

City Hall - Ottawa, Kansas - January 4, 1989

The City Governing Body met in regular session at 7:00 PM this date. Present Mayor Calliham and Commissioners Heathman, McCrea, Thompson and Fogle. Absent none.

Mayor Calliham led the chamber audience in the pledge of allegiance to the American flag and the invocation was given by the Rev. Don Richardson of the First Christian Church.

Approval of Minutes

The minutes of the last regular meeting which was held December 21, 1988, were approved as written.

Proclamation - Girl Scout Cookie Sale Days

Mrs. Georgia Vanderslice and Mrs. Deborah Lyder presented and read a proclamation proclaiming January 14 through January 30, 1989, as Girl Scout Cookie Sale Days. Commissioner Thompson made a motion the proclamation be approved and that the Mayor be authorized to sign the proclamation. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Proclamation - Dr. Martin Luther King, Jr. Week

Mr. Paris Long presented and read a proclamation designating January 15 through January 21, 1989 as Dr. Martin Luther King, Jr. Week. Commissioner McCrea made a motion that the proclamation be approved and that the Mayor be authorized to sign the proclamation. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Consider Policy Governing the Issuance of Local Economic Development Funds

The City Governing Body proceeded to consider the final draft dated 1/4/89 of the City of Ottawa policy governing the issuance of Local Economic Development Funds. The City Manager stated that the policy sets forth the purpose and authority for issuance of Local Economic Development Funds, application procedures, and other criteria. The policy authorizes the appointment of an Advisory Board to the City Commission consisting of the Chamber of Commerce Executive Director, a member of the Ottawa Franklin County Economic Development, Inc., and three other individuals. The policy also states that the City Manager and City Attorney shall be ex officio members of the Advisory Board. Commissioner

Fogle made a motion that the final draft of the policy governing the issuance of Local Economic Development Funds be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Engineering Services Agreement for Wastewater System Improvements

The City Governing Body proceeded to consider an agreement with A. C. Kirkwood and Associates for wastewater system improvements on the Sludge Dewatering Facilities. The City Manager stated that the old sludge drying bed facilities which were built in 1958 were not improved when the new sewage disposal plant was built a few years ago. It is proposed that the old drying beds be replaced with one new covered sludge dewatering bed. The new type drying bed uses a plastic media to help absorb the water from the sludge and is covered so that rain will not affect the operation. The budgeted cost for the new drying bed is \$140,000.00 with engineering services with A. C. Kirkwood and Associates amounting to \$13,640.00. The fee for the Kirkwood services includes on-site inspections. Commissioner Thompson made a motion that the City enter into an agreement with A. C. Kirkwood and Associates for design and construction engineering of new sludge drying facilities at the sewage plant. The A. C. Kirkwood fee not to exceed \$13,640.00, and that the Mayor be authorized to sign the agreement. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Review Investment Schedule

The schedule of investments existing as of December 31, 1988 indicate a total of \$5,200,000.00 invested at an average annual interest rate of 8.04%. Commissioner Heathman made a motion that the schedule of investments as of December 31, 1988, indicating a total of \$5,200,000.00 invested at an average annual interest rate of 8.04% be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Receive report from City Planning Commission

The City Planning Commission met in regular session on Tuesday, January 3, 1989 at 7:00 PM in City Hall. Present: Members Reusch, Hendrix, Todd, Chairman Searls, Woolman, and Reynolds. Absent Member Ellena.

The minutes of the last meeting held December 6, 1988 were approved as written by a 6-0 vote.

The Planning Commission called a public hearing to amend the Zoning Ordinance by the creation of a Redevelopment Overlay Zone in which to encourage the Construction, Reconstruction, Development, and/or Redevelopment of Alternative, Decent and Affordable Housing in Deteriorated or Declining Neighborhoods in the City of Ottawa, Kansas, including Class A Mobile homes, Duplexes, Three-plexes, Four-plexes and Standard Single-family Dwellings.

There being no further business, the meeting was adjourned.

Governing Body Agenda

Commissioner Fogle stated that he wondered why he had not been a party to the discussions in awarding Parmelee Products, Inc. \$50,000.00 in Local Economic Development Funds for the construction of their building in the Northeast Industrial Park area. Commissioner Fogle stated that he was aware that the City Commission had committed \$50,000.00 in Economic Development Funds to Parmelee, Inc., when a portion of Powhattan Street was closed to allow Parmelee to build a new facility next to their present location, but he was not aware that the \$50,000.00 in Economic Development Funds had been committed to Parmelee Products, Inc. to construct a new facility in the Northeast Industrial Park. Commissioner Fogle stated that the first time he was aware that such a commitment had been made was on a press release from former City Manager Lyle Dresher.

Commissioner Fogle stated further that he was unaware that a sewer tap fee in the amount of \$25,000.00 for their new location had been changed to \$9,000.00 and further that the City had constructed an entrance to the Parmelee plant for a cost of \$30,000.00 and installed an extra fire hydrant in the Parmelee property at no charge.

Commissioner Fogle then stated that he felt Commissioner Thompson was involved in a conflict of interest inasmuch as Commissioner Thompson not only was on the City Commission but was also Chairman of the Ottawa Franklin County Economic Development Board when he received a contract to build the new Parmelee facility. Commissioner Fogle stated that he thought possibly he should ask for Mr. Thompson's resignation at this time.

Commissioner Thompson answered Mr. Fogle that he had made a public statement at the City Commission meeting a few months ago

to the effect that he was bidding on the construction of the new Parmelee facility and that he felt that Commissioner Fogle had to be aware of the commitment of the \$50,000.00 in Economic Development Funds for the construction of their new plant in the Northeast Industrial Park.

Mr. Fogle and Mr. Thompson's conversation was quite lengthy, and is on tape in the office of the City Clerk as is the total of the City Commission meeting.

Appointments to the Advisory Board Governing the Issuance of Local Economic Development Funds

Commissioner McCrea stated that he had contacted Mr. Sherwin Snyder and Mr. Snyder had agreed to serve on the board. Mr. Fogle reported that he had contacted Vernon Chesbro. Mr. Chesbro had agreed to serve on the board and Mr. Thompson reported that he had contacted Burwyn Bender and Mr. Bender had agreed to serve on the board. Commissioner McCrea made a motion that Sherwin Snyder, Vernon Chesbro and Burwyn Bender be appointed to the Advisory Board governing the issuance of Local Economic Development Funds. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Presentation of Jaycees and Wal-Mart

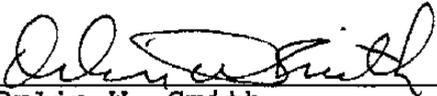
Craig Hinderliter, President of the Ottawa Jaycees presented the City Governing Body with a check for \$500.00 for park beautification. Mr. Hinderliter stated that this past year the Jaycees co-sponsored by Wal-Mart had run a haunted house for Halloween and the \$500.00 represents part of the proceeds from the Haunted House. Wal-Mart as co-sponsor of the Haunted House, matched the Jaycees donation to the City and also presented the City with a check for \$500.00 for park beautification. Bobby Jones, Manager of the local Wal-Mart store was present to present the check to the City. Mayor Calliham thanked Mr. Hinderliter, the Jaycees, and Bobby Jones of Wal-Mart for their donation and assured them that the money would be used for park beautification.

Complaint of Harassment

Mrs. Annie Drake appeared before the City Commission stating that she and her husband run a jewelry store in downtown Ottawa and they are having problems with the patrons of a video game room located immediately north of their store. Mrs. Drake stated that the game room is frequented by local teen-agers and that the

teen-agers are being very discourteous and harassing people on Main Street in the vicinity of their store. Mrs. Drake stated that some of the language that the teen-agers use is obscene and it is causing problems for people, not only walking up and down Main Street, but people coming into their store. Mr. Kenny Redifer, who operates an appliance and repair center immediately across the street from the Drakes, stated that he lives above his store and he has witnessed some of the problems Mrs. Drake is referring to. Bob Bezek, Assistant City Attorney, stated that he would meet with the Drakes, Mr. Redifer, and the Director of Public Safety to formulate a plan by which something might be done about this problem.

There being no further business the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith City Clerk

City Hall - Ottawa, Kansas - January 18, 1989

The City Governing Body met in regular session at 9:35 AM this date. Present Mayor Calliham and Commissioners Thompson, Fogle, Heathman and McCrea. Absent none.

Mayor Calliham led the chamber audience in the pledge of allegiance to the American flag and the invocation was given by Rev. Don Richardson of the First Christian Church.

Approval of Minutes

The minutes of the last regular meeting which was held January 4, 1989, were approved as written.

Agreement for Bi-Annual Bridge Inspection Update

The Governing Body proceeded to consider an agreement with the engineering firm of Cook, Flatt & Strobel for the bi-annual inspection of three bridges in the City of Ottawa that are in the urban road system. The firm of Cook, Flatt & Strobel agrees to inspect the three bridges for an amount not to exceed \$385.00 and file all reports in a timely manner. Commissioner McCrea made a motion that the Mayor be authorized to sign an agreement with the engineering firm of Cook, Flatt & Strobel for the inspection of the three bridges in the City of Ottawa that are in the urban road system for an amount not to exceed \$385.00. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion except Commissioner Fogle, who voted opposing the motion.

Proclamation - National Jaycees Week

Mr. Gary Bateman, State Director of the Jaycees and Past-President of the Ottawa Jaycees presented the City Commission with a proclamation proclaiming the week of January 15-21, 1989 as National Jaycees Week. Mr. Bateman then read the proclamation. Commissioner Fogle made a motion that the proclamation be approved and the Mayor be authorized to sign. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Appointments to the Local Economic Development Funds Advisory Board

Commissioner Thompson made a motion that Duane Hall, Chairman of the Ottawa/Franklin County Economic Development, Inc. and Robert Whitworth, Chamber of Commerce Executive be appointed as members of the Local Economic Development Funds Advisory Board. The

motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

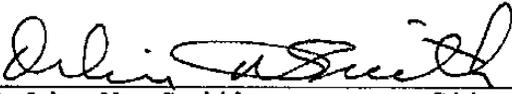
City Project Status Report

A report of the status of City projects was given at this time. Commissioner Thompson made a motion that the report be approved and accepted. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Recognition of Robert Moore, former Director of Public Works

Mayor Calliham proceeded to recognize Bob Moore upon his retirement from the City of Ottawa. Mr. Moore had been Director of Public Works for the City of Ottawa from 1970 through 1988. Mr. Moore was presented a plaque commemorating his service to the City of Ottawa.

There being no further business, the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith City Clerk

City Hall - Ottawa, Kansas - February 1, 1989

The City Governing Body met in regular session at 7:00 PM this date. Present Mayor Calliham, Commissioners Fogle, Thompson, McCrea and Heathman. Absent none.

Mayor Calliham led the chamber audience in the pledge of the allegiance to the American flag and the invocation was given by Rev. Jerry Harnden of the First United Methodist Church of Ottawa.

Approval of Minutes

The minutes of the last regular meeting which was held January 18, 1989, were approved as written.

Proclamation - Vocational Education Week

Miss Angela Bradley, a student in the East Central Kansas Vocational Cooperative presented and read a proclamation proclaiming the week of February 12-18, 1989 as Vocational Education Week. Commissioner Fogle made a motion the proclamation be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Proclamation - Black History Month

Mr. Joe Wakefield presented and read a proclamation proclaiming the month of February, 1989 to be Black History month. Commissioner Thompson made a motion that the proclamation be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Proclamation - American History Month

Mrs. Jean Schmidt presented and read a proclamation proclaiming the month of February 1989 as American History Month as sponsored by the National Daughters of the American Revolution. Commissioner McCrea made a motion the proclamation be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Ordinance No. 2904-89 Amending Open Burning Restrictions

The City Governing Body proceeded to consider an ordinance which authorizes the Department of Public Safety to authorize the open burning of small quantities of brush and leaves on the ground if

done so in a safe manner as determined by their inspection. The City Ordinance now in effect on this subject does not authorize any open burning on the ground. Commissioner Thompson made a motion that an ordinance amending the City Ordinance which controls open burning be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Request of the Ottawa Area Chamber of Commerce Retail Committee

The Ottawa Area Chamber of Commerce Retail Committee submitted a request in writing for permission to use the sidewalks in the central business district for merchandise displays at a sale to be held Saturday, February 18, 1989. The hours of the promotion are to be from 9:00 AM until 5:00 PM. Commissioner Fogle made a motion that the request for the sidewalk sale be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Review City Investment Schedule

The City Clerk reported that the schedule of investments existing as of January 31, 1989, indicate a total of \$5,700,000 invested, at an average annual interest rate of 8.33%. This interest rate is up from 8.04% a month earlier. Commissioner McCrea made a motion that the schedule of investments existing as of January 31, 1989, which indicate a total of \$5,700,000 invested at an average annual interest rate of 8.33% be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

There being no further business the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith City Clerk

City Hall - Ottawa, Kansas - February 15, 1989

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Calliham and Commissioners Fogle, Thompson, McCrea and Heathman, absent none.

Mayor Calliham led the chamber audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Jerry Harnden, of First United Methodist Church.

Approval of Minutes

The minutes of the last regular meeting which was held February 1, 1989 were approved as written.

Resolution No. 472-89 - Authorize Agreement for Overlay of a Portion of K-68 Highway

The City Governing Body proceeded to consider a resolution which would authorize the Mayor and the City Clerk to execute an agreement between the City of Ottawa and the Kansas Dept. of Transportation for the overlay of Highway K-68 from the south city limits of the City to the south end of the Marais des Cygnes River Bridge. The agreement sets forth that the State will reimburse the City for fifty percent of the cost of the project but not to exceed a maximum of \$68,000 as the State's total share of the cost. If the project should cost more than the estimate the City would be obligated to pay 100 percent of those costs in excess of the estimate.

Commissioner Thompson made a motion that the Mayor and the City Clerk be authorized to sign a resolution which authorizes the City to enter into an agreement with the Kansas Dept. of Transportation for the overlay of a portion of K-68 Highway. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Public Hearing - Unsafe Structure

As set forth by Resolution No.470-88, the City Governing Body proceeded to hold a hearing on an alleged unsafe structure at 740 South Sycamore. The assistant City Attorney, Bob Bezek asked the City Commission to continue the hearing until March 1 1989, so that the owners of the property could be served either by personal service or certified mail that the hearing was being held and that the structure is alleged to unsafe and dangerous.

Commissioner McCrea made a motion that the hearing be continued to March 1, 1989. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Hearing on Unsafe Structure

As set forth by Resolution No. 471-88, a public hearing was held at this time on an alleged unsafe structure located at 224 South Willow. Assistant City Attorney, Bob Bezek requested that the public hearing be continued until March 1, 1989, to allow for the owners of the structure to be notified either by personal service or certified mail that the hearing is to be held.

Commissioner Thompson made a motion that the hearing on the alleged unsafe structure at 224 South Willow be continued until March 1, 1989 to allow for notification of the owners. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Report of Planning Commission

The City Clerk read a report of the Planning Commission meeting of Feb. 1, 1989 at this time, the report is as follows.

The City Planning Commission met in regular session on Tuesday, February 7, 1989 at 7:00 PM in City Hall. Present: Members Reusch, Hendrix, Todd, Woolman, Reynolds, Ellena and Chairman Searls. Absent: none.

The minutes of the last meeting held January 3, 1989 were approved as written by a 7-0 vote.

The Planning Commission held a public hearing to amend the Zoning Ordinance by the creation of a Redevelopment Overlay Zone in which to encourage the Construction, Reconstruction, Development, and/or Redevelopment of Alternative, Decent and Affordable Housing in Deteriorated or Declining Neighborhoods in the City of Ottawa, Kansas, including Class A Mobile homes, Duplexes, Three-plexes, Four-plexes and Standard Single-family Dwellings.

The Planning Commission voted to continue this public hearing at the March 7, Meeting.

Mr. John Howe from the Ottawa Retirement Village, discussed future plans of Ottawa Retirement Village.

Mr. Steve Silverman, owner of the Country-mart Grocery store, located north of Wal-mart, discussed the Ottawa sign regulations.

There being no further business, the meeting was adjourned.

Project Status Report

A City Project Status Report for February 1989 was read by the City Clerk.

Public Agenda

Sister Consilia Meyer and Joanna Lewis, Principle of the Sacred Heart Catholic School came before the City Commission, requesting a proclamation proclaiming March as "Youth Art Month". Sister Consilia Meyer read the proclamation before the City Commission.

Commissioner Thompson made a motion the proclamation be approved and the Mayor be authorized to sign the proclamation. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion. Commissioner McCrea also suggested the proclamation be read at the next meeting of the City Commission for additional publicity.

Mr. John Wakarusa appeared before the City Commission and presented a publication which had been put together promoting downtown and Victorian Ottawa. The cost of printing and distribution of the publication are to be \$2232.42, and Mr. Wakarusa was asking for financial assistance from the City to distribute the publication. Mr. Wakarusa stated that he had not as yet appeared before the County Commission asking for financial assistance for the publication, but he was scheduled to appear before the County Commission this PM whereby the City Commission asked Mr. Wakarusa to come back to the City Commission after his appearance before the County Commission.

Mr. Glen Bigelow appeared before the City Commission questioning the element of no action on the two alleged unsafe structures which were scheduled for hearing this date. It was explained to Mr. Bigelow that by state law and city code there must be a time lapse between the scheduling of a hearing on an unsafe structure and the actual hearing on the unsafe structure to allow the owners to either repair or prepare to protest possible actions by the City Commission.

Executive Session

Commissioner McCrea made a motion that the City Commission recess to Executive Session for 30 minutes to discuss real estate acquisition, the present time being 10:09 AM. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

At 10:26 AM, Commissioner Fogle made a motion that the City Commission reconvene in regular session, the motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Adjournment

There being no further business the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk, and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - February 21, 1989

The City Governing Body met in Special Session at 3:00 P.M. this date: Present Commissioners Thompson, Heathman and McCrea, absent Mayor Calliham and Commissioner Fogle.

The purpose of this meeting is to convene to Executive Session for the purpose of discussing property acquisition. The meeting was called to order at 3:00 PM whereby Commissioner McCrea made a motion that the City Commission convene to Executive Session for one hour for the purpose of discussing land acquisition, the present time being 3:00 PM.

The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

At 4:00 PM Commissioner McCrea made a motion that the City Commission reconvene in open session, the motion was seconded by Commissioner Heathman, and all present voted in favor of the motion.

Adjournment

The business for which this meeting having been called being accomplished the meeting was adjourned.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - March 1, 1989

The City Governing Body met in regular session at 7:00 PM this date. Present Mayor Calliham, Commissioners Fogle, Thompson and McCrea. Absent Commissioner Heathman.

Mayor Calliham led the chamber audience in the pledge of allegiance to the American flag and the invocation was given by Rev. Milan Lambertson of the West Franklin County Baptist Parish.

Approval of Minutes

The minutes of the last regular meeting held February 15, 1989, and the minutes of the special meeting held February 21, 1989, were approved as written.

Request of the Ottawa Jaycees

Mr. Harold Mayes of the Ottawa Jaycees appeared before the City Commission and asked permission to hold their annual easter egg hunt in Forest Park on March 18, 1989, between 8:00 AM and Noon. Mr. Mayes also requested that, in case of bad weather, the Jaycees be permitted to hold their easter egg hunt on the following Saturday, March 25, 1989. Commissioner McCrea motioned that the request of the Ottawa Jaycees to hold their easter egg hunt in Forest Park between 8:00 AM and 12 Noon on March 18, 1989, and that they be permitted to use Forest Park for the easter egg hunt on March 25, 1989, in case of bad weather, be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Hearing on alleged unsafe structure - 740 S. Sycamore

A hearing was continued at this time on an alleged unsafe structure located at 740 S. Sycamore. Assistant City Attorney Bob Bezek reported that counsel for a bank on the east coast which owns the property had been in contact with him, and that the bank is asking for some additional time to decide whether they would abate the nuisance or leave it up to the City. Mr. Bezek stated that if the City Commission wished to continue the hearing to the next regular meeting of the City Commission to be held March 15, 1989, that should be a reasonable amount of time for the bank to make a determination as to what it wished to do with the property.

Commissioner Fogle made a motion that the hearing on the alleged unsafe structure located at 740 S. Sycamore be continued to the next regular meeting of the City Commission which is March 15,

1989, to allow the owners of the property to make a determination as to what they wish to do. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Public Hearing on an alleged unsafe structure - 224 S. Willow

City Inspector Al Hancock reported that the structure at 224 S. Willow has no foundation and is termed to be unsafe insofar as a strong wind might dislodge the roof from its supports and allow it to fall. Mr. Hancock stated there had been two permits taken on the structure in the last two years and each permit has run its course of 180 days with nothing done for the structure. Ralph S. Craig, owner of the structure, appeared before the City Commission and stated that he wanted to put poles in the ground in concrete to support the roof and then enclose the structure on three sides to be used as a garage. However, Mr. Craig reported, that circumstances from time to time had prevented him from being able to complete this project. Mr. Craig stated that his intent was to put four poles on each side of the structure and then enclose the three sides which the City Inspector stated would be sufficient if done properly. Mr. Craig was asked by the City Commission if what he intended to do to make the structure safe could be accomplished in 45 days, whereby Mr. Craig stated that should be sufficient time. Commissioner Thompson made a motion that the structure at 224 S. Willow in its present condition be determined to be unsafe. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion. Commissioner McCrea made a motion that Mr. Craig be given 45 days from today's date to rebuild the structure by putting four posts on each side and enclosing three sides of the structure and make it safe, or to have it torn down. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Recommendations of the Local Economic Development Advisory Board.

The City Manager reported that the recommendations of the Local Economic Development Advisory Board for grants from the Economic Development Fund are as follows:

National Sign Company, \$10,000; Rome Mfg., \$10,000; Special-T-Metals, \$12,000; Designer Products, \$40,000; Silk Unlimited, \$8,000; and Ottawa Transmission, \$15,000;

for a total of \$95,000. If these grants were approved, the City would have a balance of \$25,000 left in the City's Economic Development Fund, which could be carried over into 1990, or used

later in 1989. Mayor Calliham stated that persons or companies receiving these funds must meet certain criteria in the area of employment or some of the grant monies must be paid back to the City. Commissioner Thompson made a motion that based upon the financial strength of the applications, the demonstrated ability of the applicants to increase the number of jobs in Ottawa, and numerous other factors listed in the City's policy, the following disbursements be made:

National Sign Company, \$10,000; Rome Mfg., \$10,000; Special-T-Metals, \$12,000; Designer Products, \$40,000; Silk Unlimited, \$8,000; and Ottawa Transmission, \$15,000.

