,962,013	35,062,536	34,812,525	36,754,816	39,565,726	41,058,833	42,270,308	47,585,328	50,139,662
Public works	13,943,279	12,818,237	12,927,181	12,781,679	14,417,388	14,816,298	15,450,364	11,842,381	13,293,564	13,033,266
Community services	8,588,339	11,877,736	10,281,567	9,964,083	10,163,238	11,699,573	13,142,640	14,549,846	14,704,008	14,594,861
Development services	3,632,333	555,790	-	-	-	-	-	-	-	-
Capital improvements	42,068,750	41,708,828	19,185,356	17,731,294	45,828,161	57,620,792	44,172,182	56,384,322	59,411,140	69,670,738
Debt service										
Principal retirements	20,969,622	20,526,463	21,338,779	24,321,309	24,980,629	28,371,830	24,098,465	20,680,816	21,767,175	22,139,589
Interest and fiscal charges	10,191,231	10,681,749	12,308,753	10,282,122	9,026,964	9,185,557	8,718,545	8,008,626	8,770,981	8,412,845
Total expenditures	<u>153,989,586</u>	<u>155,513,981</u>	<u>132,107,984</u>	<u>130,257,428</u>	<u>162,503,461</u>	<u>182,353,803</u>	<u>169,016,989</u>	<u>182,290,443</u>	<u>193,799,363</u>	<u>208,295,011</u>
Excess of revenues over (under) expenditures	<u>(29,644,150)</u>	<u>(25,102,097)</u>	<u>(7,267,163)</u>	<u>(1,496,643)</u>	<u>(26,978,673)</u>	<u>(24,735,943)</u>	<u>(13,526,826)</u>	<u>(16,482,317)</u>	<u>(10,820,498)</u>	<u>(16,880,858)</u>
Other financing sources (uses)										
Issuance of bonds	23,010,000	53,148,000	28,100,000	3,170,000	22,165,000	22,220,000	11,695,000	17,883,673	12,700,000	34,170,000
Issuance of refunding bonds	-	-	8,835,000	3,335,000	5,165,000	4,260,000	8,290,000	13,180,000	16,235,000	-
Proceeds from capital leases	-	-	-	-	237,839	9,255	-	-	-	-
Payment to bond escrow agent	-	-	(2,590,000)	(7,245,028)	-	(3,200,000)	(2,450,000)	(9,605,000)	(13,800,000)	(3,920,000)
Premium on general obligation bonds	-	5,500,575	2,483,846	309,409	1,905,100	1,200,740	1,759,969	3,089,684	2,460,806	4,160,857
Insurance proceeds	-	-	-	-	-	-	-	539,359	164,173	-
Transfers in	15,939,644	16,794,058	23,594,270	25,703,478	25,842,153	27,924,819	35,612,943	40,602,770	41,339,554	45,091,981
Transfers out	(15,697,922)	(16,278,916)	(22,847,731)	(24,757,393)	(25,655,128)	(27,393,567)	(31,090,979)	(40,416,462)	(40,649,195)	(41,786,886)
Total other financing sources (uses)	<u>23,251,722</u>	<u>59,163,717</u>	<u>37,575,385</u>	<u>515,466</u>	<u>29,659,964</u>	<u>25,021,247</u>	<u>23,816,933</u>	<u>25,274,024</u>	<u>18,450,338</u>	<u>37,715,952</u>
Net change in fund balances	<u>\$ (6,392,428)</u>	<u>\$ 34,061,620</u>	<u>\$ 30,308,222</u>	<u>\$ (981,177)</u>	<u>\$ 2,681,291</u>	<u>\$ 285,304</u>	<u>\$ 10,290,107</u>	<u>\$ 8,791,707</u>	<u>\$ 7,629,840</u>	<u>\$ 20,835,094</u>
Debt service as a percentage of noncapital expenditures	27.3%	28.4%	28.0%	30.4%	27.2%	24.5%	21.9%	18.1%	20.0%	21.8%

City of Olathe, Kansas
Tax and Special Assessment Revenues by Source, Governmental Funds
Last Ten Fiscal Years
(modified accrual basis of accounting)

Fiscal Year	Property	Sales	Franchise	Special Assessments	Other Taxes	Total
2009	\$ 39,530,183	\$ 37,525,065	\$ 8,452,020	\$ 5,004,089	\$ 823,184	\$ 91,334,541
2010	38,567,592	37,673,077	9,264,850	6,934,998	838,247	93,278,764
2011	37,388,645	41,925,494	9,676,295	7,316,565	879,012	97,186,011
2012	37,273,386	43,562,332	9,857,257	8,443,097	1,015,736	100,151,808
2013	36,970,133	44,683,816	10,683,439	10,545,454	1,333,354	104,216,196
2014	38,287,765	55,529,354	11,346,571	9,448,971	1,260,272	115,872,933
2015	40,134,797	59,758,735	11,134,962	7,405,239	1,462,228	119,895,961
2016	43,336,975	64,602,806	11,503,470	6,745,522	1,714,373	127,903,146
2017	47,021,050	68,351,904	11,629,244	5,764,491	2,026,799	134,793,488
2018	51,746,347	70,529,222	12,009,645	5,453,398	1,784,961	141,523,573
Change 2009 to 2018	30.90%	87.95%	42.09%	8.98%	116.84%	54.95%



City of Olathe, Kansas
Taxable Sales by Category
City Sales Tax Only
Last Ten Fiscal Years

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Retail Trade										
(Big Box Retail, Grocery, Electronics)	\$ 13,238,004	\$ 13,319,118	\$ 14,372,193	\$ 14,838,908	\$ 15,434,172	\$ 17,474,368	\$ 21,654,523	\$ 22,314,004	\$ 23,255,377	\$ 23,454,605
Accommodation & Food Services										
(Hotel, Restaurant)	2,249,410	2,255,334	2,410,568	2,524,117	2,573,292	3,105,100	3,925,501	4,090,356	4,153,401	4,215,253
Utilities										
(Gas, Electric)	1,503,487	1,582,942	1,654,295	1,618,624	1,725,732	2,078,355	2,421,297	2,443,689	2,511,899	2,647,015
Information										
(Newsprint, Publishing)	1,144,893	1,174,579	1,212,359	1,273,169	1,283,752	1,605,851	1,966,346	1,624,835	1,595,511	1,637,132
Wholesale Trade										
(Wholesale Materials)	668,273	751,037	967,502	911,285	973,698	1,220,136	1,593,026	1,939,542	1,984,038	1,954,944
Manufacturing										
(Food, Beverage, Paper, Machinery)	542,126	532,486	565,698	637,218	611,627	811,627	967,271	983,735	948,760	929,794
Other Services										
(Auto Repair, Laundry)	673,127	646,856	694,384	663,561	674,440	824,551	1,047,467	1,111,621	1,129,824	1,147,384
Administrative, Support, Waste Management, & Remediation Services	179,478	168,043	191,600	191,995	200,444	229,120	287,092	319,937	382,946	419,703
Other	1,378,575	1,675,706	1,370,760	1,401,392	1,545,115	1,812,842	2,520,342	2,878,013	2,721,310	2,863,335
Total	<u>\$ 21,577,373</u>	<u>\$ 22,106,101</u>	<u>\$ 23,439,359</u>	<u>\$ 24,060,269</u>	<u>\$ 25,022,272</u>	<u>\$ 29,161,951</u>	<u>\$ 36,382,865</u>	<u>\$ 37,705,732</u>	<u>\$ 38,683,066</u>	<u>\$ 39,269,165</u>

Source: Kansas Department of Revenue

City of Olathe, Kansas
Direct and Overlapping Sales Tax Rates
Last Ten Fiscal Years
(modified accrual basis of accounting)

Fiscal Year	City			Johnson County						State of Kansas (1)	Total
	General	Parks (2)	Streets (5)	General	Public Safety	Stormwater	Public Safety Capital (3)	Education Research Triangle (4)	Public Safety Courthouse (6)		
2009	1.000%	0.125%	-	0.500%	0.250%	0.100%	0.250%	0.125%	-	5.300%	7.650%
2010	1.000%	0.125%	-	0.500%	0.250%	0.100%	0.250%	0.125%	-	6.300%	8.650%
2011	1.000%	0.125%	-	0.500%	0.250%	0.100%	0.250%	0.125%	-	6.300%	8.650%
2012	1.000%	0.125%	-	0.500%	0.250%	0.100%	0.250%	0.125%	-	6.300%	8.650%
2013	1.000%	0.125%	-	0.500%	0.250%	0.100%	0.250%	0.125%	-	6.150%	8.500%
2014	1.000%	0.125%	0.375%	0.500%	0.250%	0.100%	0.250%	0.125%	-	6.150%	8.875%
2015	1.000%	0.125%	0.375%	0.500%	0.250%	0.100%	0.250%	0.125%	-	6.500%	9.225%
2016	1.000%	0.125%	0.375%	0.500%	0.250%	0.100%	0.250%	0.125%	-	6.500%	9.225%
2017	1.000%	0.125%	0.375%	0.500%	0.250%	0.100%	0.250%	0.125%	0.250%	6.500%	9.475%
2018	1.000%	0.125%	0.375%	0.500%	0.250%	0.100%	0.250%	0.125%	0.250%	6.500%	9.475%

Source: Kansas Department of Revenue

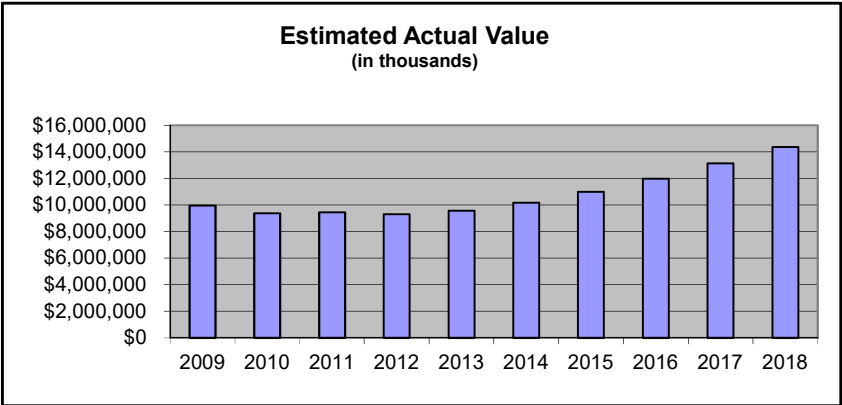
- (1) The State of Kansas increased its sales tax rate effective July 2010 and then decreased its sales tax rate effective July 2013. The State then increased its sales tax rate effective July 2015.
- (2) The citizens of Olathe approved an 1/8% sales tax for various park projects. The tax was in effect from April 2000 through March 2005. The citizens of Olathe approved an extension of this tax until March 2015. Citizens approved a second extension of this tax until March 2025.
- (3) The citizens of Johnson County approved an 1/4% sales tax for public safety capital and operations. The tax was in effect starting in January 2009.
- (4) The citizens of Johnson County approved an 1/8% sales tax for the education research triangle. The tax was in effect starting in January 2009.
- (5) The citizens of Olathe approved an 3/8% sales tax for street maintenance for 10 years. The tax was in effect starting in April 2014.
- (6) The citizens of Johnson County approved an 1/4% sales tax for public safety for a new courthouse. The tax was in effect starting in April 2017.

City of Olathe, Kansas
Assessed and Estimated Actual Value of Taxable Property
Last Ten Fiscal Years
(in thousands of dollars)

Collection Year	Real Property	Utilities	Personal Property	Total Assessed Value	Estimated Actual Value (1)	Total Direct Tax Rate
2009	\$ 1,255,699	\$ 33,786	\$ 45,042	\$ 1,334,527	\$ 9,948,378	24.837
2010	1,185,808	33,997	37,727	1,257,532	9,382,174	24.840
2011	1,195,322	35,716	33,254	1,264,292	9,443,015	24.924
2012	1,177,481	37,426	31,526	1,246,433	9,304,378	24.794
2013	1,212,161	38,311	28,765	1,279,238	9,562,962	24.818
2014	1,293,678	38,898	21,385	1,353,961	10,162,389	24.701
2015	1,400,333	40,813	19,349	1,460,496	10,980,846	24.688
2016	1,530,644	41,951	17,996	1,590,590	11,981,493	24.708
2017	1,682,451	42,752	16,293	1,741,496	13,145,013	24.700
2018	1,840,101	45,350	15,802	1,901,252	14,364,117	24.406

Source: Johnson County Appraiser

(1) Residential real estate is assessed at 11.5% of its fair market value. Commercial property is assessed at 25% of its fair market value. All other property is assessed at rates between 12% and 33% of its fair market value.



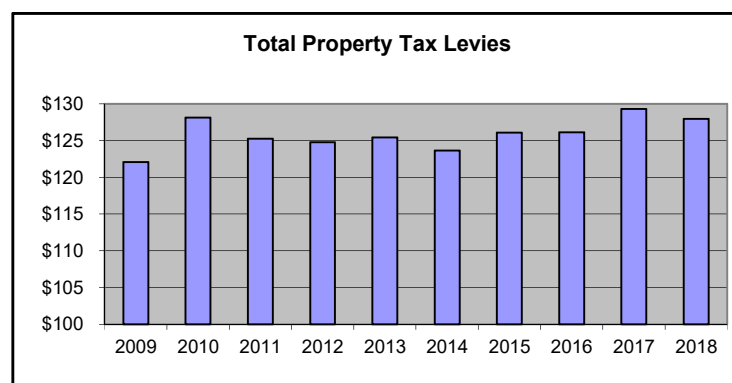
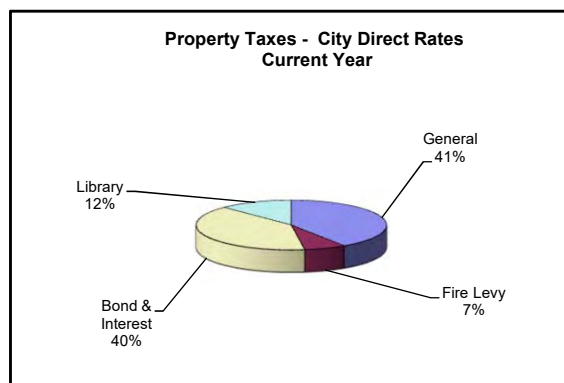
City of Olathe, Kansas
Property Tax Rates
Direct and Overlapping Governments
Last Ten Fiscal Years

City Direct Rates						Overlapping Rates (1)					
Year	General	Fire Levy	Bond and Interest	Library	Total	State	County	Community College	County Park	Olathe Schools	Total
2009	9.524	1.702	10.844	2.767	24.837	1.500	17.716	8.784	2.346	66.900	122.083
2010	9.270	1.703	11.100	2.767	24.840	1.500	17.748	8.799	2.350	72.917	128.154
2011	9.050	1.710	11.388	2.776	24.924	1.500	17.700	8.872	2.343	69.924	125.263
2012	9.003	1.702	11.328	2.761	24.794	1.500	17.717	8.785	2.344	69.618	124.758
2013	9.010	1.705	11.337	2.766	24.818	1.500	17.745	9.551	2.347	69.486	125.447
2014	8.871	1.709	11.351	2.770	24.701	1.500	17.764	9.461	2.349	67.868	123.643
2015	8.866	1.710	11.345	2.767	24.688	1.500	19.582	9.469	3.101	67.764	126.104
2016	10.874	1.713	9.352	2.769	24.708	1.500	19.590	9.473	3.102	67.774	126.147
2017	10.193	1.730	9.979	2.798	24.700	1.500	19.318	9.503	3.112	71.174	129.307
2018	9.925	1.727	9.711	3.043	24.406	1.500	19.024	9.266	3.088	70.665	127.949

Per \$1,000 of Assessed Valuation

Source: Johnson County

(1) Overlapping rates are those of local, county, and state governments that apply to property owners within the City of Olathe. Not all overlapping rates apply to all property owners.



