

**CITY COMMISSION
Regular Meeting Minutes
Commission Chambers
101 S. Hickory, Ottawa, Kansas
Minutes of March 7, 2012**

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

Commissioner Caylor made a motion, seconded by Commissioner Richards, to approve the consent agenda. The consent agenda included the agenda.

Public Comments

None offered at this time.

Declaration

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.

Ordinance-Series 2012A General Obligation Bonds

The Governing Body reviewed an ordinance authorizing the issuance and delivery of \$840,000 principal amount of general obligation bonds, Series 2012A, of the City of Ottawa, Kansas, and providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on the bonds as they become due. Commissioner Caylor made a motion, seconded by Commissioner Reed, to adopt the ordinance.

The Governing Body heard from David Arteberry, George Baum and Associates, who provided an overview of the financing plan for the Ottawa Municipal Airport Temporary Notes. The motion was considered and upon being put, all present voted aye. The Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3811-12.

Resolution- Series 2012A General Obligation Bonds

The Governing Body reviewed a resolution prescribing the form and details of and authorizing the delivery of \$840,000 principal amount of general obligation bonds, Series 2012A, of the city of Ottawa, Kansas, previously authorized by an ordinance of the City and approving certain policies and procedures relating to compliance with federal tax law and disclosure obligations. Commissioner Caylor made a motion, seconded by Commissioner Reed, to adopt the resolution.

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During discussion it was explained this resolution is a procedural step in the issuance of the bonds named in the Refunding Bonds ordinance, Series 2012A. The motion was considered and upon being put, all present voted aye. The Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1572-12.

Ordinance-Series 2012B General Obligation Bonds

The Governing Body reviewed an ordinance authorizing the issuance and delivery of \$825,000 principal amount of general obligation refunding bonds, Series 2012B, of the City of Ottawa, Kansas, for the purpose of providing funds to refund certain outstanding general obligation bonds, and making certain covenants with respect thereto. Commissioner Caylor made a motion, seconded by Commissioner Richards, to adopt the ordinance.

The Governing Body heard from Mr. Arteberry who provided an overview of the financing plan and refunding (refinancing) of Series 2003 Bonds. The motion was considered and upon being put, all present voted aye. The Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3812-12.

Resolution-Series 2012B General Obligation Bonds

The Governing Body reviewed a resolution prescribing the form and details of and authorizing the delivery of \$825,000 principal amount of general obligation refunding bonds, Series 2012B, of the City of Ottawa, Kansas, previously authorized by an ordinance of the City and approving certain policies and procedures relating to the City's general obligation debt. Commissioner Richards made a motion, seconded by Commissioner Jorgensen, to adopt the resolution.

During discussion it was explained this resolution is a procedural step in the issuance of the bonds named in the Refunding Bonds ordinance, Series 2012B. The motion was considered and upon being put, all present voted aye. The Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1573-12.

Policies-Tax Compliance

The Governing Body reviewed a request to adopt policies related to post-issuance tax compliance and continuing disclosure undertaking policies and procedures for governmental and airport exempt facility operations. Commissioner Reed made a motion, seconded by Commissioner Caylor, to adopt the policies.

During discussion it was explained as a result of new IRS regulations, this policy is recommended for adoption by the City's Bond Counsel. The motion was considered and upon being put, all present voted aye. The Mayor declared the request to adopt the policies duly approved.

Resolution-Mac Fasteners Contract

The Governing Body reviewed a resolution authorizing the City of Ottawa, Kansas to create and enter into a contract with Mac Fasteners Inc for the purpose of granting a property tax exemption pursuant to Article 11, Section 13, of the Constitution of the State of Kansas and the Tax Exemption Policy of the City of Ottawa, Kansas. Commissioner Richards made a motion, seconded by Commissioner Jorgensen, to adopt the resolution.

During discussion it was explained items regarding Mac Fasteners Inc, including this resolution, are procedural steps in issuing a tax exemption for Mac Fasteners Inc. Director of Finance Scott Bird provided an overview explaining this proposed tax exemption allows a 55% abatement for 10 years, which are front loaded in the first 6 years.. The motion was considered and upon being put, all present voted aye. The Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1574-12.

Ordinance-Ad Valorem Taxation Exemption

The Governing Body reviewed an ordinance exempting certain property from ad valorem taxation for economic development purposes in the City of Ottawa, Franklin County, Kansas, specifically for a 28,000-square-foot manufacturing and warehouse facility. Commissioner Jorgensen made a motion, seconded by Commissioner Richards, to adopt the ordinance.

