

City Hall - Ottawa Kansas - January 6, 1988

The City Governing Body met in regular session at 7:00 P.M. this date Present Mayor Heathman, Commissioners Fogle, McCrea, Calliham and Thompson, absent none. The meeting was called to order by Mayor Heathman who lead the audience in the Pledge of Allegiance. The Invocation was given by Rev. Henry A. Roberts of the Westminster Presbyterian Church.

Approval of Minutes

The minutes of the last regular meeting which was held December 16, 1987 were approved as written.

The minutes of the Special Meeting which was held December 30, 1987 were presented, Commissioner Fogle stated the minutes were incomplete stating that a raise approved for the City Manager of approximately 3 percent \$42,230 per year to \$43,500 per year and increase in car allowance from \$300.00 per mo. to \$325.00 per mo. were not included in the minutes. Commissioner Fogel stated that these items were voted on by the City Commission. It was pointed out however that these items were not considered during the meeting and they were not actually voted on but an agreement for employment for the City Manager was signed by four members of the City Commission. The minutes were then approved as written.

Proclamation Girl Scout Cookie Sale Days

A proclamation proclaiming January 16 through January 31, 1988 as Girl Scout Cookie Sale Days was presented by Debbie Dailey and read by Liz Reusch. The proclamation proclaiming Jan. 16 through January 31, 1988 as Girl Scout Cookie Sale Days was duly approved.

Force Account Agreement for the Installation of Traffic Signals at 17th and Main Street.

A Force Account Agreement between The City of Ottawa and the Secretary of State of Kansas for installation of traffic signing at The Junction of US59 and US50B; project number 59-30 K3422-01 was introduced.

The City Manager explained that the City has been awaiting this force agreement for the signing of this intersection and the agreement sets forth that the City will do the work on the signing in an amount not to exceed \$6,263.83, to be reimbursed by the State at the conclusion of the project in an amount not to exceed \$3,131.92. The signs will be on mast arms over the driving surface instructing vehicular traffic as to what lane to be in for the direction they wish to travel.

Commissioner McCrea made a motion that a resolution authorizing the Mayor and City Clerk to sign a Force Account Agreement between the City of Ottawa and the Secretary of Transportation of the State of Kansas for installation of traffic signing at The Junction of US59 and US50B, project number 59-30 K3422-01 be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Change of Plans and Construction for South Main Street 10th to 15th

A final change order for the resurfacing of South Main Street from 10th to 15th was presented. Request No. 4-F (Final) increases the total construction cost of the improvement of South Main Street from 10th 15th Street from \$227,200.00 to \$230,594.50 for a net increase of \$3,394.50. The change order is a result of all final quantities being tabulated and the final cost arrived at.

Commissioners Calliham made a motion that KDOT change in plans and construction No. 4-F (Final) South Main Street Project, 10th to 15th in the amount of \$3,394.50, following the Cities execution of notice of acceptance on October 7, 1987, Project No. 59-30K 2897-01 be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Report of Planning Commission

It was reported that the Planning Commission did not meet in regular session Jan. 4, 1988 due to a lack of query.

Agreement for Planning Services for 1988

The City Manager introduced two agreements for Planning Services for 1988 as recommended by the City Planning Commission at the study session. The City Manager stated this year the City would be entering into two agreements for planning services in as much as Mr. Myles Schachter who has been the City's Planning Consultant for a number of years is leaving the area of Planning Consultant due to his involvement in computer sales and services. The agreements before the City Commission at this time are with Calcara, Duffendack, Foss & Manlove, Inc. also known as CDFM Architecture and Mr. Schachter also known as Foresight. Under the agreement Mr. Schachter will advise the City only in areas that it is felt his expertise is needed in view of his past experience with the City. The agreement with Mr. Schachter also known as Foresight is for a fee not to exceed \$2,000.00 unless specifically approved by the City Commission, and the agreement for Planning Services from Calcara, Duffendack, Foss & Manlove, Inc. is for a fee not to exceed \$5,000.00 unless specifically approved by the City Commission.

Commissioner Thompson made a motion that the agreements for Planning Services be approved as recommended by the Planning Commission for Foresight for a fee not to exceed \$2,000.00 and with Calcara, Duffendack, Foss & Manlove, Inc. for a fee not to exceed \$5,000.00. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Proclamation Dr. Martin Luther King, Jr. Week

Mr. Richard Jackson read a proclamation proclaiming January 17-23, 1988 as, Dr. Martin Luther King, Jr. Week. Commissioner Thompson made a motion that the Mayor be authorized to sign the proclamation. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Approval of Investment Schedule

Commissioner McCrea made a motion that the schedule of investments existing as Dec. 31, 1987 indicating \$4,800,000 invested at an average annual interest rate of 7.08 percent be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Governing Body Agenda

Commissioner McCrea, referring to Mayor Heathman's visit to the

Dept. of Public Safety on Tuesday afternoon January 5, stated that as it appeared in the Ottawa Herald, Mayor Heathman indicated he had asked or invited other members of the City Commission to go with him to the Dept. of Public Safety. Commissioner McCrea stated he had received no such request from anyone. Mayor Heathman then stated the Ottawa Herald was incorrect, he did not make the statement. Commissioner McCrea then stated he did not appreciate being called a puppet as reported in the Ottawa Herald concerning Mr. Heathmans remarks, Mr. McCrea further stated he had never been a puppet for anyone nor would he ever be. Mayor Heathman then stated he thought puppet sounded better asinine. Commissioner McCrea then asked Mayor Heathman if he was going to present the Dept. of Public Safety Study Group with the facts and signed statements that Mayor Heathman states he has in his possession. Mr. Heathman stated he would do so if the persons who signed the statements would approve this. Mr. Heathman further stated that he had attempted to show the statements to the City Manager, Mr. Dresher, but Mr. Dresher would not look at the statements unless Oren Skiles, Director of Public Safety was present.

City Manager's Agenda

The City Manager announced there would be a public meeting at 7:p.m. Tuesday January 12, 1988, to discuss the proposed improvements on North Main Street. The City Manager stated that all persons owning property abutting on Main St. between Logan St. and Wilson St. had been contacted, that the meeting was to be held and they were hopeful they will attend as there will be a question and answer session and possibly a lot of their questions can be answered. It is also hoped that a number of construction easements might be secured at this meeting.

Public Agenda

Lynn McMasters spoke before the City Commission stating that she did not live within the City but lived about a block east of the City Limits on 7th St. Ms. McMasters addressed the City's Pit Bull Ordinance. Ms. McMasters stated that she had talked with the City Attorney at Topeka and it had been determined that the Topeka Pit Ordinance was unconstitutional and therefore it was going to be changed. Ms. McMasters stated various statics concerning deaths of people caused by dogs and the fact the term Pit Bull is a generic term and does not necessarily imply a fighting dog. Ms. McMasters stated that in lieu of a Pit Bull Ordinance she felt the City should have a Vicious Dog Ordinance. Mayor Heathman stated he was somewhat in agreement with Ms. McMasters and instructed that the dog ordinance be put on the next Study Session Agenda.

Commissioner Thompson spoke in opposition to the dog ordinance appearing on the next Study Session Agenda, stating that they had talked and voted many times on the Pit Bull Ordinance, on the unconstitutionality of the Pit Bull Ordinance and upon question, Assistant City Attorney Bob Bezek stated, a city or an attorney does not declare any ordinance unconstitutional, that is left up to the courts. Mr. Bezek further stated that dogs are not a protected class and the Fourteenth Amendment should not pertain to dogs. Commissioner Thompson stated that in so far as a vicious dog ordinance is concerned the City of Ottawa does have such ordinance but it appears a dog must first bite someone before it can be declared a vicious dog.

The question was asked if a portion of the Pit Bull Ordinance could be deleted whereby Mr. Bezek stated the City Commission has the power and authority to rescind any part or entire ordinance.

Ms. McMasters stated she felt the insurance requirement placed on

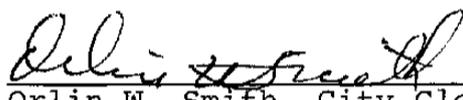
owners of Pit Bull Dogs was unreasonable whereby Mrs. Carol Dobbs stated that at this time she did not object to the insurance requirement.

Tony De La Torre appeared before the City Commission asking what had become of the safety barrier that is to be erected on West Second Street to protect soft ball players and observers from traffic in the event a car should go off bank on West Second St. Commissioner Thompson told Mr. De La Torre someone had offered to put the barrier up free providing he did not have a dead line to meet in so erecting, and that to the best of Mr. Thompson's knowledge the citizen still intended on putting the barrier in place. Mr. Thompson further stated that the citizen wished to remain anonymous.

Mr. Bill Egidy appeared before the City Commission stating he was tired of the City telling him he must remove cars from his place of business on 23rd St. Mr. Egidy indicated he had contacted an attorney by the name of Phelps in Topeka and that if the City did not back off the City would have the damnedest lawsuit we had ever seen.

The owner of Royal Manor Trailer Court appeared before the City Commission asking for relief on a water bill as a result of a leak on his property. He was instructed that the city policy is, there is no relief given for water leaks if the leak occurs on the property in the line owned by the property owner and the water bill must be paid in full.

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 date of meeting.



Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - January 20, 1988

The City Governing Body met in regular session at 9:35 AM this date Present Mayor Pro tem Calliham, Commissioners Fogle, McCrea, and Thompson, absent Mayor Heathman.

Mayor Pro tem lead those present in the Pledge Of Allegiance to the United States Flag and then gave the Invocation for the occasion.

Approval of Minutes

The minutes of the last regular meeting which was held January 6, 1988, were approved as written.

Recognition of Earl Schmitt Upon his Retirement

Mayor Pro tem Calliham recognized Earl Schmitt a former Park Dept. employee of the City of Ottawa and presented him with a plaque commemorating his employment with the City from 1975 through 1987. Mayor Pro tem Calliham commented that in 1987 Mr. Schmitt received an Award of Excellence for his performance.

Resolution No. 451-88 State Aid for Improvements To City Connecting Links

A resolution relating to state aid for improvements of City connecting links that authorizes the Mayor to execute Agreement No. 88-87 on behalf of the City of Ottawa was introduced. It was explained that it is necessary for the resolution to be passed to authorize the Mayor to sign the agreement for the overlay and pavement marking of Main Street from 15th Street south to the south City limits.

Commissioner Fogle made a motion that a resolution relating to state aid for improvements of City connecting links that authorizes the Mayor to execute Agreement No. 88-87 on behalf of the City of Ottawa, Project 59-30 U-1168-01, US59 overlay and pavement marking, from the north line of 15th St. south to the City limits be passed. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Resolution No. 452-88 - Authorizing the Execution of The Housing Finance Agreement

The City Manager introduced a resolution authorizing the execution and delivery of a cooperation agreement pursuant to the Kansas Local Residential Housing Finance Law, K. S. A. 1986 Supp. 12-5219 to 12-5235, inclusive, as amended, between the City of Ottawa, Kansas and Geary County, Kansas and Riley County, Kansas, or either of them (The "Sponsor"): Authorizing the sponsor to engage in any and all acts and exercise all of the authority and powers conferred by the Kansas Local Residential Housing Finance Law within, or with respect to any property located within, the corporate boundaries of the City of Ottawa, Kansas.

The City Manager explained that by enactment of the agreement it will allow first time home buyers to purchase homes whereby twenty five percent of the interest paid on the loan can be used as an income tax credit on state income tax. The City Manager stated that no funds are put up by any local financial institutions and that the agreement runs through December 1, 1989. The City

Manager further stated that a maximum of two hundred million dollars is available for such home loans.

Commissioner McCrea made a motion that a resolution authorizing the execution and delivery of a cooperation agreement pursuant to the Kansas Local Residential Housing Finance Law, K. S. A. 1986 Supp. 12-5219 to 12-5235, inclusive, as amended, between the City of Ottawa, Kansas and Geary County, Kansas and Riley County, Kansas, or either of them (The "Sponsor"): Authorizing the sponsor to engage in any and all acts and exercise all of the authority and powers conferred by the Kansas Local Residential Housing Finance Law within, or with respect to any property located within, the corporate boundaries of the City of Ottawa, Kansas be passed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Ordinance No. 2880-88 -Zoning

Commissioner Thompson made a motion that an ordinance to amend and modify Ordinance No. 2713-82, specifically Appendix A, to include Automobile Wash Services as an additional permitted use in the "C-S" Highway Service District and by adding a new Subsection 15 to Article XXVI Section 1, Additional Use Regulations be passed. The motion was seconded by Commissioner McCrea.

Commissioner McCrea stated that the ordinance before the City Commission at this time is as recommended for passage by the City Planning Commission and this Ordinance will allow the establishment of automobile wash facilities in the "C-2" highway service district. Upon call for the question all present voted in favor of the motion.

Discussion of Ordinance No. 2868-87 - Concerning the Keeping of Pit Bull Dogs

Commissioner Fogle opened the discussion by stating he felt the owners of Pit Bull dogs were not being treated fairly in as much as under the terms of Ordinance 2868-87 the owners are required to have liability insurance in the amount of \$50,000.00 for the keeping of a Pit Bull dog. Mr. Fogle stated that they have built pens, muzzles and must take their dogs out on lead while other persons having German Shepherds and Doberman type dogs do not have these restrictions. Commissioner Fogle then made a motion that Section 5, of Ordinance 2868-87 as it pertains to the insurance requirement for the keeping of Pit Bull dogs be rescinded and stricken from the ordinance. Commissioner Fogle's motion died for lack of a second.

Approval of Payment for Damages to Department of Public Safety Vehicle

Commissioner Thompson made a motion that the City Commission approve the payment of damages in the amount of \$2310.16 for the repair of damages to a Dept. of Public Safety vehicle. The damages are resulting from an incident November 3, 1987. Commissioner Thompson cited that to pay damages for City vehicles from the Risk Management Reserve Fund a City Commission approval must be given. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Applications for Cereal Malt Beverage License

The City Clerk presented an application for license for cereal malt beverages as submitted by Poncho's of Ottawa. Poncho's of Ottawa, located at 429 South Main is operated by Jane Mauszycki and the application is for consumption on premise. The City Clerk reported that all conditions for the receiving of the license had

been met.

Commissioner Fogle made a motion that the Cereal Malt Beverage License as submitted by Jane E. Mauszycki dba as Poncho's of Ottawa be approved the motion was seconded by Commissioner Thompson and all present voted in favor of the motion, except Mayor Pro tem Calliham who abstained from voting.

Report of City Projects

A report of the status of City Projects was read by the City Clerk at this time.

Appointment to The Recreation Task Force

The City Manager stated that through a retyping of the agenda for the City Commission today an item was left off of the agenda, that item being the appointment of two members of the City Commission to a Recreation Commission Task Force to study the Recreation Commission Budget. The Recreation Commission Task Force is to consist of two members from the City Commission, two members from the Board of Education and two members from the Recreation Commission. Mayor Pro tem stated that two members of the City Commission had volunteered for that position, Commissioner Fogle and Commissioner Thompson.

Commissioner McCrea made a motion that Commissioner Fogle and Commissioner Thompson be appointed to the Recreation Commission Task Force to study the Recreation Commission Budget, the motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Ratify Employment Agreement for the City Manager

Commissioner McCrea suggested that in as much as there was no minute record of the approval of the employment agreement of the City Manager, which was considered December 30, 1987, the agreement should be ratified at this time.

Commissioner Thompson stated that most employees of the City receive a five percent salary increase each year for five years based upon satisfactory job performance. The employment agreement for the City Manager does not set forth such increases and therefore in his opinion a three percent merit increase for the City Manager for 1988 was very proper. Commissioner Thompson also stated that the employment agreement of December 30, 1987 included a twenty five dollar per month increase in the City Managers car allowance.

Commissioner Fogle stated he did not feel the discussion and approval of the increase in salary for the City Manager or the increase in his car allowance was above board but in fact appeared to be a little sneaky.

Commissioner McCrea stated the meeting of December 30, 1987 was a special meeting with a specific agenda and only those items which were on the agenda could be discussed.

Commissioner Fogle stated that the employment agreement which was discussed December 30, 1987 was a surprise to him.

Commissioner McCrea made a motion that the employment agreement for the City Manager dated December 30, 1987 which sets forth a three percent salary increase for the City Manager along with a twenty five dollar increase in his monthly car allowance be ratified. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Clarification of Conflict of Interest

Upon request from Commissioner Thompson Mr. Bob Bezek, Assistant City Attorney set forth that which might be considered a conflict of interest. Mr. Bezek stated that a conflict of interest arises when a member of a board such as the City Commission enters into a discussion or votes on an issue which might benefit him monetarily. Mr. Bezek further stated that if a member of a board such as the City Commission does enter into discussion a or votes on an issue which might benefit him monetarily then a full disclosure of the conflict of interest would be in order. Mr. Bezek did state however that each case which might involve a conflict of interest would need to be considered individually on its own merit.

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 date of meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - February 3, 1988

The City Governing Body met in regular session at 7:00 P.M. this date. Present: Mayor Heathman, Commissioners Fogle, McCrea, Calliham and Thompson, absent none. Mayor Heathman called the meeting to order and proceeded to lead in the Pledge of Allegiance to the American Flag and the Invocation was given by Milan Lambertson, Pastor of West Franklin Parish.

Approval of Minutes

The minutes of the last regular meeting which was held January 20, 1988 were approved as written.

Ordinance No. 2881-88 - Electrical Code

The Governing Body proceeded to consider an ordinance providing a certain amendment to Chapter VI of the Municipal Code of the City of Ottawa, Kansas, 1982, specifically amending Article 3, Section 6-309, by the addition of sub-paragraph (f).

The City Manager explained that sub-paragraph (f) sets forth the type of conduits for electrical wiring which may be used in commercial and industrial type buildings.

Commissioner Calliham made a motion that an ordinance providing a certain amendment to Chapter VI of the Municipal Code of the City of Ottawa, Kansas, 1982, specifically amending Article 3, Section 6-309, by the addition of sub-paragraph (f) be passed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Resolution No. 453-88 - Improve Main Street

A Resolution declaring the necessity for and the intention of the governing Body of the City of Ottawa, Kansas, to improve or re-improve Main Street from Fifteenth Street south to the south city limits was introduced.

The City Manager explained that the resolution sets forth the type of improvement for Main Street from 15th to the south city limits and also sets the estimated probable cost at \$288,720.00. The City Manager stated that the estimated probable cost is probably on the high side but that is necessary in that the cost of improvement cannot exceed the stated probable cost.

Commissioner Thompson made a motion that a resolution declaring the necessity for and the intention of the governing Body of the City of Ottawa, Kansas, to improve or re-improve Main Street from Fifteenth Street south to the south city limits and giving the estimated probable cost of the improvement as \$288,720.00 be passed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Request for Sidewalk Sale

The City Commission received a request from the Ottawa Area Chamber of Commerce Retail Trade Committee to use the sidewalks for a merchandise display in the Central Business District Saturday, February 20, 1988, from 9:00 AM to 5:00 PM in

conjunction with the "President's Day" promotion.

Commissioner Fogle made a motion that the request from the Ottawa Area Chamber of Commerce Retail Trade Committee to use the sidewalks for a merchandise display in the Central Business District Saturday, February 20, 1988, from 9:00 AM to 5:00 PM in conjunction with the "President's Day" promotion be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Discuss the future of the North American Hotel

Mary Bauer, chairperson of the Ottawa Area Chamber of Commerce Communications and Image Committee appeared before the City Commission expressing a concern on the behalf of her committee on the status of the North American Hotel. Ms. Bauer stated that the North American Hotel is a disgrace to the City of Ottawa in its present state. Ms. Bauer stated that her committee felt the Hotel constituted a health and safety hazard in as much as the building is inhabited by birds, with bird droppings and dead birds evident and that there is a possible hazard from windows falling out of the hotel. Ms. Bauer asks that the City Commission contact the owners of the North American Hotel requesting that the building be renovated or demolished. Upon question by the Mayor, Assistant City Attorney Bob Bezek, stated there are three possible alternatives in correcting the situation of the North American Hotel, one being, after an inspection by the Inspection Dept., if the building is determined to be a nuisance and health hazard, the City might proceed by starting proceedings against the owners as a criminal act. Another alternative is that the City might be able to proceed under the unsafe or dangerous statutes of the State and seek demolition of the building. The third alternative being a condemnation of the structure. Mr. Bezek did state that the latter two alternatives could prove to be expensive.

Commissioner Calliham questioned if there was any way to legally force the owners to demolish the building, whereby Mr. Bezek stated he did not know of a way to do that. Mr. Bezek further commented, it was his understanding that the building was on the State Roll of Historic Buildings and that an approval of the Secretary of State would have to be secured before the building could be demolished.

Ms. Bauer stated at this time however, that her committee is only asking the City to approach the owners to see if they would renovate or demolish the structure.

Commissioner McCrea suggested that the City Manager have the Inspection Dept. and Chief Diamond inspect the building to see what needs to be done to bring the building up to minimum standards. Commissioner Fogle stated that at one time the Champney Wrecking Co. of Topeka had given an estimate for the removal of the top two floors of the building and suggested the City Manager contact Champney Wrecking as to what that cost would be. It was decided that this subject would further be discussed in the study session, Monday, February 8, 1988.

The City Manager stated he would have as much information as possible on the building available for the City Commission at that time.

Cereal Malt Beverage License Applications

The City proceeded to consider two Cereal Malt Beverage license applications as presented by the City Clerk. The license applications are as follows; W. S. Acquisition Corporation dba Food Barn #614, located at 901 South Main, Larry Dametz, Manager,

not for consumption on premise. Leslie L. Morgan dba Pete's Pub, 231 North Main, for consumption on premise.

Commissioner Thompson made a motion that the Cereal Malt Beverage License application as presented be approved for issue. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion except Commissioner Calliham who abstained from voting.

Report of Planning Commission Meeting

The City Planning Commission Met in regular session on Tuesday, February 2, 1988 at 7:00 P.M. in City Hall. Present: Members Keith, Hendrix, Todd, Woolman, Ellena, Chairman Petersen, Absent: Members Searls.

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

There being no further business, the meeting was adjourned.

Review Investment Schedule

The schedule of investments existing as of January 31, 1988 indicated a total of \$5,300,000.00 invested, at an average interest rate of 6.73 percent. Commissioner McCrea made a motion that the schedule of investments existing as of January 31, 1988 indicating a total of \$5,300,000.00 invested at an average interest rate of 6.73 percent be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Proclamation Vocational Education Week

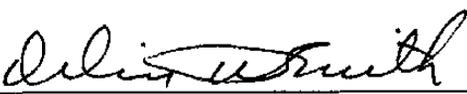
Jeremy Jennings a student in electronics at the East Central Vocational Cooperative read a proclamation proclaiming February 8-12, 1988 as Vocational Education Week. Whereby Mayor Heathman approved the proclamation.

Public Agenda

Mr. Russell Crites appeared before the City Commission and stated that he was on Ms. Bauer's Communication and Image Committee of the Chamber of Commerce and reiterated Mrs. Bauer's statement that the committee is not trying to tell the City Commission what to do with the North American Hotel but hoping that something can be done to find a solution to the program.

Mr. David Petersen appeared before the City Commission stating he thought the feasibility of the City using the hotel for office space, possibly the Library could use additional space and possibly the County could use additional office space should be investigated.

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 date of meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - February 17, 1988

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

Pledge of Allegiance and Invocation

Mayor Heathman lead the chamber audience in the Pledge of Allegiance to the American Flag followed by Rev. Clyde Greisen, delivering the invocation.

Approval of Minutes

The minutes of the last regular meeting which was held February 3, 1988 were approved as written.

Public Hearing - Sanitary Sewer - Special Assessments

A public hearing was held at this time to receive comments, review and determine the amount of special assessments for the Sunnyside Sewer Addition project.

The City Clerk reported that the Sunnyside Sanitary Sewer Addition project is completed and the total assessments chargeable to the benefit district inclusive of construction costs, engineering, interest on borrowed money, legal and physical fees is \$25,000.00. The special assessments have been spread to the individual lots and tracts of ground and all owners of property have been notified of the special assessment obligation. The City Clerk further reported, the only comment received to date was a written communication of Aubry Ponton, a property owner within the benefit district, stating he was in approval with the special assessments charged to his property. There were no further comments from the City Commission or persons in attendance concerning these special assessments.

Commissioner McCrea made a motion that the hearing be closed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Ordinance No. 2882-88 - Apportioning and Levying Special Assessments

Commissioner Thompson made a motion that an ordinance apportioning and levying special assessments in the amount of \$25,000.00 to pay the cost of constructing an 8" sanitary sewer located in an alley easement in parts of Blocks 1 and 2 in the Sunnyside Addition in the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner Fogle, and all present voted in favor of the motion.

Ordinance No. 2884-88 - Tort Claims

An ordinance implementing the Notice of Claim provision in the Kansas Tort Claims Act - K.S.A. 12-105b(d) [Laws 1987, Chapter 353, Sec. 9 (d)]. Providing that any person having a claim against the City of Ottawa which could give rise to an action brought under the Kansas Tort Claims Act shall file a written notice as provided herein below with the City Clerk of the City of

Ottawa, Kansas, was introduced.

Upon request from Mayor Heathman, the City Attorney explained the intent and purpose of the Tort Claims Act.

Commissioner Calliham made a motion that an ordinance implementing the Notice of Claims provision in the Kansas Tort Claims Act - K.S.A. 12-105b(d) [Laws 1987, Chapter 353, Sec. 9 (d)]. Providing that any person having a claim against the City of Ottawa which could give rise to an action brought under the Kansas Tort Claims Act shall file a written notice as provided herein below with the City Clerk of the City of Ottawa, Kansas be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Ordinance No 2885-88 - Consumption of Alcoholic Beverages.

An ordinance amending Section 4-404 of the 1982 Municipal Code of the City of Ottawa, Kansas, and substituting a new Section 4-404 relating to the serving, mixing and consumption of alcoholic beverages on the premises of a club licensed under the provision of K.S.A. 41-2605, et seq, was introduced.

It was explained by the City Attorney that this ordinance is to further clarify and define what constitutes the sale and consumption of alcoholic beverages and further define the meaning of owner or operator of a club. The City Attorney stated that Section 4-404 of the Municipal Code borders on being unenforceable at this time.

Commissioner McCrea made a motion that an ordinance amending Section 4-404 of the 1982 Municipal Code of the City of Ottawa, Kansas, and substituting a new Provision 4-404 relating to the serving, mixing and consumption of alcoholic beverages on the premises of a club licensed under the provision of K.S.A. 41-2605, et seq, be passed. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Ordinance No. 2886-88 - No Parking Zones

An ordinance amending the 1982 Municipal Code of the City of Ottawa, Kansas, by creating Code Section 13-302a creating "No Parking" zones on terraces or upon sidewalks within the City of Ottawa, Kansas, providing penalties for the violation thereof and providing exceptions thereto and repealing Ordinance No. 2872 was introduced.

It was explained by the City Attorney that the purposed ordinance that repeals Ordinance No. 2872-87 is written in such a way that it further clarifies the language contained in the original Ordinance 2872-87.

Commissioner Calliham made a motion that an ordinance amending the 1982 Municipal Code of the City of Ottawa, Kansas, by creating Code Section 13-302a creating "No Parking" zones on terraces or upon sidewalks within the City of Ottawa, Kansas, providing penalties for the violation thereof and providing exceptions thereto and repealing Ordinance No. 2872 be passed. The motion was seconded by Commissioner Fogle, all present voted in favor of the motion.

Ordinance No. 2887-88 - Natural Gas Franchise

An ordinance granting to the Kansas Power and Light Company, (also known as KPL Gas Service), a Kansas Corporation, its successors and assigns, a natural gas franchise, prescribing the terms thereof and relating thereto, and repealing all ordinances or part

of ordinances inconsistent with or in conflict with the terms hereof was introduced.

The City Attorney explained that the gas franchise before the City Commission today is the same as an ordinance passed by the City Commission late in 1987, except Ottawa University, USD 290 and Ransom Memorial Hospital are set out in the new ordinance as paying only a one percent franchise fee. The original ordinance did not make this distinction and as a result the franchise fee being paid by Ottawa University, USD 290, and Ransom Memorial Hospital had been increased to five percent.

Commissioner Thompson made a motion that an ordinance granting to the Kansas Power and Light Company, (also known as KPL Gas Service), a Kansas Corporation, its successors and assigns, a natural gas franchise, prescribing the terms thereof and relating thereto, and repealing all ordinances or part of ordinances inconsistent with or in conflict with the terms thereof be passed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Acceptance of Corporation Deed from C & H Carwash, Inc.

The City Manager stated that the City had received a deed from the C & H Carwash Inc. to the City of Ottawa, for property described as the east 60 feet of Lot 12B County Clerk's Subdivision No. 1 for the purpose of street and utility improvement. The land which is being deeded to the City of Ottawa is 60 feet wide and runs from 23rd Street north into the Wal-Mart parking lot. C & H Carwash is deeding the land to the City of Ottawa for street purposes to serve their intended purpose of a car wash, the property will also connect 23rd Street to the Wal-Mart parking lot.

Commissioner Calliham made a motion that a Corporation Deed from C & H Carwash Inc. to the City of Ottawa, for property described as the east 60 feet of Lot 12B County Clerk's Subdivision No. 1 for the purpose of street and utility improvements be accepted. The motion was seconded by Commissioner McCrea, all present voted in favor of the motion.

Acceptance of Quitclaim Deed From Donald James Cook and M. Joan Cook

The City Manager stated, that the City is in receipt of a Quitclaim Deed from Donald James Cook and M. Joan Cook to the City of Ottawa for approximately .07 acres of property along the South line of North Street between Mulberry and Sycamore Streets to be used for street right-of-way. This strip of land will allow for the straightening and widening of North Street between Mulberry and Sycamore Street. As consideration for the piece of land the City is to pay Donald James Cook and M. Joan Cook \$1,000.00, install a 4" sanitary sewer, waive the special sewer connection fees and move an existing fence. The City Manager further explained with acquisition of this piece of land it will be possible to use North Street for additional traffic from the Southeast Industrial Park.

Commissioner Fogle made a motion that a Quitclaim Deed from Donald James Cook and M. Joan Cook to the City of Ottawa for approximately .07 acres of property along the South line of North Street between Mulberry and Sycamore Streets to be used for street right-of-way be accepted. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Public Hearing - Vacation of a portion of Massasoit Street

The Governing Body proceeded to hold a public hearing on the

vacation of a portion of Massasoit Street from the West line of the alley West of Main Street to the East line of King Street as petitioned for by the adjoining property owners. A petition for vacating this portion of Massasoit Street was received from Parmelee Industries on February 1, 1988. Legal Publications as set forth by KSA 12-504 et seq, have been made prior to the hearing date.