The motion was seconded by Commissioner Fogle and all present voted in favor of the motion. Upon question, the City Manager stated that all of the firms had been contacted informing them of the recommendations of the Advisory Board and some had indicated that their allocation may not be sufficient for them to proceed with their plans and in many cases, they will have to re-evaluate their positions. Commissioner Fogle read a letter from the Commission which will be mailed to each of the members of the Economic Development Fund Advisory Board thanking them for the time they have taken from their schedules to study the various applications and make these recommendations.

Establish date for public hearing for tax exemption for Al Kreitler Custom Rollers, Inc.

The Governing Body proceeded to consider setting March 15, 1989, as the date to consider the tax exemption request made by Al Kreitler Custom Rollers, Inc., in compliance with City of Ottawa Resolution No. 448-87. Commissioner McCrea made a motion that a public hearing be held at 9:35 AM March 15, 1989, to consider a request for tax exemption as made by Al Kreitler Custom Rollers, Inc. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Resolution No. 473-89, request for annexation.

The City Governing Body proceeded to consider a resolution which makes a request of the Franklin County Commission to annex 17 acres of land located in Section 2, Township 17, Range 19. The 17 acres of land does not touch the city boundaries at any point and therefore, according to state law, it is necessary to seek permission from the County Commission before annexation can be accomplished. The County Commission must make three findings:

- (1) That the land is, in fact, all in the County;
- (2) that the annexation would not stop or hamper growth and progress of the area or another community; and
- (3) that the City has a request or consent of owner for the annexation.

Commissioner Thompson made a motion that a resolution requesting the Franklin County Commission to permit the annexation of approximately 17 acres of land, lying within Section 2, Township 17, Range 19, Franklin County, Kansas, and not adjoining the City be passed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Public Hearing for Small Cities CDBG Economic Development category

Mayor Calliham called the first public hearing for the Small Cities CDBG Economic Development category open. The City Manager reported that Designer Products, who were in the process of developing an application for a grant, had withdrawn from consideration at this time. CDBG Economic Development Grants are available for up to \$300,000, or \$15,000 per job. A representative from Designer Products present at the meeting stated that his firm was not able to meet the application deadline but may apply in a later round of grants. The City Manager then stated that another hearing on the subject will be held on March 22, 1989, and that is now open for other persons to submit applications. Commissioner Thompson made a motion that the public hearing be closed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Approval of Investment Schedule

The schedule of investments existing as of February 28, 1989, indicates a total of \$6,000,000 invested at an average annual interest rate of 8.50%. Commissioner Fogle made a motion that the schedule of investments existing as of February 28, 1989, indicating a total of \$6,000,000 invested at an average annual interest rate of 8.50% be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

City Commission Agenda

Mayor Calliham recognized Cub Scout Pack 3074 from the Garfield School who was in attendance at this meeting. The leader of Cub Scout Pack 3074 stated the Pack motto is "be strong for America" and they thought it would be appropriate for the group to attend a City Commission meeting.

Business from guests

Mr. John Wakarusa appeared before the City Governing Body along with Lionel Sutton, Walker Hendrix, Bob Dodson, Randy Thompson, John Gladman, and Gary Dodd. The purpose of the appearance of Mr. Wakarusa was to solicit financial assistance for the formation of a non-profit corporation for the promotion of downtown Ottawa, Ottawa in general, and Franklin County. After the presentation of Mr. Wakarusa and others, the City Manager was directed to put the subject matter on the agenda for the next study session of the City Commission and to contact the County Commission to set up a meeting that the subject matter might also be discussed there.

There being no further business the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith City Clerk

City Hall - Ottawa, Kansas - March 15, 1989

The City Governing Body met in regular session at 9:35 A.M. this date: Present Mayor Calliham and Commissioners Fogle, Thompson, McCrea and Heathman, absent none. Mayor Calliham lead the chamber audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Milan Lambertson of the West Franklin County Baptist Parish.

Approval of Minutes

The minutes of the last regular meeting which was held March 1, 1989 were approved as written.

Presentation of Plaque to Mr. Jim Cook

Mayor Calliham proceeded to present Mr. Jim Cook a plaque commemorating his years of service with the City from 1970 to 1989. Mr. Cook retired from the service of the City, March 10, 1989.

Presentation of Pride Committee

Rev. Earl Zimmerman presented the City Governing Body with a Helping Hands award from the Ottawa Pride Committee. Mr. Zimmerman spoke specifically of the City's efforts in the christmas lighting and the spring and fall clean up which are sponsored by the County and the City.

Request of the Ottawa Jaycees

The City Governing Body proceeded to consider a request by the Ottawa Jaycees to use Forest Park on April 8, 1989, from 9:00 AM to 5:00 PM for the St. Jude's Bike-A-Thon. Commissioner Heathman made a motion that the request of the Ottawa Jaycees to use Forest Park on April 8, 1989 from 9:00 AM to 5:00 PM for the St. Jude's Bike-A-Thon be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Continuation of Hearing on Alleged Unsafe Structure Located at 740 South Sycamore

A hearing on an alleged unsafe structure located at 740 S. Sycamore which was continued from the meeting of March 1, 1989 was continued at this time. The City Attorney Bob Bezek reported the owner of record, The Maryland State Savings and Loan Assoc., had been in contact with him and that they had denied ownership of the property. Mr. Bezek further reported that there had been foreclosure proceedings on the property in 1983 and at the present time the property was under possibly five ownerships. Mr. Bezek recommended the Governing Body call for the evidence on the structure to be presented and then make a finding. Mr. Al Hancock, the City Inspector, reported that he had submitted pictures of the structure to the Governing Body, however the roof was open and has been open for several years allowing for dampness and deterioration on the inside of the structure, that animals

presently live under the house and that at present there are no personal belongings in the structure. Commissioner Thompson made a motion the public hearing be closed, the motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Commissioner Fogle made a motion the Governing Body find the structure at 740 S. Sycamore unsafe and that the structure be removed as soon as the owners can be notified. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Resolution No. 474-89 Relating to Kansas Municipal Energy Agency Payment of Capital Expenditures

The City Governing Body proceeded to consider Resolution No. 474-89 which if passed would authorize the Kansas Municipal Energy Agency on the behalf of the City of Ottawa to make a lump sum payment to the Kansas City Board of Public Utilities as a participating share for a capital expenditure for a precipitator as required by the EPA. If the Kansas Municipal Energy Agency does in fact make a lump sum payment for the agency share this would entail a bond issue, the City of Ottawa being responsible for approximately \$300,000.00 of the lump sum payment and bond issue.

It was explained by Commissioner Fogle that if the City and the Kansas Municipal Energy Agency does not elect to make a lump sum payment for the appropriate share of the installation of a precipitator in the Kansas City Kansas Board of Public Utilities Nearman Plant, that it would necessitate a higher demand charge imposed by both the Kansas City Board of Public Utilities and the Kansas Municipal Energy Agency to recover the money for the improvement. If a bond issue for our share of the improvement does become a reality the City will have two option periods which they could consider looking for another source of power. The option as it exists today is 15 years after the City elected to become a member of the Kansas Municipal Energy Agency and with the bond issue being in place the City would have an option after an additional five years. It was discussed and the general consensus that it would be more economically feasible for the City to authorize the Kansas Municipal Energy Agency to make the bond issue for a lump sum payment as opposed to higher demand charges. Many aspects of the agreement were also discussed at this time.

Commissioner Thompson made a motion that a resolution of the City of Ottawa Kansas, authorizing The Kansas Municipal Energy Agency to notify the Board of Public Utilities of the City of Kansas City, Kansas, of the City's election to exercise the option to make a lump sum payment of increased capital expenditures made with respect to the Nearman Project in lieu of adjustments to the demand charge, all in accordance with the obligations of the City under its Nearman Power Sales Contract with the Kansas Municipal Energy Agency dated as of December 2, 1982. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Public Hearing on the Request of Kreidler Custom Rollers for Tax Exemption

The City Manager reported that at the request of the City Commission, Mr. Kreitler had been notified that the hearing would be continued until the next regular meeting of the City Commission and request Mr. Kreitler to discuss his requested tax exemption with the City Commission at the next study session.

Commissioner McCrea made a motion that the hearing be continued until April 5, at 7:00 PM, the motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Supplement No. 1 to Engineering Agreement with Bucher, Willis and Ratliff - Airport Project

The City Manager presented Supplement No. 1 to the agreement for services for improvements to the Ottawa Municipal Airport stating that Supplement No. 1 does not affect a cost to the City of Ottawa, but that it is necessary to comply with the EPA regulations. The total cost of the improvement project is approximately \$1,300,000.00 with the cost of engineering services remaining at approximately \$103,000.00.

Commissioner Fogle made a motion that Supplement No. 1 to Agreement for services for improvements to the Ottawa Municipal Airport, with the engineering firm of Bucher, Willis and Ratliff be approved. The motion was approved by Commissioner McCrea and all present voted in favor of the motion.

Establish Time and Date for Hearing on Special Assessments

It was proposed that a public hearing on special assessments for capital improvement projects be held at 7:00 PM April 5, 1989. The hearing for special assessments as proposed is the Parking Lot at 3rd and Cedar as Authorized by Resolution 412-86, King Street from the north line of 23rd St., extending north approximately 250.7 feet as authorized by Resolution 456-88, and the intersection of 22nd Street and old U.S. 50 Highway, as authorized by Resolution No. 458-88. A notice of the hearing will be published and mailed to all property owners which are liable for special assessments within the benefit district.

Commissioner Thompson made a motion that a public hearing be held at 7:00 PM April 5, 1989 on the proposed special assessments for the foregoing capital improvement projects. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Approval of the Plat of the Wollen Addition

A plat of the Wollen Addition as approved by the Planning Commission was submitted to the Governing Body at this time. The plat presently has all necessary authorizing signatures except the signature of the Mayor and City Clerk. Commissioner McCrea made a motion that the plat of the Wollen Addition as recommended and approved by the City Planning Commission be approved, the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Request of the Auditorium Authority

Mr. Barry Tucker, manager of the Municipal Auditorium appeared before the City Commission requesting funds for improvements to the Municipal Auditorium. In 1988 the City Commission allocated \$3,000.00 from the Special Park and Recreation Fund, for auditorium improvements and indicated that there might be \$6,000.00 available in 1989 for auditorium improvements, in 1988 the auditorium spent only \$1,756.68 of the \$3,000.00 allocated at that time. Mr. Tuckers request at this time is for \$7,243.32 for the proposed improvements.

Commissioner Thompson made a motion that the Auditorium Authority be allocated \$7,243.32 for auditorium improvements in 1989. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Project Status Report

A status report of the City projects was given to the City Governing Body at this time.

Planning Commission Report

The City Planning Commission met in regular session on Tuesday, March 7, 1989 at 7:00 P.M. in City Hall. Present: Members Reusch, Hendrix, Todd, Woolman, Reynolds and Ellena, Chairman Searls.

The minutes of the last meeting held February 7, 1989 were approved as written by a 7-0 vote.

The Planning Commission approved the Preliminary and Final Plats of Wollen's Addition by a 7-0 vote.

The Planning Commission voted 7-0 to call a Public Hearing for the 1989 update to the Capital Improvement Program to be held at the April 4, meeting.

The Planning Commission voted 7-0 to recommend the creation of a Redevelopment Overlay Zone in which to encourage the construction, reconstruction, development, and/or redevelopment of alternative, decent and affordable housing in deteriorated or declining neighborhoods in the City of Ottawa, Kansas.

The Planning Commission Called a Public Hearing to revise the City of Ottawa, Sign Ordinance, to be held at the May 2, meeting. This Passed by a Vote of 5-2.

There being no further business, the meeting was adjourned.

Governing Body Agenda

Commissioner Fogle reported that he had just returned from Washington where he had been a representative of The League of Kansas

Municipalities, Commissioner Fogle stated that he had talked briefly with Representative Jan Meyers, Senator Nancy Kassebaum and an Aid of Senator Doyle expressing concern for the effect that Section 89 of the Fair Labor Standard Act was having on Kansas Cities, Commissioner Fogle stated, he asked that consideration be given to removing small cities from the requirement set forth by Section 89. Commissioner Fogle stated he also talked to our Representatives concerning the \$10,000.00 penalty which can be placed on improper fuel tanks. Mayor Calliham reported that the City Commission recently had discussions with Deborah Barker concerning the 125 Anniversary Celebration of the City of Ottawa. Mayor Calliham further stated that there will be a Mayor's prayer breakfast held at the Ottawa Middle School at 7:30 AM, April 8, 1989. Commissioner McCrea commented he hoped everyone remembered to vote on April 4, 1989 and Commissioner Heathman commented that he was hopeful that there would be another candidate forum for the City Commission Candidates prior to the April 4 election. However it did not seem as though there would be another candidate forum scheduled. Mayor Calliham stated that he did not see the necessity for another candidate forum and that he felt that all issues had been discussed.

Adjournment

There being no further business the meeting was adjourned, the entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - April 5, 1989

The City Governing Body met in regular session at 7:00 P.M. this date; Present Mayor Calliham, Commissioners Fogle, Thompson, McCrea and Heathman, absent none. Mayor Calliham led the Chamber Audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. Paul Turner, of the Wesleyan Church.

Approval of Minutes

The minutes of the last regular meeting which was held March 15, 1989 were approved as written.

Donation of Beta Sigma Phi Exemplar Chapter of Ottawa

Lori Brockus representing the Beta Sigma Phi Exemplar Chapter of Ottawa presented the City Commission with a check for \$400.00 to be used for a canopy in Forest Park for childrens play. The City Governing Body graciously thanked Ms. Brockus for the donation of the Beta Sigma Phi Exemplar Chapter of Ottawa.

Request from Ottawa University for a Road Run

The Governing Body proceeded to consider a request of Ottawa University to allow a road run through Ottawa on May 20, 1989, beginning at 8:00 AM. The request was submitted by Jan Atchley of Ottawa University. Commissioner Thompson made a motion that the request of Ottawa University for a road run through Ottawa on May 10, 1989, beginning at 8:00 AM, be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion. The City Commission was assured by the City Manager that the Department of Public Safety would be made aware of the road run and proper traffic precautions would be taken.

Tax Abatement Hearing - Kreitler Roller

The Governing Body proceeded to hold a public hearing on the requested tax abatement for Kreitler Roller Inc. Kreitler Roller Inc. moved to the City of Ottawa in 1988 and through confusion or lack of communication Mr. Kreitler had understood that he would be granted a 100 percent tax abatement on the facilities and equipment of his manufacturing, with no payment in lieu of taxes. It was explained that the City of Ottawa in granting a tax abatement generally requires a payment in lieu of taxes equal to the taxes that were paid on the land, bldg. and equip. the year before the granting of the abatement. Mr. Kreitler however understood that he would be granted a 100% tax abatement on land, bldg. and equip., with no payment in lieu of taxes. Through lengthy discussion the City Governing Body agreed to take the issue under advisement and possibly compromise with Mr. Kreitler on the

amount that might be paid in lieu of taxes whether it be a 50-50 or another arrangement.

Mr. Fogle made a motion that the tax abatement hearing of Kreitler Roller Inc. be continued until the next regular meeting of April 19, 1989. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Ordinance No. 2905-89 - Annexation

The City Governing Body proceeded to consider the annexation of a tract of land of approximately 17 acres, which is located in the proximity of 15th Street and Eisenhower Road. Commissioner McCrea made a motion that an ordinance providing for the annexation of approximately 17 acres of land in Section 2, Township 17, Range 19 in Franklin County Kansas, pursuant to KSA 12-520c, legally described as, beginning 663 feet north of the SE corner of the SW quarter, thence east 1150 feet, thence north 657 feet, thence west 1150 feet, then south 657 feet, all in Section 2, Township 17, Range 19, Franklin County Kansas, plate no. LIN0051, be approved, the motion was seconded by Commissioner Fogle. Commissioner Thompson then made a motion to amend Mr. McCrea's motion with the stipulation, the tract considered for annexation have a frontage road as set forth by the sub-division regulations of the City. Mr. Thompson's motion was seconded by Commissioner Fogle. Upon call for the question on Mr. Thompson's amendment to the motion, all present voted in favor of the motion. Upon call for the motion as amended all present voted in favor of the motion.

Resolution No. 475-89 - Classification and Pay Plan for the Employees of The City of Ottawa

Commissioner McCrea made a motion that a resolution adopting the Personnel Classification and Pay Plan as prepared by The League of Kansas Municipalities for the City of Ottawa, Kansas, dated December 12, 1988 be passed, the motion was seconded by Commissioner Heathman. Commissioner Fogle commented that the pay plan as adopted could over the long run cost the City less money in salaries. It was further stated that cost of living adjustments were to be made outside of the pay plan. Upon call for the question all present voted in favor of the motion.

Special Assessment Hearing - Parking Lot 3rd & Cedar

The Governing Body proceeded to hold a hearing on the special assessments for the construction of a parking lot at 3rd and Cedar Streets. Commissioner Heathman questioned as to whether the ownership of the property within the benefit district had changed since the original petition for the improvement had been submitted. The City Clerk answered that the ownership of the property within the benefit district has not changed ownership since the project began and further that the resolution ordering the improvement is on file in the office

of the Register of Deeds and purchasers or prospective purchasers of the property should be put on notice that special assessments are pending against the property. There being no further discussion, Commissioner Heathman made a motion that the hearing be closed, the motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Ordinance No. 2906-89 - Establishing Special Assessments

An ordinance appropriating and levying the special assessments to pay the cost of the acquisition of certain real estate in Block 86 of the City of Ottawa, Kansas, and the improvement of said real estate for off street parking facilities in the City of Ottawa, Kansas, was introduced. Commissioner McCrea made a motion that an ordinance appropriating and levying the special assessments to pay the cost of the acquisition of certain real estate in Block 86 of the City of Ottawa, Kansas, and the improvement of said real estate for off street parking facilities in the City of Ottawa, Kansas, be passed, the total of the cost proportioned to the benefit district being \$19,108.81. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Special Assessment - King Street Project

The City Governing Body proceeded to hold a hearing on the assessments chargeable to the benefit district for the improvement of King Street, from the north line of 23rd Street north approximately 250.47 feet in the City of Ottawa, Franklin County, Kansas.

There being no discussion Commissioner Heathman made a motion the hearing be closed, the motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Ordinance No. 2907 - 89 - Assessment Roll for the King Street Project

An ordinance apportioning and levying the special assessments to pay the cost of constructing King Street from the north line of 23rd St. north approximately 250.47 feet in the City of Ottawa, Franklin County, Kansas was introduced.

Commissioner Fogle made a motion that an ordinance apportioning and levying the special assessments to pay the cost of constructing King Street from the north line of 23rd St. north approximately 250.47 feet in the City of Ottawa, Franklin County, Kansas be passed, the amount chargeable to the benefit district for the construction of King Street is \$48,473.59. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Special Assessment Hearing - 22nd St. Intersection

The City Governing Body proceeded to conduct a hearing on the special assessments chargeable to a specific property for the construction of the intersection of 22nd Street and US Highway 50. There being no discussion Commissioner McCrea made a motion that the hearing be closed, the motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Ordinance No. 2908-89 - Assessment Roll for the 22nd Street Intersection Project

Commissioner Thompson made a motion that an ordinance apportioning and levying the special assessments to pay the cost of improvement of the intersection of US 50 Highway and 22nd Street, in the amount of \$45,000.00 be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Designer Products Inc. - Recapture Agreement for Local Economic Development Funds

The City Governing Body proceeded to consider a recapture agreement with Designer Products, Inc. for Local Economic Development Funds. The recapture agreement sets forth that the City of Ottawa grant Designer Products \$40,000 as a conditional grant for the purpose of creating jobs in the City of Ottawa. The agreement sets forth that Designer Products create 40 jobs at its local facility in the calendar year 1989 or Designer Products must pay back to the City of Ottawa, \$1,000.00 per job not created.

Commissioner Thompson made a motion that Mayor Calliham be authorized to sign an agreement with Designer Products Inc., whereby the City of Ottawa grants \$40,000.00 to Designer Products for the creation of 40 jobs in the City of Ottawa in 1989 and further that Designer Products must repay to the City of Ottawa \$1,000.00 per job not created in 1989. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Rome Manufacturing - Recapture Agreement for Local Economic Development Funds

The City Governing Body proceeded to consider a recapture agreement with Rome Manufacturing, whereby the City will grant Rome Manufacturing \$10,000.00 in Economic Development Funds for the creation of jobs in the City of Ottawa. The agreement sets forth that if Rome Manufacturing does not create the amount of jobs as set forth in the agreement by the end of calendar year 1989 but has created at least 50% of the jobs set forth in the agreement, the agreement will extend through 1990. If Rome Manufacturing has not produced at least 50% of the jobs in 1989, the City shall have the right to recapture \$1,000.00 per job not created.

Commissioner McCrea made a motion that the Mayor be authorized to sign a recapture agreement with Rome Manufacturing which grants Rome Manufacturing \$10,000.00 in Economic Development Funds for the creation of jobs and recapture provisions. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Special T Metals - Recapture Agreement for Local Economic Development Funds

The City Governing Body proceeded to consider a recapture agreement with Special T Metals, whereby the City will grant Special T Metals \$12,000.00 in Economic Development Funds for the creation of jobs in the City of Ottawa in 1989. The agreement sets forth that if Special T Metals does not create the specified amount of jobs as set forth in the agreement, the City of Ottawa shall have the right to recapture \$1,000.00 per job not created.

Commissioner Fogle made a motion that the Mayor be authorized to sign a recapture agreement with Special T Metals whereby Special T Metals is granted \$12,000.00 in Economic Development Funds for the creation of jobs in the City of Ottawa, and that if Special T Metals does not create the specified amount of jobs in 1989 the City of Ottawa shall have the right to recapture \$1,000.00 per job not created. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Ottawa Transmission - Recapture Agreement for Economic Development Funds

The Governing Body proceeded to consider a recapture agreement with Ottawa Transmission whereby Ottawa Transmission is granted \$15,000.00 for the creation of jobs in the City of Ottawa. The agreement further sets forth that if Ottawa Transmission does not create the specified amount of jobs within the calendar year 1989 the City of Ottawa shall have the right to recapture \$1,000.00 per job not created.