During discussion it was explained this ordinance is a procedural step in the issuance of the tax exemption named in the resolution for Mac Fasteners Inc. The motion was considered and upon being put, all present voted aye. The Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3813-12.

Annual Updates-Project List

The Governing Body reviewed a request to approve annual updates to the Ottawa Municipal Airport project list. Commissioner Caylor made a motion, seconded by Commissioner Richards, to approve the request.

During discussion it was explained each year the Airport Improvement Program project list is reviewed and updated and sent to the Federal Aviation Administration for consideration for grant funding. This review and submission process provides an updated list of priorities and does not commit the City to any of the projects listed. Director of Public Works Andy Haney provided an overview of six projects planned from 2013 – 2018. The motion was considered and upon being put, all present voted aye. The Mayor declared the request duly approved.

Airspace Protection Planning Grant Application

The Governing Body reviewed a request to approve the Airspace Protection Planning Grant application. Commissioner Reed made a motion, seconded by Commissioner Caylor, to approve the request.

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During discussion it was explained this project protects approaches to the Ottawa Municipal Airport. This Kansas Department of Transportation Kansas Airport Improvement Program grant is for 95% of the total project cost of \$18,865. Total estimated expenses to the City are \$943.25. The motion was considered and upon being put, all present voted aye. The Mayor declared the request duly approved.

Resolution-Neosho County Community College Public Improvements

The Governing Body reviewed a resolution accepting public improvements with Neosho County Community College Addition in the City of Ottawa, Kansas. Commissioner Richards made a motion, seconded by Commissioner Caylor, to adopt the resolution.

During discussion it was explained this resolution accepts public improvements such as public streets, storm drainage system, sanitary sewer system, water lines and electrical service as approved by the City Engineers. The motion was considered and upon being put, all present voted aye. The Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1575-12.

Resolution- Neosho County Community College Final Plat

The Governing Body reviewed a resolution approving the final plat and accepting the dedication of all easements within Neosho County Community College Addition in the City of Ottawa, Kansas. Commissioner Jorgensen made a motion, seconded by Commissioner Richards, to adopt the resolution.

During discussion it was explained the final plat dedications include new utility, storm water and pedestrian easements along with street right-of-way. The Planning Commission recommended approval of the final plat with a 6-0 vote. The motion was considered and upon being put, all present voted aye. The Mayor declared the resolution duly adopted and the resolution was duly numbered Resolution No. 1576-12.

Ordinance-Urban Growth Area Phase 26 Rezone

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.

During discussion it was explained addresses in this Phase 26 rezone include: 2730, 2641, 2804, 2340, 2550, 2530, 2441, 2740, 2410, 2739, 2450, 2640, 2510, 2715, 2729, 2316, 2341, 2435, 2621, 2720, 2631, 2427, 2719, 2710, 2449, 2411, 2315 Greenwood Dr., 2721, 2736, 2740, 2726, 2716, 2711 Maple Terrace, 2446, 2439, 2440, 2435 Autumn Court. The Planning Commission recommended approval of this rezone with a 6-0 vote. The motion was considered and upon being put, passed with a 4-1 vote (Commissioner Richards nay). The Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3814-12.

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Ordinance-Urban Growth Area Phase 27 Rezone

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.

During discussion it was explained addresses in this Phase 27 rezone include: 2615, 2679, and 2671 Louisiana Road, 2350 Labette Road, 2320, 2326, 2344, and 2354 Labette Road, 2635, 2641, and 2663 Louisiana Road. The Planning Commission recommended approval of these rezones with a 6-0 vote. The motion was considered and upon being put, passed with a 4-1 vote (Commissioner Richards nay). The Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3815-12.

Charter Ordinance-Stormwater Utility

The Governing Body reviewed a Constitutional charter ordinance exempting the City of Ottawa, Kansas from the provisions of the Kansas Water Pollution Act, K.S.A. 12-3101 et seq. and providing for the creation of an ordinance establishing a Stormwater Management Program and a Stormwater Utility Fee.

During discussion it was explained this charter ordinance is the first procedural step in the establishment of a Stormwater Management Program, stormwater utility fee and credit system. City Attorney Bob Bezek provided an overview of the publication and approval process of the charter ordinance. The motion was considered and upon being put, all present voted aye. The Mayor declared the Constitutional charter ordinance duly adopted and the ordinance was duly numbered Charter Ordinance No. 19-12.