**City of Olathe, Kansas
Principal Property Tax Payers
Current Year and Nine Years Ago**

Taxpayer Name	Type of Property	2018			2009		
		Total Assessed Value (1)	Rank	Percentage of Total Assessed Valuation	Total Assessed Value (1)	Rank	Percentage of Total Assessed Valuation
GARMIN International	Manufacturing	\$ 21,861,758	1	1.15%	\$ -		0.00%
JDM III SF Kansas City DC LLC	Information Processing	15,025,451	2	0.79%			
HOA Hotels Kansas LLC	Hotel	13,185,501	3	0.69%			
US Bank	Information Processing	10,162,803	4	0.53%			
Wal-Mart	Retail	9,113,001	5	0.48%	4,618,500	10	0.35%
Foodbrands America Inc.	Manufacturing	8,007,689	6	0.42%	-		0.00%
Honeywell (Bendix/King)	Aircraft Communication	7,714,917	7	0.41%	8,601,291	3	0.64%
Karbank	Retail Development	7,705,500	8	0.41%			
Sealy	Retail	7,478,001	9	0.39%			
Aldi Inc	Retail	7,324,251	10	0.39%			
KCPL	Utility				9,957,208	1	0.75%
Passco Olathe Station	Retail				9,161,014	2	0.69%
Great Mall of the Great Plains	Retail				8,475,318	4	0.64%
Atmos Energy	Utility				7,217,901	5	0.54%
Southwestern Bell Telephone	Utility				7,053,489	6	0.53%
Arciterra Olathe Pointe	Retail				6,132,250	7	0.46%
Homestead Apartment Homes	Apartments				5,305,065	8	0.40%
FLIK, Inc	Commercial				5,089,438	9	0.38%
		<u>\$ 107,578,872</u>		<u>5.66%</u>	<u>\$ 71,611,474</u>		<u>5.38%</u>

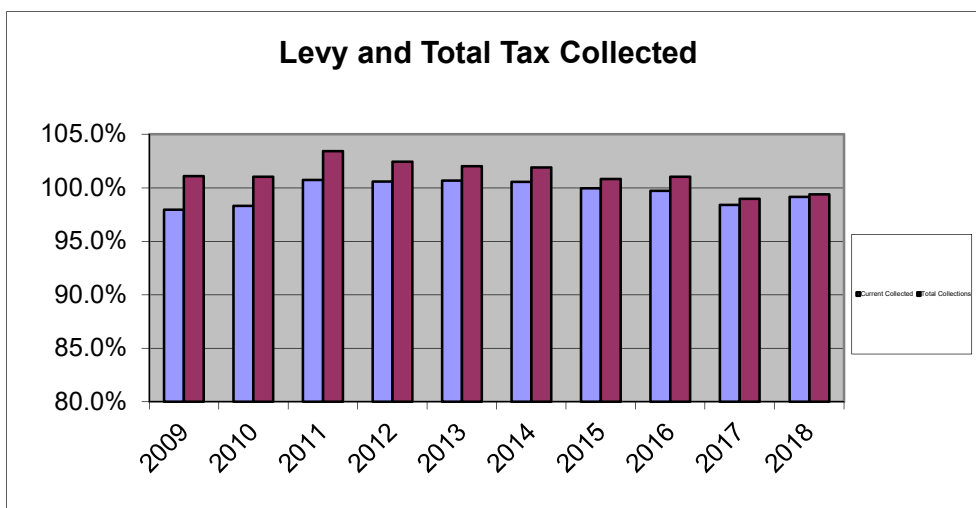
(1) Source: Real estate and personal property valuation from Johnson County Appraiser's Office; utility valuation from Johnson County Clerk's Office.

City of Olathe, Kansas
Property Tax Levies and Collections
Last Ten Fiscal Years

Fiscal Year	Total Levy (2)	Current Tax Collection	Percent of Levy Collected	Delinquent Tax Collections (1)	Total Tax Collections	Total Collections as Percent of Current Levy
2009	\$ 34,134,533	\$ 33,436,467	98.0%	\$ 1,074,274	\$ 34,510,741	101.1%
2010	33,133,648	32,574,869	98.3%	901,988	33,476,857	101.0%
2011	31,258,771	31,489,083	100.7%	840,702	32,329,785	103.4%
2012	31,508,143	31,690,293	100.6%	582,840	32,273,133	102.4%
2013	30,902,949	31,116,334	100.7%	409,831	31,526,165	102.0%
2014	31,749,238	31,927,827	100.6%	425,649	32,353,476	101.9%
2015	33,439,317	33,426,577	100.0%	288,910	33,715,487	100.8%
2016	36,056,353	35,952,604	99.7%	473,432	36,426,036	101.0%
2017	39,304,956	38,673,924	98.4%	224,940	38,898,864	99.0%
2018	43,012,242	42,651,555	99.2%	96,486	42,748,041	99.4%

Source: Johnson County Appraiser

- (1) Outstanding delinquent taxes are collected by Johnson County. County Treasurer's records do not provide a determination of delinquent outstanding taxes by year, therefore, it is possible for the total collections as a percent of current levy to be greater than 100%.
- (2) The total levy is the original levy and does not include discoveries or abatements.

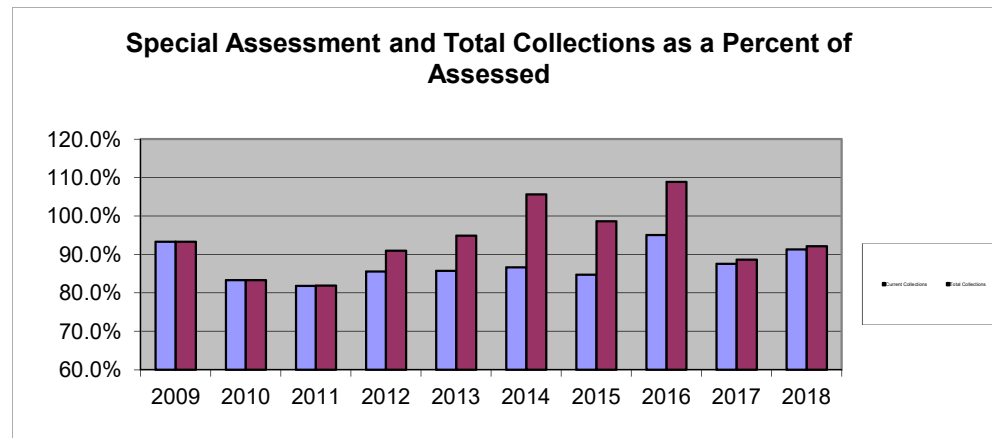


City of Olathe, Kansas
Special Assessment Collections
Last Ten Fiscal Years

Collection Year	Assessment Levy	Current Collections (1)	Percent of Levy Collected	Delinquent Collections	Current and Delinquent Collection	Percent of Levy Collected	Prepaid Assessment	Total Collections
2009	\$ 7,421,501	\$ 6,925,571	93.3%	\$ -	\$ 6,925,571	93.3%	\$ -	\$ 6,925,571
2010	7,275,093	6,061,429	83.3%	-	6,061,429	83.3%	266	6,061,695
2011	8,782,929	7,191,882	81.9%	2,797	7,194,679	81.9%	-	7,194,679
2012	9,887,997	8,464,087	85.6%	531,059	8,995,146	91.0%	14	8,995,160
2013	9,301,654	7,976,297	85.8%	854,213	8,830,510	94.9%	-	8,830,510
2014	8,944,804	7,753,386	86.7%	1,695,585	9,448,971	105.6%	-	9,448,971
2015	7,338,642	6,217,583	84.7%	1,025,219	7,242,802	98.7%	-	7,242,802
2016	6,664,058	6,333,943	95.0%	920,576	7,254,519	108.9%	-	7,254,519
2017	6,301,761	5,521,284	87.6%	67,744	5,589,028	88.7%	175,463	5,764,491
2018	6,051,367	5,524,676	91.3%	52,989	5,577,665	92.2%	138,383	5,716,048

Source: Johnson County

(1) Collections include interest.

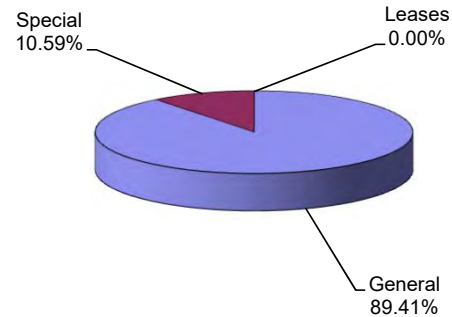


**City of Olathe, Kansas
Ratios of Outstanding Debt by Type
Last Ten Fiscal Years**

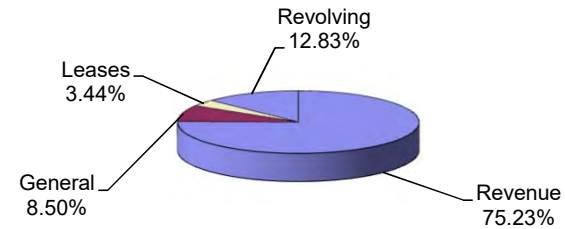
Fiscal Year	Governmental Activities			Business-type Activities			Total Primary Government	Percentage of Personal Income (1)	Per Capita
	General Obligation Bonds	Special Obligation Bonds	Capital Leases	Revenue Bonds	General Obligation Bonds	State Revolving Loan			
2009	\$ 163,406,384	\$ 42,580,000	\$ 124,436	\$ 5,050,000	\$ -	\$ 40,976,922	\$ 265,982,084	2.0%	\$ 2,124
2010	202,119,767	41,325,000	62,973	55,395,000	-	43,146,756	355,453,520	1.5%	2,817
2011	217,958,574	40,377,193	-	55,649,010	17,510,000	24,287,018	368,673,411	1.4%	2,898
2012	194,760,707	38,782,331	342,842	63,339,650	16,960,000	23,560,461	349,302,576	1.6%	2,717
2013	201,346,499	35,653,366	520,070	61,003,683	15,880,000	22,526,925	347,276,365	1.7%	2,670
2014	198,103,868	34,055,952	420,696	58,740,557	14,745,000	21,014,983	336,235,570	1.8%	2,539
2015	193,986,805	32,408,327	304,857	75,907,189	13,585,000	19,463,078	343,627,073	1.8%	2,560
2016	198,534,607	30,699,594	87,774	72,706,973	12,405,000	17,754,002	338,909,810	1.8%	2,485
2017	195,446,767	28,091,571	3,622	79,531,354	11,195,000	16,361,106	336,061,983	2.0%	2,419
2018	209,076,614	24,754,653	951	87,987,835	9,945,000	15,000,389	350,794,510	1.9%	2,486

(1) For personal income and population data, see exhibit 18

2018 Governmental Activities Outstanding Debt



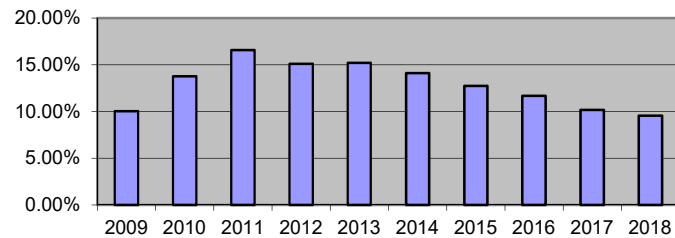
2018 Business-Type Activities Outstanding Debt



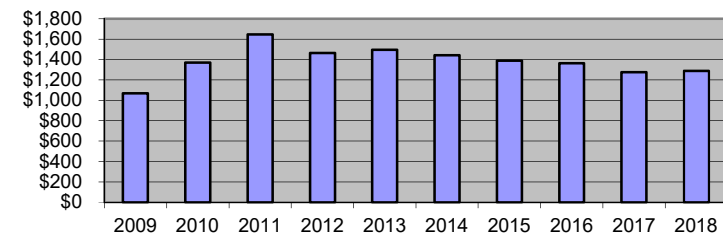
City of Olathe, Kansas
Ratios of Net General Bonded Debt Outstanding
Last Ten Fiscal Years

Fiscal Year	General Obligation Debt	Reserved for Debt Service	Net General Obligation Debt	Assessed Valuation	Percentage of Actual Taxable Value of Property	Population	Per Capita
2009	\$ 163,406,384	\$ 29,669,701	\$ 133,736,683	\$ 1,334,527,000	10.02%	125,225	\$ 1,068
2010	202,119,767	29,180,689	172,939,078	1,257,532,000	13.75%	126,162	1,371
2011	235,468,574	26,083,374	209,385,200	1,264,292,000	16.56%	127,211	1,646
2012	211,720,707	23,518,301	188,202,406	1,246,433,000	15.10%	128,563	1,464
2013	217,226,499	22,881,695	194,344,804	1,279,238,000	15.19%	130,055	1,494
2014	212,848,868	21,929,118	190,919,750	1,353,961,000	14.10%	132,437	1,442
2015	207,571,805	21,369,827	186,201,978	1,460,496,000	12.75%	134,231	1,387
2016	210,939,607	25,212,558	185,727,049	1,590,590,000	11.68%	136,394	1,362
2017	206,641,767	29,519,397	177,122,370	1,741,496,000	10.17%	138,922	1,275
2018	219,021,614	37,274,363	181,747,251	1,901,252,000	9.56%	141,116	1,288

Percentage of Actual Taxable Value of Property



Net Bonded Debt Per Capita



City of Olathe, Kansas
Direct and Overlapping Governmental Activities Debt
December 31, 2018

Taxing Unit	Net Debt to Nearest Date	Percentage Applicable to the City of Olathe	Estimated Share
Johnson County	\$ 308,457,300	18.22%	\$ 56,200,920
Johnson County Park and Recreation	825,000	18.22%	150,315
Johnson County Community College	58,850,000	18.22%	10,722,470
U.S.D. No. 229	395,355,031	3.07%	12,137,399
U.S.D. No. 230	155,035,000	37.97%	58,866,790
U.S.D. No. 231	146,205,000	0.89%	1,301,225
U.S.D. No. 232	128,115,000	2.10%	2,690,415
U.S.D. No. 233	554,948,220	70.30%	390,128,599
Johnson County Fire District #2	3,320,000	19.50%	647,400
Total estimated overlapping debt			<u>532,845,533</u>
City of Olathe's direct debt			233,832,218
Total direct and overlapping debt			<u><u>\$ 766,677,751</u></u>

Source: Johnson County

Note: Overlapping governments are those that coincide, at least in part, with the geographic of the City. This schedule estimates the portion of the outstanding debt of those overlapping governments that is borne by the residents and businesses of Olathe. This process recognizes that, when considering the City's ability to issue and repay long-term debt, the entire debt burden borne by the residents and businesses should be taken into account. However, this does not imply that every taxpayer is a resident, and therefore responsible for repaying the debt, of each overlapping government.