Mr. Bill Holiday representing Parmelee Industries appeared before the City Commission stating that Parmelee is involved in the manufacture of safety equipment, generally for industrial purposes. Parmelee sees the need to expand from their present plant of 13,000 sq. feet and to build a facility with an additional 20,000 sq. feet. Mayor Heathman ask if it would be possible for Parmelee to expand without closing Massasoit St. It was answered yes it would be possible but not practical as material would have to flow back and forth accross the street from one segment of the plant to the other. Mr. Holiday now employees one hundred forty persons in the 13,000 sq. foot plant, it is very inefficient and the company has had to move some operations out of Ottawa. Mr. Holiday explained that the new operation will use a plastic sheet stock process and not the injection molding as is now used. The addition will employ 6 to 10 additional people. Mr. Holiday stated the addition will also stabilize employment for the Parmelee plant in Ottawa. Mr. Holiday stated it is hoped construction can be started in late spring and the company will be investing \$350,000.00 to \$400,000.00 in the new building.

Commissioner Fogle pointed out that there is presently a carpet business fronting on Main Street which needs access for a sixteen wheel semi-truck, and the construction of the Parmelee building and the closure of Massasoit St. might prohibit the truck from entering on the property of the carpet business.

Mr. Ray Kopaska, who operates a trucking warehouse at the intersection of King Street and Massasoit, stated that he needs Massasoit to back his semi-trailer into the warehouse and if Massasoit is closed he would find it very difficult to get into the bldg.

Mr. Bob Green representing Hubbard Lumber Co. stated that the people speaking today are not anti-progress or anti-Parmalee, but wanted to be sure the City Commission is going to be fair to existing businesses and residents in the area.

Mr. Russ Anderson of Hubbard Lumber stated, his predecessor owner, Mr. Earl Schmanke probably would not have bought the property on which Hubbard Lumber now operates had he known that Massasoit Street would be closed. Mr. Anderson stated he had interviewed most of the customers in his business the past few weeks and 80 percent of the traffic to his business does come down Massasoit Street. Mr. Anderson further stated that 100 percent of the trucks coming to his business did travel Massaoit Street, but most of the trucks visiting his business however could probably get to his warehouse from a north door which is entered from his property. Mr. Anderson stated that when the Marais Des Cygnes River Bridge was closed one winter, his business was down 25 percent, he does not contribute all of his business loss to the closure of the bridge but he does feel it would account for a large part of it.

Mr. Dick Crooks who operates the carpet business on Main St. said he used a Hubbard Lumber Warehouse but he could go a little out of his way to move his merchandise from the warehouse to his business, but he must have access for the big trucks that visit his business.

Mr. Duane Hall of Franklin Savings Assoc., stated he did appreciate the problems of the businesses in the area but he thought the City should try to help Parmelee and work with the businesses to work out their problems.

Mr. Kent Lash who operates a locksmith business at Hubbard Lumber expressed a concern for the school crossings on Main Street, as he felt closing Massasoit Street would cause additional traffic through the school crossing zone.

The City Manager stated however that when Main Street is rehabilitated in 1988 the school crossings will be moved.

Mr. Bob Green stated he would like to see the City help Parmelee, but there are businesses existing in the area that have been there for twenty years. Mr. Green also pointed out there could be a traffic problem with workers going to and from the Parmelee Plant.

Mr. Bob Morris stated he worked for Mr. Ray Kopaska in the trucking business and the closure of Massasoit Street will make it very difficult to get in and out of their warehouse.

Commissioner Fogle stated that there are many jobs at stake in the proposed enlargement and suggested the City and Parmelee work with the inconvenienced parties to see if the problems could not be resolved.

Mr. Bob Green asked the City Commission to table the issue for further study before taking action.

Mr. Duane Hall asked the City Commission not to table the issue but to take action on the issue today.

Commissioner Callihan then stated he did appreciate the attitude of Russ Anderson who had spoke to him in the past few days and stated that he realized the decision the City Commission would make would be in the best interest of the City.

Commissioner Thompson 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 2883-88 - Vacating A Portion of Massasoit Street

Commissioner Fogle made a motion that an ordinance providing for the vacating of a certain portion of Massasoit Street from the west line of the alley west of Main Street to the east line of King Street in accordance with KSA 12-504 et seq be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion, except Mayor Heathman who voted opposing the motion.

Public Hearing - Economic Development Block Grant Funds

The City Commission proceeded to hold a public hearing to obtain written or oral comments on the possible uses of Economic Grant Funds under the 1988 Community Development Block Grant Small Cities program.

The City Manager explained that the City of Ottawa had made legal publications announcing the hearing and the purpose of the hearing. The purpose of the hearing being to obtain written or oral comments on the possible uses of Economic Development Grant Funds. The City Manager stated it is estimated that \$12,000,000.00 will be available in 1988 for Economic Development Block Grant Funds, of the \$12,000,000.00, \$3.9 to \$6.3 million will be available for Economic Development Grants. The Economic

Development Grant Ceiling is \$300,000.00 per grant with an additional ceiling restriction of a cost per job retained and/or created in CDBG funds may not exceed \$15,000.00.

Economic Development projects must demonstrate the intent, and must result in, the creation of new jobs and/or the retention of existing jobs, primarily for the benefit of low-and-moderate income individuals. Economic Development Grant projects may include, but are not limited to, providing working capital; property acquisition; site clearance; infrastructure improvements; and other business-related financing assistance for a new business, or an existing business expanding .

The City Manager further stated that the deadline for applications is April 4, 1988, and awards will be announced May 2, 1988.

There being no further comments Commissioner McCrea made a motion that the hearing be closed, the motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Consideration of an Economic Development Grant

The City Commission proceeded to consider an Economic Development Grant and Recapture Agreement between the City and Heritage Park Limited of Kansas, providing for financial assistance for the relocation of a new manufacturing business to Ottawa.

It was explained that the City of Ottawa is considering an Economic Development Grant in the amount of \$32,000.00 to Heritage Park Limited for the start up of a new business in the City of Ottawa. \$20,000.00 of the grant would be payment for the Company to move, renovate and start up in a building in Ottawa, and \$12,000.00 would be for a rent subsidy. There is a recapture agreement set forth in the agreement whereby if the Company did not meet certain criteria in numbers of people employed or did not purchase a building for the business in Ottawa by September 1989 the company would have to pay back to the City of Ottawa a sum of \$18,000.00 as set forth in the recapture schedule.

Commissioner McCrea stated the City Commission will fall subject to criticism on the grant if the business should fail or the all over purpose of the Economic Grant is not successful. On the other hand if the grant procedure works everyone will be happy.

Commissioner Thompson made a motion that an Economic Development Grant and Recapture Agreement between the City and Heritage Park Limited of Kansas in the amount of \$32,000.00 providing for financial assistance for the relocation of a new manufacturing business to Ottawa be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Proclamation - American Association Of University Week

A proclamation was read proclaiming the week of March 6-12 1988 as American Association of University Women (AAUW) week. The proclamation was approved and signed by Mayor Heathman.

Report of City Projects

A status report of the City Projects for Feb. 1988 was read by the City Clerk .

Governing Body Agenda

Commissioner Fogle suggested that the City study the closing of

Massasoit Street in so far as the inconveniences that will be caused to existing businesses in the area. Commissioner Fogle further stated that the Paramelee Co., the City and the owners of businesses effected by the closing of Massasoit attempt to resolve the problems of ingress and egress and any other problems as they might exist surrounding the closing of the street.

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 date of meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - March 2, 1988

The City Governing Body met in regular session at 7:00 P.M. this date Present: Mayor Heathman, Commissioners Fogle, McCrea, Calliham and Thompson, absent none. Mayor Heathman led in the Pledge of Allegiance to the Flag, and the Invocation was given by Pastor David Murray Pastor, Grace Episcopal Church.

Approval of Minutes

The minutes of the last regular meeting which was held February 17, 1988 were approved as written.

Public Hearing to Increase the 1988 Street Rehabilitation Budget

A public hearing was held at this time to consider increasing the 1988 Street Rehabilitation Budget from, \$455,459 to \$512,280. It was explained by the City Manager, the proposed increase in the Street Rehabilitation Budget would not cause a collection of additional taxes, but the increase in the budget is proposed as a result of certain projects not being accomplished in 1987 and the funds for those projects were carried forward into the 1988 budget year along with some reimbursements received from the State for the overlay of East Logan Street.

Mr. Aaron Bien questioned as to whether East 1st Street could be improved with Street Rehabilitation Funds. It was explained to Mr. Bein that Street Rehabilitation Funds are to be used to rehabilitate streets which have already been improved and are not to be used to improve un-improved streets, as East 1st is at this time. Mr. Bien was instructed however that he could circulate a petition calling for the improvement of East 1st Street, thus creating a benefit district and if sufficient signatures were obtained, East 1st Street could be improved. There being no further discussion Commissioner McCrea made a motion that the public hearing be closed. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Amendment to 1988 Street Rehabilitation Budget

Commissioner Fogle made a motion that an amendment to the 1988 Street Rehabilitation Budget increasing the adopted budget by \$56,821 to a total of \$512,280 be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Ratification of Economic Development Grant

The Governing Body proceeded to consider ratification of agreement between the City of Ottawa and Heritage Park Limited of Kansas, granting funds in the amount of \$32,000 in accordance with the Economic Development Grant, and Recapture Agreement dated February 17, 1988.

It was discussed that the Economic Development Grant and Recapture Agreement dated February 17, 1988 with Heritage Park Limited of Kansas, stated there would not be a recapture of funds necessary if Heritage Park Limited, purchased a building

within the City of Ottawa for its manufacturing facilities. Heritage Park Limited has purchased a building for its operation, with a contract for deed arrangement and there was a question as to whether the contract for deed would satisfy for the purchase of a building regarding the recapture of funds. A consensus of the Governing Body indicated they felt a contract for deed did satisfy the purchase requirement whereby there would be no recapture of funds necessary.

Commission Calliham made a motion that an agreement between the City of Ottawa and Heritage Park Limited of Kansas, granting funds in the amount of \$32,000 in accordance with the Economic Development Grant, and Recapture Agreement dated February 17, 1988 be ratified and that there be no recapture of funds. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Approval of LBT's replat of Lot 47 - County Clerk
Subdivision No. 1

The City Manager presented the LBT replat of Lot 47 - County Clerk Subdivision No. 1 to the City Commission, explained its purpose and further stated that the approval of the plat had been recommended by the City Planning Commission.

Commissioner McCrea made a motion that the LBT replat of Lot 47, County Clerk Subdivision No. 1 to the City of Ottawa, Franklin County Kansas as recommended by the Planning Commission Tuesday March 1, 1988 be approved. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion except Commissioner Thompson who abstained from voting.

Report of Planning Commission Meeting

A report of the Planning Commission Meeting of March 1, 1988 was presented to the City Governing Body as follows:

The City Planning Commission Met in regular session on Tuesday, March 1, 1988 at 7:00 P.M. in City Hall. Present: Members Hendrix, Ellena, Searls, Todd and Chairman Petersen, Absent: Members Woolman, Keith.

The minutes of the last meeting held February 2, 1987 were approved as written by a 5-0 vote.

The Planning Commission approved the preliminary and final plats of "LBT's Replat of lot 47, County Clerks Subdivision #1" by a 5-0 vote.

The Planning Commission Called a public hearing for the 1988 update to the "Capital Improvement Program" to be held at their April meeting.

There being no further business, the meeting was adjourned.

Approval of Investment Schedule

Commissioner Calliham made a motion that the schedule of investments existing as of February 29, 1988 indicating a total of \$5,300,000 invested at an average annual interest rate of 6.61 percent be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Governing Body Agenda

Mayor Heathman recognized Mrs. Donna Adell who was in attendance at The City Commission meeting with a group of third and fourth grade students from the Church of the Nazarene. Mrs. Adell stated that her third and fourth grade students in attendance are working on a citizenship badge.

Commissioner McCrea stated that on occasion the owners of the North American Hotel had contacted his firm, Ottawa Lumber, to make repairs on the building consisting mainly of boarding over windows that had fallen out. Commissioner McCrea stated, this may happen again in the future and that he did not consider it a conflict of interest but wished to make a public statement to the fact at this time.

Public Agenda

Mr. John Pieman appeared before the City Commission representing the Ottawa Recreation stating that he and other members of the recreation commission were appearing before the City Commission at this time to solicit help on the operation of the swimming pool. Mr. Pieman stated that the Ottawa Recreation Commission had lost \$10,000.00 on the operation of the swimming pool in 1987 and wished to have some kind of financial arrangement worked out prior to signing a contract for the operation of the pool in 1988. Mr. Pieman stated, the salaries paid lifeguards and other people around the pool have increased over the years but he stated they felt they had to pay a better wage to keep quality people.

Commissioner Thompson stated that he, Commissioner Fogle and City Manager Dresher had attended a budget meeting with the Recreation Commission, and thought an agreement had been reached whereby the representatives from Unified School Dist. 290 Board would approach the school board about a mill levy increase for the swimming pool. Commissioner Thompson stated that a mill increase from USD 290 would be approximately \$11,000 more than a mill received from the City of Ottawa. Commissioner Thompson also stated that in as much as the pool is used by the total of Unified School Dist. 290 he did not feel the City of Ottawa alone should have to bear the burden of the additional operating costs.

Commissioner Fogle stated he was in agreement with Commissioner Thompson in that he felt an agreement had been reached whereby a request would be made to the USD 290 School Board for a mill levy increase. Commissioner Fogle stated however that if the 290 School Board would not increase the mill levy that a change in policy might have to be considered.

Tony De La Torre appeared before the City Commission asking if certain fees received by the City, naming the sale of wood in the winter time and certain funds received as confiscated from drug raids might be channeled to the swimming pool operations. Mr. De La Torre was answered that the fees from the sale of wood is very minimal but overall all such fees are put into the General Fund and if these funds were taken they would have to be replaced from another source. It was the feeling of the City Commission that no action should be taken until such time as an answer might be received from the USD 290 School Board as to whether they would increase the mill levy for the Recreation Commission. Mayor Heathman suggested the subject be discussed at the next study session of the City Commission.

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 date of meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - March 16, 1988

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

Mayor Heathman lead those in attendance in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. David Murray, Grace Episcopal Church.

Approval of Minutes

The minutes of the last regular meeting which was held March 2, 1988 were approved as written.

Recognition of Retiring Employee

Mayor Heathman presented Don Barnes with a plaque commemorating his retirement from the City after 37 years of service.

Recommendation of Administrative Review Committee Concerning Tax Exemption

The City Manager reported that the Administrative Review Committee, consisting of the City Clerk, City Manager and the President of the Ottawa Area Chamber of Commerce had met and reviewed the application of the Ottawa Truck Corp. for a tax exemption on a new structure to be constructed to enlarge their production capabilities. The new structure will consist of 18,000 square feet at an estimated cost of \$300,000.00 and the Ottawa Truck Corporation is requesting a 100% tax exemption on the structure and equipment for ten years. The increased production of Ottawa Truck will result in 25 new jobs created within a period of two years. The City Manager further reported that the Administrative Review Committee found the request to be in order and met the criteria set forth in the City of Ottawa Resolution No. 448-87. It was the recommendation of the review committee that the City Governing Body give further consideration to the request and that the request be granted.

Commissioner McCrea made a motion that the City Governing Body give further consideration to the request of the Ottawa Truck Corp. as recommended by the Review Committee. The motion was seconded by Commissioner Calliham, and all present voted in favor of the motion, where upon a public hearing on the request of the Ottawa Truck Corp. was called for 7:P.M. April 6 1988.

Award Contract for Parking Lot Improvement

The City Manager reported that the City had received bids for the concrete curb and gutter and pavement portion of the parking lot at 3rd and Cedar St. The bids were opened and received at 10 A.M. March 14, 1988. The bids were as follows: Thompson Concrete, \$17,509.05, Mages Concrete, \$21,317.80, Lantis Const., \$24,999.00, and Rule and Shrum Const. \$24,925.10. The Engineers estimate for the project was \$26,780.00. The City Manager stated that the engineer had checked the bids for their accuracy and it is recommended that the contract for the improvements be awarded to Thompson Concrete for a bid price of \$17,509.05.

Commissioner Fogle made a motion that the contract for curb and gutter and pavement portion of the parking lot at 3rd and Cedar

St. be awarded to Thompson Concrete at a bid price of \$17,509.05 and that the Mayor be authorized to execute the contract when the documents are prepared. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Request to use City Park and to Close Main Street for Skunk Run Days

The City Governing Body proceeded to consider a request of the Skunk Run Days Steering Committee for the use of City Park and to close Main Street from 5th St. to 7th St. Sunday June 5, 1988, for the Skunk Run Days Celebration. It was discussed that the request to close Main Street is because the celebration is getting larger every year and there is a fear of someone walking into Main St. and being hurt. It was also discussed the City will need to submit an application to the Kansas Dept. of Transportation to close Main St. from 5th to 7th as this is a federal highway.

Commissioner Calliham made a motion that the City approve the use of City Park and to close Main Street from 5th to 7th St., Sunday June 5, 1988, from 7 A.M. to 6 P.M. for the Skunk Run Days Celebration. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Request to use Forest Park for the Easter Egg Hunt

Mr. Gary Bateman representing the Ottawa Jaycees appeared before the City Commission and requested permission to use Forest Park on Saturday, March 26, 1988, for their annual Easter Egg Hunt and further requested to use Forest Park for the Easter Egg Hunt on April 2, if they should be rained out March 26.

Commissioner Thompson made a motion that the Ottawa Jaycees be permitted to use Forest Park for their Easter Egg Hunt on March 26, 1988 or on April 2, 1988, should the earlier date be rained out. The hours of the hunt being from 8 A.M. until noon. The motion was seconded by Commissioner Calliham, and all present voted in favor of the motion.

Request to use Forest Park for the St. Jude's Bike-a-Thon

Mr. Gary Bateman representing the Ottawa Jaycees also requested the use of Forest Park, on Saturday, April 9, 1988, from 7:00 A.M. to 5:00 P.M. for the St. Jude's Bike-a-Thon. Mr. Bateman further requested the use of Forest Park on April 16, for the same event if the earlier date should be rained out.

Commissioner McCrea made a motion that the Ottawa Jaycees be permitted to use Forest Park on April 9 or April 16, 1988, in the event the first date is rained out, between the hours of 7:00 A.M. and 5:00 P.M. for the St. Jude's Bike-a-Thon. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Agreement for Planning Services

The City Manager explained that the City's agreement for Planning Services and for the update of the City's Comprehensive Plan between the City and Calcara, Duffendack, Foss & Manlove, Inc. had been terminated because the City's planner from that firm, Mr. Ron Williamson had terminated his employment with the firm and is now employed with Bucher, Willis, and Ratliff. The City Manager stated that the City presently has a contract for execution between the City of Ottawa and Bucher, Willis and Ratliff to continue Mr. Williamson services through 1988. The agreement for planning services is not to exceed \$5,000.00 and the agreement for the update of the City's Comprehensive Plan is for \$34,090.00

which is the remaining amount of the contract which the City had with Calcara, Duffendack, Foss & Manlove.

Commissioner Thompson made a motion that the City enter into an agreement with Bucher, Willis and Ratliff for Planning Services in an amount not to exceed \$5,000.00 and to complete the update of the City's Comprehensive Plan in an amount not to exceed \$34,090.00. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Proclamation "Prevent A Litter" Month

A Proclamation was printed and read by Emily Mathis proclaiming April as "Prevent A Litter" Month. The purpose of "Prevent a Litter" Month is to alert pet owners that female pets should be spayed to prevent the destruction of unwanted animals.

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

Report of City Projects

A report of the status of City Projects was read by the City Clerk at this time. At the conclusion of the reading of the report, Commissioner Fogle inquired as to the status of North Street, whereby it was reported that North Street is presently being worked on and should be completed shortly.

Commissioner Calliham reported that the new water main installation in the vicinity of Orchard Heights appears to be moving well and will be a big improvement to the area.

Governing Body Agenda

Letter of Commitment for Kreitler Custom Roller, Inc.,

The City Manager reported that the item before the City Commission at this time is a letter of commitment for Economic Development Incentives for Al Kreitler d/b/a/ Kreitler Custom Roller, Inc., 5102 Bannister Road, Kansas City, Missouri. The City Manager stated that Mr. Kreitler had met with the City Commission and that the City Commission had tentatively agreed to the commitments set forth in the letter, but that the letter after execution is still not binding upon the City. The City is to provide Economic Funding of \$7,500 to defray the cost of Kreitler Custom Roller, Inc. in their move from Kansas City to Ottawa. The City is to provide Economic Development Funding to pay the first twelve months mortgage payments totaling \$7,770.48 and the City is to buy down an interest rate to 7% for approximately \$22,000 that Kreitler Custom Rollers, Inc. intends to borrow to purchase equipment and that the City will consider other Economic Developments incentives which might be available for future expansion of Kreitler Custom Rollers, Inc.. The letter further states that the City does reserve the right to withdraw its commitment if terms as described cannot be agreed upon in a formal contract.

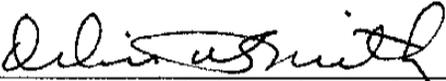
Commissioner Thompson made a motion that the Mayor be authorized to sign the letter of commitment as set forth above. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

City Manager's Agenda

Discussion of Kansas Open Meetings Act

The City Attorney proceeded to explain the Kansas Open Meetings Act both to the Governing Body and those present. The City Commission has been accused on two occasions of violation of the Kansas Open Meetings Act however in both cases the office of the Attorney General of the State of Kansas has termed that the City Commission in those two cases were in a technical violation, meaning there was not an intent to violate the Open Meetings Act. The City Attorney explained the Open Meetings Act to the City Commission and those in attendance as requested by the Kansas Attorney General.

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 date of meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - April 6, 1988

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

Mayor Heathman lead the City Commission Chamber Audience in the Pledge of Allegiance to the American Flag, and the invocation was given by the Rev. Marvin Jamison, paster of the Town & Country Church of Christ.

Approval of Minutes

The minutes of the last regular meeting which was held March 16, 1988 were approved as written.

Public Hearing - Request for Property Tax Exemption

A public hearing was held at this time on a request of the Ottawa Truck Corporation for a property tax exemption on their manufacturing plant expansion comprising approximately 18,000 sq. ft. It was discussed that the action of the Kansas Legislature in 1987 now authorizes Cities to give a property tax exemption for a maximum of ten years for expansion or additions to manufacturing facilities in an effort to promote economic development within the State of Kansas. The Ottawa Truck Corp. is in the process of expanding their manufacturing plant by approximately 18,000 sq. ft. and has asked for a property tax exemption for 10 years for the new portion of their plant. The new facility is estimated to cost \$300,000.00.

Commissioner McCrea made a motion that the public hearing be closed. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Ordinance No. 2888-88 - Exempting Property from Ad Valorem Taxation

Commissioner Calliham made a motion that an ordinance exempting certain property belonging to the Ottawa Truck Corp. from ad valorem taxation for economic development purposes for a period of ten years and providing for certain payments in lieu of taxes. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Agreement with the Ottawa Recreation Commission - Concerning Baseball and Softball Facilities and the Swimming Pool

City Manager, Lyle Drescher explained, the Swimming Pool Lease Agreement and the agreement for use of the baseball and softball facilities is essentially the same as it has been in past years with the exception that the City has agreed to provide electricity to the swimming pool and to furnish the chemicals for water treatment. The value established for the electricity and chemicals for water treatment is estimated to be \$3,500.00 per year.

Commissioner Thompson made a motion that the 1988 agreement between the City of Ottawa and the Ottawa Recreation Commission for the use of the baseball and softball facilities and the lease

of the swimming pool be approved as written and that the Mayor be authorized to sign the agreement. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Economic Development Grant Agreement - Al Kreitler Custom Rollers Inc.

The City Commission proceeded to consider an Economic Development Grant Agreement between the City and Al Kreitler Custom Rollers Inc. The agreement is in the form of a letter of commitment which is not binding upon the City if the terms of the agreement cannot be agreed upon and met by Al Kreitler Custom Rollers Inc. The letter of intent sets forth that the City will provide funding in the amount of \$7,500.00 to cover the cost of moving to the City of Ottawa. The City will pay the first 12 monthly mortgage payments in an amount not to exceed \$7,770.48 in total and further that the City agrees to buy down an interest to 7 per cent per annum on a loan that Kreitler Custom Roller intends to make in the amount of \$22,000.00. It was also stated Mr. Kreitler has agreed to have his products marked with the name of The City of Ottawa.

Commissioner Fogle made a motion that an Economic Development Grant between the City of Ottawa and Al Kreitler Custom Rollers, Inc. be approved as written. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

Review of Bid Tabulations for the Improvement of North Main St.

The City Manager reported that bids were received at 1:30 PM, Monday, March 31, 1988 for the improvement of North Main Street, from Logan to Wilson Street. The bids are as follows; LRM Industries Inc., \$362,355.15, Killough Inc. \$413,066.35, the Engineers estimate was \$392,825.36. The City Manager stated the Engineer had recommended the project be awarded to LRM Industries.

Commissioner McCrea made a motion that the contract for the improvement of North Main Street from Logan St. to Wilson St. be awarded to LRM Industries Inc. for a bid price of \$362,355.15, and that the Mayor be authorized to sign the contract. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Supplemental Agreement for Inspection Services

The City Manager reported that the original contract for engineering services for the improvement of North Main from Logan Street to Wilson Street did not include inspection services by the consulting engineers. It was originally intended the City Engineer should do the inspection but in as much as the City Engineer is going to be busy with other projects this summer, it is deemed advisable to enter into an agreement with Cook, Flatt and Strobel Engineers P.A., for inspection on this project. The fee as set forth in a purposed agreement is \$20,750.00.

Commissioner Calliham made a motion that an amendment to the design agreement dated September 17, 1986 providing for the inclusion of construction inspection for the North Main Street Improvement between the City and Cook, Flatt and Strobel Engineers be approved, and that the fee is not to exceed \$20,750.00. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Contract for Job Classification and Pay Plan

The City Governing Body was to consider at this time a contract

between the City and the League of Kansas Municipalities for services to prepare, analyze, and print a job classification pay plan for the City of Ottawa. The City Manager stated, the last pay classification study undertaken for the City of Ottawa was in 1980 and completed by a firm from Denver. Mr. Drescher indicated the present plan is outdated and that a new pay classification and salary schedule study needs to be done. Mayor Heathman asked the City Manager if he would not be able to complete the job classification and pay plan himself and thus save the expense to the City, the City Manager indicated that he would be unable to do so.

Commissioner Fogle stated that he was having second thoughts on the job classification and pay plan study and was concerned for the cost of such a study. Commissioner Fogle then made a motion that consideration of this agreement be tabled for two weeks until the next regular meeting. The motion was seconded by Commissioner Heathman.

Commissioner McCrea then inquired if a two week delay would interfere with a time table for the study, the City Manager indicated that it would not. Upon call for the question all present voted in favor of the motion.

Approval of Investment Schedule

Commissioner McCrea made a motion that the schedule of investments existing as of March 31, 1988 indicating a total of \$5,700,000.00 invested at an average annual interest rate of 6.49 percent be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Report of Planning Commission Meeting

A report of the Planning Commission Meeting of April 5, 1988 was presented at this time.

The City Planning Commission met in regular session on Tuesday, April 5, 1988 at 7:00 P.M. in City Hall. Present: Members Keith, Hendrix, Todd, Woolman, Searls, Ellena and Chairman Petersen. Absent: None.

The minutes of the last meeting held March 1, 1988 were approved as written by a 7-0 vote.

The Planning Commission held a public hearing for changes in the Zoning Ordinance No. 2713-82, to remove Lots 31, 33, 35, 37, Block 3, Shaw & Ludington, s Main St. Addition, "631 & 636 N. Main" from (R-1) Single Family Zoning and place within (C-2) General Commercial Zoning. At the conclusion of this public hearing the Planning Commission recommended the Zoning be changed to (C-2) by a 7-0 vote.

The Planning Commission also opened the public hearing for the 1988 update to the Capital Improvement Program and will continue it at there next meeting.

There being no further business, the meeting was adjourned.

Request for Sidewalk Sale

The City Governing Body received a request from the Chamber of Commerce Retail Committee for a sidewalk sale to be held in the central business district of Ottawa on April 23, from 8 A.M. to 6 P.M.. Commissioner Thompson made a motion that the request of the Chamber of Commerce Retail Committee be granted, the motion was seconded by Commissioner McCrea, and all present voted in favor of the motion.

Proclamation - Cleanup Week

Mr. Fred Adamson, a member of the Pride Committee, approached the City Commission concerning a proclamation and a clean up program for the City and Franklin County scheduled for the week of April 16 thru April 23rd 1988. Mr. Art Miller read the proclamation proclaiming the week of April 16 thru April 23rd 1988 as "Cleanup Week", whereby Mayor Heathman approved and signed the proclamation.

Proclamation - Kansas Homemaker's Week

A proclamation was read proclaiming the week of May 2 thru May 6, 1988 as Kansas Extension Homemaker's Week, where by the week was so proclaimed and the proclamation was signed by Mayor Heathman.

Governing Body Agenda

Commissioner McCrea offered congratulations to the Kansas University for the winning of the NCAA Tournament.

Commissioner Thompson stated that Mr. Donald Rogers representing a Salina, Kansas firm which manufactures amplifiers had approached the City Commission earlier about economic development aid to relocate his company into Ottawa. Mr. Thompson stated that the City Governing Body stands ready to further discuss the matter with Mr. Rogers when he returns and it is his understanding that Mr. Rogers will return in the near future.

Commissioner Fogle stated that he had noticed several city vehicles inclusive of some cars own by the City are not marked as such and suggested that all city vehicles should be marked as property of the City of Ottawa. Thru discussion of the City Manager it was indicated that all City vehicles need to be marked with the City Logo whereby the City Manager indicated he would proceed to procure the logo materials for the City vehicles.

Mayor Heathman indicated he would like to have an update at the City Commission meetings as to where the City stands in various lawsuits in which it is now involved.

Mr. Bezek Assistant City Attorney stated, this would be possible except that certain details of the lawsuits could not be given. The City Governing Body concurred that the status of the various lawsuits might be given at various times through the City Commission meeting.

Public Agenda

Charles Anthony LeMaster appeared before the City Commission stating that he had recently applied for a position with the Dept. of Public Safety, and that his employment application had been denied for reason of not having 60 college credit hours. Mr. LeMaster stated, at no time in the past was he aware that 60 college credit hours was required for employment with the Dept. of Public Safety and Mr. LeMaster was asking why the change at this time. The City City Manager stated, not only had they raised the entry level requirement for the Dept. of Public Safety to 60 college credit hours but they have also raised the entry level positions in the Dept. of Public Works to a high school or equivalent. The question was posed as to whether the 60 hours credit could be in subjects other than police science or related work that possibly they might be in home economics, whereby the City Manager indicated, as long as the applicant had 60 hours college credit hours he was acceptable as an applicant. Mr. LeMaster then proceeded to give statics as to the officers in the

Dept. of Public Safety which had various levels of education.