Commissioner Heathman made a motion that the Mayor be authorized to sign a recapture agreement with Ottawa Transmission, which grants Ottawa Transmission \$15,000.00 in Economic Development Funds for the creation of jobs in the City of Ottawa. The agreement further sets forth, if Ottawa Transmission is unable to create the amount of jobs as set forth in the agreement the City of Ottawa shall have the right to recapture \$1,000.00 per job not created. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Silk Unlimited - Recapture Agreement

The Governing Body proceeded to consider a recapture agreement with Silk Unlimited whereby Silk Unlimited would be granted \$8,000.00 from

the Economic Development Fund for the creation of jobs within the City of Ottawa. The agreement further sets out that if the amount of jobs set forth in the agreement have not been created by the end of the year 1989, the City of Ottawa shall have the right to recapture \$1,000.00 for each job not created.

Commissioner Thompson made a motion that the Mayor be authorized to sign a recapture agreement with Silk Unlimited whereby the City of Ottawa grants Silk Unlimited \$8,000 for the creation of jobs within the City of Ottawa and that if the jobs are not created within calendar year 1989, the City of Ottawa shall have the right to recapture \$1,000.00 per job not created. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2909-89 - Overlay Zone District

The Governing Body proceeded to consider an ordinance that will allow a mix of compatible two family dwellings, apartments and manufactured housing in specific areas found to be deteriorating, dilapidated and/or declining and in need of substantial reinvestment. For an area to qualify for overlay type zoning it must have 50% of the housing units that are deteriorated and/or dilapidated or 40% of the housing units are deteriorated and/or dilapidated and 10% of the lots are vacant.

Mrs. Mary Triplett appeared before the City Commission objecting to the ordinance as it is written, stating that the ordinance in its initial stages was to allow for the placement of mobile homes in Overlay Zone areas. The ordinance as written however with the requirements for minimum homes would not allow a single unit mobile home. Mrs. Triplett stated that she and her husband had purchased land south of Logan on Cherry Street and had been told the Overlay Zone would allow them to place a mobile home in the area or that the area could be rezoned for mobile homes. Mrs. Triplett stated she had attended many Planning Commission Meeting and has not been successful in securing zoning for her tract of land which would allow the placement of the mobile home. The City Commission advised Mrs. Triplett to visit further with the Planning Commission and possibly she should submit a rezoning petition for her tract of land that would allow the placement of a mobile home.

Commissioner Thompson made a motion that an ordinance amending and modifying Ordinance No. 2713-82 in order to provide greater housing opportunities to the residence of Ottawa, Kansas, specifically adding Article 32 Redevelopment Overlay Zone be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Resolution No. 476-89 - Cooperation Agreement Pursuant to Kansas Local Residential Housing Finance Law.

The City Governing Body proceeded to consider a resolution authorizing

a Cooperation Agreement whereby the City of Ottawa joins with the City of Olathe and Labette County in assisting and providing low interest loans on homes to first time home buyers. The agreement is an on going agreement which has been in effect for the past five years.

Commissioner Fogle made a motion that a resolution authorizing the execution of a Cooperation Agreement pursuant to the Kansas Local Residential Housing Finance Law be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Cereal Malt Beverage Licensee - Management Change

The City Governing Body proceeded to consider an application for change of local managers for Cereal Malt Beverage License for the Pizza Hut of America, located at 118 West 15th St., Ottawa, Kansas. The person being named manager of the Pizza Hut of America is Oran Keith McDaniel, 1004 North Cedar, Ottawa, Kansas. The City Clerk reported that Mr. McDaniel had met all of the prerequisites for being licensed as manager of an establishment that sells cereal malt beverage.

Commissioner Thompson made a motion that the application of Pizza Hut of America Inc., 118 West 15th St., for the naming of Oran Keith McDaniel as manager of their local restaurant be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Review Investment Report

The City Governing Body proceeded to review the Schedule of Investment existing as of March 31, 1989, which indicated a total of \$6,000,000.00 at an average annual interest rate of 8.88 percent. Commissioner Heathman made a motion that the schedule of investments existing as of March 31, 1989 which indicated a total of \$6,000,000.00 invested at an average annual interest rate of 8.88 percent approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Report of Planning Commission Meeting

The City Planning Commission Met in regular session on Tuesday, April 4, 1989 at 7:00 P.M. in City Hall. Present: Members Reusch, Hendrix, Todd, Woolman, Reynolds, Ellena, Chairman Searls.

The minutes of the last meeting held March 7, 1989 were approved as written.

The Planning Commission held a Public Hearing on the 1989 Capital Improvement Program update, this Public Hearing will be continued until the June meeting.

There being no further business, the meeting was adjourned.

Commissioner Fogle made a motion that the report of the Planning Commission meeting be received and accepted. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Report of the City Attorney

The City Attorney reported that the structure at 740 S. Sycamore which has been designated as an unsafe structure by the City Commission has had a transfer of ownership from a Maryland financial institution to a financial institution in Minnesota and that he is continuing to pursue the matter so that the structure may be demolished or made safe.

Public Agenda

Mrs. Grace Hoobing who resides at 212 South Locust stated, the Town and Country Storage Yard located at 2nd & Locust is stacking farm implements at a height in excess of the screening fence which is around the area. Mrs. Hoobing requested the matter be looked into, in that the screening fence does not serve its intended purpose at this time.

Mr. George Underwood appeared before the City Commission stating that he did not think it was fair for companies locating in Ottawa to be given property tax abatements. It was explained to Mr. Underwood that anytime the City gives a tax abatement for reason of Industrial Revenue Bonds or any other purpose, there is an amount set forth which the recipient of the tax abatement must pay in lieu of taxes whereby the City, County and School District will not lose tax revenues.

Adjournment

There being no further business the meeting was adjourned the entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - April 19, 1989

The City Governing Body met in regular session at 9:35 A.M. this date: Present Mayor Calliham and Commissioners Fogle, Thompson, McCrea and Heathman, and Commissioners elect Gillette and Lantis. The Chamber audience was led in the Pledge of Allegiance to the American Flag by Mayor Calliham, and the Invocation was given by Rev. Paul Turner of the Wesleyan Church.

Approval of Minutes

The minutes of the last regular meeting which was held April 5, 1989 were approve as written.

Proclamation - Loyalty Day

Mr. Les Wheat, commander of the local VFW Post presented and read a proclamation proclaiming May 1, 1989 as loyalty day. Mr. Wheat also stated that Loyalty Day Services will be held at the local VFW on Saturday, April 29, 1989.

Commissioner McCrea made a motion that the proclamation be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Proclamation - Kansas Extension Homemaker Unit Week

Mrs. Gerry Abbott presented a proclamation proclaiming the week of May 1 through May 5, 1989 as Kansas Extension Homemaker Unit Week. The proclamation was read by the City Clerk.

Commissioner Fogle made a motion that the proclamation proclaiming the week of May 2 through May 5, 1989 as Kansas Extension Homemaker Unit Week be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Request for Sidewalk Sale

The City Governing Body proceeded to consider a request for a sidewalk promotion on April 22, 1989 as submitted by the Ottawa Chamber of Commerce.

Commissioner Heathman made a motion that the request of the Chamber of Commerce for a Sidewalk Sale on April 22, 1989 between 9 AM and 5 PM, be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Request for a Road Race - Submitted by Ransom Memorial Hospital

The City Commission proceeded to consider a request of Ransom Memorial Hospital to hold a road race on June 4, 1989. Mr. Len Daugherty, Administrator of Ransom Memorial Hospital, explained the run is to be in conjunction with the Skunk Run event on that date and would consist of a one mile walk, a fun run and a 5K run. Mr. Daugherty stated that the activities had been approved by the Dept. of Public Safety.

Commissioner Thompson made a motion that the request of Ransom Memorial Hosp. to hold a road race on June 4, 1989, be granted. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Continuance of Tax Abatement Hearing

The Governing Body proceeded to continue the Tax Abatement Hearing for Kreitler Roller. Commissioner Fogle stated, in as much as it had been learned the abatement could be given at any time in 1989 and apply for the total of the 1989 taxes. Commissioner Fogle made a motion that the Tax Abatement Hearing be tabled until the meeting of May 17, 1989. Commissioner Fogle stated this would also allow the new Commissioners to have input on this item. The motion was seconded by Commissioner Heathman. Commissioner McCrea stated that he wished the item could be tabled until the tax levy for 1989 is known, however it was pointed out the total tax levy may not be known until late this year. Upon call for the question all present voted in favor of the motion.

Status of City Projects

A status report of City projects for April 1989 was read at this time by the City Clerk.

Statements of Outgoing Commissioners

Mayor Calliham asked Commissioner McCrea if he had a final statement prior to stepping down and the new Commissioners being sworn in. Commissioner McCrea stated, he felt he had been privileged to serve the Citizens of Ottawa and that he did have some final comments he wished to make. Commissioner McCrea stated, many times he had heard the comment that nothing ever happened in the City of Ottawa. Commissioner McCrea then proceeded to speak of sixteen plus major improvements that occurred in the City of Ottawa since he had become a Commissioner in 1981. Commissioner McCrea did qualify that he would not take credit for the improvements as many of them were started prior to him becoming a Commissioner and that the improvements that had been accomplished in his term of office had been a collective effort of the City Commission and the Citizens of Ottawa.

Comments of Commissioner Thompson

Mayor Calliham asked Commissioner Thompson if he had any final comments before stepping down for the new Commissioners to be sworn in. Commissioner Thompson stated he felt he was fortunate to live in a City the size of Ottawa and he did concur with the statements made by

Commissioner McCrea of the various improvements that have come about in the City the past few years. Commissioner Thompson thanked the public for allowing him to serve and thanked Allen Loyd and Sonny Burch, business partners who had done much of this work while he was away from the business and he proceeded to thank his wife.

Presentation of Plaque to Outgoing Mayor

Mayor Pro tem Fogle presented Mayor Calliham with a plaque commemorating his one year as Mayor of the City of Ottawa, and stated it was a job well done. Mayor Calliham proceeded to give his final statement as Mayor of the City, stating that his two years being on the City Commission has had many ups and downs including the past year while he was Mayor. Mayor Calliham stated that many times the Commissioners did not agree on certain issues, but that was probably the way that it should be. Mayor Calliham then spoke of the various events that had taken place in the year that he had been Mayor.

Swearing in of New Commission Members

The City Clerk called for Mr. William C. Lantis, Mr. Charles E. Gillette and Mr. M. O. Calliham to come to the front of the Commission room for swearing in. The City Clerk then proceeded to give the oath of office to Mr. Calliham, Mr. Gillette and Mr. Lantis.

Reorganization of the City Commission

Commissioner Calliham continued to chair the meeting and asked for nominations for Mayor. Commissioner Heathman nominated Commissioner Fogle for Mayor whereby Commissioner Calliham asked for a motion that nominations cease and that Commissioner Fogle be elected Mayor by acclamation. Commissioner Gillette made a motion that nominations cease and that Commissioner Fogle be elected Mayor by acclamation, all present voted in favor of the motion.

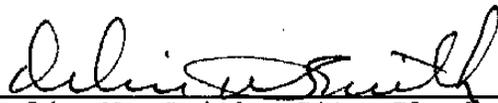
Mayor Fogle then asked for the nomination position of Mayor Pro tem, whereby Commissioner Heathman placed Commissioner Gillette's name in nomination for Mayor Pro tem. Commissioner Calliham made a motion that the nominations cease and that Commissioner Gillette be elected Mayor Pro tem by acclamation. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Mayor Fogle then stated that he had a few comments he wished to make; he thanked the members of the City Governing Body for electing him Mayor for the coming year and thanked the people of Ottawa for electing him to the City Commission two years ago. Commissioner Fogle outlined his number one priority as jobs, stating the jobs he had hoped to achieve for the City of Ottawa had been somewhat elusive. Commissioner Fogle then outlined a few methods of funding which might be used to secure jobs for the City. Commissioner Fogle stated that we might look to securing industrial development at the Ottawa Municipal Airport and securing additional land for industrial development. Mayor Fogle then addressed the transfer of Utility Funds to the General Operating Fund,

stating he felt it had increased dramatically over the past few years and he felt some sort of a ceiling should be established for the transfers. It was suggested by Mayor Fogle that we might look to reducing the personnel requirements at the power plant and that semi - portable generators might be used to produce electricity from well-head sites. It was suggested that the area of the Utilities Warehouse that is presently unpaved might be used for a Public Works shop and full utilization of the Kanza Park ponding area might help alleviate flooding problems. Mayor Fogle then stated that he would like to have a rules of order similar to Roberts Rules of Order for the conduct of commission meetings. In his closing statement Mayor Fogle stated that he would be at City Hall between 10 and 12 AM the first and third Saturdays of each month, that any citizens might come in and talk to him about any problem or concern.

Adjournment

There being no further business the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - May 3, 1989

The City Governing Body met in regular session at 7:00 P.M. this date: Present Mayor Fogle and Commissioners Heathman, Gillette, and Lantis, absent Commissioner Calliham. Mayor Fogle led the chamber audience in the Pledge of Alliance to the American Flag.

Approval of Minutes

The minutes of the last regular meeting which was held April 19, 1989, were approved as written.

Proclamation

Mayor Fogle read a proclamation proclaiming the week of May 1, 1989 as Ottawa Cytone Week. Commissioner Heathman made a motion that the proclamation be ratified by the City Commission. The motion was seconded by Commissioner Gillette, and all present voted in favor of the motion.

Resolution No. 477-89 - Approving the First Amendment to Nearman Power Sales Contract

The City Governing Body proceeded to consider a resolution approving a second amendment to participation power sales agreement, approving a first amendment to Nearman Power Sales Contract and consenting to the refunding of the Kansas Municipal Energy Agency Electric Revenue Bonds (Nearman Project). Commissioner Gillette made a motion that a resolution of the City of Ottawa, Kansas, approving a second amendment to participation power sales agreement, approving a first amendment to Nearman Power Sales Contract and consenting to the refunding of the Kansas Municipal Energy Agency Electric Revenue Bonds (Nearman Project), and confirming the obligations of the City under its Nearman Power Sales Contract with the Kansas Municipal Energy Agency dated December 1, 1982, be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Amendment to Nearman Power Sales Agreement

Commissioner Lantis made a motion that the first amendment to the Neaman Power Sales Agreement Contract, dated December 1, 1982 be approved. The motion was seconded by Commissioner Heathman. It was explained that the First Amendment to the Power Sales Contract extends the original contract for five years or for a total of 20 years. The City of Ottawa however may opt to terminate the contract at the end of the 15 year period with a 3 year advance notice to the Kansas Municipal Energy Agency. If the City of Ottawa should decide to terminate the contract at the end of 15 years with a 3 year advance notice, the monthly payment to the Kansas Municipal Energy Agency would increase for the final three years of the contract. Upon call for the question all present

voted in favor of the motion.

Amendatory Agreement No. 1 to the Municipal Participation Agreement

Commissioner Heathman made a motion that the Amendatory Agreement to the Municipal Participation Agreement dated June 1, 1980, between the Kansas City Power and Light Co. and the City of Ottawa be approved. The motion was seconded by Commissioner Gillette.

The Agreement sets forth that under certain conditions the Kansas City Power and Light Company will furnish firm power for the City of Ottawa. Upon call for the question, all present voted in favor of the motion.

Policy Statement for Disadvantaged Business Enterprise Program

Commissioner Heathman made a motion that the policy statement for Disadvantaged Business Enterprise Programs be adopted as submitted. The motion was seconded by Commissioner Lantis. The policy sets forth that the successful bidder for contracts for transportation purposes within the City of Ottawa must pursue the utilization of disadvantaged business enterprises for materials and services. The City Manager is designated as responsible for administering the City's Disadvantaged Business Enterprise Program. Upon call for the question all present voted in favor of the motion.

Resolution No. 478-89 - Requesting a Waiver from Fixed Asset Accounting

Mr. Lantis made a motion that a resolution requesting a waiver from Fixed Asset Accounting and Reporting for the calendar year 1988 be approved, the motion was seconded by Commissioner Heathman. The resolution after being passed and adopted is to be sent to the Kansas Director of Division of Accounts and Reports, whereby the City of Ottawa may be excused from the Fixed Asset Accounting requirement. Upon call for the question all present voted in favor of the motion.

Swimming Pool Lease Agreement

Commissioner Heathman made a motion that the agreement between the City of Ottawa and the Ottawa Recreation Commission for the use of Forest Park Swimming Pool, 1989 season, be approved. The motion was seconded by Commissioner Gillette. The Swimming Pool Lease Agreement is the same as was acted upon in 1988, except that there is a clause inserted into the agreement this year which states, the lease shall also be responsible for the repair and maintenance cost, if an employee of the Ottawa Recreation Commission by wanton negligence or by intentional action damages any part of the swimming pool facility. Upon call for the question all present

voted in favor of the motion.

Annual Agreement with Ottawa Recreation Commission for use of
Softball and Baseball Facilities

Commissioner Gillette made a motion that an agreement between the City of Ottawa and the Ottawa Recreation Commission for the use of the Softball and Baseball Facilities for the 1989 season be approved. The motion was seconded by Commissioner Heathman. The agreement is the same as the agreement which was approved last year, except the 1989 agreement further states the lessee shall also be responsible for the repair and maintenance cost if an employee of the Ottawa Recreation Commission by wanton negligence or by intentional action damages any part of the baseball, softball facilities. Upon call for the question all present voted in favor of the question.

Ratification of Mayoral and Governing Body Appointments to
the City Boards and Commissions

Mayor Fogle proceeded to make appointments to the various boards and commissions of the City as follows: Library Board, for a term of 4 years, Alice Jo DeFries, replacing Virginia Loyd and Bruce Prentice replacing Sam Sheldon. Planning Commission, for a term of 3 years, John Ellena and Liz Reusch, reappointed and Raymond Carey replacing Fred Searls. Recreation Commission, for a term of 4 years, Kelli Beets, replacing Richard Jackson. Auditorium Authority, for a term of 3 years, Dewey Cook, replacing Mike Cornwell and the reappointment of Stan DeFries. Board of Zoning Appeals, for a term of 3 years, Jess Gilmore replacing Leonard Larson. Board of Contractor Examiners, for a term of 1 year, William Leib, and for a term of 2 years E. V. Skidmore and Kenneth Morton. Board of Plumber Examiners, for a term of 1 year, Bud Elder and for a term of 2 years, Ray Dean Steanson and Leonard Hoopes. Electrical Examiners, for a term of 1 year, Bob Haas, and for a term of 2 years Willis Gibson and Richard Carlson. Band Committee, for a term of 1 year, Stan DeFries replacing David Ludwick and reappointing Bill Butler, Carl E Lammers, George Kramer and Luther Stevens. The United Way of Franklin County, for a term of 2 years Deanna Fox and Jeff Peabody, replacing Stan DeFries and Randy Wetmore. KMEA Board of Directors, for a term of 3 years, John Clark, replacing George Marstall, and Dan Fogle for a term of 1 year. Commissioner Lantis made a motion that the Governing Body ratify the Mayoral and Governing Body appointments, the motion was seconded by Commissioner Heathman. Upon call for discussion, Beatrice Schmidt appeared before the governing body and asked that the Governing Body reconsider the appointment of Kelli Beets to the Recreation Commission. Ms. Schmidt stated she thought Kelli Beets was a very appropriate appointment in the area of recreation but that in considering the entire makeup of the Recreation Commission she felt someone needed to be appointed to that group that was marketing oriented. Upon call for the question all present voted in favor of the motion.

Report of Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, May 2, 1989 at 7:00 P.M. in City Hall. Present: Members Reusch, Hendrix, Todd, Chairman Searls, Woolman and Reynolds. Absent: Member Ellena.

The minutes of the last meeting held April 4, 1989 were approved as written by a 6-0 vote.

The Planning Commission Continued the Public Hearing on the 1989 update to the Capital Improvement Program.

A Public Hearing was held to consider changes to the City of Ottawa Sign Ordinance and changes were recommended by a 6-0 vote.

The Planning Commission Called a Public Hearing to Establish Overlay Zone areas, to be held at there June Meeting.

There being no further business, the meeting was adjourned.

Commissioner Heathman made a motion that the Report of the Planning Commission be accepted and approved. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Review of City Investment Schedule

Commissioner Heathman made a motion that the Schedule of Investments existing as of April 30, 1989, which indicates a total of \$5,200,000.00 invested at an annual average interest of 9.22% be approved and was seconded by Commissioner Lantis and all present voted in favor of the motion.

Governing Body Agenda

Mayor Fogle announced that from the information he had read and received that as a result of the additional tax on gasoline which will go into effect July 1989, the City of Ottawa should be receiving an additional \$100,000 per year which is for street purposes. Mayor Fogle made this point as a result of the City lessening the transfer to the Street Rehabilitation Fund by \$150,000 per year for the next 2 year. Mayor Fogle then announced that he would be at City Hall in the City Commission room this coming Saturday, from 10 A.M. to 12 Noon to talk to any citizen about any problem they wish to present.

Business From Guest

Mr. Bill Egidy appeared before the City Commission stating that the City must return the cars they removed from his business a few months ago or he will secure a lawyer and bring suit against the

City. Mr. Egidy stated that he had been denied a jury trial and that he was denied the services of an attorney.

Mr. Aubrey Ponton appeared before the City Commission asking that further development be scheduled for the Sunnyside Addition. Mr. Ponton stated that the sewers were put in place in this area about a year ago, which he and others are paying for at this time, but they need water lines and need Funston Street open. The City Commission indicated that they would have the City Manager look into the situation.

Mrs. Freda Hughes appeared before the City Commission objecting to the fact that the City is purchasing Uniform Apparel for the ladies at City Hall and in the Dept. of Public Safety from an out of town vendor. Mrs. Hughes stated she had shown apparel to the employees on occasion but had been unsuccessful in having her apparel purchased by the City for the lady employees at City Hall and Dept. of Public Safety. Mrs. Hughes stated she objected to our tax dollars being spent outside the City of Ottawa and outside of the State of Kansas, and that she had been denied access to the billing or the prices for the apparel they purchased. Commissioner Gillette indicated that the City Commission would get an answer for Mrs. Hughes.

City Manager's Agenda

The City Manager asked that the City Commission name the official city newspaper for the coming year. Commissioner Heathman made a motion that the Ottawa Herald be named the official city newspaper for the coming year. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Adjournment

There being no further business the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year.



Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - May 17, 1989

The City Governing Body met in regular session at 9:35 A.M. this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette, and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Earl Zimmerman, of the Faith Lutheran Church.

Approval of Minutes

The minutes of the last regular meeting which was held May 3, 1989 were approved as written.