All Johnson County Taxing Units' debt is as of September 1, 2018. All other districts' debt is as of June 30, 2018

City of Olathe, Kansas
Legal Debt Margin Information
Last Ten Fiscal Years

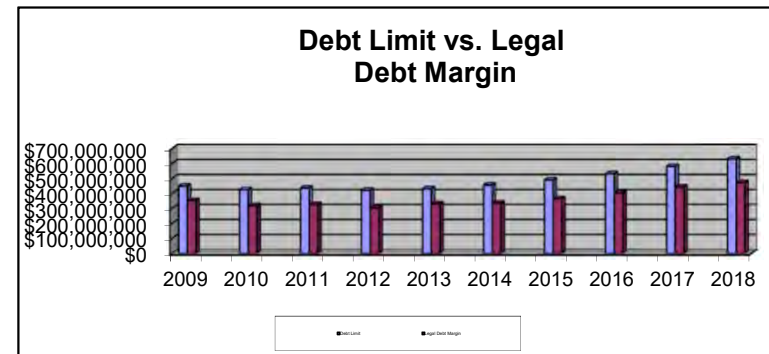
	Fiscal Year									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Debt limit	\$ 448,824,501	\$ 424,508,108	\$ 435,849,362	\$ 420,451,375	\$ 430,956,078	\$ 455,980,038	\$ 490,122,542	\$ 531,685,602	\$ 579,500,865	\$ 630,366,375
Total net debt applicable to limit	97,039,239	105,954,026	110,502,276	117,628,663	100,536,250	121,451,182	126,719,078	129,097,192	136,166,161	158,746,899
Legal debt margin	<u>\$ 351,785,262</u>	<u>\$ 318,554,082</u>	<u>\$ 325,347,086</u>	<u>\$ 302,822,712</u>	<u>\$ 330,419,828</u>	<u>\$ 334,528,856</u>	<u>\$ 363,403,464</u>	<u>\$ 402,588,410</u>	<u>\$ 443,334,704</u>	<u>\$ 471,619,476</u>
Total net debt applicable to the limit as a percentage of debt limit	21.62%	24.96%	25.35%	27.98%	23.33%	26.64%	25.85%	24.28%	23.50%	25.18%

Legal Debt Margin Calculation for Fiscal Year 2018

Assessed valuation	\$ 2,101,221,249
Legal debt limit (1)	630,366,375
Debt applicable to limit	
General obligation bonds	186,735,000
Temporary notes	<u>26,735,000</u>
Total general obligation debt outstanding	213,470,000
Less exempt capital projects (2)	<u>54,723,101</u>
Debt margin	<u>\$ 471,619,476</u>

(1) Represents the valuation arrived at by using a formula as required by K.S.A. 79-5037. Debt limit is currently set at 30%.

(2) Represents the debt associated with projects exempt from debt limit calculation in accordance with K.S.A. 10-309.



City of Olathe, Kansas
Pledged Revenue Coverage
Last Ten Fiscal Years

Water & Sewer Revenue Bonds						
Fiscal Year	Revenues	Current Expenses (1)	Net Revenue Available for Debt Service	Principal Requirement	Interest Requirement	Coverage (3)
2009	\$ 26,468,208	\$ 21,356,853	\$ 5,111,355	\$ 4,475,600	\$ 305,876	1.07
2010	30,065,468	21,404,000	8,661,468	525,000	285,425	10.69
2011	32,912,000	21,508,858	11,403,142	635,000	1,746,982	4.79
2012	39,653,439	28,134,894	11,518,545	1,710,000	2,562,750	2.70
2013	38,349,614	23,871,194	14,478,420	2,230,000	2,783,709	2.89
2014	39,327,067	24,801,732	14,525,335	2,165,000	2,789,113	2.93
2015	40,519,753	26,710,875	13,808,878	2,205,000	2,707,312	2.81
2016	44,771,642	27,342,877	17,428,765	3,065,000	3,253,529	2.76
2017	47,441,300	29,913,182	17,528,118	4,500,000	3,400,661	2.22
2018	50,659,278	31,706,303	18,952,975	3,400,000	3,698,015	2.67

Special Obligation Bonds and Developers' Agreements (2)					
Fiscal Year	Revenues	Principal Requirement	Interest Requirement	Developers' Agreement	Coverage
2009	\$ 3,394,838	\$ 835,000	\$ 2,273,554	\$ 567,414	0.92
2010	3,572,247	1,255,000	2,226,502	1,449,174	0.72
2011	3,732,892	1,230,000	2,160,478	874,099	0.88
2012	3,757,245	1,594,862	1,110,888	393,992	1.21
2013	3,965,586	3,128,965	1,086,367	943,425	0.77
2014	4,013,561	1,597,414	1,017,481	960,974	1.12
2015	4,415,841	1,647,626	998,084	1,177,222	1.16
2016	5,477,980	1,708,733	972,027	1,317,683	1.37
2017	6,326,642	2,608,023	977,560	3,048,153	0.95
2018	7,321,032	3,336,918	866,630	3,758,742	0.92

(1) Current expenses do not include bad debt expense, depreciation, or amortization.

(2) The City is only obligated for the amounts of incremental taxes received attributable to the project. Any deficiencies are the responsibility of the redeveloper.

(3) Debt has been scheduled for small principal amounts due in 2010 which leads to a high coverage amount in that year.

City of Olathe, Kansas
Demographic and Economic Statistics
Last Ten Fiscal Years

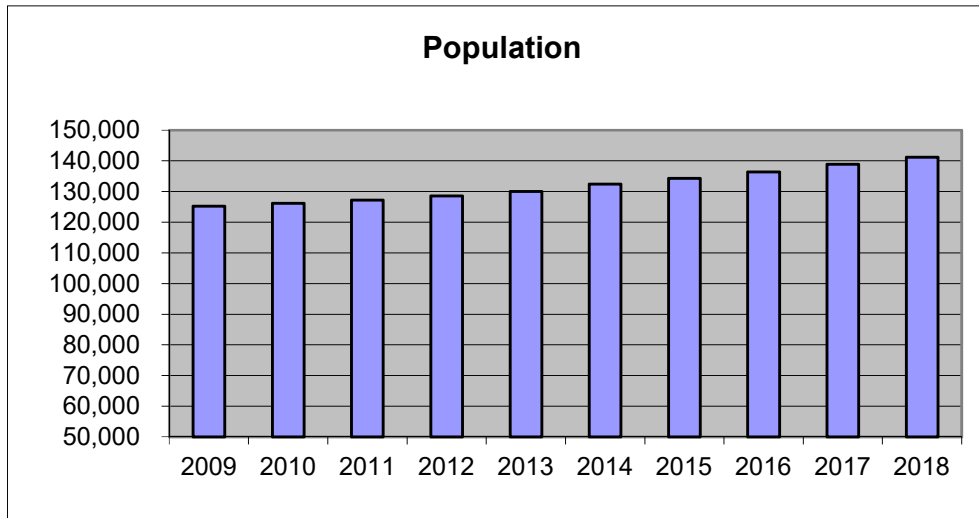
Fiscal Year	Population (3)	Personal Income (2)*	Per Capita Personal Income	Unemployment Rates (1)
2009	125,225	\$ 6,534,658	\$ 52,183	6.0%
2010	126,162	6,665,351	52,832	6.1%
2011	127,211	6,635,258	52,832	5.3%
2012	128,563	7,270,238	56,550	5.3%
2013	130,055	7,741,384	59,524	4.1%
2014	132,437	7,955,489	60,070	3.2%
2015	134,231	8,322,972	62,005	2.8%
2016	136,394	8,322,993	61,483	2.9%
2017	138,922	8,385,912	66,063	2.4%
2018	141,116	9,177,604	69,977	2.5%

* In thousands of dollars

(1) Source: Kansas Department of Labor

(2) Source: Derived from the personal income from Johnson County provided in the U.S. Department of Commerce Bureau of Economic Analysis

(3) Source: City of Olathe Planning Division



City of Olathe, Kansas
Principal Employers
Current Year and Nine Years Ago

Largest Employers	2018			2009		
	Employees	Rank	Percentage of Total City Employment	Employees	Rank	Percentage of Total City Employment
Company						
Olathe Unified School District	4,500	1	3.24%	3,717	2	2.97%
GARMIN International	3,000	2	2.16%	2,700	4	2.16%
Farmers Insurance	3,000	3	2.16%	3,000	3	2.40%
Johnson County	2,000	4	1.44%	4,100	1	3.27%
Olathe Medical Center	1,700	5	1.22%	1,945	5	1.55%
Convergys	950	6	0.68%			
City of Olathe	900	7	0.65%	950	8	0.80%
Honeywell (Bendix/King)	850	8	0.61%	1,100	6	0.88%
Sysco Food Servies of Kansas City	780	9	0.56%			
TransAm Trucking	700	10	0.50%	1,000	7	0.80%
Encore Receivable Management				900	9	0.72%
Mid America Nazarene University				750	10	0.60%
Totals	<u>18,380</u>		<u>13.23%</u>	<u>20,162</u>		<u>16.15%</u>

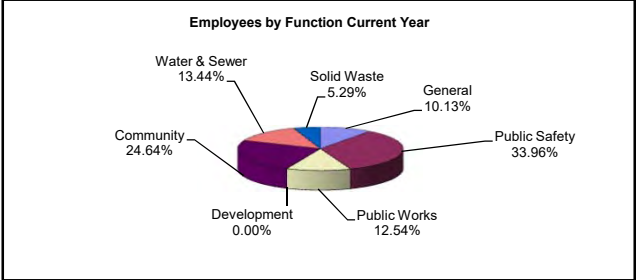
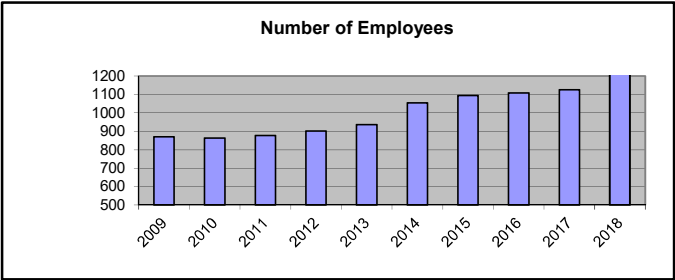
Source: Olathe Chamber of Commerce

City of Olathe, Kansas
City Government Employees by Function/Program
Last Ten Fiscal Years

	Fiscal Year									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Governmental										
General government	109	99	97	113	105	119	120	129	119	113
Public safety	319	324	330	333	341	348	348	347	374	379
Public works	121	121	118	128	134	126	134	135	128	140
Development services	48	11	11	7	-	-	-	-	-	-
Community services	87	129	137	139	162	280	307	308	291	275
Business-Type										
Water & Sewer	134	123	129	123	134	123	125	129	152	150
Solid Waste	52	56	55	58	61	59	60	60	62	59
Totals	870	863	877	901	937	1,055	1,094	1,108	1,126	1,116

Source: City's Payroll System

143



City of Olathe, Kansas
Operating Indicators by Function/Program
Last Ten Fiscal Years

	Fiscal Year									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Public safety										
<i>Police</i>										
Violent Crime Rate per 1,000 residents	2.45%	1.94%	1.83%	1.51%	1.53%	1.46%	1.20%	1.43%	1.48%	1.91%
Property Crime Rate per 1,000 residents	21.05%	18.38%	17.97%	19.02%	17.33%	16.29%	16.21%	16.84%	15.48%	15.54%
Average calls for service per FTE - first responder	389	360	351	347	353	345	354	369	367	371
<i>Fire</i>										
Code 1 Emergencies responded within 5 minutes	59%	56%	66%	57%	58%	51%	60%	53%	59%	61%
Fire Confined to Object or Room or Origin	N/A	76%	73%	58%	74%	87%	73%	76%	73%	79%
Public works										
<i>Governmental activities</i>										
Maintenance of City Streets - Satisfactory or above	74.00%	72.00%	74.00%	76.00%	70.00%	74.00%	69.00%	74.12%	75.72%	74.95%
Major Street Snow Removal - Satisfactory or above	92.00%	83.00%	79.00%	84.00%	84.00%	85.00%	86.88%	84.94%	85.52%	86.04%
Residential Streetst Snow Removal - Satisfactory or above	57.00%	56.00%	66.00%	63.00%	59.00%	61.00%	64.33%	66.80%	70.23%	70.64%
Maintenance of Sidewalks - Satisfactory or above	60.00%	65.00%	67.00%	62.00%	55.00%	61.00%	60.00%	57.20%	61.34%	60.00%
<i>Business-type activities</i>										
<i>Water and sewer</i>										
Time water meets regulatory standards	100.00%	100.00%	99.98%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Time wastewater meets effluent limits	99.98%	99.98%	99.98%	99.97%	100.00%	99.96%	99.86%	99.95%	100.00%	99.98%
<i>Solid waste</i>										
Tonnage diverted	28.58%	34.45%	36.70%	37.67%	38.29%	41.10%	43.88%	44.60%	45.27%	40.03%
Community services										
Respondents indicating needs are completely met by existing outdoor parks	80.00%	81.00%	84.00%	85.00%	89.00%	90.00%	88.00%	92.32%	91.88%	91.00%
Respondents indicating needs are completely met by existing outdoor athletic fields	79.00%	85.00%	81.00%	80.00%	81.00%	81.00%	89.00%	83.54%	82.19%	80.75%
Respondents indicating needs are completely met by existing indoor gymnasium	55.00%	70.00%	68.00%	59.00%	65.00%	75.00%	92.00%	82.03%	80.97%	84.00%

Source: Various City Departments and the annual Direction Finder Survey.

City of Olathe, Kansas
Capital Asset Statistics by Function/Program
Last Ten Fiscal Years

Function/Program	Fiscal Year									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Public safety										
Police										
Stations	1	1	1	1	1	1	1	1	1	1
Patrol units	56	56	56	56	58	58	58	58	58	58
Fire stations	7	7	7	7	7	7	7	7	7	7
Public works										
Governmental activities										
Streets (miles)	1,237	1,237	1,237	1,237	1,256	1,256	1,256	1,275	1,275	1,275
Business-type activities										
Water and sewer										
Water mains (miles)	578	578	578	578	590	590	590	606	608	608
Acre wellfield	95	95	95	95	95	95	95	95	95	95
Sanitary sewers (miles)	428	428	428	428	410	410	410	439	449	449
Solid waste										
Collection trucks	43	43	43	43	43	43	43	43	43	43
Community services										
Acreage	1,559	1,559	1,559	1,559	1,559	1,559	1,559	1,559	1,559	1,559
Parks	45	45	43	43	45	45	45	45	45	45
Swimming Pools	4	4	4	4	4	4	5	5	5	5
Trails (miles)	30.5	30.5	30.5	30.5	31	31	31	33	33	32

Source: Various city departments

Note: No capital asset indicators are available for the general government or development services functions.