Wanda Sheilds approached the City Commission stating, she was a former police dispatcher from out of state, and stated that she thought credit should be given to former law enforcement officers for the training and experience they might have received in law enforcement.

Commissioner Fogle then spoke and said that while he, Commissioner Calliham and the City Manager were in Washington D. C., they visited with the Police Professional Research Forum that is doing the study on our Public Safety system. Mr. Fogle stated that he came away with the impression the study would not recognize the economies that might be realized to save the City of Ottawa money in the operation of its dept. Mr. Fogle indicated that he felt he had been tricked by three City Commissioners and the City Manager into approving the study.

Mrs. Sue Olmsted approached the City Commission stating that Mr. Fogle had earlier made a statement; when the findings of the study were completed that all members of the City Commission would probably have to compromise their position in some manner. Mrs. Olmsted wanted to know if Commissioner Fogle still felt that way. Mr. Fogle again indicated he felt he had been tricked into approving the agreement for the study.

The City Manager then indicated that if the Police Professional Research Forum Study is not complete, the City can refuse the study or only pay for the portion of the study they feel is proper. Another alternative would be to return the study to the Police Professional Research Forum for completion.

Mr. George Underwood indicated he felt the City was guilty of false advertising that its advertisement for a public safety officer did not state that 60 college hours were required. It was indicated later however that the City's advertisement for the Public Safety Officer was correct, in that it gave the educational requirement.

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 date of meeting.



Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - April 11, 1988

The City Governing Body met in special session at 3:00 P.M. this date; Present Mayor Heathman, Commissioners McCrea, Thompson, Calliham and Commissioner Fogle, absent none.

Letter of Intent - Parmelee Products Inc.

The purpose of the meeting was to consider letters of intent for Parmelee Products Inc. and for Donald L. Rogers, American Technologies, providing for economic development incentives.

The City Governing Body proceeded to consider a letter of intent to Parmelee Products Inc. from the City of Ottawa providing economic development incentives in support of their announcement to construct a new manufacturing facility in Ottawa's N. E. Industrial Park. Parmelee Products Inc. had earlier announced, they were going to enlarge their production facility located on King Street in Ottawa, however it has been determined by Parmelee Inc. that it is not feasible to enlarge their present production facility and they are going to build a new production facility in Ottawa's North East Industrial Park. The Letter of Intent directed to Parmelee Products Inc. sets out, that upon completion of the new manufacturing facility and upon completion of the move into the new facility, the City will pay Parmelee Products Inc. \$50,000.00 to defray the moving and relocation cost. The Letter of Intent further sets out that the, City will assist Parmelee Products Inc. in securing a tax exemption for their new manufacturing facility, however Parmelee Products Inc, will continue paying ad valorem taxes on the land based on the last taxes paid in the last tax year. The City also agrees to make available for consideration other economic development incentives from the City or the State of Kansas as may be applicable and/or necessary. The City of Ottawa reserves the right to withdraw its commitment set forth in the letter of intent, if the terms described in the letter of intent cannot be agreed to in a formal contract. The City Commission in earlier action had vacated a portion of Massasoit St. to allow for Parmelee's addition to their existing facility. It was pointed out at this time however that Parmelee Products Inc., will give a Quit Claim Deed to the City of Ottawa for this portion of street which was vacated whereby the City of Ottawa may resend its prior action on the vacation of Massasoit Street.

Commissioner McCrea made a motion that a letter of intent to Parmelee Products Inc. from the City of Ottawa providing for economic development incentives in support of their announcement to construct a new manufacturing facility in Ottawa's N. E. Industrial Park be approved, and the Mayor be authorized to sign the letter. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Letter of Intent - American Technologies

The City Governing Body proceeded to consider a letter of intent to Donald L. Rogers of American Technologies, Olathe Kansas, from the City of Ottawa providing economic development incentives in support of the companies decision to locate a manufacturing operation in Ottawa's N. E. Industrial Park. The letter of intent sets forth that upon documented proof that a lease, lease purchase or a contract to purchase agreement had been executed between American Technologies and the owners of a building in the

Industrial Park and the City will grant \$17,000.00 in economic development funds to American Technologies for the purpose of building buildings or renovations at the N. E. Industrial Park site, and further upon completion of moving and relocating of all manufacturing equipment necessary to be in production the City will grant \$8,000.00 to American Technologies to defray said moving and relocation expenses and the City agrees that if the City of Ottawa can be of assistance by providing other economic development assistance either locally or through the State of Kansas, that such will be considered. The City of Ottawa reserves the right to withdraw its commitments if the terms described in the letter of intent cannot be agreed to in a formal contract.

Mr. Donald Rogers, President of American Technologies, stated that his firm presently manufactures amplifying equipment for musical instruments, but they may well expand into other areas. When American Technologies is in full operation it should create 75 or more jobs for the City of Ottawa.

Commissioner Fogle made a motion that a letter of intent to Donald L. Rogers, American Technologies, Olathe, Kansas, from the City of Ottawa providing for economic development incentives in support of the Company's decision to locate a manufacturing operation in Ottawa's N. E. Industrial Park be approved. The maximum amount of the economics development incentives not to exceed \$25,000.00, and the Mayor be authorized to sign the letter of intent. The motion was seconded by Commissioner Calliham and all present voted in favor of the motion.

It was announced that the City Governing Body will meet in special session at 3:00 P. M. April 18, 1988 for the purpose of receiving bids for the sale of General Obligation Bonds in the amount of \$41,467.54.

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



Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - April 18, 1988

The City Governing Body met in special session at 3:00 PM this date. The purpose of the special meeting is to receive bids for the sale of General Obligation Bonds and pass an ordinance authorizing the issuance of General Obligation Bonds; consider a resolution enlarging the Enterprise Zones within the City; consider a written request of Lyle H. Dresher for indemnification, concerning a lawsuit against him involving the City, and action to indemnify the City Manager on the above mentioned lawsuit. Present Mayor Pro tem Calliham, Commissioners, Fogle, McCrea, and Thompson, absent Mayor Heathman.

Receive Bids for the Sale of General Obligation Bonds

The City Clerk proceeded to read the bids received for the sale of General Obligation Bonds in the principal amount of \$41,467.54, Series "A" 1988. The bids received are as follows; First Securities of Kansas Inc., Wichita, Kansas, net interest cost \$19,654.09, average interest rate 6.928823; Zaner and Company, Kansas City, Missouri, interest cost \$22,408.90, with a premium of \$13.40, leaving a net interest cost of \$22,395.49, with an average interest rate of 7.89527.

All of the bids having been received and read, the City's Bond Attorney, Ms. Dorothea Riley, proceeded to check the accuracy of the bids and the Governing Body proceeded with other business.

Resolution No. 454-88 - Enterprise Zones

The City Commission proceeded to consider a resolution to enlarged the Enterprise Zone areas within the City. It had been recently discovered that a new manufacturing firm locating within the City is locating within an area which was thought to have been within the Enterprise Zone but it was discovered the area had been omitted from the earlier resolutions. The area which is being considered to being placed within the Enterprise Zone Area is the 900 block of Cleveland Street, on the west side of the street. The area being taken in at this time encompasses all of the property in this area that is presently in the Industrial Zoning Classification.

Commissioner Thompson made a motion that a resolution requesting certain areas of the City to be designated as Enterprise Zones and rescinding prior Resolution 435-87 be passed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Authorize the Issuance of General Obligation Bonds

Ms. Riley returned to the City Commission Room and stated that the bid for the sale of General Obligation Bonds received from First Securities of Kansas Inc., Wichita, Kansas, had been checked and the interest cost and interest rate as stated on the bid were found to be correct. Ms. Riley further recommended that the purchase of the bonds be awarded to First Securities of Kansas Inc., of Wichita, Kansas.

Commissioner Fogle made a motion that the City accept the bid of First Securities of Kansas Inc., Wichita, Kansas, and authorize the sale of the bonds to that firm with a net interest cost of

\$19,654.09 and an average interest rate of 6.928823 for the General Obligation Bonds for the City of Ottawa in the amount of \$41,467.54 Series "A" 1988. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Ordinance No. 2889-88 - Authorizing the Issuance of General Obligation Bonds

Commissioner Thompson made a motion that an ordinance authorizing the sale of General Obligation Bonds Series "A" 1988 in the amount of \$41,467.54 to the firm of First Securities of Kansas Inc., Wichita, Kansas be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Consider the Written Request of Lyle H. Dresher for Indemnification Concerning a Lawsuit Filed by John C. Riddle III, in the United States District Court for the District of Kansas, Case No. 88-4075-R

It was explained that the suit filed by Mr. Riddle is similar to a suit filed by Mr. Riddle approximately one year ago in the State District Court. The State District Court had entered a summary judgement in favor of The City of Ottawa, however Mr. Riddle had appealed his case to the State Court of Appeals and a decision of the Appellate Court should be forth coming within a short time. Assistant City Attorney Bob Bezek stated that the cases were similar but there were some differences which he could not explain at this time. It was indicated however that Mr. Bezek could explain the differences in an executive session.

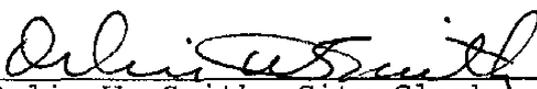
Commissioner Thompson made the motion that the City Commission move to executive session for approximately twenty minutes or until 4 P.M. the present time being approximately 3:40 P.M. The motion was seconded by Commissioner McCrea and upon call for the question all present voted in favor of the motion.

At 4 P.M. Commissioner Thompson made a motion that the City Commission reconvene, the motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Commissioner Thompson then made the motion that the City of Ottawa approve the written request of Lyle H. Dresher and provide at the cost of the City or its insurance carrier a complete defense covering attorney fees, costs, and expenses as are necessarily incurred in defending an action commenced in the United States District Court for the district of Kansas by John C. Riddle III in case No. 88-4075-R. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Commissioner McCrea then made a motion that the City of Ottawa indemnify and hold harmless Lyle H. Dresher from any and all liability for actual and punitive damages arising out of an action brought by John C. Riddle III in the United States District Court for the District of Kansas, case No. 88-4075-R. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Commissioner McCrea made a motion that the meeting be adjourned, the motion was seconded by Commissioner Thompson and all present voted in favor of the motion.


Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - April 20, 1988

The City Governing Body met in regular session at 9:35 AM this date; Present Mayor Pro tem Calliham, Commissioners, McCrea, Fogle and Thompson, absent Mayor Heathman.

Mayor Pro tem Calliham lead the audience in the Pledge of Allegiance to the American Flag, and the invocation was give by Rev. Marvin Jamison of the Town & Country Church of Christ.

Approval of Minutes

The minutes of the last regular meeting which was held April 6, 1988 and of the special meetings of April 11, 1988 and April 18, 1988 were all approved by separate actions of the City Commission.

Receipt of Petition for Street Improvements

It was explained by the City Manager that the petition for improvements of King Street from 23rd Street North to the South line of the Wal-Mart parking lot will create a new street in the City of Ottawa and will serve to relieve traffic congestion at 23rd and Princeton Streets. The new street will also serve the C & H Car Wash which is to be established in that area. The estimated probable cost of the improvement is \$118,749.00 with 54.3% to be assessed against the property owners in the benefit district and 45.7% to be paid by the City at large.

Commissioner McCrea made a motion that a petition for the improvement of King Street from the North line of 23rd Street to the South line of the Wal-Mart parking lot with an estimated probable cost of \$118,749.00 be approved, the motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Resolution No. 455-88 - Finding of Advisability to Improve King Street

A resolution finding the advisability of improving King Street from the north line of 23rd St., north to the south property line of the Wal-Mart Properties, Inc. parking lot lying within Lot 12, County Clerk's Subdivision No. 1 to the City of Ottawa, Franklin County, Kansas was introduced. The estimated probable cost of the improvement is \$118,749.00, with \$64,480.70 being chargeable to the benefit district and \$54,268.30 chargeable to the City at large.

Commissioner Thompson made a motion that a resolution finding the advisability of improving King Street from the north line of 23rd St., north to the south property line of the Wal-Mart Properties, Inc. parking lot lying within Lot 12, County Clerk's Subdivision No. 1 to the City of Ottawa, Franklin County, Kansas, constructing a 8 inch sanitary sewer to be located in the right of way along 23rd Street, and construction of storm sewer improvement in conjunction with the street improvement in Lot 12 County Clerk's Subdivision No. 1 in the City of Ottawa, Franklin County, Kansas be passed. The motion was seconded by Commissioner Fogle and upon call for the question all present voted in favor of the motion.

Resolution No. 456-88 - Directing and Ordering the Improvement of King Street

A Resolution directing and ordering the improvement of King St. from the north line of 23rd St., north to the south property line of the Wal-Mart Properties, Inc. parking lot was introduced.

Commissioner Fogle made motion that a Resolution directing and ordering the improvement of King St. from the north line of 23rd St., north to the south property line of the Wal-Mart Properties, Inc. parking lot, lying within Lot 12, County Clerk's Subdivision No. 1 to the City of Ottawa, Franklin County, Kansas; constructing an 8 inch sanitary sewer to be located in the right-of way along 23rd St. and construction of storm sewer improvement improvements in conjunction with the street improvements in Lot 12, County Clerk's Subdivision No. 1, in the City of Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner Thompson and upon call for the question all present voted in favor of the motion.

Petition for the Improvement of 22nd Street

A petition for public improvement along 22nd Street at U. S. Highway 50 as petitioned by Abbott Management, Inc., Tom Abbott, owner was introduced.

The petition request the improvement of part of the intersection of 22nd Street at U. S. Highway 50 for an estimated probable cost of \$45,000.00. The cost of the improvement is to be born 100 percent by the benefit district. The improvement is deemed necessary to serve a mini storage unit which is to be constructed on Lot 1, L.B.T.'s Replat of Lot 47 County Clerk's Subdivision No. 1, in the City of Ottawa, Franklin County, Kansas.

Commissioner Thompson made a motion that a petition for public improvement to 22nd Street at U. S. Highway 50 as petitioned for by Abbott Management, Inc., Tom Abbott, owner be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Resolution No. 457-88

Commissioner McCrea made a motion that a Resolution finding the advisability of improving 22nd Street and the necessary appurtenances thereto in L.B.T.'s Replat of Lot 47 in the County Clerk Subdivision No. 1 in the City of Ottawa, Franklin County, Kansas, at an estimated probable cost of \$45,000.00 chargeable in total to the benefit district be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Resolution No. 458-88 - Directing and Ordering the Improvement of the Intersection of U.S. Highway and 22nd Street

Commissioner Fogle made a motion that a Resolution directing and ordering the improvement of 22nd Street and the necessary appurtenances thereto in L.B.T.'s Replat of Lot 47 in the County Clerks Subdivision No. 1 in the City of Ottawa, Franklin County, Kansas, for an estimated probable cost of \$45,000.00 chargeage in total to the benefit district be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Acknowledge receipt of Quit Claim Deed

The City Manager explained that the City of Ottawa had received a Quit Claim Deed from Parmelee Products, Inc., deeding back to the City Massasoit Street from the west line of the alley between Main and King Streets, west to the east line of King Street. Earlier this year at the request of Parmelee Products Inc., the City had vacated that portion of Massasoit Street allowing Parmelee Products to expand across Massasoit St. on to other property they own. It has since been determined that it is not feasible for Parmelee Products, Inc. to expand in that direction and they are locating on a tract in the Northeast Industrial Park, so that in order for the City of Ottawa to reclaim the street, Parmelee Products must deed the property back to the City and the City can then pass an ordinance repealing the ordinance which vacated that portion of Massasoit St.

Commissioner Fogle made a motion that the City acknowledge and accept a Quit Claim Deed from Parmelee Products, Inc., deeding back to the City Massasoit Street from the west line of the alley between Main and King Streets, west to the east line of King Street. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Ordinance No. 2890-88 - Repealing Ordinance No. 2883-88

Commissioner McCrea made a motion that an ordinance repealing Ordinance No. 2883-88 which vacated of Massasoit St. from the west line of the alley west of Main Street to the east line of King Street be passed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Ordinance No. 2891-88 - Zoning

An Ordinance rezoning Lots 31, 33, 35 and 37 Block 3, Shaw and Ludington's Main Street Addition, from R 1, Single Family to C 2, General Commercial was introduced. The proposed change in zoning was recommended by the City Planning Commission at their last meeting. Since the recommendation for rezoning was received by the City Commission a petition of protest had been received, however the petition was determined to be insufficient.

Commissioner Thompson 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 a made a part of Ordinance No. 2713-82 of the said City and repealing certain parts of the amended zoning map of said city by rezoning Lots 31, 33, 35 and 37 Block 3, Shaw and Ludington's Main Street Addition to the City of Ottawa, Kansas, from R 1, Single Family Residential to C 2, General Commercial be passed. The motion was seconded by Commissioner McCrea and upon call for the question all present voted in favor of the motion.

Commissioner McCrea then stated that the Planning Commission might wish to consider rezoning this entire block in their update of the City's Comprehensive Plan.

Agreement for Job Classification and Pay Plan Study

An agreement between the City of Ottawa and the League of Kansas Municipalities for preparation, analysis and printing of a job classification pay plan for the City of Ottawa was introduced. Consideration and action on this matter was tabled from the April 6, 1988 meeting.

The City Manager stated that the last job classification and pay plan for the City was completed in 1980 and the City is in need of such a study at this time.

Commissioner Thompson made a motion that an agreement between the City of Ottawa and the League of Kansas Municipalities for preparation, analysis and printing the job classification plan for the City of Ottawa be approved. The motion was seconded by Commissioner Fogle. Upon call for the question all present voted in favor of the motion.

Commissioner Fogle then added that he hoped the adjustments in salaries that might be recommended by the League study might be such that it would not increase the overall payroll costs for the City.

Agreement - American Technologies

The City Commission proceeded to consider an agreement between the City of Ottawa and American Technologies for economic development funds as per a letter of commitment which was approved by the City Commission at the special meeting, April 11, 1988, called for this purpose. The agreement sets forth that the City would pay American Technologies \$8,000.00 for moving expenses and \$17,000.00 to assist in renovation expenses to relocate in the City of Ottawa in suitable facilities. The agreement sets forth that should American Technologies fail to perform under the terms of the agreement, the City shall have the right to pursue any remedy as provided by law or equity.

Commissioner Fogle made a motion that an agreement between the City of Ottawa and American Technologies granting economic development funds in the amount of \$8,000.00 for moving expenses and \$17,000.00 for renovation expenses for a total of \$25,000.00 as set forth by the letter of commitment dated April 11, 1988 be approved. The motion was seconded by Commissioner McCrea, and all present voted in favor of the motion.

Application for Funds - City/County Drug Unit

The Governing Body proceeded to consider an application for FY89 Bureau of Justice Assistance Funding to continue the City/County program of apprehension, prosecution, adjudication, detention and rehabilitation of drug offenders. The City Manager stated, the application for funds for FY89 does have to be filed by May 2, and the City/County Drug Unit is presently operating on funds for a period which expires June 30, 1988. The City is applying for funds in the amount of \$94,841.68 with the City of Ottawa and Franklin County jointly providing funds in the amount of \$31,613.32 for a total of \$126,455.00.

Commissioner McCrea made a motion that an application for FY89 Bureau of Justice Assistance Funding to continue the City/County program of apprehension, prosecution, adjudication, detention and rehabilitation of drug offenders be approved. The motion was seconded by Commissioner Thompson, and all present voted in favor of the motion.

Request for Assistance on the 125th Celebration of the Founding of Ottawa

Mr. Ken Humm chairman of the 125th Celebration Committee for the City of Ottawa, gave an update on their planning for the 1989 celebration and requested the City Governing Body allow the City Manager and Director of Utilities to help coordinate various events on a release time from their normal City jobs, requested to permission to install markers in the downtown area for the 125th Anniversary events and further requested permission to develop a logo and banner for the celebration utilizing the City's logo.

Commissioner Thompson commented, he felt the request of the Committee were quite small based on the scope of the celebration planned and he felt the City Commission would grant such permission.

Commissioner McCrea invited representatives of the committee to visit with the City Commission at a point in time during a study session, so more details of the proposed celebration might be discussed.

Status of City Projects Report for April

A report of the status of City Projects was read by the City Clerk at this time.

Proclamation - Loyalty Day

Mr. Les Wheat presented and read a Proclamation, Proclaiming Loyalty Day, May 1, 1988 on behalf of the Local VFW Post. Mr. Wheat further outlined the events planned for Loyalty Day.

Commissioner Thompson made a motion that the Mayor be authorized to sign the Loyalty Day Proclamation, the motion was seconded by Commissioner McCrea, and all present voted in favor of the motion.

Proclamation - Fair Housing Month

Mr. Richard Jackson presented and read a Proclamation, Proclaiming April as fair housing month in the City of Ottawa. Mr. Jackson further gave thanks to Mayor Heathman for his year of service as Mayor to the City of Ottawa, stating that in thanking Mr. Heathman for his service he did not necessary agree on all issues but that you respect the position and the responsibility that goes with the position along with serving the people of Ottawa to the very best of your ability. Mr. Jackson then read a Proclamation, Proclaiming April as Fair Housing Month.

Commissioner McCrea made a motion 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.

Reorganization of City Commission

Mayor Pro tem Calliham stated that he wished to thank Mayor Heathman for his past year of service to the City, even though Mayor Heathman is not in attendance today and stated that at the next regular meeting when Mayor Heathman is in attendance that he would be presented with a gavel and plaque commemorating his year of service as Mayor of the City.

Mayor Pro tem Calliham then called for a motion to elect a Mayor for the following year. Commissioner McCrea made a motion that Commissioner Calliham be elected Mayor for the coming year. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion except Mayor Pro tem Calliham who abstained from voting. Mayor Calliham, then asked for a motion to elect someone for Mayor Pro tem for the coming year. Commissioner Thompson made a motion that Commissioner Fogle be elected Mayor Pro tem for the coming year. The motion was seconded by Commissioner McCrea, all present voted in favor of the motion except Commissioner Fogle who abstained from voting.

Governing Body Agenda

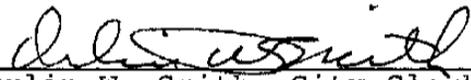
Mayor Calliham stated that the City Governing Body would be making appointments to the various boards and commissions of the City and asked that anyone interested in serving on one of the boards and

commissions, contact himself, the City Manager's office or the City Clerk's office. Mayor Calliham then outlined the openings on the various boards and commissions. The Library Board will have one opening, for a four year term, The Planning Commission 2 openings, for three year terms, The Recreation Commission will have two openings, for four year terms, The Auditorium Authority will have three openings, for three year terms, The Board of Zoning Appeals two vacancies for three year terms, The Board of Plumber Examiners, three vacancies for one year terms, The Board of Electrical Examiners, three vacancies for one year terms, The Board of Contractor Examiners, three vacancies for one year terms, The Band Committee will have five vacancies for one year terms, The United Way Board will have one vacancy for a two year term, and The Kansas Municipal Energy Agency will have one vacancy for a one year term. The vacancy on the Kansas Municipal Energy Agency Board of Directors must be filled by the Mayor or a Commissioner.

Public Agenda

Charlene Lister, 20 Rockwood Drive, appeared before the City Commission as a member of the Marais Des Cygnes Valley Basin Committee, inviting the City Commission to attend a drought simulation exercise which will be held in Osawatomie on April 28, 9 AM.

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 date of meeting.



Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - May 4, 1988

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

Mayor Calliham lead the Chamber Audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. Henry Roberts of the Westminster United Presbyterian Church.

Approval of Minutes

The minutes of the last regular meeting which was held April 20, 1988 were approved as written.

Presentation of Mayoral Plaque

Mayor Calliham presented Commissioner Heathman with a plaque commemorating Commissioner Heathman's past year as Mayor of the City of Ottawa. Commissioner Heathman then made the following comments. Mayor Heathman stated he was very pleased with some of the things that had been achieved by the City in the past year, enumerating the start of the study of the Dept. of Public Safety and he was hopeful the results would be forth coming shortly, the completion of South Main Street, from Seventh St. to Fifteenth St., the work being started on North Main St. for widening and relighting and the new lighting that has been installed on North Main St. from Wilson north to the City Limits, the fact that the Twenty Third St. Improvement is nearly completed and that North Street is presently being worked on. One thing Commissioner Heathman stated that he would like to see accomplished in the future is improvements to the City's sanitary sewers system whereby raw sewerage would not back up into basements on certain occasions. Commissioner Heathman then commented on the law suits presently in progress against the City and stated he felt the law suits were mostly the fault of the City Commission than being caused by the City Manager as the City Commission directs the activities of the City Manager.

Explanation of the "Phone A Friend Program"

Mrs. Marilyn Swain of the Soroptimist International of Ottawa appeared before the City Commission to explain the "Phone A Friend Program" which the Soroptimist International of Ottawa is helping to establish. The "Phone A Friend Program" is for latch key kids or school children whose parents work and who return home after school without their parents being there. The children will be given a phone number whereby they can phone a trained adult and discuss problems they might have upon returning home from school. The "Phone A Friend Program" is not intended to be a real problem solving program for the kids, but it will give them someone to talk to if they feel the need. The "Phone A Friend Program" will be on a first name basis only with no names, addresses or phone numbers given unless the adult receiving a call recognizes a real problem, in that case the adult would ask the child for their phone number. Funding for the program is being partially being underwritten by The Southwestern Bell Telephone Co. and the Soroptimist International is asking for donations to help support their work in this area. The City Commission expressed support for the program in this very worth while area.

Designation of the Official City Newspaper

Mayor Calliham stated that in the area of designating the official City Newspaper for the following year that he would like to see the Ottawa Times designated the official City newspaper and then possibly alternate back and forth between the Ottawa Times and the Ottawa Herald each year as is presently the practice of Franklin County. Mayor Calliham further commented that anyone in the audience that wished to speak to any issues before the City Commission may do so at the appropriate time but their comments would be limited to three minutes for each person.

Commissioner Heathman commented that five years ago he had purposed alternating back and forth year by year between the Ottawa Herald and the Ottawa Times but he was told the Ottawa Herald had the most readers and because the Ottawa Herald was a daily newspaper it would be more appropriate to appoint the Ottawa Herald.

Commissioner Thompson made a motion that the Ottawa Times be designated the official City newspaper for the City of Ottawa for the coming year. The motion was seconded by Commissioner McCrea. Commissioner McCrea then stated the Ottawa Herald had given the City of Ottawa excellent service in our legal publication and even though the Ottawa Times published only once a week he felt the City could work with that situation.

Commissioner Heathman questioned the legality of the City's weed notices appearing in the Ottawa Herald if the Ottawa Times were appointed the official paper. It was pointed out that many notices as required by statute specify a paper of general circulation and not necessarily the official newspaper.

Upon call for the question all present voted in favor of the motion, except Commissioner Heathman who voted opposing the motion.

Appointment to the Kansas Municipal Energy Agency Board of Directors

The appointment to the Kansas Municipal Energy Agency Board of Directors at this time is for position #1 which must be either the Mayor or a member of the City Governing Body. Mayor Calliham stated he would be in favor of appointing Commissioner Fogle to this position, particularly in as much as Mr. Fogle had served the past year as the City Governing Body's representative to this group.

Commissioner McCrea made a motion that the City Commission accept the recommendation of the Mayor and that Commission Fogle be appointed to the City's first position on the Board of Directors of the Kansas Municipal Energy Agency for the coming year. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ratification of the Mayoral Appoints to the City Boards and Commissions

Mayor Calliham then proceeded to name his appointees to the boards and commissions of the City for 1988 they are as follows; Library Board, four year term, a new appointee Judy Ransom; Planning Commission, three year term, Dennis Woolman was reappointed, Charles Reynolds a new appointee, and Liz Reusch appointed to a one year unexpired term due to the resignation of Dave Peterson; Recreation Commission, four year term, the reappointment of Tony Keim; the Auditorium Authority, three year term, William Burks and Joan Tyson were reappointed, and Dennis George, a new appointee; the Board of Zoning Appeals, three year terms, Dorothy Nichols and Roger Bell were reappointed; Board of Plumber Examiners for one year terms, Wilfred Bugner and Raymond Carey were reappointed and Bud Elder a new

appointee; Board of Electrical Examiners, Gary Colbern and Robert Wiggins were reappointed and Bob Haas a new appointee; Board of Contractor Examiners, one year term, Earl Devore and Russ Anderson were reappointed and William Leib a new appointee; Franklin/City Planning Commission, Jim Grogan, reappointed; Band Committee, one year term, Bill Butler, Carl E. Lammers, George Kramer, David Ludwick and Luther Stevens were all reappointed; United Way of Franklin, two year term, Mr. Tony Keim was reappointed.

Commissioner Thompson made a motion that the appointments as set forth by Mayor Calliham be ratified by the City Commission, the motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Ratification and Confirmation of Right of Way and Maintenance Easement

The City Manager stated that Wal-Mart Inc. has given the City of Ottawa an easement on a portion of the south edge of their property to allow for a turning radius off of King Street, which will run from 23rd St. N. to their property. In as much as the Wal-Mart Property was partially financed by an Industrial Bond Issue, in a technical sense the City of Ottawa is the Owner of the property. In order for the easement to be binding on all persons the City of Ottawa must ratify and confirm the easement given by Wal-Mart properties.

Commissioner McCrea made a motion that the City Commission ratify and confirm a right-of-way and maintenance easement between Wal-Mart Properties, Inc. and the City of Ottawa. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Request of New Hope Baptist Church

The City governing body proceeded to consider a request of the New Hope Baptist Church for Bike/Walk-A-Thon Sunday June 5th, 2 PM to 5 PM in Forest Park. It was indicated there will be no need to close Forest Park as the Walk-A-Thon will be held in the Park but the Bike-A-Thon would proceed from the New Hope Baptist Church west on Highway K-68 and terminate in Forest Park.

Commissioner Thompson made a motion that the request of the New Hope Baptist Church for a Bike/Walk-A-Thon Sunday, June 5, 1988, 2 PM to 5 PM in Forest Park be approved, the motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Proclamation Older American's Day

A Proclamation, proclaiming May 20, 1988 as "Older American's Day" was read by the City Clerk. Commissioner Thompson made a motion that the Mayor be authorized to sign the proclamation. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Report of Planning Commission Meeting

The City Planning Commission Met in regular session on Tuesday, May 3, 1988 at 7:00 P.M. in City Hall. Present: Members Keith, Hendrix, Todd, Woolman, Searls and Chairman Petersen, Absent: Member Ellena.

The minutes of the last meeting held April 5, 1988 were approved as written by a 6-0 vote.

The Planning Commission continued the public hearing for the 1988 update to the Capital Improvement Program until the June Meeting.

There being no further business, the meeting was adjourned.

Review of City Investment Schedule

Commissioner McCrea made a motion that the schedule of investments existing as of April 30, 1988 indicating a total of \$5,200,000.00 invested at an average annual interest rate of 6.44% be approved. The motion was seconded by Commissioner Heathman, all present voted in favor of the motion.