Proclamation - Special Olympics Torch Run Week

Mayor Fogle read a proclamation proclaiming the week of May 29, 1989 as Special Olympics Torch Run Week. Officer Mark Pacheco of the Department of Public Safety, who is in charge of the Special Olympics Torch Run for the Department of Public Safety was present for the reading. Commissioner Heathman made a motion that the proclamation proclaiming the week of May 29, 1989 as Special Olympics Torch Run Week be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Public Hearing on Kreitler Roller, Inc. - Request for Tax Abatement

Mayor Fogle opened the hearing and asked for discussion on the issue. The Assistant City Attorney Bob Bezek opened the discussion by stating: It had recently been discovered that tax abatements for Economic Development purposes will apply only to lands and buildings that have an exclusive use, and further that lands and buildings that may be leased from a parent company and individual or an individual stock holder of the company may not qualify for a tax abatement. The reason for this being is, lands that are leased would be used not only for manufacturing or another purposes but that the lease itself would be for a profit motive by the owner of the land. Mr. Bezek did state however that he felt it would be up to the Board of Tax Appeals to make that determination and that there is presently a case before the Kansas Supreme Court to decide this issue.

It was pointed out to Mr. Kreitler owner of Kreitler Inc., that his application for tax abatement indicated Al Kreitler Custom Roller Inc. was the owner of the business and that Al Kreitler was owner of the land. Mr. Kreitler was in disagreement with this, stating the land was also in the name of Al Kreitler Custom Roller Inc., even though his application did not indicate such.

Mr. Bob Green Attorney, appeared before the City Commission stating that he was not representing Mr. Kreitler but was representing Designer

Products Inc., which will come before the City Commission in June requesting a tax abatement for economic development purposes. Mr. Green stated, that his client Designer Products Inc., was told and promised they would have a tax abatement for their property and he felt the City Commission should honor that which Designer Products had been told and promised. Mr. Green further stated that Designer Products has been told and promised the tax abatement by Mr. Bob Whitworth, Executive Director of the Ottawa Chamber of Commerce. Mr. Green further stated that Mr. Whitworth could be considered an agent for the City in as much as the City of Ottawa gives money to the Chamber of Commerce each year to help support their budget.

Mr. Bezek answered Mr. Green, stating the fact that the City of Ottawa gives money to the Ottawa Chamber of Commerce each year to support their budget, does not infer that Mr. Whitworth is an agent of the City. Mr. Bezek further stated the only agents for the City were the elected officials and the City Manager.

Mayor Fogle then read from Resolution No. 448-87 of the City, which sets forth the policy for Tax Abatements for Economic Development, a portion of Section 7, which states that a payment in lieu of taxes must be made in the event a tax abatement is given and further sets forth the method of payment in lieu of taxes.

Mr. Lantis then read from Section 18, of the Economic Development Policy Resolution, which states that no elected or appointed officer, employer or committee of the City and no Chamber of Commerce Board, Development Council or other public or private body or individual shall be authorized to speak for and commit the Governing Body of the City of Ottawa to the granting of a tax exemption incentive.

The City Manager reported that the City has complied with the Economic Development Grant Agreement with Al Kreitler Custom Rollers Inc., Dated April 10, 1988, by paying \$7,934.28 on the first 12 monthly mortgage payments for the purchase of property, paid \$7,500 for moving expenses and paid for a "buy down" on interest rate for Mr. Kreitler to purchase equipment.

Commissioner Gillette made a motion the hearing be closed, the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Determination of Tax Abatement for Al Kreitler Custom Rollers Inc.

Commissioner Gillette made a motion that the City Commission grant Al Kreitler Custom Roller Inc., a 50 percent tax abatement for a period of ten years, based on the taxes assessed against the property in 1988. The motion was seconded by Commissioner Calliham.

Commissioner Lantis then made a motion that Commissioner Gillette's motion be amended to state that Mr. Kreitler must apply annually for the renewal of his tax abatement as set forth in Resolution No. 448-87. The motion was seconded by Commissioner Heathman, upon call for the

question on the amendment all present voted in favor of the motion. Upon call for the question on the motion as amended, all present voted in favor of the motion.

Commitment of City Funds for Signalization Project

Commissioner Heathman made a motion that the City of Ottawa commit funds in the amount of \$24,840.00 for the Signalization Project at 23 Street and U. S. Highway 59, Project No. 59-30K-3639-01 and that the Mayor be authorized to sign the necessary documents.

The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Ordinance No. 2910-89 Amending Sign Regulations

Commissioner Gillette made a motion that an Ordinance amending and modifying Ordinance No. 2826-86 Article 22, Regulating Signs be passed. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Ordinance No. 2911-89 - Bicycles and Skate Boards on Sidewalks

Commissioner Calliham made a motion that an Ordinance providing certain deletions amendments and substitutions in Article 2 of Chapter 13 of the Municipal Code of the City of Ottawa, Kansas 1982, relating to Traffic Parking Rules and Regulations and providing for incorporation of said deletions, amendments and substitutions into the Municipal Code of the City of Ottawa Kansas 1982 be passed. The motion was seconded by Commissioner Heathman. This amendment to the Municipal Code prohibits the riding of bicycles and skate boards on the sidewalk abutting Main Street between First St. and Fifth St. Upon call for the question all present voted in favor of the motion.

Cereal Malt Beverage License - Country Mart

Commissioner Heathman made a motion that an application for Cereal Malt Beverage License for Country Mart, located at 2138 Princeton Circle, Steven W. Silverman, Manager, for package sales only be approved. The motion was seconded by Commissioner Lantis and upon call for the question all present voted in favor of the motion except Commissioner Calliham who voted opposing the motion.

Public Agenda

Mr. Ray Meyers, Chairman of the Chamber of Commerce, Board of Directors, appeared before the City Commission requesting that the City Governing Body give all consideration to the retention and acquisition of jobs for the City of Ottawa. Mr. Earl Devore appeared following Mr. Meyers on the same subject. Mr. Devore additionally requested that the Governing Body give serious consideration to the request of the Laich Corp. concerning their attempt to purchase the old Commodore Bldg. and

start a plastics molding business. The Laich Corp., is requesting a complete abatement of taxes for a period of 10 years, with a payment in lieu of taxes for the last five years of the tax abatement, in the amount of \$12,000 per year. The Laich Corp., is also requesting funds in the amount of approximately \$155,000.00 to help refurbish the building and improve the parking facilities. Mr. Devore stated that the new plant would initially employ 100 people. As a result of the ensuing discussions concerning the requested tax abatement and financial help in refurbishment, it was the majority consensus of the City Commission that they would consider the complete tax abatement for 10 years as requested with a \$15,000 per year payment in lieu of taxes for the last five years of the 10 year period. It was also a majority consensus of the City Commission that Laich Industries could be awarded the remaining \$35,000 of the Economic Development Monies for 1989 and be given serious consideration for the award for additional monies in 1990. A letter of intent to Laich Corp. which has been written but not yet mailed is to be rewritten, reflecting the majority consensus indicated today.

Adjournment

Their being no further business the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - May 25, 1989

The City Governing Body met in Special Session at 11:30 A.M. this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette, and Lantis, absent none.

The purpose of this meeting was to discuss the rerouting of traffic on Main Street for the shooting of scenes for the movie Crossfire and for considering the petition and resolutions for street improvements between US Highway 59 south and US Highway 59 north. The Governing Body proceeded to consider the plan for rerouting traffic on Main Street from 2nd Street to 5th Street. The plan for rerouting traffic will prohibit most traffic on Main Street and all traffic on Main Street between Third and Fourth as well as restrict parking in certain areas. The northbound traffic on Main Street would be rerouted to Cedar Street and the south bound traffic would be rerouted to Walnut Street. The shooting of scenes for the movie is scheduled to be held on Tuesday May 30, 1989.

Commissioner Lantis made a motion that the traffic rerouting plans for Tuesday, May 30, 1989, from Main Street to Side Streets be approved as proposed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Resolution No. 479-89

The Governing Body proceeded to consider a resolution making findings as to the advisability of constructing East 21st Street Terrace from US 59 south to US 59 north. The estimated probable cost of the improvement is \$130,000 with the benefit district paying \$46,500 towards the acquisition of land and the City paying \$10,000 towards the acquisition of land. The engineering and construction of the project is to be paid 60 percent by the benefit district and 40 percent by the City at large. The maximum cost for the City at large would be \$10,000 for land acquisition and \$29,400 for engineering and construction.

Commissioner Gillette made a motion that the petition submitted requesting the improvement be found sufficient based upon the opinion of the Attorney and a resolution making findings as to the advisability of the project be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Resolution No. 480-89 Directing and Ordering the Construction of East 21st Street Terrace

A resolution directing and ordering the creating, acquisition and construction of East 21st Street from the easterly line of the existing pavement of US Highway 59 southbound to the west line of

the existing pavement of US 59 northbound in said street being located upon and across a part of Lot 46 County Clerks Subdivision No. 1 in the City of Ottawa, Franklin County, Kansas was considered.

Commissioner Calliham made a motion that a resolution directing and ordering the creating, acquisition and construction of East 21st Street Terrace from the easterly line of the existing pavement of US Highway 59 southbound to the west line of the existing pavement of US Highway 59 northbound and said street being located upon and across a part of Lot 46, County Clerks Subdivision No. 1, in the City of Ottawa, Franklin County, Kansas be approved. The estimated probable cost being \$130,000. The motion was seconded by Commissioner Heathman, and all present voted in favor of the motion.

Adjournment

The business for which this meeting was called having been completed the meeting was adjourned.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - June 7, 1989

The City Governing Body met in regular session at 7:00 P.M. this date; Present Mayor Fogle, Commissioners, Heathman, and Lantis, absent Commissioner Calliham, Gillette and City Clerk Pete Smith. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. Phil Stone, area minister.

Approval of Minutes

The minutes of the last regular meeting of May 17, 1989 and the Special Call meeting of May 25, 1989 were approved as written.

Ottawa Jaycees Request to use Forest Park, July 4, 1989

Gary Olson Vice President of the Ottawa Jaycees requested permission for the organization to use Forest Park for their annual Fourth of July Celebration. Commissioner Heathman questioned if the Jaycees would obtain their own liability insurance? Mr. Olson replied they would. Commissioner Heathman then made the motion the request of the Ottawa Jaycees to use Forest Park on July 4, 1989 be approved. Commissioner Lantis seconded the motion and all present voted in favor of the motion.

Resolution 481-81 Consider Resolution Establishing Krietler Roller Tax Exemption

Attorney Bob Bezek stated: Upon the recommendation of The Board of Tax Appeals the City Commission adopt the resolution for the necessity of granting the Tax Abatement.

Commissioner Lantis made a motion to adopt the resolution for the necessity of granting the Tax Abatement. Commissioner Heathman seconded the motion and all present voted in favor of the motion.

Ordinance No. 2912-89 - Krietler Roller Tax Exemption

Attorney Bob Bezek explained the abatement would last 10 years and that Mr. Krietler need not apply each year, but the abatement could be revoked by the Commission if Krietler Rollers failed to keep up their part of the agreement.

Commissioner Lantis made the motion that Ordinance No. 2912-89 Establishing Krietler Roller Tax Exemption be approved. The motion was 2nd by Commissioner Heathman and all present voted in favor of the motion.

Consider Recommendation of the Review Committee Regarding Tax

Exemption Request made on Parmelee Products

City Manager Randy Wetmore explained the Review Committee has reviewed the request and is recommending the request on Parmelee Products be made. Commissioner Heathman made the motion to consider the recommendation of the Review Committee, regarding the tax exemption request made on Parmelee Products be approved. Commissioner Lantis seconded the motion. Upon call for the question all voted in favor of the motion.

Consider Setting June 21, 1989 as Public Hearing Date to consider Tax Exemption Request made by Parmelee Products

Commissioner Lantis made the motion to hold a public hearing June 21, 1989, to consider tax exemption request made by Parmelee Products. Commissioner Heathman seconded the motion. Upon call for the question all voted in favor of the motion.

Consider Recommendation of the Review Committee Regarding Tax Exemption Request made on Designer Products

City Manager Randy Wetmore explained the Review Committee has reviewed the request and is recommending the request on Designer Products be made. Commissioner Heathman made the motion to consider the recommendation of the Review Committee, regarding the tax exemption request made on Designer Products be approved. Commissioner Lantis seconded the motion. Upon call for the question all voted in favor of the motion.

Consider Setting June 21, 1989 as Public Hearing Date to consider Tax Exemption Request made by Designer Products

Commissioner Lantis made the motion to hold a Public Hearing June 21, 1989, to consider tax exemption request made by Designer Products. Commissioner Heathman seconded the motion. Upon call for the question all voted in favor of the motion.

Resolution No. 482-89 Instituting State Water Protection Fee

City Manager Randy Wetmore explained, the State Water Protection Fee is necessary for the City to be in compliance with the new state law, requiring 2.2 cents per 100 cubic foot of water sold for financing the plan. This fee goes into effect July 1, 1989.

Commissioner Heathman made the motion to enact Resolution No. 482-89 Instituting the State Water Protection Fee, the motion was 2nd by Commissioner Lantis. Upon call for the question all voted in favor of the motion.

Cereal Malt Beverage License - Danny's II

Commissioner Lantis made the motion to approve application for Cereal Malt Beverage License as submitted by Danny's II, 304 E.

Logan, Linda Oglesby Manager, for package sales only be approved. Commissioner Heathman seconded the motion and all present voted in favor of the motion.

Receive report from City Planning Commission

The City Planning Commission met in regular session on Tuesday, June 6, 1989 at 7:00 P.M. in City Hall. Present: Members Reusch, Hendrix, Todd, Carey, Woolman, Reynolds and Ellena.

The minutes of the last meeting held May 2, 1989 were approved as written by a 7-0 vote.

The Planning Commission reorganized at this meeting by electing member John Ellena as Chairman, member Joyce Hendrix as Vice-Chairman and James Shaw as Secretary.

The Planning Commission voted 7-0 to recommend the area from 1st St. to 7th St. between Oak St. and Cherry St. as an Overlay Zone area.

The Planning Commission also called a Public Hearing to amend the front yard setback requirements in Districts (R) single family, (R-1) single family and (R-2) multifamily, this was approved by a 7-0 vote.

The July, Planning Commission Meeting date was changed to the 11th day of July, because of the July 4th Holiday, this was approved by a 7-0 vote.

There being no further business, the meeting was adjourned.

Investment Schedule

The schedule of investments existing as of May 31, 1989 indicated a total of \$4,700,000 invested at an average annual rate of 9.29%. Commissioner Heathman made a motion that the schedule of investments as of May 31, 1989, indicating a total of \$4,700,000 invested at an average annual interest rate of 9.29% be approved. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Public Agenda

Wanda Shields stated she had previously requested information as to the possibility of reducing utility rates, mainly the electric rates. Mayor Fogle stated he had not studied this as much as he should have, but added the City of Ottawa was under contract at this time and not much can be done.

Gary Olson addressed the City Commission requesting information about converting the current street signs to regular upright signs. Mayor Fogle mentioned this had been discussed at the

Monday Study Session, Mayor Fogle further stated the City was short on Street Rehabilitation Funds and it had been decided to postpone this project until next year. Mr. Olson requested cost figures, Mayor Fogle stated the estimated cost would be between thirty and forty thousand dollars.

Mark Morrisy addressed the City Commission and repeated the request of the Auditorium Authority which was made at the June 5, 1989 Study Session. The request is as follows: The Auditorium Authority would like to be allowed to use the money from the Auditorium Reserve Fund for a new heating and cooling system in the auditorium basement. Mr. Morrisy stated the Auditorium Authority felt the attendance to the bingo games would decline with the summer heat if the basement was not made more comfortable.

Commissioner Lantis stated this was a fund for repair and if allowed the Commission would be changing the rules for the fund.

Mayor Fogle was concerned about the Auditorium Authority's ability to repay the fund. Mr. Morrisy stated the fund would be repaid within three years, Mayor Fogle suggested 18 months.

Mr. Morrisy suggested air conditioning would draw more bingo players and the games could possibly be extended to 2 evenings a week, therefore improving repayment time.

Because of the absence of Commissioners Calliham and Gillette this discussion will be continued at the June 21, 1989 meeting.

Adjournment

The business for which this meeting was called having been completed the meeting was adjourned.

Orlin W. Smith, Deputy
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - June 19, 1989

The City Governing Body met in Special Session at 3 P.M. this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette, and Lantis, absent none.

The purpose of this meeting was to receive bids for the sale of General Obligations Bonds in the amount of \$571,184.00 and to pass an ordinance and resolution authorizing the sale of said bonds.

Mayor Fogle called the meeting to order at 3 P.M. whereby the City Clerk was instructed to proceed reading the bids for the sale of the General Obligation Bonds. The bids received are as follows: Stern Bros. & Co., Kansas City, MO, net interest cost \$244,342.57, average annual interest rate 6.487122 percent, United Missouri Bank, Kansas City, MO, net interest cost \$245,006.29, average annual interest rate 6.504744 percent, George K. Baum Inc., Kansas City, MO, net interest cost, \$247,151.29, average annual interest rate 6.561692 percent, Commerce Bank of Kansas City, MO, interest cost to maturity in the amount of \$247,192.74, with a premium of \$57.60 leaving a net interest cost of \$247,135.14, average annual interest rate of 6.561263 percent, Bank IV, Wichita KS, net interest cost \$247,434.63, average annual interest rate 6.5692 percent, Country Club of Kansas City, MO, net interest cost \$248,989.41, average annual interest rate of 6.610493 percent, Shearson Lehman Hutton, Omaha, Ne, total interest cost to maturity, \$249,137.88, with a premium of \$310.92, leaving a net interest cost of \$248,826.96, average annual interest rate of 6.60617 percent, The Kansas State Bank of Ottawa KS, total interest cost to maturity of \$263,660.60, with a premium of \$9.00 leaving a net interest cost of \$263,651.60, with an average annual interest rate of 6.9997 percent, this concluded the reading of the bids. It was determined that Stern Bros. of Kansas City, Mo., with a net interest cost of \$244,342.57 and an average annual interest rate of 6.487122 percent was the apparent low bidder.

Commissioner Calliham made a motion that the sale of the bonds be awarded to Stern Bros. of Kansas City, MO, with a net interest cost of \$244,342.57 and an average annual interest rate of 6.487122 percent, subject to verification of the accuracy of their bid, the motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Ordinance No. 2913-89 Authorizing Issuance of Bonds

Commissioner Gillette made a motion that an ordinance authorizing the issuance and delivery of \$571,184.00 principal amount of General Obligation Street, Sewer and Parking Lot Improvement Bond, Series A 1989, City of Ottawa, Kansas, for the purpose of paying the cost of certain streets, parking lot and sewer improvements

and 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 be passed. The motion was seconded by Commissioner Heathman and upon call for the question all present voted in favor of the motion.

Resolution No. 483-89

Commissioner Lantis made a motion that a resolution prescribing the form and details of and authorizing the delivery of \$571,184.00 principal amount of General Obligation Street, Sewer and Parking Lot Improvement Bonds, Series A 1989, of the City of Ottawa Kansas, previously authorized by Ordinance No. 2913-89 of The City of Ottawa and making certain covenants with respect hereto be passed, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Mayor Fogle then called the meeting recessed until the accuracy of the apparent low bid could be confirmed. Mayor Fogle reconvened the meeting whereby the City Clerk reported the accuracy of the apparent low bidder, Stern Bros. Inc., of Kansas City, MO had been confirmed and there would be no further action by the City Commission necessary.

Adjournment

The business for which this meeting was called having been completed the meeting was adjourned.



Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - June 21, 1989

The City Governing Body met in regular session at 9:35 A.M. this date; Present Mayor Fogle, Commissioners Lantis, Gillette, and Calliham, absent Commissioner Heathman. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. Don Richardson, of the First Christian Church of Ottawa.

Approval of Minutes

The minutes of the last regular meeting of June 7, 1989 were approved as written.

Public Hearing - Issuance of Industrial Revenue Bonds

Mayor Fogle opened the hearing stating that the purpose of the hearing is to receive comments concerning the issuance of \$1,500,000 in Industrial Revenue Bonds in the name of Walter and Karen Laich, for Laich Industries Corp. There were no comments concerning the issuance of the above referenced revenue bonds, either by the City Commission or by those in attendance.

Commissioner Lantis made a motion the public hearing be closed, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Resolution 484-89 - Issuance of Industrial Revenue Bonds

Commissioner Gillette made a motion that a resolution approving a project for Laich Industries Corporation an Ohio Corporation and determining that the City of Ottawa, Kansas will issue its Industrial Revenue Bonds in an amount not to exceed \$1,500,000 for the purpose of financing the cost of acquiring, constructing and renovating a project for manufacturing purposes, including real estate, buildings and improvements be approved. The motion was seconded by Commissioner Lantis. Commissioner Gillette then made a motion that the original motion be amended to reflect that the resolution as being passed for the Industrial Revenue Bonds to be issued at the request of Walter and Karen Laich. The motion was seconded by Commissioner Lantis, upon call for the question to approve the amendment, all present voted in favor of the motion. Upon call for the question on the motion as amended all present voted in favor of the motion.

Request of the Retail Trade Committee of the Ottawa Chamber of Commerce

The Retail Trade Committee of the Ottawa Chamber of Commerce

request permission to use the sidewalks for merchandise display at a sidewalk sale to be held, July 15, 1989. The hours of the sale are to be 6 AM to 5 PM, the request also includes the closing of Main Street between 2nd and 5th Streets. It was discussed that prior requests for the annual sidewalk sale had requested the closing of Main Street from 2nd to 4th Street, but this year it is being expanded one block further south, it was further stated the cross streets across Main St. in this area will remain open.