City of Olathe, Kansas
Water and Sewer Information
Last Ten Fiscal Years

Number of Customers

The following table lists the approximate number of customers of the System for the last ten fiscal years.

<u>Year</u>	<u>Water Customers</u>	<u>Sewer Customers</u>
2009	34,302	28,155
2010	34,249	28,260
2011	34,401	28,398
2012	34,570	28,679
2013	34,860	29,004
2014	35,090	29,303
2015	35,323	29,633
2016	35,559	29,891
2017	35,879	30,262
2018	36,120	30,602

Water Production Requirements

The following table indicates historical water production requirements and comparison to the previous year.

<u>Year</u>	<u>Average Daily Demand</u>		<u>Annual Demand</u>	
	<u>Gallons (in millions)</u>	<u>Percent Change</u>	<u>Gallons (in millions)</u>	<u>Percent Change</u>
2009	11.58	-2.9%	4,253.65	-2.2%
2010	12.87	11.1%	4,705.99	10.6%
2011	13.50	4.9%	4,935.35	4.9%
2012	16.15	19.6%	5,918.72	19.9%
2013	13.64	-15.5%	4,976.95	-15.9%
2014	12.14	-11.0%	4,419.31	-11.2%
2015	11.30	-6.9%	3,634.00	-17.8%
2016	12.60	11.5%	4,585.00	26.2%
2017	11.82	-6.2%	4,304.00	-6.1%
2018	12.92	9.3%	4,717.27	9.6%

City of Olathe, Kansas
Water and Sewer Information
Last Ten Fiscal Years

Sewage Treatment Requirements

The following table indicates historical sewage treatment requirements of the City, but does not include that portion of the City that is served by the Johnson County Unified Wastewater District.

<u>Year</u>	<u>Average Daily Flow</u>		<u>Annual Demand</u>	
	<u>Gallons (in millions)</u>	<u>Percent Change</u>	<u>Gallons (in millions)</u>	<u>Percent Change</u>
2009	6.09	-1.9%	2,240	-2.0%
2010	6.63	8.9%	2,441	9.0%
2011	6.26	-5.6%	2,186	-10.4%
2012	5.54	-11.5%	2,034	-7.0%
2013	5.74	3.6%	2,105	3.5%
2014	5.11	-11.0%	1,893	-10.1%
2015	6.28	22.9%	2,298	21.4%
2016	5.95	-5.3%	2,186	-4.9%
2017	5.60	-5.9%	2,044	-6.5%
2018	5.15	-8.0%	1,899	-7.1%

Water and Sewer Peak Daily Demand

The following table indicates the peak daily demand of the water system and the maximum daily flow for the sewage treatment system for each of the last ten years.

<u>Year</u>	<u>Water System Peak Daily Demand (millions of gallons)</u>	<u>Sewage System Maximum Daily Flow (millions of gallons)</u>
2009	20.47	29.45
2010	25.50	29.52
2011	25.89	14.66
2012	28.09	23.67
2013	28.57	18.21
2014	24.12	18.08
2015	19.30	25.76
2016	24.68	31.28
2017	21.50	28.54
2018	25.26	35.20

continued

City of Olathe, Kansas
Water and Sewer Information

Largest Customers

The following table lists the ten largest users of the System based on the percentage of total 2017 revenue generated by each.

Customer	Water System		Percentage of Total 2018 System Revenues
	Type of Enterprise	2018 Water Billing	
New Century Air Center	Wholesale	\$ 519,548	2.8%
Rural Water District 6	Rural water district	435,165	2.4%
Rural Water District 7	Rural water district	339,616	1.9%
Olathe Medical Center	Hospital	137,007	0.7%
FSI Santa Barbara Property LLC	Multi-family	130,046	0.7%
Garmin International	Industrial	60,724	0.3%
Cintas	Retail	56,853	0.3%
Geiger Ready Mix	Industrial	43,940	0.2%
Genesis Health Club	Industrial	41,856	0.2%
Villas St. Francis	Multi-family	38,083	0.2%

Customer	Sewer System		Percentage of Total 2018 System Revenues
	Type of Enterprise	2018 Sewer Charge	
Olathe Medical Center	Hospital	\$ 109,546	0.8%
Ciintas	Services	104,894	0.8%
Green Lantern Car Wash LLC	Car wash	72,813	0.5%
Villa St. Francis	Multi-family	67,892	0.5%
AMC Theaters	Entertainment	54,172	0.4%
Architerra	Commerical	44,232	0.3%
Exxon Mobil	Industrial	41,332	0.3%
Premier Car Wash	Car wash	40,541	0.3%
Federal Aviation Administration	Government	38,555	0.3%
Good Samaritan Center	Retirement home	36,539	0.3%

City of Olathe, Kansas
Risk Management Fund
December 31, 2018

	Workers' Compensation	Health & Dental	General Liability	Other	Total
Assets					
Current assets					
Cash and cash equivalents	\$ 4,141,956	\$ 2,729,365	\$ 1,971,593	\$ 93,731	\$ 8,936,645
Total current assets	<u>4,141,956</u>	<u>2,729,365</u>	<u>1,971,593</u>	<u>93,731</u>	<u>8,936,645</u>
Noncurrent assets					
Restricted assets					
Deposit	-	11,000	-	-	11,000
Total restricted assets	<u>-</u>	<u>11,000</u>	<u>-</u>	<u>-</u>	<u>11,000</u>
Total assets	<u>\$ 4,141,956</u>	<u>\$ 2,740,365</u>	<u>\$ 1,971,593</u>	<u>\$ 93,731</u>	<u>\$ 8,947,645</u>
Liabilities					
Current liabilities					
Accounts and claims payable	\$ 926,209	\$ 1,032,253	\$ 224,210	\$ -	\$ 2,182,672
Compensated absences	-	3,456	-	-	3,456
Total current liabilities	<u>926,209</u>	<u>1,035,709</u>	<u>224,210</u>	<u>-</u>	<u>2,186,128</u>
Noncurrent liabilities					
Deposit	-	11,000	-	-	11,000
Compensated absences	-	1,857	-	-	1,857
Total noncurrent liabilities	<u>-</u>	<u>12,857</u>	<u>-</u>	<u>-</u>	<u>12,857</u>
Total liabilities	<u>926,209</u>	<u>1,048,566</u>	<u>224,210</u>	<u>-</u>	<u>2,198,985</u>
Net position					
Unrestricted	3,215,747	1,691,799	1,747,383	93,731	6,748,660
Total liabilities and net position	<u>\$ 4,141,956</u>	<u>\$ 2,740,365</u>	<u>\$ 1,971,593</u>	<u>\$ 93,731</u>	<u>\$ 8,947,645</u>
Operating revenues					
Charges for services	<u>\$ 1,469,074</u>	<u>\$ 16,976,752</u>	<u>\$ 1,793,791</u>	<u>\$ 36,180</u>	<u>\$ 20,275,797</u>
Operating expenses					
Administration and general	<u>555,701</u>	<u>16,664,017</u>	<u>1,433,114</u>	<u>18,791</u>	<u>18,671,623</u>
Operating income (loss)	<u>913,373</u>	<u>312,735</u>	<u>360,677</u>	<u>17,389</u>	<u>1,604,174</u>
Nonoperating revenues (expenses)					
Interest income	56,159	42,373	26,106	1,248	125,886
Transfer out	-	(150,000)	-	-	(150,000)
Net income (loss)	<u>969,532</u>	<u>205,108</u>	<u>386,783</u>	<u>18,637</u>	<u>1,580,060</u>
Net position - beginning of year	<u>2,246,215</u>	<u>1,486,691</u>	<u>1,360,600</u>	<u>75,094</u>	<u>5,168,600</u>
Net position - end of year	<u>\$ 3,215,747</u>	<u>\$ 1,691,799</u>	<u>\$ 1,747,383</u>	<u>\$ 93,731</u>	<u>\$ 6,748,660</u>



CITY OF OLATHE, KANSAS

UNIFORM GUIDANCE SINGLE
AUDIT REPORT DECEMBER 31, 2018

CITY OF OLATHE, KANSAS
UNIFORM GUIDANCE SINGLE AUDIT REPORT
December 31, 2018

Table of Contents

	<u>Page</u>
Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with "Government Auditing Standards"	1 - 2
Independent Auditor's Report on Compliance for Each Major Program; Report on Internal Control over Compliance; And Report on Schedule of Expenditures Of Federal Awards Required by the Uniform Guidance	3 - 4
Schedule of Expenditures of Federal Awards	5
Notes to Schedule of Expenditures of Federal Awards	6
Schedule of Findings and Questioned Costs	7 - 8

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH "GOVERNMENT AUDITING STANDARDS"**

To the Honorable Mayor and
Members of the City Council
City of Olathe, Kansas

We have audited, in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, and the Kansas Municipal Audit and Accounting, the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Olathe, Kansas, (the City) as of and for the year ended December 31, 2018, and the related notes to the financial statements, which collectively comprise the City's basic financial statements, and have issued our report thereon dated June 3, 2019.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal controls* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the financial statements will not be prevented or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charge with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Mike Houser: Company PA

Certified Public Accountants

Lawrence, Kansas
June 3, 2019

**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR EACH MAJOR PROGRAM; REPORT ON
INTERNAL CONTROL OVER COMPLIANCE; AND REPORT ON SCHEDULE OF EXPENDITURES OF
FEDERAL AWARDS REQUIRED BY THE UNIFORM GUIDANCE**

To the Honorable Mayor and
Members of the City Council
City of Olathe, Kansas

Report on Compliance for Each Major Federal Program

We have audited the compliance of the City of Olathe, Kansas, (the City) with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the City's major federal programs for the year ended December 31, 2018. The City's major federal financial programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the City's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the City's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination on the City's compliance.

Opinion on Each Major Federal Program

In our opinion, the City complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended December 31, 2018.

Report on Internal Control Over Compliance

Management of the City is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the City's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program in order to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing our opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charge with governance.

Our consideration of the internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Report on Schedule of Expenditures of Federal Awards Required By The Uniform Guidance

We have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Olathe, Kansas, as of and for the year ended December 31, 2018, and the related notes to the financial statements, which collectively comprise the City's basic financial statements. We have issued our report thereon dated June 3, 2019, which contained an unmodified opinion on those financial statements. Our audit was conducted for the purpose of forming opinions on those financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the financial statements as a whole.

Mize Houser & Company PA

Certified Public Accountants

Lawrence, Kansas
June 3, 2019

CITY OF OLATHE, KANSAS
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
For the Year Ended December 31, 2018

Federal Grantor/Pass-Through Grantor/Program Title	Federal CFDA Number	Pass-Through Identifying Number	Expenditures
<u>U.S. Department of Housing and Urban Development</u>			
Public and Indian Housing	14.850		\$ 215,842
Housing Voucher Cluster:			
Section 8 Housing Choice Vouchers	14.871		3,394,092
Total Housing Voucher Cluster			3,394,092
Public Housing Capital Fund	14.872		44,895
Passed Through Johnson County, Kansas:			
CDBG-Entitlement Grants Cluster:			
Community Development Block Grant	14.218	2014 / 2015 / 2016 / 2017 / 2018	299,488
Total CDBG-Entitlement Grants Cluster			299,488
HOME Investment Partnerships Program	14.239	2015 / 2016 / 2017 / 2018	207,686
Total U.S. Department of Housing and Urban Development			4,162,003
<u>U.S. Department of Transportation</u>			
Passed Through the Kansas Department of Transportation (KDOT):			
Highway Planning and Construction Cluster:			
Highway Planning and Construction	20.205	N-061001 / N-062701 / N-061901	2,768,274
Total Highway Planning and Construction Cluster			2,768,274
Highway Safety Cluster:			
State and Community Highway Safety	20.600	SP-1300-16	12,903
State and Community Highway Safety	20.600	SP-0931-16	1,057
National Priority Safety Programs	20.616	SP-4704-16	8,873
Total Highway Safety Cluster			22,833
Passed Through Kansas City Area Transportation Authority (KCATA):			
Transit Services Programs Cluster:			
5310 Grant	20.513	MO-16-X046	162,433
5310 Grant Group Trip	20.513	MO-16-X046	5,961
Total Transit Services Programs Cluster			168,394
Total U.S. Department of Transportation			2,959,501
<u>U.S. Department of Justice</u>			
Passed Through Johnson County, Kansas:			
Byrne Memorial Justice Assistance Grant	16.738		32,295
Total U.S. Department of Justice			32,295
<u>U.S. Department of Homeland Security</u>			
Passed Through Mid-America Regional Council (MARC):			
Urban Area Security Initiative	97.067	PO-003272	27,750
Total U.S. Department of Homeland Security			27,750
<u>U.S. Department of Health and Human Services</u>			
Passed Through Kansas Department of Aging & Disability Services:			
Communities that Care	93.276		27,954
Total Department of Health and Human Services			27,954
Total Expenditures of Federal Awards			\$ 7,209,503

See the accompanying notes to the schedule of expenditures of federal awards.

CITY OF OLATHE, KANSAS

NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
For the Year Ended December 31, 2018

1. Organization

The City is the recipient of several federal awards. All federal awards received directly from federal agencies as well as those awards that are passed through other government agencies, are included on the Schedule of Expenditures of Federal Awards

2. Basis of Presentation

The accompanying Schedule of Expenditures of Federal Awards is presented using the modified accrual basis of accounting. The information presented in this schedule is in accordance with the requirements of *Title 2 U.S. Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. Therefore, some amounts presented in this schedule may differ from amounts presented in, or used in the preparation of the basic financial statements. The City elected not to use the 10% de minimis indirect cost rate.

3. Local Government Contributions

Local cost sharing is required by certain federal grants. The amount of cost sharing varies with each program. Only the federal share of expenditures is presented in the Schedule of Expenditures of Federal Awards.

4. Additional Audits

Grantor agencies reserve the right to conduct additional audits of the City's grant programs for economy and efficiency and program results that may result in disallowed costs to the City. However, management does not believe such audits would result in any disallowed costs that would be material to the City's financial position at December 31, 2018.

5. Outstanding Loans

The City had the following loan balance outstanding at December 31, 2018. New loans made during the year are included in the federal expenditures presented in the schedule.

<u>Program Title</u>	<u>CFDA Number</u>	<u>Amount Outstanding</u>
Community Development Block Grant	14.218	\$ 1,581,411
HOME Investment Partnerships Program	14.239	<u>2,201,588</u>
		<u>\$ 3,782,999</u>

6. Pass Through Entity Numbers

Grant numbers are not listed for several grants on the Schedule of Expenditures of Federal Awards. For those grants, pass through grantors have not assigned passthrough numbers to the passthrough grants noted in the schedule of expenditures of federal awards.