Report on City Litigation

1. McKenzie v. City of Ottawa, Case No. 87-2153-O, United States District Court for the District of Kansas

Claim by city employees for compensation for lunchtime under the Fair Labor Standards Act

Judgement on the pleadings granted, damages cut off as of March 15, 1986 and the case is presently in the discovery stage

2. Heathman v. City of Ottawa, Case No. 87-C-127, Franklin County District Court

Plaintiff Heathman alleges malicious prosecution by City Commission

Pretrial finished, trial scheduled for early June

3. DeLaTorre v. City of Ottawa, Case No. 87-2515-S, United States District Court for the District of Kansas

42 USC 1983

Claim alleging deprivations of right of free speech under color of state law, this case is presently in the discovery stage

4. Riddle v. City of Ottawa, Case No. 87-61092-A, Court of Appeals of the State of Kansas

Summary Judgement granted by Franklin County District Court however the case is on appeal by the plaintiff in the Court of Appeals. This is a case where a third party defendant, Heathman was awarded attorney's fees as a result of a counter claim filed approximately eighteen months ago.

5. Riddle v. Lyle Dresher, Case No. 88-4075-R, United States District Court for the District of Kansas

Recently filed, this case has the same operative facts as Riddle v. City of Ottawa and this is presently in the discovery stage

6. Fisher v. City of Ottawa, Case No. 87-2174, Tenth Circuit Court of Appeals, award was made to the plaintiff Mr. Fisher and the case is currently on appeal in the Tenth Circuit Court of Appeals.

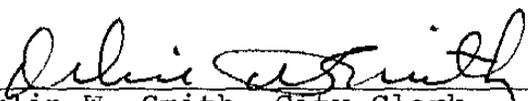
Mr. Bezek asked the City Commission if there were any questions concerning this report. Commissioner Thompson asked whether or not in case #4, third party defendant Heathman's attorney fees were the same as the City had offered to pay Mr. Heathman some time ago. Mr. Bezek answered, in his review of the files and in as much as he was not an attorney for the City at that time, the files indicated the City did offer to settle with Mr. Heathman on his attorney's fees in the amount of \$787.50. Mr. Thompson then asked Mr. Bezek if the

court had awarded these fees, Mr. Bezek answered that the court had awarded the fees as set forth. Mr. Thompson then asked the City Manager if those fees had been paid, the City Manager answered no they had not been paid at this time. Mr. Thompson then made a motion that the City Manager be instructed to pay the attorney fees to the third party defendant Heathman in the amount of \$787.50. The motion was seconded by Commissioner McCrea. Mayor Calliham restated the motion and the question was called, Commissioners McCrea, Thompson and Mayor Calliham, voted in favor of the motion, Commissioner Heathman abstained.

Public Agenda

Mr. Mike Day approached the City Commission stating he wished to asked some questions concerning the recent hiring of a recreation director. It was brought to Mr. Day's attention that the City Commission does not hire nor do they have any input into the hiring of the recreation director and directed Mr. Day to the Recreation Commission for any questions he may have. Mr. Day was informed, the Recreation Commission meets at 7 PM on the third Wed. of each month in the Youth Center Bldg.

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 date of meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - May 18, 1988

The City Governing Body met in regular session at 9:35 AM this date; Present Mayor Calliham, Commissioners, McCrea, and Thompson, absent Commissioners Heathman and Fogle.

Mayor Calliham lead the chamber audience in the Pledge of Allegiance to the American Flag and the Invocation was given by Rev. Henry Roberts, Pastor of the Westminster United Presbyterian Church.

Approval of Minutes

The minutes of the last regular meeting which was held May 4, 1988 were approved as written.

Authorize City Manager to Convey the City's Interest in Pursuing 3R Safety Set Aside Funds

The City Manager reported, he had received information from the Kansas Dept. of Transportation indicating that a traffic count at the Intersection of Highway 59 and 23rd Street indicated the traffic is now sufficient to warrant signalization of that intersection. The communication from the Kansas Dept. of Transportation states, they are in need of a letter of interest from the City before they can proceed with the project. The project would be financed 50 percent by the City and 50 percent by the State. If the City should express the interest in the signalization of the intersection, the signalization could probably proceed in the spring of 1989.

Commissioner McCrea made a motion that the City Manager be authorized to convey the City's interest in pursuing 3R Safety Set Aside Funds from the Kansas Dept. of Transportation for signalization improvements at the intersection of US59 South and 23rd St. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Resolution No. 459-88 Authorizing the Issuance of Temporary Notes

The City Manager reported that the City is in need of issuing temporary notes to finance the construction and widening of North Main Street from Wilson to Logan St. The notes will be in the amount of \$520,000.00 at an interest of 6.25 percent as bid by the Kansas State Bank, Ottawa, Kansas. One other bid received for the placement of the temporary notes was 6.9 percent.

Commission Thompson made a motion that a resolution authorizing the issuance of temporary notes in the amount of \$520,000.00 at 6.25 percent interest to the Kansas State Bank, Ottawa, Kansas, reference to Project No. 30 U-1097-01, Street Improvements 1988-01 be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Consider request for Sunday Worship Services in Forest Park

The Trinity United Methodist Church of Ottawa has submitted a request to conduct Sunday worship services in Forest Park during the month of July and two weeks in August with services commencing at 8:15 each Sunday morning. It was discussed by the City Commission that the Trinity United Methodist had conducted

services in Forest Park for the past two years and there had been no problems or complaints.

Commissioner McCrea made a motion that the request of the Trinity United Methodist Church of Ottawa to conduct Sunday worship services in Forest Park during the month of July and two weeks in August with services commencing at 8:15 am each Sunday morning be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Request for Cereal Malt Beverage License

The City Commission proceeded to consider an application for license to sell Cereal Malt Beverage for consumption on the premise, as submitted by Tim D. Cowdin d/b/a/ Mr. T's located at 231 N. Main. The City Clerk reported that Mr. Cowdin's application is in order, the appropriate fees have been paid and all qualifications have been met.

Commissioner Thompson made a motion that an application for license to sell Cereal Malt Beverage for consumption on the premise, as submitted by Tim D. Cowdin d/b/a/ Mr. T's located at 231 N. Main be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion, except Commissioner Calliham who abstained from voting.

Project Status Report for May, 1988

A status of all City projects for May, 1988 was read by the City Clerk.

The first item on the project status report was the EPA Project Collector System Improvements and Waste Water Treatment Plant, the report stated that construction is completed and the staff and engineers are attempting to resolve all matters in question pertaining change orders and final documentation.

Commissioner McCrea questioned the fact that this had been on the status of projects report for many months seemingly no progress. The City Manager answered Mr. McCrea that there are some change orders presently for the State Dept. of Health and Environment and until those change orders are approved by the Dept. of Health and Environment the final payment from the Environmental Protection Agency cannot be made.

The balance of the report was accepted with no comments.

Governing Body Agenda

Mayor Calliham reported that the City of Ottawa is hosting the League of Kansas Municipalities District Meeting at the City Hall on Thursday May 26, 1988 at 1:30 pm.

Commissioner Thompson stated that the recent letter to the editor which appeared in the Ottawa Herald, from Linda Morgan, a Criminal Justice Instructor at the Garden City Community College, commended the City of Ottawa and USD 290 Board of Education for their joint efforts in presenting a basic Police and Fire Course at the East Central Vocational Cooperative. Commissioner Thompson stated he felt the City of Ottawa and the USD 290 Board of Education should be very proud of this course which is being offered.

There being no further business the meeting was adjourned.



O. W. Smith, City Clerk

City Hall - Ottawa Kansas - June 1, 1988

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

Mayor Calliham lead 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 18, 1988 were approved as written.

Approve an Agreement Between the City and the Kansas Dept. of Transportation for the Improvement of 23rd St., from US 50 to US 59

The City Manager stated that the City has received an agreement from the Kansas Dept. of Transportation for the improvement of 23rd St. from US 50 to US 59, Project No. 30 U-1071-01, M-4330 (001). The project is to be accomplished on a force account basis and the cost of the project is \$41,712.69. The improvement of this street is the completion of a project authorized in the physical year 1987, between the Kansas Dept. of Transportation and the City of Ottawa, and Franklin County, for a three inch overlay of this portion of 23rd St.

Commissioner McCrea made a motion to approve the agreement and to authorize the Mayor to execute a Federal Aid Construction (force account) Agreement between the City and the Kansas Department of Transportation, Project No. 30 U-1071-01, M-4330 (001) - 23rd St., US 50 to US 59. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Consider Agreement between the City of Ottawa and Unified School District No. 290 for a " Police Science and Fire Protection Class" at the East Central Vocational Cooperative

Mayor Calliham called on Mr. Mike Newmaster who is director of the East Central Vocational Cooperative whereby Mr. Newmaster stated that he would answer any questions that might arise.

Commissioner Heathman ask if the School Board had approved the agreement whereby Mr. Newmaster stated the agreement is an on going agreement with the School Board unless the School Board should decide to terminate or change the agreement.

Commissioner Fogle then stated that according to the study being done of the Dept. of Public Safety, it is indicated the program is not necessary and is not cost effective for the City of Ottawa. Commissioner Fogle then asked if there would be a problem if a decision by the City Commission were delayed. Mr. Newmaster answered, yes it would cause a problem in as much as the program is presently being set up for the next school year and many students have already signed up for the class. Mr. Newmaster indicated the program was set up partially at the request of the City in as much as the City needed a half time officer, whereby an officer would work half time for the City and half time

teaching the vocational class. Mr. Newmaster stated that the School District pays for the time the officer is involved in teaching the class plus providing the supplies and space for the class and the City pays for the portion of time the officer spends in the police or other duties for the City.

Mr. Fogle then stated the study reports that 100 percent of the officers time is spent with the class. Mr. Newmaster then stated, the students are benefiting from the class in as much as the first year the class was given 80 percent of the students taking the class are pursuing careers in police science or law enforcement. Mr. Fogle then asked if tabling the decision of the City Commission for one meeting or approximately two weeks would effect the time schedule of the class.

Commissioner McCrea stated, the benefits to the community might be more intangible than tangible in as much as to have a police officer working with a group of students establishes a rapport between the students and the Dept. of Public Safety.

Commissioner Thompson stated he was on the commission when the class was first established and it was fully realized at that time the class would not be cost effective in tangible benefits to the City, but that it was something the City could do for the youth of the community.

Commissioner Fogle made a motion that consideration of the agreement be tabled until the next regular meeting after the presentation of the findings of the study of the Dept. of Public Safety. The motion was seconded by Commissioner Heathman and upon call for the question Commissioner Fogle and Commissioner Heathman voted in favor of the motion, Mayor Calliham, Commissioner Thompson and Commissioner McCrea voted opposing the motion.

Commissioner Thompson then made a motion that the agreement between the City of Ottawa and Unified School Dist. 290 pursuant to the Interlocal Cooperation Agreement dated June 10, 1985, approved by the Attorney General, establishing the school district's participation in the 1988-89 "Police Science and Fire Protection" program be approved, the motion was seconded by Commissioner McCrea. Upon call for the question Mayor Calliham and Commissioners Heathman, McCrea and Thompson voted in favor of the motion, and Commissioner Fogle voted opposing the motion.

Request of Ottawa Jaycees to use Forest Park for the Annual Chautauqua Days Celebration

The City Commission proceeded to consider the request of the Ottawa Jaycees to use Forest Park on July 4, 1988, for the annual Chautauqua Days celebration. Commissioner Fogle made a motion that the request of the Ottawa Jaycees to use Forest Park on July 4, 1988, for the annual Chautauqua Days celebration be approved the motion was seconded by Commissioner McCrea and present voted in favor of the motion.

Ratification of City Investment Schedule

The City Clerk reported that as of May 31, 1988 the City had a total of \$5,200,000.00 invested at an average annual interest rate of 6.59 percent, Commissioner McCrea made a motion that the report of the City Clerk indicating that the City has \$5,200,000.00 invested at an annual average interest rate of 6.59 percent as of May 31, 1988 be ratified, the motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Governing Body Agenda

Commissioner Heathman indicated that it would be beneficial for the next regular meeting of the City Commission which is scheduled for 9:35 A.M. June 15, 1988 be moved to 7 P.M. the same date as the City is to receive the presentation of the Efficiency Study of the Dept. of Public Safety on that date. It was pointed out however that an ordinance would have to be passed to change the scheduled meeting and that possibly the scheduled meeting could be held at the prescribed time with a special meeting being called to receive the presentation of the Public Safety Report.

Commissioner Heathman also indicated it was his understanding that the City was to receive a report of the status of all suits pending on a monthly basis. The City Manager stated however it was his understanding that a report of the status of pending suits against the City was to be given as such times as there were changes in the status of various suits. Commissioner Heathman then stated that it was his understanding that the suit of DeLa Torre versus the City of Ottawa had been settled and it had been acknowledged by the Assistant City Attorney, the suit is in its final stages.

Public Agenda

Mr. Ralph Pesternick of 107 South Elm ask that street improvements be done on First Street from Locust to Maple in as much as dust is becoming a problem. Mr. Pesternick stated the dust seems to be a problem in as much as there are many trucks using that street at the present time. It was discussed with Mr. Pesternick that a street which has never been improved in the City of Ottawa, must be paid for by a benefit district or a group of property owners residing close to the street. It was indicated that it might be beneficial if Mr. Pesternick wished to circulate a petition among the property owners that they might indicate their desire to have the street improved and they pay their proportionate share.

Mr. Matt Whiteford appeared before the City Commission asking for an update on the status of various lawsuits pending against the City of Ottawa. Mr. Whiteford was informed that there had been no substantial changes in any of the lawsuits aside from the one mentioned by Mr. Heathman, that the suite of DeLaTorre versus the City of Ottawa is in settlement stages.

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 date of meeting.



Orlin W. Smith, City Clerk

City Hall - Ottawa Kansas - June 9, 1988

The City Governing Body met in special session at 4:00 PM this date. Present Mayor Calliham, Commissioners Heathman, Fogle, McCrea, and Thompson absent none.

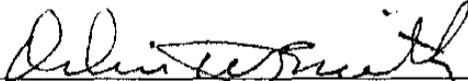
The purpose of the special meeting was to discuss the process by which the City Commission will proceed in their search for a City Manager and discuss the appointment of an acting City Manager when the position is vacated by City Manager Dresher. The call for the special City Commission meeting was signed by Mayor Calliham and all commissioners prior to the meeting.

The City Manager stated that with the permission of Mayor Calliham he had sent an advertisement to appear in the International City Management Assoc. News Letter of June 20, 1988. Mayor Calliham stated he approved the advertisement to appear in the ICMA News Letter because of a tight deadline, with no time to contact the other commissioners. It was discussed that the job opening will not appear either in local newspapers nor in the Kansas Government Journal. Various types of selection processes were discussed but nothing was decided at this meeting. One method which was discussed would be the utilization of a professional interviewing firm. It was felt this would be less costly and possibly more effective. It was discussed that the initial screening of resumes should be done by the City Commission.

The City Governing Body proceeded to discuss the appointment of an acting City Manager to be effective when the position is vacated. Commissioner McCrea made a motion that the City Commission move to executive session, for the purpose of discussing personnel matters relating to the appointment of an acting City Manager. The present time being 4:35 P.M. and the City Commission to reconvene at 5:30 P.M. The motion was seconded by Commissioner Fogle, upon call for the question all present voted in favor of the motion.

The City Commission reconvened at 5:10 P.M. and there was no further discussion nor action by the City Commission.

Commissioner McCrea made a motion the meeting be adjourned, the motion was seconded by Commissioner Thompson and all present voted in favor of the motion. The meeting was adjourned.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - June 15, 1988

The City Governing Body met in regular session at 9:35 AM 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. 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 June 1, 1988, and the minutes of the special meeting held June 9, 1988, were approved as written.

Recognition of retiring City employees

Mr. Norman R. Hazen was recognized by Mayor Calliham and the City Commission on his recent retirement from the City of Ottawa having served the City from 1949 until 1988. Mr. Hazen was presented a plaque commemorating his years of service.

Mr. John Fritts was recognized by Mayor Calliham and the City Commission on his recent retirement from the City. Mr. Fritts had worked for the City from 1973 until 1988. Mr. Fritts was awarded a plaque commemorating his years of service with the City.

Franchise Ordinance for Gas Service. First reading.

The City Governing Body proceeded to consider an ordinance granting a franchise to the Kansas Power and Light Company, also known as KPL Gas Service Company, for gas service to the City of Ottawa. It was explained that a similar ordinance was passed late in 1987, but was never accepted by the Kansas Power and Light Gas Service Company as it was unclear as to what authority the Kansas Corporation Commission might have in approving such an ordinance. It was also discussed that the 1988 session of the Kansas Legislature gave consideration to bills which would place certain restrictions on utility franchise agreements, however, none of the bills considered were passed. Inasmuch as the time for acceptance of the franchise agreement for the Kansas Power and Light Gas Service Company has expired, it is necessary at this time to start action on a new ordinance. The ordinance is to be read and considered at three (3) consecutive City Commission meetings, thereafter the ordinance may be passed and published.

An ordinance granting a gas franchise to the Kansas Power and Light Company, also known as KPL Gas Service Company, was read into the record as follows:

"AN ORDINANCE GRANTING TO THE KANSAS POWER AND LIGHT COMPANY, (ALSO KNOWN AS KPL GAS SERVICE), A KANSAS CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE, PRESCRIBING THE TERMS THEREOF AND RELATING THERETO, AND REPEALING ALL ORDINANCES OR PART OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH THE TERMS HEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OTTAWA, KANSAS:

SECTION 1: That in consideration of the benefits to be derived by the City of Ottawa, Kansas, and its inhabitants, there is hereby granted to The Kansas Power and Light Company, a Kansas corporation, hereinafter sometimes designated as "Company", said Company being a corporation operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas, and also operating a system for

the transmission and distribution of natural gas in the State of Kansas, the non-exclusive right, privilege, and authority for a period of ten (10) years from the effective date of this ordinance, to occupy and use the streets, avenues, alleys, bridges, parks, parkings, and public places of said City, for the placing and maintaining of pipelines and other equipment necessary to carry on the business of selling and distributing natural gas for all purposes to the City of Ottawa, Kansas, and its habitants, and through said City and beyond the limits thereof; to obtain said natural gas from any source available, and to do all things necessary or proper to carry on said business in the City of Ottawa, Kansas. The City shall have the right, upon written notice to Company to renegotiate any and all terms of this agreement on the fifth anniversary date of this agreement.

SECTION 2: In consideration of the premises, the Company agrees to pay the City of Ottawa, Kansas, and the City of Ottawa, Kansas 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 received by the Company for gas sold by the Company to all domestic and commercial consumers located in the present or future corporate boundaries of the City of Ottawa, Kansas, with the exception of Ottawa University, Unified School District 290 and Ransom Memorial Hospital, and one percent (1%) of the total of the gross receipts received by the Company for gas sold by the Company to all industrial customers located in the present or future corporate boundaries of the City of Ottawa, Kansas, including Ottawa University, Unified School District 290 and Ransom Memorial Hospital, and five percent (5%) of the total gross transportation receipts received by the Company for providing customers within the city transportation services, during the term of this franchise, provided, however, that in the event the City enacts an ordinance requiring gas marketers or gas brokers who sell and transport gas through Company's distribution facilities within the City to pay a franchise fee based upon the total of gross receipts received by that gas marketer or gas broker from their customers, and if the gas marketer or gas broker has included in its charges to their customers the transportation charges charged by Company, the City agrees that the Company shall not be required to pay a franchise fee on the gross transportation receipts earned by the Company for providing transportation service in that instance. Any consideration hereunder shall be reported and paid to the City by the Company monthly for the preceding month period. Industrial consumers shall be considered as those customers with special contracts providing for stand-by fuel and interruption of service at any time that demands of domestic consumers may so require.

SECTION 3: That all mains, services, and pipe which shall be laid or installed under this grant shall be so located and laid as to not obstruct or interfere with any water pipes, drains, sewers, or other structures already installed.

SECTION 4: Company shall, in the doing of the work in connection with its said gas mains, pipes and services, avoid, so far as may be practicable, interfering with the use of any street, alley, avenue, or other public thoroughfare, and where Company disturbs the surface of a street, alley, avenue or other public thoroughfare, it shall at its own expense and in a manner satisfactory to the duly authorized representatives of the City replace such paving or surface in substantially as good condition as before said work was commenced.

SECTION 5: It is recognized that the natural gas to be delivered hereunder is to be supplied from a pipeline system transporting natural gas from distant sources of supply; and the Company, by its acceptance of this franchise as hereinafter provided, does obligate itself to furnish natural gas in such quantity and for such length of time, limited by the terms hereof, as the said sources and said pipelines are reasonably capable of supplying.

SECTION 6: That Company, its successors and assigns, in the construction, maintenance, and operation of its natural gas system, shall sue all reasonable and proper precaution to avoid damage or injury to persons and property, and shall hold and save harmless the City of Ottawa, Kansas, from any and all damage, injury and expense caused by the negligence of said Company, its successors and assigns, or its or their agents or servants.

SECTION 7: Each month the Company shall provide the City the names and addresses of those customers that it provided transportation service in the preceding month and the volumes of gas that were transported for those customers.

SECTION 8: That this ordinance, when accepted as above provided shall constitute the entire agreement between the City and the Company relating to this franchise and the same shall supersede and cancel any prior understandings, agreements, or representations regarding the subject matter hereof, or involved in negotiations pertaining thereto, whether oral or written.

SECTION 9: This franchise is granted pursuant to the provisions of K.S.A. 12-2001.

SECTION 10: That any and all ordinances or parts of ordinances in conflict with the terms hereof are hereby repealed."

Award Contract for improvements to US 59 Highway from 15th Street to the south city limits.

The City Manager reported that the City had received bids for the improvements of US 59 South from 15th Street to the south city limits, Project No. 59-30 U-1168-01, on June 9, 1988. The low bidder for the improvements was Killough, Inc. of Ottawa, Kansas, for a bid of \$171,991.88. The City Engineer has checked the bid and the extensions and confirmed that the amount stated on the bid is correct. Commissioner Thompson made a motion that the low bid of Killough, Inc. in the amount of \$171,991.88 for the improvements of US 59 South, 15th to city limits, Project No. 59-30 U-1168-01 KLINK Resurfacing for FY89 be accepted and that a contract be awarded to Killough, Inc. of Ottawa for the improvements after July 1, 1988, and that the Mayor be authorized to sign the contract. The motion was seconded by Commissioner Heathman, and all present voted in favor of the motion.

Award contract for Street Rehabilitation for 1988

Bids for the Street Rehabilitation program for 1988 were received on June 9, 1988, and the low bidder for those improvements was Killough, Inc. of Ottawa, for a bid price of \$162,893.64. The Engineer has checked the bid as submitted and checked the extensions and finds the amount stated on the bid to be correct. Commissioner McCrea made a motion that the bid of Killough, Inc. in the amount \$162,893.64 for Contract 1-1988, Street Rehabilitation be accepted. The 1988 Street Rehabilitation consisting of overlay West 15th St. to the west city limits, and West 17th St., Elm, and West 19th Street to the west city limits, and that the City Manager be authorized to sign the contract. The motion was seconded by Commissioner Thompson. The City Manager then stated that the pavement markings required after the overlay of the streets will be in addition to the amount stated on the contract. Upon call for the question, all present voted in favor of the motion.

Award contract for the surfacing of the parking lot at 3rd and Cedar Street.

The City received bids for Contract 2-1987 Parking Lot Construction at 3rd and Cedar St. on June 9, 1988. The low bid for the contract was LRM Industries, Inc., of Lawrence, in the amount of \$11,710.00. The City Engineer has checked the bid and found it to be correct. Commissioner Fogle made a motion that the bid of LRM Industries, Inc. in the amount of \$11,710.00 for Contract 2-1987 Parking Lot Construction be accepted, that a contract for the improvements be awarded to LRM Industries, Inc.

of Lawrence and the Mayor be authorized to sign the contract. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Change Order #1, North Main Street Improvements

Change Order #1, on Contract No. 30 U-1097-01 City of Ottawa, 1988-01, which is for the improvement of North Main Street specifies an additional thickness of concrete for the new curb and gutter which is being installed. It was found that when the old curb and gutter was removed in this area that the concrete base had deteriorated to the point that it would not support the new construction. Therefore, it was deemed advisable to increase the thickness of the new curb and gutter to provide a better tie to the new 8" concrete pavement. Commissioner Thompson made a motion that Change Order #1, North Main Street Improvements Project 30 U-1097-01, City of Ottawa, 1988-01, in the amount \$13,219.20 for additional concrete for the combined curb and gutter section be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Change Order #2, North Main Improvements

Change Order #2 North Main Improvements sets forth an additional quantity of asphalt material along the west gutter line of the street to permit the safe use of the full width of the southbound lanes during construction along the right one-half of the roadway. Commissioner Heathman made a motion that Change Order #2, North Main Street Project No. 30 U-1097-01 City of Ottawa, 1988-01 in the amount of \$3,000.00 for temporary asphalt surfacing along the new west curb line for traffic safety be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Change Order #3, North Main Street Improvements

Change Order #3 for the North Main Street Improvements is in the amount of \$2,331.00 for additional rock excavation which was not anticipated at the time the plans and specifications for the project were drawn. Commissioner McCrea made a motion that Change Order #3, North Main Street Improvements, Project 30 U-1097-01, City of Ottawa, 1988-01 in the amount of \$2,331.00 for additional rock excavation be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Receive report of Planning Commission meeting.

A report of the Planning Commission meeting of June 7, 1988 was received by the City Commission as follows:

"The Planning Commission reorganized at this meeting by electing Member Searls as Chairman, Member Woolman as Vice Chairman and Jim Shaw as Secretary. These appointments all were carried by a 7-0 vote.

The Planning Commission held a Public Hearing for changes in the Zoning Ordinance to remove lots 18, 20, 22, 26, 28, 30, 32, 34, 36, and Lot B, and lots 25, 27, 29, 31, and 33 all in Block 13, in the City of Ottawa, Franklin County, Kansas, from (R-1) Single Family Zoning and place within (M-H) Mobile Home Zoning. These lots are located in the 400 Block of North Cherry between N. Cherry and N. Sycamore. The Planning Commission voted 7-0 to recommend this area not be rezoned.

The Planning Commission closed the Public Hearing on the 1988 update on the Capital Improvement Program and adopted the prepared program by a 7-0 vote.

There being no further business, the meeting was adjourned."

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

Accept the 1988 Capital Improvement Plan

Commissioner McCrea made a motion that the 1988 Capital Improvement Plan as adopted by the Planning Commission June 7, 1988, be accepted. The motion was seconded by Commissioner Thompson. Commissioner Fogle and Commissioner McCrea proceeded to thank the Planning Commission for the time and effort that had gone into the development of the Capital Improvement Plan. Upon call for the question all present voted in favor of the motion.

Change Order #1 Parking Lot Construction

Change Order #1 Contract No. 1-1987 Parking Lot Construction is in the amount of \$747.00 for concreting areas between the curbs of the two center islands in the parking lot. It was stated that when the plans and specifications for the parking lot were drawn it was not clear as to whether the areas between the curbs of the two center islands should be concreted or be left open for plantings. It has been determined however, that the area would not be conducive to supporting plantings, and therefore the area should be concreted. Commissioner Fogle made a motion that Change Order #1, Contract No. 1-1987 Parking Construction in the amount of \$747.00 for concreting areas between curbs of the two center islands in the parking lot be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Project Status Report

A report of the status of City projects currently underway as of June 1, 1988, was read at this time.

Letter of Resignation of Lyle H. Dresher, City Manager

A letter of resignation from City Manager Lyle Dresher was presented and read at this time, as follows:

"Dear Mayor Calliham and City Commission:

By this letter I am hereby giving notice of my resignation as City Manager effective July 8, 1988. I will be assuming the position of City Manager of Gainesville, Texas on July 18, 1988. It is with little reservation that I have chosen to advance my career and assume new challenges; however, I have appreciated the community support and assistance given me these past three and one-half years.

I have been fortunate to have served with and had the support of an excellent staff and employees. Your support and trust in their efforts to continue to provide quality public service is a necessity.

I will assist you in any way possible in preparing for the search for a new City Manager and with any other administrative matters to ensure as smooth a transition as possible." Signed Lyle H. Dresher, City Manager.

Commissioner Heathman made a motion that the resignation of City Manager Lyle Dresher be accepted. The motion was seconded by Commissioner Fogle and upon call for the question all present voted in favor of the motion.

Governing Body Agenda

Commissioner Thompson stated that Loyd Builders, a firm of which Mr. Thompson is a part, is one of the prime contractors for

the construction of a new building for Parmelee Products in the Northeast Industrial Park. Commissioner Thompson said that he makes this statement as a clarification of any conflict of interest.

Commissioner McCrea stated that last Saturday he was at the Ottawa High School where approximately 647 bicyclists stayed on Friday night on their journey across Kansas. Mr. McCrea stated that he was the only member of the City Commission present and that he made a statement on behalf of the City Commission.

City Manager's Agenda

The City Manager stated that there will be a Special Meeting at 7:00 P.M. this evening to receive the Police Executive Research Forum report on the Department of Public Safety efficiency. Mayor Calliham then stated that he was hopeful that the meeting could be held to approximately one hour and that he was also hopeful that the meeting would not result in the public cross examining the Police Executive Research Forum. Mayor Calliham asked that the report be allowed to be given in full before directing questions and that the public would be allowed to ask questions after the Governing Body.

Public Agenda

Mr. Charles Gillette, 1639 S. Willow, stated that there were many people walking on 15th Street and would like to see sidewalks installed in that area. Commissioner Heathman stated that there are many areas in town which are in need of sidewalks.

Executive Session

Mayor Calliham stated that the City Commission needed to recess to an Executive Session to discuss personnel matters. Commissioner Thompson made a motion that the City Governing Body recess to Executive Session for one hour to discuss personnel matters, the present time being 10:40 A.M., the meeting to reconvene at 11:40 A.M. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

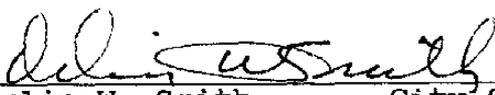
Reconvening of Meeting

At 11:40 A.M. Commissioner Fogle made a motion that the City Commission reconvene. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Adjournment

Commissioner Thompson made a motion the meeting adjourn. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

City Clerk's note: The text of this meeting is on tape in the office of the City Clerk with the exception of the last few minutes of the meeting. The tape recording of the meeting will be kept for one year.


Orlin W. Smith City Clerk

City Hall - Ottawa, Kansas - June 15, 1988

The City Governing Body met in special session at 7:00 P.M. this date. Present Mayor Calliham and Commissioners Fogle, Heathman, Thompson and McCrea absent none.