Commissioner Calliham made a motion that the request of the Retail Committee of the Ottawa Chamber of Commerce to hold a sidewalk sale and close a portion of Main Street, on July 15, 1989, between the hours 6 AM and 5 PM be approved. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Public Hearing - Tax Exemption Request for Designer Products

Mayor Fogle called upon Mr. Bob Whitworth Executive Director of the Chamber of Commerce to comment on discussions with potential industries concerning the possibilities of their locating in the City of Ottawa. Mr. Whitworth started by saying that he has many conversations with industrial prospects looking at the City of Ottawa for possible plant locations, and in outlining the numerous things that are discussed with industrial prospects, Mr. Whitworth stated it is always mentioned that tax abatements are available in the City, but at no time does he ever inform a prospect that they will receive a tax abatement or to what extent a tax abatement may be. Mr. Jerry Thompson former president of the OFCED also stated that he has visited with many industrial prospects and again it is mentioned that tax abatements are available but at no time had he ever told anyone that a tax abatement would be given or the amount or the percentage of the abatement. Mr. Bob Green representing Designer Products Inc. appeared before the City Commission stating, his client had moved his operation to the City of Ottawa fully expecting a 100 percent tax abatement but that due to recent disclosures it is very evident that his client will not receive a 100 percent abatement of taxes. Mr. Green asked at this time that his client be abated taxes on all personal property for a period of 10 years and that his client be abated all real estate for a period of five years paying the full tax levied for an additional 5 years. It was discussed at this time that the proposal made by the City Commission on tax abatement is very similar to the one requested by Mr. Green, except that his client would not pay real estate taxes for the first 2 years and then have a graduated scale of real estate taxes for the next 8 years. Commissioner Calliham then made a motion that the public hearing be closed, the motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Resolution No. 485-89 - Declaring a need for Tax Exemption

Commissioner Lantis made a motion that a resolution declaring the need and necessity to exempt from Advalorem Taxation all of the appraised valuation of buildings together with land upon which buildings are located and all tangible personal property associated there with of certain property located in the City of Ottawa, Franklin County, Kansas and allowing a payment in lieu of tax. The resolution sets forth that all personal property will be exempt from taxation for a period of 10 years and that all real property will be exempted from taxation for 10 years with the following payment in lieu of taxes. The first 2 years of the 10 year exemption no payment in lieu of taxes will be made, the 3rd year a 50 percent payment will be made, the 4th year a 60 percent payment will be made, the 5th year a 70 percent payment will be made, the 6th year an 80 percent payment will be made, the 7th year a 90 percent payment will be made, and the 8th, 9th and 10th years a 100 percent payment will be made. The motion was seconded by Commissioner Calliham. Upon call for the question all present voted in favor of the motion. *Note: MRP Gillette voted opposing this* *Abst 104*

Qus. 7-5-89

Ordinance No. 2914-89 - Exempting from Advalorem Taxation

Commissioner Lantis made a motion that an ordinance exempting from Advalorem Taxation all of the appraised valued of buildings together with the land upon which buildings are located and all tangible personal property associated there with of a certain property located in the City of Ottawa, Franklin County Kansas, and allowing a payment in lieu of tax consist of no tax being paid on real estate for years 1 and 2, a 50 percent payment being made in year 3, a 60 percent payment being made in year 4, a 70 percent payment being made in year 5, an 80 percent payment being made in year 6 and a 90 percent payment being made in year 7, with 100 percent payment being made in years 8 thru 10. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Public Hearing - Tax Exemption Request of Parmelee Products

Mr. Terry Meyers appeared in behalf of Parmelee Products stating that they were also quite surprised that they were not going to get a 100 percent tax abatement for 10 years. Mr. Meyers did state however that Parmelee Products was agreeable to the tax abatement as discussed by the City Commission with a payment of \$30,000 in lieu of taxes. Mr. Meyers stated that one concern Parmelee Products has is that, the unknown factor of inventory tax could serve to defeat the tax abatement. Mr. Meyers asked that the City Commission take this into consideration. It was the consensus of the City Commission that if the inventory for a tax should prove to defeat the purpose of the tax abatement, this item could be looked at in the future. Mr. Meyers also asked that the tax abatement be made effective January 1, as opposed to the July 1, as had been discussed. There being no further discussion Commissioner Calliham made a motion that the public hearing be closed, the motion was seconded by Commissioner Gillette and all

present voted in favor of the motion.

Resolution 486-89 - Declaring Need and Necessity for Tax Exemption

Commissioner Gillette made a motion that a resolution declaring the need and necessity to exempt from Advalorem Tax all of the appraised valuation of building together with the land upon which such buildings are located and all tangible personal property associated there with a certain property located in the City of Ottawa, Franklin County, Kansas and allowing for a payment in lieu of taxes, the abatement beginning January 1, 1989, be passed. The motion was seconded by Commissioner Lantis, upon call for the question all present voted in favor of the motion.

Ordinance No. 2915-89 - Exemption from Advalorem Tax - Parmelee Products

Commissioner Calliham made a motion that an ordinance exempting from Advalorem Taxation all of the appraised valuation of buildings together with the land upon which the buildings are located and all tangible personal property associated therewith of certain property located in the City of Ottawa, Franklin County, Kansas, and allowing for a payment in lieu of tax of \$30,000 per year for Parmelee Products be passed. The motion was seconded by Commissioner Gillette. Commissioner Lantis commented that at this time they are not sure of the \$30,000 in lieu of tax figure and that figure might have to be reconsidered in future years. Upon call for the question all present voted in favor of the motion

Ordinance No. 2916-89 - Overlay Zone

The City Governing Body proceeded to consider an Overlay Zone as recommended by the City Planning Commission by resolution. The Overlay Zoning lying between 1st Street and 7th Street, and between Cherry Street and Oak Street.

Commissioner Calliham made a motion that an ordinance establishing a pre-qualified redevelopment overlay zone in the City of Ottawa in accordance with Ordinance No. 2909-89 of the City be passed. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

1989 Capital Improvement Program

The Governing Body proceeded to considered the six year Capital Improvement Program as presented and approved by the City Planning Commission. It was discussed that the six year Capital Improvement Program does not necessarily commit the City to any capital improvements contained therein.

Commissioner Gillette made a motion that the six year Capital Improvement Program as submitted by the Planning Commission be

accepted. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Request of Auditorium Authority

The Auditorium Authority had made a prior request to use the funds in the Auditorium Reserve Fund to install air conditioning in the basement of the auditorium however since the Auditorium Authority is pursuing the possibility of purchasing the air conditioning thru a lease purchase program, there was no discussion on this item at this time.

Resolution No. 487-89 - Five Year Extension to Power Purchase Agreement

The Governing Body proceeded to consider a Resolution approving a five year extension to and confirming the obligation to the City under the Nearman Power Sales Contract with the Kansas Municipal Energy Agency as amended by the First Amendment to the Nearman Power Sales Contract.

Commissioner Calliham made a motion to pass a resolution approving a five year extension to and confirming the obligations of the City under the Nearman Power Sales Contract with the Kansas Municipal energy agency as amended by the first amendment to the Nearman Power Sales Contract and to authorize the Mayor to sign the resolution. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Governing Body Agenda

Commissioner Calliham suggested that the City Commission reevaluate the limited parking area in Parking Lot B, which is located at First & Walnut St. in the City of Ottawa. It was pointed out however, that certain parking restricted to time limits was established in that parking lot as a condition for a Retail Appliance Sales Store to locate there. It was the consensus of the City Commission that they would receive some input from the area merchants before considering any changes.

Commissioner Gillette brought up the subject of people cutting grass and throwing their lawn clippings into the street it was suggested by Commissioner Gillette that persons cutting their lawns make the first couple of rounds in mowing, throwing the grass back into the yard and thus alleviating the unsightly condition in the street and the possibility of stopping up the City's storm sewers.

Public Agenda

Mrs. Isabel Hernandez appeared before the City Commission stating she was in favor of keeping the present stone street markers in the City. There has been a recommendation to the City Commission

that street signs be erected on steel post for better visibility. Mrs. Hernandez stated she liked the present stone markers just as they are.

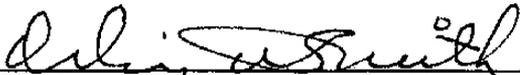
Call for Executive Session

Assistant City Attorney Bob Bezek requested that the City Commission recess to executive session for 15 minutes to discuss litigation, the time being 11:35 AM. Commissioner Calliham made a motion that the City Commission recess to executive session until 11:50 AM to discuss litigation, the motion was seconded by Commissioner Lantis, and all present voted in favor of the motion.

At 11:50 AM Commissioner Calliham made a motion that the City Commission reconvene into regular session, the motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Adjournment

The business having been completed the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk, and will remain so for one year from the date of the meeting. The portion of this meeting concerning tax abatements were very detailed and can be reviewed from the tape in the office of the City Clerk.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - June 26, 1989

The City Governing Body met in Special Session at 3 P.M. this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette, and Lantis, absent none.

The purpose of the special meeting was to award a contract for the construction of sludge de-watering facilities at the Waste Water Treatment Plant and to award a construction contract at the Municipal Airport along with an electrical contract for electrical construction at the airport.

The governing body proceeded to consider the bids for the Waste Water System Improvement, the low bid being submitted by C.A.S. Construction Company of Topeka, Kansas, in the amount of \$194,500, the next low being submitted by the Schwisow Enterprises, Inc. of Beatrice, Neb. for \$219,446 and the third bid being submitted by Clean Water Construction, Inc., of Paola, Kansas, in the amount of \$247,662, the Engineers Estimate for the improvement was \$175,000. It was reported by the City Manager, that the City and the consulting engineers have negotiated with C.A.S. Construction Inc., the low bidder for deletion and modification of certain items within the specification for the bid which will lower the price of the construction to \$172,850, which is below the engineers estimate. It was explained that the items which had been deleted or modified would not materially effect the effectiveness of the sludge de-watering facility. Commissioner Heathman made a motion that the contract for the construction of the sludge watering facility be awarded to C.A.S. Construction Inc., of Topeka, Kansas in the amount of \$194,500, the motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Commissioner Lantis made a motion to approve Change Order No. 1 to the foregoing contract where by the total cost of construction will be lowered in the amount of \$21,650 to a total contract price of \$172,850. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

The City Commission then began to consider the bids which were received for Airport Improvements, the only bid received as general contractor for the construction was from LRM of Lawrence, Kansas, in the amount of \$1,098,569.62, the engineers estimate for this construction was \$1,111,227.40.

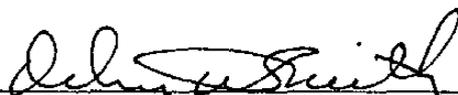
The bids received for electrical construction were from Heckert Const. Co. in the amount of \$45,320.45 and from B & W Construction in the amount of \$55,821. The engineers estimate for the electrical construction was \$61,659.90, Heckert Const. being the low bidder on the bid of \$45,320.45.

Commissioner Gillette made a motion that the bid of LRM of Lawrence, Kansas in the amount of \$1,098,569.62 be accepted and that a contract be awarded to LRM of Lawrence, contingent upon the approval of the Federal Aviation Administration. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion except Mayor Fogle who abstained from voting.

Commissioner Lantis made a motion that the bid of Heckert Construction Co. in the amount of \$45,320.45 be accepted and that a contract be awarded to Heckert Construction for the electrical construction at the Municipal Airport, contingent upon F.A.A. approval. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Adjournment

The business for which this meeting was called having been completed the meeting was adjourned.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - July 5, 1989

The City Governing Body met in regular session at 7:00 P.M. this date; Present Mayor Fogle, Commissioners Calliham, Heathman, Gillette and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. Don Richardson of the First Christian Church of Ottawa.

Approval of Minutes

The minutes of the last regular meeting which was held June 21, 1989 were corrected to reflect that Commissioner Gillette voted opposing the motion for passage of Resolution No. 485-89, the correction appears on page 56.

The minutes of the last regular meeting which was held June 21, 1989 were then approved as corrected and the minutes of the special meetings which were held June 19, 1989 and June 26, 1989 were approved as written.

Request for "Boot Block" at the Intersection of 15th & Main.

The City Governing Body proceeded to consider a request of the Leukemia Society of America for a "Boot Block" at the intersection of 15th & Main, on August 5, 1989, from Eleven AM to One PM and from Five PM to Eight PM. The letter stated that the Pizza Hut Restaurants participate in the "Boot Block" in collecting money for the Leukemia Society and that persons from the local Pizza Hut Restaurant would be manning the "Boot Block".

Commissioner Calliham made a motion that the request of the Leukemia Society of America to hold a "Boot Block" at the intersection of 15th & Main, on August 5, 1989, between the hours from Eleven AM to One PM and from Five PM to Eight PM, and to be manned by persons from the Pizza Hut Restaurant be approved, the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Award Contract for KLINK Highway Improvement Project

The City Governing Body received a recommendation from Cook, Flatt and Stobel, Consulting Engineers, that a contract be awarded to Killough, Inc. for KLINK Project 6830U-123301 for an overlay of a portion of K-68 Highway from the South end of the Marais Des Cygne Bridge to the West City Limits of the City.

Killough, Inc. submitted the low bid for the project in the amount of \$30,633.60, the other bid received was from LRM Industries for \$36,385.70, the engineer's estimate was \$51,485.00. The letter of Cook, Flatt and Stobel stated, the bids had been checked and they found the contract amounts were correct based upon their

extensions of the line item bid.

Commissioner Gillette made a motion that the City Commission award a contract to Killough, Inc. for the overlay of a portion of K-68 Highway from the South End of the Marais Des Cygne Bridge to the West City Limits, KLINK Project 6830U-123301 in the amount of \$30,633.60. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Consider Report of Investment Status as of June 30, 1989

The report of existing investments as of June 30 1989, reflected a total of \$4,700,000 invested at an average annual interest rate of 8.99 percent. Commissioner Calliham made a motion that the report of existing investments as of June 30, 1989 indicating a total of \$4,700,000 invested at an average annual interest rate of 8.99 percent be approved. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Business from Guests

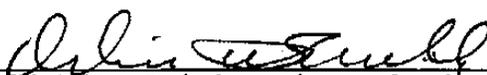
Lela Mae Santarpia representing the Ottawa Pride Committee appeared at the City Commission requesting City Ordinances pertaining to keeping the sight triangle at intersections clear of trees, bushes and other objects be enforced. Mrs. Santarpia stated that keeping the sight triangle at intersections clear would not only improve the vehicular safety but also clean up some unsightly conditions.

Request of City Attorney

City Attorney Bob Bezek requested the City Commission recess to Executive Session for approximately 20 minutes to discuss property acquisition. Commissioner Heathman made a motion that the City Commission recess to Executive Session for 20 minutes to discuss property acquisition, the present time being 7:15 PM. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion. At 7:35 PM Commissioner Lantis made a motion the City Commission Meeting be reconvened, the motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Adjournment

There being no further business to come before the City Commission the meeting was adjourned. The entire text of the open meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - July 19, 1989

The City Governing Body met in regular session at 9:35 A.M. this date: Present Mayor Fogle and Commissioners Calliham, Heathman & Gillette, absent Commissioner Lantis. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Don Richardson, of the First Christian Church of Ottawa.

Approval of Minutes

The minutes of the last regular meeting which was held July 5, 1989, were approved as written.

Request for Parade

The Governing Body proceeded to consider a request for a Veterans Day Parade to be held November 11, 1989 at 1:00 PM to proceed from Forest Park to the City Park. The request was submitted by the local Veterans of Foreign Wars Post.

Commissioner Calliham made a motion that the Veterans of Foreign Wars be permitted to hold a Veterans Day Parade on November 11, 1989, at 1 PM, to proceed from Forest Park to City Park on Main Street. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Resolution No. 488-89 - Annexation

The City Governing Body proceeded to consider a resolution requesting the Franklin County Commission to permit the City of Ottawa to Annex a tract of land which is owned by the Church of Christ at 1207 West 15th St., the land being platted as Lot B, Sunshine Acres. The need for the request from the Franklin County Commission to annex the land is that the land is not contiguous with present City Corporate Boundaries and the County Commission must approve such annexation.

Commissioner Gillette made a motion that a resolution requesting the Board of Franklin County Commissioners to make a finding required by K.S.A. 12-520C allowing the City of Ottawa to annex land not adjoining the City of Ottawa, Franklin County, Kansas, the land being platted as Lot B, Sunshine Acres be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Letter of Intent for Tax Exemption

The City Governing Body proceeded to consider a letter of intent for a 100 percent tax abatement for all equipment, land and buildings for Mid-America Aerospace Corp. The Mid-America Aerospace Corp. proposes to build a manufacturing facility on Lot 8 and 9 in Block B of the Northeast Industrial Park and to

initially employ 100 persons.

Commissioner Heathman made a motion that a letter of intent be issued to Mid-American Aerospace Corp. for a 100 percent tax abatement for 10 years for all equipment to be moved to Ottawa, Kansas to be installed or used in a building to be constructed on on Lots 8 and 9, Block B, Northeast Industrial Park, along with all land and buildings to be built on said real property. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Report of Planning Commission

The City Governing Body received a report of the Planning Commission meeting of July 11, 1989 as follows:

The City Planning Commission met in regular session on Tuesday, July 11, 1989 at 7:00 P.M. in City Hall. Present: Members Reusch, Hendrix, Todd, Carey, Reynolds and Chairman Ellena. Absent: Member Woolman.

The minutes of the last meeting held June 6, 1989 were approved as written by a 6-0 vote.

The Planning Commission Voted 6-0 to amend the front yard setback regulations in districts (R) Single Family, (R-1) Single Family and (R-2) Multifamily.

There being no further business, the meeting was adjourned.

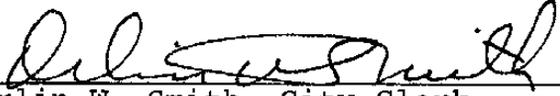
Commissioner Gillette made a motion that the report of the Planning Commission and meeting of July 11, 1989 be accepted and entered into the official record of the City. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Adjournment

There being no further business from the City Commission the City Manager or from the public, Mayor Fogle requested that a motion be made for the City Commission to recess to an executive session for 10 minutes to discuss real estate acquisition. Commissioner Heathman made a motion that the City Governing Body recess to executive session for 10 minutes to discuss real estate acquisition. The motion was seconded by Commissioner Gillette. Upon call for the question all present voted in favor of the motion, the present time being 9:50 AM. At 10:00 AM, Commissioner Heathman made a motion that the City Commission reconvene the meeting, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

There being no further business the meeting was adjourned, the entire text of the meeting is on tape in the office of the City

Clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - August 2, 1989

The City Governing Body met in regular session at 7:00 P.M. this date; Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. William Weber, Calvary Baptist Church, Ottawa, Kansas.

Approval of Minutes

The minutes of the last regular meeting which was held July 19, 1989 were approved as written.

Consider Ordinance - Electing to Bring the City of Ottawa under the Public Employer - Employees Act Requested by AFSCME

Jim Weaver representative from the American Federation of State, County and Municipal Employees Organization, asked the Commission to consider coming under the Public Employer - Employees Act.

Commissioner Lantis made a motion that the City Commission vote "yes" to elect to bring the City under the Public Employer - Employees Act or to vote "no" to elect not to bring the City under the Public Employer Employees Act, the motion was seconded by Commissioner Heathman. Upon call for the question all Commissioners voted no.

Consider Resolution No. 489-89 - Authorizing Acceptance of Grant from the Federal Aviation Administration

Commissioner Heathman made a motion authorizing the acceptance of a grant in the amount of \$1,174,000, from the Federal Aviation Administration, and to authorize City Manager Randy Wetmore to sign the grant on behalf of the City of Ottawa. The motion was seconded by Commissioner Lantis. Upon call for the question all voted in favor of the motion.

Consider Authorizing City Manager to Sign Contract with LRM, Inc. - Airport Project

Commissioner Gillette made a motion to authorize City Manager Randy Wetmore to sign the contract with LRM Industries of Lawrence, in the amount of \$1,098,569.62 for the Airport Project. The motion was seconded by Commissioner Lantis. Upon call for the question all voted in favor of the motion.

Consider Authorizing City Manager to sign contract with Heckert Construction Company - Airport Project

Commissioner Calliham made a motion to authorize City Manager Randy Wetmore to sign the contract with Heckert Construction Co., in the amount of \$45,320.45, for the electrical work Airport Project. The motion was seconded by Commissioner Gillette. Upon call for the question all voted in favor of the motion.

Ordinance No. 2917-89 - Amending Ordinance No. 2713-82 - Front Yard Setbacks

Commissioner Lantis made a motion to pass Ordinance No. 2917-89 amending Ordinance No. 2713-82, Front Yard Setbacks, the motion was seconded by Commissioner Calliham. Upon call for the question all voted in favor of the motion.

Authorizing City Manager to Sign Contract with Killough, Inc. - K-68 KLINK Project

Commissioner Gillette made a motion to authorize City Manager Randy Wetmore to sign the contract with Killough Inc. in the amount of \$36,633.60, for overlay of K-68 Bypass. The motion was seconded by Commissioner Heathman and upon call for the question all voted in favor of the motion.

Appointing Three Voting Delegates and Three Alternates for the League of Municipalities

Commissioner Heathman made a motion to appoint Commissioner Calliham, Lantis and Fogle as voting delegates for the Kansas League of Municipalities and Commissioner Gillette and City Manager Randy Wetmore as alternate voting delegates. The motion was seconded by Commissioner Gillette and upon call for the question all voted in favor of the motion.

Governing Body Agenda

Commissioner Heathman questioned why the Department of Public Safety had included two new 4 x 4 vehicles in their 1990 Budget.

City Manager Randy Wetmore explained, one 4 x 4 would replace the station wagon Capt. Shutt uses, this vehicle does needs more room to carry fire training equipment and also in case of bad weather. The other vehicle would be for use in the event of bad weather and the inability to get to the destination.

Commissioner Heathman also questioned the City's liability at the Department of Safety's new Firing Range, the shooting competition and the cost of ammunition. Commissioner Gillette asked the City Manager to research the matter.

Adjournment

There being no further business to come before the City Commission the meeting was adjourned. The entire text of the meeting is on

tape in the office of the City Clerk and will remain so for one year from the date of the meeting.

Orlin W. Smith
Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - August 8, 1989

The City Governing Body met in Special Session at 3:30 P.M. this date for the purpose of holding a public hearing on the proposed budget for the The City of Ottawa, 1990 and for approval of a budget for 1990: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette, and Lantis, absent none.

Mayor Fogle opened the meeting and stated that the City Commission is now open for comments during the public hearing concerning the proposed 1990 City Budget. Mayor Fogle first called on the City Manager for any comments he might wish to make about the 1990 Budget. The City Manager stated the City is presently budgeting under a Tax Lid Law imposed by the Kansas Legislature that limits the amount of taxes that may be levied for the General Fund, Public Safety Equipment Fund, Library Fund, Auditorium Fund and Highland Fund, to an amount not to exceed that which was levied for the 1989 Budget. The Employee Benefit Fund, Tort Liability Fund and the Bond and Interest Fund do not have a State imposed tax levy limit and the City may continue to levy the amount of taxes to meet obligations. The 1990 Budget is in the amount of \$17,103,745, which is \$179,732 more than the 1989 Budget, which was \$16,925,013 or a (1) percent increase over the 1989 Budget. Contained in the 1990 Budget is \$120,000 for economic development purposes which is presently earmarked for the purchase of additional industrial park area, \$100,000 for a sewer study, the last sewer study having been completed in the late 1960's. The 1990 Budget also contains \$150,000 for an additional electrical distribution circuit. The 1990 Budget also contains a (3) percent cost of living increase for City Employees. Mayor Fogle then called for comments from the audience.