CITY OF OLATHE, KANSAS

Schedule of Findings and Questioned Costs
For the Year Ended December 31, 2018

Section I - Summary of Independent Auditor's Results

Financial Statements

Type of auditor's report issued: Unmodified

Internal control over financial reporting:

Material weakness(es) identified? Yes X No

Significant deficiency (ies) identified that are not
considered to be material weaknesses? Yes X None reported

Noncompliance material to financial statements noted? Yes X No

Federal Awards

Internal control over major programs:

Material weakness(es) identified? Yes X No

Significant deficiency (ies) identified that are not
considered to be material weaknesses? Yes X None reported

Type of auditor's report issued on compliance for major programs: Unmodified

Any audit findings disclosed that are required to be
reported in accordance with the
Uniform Guidance Yes X No

Identification of major programs:

CFDA Number(s)

14.871

Name of Federal Program or Cluster

Section 8 Housing Choice Vouchers

Dollar threshold used to distinguish between
type A and type B programs: \$750,000

Auditee qualified as low-risk auditee? X Yes No

CITY OF OLATHE, KANSAS

Schedule of Findings and Questioned Costs (Continued)
For the Year Ended December 31, 2018

Section II - Financial Statement Findings

None Noted

Section III - Federal Award Findings and Questioned Costs

Current Year Findings

None Noted

Prior Year Findings

None Noted



AUDITOR'S COMMUNICATION WITH THOSE CHARGED WITH GOVERNANCE
AT THE CONCLUSION OF THE AUDIT

Mayor and City Council
City of Olathe, Kansas

We have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund and the aggregate remaining fund information of the City of Olathe, Kansas, for the year ended December 31, 2018. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards* and the Uniform Guidance, as well as certain information related to the planned scope and timing of our audit. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Matters

Qualitative Aspects of Accounting Practice

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City are described in Note 1 to the financial statements. The City implemented GASB Statement No. 75, Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions for KPERS. The effects of which are disclosed in Note 18 of the financial statements. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the City's financial statements were:

Management's estimate of accumulated depreciation is based on the straight-line method of depreciation. We evaluated the key factors and assumptions used to develop the accumulated depreciation in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimates of the allowances for doubtful accounts are based on historical revenues, historical loss levels, and analysis of the collectability of individual accounts. We evaluated the key factors and assumptions used to develop the allowances in determining that they are reasonable in relation to the financial statements taken as a whole.

Management's estimates of accrued compensated absences are based on a list of accumulated vacation and sick time through December 31, 2018 from the City's payroll system and calculations per the City's policy to permit employees to accumulate certain amounts of vacation and sick leave, which are discussed in Note 1. I. We evaluated the key factors and assumptions used to calculate the accrued compensated absences in determining that they are reasonable in relation to the financial statements taken as a whole.

The City operates a single employer defined benefit healthcare plan administered by the City to provide medical and pharmacy benefits to eligible retirees and their dependents. The City's estimates for the annual other postemployment benefit (OPEB) costs and liabilities related to this plan are based on the reports issued by an external actuary hired by the City. See Note 14. We reviewed these reports and obtained an understanding of the methods and assumptions used by the actuary, as well as evaluating the model used by the actuary for appropriateness and compliance with generally accepted accounting principles.

The City participates in a cost-sharing multiple-employer pension plan administered by the Kansas Public Employees Retirement System (KPERS). The City's estimates for costs, deferred outflows and inflows of resources, and liabilities related to this plan are based on reports issued by an external actuary hired by the KPERS. See Note 10. We reviewed these reports and obtained an understanding of the methods and assumptions used by the actuary, as well as evaluating the model used by the actuary for appropriateness and compliance with generally accepted accounting principles.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated June 3, 2019.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the City's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City of Olathe, Kansas's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition of our retention.

Other Matters

We applied certain limited procedures to required supplementary information (RSI), which supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic

financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on supplementary information, including combining statements and schedule and the schedule of expenditures of federal awards, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles general accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Restriction of Use

This information is intended solely for the use of the mayor, city council and management of the City of Olathe, Kansas, and is not intended to be, and should not be, used by anyone other than these specified parties.

Mike Houser: Company PA

Certified Public Accountants
Lawrence, Kansas

June 3, 2019



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Public Works, Planning Division

STAFF CONTACT: Aimee Nassif, Chief Planning and Development Officer

SUBJECT: PLN19-0001: W. 118th St. & Renner Blvd. Land Use Study. Applicant: City of Olathe.

ITEM DESCRIPTION:

Discussion on the W. 118th Street and Renner Boulevard Land Use Study (PLN19-0001), presented by Confluence. (20 minutes)

SUMMARY:

The City of Olathe continues to thrive with new development throughout the community. In addition to new commercial, industrial, and residential growth, the City is also seeing increased interest in redevelopment and re-investment in areas with existing activity and buildings. One such area is in the vicinity of W. 118th Street and Renner Boulevard.

The area bounded by Renner Boulevard to the west, E. Kansas City Road to the east, and north of 119th Street comprises approximately 50 acres of industrially zoned land. This area is currently zoned industrial and contains several industrial structures, yet full build out has not been realized. Several properties are either vacant or contain distressed buildings which have great potential for redevelopment. With its close proximity to existing commercial and retail centers at 119th Street, high traffic volumes, and visibility from I-35, the City's Comprehensive Plan (PlanOlathe) currently identifies and envisions this area as part of the Gateway District, a mixed-use area for high quality development activity. The Gateway District is intended to create a main entry experience into Olathe and is critical to the overall image of the community.

All development proposals are reviewed against the backdrop of PlanOlathe and other long-range studies or plans. These resources help staff in reviewing and analyzing proposals, and guide staff's efforts to help the City Council realize the ultimate vision and goals for the area. Recent interest in this area of the City generated the need for a land use study to determine whether the outcomes on recent planning applications align with PlanOlathe, and whether the existing land use vision from PlanOlathe remains viable.

Recently, the City retained the services of Christopher Shires with Confluence for a Land Use Study for this area of the City to analyze potential opportunities for redevelopment and to review and confirm if the vision for this area as identified in PlanOlathe remains viable. Confluence studied the existing land area, market trends and demands based on demographic information. While several older developments exist in the area today, the Study concludes that the vision and goals of PlanOlathe for the subject area to be solidified as a high-quality mixed-use center within the Gateway District remains viable. It is important to note that this land use study focuses on general land use concepts for the area only: a full technical land use analysis with densities, traffic analysis, and utility locations was not included. The purpose of this study was to provide general direction and concepts on market demands and existing demographics, and not specific recommendations on items such as

MEETING DATE: 6/18/2019

densities or specific design, infrastructure or other development standards. Master Plan concepts for potential site layout ideas are also provided in the study illustrating a potential mixture of retail, restaurant, mixed-use and office development.

Adoption of this W. 118th St. & Renner Blvd. Land Use Study will assist in achieving the City's long-range planning efforts and goals. Coupled with PlanOlathe, this Study will be used as an additional tool when meeting with developers, property owners, and others for prospective development and redevelopment opportunities.

Attached to this report is the final draft of the W. 118th St. & Renner Blvd. Land Use Study for your review and consideration. Christopher Shires of Confluence will be in attendance to present the Study and provide further description and explanation of the analysis and recommendations.

FINANCIAL IMPACT:

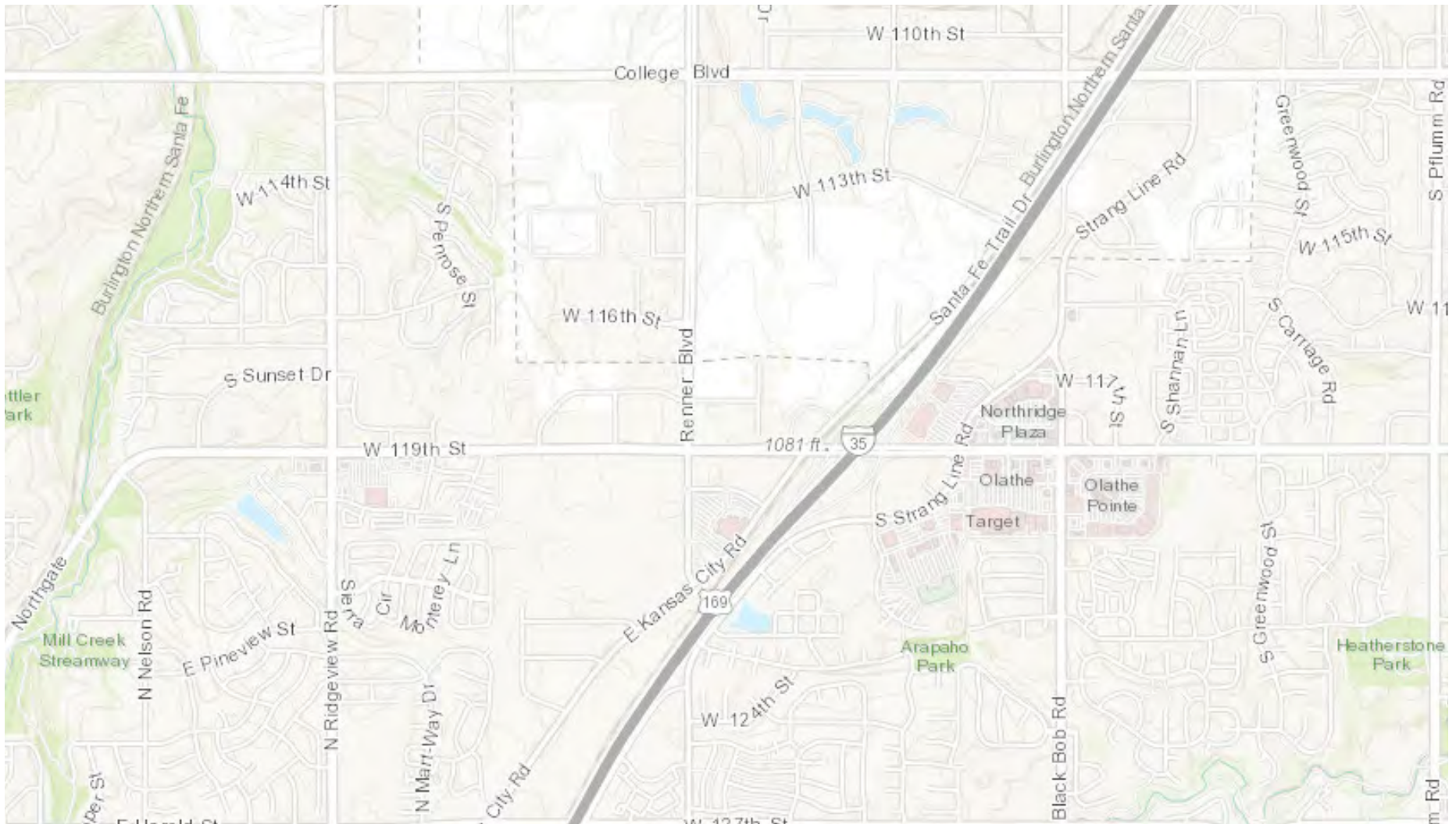
None.

ACTION NEEDED:

Discussion on the proposed Study. Unless otherwise directed, staff will prepare a resolution for formal consideration on July 16, 2019.

ATTACHMENT(S):