The purpose of the special meeting was to receive a report of the efficiency and effectiveness study of the Ottawa Department of Public Safety presented by Sheldon Greenberg from the Police Executive Research Forum of Washington, DC. Mayor Calliham called upon Mr. Greenberg to commence his presentation. The following statements will be those of Mr. Greenberg unless stated otherwise.

Mr. Greenberg started by stating that the Department of Public Safety of the City of Ottawa is a most complex system and that he and his associates attempted to interview all Public Safety Officers and all were interviewed with the exception of possibly two. The Department of Public Safety in the City of Ottawa is very unique in structure, and in an attempt to compare our Department of Public Safety to others, it became almost a moot point. The cost of personnel in the Department of Public Safety is high as a result of seniority within the ranks of the department as compared to other departments which would have newer lower paid officers. The DPS concept has been subject of many controversies in the City of Ottawa and in some cases, data was not available for purpose of analysis. The Department of Public Safety did not have a Director at the time Mr. Greenberg's firm appeared on the scene to commence their study, and that they discovered many ill feelings directed towards the former Director. In general, Mr. Greenberg stated that it is a good department, staffed by good people, and generally a high caliber of individuals. The department has been supported by the community, and has exceptional potential. The DPS concept was found to be sound in the City.

In more specific comments, Mr. Greenberg stated that the department had too many sets of rules, and too many people doing their own thing, whereby the City is at a major crossroads in the operation of this department. Mr. Greenberg recommends an upgrade of professionalism and an upgrade of the records system within the department.

In more specifics, the department needs goals and values established, more exchange of information, and to be reorganized into a new two bureau concept. Inasmuch as no proper chain of command is in effect, the chain of command needs to be established.

The manual of policy and procedures needs to be rewritten, and a training manual developed, and at present there is no structured planning process. A team building effort needs to be established, and this possibly would require a person from the outside to assist in this endeavor. The supervisors need to be more involved in management decisions, and that there are too many supervisory positions existing, mainly because of grandfathering.

Mr. Greenberg stated that the time between resignations and the selection and placement of replacements is too great. The department should establish an eligibility list for promotional positions as well as new hirings.

In the area of training, the training programs need to be enhanced, particularly in the fire area. The present system is inadequate as people are required to take the same courses too many times.

Mr. Greenberg stated that there is too much greed in the department, whereby a person working a one-minute overtime period expects to be paid for the minute.

The internal structure of investigation and internal affairs needs to be improved, along with better and greater PR not only with the department but with the elected body.

Revised personnel policies and procedures need to be developed. The department needs to develop a new report and information system, similar to that presently used by the Kansas Bureau of Investigation.

In the area of writing reports, that the reports should be written in the field, rather to be dictated to be typed by someone later. This present procedure requires too many man hours.

The department needs to develop better inspection for fire protection, along with code enforcements and fire training.

The Public Safety Officers need to assume greater responsibility for the area they patrol, and all personnel need greater accountability in all areas.

Mr. Greenberg commented that supervisors should not be used to dispatch, as supervisors are not necessarily trained for that purpose, and they are too costly.

The Department of Public Safety needs a closer working relationship and cooperation with surrounding agencies and state agencies both in the area of police protection and fire protection.

Non-committed time nationally averages from 20% to 60%, and they find the Ottawa department on the high end of that scale. Mr. Greenberg stated that persons need to have time for other things other than routine patrol, and those types of things, but the time in the Ottawa Department of Public Safety is excessive.

Communications within the department is very poor at this time and needs to be improved.

Mr. Greenberg suggested that the vocational technical program presently sponsored by the Department of Public Safety and the Ottawa School District 290 needs to be restructured or eliminated in that he felt the time the officer spends on instruction could be better spent contacting more of our children in school and building a better image for the public safety department and assisting these children as necessary.

The computerization of the department needs to be enhanced, whereby more information can be captured on computer. Mr. Greenberg did state that the department is trying to improve their system at this time.

Mr. Greenberg stated that the elected body of the City needs to stop interacting in a negative sense with the department, and give support without interference in its operation.

Questions by City Commission

Mr. Fogle stated that in reading the report of Mr. Greenberg, that it indicated that there were too many chiefs and not enough indians, and if the organizational chart approved by the Research Forum was custom made for the City of Ottawa. Mr. Greenberg answered that the organizational chart was made for the City of Ottawa, but that modification would be in order from time to time and the proper organizational structure would eventually be achieved through attrition.

Mr. Fogle questioned the recent requirements that new PSOs have 60 hours of college credit over experience. Mr. Greenberg answered, yes, that he had a strong feeling for this item, that the Public Safety Officer should have 60 college credit hours and he has recognized that people without the proper education will

eventually fall through the cracks, and over a period of time the profession of Public Safety Officer may be upgraded. Mr. Fogle asked if a combination of experience and education might be more proper, thus making the hiring practices more flexible. Mr. Greenberg answered that he felt that education should always be given precedence over experience.

Commissioner Thompson stated that he has been a big supporter of the Department of Public Safety vocational technical training in the public schools and he asked if Mr. Greenberg's remarks were just from the standpoint of economics. Mr. Greenberg stated that he thought there were other alternatives to the existing program that would enhance the system in that the same money could be used for a Public Safety Officer to contact more kids and that you might find that a full time Youth Officer would be more efficient.

Mr. Greenberg then alluded to the cost per capita of the operation of a public safety department and stated that in the central region the average cost of 373 cities over 10,000 to 250,000 population averaged \$157.90 per capita, but the City of Ottawa pays \$127.42 per capita. Mr. Greenberg further elaborated that the personnel costs within the region ran from a low of \$92.42 per capita, to a high of \$111.75 per capita, with an average of \$102.08 per capita. The City of Ottawa's per capita cost for personnel is \$99.56. The City of Ottawa's Public Safety budget reflects a personnel cost of 78% of the budget, where others averaged 92% of the operating budget.

Mr. Fogle stated that he would be happy to go along with the results of the report and that he had been wrong on some things, but that he had at least been partially right on some of the things he had talked about. Commissioner Fogle further stated that he felt the City was much better off today in the area of public safety than it was a year ago. He said he felt the report was excellent and gave the City something to build on.

Mayor Calliham stated he felt the report of Police Executive Research Forum was concise, complete, and factual, and was very pleased over all.

Commissioner Fogle asked Mr. Greenberg in the area of hiring a new City Manager and Director of Public Safety, which should be hired first, or if it really made any difference. Mr. Greenberg stated that he felt that the City Manager should be hired first, as it might be difficult to solicit resumes and applications without a City Manager being on board. Mr. Greenberg further stated that to hire a Director of Public Safety without having a City Manager in place might require a 3 to 5 year contract. Mr. Greenberg's recommendation was to hire a City Manager as quickly as is feasible to do so, and in the interim period appoint one Deputy Director as Acting Director and not to go back and forth with the two Deputy Directors.

Commissioner Thompson questioned as to whether the City might go ahead and solicit applications and resumes for the Department of Public Safety Director to be considered and acted upon after a City Manager is hired. Mr. Greenberg stated that he felt that this might be a disservice to the candidates for the position inasmuch as the selection process would be too far removed from the solicitation of applications.

Commissioner McCrea then commended Sheldon Greenberg on his team, on their investigation, and their report.

Commissioner Heathman then questioned Mr. Greenberg as to why sergeants and officers should not act as dispatchers within the department. Mr. Greenberg responded that the practice is physically unsound inasmuch as the officers and sergeants are not trained dispatchers, and their pay scale is too high for dispatching.

Commissioner Heathman then asked again why it would not be feasible to split the department, that at the present time, you have 40 men which requires training in two areas and two sets of uniforms. Mr. Greenberg stated that he thought he had been misunderstood when he talked in this area, that to split the department would require at least 15 more people, and both departments would then have to operate on a 24 hour basis.

Commissioner Fogle questioned if it might be advantageous for the Department of Public Safety and the Sheriff's office to combine dispatching. Mr. Greenberg stated that it certainly should be looked into to see that there were advantages, and if it were feasible, to combine dispatching with the Sheriff's Department and possibly look at a 911 concept.

Commissioner Heathman then offered an apology to the public for his part in the controversy in the DPS for the past year or so, but that a study such as just been presented to the City Commission is what he was trying to effect.

Mr. James McKenzie, a former DPS Driver-Engineer asked as to whether the City should be looking for a policeman, fireman, or professional for a Director of Public Safety. Mr. Greenberg answered that the City should be looking for a very strong manager-type person for the position. Mr. McKenzie then stated that he is presently working for a Fire Department and he found that the training courses he had taken with the Ottawa DPS were not certified by the state, and he must now start completing various training courses to get his state certification.

Mrs. Donna Murray asked Mr. Greenberg if anyone presently in the Department of Public Safety is qualified to take the Director's position, whereby Mr. Greenberg answered that he could not answer that question, but that the two present Deputy Directors have been Acting Directors. He did state, however, that most departments require a Bachelor's Degree to be a Director of Public Safety.

Mrs. Dorothy Nichols asked how the City of Ottawa can assign each man on the public safety a beat. Mr. Greenberg answered that what he actually meant was that the area patrol for each officer would be the same each day, whereby the officer could become more familiar with the area, get to know people better, and possibly aid in establishing a particular pattern if crime should begin to occur within his area.

Commissioner McCrea then made a motion that the report of the Police Executive Research Forum be accepted as presented, and the recommendations be implemented as quickly and economically as they possibly can. The motion was seconded by Commissioner Fogle and upon call for the question, all presented voted in favor of the motion.

Commissioner McCrea then stated that he wished to discuss another subject that a problem had arisen, he did not know exactly how to handle it. The problem, Commissioner McCrea stated, was that the City Commission had an executive session this morning to discuss selecting an Acting City Manager until a new City Manager is hired, and that in the local paper this evening, it was stated that the City Commission had talked to a retired City manager from Emporia concerning the acting position. Commissioner McCrea stated that the gentleman they talked to had asked that his presence be kept in confidence, and that this was a violation of the confidence promised the individual. Commissioner McCrea then stated that he had talked to Commissioner Thompson, Mayor Calliham, Commissioner Fogle, and that none of the before motioned had talked to Melissa Bauman, reporter for the Ottawa Herald, and given the information which was printed in the evening paper. Commissioner McCrea stated that as he left the City Commission meeting this morning, that Miss Bauman had asked him if any action had been taken whereby he reported no, and

left, and that as he was getting into his car, he saw Miss Bauman talking to Commissioner Heathman. Commissioner McCrea then asked for an explanation from Commissioner Heathman.

Commissioner Heathman asked Melissa Bauman if he had given her any information concerning the executive session whereby Miss Bauman stated that she did not feel that it was her place to divulge which Commissioner gave her the information. Mayor Calliham asked if she had not been told by someone whereby Miss Bauman stated that someone had told her. Upon a question as to any of the four mentioned by Commissioner McCrea had given the information, there was no answer. Mayor Calliham then reiterated that the gentleman had specifically requested that his name not be mentioned in connection with the selection of an Acting City Manager, whereby Mr. Heathman stated that no name was mentioned. Mayor Calliham then stated that it will make it very difficult for the City Commission to interview candidates and assure them that the information obtained in the interviews will be kept confidential.

Commissioner Fogle then stated that he felt that maybe Commissioner Heathman was being unjustly accused inasmuch as there might be other items, such as a car from Lyon County parked at the building, which might convey the information.

Commissioner Thompson then stated that it's going to be very difficult for him to solicit and interview candidates for the City Manager's position and to guarantee confidentiality of the persons and interviews, and at this point he did not know what to do.

Commissioner Heathman then asked Mayor Calliham if he believed in the Open Meetings Law, Mayor Calliham replying that he did. Commissioner Heathman then asked Mayor Calliham what he and Commissioner Thompson were talking about in City Hall last week. Mayor Calliham asked Mr. Heathman to when and where he was referring, was it in the City Manager's office, whereby Commissioner Heathman answered that it was, and that it was last Thursday or sometime last week. Mayor Calliham then stated that he had no idea. Commissioner Heathman then stated that the Open Meetings Law had been broken so many times in the last five years since he has been on the City Commission that he did not believe it existed. Commissioner Heathman concluded by stating that he just wished to make that statement.

Adjournment

Commissioner Thompson made a motion the meeting be adjourned. The motion was seconded by Commissioner Fogle, and all present voted in favor of the motion.

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 - June 27, 1988

The City Governing Body met in special session at 3:00 PM this date. Present Mayor Callihan, Commissioners Heathman and McCrea. Arriving at 3:10 PM were Commissioners Thompson and Fogle, absent City Clerk, Orlin Smith.

The purpose of the special meeting was to consider the appointment of an Acting City Manager effective July 9, 1988 and to approve an agreement for the Acting City Manager's services.

Commissioner McCrea made a motion that the City Commission move to executive session, for the purpose of discussing the appointment of an acting City Manager. The present time being 3:15 P.M. and the City Commission to reconvene at 3:35 P.M. The motion was seconded by Commissioner Fogle, upon call for the question all present voted in favor of the motion.

Commissioner Thompson made a motion to reconvene the meeting at 3:32 P.M. Commissioner McCrea seconded the motion, all present voted in favor of the motion.

Commissioner Thompson made a motion to appoint Virgil A. Basgall as acting City Manager, with the power and authority effective July 9, 1988. The agreement is to be dated today June 27, 1988. Commissioner Heathman seconded the motion and upon call for the question all present voted in favor of the motion.

There was also discussion from the audience concerning the North American Hotel.

Mr. Bill Seymour President of the Franklin County Historical Society read the following letter:

"Dear Commissioners:

On June 16, 1988, the Franklin County Historical Society Board of Trustees voted to approach the City Commissioners on the matter of the North American Hotel.

We agree with the Chamber of Commerce that something needs to be done to the building. This building has become an eyesore to the Community as a whole and Historical Downtown in particular.

To find a solution to the problem of the Hotel calls for some leadership. We do not believe that this leadership should come from the Chamber of Commerce, but rather from you, as a Commission.

We ask that you address this issue as soon as possible in a study session. We ask that you investigate, or appoint a committee to investigate, ideas for funding and uses of the building. We ask that you support the investigation, even to the extent of spending the funds necessary to provide the Commission with studies of the building, so that you can make an accurate, knowledgeable decision concerning the building.

Should you decide to create this committee, we would be happy to assist you in any way as to suggestions on appointees."

Judy Ransom asked that the City study the structure of the hotel particularly the floors, so the Library or any interested group

would know if the building was usable for their purpose.

Commissioner McCrea ask, does the State Historical Society have any money for this purpose?

Bill Seymour replied, the Society had gone to the National Historical Society, but not the State Historical Society.

Clarence Koch read the following letter from a group of concerned residence of Ottawa.

"Dear City Commissioners:

We, the undersigned, met on Sunday, June 19, 1988 to discuss the possibilities of preserving and restoring the North American Hotel building. It is our opinion vacancy is not a reason to demolish this structure.

We are petitioning the City Commissioners to demonstrate more of a commitment to preserve the building, and/or find suitable uses for the structure.

Our position is to save the building by finding suitable renters and thus enhance the overall image of the Historic Downtown area.

The North American Hotel is an important aspect of Ottawa's historic heritage. Destroying this building would be contrary to the interest of all the citizens of Ottawa."

Clarence Koch stated that all of the windows in the building could be repaired for approximately \$2,000.00, and for \$500.00 the small windows could be repaired. Mr. Koch stated that this group of concerned residence would try and find renters for the lower floor. Mr. Koch also stated, if vacancy of a building is a priority to demolishing a building downtown, you have to look at the Wassmer building and the second and third floors of nearly all the downtown buildings.

Commissioner Fogle stated, the Wassmer building hasn't cost the City a lot of time and money nor has it stood vacant and deteriorated.

Commissioner McCrea made a motion to adjourned the special meeting, the motion was seconded by Commissioner Thompson and all present voted in favor of the motion. 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.

Nevalea Magrath, Deputy City Clerk
Nevalea Magrath, Deputy City Clerk

City Hall - Ottawa, Kansas - July 6, 1988

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

Mayor Calliham led the Chamber audience in the Pledge of Allegiance and the invocation was given by Rev. Jerry Harnden of the First United Methodist Church.

Approval of Minutes.

The minutes of the last regular meeting which was held June 15, 1988, and of the special meeting held June 27, 1988, were approved as written.

Ordinance - Franchise Agreement with Kansas Power and Light Company, also known as KPL Gas Service.

"An Ordinance granting to the Kansas Power and Light Company, (also known as KPL gas Service), a Kansas Corporation, its successors and assigns, a non-exclusive natural gas franchise, prescribing the terms thereof and relating thereto, and repealing all ordinances of part of ordinances inconsistent with or in conflict with the terms hereof" was read into the record for the second time as follows:

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OTTAWA, KANSAS:

SECTION 1: That in consideration of the benefits to be derived by the City of Ottawa, Kansas, and its inhabitants, there is hereby granted to The Kansas Power and Light Company, a Kansas corporation, hereinafter sometimes designated as "Company", said Company being a corporation operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas, and also operating a system for the transmission and distribution of natural gas in the State of Kansas, the non-exclusive right, privilege, and authority for a period of ten (10) years from the effective date of this ordinance, to occupy and use the streets, avenues, alleys, bridges, parks, parkings, and public places of said City, for the placing and maintaining of pipelines and other equipment necessary to carry on the business of selling and distributing natural gas for all purposes to the City of Ottawa, Kansas, and its habitants, and through said City and beyond the limits thereof; to obtain said natural gas from any source available, and to do all things necessary or proper to carry on said business in the City of Ottawa, Kansas. The City shall have the right, upon written notice to Company to renegotiate any and all terms of this agreement on the fifth anniversary date of this agreement.

SECTION 2: In consideration of the premises, the Company agrees to pay the City of Ottawa, Kansas, and the City of Ottawa, Kansas 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 received by the Company for gas sold by the Company to all domestic and commercial consumers located in the present or future corporate boundaries of the City of Ottawa, Kansas, with the exception of Ottawa University, Unified School District 290 and Ransom Memorial Hospital, and one percent (1%) of the total of the gross receipts received by the Company for gas sold by the Company to all industrial customers located in the present or future corporate boundaries of the City of Ottawa, Kansas, including Ottawa University, Unified School District 290 and Ransom Memorial Hospital, and five percent (5%) of the total gross transportation receipts received by the Company for providing

customers within the city transportation services, during the term of this franchise, provided, however, that in the event the City enacts an ordinance requiring gas marketers or gas brokers who sell and transport gas through Company's distribution facilities within the City to pay a franchise fee based upon the total of gross receipts received by that gas marketer or gas broker from their customers, and if the gas marketer or gas broker has included in its charges to their customers the transportation charges charged by Company, the City agrees that the Company shall not be required to pay a franchise fee on the gross transportation receipts earned by the Company for providing transportation service in that instance. Any consideration hereunder shall be reported and paid to the City by the Company monthly for the preceding month period. Industrial consumers shall be considered as those customers with special contracts providing for stand-by fuel and interruption of service at any time that demands of domestic consumers may so require.

SECTION 3: That all mains, services, and pipe which shall be laid or installed under this grant shall be so located and laid as to not obstruct or interfere with any water pipes, drains, sewers, or other structures already installed.

SECTION 4: Company shall, in the doing of the work in connection with its said gas mains, pipes and services, avoid, so far as may be practicable, interfering with the use of any street, alley, avenue, or other public thoroughfare, and where Company disturbs the surface of a street, alley, avenue or other public thoroughfare, it shall at its own expense and in a manner satisfactory to the duly authorized representatives of the City replace such paving or surface in substantially as good condition as before said work was commenced.

SECTION 5: It is recognized that the natural gas to be delivered hereunder is to be supplied from a pipeline system transporting natural gas from distant sources of supply; and the Company, by its acceptance of this franchise as hereinafter provided, does obligate itself to furnish natural gas in such quantity and for such length of time, limited by the terms hereof, as the said sources and said pipelines are reasonably capable of supplying.

SECTION 6: That Company, its successors and assigns, in the construction, maintenance, and operation of its natural gas system, shall sue all reasonable and proper precaution to avoid damage or injury to persons and property, and shall hold and save harmless the City of Ottawa, Kansas, from any and all damage, injury and expense caused by the negligence of said Company, its successors and assigns, or its or their agents or servants.

SECTION 7: Each month the Company shall provide the City the names and addresses of those customers that it provided transportation service in the preceding month and the volumes of gas that were transported for those customers.

SECTION 8: That this ordinance, when accepted as above provided shall constitute the entire agreement between the City and the Company relating to this franchise and the same shall supersede and cancel any prior understandings, agreements, or representations regarding the subject matter hereof, or involved in negotiations pertaining thereto, whether oral or written.

SECTION 9: This franchise is granted pursuant to the provisions of K.S.A. 12-2001.

SECTION 10: That any and all ordinances or parts of ordinances in conflict with the terms hereof are hereby repealed."

Ms. Kathy Johnson of KPL Gas Service appeared before the City Commission and asked if the ordinance was essentially the same as the ordinance which had been passed by this City Commission last October. Ms. Johnson was assured that the ordinance was essentially the same, except the ordinance sets out that Ottawa University, Unified School District 290, and Ransom Memorial Hospital will pay a 1% franchise tax, as opposed to 5%.

Ordinance No. 2892-88 Construction of Storm Sewers.

An ordinance providing for the construction of storm sewers and drains for the purpose of carrying off storm waters from the streets, avenues and alleys of the City of Ottawa, Franklin County, Kansas and providing for the issuance of General Obligation bonds for payment thereof was introduced. The City Manager explained that the storm sewers proposed in this ordinance are for the drainage of storm water from the Northeast Industrial Park in the City of Ottawa. A necessity for the drainage is brought about primarily by Parmelee Products locating in the Northeast Industrial Park, however, the storm sewers will serve the total of the industrial park. The estimated probable cost of the storm sewers is \$70,000, 100% payable by the City-at-large.

Commissioner McCrea made a motion that ordinance ordering and providing for the construction of storm sewers and drains for the purpose of carrying off storm water from the streets, avenues and alleys of the City of Ottawa, Franklin County, Kansas and providing for the issuance of General Obligation bonds for the payment thereof in an estimated amount of \$70,000 be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2893-88 Standard Traffic Ordinance for Kansas Cities.

An ordinance providing for certain deletions, amendments and substitutions in Article 1, Chapter XIII of the Municipal Code of the City of Ottawa, Kansas, 1982 relating to traffic regulations and providing for incorporation of said deletions, amendments and substitutions into the Municipal Code of the City of Ottawa, Kansas, 1982 and repealing Ordinance No. 2833-86 was introduced. The ordinances for the purpose of adopting the Standard Traffic Ordinance for Kansas Cities edition of 1988 and providing for certain amendments thereto.

Commissioner Fogle took exception to Section 2, Sub-section 13-102(c) of the ordinance as it relates to spilling of loads on the highways. Commissioner Fogle stated that he felt that this particular section of the ordinance was very poorly written, and needed to be revised. It was discussed, however, that possibly the ordinance should be passed in tact and that particular section revised at a later date. Commissioner Fogle made a motion that an ordinance providing for certain deletions, amendments and substitutions in Article 1, of Chapter XIII of the Municipal Code of the City of Ottawa, Kansas, 1982 relating to the traffic regulations and providing for incorporations of said deletions, amendments and substitutions into the Municipal Code of the City of Ottawa, Kansas, 1982 and repealing Ordinance No. 2833-86 be approved with the deletion of Section 2, Sub-section 13-102(c). The motion was seconded by Commissioner Heathman.

Through discussion it was pointed out that if the section enumerated by Mr. Fogle is deleted from the ordinance, then a similar section which appears in the Standard Traffic Ordinance edition of 1988 will remain in force. Mr. Fogle then withdrew his motion as did Mr. Heathman withdrew his second to the motion.

Commissioner McCrea made a motion that an ordinance providing for certain deletions, amendments and substitutions in Article 1, Chapter 13-102 of the Municipal Code of the City of Ottawa, Kansas, 1982, relating to traffic regulations and providing for incorporation of said deletions, amendments and substitutions into the Municipal Code of the City of Ottawa, Kansas, 1982 and repealing Ordinance No. 2833-86 be approved and passed. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Joint Use Agreement between the City of Ottawa and Al Kreitler.

The City Commission proceeded to consider a Joint Use Agreement between the City of Ottawa and Al Kreitler d/b/a Kreitler Custom Rollers, Inc., involving Lots 3, 5, 7, 9, 11, 13, 15, 17, 19 and 21 in Block 1 of Park Place Addition to the City of Ottawa, Franklin County, Kansas. The City Manager commented that it had been discovered after Mr. Kreitler had purchased the building for a manufacturing facility that the manufacturing building was located partially on the Cleveland Street right-of-way. The northwest corner of the building sitting 10.4 feet on the Cleveland Street right-of-way and the southwest corner of the building sitting approximately 9.8 feet on the Cleveland Street right-of-way. The City Manager stated that the City had two options, to vacate that portion of Cleveland Street or allow Mr. Kreitler to use that portion of Cleveland Street on which his building is situated. The agreement before the City Governing Body at this time will allow Mr. Kreitler to use the portion of Cleveland Street on which his building is located and to maintain such so long as the building is so located.

Commissioner Thompson made a motion that a Joint Use Agreement between the City of Ottawa and Al Kreitler d/b/a Kreitler Custom Rollers, Inc. involving Lots 3, 5, 7, 9, 11, 13, 15, 17, 19 and 21 in Block 1 of Park Place Addition to the City of Ottawa, Franklin County, Kansas be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Request for Summer Sidewalk Sale.

The City Governing Body proceeded to consider a request from the Ottawa Area Chamber of Commerce Retail Trade Committee to hold a summer sidewalk sale July 23, 1988, from 7:00 AM to 5:00 PM and to close Main Street to through traffic between Second and Third Streets. It was discussed that the request of the Chamber of Commerce Retail Trade Committee is similar to requests and approvals received in prior years.

Commissioner Thompson made a motion that the request from the Ottawa Area Chamber of Commerce Retail Trade Committee to hold the summer sidewalk sale, July 23, 1988, from 7:00 AM to 5:00 PM and to close Main Street to through traffic between Second and Third Streets be approved. Motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Approve Contract for Street Improvements.

Commissioner Fogle made a motion to approve and authorize execution of a contract between Killough, Inc. and the City of Ottawa in the amount of \$171,991.88 for street improvements to South US-59, 15th St. to the south City limits, Project No. 59-30 U-1168-01. The low bid of Killough, Inc. was accepted June 15, 1988 by the City Commission. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Approval of City Investment Schedule for June 30, 1988.

Commissioner McCrea made a motion that the City Schedule of Investments existing as of June 30, 1988, indicating a total of \$5,100,000 invested at an average annual interest rate of 6.88% be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Report of City Planning Commission.

The City Planning Commission met in regular session on Tuesday, July 5th, 1988 at 7:00 PM in City Hall. Present: Members Hendrix, Woolman, Reynolds, Reusch, Todd and Chairman Searls, Absent: Member Ellena.

The minutes of the last meeting held June 7th, 1988 were approved as written by a 6-0 vote.

The Planning Commission voted 6-0 to hold a public hearing to amend ordinance No. 2713-82, Article XXVI, Section 2, Fences.

The Planning Commission voted 6-0 to hold a public hearing to amend ordinance No. 2826-86, Sign Regulations.

Both of the public hearings will be held at the August 2nd meeting.

There being no further business, the meeting was adjourned.

Governing Body Agenda

Mayor Calliham announced Thursday, July 7, 1988, at 9:00 AM Mayor Calliham and Commissioner Thompson will be recognizing those community citizens primarily responsible for the Marais des Cygnes River flood control project by dedicating the recognition plaques recently installed on the Main Street bridge abutments. The ceremony will take place at the northeast corner of the bridge.

Mayor Calliham announced that the Governing Body's review of City Manager applications will soon be starting and that various numbers of the Governing Body will, from time to time, be at City Hall for the purpose of studying and reviewing applications and not for the purpose of conducting official City business. Mayor Calliham announced that there may be any number present at any one time, but that they will be in separate rooms in City Hall and will not be discussing the applications.

Mayor Calliham announced that inasmuch as the City does not, at this time, have a regular full-time City Manager, that Study Sessions of the Governing Body will be on Mondays preceding the Wednesday meetings only, and thus the Study Sessions will be limited to two per month, with the exceptions that other Study Sessions may be made on call.

City Manager Agenda.

The City Manager announced that letters are being sent to all owners of property located within 500 feet of a structure or property which is either on the National Historic Register or the State Historic Register and that all building permit applications will have to be approved by both the State Historic Officer and the City Inspection Department prior to issuance of building permits. The City Manager further explained that these regulations are imposed by State law, and not by City ordinance.

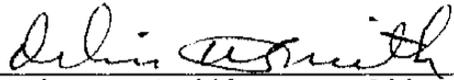
The City Manager also stated that he had received a landscaping plan for the new parking lot being constructed at the location of 3rd and Cedar Streets and that the implementation of the plan as drawn will not exceed \$3,000.00. Commissioner Thompson then made a motion that landscaping in an amount not to exceed \$3,000.00 for the parking lot at 3rd and Cedar Sts. be approved, the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Statement of City Attorney.

Assistant City Attorney Bob Bezek announced that he would like to have some time in an Executive Session to discuss the lawsuit of Heathman vs. City. Commissioner Thompson made a motion that the City Commission recess to Executive Session for 1 hour and 15 minutes, the present time being 7:56 PM, and to re-convene at 9:09 PM, for the purpose of discussing the lawsuit of Heathman vs. City of Ottawa and to discuss personnel matters.

The City Commission re-convened at 9:09 PM whereby Commissioner Thompson made a motion the meeting be adjourned. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

The entire text of the meeting is on tape in the office of the City Clerk with the exception of the Executive Session portion, and will remain so for one year from the date of the meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - July 20, 1988

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

The Pledge of Allegiance to the American flag was given by Mayor Calliham who then proceeded to give the Invocation.

Approval of Minutes.

The minutes of the last regular meeting which was held July 6, 1988, were approved as written.