Mr. Tom Gleason representing the Franklin Country Humane Society spoke to the City Commission requesting an increase in allocations to the Humane Society of \$12,000, whereby there allocation would go from \$14,500 to \$26,500. Mr. Gleason stated that under agreement the Humane Society acts as Dog Pound for the City of Ottawa, and the equipment at the Humane Society is such that upgrading is needed to continue to operate at its present level. Mr. Gleason spoke specifically of the need of extensive repairs or purchase of a new furnace for the disposal of dead animals. Mr. Gleason stated the Humane Society is presently looking into a remodel and rebuilding of the present furnace and to the best of their knowledge a new furnace would cost \$28,000 to \$30,000. It is felt the present furnace could be remodeled and rebuilt for a lesser amount. The possibility of a lease purchase arrangement for procurement of a new animal disposal furnace might be considered. Mr. Gleason felt this might be an acceptable solution to the problem and would work with the City in any manner to achieve the necessary goals.

Mrs. Wanda Durbin spoke before the City Commission stating she had been hopeful that the City Budget could be cut as opposed to even a (1) percent increase over 1989. Mrs. Durbin stated that she thought the City provided too many benefits for its employees and that the Community Utility Promotion Fund should be done away with. The Community Utility Promotion Fund is a fund by which travel for the City Commissioners is paid from as well as promotional items.

Commissioner Heathman then suggested that the City Commission mandate a (10) percent cut in the City's budget in all areas. Commissioner Calliham then stated that he was not in favor of a mandated (10) percent cut in the City Budget, that the City Staff needed some flexibility in their expenditures. The City Manager stated that he and the City Clerk had talked to Dept. Heads recently and it had been requested that all Dept. Heads cut their budgeted expenditures for 1989 by (10) percent, this is hopeful to stem the continuing decrease of Cash Forward from year to year in the General Fund. Mayor Fogel stated he thought the Budget as presented with the (1) percent increase over 1989 was reasonable budget and he was hopeful that certain economies could be realized in the near future, particularly in the area of the Electrical Generation & Distribution System and that all positions within the City should be considered very closely when there is a vacancy to determine if it is actually necessary to replace any particular position.

Commissioner Lantis stated that he was pleased with the City Budget with a (1) percent increase in expenditures over 1989 but there were certain items of expenditures within the budget that he wished to scrutinize more closely and further stated that this being his first year on the City Commission, he was not totally familiar with the City budget and expenditure process.

Commissioner Gillette asked Mrs. Durbin if the City had answered her questions and concerns appropriately and in a satisfactory manner, Mrs. Durbin indicated that we had not.

Commissioner Calliham questioned certain items of expenditure in the City General Fund in the area of paying for Fire Hydrant Rental and for Street Lighting Power, it was explained, a few years ago the City ceased paying for Fire Hydrant Rental and Street Lighting Power as a means to gain revenues for other purposes and that this practice has been reinstated. Commissioner Fogle stated that the reinstatement of these expenditures was at his request and that at some future time he may offer a motion before the City Commission to freeze the transfers from the Water Fund and the Electric Fund either in a dollar amount or a percentage amount, but he would not do so at this time. The City Clerk then explained that the City Commission may approve the Budget in total dollars but the line items expenditures contained in the budget are still flexible and priorities may be changed within.

Commissioner Gillette made a motion that the proposed 1990 Budget in the amount \$ 17,103,745 be accepted and approved in total dollars. The motion was seconded by Commissioner Calliham and upon call for the question all present voted in favor of the motion.

Adjournment

The business for which this meeting was called having been completed the meeting was adjourned, the text of the meeting is on tape in the office of the City Clerk, except for approximately the last (5) minutes of the meeting. The tape will remain on file for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - August 16, 1989

The City Governing Body met in regular session at 9:35 A.M. this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette, and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. William Weber of the Calvary Baptist Church.

Approval of Minutes

The minutes of the last regular meeting which was held August 2, 1989 and the minutes of the special meeting which was held August 8, 1989 were approved as written.

Proclamation - a Rededication of the Struggle Against Poverty

Mayor Fogle read a Proclamation that rededicates the designated organizations and individuals to the continuing war on poverty and to the leadership of Community Action Agencies in advancing this struggle. Commissioner Heathman made a motion that the Proclamation be approved, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Resolution 490-89 - New Tax Exemption Policy

Commissioner Calliham made a motion that a resolution repealing Resolution No. 448-87 in its entirety and replacing it with a new statement of policy and procedures for tax exemption and the incentives for Economic Development for the City of Ottawa, Kansas be passed. The motion was seconded by Commissioner Heathman and upon call for the question all present voted in favor of the motion.

Contract for Street Rehabilitation

The City Governing Body proceeded to consider a contract with Killough Inc. for the 1989 Street Rehabilitation Program. It was discussed by the City Commission that the overlay of 6th Street between Elm and Maple and the overlay of 5th Street between Elm and Locust was being removed from the Street Rehabilitation Program at the request of the property owners. The property owners residing in this area have requested that the present brick streets not be given an asphaltic overlay. The City Manager reported that he had discussed the matter with Killough Inc. and they were agreeable to delete these (2) block of overlay from their contract and still maintain the unit price as set forth in the contract. The City Manager further stated that if two additional blocks were found that needed the overlay this year, they might be substituted for those blocks on Fifth and Sixth Streets.

Commissioner Gillette made a motion that the City Manager be authorized to sign a contract with Killough Inc. for the 1989 Street Rehabilitation Program in the original amount as set forth by the contract and that if (2) additional blocks cannot be found to overlay this year, the amount be reduced by an appropriate figure. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2918-89 - Establishing Site Triangles for Intersections

Commissioner Lantis made a motion that an ordinance amending Section 126 of the Ottawa Standard Traffic Ordinance, by establishing a site triangle that must be kept clear of growth and obstructions at street intersections be passed. The motion was seconded by Commissioner Heathman and upon call for the question all present voted in favor of the motion.

Resolution No. 491-89 - Setting Forth the Time and Place for a Hearing on an Alleged Unsafe Structure

A Resolution setting forth that on the (4)th day of October 1989, a hearing for an alleged unsafe structure at 740 South Sycamore, Ottawa, Franklin County, Kansas was considered. It was discussed that a hearing on this alleged unsafe structure was held a few months ago but that the legal owners of the property could not be found at that time, so now it is necessary to start the proceedings once again.

Commissioner Calliham made a motion that a resolution calling for a hearing on an alleged unsafe structure at 740 South Sycamore, Ottawa, Franklin County, Kansas to be held on the 4th day of October, 1989 be passed. The motion was seconded by Commissioner Gillette and upon call for the question all present voted in favor of the motion.

Resolution 492-89 - Setting the Time and Place for a Hearing on an Alleged Unsafe Structure

A resolution setting forth the time and place for a hearing on an alleged unsafe structure at 206 E. Wilson, Ottawa, Franklin County, Kansas, was considered. Commissioner Heathman made a motion that a resolution calling for a hearing on an Alleged Unsafe Structure, at 206 E. Wilson, Ottawa, Franklin County, Kansas, to be held on the 4th day of October, 1989 be passed. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Authorize the Mayor to Sign a Lease Purchase Agreement - Auditorium Air Conditioning Improvement

~~It was reported by the City Attorney that determination had been~~

made that the Auditorium Authority would be the proper entity to sign the lease purchase agreement for air conditioning. No further action on this item was taken.

Approve Schedule of Investments

The City Clerk reported that the schedule of investments existing as of July 31, 1989 indicated a total of \$5,200,000 invested at an average annual interest rate of 8.62%. Commissioner Heathman made a motion that the investment schedule as presented by the City Clerk be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Governing Body Agenda

Commissioner Lantis stated he felt that the Governing Body should come up with a policy concerning the asphaltic overlay of brick streets. Commissioner Lantis stated that where property owners living on a brick street express a desire not to have the street overlaid with asphalt when it is scheduled to be overlaid, that those persons should be responsible in the future when the street totally breaks down and needs to be replaced. In as much as they have declined to have their street preserved by asphaltic overlay they should be responsible for future replacement of the street. Mr. Lantis further stated, when the City prepares to give a brick street an asphaltic overlay, the City should contact each property owner that lives on the street and the majority of the property owners would determine whether the street would be overlaid or not.

Mr. Glen Bigelow appeared before the City Commission stating that the trees that have been planted on Main Street in the Central Business District are getting large enough that they are beginning to interfere with being able to read traffic signals. The City Manager was instructed to look into this matter.

Adjournment

There being no further business the meeting was adjourned, the entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - August 21, 1989

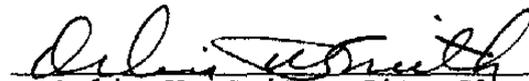
The City Governing Body met in Special Session at 2:00 P.M. this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette, and Lantis, absent none.

The purpose of the meeting is to consider an ordinance authorizing the acquisition of real property for an Industrial Park in Ottawa, Franklin County, Kansas, and for authorizing the issuance of General Obligation Bonds for the payments of the cost thereof.

Mayor Fogle opened the meeting and asked for any comments concerning the ordinance before the Governing Body at this time. It was explained that this ordinance authorizes the City Manager and the City Attorney to acquire real property for one or more Industrial Parks in the City of Ottawa and to pay other costs relative to the acquisition of real property and the development of the real property for industrial purposes. The issuance of either bonds or temporary notes for acquisitions and development cost will require further action of the City Governing Body.

Commissioner Lantis made a motion that an ordinance authorizing the acquisition of real property for an Industrial Park in the City of Ottawa Franklin County, Kansas, and authorizing the issuance of General Obligation Bonds for the payment of cost thereof be passed. The motion was seconded by Commissioner Heathman and upon call for the question all present voted in favor of the motion.

The business for which this meeting was called having been completed the meeting was adjourned, the text of the meeting is on tape in the office of the City Clerk. The tape will remain on file for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - September 6, 1989

The City Governing Body met in regular session at 7:00 P.M. this date; Present Mayor Fogle, Commissioners Calliham, Heathman, Gillette and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. Henry Roberts of the Westminster Presbyterian Church.

Approval of Minutes

The minutes of the last regular meeting which was held August 16, 1989 and the minutes of the special meeting of August 21, 1989, were approved as written.

Ordinance No. 2920-89 - Adoption of the Standard Traffic Ordinance

An ordinance providing for the adoption of the Standard Traffic Ordinance for Kansas Cities, 1989 Edition was considered. Commissioner Gillette made a motion that an ordinance providing certain deletions, amendments and substitutions in Article I of Chapter 13 of the Municipal Code of the City of Ottawa, Kansas 1982, relating to traffic regulations and providing for the incorporation of said deletions, amendments and substitutions into the Municipal Code of the City of Ottawa, Kansas 1982 and repealing Ordinance No. 2893-88 be passed, said ordinance providing for the adoption of the Standard Traffic Ordinance for Kansas Cities 1989 Addition. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance 2921-89 - Annexation

An ordinance providing for the annexation of a tract of land containing 7.5721 acres more or less was considered. The annexation of this tract of land had been considered at a prior meeting by passage of Resolution No. 488-89, requesting the Franklin County Commissioners to make necessary findings for the annexation. At a later date the Franklin County Commissioners did make the necessary findings whereby the City of Ottawa may proceed to annex the tract of land.

Commissioner Heathman made a motion that an ordinance annexing a tract of land not adjoining the City containing 7.5721 acres more or less located just west of the current city boundaries be passed. The motion was seconded by Commissioner Lantis. Upon call for the question all present voted in favor of the motion.

The land annexed by Ordinance 2921-89 is described as follows:

All that part of the Southwest 1/4 of Section 2, Township 17, Range 19, Franklin County, Kansas, more particularly described as follows: Beginning at the Southwest corner of said Southwest 1/4; thence Easterly along the South line of said Southwest 1/4 a distance of 340.0 feet to the true point of beginning of subject tract; thence Easterly along the South line of said Southwest 1/4 a distance of 499.2 feet to the line of a North-South fence projected South; thence Northerly along said fence line a distance of 663.02 feet; thence Westerly and parallel to the South line of said Southwest 1/4 a distance of 495.80 feet; thence Southerly and parallel to the West line of said Southwest 1/4 a distance of 663.0 feet to the true point of beginning of subject tract; containing 7.5721 acres more or less and being subject to any easements or right of ways either recorded or unrecorded.

Ordinance No. 2922-89 - Amending the Electrical Code

The City Governing Body proceeded to consider an ordinance amending the City Electrical Code, concerning the service entrance conductor for electrical services.

Commissioner Lantis made a motion that an ordinance providing a certain amendment in Chapter 6, of the Municipal Code of the City of Ottawa, Kansas 1982, specifically amending Article 3, Section 6309 by the addition of sub-paragraph G, be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2923-89 - Appropriations for the Budget Year 1990

Commissioner Calliham made a motion that an ordinance appropriating the amounts set up in each fund in the budget for the year 1990, providing for payment of all claims and charges against the accounts provided for therein, and approving and ratifying the payment of all claims against the City accounts for the year 1990 be passed. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Resolution No. 493-89 - Approving Release of Easement

A resolution authorizing the City Manager and City Clerk to execute and place of record a release of a certain easement conveyance with respect to certain described real estate in order to correct the title records thereto was considered.

Commissioner Heathman made a motion that a resolution authorizing ~~the City Manager and City Clerk to execute and place of record~~ a release of a certain easement conveyance with respect to certain real estate in order to correct the title records thereto be

passed. The motion was seconded by Commissioner Calliham. The easement which Resolution No. 433-89 addresses is an all utility easement that was acquired by acquisition of service territory from the Kansas City Power and Light Co.. The City of Ottawa does not have need for the easement, and need for the easement is not foreseen in the future. Upon call for the question all present voted in favor of the motion.

Resolution 494-89 - Statement of Policy Regarding Chip and Seal of City Streets

The resolutions sets forth that in the future when the City applies a chip and seal maintenance procedure to City streets, that a relative dust free chip material will be used.

Commissioner Calliham made a motion that a resolution establishing a Statement of Policy regarding the chip and seal street maintenance procedure for the City of Ottawa, Kansas be passed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Appointment to the Community Advisory Board

It was discussed that Commissioner Lantis had indicated a desire to serve on the Community Corrections Advisory Board, whereby Commissioner Gillette made a motion that Commissioner Lantis be appointed to the Community Corrections Advisory Board, the motion was seconded by Commissioner Heathman. The final selection of the individuals to served on the Community Corrections Advisory Board are to be made at a later date, and the name of Commissioner Lantis is submitted in nomination to serve on the advisory board. Upon call for the question all present voted in favor of the motion.

Report of Planning Commission Meeting

The City Planning Commission met in regular session, Tuesday, September 5, 1989 at 7:00 PM, City Hall, Ottawa, Kansas. Present: Members Hendrix, Carey, Woolman, Reynolds and Chairman Ellena, Absent Members Reusch and Todd.

The minutes of the last meeting held August 1, 1989 were approved as written by a 5-0 vote.

There being no further business, the meeting was adjourned.

Review City Investment Schedule

The schedule existing as of August 31, 1989 indicated a total of \$5,800,000, invested at an average annual interest rate of 8.49 percent.

Commissioner Heathman made a motion that the schedule of

investment existing as of August 31, 1989 indicating a total of \$5,800,000 invested at an average annual interest rate of 8.49 percent be approved, the motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Governing Body Agenda

Commissioner Lantis stated he had suggested that a quorum requirement for the City Governing Body be changed from a three person quorum to be a four person quorum, however Commissioner Lantis commented that in as much as the change of the requirements for a quorum could be done only by Charter Ordinance which is subject to referendum that the item be tabled until the spring of 1990 and if such an ordinance were called to referendum, the referendum could be held along with the August Primary Elections, whereby such referendum would cost less money for the City. Commissioner Lantis also mentioned that the kick off of the 1990 United Way Campaign will be September 13, and on that day a hot air balloon will be raised in City Park to bring attention to the 1990 United Way Campaign.

City Manager's Agenda

The City Manager stated, the Auditorium Authority has requested permission to close Third Street from Main to Hickory to allow the owners of custom cars which will be in the Old Marais Des Cygne River Run, to park in this area to attend the show on the evening of September 16. The custom cars are quite valuable and they wanted them parked in an area where security could be provided. The request is for the closure of Third St. Sept. 16, from 5:00 PM to 10:00 PM. The City Governing Body approved the request by consensus.

The City Manager also submitted a lease purchase agreement between the Auditorium Authority and the Kansas State Bank to pay for air conditioning and heating equipment in the basement of the Municipal Auditorium. The total of the principal amount in the lease purchase agreement is \$21,945 at 8.5 percent per annum and will entail payments by the Auditorium Authority in the amount of \$450.00 for five years. The City Manager asked that the agreement be ratified by the City Commission.

Commissioner Gillette raised objections to the agreement that he was not certain that the Auditorium Authority would have the funds to meet the obligations contained in the agreement, whereby the City would become obligated.

Commissioner Lantis made a motion that the City Commission ratify the lease purchase agreement of the Auditorium Authority as stated above. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion except Commissioner Gillette who voted opposing the motion.

Public Agenda

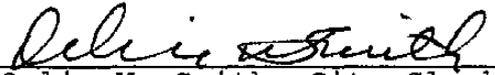
Craig Hinderliter representing the Ottawa Jaycees appeared before the City Commission requesting permission to have the Ottawa 125th Anniversary Parade on October 7, 1989, and to close the area around City Park from 10:15 AM until noon for a disbanding area for the parade and to close Keokuk Street from Main Street West, and Locust Street from Keokuk North for a staging area for the parade from 8:30 AM until Noon. The City Commission questioned as to why the Forest Park could not be used for the staging area for the parade whereby Mr. Hinderliter stated they thought it would be easier to string the procession out in a relative straight line as to bending it around in Forest Park. Mr. Hinderliter stated, this would be no problem with Ottawa Ready Mix, that they would work around any obstruction, however it was unclear how it might affect the Ottawa Co op and a small electrical business on North Locust St.

Commissioner Gillette made a motion that Mr. Hinderliter's request be approved, subject to approval by the Department of Public Safety and if accepted by Ottawa Co op and other affected businesses. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Diane Yeamans appeared before the City Commission outlining the events that were to take place during the One Hundred and Twenty Fifth Anniversary and invited and encouraged everyone to attend.

Adjournment

There being no further business the meeting was adjourned, the entire text of the meeting is on tape in the office of the City Clerk, and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - September 20, 1989

The City Governing Body met in regular session at 9:35 A.M. this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette, and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. Henry Roberts of the Westminster Presbyterian Church.

Approval of Minutes

The minutes of the last regular meeting which was held Sept. 6, 1989 were approved as written.

Presentation of Plaque to George Ledom

Mayor Fogle presented George Ledom, former City Engineer, with a plaque commemorating his retirement after 33 years of dedicated service to the City of Ottawa.

Proclamation - Constitution Week

Mayor Fogle read a Proclamation, proclaiming the week of Sept. 17 - 23, 1989, as Constitution Week. Commissioner Heathman made a motion that the proclamation be approved, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Proclamation - Great Ottawa Reunion

Mayor Fogle read a Proclamation, proclaiming October 7, and October 8, 1989 as The Great Ottawa Reunion. The Great Ottawa Reunion is a celebration of the City of Ottawa's 125th Anniversary. Commissioner Lantis made a motion the proclamation be approved, the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Request for Parade

The Governing Body proceeded to consider a request for the annual Homecoming Parade for September 20, 1989, as submitted by the Ottawa High School. Commissioner Calliham made a motion that the request of Ottawa High School to hold a Homecoming Parade, September 20, 1989, be approved, the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Request to use a Horsedrawn Vehicle on City Streets

The City Governing Body proceeded to consider a request to have, Horsedrawn Wagon Tours, over the streets of Ottawa for the 125th Anniversary Celebration on October 7th & 8th. The route of the, Horsedrawn Wagon Tours, is outlined on a map given to the City Commission. Commissioner Gillette made a motion that the request to give, Horsedrawn Wagon Tours, over the route outlined on the map for the 125th Anniversary Celebration, October 7th & 8th, the motion was seconded by Commissioner Calliham. The City Manager commented that the persons requesting permission for the, Horsedrawn Wagon Tours, had agreed that they would clean up after the horses. Upon call for the question all present voted in favor of the motion.

Consider an Ordinance Authorizing the Issuance of Industrial Revenue Bonds for Laich Industries

Ms. Dorothea Riley of the firm of Gilmore and Bell Attorneys, appeared before the City Commission stating; the firm of Gilmore and Bell was acting as bond council for the City of Ottawa, on the Industrial Revenue Bonds for Laich Industries and at this time she recommended that the City not take action on the Ordinance for the Industrial Revenue Bond Issue. Ms. Riley reported that there were several issues not settled in the issuance of the bonds, in that the purchaser of the Bonds had not been named at this time and that the Ameritrust Co. of Cleveland, Ohio is desiring to file a mortgage against the real estate involved to insure a letter of credit that they are issuing, which insures the payment of the bonds to the bond holders. Ms. Riley explained to the City Governing Body the effect that such a mortgage would have on the issuance of bonds in case of default stating that it is very unlikely that a default would occur, but if it did disposal or rental of the property would be more difficult. Ms. Riley asked that the City Commission not take action on the ordinance at this time but that a Special Meeting of the City Commission might need to be called early in the week of Sept. 25, to act on such an ordinance after the details of the transaction are worked out.

Commissioner Calliham made a motion that the City Commission defer action on the ordinance authorizing the issuance of Industrial Revenue Bonds for Laich Industries until further information is received sufficient that the Governing Body may proceed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Change Order No. 1 - And Final Approval of Street Improvement Project 1989-01

The City Governing Body proceeded to consider Change Order No. 1, for Street Improvement Project 1989-01 which increases the cost of the project in the amount of \$408.60. The City Manager also requested that the City Commission consider acceptance of the project which is pay estimate No. 1 and Final, in the amount of \$31,042.20. The City Manager stated the project is completed and

approved and ready for acceptance. Commissioner Gillette made a motion that, Change Order No. 1 Street Improvement Project 1989-01, increasing the cost of the project \$408.60 be approved and that the project be accepted and final payment in the amount of \$31,042.20 be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Governing Body Agenda

Commissioner Calliham reported he had received a call from the Ottawa Co-op, concerning the use of North Locust St. for the staging area for the 125th Anniversary Parade. Ottawa Co-op was concerned that a harvest will be in progress and they will need access to their grain elevators on North Locust Street. It was reported that Craig Hinderliter who made the original request to use North Locust for a staging area, had been contacted and he assured that access to the Ottawa Co-op Elevator would be maintained on that day. The City Manager was to make a follow up on the situation to assure that Ottawa Co-op would have access.