Attachment A: W. 118th & Renner Land Use Study



W. 118TH ST & RENNER BLVD

LAND USE STUDY



CONFLUENCE

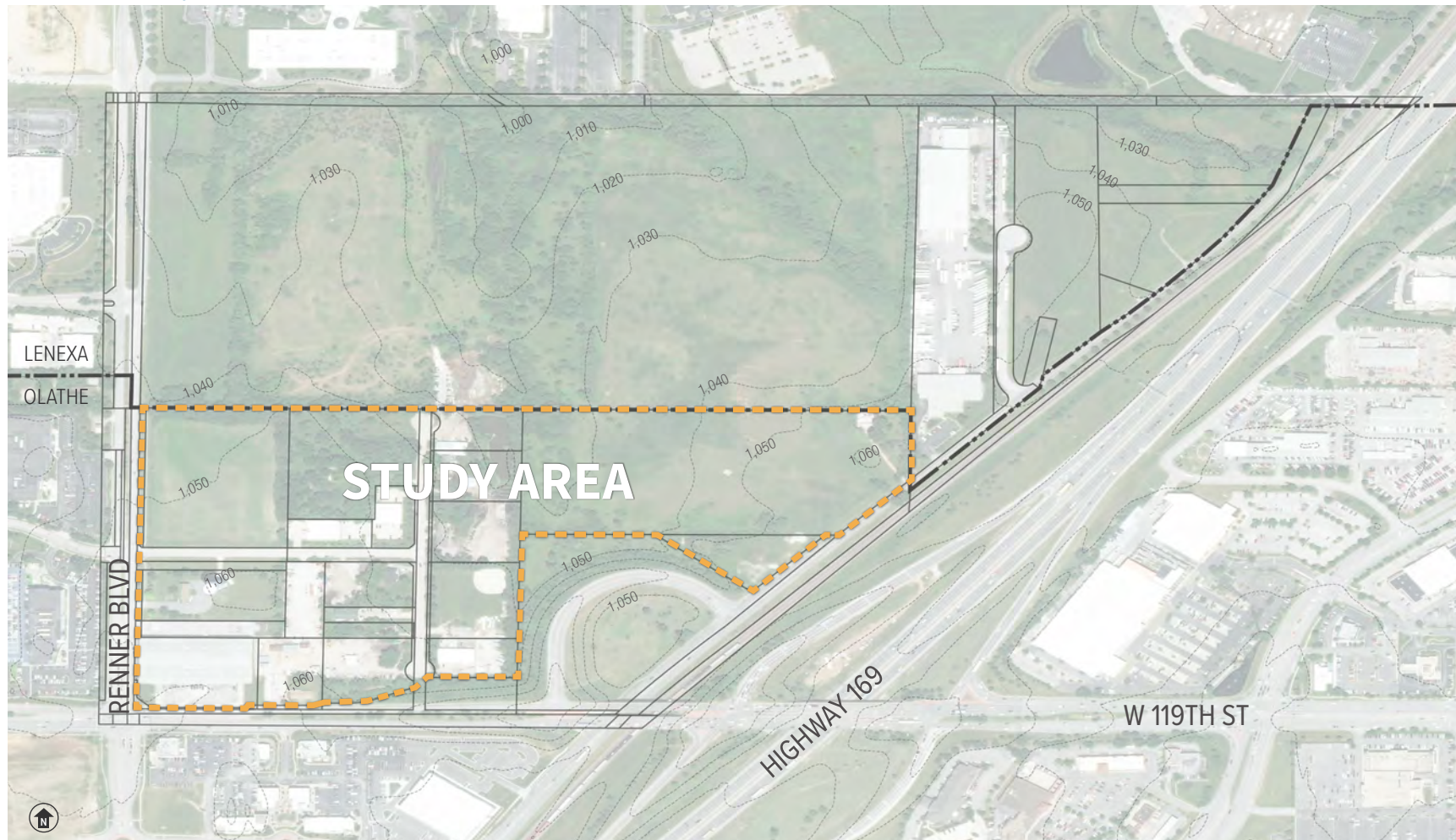
May 28, 2019

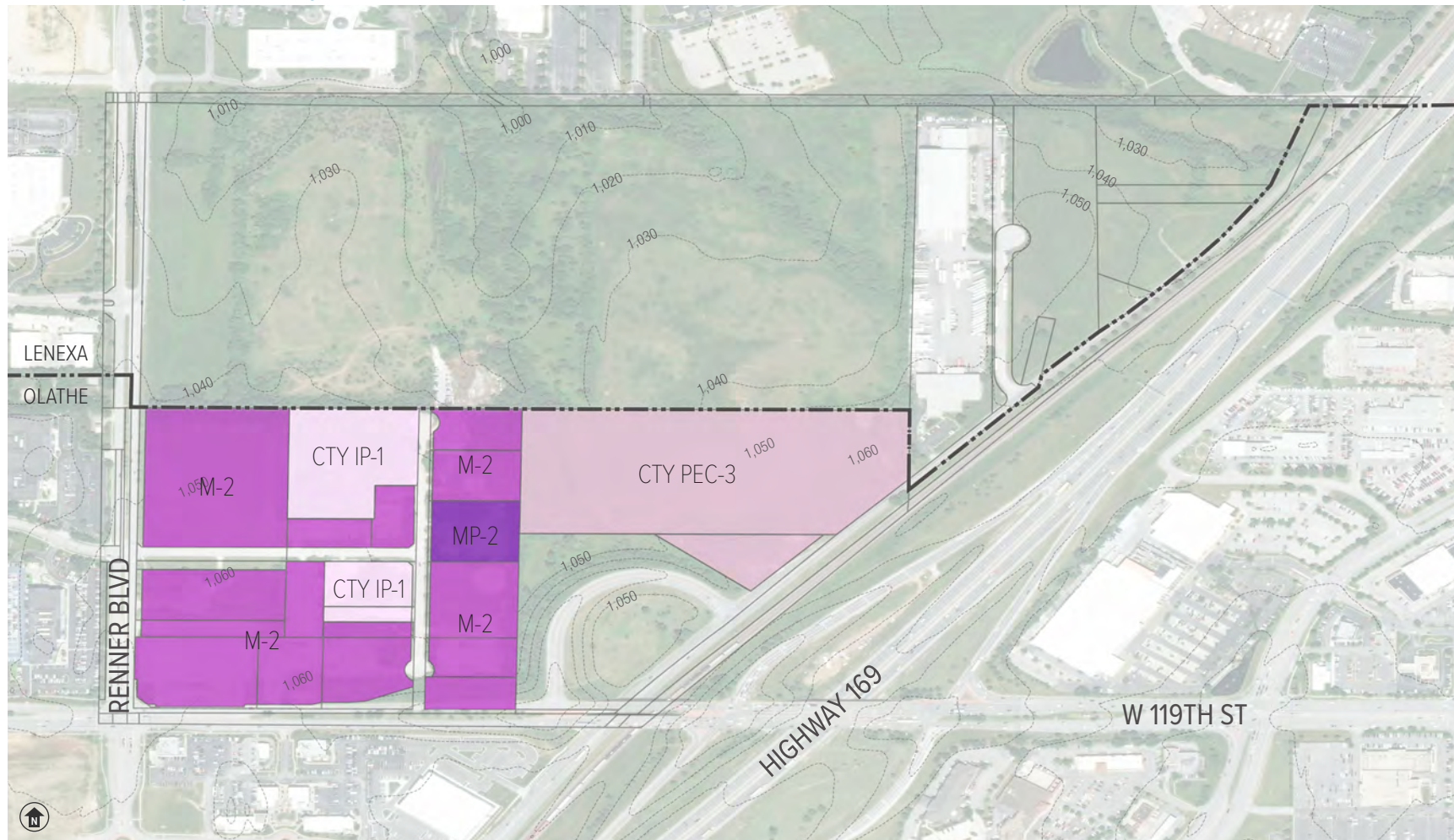
W. 118TH ST & RENNER BLVD LAND USE STUDY

STUDY OVERVIEW

At the request of the City of Olathe, Confluence has completed a land use study of the area generally located north of W. 119th Street to the City limit, between Renner Boulevard and E. Kansas City Road, with the purpose of determining the highest and best use of the land. This memorandum includes a summary of our findings and recommendations. Figure 1 shows the study area boundary and Figure 2 shows the current zoning for the study area. No traffic impact study and no utility analysis was completed as part of this study. The focus of this study was on market and site feasibility and maximizing the development and redevelopment of the properties with the most appropriate uses.

FIGURE 1 - Study Area Map



**FIGURE 2 - Study Area Zoning**

EXISTING CONDITIONS

The study area includes approximately 50 acres with multiple parcels and 12 different property owners. Over one-half of the study area is undeveloped. The developed parcels consist of a variety of industrial uses with most structures built between 1950 and 1980. The parcels are all zoned either M-2 General Industrial, IP-1 Planned Light Industrial, or PEC-3 Planned Light Industrial Park.

Great site visibility is provided by Renner Boulevard and W. 119th Street as well as by both E. Kansas City Road/Santa Fe Trail Drive and Interstate 35 (I-35). Visibility from the I-35 off-ramp is particularly excellent for the eastern portion of the study area. All these roads are considered arterial roadways with significant traffic counts, and I-35 is one of the most-traveled roadways in the metro. The intersection of W. 119th Street serves as one of the major gateways into Olathe. However, due to the left-turn restrictions, access and circulation is not ideal for truck and semi-trailer traffic.

The City's adopted Comprehensive Plan and Future Land Use Map, known as *Plan Olathe*, identifies the study area and its surroundings as the *Gateway District* with a future land use designation as *Urban Mixed Use Center*. According to the Comprehensive Plan, "...the Gateway District provides the entry experience into Olathe from Kansas City. The site is adjacent to I-35 and 119th Street at one of the highest traffic volume intersections in the region and is an area that will eventually provide a major transit node for the community. The Gateway District is a critical component in the overall image of Olathe, and development in this area should protect and enhance the image of the community and create an inviting environment to welcome travelers and visitors." The Plan further provides that, "High quality retail, services, offices and housing are the focus of this District."

The adjoining properties to the south and west have been developed

and are being developed consistent with the Comprehensive Plan, further reinforcing this gateway identity. The property to the south of the study area (south of W. 119th Street) has been developed with substantial, high-quality retail including a highly coveted Bass Pro retail center. The property to the west (west of Renner Boulevard) has been developed with a large, multi-tenant office park. The property to the south and west (at the southwest corner of W. 119th Street and Renner Boulevard) is planned to be developed as a mixed-use center. All these adjoining developments have employed quality building architecture and well-landscaped sites.

A new light industrial/distribution center is being developed to the north within the City of Lenexa. This park does not include outdoor storage and will have no connection or access through the study area. The impact should be minimal.

The study area is well suited for additional retail development considering the arterial roadway network and the proximity to a significant number of residential roof-tops and day-time office employees. Continued development of office is also likely due to a prime location near the I-35 and W. 119th Street interchange. A business park focusing on targeted, high-tech industries such as aerospace and bio-tech may also find an advantage being at this location.

According to 2018 estimates, there are approximately 33,870 residents living within a 2-mile radius of the intersection of Renner Boulevard and W. 119th Street. This is a growing area that was home to 27,432 in 2000 with an anticipated population of 35,456 by 2023 according to estimates completed by Esri. Of those living within the 2-mile radius, the majority (65%) work in white collar jobs such as management, business, professional, sales and administrative support. In addition to residents within the 2-mile radius, there is a substantial daytime population estimated to be 43,057 composed of 27,738 workers and 15,319 residents.

The residents of the 2-mile radius are generally affluent with a high degree of spending power. The 2018 estimated median income of residents is \$65,830. This includes an estimated 22.0% that earn between \$100,000-\$149,999 per year. The average estimated disposable income of residents is \$65,479 per year. An estimated 22.1% have a disposable income of between \$50,000-\$74,999 per year. A full breakdown of disposable incomes by households is shown in Figure 3.

In addition to generally affluent residents, many of the jobs in the 2-mile radius earn higher wages. In 2015, an estimated 52.1% of primary jobs within the 2-mile radius earned more than \$3,333 per month as shown in Figure 4. The largest industry sector represented among primary jobs in the 2-mile radius is Finance & Insurance accounting for 12.4% of jobs. The next largest industries present include Retail Trade (11.2%), Transportation & Warehousing (10.4%) and Wholesale Trade (9.2%). In 2015, an estimated 33,521 people commuted into the 2-mile radius to work.

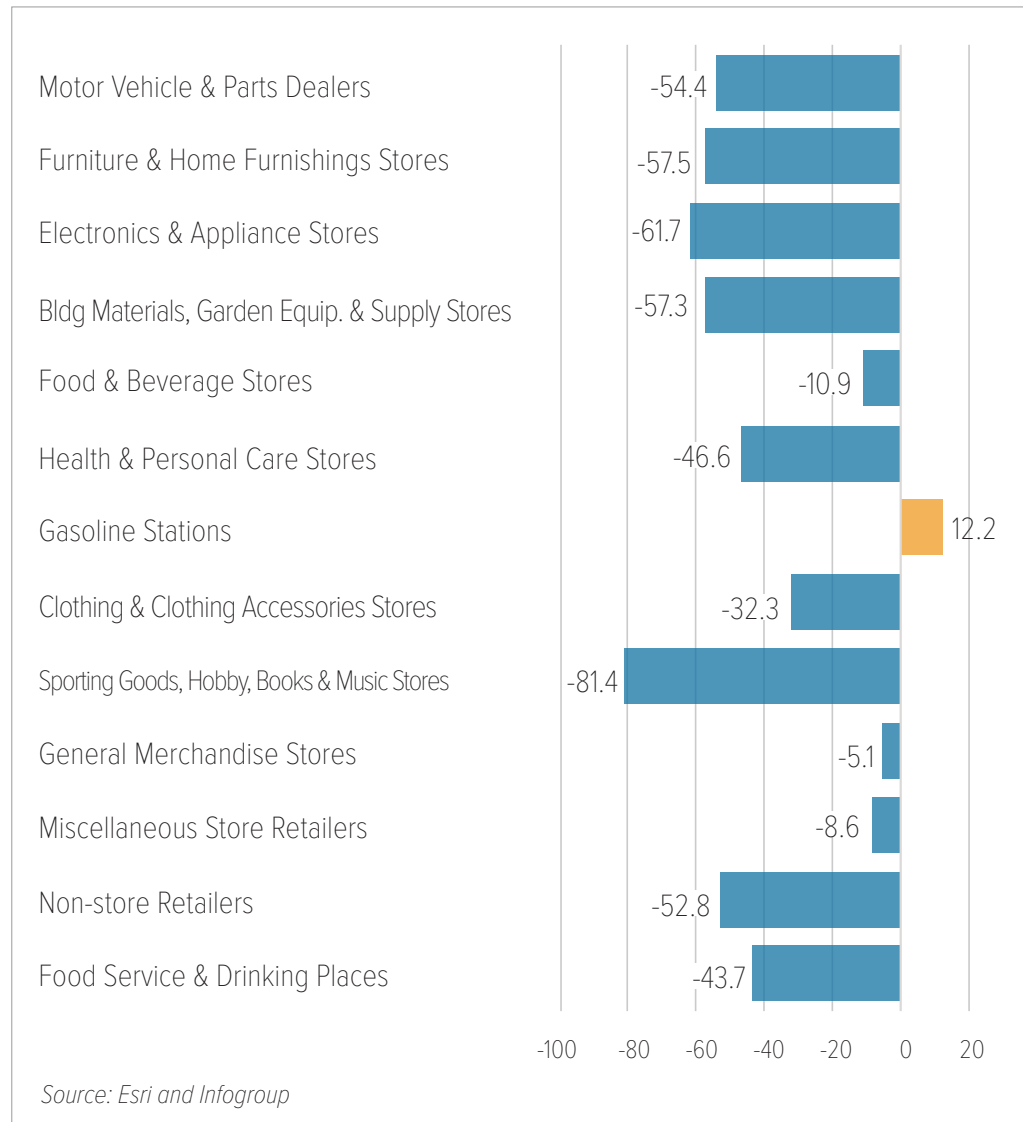
The 2017 Esri Retail MarketPlace Leakage / Surplus Factor for the 2-mile radius is shown by industry subsector in Figure 5. The area is a retail hot spot that attracts shoppers from outside the study area. The data suggest people come into this area to spend money on items such as automobile dealers, furniture/home goods, lawn/garden equipment, health & personal care, clothing/shoes, books/movies and restaurants. The strong retail presence east of the I-35 interchange appears to be spreading across the interchange through the additions of the Bass Pro Shop, Main Event Entertainment and various restaurants (Starbucks, Jason's Deli and Houlihan's). Long-term it makes sense that the land fronting W. 119th Street would convert to retail and restaurant uses.

FIGURE 3 - 2018 Households by Disposable Income

Household Disposable Income	Total	Percent
< \$15,000	13,229	7.1%
\$15,000-\$24,999	1,346	10.2%
\$25,000-\$34,999	1,326	10.0%
\$35,000-\$49,999	2,466	18.6%
\$50,000-\$74,999	2,927	22.1%
\$75,000-\$99,999	1,883	14.2%
\$100,000-\$149,999	1,841	13.9%
\$150,000-\$199,999	257	1.9%
\$200,000+	245	1.9%
Median Disposable Income	\$53,108	
Average Disposable Income	\$65,479	
<i>Source: Esri with inputs from U.S. Census Bureau</i>		

FIGURE 4 - 2015 Jobs by Earnings of Primary Jobs

Monthly Wages	Total	Percent
\$1,250 per month or less	5,453	16.2%
\$1,251 to \$3,333 per month	10,640	31.6%
More than \$3,333 per month	17,534	52.1%
<i>Source: U.S. Census Bureau, Center for Economic Studies / On The Map 2015</i>		

FIGURE 5 - 2017 Leakage / Surplus Factor by Industry Subsector

Surplus Industries

Industries with a negative factor indicates area supply is more than local demand for the industry. This suggests a surplus of retail sales and a market where customers are drawn in from outside the trade area.

Leakage Industries

Industries with a positive factor indicates area supply is less than local demand for the industry. This suggests a leakage or loss of retail sales to other markets outside the trade area.

W. 118TH ST & RENNER BLVD

LAND USE STUDY

RECOMMENDATIONS

Based upon our review and the factors noted above, the highest and best use of the study area is for development and redevelopment with a variety of retail and office uses. Appropriate zoning could include a combination of C-1 (Neighborhood Center) Commercial District, C-2 (Community Center) Commercial District, BP (Business Park), or a Planned Redevelopment District.

W. 119th Street is a major gateway into the City and the parcels fronting along this roadway are ideal for quality retail uses including sit-down restaurants and development as a planned retail center. The parcels along Renner Boulevard and to the north are likely to be developed with flexible office space or business park, taking advantage of the location and nearby services and amenities desired by office workers. The vacant parcel along the east side is particularly well suited for hotel and office development, taking advantage of its visibility and easy access from I-35.