Ordinance No. 2894-88 - Natural Gas Franchise

An Ordinance granting to the Kansas Power and Light Company (also known as KPL Gas Service), a franchise for the delivery and sale of natural gas in the City of Ottawa was considered. Kathy Johnson, representing the Kansas Power and Light Gas Service Company, appeared before the City Commission stating that her company would prefer a twenty-year franchise agreement with the option of negotiation of franchise fees at the end of a ten-year period as opposed to the ten-year franchise with the option of negotiation of fees at the end of five years, as the present ordinance is written. It was discussed by the City Commission, however, that they felt the ten-year franchise agreement with the option of discussion of franchise rates at the end of a five-year period was in the best interest of the citizens of the City of Ottawa. Ms. Johnson stated, however, that her company preferred the twenty-year franchise as it did allow for better long range planning by her company than a ten-year franchise agreement. The franchise ordinance which is being considered sets forth that the Kansas Power and Light Gas Service Company is to pay the City of Ottawa franchise fees monthly based on the prior month sales, as opposed to paying semi-annually, based on the prior six month sales, as in the present ordinance under which the City of Ottawa is operating. The franchise ordinance was then read into the official record for the third and final time as follows:

"An Ordinance granting to the Kansas Power and Light Company (also known as KPL Gas Service), a Kansas Corporation, its successors and assigns, a non-exclusive natural gas franchise, prescribing the terms thereof and relating thereto, and repealing all ordinances or part of ordinances inconsistent with or in conflict with the terms hereof:

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OTTAWA, KANSAS:

SECTION 1: That in consideration of the benefits to be derived by the City of Ottawa, Kansas, and its inhabitants, there is hereby granted to The Kansas Power and Light Company, a Kansas Corporation, hereinafter sometimes designated as "Company", said Company being a corporation operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas, and also operating a system for the transmission and distribution of natural gas in the State of Kansas, the non-exclusive right, privilege, and authority for a period of ten (10) years from the effective date of this ordinance, to occupy and use the streets, avenues, alleys, bridges, parks, parkings, and public places of said City, for the placing and maintaining of pipelines and other equipment necessary to carry on the business of selling and distributing natural gas for all purposes to the City of Ottawa, Kansas, and its inhabitants, and through said City and beyond the limits thereof; to obtain said natural gas from any source available, and to do all things necessary or proper to carry on said business in the City of Ottawa, Kansas. The City shall have the

right, upon written notice to Company to renegotiate any and all terms of this agreement on the fifth anniversary date of this agreement.

SECTION 2: In consideration of the premises, the Company agrees to pay the City of Ottawa, Kansas, and the City of Ottawa, Kansas 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 received by the Company for gas sold by the Company to all domestic and commercial consumers located in the present or future corporate boundaries of the City of Ottawa, Kansas, with the exception of Ottawa University, Unified School District 290 and Ransom Memorial Hospital, and one percent (1%) of the total of the gross receipts received by the Company for gas sold by the Company to all industrial customers located in the present or future corporate boundaries of the City of Ottawa, Kansas, including Ottawa University, Unified School District 290 and Ransom Memorial Hospital, and five percent (5%) of the total gross transportation receipts received by the Company for providing customers within the city transportation services, during the term of this franchise, provided, however, that in the event the City enacts an ordinance requiring gas marketers or gas brokers who sell and transport gas through Company's distribution facilities within the City to pay a franchise fee based upon the total of gross receipts received by that gas marketer or gas broker from their customers, and if the gas marketer or gas broker has included in its charges to their customers the transportation charges charged by Company, the City agrees that the Company shall not be required to pay a franchise fee on the gross transportation receipts earned by the Company for providing transportation service in that instance. Any consideration hereunder shall be reported and paid to the City by the Company monthly for the preceding month period. Industrial consumers shall be considered as those customers with special contracts providing for stand-by fuel and interruption of service at any time that demands of domestic consumers may so require.

SECTION 3: That all mains, services, and pipe which shall be laid or installed under this grant shall be so located and laid as to not obstruct or interfere with any water pipes, drains, sewers, or other structures already installed.

SECTION 4: Company shall, in the doing of the work in connection with its said gas mains, pipes and services, avoid, so far as may be practicable, interfering with the use of any street, alley, avenue, or other public thoroughfare, and where Company disturbs the surface of a street, alley, avenue or other public thoroughfare, it shall at its own expense and in a manner satisfactory to the duly authorized representatives of the City replace such paving or surface in substantially as good condition as before said work was commenced.

SECTION 5: It is recognized that the natural gas to be delivered hereunder is to be supplied from a pipeline system transporting natural gas from distant sources of supply; and the Company, by its acceptance of this franchise as hereinafter provided, does obligate itself to furnish natural gas in such quantity and for such length of time, limited by the terms hereof, as the said sources and said pipelines are reasonably capable of supplying.

SECTION 6: That Company, its successors and assigns, in the construction, maintenance, and operation of its natural gas system, shall use all reasonable and proper precaution to avoid damage or injury to persons and property, and shall hold and save harmless the City of Ottawa, Kansas, from any and all damage, injury and expense caused by the negligence of said Company, its successors and assigns, or its or their agents or servants.

SECTION 7: Each month the Company shall provide the City the names and addresses of those customers that it provided transportation service in the preceding month and the volumes of gas that were transported for those customers.

SECTION 8: That this ordinance, when accepted as above provided shall constitute the entire agreement between the City

and the Company relating to this franchise and the same shall supersede and cancel any prior understandings, agreements, or representations regarding the subject matter hereof, or involved in negotiations pertaining thereto, whether oral or written.

SECTION 9: This franchise is granted pursuant to the provisions of K.S.A. 12-2001.

SECTION 10: That any and all ordinances or parts of ordinances in conflict with the terms hereof are hereby repealed."

Commissioner Thompson made a motion that an ordinance granting to the Kansas Power and Light Company, also known as KPL Gas Service, a Kansas Corporation, its successors and assigns, a natural gas franchise prescribing the terms thereof and relating thereto, and repealing all ordinances or part of ordinances inconsistent with or in conflict with the terms hereof be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Consider the City of Ottawa, Kansas Conservation and Renewable Energy Program for the Western Area Power Administration.

The City of Ottawa, Kansas Conservation and Renewable Energy Program for the Western Area Power Administration was discussed. It was further discussed that the City of Ottawa does not take power from the Western Area Power Administration but receives its allocation and passes the allocation to cities in western Kansas. The reason the City of Ottawa does not receive its allocation is that it is not financially feasible to transmit the power to the eastern part of Kansas for consumption as the transmission costs would be greater than any savings which might be derived.

It was also discussed that the cities in eastern Kansas, inclusive of the City of Ottawa, receive power from the Southwestern Area Power Administration which is allocated to the cities in western Kansas and again because it is not economically feasible to transmit the power to the western part of the state of Kansas. Commissioner Fogle made a motion that the City of Ottawa, Kansas Conservation and Renewable Energy Program for the Western Area Power Administration be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

City Project Status Report for July, 1988.

A report of project status for July 1988 was read by the City Clerk.

Governing Body Agenda

Commission Thompson reported that he and Mayor Calliham had attended ground breaking ceremonies for Parmelee Products, Inc. in the Northeast Industrial Park on July 19, 1988. Commissioner Thompson reported that Parmelee Products has been in the City of Ottawa for twenty years and are presently upgrading their manufacturing facilities by constructing a new building in the Northeast Industrial Park. Commissioner Thompson also mentioned that the City of Ottawa is granting economic development assistance to Parmelee Products as the City is also interested in keeping its present industries and helping them expand, as well as bringing new facilities to the City.

Commissioner Thompson made a motion that a hearing for the 1989 Budget for the City of Ottawa be held at 3:00 PM, August 8, 1988, in the City Commission Chambers. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

City Manager's Agenda

City Manager Virgil Basgall asked that the City Commission recess to executive session for a period of not to exceed 45 minutes to discuss applications for the position of City Manager with the City. Commissioner McCrea stated that the City Governing Body might wish to have an executive session during study session on Monday, July 25, 1988, to review applications for the City Manager position.

Assistant City Attorney Bob Bezek reported that in his review of court records and citation records he could find no evidence of anyone being cited for trucks dumping or losing part of their loads on City streets. Commissioner Fogle commented that if that part of the City Ordinance is never used, then possibly it should be removed.

Public Agenda

Mr. Mark Morrissey, President of the Municipal Auditorium Authority appeared before the City Commission to ask for financial help on some improvements which they wish to make to the Auditorium. The total of the improvements is approximately \$16,000.00, and the Auditorium Authority would like assistance from the City of Ottawa in the amount of \$9,000.00 for these improvements. Mr. Morrissey stated that it was hoped that the improvements could be accomplished in 1988, but there is an uncertainty as to whether the funds will be available from the City for that purpose. The City Governing Body took the request under advisement and indicated that it would be considered at their study session of July 25.

Mr. Russell Crites appeared before the City Commission expressing appreciation for the plaques which were placed on the Main Street bridge and ceremony which was held July 7, 1988, commemorating the Flood Control Project in the City of Ottawa.

Commissioner Thompson made a motion that the City Commission recess to executive session to discuss personnel matters for a time not to exceed 45 minutes. The present time being 10:30 AM. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

At 11:10 AM Commissioner Thompson made a motion that the meeting be reconvened. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Commissioner Thompson made a motion that the meeting be adjourned until 3:00 PM, Monday, July 25, at which time the meeting would be reconvened and recessed to executive session to discuss personnel matters. The motion was seconded by Commissioner Fogle and all presented voted in favor of the motion.

3:00 PM, July 25, 1988. Mayor Calliham called the meeting of the Ottawa City Commission to order.

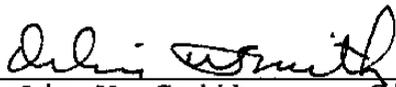
Mr. Barry Tucker, representing the Municipal Auditorium appeared before the City Commission stating that the Municipal Auditorium had approximately \$6,000.00 to spend on the proposed improvements in 1988 and that they were hoping to receive \$9,000.00 from the City of Ottawa. The funds which the City of Ottawa might use for Municipal Auditorium purposes are from the Special Parks and Recreation Fund and there is only approximately \$4,500.00 available in unpledged funds for the year 1988. It was discussed by the City Commission that the City Governing Body might allocate \$3,000.00 of those funds to the Auditorium for their improvements with the possibility of an allocation of an additional \$1,000.00 in December of 1988. The additional moneys which the Auditorium needs to complete the proposed improvements could then be allocated from a Special Park and Recreation Fund in 1989. The City Governing Body took no action on this matter at this time.

At 3:20 PM Commissioner Thompson made a motion that the City Commission recess to executive session to discuss personnel matters for a period not to exceed 1 hour and 45 minutes. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

At 4:35 PM Commissioner McCrea made a motion that the City Governing Body reconvene in regular session. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

All business having been completed, the meeting was adjourned by Mayor Calliham.

The text of that portion of the meeting which was held July 20, 1988, 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 3, 1988

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

The City Manager announced that inasmuch as Mayor Calliham and Mayor pro tem Fogle were unable to attend this meeting, that the City Commission should select one of the members present to chair this meeting and to act as Mayor. Commissioner McCrea stated that in the absence of Mayor Calliham and Mayor pro tem Fogle that he moved to appoint Commissioner Thompson to chair this meeting and act as Mayor. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Mayor Thompson led the Chamber audience in the Pledge of Allegiance 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 July 20, and continued to July 25, 1988, were approved as written.

Commissioner McCrea asked the City Attorney, Mr. Bezek, if he had had any contact with KPL Gas Service Co. concerning the City's recent passage of the franchise ordinance for gas service in the city. Mr. Bezek answered that he had had a chance conversation with a representative of KPL Gas Service Co. and that it was stated that KPL Gas Service Co. would like to have a meeting with the City Commission concerning the gas franchise ordinance.

Acceptance of Concrete Work for the Parking Lot at 3rd and Cedar

Commissioner McCrea made a motion that the concrete work by Thompson Concrete, Inc. as set forth in Contract No. 1-1987 Parking Lot Construction and authorize payment of Estimate No. 3, Final Estimate, in the amount of \$5,628.05 be accepted and approved. The motion was seconded by Commissioner Heathman. It was discussed that the total contract price was \$350.21 less than the amount of the contract with Change Order in the amount of \$18,256.05. Upon call for the question, all present voted in favor of the motion.

Consider Proposal for Engineering Services

The City Manager addressed the City Commission that he had been in contact with A. C. Kirkwood and Associates, and that A. C. Kirkwood and Associates has proposed to do the engineering services for the Parmelee Products entrance drive with box culvert for a total of \$6,000.00. The project consists of the box culvert with storm sewer and must be completed by September. Commissioner Heathman made a motion that the City of Ottawa enter into an agreement with A. C. Kirkwood and Associates for engineering services for the Parmelee Products entrance drive with box culvert in an amount not to exceed \$6,000.00 and that the City Manager be authorized to sign the agreement. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Request of the Municipal Auditorium Authority

Mayor Thompson stated that the Auditorium Authority had requested funds in the approximate amount of \$9,000.00 with \$9,000.00 to be paid by the Authority for certain improvements at the Auditorium. The improvements specified are inclusive of a new ticket office, revamping the present concession stand with adequate plumbing, installing bathrooms in the dressing rooms for the performers,

and repainting the interior of the auditorium. The item had been brought before the City Commission at a prior meeting and it had been discussed that the City would be in a position to commit \$3,000.00 toward the project at this point in time, with the possibility of committing another \$1,000.00 in December, and the balance possibly committed in 1989. Mr. Barry Tucker, Auditorium Manager, was present at the meeting, and stated that this arrangement should be adequate. Commissioner McCrea made a motion that the City Governing Body commit \$3,000.00 toward the Auditorium improvements at this time from the Special Park and Recreation Fund with the possibility of committing an additional \$1,000.00 from the Park and Recreation Fund in December of 1988, and that the Governing Body give consideration to committing an additional \$5,000.00 from the 1989 Budget to be considered after that fiscal year begins. The motion was seconded by Commissioner Heathman, and all present voted in favor of the motion.

Request of the Franklin County Planning Committee

Wanda Shields, representing the Franklin County Planning Committee, asked permission to use the band shell in City Park for a yard sale on September 10, 1988. Mrs. Shields stated that the proceeds from the yard sale goes to ECKAN. Commissioner Heathman made a motion that the Franklin County Planning Committee be permitted to use the band shell in City Park on September 10, 1988, for a yard sale as per their request. The motion was seconded by Commissioner McCrea. Upon call for the question, all present voted in favor of the motion. Commissioner McCrea then requested that the Franklin County Planning Committee be responsible for cleaning the area following the yard sale. Mrs. Shields indicated that that would be taken care of.

Approve Schedule of Investments

Commissioner McCrea moved that the schedule of investments existing as of July 31, 1988, indicating a total of \$5,600,000.00 invested at an average annual interest rate of 7.09% be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Report of Planning Commission Meeting

A report of the August 2, 1988 Planning Commission meeting was read into the record as follows:

"The City Planning Commission met in regular session on Tuesday, August 2, 1988 at 7:00 PM in City Hall. Present: Members Reusch, Hendrix, Ellena, Reynolds and Chairman Searls. Absent: Members Woolman and Todd.

The minutes of the last meeting held July 5, 1988 were approved as written by a 5-0 vote.

The Planning Commission was to hold a public hearing to rezone an area at 17th & Elm. The owner of this property ask to withdraw his request to rezone so he may turn in a (P.U.D.) planned unit development at a later date.

The Planning Commission voted 5-0 to amend Ordinance No. 2713-82, Article XXVI, Section 2, Fences.

The Planning Commission voted 5-0 to amend Ordinance No. 2826-86, Sign Regulations.

There being no further business, the meeting was adjourned."

Review Proposed Airport Improvements

The City Manager stated that the City's pre-application for Airport Improvements has been approved and that the City is presently running an advertisement for Engineering Services for

the proposed improvements which include lengthening the runway, widening the runway, lighting, apron improvements, and avigation easements. In addition to advertising for engineering firms for this project, the cut-off being September 1, 1988, the City is also sending information to six engineering firms which are known to have expertise in this area. The project is estimated to cost \$1,119,000.00, of which the FAA will pay 90%, with the City of Ottawa paying 10%.

Governing Body Agenda

Commissioner McCrea questioned as to whether the City should have some regulation concerning the use of skateboards on the sidewalks in the central business district. The City presently has a regulation prohibiting the riding of bicycles on the sidewalks in the central business district, and that possibly regulations concerning skateboards should be considered.

The City Commission received a request from Marilee Queen requesting permission to have a block party on August 4, 1988, from 5:00 PM to 10:00 PM on 4th Street, between Willow and Maple, and requesting that the street be closed during that period of time. The request stated that the Department of Public Safety had been contacted and approved the closure of the street providing it is approved by the City Commission. Commissioner Heathman made a motion that 4th Street between Willow and Maple be closed on August 4, between 5:00 PM and 10:00 PM for the use of those residents to hold a block party. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

City Manager Agenda

The City Manager reported that he had received confirmation from the Kansas Department of Transportation that K-68 Highway from the south line of the Marais des Cygnes river bridge to the south city limit on K-68 is scheduled to have an asphaltic overlay in the state's fiscal year 1989.

Mayor Thompson stated that the City Commission will be recessing to Executive Session in a few moments but wished to announce at this time that this meeting will be continued until Monday, August 8, 1988, at 3:00 PM to conduct a hearing on the proposed 1989 Budget for the City.

Commissioner Heathman made a motion that the City Commission recess to Executive Session for a period not to exceed 45 minutes, or to re-convene on or before 8:20 PM to discuss personnel matters. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

At 8:20 PM Commissioner Heathman made a motion that the City Commission re-convene. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Commissioner Heathman made a motion that the meeting be recessed until 3:00 PM August 8, 1988, for the purpose of conducting a hearing on the proposed 1989 Budget for the City. The motion was seconded by Commissioner McCrea, and all present voted in favor of the motion.

3:00 PM, August 8, 1988

Mayor pro tem Fogle called the meeting to order, stating that this is a continuation of the meeting from August 3, 1988. Members present at this time are Mayor pro tem Fogle and Commissioners Thompson, Heathman and McCrea. Absent Mayor Calliham. Mayor pro tem Fogle then stated that the purpose of this re-convening of the meeting of August 3, 1988, was to hold a public hearing on the proposed 1989 Budget.

Mr. Ed Lammers of the Ottawa Municipal Band appeared before the City Commission asking that their 1989 Budget be increased to \$1,300.00 from the \$1,000.00 that was stated in the proposed budget, inasmuch as the Band had had a budget of \$1,300.00 for the past several years, and has expended nearly all of their allocation each year. In 1987, the Municipal Band spent \$1,288.00 and in 1988 had spent nearly \$1,300.00. Commissioner Thompson made a motion that the allocation to the Municipal Band be re-instated to \$1,300.00 for 1989. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

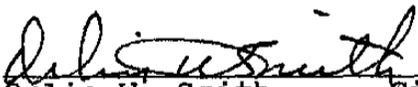
Other discussions concerning a proposed 1989 Budget centered on Commissioner Fogle stating that he felt that the transfers from the Electric and Water fund to the General fund were excessive, but that the transfers have been stabilized for the past two years. Commissioner Fogle would be in favor of reducing those transfers if it were possible to do so. The 1989 Budget is in an amount of \$16,924,013.00 with a deduction for fund transfers leaving a net operating budget of \$12,369,824.00. The mill levy for the City for the past two years has been 53.77 mills, and the mill levy for 1988 taxes for the 1989 Budget as computed on the assessed evaluation of July 1, 1988, in the amount of \$24,408,299.00 was 53.764 mills. It was discussed, however, that the mill levy may be lower as a result of increases in assessed evaluation since the July 1 cutoff. Commissioner Thompson made a motion that the 1989 Budget for the City of Ottawa be approved as presented, and amended by the City Commission in the amount of \$16,924,013.00 with the mill levy being 53.764 mills. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Commissioner Thompson made a motion that the hearing for the 1989 Budget be closed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Commissioner McCrea made a motion the City Commission recess to Executive Session for a period not to exceed 30 minutes to reconvene at 4:10 PM for the purpose of discussing personnel matters. The motion was seconded by Commissioner Heathman.

4:10 PM. Commissioner McCrea made a motion that the meeting reconvene. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

All business having been conducted, 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 17, 1988

The City Governing Body met in regular session at 9:35 A.M. this date; Present Mayor Calliham, Commissioners Fogle, Thompson, and McCrea absent Commissioner Heathman and City Clerk Orlin Smith.

The Pledge of Allegiance to the American Flag was led by Mayor Calliham and the Invocation was given by Rev. William Weber, Calvary Baptist Church.

Approval of Minutes

The minutes of the last regular meeting were approved as presented.

Acknowledge and Recognize Retiring Department of Public Safety Employee Vance Robrahn

Mayor Calliham recognized and presented a plaque to retiring Parking Control Officer, Vance Robrahn for his 13 years of service with the Department of Public Safety.

Ordinance No. 2895-88 - Regulating Fences.

An Ordinance amending and modifying Ordinance No. 2713-82, specifically Article XXVI, Section 2, Regulating Fences was introduced.

City Manager Virgil Basgall, explained the modifications to the ordinance as recommended by the Planning Commission.

Commissioner Thompson made a motion that Ordinance No. 2895-88, amending and modifying Ordinance No. 2713-82, specifically Article XXVI, Section 2. Regulating Fences be passed. The motion was seconded by Commissioner Fogle. Upon call for the question all present voted in favor of the motion.

Ordinance No. 2896-88 - Regulating Signs.

An Ordinance amending and modifying Ordinance No. 2826-86 Article XXII, Regulating Signs was introduced.

City Manager Virgil Basgall explained the modifications to the ordinance as recommended by the Planning Commission.

Commissioner McCrea made a motion that an Ordinance to amend and modify Ordinance No. 2826-86 Article XXII, Regulating Signs be passed. The motion was seconded by Commissioner Thompson. Upon call for the question all present voted in favor of the motion.

After approval by the City Commission of the recommendations by the City Planning Commission and the adoption of Ordinances 2895-88 (Fences) and 2896-88 (Regulating Signs), the City Commission expressed their appreciation to the City Planning Commission for the many hours of dedicated service and their diligence and effort in studying the requests received and action taken.

Consider Proposal from Cook, Flatt & Strobel for Engineering Services

The Commission was asked to consider the proposal from Cook, Flatt and Strobel regarding an engineering agreement for design and construction engineering services for KLINK resurfacing of K-68 Highway from south city limits north and east to the south end of

the Marais des Cygnes river bridge, and to authorize the City Manager to sign the agreement. It was explained the estimated cost would be \$135,644, with the City and State each paying half.

Commissioner Thompson made the motion to accept the proposal from Cook, Flatt and Strobel regarding engineering agreement for the design and construction engineering services for KLINK resurfacing of K-68 Highway from south city limits north and east to the south end of the Marais des Cygnes river bridge, and to authorize the City Manager to sign the agreement. The motion was seconded by Commissioner McCrea. Upon call for the question all present voted in favor of the motion.

Forest Park - Sister Roberta Beck - Sunday Evening Church Services

The Commission tabled Sister Roberta Beck's request for the use of Forest Park on Sunday evenings for church services. The City Manager will request more information from Sister Beck in the form of a letter, before granting this request.

Commissioner Thompson made the motion to table the request until more information had been obtained, Commissioner Fogle seconded the motion and upon call for the question all present voted in favor of the motion.

Request for Sidewalk Sale - Ottawa Area Chamber of Commerce

The City Governing Body considered a request from the Ottawa Area Chamber of Commerce Retail Trade Committee to hold a sidewalk sale, Saturday, September 17, 1988 from 9:00 AM to 5:00 PM.

Commissioner Fogle made a motion that the request of the Ottawa Area Chamber of Commerce Retail Trade Committee to hold a sidewalk sale, Saturday, September 17, 1988 from 9:00 AM to 5:00 PM. be passed. The motion was seconded by Commissioner McCrea. Upon call for the question all present voted in favor of the motion.

Project Status Report

The City Project Status Report for August 1988 was read at this time by City Manager Virgil Basgall.

Public Agenda

Glenn Underwood, 1206 College, requested the Commission to look into the parking problems in the 1200 Block of College, Garfield School Area, Mr. Underwood presented the Commission with a petition he had circulated in the neighborhood, requesting that parking be limited to one side of the street on the streets around the school. Mr. Underwood further stated that if an emergency should arise an emergency vehicle would not be able to get down the streets.

The Commission requested City Manager Basgall to contact the Department of Public Safety for a traffic study of the area, so the situation might be corrected before school starts September 1. Vance Robrahn stated to the Commission that he had made a study of the area several years ago and was in agreement with Mr. Underwood about the parking problem.

Executive Session

Mayor Calliham stated that the City Commission should recess to an Executive Session to discuss personnel matters. Commissioner McCrea made a motion to recess to Executive Session for 30 minutes to discuss personnel matters, the present time being 10:12 A.M. The motion was seconded by Commissioner Fogle and all present voted in

favor of the motion.

Reconvening of Meeting

At 10:30 A.M. Commissioner McCrea made a motion that the City Commission reconvene. Commissioner Thompson seconded the motion, all present voted in favor of the motion.

Adjournment

Commissioner Thompson made a motion the meeting adjourn. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

The text of this meeting is on tape in the office of the City Clerk. The recording of the meeting will be kept for one year.

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

City Hall - Ottawa, Kansas - Aug. 22, 1988

The City Governing Body met in Special Session at 3:00 P.M. this date, for the purpose of considering a request to designate certain areas in and around Garfield School as no parking areas and to convene to an Executive Session for the purpose of discussing personnel and litigation. Present Mayor Calliham, and Commissioners Fogle, Thompson, McCrea and Heathman, absent none.

Consider A Request For No Parking Areas Around Garfield School

At the regular meeting of August 17, 1988, Mr. Glen Underwood presented the commission with a petition, asking for certain areas around Garfield School to be posted as "No Parking". The areas requested to be posted as "No Parking" are, the west side of College Street from Eleventh to Thirteenth, the south side of Twelfth Street from Cedar to College and the north side of Twelfth Street from College to Mulberry. The City Governing Body proceeded to consider Mr. Underwood's request along with a recommendation of the Dept. of Public Safety that the area set out in Mr. Underwood's request be posted as "No Parking". The City Governing Body was concerned with setting a precedent for no parking areas around public schools within the City and with the parking problem which might be caused for churches within the area. It was discussed that the east side of College Street between Twelfth and Thirteenth Street is now posted for "No Parking" on the north end of the block, and that possibly the south end of the block on the east side of the block should be posted "No Parking" as well. It was considered however that the south end of College Street, between Twelfth and Thirteenth Street might be needed as a parking area for parents bringing children to school and picking them up after school.

Commissioner Thompson made a motion that the west side of College Street from Eleventh Street to Thirteenth Street be posted for "No Parking", that the north side of Twelfth Street from College to Mulberry be posted for "No Parking" and that the south side of Twelfth Street from Cedar to College be posted for "No Parking". The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Commissioner McCrea made a motion that the meeting be recessed to Executive Session, for the purpose of discussing personal matters for one hour, the present time being 3:15 P.M. the meeting to reconvene at 4:15 P.M. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Reconvening of Meeting

At 4:12 P.M. Commissioner McCrea made a motion that the meeting be reconvened and recessed until 3:00 P.M. August 24, 1988. The motion was seconded by Commissioner Fogle and Commissioners Heathman, Fogle, McCrea and Mayor Calliham voted in favor of the motion, Commissioner Thompson being absent at this time.

3:00 P.M. - August 24, 1988

Mayor Calliham called the meeting to order. Mayor Calliham and Commissioners Fogle, McCrea and Heathman being present,

Commissioner Thompson absent. Commissioner McCrea made a motion that the meeting be recessed to Executive Session to discuss personal matters and pending litigation and to reconvene at 4:10 P.M. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Reconvening of Meeting

At 4:10 P.M. Commissioner Heathman made a motion the meeting reconvene. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Commissioner Fogle made a motion the meeting recess to Executive Session to discuss personal matters and litigation and to reconvene at 5:15 P.M. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Reconvening of Meeting

At 5:15 P.M. Commissioner McCrea made a motion that the meeting reconvene and recess until 12:00 P.M. August 25, 1988. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

12:00 P.M., August 25, 1988

Mayor Calliham called the meeting to order at 12:15 P.M. Commissioner Fogle made a motion that the meeting recess to Executive Session to discuss personnel matters and litigation and to reconvene at 2:15 P.M. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Reconvening of Meeting

At 2:10 P.M. Commissioner Heathman made a motion the meeting reconvene, the motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Commissioner Thompson made a motion that the meeting recess to Executive Session to discuss personal matters for one hour and to reconvene at 3:10 P.M. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Reconvening of Meeting

At 2:30 P.M. Commissioner Thompson made a motion that the meeting reconvene and recess until 3:00 P.M. Monday, August 29, 1988. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

August 29, 1988

Mayor Calliham called the meeting of the City Governing Body to order; present Mayor Calliham and Commissioners McCrea, Fogle, Heathman and Thompson, absent none.

Appointment of City Manager

Mayor Calliham announced that by unanimous decision the City Commission has appointed Randy A. Wetmore, as City Manager of the City of Ottawa. Mr. Wetmore to assume his duties on October 3, 1988. Mayor Calliham then proceeded to read a news release which had been prepared for this occasion. Commissioner Fogle made a motion that the City Commission ratify the statement of Mayor Calliham, whereby Randy A. Wetmore is appointed City Manager of the City of Ottawa, by unanimous decision of the City Commission. The motion was seconded by Commissioner McCrea and all present

voted in favor of the motion.

Commissioner Thompson made a motion that the City Commission recess to Executive Session for one hour for the purpose of discussing litigation and acquisition of property, the present time being 3:10 P.M., the City Commission to reconvene at 4:10 P.M. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Reconvening of Meeting

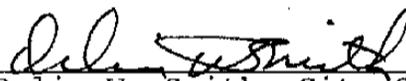
At 3:10 P.M. Commissioner Thompson made a motion that the meeting reconvene, the motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Commissioner Fogle made a motion that the City Commission recess to Executive Session until 5:15 P.M. to discuss the acquisition of real estate. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion. At 5:10 P.M. Commissioner Fogle made a motion that the City Commission reconvene in regular session, the motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Commissioner Thompson made a motion that the City Manager instruct the City Attorney to proceed with with investigation and condemnation of real estate under the Right of Eminent Domain for a piece of property located immediately north of the Woods Mini Mart on Princeton Street. 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.



Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - September 7, 1988

The City Governing Body met in regular session at 7:00 P.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. Paul Turner of the Wesleyan Church.

Approval of Minutes

The minutes of the last regular meeting which was held August 17 and of the special meeting which was held August 22, and adjourned August 29, 1988 were approved as written.

Acceptance of Street Improvements

The City Governing Body proceeded to consider the acceptance of street improvements as set forth in Contract No. 1-1988 Street Rehabilitation, consisting of the asphaltic overlay of West 15th, West 17th, and W. 19th Streets, from the contractor and to authorize the final payment in the amount of \$12,477.97.

It was explained that the contract amount for the improvements was \$162,893.64 with the final construction cost being \$124,779.70, the final cost being \$38,113.94 less than the original contract. Commissioner Thompson made a motion that the City accept the street improvements as set forth in Contract No. 1-1988 Street Rehabilitation, from the contractor and to authorize the final payment in the amount of \$12,477.97. The motion was seconded by Commissioner Heathman, and all present voted in favor of the motion.

Ordinance No. 2897-88 - Appropriations

Commissioner McCrea made a motion that an ordinance appropriating the amounts set up in each fund in the budget for the year 1989; providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the accounts for the year 1989 be passed, the motion was seconded by Commissioner Fogle. The total budget for the year 1989 is \$16,924,013. Upon call for the question all present voted in favor of the motion.

