

**CITY COMMISSION
Regular Meeting Minutes
Commission Chambers
101 S. Hickory, Ottawa, Kansas
Minutes of October 5, 2011**

The City Governing Body met at 7:00 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Ramsey, Commissioner Reed, Commissioner Richards, Commissioner Caylor, and Commissioner Jorgensen. 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 New Life in Christ Church Pastor Leonard Cheasbro.

Consent Agenda

Thereupon, Commissioner Caylor made a motion, seconded by Commissioner Reed, to approve the consent agenda. The consent agenda included the agenda and minutes from the September 7, 2011 Regular Meeting; September 12 and September 19, 2011 Study Sessions; and the September 15, 2011 Special Call Meeting. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Consent Agenda duly approved.

Public Comments

Thereupon, the Governing Body heard from Lisa Rivers, 1324 S Oak, who encouraged community volunteerism on Make a Difference Day, October 22, 2011 at the Kanza Park playground site.

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.

Swearing in the 2011-2012 Youth in Government Members

Thereupon, the Mayor announced this year's Youth in Government members to be sworn in as follows:

Ciera Gardner-11th Grade
Jordan Gray-12th Grade
Abagael Pruitt-8th Grade

Alex Reed-10th Grade
Brooke Sage-10th Grade
Danon Taylor-12th Grade

Thereupon, Director of Finance Scott Bird administered the Loyalty Oath to the Youth Members.

Thereupon, the Governing Body congratulated the 2011-2012 Youth Delegates.

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Proclamation – Breast Cancer Awareness Month

Thereupon, Commissioner Reed read a proclamation recognizing October 2011 as Breast Cancer Awareness Month. National Breast Cancer Awareness Month is a partnership of national public service organizations, professional medical associations and government agencies working together to promote breast cancer awareness, share information on the disease and provide greater access to screening services. Thereupon, Pat Atchison accepted the proclamation.

Proclamation – Fire Prevention Week

Thereupon, Commissioner Caylor read a proclamation recognizing October 9-15, 2011 as Fire Prevention Week. Since 1922, fire departments have actively supported Fire Prevention Week, making it the longest running public health and safety observance on record. This year's campaign focus is "Protect Your Family from Fire." Thereupon, Fire Chief Jeff Carner accepted the proclamation.

Proclamation – National Community Planning Month

Thereupon, Mayor Ramsey read a proclamation recognizing October 2011 as National Community Planning Month. October is National Community Planning Month, a time that the American Planning Association uses to focus on the important role of planners and planning in communities across the United States. Thereupon, Chairperson of the Ottawa Planning Commission Richard Jackson accepted the proclamation.

Ordinance – Annexing Land at 2597 US 59 Highway

Thereupon, the Governing Body reviewed an ordinance annexing land to the City of Ottawa located at 2597 US 59 Highway that had been tabled from the September 21 Regular Meeting.

Thereupon, the Governing Body heard from City Attorney Bob Bezek who provided a report on negotiations and proposed conditions for annexation of the property located at 2597 US 59 Highway. Mr. Bezek and staff have been negotiating with property owner Mark Shay's attorney Blaine Finch since September 21.

The proposed agreement requirements and/or conditions are as follows:

- Requires significant portion of the property annexed into the city at the time agreement signed (**all but the west 330 feet of property**)
- The west 330 feet would be annexed into the city in 5 years
- City would agree to help or assist with the issue of right-of-way with Kansas Department of Transportation. At the discretion of the city and only to the extent the city finds it is in its best interest or not. Or the city would be in a neutral position. The city would not be advocating something not in their best interest with regards to the right-of-way.
- Access to 27th Street: City only agreeing Mr. Shay would have access to the street. The city would not have any expenditure for this connection.

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- Mr. Shay obligated to shield and clean up the property
- Request from Mr. Shay the existing building and existing use of property have ability or possibility to connect to the 8 inch sewer line (more planning review required on this request and must be within city standards)

Thereupon, City Attorney Bob Bezek requested guidance on the essential terms provided to move forward or not.

Thereupon, the Governing Body heard from Mr. Finch on behalf of Mr. Shay, who concurred with Mr. Bezek's report of the proposed conditions and/or requirements of an agreement to be prepared and brought to the Governing Body for execution.

Thereupon, Mayor Ramsey defined the two issues before the Governing Body. The first issue being move forward with the annexation as described in Item 14 in the agenda or second allow staff and legal counsel to proceed with preparing the language and bringing an agreement back to the Governing Body for consideration.

Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Richards, to consider the motion that is on the table from September 21, 2011 in order to remove it from the table. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly off the table.

Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Caylor, to table the motion to annex land at 2597 US 59 Highway until the next Regular Meeting October 19, 2011 and to direct City Staff and City Attorney to prepare an agreement in the spirit of items presented. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the motion duly tabled until the Regular Meeting of the Governing Body October 19, 2011 at 9:30am.

Ordinance – Rezone Urban Growth Area

Thereupon, the Governing Body reviewed an ordinance to rezone an area within the Urban Growth Area, Franklin County, Kansas and update the section of the zoning map which is part of Ordinance No. 3501-05 of the City of Ottawa, Kansas. Thereupon, Commissioner Reed made a motion, seconded by Commissioner Richards, to adopt the ordinance.

During discussion it was explained addresses in the rezone include: 2360 Montana Road; 2439 US 59 Highway; 2620 Montana Road; 2690 Montana Road; 2895 Rock Creek Road; 2730 Kingman Road; 2660 Montana Road; 2710 Montana Road; 2725 Rock Creek Road; 2765 Rock Creek Road. The Planning Commission recommended this rezone with a 7-0 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. 3797-11.

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Thereupon, the Governing Body reviewed an ordinance to rezone an area within the Urban Growth Area, Franklin County, Kansas and update the section of the zoning map which is part of Ordinance No. 3501-05 of the City of Ottawa, Kansas. Thereupon, Commissioner Caylor made a motion, seconded by Commissioner Reed, to adopt the ordinance.

During discussion it was explained the address in this rezone is 2264 US 59 Highway. The Planning Commission recommended this rezone with a 7-0 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. 3798-11.

Resolution – Planning Fees

Thereupon, the Governing Body reviewed a resolution establishing planning fees as provided in the City of Ottawa Zoning Regulations, Ordinance No. 3501-05 and the City of Ottawa Subdivision Regulations, Ordinance No. 3510-05. Thereupon, Commissioner Reed made a motion, seconded by Commissioner Caylor, to adopt the resolution.

During discussion it was explained this resolution establishes a per lot fee, for those new subdivisions that do not dedicate open space as provided for by the 2005 Subdivision Regulations, for park improvements and park acquisitions in areas related to the new development. 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 Resolution No. 1560-11.

Commissioner’s Report

Thereupon, Commissioner Richards reported the following:

- Commended Life Care Center for helping young women in crisis and being a resource for young families in need.
- Commended the local Knights of Columbus for being a monetary resource for Life Care Center and making it possible to upgrade sonogram equipment.

Thereupon, Commissioner Jorgensen reported on the following:

- Funds were raised privately for the new playground equipment at Kanza Park
- City received a grant for new playground build at Kanza Park
- Commended Casey Sharp who applied for the grant and citizens who volunteer

Announcements

Thereupon, the Mayor announced:

- October 10, 2011: Study Session canceled
- October 17, 2011: Study Session, 4 pm
- October 19, 2011: Next Regular Meeting, 9:30 am

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Adjournment

There being no further business to come before the Governing Body Commissioner Richards made a motion, seconded by Commissioner Jorgensen, 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 7:56 pm.

Carolyn S. Snethen, City Clerk