Although currently zoned for industrial, the area is less suited toward continued industrial use and development or redevelopment with any type of residential use except as may be incorporated in a mixed-use building or mixed-use center. Development with intense industrial uses, including warehousing, shipping and distribution, or outdoor storage, will have a negative impact to the existing and planned office and retail development in the surrounding area and detract W. 119th Street as a community gateway.

Furthermore, increasing truck traffic within the study area will negatively impact the attractiveness and marketability of the existing nearby office complex and retail center as well as the planned mixed-use development by increasing traffic congestion and noise. Large trucks and semi-trailer by their very nature consume a disproportionate amount of traffic capacity of the roadway, disrupt traffic signal operations, and increase road noise.

Attached to this report are two conceptual master plans identifying possible

development and redevelopment scenarios for the study area. The approximately 17-acre vacant area on the east side can be independently developed following this scenario. Other parcels would need to be assembled to foster redevelopment and obtain necessary internal site circulation.



FIGURE 6 - Master Plan Option 1 Land Use + Gross Floor Area

Land Use	Gross Floor Area
Retail	69,500 sq. ft.
Restaurant (stand-alone)	18,600 sq. ft.
Hotel	200 rooms
Mixed-Use	320,000 sq. ft.
Office	312,900 sq. ft.

FIGURE 7 - Master Plan Option 2 Land Use + Gross Floor Area

Land Use	Gross Floor Area
Retail	64,500 sq. ft.
Restaurant (stand-alone)	18,600 sq. ft.
Hotel	200 rooms
Mixed-Use	235,000 sq. ft.
Office	312,900 sq. ft.

MASTER PLAN OPTIONS

Figures 6 and 7 summarize the land use development potential for master plan options 1 and 2. Both master plan options call for a mixture of retail, stand-alone restaurant, hotel, mixed-use and office development. Figure 8 - Master Plan Option 1 shows the development with the existing water tower relocated from its current location near the eastern boundary of the study area south of W. 118th Street. Figure 9 - Master Plan Option 2 calls for a similar master plan except the existing water tower has remained.

W. 118TH ST & RENNER BLVD
LAND USE STUDY

FIGURE 8 - Master Plan Option 1



FIGURE 9 - Master Plan Option 2





City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: Public Works

STAFF CONTACT: Mary Jaeger / Beth Wright

SUBJECT: This presentation provides Council with information on the proposed design for the new Fire Training Center.

ITEM DESCRIPTION:

Discussion on the Fire Training Center Improvements Project, PN 6-C-004-13.

SUMMARY:

This project is for the planning, design and construction of Fire Training Center on City-owned land approximately ½ mile north of Olathe West High School (home to the district's Public Safety Academy). The property is bounded by City-owned land to the north, east and south; and by residential to the west. The scope will include a training "burn" tower; smaller fire training "props"; a small building to house restrooms, storage, classroom and office spaces; and significant site improvements - including preparations for future expansion.

On January 19, 2019, City Council approved an agreement with Finkel Williams Architecture (in cooperation with TCA Architects) to provide design services for the Fire Training Center Improvements Project.

The design team has met with the Fire Department and other City departments to evaluate the available land, to assess training needs, and to document related space and site circulation requirements. With that data and through subsequent working sessions, Finkle Williams/TCA has developed a functional, cost-effective design.

The Finkle Williams Architecture/TCA team will present to the City Council the schematic design plans. This presentation will focus on providing the City Council an understanding of the project design, including the site layout, the building exterior, and the interior spaces. Input and direction received from the City Council will be incorporated into the final construction documents.

The following is the schedule of upcoming activities for this project:

- Neighborhood Meeting June 24, 2019
 - Fire Tower Contract Award Summer 2019
 - Complete Design Fall 2019
 - Bidding Fall 2019
 - Begin Construction Winter 2019
 - Complete Construction Summer 2020
-

MEETING DATE: 6/18/2019

FINANCIAL IMPACT:

Funding for the Fire Training Center Improvements Project includes:

CIP Funds	\$1,000,000
<u>GO Bonds</u>	<u>\$3,000,000</u>
Total	\$4,000,000

ACTION NEEDED:

Staff requests the City Council provide feedback and direction related to the design presented.

ATTACHMENT(S):

- A: Design Presentation
- B: Project Fact Sheet
- C: Project Location Map

Fire Training Center



FINKLE +
WILLIAMS
ARCHITECTURE



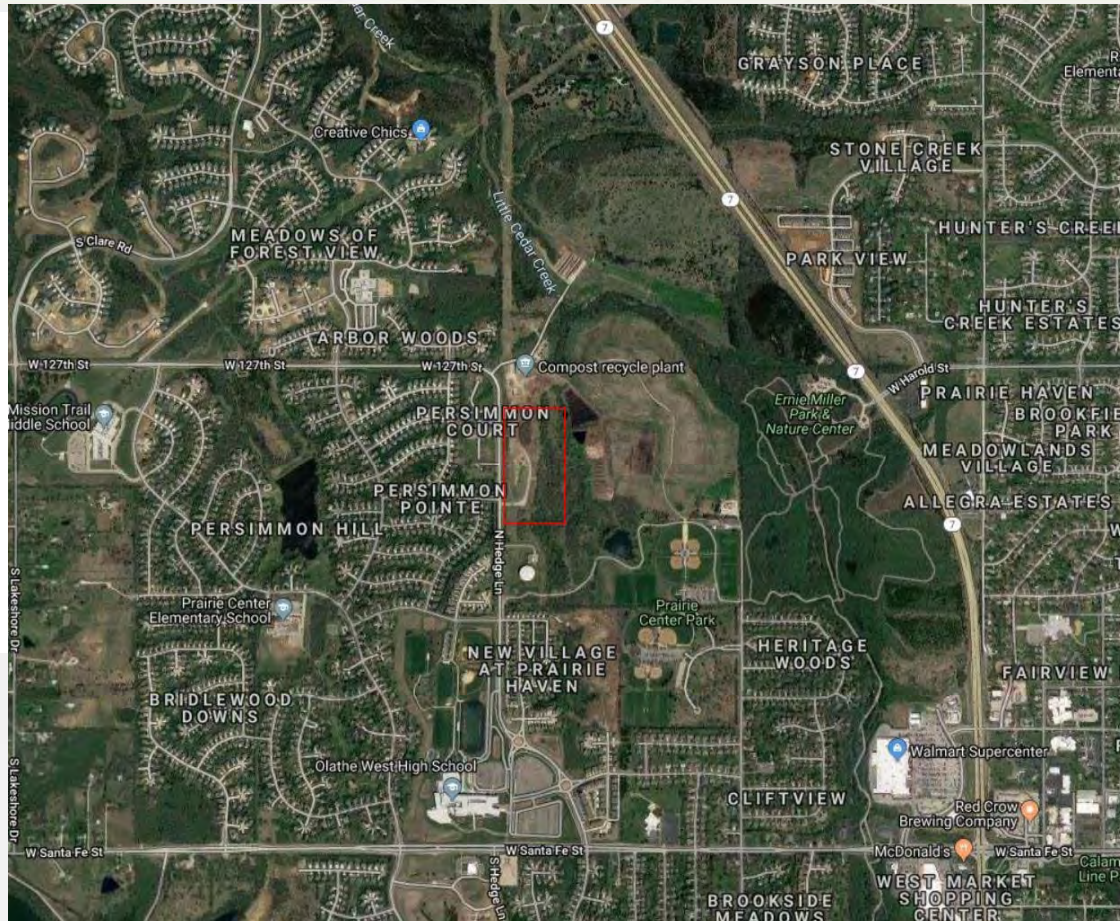
Chad Foster, AIA

Senior Building Design Project Manager

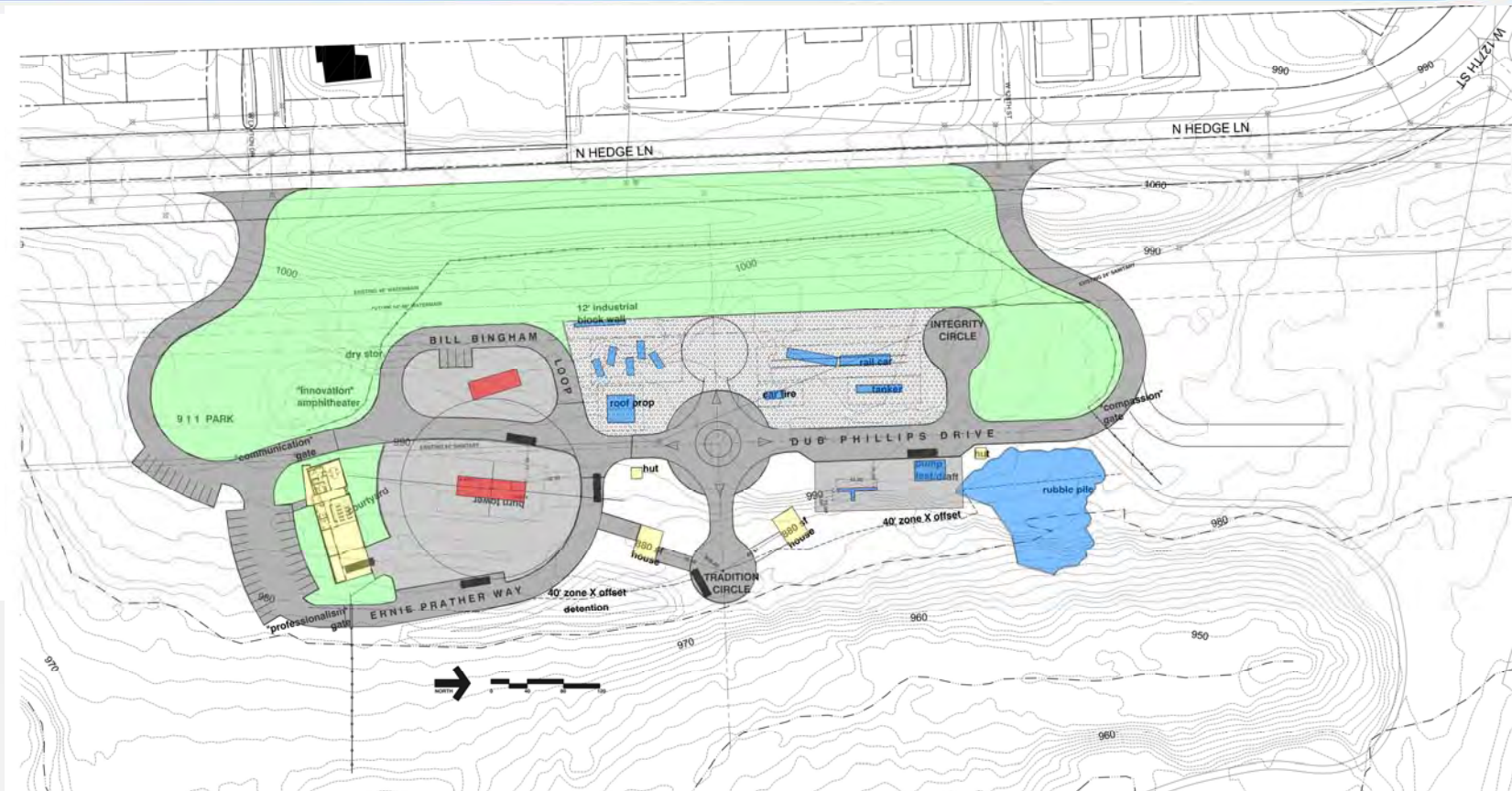
June 18, 2019



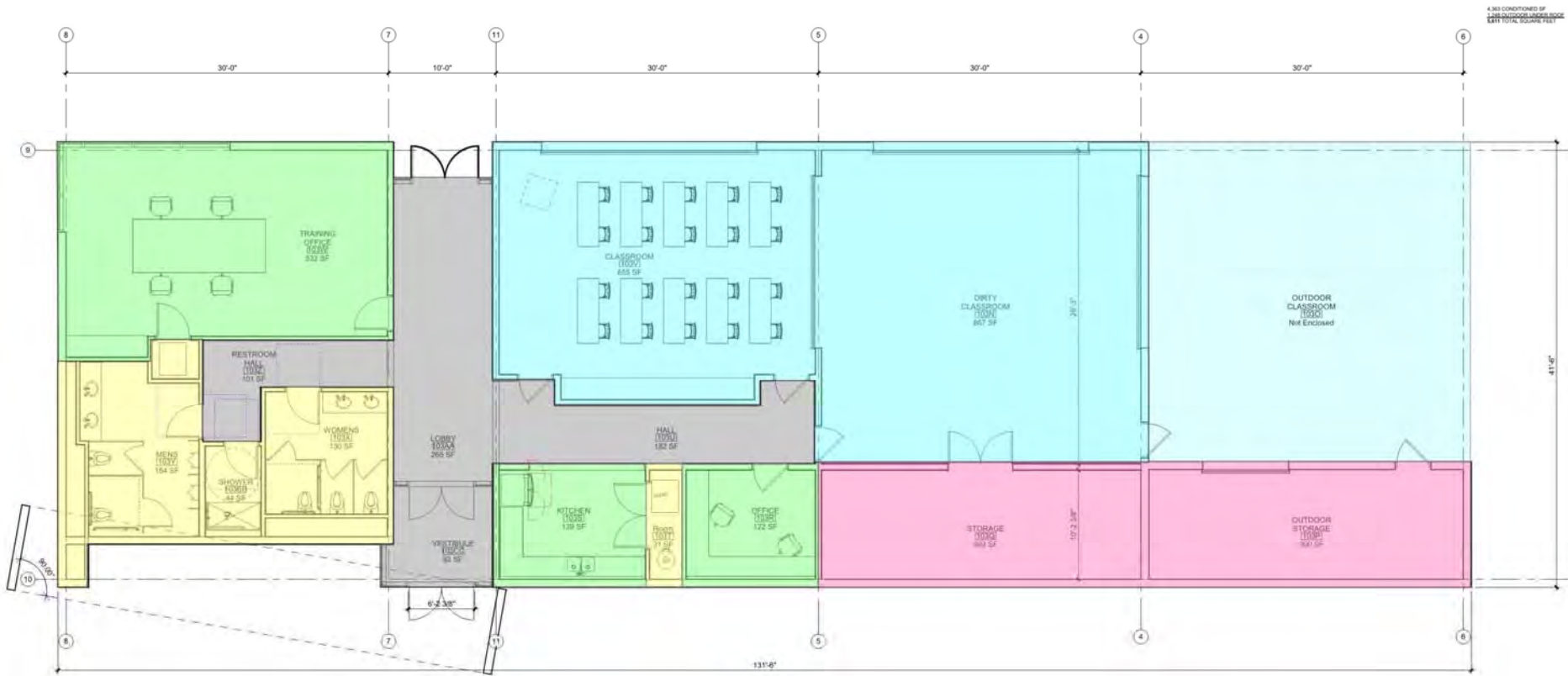
LOCATION MAP AERIAL



SITE PLAN – MASTER PLAN



FLOOR PLAN



FRONT PERSPECTIVE (South)