Mayor Fogle stated he was concerned whether or not the City Governing Body would authorize the additional stages of engineering planning and construction of sanitary sewers once the first stage was completed. The first stage of the sewer study was to cost \$92,663.60 and it was Mayor Fogle's concern that it be accepted and placed on a shelf and not be used, Mayor Fogle stated that he realized the City Governing Body could not take action on this issue at this time, but he asked for an consensus of the Governing Body as to whether they would authorize a continuation. By consensus the Governing Body did indicate that they saw a need to continue with the study and construction of sewers in the City of Ottawa. Commissioner Fogle then made a motion that the City Governing Body ratify the decision which had been made to proceed with the first phase of the sewer study, with George Butler Assoc. in the amount of \$92,063.60, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

City Manager's Agenda

ORDINANCE NO. 2924-89 STANDARD TRAFFIC ORDINANCE; The City Manager called upon assistant City Attorney Bob Bezek, to explain the need for incorporating a section on sight triangle into the Standard Traffic Ordinance. Mr. Bezek explained that at the time the ordinance was passed adopting the Standard Traffic Ordinance for Kansas Cities 1989 Addition, that a section on sight triangles at intersections was omitted, in as much as that regulation had only been passed a few weeks earlier. Mr. Bezek explained that for ease in enforcement the section on Sight Triangles on Intersections should be incorporated into the ordinance, adopting the Standard Traffic Ordinance. Commissioner Calliham made a motion that an ordinance adopting the Standard Traffic Ordinance for Kansas Cities 1989 Addition and repealing Ordinance No.

2920-88 be passed. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Adjournment

There being no further business the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - September 25, 1989

The City Governing Body met in Special Session at 3:00 P.M. this date: Present Mayor Fogle and Commissioners Heathman, Gillette, and Lantis, absent Commissioner Calliham.

The purpose of the meeting as stated in The Call for the Meeting is to consider an ordinance authorizing the issuance of \$1,500,000 in Industrial Revenue Bonds for Laich Industries Inc., to make two appointments to the 911 Emergency System Board of Directors and to appoint the City's voting delegates to the National League of Cities Convention.

Ordinance No. 2925-89 - Authorizing Issuance of Industrial Revenue Bonds

Commissioner Gillette made a motion that an ordinance authorizing the City of Ottawa Kansas, to issue \$1,500,000 principal amount of variable rates demand Industrial Revenue Bonds for the Laich Project, for the purpose of providing funds to pay the cost of acquiring, constructing, improving and extending a project for Walter Laich and Karen Laich, consisting of manufacturing facilities including real estate, building and improvements; Authorizing the City to enter into a trust indenture with Ameritrust Co. National Association; Authorizing the City to enter into a lease agreement with Walter Laich and Karen Laich; Authorizing the City of Ottawa to enter into a bond purchase agreement with Walter Laich and Karen Laich and Shearson Daily Tax-Free Dividend Inc.; And authorizing and approving the execution of certain documents and the taking of other actions in connection with the Issuance of said bonds be passed. The motion was seconded by Commissioner Heathman and upon call for the question all present voted in favor of the motion.

Appointment of Members to the 911 Emergency Board of Directors

The City Governing Body proceeded to discuss appointments to the 911 Emergency Number Board of Directors, and it was decided that the Director of Public Safety, Jeffrey Herrman be appointed to said board, however there was no consensus as to who should be appointed as the other member, as no one had made any contacts by which an appointment could be acknowledged. Commissioner Lantis made a motion that Jeffrey Herrman, Director of Public Safety, be placed in nomination, that the nominations be closed and that Mr. Herrman be elected to the position by acclamation, the motion was seconded by Commissioner Gillette and upon call for the question all present voted in favor of the motion.

It was discussed the other appointment to the 911 Emergency Board of Directors would be made at a later date, and that a special meeting could be called for that purpose if necessary.

Appointment of Voting Delegates to the National League of
Cities Convention

Mayor Fogle placed the name of Charles Gillette in nomination for the voting delegate to the National League of Cities Convention. Commissioner Lantis made a motion that the nominations cease and that Commissioner Gillette be elected by acclamation, the motion was seconded by Commissioner Heathman and upon call for the question all present voted in favor of the motion.

Commissioner Lantis made a motion that Mayor Fogle and Commissioner Heathman be nominated for the alternate voting delegates to the National League of Cities Convention, that nominations cease and that the appointments be made by acclamation. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

The business for which this meeting was called having been completed the meeting was adjourned, the text of the meeting is on tape in the office of the City Clerk. The tape will remain on file for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - October 4, 1989

The City Governing Body met in regular session at 7:00 P.M. this date; Present Mayor Fogle, Commissioners Calliham, Heathman, Gillette and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. Paul Turner.

Approval of Minutes

The minutes of the last regular meeting which was held September 20, 1989, and the minutes of the special meeting which was held September 25, 1989, were approved as written.

Hearing Alleged Unsafe Structure - 740 South Sycamore

The City Governing Body proceeded to hold a public hearing on an alleged unsafe structure at 740 South Sycamore. City Inspector Al Hancock stated that at present the building is subject to vandalism and is in a very deteriorated state. The inspector reported the floor joist are in a rotted state, and the roof, walls and floors are very dangerous. The electric utilities were removed from the structure in May of 1982 and recently the electrical panel has been removed from the structure. There being no further comments the Mayor declared the public hearing closed. Commissioner Gillette made a motion that the structure at 740 South Sycamore be declared unsafe and that the City proceed with condemnation proceedings. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Hearing Alleged Unsafe Structure - 206 E. Wilson

The City Governing Body proceeded to hold a public hearing on an alleged unsafe structure at 206 E. Wilson. City Inspector Al Hancock reported that the warehouse structure at 206 E. Wilson is in a very bad and deteriorated state, with the roof caving in on the structure making it dangerous to enter. There being no further discussion Mayor Fogle declared the public hearing closed. Commissioner Lantis made a motion that the structure at 206 East Wilson, be declared unsafe and that the City proceed with condemnation proceedings. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Consider Sewer Study Contract with George Butler & Associates

The City Governing Body at a meeting, September 20, 1989, had ratified an earlier decision to proceed with Phase 1 of a Sewer Study Contract with George Butler and Associates. Phase 1 of the Contract, costing the City \$92,663.00. Commissioner Gillette made a motion that the City Manager be authorized to enter into a contract on behalf of the City, with George Butler and Associates for Phase 1 of the sewer study at a cost to the City of \$92,663.00. The motion was seconded by Commissioner Calliham and all present voted in favor

of the motion.

Resolution 495-89 - Electric Utility Rates

A resolution which consolidates Winter Electric Rates and Summer Electric Rates into a single year around rate structure for each category of usage was introduced. For many years the Electric Utility Rates for (5) months in the summer were considerably higher than the rates used for (7) months of winter. The rate structure which has different winter and summer rates was very difficult to explain to the City Utility Customers as to why the rates were higher in the summer than in the winter and very difficult to work with. The new non differential rate structure for electric utility is designed to bring in the same basic revenues from the sale of electricity over the period of a year that the old winter, summer rate structure yielded. It was explained however that the new rate structure, even though designed to bring in the same amount of money for the sale of electricity could be a plus or minus (1) percent based on the revenue received in prior years. Commissioner Calliham made a motion that a resolution finding the advisability of and ordering the adoption of applicable rates, charges, rules and regulations, conditions and availability of the services rendered by the Electric Department of the City of Ottawa, Kansas and establishing an effective date thereof and providing for the enforcement thereof and rescinding all prior resolutions be passed, the motion was seconded by Commissioner Gillette and all present voted in favor of the motion. It was reported prior to the adoption of the rate resolution that a new fee of \$5.00, is imposed which is to cover the cost of switching the cost of utility service from one persons name to another, or for the hook up of a new service.

Report of Planning Commission

The City Planning Commission met in regular session on Tuesday, October 3, 1989 at 7:00 PM, City Hall. Present: Members Reusch, Hendrix, Todd, Carey, Reynolds and Chairman Ellena, absent: Member Woolman.

The minutes of the last meeting held September 5, 1989, were approved as written by a 5-0 vote.

The Planning Commission held a public hearing to approve an overlay area for 209 S. Oak. This was approved by a 6-) vote.

Review City Investment Schedule

The City Governing Body proceeded to review the schedule of investments existing as of September 30, 1989 indicating a total of \$5,800,000 invested at an average annual interest rate of 8.31%. Commissioner Lantis made a motion that the schedule of investments existing as of September 30, 1989, with a total of \$5,800,000 ~~invested at an average annual interest rate of 8.31% be approved.~~ The motion was seconded by Commissioner Heathman and all present

voted in favor of the motion.

City Manager Agenda

The City Manager stated that the City had received several proposals for the demolition of a building owned by the City, on the east side of Main Street, next to the Marais des Cygne River Dike. Killough Inc. had submitted a proposal of \$ 5,895 for the demolition of the building and Midcontinental Waterproofing has submitted a proposal of \$10,528 for the sealing of a common wall which would be exposed as a result of the demolition or \$16,423 for Gunnite applied to the wall.

The City Governing Body indicated it did not feel that Killough's proposal of \$5,895 for demolition of the structure was out of line but they requested that the City Manager get additional proposals for the sealing of the common wall which would remain.

Commissioner Gillette made a motion that the meeting be continued until 3 PM, October 9, 1989 at which time the Governing Body could take action on resolutions of condemnations on the (2) structures for which public hearings were held at this meeting and conduct any other business which may come before the City Commission. The motion was seconded by Commissioner Calliham to continue the meeting until October 9, 1989.

City Hall - October 9, 1989

Mayor Fogle called the meeting to order at 3:00 PM this date: present Mayor Fogle and Commissioners Calliham, Lantis and Gillette absent Commissioner Heathman.

Resolution No. 496-89 - Unsafe Structure

Based on the testimony of Al Hancock, City Inspector, Commissioner Calliham made a motion that a resolution declaring the structure located at 206 East Wilson to be unsafe and the owner be ordered to repair or remove the structure within 30 days of the date of this resolution, be passed. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Resolution No. 497-89 - Unsafe Structure

Based on the testimony of Al Hancock, City Inspector, Commissioner Gillette made a motion that a resolution declaring the structure located at 740 South Sycamore to be unsafe and the owner be ordered to remove or repair the structure within 30 days of the date of this resolution, be passed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

City Manager Agenda

The City Manager stated that he had received an additional proposal for sealing the common wall next to the building that is scheduled to

be demolished by the City. The proposal he received was from Dan's Paint Contractors for \$6,300.00 to seal the wall. The Governing Body decided however before taking any action to demolish the structure or seal the common wall that the building immediately south of the structure to be demolished should also be inspected to see if it was safe.

Call for Executive Session

Commissioner Calliham made a motion that the City Commission recess to Executive Session for (45) minutes to discuss personnel and acquisition of property, the present time being 3:15 PM the meeting will be scheduled to reconvene at 4:00 PM. Upon call for the question all present voted in favor of the motion.

At 4:00 PM the meeting reconvened and then adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - October 18, 1989

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette, and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. Clyde Greisen of the Community Foursquare Church.

Approval of Minutes

The minutes of the last regular meeting which was held October 4, 1989 were approved as written.

Request for a Parade

The City Governing Body proceeded to consider a request of the Ottawa Jaycees for a Halloween Spook Parade to be held on October 28, 1989 at 1:00 PM.

Commissioner Calliham made a motion that the request for a parade by the Ottawa Jaycees for October 28, 1989 at 1:00 PM be approved. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Petition to Open Liberty Street

The City Governing Body proceeded to consider a petition request to open Liberty Street between 7th Street and 8th Street and an additional (6) lots south of 8th Street. The improvement is to be of a gravel surface. The petition contains the signatures of the majority owners whose property fronts on this portion of Liberty Street. Commissioner Lantis made a motion that the City Commission accept the petition of the property owners to open Liberty Street and to approve the street with a gravel surface, and that the project be authorized. The petition states that the property owners are to furnish the gravel, with the City grading the street, installing the drainage tubes furnished by the property owners and applying the gravel. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

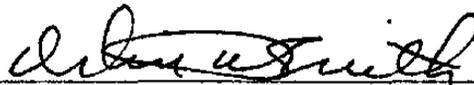
Ordinance No. 2926-89 - Overlay Zone

The City Commission proceeded to consider an ordinance which authorized the owners of Lots 7, 9, & 11, Block 75, Original Town, to place a qualified mobile home on those lots in conformance with overlay zoning. A public hearing on the matter has been held by the Planning Commission and the Planning Commission has approved

the request. Commissioner Gillette made a motion that an ordinance relating to and regulating the planning and zoning within the City of Ottawa, Kansas, redistricting the certain tract and area within the City and amending the amended zoning map attached to and made a part of the Ordinance No. 2712-82 of the City of Ottawa, Kansas, by allowing the placement of a double-wide mobile home on Lots 7, 9 & 11, Block 75, Original Town, in conformance with overlay zoning regulations. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Mayor Fogle stated he would encourage owners of older and possibly dilapidate property that might wish to replace their homes with proper mobile structures to contact the City to find out what the regulations governing such mobile home replacement might be.

There being no further business the meeting was adjourned the entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.



Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - November 1, 1989

The City Governing Body met in regular session at 7:00 P.M. this date; Present Mayor Fogle, Commissioners Calliham, Heathman, Gillette and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. Earl Zimmerman of the Faith Lutheran Church.

Approval of Minutes

The minutes of the last regular meeting which was held October 18, 1989 were approved as written.

Proclamation - Diabetes Month

A proclamation was read which proclaimed the month of November, 1989 as National Diabetes Month, Mrs. Marilyn Sawin was present representing the local diabetes organization.

Commissioner Heathman made a motion that the month of November be proclaimed as National Diabetes Month in the City of Ottawa. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Parade Request

The City Governing Body proceeded to consider a request for a parade as submitted by the Retail Committee of the Greater Ottawa Chamber of Commerce. The parade to be held on December 2, 1989.

Commissioner Lantis made a motion that the Retail Committee of the Greater Ottawa Chamber of Commerce be permitted to hold their 10th annual Christmas Parade on December 2, 1989. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2927-89 - Electric Code

Commissioner Lantis made a motion that an Ordinance amending a portion of Section 6-309 "Electrical Code" of the Municipal Code be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2928-89 - Adopting Electrical Code

Commissioner Lantis made a motion that an Ordinance adopting by reference the National Electrical Code 1987 Addition and providing for deletions, amendments and corrections to said National

Electric Code be passed. The motion was seconded by Commissioner Calliham and upon call for the question all present voted in favor of the motion.

Authorize Purchase for Industrial Park Purposes

Commissioner Gillette made a motion that the Mayor be authorized to sign a contract for the purchase of 10 acres of land owned by Mr. Francis Gibbons. The purchase price to be a total of \$50,000 with \$35,000 applied to the purchase of land and \$15,000 applied to the purchase of buildings, fixtures and licenses associated with the property. The motion was seconded by Commissioner Lantis.

It was discussed that the price of the land was high but it is essential for development of an Industrial Park in the City of Ottawa. It was further pointed out that the overall price for all tracts to be purchased will be far less than the initial estimate for purchase and development of an Industrial Park. It was further discussed that the monies to pay for the land being purchased will be monies that had earlier been earmarked as a superfund to assist industries locating in Ottawa and already located in Ottawa to provide jobs. Upon call for the question all present voted in favor of the motion.

Contract to Purchase Land for Industrial Park Purposes

Commissioner Heathman made a motion that the Mayor be authorized to sign a contract for the purchase of real estate from Viola Johnson for a total purchase price of \$130,000. The monies are allocated to \$35,500 for purchase of a house and (3) acres of land and \$94,500 allocated to the remaining (27) acres of the tract of real estate. The motion was seconded by Commissioner Calliham. Upon call for the question all present voted in favor of the motion.

Mr. Bill Bowers representing the sellers of the land, requested that a copy of the letter of intent to purchase the land be enclosed along with the contract for purchase from Mrs. Johnson. Mr. Wetmore stated he had the letter in his possession and it would be included with the contract documents.

The contracts for the purchase of both tracts of land sets forth that the City shall pay each seller \$5,000 upon signing the contract and the balance will come due upon closing.

Award Contract for Demolition of Structure at 119 North Main

Commissioner Gillette made a motion that the City award a contract to Killough Inc. for the demolition of a structure owned by the City at 119 North Main, the amount of the contract being \$5,895 and that the City Manager be authorized to sign the contract. The motion was seconded by Commissioner Heathman and all present voted

in favor of the motion.

Contract for Sealing Wall at 119 North Main

Commissioner Lantis made a motion that the City enter into a contract with Dan's Paint Contractor's for the sealing of a party wall at 119 North Main upon completion of the demolition of the structure. The contract is to be in the amount of \$6,300 and the City Manager to be authorized to sign the contract. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Appointment to Library Board

Mayor Fogle submitted the name of Eleanor Cole to fill an unexpired term on the Library Board. Commissioner Gillette made a motion that Mrs. Eleanor Cole be appointed to fill the unexpired term on the Library Board, the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Employment Contract for the City Manager

Commissioner Lantis made a motion that the City enter into an employment agreement with Randy Wetmore as City Manager, with the contract being essentially the same as the last contract however reflecting a 4.5 percent cost of living adjustment and a 2.8 percent merit increase amounting to 7.3 percent increase over last year for a total salary of \$47,750, other terms of the contract remaining the same except the Cities contribution to deferred compensation will raise proportionally to the salary increase. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Approval of the Investment Schedule

The Governing Body proceeded to review the schedule of Investments existing as of October 31, 1989. Commissioner Heathman made a motion that the Schedule of Investments existing as of October 31, 1989, indicating a total of \$5,000,000 invested at an average annual interest rate of 8.17 percent be approved the motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Adjournment

There being no further business the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - November 15, 1989

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette, and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Commissioner Gillette.

Approval of Minutes

The minutes of the last regular meeting which was held November 1, 1989 were approved as written.

Proclamation - Fight Back Against Drugs Week

Mayor Fogle read a Proclamation proclaiming the week of December 3 through December 9, 1989 as Cities Fight Back Against Drugs Week. The proclamation was sponsored by the National League of Cities.

Commissioner Heathman made a motion that the proclamation be approved, the motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Proclamation - Jaycee Family Week

Mayor Fogle read a Proclamation proclaiming the week of November 19 through November 25, 1989 as Jaycee Family Week. Ginger Milbern was present representing the Ottawa Jaycees.

Commissioner Calliham made a motion that the proclamation be approved, the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Franklin County Emergency Preparedness Plan

Mr. Pete Nicholson, Franklin County Emergency Preparedness Coordinator read a proclamation pertaining to Franklin County Emergency Preparedness. Commissioner Lantis made a motion that the Mayor be authorized to sign the Franklin County Emergency Preparedness Plan which had been presented at a prior date to the City Commission. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Engagement Letter for Audit of the City's 1989 Operation

Commissioner Gillette made a motion that the City Manager be authorized to sign an engagement letter with the firm of Agler and Gaeddert for the audit of the City's 1989 operation. The letter so stated that the fee for the audit should not exceed the prior

year fee of \$20,500, contingent upon the City's records being in a normal auditing condition. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Resolution No. 498-89 - Authorizing the Issuance of Temporary Notes

Commissioner Calliham made a motion that a Resolution authorizing the issuance of temporary notes in the amount of \$220,000 to finance the purchase of real estate for industrial park purposes be approved. The temporary notes are to be taxable with the interest rate being 8.65 percent. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Acceptance of the 1989 Street Rehabilitation Program

The City Manager reported that the City's 1989 Street Rehabilitation Program had been completed for a total cost of \$71,953.73, the original contract was in the amount of \$74,208.75, however some of the streets which were specified in the original contract had been deleted by the City.

Commissioner Lantis made a motion that the 1989 St. Rehabilitation program be accepted and to authorize final payment to Killough Construction Inc. in the amount of \$71,953.73. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Report of Planning Commission

The report of the Planning Commission Meeting of November 7, 1989 is as follows.

The City Planning Commission met in regular session on Tuesday, November 7, 1989 at 7:00 P.M. in City Hall. Present: Members Hendrix, Todd, Carey, and Chairman Ellena. Absent: Members Woolman, Reynolds and Reusch.

The minutes of the last meeting held October 3, 1989 were approved as written by a 4-0 vote.

The Planning Commission Called a Public Hearing to consider amendments to the Zoning Ordinance of the City of Ottawa, Kansas, 2713-82 as amended, to bring it into compliance with the Comprehensive plan.

The Planning Commission Called a Public Hearing to consider amendments to the Subdivision Regulations of the City of Ottawa, Kansas, as amended, to bring it into compliance with the Comprehensive plan.

There being no further business, the meeting was adjourned.

Mr. Heathman made a motion that the report of the Planning Commission Meeting of November 7, 1989 be accepted and approved. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Governing Body Agenda

Commissioner Lantis stated that the City Commission had discussed at length the possibility of the development of a municipal eighteen hole golf course, which hopefully would lead to the construction of homes and further economic development of the City and that possibly it was time to consider a market research and a feasibility study of the proposal. Commissioner Lantis stated that he would like at this time for the Governing Body to authorize the City Manager to receive bids for a market research and feasibility study of building an 18 hole golf course. Commissioner Lantis said the City will not be obligating itself for the expenditure of any funds at this time but only taking bids for the research and feasibility study. Commissioner Lantis further stated that he was in receipt of a letter from the Chamber of Commerce whereby the Chamber of Commerce stated that it would provide up to \$5,000 to help pay for a study and that the OFCED Board of Directors voted on November 7, 1989 to support the plan and provide some funds to conduct a valid feasibility study. There was concern expressed by the City Commission that the City should not commit itself for expenditure of funds for this purpose at this time, however Commissioner Lantis reassured those members that this would not be a commitment for an expenditure of funds but only to receive bids for the study.

Commissioner Lantis made a motion that the City Commission authorize the City Manager to accept bids for Market Research and Feasibility Study for the construction of an 18 hole golf course. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

City Manager's Agenda

The City Manager stated that he would like for the Governing Body to recess to Executive Session prior to adjourning the meeting to discuss land acquisition.