Ordinance-Stormwater Management Program

The Governing Body reviewed an ordinance establishing a Stormwater Management Program and a Stormwater Utility Fee for the City of Ottawa, Kansas. Commissioner Reed made a motion, seconded by Commissioner Richards, to adopt the ordinance.

The Governing Body heard from Director of Public Works Andy Haney who provided an overview of the proposed stormwater utility. The motion was considered and upon being put, all present voted aye. The Mayor declared the ordinance duly adopted and the ordinance was duly numbered Ordinance No. 3816-12.

Resolution-Stormwater Utility Fee and Credit System

The Governing Body reviewed a resolution finding the advisability of and ordering the adoption and establishment of a Stormwater Utility Fee and establishment of a Stormwater Utility Credit System, and providing for the enforcement thereof and establishing an effective date thereof. Commissioner Reed made a motion, seconded by Commissioner Caylor, to adopt the resolution. Commissioner Caylor made a subsidiary motion, seconded by Commissioner Richards, to add the effective date of January 1, 2013 to the resolution.

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The Governing Body requested additional information to be brought back for further discussion at a later date. The subsidiary motion was considered and upon being put, all present voted aye. The Mayor declared the request to add the effective date to the resolution duly approved. The original motion was considered and upon being put, failed by a 2-3 vote as follows: Commissioners Jorgensen and Richards nay; Mayor Ramsey nay; Commissioners Reed and Caylor aye . The Mayor declared the resolution duly defeated.

Appointment-Fourth Judicial Community Corrections Advisory Board

The Governing Body reviewed an appointment to the Fourth Judicial Community Corrections Advisory Board. Commissioner Caylor made a motion, seconded by Commissioner Richards, to approve the appointment.

During discussion it was explained upon receipt of application and interview of Crystal Camis, Ms. Camis is recommended for appointment to the Fourth Judicial Community Corrections Advisory Board. The motion was considered and upon being put, all present voted aye. The Mayor declared the appointment duly approved.

Donation-Harveyville, Kansas

The Governing Body reviewed a request to provide financial assistance to the City of Harveyville, Kansas. Commissioner Jorgensen made a motion, seconded by Commissioner Caylor, to approve the request.

During discussion it was explained a tornado destroyed an estimated 40% of the community of Harveyville, Kansas on February 28, 2012. As an act of good will and neighborliness, a request to support the restoration efforts in Harveyville with a donation of \$2,500 has been made. The motion was considered and upon being put, all present voted aye. The Mayor declared the request duly approved.

City Manager's Report

The City Manager reported on the following:

- Thanked the Commissioners for their efforts in reaching a decision on the Stormwater Utility
- Provided an update on the status of 124 S Main

Commissioners' Reports

Commissioner Caylor reported on the following:

- Next week is Spring Break at local schools
- More credit is deserved for Franklin County Children's Coalition volunteers who put on free activities for the youth of our community.

Commissioner Reed reported on the following:

- Upcoming trip to National League of Cities to Washington, DC with 4 Youth Delegates

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Commissioner Richards reported on the following:

- Urban Growth Area program was not a program put in place by the City, the County reached out to the City for our participation
- Other boards will have upcoming vacancies
- Encouraged citizens who are willing to serve on those boards to contact City Hall for more information

Commissioner Jorgensen reported on the following:

- Recent problems the City of Basehor faced with their Commission
- Thanked our Governing Body for the way they conduct themselves and respect each other even when they disagree.

Mayor's Report

The Mayor reported on the following:

- Agreed with Commissioner Jorgensen regarding our Governing Body
- Congratulated Ottawa High School boys' and girls' basketball teams and wished them well on behalf of the City
- Commissioner Reed will represent the City of Ottawa at an upcoming National League of Cities conference in Washington, DC

Announcements

The Mayor announced the following:

- March 12, 2012: Study Session at 4 pm
- March 19, 2012: Study Session at 4 pm
- March 21, 2012: Next Regular Meeting at 9:30 am
- March 21, 2012: Joint City/County/USD 290 Luncheon Canceled
- March 27, 2012: Mayor's Prayer Breakfast at 7:30 am at Westminster Presbyterian Church, 401 W 13th

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. The Mayor declared the meeting duly adjourned at 9:03 pm.

Carolyn S. Snethen, City Clerk

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