Lighting for Kanza Park in the Area of the Walking Track

Mayor Calliham called on City Manager Virgil Basgall to comment on the proposed lighting for the walking track in Kanza Park. Mr. Basgall stated that the lights to be used for the walking track are the old street lights removed from Main Street. The lighting will be low level so that it should not cause a problem for the residences in the area and the cost for the purposed improvement is approximately \$4,000. Commissioner Fogle made a motion that the purposed lighting for Kanza Park in the area of the Walking Track be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Request for Vacation of Street Right-of-Way

Jim Lancaster representing the Franklin Savings Association appeared before the City Commission and requested that the east twenty feet of the forty foot right-of-way west of the Franklin Savings Association Branch Office be vacated in order for Franklin Savings to enlarge their

parking lot. Mr. Lancaster explained that the area of services offered by Franklin Savings at the local branch office is to be expanded which will cause additional employees to be located at the branch office. It was further discussed that if the City should vacate that portion of Walnut Street, directly west of Franklin Savings, the City should retain an all utility easement over that tract of land.

Commissioner McCrea made a motion that a public hearing be called for the next regular meeting of the City Commission of Sept. 21, at 9:35 A.M. to consider the vacation of a portion of Walnut Street as requested by Franklin Savings. The motion was seconded by Commissioner Fogle. The Staff commented that an attempt would be made to call a public hearing for Sept. 21, but it was unclear as to whether publication requirements might necessitate the public hearing being held at a later date. Upon call for the question all present voted in favor of the motion.

Authorize the City Manager to Sign an EPA Order of Consent

Mr. Jack Davis Director of Utilities explained that the City of Ottawa has material containing PCB's stored in Springfield, Mo. at Resource Services Inc. Resource Services Inc. has gone out of business for reason of lack of funds and the City is now involved with the EPA in an effort to dispose of the PCB's and clean up the site of storage. The City of Ottawa along with approximately 800 other entities in the mid west has formed a steering committee to direct the disposal of the PCB's and clean up the area. Mr. Davis of the City of Ottawa being on the steering committee. At this time the City Commission needs to authorize the City Manager to sign an EPA Order of consent, so a clean up of the site may begin.

Commissioner Fogle made a motion that the City Manager be authorized to sign the EPA Order of Consent, so a clean up of the PBC's storage area may be commenced, the motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Request of Rome Manufacturing

Mayor Calliham announced the City had received a request from Rome Manufacturing for economic development funds for an equipment purchase to provide additional jobs at the present facility. Mayor Calliham stated that the economic development funds for 1988 have all been committed, and there will be no such funds available before Jan. 1, 1989. The City of Ottawa in considering requests for economic development funds has attempted to give consideration to retaining the present industry in the City of Ottawa as well as assisting the establishment of new facilities. Under Kansas Cash Basis and Budget Law the City cannot commit funds which it does not have and therefore any funds for Rome Manufacturing could not be committed until after Jan. 1, 1989, however Mayor Calliham stated that in conversation with the City Attorney that a letter of intent could be drafted and given to Rome Manufacturing stating the City's intent to provide the economic development funds in 1989. The letter however would not be binding upon the City. The City Manager was directed to direct the City Attorney to draft such a letter for consideration of the Governing Body.

Consideration of No Parking areas around Garfield School

Mr. Nelson Little representing the Faith Lutheran Church presented the City Commission with a petition requesting no parking restrictions be placed on the 1100 Block of College or in the 300 Block of east Twelfth. The petition stated the problems that would be caused if parking were not permitted on the south side of Twelfth Street, between Cedar and College Streets. Mr. Little stated that the Lutheran Church has many activities and that a parking restriction on the south side of Twelfth Street between Cedar and College would cause many

inconveniencies. Mr. Little further stated that he did not feel that parking as it exists at the present would hinder emergency vehicles in the area.

Mr. Glen Underwood who presented a petition to the City Commission three weeks ago asking for parking restrictions in the 11 and 1200 Blocks of College Street and on east 12th St. between Cedar and Mulberry, stated he felt there are traffic problems that will hinder the movement of emergency vehicles.

Mr. Bob Hill who lives at 11th & College stated that there is too much traffic on College St. in this area and he did agree with Mr. Underwood, that parking restrictions need to be applied to enhance the movement of traffic.

Mr. Bill Ratliff, Principal of Garfield School stated that there are many special events at the school and all of the present parking is needed to accommodate those events. Mr. Ratliff further stated that he was not aware that a petition had been presented to the City Commission asking parking restrictions be placed in the area until after the City Commission had taken action on the petition.

Mr. Don Duncan, Superintendent of U.S.D. 290, stated that the school district was not aware of the request for restrictions in parking until after action had been taken by the City Commission.

The City Manager suggested that he be allowed to meet with representatives of the school, representatives of the church and a few persons representing the property owners in the area along with the Dept. of Public Safety to discuss the problem and hopefully come up with a feasible solution. The City Manager stated that he did not want the group to be too large for he feared they would not be able to reach a consensus of opinion.

Commissioner McCrea made a motion that the subject be tabled until the next regular meeting of the City Commission on September 21 and allow the City Manager to proceed with a meeting as outlined by him hopefully to come up with a feasible solution, the motion was seconded by Commissioner Heathman, and all present voted in favor of the motion.

Request of Headquarters Battery Kansas National Guard

Lieutenant Biem, Communications Staff Officer of Headquarters and Headquarters Battery First Battalion 127th Field Artillery Kansas National Guard, appeared before the City Commission asking to re-confirm the City's agreement whereby the Kansas National Guard would be allowed to use Forest Park in case of emergencies. The City Commission had entered into an agreement whereby the Kansas National Guard could use Forest Park in case of emergency a number of years ago, and Lieutenant Beam is asking that a statement be signed re-confirming the earlier agreement.

Commissioner Thompson made a motion that the City re-confirm its agreement with the Kansas National Guard whereby the National Guard may use Forest Park as an assembly area in an emergency. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Request of Sam Sheldon

Mr. Sam Sheldon representing the Franklin County Republican Party requested permission to use City Park on September 30, 1988 from 5:00 P.M. to 8:00 P.M. for a political meeting, Governor Mike Hayden being the principal speaker.

Commissioner Fogle made a motion that Mr. Sheldon's request be granted whereby the Franklin County Republican Party may use City Park on Sept.

30, 1988, from 5:00 P.M. to 8:00 P.M. for a political meeting. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Proclamation - Constitution Week

Commissioner McCrea made a motion that the Mayor be authorized to sign a proclamation designating Constitution Week as September 13 thru September 23, 1988 in the City of Ottawa. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Appoint Voting Delegates for League of Kansas Municipalities Meeting

Commissioner McCrea made a motion that Mayor Calliham and Commissioners Fogle and Thompson be appointed voting delegates to the League of Kansas Municipalities Meeting in Topeka, Kansas October 2, 3 & 4th, 1988 and the City Manager Virgil Basgall and City Clerk Orlin Smith be appointed as alternate delegates. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Appointment to the United Way Board

The City Commission proceeded to discuss the appointment of two members to the United Way Board to fill the un-expired terms caused by the resignation of Lyle Dresher and Jack Patty. In as much as the City Commission has not had an opportunity to give thought and discussion to this item it was decided to postpone such appointments until a later date.

Review of Investment Schedule

The City Clerk reported that as of Aug. 31 1988 the City had a total of \$5,600,000.00 invested at an average annual interest rate of 7.3%.

Commissioner Thompson made a motion that the schedule of investments existing as of August 31 1988, indicating a total of \$5,600,000.00 invested at an average annual interest rate of 7.3% be approved, the motion was seconded by Commissioner Heathman, and all present voted in favor of the motion.

Planning Commission Meeting

It was reported that the Planning Commission met in regular session at 7:00 P.M. Sept. 6, 1988. In as much as there is no business to come before the Planning Commission the minutes of the previous meeting which was held Aug. 2, 1988, were approved and the meeting was adjourned.

Executive Session

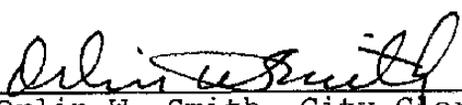
Commissioner Thompson made a motion that the City Commission recess to Executive Session for ten (10) minutes to discuss personnel matters and litigation, the present time being 8:57 P.M., the City Commission to reconvene at 9:07 P.M. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Reconvene Meeting

At 9:07 P.M., Mayor Calliham reconvened the meeting by calling the meeting to order.

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 21, 1988

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.

Pledge of Allegiance and Invocation

Mayor Calliham lead 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 Sept. 7, 1988, were approved as written.

Recognize Retiring Employee - G. A. "Jr." Diamond

Mayor Calliham proceeded to recognize retiring employee Mr. G. A. "Jr." Diamond and presented Mr. Diamond with a plaque commemorating his 28 years of service with the City of Ottawa. Mr. Diamond started to work for the City in 1960 advancing through the ranks of the Fire Department to be Chief and at a later date Deputy Director of the Dept. of Public Safety. Everyone wished Mr. Diamond well in his retirement.

Accept Paving Improvements for the Parking Lot at 3rd & Cedar

The City Commission proceeded to accept the paving improvement on the Parking Lot at 3rd and Cedar St. and to authorize payment in the amount of \$10,543.40. The original contract for the improvements was for \$11,710.00 with the final cost being \$10,543.40.

Commissioner Heathman made a motion that the paving improvement on the Parking Lot at 3rd and Cedar St. be accepted and to authorize payment in the amount of \$10,543.40. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Acceptance of Paving Improvements on King Street

The City Commission proceeded to give consideration to accepting the paving improvements on King Street from 23rd St. to the south line of the Wal-Mart Parking Lot which includes the acquisition of right-of-way and to authorize payment in the amount of \$85,369.96 for the improvement.

It was explained that the City of Ottawa authorized the developer not only to provide the right-of-way for King Street, but to construct the street as well. The agreement was that when the street was completed and accepted the City of Ottawa would purchase the right-of-way and the improvements from the developer. The total cost to the City for these improvements is \$85,369.96 with \$46,355.89 to be paid by the benefit district and \$39,014.07 to be paid by the City at Large.

Commissioner Thompson made a motion that the City accept the paving improvements on King Street from 23rd St. to the south line of the Wal-Mart Parking Lot including the acquisition of right-of-way and to authorize payment in the amount of \$85,369.96 for the improvement. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Engagement Letter for Audit of 1988 Operations

The City Governing Body at this time proceeded to consider an engagement letter with the firm of Agler and Gaeddert for the audit of the City's 1988 operations. In a normal circumstance the audit of the City records will commence after April 15, with the final report of the audit to be filed with the City by June 30 of that year. The auditing firm frequently will come in early and compile as much of the audit as is possible prior to starting after April 15. The engagement letter states that the fee for the audit should be essentially the same as in the current year, the current year costing the City \$21,500.00.

Commissioner McCrea made a motion that the engagement letter with the accounting firm of Agler and Gaeddert for audit of the City's 1988 operations be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Consideration of a Request for Economic Development by Rome Assoc.

At the City Commission meeting of September 7, 1988, Rome Associates had made a request for Economic Development Funds in the amount of \$35,000.00 for 1989. In as much as the City Governing Body cannot in 1988 commit 1989 funds the City Commission has indicated that it might be possible to give a letter of intent to Rome Associates and that the City would consider funding Rome Associates in the amount of \$35,000.00 in 1989. The question has arisen as to whether a letter of intent would actually commit the City for the request in violation of Kansas Budget Law.

Commissioner Thompson opened discussion stating that he was not opposed to considering the Rome request for funds but he did not think it would be proper to commit any money from the Economic Development Fund in 1988 for 1989. Commissioner Thompson also stated he felt if the City committed these monies in 1988 the City would receive other request for money in 1988 whereby 1989 money would be committed prior to the beginning of 1989.

Mayor Calliham stated that in the future he would like to see the City have a recapture built into any agreement whereby if the City awarded Economic Development Funds and if a specified amount of jobs were not created that the money would have to be paid back to the City of Ottawa.

Commissioner Fogle stated that he was considering suggesting that the request for funds from Rome Assoc. be lowered to \$30,000.00 from the \$35,000.00 requested.

Commissioner McCrea stated that he was concerned with committing 1989 monies in 1988 and that he is sure other request will be made for 1989 funds this year.

Commissioner Thompson made a motion that the City Commission accept the request for funds from Rome Associates and that further consideration be given to their request in 1989. The motion was seconded by Commissioner Heathman. Upon call for the question Commissioners Thompson, McCrea and Heathman voted in favor of the motion, and Commissioners Fogle and Calliham voted opposing the motion.

Request for a Parade

The City Governing Body proceeded to consider a request from the Ottawa High School for a Homecoming Parade on Wednesday, Oct. 5, 1988 at 6:00 PM. It was discussed that requests for Homecoming Parades have been approved in past years and there have been no problems resulting from the parades.

Commissioner Thompson made a motion that the request from the Ottawa High School Student Council to have a Homecoming Parade on Wednesday, October 5, 1988 at 6:00 PM be approved. The motion was seconded by

Commissioner Heathman and all present voted in favor of the motion.

Update on Discussions Concerning Parking Around Garfield School

The City Manager V. A. Basgall reported that a group of people representing the Ottawa School District, the Garfield PTA, the Dept. of Public Safety and residents living in the Garfield area met and discussed possible parking restrictions around Garfield School. Mr. Basgall further stated that there had been no consensus of opinion coming forth at this time but that he had requested the Dept. of Public Safety to gather some information concerning parking in this area and that another meeting would be held to further discuss this problem.

Commissioner Fogle made a motion that any action on this matter be tabled until a recommendation might be forthcoming from the group discussing the problem, the motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Vacating a Portion of Walnut Street

The City Clerk reported that even though the Commission directed that a public hearing would be held at this meeting to consider the vacation of a portion of Walnut Street, located west of the Franklin Savings property, that the public hearing could not be held at this time as requirements for legal publication for the hearing were such that the hearing has been scheduled for the next regular meeting of the City Commission which will be Oct. 5, 1988. It was pointed out that Franklin Savings had requested a 20 foot strip of Walnut Street be vacated directly behind their property, and it was deemed advisable by the City to vacate the east 20 foot of Walnut Street between 7th and 9th St. This would result in uniformity in the vacationing of this portion of the street if it is deemed advisable to do so.

Amend Airport Application for Federal Funding Accept Proposal from Bucher, Willis & Ratliff

The City Manager reported that this date he had received an amended application for Federal Funds for Airport Improvements. The amended application had been brought about by a change in regulations which requires the installation of edge drains along the entire length of the runway at the Ottawa Municipal Airport. The total cost of the Airport Improvement Project under the amended application would be \$1,379,808.00 with the FAA paying \$1,241,828.00 and the City paying \$37,980.00. Also set forth in the amended application is a requirement that the land the City purchased a few years ago for airport improvement must be appraised and a proportional share of the appraised value would apply towards the City's portion of the entire project. The City Manager also reported that he had received a proposal for Engineering Services for the Airport Improvement from Bucher, Willis and Ratliff. The notice for proposal for Airport Improvement were sent to eight engineering firms and Bucher, Willis and Ratliff was the only firm to make a proposal for improvements. Bucher, Willis and Ratliff purposes doing the preliminary on the Airport Project for a total of \$10,000.00 of which \$6,000.00 is to be spent on a survey of the property and \$4,000.00 is to be spent on the preliminary Engineering for the project.

Commissioner Thompson made a motion that the amended application for Airport Improvement in the amount of \$1,379,808.00 be approved and that the City Manager be authorized to sign the application. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion. Commissioner Fogle made a motion that the City accept the proposal of Bucher, Willis and Ratliff for the preliminary engineering to the Airport Project for a total of \$10,000.00 the motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Award Contract for Storm Drainage Improvements

The City Manager reported that on Sept. 19, 1988, the City received bids for the construction of an entrance drive to the new Parmelee Plant on Davis Road. The construction of the entrance drive entails the building of a box culvert for storm drainage purposes. The City received four bids ranging from \$27,223.45 as submitted by Duffer Bridge Company of Waverly, Kansas, to a high bid of \$34,000.00 submitted by Midwest Const. of Holton, Kansas. The engineers estimate was \$36,000.00. The engineering firm of A. C. Kirkwood and Associates recommends that the City award the contract for the construction of the entrance drive to Duffer Bridge Co. of Waverly, Kansas, for their bid of \$27,223.45. The Duffer Bridge Co. is approved to do road construction work in the State of Kansas.

Commissioner Fogle made a motion that a contract for the construction of an entrance drive for Parmelee Products on Davis Street be awarded to Duffer Bridge Co. of Waverly, Kansas, for a bid price of \$27,223.45. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Employment Agreement for Mr. Randy Wetmore

The City Governing Body took under consideration an employment agreement whereby Mr. Randy A. Wetmore would become City Manager of the City of Ottawa. Mr. Thompson outlined the conditions of the agreement as follows: the agreement could be considered an at will agreement as either party may terminate Mr. Wetmore's employment. Should the City terminate Mr. Wetmore's employment the City is obligated to give Mr. Wetmore three months notice. If Mr. Wetmore should terminate his employment agreement he is to give the City one months notice. Mr. Wetmore is to receive a \$300.00 per month car allowance and vacation and sick leave as afforded all employees as per the personal policy. The City provides Mr. Wetmore a \$50,000.00 Term Life Insurance and establishes a salary of \$44,500.00 per year and provides deferred compensation in the amount of \$1,335.00 per year.

Commissioner Thompson then made a motion that the City of Ottawa enter into an employment agreement as set forth as above, the motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Project Status Report

A status report of all City Capital Improvement Projects was read at this time.

Hours of Work for Driver Engineers

The City Manager reported that the hours of work for the Driver Engineers at the Dept. of Public Safety will be changed effectively Oct. 5, 1988. The drivers are presently on a 27 day work cycle during which they can work a maximum of 203 hours before they are entitled to overtime pay. This type of work cycle has caused numerous problems for the City in the pay area in calculations of time. Effective Oct. 5 1988, the Driver Engineers at the Dept. of Public Safety will be switched to a 40 hour work week where by they will be paid overtime for all over 40 hours in a week. This method of pay for the Driver Engineer will much simplify the City's pay system and possibly save the City money in as much as this will require the hiring of two additional Driver Engineers and the reclassification of another person in the Dept. of Public from Public Safety Officer to Driver Engineer. The City presently spends \$39,103.00 per year in scheduled overtime for Driver Engineers. Under the new work system overtime will be at a minimum.

Citizen Request

Mr. Dan Oglesby appeared before the City Commission and requested that the left turn lane at the intersection of North Main and Wilson Street heading north be lengthened so that it may be seen when you are heading North prior to cresting the slight rise in the road. Mr. Oglesby stated that at the present the left turn lane cannot be seen until you crest the rise and that in trying to switch lanes of traffic a person might cause a wreck. Mr. Oglesby also suggested that possibly the left lane should be posted by way of sign further south from the intersection.

Citizen Question

Mr. Glen Bigelow appeared before the City Commission and ask when Main St. from 15th St. south and 15th St. from Main St. west would be completed and the appropriate traffic stripes be applied. Mr. Bigelow was answered that as soon as the asphalt work is finished and the asphalt has had an opportunity to season and weather that the appropriate traffic stripes will be laid down.

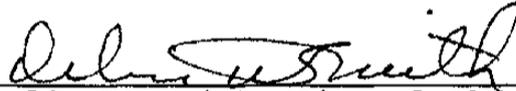
Executive Session

Commissioner McCrea made a motion that the City Commission recess to executive session to discuss personnel matters for a period of twenty minutes the present time being 11:45 AM. The motion was seconded by Commissioner Thompson, upon call for the question all present voted in favor of the motion.

12:05 AM Commissioner Fogle made a motion that the meeting reconvene, 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 this meeting.


Orlin W. Smith, City Clerk

City Hall - Ottawa, Kansas - October 5, 1988

The City Governing Body met in regular session at 7:00 P.M. 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. Paul Turner, Wesleyan Church.

Approval of Minutes

The City Commission proceeded to consider the minutes of the last regular meeting which was held Sept. 21, 1988. Commissioner Thompson stated that on page 92 under the heading of Employment Agreement of Mr. Randy Wetmore it is stated, Mr. Wetmore would be furnished a term life insurance policy in the amount of \$6,000 and the term life insurance should be \$50,000. The City Clerk reported that the error had been caught and that the minutes had been corrected to reflect the \$50,000 term life insurance. The minutes were then approved as written.

Public Hearing - Vacate a Portion of Walnut Street

A public hearing was held at this time concerning the petitioned request to vacate the east 20 feet of Walnut St. from the south line of Seventh St. to the North Line of Ninth St. This subject had been discussed at a prior meeting and at this time there are no comments from the public nor from the City Commission.

Commissioner McCrea made a motion that the public hearing be closed. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Ordinance No. 2897-88 Vacating a portion of Walnut Street

Commissioner Fogle made a motion that an Ordinance vacating the east 20 feet of Walnut Street from the south line of Seventh Street to the north line of Ninth Street be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Authorize Expenditure from the Auto Risk Management Reserve Fund

The City Manager requested the City Commission to authorize an expenditure from the Auto Risk Management Fund to replace the detective car in the Department of Public Safety. The detective car was involved in a collision a month ago and it was termed totally demolished. Expenditures from the Auto Risk Management Reserve Fund require authorization of the City Commission by state law.

Commissioner Thompson made a motion that the City Manager be authorized to purchase a car from the Auto Risk Management Fund, to replace the detective car in the Department of Public Safety. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Proclamation - National Business Women's Week

Mary Bauer representing the Business and Professional Women of the City of Ottawa, appeared before the City Commission and requested that the week of October 17 - October 22, 1988, be designated as National Business Women's Week. Ms. Bauer then read the proclamation.

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.

Request for Parade

Mrs. Jean McCloud representing the Veteran's of Foreign Wars appeared before the City Commission to seek permission to have a Veteran's Day Parade, November 11, 1988 on Main Street in Ottawa, and also to sell poppies on Main Street on that day. The parade is to start at 6 P.M.

Commissioner Thompson made a motion that the request of The Veteran's of Foreign Wars to have a parade on Ottawa's Main Street at 6 P.M., November 11, 1988 be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Presentation of Plaque by the "Over the Road Gang"

Mr. Bruce Whitaker representing the "Over the Road Gang" appeared before the City Commission and presented the City Governing Body with a plaque in appreciation of the City support of "Ole Marais River Run Days", which was held Sept. 17 and 18, 1988 in Forest Park. Mr. Whitaker also stated the "Over the Road Gang" was going to present the City of Ottawa with a check for \$1,500.00 to install permanent aluminum park benches in Forest Park along with possibly some play equipment. The City Commission thanked Mr. Whitaker and the "Over the Road Gang" for the plaque and for the donation which will be forth coming.

Parking Restrictions around Garfield School

City Manager Virgil Basgall stated that he had met recently with the committee of school officials, PTA officers and home owners around Garfield School, concerning the proposed parking restrictions in the area. Mr. Basgall stated that the City had proposed leaving the parking in the Garfield school area as is, with the exception of posting the east side of College Street between 12th & 13th for "No Parking" between the hours of 7:30 and 8:00 in the morning and 3:00 to 3:30 in the afternoon at which times parents would either be delivering or picking children up from school. Mr. Basgall stated that the committee was in favor of the proposal with the exception of Mr. Underwood. Mr. Underwood had ask that the City Commission postpone action on the proposed parking regulations until the next regular meeting as he would be able to attend this meeting. The proposals also included a cross walk on Twelfth Street between College and Mulberry.

Commissioner Thompson made a motion that the City Commission table any action on this proposal until the next regular meeting which will be Oct. 19, 1988. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Review Schedule of Investments

The schedule of investments existing as of September 30, 1988, indicate a total of \$6,100,000.00 invested at an average annual interest rate of 7.39 percent. Commissioner Heathman made a motion that the schedule of Investments existing as of September 30, 1988 indicating a total of \$6,100,000.00 invested at an average annual interest rate of 7.39 percent be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Report from City Planning Commission

The City Planning Commission met in regular session on Tuesday, October 4, 1988 at 7:00 P.M. in City Hall. Present: Members, Chairman Searls, Reynolds, Todd, and Ellena. Absent: Members, Hendrix, Woolman, Reusch.

The minutes of the last meeting held September 6, 1988 were approved as

written by a 4-0 vote.

The Planning Commission approved the Final Plat for Lot B, Sonshine Acres Subdivision.

The Planning Commission called a public hearing for the purpose of recommending the addition of Article XXXIII, Special Uses, to Ordinance No. 2713-82, as amended, and adding group homes, as defined by House Bill No. 2063, as a use permitted with a Special Use Permit to all single-family residential districts.

There being no further business, the meeting was adjourned.

Appointments to United Way Board

Mayor Calliham announced that he was appointing Stanley DeFries, to the United Way Board filling the unexpired term of Jack Patty, and was appointing Randy Wetmore to the United Way Board filling the unexpired term of Lyle Dresher. Both Mr. Patty and Mr. Dresher had resigned from the United Way Board as a result of their leaving the community.

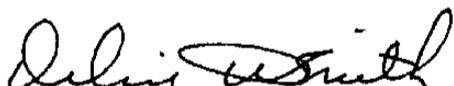
Commissioner Thompson made a motion that the appointments of the Mayor be approved, the motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Executive Session

Commissioner McCrea made a motion that the City Commission recess to Executive Session for thirty minutes to discuss legal and personnel matters. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion. At 10:45 AM Commissioner McCrea made a motion the meeting be reconvened, the motion was seconded by Commissioner Fogle, 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 - October 17, 1988

The City Governing Body met in Special Session at 3:00 P.M. this date: Present Mayor Calliham and Commissioners Fogle, Thompson, and Heathman, absent Commissioner McCrea. The purpose of the meeting is to start proceeding for condemnation of two tracts of land.

Resolution No. 460-88 - Condemnation

A resolution declaring the necessity to acquire certain easements and right of ways for a through street between Princeton Street (U.S. Hwy. 59 northbound) and Princeton Circle Drive (U.S. Hwy. 59 southbound) between 19th Street and 23rd Street, and further authorizing the City to obtain a survey to be performed by a competent engineer describing the land and the interests to be condemned, with said report being filed with the City Clerk, was considered.

The City Attorney explained that it will be necessary for the City to authorize a survey of the land proposed condemned under right of Eminent Domain with the report of the survey being filed with the City Clerk.

Commissioner Fogle made a motion that a resolution declaring the necessity to acquire certain easements and right of ways for a through street between Princeton Street (U.S. Hwy. 59 northbound) and Princeton Circle Drive (U.S. Hwy. 59 southbound) between 19th Street and 23rd Street, and further authorizing the City to obtain a survey to be performed by a competent engineer describing the land and the interests to be condemned, with said report being filed with the City Clerk, be passed. The motion was seconded by Commissioner Thompson and upon call for the question all present voted in favor of the motion.

Resolution 461-88 - Condemnation

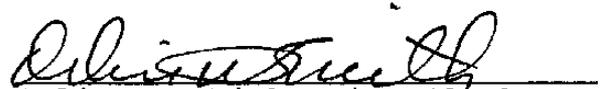
A Resolution declaring the necessity to condemn a two-story wood frame house at 740 South Sycamore, Ottawa, Kansas, and further authorizing the City to obtain the necessary survey performed by a competent engineer describing the land and the interest to be condemned, with said report being filed with the City Clerk, was discussed.

The City Attorney explained that the house situated at 740 South Sycamore was a dangerous and unsafe structure and that these proceedings will begin the condemnation procedure of the structure.

Commissioner Thompson made a motion that a Resolution declaring the necessity to condemn a two-story wood frame house at 740 South Sycamore, Ottawa, Kansas, and further authorizing the City to obtain the necessary survey performed by a competent engineer describing the land and the interest to be condemned, with said report being filed with the City Clerk, be passed. 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 - October 19, 1988

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.

Pledge of Allegiance

The Chamber Audience was led in the Pledge of Allegiance by Mayor Calliham who also gave the Invocation.

Approval of Minutes

The minutes of the last regular meeting which was held October 5, 1988 were approved as written. Mayor Calliham then called for the minutes of the special meeting which was held October 17, 1988, however the minutes for the special meeting had not been completed.

Proclamation - Diabetes Month

Mrs. Marilyn Sawin appeared before the City Commission requesting that the month of November 1988 be proclaimed as National Diabetes Month in the City of Ottawa. Mrs. Sawin then read the proclamation.

Commissioner McCrea made a motion the proclamation be approved as written, the motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Request for Parade

Mr. Harold Mayes representing the Ottawa Jaycees appeared before the City Commission requesting permission for the Jaycees to hold their annual Halloween Parade on Ottawa's Main Street, October 29, 1988 at 1: PM. The request stated that they would like to have Main Street closed between 5th Street and 2nd Street and requested assistance from the Dept. of Public Safety. The parade should take approximately 45 minutes.

Commissioner Thompson made a motion that the request of the Ottawa's Jaycees for a parade on October 29, 1988, be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Vehicle Parking In and Around the Garfield School Area

The discussion of the parking in and around the Garfield School area was initiated by the City Manager restating the recommendations of the Department of Public Safety. Those recommendations are to place "No Parking" signs that read "Loading and Unloading Only" between the hours of 7:30 AM and 8:00 AM and between 3:00 PM and 3:30 PM on school days on the east side of College between 12th and 13th Street for the purpose on loading and unloading students. Paint a crosswalk in the middle of 12th Street between Mulberry and College Street and that no other restricted parking would be necessary within that area. After considerable discussion on the subject Commissioner Fogle made a motion that the action taken by the City Commission on parking in the Garfield School area on August 22, 1988 be rescinded, the motion was seconded by Commissioner McCrea and all present voted in favor of the motion. Again after considerable discussion by the City Commission, Mr. Glenn Underwood and the Principal of Garfield School, Commissioner Fogle made a motion that all parking be restricted on the east side of College Street between 12th and 13th Streets, along with the south side of 12th Street from 12th and College to the area that has been constructed for

angle off street parking between the hours of 7:30 AM to 8:00 AM and 3:00 PM to 3:30 PM each day of school and that a "Handicap Parking Zone" be established on the west side of College Street just south of 12th St. The motion was seconded by Commissioner Heathman. It was pointed out by Deputy Director Fred Espinosa that a "Handicap Parking Zone" at that particular location would not be suitable as the handicap person would still have to cross the street to get to Garfield School. After further discussion Commissioner McCrea made a motion to amend Commissioner Fogle's motion to delete the "Handicap Parking" on the west side of College Street and that the "Handicap Parking" be left as presently exists. Commissioner McCrea's motion was seconded by Commissioner Thompson, after additional discussion Commissioner Thompson made a motion to amend Commissioner Fogle's motion by deleting the hours of "No Parking" set-forth in Commissioner Fogle's motion, whereby the east side of College Street between 12th and 13th and the south side of 12th Street between College and the angle parking area be posted for "No Parking, Loading and Unloading" 24 hours a day. Commissioner Thompson's motion was seconded by Commissioner McCrea. Upon call for Commissioner Thompson's motion to amend Commissioner Fogle's motion, all present voted in favor of Commissioner Thompson's motion. Upon call for Commissioner McCrea's motion to amend Commissioner Fogle's motion, all present voted in favor of Commissioner McCrea's motion. Upon call for the question on Commissioner Fogle's motion as amended all present voted in favor of the motion.