Public Agenda

Mrs. Kim Emery of 422 E. 15th St. stated that the residence on E. 15th St. were very pleased with the pavement markings which have been put on E. 15th St. and limiting that street to (2) lanes of traffic however she did request that the Governing Body give further consideration to marking both sides of E. 15th St. for no parking. It was discussed that possibly only one side of E. 15th should be marked for no parking, however it was decided that the

matter would be considered further.

Executive Session

Commissioner Calliham made a motion that the Governing Body recess to Executive Session for approximately (25) minutes or until 10:30 AM to discuss land acquisition. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

At 10:30 AM Mayor Fogle reconvened the meeting and then recessed the meeting until 2:00 PM November 22, 1989.

Mayor Fogle reconvened the City Commission Meeting at 2 PM November 22, 1989.

Authorize the Mayor to Sign Inter-local Agreement Regarding Joint Dispatching Services

Commissioner Calliham made a motion that Mayor Fogle be authorized to sign an Inter-local Agreement regarding joint dispatching services for Police, Sheriff, Ambulance and Fire Services with Franklin County. The motion was seconded by Commissioner Calliham. The Agreement when approved by Franklin County Board of Commissioners and the Attorney General of the State of Kansas will allow the City and the County to proceed with the arrangements as necessary to establish joint dispatching services. Upon call for the question all present voted in favor of the motion.

Authorize City Manager to sign the Trust Agreement with (KERIT) for Worker's Compensation Coverage.

Mr. Pete Asbet appeared before the City Commission offering to answer any questions concerning the Kansas Eastern Region Insurance Trust, Inc., as this organization provides Workman's Compensation coverage for the City of Ottawa and other communities. Upon question Mr. Asbet explained that the Kansas Eastern Region Insurance Trust Inc., through agreement with other municipalities provide Workman's Comp. Coverage at a lesser cost to the municipalities than traditional carriers. The premium paid to (KERIT) for Workman's Compensation Coverage is calculated the same as would be calculated by traditional insurance companies except there is a 15% discount on the initial payment. Mr. Asbet explained that there is an element of risk involved in that if the Insurance Trust should run short of money for the payment of claims that an assessment could be made to the participants to cover any shortages. Also if the insurance trust did not expend all premium dollars for administration or payment of claims there could be a dividend payment back to the City after audit and at the end of the policy year. Mr. Asbet stated that the Kansas Eastern Region Insurance Trust was very select in allowing the municipalities to join their organization in that they must be assured that the municipality has proper safety practices in place

and that there is a viable safety training program on going in each community.

Commissioner Gillette made a motion that the City Manager be authorized to sign the Trust Agreement with the Kansas Eastern Region Insurance Trust, Inc. for worker's compensation coverage and other documents, the insurance coverage agreement to be effective Dec. 1, 1989. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Call for Executive Session

Bob Bezek City Attorney requested that the Governing Body call an Executive Session for 15 minutes to discuss personnel matters. Commissioner Calliham made a motion that the City Commission recess to Executive Session for 15 minutes to discuss personnel matters, the present time being 2:35 PM. The meeting will reconvene at 2:50 PM, the motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Reconvene City Commission Meeting

At 2:50 PM Mayor Fogle reconvened the meeting of the Ottawa City Commission.

Adjournment

There being no further business to come before the City Commission the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall- Ottawa, Kansas - December 6, 1989

The City Governing Body met in regular session at 7:00 PM this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. G. Lucille Barb, of the Trinity United Methodist Church, 630 N. Cedar.

Approval of Minutes

The minutes of the last regular meeting which was held November 15, 1989 were approved as written.

Receive Donation for Play Equipment

Laurie Hight and Laurie Brockus representing the Beta Sigma Phi Sorority appeared before the City Commission and presented a donation in the amount of \$600.00 for the purchase of a table, chair and canopy for play purposes to be installed in Forest Park. The City Commission thanked the Beta Sigma Phi Sorority for their donation.

Ordinance No. 2929-89 - Interlocal Agreement for Educational Facilities Revenue Bonds

Commissioner Gillette made a motion that an ordinance approving and authorizing the City of Ottawa, Kansas to enter into an interlocal co-operation agreement with the City of Olathe, Kansas, which will authorize the City of Olathe to issue its Educational Facilities Revenue Bonds (Kansas Independent College Association Pooled Educational Loan Program) to make loans to private non profit colleges in the State of Kansas, in order to finance, refinance and reimburse the cost of certain improvements to the Educational Facilities of such Colleges and Universities. The motion was seconded by Commissioner Heathman. The purpose of the ordinance is to allow Ottawa University to take advantage of the funds available for improvements at the College. Upon call for the question all present voted in favor of the motion.

Change Order No. 2 - Sludge Dewatering Project

The City Governing Body proceeded to consider Change Order No. 2, Sludge Dewatering Facilities Wastewater System Improvements. Change Order No. 2, calls for an addition of \$1,350.66, changing the contract price from \$172,850.00 to \$174,200.66.

Commissioner Heathman made a motion that Change Order No 2, to the Sludge Dewatering Facilities Wastewater System Improvements, be approved with the addition of \$1,350.66 to the contract price. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Interlocal Agreement for Joint Dispatch Services

The City Governing Body proceeded to consider an Interlocal Agreement for Joint Dispatch Services between Franklin County and the City of Ottawa. This agreement supersedes an agreement which was approved by the City Commission on November 20, 1989 by adding Fire Dispatch Services to the agreement and further stating that the City of Ottawa will appoint two members to the joint City/County Board.

Commissioner Lantis made a motion that the Interlocal Agreement for Joint Dispatch Services between the City of Ottawa and Franklin County be approved and that the Mayor be authorized to sign the agreement. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Modification of Contract for Purchase of Real Estate

Commissioner Calliham made a motion that a modification of the contract to purchase real estate from Viola M. Johnson be approved. The modification sets forth that Mrs. Johnson will maintain a lifetime estate in a (3) acre tract, located in the southwest corner of the 30 acre tract that we are purchasing from Mrs. Johnson. The motion was seconded by Commissioner Lantis and all present voted in favor of the motion.

Approval of Cereal Malt Beverage License for 1990

The Cereal Malt Beverage License applications for 1990, received to date are as follows: Pizza Hut Restaurant, 118 W. 15th., Oram K. McDaniel, Manager; Olympic Rec. Center, dba Indian Lanes, 2040 Princeton Road, Barbara Wolken, Manager; Casey's General Store, 1002 North Main, Ramona Carner, Manager; Casey's General Store, 1019 West 7th., Patricia A. Crump, Manager; Ray's IGA, 1428 South Main, Robert Floersch, Manager; Charles Wood Oil Co. Inc., 2130 Princeton Street, Betty Hill, Manager; Food Barn 4614, 901 S. Main, Carl Hinson, Manager; Taylor Oil Inc., 2305 South Cedar, Harold Taylor, Manager; The South Conoco Travel Shoppe, 23 & Princeton Street, Elaine Morris, Manager. Commissioner Gillette made a motion that the Cereal Malt Beverage License applications as set forth in these minutes be approved and license be issued. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion except Commissioner Calliham who voted opposing the motion.

Review of Investment Schedule

The Schedule of investments existing as of November 30, 1989, indicate a total of \$4,900,000, invested at an average annual interest rate of 8.07%. Commissioner Heathman made a motion that the schedule of investments existing as November 30, 1989 be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Report of Planning Commission Meeting

A report of the Planning Commission Meeting of December 5, 1989 is as follows:

The City Planning Commission met in regular session on Tuesday, December 5, 1989 at 7:00 PM, City Hall. Present: Members Reusch, Hendrix, Todd, Carey, Woolman, and Chairman Ellena. Absent: Member Reynolds.

The minutes of the last meeting held November 7, 1989 were approved as written by a 6-0 vote.

The Planning Commission adopted the Comprehensive Plan Update by a 6-0 vote.

The Planning Commission held a public hearing to consider amendments to the Zoning Ordinance of the City of Ottawa, Kansas, 2713-82 as amended, to bring it into compliance with the Comprehensive Plan, this was approved by a 6-0 vote.

The Planning Commission held a public hearing to consider amendments to the Subdivision Regulations of the City of Ottawa, Kansas, as amended, to bring it into compliance with the Comprehensive Plan, this was approved by a 6-0 vote.

There being no further business, the meeting was adjourned.

City Commission Agenda

Commissioner Lantis stated that at the Study Session of December 11, 1989, that he would like to have information available that the City Commission might review the ongoing projects of the City and other items.

Commissioner Heathman stated that he would like to speak about the DeLatorre law suit, stating that he would like for the City Commission to set down with Mr. DeLatorre and his lawyers to try to work out a settlement before litigation is started. Mr. Heathman stated that it would cost the City at least \$44,000.00 for legal fees if the matter does go to litigation. Commissioner Heathman then made a motion that the City Commission with the City Attorney meet with Mr. DeLatorre and his lawyers to try to settle the pending law suit, the meeting to be at a time which would be arranged by the City Manager. Commissioner Calliham stated that if such a meeting were arranged that he would want the City Manager and the Director of Public Safety present, however Mr. Heathman stated that that was not in his original motion to have the City Manager and the Director of Public Safety present. Commissioner ~~Fogle~~ seconded Commissioner Heathman's motion and also offered an amendment to Commissioner Heathman's motion that the City Manager be present at the meeting. The City Manager then

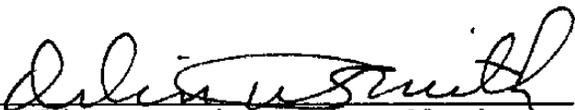
stated; he was not sure that the City Commission could have such a meeting under Kansas Law, and that possibly if they did have such a meeting that all personnel matters should be handed to the City Commission. Commissioner Lantis then seconded Commissioner Fogle's amendment to the motion and also stated that he would like to have a legal interpretation of K.S.A. 12-1014 as it pertains to a member of the Governing Body pursuing personnel matters without the consent of the City Commission. Commissioner Gillette then offered an amendment to the amended motion that the meeting would be subject to being legal under Kansas Law. Commissioner Gillette's amendment to the motion was seconded by Commissioner Lantis, upon call for the question on Commissioner Gillette's motion, Commissioners Heathman, Gillette and Fogle voted in favor of the motion, and Commissioner Calliham and Lantis voted opposing the motion. Commissioner Gillette's amendment to the motion was carried, upon call for the question on Commissioner Fogle's amendment to the motion, Commissioner Heathman and Fogle voted in favor of the motion, and Commissioners Lantis, Gillette and Calliham voted opposing the motion where by Mayor Fogle's amendment to the motion did not pass. Upon call for the question to the original motion as amended, Commissioner Heathman voted in favor of the motion, and Commissioners Calliham, Gillette, Lantis and Fogle voted opposing the motion, the motion was defeated.

Business from Guests

Virgil Smith appeared before the City Commission registering a complaint about a large evergreen tree on the terrace south of the property located at 931 South Locust, Mr. Smith stated that the evergreen tree was so large that the limbs hung over into the street and a car could not park in that particular location without scraping the tree. The City Governing Body instructed the City Manager to have the matter looked into to see what could be done about the tree.

Adjournment

There being no further business to come before the City Commission the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall- Ottawa, Kansas - December 20, 1989

The City Governing Body met in regular session at 9:35 AM this date: Present Mayor Fogle and Commissioners Calliham, Heathman, Gillette and Lantis, absent none. Mayor Fogle led the Chamber Audience in the Pledge of Allegiance to the American Flag, and the Invocation was given by Rev. G. Lucille Barb, of the Trinity United Methodist Church.

Approval of Minutes

The minutes of the last regular meeting which was held December 6, 1989 were approved as written.

Franchise Ordinance with the Kansas City Power and Light Co.

An ordinance granting a franchise to the Kansas City Power and Light Company to serve two small areas recently annexed to the City was presented for its first reading as follows:

AN ORDINANCE GRANTING KANSAS CITY POWER & LIGHT COMPANY, ITS GRANTEEES, SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT AND FRANCHISE TO CONSTRUCT AND MAINTAIN ALL WORKS AND PLANTS NECESSARY OR PROPER FOR SUPPLYING CONSUMERS WITH ELECTRIC OR OTHER ENERGY, GRANTING TO SAID COMPANY THE RIGHT TO USE THE STREETS, ALLEYS AND ALL OTHER PUBLIC PLACES IN CERTAIN PORTIONS OF THE CITY, PRESCRIBING THE TERMS OF AND RELATING TO SUCH FRANCHISE, AND REPEALING INCONSISTENT ORDINANCES OR PART THEREOF.

WHEREAS, Kansas City Power & Light Company (herein called the Company) is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri, and admitted to do business under the laws of the State of Kansas as a foreign corporation for the purposes of generating and distributing electric energy, and

WHEREAS, the Company is operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas and has heretofore built, or proposed to build its transmission lines into or through the City of Ottawa, Kansas (herein called the City), and

WHEREAS, the City in 1989 annexed certain portions of Section 2, Township 17, Range 19 in the County of Franklin, State of Kansas, which is within the certificated service territory of the Company (herein called the Tracts), and

WHEREAS, the parties hereto desire that the Company continue furnishing electric energy to consumers in said Tracts and expand said services as necessary to serve the needs of the Tracts.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE

CITY OF OTTAWA, KANSAS;

SECTION ONE: In consideration of the benefits to be derived by the City and the inhabitants of the Tracts from the construction, operation and maintenance of an electric light and power transmission and distribution system and the supplying of electric energy to the public, there is hereby granted to the Company and to its successors and assigns, for the term of ten (10) years from the effective date hereof (subject to termination as provided for in Section Six, below), a Franchise and authority to construct, operate and maintain in the Tracts all appropriate facilities and plants for carrying on a power and light business and all other operations connected therewith or incident thereto for the purpose of supplying the Tracts with electric or other energy in such forms as may be reasonably required for domestic, commercial, industrial, municipal and other purposes and to produce and supply such energy by manufacture, generation, purchase or otherwise, and to transmit and distribute same by means of underground or overhead lines or otherwise, and for any or all of said purposes it is authorized to (i) construct, install, replace and remove conduits or other underground facilities for the installation and protection of its underground wire and cables (ii) place poles, lamp posts, guys, and anchors for its overhead wires, cables and street lights on all streets, alleys, avenues, bridges, parks, parking and other public places or thoroughfares in the Tracts, (iii) construct, erect and maintain all buildings, machinery and attachments of any and every kind for any and all of said purposes, and (iv) enter upon any and all of said public places within the Tracts and to trim trees upon and overhanging such places and make such excavations thereon as may be appropriate for the construction, repair and renewal of its overhead and underground facilities and plants. The legal description of the Tracts is set forth in Exhibit A. Attached hereto and made a part hereof.

SECTION TWO: Any pavements, sidewalks or curbing taken up or any and all excavations made shall be done under the supervision and direction of the governing body of said City under all necessary permits issued for the work, and shall be made and done in such manner as to give the least inconvenience to the inhabitants of the City and the public generally, and pavements, sidewalks, curbing and excavations shall be replaced and repaired in as good condition as before with all convenient speed, all at the expense of the company.

SECTION THREE: During the continuance of this Franchise, the company shall construct, maintain and operate its transmission and distribution system within the Tracts and shall furnish electric energy to the Tracts and its inhabitants in accordance with the terms of this Franchise, the rates, charges, rules and regulations now on file with the State Corporation Commission of the State of Kansas, or such revision of rates, charges, rules and regulations as may be lawfully established from time to time in accordance

with the laws of the State of Kansas. Nothing contained herein shall be construed as a guarantee upon the part of the Company to furnish uninterrupted service, and interruptions due to acts of God, fire, Strikes, civil or military authority, Orders of Court and other causes reasonably beyond the control of the company are specifically exempt from the terms of this Section.

SECTION FOUR: The Company shall, at all times, in the construction, maintenance and operation of its electric transmission, distribution and street lighting system, use all reasonable and proper precautions to avoid damage or injury to persons or property, and shall hold and save harmless said City from any and all damage, injury and expense caused by the sole negligence of the Company, its successors and assigns.

SECTION FIVE: In consideration of the premises, the Company agrees to pay to the City of Ottawa, Kansas, and the City agrees to accept as adequate compensation and consideration for the Franchise hereby granted and in lieu of occupation, license, privilege and all other taxes and fees, five percent (5%) of the total of the gross receipts for electric energy sold by the Company to all consumers located in the Tracts during the term of this Franchise. Any consideration hereunder shall be reported and paid to the City by the Company on a semiannual basis on each March 31 and September 30 for the years in which this Franchise remains in effect, reflecting such electric energy sold to customers within the Tracts for the six months' period ending at the last meter reading preceding each February 28 and August 31, respectively. Such payments shall be rendered in cash to the City. The term "gross receipts", as used in this Section shall not include (1) the electrical energy sold to the United States or the State of Kansas or to any agency or political subdivision thereof, (2) the electrical energy sold for other use which cannot be classified as domestic, commercial, or industrial, such as the electrical energy used by public utilities, telephone, telegraph, and radio communication companies, railroads, pipe line companies, educational institutions not operating for profit, churches and charitable institutions and (3) the electrical energy sold for resale.

SECTION SIX: The City of Ottawa has the right to terminate this Franchise as of the fifth or succeeding anniversary dates hereof by providing written notice of such termination to the Company at least one hundred twenty days in advance of such anniversary date.

SECTION SEVEN: This Franchise is granted pursuant to the provisions of K.S.A. 12-2001, and shall take effect and be in force as there in provided.

EXHIBIT A

Those certain two parcels of land in Section 2, Township 17, Range

19, Franklin County, Kansas, described as follows, to wit:

Beginning 663 feet north of the Southwest corner of the Southwest Quarter of said Section 2, thence East 1,150 feet, thence North 657 feet, thence West 1,150 feet, thence South 657 feet;

Beginning at the Southwest corner of the Southwest Quarter of said Section 2, thence East along the South line of said Southwest Quarter 340 feet to the true point of beginning, thence East along the South line of the Southwest Quarter 499.2 feet to the line of a North-South fence projected South, thence North alongside said fence line 663.02 feet, thence West and parallel to the South line of the Southwest Quarter 495.8 feet, thence South and parallel to the West line of the Southwest quarter of said Section 2, 663 feet to the true point of beginning.

Commissioner Calliham made a motion that the Franchise Ordinance with the Kansas City Power and Light Co. be accepted on its first reading. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Application for Local Economic Development Funds from Laich Industries.

The City Governing Body proceeded to consider an application for Economic Development funds in the amount of \$35,000 from Laich Industries. Laich Industries, is in the completion stages of a new facility in Ottawa for plastic molding. Commissioner Lantis made a motion that an Economic Development Funds Grant for Laich Industries in the amount of \$35,000 be approved contingent upon the recapture agreement being signed by Laich Industries and the City of Ottawa, the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2930-89 - Repealing Sections of Ottawa Municipal Code Dealing with Contractors and Special Contractors

The City Governing Body proceeded to consider an ordinance repealing Sections of the Municipal Code which require General Contractors and Special Contractors to be licensed in the City of Ottawa. It was discussed that by repealing this section of the Code and not requiring General & Special Contractors to be licensed in the City, it will thus make it easier for contractors to do business and work in the City.

Commissioner Calliham made a motion that an ordinance repealing certain sections of the Ottawa Municipal Code, dealing with contractors and special contractors and amending certain sections of the Ottawa Municipal Code dealing with contractors and special

contractors be passed. The motion was seconded by Commissioner Lantis. Mr. John Wise a local contractor appeared before the City Commission, raising objections to the repealing of the sections of the ordinance dealing with the licensing of General and Special Contractors. Mr. Wise stated that he was afraid that this would open up the City of Ottawa, whereby anyone could do construction work without the general knowledge of such and the City of Ottawa might have substandard construction. It was explained to Mr. Wise however that permits will still be required for construction work in the City of Ottawa, that all construction projects will be inspected and must adhere to the codes of the City. Upon call for the question all present voted in favor of the motion.

Applications for Cereal Malt Beverage License

The Governing Body proceeded to consider applications for Cereal Malt Beverage License received to date as follows: S & S Foods Inc., doing business as Country Mart, 2138 Princeton Circle, Steven Silverman, Manager; National Marketing Co. of Kansas Inc., 1621 South Main, Mary Tice, Manager; Wolken Oil Inc., 216 E. 23rd Street, Charles Gilkey, Manager; Wolken Oil Inc., 402 South Main, Tracey Kloog, Manager; Waymire Price Chopper, 2008 Princeton Road, Larry W. Waymire, Manager; Hickory Inn Tavern, 120 E. Dundee, Billie Galutia, Owner and Manager; New York Original Delicatessen, Inc., 125 East 2nd, Steven Franano, Manager, Pizza Village Inc., 330 S. Main, Dennis E. Tharp, Manager; Pizza Time, 2304 Princeton St., John Duncan, Manager and Poncho's of Ottawa, 429 S. Main, Jane E. Mauszycki, Manager; Commissioner Heathman made a motion that the applications as submitted be approved for license for 1990, the motion was seconded by Commissioner Lantis and all present voted in favor of the motion except Commissioner Calliham who voted opposing the motion.

Ordinance 2931-89 - Repealing Prior City Boundary Ordinance.

An ordinance repealing Ordinance 2902-88 establishing City Boundaries be passed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Resolution No. 499-89 - Defining and Declaring the City Boundaries

Commissioner Lantis made a motion that a resolution defining and declaring the Territorial Limits of the Boundaries of the City of Ottawa be passed. The motion was seconded by Commissioner Gillette and all present voted in favor of the motion.

Employee Service Awards

Employee Service Awards were given to the following individuals for 10 years of service, Eddie Hughes, Water Dept., Al Hancock, Inspection Dept., Jerry Harrell, Water Dept., and Jack Davis,

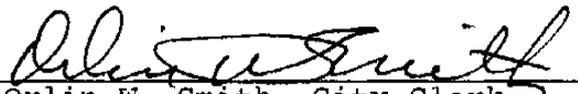
Director of Utilities.

Business from Guests

Mrs. Isabelle Hernandez appeared before the City Commission and objected to the fact that she had signed for two water services at mobile home pads that had just been constructed, that she had been billed minimum bills for two months service on the mobile home pads and that there have been no consumption registered on the meters. It was explained to Mrs. Hernandez that she signed an agreement for the water service and if the City had known that she had not wished the service activated, there would have been no charges, however it was further discussed that Mrs. Hernandez had since informed the City to discontinue the services whereby the minimum charges will stop until someone authorizes the City to turn them back on.

Adjournment

There being no further business to come before the City Commission the meeting was adjourned. The entire text of the meeting is on tape in the office of the City Clerk and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk