

**CITY COMMISSION
Regular Meeting Minutes
Commission Chambers
101 S. Hickory, Ottawa, Kansas
Minutes of July 20, 2011**

The City Governing Body met at 9:30 am this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Ramsey, Commissioner Reed, Commissioner Richards, and Commissioner Caylor. Commissioner Jorgensen was absent. A quorum was present.

The Mayor called the meeting to order and welcomed the Chamber Audience and led the Pledge of Allegiance to the American flag and the invocation was given by Pastor Leonard Chesbro, New Life in Christ Church.

Consent Agenda

The consent agenda included the Agenda and Minutes from the May 16, May 23, June 6 and June 13, 2011 Study Sessions; the May 18, June 1, and June 15, 2011 Regular Meetings; and the June 14 and 15, 2011 Special Call Meetings.

Thereupon, Mayor Ramsey requested comments from City Attorney Bob Bezek before the Consent Agenda was approved.

Thereupon, City Attorney Bob Bezek reported Staff had met with property owners of 2515 E Logan, Mr. & Mrs. Gary Underwood and reached a successful annexation agreement. Mr. Bezek recommended the Public Hearing for 2515 E Logan be closed (Item 14) and a motion for consideration be given to authorize the Mayor and City Manager to execute the annexation agreement. Therefore, making ordinance (Item 16) not necessary for adoption.

Thereupon, City Attorney Bob Bezek reported on the property located at 2597 US 59 owned by Mr. Mark Shay. Mr. Bezek explained Mr. Shay had retained legal counsel Blaine Finch. Mr. Finch, on behalf of his client, requested time to review the file and attempt to work with City staff to find resolution on this issue. Mr. Bezek recommended the Governing Body continue the Public Hearing and consideration of the ordinance to the next Regular Meeting of August 3, 2011. In the interim Mr. Bezek will meet with Mr. Finch to work towards a possible agreement.

Thereupon, Commissioner Reed made a motion, seconded by Commissioner Richards, to approve the consent agenda with recommended changes from the City Attorney. Thereupon, the motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

Public Comments

None offered at this time.

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Declaration

Thereupon, the Mayor asked the City Commission for declarations of any conflict or outside communications that might influence their ability to impartially consider today's issues and come to a fair decision. None were declared.

Proclamation-Americans with Disabilities Act

Thereupon, Mayor Ramsey read a proclamation recognizing the Anniversary of the Americans with Disabilities Act. The Americans with Disabilities Act was passed 21 years ago this month. Thereupon, Director of Human Resources Melissa Fairbanks accepted the proclamation.

Proclamation-Play Day July 23, 2011

Thereupon, Commissioner Caylor read a proclamation recognizing July 23, 2011 as Play Day. The proclamation recognizes the role of play as a significant element of the quality of life in our community. Thereupon, Management Analyst Casey Sharp and Ottawa Recreation Director Therron Dieckmann accepted the proclamation.

Retirement Recognition

Thereupon, Mayor Ramsey recognized Joe Moody, Assistant Parks Superintendent, on the occasion of his retirement from the City of Ottawa. Joe Moody has chosen July 22, 2011 as his last day of service to the City of Ottawa. Thereupon, Public Works Director Andy Haney recognized Joe Moody for his 23 years of service and thanked him for a job well done.

Public Hearing-2597 US 59 Highway

Thereupon, Mayor Ramsey announced a public hearing for the consideration of annexation of the property located at 2597 US 59 Highway continues from the June 22 Special Call Meeting and is for the purpose of hearing public comments related to the annexation of the property located at 2597 US 59 Highway to the City of Ottawa, Kansas.

Thereupon, the Governing Body heard from City Attorney Bob Bezek who requested the Public Hearing and the proposed ordinance for annexation be continued until the next Regular Meeting scheduled for August 3rd at 7 pm to allow Staff and Legal Counsel (for Mr. Shay and the City) an opportunity to arrive at an agreement on the requested annexation. Thereupon, the Mayor declared the Public Hearing continued and the ordinance for annexation tabled until the next Regular Meeting of August 3rd.

Public Hearing-2515 E Logan

Thereupon, Mayor Ramsey announced a public hearing for the consideration of annexation of the property located at 2515 E Logan continues from the June 22 Special Call Meeting and is for the purpose of hearing public comments related to the annexation of the property located at 2515 E Logan to the City of Ottawa, Kansas.

Thereupon, Mayor Ramsey continued the public hearing at 9:52 am.

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Thereupon, the Governing Body heard from City Attorney Bob Bezek who recommended the Public Hearing be closed and suggested a motion to authorize the Mayor and City Manager to execute the annexation agreement. Mr. Bezek explained with an executed agreement the Ordinance would need to be tabled.

There being no one else to speak to this issue the Mayor closed the Public Hearing at 9:56 pm.

Thereupon, Commissioner Caylor made a motion, seconded by Commissioner Reed, to authorize the Mayor and City Manager to execute an agreement with the property owners and table the ordinance. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the annexation agreement duly approved.

Ordinance-Vacating Street Right-of-Way

Thereupon, the Governing Body reviewed an ordinance vacating that portion of the street right-of-way on 12th Street between South Main Street and South Cedar Street. Thereupon, Commissioner Reed made a motion, seconded by Commissioner Richards, to adopt the ordinance.

During discussion it was explained this partial vacation has been requested by the property owner in order to facilitate the construction of a fence. The Planning Commission recommended this vacation with a 4-0 vote. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3789-11.

Resolution-Public Hearing Condemnation: 931 Walton

Thereupon, the Governing Body reviewed a resolution to establish a public hearing for the consideration of the condemnation of the property located at 931 Walton. Thereupon, Commissioner Richards made a motion, seconded by Commissioner Caylor, to adopt the resolution.

During discussion it was explained this resolution establishes a public hearing to be held at 7 pm on Wednesday, September 7, 2011 for the consideration of the condemnation of the property located at 931 Walton. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1551-11.

Resolution-Public Hearing Condemnation: 403 E Fourth Street

Thereupon, the Governing Body reviewed a resolution to establish a public hearing for the consideration of the condemnation of the property located at 403 E Fourth Street. Thereupon, Commissioner Reed made a motion, seconded by Commissioner Richards, to adopt the resolution.

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During discussion it was explained this resolution establishes a public hearing to be held at 7 pm on Wednesday, September 7, 2011 for the consideration of the condemnation of the property located at 403 E Fourth Street. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1552-11.

Resolution-Public Hearing Condemnation: 727 N Main

Thereupon, the Governing Body reviewed a resolution to establish a public hearing for the consideration of the condemnation of the property located at 727 N Main. Thereupon, Commissioner Richards made a motion, seconded by Commissioner Reed, to adopt the resolution.

During discussion it was explained this resolution establishes a public hearing to be held at 7 pm on Wednesday, September 7, 2011 for the consideration of the condemnation of the property located at 727 N Main. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1553-11.

Resolution-Public Hearing Condemnation: 1040 Burrough

Thereupon, the Governing Body reviewed a resolution to establish a public hearing for the consideration of the condemnation of the property located at 1040 Burrough. Thereupon, Commissioner Caylor made a motion, seconded by Commissioner Reed, to adopt the resolution.

During discussion it was explained this resolution establishes a public hearing to be held at 7 pm on Wednesday, September 7, 2011 for the consideration of the condemnation of the property located at 1040 Burrough. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1554-11.

Federal Aviation Administration (FAA)

Thereupon, the Governing Body reviewed a request for permission to submit a request to the Federal Aviation Administration in order to qualify for funding for additional improvements to the Ottawa Municipal Airport. Thereupon, Commissioner Caylor made a motion, seconded by Commissioner Richards, to approve the request.

During discussion it was explained this request adds construction of a maintenance hangar building and T-hangar(s) to the standing list of improvements kept on file with the FAA in order to be considered for future project funding by the FAA. The Airport Advisory Committee recommended these additions to the standing project list. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the FAA list duly approved.

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Report by City Manager

Thereupon, the Mayor reported on the following:

- Joint City/County/USD 290 luncheon today at the Franklin County
 - 911 Budget
 - 15th Street Project
- City/County Budget “Open House”

City Commissioners Report

Thereupon, Commissioner Richards invited the listening audience to attend the City/County Budget Open House tonight and voice what projects they want completed or projects to delay.

Thereupon, Commissioner Caylor reminded the listening audience of the following:

- Reading relief efforts starting at Westminster Church with Breakfast on Saturday, July 23rd
- Play Day at Forest Park, July 23rd, 9am-1pm

Thereupon, Commissioner Reed reminded the listening audience of the importance of attending the Budget “Open House” being held tonight at 6-8 pm.

Report by Mayor

Thereupon, Mayor Ramsey concurred with Commissioner Richards and Reed the importance of attending the Budget “Open House” scheduled tonight at the Franklin County Annex from 6-8pm.

Thereupon, Mayor Ramsey recognized the local events going on during the weekend and recognized the many great volunteers within the community.

Announcement

Thereupon, the Mayor announced:

1. July 20, 2011: Joint City/County/USD 290 Luncheon, Franklin County Commission Chambers 1428 S Main, 12:00 Noon.
2. July 20, 2011: Special Call Meeting: Joint City/County 2012 Budget Open House, Franklin County Commission Chambers, 1428 S Main, 6-8 pm
3. July 23, 2011: Second Annual Ottawa Play Day, Forest Park Brick Shelter, 9 am – 1:00 pm
4. July 25, 2011: Study Session at 4 pm
5. August 1, 2011: Study Session at 4 pm
6. August 3, 2011: NEXT REGULAR MEETING, 7 pm (2013 Budget Public Hearing & Adoption)

Executive Session

Recess

Thereupon, Commissioner Reed made a motion, seconded by Commissioner Richards, to recess into Executive Session for a period of 5 minutes to discuss Attorney-Client Privilege with the City Attorney and City Manager present. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed at 10:27 am.

Reconvene

Thereupon, Commissioner Reed made a motion, seconded by Commissioner Caylor, to reconvene the meeting into Regular Study Session. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened at 10:32 am.

Open Agenda

Thereupon, the Governing Body discussed reviewing the 911 Interlocal Agreement in the near future.

Adjournment

There being no further business to come before the Governing Body Commissioner Caylor made a motion, seconded by Commissioner Richards, to adjourn the meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly adjourned at 10:38 am.

Carolyn S. Snethen, City Clerk