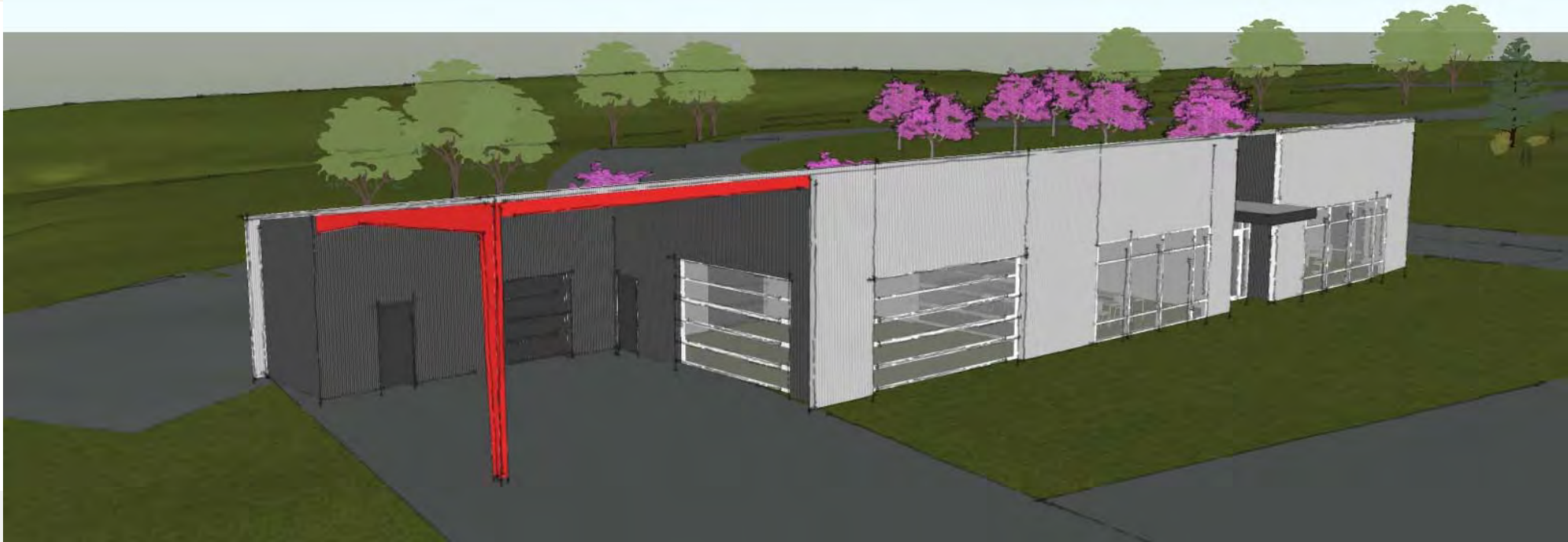
TRAINING AREA PERSPECTIVE



NORTH PERSPECTIVE



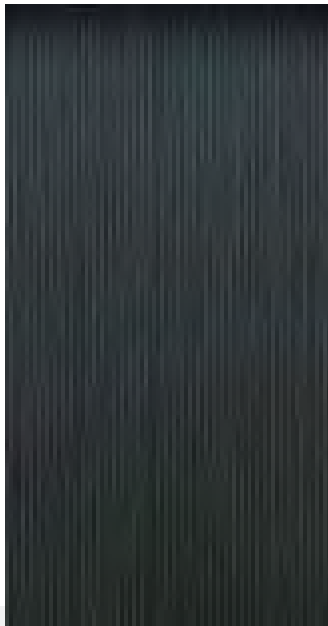
BIRDSEYE FROM TOWER



SOUTHEAST PERSPECTIVE



EXTERIOR MATERIALS



DARK CORRUGATED METAL

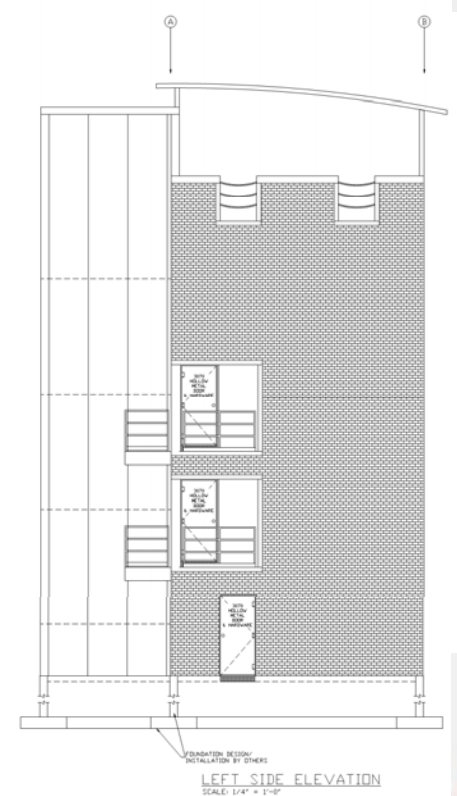
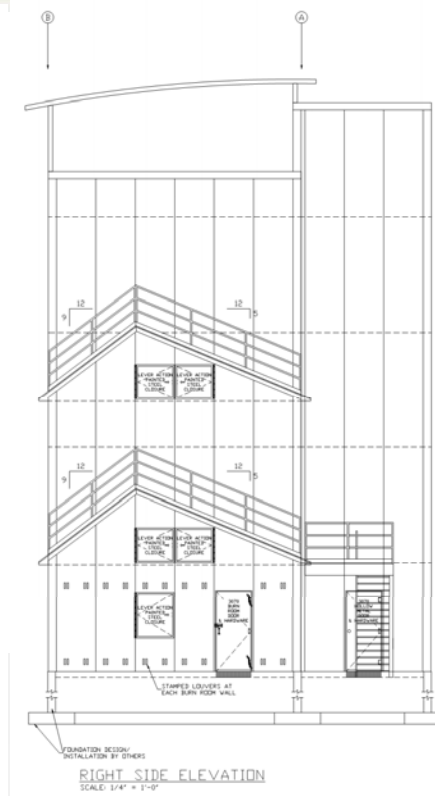
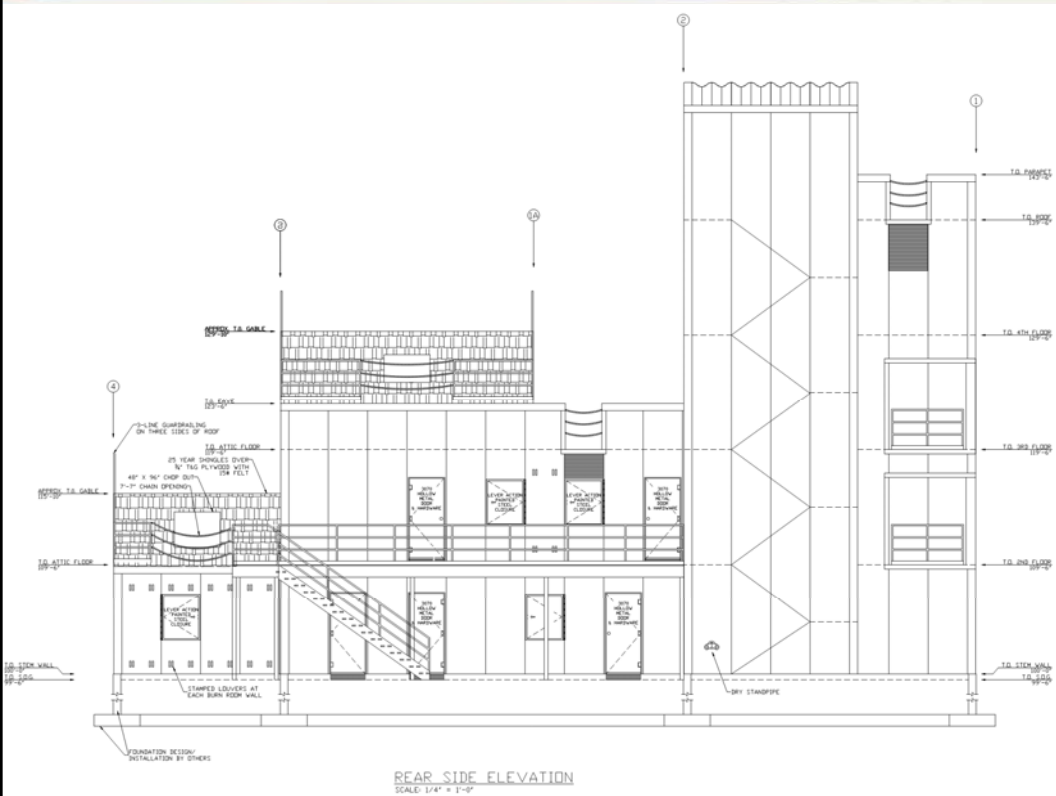


LIGHT CORRUGATED METAL



WOOD SOFFIT

BURN TOWER (Prefabricate)



MOD-X (Prefabricated)



SITE OVERALL FROM SOUTH



SITE FROM NORTH ACCESS POINT



PRELIMINARY LANDSCAPE PLAN



PRELIMINARY SITE PLAN

PROJECT SCHEDULE

PROJECT: Fire Training Center
UPDATED: June 10, 2019



FINKLE + WILLIAMS
ARCHITECTURE





Project Fact Sheet
Fire Training Center
PN 6-C-004-13
June 18, 2019

Project Manager: Beth Wright / Chad Foster

Description: This project is for the design and construction of the Fire Training Center.

Justification: Provide an appropriate facility that accommodates a broad range of all-hazards training opportunities and which can simulate a variety of conditions that are regularly faced by firefighters.

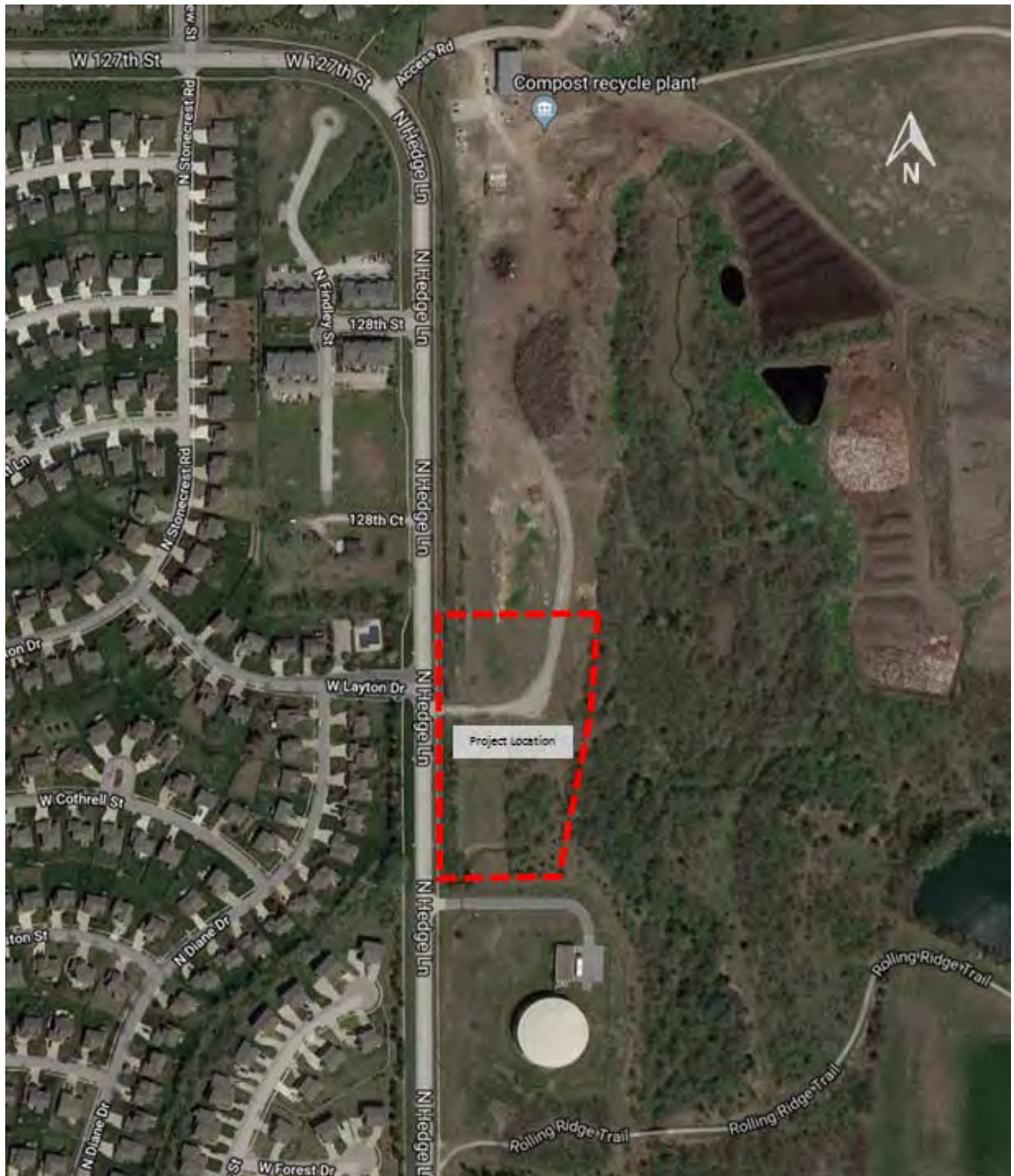
Schedule:	Item	Date
	Contract Award – Construction	Est. Q4 2019
	Construction Completion	Est. Q3 2020

Council Actions:	Date	Amount
Report	12-4-2018	N/A
Authorization	12-18-2018	\$4,000,000
Design Contract	1-22-2019	\$162,700
Design Presentation	6-18-2019	N/A

Funding Sources:	Amount	CIP Year
CIP Funds	\$1,000,000	2013 & 2014
General Obligation Bonds	\$3,000,000	2019

Expenditures:	Budget	Amount to Date
Staff Costs	\$75,000	\$8,600
Planning and Design Services	\$150,000	\$34,600
Construction	\$2,650,000	\$0
Inspection/Testing	\$30,000	\$0
FF&E/IT/Miscellaneous & Contingency	\$1,095,000	\$0
Total	\$ 4,000,000	\$43,200

**PROJECT LOCATION MAP
FIRE TRAINING CENTER
PN 6-C-004-13**





City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/18/2019

DEPARTMENT: City Manager

STAFF CONTACT: Michael Wilkes, Dianna Wright, and Matthew Randall

SUBJECT: Presentation of the Conditionally Approved 2020 Budget

ITEM DESCRIPTION:

Presentation of the Conditionally Approved 2020 Budget

SUMMARY:

The City Manager will present the Conditionally Approved 2020 Budget.

FINANCIAL IMPACT:

The 2020 Conditionally Approved Budget is approximately \$412 million.

ACTION NEEDED:

Receive the 2020 Conditionally Approved Budget Presentation.

ATTACHMENT(S):

None