* City Clerk's note - The net result of the motion as amended is that the east side of College between 12th & 13th Street, and the south side of 12th between College and the area constructed for angle parking will be posted for "No Parking, Loading and Unloading only", and that any handicap parking zone within the area will be left as is.

Ordinance No. 2898-88 - Vacating a Portion of Walnut Street

The City Governing Body proceeded to consider an ordinance repealing Ordinance No. 2897-88 vacating the east 20 feet of Walnut Street from the south line of 7th Street to the north line of 9th Street and retaining an all utility easement on the vacated portion of the street. It was deemed necessary to repeal Ordinance No. 2897-88 which had previously vacated this portion of Walnut Street, in as much as the ordinance failed to retain an all utility easement on the vacated portion of the street. Ordinance No. 2987-88 was not published.

Commissioner McCrea made a motion that an ordinance repealing Ordinance No. 2897-88 vacating the east 20 feet of Walnut Street from the south line of 7th St. to the north line of 9th St. and retaining an all utility easement on the vacated portion of the street be passed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Resolution No. 462-88 - Permit Fees

The City Governing Body proceeded to consider a resolution establishing fees for the issuance of building permits in the City of Ottawa, Kansas, as provided by Ordinance No. 2812-86. Resolution No. 462-88 sets forth a new fee schedule for the issue of building permits and also allows for the removal of shingles and the re-sheeting of a roof on residential structures without taking out a building permit.

Commissioner McCrea made a motion that a resolution establishing fees for the issuance of building permits in the City of Ottawa, Kansas, as provided for in Ordinance No. 2812-86 be passed. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Authorization of Back Overtime for Public Safety Officers, Dispatchers and Driver/Engineers

The City Governing Body proceeded to consider authorizing the City Manager, City Attorney and City Clerk, to settle employee issues with City Public Safety Officers, Dispatchers and Driver/Engineers. The City is presently calculating that which might be considered back overtime for Public Safety Officers, Dispatchers and Driver/Engineers so that the City might comply with the Fair Standards Labor Act, without taking advantage of certain exceptions set forth in the act. It was explained by the City Attorney that the total cost to the City in payment for the claims for back overtime would amount to approximately \$97,736.00.

Commissioner Thompson made a motion that the City Manager, City Attorney and City Clerk be authorized to settle employee issues with the City Public Safety Officers, Dispatchers and Driver/Engineers, the motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Project Status Report

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

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 1, 1988

The City Governing Body met in regular session at 7:00 P.M. 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. Clyde Greisen of the Community Foursquare Church at 9th and Hickory.

Approval of Minutes

The minutes of the special meeting which was held Oct. 17, 1988 and the minutes of the regular meeting which was held Oct. 19, 1988 were approved as written.

Proclamation - American Education Week

A proclamation designation November 13 - November 19, 1988 as American Education Week was presented.

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

Request for Parade

A written request from Gary Bateman, Chairman of the Retail Committee, Chamber of Commerce, to hold the annual Christmas Parade, Saturday, December 3, 1988, 1:00 PM was considered. The request stated that Forest Park will be used as a staging area for the parade and the parade will proceed south on Main Street to City Park for disbanding at 1:00 PM, December 3, 1988.

Commissioner Thompson made a motion that the request for a parade be approved as submitted, the motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Request for use of Parking Lot at 3rd & Cedar

A request of the local Boy Scouts for use of 3rd & Cedar parking lot, November 19, 1988, 10:00 AM to 1:00 PM, as a collection point for food donations in connection with the Heart of America Council's "Scouting for Food" program was considered.

Commissioner Thompson made a motion that the local Boy Scouts be permitted to use the parking lot at 3rd and Cedar as per their request on Nov. 19, 1988, the motion was seconded by Commissioner McCrea and upon call for the question all present voted in favor of the motion.

Additional Funding for Planning Services

It was reported by the City Manager that the City has a contract with Bucher, Willis and Ratliff for planning services for 1988, in an amount not to exceed \$5000.00. In as much as there has been additional services necessary this year which is inclusive of working with group homes and additional zoning activities, an additional \$1500.00 is needed to pay Bucher, Willis and Ratliff for their services. The City Manager further reported that the City has an agreement with Foresite Solutions for Planning Services in the amount of \$2000.00 for 1988 and in as much as the City has not used any services from Foresite Solutions it is purposed that \$1500.00 of the \$2000.00 allocated to Foresite Solutions be authorized to pay Bucher, Willis & Ratliff for

their additional services.

The City Manager pointed out that an action of the Planning Commission which will be reported later in this meeting, request that the Governing Body approve the allocation of these moneys to Bucher, Willis and Ratliff for their services.

Commissioner Thompson made a motion that the City Commission approve the additional \$1500.00 for Planning Services for Bucher, Willis and Ratliff for 1988, the motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Acceptance of Paving Improvements

The City Commission proceeded to consider accepting the intersection at Highway 50 and 22nd Street as constructed by the A.A. Self Storage of Ottawa, Inc. for a construction price of \$45,000.00. The original agreement between A. A. Self Storage of Ottawa Inc. and the City was that A. A. Self Storage of Ottawa Inc. would do the construction of the intersection and the City of Ottawa would purchase the intersection from a A. A. Self Storage of Ottawa and in turn would place it on the assessment rolls. Over a 10 year period A. A. Self Storage of Ottawa Inc. would repay the City for the purchase of the intersection.

Commissioner McCrea made a motion that the City accept the intersection of Highway 50 and 22nd Street and authorize the payment in the amount of \$45,000.00 to A. A. Self Storage of Ottawa Inc. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Approval of Investment Schedule

The City Clerk reported that the Schedule of Investments existing as of October 31, 1988, indicated a total of \$5,600,000.00 invested at an average annual interest rate of 7.58%. The City Clerk also indicated that the investments existing as of October 31, 1988 are \$500,000.00 less than the investments existing as of September 30, 1988, as the City of Ottawa is in the process of making a large bond and interest payment.

Commissioner McCrea made a motion that the schedule of investments existing as of October 31, 1988, indicating a total of \$5,600,000.00 invested at an average annual interest rate of 7.58% be approved. The motion was seconded by Commissioner Heathman and all present voted in favor of the motion.

Report of Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, November 1, 1988 at 7:00 P.M. in City Hall. Present: Members Reusch, Hendrix, Todd, Reynolds and Chairman Searls, Absent: Members, Woolman, and Ellena.

The minutes of the last meeting held October 4, 1988 were approved as written.

The Planning Commission held a public hearing for the purpose of recommending the addition of Article XXXIII, Special Uses, to Ordinance No. 2713-82, as amended, and adding group homes, as defined by House Bill No. 2063, as a use permitted with a Special Use Permit to all single-family residential districts. This passed by a vote of 5-0.

The Planning Commission approved to recommend the contract change for Bucher, Willis, Ratliff, by a vote of 5-0.

There being no further business, the meeting was adjourned.

Public Agenda

John Riddle 1224 South Hickory, appeared before the City Commission meeting, stating that he had read an ad in the Kansas City Star soliciting applications for the Director of Public Safety for the City of Ottawa, but that the applications and resumes were to be sent to the Police Executive Research Forum, Mr. Sheldon Greenburg, Washington D.C. Mr. Riddle questioned as to why the applications were being sent to The Police Executive Research Forum as opposed to being sent to the City of Ottawa, and that he felt the City of Ottawa was capable of receiving the applications and hiring the proper person. Mr. Riddle also questioned the advertisement for applications stating that the prerequisites set forth for the position entailed mostly police experience when in fact the Director of Public Safety will be in charge of police and fire activities in the City of Ottawa.

Mr. Riddle was answered that the hiring selection of a Director of Public Safety is handled by the Executive Staff of the City and that the City Commission does not become involved in that activity. Another question posed by Mr. Riddle was the cost of The Police Executive Research Forum and the cost of the study which they had done on the public safety activities in the City of Ottawa. Mr. Thompson answered Mr. Riddle that he did not know the cost of the activities which the Police Executive Research Forum is performing for the City, but that the services were well worth what ever the City paid.

Mr. Fogle then stated that the results of the study of the Police Executive Research Forum had indicated that the City was in need of an administrator for the Dept. of Public Safety even more than the expertise of police work or fighting fires. Mr. Fogle then commented further that he felt everyone should give the system a chance to work and prove itself.

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 16, 1988

The City Governing Body met in regular session at 9:35 A.M. this date: Present Mayor Calliham and Commissioners Fogle,, Thompson, and McCrea absent Heathman.

Pledge of Allegiance

The Pledge of Allegiance was lead by Mayor Calliham, 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 November 2, 1988, were approved as written.

Presentation of Service Awards

Mayor Calliham proceeded to present service awards to City Employees as follows: Ten year service awards were presented to Delbert Eichinger, Nevalea Magrath, Darlene Roehl, James Sellens and Les Wheat: Twenty five year service awards were presented to Don Atchison and Dave Diamond. Mayor Calliham read a short service resume of each of the employees receiving the awards and congratulated each of the employees receiving the awards.

Resolution No. 463-88 Approving the Settlement of a Dispute Between the Kansas Municipal Energy Agency, and the Kansas City Kansas Board of Public Utilities

A Resolution of the City of Ottawa, Kansas approving a Dispute Resolution Agreement and First Amendment to Participation Power Sales Agreement and confirming the obligations of the City under its Nearman Power Sales Contract with the Kansas Municipal Energy Agency, dated as of December 1, 1982 was introduced.

It was discussed that there has been a difference in interpretation of the demand charges assessed by the Kansas City Board of Public Utilities to the Kansas Municipal Energy Agency which in turn passes the demand to the participating cities.

The resolution before the Governing Body at this time is to approve a Dispute Resolution Agreement and First Amendment to the participation power sales in agreement which has been worked out between the Kansas Municipal Energy Agency and the Kansas City Board of Public Utilities.

Commissioner McCrea made a motion that a resolution of the City of Ottawa, Kansas, approving a Dispute Resolution Agreement and First Amendment to Participation Power Sales Agreement and confirming the obligation of the City under its Nearman Power Sales Contract with the Kansas Municipal Energy Agency dated as of December 1, 1982 be passed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Ordinance No. 2899-88 Amending Ordinance No 2892-88 - Storm Sewers

An ordinance amending Ordinance 2892-88 which provided for the construction of certain storm sewers was amended to allow for additional length of storm sewer pipe to be installed on East 15th Street. The Cost of the extension of the pipe is such that it will not be necessary to amend the original estimated probable cost of the project.

Commissioner Fogle made a motion that an ordinance amending Ordinance No. 2892-88 ordering and providing for the construction of storm sewers and drains for the purpose of carry off storm water from the streets, avenues and alleys in the City of Ottawa, Franklin County Kansas, and

providing for the issuance of General Obligation Bonds for the payment thereof be passed. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Ordinance No. 2900-88 - Amending the City Zoning Ordinance

An ordinance amending and modifying Ordinance No. 2713-82 specifically by adding Article 33 - Special Uses was introduced.

It was discussed that the purpose of this ordinance in amending the City's Zoning Ordinance is to bring the City of Ottawa into compliance with state regulations which will allow the placement of group homes in any zoning district.

Commissioner Thompson made a motion that an ordinance amending and modifying Ordinance No. 2713-82 specifically adding new Article 33 - Special Uses be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Ordinance No. 2901-88 - Legal Age for Consumption of Cereal Malt Beverage

An ordinance providing for certain deletions, amendments and additions to Article 3 of Chapter 4 in the Municipal Code of the City of Ottawa, Kansas 1982, relating to cereal malt beverages and providing for the cooperation of said deletions, amendments and additions into the Municipal Code of the City of Ottawa, Kansas 1982, was introduced. It was explained that the purpose of this ordinance is to set the legal age for consumption of cereal malt beverage in taverns in the City of Ottawa at 21 years and thus bring the City of Ottawa's Code in to conformity with state statute.

Commissioner Thompson made a motion that an ordinance providing for certain deletions, amendments and additions to Article 3 of Chapter 4 in the Municipal Code of the City of Ottawa, Kansas 1982, relating to cereal malt beverages and providing for the cooperation of said deletions, amendments and additions into the Municipal Code of the City of Ottawa, Kansas 1982, be passed. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Consider Change Orders and Final Pay Estimate on North Main Street Project

The City Governing Body proceeded to consider Change Order No. 4, with an increase project cost of \$100.00 and Change Order No. 5, with a project decrease of \$26,923.08, and pay application No. 5 and final in the amount of \$56,482.38.

Commissioner McCrea made a motion that Change Order No. 4 increasing the project cost by \$100.00 and Change Order No. 5 decreasing the cost by \$26,923.08 be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Commissioner Thompson made a motion that the 5th and final pay estimate on the project in the amount of \$56,482.38 be approved, the motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Consider Change Order and Final Pay Estimate on South Main Resurface Project

The City Governing Body proceeded to consider Change Order No. 1 increasing the cost of the South Main Payment Overlay Project, in the amount of \$1,402.54 and the final pay estimate in the amount of \$31,826.10.

Commissioner Fogle made a motion that Change Order No. 1 on the South

Main Payment Overlay Project, in the amount of \$1,402.54 be approved and that the final pay estimate in the amount of \$31,826.10 be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Project Status Report

A report of the status of all current City Projects was given at this time.

Letter of Intent to Franklin County Mental Health Clinic

Mr. John Jones Executive Director of the Franklin County Mental Health Clinic, 216 South Hickory, had requested of the City of Ottawa a letter of intent for the City of Ottawa to apply for Community Development Block Grant Funds to help underwrite the construction of a Comprehensive Franklin Mental Health Clinic.

Commissioner Thompson made a motion that a letter of intent as submitted by the City Manager to the Franklin County Mental Health Clinic setting forth the City's intent to submit an application for Community Development Block Grant Funds for fiscal year 1989, to assist in the development of a Comprehensive Mental Health Clinic in Franklin County be approved, the motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Application for Cereal Malt Beverage License

Application to sell Cereal Malt Beverage in unopened containers and not to be consumed on the premise were received from the Wolken Oil Co. for locations at 402 South Main, Tracey A. Kloog, Manager and 215 E. 23rd St., Charles R. Gilkey, Manager, for 1988 and the renewal license for 1989. The City Clerk report that all prerequisites for the issuance of Cereal Malt Beverage License had been met.

Commissioner Thompson made a motion that the Cereal Malt Beverage License applications as submitted be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion except Commissioner Calliham who abstained from voting.

Request for Economic Development Funds

Mr. Bob Green Attorney, appeared before the City Commission stating that he represented a Midwest company manufacturing garments and that his company was interested in purchasing the H. D. Lee Bldg. in the southwest part of Ottawa. Mr. Green stated that his company is a small to medium company that would employ seventy five person within 6 months and 125 persons within 18 months. Mr. Green said the company is under pressure to sign a purchase agreement with the Lee Co. for the purchase of the Bldg. within the next few days and that his company is requesting Economic Development Funds in an amount comparable to those funds allocated to Parmelee Products for their construction of a new bldg. and continued operation in the City. According to Mr. Green the expenses of the company moving to Ottawa would be in the neighborhood of \$125,000.00 and they are requesting those fund to help off set the cost of their move.

The City Commission indicated that even though they are very much interested in having the company move to Ottawa, they are not in a position to commit Economic Development Funds for 1989 at this time. The City Commission has told other companies seeking Economic Development Funds the funds would not be allocated until after Jan. 1, 1989, that proper guidelines would have to be followed and an application submitted for the Economic Development Funds available in 1989. The guidelines and application procedure are yet to be developed by the City Commission.

Mr. Green stated that his company realized that the funds could not be committed at this time but they did wish to have some indication that the City would look favorable upon allocation of funds to this company in 1989.

Again the City Commission stated that they could really give no indication of being favorable or unfavorable to such a request at this time.

Commissioner Thompson stated that he knew many facts concerning the companies indication that it wished to move to the City of Ottawa and offered to share these items with the City Commission if they could adjourn to Executive Session, however the City Attorney stated that Kansas Law does not permit recessing to Executive Session for this purpose. Mr. Green indicated he would convey the text of this conversation to his client.

Inquiry of Mrs. Wanda Durbin

Mrs. Wanda Durbin appeared before the City Commission and asked if the City was going to have to pay the \$300,000.00 membership dues in the Kansas Municipal Energy Agency. The membership in Kansas Municipal Energy Agency not requiring the payment of dues, it was decided Mrs. Durbin was speaking to Ottawa's portion of the cost of installing a precipitator in the Kansas City Board of Public Utilities Nearman 1 Plant, K.M.E.A. and the City of Ottawa being a participant in the plant. It was explained to Mrs. Durbin, the City of Ottawa's cost of \$425,000 would not appreciably affect the cost of electricity and that in all probability there would not be an increase in rate as a result. It was explained to Mrs. Durbin the City of Ottawa will have the option to pay up front on the City's cost of the precipitator or may accept the charges based upon demand rates.

Mrs. Durbin questioned if it is actually cheaper to purchase electricity than for the City of Ottawa to manufacture electricity at its own plant. Mrs. Durbin stated she could not see how the City could purchase electricity cheaper than it could be manufactured. Commissioner Thompson stated that thru simple mathematics it was very easy to determine that we could purchase electricity easier than we could make it. Commissioner Fogle then stated that one of the things that affects the cost of electricity in the City of Ottawa, is the transfers to the General Fund by the Electric Fund, Water Fund and Sewer Fund. Commissioner Fogle said that he really thought the monies moving from the Utility Funds to the General Funds were greater than those indicated in the records of the City, and that he intended to look into this matter into the near future.

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 - December 8, 1988

The City Governing Body met in special session at 7:00 P.M. this date: The purpose of the special meeting is to consider resolutions authorizing the issuance of temporary notes to finance Capital Improvements Projects and to conduct other business as it may become before the City Governing Body. 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. Earl Zimmerman, of the Faith Lutheran Church.

Approval of Minutes

The minutes of the last regular meeting which was held November 16, 1988, were approved as written.

Approval of Agreement for Consulting Services for the Municipal Improvement Airport Project

The City Manager stated that the City had advertised for proposals from engineering firms to prepare designs, construction plans, specifications, contract documents, tabulation of construction quantities, construction cost estimates and for providing for inspection and material testing services for the Municipal Airport Improvement Project. The only engineering firm submitting a proposal was Bucher, Willis and Ratliff. The City Manager further stated that the engineering firm of Bucher, Willis and Ratliff are specialist in this area. The City Manager recommends that the Governing Body approve an agreement for these services for the Municipal Airport Capital Improvements with Bucher Willis and Ratliff at an estimated cost of \$101,340.00. The estimated cost of the total improvement is \$1,379,808.00 with a 90 percent participation from the Federal Aviation Administration. The stated engineering cost of \$101,340.00 could vary depending upon the amount of inspection services needed during construction.

Commissioner Thompson made a motion that an agreement between the City of Ottawa and the engineering firm of Bucher, Willis and Ratliff for engineering services to be performed for the Airport Capital Improvements Project at an estimated Cost of \$101,340.00 be approved and the Mayor be authorized to sign the agreement. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Authorize Payment to Parmelee Products from the Economic Development Fund.

The City Manager stated that the Governing Body had issued a Letter of Intent to Parmelee Products Inc. whereby when construction of their new plant facility was completed and they were moved in, the City would pay Parmelee Products Inc. the sum of \$50,000.00 from the Economic Development Fund. The City Manager recommended at this time that the City Governing Body approve the payment to Parmelee Products in as much as their move will be completed in a few days, but that an amount of \$9,840.00 be withheld from the payment to pay the cost of a Sewer Tap performed by the City. The net payment to Parmelee Products would be \$40,160.00 with \$9,840.00 being paid to the Sewer Fund for the Sewer Tax Service performed.

Commissioner McCrea made a motion that the City pay Parmelee Products \$40,160.00 as soon as they have completed their move into their new plant facility and that the City pay \$9,840.00 to the Sewer Fund of the

package sales only, National Marketing of Kansas Inc., 1621 S. Main, Mary Tice, Manager, package sales only, Triple K. Ltd. dba Casey's General Store, 1019 W. 7th, Patricia A. Crump, Manager, package sales only, Triple K, Ltd. dba Casey's General Store, 1002 North Main, Ramona A. Carner, Manager, package sales only, Danny's II, 304 Logan, Cassandra A. d'Augereau, Manager, package sales only, Taylor Oil Inc., 2305 S. Cedar, Harold Taylor, Manager, package sales only, James L. Allen, South Conoco Travel Shoppe at I 35 and 59 Hwy, Elaine Morris Manager, package sales only.

Commissioner Fogle made a motion that the Cereal Malt Beverage License Application, as presented be approved, the motion was seconded by Commissioner Thompson, all present voted in favor of the motion except Mayor Calliham who voted opposing the motion.

Approval of Investment Schedule

The City Clerk reported that as of November 30, 1988 the City had a total of \$4,800,000.00 invested at an average annual interest rate of 7.76%.

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Commissioner Thompson made a motion that the schedule of investments existing as of November 30, 1988 indicating a total of \$4,800,000.00 invested at an average annual interest rate of 7.76% be approved, the motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Report of Planning Commission Meeting

The City Planning Commission met in regular session on Tuesday, December 6, 1988 at 7:00 P.M. in City Hall. Present: Members Reusch, Hendrix, Todd, Chairman Searls. Absent: Members Woolman, Reynolds and Ellena.

The minutes of the last meeting held November 1, 1988 were approved as written by a 4-0 vote.

The Planning Commission approved by a 4-0 vote to recommend the approval of the, "Agreement for Planning Advisory Services," with Bucher, Willis & Ratliff for the Calendar year of 1989.

There being no further business, the meeting was adjourned.

Public Agenda

Mr. John Wakarusa appeared before the City Commission asking that he be allowed to cover a total of 6 parking stalls in the 200 block of South Main in front of the Yellow Brick Road and the China Hutch to be used for the loading and unloading of passengers for the horse and buggy rides which will be offered in downtown Ottawa. Mr. Wakarusa stated the proposed route of the horse and buggy rides will be south on Main St. to 5th St., west on 5th St. to Oak St., north on Oak St. to Second St. and then east on Second St. to Main St. to the point of termination. Mr. Wakarusa stated that the Horse Carriages comply with all regulations as to lighting and turn signals and that the route the carriage takes will be all right turns. Mr. Wakarusa stated that he had talked to the proprietors of the Yellow Brick Road and the China Hutch and they have no objections to using the parking stalls in front of their stores for loading and unloading. The rides are to be offered Saturday and Sunday for the next two weekends and then all week just prior to Christmas. The cost for the rides will be \$4.00. Mr. Wakarusa stated that they have liability insurance in place and are ready to proceed with the rides starting on noon Friday, Dec. 9th, with approval from the City Commission to use these parking stalls for this purpose. Upon question from the City Commission Mr. Wakarusa stated that the horses will be equipped with appliances whereby the droppings of the horses will not fall on the streets. Mr. John Starks and

another gentlemen from the Topeka area are to offer the rides.

Mr. Fogle made a motion that Mr. Wakarusa's request be granted, 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

Note: Mr. Wakarusa contacted the City Clerk on December 9, 1988 and stated the horses would not be equipped with appliances to catch the droppings, but that the drivers would be responsible for any clean up.

City Hall - Ottawa, Kansas - December 21, 1988

The City Governing Body met in regular session at 9:35 A.M. this date: Present Mayor Calliham and Commissioners Fogle, Thompson and McCrea absent Commissioner Heathman.

Pledge of Allegiance

Mayor Calliham lead 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 December 8, 1988 were approved as written.

Authorize Mayor to Sign Agreement for Planning Advisory Services

An agreement between the City of Ottawa and the consulting firm of Bucher, Willis & Ratliff for Planning Advisory Services for 1989 was introduced. The agreement sets forth the hourly rates to be charged for the personnel of Bucher, Willis & Ratliff and further sets forth that the services for 1988 shall not exceed \$8,000.00 unless specifically approved by the City Commission.

Commissioner Fogle made a motion that the Mayor be authorized to sign an agreement for Planning Services with the Consulting Engineering Firm of Bucher, Willis & Ratliff for the year 1989 and that the charges for such services not exceed \$8,000.00 unless specifically approved by the City Commission. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Resolution No. 468-88 Authorizing a Retirants Health Care Plan

The City Governing Body proceeded to consider a resolution by which persons retiring from the City of Ottawa, after December 31 1988, may retain health care coverage through the City of Ottawa until they reach the age of 65. The resolution further sets out eligibility requirements to maintain health care coverage and also items that may cause disqualification from continuing health care thorough the City of Ottawa. The resolution brings the City of Ottawa into compliance with Kansas Statutes.

Commissioner McCrea made a motion that a resolution authorizing the Retirement Health Care Plan for the City of Ottawa be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Resolution 469-88 Authorizing the Execution of an Agreement for the Installation of Traffic Signals at U. S. 59 and 23rd St.

A resolution authorizing the Mayor and the City Clerk to execute an agreement with the Kansas Dept. of Transportation for installation of traffic signals at U.S. 59 and 23rd St. was considered. The agreement sets forth that the City will pay \$45,000.00, the Dept. of Transportation will pay \$45,000.00 for the installation cost estimated to be \$90,000.00. The agreement further stipulates that any costs beyond the \$90,000.00 estimate will be born solely by the City of Ottawa.

Commissioner Thompson made a motion that a resolution authorizing the Mayor and the City Clerk to execute an agreement with the Kansas Dept.

Transportation for installation of traffic signals at U.S. 59 and 23rd St. be approved. The motion was seconded by Commissioner Fogle and all present voted in favor of the motion.

Approve Annual Operation and Maintenance Assurance Statement for Forest Park Pool

Commissioner Fogle made a motion that the Mayor be authorized to sign the annual operation and maintenance assurance statement for Forest Park Pool and Recreational Facility as required by the Kansas State Dept. of Wildlife and Parks. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Ordinance No. 2902-88 Defining Territorial Limits

Commissioner Thompson made a motion that an Ordinance defining and declaring the territorial limits and boundaries of the City of Ottawa, Kansas and repealing Ordinance No 2841-86 of the City of Ottawa, Kansas, be approved. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Acceptance of Drainage Culvert Work

The City Governing Body proceeded to consider the approval of culvert work done at the Parmelee entrance off of North Street and approving the final payment of \$7,402,35.

Commissioner McCrea made a motion that the drainage and culvert work at the Parmelee entrance of North Street as constructed by Duffer Bridge Co. Inc. be accepted and that final payment in the amount of \$7,402.35 be approved. The motion was seconded by Commissioner Fogle, and all present voted in favor of the motion.

Cereal Malt Beverage License Applications

The City Governing Body proceeded to consider Cereal Malt Beverage Applications for 1989 as follows: Pizza Time, 2304 Princeton Road, operated by John Duncan, for consumption on premise, Poncho's of Ottawa, 429 S. Main, Jean E. Mauszycki, Manager, for consumption on premise, Pizza Village Inc., 530 S. Main, Dennis E. Tharp, Manager, for consumption on premise, New York Original Deli Inc., 125 E. Second, Stephen Franano, Manager, for consumption on premise, Ottawa, IGA Inc., Robert J. Floersch, Manager, package sales only, and Waymires Price Chopper, 2008 Princeton Road, Larry W. Waymires, Manager, package sales only.

Commissioner Fogle made a motion that the Cereal Malt Beverage License Applications as submitted be approved. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion, except Mayor Calliham who abstained from voting.

Ordinance No. 2903-88 Ordering Condemnation

An ordinance authorizing the City Attorney to file all necessary documents to acquire certain easements and right of ways for a through street between Princeton Street and Princeton Circle Drive between 19th St. and 23rd St. in the City of Ottawa, Franklin County Kansas was considered. The City Attorney explained, this is the final ordinance required to allow him to file a petition in District Court whereby three appraisers may be appointed to appraise the land to be condemned and for the court to determine the price the City must pay the owner for the condemnation.

Commissioner Thompson made a motion that an ordinance authorizing the condemnation, and allowing for the construction of a through street between U.S. 59 South and U.S. 59 North in the City of Ottawa, Kansas, be passed, the motion was seconded by Commissioner McCrea and all

present voted in favor of the motion.

Resolution 470-88 Unsafe Structures

The City Governing Body proceeded to consider a resolution setting forth the time and place for a hearing for an alleged unsafe structure at 740 South Sycamore, Ottawa, Franklin County, Kansas. The resolution sets forth that a hearing will be held on February 15, 1989 to allow the owner or interested persons to show cause as to why the structure located at 740 S. Sycamore should not be designated as unsafe, dangerous and injurious to public health, safety and welfare.

Commissioner Fogle made a motion that a resolution setting forth the time and place for a hearing for an alleged unsafe structure at 740 South Sycamore, Ottawa, Kansas be passed. The motion was seconded by Commissioner McCrea and all present voted in favor of the motion.

Resolution No. 471-88

The Governing Body proceeded to consider a resolution setting forth the time and place for a hearing for an alleged unsafe structure at 224 S. Willow, Ottawa, Franklin County, Kansas. This resolution also sets forth a time at which a hearing will be held where by the owner or interested persons may show cause as to why the structure should not be determined to be dangerous and injurious to public health, safety and welfare of the occupants or residence of the City of Ottawa, Kansas.

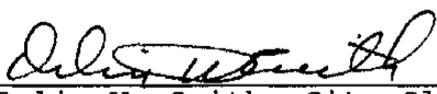
Commissioner Fogle made a motion that a resolution setting forth the time and place for a hearing for an alleged unsafe structure as 224 S. Willow, Ottawa, Franklin County, Kansas, be passed. The motion was seconded by Commissioner Thompson and all present voted in favor of the motion.

Governing Body Agenda

Commissioner Fogle commented on the safety of Vehicular Traffic at the location of the East Wal-Mart Parking entrance on U.S. 59. Commissioner Fogle stated that at the present time it is possible to be going south on U.S. 59 and to make a U-Turn in front of the Wal-Mart exit to head north on U.S. 59 is creating a hazardous situation. Commissioner Fogle stated that he was aware of one accident that had happened at this location as a result of a U-turn being made and that he himself had been involved in a situation where he had to leave the highway to avoid an accident. Commissioner Fogle then made a motion that a No U-turn Sign be placed on U.S. 59 at the location of the east Wal-Mart Parking Lot Entrance which would prohibit persons going south on U. S. 59 to make a U-turn and thus go north on U.S. 59. The motion was seconded by Commissioner Thompson 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 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