

**CITY COMMISSION
Regular Meeting Minutes
Commission Chambers
101 S. Hickory, Ottawa, Kansas
Minutes of December 7, 2011**

The City Governing Body met at 7 pm this date for the Regular City Commission Meeting with the following members present and participating to wit: Mayor Ramsey, Commissioner Richards, Commissioner Caylor, Commissioner Jorgensen, and Commissioner Reed. 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 Director of Finance Scott Bird.

Consent Agenda

Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Reed, to approve the consent agenda. The consent agenda included the agenda and minutes from the October 31, November 7 and November 14, 2011 Study Sessions; November 2, 2011 Regular Meeting; applications for license to sell Cereal Malt Beverages in original and unopened containers, not for consumption on the premises; and applications for license to sell Cereal Malt Beverages, for consumption on the premises. 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 Senator Jerry Moran's District Representative Bill Maness who explained his interest in learning about and representing Ottawa.

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.

Public Hearing-Mac Fasteners Tax Abatement

Thereupon, Mayor Ramsey announced a public hearing for the consideration of an application for a tax abatement for Mac Fasteners.

Thereupon, Mayor Ramsey opened the public hearing at 7:08 pm.

The Governing Body heard from Director of Finance Scott Bird who provided a brief overview of the proposed tax abatement.

The Governing Body then heard from Norman Wooge, 3790 Pawnee, who spoke in opposition of the Mac Fasteners tax abatement.

December 7, 2011

During discussion, Mr. Bird explained more information will be brought to the Governing Body at a later time and no action is requested at this time.

There being no one else to speak to this issue Mayor Ramsey closed the public hearing at 7:12 pm.

Public Hearing-Amendments to 2011 Budget

Thereupon, Mayor Ramsey announced a public hearing for the consideration of amendments to the 2011 Budget.

Thereupon, Mayor Ramsey opened the public hearing at 7:13 pm.

During discussion, Director of Finance Scott Bird explained additional expenditures are to be made from existing revenues and beginning cash carryover and cannot and do not require additional tax levies.

There being no one else to speak to this issue Mayor Ramsey closed the public hearing at 7:15 pm.

Adoption-Amended 2011 Budget

Thereupon, the Governing Body considered the adoption of the Amended 2011 Budget. Commissioner Caylor made a motion, seconded by Commissioner Richards, to adopt the Amended 2011 Budget. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the Amended 2011 Budget duly adopted.

Ordinance-Municipal Code

Thereupon, the Governing Body reviewed an ordinance amending Chapter 11, Article 4 of the Ottawa Municipal Code prohibiting solicitation on the streets, intersections, and alleys except by obtaining a permit from the City Commission. Commissioner Jorgensen made a motion, seconded by Commissioner Reed, to adopt the ordinance.

During discussion it was explained the ordinance prohibits solicitation in the streets of Ottawa, except when an application is presented and permission is granted in writing by the City Commission. The motion was considered and upon being put, passed by the following vote: Commissioner Jorgensen aye, Commissioner Caylor aye, Commissioner Reed aye, Commissioner Richards aye, Mayor Ramsey nay. Thereupon, the Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3803-11.

Ordinance-Rezoning Urban Growth Area

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

During discussion it was explained the address in this rezone is 2194 US 59 Highway. The Planning Commission recommended approval of 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. 3804-11.

Ordinances-Rezone within City of Ottawa and Urban Growth Area

Thereupon, the Governing Body reviewed ordinances to rezone areas within the City of Ottawa and Urban Growth Area, Franklin County, Kansas and updating the section of the Zoning Map which is part of Ordinance No. 3501-05 of the City of Ottawa, Kansas. Thereupon, Commissioner Richards made a motion, seconded by Commissioner Caylor, to adopt the ordinances.

During discussion it was explained the addresses in this rezone include:

Addresses within the City

2571 US 59 Highway
2573 US 59 Highway
2545 US 59 Highway

Addresses within the Urban Growth

2551 Kingman Road
2515 Eisenhower Road
2597 US 59 Highway
2599 US 59 Highway
2646 S Princeton Road
2598 US 59 Highway
2526 US 59 Highway
2619 Kingman Road

The Planning Commission recommended approval with a vote a 7-0 vote. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the ordinance with properties located “within the City” and the ordinance “within the Urban Growth Area” duly adopted. Thereupon, the Mayor declared the ordinances duly numbered (within the city) Ordinance No. 3805A-11 and (within Urban Growth) Ordinance No. 3805-11.

December 7, 2011

Ordinance-Rezoning Urban Growth Area

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

During discussion it was explained addresses in this rezone include: 2520 Eisenhower Road, 2489 Old US 50 Highway, 2459 Old US 50 Highway and 2449 Old US 50 Highway. The Planning Commission recommended approval of 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. 3806-11.

Resolution-Territorial Limits & Boundaries of the City of Ottawa, Kansas

Thereupon, the Governing Body reviewed a resolution defining and declaring the territorial limits and boundaries of the City of Ottawa, Kansas, and rescinding Resolution No. 1397-06. Commissioner Jorgensen made a motion, seconded by Commissioner Richards, to adopt the resolution.

During discussion it was explained according to Kansas Statue K.S.A. 12-517, before the last day of December in any given year in which any property has been annexed into the City, the Governing Body shall declare by resolution the entire boundary of the City. Approximately 140.79 acres were annexed into the City of Ottawa in 2011. This resolution defines the current City limits. 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. 1561-11.

Commissioner's Report

Thereupon, Commissioner Richards announced the downtown stores will be open late Wednesday night and encouraged the citizens to shop locally.

Mayor's Report

Thereupon, Mayor Ramsey congratulated City Manager Richard Nienstedt for receiving the Buford Watson City Manager of the Year Award and announced a reception in his honor will be held January 4, 2012.

Announcements

The Mayor announced:

- December 12, 2011: Study Session at 4 pm
- December 19, 2011: Study Session at 4 pm
- December 21, 2011: Regular Meeting at 9:30 am
- December 26, 2011: Christmas Holiday (observed) – City offices closed
- December 26, 2011: Study Session canceled
- January 2, 2012: New Year's Day (observed) – City offices closed
- January 2, 2012: Study Session canceled

Executive Session

Recess

Thereupon, Commissioner Jorgensen made a motion, seconded by Commissioner Caylor to recess into Executive Session for a period of 15 minutes to discuss attorney-client privilege with the City Attorney and City Manager present and to reconvene into Open Session at 7:45 pm. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly recessed.

Reconvene

Thereupon, Commissioner Richards made a motion, seconded by Commissioner Caylor to reconvene at 7:45 pm into Regular Session. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

Recess

Thereupon, Commissioner Caylor made a motion, seconded by Commissioner Reed, to recess back into Executive Session to continue discussion related to attorney-client privilege for a period of 10 minutes with the City Attorney and City Manager present and to reconvene back into Open Session at 7:57 pm.

Reconvene

Thereupon, Commissioner Reed made a motion, seconded by Commissioner Caylor to reconvene at 7:57 pm into Regular Session. The motion was considered and upon being put, all present voted aye. Thereupon, the Mayor declared the meeting duly reconvened.

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 at 7:58 pm.

Carolyn S. Snethen, City Clerk

December 7, 2011